# CONGRESSIONAL RECORD:

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CONTAINING

# THE PROCEEDINGS AND DEBATES

OF THE

# FIFTY-FOURTH CONGRESS, FIRST SESSION.

## VOLUME XXVIII.

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# CONGRESSIONAL RECORD,

## FIFTY-FOURTH CONGRESS, FIRST SESSION.

Such a case would present an instance of open nullification of the State and Federal laws that can not be presumed; but I would have no doubt in such a case that the Senate would have ample power to change the rule prescribed by the statute and admit the person elected to his seat.

I think that answers the Senator from Oregon.

This power is, in its very nature, inherent and exclusive in the Senate; but we must not go in search of difficulties and hunt for faults in a law, or for anomalous constructions, or difficult attitudes in which questions can be presented. We should search, rather, for the simple, easy, common-sense method of carrying into execution the powers of the Constitution, and apply to it such a construction as the people who formed it intended should be applied.

It must not be supposed that they anticipated quirks, quibbles, and hairsplittings on great constitutional questions, but that, on the contrary, they anticipated a sober construction of the fundamental law, not an improper but a proper construction, and one that would carry out the full scheme of our dual form of government.

Mr. President, I will notice the carefully prepared report of the minority of the Committee on Privileges and Elections only far enough to enter my dissent from some of the conclusions there reached, although I adopt much of its reasoning and much of what the minority say.

In declaring that the Delaware senate had paramount and exclusive jurisdiction to adjudge the qualifications of William T. Watson to act and vote as a senator, it is said:

> Whether they exercised such jurisdiction or not, the Senate of the United States has no jurisdiction in the premises.

I do not concur in this conclusion. I think it perfectly competent for the Senate of the United States, in determining the status of Mr. Du Pont, to inquire into and determine whether the body from which he received his certificate was the legally constituted joint convention or assembly of the legislature of Delaware. There are doubtless certain things which are within the exclusive jurisdiction of the legislature, and which may be said to have been put at rest or foreclosed by their action, or possibly by their inaction, thus precluding us from inquiring into them; but as we are charged with the exclusive duty of determining whether Mr. Du Pont has been legally elected to the United States Senate from that State and with protecting the Senate from the invasion of those not legally elected to it, and assuring ourselves that he who asks for a seat here has been legally elected and is justly entitled to it, we have jurisdiction to that extent at least to inquire into the legality of the organization from which he claims to have received his commission. In no other way can the just and legal balance between the States and the United States be preserved and the purposes of our Government carried out.

A State, as an integral portion of the Union, is entitled to representation in either House of Congress, but its representatives must be elected in conformity with the fundamental and statutory laws. In the nature of things we are the final judges whether or not the law has been complied with, and therefore whether the State has put itself in an attitude to entitle it to representation in the particular instance. We can not escape this duty. It is clearly devolved upon us by the Constitution, by the very framework and theory of the Government, and it is a power that is exercised almost daily.

I have not at any time since beginning the examination of this case considered it difficult of correct determination, although it is highly important in the consequences that may follow our judgment.

Since attempting to examine it, it has appeared to me to be clear that Mr. Watson, upon the death of Governor Marvil, had simply added to his duties as speaker of the senate, for the time being, those of governor, and that he discharged or exercised the latter entirely by virtue of his office of speaker. I am unable to view the question in any other light, and I think this conclusion is established beyond reasonable doubt by the language and policy of the Delaware constitution.

Mr. President, this case presents a pure question of law. There is nothing of passion or sentiment in it. If the State of Delaware has properly elected Mr. Du Pont to a seat in this Chamber, he should be promptly and cheerfully seated; if it has not, in the interest of good government, both State and national, it becomes our duty to exclude him until such time as he may come to us with proper credentials.

I have not noticed nor shall I notice the many queries and suppositious cases and propositions that have been presented in this case. I do not regard them as possessing any importance. We should never discuss a great constitutional question in the atmosphere of awkward and suppositious statements that may or may not arise; we should discuss it in the light of the facts presented, in the light of the great cardinal truth that it was the honest and patriotic intention of the framers of the constitutions, who were themselves common men, to present to the people governments simple of construction and easy of execution; governments that would be practical in the hands of honest, patriotic men, rather than those that would be capable of being made anomalous in the hands of skillful lawyers and statesmen seeking merely for the supremacy of a particular political party.

In this light I have examined the case, and I have reached a conclusion which is, to my mind at least, satisfactory, and which will guide my vote. I affirm, therefore—

First. That Mr. Watson was at no time governor of the State of Delaware, but after the death of Governor Marvil simply discharged or exercised the duties of that office ex officio—that is, by virtue of his office of speaker of the senate—and that he had a clear right to participate in the deliberations of the joint convention of the general assembly that voted for the election of a United States Senator and to vote; and

Second. Having possessed that right, and having participated in the deliberations of the joint convention, 15 votes were not a majority of 30, and Mr. Du Pont has not received a majority of the votes of the members of both houses present and voting, as required by law, and is not, therefore, entitled to a seat in this Chamber.

I do not regard his title as possessing any higher, greater, or more sacred character than would be the title of any other citizen of the State who had not received a vote. He has no better right than such an individual would have; and having reached this conclusion my duty is plain. I will at the proper time vote against his being recognized or seated as a member of the Senate.

ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be until Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland.

Mr. LODGE. Before that motion is put, in the absence of the Senator from Ohio [Mr. SHERMAN], I think I must object. The Senator from Ohio is very desirous of going on with the conference report on the Cuban resolution and getting it out of the way of the other business of the Senate.

Mr. COCKRELL. Take the vote.

Mr. LODGE. I trust no action will be taken by the Senate until the Senator from Ohio, the chairman of the Committe on Foreign Relations, returns.

Mr. CHANDLER. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allen, | Cullom, | McBride, | Sewell, |
| Bacon, | Davis, | McMillan, | Sherman, |
| Bate, | Dubois, | Martin, | Shoup, |
| Blanchard, | Faulkner, | Mills, | Smith, |
| Brice, | Gallinger, | Mitchell, Oreg. | Squire, |
| Brown, | Gear, | Mitchell, Wis. | Stewart, |
| Burrows, | Gorman, | Morgan, | Teller, |
| Butler, | Gray, | Nelson, | Tillman, |
| Caffery, | Hale, | Pasco, | Turpie, |
| Call, | Harris, | Peffer, | Vest, |
| Cannon, | Hill, | Perkins, | Vilas, |
| Carter, | Irby, | Platt, | Walthall, |
| Chandler, | Jones, Ark. | Proctor, | Wetmore, |
| Chilton, | Kyle, | Pugh, | White, |
| Cockrell, | Lodge, | Roach, | Wolcott. |

The VICE-PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question is on agreeing to the motion of the Senator from Maryland [Mr. GORMAN], that when the Senate adjourn to-day it be to meet on Monday next.

Mr. GALLINGER. I wish the Senator from Maryland would modify his motion to the extent of permitting the Senate to meet to-morrow at the usual hour for the consideration of pension bills alone. ["Oh, no!"] Evidently there is dissent from that proposition, but a great many Senators have made the request of me for that arrangement. I am content with any action the Senate may take.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. MILLS. Of course.

Mr. SHERMAN. I hope the motion to adjourn over will not be agreed to unless we can make some agreement as to the time of taking a vote on the Cuban question. It has now been under consideration for some time, and I hope, and I shall ask the unanimous consent of the Senate for such an agreement, that the vote may be taken on Monday not later than 5 o'clock.

Mr. HALE. I hope the Senator from Ohio will not insist even in asking for that. Nearly all of the time of the debate thus far, more than two-thirds of it, has been taken by the Committee on Foreign Relations or those in sympathy with their report. There

are several Senators upon the other side who have had no opportunity whatever to discuss the question and who are desirous of doing so. We were caught before by an agreement, and I helped myself to get it, not knowing what the report would be, by fixing an hour for taking the question, and everybody was cut off. I for one can not agree at present upon any time being fixed until Senators shall have had an opportunity to be heard; and I do not think the Senator from Ohio, considering how much of the time his committee and the Senators in sympathy with the committee have taken, cutting out pretty much everyone on the other side, ought to ask that a time should now be fixed.

Mr. WOLCOTT. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Colorado will state the parliamentary inquiry.

Mr. WOLCOTT. I understand the motion before the Senate is that when it adjourn to-day it be to meet at a fixed time.

The VICE-PRESIDENT. That is correct.

Mr. WOLCOTT. I ask if the motion is debatable?

The VICE-PRESIDENT. It is not debatable.

Mr. WOLCOTT. I call for a vote on the motion. The debate has been proceeding by unanimous consent.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland [Mr. GORMAN], that when the Senate adjourn to-day it be to meet on Monday next.

Mr. SHERMAN. I hope the motion will be voted down.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON].

Mr. MCBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I should vote "nay," if he were present.

Mr. SQUIRE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. He not being present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 42, nays 23; as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Allen, | Davis, | McMillan, | Stewart, |
| Bacon, | Dubois, | Martin, | Teller, |
| Bate, | Faulkner, | Mitchell, Wis. | Thurston, |
| Brice, | Gibson, | Morrill, | Turpie, |
| Burrows, | Gorman, | Pasco, | Vilas, |
| Butler, | Gray, | Peffer, | Walthall, |
| Caffery, | Hale, | Platt, | Wetmore, |
| Cannon, | Harris, | Pugh, | White, |
| Carter, | Hill, | Roach, | Wolcott. |
| Chilton, | Irby, | Sewell, | |
| Cockrell, | Jones, Ark. | Smith, | |

NAYS—22.

| | | | |
|---|---|---|---|
| Baker, | Cullom, | Mitchell, Oreg. | Shoup, |
| Blanchard, | Frye, | Morgan, | Tillman, |
| Brown, | Gallinger, | Nelson, | Vest. |
| Call, | Kyle, | Perkins, | Wilson. |
| Chandler, | Lodge, | Proctor, | |
| Clark, | Mills, | Sherman, | |

NOT VOTING—25.

| | | | |
|---|---|---|---|
| Aldrich, | Gear, | Lindsay, | Quay, |
| Allison, | George, | McBride, | Squire, |
| Berry, | Gordon, | Mantle, | Voorhees, |
| Blackburn, | Hansbrough, | Murphy, | Warren. |
| Cameron, | Hawley, | Palmer, | |
| Daniel, | Hoar, | Pettigrew, | |
| Elkins, | Jones, Nev. | Pritchard, | |

So the motion was agreed to.

## WAR IN CUBA.

The Senate resumed the consideration of the conference report on the Cuban resolutions.

Mr. CAFFERY. Mr. President, when I concluded my remarks yesterday evening I was discussing the question of the belligerence of an insurgent people at war with the mother country. I had attempted to show that the exercise of this power is lodged exclusively in the Executive. I shall not recapitulate the arguments that I made to establish that conclusion. I find that but a small difference exists between the distinguished Senator from Delaware [Mr. GRAY] and myself on this point. I will read an extract from his speech of yesterday:

MR. GRAY. Mr. President, all these resolutions of the Senate attempt to do, confining themselves within what I believe, and a majority of this Senate I think believe, is within the sphere of its power, is to express its opinion, and in expressing this opinion of the Senate and asking the concurrence of the House of Representatives, giving expression also to what we believe to be the opinion of the great mass of the people of this country. Having done so much—it seems to me that we could do no less—having expressed that opinion, we have left to the executive branch of this Government what undeniably belongs to it solely; that is, to possess itself of the requisite information and to act in accord so far as it may with this opinion of the two Houses and the opinion of the American people so far as it may think the opinion of the Houses voices the opinion of the American people. But upon that branch of the Government rests the responsibility, and I do not complain that it should proceed with caution, with circumspection, and with a desire, holding in its hands perhaps the issues of peace and war, to do only that which, from every point of view, internationally, morally, and patriotically, it is its duty to do.

But there is no reason, Mr. President, why we should here in the Senate abandon the form of resolution and of expression of opinion which we have so deliberately adopted. There is no reason why, having first acted in this matter, we should accept the substitute resolution offered by the House of Representatives, our own resolutions, prior in point of time, being contemptuously swept aside, and adopt other language and resolutions expressing a different attitude on the part of the Government of the United States and of the Congress of the United States from that adopted by the resolutions of the Senate.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. STEWART. Would not the passage of either of these resolutions be a sufficient warrant, guaranty, or indorsement of the general proposition contained therein to enable the President to proceed to recognize the belligerent rights of Cuba or to recognize the independence of Cuba, and to proceed in that line without any further action if the President shall feel disposed to do so?

Mr. GRAY. I think he would be justified in taking that course after satisfying himself as to the facts.

This extract from the speech of the Senator from Delaware quoted by me shows that he is of opinion that the power to decide ultimately upon the fact of belligerence resides with the Executive and with the Executive solely. He, however, says that the expression of opinion on the part of the Senate and the House is a proper thing to do, and that that expression of opinion has been deliberately made, and presumably, although he does not say so, under the sanction of international law. It occurs to me that in a question of pure, simple fact, a question of physical fact, a loose opinion is entirely out of place; that even a deliberate opinion which does not amount to a firm conclusion, which can not govern the conduct or prescribe the action either of an individual or of a State, is not such an expression as the Senate and the House of Representatives ought to make in regard to the delicate matter of the relations existing between a mother country and certain insurgents warring against the power of that mother country.

This is not a matter of opinion on a domestic question. It is a matter relating to facts of a foreign character, and becomes therefore a sort of international opinion; and in all matters with respect to the relations existing between this Government and the government of a foreign country we are to proceed with that caution and deliberation which the intercourse between independent States justifies and demands.

The Senator from Connecticut [Mr. PLATT] suggests to me the question whether or not we ought to be denouncing upon the floor of the Senate the manner in which a foreign nation conducts its affairs. I say emphatically no. For one I not only denounce this interference with the conduct of a foreign country in relation to its own subjects, but I emphatically protest against these attacks made upon the character of a foreign country; against these epithets applied to a foreign country which have been hurled right and left during the debate on the pending question by Senators upon this floor. I take no part or lot in such denunciations, and I characterize them as entirely out of place and beneath the dignity of the Senate of the United States.

Mr. President, I will venture to quote from our own authority—I call it our own authority—the views of a distinguished international author in our country, Mr. Dana. Speaking of the recognition of belligerency, he says:

If it—

The country recognizing—

issues a formal declaration of belligerent rights prematurely, or in a contest with which it has no complexity, it is a gratuitous and unfriendly act. If the parent government complains of it, the complaint must be made upon one of these grounds. To decide whether the recognition was uncalled for and premature requires something more than a consideration of proximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the conflict, the magnitude and completeness of the political and military organizations and preparations on each side, the probable extent of the conflict by sea and land, the probable extent and rapidity of its development, and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad.

Now, it is not contended that this recognition of belligerency has the force of law; that it binds the Government of the United States; that it binds the President of the United States. But, Mr. President, behind this resolution lurks a great danger. These resolutions have been accompanied with commentaries of a very warlike and aggressive character. The interpretation placed on the resolutions in debate by Senators on this floor goes beyond the point of a mere empty declaration and almost invites a war, almost amounts to an insult to Spain, and a gratuitous declaration of belligerency is characterized by the author who I have quoted as a gratuitous insult.

Mr. President, there has been a great deal said in regard to the evidence to establish this belligerency. As a matter of course, everybody acknowledges open, notorious, historical facts. Everybody knows and notices that there is a war in Cuba. Everybody is presumed to be aware, and every government must take official cognizance of the fact that there is a revolution going on in the Island of Cuba; that hosts of armed men on either side of this controversy are waging a war, some say of extermination, certainly of devastation, in that lovely isle. We must take cognizance of the prevailing government in Spain. These facts are undisputed.

But when it comes down to an issue of fact, when it comes down to the question of belligerency or not, we must proceed according to the methods recognized among civilized men to establish or overthrow that fact. The advocates of these resolutions, while they admit and concede, at least so far as the Senator from Delaware is concerned, that they will have no binding force, and refer to the Executive as the ultimate authority to decide upon the question of belligerency, yet parade a multitude of facts from every quarter; facts that have no sort of bearing upon the issue before us; facts that would be discarded without the slightest hesitation if offered before the most ignorant justice of the peace to establish any matter of fact. Yet these facts are paraded with a great show of strength and dwelt on with great persistence to establish that very condition of things which some of them concede our declaration as to which amounts to absolutely nothing.

Now, Mr. President, I desire to know why we should make this declaration. If it is a declaration that binds nobody, if it is a declaration that has no force, why is it insisted upon with such pertinacity? Why are we called on to review not only the history of the present insurrection, but to review the whole past history of the conduct of the last rebellion in Cuba, dating back nearly thirty years, commencing in 1868 and only winding up in 1878? Why are the alleged atrocities of General Weyler paraded to the public? Why is Spanish history raked up from the time that Torquemada tortured his victims to show the ferocious character of the Spaniards? Why is every incident of this kind dwelt upon with so much vigor, so much force, so much persistence, if it is not to inflame the warlike passions of the American people and embroil us in a controversy with a friendly State?

This is one of the reasons why I object to considering the question of belligerency on any other ground and from any other point of view than that sanctioned by international law. If we are to pass judgment at all upon this question, we ought to do so, in the language of the Senator from Delaware, deliberately, conscientiously, being well informed of every fact necessary to induce a correct conclusion and judgment in the premises.

It is confessed that there are no facts of a character that would be called testimony in any sort of a court or before any sort of a tribunal charged with the investigation of matters of fact, and yet we are called upon here to express a loose opinion, to give a conjecture, to make a supposition, to form a conclusion or a judgment without that degree of proof which induces a certainty of knowledge upon a matter of this gravity. Upon a matter touching our foreign relations with a friendly power; upon a matter coming within the scope of international law, we have no right, in my opinion, to be expressing opinions of this grave character without the sanction and without the warrant of that sort of proof which the Executive himself must have before him in order to bring his mind to a correct conclusion upon the point at issue.

Mr. President, I will revert somewhat to the position that I took yesterday in regard to the exclusive power of the Executive to pass upon the matter of fact of belligerency. It is only a matter of fact. Where do we get our information, and how do we get it? Whenever any information is desired in regard to foreign affairs a polite request is sent by one or both Houses to the President of the United States requesting him, if not incompatible with the public interests, that he shall give such and such facts as are required. He may withhold the facts. He may think that the condition of affairs is such as not to warrant a publication of the facts. With him and solely with him rests the responsibility of withholding those facts or of giving them to Congress as he may see fit.

How, therefore, could we get the facts if the President considered it to be incompatible with the public interests to give them to us. Shall we consider the tales that have been told in the newspapers; the blood-curdling statements that are incredible upon their face, the narratives of battles which never occurred? Why, Mr. President, I do not believe that any sensible man, any conscientious man, would in a matter affecting his own personal interests venture a judgment upon any such facts as have been detailed in the public press in regard to the conduct of the war in Cuba.

We know that the sympathies of our people go out to the Cubans. We know that a helping hand is held out across the Gulf of Mexico from the shores of our own Republic to those patriots. We know that sympathy runs there in a constant stream. We know as a matter of fact that in the present condition of mind of our people they are ready to grasp at any piece of evidence that is favorable to the Cuban cause and accept it as gospel truth. That being the case, we ought to move with much more caution, with much more deliberation than if it were a case of belligerency in a country with which we had hardly any communication or with the efforts of whose people to achieve their independence we had but that abstract interest and abstract sympathy which the American people feel for all nations struggling to achieve their independence. But in the matter of Cuba right at our doors, with public sympathy going out to those people on every hand, with our people prone to believe every statement hostile to Spain and favorable to the insurgents, is it possible that the Senate of the United States would take evidence such as is procured from the newspapers, given by overzealous correspondents and Cuban sympathizers, as establishing the facts upon which this great Government ought to act in a matter of this momentous kind? That is the sort of testimony and that is the sort of proof that is offered to prove the fact of belligerency.

Mr. President, in regard to general, historic, undisputed facts the Senate of the United States and the House of Representatives and the President take cognizance without proof; but in regard to those of a contested character we must get them from the accredited representatives of the United States in Cuba. I know of no other source unless the President of the United States send a special commissioner, charged with the duty of ascertaining the facts of the situation and report to the Executive.

The Executive sent Mr. Mann with credentials as commissioner to investigate fully the situation of affairs in Hungary and report to the President of the United States. The declaration was made by President Taylor in his message to Congress that if the facts justified it, if the Hungarians had established a de facto government, he would immediately recognize that country as an independent sovereignty. So it could be done in the case of belligerency just as well as in the case of a de facto government. I think, sir, it is absolutely necessary, before we pass upon this question, that we shall have such facts as will warrant us in coming to an honorable and a just conclusion in the premises.

Mr. President, the range that this discussion has taken has embraced a great many questions, and the resolutions themselves invite this broad range of discussion. As to the middle resolution there can be no great objection to it] It is simply a resolution declaring—

That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

I see no particular objection to that resolution. It only expresses a desire upon our part to use our good offices to bring about the establishment of permanent independence in Cuba. It is an offer of friendly mediation. That offer may be rejected, but it certainly will not hurt the pride of Spain. It will not infringe any part of the international law should this resolution pass. It affects no relations as between the Cuban insurgents and the Kingdom of Spain. It simply announces our readiness and willingness to be a mediator in bringing about the cessation of hostilities and in attempting to establish, through our friendly aid, of course with the consent of Spain, a permanent republic in the Island of Cuba. As to the belief that it is the only permanent solution of the contest, it is held by most of the people of the United States. But whether it be so or not, there is nothing in this resolution of an offensive character, nothing whatever that would hurt the pride or insult the dignity of Spain or any other country to whom it might be addressed.

I believe, in common, I think, with the majority of our people, that it is a matter of impossibility that the dominion of Spain should last in perpetuity over this island, 3,000 miles away from it. It is one of the richest islands, if not the richest, in the Caribbean Sea. In extent of country, in fertility of soil, in diversity of production, it is unequaled in the islands of the West Indies. When that island becomes more populous, when it becomes imbued through its length and breadth with the spirit of independence, in my opinion its independence is at hand. I do not think that there is, from the statistics, any showing that the Government of Spain derives any great revenue from the island. I believe it is rather a costly possession. But that does not concern the issue before us. It only goes to show that if the island is not remunerative to Spain, if it does not place money in her coffers, then the Spanish hold upon that island is necessarily relaxed, and considering the character of the island, considering the distance from Spain, considering the proximity to the United States, and considering the influence always of our republican institutions, it occurs to me that the time is near at hand, not far removed in the future, when the independence of the island will be a thing accomplished.

But in the meantime, Mr. President, let us hold fast to the policy that has heretofore governed the United States. Our policy has been one of strict noninterference. We have governed our conduct in all our relations with foreign people strictly under the rule of international law, and have heretofore embroiled ourselves with no foreign power and have given none of them any just cause of complaint.

There is no sort of parallel between the Southern Confederacy and the Island of Cuba. We had every single muniment of title to belligerency, and it was necessary on account of the commerce between Great Britain and the recognizing countries that they should recognize a condition of belligerency. We occupied a vast

territory. We gave battle in open field time after time, and blood flowed in torrents. We had a capital of the Confederacy and a capital of each State in the Confederacy. We had every single muniment laid down in international law from which foreign nations could rightly and justly judge that there was a condition of belligerency existing in the Southern Confederacy. But in the correspondence of that time, in the laws laid down at that time by Mr. Seward and those who administered our affairs subsequent to Mr. Seward during the rebellion in Cuba under President Grant, we have built up a code of international law as to belligerence founded upon the doctrines of the text writers and the usages that obtain among the civilized nations, and we are estopped to assail that law. We are estopped to do any act against our deliberate position assumed in regard to belligerency.

Mr. CHILTON. Will the Senator from Louisiana permit an interruption?

Mr. CAFFERY. Certainly.

Mr. CHILTON. I understood yesterday a suggestion to be made by the Senator from California [Mr. WHITE], which was adopted by the Senator from Louisiana, that in the Prize Cases, in which was considered the recognition of the belligerency of the Confederacy, it had been decided that the President alone possessed the jurisdiction to make an effective recognition of belligerency. That is too strong a statement of the effect of that opinion. The Prize Cases involved this question (and it tallies exactly with the proposition that I laid down yesterday), whether the President might for himself make a recognition of belligerency when it was necessary to do so in the discharge of some other constitutional function which belonged to him. An examination will show that the recognition of belligerency in that case was sustained under that clause of the Constitution which authorizes Congress to confer upon the President the power to call forth the militia to suppress insurrection. Congress passed certain statutes, one in 1795 and another in 1807, touching the subject. The decision of the Supreme Court in that case does not seem to be predicated on an independent prerogative existing in the President to recognize belligerency as to foreign nations, but it was under the constitutional clause to which I have alluded and his duties thereunder as Commander in Chief. Indeed, in that case it was not necessary to decide the question at all, as the facts show that Congress afterwards specifically confirmed the actions of the President, which were treated as implying a recognition of belligerency.

Mr. CAFFERY. Yes, sir; I am perfectly well aware that Congress ratified the action of the President of the United States in all warlike matters relating to the Confederacy.

Mr. PLATT. But is there any instance in which Congress has ever undertaken to accord belligerent rights to anyone?

Mr. CAFFERY. Does the Senator address that question to the Senator from Texas, or to myself?

Mr. PLATT. I am addressing it to the Senator from Louisiana.

Mr. CAFFERY. No, sir; there is no instance whatever where Congress has ever undertaken to acknowledge belligerency.

Mr. PLATT. So far as I have been able to examine the history of Congress, it has never been done by Congress.

Mr. CAFFERY. No, sir.

Mr. ALLEN. Does the Senator know, or can he cite any authority, or offer any reason which authorizes the Supreme Court of the United States to declare a question of belligerency?

Mr. CAFFERY. I can offer no reason why the Supreme Court should recognize belligerency, because none can be adduced. The Supreme Court can not recognize belligerency.

Mr. ALLEN. I wish, then, to make this suggestion to the Senator. Is not the power to declare or recognize the belligerency or political independence of a people purely a political question with which the Supreme Court has no concern?

Mr. CAFFERY. It is.

Mr. ALLEN. Therefore anything that the Supreme Court may have said on that subject is mere words?

Mr. CHILTON. No; the Supreme Court recognizes the fact that it is a question for the political department of the Government.

Mr. ALLEN. Certainly.

Mr. CHILTON. But the point is to determine what constitutes the political department of the Government. I understood the Senator from Louisiana to claim that the Chief Executive of the country was vested with the exclusive jurisdiction to recognize belligerency, and he quoted as authority the opinion in the Prize Cases. But I have called attention to the fact that the opinion referred to was predicated upon a specific clause of our Constitution, to wit, that which governed the suppression of insurrection. It has no application to the recognition of belligerency of a foreign country, people, or district.

While I am making that suggestion I wish to call the attention of the Senator from Louisiana to another point. I understood him yesterday afternoon to criticise the accuracy of my analysis of the case of Kennett *vs.* Chambers, 14 Howard, which involved the question of the recognition of the independence of the Texas Republic. I quoted from memory only, and stated that the deduction which would be naturally drawn from the decision in that case was that the duty of recognizing belligerency belonged to the treaty-making power; that is, the President and the Senate. Since the adjournment of yesterday I have looked at that case, and I find the following language, to which I desire to call the attention of the Senator:

> Whether Texas had or had not at that time become an independent state was a question for that department of our Government exclusively which is charged with our foreign relations. And until the period when that department recognized it as an independent state the judicial tribunals of the country were bound to consider the old order of things as having continued and to regard Texas as a part of the Mexican territory. And if we undertook to inquire whether she had not in fact become an independent, sovereign state before she was recognized as such by the treaty-making power, we should take upon ourselves the exercise of political authority for which a judicial tribunal is wholly unfit, and which the Constitution has conferred exclusively upon another department. (Chief Justice Taney in Kennett *vs.* Chambers, 14 Howard, 50.)

Mr. ALLEN. That is the point, if the Senator will permit me, to which I directed his attention, whether it is not purely a political power with which the Supreme Court has nothing to do.

Mr. CAFFERY. Clearly so. The Supreme Court did not pass originally upon the power and has never passed originally upon the power. The Supreme Court predicates its finding of belligerency or not upon the finding of a political department of the Government.

Mr. ALLEN. That is right.

Mr. CAFFERY. And that is all.

Mr. HOAR. Just as they did in the Rhode Island case as to the question, which is the true government of a State? That occurs every day upon the question, which is the true government of a State?

Mr. ALLEN. That is a rule without any exception whatever.

Mr. CHILTON. That is the same question which arose in the seal-fisheries controversy, and is a question for the political department of the Government.

Mr. CAFFERY. There is no great difference between the Senator from Texas and me. Chief Justice Taney lays down the proposition in 14 Howard, in unmistakable language, that the recognition of independence—not the recognition of belligerence—belongs exclusively to that department which has charge of our foreign relations. In another part of the decision quoted by the Senator from Texas there is a kind of loose expression of a general character that would seem to place this power in the hands of the treaty-making department. The treaty-making department of the Government is the Executive and the Senate. If, therefore, the Senator from Texas is right in assuming that this latter clause of the decision which he quotes conveys the proper law, then a concurrent resolution by the House of Representatives and the Senate is ultra vires.

Mr. CHILTON. The Senator from Louisiana must excuse me for interrupting him. I do not wish to be misunderstood. I merely called attention to that decision to show the lack of uniformity of judicial opinions on that question.

Mr. CAFFERY. Exactly. There is no decision, however, going to the extent of even intimating that the power to recognize belligerence belongs to any other than the treaty-making power or the executive department.

Mr. CHILTON. The Senator would have understood my contention on that point if he had read my speech.

Mr. CAFFERY. The Senate is included under the head of the legislative department. That is the expression used in those opinions, but the House of Representatives has nothing to do with the treaty-making power, it has nothing to do with the appointment or confirmation of ambassadors, and it is only from this expressed power that you can imply the power to recognize belligerence. The express power is to appoint ambassadors; the express power is to make treaties. The implied power from these express powers is to recognize independence or belligerence. If, therefore, that be so, the House of Representatives is excluded from any participation whatever in a resolution recognizing belligerency.

Mr. President, these resolutions, after expressing this kind hope that Spain will listen to our overtures of mediation in regard to the establishment of a permanent independent government in Cuba, go on and they contain a threat of war:

> *Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

I understand the word "intervention," as used here, to have its proper signification as applied to any interference by one government with the affairs of another government, and under that meaning the intervention spoken of here is an implied threat of war, for prima facie intervention is a declaration of hostilities. No nation upon earth ever permits another nation, from what

cause soever it may be, to interfere with its independence; and when you interfere, whether it is for business purposes, as this resolution declares, or for any other purpose, it is prima facie a hostile act. Hall's International Law, chapter 8, section 88, reads:

> Intervention takes place when a state interferes in the relations of two other states without the consent of both or either of them, or when it interferes in the domestic affairs of another state irrespectively of the will of the latter for the purpose of either maintaining or altering the actual condition of things within it. Prima facie, intervention is a hostile act, because it constitutes an attack upon the independence of the state subjected to it.

This, in my opinion, if there were no other reason in the body of these resolutions, affords ample ground for opposition to them. Prima facie, the intervention spoken of here is a hostile act; it is a defiance cast in the teeth of Spain that whenever we think our interests require we shall be prepared to intervene, if necessary. We therefore set up to judge independent of the will of Spain, without consulting Spain in the least, to intervene in her affairs in the matters affecting her internal polity, in matters affecting her insurgent provinces, whenever we think it is necessary. That is a constant menace of war; that is a constant declaration of hostility.

The only ground which is sanctioned under international law, so far as I have read it, is a matter of pecuniary interest or is a matter of self-protection. I do not know that international law sanctions intervention in the affairs of a foreign country for the purposes of pure humanity, nor do I believe that that doctrine may sanction broadly interference on that ground. There has been but one intervention in the history of the world on account of pure humanity that I know of. There the powers of Europe, stimulated by the halo of glory encircling the most celebrated state of antiquity, to which modern civilization owes a debt it can never pay, intervened in behalf of mankind—of humanity. The case was that of Greece. That is the only instance I know. This writer upon international law states the fact that that is too slight a ground on which to predicate or base a broad tenet of international law.

From the speech of the Senator from Texas [Mr. CHILTON] yesterday I will make this quotation in reference to intervention:

> The time may come when the United States will have grown so powerful that they can lay down, as of absolute authority, rules of international action upon the American Hemisphere. With this great power will come the respo sibility of interposing for humanity and liberty whenever the circumstances require it. Such a policy will be the legitimate outgrowth of the Monroe doctrine, which will be developed to guard the peace and freedom of the whole Western World.
>
> But we have not yet reached that time. We are strong, very strong, but we are not yet so strong in comparison with possible adversaries that they will yield to our intervention without a mighty trial of arms.

I conclude from this extract from the very eloquent and forcible speech of the Senator from Texas that he is of opinion that intervention in the affairs of the Western Hemisphere by the United States will be justified whenever our strength shall justify such intervention, and the Senator contends, or intimates, that this policy is the legitimate outgrowth of the Monroe doctrine. In neither of those propositions do I agree with my distinguished friend. I do not think that the United States can afford to establish a rule to govern her action in regard to interference in the affairs of states of this Western Hemisphere other than the ground established by the common consent of the civilized states as forming part of the code of international law, and I believe that such a step as that would be a flagrant violation of the rule of conduct which binds us internationally to observe toward all other nations that noninterference, nonintervention, in their affairs as obtains now; that the question of our strength, the question of our power, has nothing whatever to do with the matter of intervention or nonintervention. I understand, then, from this doctrine, as enunciated by the Senator from Texas, that he places the question of intervention purely upon the ground of ability to make your intervention good.

Mr. President, there are stronger grounds why we should not intervene based upon the moral tenet of this international law than any possible ground for intervention based upon the pretension of power.

I contend further that the principle enunciated has nothing whatever to do with the Monroe doctrine. The Monroe doctrine was founded, and is founded to-day, upon the principle of self-protection, and one of these writers, Mr. Woolsey, in his edition of Hall, lays it down that the question of intervention is one of political expediency whenever the power intervening thinks its institutions, thinks its safety, in peril. There can be no pretext whatever in regard to Cuba that we have or will have a right to intervene and set up our law or our pretensions in the premises, whatever they may be, on the ground of any fear that our institutions will be assailed or endangered by any internal struggle going on in that island.

If the power of the United States and its example are to spread over these contiguous countries, it must be upon the wings of peace, and not upon the pinions of war. The beneficent example of the United States has already been courted and followed in the establishment of republics south of us, and, as in the opinion that I expressed a while ago, will be established in the Island of Cuba at no very distant day; but whenever we set up a doctrine of force and strength we invite that which the United States has always deplored—a foreign war; and however much the people to the north of us and the people to the south of us may desire republican institutions, the very moment that we make an aggressive war upon the powers holding those provinces to the north and to the south and in the Caribbean Sea we bring about a spirit of animosity and hatred, even in the countries in whose behalf we interfere, that will do away with all the beneficent and benign effects of republican institutions working their own way along the smooth paths of peace.

Mr. President, I have extended my remarks on this subject quite as far as I now propose to go. I will state before I close that I have the profoundest sympathy for the struggling people of Cuba; I have the profoundest respect for all obligations, national and international; I have the profoundest regard for the welfare and the feelings of all nations with which we are at peace. I would not wantonly and causelessly bring about a breach of friendly relations between the United States and the humblest of the powers of the earth. I would respect the rights of all; I would resist encroachments from any.

In order to square and reconcile our sympathies in behalf of a people struggling for their liberty with the requirements and obligations of international law, I think we ought to content ourselves with a declaration of sympathy, just such as was embodied in the resolution offered by the distinguished Senator from California [Mr. WHITE], and permit this great moral entity, this great code of international law, to pursue its way unobstructed and inviolate from any infraction or violation of its ordinances on our part. If there be a case of belligerence in Cuba, the President has or can have the evidence to justify his recognition of it. With him is the power and the responsibility. I am willing to place, where the Constitution, in my opinion, has placed, the exercise of this important function in the hands of the Chief Magistrate of our Republic.

Mr. MILLS. Mr. President, I had intended to address some remarks to the Senate on this question, but I heard the Senator from Maine [Mr. HALE] say during the morning hour that those who are opposed to the resolutions have not yet had sufficient opportunity to be heard. I shall therefore decline to occupy the floor to-day, in order that I may give the opponents of the resolutions ample opportunity to present their views to the Senate.

Mr. CALL. Mr. President, the advocates of imperialism and the continuance of European authority and power upon this hemisphere, and especially in the Island of Cuba, have maintained that proposition under various guises. The honorable Senator from Louisiana [Mr. CAFFERY] maintained the proposition upon the idea that the people of the United States are bound by some opinions of writers upon customary proceedings between nations, under some idea of an international code, that says to the people of the United States, when the interests of civilization are concerned, when the traditional policy of the United States is set aside and counteracted, when all the sentiments and opinions of the people of this country are outraged, that they are forbidden by considerations of the consequences of possible war from asserting that which is right, asserting the principles of humanity, and asserting the duty of nations to each other as we understand it.

Such a proposition, Mr. President, is analogous to the case of a man who, passing along a highway, is thrown into the presence of an outrage upon some feebler person, of murder or of outrage in its vilest form, and who, possessing the ability and power, passes on the outside and says: "If my vital interests were affected I would interfere; I sympathize with you, but I will not interpose my hand and power at present for your protection." We would say that that man was unmanly; that he was unworthy of respect and consideration. But the advocates of Spanish rule in the Island of Cuba undertake to say that what is honorable and humane in an individual in the collective body of the people is dishonorable; that it must be governed by some fancied consideration of interest to the collective body, and the promptings of a manly, courageous, religious, humane, civilized spirit can find no place in the public policy of a people. Such a proposition has no warrant in any of the authorities which have been read here. They have no reference to such a condition of things; they have no reference to the duty which is imposed upon a sovereign State to subject her policies and her conduct to the highest considerations of humanity promoting civilization.

The honorable Senator from Texas [Mr. CHILTON] alluded yesterday to the results of war upon the progress of this country toward a higher civilization. The progress which a policy solely in the interest of peace would make would be a progress toward an ignominious condition of society, a progress toward an unmanliness and the education of our American people into a race whose hearts would be closed to all sympathy with the higher and the better interests of civilized man. In this case of Cuba there is no

excuse for hesitation or doubt. The policy of this Government has been proclaimed in a series of State papers which have received the approval not only of the legislative department, which is the supreme power in this country, but also of the executive branch of the Government. I will call attention to what has been the utterance of the executive department of this Government, confirmed and sustained by the legislative department, and that I may not occupy too much of the time by reading these extracts from the State Department I will print them, by leave of the Senate, as a part of my remarks.

We do not speak to the Senate here, it must be understood, but we speak to the RECORD; we speak to that large, that greater, body than the Senators who vacate their seats when questions of public concern are considered; we speak to the American people, that they may be aroused to consider and decide the policy and the conditions with which the public power should be exercised in respect to the struggle of the Cubans for free and independent government.

This is a question which is second in importance to none which has ever come before this body. It is but the prelude to that greater organization which was called into life by that distinguished citizen of the United States who has passed into the shades of eternity, the Hon. James G. Blaine, when the Pan-American Congress, the only congress of the republican States, the republics of North and South America, that has ever been convened, was organized. This is the prelude of that confederation of the American republics which will assert the power of the people, the enlightened and intelligent people, over all the policies of this Government and of all the Americas.

In Executive Document No. 93, of the first session of the Thirty-ninth Congress, the following statement will be found:

On the 1st of August, 1862, Mr. Adams was instructed by this Government in the following words: "Did the European states which found and occupied this continent almost without effort then understand its real destiny and purposes? Have they ever yet fully understood and accepted them? Has anything but disappointment upon disappointment and disaster upon disaster resulted from their misapprehensions? After near four hundred years of such disappointments and disasters, is the way of Providence in regard to America still so mysterious that it can not be understood and confessed? Columbus, it was said, had given a new world to the Kingdoms of Castile and Leon. What has become of the sovereignty of Spain in America? Richelieu occupied and fortified a large portion of the continent, extending from the Gulf of Mexico to the Straits of Belle Isle. Does France yet retain that important appendage to the crown of her sovereign? Great Britain acquired a dominion here surpassing by a hundredfold in length and breadth the native realm. Has not a large portion of it been already formally resigned? To whom have those vast dominions, with those founded by the Portuguese, the Dutch, and the Swedes, been resigned but to American nations, the growth of European colonists and exiles, who have come hither, bringing with them the arts, the civilization, and the virtues of Europe? Has not the change been beneficial to society on this continent? Has it not been more beneficial even to Europe itself than continued European domination, if it had been possible, could have been? The American nations which have grown up here are free and self-governing. They have made themselves so from inherent vigor and in obedience to absolute necessity. Is it possible for European states to plunge them again into a colonial state and hold them there? Would it be desirable for them and for Europe, if it were possible? The balance of power among the nations of Europe is maintained not without numerous strong armies and frequent conflicts, while the sphere of political ambition there is bounded by the ocean which surrounds that continent. Would it be possible to maintain it at all if this vast continent, with all its populations, their resources, and their forces, should once again be brought within that sphere?

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"On the contrary of all these suppositions, is it not manifest that these American nations were called into existence to be the home of freemen; that the states of Europe have been intrusted by Providence with their tutelage, but that tutelage and all its responsibilities and powers are necessarily withdrawn, to the relief and benefit of the parties and of mankind, when these parties become able to choose their own system of Government and to make and administer their own laws?"

That is the policy which was declared by Mr. Seward and which has been reiterated in every Administration of this Government; that was the declaration of the United States to France when recognizing the Juarez Government. While it was a fugitive and had been driven from Mexico the United States recognized it and demanded that the French army should retire and the French occupation be withdrawn from Mexico. Why, then, talk about the policy of this Government when that instance stands here? The Juarez Government was a rebellious government, asserting republican government against the power of the Maximilian Government, which had been established by arms and recognized by the theretofore legitimate authority of Mexico. In this language the United States declared to France that this was the home of freemen, that they recognized the Republic of Mexico and the Government of Juarez, although fugitive and without organization, and demanded upon this proposition that the army of occupation should be withdrawn by France. Why, then, do the advocates of monarchy and the preservation of despotic rule in Cuba assert that there is no precedent for this action on the part of the Congress of the United States?

The Senator from Louisiana and other Senators have alluded to the declarations in the newspapers of the outrages committed. I find in the records of the State Department, furnished by the minister of the Republic of Mexico, the distinguished and able and worthy representative of that people at that time, Mr. Romero, newspaper extract after newspaper extract presented to the American people, and presented by the Department of State to the Congress of the United States for its proper influence with them in determining the public action of this body in respect to the recognition of the Juarez Government.

But, it is asked, what have these instances of outrage to do with the question of the recognition of Cuban independence? Mr. President, is not the protection of our citizens a legitimate subject of consideration? Whence comes this idea that the question of outrage upon the American people is not to be considered by the Congress of the United States in according recognition either of belligerency or of independence to a government? Whence this idea that if our people are not safe in contact with that power upon our own shores that we have no right to bring these instances to prove that condition of things, to show that the citizens of the United States are not safe, even when protected by treaty stipulation, under the Spanish Government in that island.

Surely there can be no force in these propositions. Surely the American people will understand that the protection of the citizen who has a right under treaties to visit foreign lands and to engage in commerce and business there constitutes a necessity for the civilization of the world and for commercial intercourse; and if outrage upon outrage is committed upon citizens of the United States should it not be a subject of consideration and should it not influence the action of the Congress of the United States? If there be a country within our reach where it is desirable for us to have, and where under treaty stipulations we do have, relations of commerce, should we not act in protection to our people? If we find it necessary when there is a formidable revolt there, when there is a revolt which has sufficient permanence and stability to indicate the probability even of its final success, should we not say, "Here are the elements of strength; here is a condition of things requiring the protection of American interests, commercial interests, personal interests, interests of civilization"? And should we not recognize the fact that here is a revolt where there is a probability of success, and when sufficiently promoted a case proper for recognition of independence to be accorded to them?

Let us see as to the condition of things, and as to the probability of the truth of the statements which have been made here. Certainly no one can question the proposition that facts, circumstances, events of continuous nature, showing the character of a person or of the people of a State, give color and probability to other occurrences similar in character. When you can place your finger upon a particular individual, and you yourself, being a person of character, will say to a public functionary or to the Congress of the United States, "I know this person to be reliable; I know his character, and he states certain facts which correspond with the established course of history in relation to that people," there is evidence equal to any which can be produced.

Now, let us see what is the condition of things in reference to the Island of Cuba. What is the condition in reference to the possibility, the probability, of its maintaining its independence and asserting a government for itself? I find here in this book, Manning's Law of Nations, the following note taken from Wheaton's Elements of International Law, a book which, though merely the opinion of one man, is yet an enlightened opinion and carries its weight with it:

The deplorable strife in Cuba continues—

This was in 1878—

without any marked change in the relative advantages of the contending forces. The insurrection continues, but Spain has gained no superiority. Six years of strife give the insurrection a significance which can not be denied. Its duration and the tenacity of its advance, together with the absence of the manifested power of repression on the part of Spain, can not be controverted, and may make some positive steps on the part of other powers a matter of self-necessity.

Here is an opinion after eight years of prolonged war, of prolonged efforts to suppress this insurrectionary insurgent power in the Island of Cuba. It is the opinion of a publicist, the opinion of one of the text-books upon the subject of international law which is so much cited here, if there be such a thing, which there really is not, it being nothing more than the consent of publicists and the action of nations from time to time in reference to it.

The Senator from Louisiana [Mr. CAFFERY] spoke of intervention as a hostile act. Among the subjects which are mentioned as creating a proper occasion for interference by a government, following this note, this writer, Manning, in a late book of authority on these subjects, says:

The concession of such rights may, at a certain epoch in the strife, be claimed both in the interests of humanity and of neutral states; there always, indeed, arrives a moment at which such a concession is made (as in the case of the late Southern insurrection in the United States) by the government from which the revolt takes place. The main difficulty is found in ascertaining the moment proper for what is called "recognition of belligerency." It must be neither so premature as to embarrass a friendly government in suppressing what may prove to be only a transient and partial display of disorder or treachery, or so dilatory as to protract the inconvenience and cruelty incident to a war conducted on a large scale apart from all the humane alleviations which the laws of war have introduced. The quality of the test

for determining the moment at which interference for belligerent purposes only can be justified became a subject of earnest controversy during and after the late American civil war.

Mr. Dana, in a note to his edition of Wheaton's Elements, says:

To decide whether the recognition was uncalled for and premature requires something more than a consideration of approximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties; the magnitude and completeness of the political and military organization and preparations on each side; the probable extent of the conflict by sea and land; the probable extent and rapidity of its development; and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad. The best that can be said is that the foreign state may protect itself by a seasonable decision, either upon a test case that arises or by a general prospective decision; while, on the other hand, if it makes the recognition prematurely it is liable to the suspicion of an unfriendly purpose to the parent state. The recognition of belligerent rights is not solely to the advantage of the insurgents. They gain the great advantage of a recognized status, and the opportunity to employ commissioned cruisers at sea, and to exert all the powers known to maritime warfare, with the sanction of foreign nations. They can obtain abroad loans, military and naval materials, and enlist men, as against everything but neutrality laws; their flag and commissions are acknowledged, their revenue laws are respected, and they acquire a quasi political recognition.

These are the grounds upon which, according to those writers, the laws of nations allow and justify a recognition.

Generally speaking—

Says Mr. Dana, in his edition of Wheaton, part 4, page 187, of Mr. Manning's book—

the occupying power is established as soon as the population is disarmed, or even where the country is traversed by flying columns. It being impossible to occupy bodily each and every point of a province, the expression "territory" must, as regards occupation, be interpreted liberally. A territory is considered as occupied when it is actually placed under the authority of the hostile army. The occupation only extends to those territories where this authority is established and can be exercised.

We see, therefore, by these authorities that occupation of a country is when force is asserted, force either in the absence of adequate attempts to suppress it by the nation of established authority, or by the superior force of an insurgent and rebellious power.

Look at Cuba! What is the condition? What was the condition for ten years up to 1879? The records of the State Department which I have here before me establish it. I shall not take the time to read copiously from them, but will publish them in my remarks.

They assert that at every point except in the fortified towns and seacoast cities the Government of Cuba maintained its power during that entire period of time. That is the assertion of our own consular authorities. But what was the condition? What is the condition now? Let us see for a moment what justification have we, what demand have we to interfere, to intervene. I wish the resolutions were more positive than they are. I wish the resolution of the House of Representatives with respect to intervention was in the form of a joint resolution and imperative. Why? Because it is for the interest not only of the United States, but of Spain, that the contest should be terminated by the establishment of a free government, because nothing but disaster to that ancient Government, to her internal civilization, can occur by the protraction of this struggle. If Mr. Seward is right, if Mr. Adams is right, if Mr. Cushing is right, if every Administration of this Government has been right from the days of Mr. Monroe to the present time, that the dominion of despotic and arbitrary authority instead of republican government in the Island of Cuba and upon the Western Hemisphere is doomed to extinction, then there can be no doubt that this Government should adopt the manly and courageous policy and say so, friendlily but firmly, to the Government of Spain.

Mr. PLATT. Will the Senator from Florida allow me?

Mr. CALL. Certainly.

Mr. PLATT. Suppose we do take the action in Congress that the Senator desires, which I understand is that we should intervene, and Spain refuses to grant an independent government to Cuba; what would he have us do then?

I quite agree with the Senator from Florida that if the time has come when this Government for any reason ought to promote the establishment of an independent government in Cuba, if the Government ought to exert its power and influence to that end, we ought to do it in a straightforward, manly fashion; and I understand that means that if we intervene to the extent of saying to Spain that this Government has come to the conclusion that Cuba ought to be free and independent and Spain refuses, then we should aid Cuba and go to war to carry out that end. Now, I wish to know what the Senator thinks we should do.

Mr. CALL. I will state what I think. The first action would be to say what Mr. Seward said to France, and then see what effect it has. The next step would be to repeal or modify our neutrality laws and allow the friends of freedom and free institutions in the United States who see fit to risk their lives, as they have done in every contest since the Republics of North and South and Central America have acquired freedom—the brave American men who wish to risk their lives in the defense of liberty and humanity to have an opportunity to do so. That will settle the question without any war, and settle it immediately—within ninety days. That is what I would do.

Such an act is not in hostility to Spain, because it is an inevitable fact that if the war continues Spain will be bankrupted, her people oppressed with an enormous debt, and Cuba never will be subdued by her power. That island is 3,000 miles from Spain, and with a hundred million people in this country who, despite imperialistic tendencies and the autocratic disposition of our public policies, are devoted to freedom, the maintenance of despotic institutions in that country is impossible.

These are considerations of public policy, a public policy which has been affirmed first in our Declaration of Independence, in which we invited that people to adopt the same course which we adopted, namely, the discontinuance of monarchical, despotic authority, although the nation whose control over us we objected to and from whose people we descended originated all our ideas of freedom and the principles of civil liberty which are contained within our Government, our Constitution, and the customs of our country, although its government of its colonial possessions in the main has been liberal. Some of her colonies are now in advance of the American Republic and the American people in all the public policies that look toward the advancement and the comfort and the welfare of the masses of the people. Take the Island of New Zealand, and we do not compare with those English people in the laws and policies and institutions which bring comfort to every man's home and education to every child. This was the people against whom we revolted because of autocracy and despotism in their government. The power of the European nations everywhere on this Continent has been abolished except in Canada, where it has been maintained by the wisest public policy, where the powers of government are exercised in the interest and by the consent of the people of Canada. Shall we suppose that when on this Continent the power of autocracy and European despotism and European institutions has been destroyed by the people themselves it is possible as to the little Island of Cuba, right here upon our shores, for any force, much less that of Spain, to maintain a continued possession of the island?

Now, these are considerations of public policy founded, as I said, upon our own Declaration of Independence, founded again upon the declarations of every Administration that has ever controlled this Government, founded upon the express declarations, as I have read, of Mr. Seward to France when, after having acquired complete possession of Mexico, having obtained the formal assent of her people and her different forms of authority, having established complete power there and a government of their own, we recognized the insurgent government of Juarez because it was a republican government, when it was fugitive from its capital and had neither place nor standing except in the affections of the people. At that time Mr. Seward addressed to the minister from France the observations which I have read and which will be found in the record of the Department of State.

I say, then, here is first the question of public policy, to which we are committed; that we should say to Spain that we feel compelled to accord not only belligerent rights, as the resolution does in a mere expression of opinion, but that in the opinion of Congress free government should be allowed to the people of Cuba, and that if necessary to prevent the further molestation of American citizens the Congress of the United States suggests the possibility of a necessity of intervention on its part.

Mr. President, it is said that this is a mere expression of opinion; that it has not the force of law. But a mere declaration of opinion on the part of this body, reflecting the public sentiment of the people of the United States, is a potential fact, reflecting as it does the settled and public opinion, reflecting the deliberate judgment of the intelligent, thinking people of the United States. That is a power which conveys its warnings to all nations and to all people, not in a spirit of bravado, not that we can assert that which is wrong and untrue, but when we are right, when we are justified by sound and wise public policy in the interest of humanity, when we are justified by a sound public policy in the interest of the inevitable future, every manly and just consideration concurs to give force and effect to a declaration of the opinion of the people of the United States as to any measure of public policy which is definite and settled.

Mr. President, what is the condition now which demands action on the part of our people, which demands action by this body? The Senator from Louisiana [Mr. CAFFERY] alludes to instances of outrage and condemns their being related here—here in this body, charged with the duty of protecting the American citizen anywhere; this body, charged with the duty, higher than the President himself, of controlling his action in regard to treaties; this body which, with the representatives of the people, is charged alone with the responsibility of war or peace.

What is the duty? That which gives prestige to the great Government of the British Empire, that for which all people honor it, that which makes us all proud of our lineage and descent is

that the subjects of Great Britain everywhere feel that her power is around and about them, and all nations recognize the fact.

I am going to submit a letter to the Senate. I state that it is as good evidence as can be produced of a fact. I know the writer of the letter, though his name is concealed and will not be given. I know him to be, so far as any judgment can go from an acquaintance of some years, a truthful man. He writes from the midst of these things.

Mr. HALE. Of whom is the Senator speaking? I did not get the name.

Mr. CALL. His name I do not wish to give. I say I know him.

Mr. HALE. I thought the Senator mentioned the name of this writer.

Mr. CALL. No, I did not mention his name. I give my testimony that he is a good man, a truthful man, an honest man. I believe his statement from my knowledge of him. If you were in court you would say from your knowledge of the witness that you would believe him upon his oath, and if three respectable witnesses shall testify it becomes competent evidence. The reports of our consuls become competent evidence. When a member of this body certifies to a knowledge of a person and to his truthfulness and worthiness of credit, it becomes reasonable evidence of the facts stated. I ask the Secretary to read the letter which I send to the desk.

The Secretary read as follows:

FEBRUARY 25, 1896.

Senator WILKINSON CALL.

HONORED AND DEAR SIR: One of those bloody deeds which raises the heart in horror and indignation has occurred just at the very gates of this city on last Saturday at the little town of Guatao. The Spanish have procured means to conceal it, but numerous testimonies from persons coming from the place are spreading the frightful news.

Here are the facts: On Saturday, February 22, a rebel force encountered a Spanish column composed of 100 men and 3 cannons, which were preceded by 50 cavalrymen of the Pizarro Regiment, commanded by Sergeant Margatton, at the town of Punta Brava, some 15 miles east from Habana. The insurgents were 100 men, who charged against the Spaniards and retired after some time of fighting. The Spanish, under command of a Colonel Cervera, a libelist writer of the Government, and Captain Calvo of the cavalrymen ran after the rebels in the direction of the town of Guatao. When they reached the place they found no insurgents there, as these had proceeded on another way; but the Spanish cavalry was blind with rage, and under pretense of intelligence with the insurgents they began a horrible slaughter among the pacific Cubans inhabiting the place. Twenty men have been killed and 17 made prisoner and brought to the city of Marianao, 5 miles from Habana. Among the prisoners I have heard there is an American citizen who is wounded. The soldiers rose into the houses and pulled out the innocent dwellers to be sacrificed at the streets. Some were ordered to run, and when they did it they were shot in the back. It is reported among the dead a man 80 years old and another 75, who were unable to walk. A poor milk seller, who was cleansing the bottles for his trade, fell down by six bullets. At the houses where the soldiers found no men, but only women, they cried that some of those must be men under female disguise for escaping capture, and the women were submitted to recognition by them raising up their clothes and showing their sex. Some members of the Red Cross in the place, who had gathered a wounded man, were threatened and deprived of him. The Spanish spent the night there, and during its dark hours some women have been violated.

God and humanity must know this carnal feast.

Some days ago a man in one street of Habana was charged by one Spanish soldier as insurgent, and amid a delirium of blood the man was sacrificed by 67 bayonet wounds and 6 machete blows. The Spanish papers assured he was crazy, but all the Cubans in the city know that was only a common token of the ferocity and bloodthirst of his race. I have felt at my heart the need to make you know these facts.

P. S.—To-day two American citizens, reporters for your papers, have been arrested for asking news about this crime in the city of Guatao.

Mr. CALL. Mr. President, that is a very shocking narration. The question is, Is it true? It is like these newspaper reports. No doubt the Marquis de Lôme, who represents the Spanish Government here, is not responsible for that. There is no doubt that the Spanish officials condemn that, but the question is, Is that the customary condition of things prevailing there? Has that Government power to protect the citizens of the United States? That is the question for us. I do not condemn the Spanish minister for going into the papers here. It seems to me that it was right that he should do so, that there is no objection to appealing to the public opinion of the people of the United States when it is not done in an incendiary manner. But I say, if that is the condition of things under Spanish rule in the Island of Cuba, it is the imperative duty of this body, charged with the high responsibility of controlling the foreign relations of this Government, to say that the American flag shall protect with the power of its people its citizens and its interests in every land, and especially in Cuba, because here in this correspondence I assert that Cuba, lying upon our shores, with immediate and constant intercourse between our people and hers, is the proper and the necessary subject of solicitude and of more than usual consideration in regard to our public connections and policies toward her.

Now, let me see if that is true. Are the probabilities, are the corroborating evidences enough to satisfy anyone of the truth of the statements in that letter? Let me read a letter from Santiago de Cuba, written June 17, 1869. What happened then characteristically, when asserted by credible witnesses, now derives corroboration from the condition of things then and the characteristics of that struggle and those people. What better evidence do you want than corroborative testimony? This is in the state papers of the United States. It comes through the acting United States consul at Santiago de Cuba, A. S. Phillips:

SANTIAGO DE CUBA, *June 17, 1869.*

MY DEAR WIFE AND CHILD: These are the last lines you will ever receive from me. In four hours I am to be shot, having been captured by the Spaniards on the Island of Cuba, where the vessel ran, instead of going to Falmouth, Jamaica, where I shipped to go. Now, Maggie, I have no money to leave you, and I am so sorry, darling, as I leave you penniless; but you may get some by getting a good lawyer to sue the owners of the vessel for damages. They have taken my life and deprived you of my support, and ought to support you.

There will be a statement sent to the Government that he can see; there is also, I have been told, a contract in New York to land these men in Cuba, and if he can get hold of it you can get big damages from them. The vessel's name was the *Grape Shot*, schooner, of New York; the owner's names are Henry Wall, a surveyor of New York; one Highdecker, a broker in the same place; one Slowmaker, a liquor dealer. All this can be found out in the New York custom-house. You can get a good deal of money if you get the right kind of a man to take hold of it, and enough to keep you for life. The time is getting short, darling, and if I could only see you and baby once more I could die happy. I have always loved you, darling, whatever you may think to the contrary; God knows it is true. For you, and only you, I have tried to get along and make you a good living. You have always been a good and true wife to me, and, darling, do forgive all the trouble I have ever given you, and meet me in heaven. Tell Smith that he must let you have some money to help you along; tell him as a dying brother I entreat him to take care of you and my little boy. I have one kind friend here, a Mr. O'Callaghan. Darling, I can not write more, my hand is sore. Tell Cousin Fannie and Aunt Olden. May God Almighty bless you and keep you and baby is my last and only prayer.

Tell baby his father's last prayer to him is that he never drinks one drop and be good to his mother.

After I am dead Mr. O'Callaghan will cut a lock of my hair, and my handkerchief, and send it to you.

Good by, darling. I command you to sue the owners. Call a witness, one William Craig, of Oliver street, New York, who was on the vessel with me.

God bless you.

Your affectionate and dying husband,

CHAS. SPEAKMAN.

Mrs. MAGGIE C. SPEAKMAN,
*Care of Capt. J. W. Weaver, Aurora, Ind., U. S.*

This man, against the protest of the American representative, was shot to death, with his declared statement that he was ignorant of the destination of the vessel, with the declaration of our minister that the vessel had the right under the treaty to enter with her contraband goods subject alone to capture, and with no right of imprisonment or of punishment, this American citizen appealing to his Government was shot to death. Here follows a long correspondence. If he had been an Englishman the guns of the English fleet would have thundered around Morro Castle in thirty days. Englishmen would have been proud that their Government did not hesitate to incur whatever risks of war there might be instead of an ignominious peace.

But, Mr. President, that was not all. Here is Wyeth, a young man who ships for his health to the West Indies, protesting in the power and in the name of the American Government and its ministers that he had not engaged in any unlawful expedition, that he was not even informed of the destination of the vessel, that he was only a passenger. He was shot to death because they had caught the vessel entering into the Cuban waters and without any evidence of complicity with the insurgents. Here is a long correspondence in which a demand for indemnity was made, as Mr. Cushing says, and after a long time it was accorded. But what is indemnity in comparison with the life of an American citizen?

Mr. President, that is not all. Take the case of the *Virginius*. Fifty-three American citizens were put to death in violation of the provisions of the treaty, acknowledged afterwards in all the diplomatic correspondence. Here is a long series of letters from Mr. Cushing condemning the "savage and unlawful and horrible act," to use his expression. General Burriel, the officer who committed this massacre, was promoted because of his murder of American citizens, as Mr. Cushing calls it, one year after the occurrence. Here is the correspondence in the State Department, in which they demand an explanation, and having promised and having made reparation in money for the 53 American citizens, instead of subjecting this man to the processes of the law (Mr. Cushing says if he be innocent because he obeyed orders, let him submit to the tribunals and offer his defense), he was promoted—instead of being punished for the act of eternal infamy.

Mr. President, do Senators talk about evidence and about newspaper statements? Do they talk about a band of insurgents? Here is the constitution that those people have established. But that is not all. Here is a long list of perhaps a hundred American citizens murdered, put to death, not taken with arms in their hands. Here is a case of particular atrocity of a German and an American pursued in the streets of Habana and the case of the poor man Speakman that I spoke of. Here is a case where a man demanded to be put off the vessel in a friendly port. They refused him, and when they arrived in the port of Cuba the officer of the vessel, having discharged his cargo, forced him to leave because of a personal difficulty. He was arrested and shot to death because he was an American, on the presumption that being there he had

engaged in some act of violence. It was enough that he was an American for him to be murdered.

But here is another case, a case which occurred in the streets of Habana, testified to by the British consul-general, in which an American and a foreigner walking along side by side were accosted. The American had on a blue necktie, and the English consul writing here says that he was riding in his carriage, he saw a man chased by another one, his neck clothing torn from him, and a pistol shot fired; that he opened the door of his carriage to take him in, but before he reached the spot the Catalonian volunteers seized him and stabbed him to death in his presence, and he died because he had what they took to be the color of the American citizen, a blue necktie. That is the testimony of the English consul-general.

But the remarkable part of it is that in one of these cases there was a British subject molested, and immediately the Government of Great Britain sent a ship of war to the waters of Cuba for the protection of its citizens, and the consul notes the difference.

Mr. President, here is justification for war, but I am not the advocate of war. No war is necessary and no war is possible. We do not want Cuba; we only want her people, when they have a right to it, to have self-government. We do not want to fight the battles of Spain, as our silence does with our neutrality laws. We want to give to the Cuban people the rights of war. We want to assert against the power of Spain and every other power the rights of humanity in the prosecution of the war. We want to say that the rules of regulated and civilized warfare shall be observed when prisoners are taken; that they shall be treated with humanity, and only confined until exchanged or released by treaty. That is all that we ask. Why this objection to it? Do Senators say there will be war? War with that country? What commerce have we for Spain to prey upon? Our commerce is carried in foreign bottoms, and privateers could do us no harm. But there is no possibility of war. It would shake the dynasty of Spain to the ground in a moment. We simply demand the rights of humanity and justice to an organized revolution. We declare that there is a state of public war and accord to them the rights of belligerency, and demand humanity in the treatment of prisoners. Why not?

In the face of all this demonstration of opinion and all this testimony, are we to remain perfectly silent? Is that the part of public policy and of humanity?

Mr. President, the question is, What is this struggle in Cuba for? Whether it is just or unjust, whether wise or unwise, whether it be a patriotic or an unpatriotic war on their part, if there be a state of war, if there be a state of public hostility, if there be a probability of success and the establishment of a government of their own, it is our duty to recognize it; it is our duty to see that they have the same rights that any other people waging war would have.

Now, what is their condition? Does any one doubt in the face of the fact here that there is a state of public war in Cuba? The decision of the Supreme Court has been alluded to here, where the Supreme Court decided that the fact was that the President of the United States having declared certain facts to exist, it thereby resulted as a necessary implication that there was a state of war and that belligerent rights existed. Is not that merely a declaration, whatever weight is to be attached to the opinion of the Supreme Court, which, in my opinion, is only that which is given to the opinion of any other wise and sensible people?—because they have no power beyond the decision of the case which is before them. I repudiate the idea utterly that they have any autocratic power. To-day they may decide one way, and to-morrow in a similar case they may decide a different way. Congress is the supreme legislative power over the Supreme Court and every other department of the Government to declare the law and to make the law. But, according to that opinion, whatever weight you choose to give it, is it not clear that when a state of facts exists which show there is belligerency, then those facts themselves demand its recognition? What is the state of facts in Cuba? Here was a ten-years war. Here was a war prosecuted in the face of these constant shootings and murders. Hear what our consul, Mr. Phillips, says:

> The merciless and barbarous way in which this war is carried on by Spain shocks every principle of humanity and civilization and demands an interference.

There was, then, a state of war, so officially declared by our representative as a fact.

That was ten years ago. That was the war in which shortly afterwards the seven students were shot. Here is the correspondence with the United States and its minister deprecating the killing of the seven Cuban students in Habana and congratulating Spain that she had at last, using the words of Mr. Cushing, "begun to awake to the barbarity, the infamous barbarity," of that act by the pardon and the release of the remaining students who had been held. For what were they murdered? Simply for the demolition or injury or mutilation of a tomb or a statue or an inscription, or something of that kind. They were boys, shot to death, and this young Speakman was only 20 years of age. Here the consul tells of his remonstrance.

Here is a very singular thing. Here is Captain-General Dolce in the war of ten years doing what? Refusing to surrender some prisoners to be shot to death and murdered, and he was compelled to resign his office by the Catalonian volunteers and abandon the island. The captain-general under the authority of Spain was himself compelled to submit resignation because he had dissatisfied these volunteers by his acts of clemency.

Now, what shall we do in such a state of things? Here is the record in the communications of our own consular officers and our own ministers. Why deny, what motive for denying, that the Government of Spain is unable to maintain its authority even over its own forces in the Island of Cuba, and that the sentiment of the Spanish authorities prompts to acts of atrocious cruelty toward the American people and toward all others, and especially to all persons of Cuban extraction in any way connected with that authority, and is such that the Government can not restrain it?

What is the condition at present? There is an evidence of what the present revolution is. For ten years the Cuban people resisted the whole power of the Spanish Government, and according to their statements, 150,000 men left their bones in that island, and only when guaranties were given of self-government, complete and entire, did those people lay down their arms.

Here is further evidence. Can we not see something from the light given by that to furnish good evidence of what the present revolution is? It does not follow necessarily because that was maintained for ten years that the present one will be maintained for that length of time, but it renders it probable, it renders it possible.

Now, what other facts come in? Here for twelve months a state of war has existed. Here is our consular report from Mr. Hyatt, stating that the island is full of these insurgents, and if they had arms the whole population would join them. Is there no evidence in that statement? Here is an army of 45,000 persons. Here is Gomez traveling from one end of the country to the other; and no general of modern times has exhibited greater ability than this man, organizing a force without the recognition of any nation, organizing a force supplied with arms entirely from the private enterprise of the Cuban people, and maintaining the possession of four-fifths of that island, constantly going backward and forward, crossing a wall of men, as General Weyler testifies, as he moves from one section or division of the island to another, and reaching the immediate precincts of Habana.

Spain has sent 150,000 men, according to her report; but some Cubans deny this, and assert that neither in the last war nor in the present war was there or is there such a force of Spaniards in the island. The Spanish army is on paper. Spain has not the means to send the forces which she pretends to have sent there. That is the opinion of Cubans. An intelligent Cuban was talking to me yesterday on that subject. But, however this may be, I do not wish to say severe things about the Government of Spain. I wish to deal with facts. That country has had an ancient record of honor and distinction for three centuries. She maintained a heroic war with the Moors and drove them out of Europe. There are very distinguished traits of character in the Spanish people; but it is idle to talk about their maintaining their attitude toward Cuba against the inevitable march of civilization.

Events for more than two hundred years have marked the disappearance of Spanish power from this hemisphere. Why? Because the facts which occurred in the war from 1868 to 1878-79 in Cuba have created everywhere among the people where they have been attempted a profound sentiment of detestation and hatred. It is because Spain has not pursued the benevolent policies which have characterized England and other colonizing countries, and which have not characterized the Spanish Government. What man would there be with the soul of a man who would not, if living in Cuba, resent the shooting of those seven students because they were supposed in some patriotic impulse to have mutilated the tomb of a Spaniard? It is strange to me that here in our Senate, here among the American people, where bravery and courage and sympathy with right and humanity are the great principles of public and private life, where we disgrace the coward and scorn a man who has no sympathy with mankind, such facts should not move us to immediate and stern action.

Is there any doubt about these records here for ten years? Your own archives confirm the stories of present atrocities and of present wrongs. How idle it is for Spain to talk here, with this growing people of 100,000,000 upon her borders, wedded to the sentiments of freedom of government. Here is even her own minister, as reported by General Sickles in his dispatches, saying "When we are satisfied that the people of Cuba are in favor of free government, we shall accord it to them," acknowledging the inevitable course and yet denying that free government to Cuba.

I ask why shall Spain burden her people with an enormous debt?

As well might she attempt to restrain the eruptions of Vesuvius; as well attempt to dam the mountain torrents; as well attempt to stop the tides of the ocean, as to prevent the progress of free opinion, the progress of free institutions, the instinct of the mass of mankind that they have a right to live, that they have a right to comfort, that they have a right to the education of their children, that they have a right to the privileges which belong fairly to every man, however high and potent he may be. You can not stop that great mass and weight of opinion. So we stand to-day.

We are told that the President alone has this power. This imperialism, this tendency in our country to autocratic and aristocratic institutions, this interpretation by a life power in our Constitution to the effect that some one somewhere has power superior to that of the people in their aggregate and collective capacity, power superior to their representatives in this body and the other where the supreme representative power of the people is vested, should be checked.

Senators do not appreciate the duty we owe to the American people. We do not recognize the fact that by our Constitution the power of 70,000,000 people is vested in this body as the lever and the restraining power in connection with the other House, this power being permanent, cautious, and deliberate; we do not recognize the fact that in this vast power of 70,000,000 people there is nothing superior or equal to this body; that the legislative power is paramount and sovereign. What possible reason can be given for the idea that the President of the United States alone can do what the House of Representatives, representing the people, and the Senate, representing the people and the States, can not do? Suppose the President receives an ambassador, what can he do? He has the power to do that without a treaty and admit him to the White House and talk to him. What more without the consent of this body? How idle then to talk in that way! What can the President, under the express language and meaning of the Constitution, do without the advice and consent of the Senate? He can propose treaties. What good will that do? He can admit an ambassador, receive his card at the White House, and nothing more. When a treaty with his Government shall be made it must be with the advice and consent of the Senate. Suppose the President issues a proclamation of war, and the Senate and House of Representatives say no, what will it avail? Where would he be if he persisted in defying the power of the Senate and House of Representatives? He would soon cease to be President by the act of the House and the final judgment of this body.

We accord to the President of the United States and to his execution of the will of Congress all respect; but how unwarranted the idea, upon what ground does it rest, that the President of the United States, without the people, without Congress, in defiance of their will, may do anything. That is not so. That is not this scheme of government. This scheme of government is that the two Houses of Congress are the supreme legislative power, supreme over everybody and over everything. To their will, expressed in proper form, all dignitaries and all officials must bow.

The President of the United States is not greater than the collective nation. We are not greater than the collective people; we simply represent them. And what else? If we protect American citizens in Cuba; if we recognize the actual existing government there; if we assert that the rights of humanity belong to an insurgent people there, whether they be citizens of the United States or not, and that when captured as prisoners of war they shall have the protection of the laws of war; if we say to Spain or to anybody else, or to Turkey in Armenia, "If you persist in murdering and outraging a whole people, we will intervene with force and power," will we not be justified? That is what General Grant as President said. That is what he says in this correspondence; that is what his minister said, that unless these brutal outrages are stopped, unless other and milder methods are adopted, the United States may be compelled to intervene for the protection of her citizens, and also in the interests of an outraged humanity.

Why, then, this great hesitation about intervention? General Grant said that ten years ago; he said it with the authority of Congress. In response to an inquiry of Congress he communicated the declaration, and yet the Senator from Maine [Mr. HALE] read a part of General Grant's message as if it were in condemnation of this resolution and this proposed action. So far from being an authority or precedent against this resolution, it is directly in its favor. The condition in which he declared such action must be taken has occurred and is now occurring.

Those brutal outrages have not been stopped; they have continued. Here are many cases of arrests of American citizens. Here is the case of Rodriguez, an American citizen, reported by the American consul, arrested upon suspicion and actually murdered by a harsh and severe confinement, an old man 70 years of age, the record of which is to be found in the report of your own American consul.

Whence does it come? Why multiply proofs and reports when case after case is mentioned of arrests of American citizens? Take the case of General Sanguilly, of which I have no evidence except general statements. We have demanded a record of his trial, and we understand it has been refused. He was an American citizen sentenced for life to the accursed prison of Ceuta, which, with all others like it, ought to be wiped off the face of the earth by the action of all civilized peoples. He was subjected to arrest and imprisonment for months and sentenced for life, without a fair trial, upon suspicion alone, with no inquiry except an informal trial. Upon your own consular authority, case after case is stated where such outrages have been perpetrated.

The Senator from Louisiana talks about the want of evidence of these outrages and comments unfavorably on the Cuban people and the Senator from Ohio, defending the Cubans, read a letter from some person in Boston, which stated that these people had been kept in ignorance, that they were all mixed—mulattoes, negroes, all sorts of people. That is not true. I am very familiar with some of these people. I personally know many of them. There are some of the brightest and the most accomplished people among them to be found anywhere, versed in the different languages, with the peculiar sprightliness of the Latin intermixed with the Spanish, a people charming in social intercourse, elegant in their habits; many of them are accustomed to large wealth, and yet you do not find in any country in the world a people abandoning their fortunes and their homes and sacrificing their lives as these people have done.

They are martyrs to liberty and have a right to honor and respect from all men who honor heroism and the sacrifice of personal ease and enjoyment for principle and right and for the love of their country; they are of the martyrs whose "blood is the seed of the church." Poland is perhaps the only other instance equaling them. It is true that the Cuban generals lead a great number of people who have had no opportunity for education; but it is also true that they lead a mass of people who are penetrated with the idea of terrible oppression.

Read the accounts of shooting men down, and contrast the conduct of Gomez with reference to his prisoners with the conduct of the Spanish commanders, Gomez discharging them with the privilege of joining his forces or going back to the Spaniards, or releasing them on parole; while it has been common with the Spanish commanders to have prisoners shot down, the excuse being made that they were shot while attempting to escape.

I shall read at this point an account of a case of that kind, which is furnished by United States Consul Hall:

SANTIAGO DE CUBA, *August 13, 1869.*

I write you to advise of the horrible news that has spread through the town since the return of the *Villaclara*, which will take this letter.

The facts are that on account of the departure of the prisoners Espin and Perez, physicians, Salvador Benitez, jr., Ascencio, the two Collaros, one of the Villasana, besides some intimate friends and relatives and a son of one of the Benitez, called Lico, by the same steamer for Bayamo, where, it was said, the prisoners were to be confronted with an individual who accused them of being in correspondence with the insurgents, no guilt having been discovered in the proceedings previously instituted in this city, a large number of persons went to the wharf to meet the steamer, it having also been rumored that she would bring back the prisoners. I leave you to imagine their horror when they witnessed the landing of the escort and its commander and heard the report of the latter, that the prisoners had been shot between Jiguani and an encampment called Lorma de Piedra, by order of a colonel called Palacios, of the regiment of Antequera, without authority of any source whatsoever. He also had shot, according to report, the persons who accompanied the prisoners; they were Sinforiano Alvarez, Manuel Fresnada, Lico Benitez, a mulatto servant of Perez, and even the horses that they rode.

Here is a consular report. What do Senators think of that? That is not an isolated instance? Here are hundreds of them contained within the pages of this book which is a State paper of the United States. It would not be just to accuse Spain and all the Spanish authorities of these things, but it is just to say that it is the established condition of things there then and now, and that the power is wanting to suppress these hostilities, these cruelties. The decree of Valmaceda to shoot down all persons under 15 years of age who should be found without a permit away from their homes has had its effect. It has been modified, it is true, but why? It has been modified because of this proceeding here, because the sentiment of our people will not permit it.

If these facts are not true as to the treatment of people there, why is not their falsity demonstrated? Why is it not reported by our diplomatic representatives? No, Mr. President, the records of our Government conclusively prove that the facts are as we have stated, that the traditional policy of this Government in respect to Cuba has been described, and that Spain has been notified that the Cuban people have maintained this war for ten years, from 1868 to 1878; that they established a form of government. Here it is. Here is their constitution [exhibiting], similar to our own, though not full in its details, as, indeed, could not be expected under the circumstances in which it was formed.

They have again revolted. For twelve months they have maintained their war successfully; they have not been suppressed, and the same cruelties and the same arbitrary authority which attended the war from 1868 to 1878 have characterized this war. The Spanish authorities are meeting with no success; Gomez and Maceo traverse the island from one end to the other continuously.

Notwithstanding the cruelties and severities and the attempted suppression of this insurrection, it still increases in force, in vigor, and the sympathies of the people of the United States and their active assistance it seems impossible to prevent. Every day there are enlistments and attempts to cross the Gulf of Mexico to the Island of Cuba for the purpose of taking part in this war. The American people are determined that there shall be no acts of cruelty or inhumanity perpetrated upon the people of Cuba in close proximity to the people of the United States. I venture to say that if in Mexico that condition of things was to occur, this people would awaken not only to remonstrance but to active interference, and I say so because here in this report of the Secretary of State to the Congress of the United States it appears that the Mexican minister, Mr. Romero, of whom I have spoken in terms of compliment, which he deserves, communicated to this country constantly the cruelties which had been perpetrated upon the people of Mexico, and these formed the subject of remonstrance even to the powerful Government of France at a time when the United States was comparatively disabled by the exercise of all her energies in the civil war between the States.

We have upon all these grounds an established traditional declaration of the public policy of the United States in reference to the Island of Cuba, and it would be unmanly and disgraceful for us to go back upon this public policy, established and declared and proclaimed to Spain a hundred times in the pages of the official reports on the table before me.

Talk about there being no war in Cuba, when for twelve months following these ten years 40,000 men, some with arms and some without arms, pass backward and forward through the Spanish lines as if there were no lines there, coming within a few miles of Habana, and disappearing again.

Mr. President, what is the duty of the United States, considering Spain alone and her interests, considering the happiness of her people alone? Is it to permit her resources to be exhausted, to permit her people to be conscripted, her young men and boys to be carried to that island to be destroyed by the uncongenial conditions of climate? Is it to our interest to permit a great public debt to be accumulated upon her? Is it to our interest that we should violate our traditional public policy? Is it to our interest that we shall withhold our expressions not only of sympathy but of encouragement to a people struggling to assert for themselves the power of self-government, and who have for so many years made such great sacrifices in order to obtain it? Can we not do this without committing any act of hostility?

It seems to me that there is no ground of public policy, that there is no ground of reasonable public policy, of good sense, upon which we can fail to assert what our people have asserted time and again, that it will be the duty of the United States, if this war continues, if it is not brought to a close by Spain, to take such action ourselves as will bring it to a close. It is our duty to say to the people of the Island of Cuba who are struggling for freedom that we not only sympathize with them, but we declare our belief that they have a right to their freedom, that they have a right to self-government, that they shall have all the assistance which fair and just neutrality accords, and if continuing that struggle interrupts the commerce of the country, preventing its development, interfering with our trade and our interests—continuing this inhuman destruction of human life and property—if that shall continue to occur, we declare to them and to the world that we consider it the imperative duty of the people of the United States to interfere.

Mr. PALMER. Mr. President, I do not like to weary the Senate this afternoon by making any remarks upon the pending question.

Mr. CULLOM. Will my colleague yield to me?

Mr. PALMER. Certainly.

Mr. CULLOM. It is now after 4 o'clock, and I think it is hardly fair that the Senator should be expected to go on at this hour. With his permission, I will move that the Senate adjourn.

Mr. PALMER. That will be entirely agreeable to me.

Mr. BLANCHARD. I hope the Senator from Illinois will not press that motion. I have a little bill in my charge which I should like to have disposed of.

Mr. CULLOM. I have no objection to yielding to the transaction of other business.

### NEW ORLEANS PACIFIC RAILWAY COMPANY.

Mr. BLANCHARD. I ask unanimous consent of the Senate for the present consideration of Senate bill 2132.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company. It authorizes the New Orleans Pacific Railroad to relinquish any lands within the indemnity limits of its grant, which by decision of the Land Department of the Government has been awarded it, in favor of any settler entitled to the right of entry under the laws of the United States who has been allowed to make entry thereof, or who has resided upon and improved the same for five years, and to select in lieu thereof an equal quantity of other lands, from any of the public lands not mineral, and within the limits of its grant and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted.

Mr. CULLOM. I inquire if that bill has come from any committee?

Mr. PASCO. The bill was reported by the Committee on Public Lands unanimously, and has had careful consideration by that committee.

Mr. BLANCHARD. As the Senator from Florida has stated, the bill was favorably reported by the Committee on Public Lands; and, furthermore, I will state to the Senator from Illinois that it is recommended by the Interior Department. It is a small affair, and there are about a hundred honest farmers who will be affected by it.

Mr. CULLOM. I do not make any objection to the bill. I only wanted to know what the fact was.

The bill was reported to the Senate without amendment.

Mr. FRYE. Was there not an amendment reported by the committee?

Mr. BLANCHARD. There was an amendment striking out the preamble.

The VICE-PRESIDENT. The question on striking out the preamble will be taken after action upon the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question now is on the amendment reported by the Committee on Public Lands to strike out the preamble.

The amendment was agreed to.

### THOMAS F. LEAHY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2187) to pension Thomas F. Leahy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. In the fourth and fifth lines the bill reads, "subject to the provisions and limitations of the Pension Office." It should be "pension laws." I move to amend the bill in that particular.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5, after the word "Pension," it is proposed to strike out "Office" and insert "laws"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Leahy, late an unassigned conscript of Vermont Volunteers, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

### CONDEMNED CANNON FOR MISSOURI CONFEDERATE HOME.

Mr. VEST. I ask the Senate to consider the bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### UNITED STATES COURTS IN UTAH.

Mr. CANNON. I ask unanimous consent to call up the bill (S. 2037) to provide times and places for holding terms of United States courts in Utah.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment, was in section 3, line 6, after the word "reside," to insert "or where the cause of action arose"; and in line 11, before the words "of said divisions," to strike out "all" and insert "both"; so as to read:

That all civil suits not of a local character which shall be brought in the district or circuit courts of the United States for the district of Utah, in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or where the cause of action arose, or if there are two or more defendants residing in different divisions,

such suit may be brought in either division: and all mesne and final process subject to the provisions of this act issued in either of said divisions may be served and executed in either or both of said divisions.

The amendment was agreed to.

The next amendment was, in section 3, in line 15, after the word "reside," to insert "or where the cause of action arose"; so as to read:

All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant, or one of the defendants, reside, or where the cause of action arose, unless by consent of both parties the case shall be removed to some other division.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIPE LINES OVER PUBLIC DOMAIN.

Mr. CLARK. I ask unanimous consent to call up the bill (S. 2032) to grant right of way over the public domain for pipe lines.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 4, after the words "United States," to insert "situate in the State of Wyoming outside of the boundary lines of the Yellowstone National Park"; so as to read:

That the right of way through the public lands and reservations of the United States situate in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is hereby granted to any pipe-line company or corporation formed for the purpose of transporting oils, crude or refined, etc.

Mr. CLARK. With the concurrence of the committee and the Senators from Colorado, I wish to move an amendment to the amendment. After the word "situate," in the committee amendment, I move to insert the words "in the State of Colorado and."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "situate," in the committee amendment, it is proposed to insert the words "in the State of Colorado and"; so as to read:

Situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park.

Mr. PASCO. Is the effect of the amendment to the amendment simply to extend the same privileges to the people of Colorado? Is that the purpose of the amendment?

Mr. CLARK. That is the effect of it.

Mr. PASCO. I have no objection to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, line 8, after the word "refined," to strike out "and duly organized under the laws of any State or Territory"; so as to read:

Any pipe line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation.

The amendment was agreed to.

The next amendment was, in section 1, line 17, before the word "located," to insert the word "so"; so as to read:

*Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the words "pipe line," to insert "if the same be upon surveyed lands and"; so as to read:

That any company or corporation desiring to secure the benefits of this act shall within twelve months after the location of 10 miles of the pipe line, if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "authorize," to strike out "such pipe line to occupy" and insert "the use of"; in line 4, before the word "construction," to strike out "the" and insert "its"; and in the same line, after the word "care," to strike out "of said pipe line"; so as to make the section read:

SEC. 4. That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

The amendment was agreed to.

Mr. CALL. I wish the Senator from Wyoming would state what the proposed pipe lines are for.

Mr. CLARK. The bill grants the right of way for pipe lines over the public domain for the purpose of transporting oil, crude and refined.

Mr. CALL. To whom is the privilege granted? Is it given to any particular company?

Mr. CLARK. No. It is granted to those who wish to take advantage of it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PASCO. I suggest that the title be amended so as to show as to what States the bill applies.

The title was amended so as to read, "A bill to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming."

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOPHIA D. CLENDENIN.

Mr. CULLOM. I ask leave to call up the bill (S. 177) granting a pension to Sophia D. Clendenin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to fill the blank by inserting the word "fifty," and in the same line, after the word "month," to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Sophia D. Clendenin, widow of David R. Clendenin, late colonel of Second Cavalry, United States Army, and brevet brigadier-general, at the rate of $50 a month, in lieu of the pension she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sophia D. Clendenin."

GEORGE M. BROOKS.

Mr. PEFFER. I ask unanimous consent that we may proceed to the consideration of the bill (S. 637) granting a pension to George M. Brooks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension rolls the name of George M. Brooks, late private in Company D of the Sixty-ninth Regiment of Indiana Infantry Volunteers, and pay to him a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL JOHN H. RUSSELL.

Mr. CHANDLER. I ask that the bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I should like to know if there is any objection to striking out the preamble of the bill just passed reciting the officer's history.

Mr. PLATT. It is not a preamble. It is in the bill.

Mr. CHANDLER. It is in the body of the bill. This is a very meritorious case. Admiral Russell was a very gallant officer. I have answered the objection of the Senator from Massachusetts. If the Senator wishes to alter the language, however, I will move to reconsider the votes by which the bill was ordered to a third reading and passed, and allow the bill to remain on the Calendar.

Mr. HOAR. I do not care to interfere with the bill, but I should like to move to strike out so much of the bill as recites the officer's history.

Mr. HILL. If the preamble is so much more valuable than the bill, I suggest that the bill proper be stricken out and the preamble retained.

Mr. CHANDLER subsequently said: I wish to make a correction in the bill which has just been passed, by striking out in line 3 the words "eminent and," and in lines 16 and 17 the words "and has never received any special promotion or advancement in numbers."

The VICE-PRESIDENT. By unanimous consent, the votes by which the bill was ordered to a third reading and passed will be

reconsidered, and the amendment suggested by the Senator from New Hampshire will be made. The Chair hears no objection, and the amendment is agreed to. The bill stands passed as amended.

WILLIAM S. GRANT.

Mr. BACON. I ask for the consideration of the bill (S. 662) for the relief of William S. Grant.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $77,989.38 to be paid to William S. Grant, in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. I wish to enter a motion to reconsider Senate bill 662, which was just passed. Let the motion be entered. I wish to look at the case. I may withdraw it subsequently.

The VICE-PRESIDENT. The motion to reconsider will be entered as indicated.

Mr. PLATT subsequently said: I entered a motion to reconsider the vote by which Senate bill 662 was passed. I have examined the report and withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn, and the bill stands passed.

GEORGE B. CUSTER.

Mr. ROACH. I ask leave to call up for present consideration the bill (S. 1806) granting a pension to George B. Custer, late private of Company H, Seventy-third Regiment Indiana Volunteer Infantry.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 5, to strike out "private" and insert "sergeant"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of George B. Custer, late sergeant, Company H, Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension of $30 per month, said pension to be for injuries to right hand, right foot, and right ankle received in service and line of duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry."

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 644) to refund certain import duties.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Messrs. Oelrichs & Co., the agents of the North German Lloyd Steamship Company, $6,571.45, to be in full for import duties imposed, collected, and paid into the United States Treasury on a propeller shaft and appurtenances, four propeller blades, one propeller boss, one steam tube, and two boxes of iron and brass, part of the machinery of the steamship *Werra*, at the port of New York, owned by the North German Lloyd Steamship Company, and to pay to the North German Lloyd Steamship Company, or their duly accredited agents at the port of Baltimore, $2,422.35, in full for import duties imposed, collected, and paid into the United States Treasury on a steel crank shaft, part of the machinery of the steamship *Strassburg*, at the port of Baltimore, owned by the North German Lloyd Steamship Company.

Mr. FRYE. What committee reported the bill?

Mr. BURROWS. The Committee on Claims.

Mr. FRYE. Was it reported unanimously?

Mr. BURROWS. Unanimously.

Mr. FRYE. I have no objection to its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CADDO LAKE BRIDGE.

Mr. CAFFERY. I ask unanimous consent for the present consideration of the bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 9, after the word "bridge," to insert "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies."

The amendment was agreed to.

The next amendment was, in section 3, line 3, to strike out "river" and insert "lake."

The amendment was agreed to.

The next amendment was, in section 3, line 6, after the word "alteration," to insert:

And to secure that object the said company or corporation shall submit to the Secretary of War, for file, a design and drawings of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said lake, giving, for the space of 1 mile above and 1 mile below the location of the bridge, the topography of the banks of the lake, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject.

The amendment was agreed to.

The next amendment was, at the end of section 3, to insert the following proviso:

*Provided also*, That said bridge shall be so kept and managed by the company owning or operating it as to afford during the periods at which the lake is navigable proper ways and means for the passage through or under it of vessels, barges, or rafts, both by day and by night; and during the periods at which the lake is navigable there shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Light-House Board.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EUNICE TRIPLER.

Mr. McMILLAN. I ask leave to call up the bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mrs. Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, $3,000, for services by Charles S. Tripler in his lifetime in preparing, superintending, and directing the publication of a manual for the medical officers of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT KLAMATH HAY RESERVATION.

Mr. McBRIDE. I ask unanimous consent to call up the bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all lands lying within the boundaries of the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in the State of Oregon, shall be open to the operation of the laws regulating homestead entry. But the disposal of the lands shall be made in tracts not exceeding 80 acres to any one bona fide settler thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS NORTHWESTERN RAILWAY.

Mr. ROACH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the bill as passed by the House.

RICHARD F. PETTIGREW,
WILLIAM N. ROACH,
*Managers on the part of the Senate.*
JAMES S. SHERMAN,
JOHN S. LITTLE,
*Managers on the part of the House.*

The report was concurred in.

RED RIVER BRIDGE.

Mr. JONES of Arkansas. I ask unanimous consent for the consideration of the bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 5, line 10, after the word "expense," to insert:

And if, after thirty days' notice from the Secretary of War to the president of the railroad company, or to other parties owning or controlling said bridge, the changes or alterations required shall not be made, the Secretary shall cause such changes to be made, and the cost thereof shall be recovered by suit in the name of the United States against said company in the circuit court of the United States within whose jurisdiction said bridge or any part thereof is situated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HALE. I ask the Senate to take from the table for consideration the bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act of June 8, 1880, by inserting in that act, in lieu of the words "with the rank, pay, and allowances of a captain in the Navy, or a colonel in the Marine Corps, as the case may be," the words "with the rank and highest pay of a captain in the Navy, or the rank, pay, and allowances of a colonel in the Marine Corps, as the case may be"; and provides that the amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty.

Mr. CARTER. I should be glad to have the Senator from Maine explain upon what basis this bill is to be made retroactive. As I understand its terms, it provides that the pay of this officer shall be increased and that the increased pay shall relate back to a date in the year 1892. I desire information as to the view of the committee in justifying a favorable report upon the bill.

Mr. HALE. The bill provides that the salary which has been given heretofore to the officer holding this most important place—and it is one of the most important in the Navy Department, as Senators know who have business with that Department—shall be given to the present incumbent, an exceedingly meritorious man, a very able man, a man of complete integrity. The date is fixed, I will say to the Senator from Montana, because that was the date when he came into the office of Judge-Advocate-General. He had, owing to the illness and condition of his predecessor, largely done the work two years before that time, but he has held the office with the reduced pay since the date fixed. Therefore, that time is fixed so that he may have the same pay that his predecessor had and may have the benefit he would have received if he had been taken from the Marine Corps instead of the line. In that case he would have had the same pay that is proposed to be given him by the bill under consideration.

Mr. CARTER. What is the present pay of the officer according to his grade?

Mr. HALE. I think the bill gives him about $3,500 and he gets about $2,300 or $2,400. Perhaps the Senator from New Hampshire [Mr. CHANDLER], who knows the pay table of the Navy, can state more accurately.

Mr. CHANDLER. I can not answer the precise question. I vote for this bill in order to give the present incumbent the same compensation that his predecessor, Colonel Remey, received. Colonel Remey received the pay of a colonel in the Army, having been taken from the Marine Corps and given this office. Lieutenant Lemly gets only the shore pay of a captain in the Navy, and it is necessary to give him the highest pay of a captain in the Navy in order to make his pay equal to the pay of a colonel in the Army, which is what his predecessor received.

Mr. HALE. I think it is about $700 or $800 a year.

Mr. CHANDLER. If the Senator from Maine will allow me, ordinarily I would not vote for making a bill of this kind retroactive, yet in view of the fact that this officer did the larger portion of the work of the office while his predecessor was disabled and before his predecessor left the office, and has done the work with signal ability since, I am in favor of giving him the same pay from the time when he took the office that his predecessor received.

Mr. CARTER. Does any member of the Committee on Naval Affairs know what the present pay of the officer is and what his pay would be under the proposed act? I suggest that the bill go over until we can examine it.

Mr. CHANDLER. I will tell the Senator exactly what the effect of the bill is. He will get the pay of a captain at sea, which is the same as the pay of a colonel in the Army. I have not in my mind exactly the amount, but it is about $4,000.

Mr. CARTER. It seems that this officer accepted the appointment and has for the past four years discharged the duties of the office voluntarily. I do not know of any law compelling the gentleman to discharge the duties of the office unless the pay is satisfactory. The bill, as I understand it, proposes by its retroactive clause to give him in one sum the difference between the pay his predecessor received and the pay he has been receiving for the last four years, an indefinite amount.

Mr. BUTLER. If the Senator from Montana will permit me, I should like to state that the effect of the bill is simply to amend the present law so as to overcome a defect in it. Under the ruling of the Department this officer does not receive the pay that under the law he was entitled to when he took the place. The law provides that the Judge-Advocate-General of the Navy shall be appointed either from the rank of colonel in the Army or captain in the Navy. The salary of a colonel in the Army and a captain in the Navy, it seems, are the same. Therefore the person who drew the act intended, of course, that the pay should be the same for the Judge-Advocate-General whether he was taken from the Army or the Navy. But through an oversight in the person drawing the act he failed to notice that the pay of captain in the Navy is different on land and at sea. The pay of a captain at sea is exactly the same as that of a colonel in the Army, and hence the act provided and Congress intended that the pay should be the same whether the officer came from the Army or the Navy.

The Department, in ruling on the question, held that inasmuch as the act was indefinite and inasmuch as a captain on land receives less pay than a captain at sea, the act meant that he should receive the smaller salary. The pending bill is intended simply to correct that mistake and put it where it was evidently the intention of the law to put it, so that he shall receive the same pay as a colonel in the Army or a captain at sea.

Mr. HALE. That is a very apposite statement. I have the figures now. I sent for the Register. It is the difference between shore-duty pay, which is $3,500, and $4,500, a difference of $1,000, instead of seven or eight hundred dollars, as I stated.

Mr. CARTER. For many years the offices of surveyor-general of the various public-land States and Territories have been held by gentlemen who had a right to believe that they would receive from appropriations from time to time the full sum of $3,000 per annum provided by law as the compensation for persons holding the offices referred to. It has become the practice to appropriate each year a sum ranging from $500 to $1,000 less than the amount specified in the law as the compensation of those officers. Every season when an appropriation bill is under consideration letters are received from every State in the Union where such officers are engaged in the discharge of their duties, requesting not only an adequate appropriation to meet the amount provided by law for the salary in the future, but likewise to provide for back pay equal to the difference between the amount heretofore appropriated and the amount required by law. I have universally encountered the objection that those gentlemen were not compelled by any existing law to remain in the respective offices to which they were appointed, nor that any law exists compelling them to qualify.

The rule applied by the Committee on Appropriations in both Houses of Congress invariably, in response to that line of petition, constitutes a principle properly applicable to this case. Whatsoever may be correct or adequate compensation for the future is a matter in the discretion of Congress to determine; but when this officer has for four years voluntarily filled this office and discharged its duties for the compensation provided by law, I am opposed to his receiving additional compensation because of his extraordinary industry or ability on account of his location to importune the committees. He should not be accorded as a reward for his industry in this behalf particular consideration by having his pay rorated for the four years during which he has voluntarily served.

Mr. HOAR. I understand the Senator from North Carolina [Mr. BUTLER] to state that the object of the bill is to correct a clear error or blunder in the draft of an act of Congress, and that the bill only gives him the salary which it is clear Congress intended to give him. A colonel in the Army and a captain in the Navy have the same pay. The statute provides that he shall have the pay of a colonel in the Army or a captain in the Navy, but it turns out that a captain in the Navy has under certain circumstances a reduction in his pay, and the Department thought they were obliged to give this officer the reduced sum. The bill is therefore the mere correction of a mistake in the draft of an act.

Mr. CHANDLER. I will state to the Senator from Massachusetts that it was undoubtedly the intention in the original act to give the officer, whether he was taken from the Marine Corps or from the line of the Navy, the same pay, and the mistake was not found out as long as the officer was taken from the Marine Corps. He then got the pay of a colonel in the Army. The moment they took an officer from the line in the Navy it appears that he can only get the reduced pay of a captain in the Navy and not the full pay of a captain in the Navy, which is equal to the pay of a colonel in the Army.

Mr. CARTER. It seems that three sessions of Congress have passed since this condition arose. I do not wish to object to the consideration of the bill, but I will exercise the right to move an amendment by striking out the proviso which relates to back pay. I move that the bill be amended by striking out the proviso at the end thereof.

The VICE-PRESIDENT. The clause proposed to be stricken out will be read.

The Secretary read as follows:

*Provided*, That this amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty, and that the amount herein appropriated shall be payable from the appropriation "pay of the Navy."

Mr. HALE. I can add nothing to what has been stated by the Senator from North Carolina [Mr. BUTLER] and the Senator from New Hampshire [Mr. CHANDLER]. I hope the amendment will

not prevail, because if there ever was a case of pure equity where an officer should have the full pay from the time he entered the office, it seems to me this is one. I simply ask for a vote of the Senate.

Mr. CARTER. Having uniformly given the same answer to gentlemen who have approached me on the matter of rerating their pay after they had voluntarily performed the services for the amount specified, I can not now consent to this bill passing, save with the amendment I have proposed. On general principles back pay and back salary should, I think, be discountenanced in dealing with public officials. Where men are impressed into the Army or Navy in time of war, without any discretion possible on their part, where the compensation allowed by law is inadequate, or where in the line of duty severe injury has been sustained, then a proper pension or a rerating of the salary may be equitable.

But in this case voluntary service was accepted, and no doubt most vigorously solicited, if you please. The office has now been occupied by this gentleman for four long years.

Mr. HALE. He received it by regular promotion. He had been doing duty as assistant, and the position naturally fell to him without solicitation.

Mr. CARTER. Is it not true that the civil-service rules do not apply to this office?

Mr. HALE. They do not apply to this class of officers in any Department. This is one of the most important offices in the Navy.

Mr. CARTER. Then this officer, who was discharging the duties of an assistant, went into open competition with qualified persons everywhere for appointment to this place, and secured the appointment, I suppose? He was appointed. I doubt not the records of the Navy Department would disclose the fact that divers persons, well qualified, were willing to accept the place at the salary being received in other branches of the Navy.

Mr. HALE. No; that was not true. At that time there was a universal feeling on the part of everybody having to do with the Navy Department—I know something about that—that this man, who had really for about two years been doing the duties of the head office and who succeeded to it, should also receive the salary connected with it. Nobody then, as the Senator from New Hampshire has said, had ever thought or knew that there was this defect in the law. He took the place without any question, and supposed that he would get the same as his predecessor, a captain's full pay.

Mr. CHANDLER. I ask the Senator to allow me to supplement that statement. There was no doubt at all expressed that the Judge-Advocate-General could go and take a colonel's pay if he chose to do so. The case is not that which the Senator from Montana is describing, where an officer, knowing perfectly well what the salary of a position was, took it. This gentleman took the office, and it was believed for a long time that he was entitled to $4,500 a year. This bill is only brought forward in consequence of a decision of the Comptroller making this difference, which nobody believes exists.

Mr. CARTER. For what period of time after this appointment did he continue to receive payment for his services at $4,500 a year?

Mr. CHANDLER. None at all. The question was raised; it was held by the Comptroller for a time; then the decision was made, and immediately the subject was presented to Congress. The Senator knows that we do not legislate very fast here. All this time has run on, and he has lost this money unless the Senator will allow him to have it.

Mr. CARTER. Mr. President, it must be conceded that the officer discovered nearly four years ago the defect in the law as to the compensation attached to that office when held by him. Three sessions of Congress—not three sessions, but nearly three full Congresses—have expired since that time, and I assume the fact to be that these matters were presented in the three preceding Congresses and were considered by committees and reported upon adversely or not reported upon at all. I think it well to have the bill relate to the future, and the amendment will accomplish that purpose.

Mr. BUTLER. Mr. President——

Mr. FRYE. I inquire if this discussion is proceeding under the rule which requires that there shall not be more than one speech made by a Senator, and that it shall be under the five-minute rule?

Mr. MITCHELL of Oregon. That is what I should like to know also.

Mr. FRYE. Or is the discussion proceeding by unanimous consent? I am very anxious to have a little bill passed here.

Mr. MITCHELL of Oregon. So am I.

The VICE-PRESIDENT. The discussion is proceeding by unanimous consent. Is there objection?

Mr. FRYE. If the Senator from Montana is going to demand a division on the question whether or not the amendment shall be adopted——

Mr. BUTLER. I believe I am entitled to the floor. I have no speech to make; but I want to make a statement.

Mr. FRYE. Very well.

Mr. BUTLER. I call the attention of the Senator from Montana to the awkward situation in which his amendment will leave the law. The effect of it would be not only to deprive the present Judge-Advocate-General of the same salary which his predecessor received, and which he is entitled to under the spirit and intent of the law, but it would leave the law so that one Judge-Advocate-General would receive one salary, while another Judge-Advocate-General, performing the same duties, would receive another salary.

If the Senator thinks that the salary of the Judge-Advocate-General is too large, and will offer an amendment to make a reasonable reduction in the salary, whether the place is filled by an officer from the Army or from the Navy, I should be inclined to vote for his amendment; but even such an amendment as that should not date back and deprive the present occupant of the salary to which he is already entitled for services rendered up to date.

The bill as it stands is simply to correct a clerical error in the wording of the law and to give to the present occupant of the office what everyone who has filled it before him has received. The present Judge-Advocate-General, on account of the illness of his predecessor, performed the duties of the office for several years before he was appointed to it. He does not ask extra pay for that extra work, though Congress has often by special appropriation made such payment to minor officers who performed the duties of their superiors. He simply asks what he is entitled to, what he expected to receive when he accepted the office, and what everyone admits was the intent and purpose of the law.

Mr. CARTER. The logic of the Senator's position would conflict with a report made a few days ago by the Committee on Post-Offices and Post-Roads, increasing the salary of the postmaster at Washington City. If the rule suggested should be applied, then that report should recommend that for all time gone by during which the volume of business was as much as at present the same salary provided for the future should apply. The fact is, that the duties of the office were voluntarily performed up to this date, and the salary for the service being a stated amount is no just cause why there should be an increase primarily, nor if the salary be increased would that be just cause for rerating it up to the time the service commenced.

Mr. PEFFER. I think this bill had better be considered when the Senate has more members present than at this time.

Mr. CULLOM (to Mr. PEFFER). Move to adjourn.

Mr. PEFFER. I object to the further consideration of the bill.

The VICE-PRESIDENT. Objection being interposed, the bill will go over under the rule.

### WAR IN CUBA.

Mr. MORGAN. I introduce a joint resolution at this time, which I ask to have printed and go over.

The joint resolution (S. R. 105) declaring that a state of public war exists in the Island of Cuba was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That it is hereby declared that a state of public war exists in the Island of Cuba between the Government of Spain and the people of that island who are supporting a separate Government under the name of the Republic of Cuba, and the state of belligerency between said Governments is hereby recognized.

Mr. HOAR. I inquire if that comes from the Committee on Foreign Relations?

Mr. MORGAN. It comes from the Senator from Alabama.

Mr. HOAR. A highly admirable source.

Mr. MORGAN. I am obliged to the Senator. I assure him that I intend to press it.

The VICE-PRESIDENT. The joint resolution will lie on the table.

### EXCHANGE OF LAND AT CHOCTAW POINT, ALABAMA.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railway Company for any other tract or parcel of land in said county equally well or better adapted for use for light-house purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 20, after the word "purposes," to insert the following proviso:

*Provided*, That the exchange herein provided for shall be without expense to the United States.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county which it may offer in exchange therefor and which shall be approved of by the Light-House Board as equally well or better adapted to use for light-house purposes; and, upon making such exchange, the Secretary of the Treasury shall execute and deliver to said company a quitclaim deed for said Choctaw Point tract, and shall take from it a proper conveyance vesting in the United States

title to the tract or parcel of land to be taken in exchange, together with delivery of possession of such tract, such title to be passed upon by the Attorney-General of the United States in the usual manner; and said tract or parcel of land so taken in exchange shall be held and used for light-house purposes: *Provided*, That the exchange herein provided for shall be without expense to the United States.

The amendment was agreed to.

Mr. HOAR. I desire to ask the Senator from Maine if there should not be some provision that the land exchanged should be of equal value? Land might be good for light-house purposes and yet worth ten times as much as the other.

Mr. FRYE. I think this is a matter which is all arranged between the Light-House Board and the railroad company. The land which the Light-House Board is to get is a good deal better and more valuable in every respect for the United States.

Mr. HOAR. I shall move in line 11, after the word "purposes," to insert "and of equal value"; so as to read:

And which shall be approved by the Light-House Board as equally well or better adapted to use for light-house purposes, and of equal value.

Mr. FRYE. I have no objection to that, though the land is all alike there.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company National Guard of State of New York.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 7, after the word "balls," to insert:

And to the Forty-third Separate Company National Guard of State of New York, for their armory at Olean, N. Y., two pieces of condemned cannon and sufficient cannon balls for four pyramids.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the Thirteenth Separate Company National Guard of the State of New York, for their armory at Jamestown, N. Y., two condemned cannon and sufficient cannon balls; and to the Forty-third Separate Company National Guard of State of New York, for their armory at Olean, N. Y., two pieces of condemned cannon and sufficient cannon balls for four pyramids: *Provided*, That the same can be spared without detriment to the service and that no expense is thereby incurred by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HILL, the title was amended so as to read: "A bill to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Companies National Guard of State of New York.

SURVEY OF MOUTHS OF YUKON RIVER, ALASKA.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 1796) making an appropriation for a governmental survey of the mouths of the Yukon River, in Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Commerce with amendments, in line 3, after the word "dollars," to insert "or so much thereof as may be necessary"; in line 7, after the word "recognizance," to strike out "and survey"; and in line 10, after the words "Norton Sound," to strike out "at which point freight and passengers are now transferred to Yukon River steamers, and for the purpose of making a thorough survey of the mouth or mouths, if more than one, of said river," and insert "and to ascertain what equipments and means are necessary for a thorough examination and survey of the entrances to and mouths of said river"; so as to make the bill read:

*Be it enacted, etc.*, That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the United States Coast and Geodetic Survey by proper reconnoissance to ascertain whether there is not a southern channel entrance to the Yukon River, Alaska, for sailing vessels, which would obviate the necessity for going as far north as Norton Sound, and to ascertain what equipments and means are necessary for a thorough examination and survey of the entrances to and mouths of said river.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making an appropriation for a reconnoissance of the mouths of the Yukon River, in Alaska."

HOLMES & LEATHERS.

Mr. CAFFERY. I ask unanimous consent for the present consideration of the bill (S. 1506) for the relief of Holmes & Leathers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to T. P. Leathers, surviving partner of the firm of Holmes & Leathers, $12,910.35, being amount due them for transporting the United States mail on route No. 7402, Mississippi, and on route No. 8165, Louisiana, for months of April and May, 1861.

The bill was reported to the Senate without amendment.

Mr. CHANDLER. I should like some explanation of that bill from the Senator from Louisiana. I see it is a bill to grant compensation for carrying mails in 1861, or thereabouts. I have in memory that there were some cases where contractors were paid by the Confederate government for carrying the mails where they afterwards made claim against the United States for payment also. Is this one of those cases?

Mr. CAFFERY. Of course this case is subject to that suspicion [laughter]; but it is a case where the records of the Treasury Department disclose that no payment was ever made by the Confederate States to Holmes & Leathers; and there is an affidavit of Mr. Leathers that no payment was ever made to him. The Auditor of the Treasury states that the amount named stands on the books of the Treasury to the credit of these parties, Holmes & Leathers.

Mr. CHANDLER. I know there were cases where the contractors got pay from the Confederate government. They kept on carrying the mails after secession, and the Confederate government paid them in Confederate money, which was pretty good at that time. Afterwards it depreciated somewhat, I believe [laughter]; and later, after the Union was restored and Louisiana was again within the Union, those parties wanted better money than the Confederate money, and came and asked that the United States would pay them. I do not wish to oppose the Senator's bill improperly or to his annoyance in any way; I am perfectly willing it should pass if it is a proper bill; but I prefer to examine it before it passes.

Mr. MITCHELL of Oregon. If the Senator from New Hampshire will allow me, I will state that this claim has been before the Committee on Claims for some time. As the Senator from Louisiana [Mr. CAFFERY] states, it was made known to the Senate and to Congress very plainly some years ago that many of these claims which were presented here had been paid as stated, and it was difficult for the Post-Office Department to determine from their records what claims had been paid and what claims had not been paid. Finally, certain Confederate records were discovered, certain parties here having charge of them, which were supposed to disclose all the facts in regard to these various contracts, showing who had been paid and who had not been paid. They were in the possession of private parties, who came to Congress and proposed to sell them to the Government for a certain amount. We passed an act appropriating something like ten or twelve thousand dollars for the purchase of those records. The Government purchased them, as I understand, and the Government is now in possession of records which enable the Post-Office Department to determine very nearly correctly as to all these contracts. This particular claim of Holmes & Leathers has been before the committee; it was investigated at the last session, and the committee was of the opinion that it was a good claim.

Mr. CAFFERY. I will state to the Senator from Oregon that while this claim was pending before the Committee on Claims, I addressed a letter to the Treasury Department to know whether or not there was any evidence to show from the Confederate archives that this claim had ever come before the Confederate government, and I received a reply, which is not in the report, that there was no evidence whatever disclosed in those archives that Holmes & Leathers had ever been paid. Following this is an affidavit of Captain Leathers, attached to the report, that not a dollar has been paid to him, and the amount stands to his credit, or to the credit of Holmes & Leathers, on the books of the Treasury Department to-day. It never has been paid by the Confederate States.

Mr. CHANDLER. When was the transportation of the mails for which compensation is now proposed to be paid performed?

Mr. CAFFERY. About 1861.

Mr. CHANDLER. During 1861?

Mr. CAFFERY. Yes.

Mr. CHANDLER. Was it not transportation over a territory which was in possession of the rebel government, and was not this, in other words, transportation done for the Confederates?

Mr. CAFFERY. No, sir.

Mr. CHANDLER. And not for Union citizens?

Mr. CAFFERY. No, sir. The transportation of the mails was prior to the breaking out of hostilities between the United States and the Confederate States, and the bill is for the relief of Holmes & Leathers, mail contractors, for services rendered by them to the United States.

Mr. MITCHELL of Oregon. And not for the service of the Confederate States.

Mr. CAFFERY. Not at all.

Mr. PLATT. Was not this claim before the Senate for action at the last session?

Mr. CAFFERY. Yes, sir; and the bill was passed. A similar bill has repeatedly passed the Committee on Claims, and last year it passed the Senate. It is a just claim. Captain Leathers has never been paid either by the Confederate States or the United States for services rendered to the United States, and I think he ought to be paid.

Mr. PLATT. I have an impression, which scarcely amounts to a recollection, that there was an effort made at the last session of the Senate to have this amount passed upon an appropriation bill.

Mr. PASCO. I think that effort was made and that the effort failed.

Mr. BLANCHARD. It was ruled out on a point of order.

Mr. CAFFERY. It was never put on the appropriation bill.

Mr. BLANCHARD. I made the effort myself to have it put on an appropriation bill.

Mr. CHANDLER. Did not the junior Senator from Louisiana make a long speech in behalf of this claim?

Mr. BLANCHARD. I made a speech; I do not know how long it was.

Mr. CHANDLER. Was it not an hour or so?

Mr. BLANCHARD. No; I think probably about fifteen minutes.

Mr. CHANDLER. I knew something had impressed this claim upon me unfavorably. [Laughter.] It must have been—I remember now it was—a speech of the junior Senator from Louisiana [Mr. BLANCHARD]; but I will make amends to the two Senators from Louisiana by saying that after the clear and distinct manner in which this case has been put by the two Senators from Louisiana, aided by the Senator from Oregon, I am myself entirely willing that the bill shall pass.

Mr. PLATT. I understand that, although the Southern States went into rebellion in April, 1861, the mails from New Orleans eastward or westward, and perhaps both, were carried by Government contractors for some time subsequent to that date, and in this case up to May 31, and that the Post-Office Department cut off all payments subsequent to April 19, 1861.

Mr. CAFFERY. If the Senator will permit me, I will state that that is exactly what this claim is for.

Mr. PLATT. Yes; including also the amount which had been earned up to that date from the time of the last payment; and yet some of the contractors had no notice that the Government would do so, and they kept on carrying the mails so long as they could. In this case the mails were carried up to May 31.

Mr. CAFFERY. No demand whatever was made for any payment after Louisiana had seceded.

Mr. PLATT. Unless there was payment sought from the Confederate government, I think the Government of the United States ought to pay this claim.

Mr. CAFFERY. I will read an extract from the letter of the Auditor of the Treasury for the Post-Office Department in relation to the claim. He says:

> There stands to the credit of Holmes & Leathers for service from January 1 to May 31, 1861, on route No. 7402, the sum of $6,207.05, and for service from April 1 to May 31, 1861, on route No. 8165, the sum of $6,703.30, a total of $12,910.35.

That was prior to the declaration of hostilities between the United States and the Confederate States.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER DALY.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 1119) granting an increase of pension to Peter Daly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, after the word "month," to strike out "in lieu of the pension he now receives"; so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, Peter Daly, late of Company K, First Regiment of United States Infantry, and pay him a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. NELSON, the title was amended so as to read: "A bill granting a pension to Peter Daly."

MONUMENT TO THE MARYLAND LINE IN THE REVOLUTION.

Mr. GORMAN. I ask unanimous consent that the Senate consider the bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with an amendment, in line 3, before the word "thousand," to strike out "forty" and insert "twenty-five"; so as to read:

> That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Maryland Society of the Sons of the American Revolution to aid in erecting in the city of Baltimore, Md., a suitable monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, the money to be paid to the society aforesaid under the order of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERCHANT MARINE ENGINEER SERVICE.

Mr. SQUIRE. I ask for the present consideration of the bill (S. 1242) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve.

Mr. PLATT. Mr. President——

Mr. SQUIRE. I will state that this is a bill which the chairman of the Committee on Commerce is entirely in favor of as amended by the committee. He said to me that it could be passed at any time without objection on his part.

Mr. PLATT. I was going to say that the chairman of the Committee on Commerce is not here.

Mr. SQUIRE. He is not here; but I have a distinct understanding with the chairman of the committee that I can put the bill on its passage.

Mr. HALE. How long a bill is it?

Mr. SQUIRE. It is a very brief bill.

Mr. PLATT. Is this the one which provides for American merchant engineers——

Mr. SQUIRE. Yes, sir.

Mr. PLATT. And which the Senator from Maine [Mr. FRYE] says ought not to apply to the steamships which were taken from a foreign line and incorporated into an American line?

Mr. SQUIRE. I will state, for the information of the Senator from Connecticut, that the Senator from Maine [Mr. FRYE] has gone through the bill carefully; it has been amended in committee, and it is entirely satisfactory to him, and I believe it is in the main satisfactory to the Association of Merchant Marine Engineers of the United States. In some particulars they would have liked it a little different. But in the main essential particulars, such as having American engineers, it is complete and satisfactory to them. I believe it ought to be passed and that it will give great satisfaction to this large body of men, numbering about 19,000 in the United States.

Mr. PLATT. I know there has been a great pressure here for legislation by an association of engineers, and I know that the Senator from Maine [Mr. FRYE], when the Senator from Washington [Mr. SQUIRE] tried to call up the bill before or presented some petition about it, made a statement on the subject.

Mr. GORMAN. Mr. President——

Mr. SQUIRE. If the Senator from Maryland will indulge me for a moment, I will state that when I introduced the bill originally I did make a short statement in which I remarked on the fact that some of the American lines were not employing American engineers, as was contemplated at the time of the passage of the act giving the subsidy; that it was contemplated to correct that practice, and that was the provision of the bill. Now, since that time the bill has been submitted to the committee; it has been passed upon and amended, a few amendments being reported.

I wish to state to the Senate that there is no conflict whatever at the present moment. The Senator from Connecticut [Mr. PLATT] will kindly accept my statement of the fact that Mr. FRYE, the chairman of the committee, said to me that he himself would have put the measure on its passage had he been present. He said he thought it was due to me that I should ask for its consideration. There is no objection whatever to the immediate passage of the bill. There was a little misunderstanding at one time. I believe it has all been done away with, however, and there is now an entirely satisfactory condition of affairs on both sides.

Mr. GORMAN. I wish to say to the Senator from Washington that I am heartily in accord with his general view. I am on the Committee on Commerce, which has considered the bill and has reported it unanimously, I believe, but at the same time my impression is that one or two gentlemen who were looking at the matter gave an intimation that they wanted to have something to say on the bill when it came before the Senate and possibly suggest an amendment. I therefore suggest to the Senator from Washington that he call up the bill at some other time.

Mr. SQUIRE. I was hoping the bill could go through this

evening. If the Senator from Maryland does not object, I prefer, unless there is real objection——

Mr. GORMAN. I may not have any objection to the bill, but I am under the impression that some Senators desire to say something about it on the floor.

Mr. HALE. Evidently this bill can not be passed this evening, and I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 23, 1896, at 12 o'clock meridian.

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## HOUSE OF REPRESENTATIVES.

FRIDAY, *March 20, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

### AMBASSADOR BAYARD.

Mr. HITT. Mr. Speaker, I call up the unfinished business, and yield the floor for ten minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. McCREARY of Kentucky. I would like to inquire how the time stands now. How much time have we on the side of the opposition to the resolutions and how much have they on the side in favor of the resolutions?

The SPEAKER. Since the arrangement was made yesterday the side represented by the gentleman from Kentucky has occupied forty-one minutes and the other side twenty-nine.

Mr. McCREARY of Kentucky. How much remains to the side I represent?

The SPEAKER. Fifty-six minutes; that, of course, is subject to reduction for practical purposes.

Mr. HITT. How much has the affirmative?

The SPEAKER. Twelve minutes more.

Mr. McCREARY of Kentucky. You mean twelve minutes more than the side I represent.

The SPEAKER. Gentlemen must recollect some time is taken out in the adjustment of matters, and allowance must be made for that.

Mr. ADAMS. Mr. Speaker, the debate on this question during the past two days has taken such a wide range that I desire, as a member of the committee having this matter in charge, to lead it back to the proper channels through which it should be discussed to have some direct bearing on the question at issue. Before giving my reasons as a member of this committee for voting for these resolutions I desire to testify my personal respect for the person of Thomas F. Bayard and my profound admiration for him as one of that class of Americans who have given the best part of their lives to public service, and who, after a long period of thirty years, has never had a slur cast on his integrity or doubt as to the honesty of his purpose. But, Mr. Speaker, so long as men shall remain in public life so long are their actions subject to fair criticism at the hands of both friend and foe. When in our diplomatic service the rank of ambassador was first instituted and the Democratic President had the right to select one of our citizens to fill that high office, the first time it had ever been conferred upon an American citizen, of all the distinguished men in our country at his disposition he chose to honor Thomas F. Bayard to fill that office.

I will pause here a moment to ask what were the new duties, the new functions, that were imposed upon this raised rank in our diplomatic service? In the congress which assembled in Vienna in 1814 to define the duties and the precedence of the men in the diplomatic service, it was there laid down that ministers plenipotentiary and envoys extraordinary were the agents of the diplomatic and business duties conducted between Governments; but it was further laid down that ambassadors were the personal representatives of the sovereign powers whom they represented. Therefore, sir, I ask what new duty and what new function devolved upon Hon. Thomas F. Bayard when he assumed this high office by the gift of the American people? Sir, he became the personal representative of the sovereign American people; and when he said aught to attack or belittle the honor or the integrity or the political honesty of the American people he was more to be condemned, in my judgment, than the foreign ambassador who would dare to say aught to belittle the dignity and the majesty of his royal master.

Now, sir, we have condemned or are about to condemn the utterances of Thomas F. Bayard, and I wish to call attention to where these were uttered. In the first place, sir, I doubt very materially whether it becomes the dignity of the ambassador of the great American people to travel down to this little grammar school at Boston to give prizes to students; but whether it does come properly within his function or not, I deny that it is proper for the personal representative of the sovereignty of the American people when he goes down to this grammar school at Boston to teach his audience that the experiment that the American people have made in respect to self-government is a failure, and that we need, not the amiable lady that presides over the destinies of the Empire of Great Britain to restrain us, but that a strong man, with an iron will, must control these turbulent inhabitants of this great Republic of ours.

And, sir, look what consequences this may lead to. These were the clever youths of Great Britain, the men who in the next generation may sit in Parliament and guide the helm of state, and they will be there able to say in the debates on the floor of the House of Commons that they heard the American ambassador, the personal representative of the American people, assert that our Government was practically a failure, and when they come to consider the will and the votes and the judgment of the American people they will say that our ambassador told them we were turbulent and violent and had to be restrained by a stronger ruler than the sovereign of Great Britain.

Now, Mr. Speaker, there has been some question made as to the propriety of this House of Representatives casting any reflection upon an ambassador abroad, and it has been argued that it does not come within the province or the duties of this body. I am free to admit, sir, that if this were a question as to some negotiation pending between the two Governments it might have been proper for the President, in response to our inquiries, to have said that it was incompatible with the public interest to disclose the matter. But no such question confronts this House. We, the representatives of the American people, are here to justify and defend the American people, whom their representative has reflected upon in his official capacity abroad. We addressed a communication to the President of the United States and he responded in very curt language:

> I reply that no action has been taken by the President except such as is indicated in the report and correspondence herewith submitted.

How were the American people to resent these reflections upon them, these utterances of our ambassador to England, unless it was through their representatives sitting here in Congress? Therefore we stand here to-day and on their behalf we do resent these reflections upon the American people.

Now, sir, I regret that I can not find any excuse to make for our ambassador in England. He is not like that other Democratic ambassador who represents us at the Republic of France who, when he was approached by an itinerant book vender, took him into his confidence, disclosed his innermost thoughts upon all the questions pending between the countries of the earth, and then when he saw it in public print expressed his amazement that he had been so deceived.

Sir, that illustrates one weakness of our diplomatic system, that we take gentlemen from the walks of private life and send them as our diplomatic representatives abroad, so that it is no wonder they sometimes fail, as in the case of our ambassador to France. But Mr. Bayard had no such excuse. He had been thirty years in public life. He had been Secretary of State, and had been in personal contact and communication with the trained diplomats who represent their several Governments here in Washington. He had been Secretary of State and had issued his orders to his subordinates, those whom he had sent abroad as our representatives. Those orders have been read in this House, and they show that he instructed those subordinates that they must not publicly discuss or refer to public questions. And, Mr. Speaker, I will show this House out of the mouth of Mr. Bayard himself what his own calm judgment was upon this question. I hold in my hand a speech delivered by Hon. Thomas F. Bayard, on October 16, 1894, at Wilmington, Del. In addressing the citizens of that place on that occasion he said:

> I have been sent abroad to represent no party. I went to represent my whole country. I went to represent the honor of the nation.

These words show that when Mr. Bayard went abroad as our diplomatic representative he knew his duties, he knew what they were; so I say, there are no mitigating circumstances or excuses for the indiscretion committed by the Hon. Thomas F. Bayard. Therefore it is that, upon calm reflection on this question, and having had some slight experience in the diplomatic service myself, I feel I am justified, as I was in committee, in voting to pass these resolutions; that I am justified now in casting my vote in this House that the American people as well as their representatives denounce the language used by Mr. Bayard in these addresses, resent the reflections cast upon the people of our country. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. Mr. Speaker, permission was given yesterday on my suggestion to gentlemen to extend their remarks in the RECORD, but as it occurred in an intercalary way while some gentleman was speaking, it failed to get into the RECORD, and I repeat it now, so that gentlemen may take notice. I yield twenty minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Speaker, it is with some degree of diffidence I venture to entertain opinions on this subject differing from those of the learned gentlemen who have united in the majority report of the Foreign Affairs Committee. In diplomatic matters I would ordinarily accept without question conclusions advocated by one who has had the long and honorable career in the diplomatic service possessed by the highly esteemed chairman of that committee. But when we are advised by my learned friends that the conduct of the American ambassador at the Court of St. James was as unprecedented as it was reprehensible, we are advised of a situation where precedent fails to point out a remedy and where diplomatic experience may therefore not be an infallible guide. Especially is this true where the advice of diplomacy appears stamped with conservatism when conservatism would compromise with insult, and influenced by timidity when timidity may be a crime. If the wrong of the ambassador be unprecedented, then the time is now at hand, and will never return, for this House to place that wrong for all time upon its proper pedestal. Whatever definition we now give to that offense will be accepted by the country and by history. The duty devolves upon us to mete out punishment according to the offense. History will measure the offense according to the punishment.

Gentlemen on the other side of the House have challenged the good faith of the gentleman from Massachusetts in bringing this matter before the House in the form of an impeachment resolution. I for one sincerely hoped that my friend from Massachusetts would respond to that challenge by adhering to his original proposition. When, in the early days of the session, he stated on this floor that as an American citizen he had felt humiliated by the disgraceful act of this ambassador, he echoed the feelings of every member at least on this side of the Chamber. And I venture the opinion that to-day this House, with one voice, would be supporting impeachment charges could we but divorce this matter entirely from politics—were the patriotism of the minority not choked by partisan tares and the natural indignation of those who would defend America's fair name from insult not intimidated by the unworthy efforts of Democracy to drag this discussion from the high plane where love of country would place it and to wallow with it in their mire of partisan politics. And from that political slough we have heard the voice of their leaders derisively inquiring if we believed the ambassador guilty of an impeachable offense, well knowing, as they do, that it is our province to determine that very question. It is for us to say whether such offensive remarks uttered by such an official amid such surroundings constitute an impeachable offense, a censurable offense, or no offense whatever.

The majority report of the committee concludes that it is merely a censurable offense; the minority report says it is no offense at all. To me the language of the ambassador, uttered under circumstances that gave it additional force by reason of the very office he held, charging the American people, whom he was there to represent, with "corruption in public life," with a "blunted public conscience," with the "existence of false standards in the popular mind," with a "political system descending to the low level of a mercenary scramble," with a "popular conscience sapped by schemes of corruption"—such imputations under such circumstances sound very much like a misdemeanor and a crime. You ask me, Is it a high crime? I answer, it is a crime as high as the high office which this ambassador has so foully disgraced.

If the ambassador had only discussed local politics on foreign soil, without the use of libelous language, we might all admit him to be guilty of only a censurable offense. But what have the minority to say; what have my distinguished friends who have indorsed this majority report to say of this picture of "corrupt public life," of a "blunted public conscience," of a "popular conscience sapped by schemes of corrupting favor," which this ambassador held up before his foreign audience and falsely called it America? If such conduct be not a misdemeanor and a crime, then pray, under heaven, to what excesses of language would you apply those terms?

Sir, although history fails to record an offense comparable to the humiliating conduct of this discredited ambassador—although among the family of nations it has been left for the American people to be the first to suffer insult from their own ambassador in the presence of a foreign audience—we are not wholly at a loss in determining the penalty meet for the offense. Many years ago—so long ago, indeed, that the principles to which I shall now refer have become embodied in the common law—the courts of England had occasion to determine the law of criminal libel; the law that has guided the practice and decisions in every State in this Union adopting the common law. It so happens that one of the principles thus enunciated bears some resemblance to Bayard's transgression, approaching it as closely as human experience or the wildest flights of imagination permitted, up to the date of Bayard's epistle to the English. Let me read, and I quote from the leading authority on the law of slander and libel:

Publications * * * the natural tendency of which is * * * to bring the Government or Constitution of the country into general contempt are * * * indictable as misdemeanors.

Thus the courts have spoken of libelous attacks against one's country. Trammeled neither by blind partisanship nor doubtful expediency of politics, they have bestowed upon such expressions the appropriate definition "criminal," and the fitting penalty, a felon's cell. And yet there is nothing in this description of a criminal offense contemplating the perpetration of the offense by an ambassador against the people of his own country, in an address specially prepared to tickle the fancies and prejudices of his foreign audience. And I appeal to gentlemen on the other side of the House, if without these accessories of official position and foreign auditors the judiciary have characterized the offense as criminal, are they not forced to admit that these contributory conditions make the transgression the more heinous? If the lesser offense be a crime, is not the more atrocious misdeed fittingly termed a high crime?

It is not my purpose (for I have not the time) to make as complete an application of the law of criminal libel as this case admits. But before concluding permit me to compare Bayard's utterances with expressions the use of which in this country by one private citizen of another has sent many a man to jail. The law is the same whether applied to utterances against government, as I have just shown, or against classes of men, or against individuals. The authority from which I have just quoted says that utterances are criminal libels which "reflect upon sects, classes, companies, or bodies of men, though not mentioning any person in particular." And the same has been held true in reference to libels of individuals "the tendency of which is to bring the subject of it into contempt and ridicule."

With this brief reference to the law of criminal libel, although for comparison I might refer to cases in every State of the Union, I shall refer only to one case—in the State of Georgia—for the purpose of placing side by side the expressions for which the Georgia defendant was found guilty and subjected to imprisonment and the grosser utterances of the guilty ambassador. I pass by with only slight reference Bayard's Boston speech. With a possible appreciation on his part of the distinction existing between the law of slander and of libel, he has pleaded in defense of those utterances that they were only spoken words, uttered without either previous writing or knowledge of subsequent publication. I refer to them now only as giving an insight into the manner of man who subsequently delivered the carefully prepared address at Edinburgh; for if ever it be true, it is true of extemporaneous utterances, that "out of the fullness of the heart the mouth speaketh."

It was in his Boston speech that he said:

The President stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who ought to have that way frequently obstructed. And I tell you plainly that it takes a real man to govern the people of the United States.

At last we know the motive prompting Mr. Bayard's long-existing ambition to become President. To the diseased brain of this disinterested patriot the violence of the American people and their need to be governed by a real man was manifest, and for many years he continued to offer himself a perpetual and willing sacrifice. Until the discovery of his less accomplished prototype of self-esteem, the office of President—

He long had sought
And mourned because he found it not.

[Laughter.]

He mourned until the development of time offered him consolation sweet in the shape of a Cabinet office and a foreign mission. In the bestower of these welcome gifts he sees only a haloed object for perpetual adoration. In the people who had failed to appreciate his Presidential qualifications his disordered imagination observes only "false standards," "blunted consciences," and "corruption in public life." Such are the imputations contained in the Edinburgh address. Now mark the language for which the Georgia citizen was found guilty and subjected to imprisonment:

*Notice.*—Credible information being given me that R. M. Goodwin is about selling a negro, or negroes, under a certain deed obtained by him from my mother, Mrs. Julia Scarborough, I hereby notify and warn all persons from purchasing or in any manner incumbering the same, as the said deed is illegal, from causes known to Mr. Goodwin, from papers on record and in his and my possession.

Compare that language against a citizen of Georgia with the infamous imputations against the American people contained in the Edinburgh address; and I quote from Bayard's own confession:

In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to * * * corrupt public life, to banish men of independent mind and character from public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind * * * and place politics upon the low level of a mercenary scramble, than any other single cause * * * and saps the popular conscience by schemes of corrupting favor.

Although it may require legal training to understand legal definitions, the mind of any layman can easily appreciate how mild are the utterances for which the Georgia defendant suffered imprisonment compared with the monstrous imputations contained in the Edinburgh address.

Had such language been used by an English ambassador against the English people, without his immediate recall, a popular uprising would have driven a prime minister from power.

The majority resolutions contain barely a hint of the real offense. I have spoken of partisanship. The accusation can be applied to either report with almost equal truth. The minority have observed approvingly, and the majority with disapproval, an attack against protection, and in the case of either they have failed to see beyond the utterances of criminal libel. The majority resolutions, therefore, criticise what they call an attack against a portion of the American people. Sir, the ambassador attacked the whole American people when he charged "corruption in public life" and a "blunted public conscience" "sapped by schemes of corrupting favor." What, in Mr. Bayard's opinion, happened to be the cause of the humiliating conditions he thus charged sinks into insignificance beside the infamous charge itself.

It may be true, as has been stated by gentlemen on the other side of the House, that charges equally severe against public life have been made by people in this country, but, be it said, to the everlasting shame of the polluted minds who see through such spectacles, whether the offenders be of low degree or high, occupants of thatched cottages or the mansion at the other end of the Avenue. [Applause.]

Mr. Speaker, I thank God that I was reared and educated in the city of Washington, where I was thrown among public men, and I thank God that that education has taught me that the corrupt man in public life is the exception. Accursed be such a man, for his one act casts a blot upon the fair name of the American Republic. But thrice accursed be those whose tongues of calumny have a much greater tendency to destroy public confidence, high ideals, and patriotism than the corrupt act itself which these libelers so foully exaggerate. They are the men who make undesirable citizens. They should be sent abroad; but not as ambassadors. They should be deported. We should reserve for our ambassadors men whose minds are so constituted that if needs be they must speak in public, they will emulate the example of that patriotic American admiral, who when called upon to respond to the toast of his country said:

> My country, always right; but right or wrong, my country.

[Prolonged applause.]

Mr. McCREARY of Kentucky. I yield three minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I am opposed to the resolutions. Such action by this House is unwarranted and unprecedented. Our ambassadors are under the direction and control of the executive branch of the Government, and the only possible purpose of this proposed action by Congress is to detract from the dignity and usefulness of a very distinguished American, who holds an important position in our foreign service. If we establish the principle of shadowing our public men and catching up and distorting every careless expression, a system would be inaugurated which I am confident men of good taste would not approve. It is evident to me that the citation of Mr. Bayard's speech at Edinburgh has a special object.

This attack upon our ambassador to Great Britain comes from Massachusetts—a State that believes in protection for protection's sake; a State which believes in a system by which the great mass of the people are subjected to onerous burdens for the purpose of enriching the manufacturers of that State.

I recollect in the Forty-seventh Congress, when the tariff bill of 1883 was up for discussion, a leading Congressman from that State announced the Massachusetts demands upon that question. The Democratic minority were insisting upon fixing the tariff so that some revenue could be derived from it, but Mr. Russell of Massachusetts said no.

> There is no protection in a revenue tariff—that is, to an American manufacturer; for if a revenue is to be derived from an imported article it must be imported, which certainly involves its manufacture elsewhere, and the rate of duty must be so fixed as to invite its importation. Therefore a tariff can not be adjusted on a single article to serve the double purpose of revenue and protection. It must be either at a point to check importation and thus protect, or it must be at a point low enough to admit importation and thus produce a revenue. That is, when fixed at a revenue point it ceases to protect, and when fixed at a protective point it ceases to yield a revenue.

This is the Massachusetts doctrine, and it is not surprising that Massachusetts men should denounce anyone who opposes doctrines of this character.

Ambassador Bayard has been a distinguished figure in American politics for more than a third of a century. He had seen the evil of legislation of this unconstitutional character, he had seen trusts created, he had seen our exports dwindle and the great producers of our country suffer from the want of markets, and the consequent falling price of their products. With these thoughts in his mind, on November 7, 1895, Mr. Bayard said:

> In my own country I have witnessed the insatiable growth of that form of state socialism styled "protection," which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, divorce ethics from politics, and place politics upon the low level of a mercenary scramble than any other single cause. * * *
>
> It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen.

I most emphatically indorse every syllable of these expressions; especially do I indorse his statement that the Republican policy of protection "tends to our commercial isolation."

The Democratic party contends that a country like ours, with but 4 per cent of the world's population, and producing as we do 80 per cent of the cotton and corn of the world and an average of 40 per cent of those other great staples, wheat, coal, iron ore, pig iron, finished iron, and steel, must have the markets of the world open for the sale of the products of American labor.

During the consideration of the bill upon which Mr. Russell made the speech from which I have quoted, the distinguished champion of protection, Mr. McKinley, made a number of speeches, especially devoting himself to increasing the tariff tax upon iron cotton ties from 35 per cent to 102 per cent, he and his colleagues insisting that unless this was done it would be impossible to manufacture cotton ties in the United States; and they repeated their threadbare threat that when the manufacturers of cotton ties in the United States had become bankrupted for want of sufficient protection the European manufacturers would double or possibly treble their price upon those articles.

We, on the contrary, contended that the high-protection system invited retaliatory tariff and cut us off from foreign markets which otherwise would become large purchasers of the products of our farms and factories. Mr. McKinley claimed to be specially informed on this question of cotton ties, because the largest factory of iron ties in the United States was located at Youngstown, in his district. He succeeded in getting the tariff raised to 102 per cent, and from March 3, 1883, to August 24, 1894, his Youngstown friends were enabled to compel the growers of cotton to pay them double price for their iron ties.

Of course there was no export demand and many of the factories had to be closed and workmen turned out of employment.

When the Democrats got in power and we enacted the Wilson bill, which placed cotton ties upon the free list, immediately every benefit claimed by Democrats was more than fulfilled. Instead of our being flooded with iron ties from foreign countries, the demand for iron ties came from all parts of the world. I hold in my hand the Cleveland World of March 18, 1896, edited by the very high priest of protection, the Hon. Robert P. Porter, late Superintendent of the Census of the United States. This paper tells us that the Youngstown Iron and Steel Company is now engaged in filling an immense order from Bombay, India, for cotton ties. The dispatch says:

> An immense amount of cotton ties have already been shipped, but this will form but a small part of the order.

I send the paper to the Clerk's desk and ask him to read the part I have marked.

The Clerk read as follows:

> "MADE IN THE UNITED STATES"—AN IMMENSE ORDER FOR IRON BEING SHIPPED FROM YOUNGSTOWN TO BOMBAY.
>
> YOUNGSTOWN, OHIO, *March 17.*
>
> The Union Iron and Steel Company is running on one of the largest orders of finished iron ever shipped from this valley. The order is from Bombay, India, and shipments have already been begun. An immense amount of cotton ties have already been shipped, but this will form but a small part of the order. Every package sent out will be marked, "Made in the United States."

Mr. WHEELER. Mr. Speaker, that is one of the beneficial effects of the Wilson bill principle of letting down the bars and opening the markets of the world to the products of American industry. In the face of false prophecies made by protectionists we see that with free trade in iron cotton ties we are supplying the entire world; and Youngstown, Ohio, is one of the largest beneficiaries of the Democratic tariff which we enacted on August 24, 1894. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. But the principle of Democratic opposition to protective tariff has not expired, and will never expire. It is right and it is eternal. [Laughter and applause.]

Mr. McCREARY of Kentucky. I yield twenty-two minutes to the gentleman from Texas [Mr. HUTCHESON].

Mr. HUTCHESON. I hope that no man will misunderstand my views in regard to the propriety of the utterances of the Hon. Thomas F. Bayard embraced in his addresses and now the subject of animadversion before this House. I should do injustice to myself, Mr. Speaker, if I did not admit, as an American citizen that those utterances were ill-timed and ill-advised. I will, Mr. Speaker, if the question shall be so divided as to permit of its being done, vote for so much of the resolution as does not embrace the name of the distinguished representative or this country, but

proclaims (as a correct principle, in my opinion) that no ambassador should so speak of his country while accredited to a foreign nation.

But beyond that, Mr. Speaker, I do not go with the gentlemen who have reported this resolution. I do not go because it is a brutal declaration and a mere brutum fulmen against an honorable citizen concerning words which I do not believe he intended as an insult to the people of this country. I believe that he did not contemplate that it would be the offense in the nostrils of the protectionists which it has been. He overlooked the fact that you stand to protection as we stood to slavery before the war. It is consecrated in your minds, and you permit no man to assail the principle under which you live and move and fry the fat out of the public without sensitive resentment.

I want to congratulate this House, Mr. Speaker, that in the presentation of this question there has been that fairness and statesmanlike consideration for every section and every man and every party in this House, except one gentleman to whom I shall allude, and I hope he will be in his seat before I conclude my remarks. I allude to the gentleman from Massachusetts.

But for the present let me address myself to the magnificent young orator from Iowa [Mr. COUSINS]. I hail him, I greet him, I congratulate him. He walks the earth and strews the pathway with orient pearls, and puts upon each blade of grass a gem, and then takes the crown of flowers from all the gardens and places it upon the brow of Protection. Sirs, I could not create the fascinating bouquets, but I propose to show that they are exotic plants to the policy of protection, and that he has placed upon its brow and claims for that policy what belongs to the genius and growth of this country, irresistible under any policy and inextinguishable even by protection. Mr. Speaker, when the gentleman stood upon the banks of the Potomac and gathered the flowers of the speech from that distinguished gentleman, Wendell Phillips, than whom no man possessed them in richer profusion, he appropriated the fair flowers that belonged to the spirit of Freedom and put them upon the base brow of Protection, because Protection is the goddess at whose shrine he worships. Let me repeat it:

As long as there is a slave within our borders there can be no union.

Does the gentleman say as long as there is free trade in this land there can be no union? Sir, whatever taxes the toil of one man for the benefit of another is slavery, and that is the avowed office of protection.

Let me tell the gentleman that the same hand which struck down slavery in the South converted this nation of 70,000,000 people to the slavery of protection. The same hand that manumitted the freedman of the South transmitted to him none of the benefits of protection, I challenge you to show in the institutions of the North to-day a single ex-slave, a single colored man, working at the machinery of protected industries. They are rejected by the very institutions which you have constructed. In the fields of industry north of Mason and Dixon's line where is there to-day a place where they could earn their daily bread? I invoke this same prophecy for protection, and, though it may be long delayed, its doom is certain.

But the gentleman passes on from the proposition of liberty to the splendid scenery at Chicago. Let us quote:

I walked up and down the aisles of that manufacturer's building and I saw the handiwork—

Of what? Of America?

I saw the handiwork of mankind—of Jew and Gentile, of Oriental, of Pagan, and of Christian—lying side by side with that of our own American artisans, and I thought to myself, "This is enough to fulfill the prophecy—the genius of liberty robed in light."

Mr. Speaker, does the gentleman recognize in that picture that alone in an exhibition, separate and apart from the markets of this country, can those splendid things which so electrified him be shown upon the American continent—that he permits us to have our appetites whetted, and still the luxuries are denied to our stomachs? It is protection which denies the enjoyment of the luxury which so fascinates his eye, and yet he glories in the beauties he can not enjoy and worships the tyrant which disappoints his palate.

Like the witches, it makes the promise to the ear and breaks it to the hope. We will gather the luxuries of the East and the West, and of the world, and place them before you to show you what its capacities are, and after we have placed them in your sight we will place them beyond your reach by a mountain wall of protection. Was that liberty? Is that its symbol? Sir, if you had made a holiday occasion and brought the negro into that exhibition unshackled of his chains and then driven him back into slavery, would that have been a fulfillment of the splendid inspiration of Wendell Phillips? And does not the protection which you proclaim as far destroy the success of the beautiful picture as that which is illustrated by the proposition that you shall on a gala day lead the negro into the light of liberty and instantly expel him from its enjoyment?

But, Mr. Speaker, when the gentleman, in commenting on this floor upon the first section of the speech of Mr. Bayard, proclaimed Mr. Cleveland "a great man, a leader among men," I want to say that he furnished in confirmation the strongest proof of the truth of all that Mr. Bayard said concerning the power of protection when he painted him and admitted him to be great, but, pausing, said: "But there are other great men in this country besides the President," and then, with happy illustration, portrayed the time when that great man was bowed down in defeat in the passage of the tariff bill in the other House. He who had been able to conquer on all other things, measured his arm with all other forces, encountered protection in the Senate, and protection was more powerful than Grover Cleveland. The only power in this country to which he has surrendered, according to the language of the gentleman; and the illustration of his argument was that protection, panoplied and supported by every member of the Republican party and by a faction of the Democratic party in the Senate of the United States, overcame him.

But, Mr. Speaker, when the gentleman says that the prosperity of this country has been brought about by protection, I propose to reflect its absurdity and to show that it was not "protection," but that it was "war." If the argument of the gentleman is correct, that that which brings prosperity should have its brow crowned with rich glory, then, sir, the brow of War should be crowned with praise and be acclaimed the great civilizer and great developer of this country. I appeal to the census of this country to show that from 1860 to 1870 the wealth of Maine increased 200 per cent more than it did at any other time in its history. From 1860 to 1870 Massachusetts, from which the gentleman hails, increased three times as much as it ever did in the history of this country, and Iowa, which in 1860 had a population of a little over 600,000, increased to 1,200,000. It was this war, and the young gentleman should not attribute the glories and achievements of this country to protection, but to the war of the rebellion, and should crown grim-visaged War with all the plaudits for our growth and prosperity in the last third of a century. Take the bays from the brow of Peace and place the palm on grim-visaged War.

But, Mr. Speaker, while all the gentlemen save the gentleman from Massachusetts [Mr. BARRETT] have given us a dignified discussion of this subject, and a patriotic discussion, that gentleman, coming from the sweet State of Massachusetts, hailing, as I find, from Melrose—a beautiful name, not only a rose but a honey rose—I am led to inquire, Mr. Speaker, what it is in that atmosphere which so saturates a man with bitterness that it oozes out of his skin as he breathes and drops from his lips like burning lava when he speaks? What is it, Mr. Speaker, that imbues HENRY CABOT LODGE, from the same district, the author of the force bill? What is it, Mr. Speaker, that makes the gentleman from Melrose, the sweet-scented and geranium-flavored Melrose—what is it, Mr. Speaker, that makes him the exponent of all that is to protect the flag and stand eternal guard for the union of this country?

Sir, on his first introduction he walked down the aisle of this House with articles of impeachment against the distinguished gentleman from Delaware. His second introduction to this House was an article of impeachment, or a call for taking down the words of the gentleman from South Carolina [Mr. TALBERT] as treasonable, and the last article that we hear from Melrose is an impeachment of Thomas F. Bayard because he was a traitor to his country in 1861. Until we reach the district of Melrose every speaker calls him gentleman and patriot; but when you reach sweet Melrose, where the birds twitter in the trees and each morning the angels of life and of light sing their matin songs beneath the windows of the soul, that gentleman assails him for kind words uttered for the South thirty-five years ago. The gentleman from Iowa said we needed no declaration that Cleveland did not eat children. Sir, we may not need a declaration that Cleveland did not eat children; but I would like to have the gentleman stand up here and testify that the people of Melrose do not eat children.

I wish to say, Mr. Speaker, that whatever should have been said upon this occasion should have been confined to the merits of Mr. Bayard's utterances. We feel that no man should have gone into the grave of the Confederacy to visit upon us insult. The South staked her fortunes and her institutions on the arbitrament of the sword, and after a struggle which immortalized valor and eclipsed the achievements of twenty centuries she went down, gigantic in her fall. After that fall, Mr. Speaker, she claimed nothing except the recognition of the rights which were accorded her upon the battlefield. With our legions but a handful, and our flag but a shred, we fought to the finish, and when the immortal Lee surrendered to the magnificent Grant he accepted his sword, and over that acceptance he said, "Let there be peace," and it was peace. In that grave we buried the cause of rebellion, and put the seal of death upon it, and no man who breaks that seal does anything but a sacrilegious act to the dishonor of our Lee, whom we love.

Sir, we came back to you as to a union between man and wife. We had sought divorce, but you forced us back into the Union.

Let it be a Union of love. I had rather be the Bluebeard who would destroy wife after wife, inch by inch, and drop by drop of blood, than that man who would corral a dozen wives into his embraces and then insult them while he enjoyed them. This Union, Mr. Speaker, should be a Union of equal States, of equal rights. While we placed upon the arbitrament of the sword the destinies of our country, the policies of the South, we reserved to ourselves our individual rights, our individual sensibilities and manhood, and no man has the right to, and no brave man will, here transgress them. I desire to quote to this House an utterance of the lamented Garfield. He said:

> After the storm of battle were heard the sweet, calm words of peace uttered by the conquering nation, saying to the conquered foe that lay prostrate at its feet: "This is our only revenge, that you join us in lifting to the serene firmament of the Constitution, to shine with us like stars forever and ever, the immortal principles of truth and justice that all men, white and black, shall be free and stand equal before the law."

That invitation we accepted, and we are here to-day. Our stars are in your flag, our States are in your Union. We are here as a brotherhood, entitled to your respect. Nay more, Mr. Speaker, when we went from the battlefield to our homes, we found desolation where there had been plenty, we found toil where there had been theretofore leisure. We took up the South, put our arms around our dead and buried them, put our arms around our wounded and have supported them, and, carrying this heavy load up the hill, we have planted the star of prosperity over all those States which were bleached with the bones and ran with the blood of her sons. [Loud applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HUTCHESON. Sirs, if the great humiliation of our fall does not engender some divine radiance, if our sorrows and our losses do not excite some pity, and if they can not relax a ghoulish malevolence, let us at least have our memories, which are made sacred by sorrow and immortal by defeat, respected by silence. The brave man does not strike the fallen foe or recur to the memories of unsuccessful conflict. Let us, oblivious of past differences and considerate of each other's sensibilities, stand like brothers in this country and in this House, ready to do or die in making it the one great nation before which all the world must surrender their supremacy.

Mr. HITT. Mr. Speaker, I yield twenty minutes to the gentleman from Delaware [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I should be very glad to vote for the second of these resolutions, with a verbal amendment which I hope will be made. If I can vote upon that resolution singly and separately, I shall be glad to do so, without attempting to controvert any thing which has been said with reference to the first resolution, for I admit the truth of every word that has been uttered in this House concerning Mr. Bayard and the sentiment expressed in that resolution. But I think I shall have to vote against the first resolution, for the following reasons:

First, I have that amount of State pride which will lead me to vote against the resolution. I respect Mr. Bayard as a man of force, of distinction, and occupying a high position not only before the people of his native State (which is my State), but of the country. I will confess to you that I believe, and I think I know, that Mr. Bayard is a born aristocrat, posing as a democrat [laughter]; that he has in him feudal instincts, is not in touch with the people, and presents in his personality the unaccountable paradox of the union of the lord with the yeoman. But, at the same time, it might be admitted that these very qualities would give him greater credit at the British court than a man of a different cast might have, and if he can do us good there I am willing that he should, glad that he should. For, Mr. Speaker, I know that royalty is very jealous of its prerogatives. Royalty does not like republicanism, and if there is any place on God's earth to which the peculiar characteristics and qualities of our distinguished ambassador are specially suitable it is the place that he occupies at the present time. [Laughter.]

Second, I shall vote, I think, against the first resolution because our action in adopting that resolution must necessarily appear to be, even if should not be, a partisan movement; and I deprecate the idea of partisan action on a question of this kind going out before the world. If we can not be unanimous, or practically unanimous, in the vote we take here, it is very questionable in my mind whether or not it will do the country any good or our party any good to adopt the resolution.

Third, the passage of the first resolution, the putting on record of censure against our ambassador, might have a tendency to weaken and neutralize his influence in the position that he occupies to-day. I do not want to do that.

Mr. WATSON of Ohio. Let him come home, then.

Mr. WILLIS. It is the President's business to bring him home; and if you were President no doubt you would do it.

Mr. WATSON of Ohio. Certainly I would.

Mr. WILLIS. And if I were President I surely would do it. But the discussion which has been had, and which has really "boxed the compass" of political topics on the part of those gentlemen who have discussed the subject, especially on the other side and I do not know but also on my own side of the House, has attracted my attention to some special features with reference to this matter. The gentleman from Virginia [Mr. TUCKER], whom I do not now see in his seat, and who was very liberal, if not lavish, in his reference to Scripture, gave us yesterday a very adroit interpretation and application of certain Scripture passages, to which I wish briefly to refer. I think his argument was especially weak because of false interpretation and false application. Let us look at it for a single moment. He quoted the passage, "And from the days of John the Baptist until now the kingdom of heaven suffereth violence, and the violent take it by force." Now, without saying that on that very figurative passage there have been various renderings and various views, so that a great many persons really do not know what it means—without referring to that, let us take the gentleman's own interpretation of it and let us ask him, Did he mean by his application to tell us that when Mr. Bayard used the word "violent" in his speech in England he intended to say that the American people were on a rush for the kingdom of heaven and that Mr. Cleveland was the only man strong enough to stand at the gate and keep them back? [Laughter.]

As the gentleman was so very free in his Scripture references, I should like to quote a passage or two of Scripture to him. I agree with everything he said with reference to the ability and the fame of Mr. Bayard. I am willing that a man shall exalt him to the seventh heaven. I am willing he should say he is really a great man, though I will say parenthetically just at this point that I do not accept the common definition of greatness that the world seems sometimes to adopt. I do not believe that a man is necessarily a great man because he has a great brain. To make a man great you must give him a great heart, a great soul, a soul in touch with the human race, with the great mass of the people; a soul that is full of sympathy, full of humanity, full of fraternity, full of love. [Applause.] A man may have the genius of Lucifer and be a devil still. He may have the intuitions and splendid intellectuality of an archangel, and yet look through a keyhole and whistle through a quill. [Laughter.]

I say I will agree with everything that the gentleman from Virginia and the gentleman from Kentucky [Mr. MCCREARY] have said with reference to the eminence and ability of Mr. Bayard; and when you have said it all, you but make more emphatic that remarkable passage from the wise man recorded in the Scriptures, which reads thus:

> Dead flies cause the ointment of the apothecary to send forth a stinking savor; so doth a little folly him that is in reputation for wisdom and honor.

And the passage has an unfortunate application in the present case. [Laughter and applause.]

The gentleman from Kentucky, after he got through with his chapter of panegyrics on our ambassador, reminded us (an astonishing revelation) that the American people are behind Mr. Bayard and that there is great danger of his being elected President of the United States if we should happen to censure him. That was about the drift of the gentleman's argument from the analogies and references he made. I think, however, that the distinguished gentlemen from Kentucky has got his dramatis personæ somewhat transposed. Instead of the American people being back of the ambassador, the ambassador is back of the American people, and a good ways back—so far that he will never catch up. [Laughter.] It reminds me of a little story told of a horse race down here at Baltimore. Three or four splendid nags were brought out, and then one that was of inferior grade but carrying a high head and a graceful tail. An old darky standing by said: "Dat's de horse; look at him. Dat's my horse; look at him." When the race came off the darky's favorite horse was distanced, but the darky, never discouraged, never hopeless, said: "Didn't I tell you so? Look at dat horse; he's drivin' everything afore him." [Laughter.] Let me say to the gentleman from Kentucky and to the gentleman from Virginia that on this question of protection, on this question which has stirred the hearts of the American people for the last three, four, or five years, the Democratic party, the Democratic Administration, the Democratic ambassador, are driving everything before them.

But if I had time I would rather speak upon the congeners and correlatives of these resolutions than upon the resolutions themselves. We may trust every age to produce its modicum of sycophants and simpletons, egotists and despots; and this age is not behind the record. There are men holding subordinate places in the Government of the United States to-day, men sitting with their feet on the mantelpiece, with cigars in their mouths, who are as difficult of access as the Mikado of Japan. [Laughter.] They have got the "big head," and got it bad. [Renewed laughter.] They belong, probably, to the class who believe everything foreign is good. They belong to that large class who think that everything that comes from abroad is better than anything that

is American; who ape foreign manners and adopt foreign politics; who contract foreign marriages, praise foreign institutions, and cultivate foreign style and foreign fashions, and who leave here every vacation time and go to Europe to apologize for the battle of Bunker Hill. [Great laughter and applause.] These are the people who play the harlequin at the feet of royalty and would be proud to eat dirt if they could eat it off a royal platter; who think that an aristocratic snob, a gouty, leprous, half idiotic, immoral, licentious lordling, the degenerate offspring of a spurious ancestry, the rotten product of a rotten and effete system, is better than the sun-browned American farmer, with his bronzed cheeks painted with pigments of the sky, his nerves and muscles as strong as Hercules's, his every sinew hardened by the reaction of honest toil, his blood as pure as the waters of Castalia, as he goes to his morning toil with feet as winged as Mercury's, brushing the dews from the grass by the hedgerows on a June morning, breathing the ozone of God and feeling himself a man. [Applause.]

In my judgment, Mr. Speaker, there is but one standard in which the difference can be marked in the social standing of the human family, and I wish to draw that standard here, before the young men of this House, who I trust will be in it, its pride and glory, perhaps long years after many of us who are older have gone to the other land. There is just one standard of distinction, appropriately speaking, between men in this world, and that is greater knowledge and better morals. [Applause.] To know more and do better. Everything else is subordinate to that. I do not care to go beyond that. Beyond that Mat Pryor's epitaph is good enough for me:

Here lie the bones of Mat Pryor,
Descended from Adam and Eve;
If anyone can rank higher,
I'se willing to give him leave.

[Applause.]

Mr. Speaker, God Almighty in his providence did three things for the human family. One was to give them a residence. Through the phases and changes of the geological eras He brought this grand old world to its present state of perfection—through the great Carboniferous era, through the Glacial period, and through all of the other periods, until the rains came and the sun topped the mountain ridges and the streams cleft the valleys and the continents and islands arose from the surrounding seas as the fields of the Lord. And then He has done another thing. He has furnished them with a religion, which, through ethnical restrictions and limitations, has come to be universal, so that the golden rule is the touchstone of excellence and religious eminence and religious glory in the world. And lastly, He has furnished them a Government which is the product of principles that have lain and struggled in human minds since men began to sigh for liberty. It is in the ideal, epitomized, magnificent Republic of which you and I are citizens, the complement of the altitude of the best civilization of the world. [Applause.]

And yet, in spite of the principles which it illustrates and sets forth, which have been sighed for from high places and low places, which men have struggled for through thousands of years and fought for through the ages and centuries, which have been cried out for by the oppressed and the helpless from the desert places—I say in spite of all this there are those who walk the earth to-day and call themselves men who do not know a good thing when they see it. They walk and strut the rostrum of life as they look down upon their better fellows and say, "I am Sir Oracle, and when I speak let no dog bark." [Laughter.] Sir, when the Prætorian guard undertook the functions of king making the Roman Empire began to totter. They assassinated Pertinax and sold the crown to Julianus. Soon the Parthians were thundering at their gates. Confusion succeeded treason and ruin finally came to the proud mistress of the world.

When a man can not find anything good in the United States and has to go over to England or some other foreign country for it, he is bartering the crown. When he wants to adopt foreign manners and marry his daughter to a foreign snob, he is bartering the crown. When an American woman, for the sake of an empty name, possessed of vast fortune, as she may be, can not find an American with brains and heart and soul and life good enough for her, but must go over to the other side and find somebody who goes crazy over the divine rights of kings and knows nothing about the divine rights of people, that has conniptions and spasms over the guinea's stamp and knows nothing about the guinea's gold, she is bartering the American crown. [Applause.]

I protest against the bartering of the crown by men born on this free soil. To-day we have no controversy, my brethren, whether we live in the North or in the South, as to our citizenship. Let us be true to it. There is a better and brighter time coming. It is a day of intense and glorious light, and America is pledged for its coming and for its existence. When it comes liberty's throne will be erected on every mountain top and in every valley, and fraternity and equality will be the heritage of nations. [Applause.]

I shall vote for the second resolution and reject the first.

Mr. McCREARY of Kentucky. Mr. Speaker, how much time remains to the negative side?

The SPEAKER. Twenty-nine minutes.

Mr. McCREARY of Kentucky. I yield that time to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. Mr. Speaker, I share with great pride in the admiration which the gentleman who has just spoken entertains for the "sun-browned American citizen." My contention to-day will be not for the feudalism of protection with its merciless exactions, but for that great principle which was chosen as the theme at Edinburgh on the 7th of November last, "Individual freedom the germ of national progress and permanence." It was the sentiment at once of the chevalier and of the yeoman. And it is to defend against the assaults of malicious enemies in this country the distinguished author of that noble sentiment of freedom that I enter this debate.

I stand to-day, Mr. Speaker, in the presence of a triumphant party on the other side. They have brought to this House almost an unprecedented majority. And they have great duties and responsibilities. They have great demands on their capacity for government. They are on trial as to their ability to originate great measures of relief which shall command public confidence. To mitigate the prevailing stringency they have devised more taxation, and to restore confidence they have invented more burdens. Fortunately for the sun-browned citizen that bill has failed in another place. As to the disorders in the Treasury, they formulated another emergency measure during the holidays, which has now disappeared from view. The "endless chain" may still operate upon the gold reserve. Our wretched banking laws are as wretched as ever, with no prospect of amendment.

This great and triumphant party turns helplessly away from these tremendous interests, and with great energy and unanimity trains all its artillery upon an individual member of the defeated party to which I belong. What an exploit in politics is that. In order to do nothing else, they can talk eloquently about the sufferings of Christians in Armenia, and about the incomprehensible condition of Cuba, and over the mighty significance of the Monroe doctrine; and now still further to conceal their helplessness in the field of their real tasks and duties, they have made this great occasion and a debate of three days over an alleged discourtesy of Mr. Bayard. He did not violate any statute nor any known regulation of the department to which he is responsible. He transcended the canons of good taste forsooth. The victorious Republican party, in this Presidential year, marches against an individual for alleged bad taste in solid phalanx, and like an army with banners.

Allow me nevertheless, sir, to pause here and say that about a matter of taste there can be no dispute. If the gentleman from Iowa had not so stigmatized the idiom I would have given it in terse Latin —De gustibus non est disputandum.

Mr. Speaker, the question here is not merely whether Mr. Bayard committed an indiscretion or violated good taste; it is rather whether it is right or proper or in good taste for the House of Representatives to visit its censure and condemnation upon this great American. I propose to show, sir, that he has done nothing wrong; and before I enter into that discussion I want to return my thanks to my good friend from Virginia [Mr. TUCKER] for his eloquent tribute to this distinguished defender of the Constitution and of its great bulwarks of liberty. And, sir, may my right hand forget its cunning if I ever raise it against the man who stood in the very front of the phalanx of freedom when my section had no defenders upon the floor of Congress. Pardon me if I confess my admiration is not unmixed with gratitude.

The party to which I belong has no great army of mercenaries. There are none of those who have put up for our use the sinews of war. There are none to whom we have given special bounties; there are none to whom we have given booty and plunder, and there are none on whom we can draw; no special classes that have grown fat by policies that we have enacted and out of whom we can extract the grease—I hesitate to put it in the vulgar vernacular of the Republican hustings. [Laughter.]

But it is not so with our adversaries. They have bestowed largesses and donatives upon special interests for a generation, and the army of protection—the Pretorian Guard of the tariff—is about to dispose of the Presidential purple. Mr. Bayard offended these gentlemen at Edinburgh by speaking of the tendency of protection to a mercenary scramble, as averred in the resolutions. If the indictment is true, any man ought to be allowed to proclaim it on the house top and anywhere in the world. The proof is already furnished. Out of the mouths of his assailants comes the demonstration of the truth of this great indictment. The Senator from New Hampshire, Mr. CHANDLER, a gentleman well known for his devotion to the Republican party, has testified with great emphasis and detail, and after deliberation reiterated it. His testimony has already been sufficiently and effectively presented in this debate. I now cite additional evidence from the New York

Evening Post of yesterday, leaving out names, because I dislike personal politics:

Mr. ——, when questioned as to the reports that he had solicited subscriptions from manufacturing establishments in the interest of ——, replied that "it was nobody's business." The Iowa State Register, ——'s organ, takes issue with this. "It is in the highest sense the public's business," it says; "the people have a right to know, and to demand to know, just what moneys are being used to promote the Presidential nominations. We are afraid that Mr. —— is not altogether blameless, or he would not have used such language. If he had been wholly blameless he would have availed himself of the opportunity to deny in toto the ugly charges which have been made against him in the East as well as by Mr. —— in Illinois."

The names that I have suppressed in this statement are the names of distinguished men.

Mr. GROSVENOR rose.

The SPEAKER pro tempore (Mr. HOPKINS). Does the gentleman from Georgia yield?

Mr. TURNER of Georgia. I do not; my time is too limited, Mr. Speaker.

Mr. GROSVENOR. Well, the gentleman——

Mr. TURNER of Georgia. The gentleman from Ohio has had his time, and in that time my good friend, while he stood over the grave of Robert Schenck and defended him against imputation, was carefully silent as to these current imputations upon the party of protection. [Applause on the Democratic side.]

And so, Mr. Speaker, Mr. Bayard's proposition and the demonstration of its truth are almost coincident. And it ought to be as the lightning, and then the thunder.

Let me remind gentlemen that we on this side, during the last Congress, offended protected interests by abating somewhat their power to tax, and that these same people are tempted on by the prospect and promise of an increase of their power to tax. Remembering that we on this side have as our allies only unpurchased freemen, I pause and ask my comrades here, if in the face of the inspiring struggle before us, are we to divide and go to pieces on temporary and transient issues when the great issue of freedom lies before us in the immediate future. [Applause on the Democratic side.]

Mr. Speaker, when these things are charged and said here at home they meet no denial; they meet no contradiction; no investigation is demanded; there is no challenge given to it; but if somebody on the other side of the ocean announces or demonstrates the vicious and corrupt tendencies of protection, this insolent power says to him, no matter how distinguished, "Silence, sir."

Mr. Speaker, so far from there having been any impropriety in the utterances at Edinburgh, the question was one rising high above all mere matters of taste, of courtesy, or of diplomatic propriety. It was a matter about which a patriot might anywhere speak as with a trumpet. It was an occasion on which he might speak, to be heard by all mankind, against the degradation and slavery and corruption of the system which he denounced. Sir, if I had it in my power, in face of the peril that confronts us and the country, denounced even by those who are quarreling about their rivalries and the preliminary division of the spoils—I say, sir, if I had my way I would put in every honest hand a whip to scourge this demon of protection naked through the world. [Applause on the Democratic side.] As the shadow of this great peril gathers around us and its gloom falls on the Capitol, I would kindle in that dome a light as a warning to my countrymen which should be as—

When the sun his beacon red
Had kindled on Ben Vorlich's head.

Another speech has been mentioned in these resolutions. It is said that on some occasion our ambassador indicted his countrymen as "violent and hot tempered." This latter occasion for impeachment was added to the resolution by the gentleman from Massachusetts [Mr. BARRETT], and yesterday, if I did not misunderstand him, he deprecated any condemnation on account of that incident. And to find another pretext for denunciation, that gentleman unearthed the well-known Dover speech of Bayard. That speech was made at a time when courage in civil life was as much required and of as high degree as that which animated men on the battlefield; but that speech was one of the bravest! But it belongs to a forgotten era; and since those who were our late enemies in civil war met with us around the base of a monument dedicated to the Confederate dead in the city of Chicago I have felt my heart warm anew to the Union. But, sir, let me not be diverted from what was said at the Boston grammar school in England.

Mr. Bayard had gone to that school as an invited guest, and great honor was done to him as the American ambassador. After two or three other speeches on that day, the health of the President of the United States was proposed as a toast, and he, according to custom, was called upon to respond. Certain words were uttered by him on that occasion of which a newspaper has given us the report to which reference has been made. We know not whether it is a literal and accurate report, but I enter no plea of that kind at this time. Take every word there uttered and embodied in this preamble as a basis for these resolutions, and at last you are bound to conclude that you have fired a great gun at nothing. [Laughter.] The whole Republican party is marching pell-mell against the statement that the American President is "a strong man" and that he is "governing," if you please, a people sometimes "violent."

Now, let me tell the House what was said of this same President, not by a Democratic ambassador, but by one who had been a Republican ambassador at the Court of St. James. I have here an address made by James Russell Lowell at the Harvard anniversary, at which Mr. Cleveland himself was a guest, and I will read to you what Mr. Lowell said of the President on that occasion. I do not know whether James Russell Lowell was a yeoman or a cavalier, a Roundhead or a Puritan. It makes no difference to me. He was one of the most delightful and scholarly authors of New England and one of the most distinguished Republicans of that party, and at that Harvard anniversary, speaking of President Cleveland, he said:

You all know that I can mean only the President of our Republic. His presence is a signal honor to us all, and to us all I may say a personal gratification. We have no politics here, but the sons of Harvard all belong to the party which admires courage, strength of purpose, and fidelity to duty, and which respects, wherever he may be found, the

Justum ac tenacem propositi virum,

who knows how to withstand the

Civium ardor prava jubentium.

Now, that is giving, in the elegant Latin of Horace, the very same idea in more intense form which Mr. Bayard expressed at Boston. But did anybody offer to impeach Mr. Lowell for that utterance? Was there any condemnation of that distinguished and scholarly man? Mr. Bayard was at a grammar school where this eloquent phrase of Horace mingled in the air and was understood by all.

In conclusion, Mr. Speaker, I want to add—and I add it with great pleasure—what Mr. Lowell further said of the same gentleman, the President of the United States:

He has left the helm of state to be with us here, and so long as it is intrusted to his hands we are sure that should the storm come he will say with Seneca's Pilot, "O Neptune, you may save me if you will; you may sink me if you will; but whatever happen, I shall keep my rudder true."

[Loud applause.]

Mr. HITT. Mr. Speaker, I yield six minutes to the gentleman from Nevada [Mr. NEWLANDS.]

Mr. NEWLANDS. Mr. Speaker, in common with many who have spoken on this subject, I have to say that as a member of the Committee on Foreign Affairs I regret that it has been necessary to take action upon this subject. That committee, acting with deliberation, called upon the President of the United States, first, to inform the House as to the accuracy of the quotations from Mr. Bayard's speeches which had been published in this country, and, second, whether any action had been taken by the Executive upon the subject. The reply came, practically substantiating the correctness of the quotations and stating that no action had been taken by the Executive.

It was expected that a President who was so prompt to act in the case of Sir Sackville West, whose offense was that he wrote to a fellow-countryman in California, an adopted citizen of the United States, a letter regarding an election then pending in the United States and commenting on conditions of domestic politics—that a President who was so prompt to give that representative of a foreign power his passports for a breach of diplomatic decorum, although the allusions in that letter to himself, to his policy, and to his party, were complimentary in the highest degree, would be prompt to respond by taking appropriate action with reference to the representative of this country bearing a like mission to England, representing the dignity and honor of his country there, and indulging in language of insult and reprobation regarding domestic policies of his own country, whether national or partisan, even though he lifted the Executive upon a pedestal of dignity and power and strength and contrasted him in most complimentary terms with a people strong and "violent," who needed to be obstructed in the measures which they proposed. We had a right to expect that the President would, by words of disapproval, by words of at least mild reproof, call the attention of Mr. Bayard to the requirements of the diplomatic service and to his breach of diplomatic propriety, and thus do away with the necessity for action by Congress upon this subject. But no such course was taken by the President, and it remains for us to assert the dignity of the nation. I have no question of our power, I have no question of our right, to censure any public servant so unmindful of the proprieties of his distinguished position.

The expressions which are complained of occur in two speeches, one delivered at Edinburgh and one at Boston in England. I shall have little to say with reference to the speech at Edinburgh, though it involved offensive criticism of the existing policy of a great party and what might be termed the national policy of the United States ever since the organization of our Government. I shall refer mainly to the Boston speech, in which the "strength" of the President of the United States was contrasted with the

"violence" of the people whom he "governed." I am aware, Mr. Speaker, that there are a great many persons of education, of refinement, in this country who have great admiration for the so-called strength of our President. I shall say nothing whatever in reprobation of his strength of will or his strength of purpose; but I take it that will and determination rightly exercised accomplish good, while will and determination wrongly exercised only make action more indefensible.

Now, it is this last kind of strength which the President of the United States has demonstrated to the country—the strength of *ob*struction, the strength of *de*struction, not the strength of *con*struction. Under his leadership an industrial and financial war has been waged upon the prosperity, the industries, and the energies of this people. He has sought to pull down the wall of protection which the policy of the country had erected for the protection, not only of American labor, but of American capital, for both are alike entitled to protection, and he has also sought to destroy the traditional financial policy of the country and to make gold the only medium of exchange and measure of value. The prostrated industries, the lowered values, the distress of the producers and debtors attest the strength of his obstructive and destructive power, which strength the ambassador to England so eloquently praises.

The SPEAKER. The time of the gentleman has expired.

Mr. HARTMAN. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. STEELE. I object.

Mr. JOHNSON of Indiana. I understand, Mr. Speaker, that my colleague does not object to the extension of the gentleman's time, but only to the extension of the time for taking the vote.

The SPEAKER pro tempore. The Chair understands that the gentleman's time can not be extended without extending the time for taking the vote.

Mr. HITT. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BAILEY].

The SPEAKER pro tempore. The gentleman from Illinois has ten minutes remaining.

Mr. HITT. Has the other side five minutes remaining?

The SPEAKER pro tempore. The other side has about three minutes remaining.

Mr. HITT. I yield the remainder of my time to the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, if I could have controlled the matter now under consideration, I would not have brought it to the attention of this House; because I do not think that it is incumbent upon this body to scrutinize the speeches which a representative of this Government may deliver in a foreign country. But, sir, since the question is before us, and must be decided one way or the other, I shall not allow my judgment against bringing it here to influence my vote upon it now that it is here; nor shall I suffer myself to be diverted from the precise question which is before us by a partisan debate upon the tariff question, which is not before us.

To my mind it is perfectly clear that, in view of the position which he occupied, it was improper for Ambassador Bayard to discuss in another country a question which is seriously controverted in this country. That he should have done so, however, was hardly more than an exhibition of bad taste; or at worst, it was not more than a breach of official propriety, and does not deserve the formal censure which is now proposed against him. The overwrought passage in which he grossly exaggerated the degradation of American politics is objectionable, I grant you; but it is not so objectionable as to justify these proceedings, and if it constituted the only basis of these resolutions, I should feel constrained to vote against their adoption—not because I think the language free from criticism, but because I do not think it warrants this kind of criticism.

But, Mr. Speaker, the Boston speech, to my way of thinking, presents a very much more serious question. When a representative of this Government, surrounded by his English friends in a banquet hall, described his own countrymen as "a violent people who need to have their will obstructed," he committed an offense not merely against good taste and diplomatic etiquette but against common sense and sound patriotism. [Applause.] In this remarkable utterance Mr. Bayard shows himself ignorant of the character of our people, and hostile to the theory of our Government. A hundred years of orderly submission to the law repels the unjust charge that Americans are a people of violent disposition. Twice, sir, in our history a President has fallen under an assassin's hand; twice, the electoral college having failed to choose, this House has chosen a President; and once, amidst intense excitement, an extra-constitutional tribunal has declared a President elected. And yet, sir, each crisis was met and passed with a patriotic forbearance that has forever refuted the ancient calumny that free States are turbulent. [Applause.]

The ambassador has been defended with the suggestion that he did not mean what he said, and that his language, taken with what precedes and what follows, is not susceptible of the construction which has been placed upon it. I wish, Mr. Speaker, that I could be satisfied with that explanation, but unfortunately the connection in which the objectionable expression occurs confirms me in my objection to it. Mr. Bayard was extolling the President, and in order to exalt the magistrate he defamed the people. He sought to prove Mr. Cleveland's greatness by the fact that he governs a people who are difficult to govern.

My friend from Virginia yesterday asserted the truth of Mr. Bayard's accusation against our people and attempted to establish it by recalling the riots of the past. Unfortunately it is true that there have been occasional outbreaks; but will my learned friend hold all of the American people responsible for the deeds of violence which have now and then occurred in some isolated community? Suppose, sir, that he should stand before a temperance society in Great Britain and, intending to admit that some of our people are addicted to intemperate drink, should asperse us as a nation of drunkards. Or suppose he were attending the sessions of some benevolent society whose purpose it is to suppress the commission of crime, and, answering for his own constituents, he should be compelled to admit that now and then a murder stains the fair name of Old Virginia; if, then, some member of the association should rise and brand Virginians as a race of murderers, would he think the imputation just?

But, sir, the characterization of our people as violent is not more offensive than the statement that we frequently need to have our will obstructed. That the President should be praised for obstructing the public will is in itself subject to the most severe animadversion. The President, sir, is our servant, not our master, and it is his duty to enforce our decrees. Mr. Speaker, it is the special excellence of this system that within certain constitutional limitations which the people have voluntarily imposed upon their own power, the popular will is supreme and must be obeyed. I do not claim that the people are infallible. I do not say they are always right; for that would be ascribing to them collectively a wisdom which their wisest leaders can never hope to attain. But this I do say: It is infinitely better that the will of the people shall be fully and faithfully executed, even when they are wrong, than that their servants shall be taught the dangerous doctrine that it is a virtue ever to circumvent it. [Applause.] Sir, whoever declares that the American people need to have their will obstructed assails the very foundations of this Government; and the man who will stand before the subjects of a monarchy and stigmatize the citizens of this great Republic as a "violent people" is unworthy to represent this country anywhere or in any capacity. [Loud applause.]

Mr. HITT. Mr. Speaker, without occupying the few minutes remaining with further debate, I will ask that we now proceed to a vote.

The SPEAKER. The question is on agreeing to the resolutions.

Mr. WILLIS. Mr. Speaker, is it competent to have the resolutions voted on separately?

The SPEAKER. Under the rules the question can be divided.

Mr. WILLIS and Mr. DRAPER asked for a division of the question.

The SPEAKER. The question is on the adoption of the first resolution.

Mr. McCREARY of Kentucky. I wish to ask for information whether the vote will be taken on the preamble and the first resolution?

The SPEAKER. The Chair is inclined to think that would be substantially the case, because the resolution refers to the preamble.

Mr. McCREARY of Kentucky. The reason I asked the question was because I understood the Speaker to say the question would be on the first resolution. As I now understand, the first question will be on the adoption of the preamble and the resolution.

The SPEAKER. The vote will be taken on the first resolution.

Mr. McCREARY of Kentucky. Including the preamble?

The SPEAKER. It is for the House, after the resolution is acted on, to say what it will do with the preamble.

Mr. HITT. Mr. Speaker, the gentleman from Texas [Mr. BAILEY] has called attention to a word in the preamble which it would be better to put correctly. It seems to have been printed incorrectly in the report we have from the Secretary of State. We could not take liberties with that. In order to conform to the text as received from the Secretary of State I ask to insert, after the words "have their own way," in the preamble, the words "and men who seek to have that way frequently obstructed." I think that is erroneous; but those are the words that come from the Secretary of State, and, if there be no objection, I ask that that amendment be made in the quotation from the speech.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

In the preamble, after the words "have their own way," add the words "and men who seek to have that way frequently obstructed."

The SPEAKER. Without objection, the change will be made. The question is on the first resolution.

Mr. McCREARY of Kentucky. I ask for the reading of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

"Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Boston, England, on August 2, 1895, as follows:

"'He (the President of the United States) stands in the midst of a strong, self-confident, and oftentimes violent people—men who seek to have their own way, and men who seek to have that way frequently obstructed, and I tell you plainly that it takes a real man to govern the people of the United States;" and

Whereas Thomas F. Bayard, ambassador of the United States to Great Britain, said in a public speech delivered in Edinburgh, Scotland, on November 7, 1895, as follows:

"'In my own country I have witnessed the insatiable growth of that form of state socialism styled 'protection,' which I believe has done more to foster class legislation and create inequality of fortune, to corrupt public life, to banish men of independent mind and character from the public councils, to lower the tone of national representation, blunt public conscience, create false standards in the popular mind, to familiarize it with reliance upon state aid and guardianship in private affairs, divorce ethics from politics, and place politics upon the low level of a mercenary scramble, than any other single cause. * * *

"'It (the said policy of protection) has unhesitatingly allied itself with every policy which tends to commercial isolation, dangerously depletes the Treasury, and saps the popular conscience by schemes of corrupting favor and largesse to special classes whose support is thereby attracted. Thus it has done so much to throw legislation into the political market, where jobbers and chafferers take the place of statesmen:" Therefore,

*Be it resolved*, That it is the sense of the House of Representatives that Thomas F. Bayard, ambassador of the United States to Great Britain, in publicly using the language above quoted has committed an offense against diplomatic propriety and an abuse of the privileges of his exalted position, which should make him the representative of the whole country and not of any political party. Such utterances are wholly inconsistent with that prudent, delicate, and scrupulous reserve which he himself while Secretary of State enjoined upon all diplomatic agents of the United States. In one speech he affronts the great body of his countrymen who believe in the policy of protection. In the other speech he offends all his countrymen who believe that Americans are capable of self-government. Therefore, as the immediate representatives of the American people, and in their name, we condemn and censure the said utterances of Thomas F. Bayard.

*Resolved further*, That in the opinion of the House of Representatives public speeches by our diplomatic or consular officers abroad which display partisanship or which condemn any political party or party policy or organization of citizens in the United States are in dereliction of the duty of such officers, impair their usefulness as public servants, and diminish the confidence which they should always command at home and abroad.

The SPEAKER. The question is on agreeing to the first resolution.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask for the yeas and nays on the adoption of the first resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 182, nays 72, not voting 101; as follows:

YEAS—182.

| | | | |
|---|---|---|---|
| Adams, | Dingley, | Kerr, | Ray, |
| Aitken, | Doolittle, | Kiefer, | Reeves, |
| Aldrich, Ala. | Ellis, | Kirkpatrick, | Reyburn, |
| Aldrich, Ill. | Evans, | Knox, | Royse, |
| Allen, Utah | Fairchild, | Lacey, | Sauerhering, |
| Apsley, | Faris, | Latimer, | Scranton, |
| Arnold, R. I. | Fletcher, | Layton, | Shafroth, |
| Avery, | Foote, | Lefever, | Sherman, |
| Babcock, | Foss, | Leighty, | Shuford, |
| Bailey, | Fowler, | Lewis, | Simpkins, |
| Baker, N. H. | Gamble, | Linton, | Smith, Ill. |
| Barham, | Gardner, | Long, | Smith, Mich. |
| Barrett, | Gibson, | Lorimer, | Snover, |
| Barthoidt, | Gillett, Mass. | Loud, | Sorg, |
| Beach, | Graff, | Loudenslager, | Spalding, |
| Belknap, | Griswold, | Low, | Sperry, |
| Bennett, | Grosvenor, | Mahon, | Stable, |
| Bingham, | Grout, | Marsh, | Steele, |
| Bishop, | Grow, | McCall, Mass. | Stephenson, |
| Black, N. Y. | Hadley, | McClure, | Stewart, N. J. |
| Blue, | Hager, | McLachlan, | Stewart, Wis. |
| Boutelle, | Hainer, Nebr. | Meiklejohn, | Strode, Nebr. |
| Bowers, | Halterman, | Mercer, | Strong, |
| Brewster, | Hanly, | Miller, Kans. | Taft, |
| Broderick, | Harmer, | Miller, W. Va. | Tawney, |
| Brosius, | Hartman, | Milnes, | Tayler, |
| Bull, | Hatch, | Minor, Wis. | Thomas, |
| Calderhead, | Heatwole, | Mondell, | Tracey, |
| Cannon, | Henderson, | Moody, | Treloar, |
| Clark, Iowa | Henry, Conn. | Mozley, | Updegraff, |
| Clark, Mo. | Henry, Ind. | Murphy, | Van Horn, |
| Cockrell, | Hepburn, | Newlands, | Van Voorhis, |
| Codding, | Hilborn, | Noonan, | Wadsworth, |
| Cook, Wis. | Hill, | Northway, | Walker, Mass. |
| Cooper, Wis. | Hitt, | Otjen, | Wanger, |
| Corliss, | Hopkins, | Overstreet, | Watson, Ohio |
| Cousins, | Howell, | Pearson, | Wellington, |
| Crowther, | Hulick, | Perkins, | White, |
| Crump, | Huling, | Phillips, | Wilson, Idaho |
| Cummings, | Hunter, | Pickler, | Wilson, Ohio |
| Curtis, Iowa | Hyde, | Poole, | Wood, |
| Curtis, Kans. | Jenkins, | Powers, | Woodman, |
| Curtis, N. Y. | Johnson, Cal. | Prince, | Woomer, |
| Dalzell, | Johnson, Ind. | Pugh, | Wright. |
| Daniels, | Johnson, N. Dak. | Quigg, | |
| De Witt, | Joy, | Raney, | |

NAYS—72.

| | | | |
|---|---|---|---|
| Abbott, | Denny, | McCulloch, | Spencer, |
| Allen, Miss. | Dinsmore, | McDearmon, | Stallings, |
| Baker, Md. | Downing, | McLaurin, | Stokes, |
| Bartlett, N. Y. | Draper, | McMillin, | Sulzer, |
| Bell, Tex. | Elliott, S. C. | McRae, | Swanson, |
| Black, Ga. | Erdman, | Meredith, | Talbert, |
| Boatner, | Harrison, | Meyer, | Tate, |
| Clardy, | Hart, | Money, | Terry, |
| Cobb, Ala. | Hutcheson, | Neill, | Tucker, |
| Cobb, Mo. | Jones, | Ogden, | Turner, Ga. |
| Cooke, Ill. | Kendall, | Otey, | Turner, Va. |
| Cooper, Fla. | Kyle, | Owens, | Underwood, |
| Cooper, Tex. | Lawson, | Pitney, | Walsh, |
| Cox, | Little, | Price, | Wheeler, |
| Crisp, | Livingston, | Richardson, | Williams, |
| Crowley, | Lockhart, | Rusk, | Willis, |
| Culberson, | Maguire, | Sayers, | Woodard, |
| De Armond, | McCreary, Ky. | Sparkman, | Yoakum. |

NOT VOTING—101.

| | | | |
|---|---|---|---|
| Acheson, | Dayton, | Kem, | Russell, Conn. |
| Anderson, | Dockery, | Kulp, | Russell, Ga. |
| Andrews, | Dolliver, | Leisenring, | Settle, |
| Arnold, Pa. | Dovener, | Leonard, | Shannon, |
| Atwood, | Eddy, | Lester, | Shaw, |
| Baker, Kans. | Ellett, Va. | Linney, | Skinner, |
| Bankhead, | Fenton, | Maddox, | Southard, |
| Barney, | Fischer, | Mahany, | Southwick, |
| Bartlett, Ga. | Fitzgerald, | McCall, Tenn. | Stone, C. W. |
| Bell, Colo. | Gillet, N. Y. | McCleary, Minn. | Stone, W. A. |
| Berry, | Griffin, | McClellan, | Strait, |
| Bromwell, | Hall, | McCormick, | Strowd, N. C. |
| Brown, | Hardy, | McEwan, | Sulloway, |
| Brumm, | Harris, | McKenney, | Towne, |
| Buck, | Heiner, Pa. | Miles, | Tracewell, |
| Burrell, | Hemenway, | Milliken, | Tyler, |
| Burton, Mo. | Hendrick, | Miner, N. Y. | Walker, Va. |
| Burton, Ohio | Hermann, | Morse, | Warner, |
| Catchings, | Hicks, | Moses, | Washington, |
| Chickering, | Hooker, | Odell, | Watson, Ind. |
| Clarke, Ala. | Howard, | Parker, | Wilber, |
| Coffin, | Howe, | Patterson, | Wilson, N. Y. |
| Colson, | Hubbard, | Payne, | Wilson, S. C. |
| Connolly, | Huff, | Pendleton, | |
| Cowen, | Hull, | Robertson, La. | |
| Danford, | Hurley, | Robinson, Pa. | |

So the first resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. ANDREWS with Mr. MILES.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. HURLEY with Mr. PATTERSON.

Mr. HARDY with Mr. ELLETT of Virginia.

Mr. FISCHER with Mr. MADDOX.

Mr. LEISENRING with Mr. SHAW.

Mr. EDDY with Mr. MOSES.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. CHARLES W. STONE with Mr. LESTER.

Mr. BURTON of Missouri with Mr. DOCKERY.

Mr. HOOKER with Mr. MCCLELLAN.

Mr. ODELL with Mr. TYLER.

Mr. LEONARD with Mr. BARTLETT of Georgia.

Mr. PARKER with Mr. COWEN.

For this day:

Mr. BARNEY with Mr. RUSSELL of Georgia.

Mr. WARNER with Mr. HALL.

Mr. KULP with Mr. MINER of New York.

Mr. RUSSELL of Connecticut with Mr. CLARKE of Alabama.

Mr. GRIFFIN with Mr. MCKINNEY.

Mr. COFFIN with Mr. STRAIT.

Mr. DAYTON with Mr. WASHINGTON.

Mr. FENTON with Mr. BERRY.

Mr. BURTON of Ohio with Mr. BUCK.

Mr. BROMWELL with Mr. CATCHINGS.

For this vote:

Mr. MORSE with Mr. FITZGERALD.

Mr. TAWNEY. Mr. Speaker, my colleague, Mr. TOWNE, is absent, but I am authorized to state for him that had he been present, he would have voted "yea."

Mr. DE ARMOND. My colleague, Mr. DOCKERY, is called away by the death of a kinsman. I ask that indefinite leave of absence be granted him.

There was no objection.

Mr. HENDRICK. Mr. Speaker, when my name was called I voted "nay." I wish to withdraw my vote. I am paired with the gentleman from Indiana [Mr. TRACEWELL]. If he were present, he would vote "yea" and I would vote "nay."

Mr. VAN VOORHIS. Mr. Speaker, my colleague, Mr. SOUTHARD, is absent attending the funeral of his father. If present, he would vote "yea."

Mr. RICHARDSON. Mr. Speaker, my colleague, Mr. WASHINGTON, is detained at his room by illness. If present, he would vote "nay."

The result of the vote was then announced as above recorded.

The SPEAKER. The first resolution is agreed to, and the question is on the second resolution.

Mr. HITT. I call for the yeas and nays on that.

Mr. WILLIS. I offer an amendment to the second resolution.

The SPEAKER. The Chair thinks that can only be done by unanimous consent.

Mr. WILLIS. I hope there will be unanimous consent to the addition of these words.

Mr. PEARSON. I object.

The SPEAKER. Objection is made.

Mr. HEPBURN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 59, not voting 104; as follows:

YEAS—192.

| | | | |
|---|---|---|---|
| Acheson, | De Witt, | Joy, | Raney, |
| Adams, | Dingley, | Kem, | Ray, |
| Aitken, | Doolittle, | Kerr, | Reeves, |
| Aldrich, Ala. | Draper, | Kiefer, | Reyburn, |
| Aldrich, Ill. | Ellis, | Kirkpatrick, | Royse, |
| Allen, Miss. | Evans, | Knox, | Sauerhering, |
| Allen, Utah | Fairchild, | Lacey, | Scranton, |
| Apsley, | Faris, | Layton, | Shafroth, |
| Arnold, R. I. | Fletcher, | Letcher, | Sherman, |
| Avery, | Foot, | Leighty, | Shuford, |
| Bailey, | Foss, | Lewis, | Simpkins, |
| Baker, Kans. | Fowler, | Lhuton, | Skinner, |
| Baker, Md. | Gamble, | Long, | Smith, Ill. |
| Baker, N. H. | Gardner, | Lorimer, | Smith, Mich |
| Barham, | Gibson, | Loud, | Snover, |
| Barrett, | Gillett, Mass. | Loudenslager, | Sorg, |
| Bartholdt, | Graff, | Low, | Spalding, |
| Beach, | Griswold, | Mahon, | Sperry, |
| Belknap, | Grosvenor, | Marsh, | Stahle, |
| Bell, Colo. | Grout, | McCall, Mass. | Steele, |
| Bennett, | Grow, | McClure, | Stephenson, |
| Bingham, | Hadley, | McLachlan, | Stewart, N. J. |
| Bishop, | Hager, | Mercer, | Stewart, Wis. |
| Blue, | Hainer, Nebr. | Miller, Kans. | Stokes. |
| Boutelle, | Halterman, | Miller, W. Va. | Strode, Nebr. |
| Bowers, | Hanly, | Milnes, | Strong. |
| Brewster, | Harmer, | Minor, Wis. | Strowd, N. C. |
| Broderick, | Hartman, | Mondell, | Taft. |
| Brosius, | Hatch, | Moody, | Tawney, |
| Bull. | Heatwole, | Moxley, | Tayler, |
| Calderhead, | Henderson, | Murphy, | Thomas, |
| Cannon, | Henry, Conn. | Newlands, | Tracey, |
| Clark, Mo. | Henry, Ind. | Noonan, | Trelour, |
| Codding, | Hepburn, | Northway, | Updegraff, |
| Connolly, | Hilborn, | Otjen, | Van Horn. |
| Cook, Wis. | Hill, | Overstreet, | Van Voorhis, |
| Cooke, Ill. | Hitt, | Owens, | Wadsworth, |
| Cooper, Wis. | Hopkins, | Pearson, | Walker, Mass. |
| Corliss, | Howell, | Pendleton, | Wanger, |
| Cousins, | Hulick, | Perkins, | Watson, Ohio |
| Crowther, | Huling, | Phillips, | Wellington, |
| Crump, | Hunter, | Pickler, | White, |
| Cummings, | Hutcheson, | Pitney, | Willis, |
| Curtis, Iowa | Hyde, | Poole, | Wilson, Idaho |
| Curtis, Kans. | Jenkins, | Powers, | Wilson, Ohio |
| Curtis, N. Y. | Johnson, Cal. | Prince, | Wood, |
| Dalzell, | Johnson, Ind. | Pugh, | Woomer, |
| Daniels, | Johnson, N. Dak. | Quigg, | Wright. |

NAYS—59.

| | | | |
|---|---|---|---|
| Abbott, | Denny, | McCulloch, | Sulzer, |
| Bartlett, N. Y. | Dinsmore, | McDearmon, | Swanson, |
| Bell, Tex. | Downing, | McMillin, | Talbert, |
| Black, Ga. | Elliott, S. C. | McRae, | Tate, |
| Boatner, | Erdman, | Meredith, | Terry, |
| Clardy, | Harrison, | Meyer, | Tucker, |
| Cobb, Ala. | Hart, | Money, | Turner, Ga. |
| Cobb, Mo. | Jones, | Neill, | Turner, Va. |
| Cockrell, | Kyle, | Ogden, | Underwood, |
| Cooper, Fla. | Lawson, | Otey, | Walsh, |
| Cooper, Tex. | Little, | Richardson, | Wheeler, |
| Cox. | Livingston, | Rusk, | Williams, |
| Crisp, | Lockhart, | Sayers, | Woodard, |
| Crowley, | Maguire, | Sparkman, | Yoakum. |
| Culberson, | McCreary, Ky. | Stallings, | |

NOT VOTING—104.

| | | | |
|---|---|---|---|
| Anderson, | De Armond, | Kendall, | Price, |
| Andrews, | Dockery, | Kulp, | Robertson, La. |
| Arnold, Pa. | Dolliver, | Latimer, | Robinson, Pa. |
| Atwood, | Dovener, | Leisenring, | Russell, Conn. |
| Babcock, | Eddy, | Leonard, | Russell, Ga. |
| Bankhead, | Ellett, Va. | Lester, | Settle, |
| Barney, | Fenton, | Linney, | Shannon, |
| Bartlett, Ga. | Fischer, | Maddox, | Shaw, |
| Berry, | Fitzgerald, | Mahany, | Southard, |
| Black, N. Y. | Gillet, N. Y. | McCall, Tenn. | Southwick, |
| Bromwell, | Griffin, | McCleary, Minn. | Spencer, |
| Brown, | Hall, | McClellan, | Stone, C. W. |
| Brumm, | Hardy, | McCormick, | Stone, W. A. |
| Buck, | Harris, | McEwan, | Strait, |
| Burrell, | Heiner, Pa. | McKenney, | Sulloway, |
| Burton, Mo. | Hemenway, | McLaurin, | Towne, |
| Burton, Ohio | Hendrick, | Meiklejohn, | Tracewell, |
| Catchings, | Hermann, | Miles, | Tyler, |
| Chickering, | Hicks, | Milliken, | Walker, Va. |
| Clark, Iowa | Hooker, | Miner, N. Y. | Warner, |
| Clarke, Ala. | Howard, | Morse, | Washington, |
| Coffin, | Howe, | Moses, | Watson, Ind. |
| Colson, | Hubbard, | Odell, | Wilber, |
| Cowen, | Huff, | Parker, | Wilson, N. Y. |
| Danford, | Hull, | Patterson, | Wilson, S. C. |
| Dayton, | Hurley, | Payne, | Woodman. |

So the resolution was agreed to.

Mr. BARTLETT of Georgia. Mr. Speaker, I am paired on this vote with the gentleman from Pennsylvania, Mr. LEONARD. If he were present, he would vote "yea" and I would vote "nay."

Mr. KIEFER. Mr. Speaker, my colleague, Mr. MCCLEARY, I am informed, is at home, unable to be here. If he were present, he would vote "yea" on both resolutions.

The vote was then announced as above recorded.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

The SPEAKER pro tempore (Mr. HOPKINS). The question now is on the adoption of the preamble accompanying the resolutions.

The preamble was agreed to.

On motion of Mr. HITT, a motion to reconsider the vote by which the preamble was agreed to was laid on the table.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, I move that when the House adjourn to-night it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report.

Mr. BAILEY. Mr. Speaker, I believe there was no regular order made to consider the contested-election case of Benoit against Boatner. Was there only an understanding that it would be called up?

The SPEAKER pro tempore. The Chair thinks there was no order.

Mr. BAILEY. I think it was agreed by unanimous consent that it was to be taken up immediately after the passage of the resolutions.

The SPEAKER pro tempore. It was to be taken up immediately after the disposition of the resolutions that have just been disposed of.

Mr. JOHNSON of Indiana. Mr. Speaker, I now call up the contested-election case of Benoit against Boatner, and yield to the gentleman from Ohio [Mr. TAYLER], who made the majority report.

The SPEAKER pro tempore. A conference report is a privileged report.

Mr. BAILEY. Mr. Speaker, if the gentleman from New York thinks his report will not take any time, I desire——

Mr. SHERMAN. It will take but a moment.

ARKANSAS NORTHWESTERN RAILWAY COMPANY.

Mr. SHERMAN. I present a conference report on the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 5564, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments to the House bill and agree to the bill as passed by the House.

JAMES S. SHERMAN,
JOHN S. LITTLE,
*On the part of the House.*
RICHARD F. PETTIGREW,
WILLIAM N. ROACH,
*On the part of the Senate.*

The report of the committee of conference was agreed to.

CONTESTED-ELECTION CASE—BENOIT AGAINST BOATNER.

Mr. TAYLER. Mr. Speaker, I offer the resolution of the majority of the Committee on Elections No. 2 in the case of Benoit against Boatner, and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana.

Mr. BAILEY. Mr. Speaker, I desire to offer the following substitute.

The Clerk read as follows:

*Resolved*, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

Mr. TAYLER. Mr. Speaker, an arrangement has been made between the majority and the minority of the Committee on Elections No. 2 that a vote shall be had on these resolutions at 4 o'clock, and that the intervening time shall be occupied by a representative of each side reading so much of the two reports as may be thought necessary for the advisement of this House as to the determination of the committee, and that the contestee, in addition to reading such portion of the minority report as he may desire to read, shall have the right, without discussion, to state briefly the reasons why he is willing that this matter should be presented to the House without debate and a vote taken and determination had

to-day. And I desire to say, further, that the arrangement is, with the consent of the House, that the majority and minority reports be printed in full in the RECORD as part of the proceedings of the day. To carry out the arrangement, as far as it devolves upon me to do so, I shall proceed for a moment to read for the information of the House from the report of the majority. I ask unanimous consent for that purpose.

Mr. PITNEY. Is there to be any contest?

Mr. TAYLER. There is not.

Mr. PITNEY. Then what is the meaning of the resolution that has been offered by the gentleman from Texas [Mr. BAILEY]?

Mr. TAYLER. That is the usual form in which these matters are presented to the House.

Mr. PITNEY. Then the case is uncontested?

Mr. TAYLER. It is contested; and there is a minority report.

Mr. PITNEY. I should like to have some reason given for action practically without debate in this contested-election case.

Mr. BAILEY. Mr. Speaker, we are unable to hear what the gentleman from New Jersey says.

Mr. PITNEY. Mr. Speaker——

Mr. TAYLER. Mr. Speaker, I ask unanimous consent that the programme which has been outlined be carried out.

The SPEAKER pro tempore. One moment. Unanimous consent is asked that a vote be had on the pending resolutions at 4 o'clock, and that the intervening time be taken up by the parties in interest, or their representatives, in the reading of such parts of the reports as may be deemed advisable. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITNEY. Mr. Speaker, I rose for the purpose of asking an explanation pending the request for unanimous consent, and asked to be recognized, but the Chair set me aside for the purpose of stating the proposition——

The SPEAKER pro tempore. The Chair did not understand that the gentleman made any objection.

Mr. PITNEY. Well, before giving my consent, I want to know whether there is a real contest here or not. If there is no actual contest, I do not want any unnecessary time to be occupied in considering the case, but if there is a real contest I think there ought to be a little more time for discussion than three-quarters of an hour.

Mr. JOHNSON of Indiana. Mr. Speaker, I will say to the gentleman that there is here a contest by Mr. Benoit against Mr. Boatner, the sitting member. This case has been heard in the committee, and two reports have been presented: First, the report of the committee declaring the seat vacant and the election void; and second, the report of the minority presenting the resolution submitted by the gentleman from Texas [Mr. BAILEY]. It was the intention of the committee to have called this case up in the regular way next week and to have debated it fully, and they were prepared to do so, but Mr. Boatner suggested that he would like to have the case called up to-day and disposed of at the earliest possible moment, for the reason that in the event of the House adopting the report of the committee declaring the seat vacant, to-morrow would be the last day on which, under the law of Louisiana, the governor could give notice of an election to fill the vacancy to be held at the same time as a general election which is now pending in that State. Therefore, it is for the purpose of accommodating the contestee that this agreement has been entered into. The proposition was that the case should be brought before the House; that perhaps twenty minutes should be given to each side to discuss it, and then that a vote should be had. This, I say again, is done for the purpose of accommodating the contestee, so that in the event that the House shall indorse the report of the committee, an opportunity will be given to submit to the people of the district the question of who shall be his successor at a general election which is soon to be held in the State of Louisiana. I ask the gentleman from Texas [Mr. BAILEY] if I am not correct in this statement?

Mr. BAILEY. The gentleman is correct, with this modification, that it is not so much for the accommodation of the contestee as it is for the accommodation of the constituency, the people of that district.

Mr. JOHNSON of Indiana. Oh, well, I am not particular about how the gentleman puts the case.

Mr. BAILEY. I will not quibble with the gentleman about it.

Mr. JOHNSON of Indiana. The agreement that we have entered into simply shows that we are willing to accommodate somebody, and I am not particular about what special person or persons shall appear to be the objects of our accommodation and kindness.

Mr. BAILEY. The gentleman's statement is substantially correct.

Mr. JOHNSON of Indiana. The point was made, first, that in the event of the sitting member being unseated, the people of that district had a right to be represented upon this floor, which seemed to be an undeniable proposition; and, second, that if they were entitled to representation they were entitled to be saved the expense of a special election, if that could be done; which also seemed to me unanswerable.

Mr. BAILEY. That is the ground upon which the agreement was proposed.

Mr. JOHNSON of Indiana. And it was thought best that the agreement should be put in the form I have stated, so that the case might be disposed of to-day.

The SPEAKER pro tempore. Is there objection?

Mr. PITNEY. Mr. Speaker, if the request is joined in by the gentleman from Louisiana himself [Mr. BOATNER], I do not want to obstruct the arrangement.

Mr. BOATNER. I will say to the gentleman that the arrangement was made at my request.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

Mr. TAYLER read the report of the committee, as follows:

The Committee on Elections No. 2, to whom was referred the contested election case of Alexis Benoit *vs.* Charles J. Boatner, from the Fifth Congressional district of Louisiana, having considered the testimony and heard arguments on behalf of the respective parties, submit the following:

The Fifth Congressional district of Louisiana is composed of 15 parishes, as follows: Caldwell, Claiborne, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Morehouse, Madison, Ouachita, Tensas, Richland, Union, West Carroll.

The Congressional election held November 6, 1894, was the only election held in Louisiana on that day. The result, as canvassed and promulgated by the secretary of state, was as follows:

| Parish. | C. J. Boatner. | Alexis Benoit. |
|---|---|---|
| Caldwell | 467 | 318 |
| Claiborne | 938 | 819 |
| Catahoula | 589 | 396 |
| Concordia | 2,109 | 20 |
| East Carroll | 2,010 | 6 |
| Franklin | 637 | 420 |
| Jackson | 212 | 526 |
| Lincoln | 443 | 1,100 |
| Morehouse | 691 | 381 |
| Madison | 1,908 | 55 |
| Ouachita | 2,548 | 642 |
| Tensas | 1,037 | ---- |
| Richland | 663 | 307 |
| Union | 765 | 945 |
| West Carroll | 443 | 59 |
| Total | 15,520 | 5,994 |

The majority for Boatner over Benoit on these returns appears to be 9,526.

This district is bounded on the north by the State of Arkansas and on the east by the Mississippi River. The Ouachita River flows through the district, but the greater part of the district lies on the east side of that river.

The parishes of Union, Claiborne, Lincoln, and Jackson lie west of the Ouachita, and no claim was made by the contestant that in them the election was not held with entire fairness. No testimony was offered respecting the conduct of the election in West Carroll Parish except to correct a clerical error concerning which there is no dispute.

The controversy, therefore, is confined to the remaining 10 parishes, viz: East Carroll, Madison, Tensas, and Concordia, which are called the "river parishes," lying as they do along the Mississippi River, and Morehouse, Richland, Franklin, Catahoula, Caldwell, and Ouachita, which lie west of the river parishes, and are either bounded or cut by the Ouachita River.

The following table shows the vote in 1894, and the white and colored voting population, by the census of 1890, in the 10 contested parishes:

| Parish. | Boatner. | Benoit. | White males over 21. | Colored males over 21. | Total population of voting age. |
|---|---|---|---|---|---|
| Caldwell | 467 | 318 | 595 | 582 | 1,177 |
| Catahoula | 589 | 396 | 1,495 | 936 | 2,431 |
| Concordia | 2,109 | 20 | 609 | 3,050 | 3,659 |
| East Carroll | 2,010 | 6 | 315 | 2,731 | 3,046 |
| Franklin | 637 | 420 | 701 | 768 | 1,469 |
| Morehouse | 691 | 381 | 828 | 2,615 | 3,443 |
| Madison | 1,908 | 55 | 340 | 3,027 | 3,367 |
| Ouachita | 2,548 | 642 | 1,441 | 2,547 | 3,988 |
| Tensas | 1,037 | ---- | 401 | 3,646 | 4,047 |
| Richland | 663 | 307 | 818 | 1,557 | 2,375 |
| Total | ---- | ---- | 7,543 | 21,459 | 29,002 |

NOTICE OF CONTEST.

The contestant, on the 16th day of January, 1895, caused to be served, at the place of residence of the contestee, a copy of his notice of contest. The contestee at that time was absent from the State of Louisiana, and it is admitted that, under the law of that State it is sufficient notice of any suit to make service of the same at the place of residence of the defendant.

The contestee moved to dismiss this proceeding on the ground that no proper notice of contest was served upon him as required by the Revised Statutes.

The committee was of the opinion and held that the service of the notice in the manner stated was sufficient under the United States statutes, and was precisely the kind of notice which was held to be sufficient in the case of Manzanares *vs.* Luna, Forty-eighth Congress. (Moberly's Dig., 61.)

The contestee duly served upon the contestant his answer, and the parties proceeded to take testimony in all respects as if no question had been raised as to validity of contestant's service of notice.

The contestant's notice of contest, while in general terms, was not seriously questioned as to form, and sufficiently covered the various claims made upon the testimony and in the arguments.

THE LAW OF LOUISIANA.

It is not necessary to refer with any prolixity to the election law of Louisiana, but the substance of some provisions must be quoted.

It is provided by the general election laws of 1894, in section 12, that elections shall be presided over by six commissioners and two clerks of elections, all of whom shall be residents and qualified voters of the precincts. The commissioners shall be selected from opposing political parties, provided a sufficient number of each political party reside in the precinct competent to act. The right is given to each political party to designate one person to have access to the polling booth and to witness the voting as well as the counting.

Section 14 provides that before entering upon the discharge of their duties commissioners and clerks must take the oath prescribed by article 100 of the constitution.

Section 19 provides that the registering officers of each parish shall deliver to the sheriff of each parish, at least twenty-four hours before the time fixed for opening the polls, a list of voters registered for each polling place. The list shall be in alphabetical order and shall contain the registration number of each voter. It shall be the duty of the commissioners of each precinct to erase the name of each voter when he has voted.

Section 26 provides that no person shall be permitted to vote who has not duly registered as a qualified voter in accordance with the law in the ward and precinct in which he actually resides.

Section 29 provides that any citizen of the State or commissioner of election shall have the right to require that any voter offering shall be put upon his oath and made to declare whether he is the person registered or has voted, or is a duly qualified elector of the State, parish, ward, or precinct in which he offers. A false oath by such voter subjects him to penalties for perjury; but such affidavit or affidavits herein required must be in writing and returned as a part of the election returns, to be deposited in the office of the clerk.

Section 36 provides that the commissioners of elections shall keep a list of the persons voting at the polling place, which shall be numbered from one on consecutively, such list to be kept numbered and to be signed and sworn to as correct by the commissioners immediately on closing the polls. When the count is completed the commissioners are required to make triplicate compiled statements of the persons voted for, the number of ballots contained in the box, and the number of ballots rejected; and these statements shall be sworn to by the commissioners. One copy of the statements, tally sheets, and list of persons voting is forwarded to the secretary of state and the other two sets returned to the parish board of supervisors.

Section 37 provides for the compilation by the parish board of supervisors of the total vote of the various polling places, and directs that the compiled statements be forwarded to the secretary of state.

EAST CARROLL, MADISON, CONCORDIA, AND TENSAS.

Proceeding now to an examination of the evidence in this case, we consider first the river parishes, viz, East Carroll, Madison, Tensas, and Concordia. As graphic and suggestive a view of conditions in these precincts as could be presented will be manifest by an examination of the following tabular statement of the vote at the Congressional election in 1894, and the character of the population.

| Parish. | Boatner. | Benoit. | White males over 21. | Colored males over 21. |
|---|---|---|---|---|
| Concordia | 2,109 | 20 | 609 | 3,050 |
| East Carroll | 2,010 | 6 | 315 | 2,731 |
| Madison | 1,968 | 55 | 340 | 3,027 |
| Tensas | 1,037 | ..... | 401 | 3,646 |
| Total | 7,124 | 81 | 1,665 | 12,454 |

It is certainly very suggestive that in four parishes where the male whites of voting age number 1,765 the Democratic vote should be 7,124, and that while the colored voting population is 12,454 the vote in opposition to the Democratic candidate should be only 81. The reasons for this condition are not difficult to find.

If the election returns from these parishes are reliable, it appears that not only have the negroes gone over to the Democratic party in great numbers, but that they are unanimously voting that party ticket. Yet the fact is, and appears in this case, that they are Republicans almost to a man.

In the main the same general plan prevailed of conducting in these parishes what are by courtesy styled elections. One scheme and principle dominated in all of them.

This is graphically and frankly described by G. W. Montgomery, a Democrat and supporter of the contestee and now and for twelve years a State senator from the Twenty-fifth district of Louisiana. Mr. Montgomery, on page 38, in answer to a question as to whether or not he advocated a fair count, a fair vote, said:

"I recognized in the ranks of the opposition men who had hitherto helped fight the battle of Democracy, and felt that no attacks upon their rights could be made without an irreconcilable breach. I furthermore felt that if Mr. Boatner had a majority of the white people of the district, that he had no need to ask for irregular methods, and if Mr. Benoit had a majority of the white people supporting his cause, I could not, without violating the principles of white supremacy, for which I have fought for a quarter of a century, ask for anything more than a square count."

Q. Was there a square election in the parish of Madison?

A. I will say that the election was as fair as usual.

Q. How are they usually?

(Contestee objects to investigation of any other election except the last one.)

A. They are usually fair enough to put the white people in control of parochial matters.

Q. How is this done; by counting the negro vote?

A. As a rule it is.

Q. Is this done whether the race is between Democrats or Republicans or between Democrats and Democrats?

A. I will say of recent years it will apply to both with impartiality; the race between Foster and McEnery evidences this fact.

For the leading Democratic politician and statesman in these river parishes to assert that the rule prevailing there is "to put the white people in control by counting the negro vote" is an admission, by one who knows, of everything for which this report contends.

How this negro vote could be thus counted is plainly apparent from the evidence in the record.

The condition of things referred to by Senator Montgomery had continued so long that residents of the river parishes had ceased to expect fair elections; the mode of counting the negroes was perfectly and universally understood and by no one ever questioned; the public conscience was debauched and demoralized; the colored voter was hopeless and helpless.

Yet it was necessary to use the machinery of elections—to go through the form of holding an election—and to make certain formal returns which might suffice to insure the election of the Democratic candidates.

In one parish the registration list was enormously padded; in another, where the total registration list was about 1,000, over 2,000 voters were returned as polled. It is safe to assert that not 300 votes were actually cast in the entire parish. In one precinct, for example, the registered number of voters was 83; the number returned as cast was 442.

The poll books and tally sheets from almost every precinct of these parishes have disappeared from the sight of man. Although great diligence was used to discover them, not one could be found; nor could any witness, whether commissioner or clerk, be discovered who knew anything about them. Many commissioners of election refused to obey subpœnas; some who responded refused to testify, or, testifying, refused to answer on the ground that the answers might tend to criminate them; some, acting under legal advice, refused to answer any question respecting the returns on the ground that the returns themselves were the best evidence; others refused to give information as to the whereabouts of poll books and tally sheets on the ground that they were not the lawful custodians of them, and were not bound to furnish information respecting them.

One commissioner, working in a field, saw the notary approaching and literally took to the woods, and so far as the evidence shows has not since been heard of.

The poll book in one parish was padded, and the registration numbers increased in one instance by skipping from 99 to 1,000, and in other instances jumping in similar manner 900 numbers, so that the total registration appeared to be something over 8,000. The registrar of voters who came into office in 1888 opened a new book beginning with No. 1, and at the time of the election of 1894 had only 570 names on his list. If it had been possible to obtain the poll books much light as to the details of the conspiracy might have been obtained.

Very few of the returns are sworn to. This important and mandatory requirement was neglected, doubtless because the commissioners thought that whatever crime they might be guilty of the charge of perjury could not be laid at their door. The sensitive conscience of these election officers, who would deliberately defile and pollute the ballot box, revolted against making oath to a lie.

In some precincts the returns were signed in blank and not even one of the officers thus signing does reverence to his own certificate.

The claim is gravely made by prominent Democrats respecting these as well as the other parishes in which the negro vote is large that the owner of a plantation has a right to vote the negroes who work for him; and in some quarters conflict arose between white Democrats and Populists, the latter contending for the same privilege of voting their negroes which they had exercised when they were Democrats. The testimony shows that very few voters undertook to vote, and that the commissioners of election counted such number of ballots for the contestee as they thought the exigencies of the case required.

In all of these parishes it is clearly apparent that no Democrat recognizes the right of a negro to cast a vote according to his own will, and that whether he votes or not is a matter entirely immaterial to the commissioners of election or the candidates. If the negro votes, he is compelled to vote the Democratic ticket; if he does not vote, he is counted as having voted the Democratic ticket.

The right of suffrage in these parishes is a farce. No witness, Democrat, Populist, or Republican, who was questioned upon the subject pretended that any election there, in so far as the negro vote was concerned, was fair. No one pretends that the negro will be permitted to vote unless he votes according to the direction of a Democratic employer or a Democratic leader, and the best that could be said of the election of 1894 is that it was not any worse than its predecessors.

The contestee, Boatner, admitted in his written statement filed with the committee that of the 7,124 votes counted for him in these four parishes, over 6,000 ought to be excluded.

It is doubtless true that the election in the four river parishes November 6, 1894, was the quietest known for many years. It appears from the evidence that very few electors voted; probably not more than one to every five returned.

It is doubtless true, also, that the election in these parishes was as fair as any they have had for years, except in the gubernatorial contest of 1892.

The fact is that it has come to be a part of the political life of these parishes—a necessity to the dominant spirits there—that elections shall be absolutely controlled in the interests of the Democrats, and that they are ready and able to return any majority which may be considered necessary. It would have been quite as easy for these people to return a majority of 10,000 or 12,000 for Boatner as it was to return the majority of 7,000. In a word, all appearance, all pretense of fair elections has been abandoned; everybody recognizes and admits it.

CATAHOULA PARISH.

In the parish of Catahoula the same character of fraud was perpetrated as in the river parishes, with the addition that the alphabetical mode of voting people who were dead or not at the polls was to some extent resorted to. We know this, because it so happens that, while the original voting list of the precinct known as Sicily Island was not in evidence and was lost, a copy of it made before it was lost was sworn to and put in evidence. It is not only apparent from an inspection of this voting list that the election in that precinct was saturated with fraud, but several persons, who appear to have voted, testify that they did not vote, and others who were dead are reported as having voted. In that precinct the contestee is credited with all the votes that were cast, viz, 252. Naturally the returns are not sworn to, nor are they in Beards precinct, in which the contestee is credited with 126—all of the votes reported as cast in the precinct. In other precincts of this parish, also, the returns are not sworn to.

MOREHOUSE, CALDWELL, AND FRANKLIN PARISHES.

In Morehouse, Caldwell, and Franklin enough intimidation was resorted to to prevent any interference by Republicans or Populists in such portions of the parish as the Democrats desired to control. For instance, F. C. Overby, a lifelong resident of Morehouse Parish, a white man, a sugar planter, who advocated the election of the contestant, testifies, on page 140:

"I live in the Seventh Ward, said parish of Morehouse, La. With the exception of about three years I have lived in the parish all my life. I was appointed a commissioner of Congressional election held November 6, 1894. I did not serve. I felt certain that it would cost me my life to serve. I had been told that if I came to the polls on that day that I had better come heavily armed. I am a Populist. I was told this by the opposition Democrats. I was busy making sirup at my cane mill on morning previous to the election, November 5, 1894; I was called upon by a party of eight supporters of Colonel Boatner and told that I was advocating against their interest in working for Mr. Benoit. These parties were all white. It may be that one or two of them were not of age, but were able to bear arms. The spokesman of the crowd stated that they fed the negro and proposed to vote them. He stated further that as between the two candidates they had no special preference, but were afraid to allow the negro to vote at all, lest in future elections there might be a Republican candidate, in which event the negro would wish to support the Republican; that if he was allowed to vote now as he wanted to they would have considerable trouble to prevent them voting Republican. I told them that I could not see wherein the election of Mr. Benoit would be in any wise detrimental to their interests, for the fact that my interests were

the same as theirs, practically; that I considered in supporting Mr. Benoit that I was working for my interest and equally as much for theirs. After some discussion on the matter, I told them that so far as electioneering was concerned I was perfectly willing that there should be no more done. The spokesman then invited anyone else of his party to say to me anything that he saw fit, or something to that effect, stating that he had about said all that he thought was necessary. Another member of the crowd addressed me thus: 'As second spokesman of this crowd, I want to say to you that unless you stop using your influence for Mr. Benoit you will not be permitted to live in this country.' I replied that I could die here. He retorted, 'It will be a noble death, but you will have it to do;' and he told me to be a man or a mouse, and I replied, with some asperity, that I would be a man pretty quick if the rest of the gentlemen would see fair play. I had previously made a speech in favor of Mr. Benoit at Gallion, in which I stated my intention as a commissioner of the approaching election to use my utmost endeavors in the interest of fairness. At the time of this attack or visit, another member of this party took exception to this remark. Considerable discussion followed between him and myself. I reminded him of the fact that he himself had made the same assertion in a speech following mine, on the same occasion. I also asked him why he called on me to speak if he didn't expect me to do what I could in the interest of my candidate. He replied that he thought that I would make a speech on broad and patriotic principles. I don't know what he meant by this remark, unless he meant that I would make a speech for Mr. Boatner. They all contended that they did not intend to allow negroes to vote for Mr. Benoit. I told them that I still intended to arm myself and go to the polls and perform my duty as commissioner of election. Finally, they became so vehement in their language, and believing that they were fully determined to carry into execution their various threats, I decided in my mind, in view of their superior numbers, that it would be foolhardy in myself to uselessly sacrifice my life. At this time they were about on the point of departure; I asked them to wait a few moments until I could come to a more definite conclusion about the matter. After considering the matter a few moments I arrived at the above-mentioned conclusion, and told them to hear me. I told them that I wanted them to distinctly understand that in making this concession that it was not through fear of them, that I did not value my life so highly, but for the reason that I had a family of six small children and a wife who would be left in bad condition financially were I to be taken from her at the time. They then rode off and I turned back into my mill room, and as I did so I heard the remark made by one of them: 'He had more sense than I thought he had.' During the time of this visit there was a great deal more said on both sides of a similar nature, but I believe that this is about the substance and will convey a correct idea of what was done and said, and the object and intent of the visit, on the part of the Democrats. This visit had the effect of keeping me from attending the polls and voting and from acting as commissioner of election."

The rule seems to be well established in this Congressional district that a planter has a right to vote all the negroes in his employ without any interference from anyone.

E. Girod, who has resided in Caldwell Parish all his life, a Democrat, for six years sheriff of the parish, present member from that parish of the Democratic State central committee and a former deputy United States internal-revenue collector under Cleveland's first Administration, testifies as follows, on page 23:

"It is the practice and avowed purpose of the managers on the river to vote the negroes on their plantations. Some of the voters came to me on the day of election. They were two negro voters. There were two negro voters from that ward that came to me and stated that they had escaped some men that were hunting them and asked me to protect them. They claimed that they did not want to vote for Mr. Boatner, and stated that they had been told that they would not be allowed to vote for anyone else. One of these negroes stated who was hunting them; said it was J. S. Swift, C. B. Smith, and Dick Milner. These last three mentioned men are supporters of Mr. Boatner. C. B. Smith lives in town; the other lives in Ward 1. C. B. Smith is the man called Neb Smith by McClanahan and Humphries. At that time Neb Smith was a resident of Ward 4."

Q. Mr. Girod, is it not a fact that planters and their managers on river places in Caldwell Parish usually vote their negro laborers and tenants?

A. Yes.

Q. Mr. Girod, is it not also true that they very seldom meet with any difficulty whatever in persuading their negro laborers and tenants to vote with them unless meddled with by outside persons who have no interest in their welfare?

A. I will state that it is a fact that the planters never have any trouble in voting their labor when the planters are united in the support of one ticket.

Q. Mr. Girod, according to the theory of the river planters that the manager of the plantation should vote the hands, would the hands on the place managed by you in Ward 1 have voted for Boatner unless they were coerced to do so?

A. The hands on the plantation, with one exception, have told me since the election that they desired to vote for Benoit, but were told at the polls that they would not be permitted to do so; J. E. McClanahan managed St. Albin's plantation; Mrs. Smith owns a plantation in Ward 1, that was managed by L. H. Wooten, who lived on one adjoining; Mr. L. Wooten owns a place of his own; Mr. L. H. Wooten didn't support anybody; L. H. Wooten is an uncle to C. E. Wooten; C. E. Wooten was a supporter of Mr. Boatner. The planters, as a rule, in Ward 1, do not allow anyone opposed to them in politics to electioneer with their labor; they consider such, meddling with their hands. This rule is more strictly adhered to in national and Congressional elections than in local elections; in the former it is carried out strictly; Mr. I. McClanahan came to the polls in Ward 2 at about 12 or 1 o'clock on the day of election.

OUACHITA PARISH.

In this parish is situated the city of Monroe, where both contestant and contestee reside. It is claimed by the contestee that the best citizens of Monroe supported him, and this is no doubt true; but it appears as well that a considerable majority of the voting population in this parish are negroes, and that so much intimidation was used toward them, both on the day of election and prior to that time, and such steps were taken to make sure that every negro who voted the Populist ticket should be known, that it is not surprising that in a parish where the negroes outnumbered the whites almost two to one the Democratic candidate should receive 2,548 votes and the Populist 642.

It is perfectly apparent that notice was served upon the colored voters that they must vote open tickets, and as to some who were discovered voting for the contestant threats were made that they would hear later concerning their votes, and that watchers were posted at the polls to take down the names of such negroes as refused to vote an open ticket, or who openly voted the Populist ticket.

Much stress was laid upon the fact that some of the commissioners of election in the city of Monroe were recognized to be reputable citizens. A very cursory examination of the evidence in this case will disclose the proved fact that the reputable, no less than the disreputable, citizens believe in preserving white supremacy at any cost, and that in this election, while some protested that it made little difference to them, as between the contestant and contestee, which was elected, yet, that if the negroes were permitted on this occasion to vote any other than the Democratic ticket, a dangerous precedent would be set for future elections, and that it was quite as necessary to prevent votes for the Populist candidate as if the opposing candidate had been a Republican. It is quite as clearly apparent from the evidence respecting Ouachita parish as it is of the others that the owners of plantations claimed the right to vote their "niggers," and that no person representing any other party was permitted to electioneer among the colored men on their plantations.

Captain Weaks, formerly United States marshal for the western district of Louisiana, and not a supporter of either candidate, testifies (page 118) that it is a matter of general repute that the owners and managers of plantations in Ouachita vote the negroes as they please.

The claim of plantation managers in Ouachita to vote the negroes who worked for them raised an interesting ethical question respecting the right to vote negro renters. It is hoped that, in the interest of harmony, a speedy settlement may be had of this important question, which threatens to create warring factions among the Democratic leaders.

The testimony of Samuel Whited furnishes an interesting picture of the prevailing conditions and of the spirit of unrest as to who, if anyone, has the right to vote a negro who rents a farm and works for himself. He testifies as follows, on page 91:

Q. Did you meet any persons on the road home?

A. Yes, sir; several. I met six or seven men on horseback coming from the east this way; when I met them, riding horseback nearly past them, they stopped me; one said he wanted to speak to me. I stopped and told them all good evening, and asked what they wanted with me. One said there was a man on my place; they thought they ought to vote him. I asked them the reason: they told me the reason; I told them they could do that.

Q. What else occurred?

A. They told me they had been in our cotton country.

A. One of the parties said to me: "I understand that you have been electioneering with the negroes for Benoit." I asked him who told him so. He said he heard it—heard men say so. I asked him if any white man told him that. He didn't answer that question that time. I asked him the place. He told me it was on the King place. I told him he was mistaken, for I had not been on the King place since Mr. Walker died. I asked him then if a black man told him; he said it was. I think I told him then that that was no evidence, because he had told me that he wouldn't take a negro's word at election time. I said: "If you can't take a negro's evidence you haven't heard it."

Q. Did he object to your electioneering with the negroes for Benoit?

A. Yes, sir; he said they must control the negroes; they didn't want any Populistic Republican ideas taught the negroes. He asked me then if I was a Republican. I told him I used to be. I told him I used to be a Democrat before he was born, I thought. He asked me if I ever voted for Democratic candidates. I told him yes. I asked him the question whether the negroes that were renting on places for themselves, if they were not free to vote as he or I, and he replied they should not be allowed to vote.

Q. How many of these gentlemen were present?

A. I think eight; I'm sure six.

Q. Were they plantation managers?

A. Yes, sir; principally.

Q. What did they say they had gone to Ward 2 for that day?

A. They said they went out there to see what was going on; they had heard there was a good deal of dissensions.

Q. What had they gone there for?

A. They went there to see if they were going to vote right, was what they gave me to understand.

Q. Why did they claim to vote this negro man on your place?

A. This negro man they wanted to vote had went away from my place after he had contracted with me to work for me in 1894 on the farm. They assisted me in bringing him back to the place to fulfill his contract, was the only reason they claimed him from me.

Q. Do plantation managers claim the right to vote the negroes under their control?

A. Yes, sir.

Q. Do they, or did they, claim that it was improper and inadmissible for anyone to electioneer or canvass negroes on their plantations?

A. Yes, sir.

Q. Did they give any reason for your electioneering for negroes on the King place?

A. No; they said it would not be allowed; it was outside the rules.

Q. Did any of these gents own or control the King place?

A. No, sir.

Q. They complained of your electioneering on that place because they claimed the right to vote the negroes?

A. Yes, sir.

Q. Were you at the polls in the colony during the election?

A. Part of the day; two hours and a half or three hours.

Q. Was there anyone present at the polls taking down the names of the negroes and how they voted?

A. I don't know if they were taking down the names, but they were watching very closely how they voted.

Q. Did you hear them speak to the negroes as to how they voted?

A. Yes, sir—

A. He said "There is a damned negro who voted for Benoit," and they were watching around generally. There were no objections made to men's hands as they voted from places, but these objections were made to those who rented lands.

Nothing could more clearly appear than that the actual violence and bloodshed of former years had had such effect as that an appearance of violence and a threat to do violence was effective throughout the greater part of this district to prevent negroes from voting, or, if they did vote, from voting anything but the Democratic ticket.

In 10 out of the 15 parishes hardly a precinct was free from fraud, intimidation, and violence. In some of the parishes, notably in the four river parishes, the fraud was universally prevalent. The violence and intimidation of former years had done their work, and a very slight show of either was sufficient to keep the negroes away from the polls. Fraud in manipulating the poll lists and the count accomplished the rest.

It must not be assumed that this review of the case has undertaken to advert to more than a small part of the testimony presented, or to refer to more than a few of the circumstances which conclusively developed and proved the fraud, violence, and intimidation. Enough, however, has been adverted to to demonstrate that the right of suffrage, as recognized by the Constitution and the laws, does not exist in at least 10 out of the 15 parishes in the Fifth Congressional district of Louisiana, that that right is denied to a large majority of the voters of the district, and that in those parishes of the district which contain 29,000 out of 41,500 of the voting population there was, and could be under the circumstances, no expression of the popular will, and therefore no valid election.

And even if this were not so to the grave and serious extent to which it actually did go, we are yet of opinion that the condition of affairs which prevailed in the four river parishes is of itself sufficient to justify the conclusion,

as a matter of law, that no valid election was held on the 6th day of November, 1894, in the Fifth district of Louisiana.

It appears, as already indicated, that in those parishes, by the census of 1890, the colored male population of voting age was 12,454 and the white male population of voting age was 1,765. In so far as testimony is to be relied upon it is clear that the colored voters in those parishes are Republicans, and would, if the opportunity was offered them, vote the Republican ticket, and would, if they voted at all, on all occasions vote against a Democratic candidate. The returns from these parishes give the contestee 7,124 votes and the contestant 81.

The inference from this fact and from the testimony bearing on it is that while it can not be said that any certain number of colored voters would have voted for Benoit if there had been a free ballot, yet that beyond question a very small fraction of the number returned for Boatner actually voted for him.

It may be, therefore, that full justice can not be done by simply disregarding the returns from these parishes. It may be, and it probably is, true that a large number of the voters would, had they been permitted, have voted for the contestant. It may be that upon a fair, unintimidated vote in those parishes a sufficient majority might have been given to the contestant to overcome the majority of the contestee in the other parishes. That majority was in the other eleven parishes only 2,483.

If no question were raised as to the validity of the election outside of the river parishes, the House, in justice to itself, and in the interest of fair and honest elections, giving full weight to the facts apparent in this testimony, would be compelled to declare the election void. It could not declare the contestant elected because it can not say, and the contestant did not have it in his power to determine, how many votes the contestant would have received in those four parishes if a free and honest election had been conducted. It would have been physically impossible to take the testimony of six or eight thousand witnesses as to the person for whom they voted or would have voted if permitted to cast their ballots, and in addition to that the very circumstances that prevented their voting would have prevented their testifying.

This case discloses as well the difficulty in obtaining testimony and inducing men to testify as it does the intimidation practiced to prevent their voting. To invoke the rule which demands that returns from the tainted precincts be thrown out would still leave the contestee elected. It seems to us that in such a case the only thing that can be done is to declare the election void. To do otherwise would be to furnish an easy, safe, and certain mode of perpetrating a stupendous fraud, and the more stupendous the more effective.

We therefore conclude as matters of fact—

First. That fraud, violence, and intimidation so permeated the election of November 6, 1894, except in the parishes of Claiborne, Franklin, Jackson, Lincoln, and West Carroll, that there was no free expression of the popular will; that fraud, violence, and intimidation were so extensive and general as to render it certain that there was no fair and free expression by the great body of the electors, more than two-thirds of the electors of the district residing in the remaining 10 parishes.

Second. That in view of the fact that the majority for the contestee in the 11 parishes outside of the river parishes was 2,483, and that in the river parishes, where there is a majority of over 10,000 negroes of voting age, fraud was universal; that while it is impossible to determine how many votes the contestant would have received if a fair and honest election had been held, justice and good morals revolt against the proposition that any valid election was held.

We therefore hold as a proposition of law, growing out of the principle laid down in Sypher *vs.* St. Martin (2d Bartlett, 609), as follows:

If fraud, violence, and intimidation have been so extensive and general as to render it certain that there has been no free and fair expression by the great body of the electors, then the election must be set aside, notwithstanding the fact that in some of the precincts or parishes there was a peaceable and fair election.

We ought to say to the people of the Fifth Congressional district of Louisiana that whoever comes to this House with a certificate of election from that district must have behind that certificate an honest expression of the people's will at the polls, and we therefore recommend the adoption of the following resolution:

"*Resolved*, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana."

Before the reading of the foregoing report was concluded,

Mr. BAILEY said: I do not like to interrupt the gentleman from Ohio [Mr. TAYLER], but the clock will admonish him that he has now consumed a little more than half the time allowed to his side.

Mr. TAYLER. I believe I was a little late in beginning; but I am willing that the time of the other side should be extended in return for any extra time I may occupy. I am now almost through.

Mr. TAYLER resumed the reading of the report, but was interrupted by

The SPEAKER pro tempore (Mr. HOPKINS), who said: The gentleman from Ohio [Mr. TAYLER] has now occupied several minutes more than one-half of the three-quarters of an hour allowed to the two sides.

Mr. TAYLER. I shall be through in one minute. I am willing that there shall be an extension of time on the other side.

Mr. TAYLER resumed and concluded the reading of the report.

Mr. BAILEY. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOATNER] whatever time I may be entitled to.

Mr. BOATNER. Mr. Speaker, the gentleman from Ohio [Mr. TAYLER] and the gentleman from Indiana [Mr. JOHNSON] have both stated the reasons for the submission of this question to the House without debate. I deem it necessary and proper to say that under no other circumstances than those stated would I have consented that the House should be called upon to vote on this question without a full understanding of it; but appreciating that the question should be settled to-day, I solicited the chairman and members of the committee to bring the matter before the House at this time, and they could only do so under these conditions—that is, without debate—and it was agreed that either side should read such portions of the report and the views of the minority as might be thought pertinent to the question. I will therefore consume the remainder of my time in reading such portions of the views of the minority as I think most pertinent; and I ask the special attention of the House.

Mr. BOATNER proceeded to read from the views of the minority of the committee, which, as subsequently ordered to be published in full, are as follows:

VIEWS OF THE MINORITY.

The majority of your Committee on Elections No. 2 have reached the conclusion that the election for Representative from the Fifth Congressional district of Louisiana, held November 6, 1894, was void, and the undersigned, being unable to concur in this conclusion, and being, moreover, convinced that the contestee was lawfully elected to represent said district, herewith present their views.

The Fifth Congressional district of Louisiana is composed of the following parishes, whose vote, at the last election, as returned, is as follows:

| Parish. | C. J. Boatner. | Alexis Benoit. | E. M. Graham. |
|---|---|---|---|
| Caldwell | 467 | 318 | ..... |
| Claiborne | 938 | 819 | ..... |
| Catahoula | 569 | 306 | ..... |
| Concordia | 2,109 | 20 | ..... |
| East Carroll | 2,010 | 6 | ..... |
| Franklin | 637 | 420 | ..... |
| Jackson | 212 | 526 | ..... |
| Lincoln | 443 | 1,100 | 13 |
| Morehouse | 691 | 381 | ..... |
| Madison | 1,968 | 55 | ..... |
| Ouachita | 2,548 | 642 | ..... |
| Tensas | 1,037 | ..... | ..... |
| Richland | 663 | 307 | ..... |
| Union | 765 | 945 | ..... |
| West Carroll | 443 | 59 | ..... |
| Total | 15,530 | 5,994 | 13 |

The contestant attacks the returns from the following parishes: Concordia, Catahoula, Caldwell, East Carroll, West Carroll, Franklin, Morehouse, Ouachita, and Richland, against which he alleges both fraud and intimidation to his prejudice.

In order that a full and perfect understanding of the case may be had, we quote the following charges against each parish, and apply the testimony in support and rebuttal thereof:

CONCORDIA.

The charge against this parish is as follows:

"That at an election or pretended election, purporting to have been held upon the 6th day of November, 1894, in the parish of Concordia, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States, no election was really held; but that in accordance with the usual custom in the four 'river parishes' blank returns were signed by the commissioners and filled out at the parish seat and forwarded to Baton Rouge, the State capital, for official promulgation, purporting to be the returns at which you received 2,009 votes and I 20, when in truth and in fact no lawful election had been held, but that if such an election could have been held and true, correct, and lawful return thereof made, the result would have been as follows in said parish of Concordia:

| | |
|---|---|
| Benoit | 1,000 |
| Boatner | 100 |

"That at least the vote of the entire parish should be rejected and thrown out and not counted, because of the illegal and fraudulent practices aforesaid, all of which was done and committed by your political friends and partisans."

The testimony of the following witnesses was taken in behalf of contestant. Contestee was not present nor represented at the hearing, and therefore the witnesses were not cross-examined, to wit: F. L. Campbell, Philip Hough, A. H. Gillespie, J. K. Skipwith, and J. A. Turpin. Their testimony is to be found on page 81 et seq. of the record, and wholly fails to establish any of the charges made. The pertinent part of Campbell's testimony we quote:

Q. Is it not a fact that the negroes on these plantations, as a general rule, take no interest in politics of late years?

A. Can't say that; in 1892 we had the fiercest conflict in the parish we ever had.

Q. That was when the whites were divided?

A. Yes, sir.

Q. There were Republican candidates also at that election?

A. Yes, sir.

Q. How did the election go?

A. It went Democratic. It went for Foster.

Q. Leaving that campaign out, is it not a fact that they take very little interest?

A. They didn't take much interest in the last election.

Q. The same political conditions prevail as in the other four parishes, pretty much?

A. I don't know; the absence of excitement was due to there being no opposition; one of the political parties was scarcely represented.

Q. Do you know whether or not it is customary for the commissioners in this parish to make returns not sworn to?

A. No, sir; I do not. I have been commissioner of returns at a number of elections, and they were always sworn to.

Philip Hough testified substantially that the negroes took no interest in the election in his ward; that they have not taken an "excitable interest" in elections since 1878. Asked "if it is not a fact that the prevailing impression among the negroes that their votes would not be counted if cast has not caused them to refrain from going to the polls or taking any part in the elections of the river parishes," he replies:

"Of my own knowledge I can not state, but this is the prevailing impression."

J. K. Skipwith and J. A. Turpin were commissioners of election at different polls and utterly fail to substantiate the charges of contestant. The following, from the testimony of J. K. Skipwith, requires no comment:

Q. Isn't it a fact that there was very little interest in that election as far as you know?

A. No, sir; as far as I know there was a considerable interest in it. I was here, the grand jury adjourned, district court adjourned, police jury adjourned so as to vote. There was considerable interest in it.

Q. Was there any interest or canvass in the election?
A. My impression is that Boatner spoke here once after he was nominated.
Q. How many votes were cast by voters at the second precinct on that day?
A. The votes counted out of the box were actually cast.
Q. How many votes were counted out of the box?
A. One hundred and forty-six.

Upon this testimony, which fails to show a single fact adverse to the contestee, and without any evidence whatever to show that the voters of the parish of Concordia could not and did not freely and voluntarily exercise the right of suffrage at the recent Congressional election, the House is asked to disregard the returns from this parish and reject 2,000 votes for contestee. It is a most significant and important fact that contestant has failed to show that he had any support or supporters in this parish except the 20 votes returned for him, that he made any canvass in it, or had any just right to suppose that under the circumstances he would receive or might reasonably expect to receive any considerable support.

The usual argument, or rather inference, that the negro will, if not unlawfully prevented from doing so, vote the Republican ticket, can have no application here, because the contestant was running as a nominee of the Populist party; had not been indorsed by the Republicans; was not being supported by any Republican leader in the district, and hence it can not be contended that negroes would have voted for him unless prevented from doing so. The contestee, on the contrary, was well known, had represented the district three successive terms, and according to the testimony of contestant's witnesses, stood well with both the white and colored voters of that parish. It is very true that the returns are informal; in some instances not sworn to at all, and in others the law being only partially complied with, but the election law of Louisiana provides that:

"No election shall be vitiated on account of any neglect, illegal or improper act or conduct of any officer or person unless it be proved in the contest that enough electors were deprived of their votes to have changed the result of that election." (Section 39, act of 1894.)

And the supreme court of Louisiana, construing similar provisions in prior statutes, has held that:

"The omission to comply with directory provisions, unaccompanied by evidence of fraud, will not vitiate returns or invalidate an election." (8 N. S., La., 14; 9 La. Annual, 577; 10 La. A., 732; 13 A., 301; 29 A., 610; 14 Barb., 250; Cooley's Constitutional Lim., 613-625, note 1, page 618.)

A careful examination of the evidence relating to the returns from this parish has enabled us to make a table showing the wards and polling places in which the essential features of the law were complied with and those in which no attempt to do so was made, which is as follows:

| Ward. | Name. | Sworn. | Unsworn. |
|---|---|---|---|
| 1 | Boatner | | 178 |
| 2 | do | | 146 |
| 3 | do | | 442 |
| 4 | do | | 1 |
| 5 | do | 530 | |
| 6 | do | | 100 |
| 7 | do | | 300 |
| 8 | do | 229 | |
| 8, 9th precinct | do | 147 | |
| 10 | do | | 6 |
| | Benoit | | 15 |
| 10, 13th precinct | Boatner | 30 | |
| | Benoit | 5 | |

The election law of Louisiana requires that triplicate tally sheets and a triplicate consolidated statement of the ballots found in the boxes shall be made. It also requires that a list of the persons voting shall be kept, numbered in the order that they present themselves for voting. All this must be sworn to by the commissioners. A consolidated statement of the vote, tally sheets, and the statement of the voters must be deposited with the clerk of the court, a consolidated statement and tally sheet with the secretary of state, and another with the local board of returning officers. It will be seen that the preparation of these papers requires very considerable labor and some skill. The Congressional elections in this district have practically gone by default for the last four terms, and the contestant, having made no canvass in this parish and having no support there, it naturally occurred that the election officials were extremely careless in the performance of their official duties.

Desiring, however, to be absolutely safe in our contention, we claim for the contestee only the vote from those wards where the returns were made according to law, or if deficient, only partially so. An examination of the testimony of A. H. Gillespie, sworn for contestant, shows that the returns from Wards 5, 8, and 10 were sworn to by the commissioners, with the exception of the list of voters, to which they failed to attach their affidavit; but no fraud whatever being proved with respect to these wards, we submit that the election can not be vitiated on account of the neglect of the officers to perform this duty.

These wards give Boatner 936 votes. To this can be added the vote from Ward 6, amounting to 100, proved up by J. K. Skipwith, contestant's witness, to have been correctly returned according to the vote cast. This makes Boatner's total vote from parish 1,036, from which deduct 5 votes cast for Benoit, leaving his majority 1,031.

CATAHOULA.

The charges against this parish are as follows:

"First. In the election precinct or voting place commonly called Sicily Island, in the parish of Catahoula, at an election for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, only 40 votes were actually cast, but your political friends and partisans returned or caused to be returned 256 votes for you and none for me. I shall insist that the entire vote of said box at Sicily Island be rejected and not counted for you, as was illegally and wrongfully done.

"Second. That at the election precinct or voting place commonly known as Beards Point, in the parish of Catahoula, at the election only 26 votes were actually cast, but that your political friends and partisans illegally and wrongfully counted or caused to be counted for you 126 votes as having been actually cast.

"Third. I further and more distinctly allege that these wrongs and frauds were perpetrated by commissioners of election, or other persons who were your political friends, supporters, and partisans.

"Fifth. That by the fraudulent acts aforesaid, done and committed by your political friends and partisans to my prejudice and for the advancement of your political fortunes, there were returned from said parish 382 votes which you did not receive, and therefore not entitled to, and that with the aforementioned fraudulent votes rejected and disallowed for you the count of votes in the parish of Catahoula will be and ought to be as follows, to wit:

| | |
|---|---|
| Benoit | 396 |
| Boatner | 197 |

The evidence, in our opinion, sustains the charge of fraud at the two precincts named, Wards 2 and 10, but following the rule laid down in the recent case of Aldrich *vs.* Robbins, contestee is entitled to the votes which contestant admits that he received at these two boxes, to wit, 40 votes at Ward 2 and 26 at Ward 10.

The following, compiled from contestant's testimony, will show the returns from the several wards which were sworn to and those not sworn to, showing 166 legally returned for Benoit and 89 for Boatner; to which last add 66 received in Wards 2 and 10, making Boatner's total vote 155, which deducted from Benoit's vote of 166, leaves the latter's majority in the parish 11 votes.

The returns from the polls we reject were totally devoid of any compliance by the commissioners with the legal requirements, and we reject them as we did similar returns from Concordia, though in neither case is there any proof of fraud; but where neither the tally sheets, list of voters, nor the consolidated statement are sworn to or signed by the commissioners we do not consider it safe to treat the returns as official.

Bringing forward Boatner's majority of 1,031 in Concordia and deducting Benoit's majority of 11 in this parish, Boatner's net majority stands 1,020.

CALDWELL.

The charges against this parish are as follows:

"That upon the 6th day of November, 1894, there was held in the parish of Caldwell an election for a Representative from the Fifth Congressional district of Louisiana to the Fifty-fourth Congress of the United States of America, and that at said election and by the illegal and fraudulent conduct of your political friends and partisans I was deprived of the votes of many legal electors of said parish, and that many others were forced by fears and threats of violence to their persons to vote for you and against me, who if left to vote free and untrammeled would have voted for me and against you, to wit:

"Seventh. In the beat or voting place commonly called Columbia, in the same parish of Caldwell, the votes of fully 100 legal electors who voted for me were counted for you and against me, and that in addition to the number of votes returned for me from said box or voting place I am entitled to and will claim 105 additional votes.

"Eighth. At the precinct or polling place at which were cast the votes of Ward 7 in said parish of Caldwell, bribery was resorted to by giving or offering to give sums of money to those who would vote for you and against me, and by this action on the part of your political friends and partisans I was illegally and wrongfully deprived of 30 votes which I otherwise would have received and that I am entitled, in all fairness, to have the said number of votes counted for me and returned accordingly against you.

"Ninth. That at the precinct or voting place in Ward 1 of the said parish of Caldwell the election was held in violation of all law and order, for the following reasons, to wit: My political friends and supporters were denied access to the place at which the voting was done; that firearms were stacked in or about or near to the voting place in an unlawful manner and for an unlawful purpose, to wit, to intimidate voters in your interest; all of which prevented a fair and honest and free election. I further allege and claim that at this voting place many legally qualified electors were forced by threats and fear of personal violence to vote for you and against me who otherwise would have voted for me, and that many voters who refused to go to the voting place in said ward for the reason that they knew they would be forced to vote against me, their choice for Representative in the Fifty-fourth Congress of the United States, and for you, who was distinctly not their choice, were followed and pursued upon horses by your political friends and supporters and forced to return and vote for you and against me, and that many others, who eluded the pursuers (your friends and partisans) and did not vote at all were counted as having been present and voting for you and against me.

"For the reasons above set forth, and others, it is apparent that I would have received 200 more votes at said voting place than were returned for me, and I shall therefore claim that your right to 200 of these votes be rejected and thrown out, and not counted for you, but for me.

"Tenth. That I shall therefore claim that a true, correct, and honest election and return of the votes thereof from the aforementioned voting places would show that there were cast in the said parish of Caldwell votes as follows, to wit:

| | |
|---|---|
| Benoit | 653 |
| Boatner | 84 |

The foregoing charges are fully and conclusively refuted, and it appears, from the evidence, that the only intimidation attempted was by two adherents of the contestant, named, respectively, Emile Girod and J. E. McClannahan.

The contestant attacks Ward 1, which gave contestee 270 votes, and Ward 4, which gave him 146 votes. Contestant also claims the vote in Wards 2 and 5, which were thrown out by the supervisors on the ground that more ballots were found in the boxes than names of voters on the poll lists.

Ward 1 is attacked on the ground of intimidation, and the testimony of J. E. Humphrey, Emile Girod, and J. E. McClannahan is relied upon to support it.

J. E. Humphreys, according to his testimony, is a Populist, who lives in the western or upland portion of the parish. The day before the election he repaired to Ward 1, where he proposed to electioneer in behalf of contestant. He claims that he was advised by the friends of contestee, H. W. McCloud, C. E. Wooton, and Dr. E. L. Wright, not to remain at the polling place; that they could not vouch for his safety, and that there were 25 shotguns stacked in the store at the place of the meeting, and owing to threats that J. E. McClannahan had made, the citizens had forbid any parties from any other ward in the parish coming into their ward and working for Benoit, stating that McClannahan had threatened to bring parties in from other wards and force them to let the negroes vote as they pleased.

These parties kindly agreed to entertain him for the night, but advised him not to attempt to remain the next day, and told him that they forbade and would not allow him to electioneer with the people on their plantations, or those off their plantations.

This witness also testified that Mr. L. H. Wooton told him that his negroes wanted to vote for Benoit and were not permitted to do so.

Both McClannahan and Girod testified that the negroes had told them that they desired to vote for contestant, but were not permitted to do so.

Contestee, in rebuttal of this testimony, called the school-teacher and justice of the peace of the ward; H. R. McEnery, planter; H. B. Powell, merchant and planter; R. W. Milner, clerk; C. E. Wooten, merchant and planter; J. C. Mills, plantation manager; H. H. Filhiol, planter; C. B. Smith, planter; H. W. McCloud, plantation manager, and W. H. Hall, the Populist commissioner of elections; also the following colored men living in the neighborhood: Charles Green, Richard Hunter, W. W. Hall, Vandy Jacobs, Robert Williams, Price Logan, Charles Jacobs, Homer Williams, and Ennis Creft; 10 white men and 10 negroes, all residents of the immediate neighborhood in which this intimidation is said to have occurred.

It appears from their testimony that contestant did not have either a white or a colored supporter in the ward, so far as known; that the planters unanimously favored the election of contestee and actively supported him; that the negroes were also his friends and unanimously supported him; that on the day of the election, in so far from their being any appearance of intimidation, the negroes had a general jollification and ran pony horse races all day. The comparison of the testimony of these witnesses with that of Mr. Girod and Mr. McClannahan will show that the latter two were endeavoring

to intimidate certain colored voters who had been under their management into the support of the contestant; that McClannahan had sworn that unless his negroes, as he called them, voted at his dictation he would "chop up the ballot boxes," as he expressed it.

Both he and Girod had been Democrats and recently turned Populists, and the planters of this ward were determined that they should not exercise any unlawful influence over the colored vote of the ward.

It is a significant fact that not a single witness, white or black, has been produced who desired to vote for the contestant, and who was either prevented or persuaded from doing so, and while the witnesses for the contestant glibly testify that numerous negroes have told them that they desired to vote for Benoit, they refuse to give their names or to produce the witnesses. If such testimony as this can be considered sufficient to reject the entire poll of a ward, while the voters themselves testify to absolute freedom and fairness, no ballot will be safe from attacks of this character.

The attack on Ward 4 is based on an ex parte affidavit of some 76 parties that they had voted for Benoit, and only 43 votes have been returned for him from that box. These affidavits certainly can not be considered as evidence. The contestee called one of the Populist commissioners at this box, whose testimony will be found on pages 164 and 165 of the record. He swears positively that it was impossible for any change of ballots to have been made, and that none was made. It appears from the testimony of the contestant's witnesses that he was fully represented at this poll; that his friends watched it all day; that the commissioner whose testimony was taken by contestee, E. G. Dewey, was the one who received the ballots; that he at no time was absent from the box; and that it was opened and counted without having left his possession.

Under these circumstances the contention of the contestant that this ballot should be thrown out is not only unfounded but absurd.

In Wards 2 and 5, it appears that the parish supervisors rejected the entire ballot because the number of votes in the box exceeded the number of names carried on the poll list. The law of Louisiana is silent in such contingencies, and in the absence of statutory legislation, we are not advised of any means by which the true result could be reached, nor can we find any authority on the part of this committee to revise the action of the authorities of the State of Louisiana where they have acted within the scope of their jurisdiction. We therefore find no reason to change the returned vote from the parish of Caldwell, which is 467 for Boatner, 318 for Benoit.

Boatner's majority is 157, which, added to his previous majority of 1,020, makes 1,177.

OUACHITA.

The charges against this parish are as follows:

"Eleventh. That on the 6th day of November, 1894, there was held in the parish of Ouachita an election for a Representative in the Fifty-fourth Congress of the United States for the Fifth Congressional district of Louisiana, and that at and before said election, at and about and in the neighborhood of the voting places of Log Town, in Ward 4; West Monroe, in Ward 5; Grady School House, in Ward 1; Colony, in Ward 2; court-house, in Ward 3, and Compress, in Ward 3, and among those voters whose votes were required by law to be cast thereat, a reign of terror, provoked and kept alive by your political friends and partisans, existed, of such a nature and to such an extent as required a high degree of personal courage on the part of those who voted for me against you, and that, by reason of this fear upon the part of many voters, hundreds were forced to vote for you, many of whom so stated, and against me.

"Twelfth. That by unlawful and other means hundreds of voters were induced to form themselves into so-called Democratic clubs and go through the form of mummery of passing resolutions to vote the Democratic ticket, and vote it openly; all of which I will claim was against their will and wishes, for your friends and supporters well knew that a large majority of such voters would vote for me if permitted to do so, and against you.

"Thirteenth. That white men of known and reputed personal courage and bravery, who were also equally well known as your political friends and partisans, were appointed to be at and remain at each box or voting place, and in plain view thereof, to see that they so voted an open Democratic ticket; and I will claim that you were personally cognizant of the proposed illegalities, and that you made no attempt to restrain the unlawful intents or acts of said partisans; and that, therefore, by reason of threats and fear of personal violence and ostracism hundreds of legally qualified electors were deterred from voting for me, and by these methods "persuaded" to vote for you, and that could a fair and peaceable election have been held at the above voting places in the parish of Ouachita upon the 6th day of November, 1894, the result would have been as follows, to wit:

| | |
|---|---|
| Benoit | 2,590 |
| Boatner | 600 |

The city of Monroe, which is the principal town in north Louisiana, is situated in this parish. It is a thriving and progressive little city with a population of about 5,000 people, and the home of both contestant and contestee.

The returned vote of this parish is:

| | |
|---|---|
| Boatner | 2,548 |
| Benoit | 642 |
| Boatner's majority | 1,906 |

By reference to the notice of contest it will be perceived that no attack is made on these returns on account of any irregularity, but solely on the ground of intimidation.

His testimony attacks three wards only:

| | Votes. |
|---|---|
| The third precinct of Ward 2 | 152 |
| The third precinct of Ward 3 | 558 |
| Twelfth precinct in Ward 10 | 263 |
| Total | 973 |

Ward 3 and the twelfth precinct of Ward 10 are partially within the limits of the city of Monroe. The witnesses whose testimony is relied on to sustain the charge of intimidation at these polls are E. R. Benoit, brother of contestant; H. Barr, L. J. Johnson, David T. Russell, T. F. Campbell, and contestant himself. We will briefly review the testimony of each of these witnesses.

E. R. BENOIT.

The substance of his testimony is that he saw a negro named H. N. Nelson come to vote. A Mr. Parker walked over with the negro and Mr. Block asked Mr. Parker if the negro had voted right. Parker replied, "Yes; but he did not want to." Parker said something to the negro, who replied, "Yes, sir." Then Parker told the negro to get his ticket for the next world. That is about what he saw at "Compress box," which is the twelfth precinct of Ward 10. Heard negroes say that they wanted to vote for Benoit but were not allowed to. Heard negroes say they did not vote because they were not allowed to vote an open ticket. On cross-examination says:

"I did not say I heard negroes say that they wanted to vote for Benoit but were afraid to. I said I heard some people. Mr. Lynch was one of them."

Also heard one negro named Andrew Lawson say he was going to leave. He was scared to stay. The negro had voted, but witness did not ask him for whom. The only intimidation which it can possibly be claimed as proved by this witness is the negro Nelson, who presumably voted for contestee; the negro Lawson, who presumably voted for contestant, and a white man named Lynch, who said he did not vote because he could not vote an open ticket. It is to be observed that the witness infers intimidation of the negro Nelson, not from anything that Nelson said or did, but from what he said he heard Parker say, that the negro Lawson had not been prevented from voting, and that while he seeks to have it inferred that Lynch did not vote, because he wanted to vote an open ticket, yet the witness himself admits that he had just voted an open ticket without molestation or interference.

H. BARR.

His testimony is substantially embraced in the following question and answer:

Q. What was done at the poll?

A. After 5 o'clock whistle blew a couple of darkies that worked in the shop came to vote. I handed them Benoit tickets and said: "Here's a ticket, Bill." Bill said, "What ticket is it—Benoit ticket?" I said "Yes," and he took the ticket, and him and the other darkey started up to vote. About that time a man pushed between him and I and said, "Nigger, here's your ticket," and they said, "Boss, I have a ticket." He said, "You damned niggers are going to vote for Benoit; they are doing all they can to get you fired at the shops," and John Stevens happened to be standing there; he said: "It's no such a thing; they are firing white men and putting niggers in their places." Now this gentleman spoke up and said: "By God, you are going to vote this ticket." I saw it was getting too rocky for me and I stepped back. I didn't see much more; I left; I saw it was too rocky for me at the poll.

On cross-examination he admitted that he had been at the polls from 1.30 p. m. to half past 5 p. m.; that he voted an open ticket without molestation or interference. It is also to be observed that he could not give the names of parties who, he says, used the language stated by him to the negro voters to whom he had given Benoit tickets.

L. J. JOHNSON.

This witness was a commissioner of elections appointed to represent contestant. He testifies that there was a general demand for the voting of open tickets, yet admits that many tickets were voted folded. He also testified that Dr. A. G. Bowman was near the polls taking down the names of persons who voted. The following examination and cross-examination speaks for itself and requires no comment:

Redirect:

Q. Where did the voters stand?

A. The box was before that door and the voters stood on the outside of the table that stood at the door; the box was on the table.

Q. What part of the court-house?

A. None in the room; the voters were in the hall of the court-house.

Q. In coming up to the door to vote didn't the voter have to pass through a crowd of persons standing in front of the door?

A. Most all day, standing in front of the door there.

Q. Where was the man standing who had the memorandum?

A. Standing up against the door facing in front of the poll.

Q. Was he a Boatner or Benoit man?

A. I guess a Boatner man, Dr. Bowman.

Q. From what you saw and heard at that precinct on that day were the negroes perfectly free to vote for whom they pleased?

A. I think the negroes are too badly scared to vote in this country as they please entirely; they are afraid to vote as they please.

Recross:

Q. Do you mean that with reference to this particular election, or elections generally?

A. Elections generally.

Q. Did you see or hear anything at this poll calculated to make them afraid to vote as they pleased?

A. I do not know the negro's object in wanting to vote a folded ticket; whether they were afraid of one party or the other. White men as well as colored would have their tickets folded when they would come to vote. They were requested to vote an open ticket.

Q. About how many negroes came with folded tickets and were requested to vote an open ticket?

A. Can't answer that question.

Q. Were any considerable number of them?

A. I think most of the persons who went to vote had their tickets folded; all had to be folded to go into the box.

Q. I meant how many people came to vote with tickets in their hands folded to vote?

A. As I was sitting on the inside, I couldn't see.

Q. Who was it that requested them to vote an open ticket?

A. Can't say particularly anyone. It seemed to be the general demand on the outside. The commissioners had nothing to say in the matter.

Q. Did you see any action on the part of the supporters of the contestee (Boatner) that was calculated to intimidate any person and prevent him from voting as he chose?

A. I heard these words: "If you don't vote a Democratic ticket that you must not look to the Democrats for any more favors." I don't know who said it. I heard it on the outside.

Q. You don't know who said it?

A. No, sir; I don't.

Q. What time of day was that?

A. Don't know.

Q. That is all you heard that sounded anything like intimidation?

A. Yes, sir.

Redirect:

Q. You spoke of the tickets having to be folded to be placed in the box. Were they folded up again after being opened?

A. The slot in the box was too narrow for tickets to go in without folding. If they were handed to the receiver and he placed it in the box, he folded it himself.

Q. Did you hear more than one demand that they vote an open ticket?

A. It was a general demand or request to all voters from more than one. I didn't understand that all folded tickets were for one party or the other. I suppose they had curiosity to see who they were voting for.

Q. What effect would the demand or request to vote an open ticket have on negro voters? Would it or not be calculated to intimidate them?

(Contestee objects, as it is calling for the mere opinion of the witness.)

A. Can't give any answer to that question; I don't know.

Q. What effect would the taking down of the names of the negroes and how they voted have upon them?

(Contestee objects on the ground above; also, that the witness has not stated that the manner in which the voters voted was taken down at the polls, witness only having stated that a party appeared to be making a memorandum of the names of those who had voted.)

A. I don't know how to answer that question.

Q. Did you state that these names and how they voted were taken down in that book?

A. I know the names were taken down; I don't think the way the votes were given; I don't know what names were taken.
Q. Were the names of white voters taken down?
A. I think so.
Q. Did you say all voters were taken down?
A. I don't think the memoranda was kept there all day.

Recross:

Q. Was the object of taking those names to keep an account of those who had voted, so as to send for those who had not voted?
A. I don't know; they could have got that information from the poll books; that idea had not occurred to me.
Q. The poll book was not subject to their examination at that time?
A. I think not, it was never asked for, I don't think.
Q. Was it in constant use in checking off the names by the commissioners?
A. Yes, sir.
Q. Dr. Bowman is a very peaceable, law-abiding citizen?
A. I believe so.
Q. He is an honorable man and stands well in the community?
A. I think so.
Q. Did he act quietly and peaceably while taking this memoranda?
A. Yes, sir; I think he did.
Q. Do you recollect the proportion of the folded ballots that you found for Mr. Benoit when you counted out the tickets?
A. No, sir; I can't answer that question; don't remember; there were some for both sides, Boatner and Benoit.

It will be noted that the witness says:

"I think the negroes are too badly scared to vote in this country as they please entirely. They are afraid to vote as they please."

On cross-examination, when asked if he meant that with reference to this particular election, or elections generally, he replied: "Elections generally," and gives no single act or fact occurring during this election which could reasonably have the effect of intimidating any voter.

It will be noted as we proceed that all of the witnesses for the contestant at this box referred to the taking down of the names of negroes by Dr. Bowman as an act of intimidation, and we will at this point refer to the testimony of Dr. Bowman, which shows the extent to which this was done and its object and purpose:

Q. It has been testified that on that day (referring to the day of the election) you stood by the Second Ward poll box and took the names of voters. Please state whether or not you did so.
A. I did not.
Q. Please state what you did in and about the polls.
A. Was about the polls off and on all day, and there was one or two negroes—three I believe, that had voted the Democratic ticket and I thought they were voting for Benoit and took their names on the back of an envelope—not for any purpose of intimidation whatever, but to see that they did not participate in Democratic primaries hereafter.
Q. Did you intimidate or attempt to intimidate any colored people or white men of approved personal courage on that day or prior thereto into voting for the contestee (Boatner)?
A. I did not.

By a reference to the testimony of the contestant himself it will be seen that he describes Dr. Bowman as a peaceable and law-abiding man, and one whose veracity can not be questioned.

DAVID T. RUSSELL.

This witness is one of Benoit's warm supporters and, we infer, managers. The following questions and answers give the substance of his testimony:

Cross-examined:

Q. You have stated that you considered the election held on November 6 at the Court-House precinct as notoriously unfair. Please state why. What occurred or transpired to impress you with such an opinion or idea?
A. I have already stated that, I believe. On the day of the election Emanuel Hall came to the polls to vote. He had a folded ticket. Mr. Tom Parker asked him if he didn't know that it was understood that everyone should vote an open ticket. He said he didn't know anything about that; that he wanted to support Mr. Benoit. They tried to make—Mr. Parker and some other gentlemen, several, Tom Parker—him open his ticket. He told them no; he wanted to vote that ticket, and wanted to vote for Benoit; and he put the ticket in the box. Tom Parker said to some gentlemen present, "Can we stand this?" The reply was, "Don't think we can." They caught hold of him and pulled him in the yard and cursed him for a * * * That's all, I reckon.
Q. Did Emanuel Hall vote for Mr. A. Benoit?
A. Yes, sir; he did; he voted a folded ticket, and claimed he was voting for Benoit.
Q. He voted a ticket which he had folded in his hands and which he claimed was a Benoit ticket?
A. He did.
Q. Give the names or name of any white or colored voter who desired to vote for Benoit at the last Congressional election who were refused or denied that right.
A. As I said before, I don't know whether Lawson voted or not; if he didn't vote he was deterred from doing so by the action of Boatner men at this polling precinct. He told me he was going to vote; he came here to vote; I don't know if he voted or not.
Q. You are satisfied if he did vote at all he voted for Benoit.
A. I am.
Q. Then if Andrew Lawson was permitted to vote you don't know of a single instance or individual who was refused the right to vote at the polls as they desired?
A. No; I think all who wanted to vote for Benoit, as far as my own knowledge goes, supported him; voted for him.
Q. Do you know that four-fifths of the white voters in Wards 3 and 10 of this parish were outspoken and pronounced supporters of Mr. C. J. Boatner in the November election, 1894?
A. I can't say what proportion there was; certainly a large majority of the whites were outspoken supporters of Boatner.
Q. Were not the more intelligent and influential negro voters in the town of Monroe supporters of C. J. Boatner at that election?
A. I suppose they supported Boatner; yes, sir.
Q. Where is Andrew Lawson at this time?
A. Monroe, I guess. I have not seen him for three or four days.
Q. Has he not resided here since the election, November, 1894?
A. Yes, sir.
Q. Has he been molested or in any way troubled by anyone since the election?
A. I think not.
Q. Has anyone else who supported Mr. Benoit been molested in any way?
A. To my knowledge I know of no one.

T. F. CAMPBELL.

This witness was also a leading supporter of contestant and a commissioner of elections.

Asked to state whether he saw anything in the halls in the front of the polls which intimidated negro voters and interfered with their free exercise of the right of suffrage, he answers as follows:

A. I believe that I saw acts that were calculated to intimidate colored people.
Q. Please state what these acts were and by whom they were committed.
A. There were parties who sat on the edge of the table that would require the voters to vote their tickets open, and if the tickets were not voted open in some cases those gentlemen took the names of the voters down in a notebook, or they were asked to take the names down. They pretended to be writing, or did write, the names. I didn't see the names written. Dr. A. G. Bowman was the party who did the writing. I saw a negro man come to the polls to vote. He had a Benoit ticket. A party asked him to let him see what ticket he had. He took the ticket from the man, looked at it, said, "This is not the ticket you want to vote," and give him a ticket for Boatner. The man told them that he wanted to vote for Benoit. At this time there were several gentlemen talking with the man, and the negro got out of my sight, and he did not vote at this poll. The party who took that ticket was one Walter Lyons. One other instance impressed itself upon my mind was a colored voter came to vote and there were some questions asked him by some one as to what ticket he had. He told them that he had the ticket that he wished to vote. They insisted on seeing his ticket, which I don't believe that they did, but he told them he wanted to vote for Mr. Benoit, and some one spoke up and said, "Let him vote." Dr. Bowman took out his notebook, pretended to be writing his name, or did write it, and remarked, "We will see you later." I saw considerable pulling and hauling and crowding the doorway when voters would come in to vote, which created a good deal of confusion. This lasted pretty much all day. I think in the middle of the noon this interfered so much with the work—questioning voters as to whom they were voting for—that I called the attention of the commissioners and to the people generally that if they did not quit interfering with the voters I could not sign the returns of the election. However, there were some of the same kind of disturbances afterwards. One particular instance that I remember now; there were three or four men came to vote. They, each of them except one, had a Benoit ticket. While one of their names did not appear on the poll book, and while he was gone to look over the registration book the others were surrounded by Boatner's friends, and when they voted they voted Boatner tickets. I believe that is about all I can call to mind at present, only in a general way.

Under the laws of Louisiana the commissioner is a peace officer with authority to invoke the aid of a sheriff and suspend the voting until order is restored. This witness could have exercised that authority. He could also have refused to sign and certify the returns if voters had been unlawfully influenced by intimidation or prevented from voting. He did neither, but signed and swore to the returns.

If offered as a witness in a court of justice these acts would have closed his mouth and prevented him from impeaching as a witness the validity of his act as a public officer. If, however, his testimony be given full force and effect, the extent of it is that he saw a ticket taken from the hand of a negro and another given him, which he voted. He does not state that the voter's act was not voluntary, or that he was induced to accept the ticket which he voted by any unlawful means. His statement that the name of another voter was taken who insisted upon voting for Benoit loses its force when construed with the testimony of Dr. Bowman which we have quoted. If, however, the testimony of all these witnesses be fully credited it proves, possibly, that Nelson voted for contestee when he desired to vote for contestant; that Lynch did not vote at all; that two negroes named by Barr were prevented from voting for contestant, and one referred to by Campbell, making five in all who might, if their contention was correct, have voted for contestant.

ALEXIS BENOIT.

The contestant was sworn in his own behalf, and we print his cross-examination in full, which shows conclusively that his answers to questions on examination in chief were disingenuous, and that he knew no facts on which to base the extravagant statements made in his notice of contest.

Cross-examined:

Q. What year were you admitted to the bar to practice law?
A. 1882.
Q. Have you ever pursued the practice of your profession as a lawyer?
A. I have not.
Q. Who was the prominent colored man that told you he would support you if he could?
A. Elias Johns.
Q. Is he in the city now?
A. He is.
Q. Why didn't you summons him as a witness in this contest?
A. For the reason that he did not want to be summoned.
Q. Did you consult the other witnesses to ascertain if they wanted to be summoned?
A. Some of them; yes, sir.
Q. Did you consult all of them?
A. I did not.
Q. Which of those who were summoned did you consult?
A. Mr. Schultz is one; the gentleman present.
Q. Is he the only other one?
A. I don't know whether I have or not; I talked to all my witnesses.
Q. Did you talk to all of those you summoned?
A. No, sir; I have not.
Q. Do you mean to state by your testimony that Elias Johns was unlawfully prevented from giving you his support?
A. No, I don't; there is my answer to his questions; there is his answer to my questions.
Q. If it was not your object to have an inference drawn that Elias Johns was intimidated into withholding his support from you, why did you put in the two conversations with you—what was the object and purpose of that testimony?
A. The testimony speaks for itself.
Q. Do you decline to state your object in putting it in?
A. No, sir.
Q. Then what was your object?
A. You asked me that the conclusion should be drawn that he was prevented unlawfully from supporting me; I answer that that is my conclusion.
Q. I asked you for your object in putting in the testimony.
A. Yes, sir; that was my object.
Q. Do you know of any unlawful influence brought to bear on Elias Johns to prevent him from supporting you?
A. I can not particularize except the general understanding among the negroes that they had better vote in accordance with the wishes of those—that element who controlled them.
Q. Is that sufficient?
A. If it's sufficient for you, it is sufficient for me.
Q. Is Elias Johns a negro or a mulatto?
A. He is a mulatto.
Q. Does he hold any official position in this city at this time?

A. He is a member of the city council.
Q. How long has he held that position?
A. I think he has been elected three times.
Q. On what ticket was he elected—Democratic, Republican, or Populist?
A. Democratic ticket.
Q. What's his business?
A. He is a drayman; has vehicles for hire; transports goods and merchandise through the city.
Q. Is he a man of property?
A. He is.
Q. You stated a while ago there is a rule in this parish that the managers vote their negro laborers on the plantations in accordance with the wishes of the owners of the plantations. Have you ever attended an election in Ward 4 in this parish?
A. Yes, sir.
Q. When?
A. I do not recollect to ever having attended one.
Q. Have you ever attended an election in Ward 1?
A. No, sir; I have not.
Q. Have you ever attended an election in this parish outside of the city of Monroe?
A. I have not.
Q. You say that the planters in this parish disapprove of any electioneering among the negroes on their plantations. Have you ever electioneered on any plantations?
A. I never have.
Q. Has any planter in this parish ever forbidden you to electioneer on his plantation?
A. They have not.
Q. Are there any white men in this town who led you to believe that they were going to support you if you failed to do so?
A. Well, my friends reported to me that this one and that one had said they were going to vote for me.
Q. Did any of those parties fail to vote for you?
A. From the number of votes I received in this city it is evident they did.
Q. Did you receive as many votes as there were members of the Populist club?
A. Yes, sir; I did.
Q. Did you not state just now there were 80 members of that Populist club?
A. Yes, sir; about 80, to the best of my recollection.
Q. Did you receive as many as 80 votes in the two city wards?
A. I received 79 votes.
Q. You were elected a member of the legislature from this parish at the last State election, were you not?
A. I was.
Q. Were you elected as a Democrat?
A. I was elected as an antilottery man.
Q. Did you claim to be a Democrat?
A. I did.
Q. Have you claimed to be a Democrat for the last ten years previous to this election?
A. I have.
Q. Have you voted the Democratic ticket until the recent election?
A. I have.
Q. Did you participate in the Democratic caucus in the legislature of which you were a member?
A. I participated in two or three of them.
Q. Do you know of any intimidation or unlawful influence being used against you in the last election, of your personal knowledge?
A. With the exception of the instance already narrated, I do not.
Q. What instance did you narrate?
A. In the case of the negro Stokes, which occurred at the Compress.
Q. That is the only instance?
A. Yes, sir.
Q. You have stated something with regard to the formation of negro Democratic clubs; do you know of any unlawful influence being used to obtain the formation of those clubs?
A. I do not.
Q. Do you know of any unlawful influence being used to obtain the adoption of the resolutions by which the members of the clubs pledged themselves to vote the Democratic ticket and to vote it open?
A. Except the general fact, which I believe to be true, that they did not wish to vote the Democratic ticket.
Q. Is it not a fact that the contestee has lived in the parish of Ouachita for the last fifteen years?
A. It is.
Q. Was there any other name on the Democratic ticket at the last election except that of the contestee?
A. There was not.
Q. Is the contestee personally unpopular with the colored people of the parish of Ouachita and the city of Monroe, so far as you know?
A. I do not think I ever heard a negro express an opinion touching the contestee personally.
Q. Is it not a fact that as a member of the recent—last legislature—you supported a bill amending the election law of the State, for the avowed purpose of disfranchising the negroes?
A. It is not.
Q. Is it not a fact that you, in speeches in the legislature, advocated the disfranchisement of the negroes by changing the election law, which would prevent their voting?
A. I did not.
Q. Is it not a fact that in the election of 1888 you advocated the exclusion of negro Democrats from participation in Democratic primaries?
A. I advocated the elimination of the negroes from politics in Ouachita Parish at that time, from primaries.
Q. Is it not a fact that shortly before the adjournment of the legislature, on a visit to this town, you gave an interview to a reporter of the daily paper published here, in which you charged that a certain measure providing for the funding of a certain class of State securities known as "baby bonds" had been obtained by corrupt means?
(Contestant's counsel objects to the question on the ground it is irrelevant.)
A. I prefer being made his own witness later, for the reason that contestee can later make me his own witness, and then establish such things as he may desire.
Q. Is it not a fact that on returning to the sitting of the legislature and learning that a copy of the paper containing the interview had reached the capitol, that you rose to a question of personal privilege and denied having given such an interview, and thereupon telegraphed to the newspaper, requesting that any comment be withheld until your return, or words to that effect?
(Contestant's counsel objects to this question on the ground that it is irrelevant, not covered by any issue in the contest.)
A. I interpose the same for the same reason.
Q. Did you not state on the floor of the house of representatives, in the remarks which you made on the occasion referred to, that you were the victim of a manufactured interview, or words to that effect?
A. Same thing by witness.
Q. With respect to what you had alleged to be the rule in this parish as to managers controlling the votes of the laborers under their employ, have you spoken of your personal knowledge?
A. I have not; only as a matter of common repute and general knowledge.
Q. Do you mean general knowledge of your own or general knowledge of other people?
A. Of my own and of other people.
Q. Then you state you have a knowledge of these facts yourself?
A. As matters of general repute.
Q. You speak, then, entirely from general repute?
A. Yes, sir.
Q. Give the name of the negro that you stated in your direct examination having seen at the Compress polling precinct talking to a young man and the young man trying to induce him to take a Boatner ticket and vote it instead of a Benoit ticket?
A. Stokes; Monroe Stokes, I think, is his name.
Q. You stated that Mr. John P. Parker afterwards took him by the arm and told him to come on and vote. Now, do you know for whom he voted?
A. He voted for Mr. Boatner.
Q. Are you positive of that fact?
A. I am positive for the reason that Mr. John P. Parker, an ardent supporter of Mr. Boatner's, took him to the ballot box and voted him.
Q. Is it not a fact that Mr. John P. Parker told the negro that he could vote for you if he wanted to and to come on and vote now?
A. I did not hear him say so.
Q. Did you see the ballot that Monroe Stokes cast on that occasion?
A. I did not.
Q. Was he not the same negro referred to by you in your direct testimony as the one who stated that he had previously tried to vote at the court-house precinct and was not permitted to vote there?
A. He was.
Q. You were an ardent supporter of Governor Foster's in the last State election, were you not?
A. I was.
Q. And was elected to the legislature from this parish on what was known as the Foster ticket, were you not?
A. The Foster antilottery ticket.
Q. Was that ticket denominated a Republican, a People's, or a Democratic ticket?
A. Both factions claimed to be the Democratic party.
Q. You were an active participator in the two primaries held in Ouachita Parish prior to the State election in 1892?
(Contestant's counsel objects to all these questions on the ground that they are irrelevant.)
A. I was.
Q. Were not those two primaries and also the State election in April, 1892, the most exciting elections held in the parish of Ouachita during the past twelve years and up to the present time?
A. Except the recent election upon the whisky question, they were.
Q. What acts of violence or demonstrations calculated to intimidate were committed of your own knowledge in this parish at the Congressional election held on November 6, 1894?
A. With the exception of the Stokes affair, I have no knowledge.
Q. In the convention that assembled at Monroe and by which you were nominated as the People's Party candidate for Congress from this district, was not a campaign fund raised or promised by the delegates or members of said convention to you in an amount aggregating more than $1,000?
(Contestant's counsel objects to this as irrelevant and not pertinent to any issue in this case.)
A. There was not.
Q. State the amount, as nearly as you can, that was pledged to you on the occasion inquired about.
A. About $400.
Q. Did you not hear the speeches made in that convention by R. H. Ward, one Hester, and one old, gray-headed man from Union Parish?
A. I heard Mr. Hester's speech only.
Q. Do you know whether Judge A. A. Gunby, Dr. Wm. Sandel, and E. T. Lamkin were present during the proceedings of that convention, and also C. H. Trousdale?
A. They were; some for a few minutes.
Q. Did you not hear part of as many as two speeches in that convention by the delegates, in which speeches they declared they would march to victory with their party and platform of principles if it necessitated their resorting to their shotguns and rifles?
A. I did not.
Q. Did you not hear that speeches of that character were made in that convention?
A. I did not.
Q. Did you not hear R. H. Ward and a very elderly gentleman, whose name I don't remember, declare that when they had accomplished their purpose in Louisiana they would then march to Alabama with their shotguns and rifles and see that the People's Party officers would be installed?
A. I did not hear any part of Ward's speech, nor do I remember to have heard any other speech except by Mr. Hester, jr., of Union. I was absent while those speeches were being made, with the committee on resolutions, who had sent for me.
Q. On the day after your nomination did you not say, in the presence of R. B. Blanks, C. H. Trousdale, and E. T. Lamkin, that you had suffered yourself to be made a fool of by accepting the nomination, giving as your reason therefor that you didn't have the remotest chance of being elected at the approaching election?
A. I have no recollection of such a statement.
Q. Will you state that you did not make such an assertion at the time and to the parties mentioned in the previous question?
A. I will not.
Q. Is it not a fact that you frequently stated, and to various parties, in Monroe, Ouachita Parish, that you hadn't the faintest idea of being elected, but that you couldn't refuse the nomination after it had been tendered to you twice and the convention which tendered it having promised to defray all campaign expenses?
A. Yes, sir; that was part of my programme.
Q. Why is it that you have only alleged and charged fraud and intimidation in the parishes and at the precincts in the Fifth Congressional district where majorities were cast in favor of the contestee?
A. For the reason that those are the only parishes in the district in which such a charge would lie.
Q. Do you know of your own knowledge how elections are conducted in the parishes of Jackson, Lincoln, Union, and Claiborne?
A. Only from general repute.
Q. Have you ever been present and attended an election in either of the parishes above inquired about? Is it not a fact that you have made no complaint against the methods employed in the conduct of November elections at any precinct in the Fifth Congressional district which returned a majority for you?
A. It is.

Q. Why is this?
A. For the reason because no information reached my ears of any irregularities at those precincts.
Q. You have displayed a great deal of energy and activity, have you not, in endeavoring to ascertain any irregularities at the precincts which returned majorities against you, have you not?
A. To the extent of my means and ability I have.
Q. What efforts, if any, have you made to ascertain whether or not there were any irregularities or intimidations or frauds committed in the parishes of Jackson, Lincoln, and Union?
A. None whatever, for the elections in these parishes are not complained of.
Q. Have you not said that there was fraud committed in those parishes and other hill parishes in the State election held in April, 1892, and but for which Foster would never have taken his seat as governor of Louisiana?
A. I have not.
Q. Have you not stated that Foster was the product of fraud?
A. I have no doubt I have.
Q. In the last State election, and at which you were elected a member of the legislature, did you not receive a hearty support of the late Captain Tibbles and L. D. McLain?
A. I did.
Q. Did not the planting partnership of McLain & Tibbles, as it then existed, employ and control as many colored voters or more than any other two planters in the parish of Ouachita?
A. They did.
Q. Do you know for whom the colored voters employed by McLain & Tibbles voted for for the legislature in that election?
A. I do; they voted for me.
Q. Did you make any objection to the influence which these planters exerted in your behalf at that election?
A. I did not.
Q. Did you make any canvass of the parish in that election?
A. I did not.
Q. Did you make any canvass of the parish in the last election?
A. I made three speeches.
Q. At what points?
A. Pine Grove, Calhoun, Monroe.
Q. Pine Grove and Calhoun are west of the river, in the hill parish, are they not?
A. They are.
Q. Did you visit the parish of East Carroll in the late campaign?
A. I did not.
Q. Did you visit the parish of Tensas?
A. I did not.
Q. Did you visit the parish of Concordia?
A. I did not.
Q. Did you visit the parish of West Carroll?
A. I did not.
Q. Did you visit the parish of Richland?
A. I did.
Q. At what point in that parish did you speak?
A. Delhi and Rayville.
Q. Who gave you the information of the alleged intimidation at Rayville and Girod, in the parish of Richland, in the recent election?
A. Col. A. B. Cooper for Rayville; Capt. J. Mat Riley for Girod.
Q. Did you summon either of those parties as a witness in this contest?
A. I summoned Captain Riley.
Q. Do you mean by Captain Riley, Col. J. Mat Riley?
A. Capt. J. Mat Riley; yes, sir.
Q. Why did you not summons Col. J. B. Cooper?
A. Because he stated that at his box in his precinct the election was fair, but that he had been informed that such a condition prevailed at and about Rayville.
Q. Col. J. Mat Riley resides in this parish?
A. He does.
Q. You summoned him to appear in Rayville, did you not?
A. I did.
Q. Why did you not summons him to appear here?
A. I did not know at that time that the law required, or the rule, that a witness should be summoned in the parish in which he resided, but presumed he had to be summoned in Richland, as the complaint was made there.
Q. Didn't you learn the existence of that rule before the issuance of the summonses for the investigation in this parish?
A. No, sir.
Q. When did you learn the existence of that rule?
A. A day or two ago, after the investigation had been had.
Q. Why did you postpone the investigation of alleged frauds in this parish (Ouachita) until the 25th of this month?
A. For the reason that it was not convenient for my attorneys to take testimony earlier.
Q. You have applied for an extension of time on the ground that the quarantine regulations of several parishes prevented your attorneys from entering them to attend the investigation. Why did you not, during that period, when it is claimed your attorneys could not attend in other parishes, proceed with the taking of testimony in this parish (Ouachita)?
A. We had not; I had not settled upon the names of all the witnesses.
Q. When did you settle on the names of all the witnesses?
A. To-day one week ago.
Q. You summoned Mr. John W. Johnston, Mr. E. C. McGee, Mr. A. S. Brown, John P. Parker, and several other witnesses who reside in the country; why have you put none of them on the stand except Mr. Ransom and Mr. Cahn (Cann)?
A. For the reason that it was evident that the time to examine all witnesses would not be sufficient; therefore I deemed it best to examine those with whose testimony I would be somewhat familiar.
Q. You summoned Mr. F. H. Cann from the Fourth Ward; you knew he was a supporter and a political and personal friend of contestee; why did you not summon one of your own supporters from that ward?
A. Because I did not know the name of anyone of my avowed supporters who remained at the polls the day of the election.
Q. Did you have any avowed supporter in that ward?
A. I was told I had two.
Q. Did you make any effort to communicate with them, or did you communicate with them with regard to the conduct of the election in that ward?
A. I did not.
Q. Did you have any reason to believe that the negroes of that ward would support you as a matter of choice in preference to the contestee?
A. Only the general belief that they would vote for anyone who promised or who it was believed would be able or endeavor to change the present financial condition of the country.
Q. And you think the negroes of that ward were advised and informed that you would effect such a change, or attempt to do so?
A. I judge they believed that I could not make it any worse.
Q. Upon what do you base that opinion?
A. The pressing need of a change of conditions.
Q. Was that opinion formed from intercourse or conversation with them, or just a general inference which you drew yourself without it?
A. It is drawn from the fact of conversation with negroes generally.
Q. Did you converse with any from the Fourth Ward?
A. I do not know.
Q. Are you informed as to whether the negroes as a class supported you in the three parishes which returned majorities for you?
A. I am not.
Q. Are you advised or aware that your popular supporters in the hill parishes attempted by violence and intimidation, and in many instances succeeded, in forcing the negroes residing there to support you?
A. Never heard of it.
Q. I observe that you summoned Mr. John C. Ransom from the Fifth Ward of this parish; were you not aware that Mr. Ransom was a supporter of the contestee?
A. I was.
Q. Have you not quite a number of active supporters in that ward?
A. I received about 80 votes in that ward.
Q. Is that the only means of information you have of the support given you in that ward?
A. Oh, I know the names of gentlemen who supported me.
Q. If such a reign of terror existed in that ward, as well as in other parts of the parish, as to prevent a free and fair election, why did you not summons some of your supporters to prove it?
A. My most ardent supporter at that box was a commissioner of elections, and therefore I thought would be unable to testify.
Q. Who was he?
A. Maj. J. H. Flournoy.
Q. Is he the gentleman who contributes to the newspapers on the subject of free silver and the general degeneracy of all political parties except the organization ycleped the People's Party?
A. He frequently writes for the newspapers.
Q. Do you mean to say that this reign of terror existed only on the day of election?
A. I mean what my allegation contains.
Q. The question is, What does your allegation mean, in your judgment—what idea did you intend to convey, that this reign of terror existed only on the day of election or preceded it?
A. Upon the day of election, and perhaps one or two days preceding it.
Q. If it preceded it, why would Major Flournoy being a commissioner of election prevent his having knowledge of the fact?
A. He is an old man and does not stir around much.
Q. Is he the only white supporter you had in that ward?
A. He was not.
Q. Why did you not summon them?
A. Because I did not wish to.
Q. Are you well acquainted with John C. Ransom?
A. Quite well; I have known John for about eight on ten years.
Q. Is it not a fact that he was an actual supporter of yours for election to the State legislature?
A. He was.
Q. What is his character for truth and veracity?
A. Very good.
Q. Is he not a man of high standing and integrity in the community?
A. He stands very well in his community.
Q. Would you doubt the truth of any statement which he would make under oath?
A. I do not think I would.
Q. Did you hear his testimony given on yesterday?
A. I did.
Q. After having heard his testimony, do you still allege that the election in the Fifth Ward was influenced by intimidation?
A. Well, yes, sir; I still claim my allegations are true.
Q. You, then, claim that Mr. Ransom has testified falsely, do you?
A. I do not claim any such a thing. Mr. Ransom testified to the best of his knowledge and belief as far as his own observation was concerned.
Q. If, then, Mr. Ransom being a witness from the Fifth Ward, and having testified that he was an active participant in the election, and that there was neither force nor fraud, so far as he knew of or heard of, be true, upon what evidence do you rely to maintain your assertion that the voters of the Fifth Ward were intimidated, at least a majority of them, into giving the contestee their support?
A. I have no other witness from that ward.
Q. You have known Capt. F. H. Cann a number of years?
A. I have.
Q. Is he a gentleman of high standing and character in this community?
A. He is.
Q. Would he, in your opinion, make a false statement under oath or otherwise?
A. He would not.
Q. Would you not place implicit confidence in any statement which he would make as being within his own knowledge?
A. I would.
Q. Are you acquainted with Mr. John P. Parker?
A. I am.
Q. What is his reputation for truth and veracity in this community?
A. Mr. Parker is president of the Planters' Oil Company, vice-president of the Monroe Grocery Company, and he is interested in other large and successful business enterprises, and is therefore a man who stands well in the community.
Q. I asked about his reputation for truth and veracity.
A. I never heard it questioned.
Q. Would you not implicitly accept his statement under oath about any matter of fact?
A. I think I would.
Q. Don't you know you would?
A. I have never had occasion to doubt Mr. Parker's word; never had any transaction with Mr. Parker of any consequence; don't think I ever had any transaction with him in my life.
Q. You have known him a long time?
A. Yes, sir; I have.
Q. And his character for truth and veracity is not questioned in this community?
A. I have not heard it questioned.
Q. Are you acquainted with J. W. Johnson?
A. I am.
Q. State his standing and character in this community.
A. I am not very well acquainted with him; so far as his character is concerned I know nothing bad about him.
Q. Would you not accept his statement under oath to any matter of fact implicitly?
A. I have no reason to say otherwise.
Q. That does not exactly answer the question; it is easy enough to say I

have never heard it questioned. The question is, Whether or not his standing in this community and his conduct since you have been a member of it that you or any other citizen here would accept his own statement without question?

A. I had not known Mr. Johnson a great while very intimately, but from what I know of him I answer that question in the affirmative.

Q. Are you acquainted with A. S. Brown?

A. Slightly.

Q. How long has Mr. Brown been a resident of this parish?

A. I do not know.

Q. Has he not been a resident of it at least ten years?

A. I don't know; I think about seven years.

Q. Do you not know that he was manager up on Mr. Stubbs's Magenta plantation as early as 1892?

A. I do not; it's been so long I may have forgotten. I do not——

Q. You do know, however, that he was a supporter of yours when you were elected a member of the legislature, do you not?

A. I think he was.

Q. From your knowledge of Mr. Brown's character in this community, would you not accept any statement of fact made by him under oath as true and correct?

A. I know almost nothing about Mr. Brown; I never had five minutes' conversation with him in my life that I remember, nor with others about him.

Q. Do you know what his reputation for truth and veracity is in this community?

A. I never heard it asked about or questioned.

Q. Did you ever hear it impeached in any way?

A. No, sir.

Q. Do you know Mr. E. C. McGee?

A. I do.

Q. How long have you known him?

A. Two years, I think.

Q. Don't you recollect knowing Mr. McGee longer than two years?

A. He may have been here earlier, but I don't think I formed his acquaintance until about two years ago.

Q. What is Mr. McGee's reputation in this community; is it that of an honorable man and a gentleman?

A. He is known as an all-around good fellow.

Q. That don't answer the question. I want to know his reputation as a reliable man and a gentleman.

A. I think that is his reputation, though I have never heard this question discussed or mentioned; never heard his character assailed.

Q. Would you doubt the truth of any statement of fact which he would make under oath?

A. I would not.

Q. Are you acquainted with W. D. Munholland?

A. Yes, sir.

Q. Is he a reputable lawyer of this city?

A. I don't know, sir.

Q. Is he a gentleman of standing and character here?

A. Mun stands very well.

Q. Would you doubt any assertion he would make under oath?

A. I don't know him well enough. I am not intimately acquainted with Mr. Munholland.

Q. Do you know anything about him that would give ground to suppose he would testify otherwise than truthfully?

A. I do not.

Q. I will ask you the same question with reference to C. T. Madison?

A. I make the same answer.

Q. Are you acquainted with Mr. T. M. Parker, manager of the Planters' oil mill?

A. I am.

Q. Would you doubt the truth of any statement which he would make under oath?

A. I don't know that I would.

Q. Don't you know that you wouldn't?

A. I have no reason to know I wouldn't; never had any dealings with Tom in any way in my life.

Q. What is his reputation in this community for truth and veracity; is it good or bad?

A. Never heard it mentioned.

Q. Are you acquainted with E. J. Ficken, manager of the Union oil mill?

A. Slightly.

Q. Is there anything against his reputation for truth and veracity in this community?

A. I don't know anything about him or his truth and veracity.

Q. Are you acquainted with Uriah Millsaps, of West Monroe?

A. I am.

Q. Is he a gentleman of truth and veracity?

A. I think he is.

Q. Peaceable, quiet man?

A. Yes, sir.

Q. Man of high standing in this community?

A. He doesn't live in this community; he lives immediately across the Ouachita River.

Q. Is he not a man of high standing and character in the society of Ouachita?

A. Mr. Millsaps is a successful business man. Further than that I know little or nothing touching Mr. Millsap's character.

Q. You have charged in your contest that a reign of terror existed in this parish just prior to and on the day of election, which prevented a free and fair election. Who inaugurated that reign of terror?

A. I do not know.

Q. Who were the principal actors in it?

A. The allegations contained in my notice of contest are based upon the general knowledge that planters claimed the right to vote their negroes against me, and that others, irrespective of their connection with the farming interest, were likewise prevented from voting for me.

Q. This, then, is the sole foundation for that charge?

A. I think it is sufficient.

Q. It is not a question of sufficiency; it is one of fact. Are you aware of any act of violence or threats, either by individuals or by associations, to intimidate either white or colored voters prior to the day of election?

A. Aside from the facts already detailed, it is; aside from the answers in my testimony, I have no other knowledge.

Q. Then you know of no other acts or means used, except the influence of the planters and their managers, to procure the support of their colored labor for the contestee being used to bring about this reign of terror to which you referred in your answer?

A. That is all.

Q. Is it not a fact that a large majority of the white voters of this city voted for the contestee in the recent election?

A. It is.

Q. Do you charge now, under oath, that they were at all influenced unlawfully in giving their support?

A. I charge that there was a moral coercion, the pressure of which numbers of those who wished to vote for me could not withstand.

Q. How was that coercion brought about?

A. The banks and bankers were against me; most of the other large institutions; the corporations were against me.

Q. You attribute your defeat to the influence of the money power of this parish?

A. I do not attribute it to that source exclusively.

Q. You do not claim these institutions to which you referred and classes to which you referred—that is, that of bankers and moneyed men—were coerced or intimidated?

A. I do not.

Q. What supporter, if any, did you have in Ward 1 at the recent election who could act as commissioner of election?

A. I do not know.

Q. What supporter or supporters did you have who could have served as commissioners of election as your representative at the Filhiol schoolhouse, in Ward 10, and at the Logtown precinct, in Ward 4?

A. I do not know; Mr. Whited and some other friends of mine looked after the matter; I was absent and couldn't.

Q. Is it not a fact that you did not receive a vote at either of the two precincts last inquired about?

A. I don't know, but I think I got none. I do not know. I do not think I got any.

Q. Who are your general counsel in this contest in this district?

A. Gunby & Sholars.

Q. Do they reside in the city of Monroe?

A. They do.

Q. Were either or both of them in the parish of Ouachita for two weeks following the 14th of February, 1895?

A. I do not know.

Q. You don't know whether either one was here during that period—that is to say, two weeks after the 14th of February last?

A. I presume they were in the city; I do not know.

Q. Did you know where the contestee was during the months of January and February?

A. The presumption was you were in Washington.

Q. Do you receive a CONGRESSIONAL RECORD?

A. I do.

Q. Did you read the proceedings of the last session of Congress?

A. Occasionally.

Q. Did you not know from reading that RECORD that the contestee was in attendance on the sittings of the House of Representatives?

A. No; no roll call.

Q. You saw no roll call recorded?

A. There is no daily roll call.

Q. There were roll calls almost every day, were there not?

A. I was so busy with my contest at that particular time that I paid less attention to the proceedings of Congress than I ordinarily do.

Q. Were you not perfectly aware at the time you caused service of the notice of contest to be made at the residence of the contestee in this city that the contestee was in the discharge of his official duty in Washington City, attending the sittings of the House of Representatives?

A. The presumption is you were there.

A. BENOIT.

Sworn to and subscribed this March 27, 1895.

[SEAL.] W. H. LUZENBERG, *N. P.*

We call especial attention to the following excerpts from the testimony of this witness:

Q. Is it not a fact that a large majority of the white voters voted for contestee?

A. It is.

Q. Do you charge now under oath that they were at all influenced unlawfully in giving him their support?

A. I charge that there was a moral coercion the pressure of which numbers of those who wished to vote for me could not withstand.

Q. How was that pressure brought about?

A. The banks and bankers were against me; most of the other large institutions. The corporations were against me.

If the majority of the committee is of opinion that the existence of such a moral coercion as is here described by the contestant renders an election void, it would be necessary, in order to carry that theory into effect, to declare void the election of a very large part of the membership of this House, as it is charged by the Populist party that the "money power," so called, not only controls the election of a majority of both branches of Congress, but dominates and controls their action afterwards. That so absurd a contention should have received any favor at the hands of the majority of this committee is a matter of great surprise.

Against this testimony the contestee arrays that of the following witnesses who were at the polls during the day, having gone there to vote, and who had ample opportunities for observation, and who emphatically deny the statements made by contestant: Dr. J. B. Searcey, pastor of the Baptist church; Rev. A. Heinberg, rabbi of Temple Sinai; Rev. Josiah Jones, Rev. R. B. Vincent, and Rev. William Hamilton, pastors in charge of the negro churches; Hon. W. N. Potts, district judge; H. H. Russell and F. G. Hudson, attorneys; H. Randall, Dr. A. G. Bowman, J. M. Breard, D. A. Breard, E. Neuwirth, E. C. McGehee, E. I. Ficken, George W. Stewart, member of the Republican executive committee of the district; F. W. Barrington, principal of the colored high school; Elijah Jones, Sandy Bird, Henry Barnes, W. G. Head, D. C. Hill, Charles Horton, and Abram Ray, the last eight being prominent negroes, who emphatically and positively deny the charges of violence and intimidation, and affirm that the election was free from undue excitement or unlawful influences. These negroes testify that contestee was popular with the negroes, and that as a class they supported him in preference to the contestant. They are evidently the leaders of their race in this locality, and we can imagine no legal reason for discrediting their sworn statements.

Added to this is the testimony of George W. Stewart, who appears to be a stanch Republican, and who makes the following statement:

George W. Stewart, a lawful witness, sworn:

Q. You live in this parish?

A. I do; in the city of Monroe.

Q. How long have you lived in the parish?

A. I came on the 4th of July, 1873.

Q. What is your occupation?

A. I am a carpenter by trade.

Q. How old are you?

A. Sixty-three years old.

Q. Do you know Mr. Benoit and Mr. Boatner?

A. I know both of them.

Q. What is your politics?

A. I am a Republican.

Q. Have you recently held any Federal position; if so, what?

A. Superintendent of construction of the United States post-office and courthouse here during Harrison's Administration.

Q. Who was the choice of the Republicans of this parish in 1894 as between Benoit and Boatner?

A. Mr. Boatner; I can tell you that as one of the members of the executive committee.

Q. Are you a member of the Republican Congressional executive committee for this district?

A. I am.

Q. Was there much excitement in the conduct of the November election in 1894?

A. None whatever among us about it. No excitement.

Q. Did you vote at the election?

A. I did.

Q. In your opinion, was it peaceable and fair in this parish?

A. There never was a more peaceable or fairer one.

Q. Mr. Benoit charges in his notice of contest that but for the intimidation practiced upon the white and colored voters of this parish by the friends and supporters of Colonel Boatner he would have received 2,500 votes at that election and Colonel Boatner would have received 600. What's your opinion in regard to that charge?

A. He wouldn't have gotten it on this side the river; don't know anything about the other side.

Q. Is not the principal voting strength in this parish on this side the river?

A. It is.

Q. At any fair election in this parish do you think Benoit would receive more votes than he did get at the election in November, 1894, under any circumstances?

A. I don't think he would.

(Objected to as calling for the opinion of witness.)

Q. Do you know or have you heard of the existence in this parish at and prior to the election in November, 1894, of any reign of terror or systematic intimidation practiced by the friends and supporters of Boatner?

A. I have not heard of any—in the last two Congressional elections the Republicans supported Boatner of their own accord.

Q. Is Mr. Benoit popular with the colored people in this parish?

A. I don't know.

Cross-examined:

Q. Did you state that throughout the Fifth Congressional district, or in the parish of Ouachita, the Republicans supported Boatner against Benoit?

A. I said they supported Boatner.

Q. I ask you in Ouachita Parish or throughout the district?

A. In Ouachita Parish.

Q. How many Republicans, white, in Ouachita Parish?

A. In and around Monroe there is between 40 and 50.

Q. Name some of those who supported Colonel Boatner against Benoit?

A. I was not at the ballot box; I went there to vote, but I advised all Republicans, as a member of the executive committee, to vote for Boatner, but I didn't stand at the poll to see they did.

Q. You can't say of your own knowledge that anyone voted for Boatner against Benoit except yourself?

A. That is all.

Q. Have you received any favors at the hands of Boatner since he has been a member of Congress?

A. No, sir; never asked for any.

Q. Did you solicit his support when you were an applicant for the position (Federal) about which you testified?

A. No, sir; never solicited anybody's support.

Q. Are you now an applicant for any Federal position?

A. None.

Q. Have you been?

A. When the Alexandria post-office was given out I applied for it as a mechanic, not as a politician, and didn't get it.

Q. Colonel Boatner indorsed your application, didn't he?

A. I don't know; I told him I was going to apply for it; I didn't tell him I was going to ask him, or did ask him, to indorse it.

Q. You didn't solicit his influence?

A. No, sir; never solicited his influence, never asked him to do anything for me, except to get me a copy of the pension laws. I applied for the post-office here as a mechanic, not as a politician.

GEO. W. STEWART.

Sworn to and subscribed this April 6, 1895.

[SEAL.] W. H. LUZENBERG, *Notary Public.*

It would lengthen this report unreasonably to quote the testimony of the large number of witnesses produced by contestee in rebuttal of contestant's charges. The supplement to the record, however, will show that the witnesses heretofore named negative contestant's assertions. Among them we find the freight and ticket agent of the St. Louis, Iron Mountain and Southern Railway Company, the general attorney for the same company, the attorney for what is known as the Queen and Crescent Company, the pastor of the Baptist church, the district judge, the manager of the Union Oil Company's mill in that city, and several prominent planters.

Among the negroes sworn in behalf of contestee are three who are pastors of the colored churches, the superintendent of the colored schools, an ex-member of the State legislature, two members and one ex-member of the city council, the city constable, who has held that office for a number of years.

We quote from the testimony of one of these witnesses named Charles Horton, who seems to have been a very intelligent man:

Q. Did you vote at the election November 6, 1894?

A. Yes, sir.

Q. Did you observe any disturbance or intimidation at the poll boxes?

A. No, sir.

Q. Did you hear or know of any violations or coercion of white or colored voters at or prior to the November election, 1894?

A. No, sir.

Q. It is charged by contestant that in the parish of Ouachita a reign of terror was inaugurated by the friends and supporters of Mr. Boatner at and prior to the November election, 1894, which prevented a fair election and deterred and intimidated a large number of voters, white and black, into voting for Boatner who would otherwise have cast their ballots for Benoit. Did any such condition of affairs exist in this parish?

A. No, sir.

Cross-examination:

Q. You have stated here that the colored people preferred Mr. Boatner to Benoit. How many did you talk with about it? Name them.

A. William Hamilton, R. Benson, Abe Ray, Adam and Jack Irvin, Richard Thornton, Taylor Jones, John Reed, Dave Hines, Moses Lee, Ed Cartz, Bunkey White, Tony Lee, Walter Outz, Henry Barney, George Henderson, William Henderson, Robert Jeems, Mose Culpepper, Tom Williams, Wash Powell, and can call more than that if you need.

Contestant intimated in his testimony that Elijah Johns, a prominent negro, had told him that he would support him if he could. Contestee called Elijah Johns as a witness, and his testimony is found on page 16 et seq. of the supplement to the record. He has been a member of the city council four times, making eight years in all. His testimony is as follows:

Q. Have you been supported as a member of the city council by the white people of your ward?

A. Yes, sir.

Q. Did you vote at the last Congressional election?

A. I did.

Q. Was any violence or threats made to coerce your action in regard to the Congressional election?

A. None.

Q. How long have you known contestee?

A. Ever since he came to Monroe.

Q. Have you supported contestee in any previous Congressional elections?

A. I have voted for him at every election.

Q. It is charged by contestant that there was a reign of terror created in this parish prior to the last election by the friends of the contestee which was so violent that it prevented all the colored people and a large number of the white people from supporting the contestant, Mr. Benoit. Do you know anything of such a reign of terror?

A. No, sir.

Q. It has been stated by Mr. Whited that you told him you would support Mr. Benoit if you could. State what conversation you had with Mr. Whited on that subject.

A. After the nomination of Mr. Benoit I met Mr. Whited on the street. He said that Mr. Benoit had been nominated, and he wanted me to go to work for him. I said, "Yes, sir." He drove on and there was no more said.

Q. Did you tell Mr. Whited that you would support him unless you were forcibly prevented from doing so?

A. It was not my intention.

Q. What was your object in making that statement to him?

A. Merely to pass him by.

Q. Did you wish to avoid a controversy?

A. That was about it.

Q. You have stated that you voted for the contestee. Did you vote for him because he was your choice or because unlawful influence was brought to bear on you?

A. It was my choice.

Q. So far as you know from association with the colored people of this city, is it your opinion that those who supported Boatner did so because he was their choice or because they were forced to do so?

A. Because the contestee was their choice.

Q. It is stated by Mr. Benoit in his testimony that you also told him that you would support him if you could. State what conversation you had with him, and whether you led him to infer that you would support him if not prevented from doing so.

A. I met Mr. Benoit about the Rackett Store. He said, "Old man, I have been nominated and I want you to support me." I told him, "I will if I can."

Q. What was your object in making that statement to him?

A. I did not have any particular object.

Q. Was there anything to prevent you from supporting him if you wanted to do so.

A. Nothing.

Cross-examination:

Q. Do I understand you to say you do not know what their political preferences (referring to negroes) were between Boatner and Benoit?

A. All that I know was that Mr. Boatner was their preference.

Q. How do you know that in the last election?

A. From my association with the colored people, they all speak well of Mr. Boatner. He is the Representative of this district for about six years, and I voted for him every election, and it is my idea that he is the preference of the others.

JOSIAH JONES:

Q. From your knowledge of your neighbors, the colored people especially, is it your opinion that they voted according to their choice in the last Congressional election?

A. So far as I know, they voted of their own opinion.

Q. Is there any hostility among the colored people of this parish to contestee; I mean by hostility, unkind, bad feeling?

A. No, sir; not within my knowledge.

Q. Do you know of any threats, violence, or intimidation resorted to by the friends of the contestee, Mr. Boatner, to secure the votes of either white or colored people for him?

A. I do not.

This man is the owner of the farm on which he resides. (See record, pages 14, 15.) It will thus be seen that the contestee has resorted to the very best evidence of which the nature of the case is susceptible. He has in the two parishes of Ouachita and Caldwell taken the testimony of the parties said to have been intimidated, while the contestant has not called in either of these parishes a single witness who had been at all interfered with in the exercise of the right of suffrage.

The attack on the Second Ward of this parish rests on the testimony of Samuel Whited. He is contradicted by W. T. Oaks, D. D. Johnson, J. W. Johnson, and E. E. McGehee. The character and credibility of these witnesses is vouched for by the contestant in his testimony in this case.

There is testimony in the record to show that the negroes usually, almost invariably, vote with their employers, and did so in the last election. We entertain no doubt but that this is the fact, but there is not the slightest evidence in the record to show that any unlawful means were used to influence them to do so. If it be the fact that they prefer to cooperate with their employers and take their advice in preference to that of interested politicians and office seekers, we know of no law or reason for interfering with that choice or denying them the right to cooperate politically with whom they please. We therefore conclude that the contestee is entitled to the full returned vote of this parish, which gave him 1,906 majority.

MOREHOUSE.

The charges against this parish are as follows:

"That on the 6th day of November, 1894, in the parish of Morehouse, an election was held for a Representative in the Fifty-fourth Congress of the United States for the Fifth Congressional district of Louisiana, and that throughout said parish a reign of terror existed of such a nature and to such an extent as to deter hundreds of legally qualified electors from voting at all, and causing others to vote for you and against me, contrary to their wishes, and that all or nearly all of those who voted for me did so over threats and by daring such consequences of bodily harm as they had reason to fear would be inflicted or attempted to be inflicted upon them.

"That legally qualified voters, who were known to be my friends and supporters, were 'waited upon,' some by night, others in the day, and warned to desist from upholding my candidacy for such Representative in the Fifty-fourth Congress of the United States, and to remain away from the place or places where the voting was to be done, all of which outrages upon the rights and liberties of free men were perpetrated by your Democratic friends and partisans, and all of which was evidently premeditated, inasmuch as one of your principal supporters, in a speech delivered at Bastrop, in the said parish, in October or September, 1894, made the following statement: 'If we (meaning your political friends and supporters) can not control the negroes any other way, we can bulldoze them or count them.' In consideration of all which I shall claim that the votes received by you in said parish should be rejected and not counted for you, and that fully 400 legally qualified electors

were deterred from voting for me by unlawful means and forced to vote for you who otherwise would have voted for me, and should therefore have been counted for me, and that an honest election and an honest return thereof would place the result in said Morehouse Parish as follows, to wit:

| | |
|---|---|
| Benoit | 718 |
| Boatner | 291 |

The vote for this parish is:

| | |
|---|---|
| Boatner | 691 |
| Benoit | 381 |
| Boatner's majority | 310 |

The testimony attacks the Tenth Ward only, which gave contestee 26 votes, and in our opinion sustains the charge of intimidation at that poll, which we reject, and which, deducted from Boatner's returned vote, leaves his majority 284. There is not the slightest proof against any other ward or poll in this parish.

RICHLAND PARISH.

The charges against this parish are as follows:

"That at an election held in the parish of Richland upon the 6th day of November, 1894, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States of America, 300 electors who had been provided with tickets bearing my name for said office were put in fear and made to relinquish the same, and to accept in lieu thereof tickets bearing your name for said Representative, with the injunction to 'vote or take the consequences,' which consequences, it was understood, would be disastrous to those who dared to vote for me; that these unlawful and reprehensible proceedings occurred at the voting places of Rayville and Girard, or near thereto, and at these places threats and intimidation was resorted to to deter and prevent those who wished to vote for me from doing so, and to force them to vote for you, all of which was done by your political friends and supporters and partisans. I shall therefore insist that, could a fair and peaceable election have been held at the said voting places of Rayville and Girard, and true return made thereof, the vote of Richland Parish for said Representative in the Fifty-fourth Congress, at the election held upon the 6th day of November, 1894, would be as follows, to wit:

| | |
|---|---|
| Benoit | 640 |
| Boatner | 333 |

In support of these charges contestant took the testimony of six witnesses, none of whom sustain them.

FRANKLIN.

Contestant charges:

"That on the 6th day of November, 1894, in the parish of Franklin, there was held an election for a Representative in the Fifty-fourth Congress from the Fifth Congressional district of Louisiana, and that at the voting places in the First, Second, and Fourth wards in said parish gross frauds and other irregularities were committed of such a nature and to such an extent as to require in fairness to me and in justice to the people of this district that 280 of the votes polled at the voting places in such wards be thrown out, rejected, and not counted for you and against me, as they have been illegally and wrongfully done.

"At one of the said places one of my supporters who wished to exercise his lawful right to witness a count of the vote was forcibly ejected from the room and violently beaten with sticks, etc. I will therefore claim that 280 of the votes counted for you thereat should be rejected, and not counted for you and against me. In consideration of which the vote of Franklin Parish at said election was and ought to be as follows:

| | |
|---|---|
| Benoit | 420 |
| Boatner | 357 |

It will be observed that only two polls in this parish were attacked—the Second and Fourth wards—one because one of the supporters of contestant, who wished to witness the count, was said to have been forcibly ejected from the room and violently beaten with sticks, and at the other the commissioners of election failed to swear to the returns.

The testimony of S. H. Cordill, to be found on page 134 of the record, explains the personal recounter with Mr. Benoit's supporter. It seems that he was an interloper, a man who had just come to the country, not a citizen of the ward or parish, and came over to Ward 3 to run the election. Cordill testifies as follows:

"There were two men sent from Winnsboro, in Ward 7, for the purpose of running the election in Ward 3 in favor of the Populists. Neither one of those persons were voters in that ward. The people of that ward told them that they could get along without their assistance, and told them to leave, and they left. This was about 10 o'clock in the day. They attempted to coerce the colored people to vote the Populist ticket, and the white people would not submit to it. The fact that their being forced to leave did not have any effect on the result of the election, and did not change the result thereof. If those people had remained there quietly, and not attempted to coerce the colored people to vote their way, they could have remained there quietly all day and nothing would have been done. From that time on the people voted as they pleased. There was no fraud practiced in the counting or returning of the votes. I assisted in the counting and returning of the votes.

"Mr. Boatner is very well and favorably known in that ward. Mr. Boatner was the choice of a large majority of the people of that ward. Mr. Benoit is very little known in that ward; no one out there is acquainted with him. There was no organization of the Populists in that ward, and it was considered that there were no Populists there. There was no objection made by the commissioners to anyone voting the Populist ticket if they wanted to. There would have been no disturbance at that poll if those two outsiders had not come there and created it. The only objection was that Mr. Scramblin, one of the outsiders and no voter, attempted to coerce one Brown Buckner to vote the Populist ticket, and Buckner told the commissioners that he wanted to vote for Mr. Boatner. Scramblin took hold of his hand and wanted to put the ticket in the box. The commissioners objected to his so doing, and ordered him to desist, and ejected him from the room. From that time on there was no disturbance, and everything passed off quietly.

"S. H. CORDILL."

W. B. Osborn, another witness, accounts for the difficulty in this way:

"Everything passed off smoothly until about 10 o'clock in the day, when one Mr. Scramblin, who had been sent there and who was not a voter at said precinct, attempted to coerce the colored people to vote the Populist ticket against their will. The said Scramblin attempted to force one Brown Buckner to vote for Benoit. He took said Buckner by the hand and attempted to force him to deposit a Benoit ballot in the box. Said Buckner informed the commissioners of election that he did not want to vote for Benoit, but that he wanted to vote for Mr. Boatner. Whereupon the commissioners ordered Mr. Scramblin to desist and let the people vote for who they pleased, which he refused to do, upon which refusal he was ejected from the room. The disturbance caused by this had no effect upon the result of the election at said ward."

There was no further disturbance. The election passed off peaceably.

The same facts are testified to by I. S. Osborn and a number of other witnesses.

As to Ward 4, the facts as stated by the commissioner are that they were duly sworn before opening the poll; that they made out their returns according to the law, except they did not think it necessary to swear to them and did not know that one of the commissioners had the right to administer the oath to the others. They all agree that the vote was returned exactly as cast and that the election was perfectly free and honest. Upon this point there can be no difference of opinion.

We are of opinion that contestee is entitled to the full returned vote from this parish.

WEST CARROLL.

"That at an election held in the parish of West Carroll, upon the 6th day of November, 1894, for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, your political friends and supporters for a period of three days immediately preceding such election, with arms, traversed a large portion of said parish, engaged in the wrongful and fraudulent and unfair business of taking by force or fraud tickets having my name printed upon them for Representative in the Fifty-fourth Congress away from legally qualified electors who desired and intended to vote for me, and compelling them to accept tickets upon which was printed your name for said office, warning such electors by threats and fears of violence that they must vote for you; and that many of whom did not vote, were counted and returned for you, wrongfully and illegally, by your political friends and supporters.

"I shall therefore claim that all the votes returned for you at said election in said parish were fraudulent and should be rejected and thrown out, and that 200 of them should have been allowed to vote for me and so returned. In consideration of which the vote of said parish of West Carroll should have been returned as follows, to wit:

| | |
|---|---|
| Benoit | 215 |
| Boatner | 89 |

Contestant, after making such charges, summoned a number of witnesses and repaired to the parish site of that parish to take their depositions, but on arriving there declined to have any of his witnesses sworn, and took no testimony. The returns show, however, that a clerical error in addition of 100, to the prejudice of contestant, was made. This was conceded by contestee, and the returns from that parish corrected accordingly:

| | |
|---|---|
| Boatner's returned majority is | 384 |
| From which deduct (error in addition) | 100 |
| Leaves his majority | 284 |

EAST CARROLL.

The charges are as follows:

"That at an election held in the parish of East Carroll, upon the 6th day of November, 1894, for a Representative in the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana, the various commissioners of election were not required to and did not take the oath required by law to make due and honest return of the election by them held, and that they signed blank returns of an election and forwarded the same to Lake Providence, the parish seat of said parish, and that these blank returns were there filled out and forwarded to Baton Rouge, the State capital, for official promulgation as being the actual vote of said parish; that these wrongs and frauds upon the rights of American citizens were perpetrated by your political friends and partisans.

"I shall therefore claim that the 2,004 majority returned for you from this parish is wholly fraudulent and illegal and should be rejected and not counted for you, and against me, and that a proper and honest count of said parish would be—

| | |
|---|---|
| Benoit | 0 |
| Boatner | 0 |

The evidence in support of contestant in this parish is the opinion of C. F. Davis and William Rouse, that the returns are fictitious, and the testimony of J. S. Guenard, the register of voters, who leaves it in doubt whether there was any lawful registration in that parish. The statement of Davis and Rouse is reenforced by the testimony of R. L. Hill, so far as the returns of Lake Providence are concerned, who swears that very few people were in the town on the day of election. On this testimony it is asked that the entire polls of the parish be excluded. In the opinion of your committee the testimony is entirely insufficient to do so.

MADISON.

"That at an election held in the parish of Madison, upon the 6th day of November, 1894, for a Congressman to represent the Fifth Congressional district of Louisiana in the Fifty-fourth Congress of the United States of America, there were returned for you 1,968 votes and for me 55 votes, while upon the day of said election the number of voters whose names are required by law to be upon the books of the registrar of the voters of said parish as a prerequisite to voting was only 1,093; but that your political friends and partisans wrongfully and fraudulently returned for you, as having been actually cast, 1,968 votes.

"I shall therefore claim that the vote of said parish for you is so tinged with fraud that it should be rejected and thrown out and not counted for you; and that many votes were cast for me which were not returned because of the fraudulent practices of your political friends and supporters which should be counted for me, and that upon a true return of the election the result would have been as follows, to wit:

| | |
|---|---|
| Benoit | 350 |
| Boatner | 0 |

In this parish the testimony of the register of voters discloses the fact that the returned vote exceeds the registration. Hence from a legal standpoint, as the constitution of Louisiana forbids or restricts the right of suffrage to the voter who is lawfully registered, it being impossible to distinguish between those who lawfully voted and those who did not, we exclude the vote from the parish entirely.

TENSAS.

"That upon the 6th day of November, 1894, in the parish of Tensas, the form of an election was gone through for a Representative to the Fifty-fourth Congress of the United States from the Fifth Congressional district of Louisiana; that blank returns of such purported election were filled out in St. Joseph, the parish seat, and forwarded to the State capital for official promulgation as the legal and honest vote of said parish, when in truth and in fact no legal or other election had been held; that these unlawful and fraudulent acts were committed by your political friends and partisans.

"I shall therefore claim that all the votes returned for you from said parish should be rejected and thrown out, and not counted for you and against me, which would leave the returns from said parish blank.

"That at an election, or pretended election, purporting to have been held upon the 6th day of November, 1894, in the parish of Concordia, for a Congressman to represent the Fifth Congressional district of Louisiana in the

Fifty-fourth Congress of the United States, no election was really held, but that in accordance with the usual custom in the 'four river parishes' blank returns were signed by the commissioners and filled out at the parish seat and forwarded to Baton Rouge, the State capital, for official promulgation, purporting to be the returns of an election at which you received 2,000 votes and I 20, when, in truth and in fact, no lawful election had been held; but that if such an election could have been held and true, correct, and lawful return thereof made, the result would have been as follows in said parish of Corcordia:

| | |
|---|---|
| Benoit | 1,000 |
| Boatner | 100 |

"That at least the vote of the entire parish should be rejected and thrown out and not counted, because of the illegal and fraudulent practices aforesaid. All of which was done and committed by your political friends and partisans."

In this parish the record shows that none of the returns were sworn to—that is to say, that the commissioners of election wholly failed to make affidavit to any part of the returns, and under the view which we have heretofore expressed we deem it safer to reject these returns.

A review of the testimony shows that in the parishes of Claiborne, Lincoln, Jackson, and Union the election was not questioned. We have shown that in the parish of Catahoula two wards only should be rejected; in Caldwell, none; in Ouachita, none; in Morehouse, none; in Richland, none; in Franklin, none; in West Carroll, none; in East Carroll, none; and in Concordia, 7 polls, leaving unquestioned wards in which more than a majority of the votes polled in the parish were cast.

Under these circumstances we energetically protest against the conclusion of a majority of the committee that the 16,000 voters of the district who voted for one or other of the candidates should be disfranchised and denied the right of representation by the member who received the majority of their suffrages, because of frauds and irregularities insufficient to change the result, and for which they are in no manner responsible.

If permissible at all to declare an election void, it could, in our judgment, be legally done only in extreme cases where, by violence, widespread and concerted intimidation, and fraud, it would become impossible to eliminate the lawful and voluntary vote from the unlawful and fraudulent, and that which had been cast under the influence of fear.

In this case not only do such conditions not exist, but if every poll attacked by contestant, and against which he has adduced any evidence, be excluded from the count, contestee still has a majority of 327; but giving the evidence fair consideration, and excluding only the vote which is shown to have been fraudulent and intimidated, contestee's majority is 5,188.

We subjoin a statement of the true vote of the district as shown by the official returns and evidence contained in the record, from which it appears, after eliminating all fraudulent votes, rejecting all returns not made according to law, giving the contestant the benefit of the doubt on all questions of law and fact involved in the record, he is defeated by the majority above stated. We therefore recommend the adoption of the following resolution:

"*Resolved*, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such."

Respectfully submitted.

J. W. BAILEY.
J. G. MAGUIRE.
J. C. KYLE.

| Parish. | Boatner. | Benoit. |
|---|---|---|
| Concordia | 1,000 | 5 |
| Catahoula | 155 | 166 |
| Caldwell | 467 | 318 |
| Ouachita | 2,548 | 642 |
| Morehouse | 665 | 381 |
| Richland | 663 | 307 |
| Franklin | 637 | 430 |
| West Carroll | 343 | 59 |
| Claiborne | 938 | 819 |
| Jackson | 212 | 526 |
| Lincoln | 443 | 1,100 |
| Union | 765 | 945 |
| East Carroll | 2,010 | 6 |
| Total | 10,882 | 5,694 |

The SPEAKER pro tempore. The time allowed by the order of the House has expired, and under the order——.

Mr. TAYLER. I ask that the time of the gentleman from Louisiana be extended ten minutes, which will equalize the time occupied by the two sides.

The SPEAKER pro tempore. The gentleman from Ohio asks that the time of the gentleman from Louisiana be extended ten minutes.

Mr. THOMAS. I will not object to that if the gentleman from Ohio [Mr. TAYLER] be allowed ten minutes more; otherwise I object.

Mr. NORTHWAY. The gentleman from Ohio has already had additional time. I hope objection will not be made.

The SPEAKER pro tempore. Objection is made.

Mr. JOHNSON of California. Mr. Speaker, I hope that no objection will be made to the gentleman from Louisiana stating his case. To the ear of justice the slightest syllable of truth is precious. We on our side have a majority here large enough to vote down anything that we want to vote down, and it does seem to me that in the interest of fair play——

The SPEAKER pro tempore. This question is not debatable.

Mr. JOHNSON of California. I am not debating it, but only making an appeal.

The SPEAKER pro tempore. The question is not debatable.

Mr. JOHNSON of California. I hope the objection will be withdrawn.

Mr. THOMAS. The time allowed under the arrangement having expired, I move that both the contestant and the contestee be allowed ten minutes in addition.

Mr. FLETCHER. I wish to ask whether the time allowed to the other side was not extended ten minutes?

The SPEAKER pro tempore. Unanimous consent is asked that ten minutes additional be given to the contestant and the contestee. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITNEY. One question before the gentleman from Louisiana proceeds. Does he seriously contend that the resolutions offered by the majority of the committee ought not to be passed?

Mr. BOATNER. I do not want to say anything in derogation of the agreement with my friend from Ohio [Mr. TAYLER]——

Mr. PITNEY. Inasmuch as the gentleman from Louisiana [Mr. BOATNER] himself has by his own agreement put it out of the power of the House to seriously and deliberately consider this question, I must decline to vote upon it.

Mr. BOATNER. Mr. Speaker, I do not consider that an answer to the gentleman from New Jersey would be a violation of the agreement that I should not enter into debate. I certainly contend, most earnestly and seriously, that the record in this case shows that if every fraudulent and fictitious vote attacked by the contestant be thrown out, I am still elected, and if there be a fair application of the testimony my majority is over 3,000.

Mr. PRINCE. As a member of the committee I wish to state that it was agreed——

The SPEAKER pro tempore. Does the gentleman from Louisiana yield?

Mr. BOATNER. Certainly.

Mr. PRINCE. I wish to say for the information of the House that the majority of the committee are prepared now to state, if this House wants to hear them, the reasons for making this report. We seriously contend that the report of the majority is in accordance with the evidence in this case, in accordance with the facts, and in accordance with the law; but in order to accommodate the contestee, so that this matter might be disposed of to-day, such disposition being desired by him with reference to the special election to be held, and because if each one of the six gentlemen constituting the majority of the committee should speak upon the question the debate would occupy the whole of to-morrow, if it did not extend into the next day, we have refrained from speaking. But if gentlemen think that because we are thus closing our mouths we are yielding this question, we desire to say to the House that we are prepared to sustain this majority report by the law, by the evidence, and by the record in this case.

Mr. PITNEY. Permit me to say——

The SPEAKER pro tempore. The gentleman from Louisiana is entitled to the floor.

Mr. PITNEY. I am not making any complaint except that the parties, for their own convenience, have put the House in the position of being called upon to vote on a question concerning which it has no adequate information. I must decline to vote.

Mr. BAILEY. It is not for the convenience of the parties, but for the convenience of the people of the district.

Mr. PITNEY. I make no complaint as to that.

Mr. NORTHWAY. Under the circumstances, how can we do otherwise than vote according to the report of the majority?

Mr. BOATNER. I hope that the time which has been occupied in this colloquy will not be counted against me. I trust the gentlemen of the committee agree with me that I was compelled to answer the question which was propounded; otherwise I should not have said one word outside of the report.

[Mr. BOATNER resumed the reading of the minority report.]

The SPEAKER pro tempore (before the reading was concluded). The time allotted to the gentleman from Louisiana has expired.

Mr. BOATNER. I will ask unanimous consent for permission to finish the reading of the testimony of this single witness.

Mr. TAFT. I object, Mr. Speaker.

Mr. WHEELER. Is it possible?

The SPEAKER pro tempore. The Chair recognizes for ten minutes the contestant in this case.

Mr. BENOIT (the contestant). Mr. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: I thank you very much for the privilege you have accorded to me of being heard on the floor of the House in defense, not so much of my own right to a seat in this body, but in defense of the rights of every honest voter in the Fifth Congressional district of the State of Louisiana. I can not tell you much of the election in question within the ten minutes accorded to me, but I will try to tell you all that I can, in the brief time allowed, of the condition of one of your sister States of the Union, and the way elections are held in Louisiana. And I desire to say at the outset that I shall not make a single statement that is not fully verified by the record in this case, or that is not well known as a part of the political history of my State.

There are two reasons why I should speak only the truth in regard to this question. The first is that I love my State as you love yours, and I would not willingly trail her fair banner in the dust before this honored assemblage of the representatives of the American people; and in the second place, I know that I must go home

and meet face to face the very men whose outrageous crimes and wrongs against free government I expect in the ten minutes allotted to me to denounce.

Now, let me call your attention briefly to my notice of contest and the answer of the contestee to the same. I alleged therein that there had been frauds practiced in the elections in the four river parishes of East Carroll, Madison, Concordia, and Tensas, and that no legal election had been held, and that none has been held for years in those parishes, to the prejudice of the good people of the other portions of the State as well as to the injury of the reputation of the State itself. The contestee, Mr. Boatner, files an answer to the notice of contest and not only denies these allegations but denounces them as false; and yet, gentlemen, when he comes into this court before the committee of the House of Representatives what does he do? He acknowledges in his supplemental brief, filed before the Committee on Elections No. 2, that over 6,000 votes received in these parishes ought to go out because they were unsworn to and are fraudulent.

Did I tell the truth or a falsehood when I alleged that the free electors of the State of Louisiana were disfranchised; that they had been disfranchised by the insertion of fraudulent votes, and by practices which we know have prevailed for years in elections in these river parishes? Boatner himself, in his race for Congress against King, made the fight upon the sole issue that the vote of the river parishes was fictitious and fraudulent.

But one more statement, Mr. Speaker. The contestee in this case said in his supplemental brief, and has called attention to it in his statements some moments ago, with reference to matters in Concordia Parish, that the returns of the elections were all sworn to. A careful reading of the testimony of the clerk of the court (see testimony of Mr. Gillepsie, record, page 82) shows that not one of these returns has been sworn to. The lists of voters were not sworn to in any single ward of those wards wherein he claims 936 votes, and thus carries the whole parish of Concordia.

This is the way these ballot-box stuffers proceed. They deposit in bulk a given number of straight Democratic ballots, regardless of, and with no relation to, any actually cast ballots by actual voters, then count them out and swear that there were so many votes received by the Democratic candidate; but they are careful not to swear, as required by law, by affidavit attached to the poll list, who cast the said votes or that any of them were cast by actual voters at all. Therefore I say, and the record bears me out, that there are some four or five hundred names attached to these Concordia Point returns as having voted the Democratic ticket and for the Democratic candidate, the poll lists for which precincts are not in any one single instance verified by the affidavits of the election officers, as required by law, showing what electors had actually voted. They simply took the ballots that were deposited in the box by themselves, the election officers, and then they counted out so many votes for the Democratic candidate. That is the way that elections are conducted down in my part of the State of Louisiana. [Applause on the Republican side.]

I have a great mass of other startling facts to which I had wished to call the attention of the House, but I can not do so in the brief time allowed me. For instance, in Ouachita Parish Boatner claims I attack only three wards for intimidation, and claims that I could not produce proof as to any others because he claims I had not alleged anything against them in the notice of contest. This is not true. My notice charged intimidation, frauds, etc., specifically against 5 of the 10 wards in the parish, and also attacked the entire parish for the results of the same, and for the reign of terror due to past intimidations. And yet the contestee attempts to make out his case either by admitting the very things that I alleged or by attempting to prove things which were not alleged in his answer. I show, in these wards which I attack because of intimidation, that the returns show 1,162 votes that were not sworn to by the election officers. The poll lists were not sworn to, as the printed record proves, and yet he says, "I have attempted to go through this contest and show the true state of the votes cast." Can you believe him? Certainly not any longer than will be required to enable you to read the printed record.

Gentlemen, I wish I could refer briefly to this testimony and impress upon you the importance of some one getting this floor and fixing upon the attention of everyone in this country the facts as to the methods which have prevailed in election contests in Louisiana for years. I have not time to quote the testimony, but let me give you an example. To show you the far-reaching extent of the intimidation which is practiced in some of these parishes, in Ouachita, for instance, I prove by contestee's witnesses that all colored men were expected to vote open tickets; they know there is not one negro in one thousand that will vote the Democratic ticket if he can vote another without incurring the risk of being thrashed or hung by bulldozers. [Laughter.] I tell you, gentlemen, I have lived all my life among them. I was nursed by a good old black mammy. I know them, and I tell you that I never saw but one Democratic negro in my life, and he was to the manor born, or he would not have been a Democrat; and he was brought upon the stand by Boatner; his name was Barrington. Read his testimony, on pages 8 and 9 of the supplemental record. Yet they come here and would have the members of this House believe, and would have this nation believe, that the colored men in that district are just dying to vote the Democratic ticket. [Laughter.] Why, gentlemen, the poor darkey knows he is apt to die or be whipped if he does not vote the Democratic ticket. That is the real reason why they are such good Democrats. Take the testimony of Hill there in Ouachita Parish. What does he testify? Supplemental record, pages 22 and 23:

Q. What did you do on election day?
A. I might say that I performed the duties assigned to me.
Q. And what were those duties?
A. To go around in the Tenth Ward and notify the voters to come to the polls and vote.

And this is about the way that duty is performed:

They send a bulldozed colored man around to tell the other colored men to come and vote. I wish I had the time to give you the dialogue that would take place between these colored men. I will do so briefly: This colored runner, who is sent out by the bulldozers to tell the darkies to come up and vote, rides up or walks up to a colored man's house, and he says, "Niggah, doan' you know dis am 'lection day?" "'Cose I does." "Well, why doan' yo' come up and vote, den?" "'Cause 'taint me votin', it's anudder man votin' me." "Well, mister ——— tole me to come down heah to tell yo' if yo' doan' come up dar and vote dey'd make it pow'ful sickly foh yo' roun' heah to-night."

That is the message he gets. Then he pricks up his ears.

"Did Mr. ——— say dat?"

"Yo' hearn me, didn' yo', niggah?"

"Melissa, whah's my hat? I'se gwine up dar right now."

So they come to the polls, gentlemen, and vote the Democratic ticket, and vote an open Democratic ticket, because they are not allowed to vote any other way since the election of 1892, when allowed to vote a secret ballot between rival Democratic candidates—lottery and antilottery. The negro's love for Boatner, a lottery man, did not prove strong enough that year to save his candidates, for the secret ballots of the negroes were cast against his candidates, and Ouachita Parish gave a majority for the antilottery ticket.

That is the real condition of affairs there. But much of the blame for existing conditions, the results of triumphant frauds, must rest upon others higher in power and position than Boatner. Governor Foster is responsible largely for them. By his acts and influence he, in 1894, prevented the enactment of election laws intended to remedy and prevent many of these crimes against suffrage. He is credited with saying in a public speech at Ruston, La., that as governor he was the commander-in-chief of the Democratic party, and that during his incumbency of that office he did not intend to see the government of the State and its machinery turned over to any other party, or words to that effect.

Now, gentlemen, I fasten this upon individuals high in official station, rank, and power. Mr. Boatner, the contestee, himself was a party to this "open ticket" business, for I proved that in a public speech delivered in Monroe, La., the evening before election. He said, addressing the galleries, in which there were 500 or 1,000 colored people: "Now, we want everybody to vote open tickets to-morrow, so as to know who are Democrats." Let it be remembered that this advice was a direct violation of the secrecy of the ballot guaranteed by the State constitution.

Yes, they knew if they were not made to vote the open ticket Benoit would get hundreds of votes where, under these circumstances, with an open ballot, he would get none.

Now, gentlemen, I want to call your attention to the fact that this Fifth Congressional district is divided by a line which runs almost through its center, the Ouachita River. It is divided into a distinctively white section of country and a distinctively black section of country. In the black section the blacks outnumber the whites by from 5 and 10 to 1. Now, I want to call your attention to the fact that in these white sections, where the election was fair, where the returns are not questioned, I beat Mr. Boatner in nine-tenths of the precincts, so I have carried every part of that district except the one—the black section. [Applause.] But of course, gentlemen, if I should go to the Ouachita River from this white belt with 1,000,000 votes, there would come from the black belt a million and a half against me just as regularly as election day rolls around and the returns are sent in. Hence you realize the utter helplessness of the people in those white sections, where the elections are reasonably fair and honest returns are made, as long as thousands and thousands of fictitious, fraudulent votes can be sent up by a few men as having been actually cast in the black sections. The good, honest voters of that district who are desirous to have their will registered by honest returns for the candidate of their choice are powerless, because, as is held in this case against me, inasmuch as they do not constitute more than one-half of the legal voters of the district, and because the fraudulent and fictitious votes cast out by the committee outnumber the honestly cast and returned vote, their voice must not be heard in your body.

But it seems it is not so, except in Louisiana, as the following showing clearly demonstrates:

Here is the record of the voters now represented in this House by the sitting members representing the seven Congressional districts of Mississippi:

| | | |
|---|---|---|
| Total average population to district | | 184,000 |
| Total average number of voters to district | | 35,000 |
| **First district:** | | |
| Allen | 2,977 | |
| Brown | 843 | |
| | | 3,820 |
| **Second district:** | | |
| Kyle | 3,845 | |
| Lyle | 1,067 | |
| Montgomery | 165 | |
| | | 5,077 |
| **Third district:** | | |
| Catchings | 1,646 | |
| Mount | 207 | |
| | | 1,853 |
| **Fourth district:** | | |
| Money | 5,213 | |
| Jamison | 3,715 | |
| Souter | 42 | |
| | | 8,970 |
| **Fifth district:** | | |
| Williams | 5,346 | |
| Ratcliffe | 2,953 | |
| | | 8,299 |
| **Sixth district:** | | |
| Denny | 3,721 | |
| Hathorn | 1,908 | |
| | | 5,629 |
| **Seventh district:** | | |
| Spencer | 3,597 | |
| Newman | 1,355 | |
| Barr | 173 | |
| | | 5,125 |
| Total vote on Congressmen in State | | 38,773 |

I want to say that I am intensely proud of these 6,000 loyal men who stood by me in this contest. The returns only show 5,994, but God knows how many I got that were never counted for me, and so it is fair to take the other 6 and call it 6,000. [Laughter.] I would that I could provoke a storm of indignation which would sweep down from every corner of our common country and, finding its center in Louisiana, hover over her until the eyes of all the world were focused on these travesties upon elections.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENOIT. I should like to have about three minutes longer.

Mr. PITNEY. I ask unanimous consent that the gentleman have five minutes longer.

A MEMBER. Extend his time ten minutes.

Mr. MOODY. I ask to modify that, and request the House to give unanimous consent for an extension of ten minutes for the contestant, and that the same length of time be given to the sitting member.

Several MEMBERS. Regular order!

The SPEAKER pro tempore. Objection is made. The question is on the substitute offered by the gentleman from Texas [Mr. BAILEY], which the Clerk will report.

The Clerk read as follows:

*Resolved*, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

Mr. BAILEY. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The resolution recommended by the minority of the committee was again read, as follows:

*Resolved*, That C. J. Boatner was elected a Representative to the Fifty-fourth Congress from the Fifth Congressional district of Louisiana on the 6th day of November, 1894, and is entitled to his seat as such.

The question was taken; and there were—yeas 59, nays 132, not voting 164; as follows:

YEAS—59.

| | | | |
|---|---|---|---|
| Allen, Miss. | Denny, | Maguire, | Ray, |
| Bartlett, Ga. | Dinsmore, | McClellan, | Sayers, |
| Bartlett, N. Y. | Elliott, S. C. | McCreary, Ky. | Sorg, |
| Bell, Tex. | Erdman, | McCulloch, | Stallings, |
| Black, Ga. | Fletcher, | McDearmon, | Sulzer, |
| Clardy, | Harrison, | McLaurin, | Tate, |
| Cobb, Ala. | Hutcheson, | McMillin, | Terry, |
| Cobb, Mo. | Johnson, Cal. | McRae, | Turner, Va. |
| Cockrell, | Jones, | Meyer, | Underwood, |
| Cooper, Fla. | Kendall, | Money, | Walsh, |
| Cooper, Tex. | Kyle, | Neill, | Wheeler, |
| Crisp, | Latimer, | Ogden, | Williams, |
| Crowley, | Layton, | Owens, | Woodard, |
| Culberson, | Little, | Pendleton, | Yoakum. |
| De Armond, | Livingston, | Price, | |

NAYS—132.

| | | | |
|---|---|---|---|
| Acheson, | Baker, Md. | Blue, | Calderhead, |
| Aitken, | Baker, N. H. | Boutelle, | Cannon, |
| Aldrich, Ala. | Bartholdt, | Bowers, | Clark, Mo. |
| Allen, Utah | Belknap, | Broderick, | Codding, |
| Avery, | Bishop, | Brosius, | Connolly, |
| Baker, Kans. | Black, N. Y. | Bull, | Cook, Wis. |
| Cooke, Ill. | Henry, Conn. | Minor, Wis. | Spalding, |
| Cooper, Wis. | Hepburn, | Mondell, | Stahle. |
| Corliss, | Hill, Conn. | Moody, | Steele, |
| Cousins, | Hopkins, | Mozley, | Stephenson, |
| Crowther, | Howell, | Northway, | Stewart, N. J. |
| Crump, | Hunter, | Otjen, | Stewart, Wis. |
| Curtis, Iowa | Hyde, | Overstreet, | Strode, Nebr. |
| Curtis, Kans. | Jenkins, | Pearson, | Strong, |
| Dalzell, | Johnson, N. Dak. | Perkins, | Strowd, N. C. |
| Daniels, | Joy, | Phillips, | Taft, |
| De Witt, | Kem, | Pickler, | Tayler, |
| Ellis, | Kerr, | Poole, | Thomas, |
| Faris, | Kiefer, | Prince, | Tracey, |
| Foote, | Kirkpatrick, | Pugh, | Treloar, |
| Foss, | Knox, | Raney, | Updegraff. |
| Fowler, | Leighty, | Reeves, | Van Horn, |
| Gamble, | Linney, | Reyburn, | Van Voorhis, |
| Gardner, | Linton, | Royse, | Wadsworth, |
| Gibson, | Long, | Sauerhering, | Walker, Mass. |
| Graff, | Lorimer, | Shafroth, | Wanger, |
| Griswold, | Loudenslager, | Sherman, | Watson, Ohio |
| Grosvenor, | Marsh, | Shuford, | Wellington, |
| Grow, | McLachlan, | Simpkins, | White, |
| Hadley, | Mercer, | Skinner, | Willis, |
| Hainer, Nebr. | Miller, Kans. | Smith, Ill. | Wilson, Idaho |
| Halterman, | Miller, W. Va. | Smith, Mich. | Wilson, Ohio |
| Hanly, | Milnes, | Snover. | Wood. |

NOT VOTING—164.

| | | | |
|---|---|---|---|
| Abbott, | Dingley, | Hulick, | Pitney, |
| Adams, | Dockery, | Huling, | Powers, |
| Aldrich, Ill. | Dolliver, | Hull, | Quigg, |
| Anderson, | Doolittle, | Hurley, | Richardson, |
| Andrews, | Dovener, | Johnson, Ind. | Robertson, La. |
| Apsley, | Downing, | Kulp, | Robinson, Pa. |
| Arnold, Pa. | Draper, | Lacey, | Rusk, |
| Arnold, R. I. | Eddy, | Lawson, | Russell, Conn. |
| Atwood, | Ellett, Va. | Lefever, | Russell, Ga. |
| Babcock, | Evans, | Leisenring, | Scranton, |
| Bailey, | Fairchild, | Leonard, | Settle, |
| Bankhead, | Fenton, | Lester, | Shannon, |
| Barham, | Fischer, | Lewis, | Shaw, |
| Barney, | Fitzgerald, | Lockhart, | Southard, |
| Barrett, | Gillet, N. Y. | Loud, | Southwick, |
| Beach, | Gillett, Mass. | Low, | Sparkman, |
| Bell, Colo. | Griffin, | Maddox, | Spencer, |
| Bennett, | Grout, | Mahany, | Sperry, |
| Berry, | Hager, | Mahon, | Stokes, |
| Bingham, | Hall, Mo. | McCall, Mass. | Stone, C. W. |
| Boatner, | Hardy, | McCall, Tenn. | Stone, W. A. |
| Brewster, | Harmer, | McCleary, Minn. | Strait, |
| Bromwell, | Harris, | McClure, | Sulloway, |
| Brown, | Hart, | McCormick, | Swanson, |
| Brumm, | Hartman, | McEwan, | Talbert, |
| Buck, | Hatch, | McKenney, | Tawney, |
| Burrell, | Heatwole, | Meiklejohn, | Towne, |
| Burton, Mo. | Heiner, Pa. | Meredith, | Tracewell, |
| Burton, Ohio | Hemenway, | Miles, | Tucker, |
| Catchings, | Henderson, | Milliken, | Turner, Ga. |
| Chickering, | Hendrick, | Miner, N. Y. | Tyler, |
| Clark, Iowa | Henry, Ind. | Morse, | Walker, Va. |
| Clarke, Ala. | Hermann, | Moses, | Warner, |
| Coffin, | Hicks, | Murphy, | Washington, |
| Colson, | Hilborn, | Newlands, | Watson, Ind. |
| Cowen, | Hitt, | Noonan, | Wilber, |
| Cox, | Hooker, | Odell, | Wilson, N. Y. |
| Cummings, | Howard, | Otey, | Wilson, S. C. |
| Curtis, N. Y. | Howe, | Parker, | Woodman, |
| Danford, | Hubbard, | Patterson, | Woomer, |
| Dayton, | Huff, | Payne, | Wright. |

Mr. NORTHWAY. Mr. Speaker, the chairman of the committee, Mr. JOHNSON of Indiana, requested me to state that he was called out while the discussion on this case was going on and could not return. If he were here, he would vote "nay" upon this proposition and would vote "yea" upon the main resolution.

Mr. BAILEY. Mr. Speaker, in view of that statement, I desire to withdraw my vote, because I agreed to pair with the gentleman from Indiana.

Mr. GILLETT of Massachusetts. Mr. Speaker, I voted, forgetting that I had agreed to pair with the gentleman from Virginia [Mr. TUCKER]. I therefore withdraw my vote.

Mr. LACEY. Mr. Speaker, I voted with the understanding that if the gentleman from Virginia [Mr. SWANSON] should return to the Hall during the roll call my vote should stand; otherwise it was to be withdrawn, as I am paired with him.

Mr. MCMILLIN. Mr. Speaker, my colleague, Mr. RICHARDSON, is paired with the gentleman from Ohio [Mr. HULICK]. If he were present, he would vote "yea."

Mr. ANDREWS. Mr. Speaker, I am paired for the day with the gentleman from Maryland [Mr. MILES]. If he were present, I would vote "nay" on this resolution.

The following-named members were announced as paired on this question:

Mr. GILLETT of Massachusetts with Mr. TUCKER.
Mr. MEIKLEJOHN with Mr. TALBERT.
Mr. WOOMER with Mr. STOKES.
Mr. LACEY with Mr. SWANSON.
Mr. GILLET of New York with Mr. MEREDITH.
Mr. HULICK with Mr. RICHARDSON.
Mr. HENRY of Indiana with Mr. LAWSON.
Mr. HARMER with Mr. SPARKMAN.
Mr. SOUTHARD with Mr. SPENCER.
Mr. DINGLEY with Mr. TURNER of Georgia.

Mr. BINGHAM with Mr. RUSK.
Mr. MAHON with Mr. OTEY.
Mr. FAIRCHILD with Mr. HART.
Mr. HATCH with Mr. COX.
Mr. HOOKER with Mr. MINER of New York.
Mr. HUBBARD with Mr. ABBOTT.
Mr. DAYTON with Mr. DOWNING.
Mr. DOVENER with Mr. LOCKHART.
For the rest of this day:
Mr. LOW with Mr. CUMMINGS.
Until further notice:
Mr. TRACEWELL with Mr. HENDRICK.
Mr. JOHNSON of Indiana with Mr. BAILEY.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now recurs on the resolution reported by the majority of the committee, which the Clerk will read.

The Clerk read as follows:

*Resolved*, That there was no valid election held in the Fifth Congressional district of the State of Louisiana on the 6th day of November, 1894, and that neither Alexis Benoit nor Charles J. Boatner is entitled to a seat in the Fifty-fourth Congress as Representative from the Fifth Congressional district of Louisiana.

The resolution was adopted.

On motion of Mr. TAYLER, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

Mr. TAYLER. Mr. Speaker, I thought that unanimous consent had been given to print the majority and minority reports in the RECORD, but I understand that it does not so appear in the stenographer's notes, and I now ask that unanimous consent be given.

Mr. BAILEY. I was about to inquire of the gentleman from Ohio if that was not the understanding.

Mr. TAYLER. That was the understanding and I thought that consent had been given.

The SPEAKER pro tempore. Unanimous consent is asked that the report of the committee and the views of the minority be printed in the RECORD.

There was no objection, and it was so ordered.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.;

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River, in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

### SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2231) for the relief of settlers on the Northern Pacific Railroad indemnity lands—to the Committee on the Public Lands.

A bill (S. 1862) to amend the act creating the circuit courts of appeals in regard to fees and costs, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1864) to amend the act creating the circuit courts of appeals in regard to cases arising under the revenue laws, and for other purposes—to the Committee on the Judiciary.

A bill (S. 1160) authorizing the Secretary of War to issue Springfield rifles to each State and Territory for the National Guard thereof in exchange for other rifles now held—to the Committee on the Militia.

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona—to the Committee on the Public Lands.

A bill (S. 1211) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport Navy-Yard—to the Committee on Naval Affairs.

A bill (S. 2272) to fix the salaries of the chief justice and judges of the Court of Claims—to the Committee on the Judiciary.

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company"—to the Committee on Indian Affairs.

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints—to the Committee on the Judiciary.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed and bound in paper cover 2,000 additional copies of Notes on the Year's Naval Progress, General Information Series, No. XIV, prepared by the Office of Naval Intelligence, Navy Department, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for the use of the office of Naval Intelligence, Navy Department—

To the Committee on Printing.

### ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay; and

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for three days, on account of important business.

To Mr. COX, for ten days, on account of important business.

To Mr. MAHON, for two days, on account of important business.

To Mr. MCDEARMON, for ten days, on account of important business.

To Mr. COCKRELL, for the evening session.

To Mr. WALSH, for the evening session.

The House then, on motion of Mr. DALZELL (at 4 o'clock and 55 minutes p. m.), took a recess until 8 o'clock p. m.

## EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. HOPKINS, as Speaker pro tempore.

### ORDER OF BUSINESS.

The Clerk read clause 2 of Rule XXVI, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar pursuant to the special order.

Mr. BISHOP. Before that motion is put, I wish the chairman of the committee [Mr. PICKLER] would allow us to take up the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church. That is the unfinished business, and I do not think there will be any objection to it.

Mr. PICKLER. I can not consent.

The question being taken on the motion of Mr. PICKLER, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HEPBURN in the chair.

### JANE WEBSTER.

The first business on the Private Calendar was the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll the name of Jane Webster, widow of Joel Webster, a former wagonmaster in the volunteer militia service of the United States during the war of the rebellion, at the rate of $20 per month, and payable from the 23d day of January, 1883, the date of the death of the said Joel Webster by reason of disability incurred while in the service of the United States; such pension, so granted, to be in lieu of any pension that may have been heretofore allowed and paid to the said Jane Webster.

Mr. MCCLELLAN. I ask that the report be read.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster, late wagonmaster of the United States Army, to $20 per month, having considered all the facts and circumstances in this case, beg leave to report:

This bill as amended grants a pension of $12 a month to Jane Webster, widow of Joel Webster, deceased. The husband served in all three years as a civilian employee in the Quartermaster's Department. The widow filed a claim for pension, and it was rejected upon the ground that the husband was not an enlisted man or in the military service. The evidence shows that Joel Webster was at Lexington, Ky., with his wagon train when John Morgan made an attack upon the train, and in the fight that ensued, and while in defense of the Government's property, he was wounded by a saber stroke over the head. From this wound he became insane, and continued so until his death in 1883. The widow is now 83 years old and very poor.

Your committee recommend that the word "twenty," in line 7, be stricken out and "twelve" inserted, and as amended that the bill do pass.

Mr. MCCLELLAN. As I understand, the amount proposed to be paid under this bill to this widow is the amount which she

would receive under the general law if her husband had been regularly enlisted as a private.

Mr. PICKLER. That is my understanding. I did not happen to be present in the committee when this bill was acted on.

Mr. LAYTON. I move to amend the bill by striking out, in lines 8 to 11, the words "and payable from the 23d day of January, 1883, the date of the death of the said Joel Webster by reason of disability incurred in the service of the United States."

Mr. ERDMAN. Mr. Chairman, I should be glad if the gentleman who has this measure in charge would give us a more extended statement of the case than is contained in this very brief report. As I understand, this bill is an attempt to place a civilian employee of the Government on an equality with an enlisted man. To say the least, the evidence in such a case ought to be full, clear, and explicit before we act favorably upon it. I therefore trust that we may have some explanation not brought out in the report concerning what would seem to be the weak points in this case. Possibly they are susceptible of satisfactory explanation.

Mr. PICKLER. In regard to the words which the amendment of the gentleman from Ohio [Mr. LAYTON] proposes to strike out, I presume they were inserted by the committee on account of the advanced age of this woman, 83 years. I shall not resist the adoption of that amendment, although I think it would be no more than ordinary justice that this woman, in view of her age, should receive a pension from the date of the death of her husband. I do not wish, however, to be understood as favoring in general the payment of back pensions or arrears of pensions.

In reply to the gentleman from Pennsylvania [Mr. ERDMAN], I will say that it seems to me this report exhibits the whole case. It states that this man was an employee of the Quartermaster's Department, and according to the report—

> The evidence shows that Joel Webster was at Lexington, Ky., with his wagon train when John Morgan made an attack upon the train, and in the fight that ensued, and while in defense of the Government's property, he was wounded by a saber stroke over the head. From this wound he became insane, and continued so until his death, in 1883. The widow is now 83 years old.

This bill makes no new departure, establishes no new rule. Ever since private pensions have been granted, wherever a teamster or other person employed in the Quartermaster's Department, or in fact, I think, employed in the Army in any capacity, has actually been wounded—has incurred disability from wounds received in the service—he has been recognized as entitled to the right of pension equally with a soldier. I do not think the practice in these cases has gone further than I have just stated. The rule has been applied simply in cases where the man has been regularly enlisted, and has been clearly proved to have incurred disability by reason of wounds received in the service. Cases of this kind have not been very numerous; and I do not remember that these pensions have ever been granted in any other case than where wounds have been actually received. This widow is the widow of such a person as it has been our practice to pension under these circumstances. The case involves no new departure. It follows the practice of Congress for years and years.

Mr. LAYTON. I would like to ask the gentleman a question, with his consent.

Mr. PICKLER. Certainly.

Mr. LAYTON. I notice that this is a bill entitled "A bill to increase the pension of Jane Webster, widow," etc. Now, has she had a pension granted to her before, or is that simply misleading?

Mr. NORTHWAY. The report shows that her claim was rejected.

Mr. PICKLER. As I said, I was not present when this bill was considered by the committee; but my understanding is that if this bill is granted in the shape it is drawn there would be no deduction for anything received heretofore.

Mr. LAYTON. That is precisely the purport of my amendment. The bill is entitled "to increase the pension" of this woman. If I understand the status of the case, she could not have been pensioned under the general law, because her husband was not actually in the service as an enlisted man.

Mr. PICKLER. My understanding is that there is no pension being received, and I think the title ought to be amended.

Mr. LAYTON. My amendment, the committee will observe, is not in opposition to the bill at all, except as to this portion of it which I have moved to strike out, commencing on the eighth line and terminating with the eleventh, in the following words:

> And payable from the 23d day of January, 1883, the date of the death of the said Joel Webster, by reason of disability incurred while in the service of the United States.

In other words, the committee will observe that the bill, in the shape it is drawn, places the old lady on the pension rolls, to which I do not object, and not only increases the pension from $8 to $12 a month, which perhaps he would be entitled to receive under the general law, but makes the pension retroactive, and permits the receiving of the pension from 1883.

Mr. PICKLER. If the gentleman will allow me amoment.

The gentleman from Ohio [Mr. KERR] who reported this bill, desires that I shall ask unanimous consent that it be re-referred to the committee. There are some facts which are not fully understood and which the committee desires to reinvestigate.

Mr. LAYTON. I have no objection to that.

Mr. LACEY. This bill was reported in the last Congress and was on the Calendar. That ought to enable the committee to know all about it.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection; and the bill was ordered to be reported to the House with the recommendation that it be recommitted to the committee.

### WILLIAM F. GOOD.

The next business on the Private Calendar was the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Good, late of Company L, Tenth Indiana Cavalry Volunteers, at the rate of $12 per month

Mr. WOOD. Let the report be read, which gives clearly all of the facts.

The report (by Mr. WOOD) was read, as follows:

> The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry, submit the following report:
>
> The evidence submitted to the committee shows a remarkable state of facts.
>
> Claimant joined Company L, Tenth Indiana Cavalry, and was enrolled some time later. The date he joined the company was probably December 20, 1863. He was with the company, doing duty and drawing rations and clothing. His brother was first lieutenant of the company. In March, 1864, in a railroad wreck near Gallatin, Tenn., the said company being on train, Henry Good, his brother and first lieutenant, was mortally injured, and claimant ruptured, from which he is now suffering. Claimant was not able to go on with his company, but remained with his brother until his death, caring for him as best he could. He then went home to Columbus, Ind., and claims was never able to return; that his officers informed him that his staying at home till he was fit for service would be all right.
>
> He claims to have been mustered about February 10, 1864. Neither the records of the Adjutant-General's Office at Washington or Indianapolis show that he was ever mustered. The records of the War Department show him to have been enrolled February 3, 1864, and that he deserted January 4, 1864. The official records of the adjutant-general's office of Indiana show him to be enrolled February 3, 1864. The War Department, United States, determined December 11, 1894, that the soldier, not having been mustered, was not in the military service of the United States, and the Pension Office rejects his claim because he was not in the military service of the United States, which was affirmed by the Secretary of the Interior.
>
> The grounds of rejection, as given to claimant, was no pensionable disability. The Secretary of the Interior directed that claimant be notified of true grounds. Meantime claimant filed a mass of evidence proving his disability one-half.
>
> Your committee recommend the bill be amended by striking out "twelve" from last line and insert "six."
>
> This claimant is without relief from the Adjutant-General's Office. He is regarded as never having been in the service, hence no charge of desertion could be removed, if, indeed, there is any, which the committee doubt. The only relief he can get is under this bill.

Mr. MCCLELLAN. I would like to ask the gentleman who prepared this report, why it would not be simpler, instead of pensioning this man, to correct his military record first?

Mr. WOOD. I will answer the gentleman that this matter to which he has referred, suggested itself to the subcommittee having the bill in charge. But there is no record of desertion against this soldier. The roll in the Adjutant-General's Office shows him to have been enrolled on the 3d day of February, 1864, and then there is entered on the record a statement that he deserted on January 4, 1864, one month previous to the date of his enrollment, a manifest error. The error is apparent on the face of the record.

After this record was filed the committee obtained a statement from the adjutant-general's office of Indiana (there is no record of desertion against him there) showing no additional facts in the case. Gentlemen who are acquainted with the way these rolls are made up know that they were made in duplicate or triplicate, one copy of which went to the Adjutant-General of the Army, the other to the office of the adjutant-general of the State, and the other was retained by the regiment or company. Evidently there has been a clerical mistake somewhere; perhaps it was made in the office of the Adjutant-General, or perhaps by the officer in command of the company, for it is evident that this man could not have deserted a month before he was enrolled.

Now, in regard to the particular facts connected with the case, there is absolutely no information of record excepting what is stated in the report, and there is no relief to the soldier except through the action of Congress. He was enlisted, was uniformed, rations were drawn for him, he went upon duty, but had never been mustered. While on duty it appears that a train of cars on which was his company was wrecked. His brother, a first lieutenant in the company, was mortally wounded, and he himself was ruptured. Thus it can be easily seen how his officers may have told him to go home and return to the company when he was fit for service. He never had been mustered, and the War

Department has decided that not having been mustered he was never in the military service. The Pension Office, following the conclusion arrived at by the Adjutant-General or the Secretary of War, refused to pension him because he was never in the United States service, when, in point of fact, he received his injury while wearing the uniform of the United States and while in the service as a United States soldier. There was no occasion for him to return until he got fit for duty, because it is very evident that so long as he was in that condition a mustering officer would not have mustered him if he had come around the day after the accident occurred.

So far as the rate is concerned, there is only one question of doubt in my mind. From inquiry of the clerks who are detailed from the Pension Office, it appeared that his disability was one-half. Assuming that a full disability would entitle him to draw $12 a month, the committee reported in favor of an amendment changing the amount from $12 to $6. I am not sure but that there should be an amendment making it $10 a month instead of $6.

Mr. LOUD. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. WOOD. Certainly I yield to the gentleman from California.

Mr. LOUD. I see in your report the statement—

The ground of rejection, as given to claimant, was no pensionable disability.

Is that the fact or is it not?

Mr. WOOD. It is a fact.

Mr. LOUD. Then I should like to ask you another question.

Mr. WOOD. I should like to explain that statement, because the bare statement would give an unfair impression. The pension office rejected it on the ground of no pensionable disability. The soldier appealed to the Secretary of the Interior, who decided that he was not pensionable because he never had been in the service of the United States, and directed the Commissioner of Pensions to inform the claimant of the true grounds of his rejection. It was done, but meantime he had filed a mass of testimony, of which the committee had the advantage, which clearly proved that he was disabled, I thought at the time, to an extent which would allow him $6 a month. I am inclined to think now it would entitled him to $10 a month.

Mr. LOUD. Still the evidence on file here seems to show that he was not disabled in a pensionable degree. Now, I should like to suggest to the gentleman that his wildest possible estimate here will not have given this soldier ninety days of service to bring him within the limits of the law.

Mr. WOOD. One word in regard to that. The rejection on the ground that the soldier was not disabled to a pensionable degree was a mistake of the Pension Office.

Mr. LOUD. Why should you have it in your report, then?

Mr. WOOD. Because the report states the exact facts.

Mr. LOUD. That is what I thought, and I brought it to your attention because I supposed that this must state the facts.

Mr. WOOD. It states the grounds upon which it was rejected. The Secretary of the Interior directed that the claimant be notified of the true grounds of rejection.

I have stated that the Pension Office rejected the claim because he was not in the military service of the United States. It first rejected the claim on the ground that he was not disabled in a pensionable degree; but after appeal it rejected the claim on the ground that he was not in the service of the United States.

Mr. LOUD. Still they never set aside the other finding, that he was not disabled to a pensionable degree.

Mr. WOOD. They conceded that it was a mistake, and the Secretary of the Interior decided that they had not given him the true ground. Upon appeal it was decided that the ground of rejection as given claimant by the Pension Department was wrong, and the Secretary of the Interior directed that the true reason should be given.

Mr. LOUD. Then your report does not correctly state your case.

Mr. WOOD. The report does not state every detail of the evidence. If it did, it would take three or four pages.

Mr. LOUD. I think you ought to state the material facts.

Mr. WOOD. It does show the fact that he appealed to the Secretary of the Interior——

Mr. LOUD. I think you should state the material facts. You have stated here that the Pension Office did decide that he was not disabled in a pensionable degree, and then you go on to state that he filed a mass of evidence which might have proved some condition, but it never did.

Mr. WOOD. If the gentleman will carefully read the report——

Mr. LOUD. I have read it as carefully as I could, and I can not find anything in your case, on your own statement.

Mr. WOOD. His case was finally rejected because he was not in the military service of the United States. That is the present ground of rejection, but the ground of rejection as given to the complainant was no pensionable disability.

Mr. LOUD. Oh, well, that was the official record of the office, undoubtedly, given to him.

Mr. WOOD. He was rejected on appeal on another ground——

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. LOUD. Certainly; he has yielded to me.

Mr. WOOD. That is the Department's ground of objection. It appears they gave an incorrect ground; and that is not an altogether uncommon thing.

Now, Mr. Chairman, I move to amend the amendment of the committee by striking out the word "six" and inserting the word "ten."

The CHAIRMAN. The gentleman from Illinois moves to amend the amendment proposed by the committee by striking out the word "six" and inserting the word "ten."

Mr. ERDMAN. Mr. Chairman, will the gentleman from Illinois tell me whether this applicant admits that he was mustered in the service or not?

Mr. WOOD. He claims that he was in the service, and he insists that he was mustered. The records, however, do not so show.

Mr. ERDMAN. Is there any reason given for the delay of some thirty-odd years?

Mr. WOOD. None, except that he has for years had a claim before the Pension Office.

Mr. ERDMAN. For how many years?

Mr. WOOD. I do not know how many years.

Mr. ERDMAN. Your report does not show that?

Mr. WOOD. No; it does not.

Mr. PICKLER. And never does.

Mr. WOOD. I think this claim was probably before one or more Congresses heretofore.

Mr. ERDMAN. Will the gentleman answer one other question?

Mr. WOOD. Certainly.

Mr. ERDMAN. You say in your report:

He then went home to Columbus, Ind., and claims was never able to return; that his officers informed him that his staying at home till he was fit for service would be all right.

Do not these facts show that this man was a deserter, and ought not his record to be corrected by referring it to the Committee on Military Affairs?

Mr. WOOD. He never having been mustered during the war, and the War Department never having regarded him as being in the service of the United States, he could not be a deserter from the service into which he had never been mustered.

Mr. ERDMAN. But you stated a while ago that he claimed to have entered the service.

Mr. WOOD. He claims to have been mustered, but neither the records in the War Department nor in the adjutant-general's office of Indiana show that. They show that he was enrolled, but there is no entry of his muster.

The amendment to the amendment of the committee was agreed to.

The amendment as amended was agreed to; and the bill as amended was ordered to be laid aside with a favorable recommendation.

JOSEPH A. COOPER.

The next business on the Private Calendar was the bill (H. R. 2234) granting a pension to Joseph A. Cooper.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Cooper, late a brevet major-general in the United States Army, at the rate of $100 per month in lieu of the pension which he now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2234) granting a pension to Joseph A. Cooper, subject to the provisions and limitations of the pension laws, at the rate of $100 per month, beg leave to submit the following:

Gen. Joseph A. Cooper enlisted at Knoxville, Tenn., in September, 1847, as a private in Company D, Fourth Tennessee Infantry, and served with honor and credit in the Mexican war, reaching Vera Cruz in November, 1847, and the City of Mexico in January, 1848, and was honorably discharged at Memphis, Tenn., in July, 1848.

In the war of the rebellion he enlisted August 1, 1861, and was mustered in as captain Company A, First Tennessee Infantry Volunteers, August 8, 1861. He was promoted to be colonel of the Sixth Tennessee Infantry Volunteers on March 22, 1862; commissioned as brigadier-general on June 30, 1864; and was appointed brevet major-general of volunteers May 18, 1865, for gallant and meritorious conduct at Nashville, Tenn., and was honorably mustered out and discharged January 15, 1866.

During his entire service he was absent on leave fifty days, and reported able for duty every day save one.

General Cooper was 72 years old November 25, 1895, and a few years since, in his advanced years, applied for and was granted a pension as a Mexican survivor at $8 per month, certificate No. 5065.

On October 19, 1890, he applied for pension under the act of June 27, 1890, and was granted a pension (certificate No. 848653) at $12 per month. He never filed a claim under the general law of 1862.

The board of examining surgeons which examined him December 14, 1892, say: "He is a complete wreck physically and failing very fast." They find an injury to forehead compressing the brain and resulting in loss of memory and confusion of ideas; left clavicle disarticulated from sternum; left ankle weak and painful; has a bad stomach; severe indigestion, stomach and bowels bloat; liver seems to be under size, but sensitive on pressure. They rate him twelve-eighteenths for injury to head, eight-eighteenths for injury to

left shoulder, eight-eighteenths for injury to left ankle, and eight-eighteenths for disease of stomach.

General Cooper is in needy financial circumstances, and owing to his age and physical condition, and taking into consideration his brilliant and magnificent military record, whereby he arose from sheer merit from the command of a company to that of an army corps, your committee recommend that the bill do pass.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman——

The question was taken.

The CHAIRMAN. The ayes seem to have it.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. The ayes have it, and the bill is ordered to be laid aside with a favorable recommendation.

Mr. ERDMAN. Mr. Chairman, I addressed the Chair several times.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. ERDMAN. I spoke as loud as I could.

The CHAIRMAN. The Clerk will report the next bill.

MOLLIE CRANDALL.

The next business on the Private Calendar was the bill (S. 507) to pension Mollie Crandall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of Mollie Crandall, widow of Clark P. Crandall, deceased, and late captain of Company C, First Regiment Oregon Volunteer Infantry, and pay her at the rate of $20 per month.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 507) to increase the pension of Mollie Crandall, have carefully considered the same and, adopting the accompanying Senate report as their own, respectfully report the bill back to the House with the recommendation that it do pass.

[Senate Report No. 63, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 507) granting a pension to Mollie Crandall, have examined the same and report:

The claimant is the widow of Clark P. Crandall, who was a captain in the First Oregon Infantry Volunteers. The soldier was mustered into the service December 27, 1864, to serve three years, and was mustered out of service with his company as captain October 31, 1865.

At the time of the soldier's death he was drawing a pension of $12 per month under the act of June 27, 1890, on account of rheumatism and disease of the heart, and nasopharyngeal catarrh. He never applied for pension under the general laws, although he would have been entitled to a large pension, as his hearing was very much affected by his army service, and his general health was very poor continually after his discharge. Senator J. H. MITCHELL, of Oregon, made an oral statement to the committee that he had known the soldier continuously from a few years before his enlistment until his death, and that he knows of personal knowledge that the soldier was a hale and hearty man before his army service, and that his health was very bad after his discharge until his death.

The widow now draws a pension of $8 per month under the act of June 27, 1890. The application for increase by special act is based on the fact that under the general law she would be entitled to $20 per month, the soldier having served as a captain.

The soldier died August 29, 1893, at Atlantic City, N. J., where he had been taken with the hope that he would find relief, and the following letters from well-known physicians of that city and of this city are submitted to show that soldier's death was due to the disease for which he received a pension, and which was doubtless due to service:

"ATLANTIC CITY, N. J., *March 11, 1894.*

"Mrs. M. CRANDALL, *Washington, D. C.:*

"In reply to your request as to the mode and cause of Captain Crandall's death, I would say that the Captain was suffering from 'carcinoma of the stomach,' of a variety that usually destroys life in about three years. The immediate cause of the patient's death, however, was directly traceable to a weak and more or less damaged heart, that could not be made to perform its proper work in spite of the liberal and continued use of such drugs as digitalis, strophanthu, nitrogiycerin, and other strong heart tonics. Owing to the condition of the heart, Captain Crandall's death occurred at least two years earlier than would have been the case had that organ been in good condition.

"Very truly, yours, B. C. PENNINGTON, M. D."

"WASHINGTON, D. C., *March 5, 1894.*

"I certify that I attended Capt. C. P. Crandall, of Company C, First Regiment Oregon Volunteer Infantry, as his family physician a number of times during the past few years, and always for the same chronic trouble, viz, rheumatism of the heart and bowel trouble.

"JOS. TABOR JOHNSON, M. D."

"WASHINGTON, D. C., *March 7, 1894.*

"This is to certify that I attended Capt. C. P. Crandall, of Company C, First Regiment Oregon Volunteer Infantry, from time to time during the past ten years, and particularly in June, 1893, for cardiac disease resulting from rheumatism.

"SAM'L S. BOND, M. D."

"WASHINGTON, D. C., *March 8, 1894.*

"DEAR SIR: A few days ago Mrs. C. P. Crandall mentioned to me that she was trying for a pension. I would therefore state that I was intimate with the Captain for ten years or more, seeing him almost daily, and had several talks with him regarding his deafness, and I often advised him to make his application for pension on his disability, but always without avail. He often told me how it resulted, and that he had been examined by specialists, and had received treatment at one time for it.

"Now, Senator, if my knowledge of his condition will be of any service to her, and an affidavit of same will be necessary, I will gladly make one.

"Very respectfully,

"C. V. PETTEYS, M. D.

"Hon. GEO. L. SHOUP,
"*United States Senate.*"

Dr. A. J. Hunton, of this city, John P. Church, and R. S. Lacey, each of whom had known the soldier for many years previous to his death, make written statements which are submitted as part of this report, in which it is asserted that the soldier had often related to them his experience in the service relating to the incurrence of the injuries alleged, particularly his deafness, caused, as they believe, by cannonading.

The statements above referred to are as follows:

"*To whom it may concern:*

"This certifies that I was intimately acquainted with the late Capt. C. P. Crandall for a period of seventeen years immediately preceding his death, which took place at Atlantic City, N. J., in August, 1893; that frequently during the period mentioned I heard him complain of suffering from attacks of rheumatism, and that these attacks were of so serious a character as to incapacitate him for the discharge of his duties in the Department in which he was employed at somewhat frequent intervals; that while I never made an examination of his case as a physician, I am decidedly of the opinion that throughout the entire period above mentioned Captain Crandall was to some extent suffering from what is known in medical parlance as rheumatic diathesis; that Captain Crandall, to my certain knowledge, during this period was to quite an extent deaf, and that I heard him state particularly the time and circumstances under which his hearing was impaired, such impairment being the result of the discharge of cannon while he was in the line of duty in the United States Army during the late war for the suppression of the rebellion.

"A. J. HUNTON,
"*Late Captain, Twelfth New Hampshire Volunteers.*"

"I knew Captain Crandall during the last eleven years of his life. My acquaintance early became and remained intimate to the end. I am confident that the statement of Dr. Hunton is exact. I often heard Captain Crandall speak of the permanent injury to his health that resulted, in his opinion, from his military service. This is particularly true in regard to his deafness. I served three years in a battery, and Captain Crandall and I have often compared our experiences in action, and particularly the effect of cannonading on the sense of hearing. Captain Crandall repeatedly asserted, and I have never doubted, that his hearing was permanently and seriously impaired by such cannonading.

"JNO. P. CHURCH,
"*Late Second Lieutenant, First Michigan Artillery.*"

"I got acquainted with Captain Crandall about seventeen years ago, and was always since on most intimate terms with him. His deafness was marked, and was a subject of frequent discussion between us. It seriously interfered with his duties as commander of our post during his service as such in 1884. I was the quartermaster, and had, necessarily, most intimate relations with him during that year. Though a lawyer by profession, yet I was educated as a physician, and thereby have been often led to investigate critically physical impairment of friends. I regarded Captain Crandall's deafness as chronic and of a serious nature. He attributed his deafness to his army service.

"R. S. LACEY,
"*Late Captain of Volunteers, Quartermaster Burnside Post, G. A. R.,*
"*Department of the Potomac.*"

Your committee believe that the claimant is entitled to the amount named in the bill, namely, $20 per month, and therefore recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, this report shows that this soldier was mustered into the service December 27, 1864, to serve three years, and was mustered out of service with his company as captain October 31, 1865; only about four months of service before the war ended. He was in receipt of a pension of $12 per month when he died. It is stated that had he made application under the general laws he would have been in receipt of a much larger pension in consequence of an additional disability, namely, the loss of hearing due to his army service, caused from the firing of cannon.

Now, I would like to know, and have the gentleman in charge of this bill give us some information upon the service of the soldier during these three or four months. I would like for him to state some of the battles in which this soldier was engaged. I would like him to state whether or not this soldier went outside of Oregon. I would like him to state where it was, and on what occasion this soldier lost his hearing by the explosion or shooting of a cannon. He was in an infantry company, and such companies used no cannon. Was there any engagement in the State of Oregon, possibly, with anybody except Indians? Is it customary to fight Indians much with cannon? I only want to gain this information from the gentleman in charge of this bill to know where this gentleman performed all this service, and where he lost his hearing on account of the discharge of cannon. I want this information. I do not pretend to say it is not true. But I want some light upon the subject, and if these things are facts I am willing to vote to pension this soldier; if they are not true I shall vote against the bill.

The application for an increase of pension is based upon the fact that under the general law she would have been entitled to $20 per month as the widow of a captain. What battle was he in and where did the fire of a cannon affect his hearing? Did he at any time serve outside of the State of Oregon; and if so, when and where? Let us know about it. Give us some facts. There is nothing here to show this committee that he performed any such service or that he ever heard during his four months of service the firing of a cannon. If he did this report does not show it. I am only asking for information. Is there any testimony before the committee that shows it? Did they have any evidence before them to prove these alleged facts? If so, I wish some gentleman would state it.

Mr. ERDMAN. Mr. Chairman, I am very glad that I am heard this time. The committee do not know how much they missed by my being cut off when I attempted to get the floor a while ago. If they had heard my speech and the speech of the gentle-

man from South Carolina on the bill we have just passed they would have been amply repaid for the time spent in listening. I am sorry that I was not able to be heard upon that measure, inasmuch as it was the first of a line of bills that I hope the House will pass hereafter without any objection or quibbling. I am glad that it passed as rapidly as it did. [Laughter.] It was a bill pensioning a brigadier-general at $100 a month, and it passed without any question, without any objection, without even a vote being taken.

Now, as to the bill under consideration, this lady never applied at the Pension Office for an increase of pension. She never applied to the Bureau for a pension under the general law. She gets $8 a month under the act of 1890. Her husband, as I understand it, was a Senate employee up to the time of his death, drawing a large salary as such. There is not a scrap of evidence before the committee to sustain this claim, and nothing but petitions and certificates are set forth in this report; yet, instead of requiring this lady, as other widows are required, to establish by competent proof in the Pension Office her claim to a pension, you are asked to give it to her upon these mere representations and certificates. Are you willing to do it?

Several MEMBERS. Yes.

Mr. ERDMAN. You are! Then you are willing to do anything. If without a scrap of evidence and in the face of all that appears in this report you are willing to pension this woman, you would be willing to pension the old slaves.

Mr. TALBERT. Is there any testimony that the man ever had a widow? [Laughter.]

Mr. ELLIS rose.

Mr. GROSVENOR. Mr. Chairman, I trust the gentleman from Oregon will call the attention of the gentleman from South Carolina [Mr. TALBERT] to the mistake he has made with regard to the service of this soldier. I understood the gentleman from South Carolina to say that he had served only three or four months.

Mr. TALBERT. That was my understanding from reading the report.

Mr. GROSVENOR. The report says that he was mustered in in December, 1864, to serve three years, and was mustered out October 31, 1865.

Mr. TALBERT. But the war had ended before that time, and he only served four months.

Mr. GROSVENOR. Oh, no.

Mr. TALBERT. He was in actual service but three or four months, and I ask, for information, whether he had ever during that time been in a battle in which any cannon had been fired. I am only asking for information. I do not say that he did not hear a cannon. I make no charge of that kind, but I am seeking information, and I shall be glad if the representative of Mr. McKinley can give it to me. [Laughter, and cries of "Vote!" "Vote!"]

Mr. ELLIS. Gentlemen are crying "Vote!" "Vote!" and perhaps they do not want to hear me.

Mr. LOUD. Mr. Chairman, the gentleman from Oregon is probably the only member here that can explain this case. I know, of course, gentlemen, that you will pass this bill, but I want to say that I know something about Captain Crandall myself. I knew him for thirty years, and I do not believe he ever heard a cannon fired in his life unless by way of salute in some celebration. [Laughter.] I do not believe there is a man on the floor of this House who can for a moment assume that the First Oregon Infantry ever was engaged in a battle.

Mr. TALBERT. Did he ever have a widow? [Laughter.]

Mr. LOUD. Yes; he had a wife when I knew him in Oregon many years ago.

Mr. TALBERT. But did she not get a divorce when he came to Washington?

Mr. LOUD. That I do not know; but there are facts enough in this case without going into that. Mr. Chairman, the person who wrote this report could have double-discounted Robinson Crusoe. [Laughter.] Just read it and see how well it sounds! Here is one statement, signed by John T. Church—I do not know who he is:

> I often heard Captain Crandall speak of the permanent injury to his health that resulted, in his opinion, from his military service.

Now, permit me to say, Mr. Chairman, that from what I know of Captain Crandall's service I do not believe he ever slept a night on the bare ground when he was in the Army or ever heard a cannon explode during his whole military service. [Laughter.] Mr. Church goes on to say:

> This is particularly true in regard to his deafness. I served three years in a battery, and Captain Crandall and I have often compared our experiences in action, and particularly the effect of cannonading on the sense of hearing.

How well it does sound! [Laughter.]

Gentlemen, I have here—and I am surprised that the soldiers of this country have not presented something of this kind before—a petition from one Grand Army post. And permit me to say, with all candor, that it is a wonder the honest soldiers of this country have not risen up almost in rebellion against the action of Congress in these pension cases in days gone by. [Applause.]

Now, let us hear what these soldiers say; and I believe this paper represents the sentiment of the honest soldiers throughout this country:

> Whereas the pension claims of tens of thousands of the soldiers and sailors of the late civil war remain undecided, while thousands of the claimants are yearly going to their graves; and
>
> Whereas we believe that the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy is an unwarranted and unnecessary continuation of the discrimination of rank in favor of a class who were neither soldiers nor sailors, but only claim through inheritance: Therefore
>
> *Be it resolved by Sedgwick Post, Grand Army of the Republic, Department of California—*

And permit me to say that I at one time belonged to a post named after that prince of soldiers, General Sedgwick—

> That we oppose and condemn the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy as an unjust discrimination against ex-soldiers and ex-sailors and their widows, who are limited to pensions of $8 or $12 per month, if any, and we demand that the widows of officers shall be pensioned under existing general laws.

Mr. ELLIS rose.

Mr. LOUD. The gentleman from Oregon will excuse me; I am not quite through. I am sorry the gentleman did not precede me with his remarks, though perhaps I know as much about this case as he does, for I lived in Oregon myself away back in the sixties, shortly after the war, and am somewhat familiar with the extraordinary service rendered by troops upon the Pacific Coast.

Now, if this widow is getting $8 a month let me say in all seriousness that it is all she is entitled to. Captain Crandall never died as the result of his military service. Let us be honest; let us be frank. Many of you gentlemen around me knew Captain Crandall. He was at the other end of the Capitol a great number of years, and many of the older members of the House were personally acquainted with him. If you want to grant a gratuity to this widow do so, but do not, in the name of justice, act as though this man died as the result of service during the late war.

Mr. ELLIS. Mr. Chairman, there seems to be an idea prevalent on the part of some gentlemen here that no man has known anything about a military service except those who saw it upon the fields of the South. Sir, some very good soldiers rendered their service upon the Pacific Coast. General Grant soldiered upon that coast; so did Sheridan; and General Canby, after passing through the war of the rebellion, was killed on the Pacific Coast in war with the Indians. It does not follow that because a man may not have participated in an active battle upon a Southern battlefield he never saw or knew anything of war. Some very sanguinary conflicts have been fought out in the far West. Why, sir, a whole regiment, including the colonel or general commanding, was annihilated upon a Western field—not one man left to tell the story. Still, gentlemen try to create the impression here that because a man's service was not upon a Southern battlefield some reflection is necessarily cast upon his military record.

It was not my privilege to know Captain Crandall personally, but from what I knew of him by reputation he stood high. He was well connected in the State of Oregon; his standing there as a gentleman and as a soldier was first class. Senator MITCHELL, in making his statement in this case before the committee, said that he knew Captain Crandall up to the time he entered the service; that until that time he was a hale, hearty man, but from the time he came out of the Army until his death he did not see a well day; that he was in a certain sense a wreck, and after lingering along died.

Now, one of the witnesses here says he tried to prevail on Captain Crandall to make application for a pension——

Mr. PICKLER. One of the physicians so testifies.

Mr. ELLIS. Yes; one of the physicians testifies that he urged Captain Crandall to apply for a pension, feeling assured that he could get one under the general law.

Mr. MEREDITH. How long did Captain Crandall "linger"?

Mr. LOUD. Thirty years.

Mr. ELLIS. He lingered many years. He has been dead, I think, about three years. He was a man with pride of spirit, and for a long time he refused, though solicited by his friends, to make application for a pension. It was only when he was unable by his own efforts to make a living that he consented to make this application. Then the evidence of his comrades was beyond his reach; so he came under the special law of 1890, and received a pittance of $12 a month.

This bill has been twice passed by the Senate, and this is the second time it has been favorably reported to this House by the Committee on Invalid Pensions. In the Fifty-third Congress it was favorably reported, as it has been in this. It has been passed by the Senate in the Fifty-third and the Fifty-fourth Congresses.

Mr. TALBERT. Mr. Chairman, I do not wish to do a gentleman who is now dead and in his grave any injustice. But in order to make it plainer as to his service, I want to state again that the reports show that he was mustered into the service on December 27, 1864, and mustered out in October, 1865. The war ended in three or four months after he was enlisted, and it is nowhere shown that the command in which he enlisted was ever engaged with the enemy in any conflict. There is no evidence showing

that he ever had an engagement in which rifles or anything else was used, not to speak of cannon, and yet it is stated and alleged here that he became deaf from the noise of cannonading. That statement, I believe, is made by one of the officials—Dr. Hunter, I believe.

Now, if it is a fact that witnesses have come here and stated that this man became deaf from the noise of cannonading when he was never in a single engagement with the enemy, why, then, what will you think of further testimony from the same witnesses, when it appears that he was never in a single engagement at all? Is the testimony worth anything as far as its credibility is concerned? And I submit, sir, that in granting pensions the House ought to demand better evidence than is given here in the report accompanying this bill.

Mr. Chairman, they are taking a step in reference to this matter which I do not think is warranted. I do not believe we ought to go into this question and grant a pension on such testimony. We ought not to go headlong in the granting of pensions, unmeritorious and undeserving, as this one, without having some testimony to support our actions. Not a single affidavit is presented here, but simple statements of belief, and that belief seems to have been entirely wrong on the facts as they appear.

I submit that it is an injustice to the other soldiers, to those who did fight, and who deserve pensions, to give them to such soldiers and to the widows of such soldiers as this, who have the audacity to come here with false evidence and state things that do not exist.

In the outset I only asked for information with reference to the case, whether or not this man ever heard a cannon fired. The gentleman from California [Mr. LOUD], I think, stated on certain information, or information that he had received, that he never heard a cannon fired. There is no evidence that he ever heard even a popgun shoot off. [Laughter.] And yet he is lauded to the skies as a true soldier, a brave soldier, a gallant man, who saved the Union. [Laughter.] Why, Mr. Chairman, he knew nothing of the Union; he cared nothing about it. There are a number of valiant soldiers to-day, with shining buttons on their coats, who would not know the United States flag from the flag of China or the flag of Hawaii or some other place if they saw it. [Laughter.] And yet these people come here and ask to be pensioned. I submit that it is wrong, all wrong. We ought not to do it. I hope the House will take a stand now on this question.

I move that this claim be laid aside to be reported to the House with an unfavorable recommendation.

Mr. UPDEGRAFF. Mr. Chairman, I move to amend the bill by striking out the word "twenty," in line 7, and inserting in lieu thereof the word "twelve."

Mr. PICKLER. Mr. Chairman, I hope the amendment of the gentleman from Iowa will not prevail.

Now, after all this discussion and the demonstration on the part of gentlemen in regard to this bill, let me say to you that it is simply following the precedents of years past. This man having a sense of personal pride about him, as the evidence clearly shows, refused through all these years, although he was an invalid, to apply for a pension. The Government was saved just that much money by his action. If he had applied for a pension the widow would have received the pension to which a captain's widow is entitled, namely, $20 a month, for the entire time. This is the pension due to the rank of her husband. He was a captain, and if entitled to anything at all he would be entitled to $20 a month from the Government. It is unfair to her, therefore, to make this discrimination.

While I agree with some things that have been said in this discussion in regard to high pensions for the widows of brigadier-generals, and I do not believe in putting them on a plane so far above the other soldiers of the country, yet I think that there is a natural and necessary discrimination to be made in the amounts to be paid for pensions. There is at the same time too much difference in the pension of the brigadier-general and the private. But this is simply the pension of a captain's widow, of $20 a month; a man who had too much pride to apply for a pension when it was possible to avoid the necessity of doing so; and to refuse to grant that pension at this time will be an act of gross injustice to the widow.

The gentleman from Iowa who offered this amendment certainly does not understand the situation. It is simply treating this woman as a lieutenant's or private's widow or a captain's widow has been treated in all other cases which have heretofore been passed.

Gentlemen have said that this man did not see service. Why, Senator MITCHELL said that he knew the man before he went into the Army; that he was in robust health; that he came out of the Army in poor health, and he has known him ever since; that he was an invalid from the time he left the Army; and the testimony on that point is convincing.

The gentleman from South Carolina has fears that he was not in the line of duty; but, as a matter of fact, if he was in the line of duty with his battery drilling, and if the deafness arose even during the ordinary drills of the battery, then he was in the line of duty and his widow would be entitled to a pension just as if he had been injured in a battle.

There is nothing unusual about the pension. It is not a precedent. There are plenty of precedents for it. It is simply a right to which this woman is entitled.

Mr. TALBERT. Will the gentleman allow a question?

Mr. PICKLER. Certainly.

Mr. TALBERT. You say that there are precedents for this. Now, if a bad precedent is established, are you willing to follow it? Are you willing to claim that two wrongs make a right?

Mr. PICKLER. No; I do not admit that there was a first wrong in this case. I do not know of any wrong in the matter. The only wrong is in withholding this pension.

Mr. TALBERT. This proposes to give a pension to the widow of a man who never heard even a popgun fired.

Mr. PICKLER. How does the gentleman know so much about it?

Mr. TALBERT. I have asked information from the whole committee, and nobody seems to know anything about it, so that I must assume that certain facts exist on the best evidence I can get.

Mr. PICKLER. And the evidence is clear that he suffered deafness from this cannonading in the Army, and there is no dispute about it. I do not care whether it was in battle or wherever it was. The gentleman talks about the war being over. The Supreme Court of the United States have decided that the war did not end until the 20th of August, 1866.

Mr. TALBERT. And that same court knocked out the income tax. [Laughter.]

Mr. PICKLER (continuing). That shows that the gentleman is not any better up on the law and the reason for declaring the war over at that time than he is on the facts in this case. President Johnson declared that the insurrection ceased in the State of Texas and that the war was over at that time. The Supreme Court so decided, and there is no income tax about it.

Now, I hope the gentleman from Iowa will withdraw this motion. Let me say to the gentleman from Iowa, if this woman is entitled to a dollar she is entitled to what the rank of her husband would give her, and that is in accordance with every bill that we are passing in this committee.

Mr. UPDEGRAFF. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes.

Mr. UPDEGRAFF. What are this woman's financial circumstances?

Mr. PICKLER. She is in poor, needy circumstances.

Mr. UPDEGRAFF. I see nothing of it stated in the report.

Mr. PICKLER. Yes, it is stated in the report. At least it ought to be. That is her condition, anyway.

Mr. UPDEGRAFF. I think it ought to be stated in the report, but I have not been able to find it.

Mr. ELLIS. I will state that that is the fact. She is in very needy circumstances.

Mr. ERDMAN. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes.

Mr. ERDMAN. I find in this report the statement that at the time of the soldier's death he was drawing a pension of $12 a month.

Mr. PICKLER. Yes.

Mr. ERDMAN. Did you not state a little while ago that he was too proud to apply for a pension?

Mr. PICKLER. Under the general law. Now, let my friend read the first part of the report, which declares, as the gentleman will see, that he never applied for a pension under the general law.

Mr. ERDMAN. But he did after the act of 1890.

Mr. PICKLER. Yes; when he became destitute.

Mr. ERDMAN. And he could not prove any other claim?

Mr. PICKLER. I do not know whether he could or not. In his latter years he did apply for that, but clearly——

Mr. TALBERT. Will the gentleman allow me to ask him another question? Did this man belong to an infantry, cavalry, or artillery company?

Mr. PICKLER. I hope we can have a vote, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. LEWIS. Mr. Chairman, I move that debate on this bill be closed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to strike out "twenty" and insert "twelve."

The question being taken, the Chairman announced that the noes seemed to have it.

Mr. UPDEGRAFF and Mr. ERDMAN demanded a division.

The committee divided; and there were—ayes 38, noes 87.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now recurs, Shall the bill be

laid aside to be reported to the House with a favorable recommendation?

The question being taken, on a division (demanded by Mr. ERDMAN) there were—ayes 100, noes 15.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY A. HALL.

The next business on the Private Calendar was the bill (S. 344) granting a pension to Mary A. Hall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary A. Hall, widow of Charles J. Hall, late of Company A, Seventh Regiment of Connecticut Volunteers, and allow her a pension rated at $12 per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 344) granting a pension to Mary A. Hall, widow of Charles J. Hall, late private Company A, Seventh Regiment Connecticut Volunteer Infantry, having examined the facts and circumstances in evidence in the case, beg leave to adopt the report of the Senate committee (No. 11) as their own in this case, and earnestly recommend the passage of Senate bill No. 344.

[Senate Report No. 11, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 344) granting a pension to Mary A. Hall, have examined the same and report:

Mary A. Hall is the widow of Charles J. Hall, late private Company A, Seventh Regiment Connecticut Volunteer Infantry.

According to the report of Col. F. C. Ainsworth, Chief of the Record and Pension Division of the War Department, Hall's military record is as follows:

"Enrolled September 5, 1861, and discharged on surgeon's certificate of disability January 29, 1863. During that period the rolls report him present except as follows:

"December 31, 1861, on extra duty as carpenter, under command of Lieutenant Tardy, first lieutenant engineers, United States Army, since December 20, 1861. February 28, 1862, present on extra duty as above reported. April 30, 1862, on extra duty in Engineer Department, under command of General Gillmore, from February 24, 1862, to April 4, 1862.

"June 30, 1862, absent; wounded in action on James Island, South Carolina, June 16, 1862; sent to hospital at Hilton Head June 28, 1862. August 31, 1862, similar report; December 31, 1862, present, sick.

"Company and regiment in action June 16, 1862, in battle of James Island, South Carolina.

"The medical records show him as follows:

"Wounded in scrotum and nates severely by grapeshot or piece of shell at the battle of James Island, South Carolina, June 16, 1862; discharged January 29, 1863, on account of wounds."

Charles J. Hall died on April 1, 1891, and his widow, Mary A. Hall, applied to the Pension Office for a widow's pension October 29, 1891, which application was rejected in September, 1894, on the ground that the soldier's death was not traceable to his wounds received in the service of the Government during the war.

The cause of his death is given in the certificate of death on file in the town clerk's office of Thomaston, Conn., as "pericarditis (rheumatic)."

The physician who attended him, Dr. Ralph S. Goodwin, of Thomaston, in an affidavit dated February 21, 1894, testifies as follows:

"I attended Charles J. Hall, husband of Mary A. Hall, during his last sickness. His sickness and death were due in all probability to a gunshot wound received while in service of the United States Government. This wound was in the groin and perineum and scrotum. It took away a testicle, destroyed the sphincter ani, and produced chronic cystitis. This cystitis seriously impaired the functions of the kidneys to such an extent, I believe, as to produce a rheumatic diathesis from impaired excretion. The rheumatism produced valvular disease of the heart. He died from heart failure and dropsy and exhaustion from hemorrhages from the wound in the rectum, which never thoroughly healed. I consider that his death can be traced directly to the disabilities, infirmities, and severe physical exhaustion occasioned by the aforesaid wound."

This affidavit alone would seem to be sufficient on which to grant the pension, at least as to death resulting from service.

In a subsequent affidavit, made September 5, 1894, Dr. Goodwin said:

"I first became acquainted with Charles J. Hall, of Company A, Seventh Regiment Connecticut Volunteers (whose widow, Mary A. Hall, is an applicant for a pension), in the spring of 1873, when I treated him for rheumatism. He came under my professional care again in September, 1890. He became unable to work September 9, 1890, and worked no more until his death. His symptoms were dyspnœa, dropsical legs, general weakness, and an occasional hemorrhage from the rectum, the seat of an old wound.

"He was sent to the Hartford Hospital October 1, 1890, and remained there most of the time until March 18, 1891, when he returned to his home, and I took charge of him until his death, April 1, 1891. I saw him nearly every day during the last twelve days of his life. The immediate cause of his death was heart disease. He had general anasarca, great dyspnœa, precordial distress, and œdema of the lungs. He expectorated frothy blood for several days just previous to his death. Nearly every day during the last ten days of his last sickness he passed a gill of blood and pus from the rectum, which came from the unhealed wounds received during service in the United States Army. This repeated loss of blood was, in my opinion, a factor in the causation of his death."

Appended to this affidavit is one from the judge of probate certifying that Dr. Goodwin is a reputable physician.

Charles J. Hall was receiving $18 per month pension at the time of his death, having been certified by the medical examining board to be suffering from total disability; they further certifying that his injuries were equivalent to the loss of a limb.

According to the record, proof was made of the marriage of the claimant to Charles J. Hall on September 7, 1853, and it is also shown that neither had remarried.

The reason given by the Pension Office for rejecting the widow's claim is that it is not shown that the soldier's death was traceable to his wounds received in service. The only explanation of this ruling would appear to be that the Pension Bureau based its action entirely on the immediate cause of death given in the certificate of death (secondary cause not given) and gave no weight whatever to the affidavits of the attending physician, who had known him for eighteen years, and who is certified to as a reputable man and physician.

In view of the facts shown above, and in view of the further fact that, in the opinion of your committee, Mary A. Hall would be entitled to a pension under present laws had a more liberal construction been given to them by the Pension Office, your committee earnestly recommend the passage of the accompanying bill.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, was it the same physician who gave pericarditis as the cause of death in the certificate of death on file in the clerk's office in Connecticut, who afterwards testified that the cause of death was something else?

Mr. POOLE. Mr. Chairman, I am unable to answer that question. That evidence was not examined by me, but I presume that it was the same physician. Admitting that it was, I claim this is as meritorious a bill as has been presented to this Congress.

This man received one of the most terrible wounds that any soldier ever received and lived. He suffered intensely during his life, and received for many years a pension of $18 a month, his disability being considered almost equal to the loss of a limb. His widow, the present claimant, was married to him in 1853. She is an old woman now, and appeals to us to do the justice that I wonder the Pension Office did not do her years ago. They rejected her claim for pension simply because they would not accept the real cause of death to be the wound received in the service, and yet the attending physician, who had known him for eighteen years, testifies as follows:

I attended Charles J. Hall, husband of Mary A. Hall, during his last sickness. His sickness and death were due in all probability to a gunshot wound received while in service of the United States Government. This wound was in the groin and perineum and scrotum. It took away a testicle, destroyed the sphincter ani, and produced chronic cystitis. This cystitis seriously impaired the functions of the kidneys, to such an extent, I believe, as to produce a rheumatic diathesis from impaired excretion. The rheumatism produced valvular disease of the heart. He died from heart failure and dropsy and exhaustion from hemorrhages from the wound in the rectum, which never thoroughly healed. I consider that his death can be traced directly to the disabilities, infirmities, and severe physical exhaustion occasioned by the aforesaid wound.

Now, it seems that the Pension Office rejected this testimony because the certificate given of his death by the physician at the time of his death was not fully set forth in that report. The reason given by the Pension Office for rejecting the widow's claim is—— [Cries of "Vote!" "Vote!"] I am ready for a vote now. It is a just bill, Mr. Chairman, and ought to pass.

Mr. KEM. Mr. Chairman, I would like to have some gentleman rise in his place and explain the reason for the discrepancies in these three bills. One is a bill allowing a pensioner $100 a month. The next bill is one allowing a widow $20 a month in a case where a soldier served three months and did not see any service. You follow that with a bill where the soldier has served three years, saw good service, and was wounded in the service, and you allow his widow $12 a month. If a soldier who served three months and saw no service is entitled to $20 a month does it not stand to reason and common sense that this widow is entitled to $20 a month? I will move an amendment to that effect, that the word "twelve" be stricken out and "twenty" inserted in lieu thereof.

Mr. POOLE. Mr. Chairman, the fact is, that this bill gives the widow the pension to which she is entitled under the general law.

Mr. KEM. I would like to ask the gentleman a question.

Mr. POOLE (continuing). She ought to receive this pension from the date of the soldier's death.

Mr. KEM. Does the gentleman mean to say that this woman is not entitled to $20 a month?

Mr. POOLE. She would only be entitled to $12 a month under the general law.

Mr. KEM. I do not care anything about the law [laughter] except the law of common justice. That is all I care anything about.

Mr. POOLE. What is your amendment?

Mr. KEM. My amendment is to strike out "$12" and insert "$20."

Mr. MEREDITH. I move to make it a hundred.

Mr. POOLE. Mr. Chairman, this bill has passed the Senate at $12 a month. I do not wish to prevent her from getting a pension. We consider that she is entitled to $12 a month, and let this bill go through.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska to strike out "twelve" and insert "twenty."

Mr. PICKLER. Mr. Chairman, gentlemen who do not pay much attention to these pension bills might think there was some point in the suggestion made by the gentleman from Nebraska. Now, we are asking the House to do exactly what the general law does. The widow of a captain, whose case was considered a few moments ago, did not prove up under the general law at the Pension Office. If she had she would have gotten $20 a month. If this widow could prove up there she would get $12 a month. We are simply following the pension law. [Applause.]

Mr. KEM. This House is granting special pension bills to cover

such cases, and if they can be granted these pensions under the pension law, why are you coming in here and granting them?

Mr. PICKLER. The gentleman is the only one I ever knew of who wanted to go further than the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and the amendment was rejected.

Mr. UPDEGRAFF. Mr. Chairman, I dislike very much to say anything against the passage of this bill. I have no doubt that the claimant should have a pension of $12 a month; but I am bothered about the principle of the thing. This is nothing but an appeal from the Pension Office. That is all it is.

Mr. POOLE. I admit that.

Mr. PICKLER. That is right.

Mr. UPDEGRAFF. I have written scores and scores of times to such people in my district, telling them that this House was not an appellate court to correct the errors of the Pension Office. I say to the Committee on Invalid Pensions, "Bring in a bill to make a law that will cover such cases, and do not pick out a few cases and reward them and allow others to go."

Mr. STRODE of Nebraska. Then what kind of cases can be brought before this House? Would there be any claims to be acted upon here by special bills?

Mr. UPDEGRAFF. Let it be understood that all shall be served alike.

Mr. KEM. Amen. [Laughter.]

Mr. STRODE of Nebraska. Another question. If a pension can be allowed by the Bureau, then is the gentleman in favor of the House granting pensions at all?

Mr. UPDEGRAFF. If it can not be allowed, change the Pension Office.

Mr. HILL. We will do that next year.

Mr. UPDEGRAFF. If you can not change the office change the law. Again, Mr. Chairman, why has not this lady applied under the general law of 1890?

Mr. POOLE. Because in that case she would only get $8 a month, and she is entitled to $12 a month.

Mr. UPDEGRAFF. I see nothing said in this report of her circumstances.

Mr. POOLE. It is not necessary.

Mr. UPDEGRAFF. It is not? Well, the time has come when it ought to be necessary in order to have a pension bill pass this House to show the facts which entitle the claimant to a pension. [Cries of "Vote!" "Vote!"]

Not just yet. I want gentlemen to think a little about this matter before they vote. There will be a hundred thousand cases like this before the Pensions Committee and before the House if this is to be made a precedent. I earnestly object to it. Let us take care of all these people, not merely of those who may be so fortunate as to have a friend in a member of this House or a member of the Senate. If there is merit in these cases, there are thousands and tens of thousands and scores of thousands of them. Now, I believe that this lady ought to have a pension.

A MEMBER. Then let us give it to her.

Mr. UPDEGRAFF. Oh, no; I am not here to vote for a special bill in every case where I would be glad to give a pension. Not by any means. Let us act upon some principle. Let the Committee on Invalid Pensions adopt some principle by which we can be governed and embody it in a general bill. I am opposed to distributing these little favors to one out of twenty thousand, when the whole twenty thousand ought to have them. If this lady is in indigent circumstances, she has only to apply to the Pension Office, under the law of 1890, and she will get $8 a month, and it is better that the case should be dealt with in that way than that an incorrect principle should be adopted here. Now, I ask the Committee on Invalid Pensions to cease reporting cases that can not be sustained upon sound principles, and which make bad precedents, and to bring into this House an amendment to the law that will cover all these cases.

Mr. TALBERT. Has not the gentleman discovered that this is a very peculiar case? It seems to me that a careful reading of the report in this case will do away with any doubt in regard to it. It seems to me that this woman ought to have a pension, and let us give it to her. [Laughter and applause.]

Mr. UPDEGRAFF. Well, Mr. Chairman, if I have made one convert I am satisfied. [Laughter, and cries of "Vote!" "Vote!"]

Mr. BLUE. Mr. Chairman, I yield to no man in my liberality in granting pensions to the soldiers, their widows, and their orphans, and while the gentleman from Iowa [Mr. UPDEGRAFF] who has just taken his seat has stated a proposition which it seems to me everyone here ought to consider, there seems to be a disposition to press this bill at this time without due consideration. This House is not a court of appeals from the Pension Office, but it is a court for the relief of those who, under the general law, can not make a case when the equities entitle them to a pension. The pension bill that has just been passed, giving to a widow $20 a month, if I understood the report correctly, was justified in that way. If that widow could have proven her case in the Pension Bureau and shown that the disabilty from which her husband died was of service origin, then she would have been entitled to $20 a month under the general law.

I inferred from the report in that case that we are asked to cure that defect as a court of equity, to presume from the circumstances and facts that the disability was of service origin, and to give her the benefit of that presumption, and in that belief I voted for the bill. I am opposed to the legislation that has been attempted here in many instances. I sat here a week ago last Friday evening and heard a bill reported increasing the pension of a widow of a lieutenant from $30 to $50 a month for no other reason under the sun than that the widow needed money.

Now, there are 10,000 widows in Kansas that need money worse than she did. That kind of legislation is not equitable. This should be a court of equity, assisting those who can not recover under the law by reason of some technical defect or shortcoming, and when you legislate favorably in such cases you do justice to a deserving class. But when you pass a bill here, as was said by the gentleman from Iowa, in a case which could be allowed under the general law by the Pension Office, you do an injustice to thousands of meritorious claimants all over this land. I shall vote for this bill under consideration, because it seems to come within the equities.

I tell you that the soldiers of this country will understand it. We come here to these pension meetings, and the most that we can hope for is to pass through during a Congressional session two or three bills each for the members of this House and the members of the Senate, five or six hundred bills in all, for the relief of the soldiers of this Union. And instead of distributing those five or six hundred bills equitably among those who should be assisted, we are forgetting the equity that should be considered in these cases.

Mr. PICKLER. Oh, no; we are not doing any such thing.

Mr. BLUE. I hope the gentleman will have the politeness——

Mr. PICKLER. Well, I hope the gentleman will not misrepresent the committee.

Mr. BLUE. I have no disposition to misrepresent the committee.

Mr. PICKLER. You are doing it, anyhow.

Mr. BLUE. If the gentleman will treat me politely, I will yield to him.

Mr. PICKLER. No, I do not want you to do that.

Mr. BLUE. This may be South Dakota courtesy, and it may be along the line of the dignified position of the chairman of the Invalid Pensions Committee. [Applause.]

The CHAIRMAN. The committee will be in order.

Mr. BLUE. I sought in a feeble way to serve this country for three years, and I yield to no man in my devotion to the flag and to the interest of this nation and to the welfare of the soldier, his widow, and his orphans. But let us be equitable here.

I do not intend to go into a wholesale condemnation of this committee. So far as I am able to see, up to this moment tonight there has been no inequity in the bills recommended. I did not hear the report fully relating to the bill introduced and supported by my colleague from New York. If it is true that there are exceptional circumstances in this case appealing to considerations of equity, then this widow should have the relief which the bill seeks to give her. If there are no such exceptional circumstances and if she can procure her pension under the general law, then the passage of this bill is an inequity with respect to thousands of just claims pending in the Pension Office and in the committee of this House—cases which appeal strongly to considerations of equity.

It is for this reason I have said what I have. I mean no discourtesy to the committee. I have not intended any discourtesy to the chairman of the committee. I wish to support the committee, but I wish to do it along the line of logic, of common sense, of equity, of fairness. The gentleman from Iowa is right in raising this objection and appealing to the House to consider this matter. Let the country understand that we are striving to do our duty here, and that we want to do it in an equitable and just way, so that the country will respect us when it is done. [Applause.]

Mr. PICKLER. I have given due attention to what the gentleman from Kansas has said. If I was a little too enthusiastic, I beg his pardon.

Mr. BLUE. It is granted.

Mr. PICKLER. Now, the trouble about the gentleman from Kansas [Mr. BLUE] and the gentleman from Iowa [Mr. UPDEGRAFF] is that they do not take in the situation in this case.

Mr. TALBERT. They have not read the report.

Mr. PICKLER. Yes; that is it exactly. Mr. Chairman, the Committee on Invalid Pensions may make mistakes; we do not claim that we are exempt from mistakes. But I want to say that in this case we have made no mistake. What does this report

show? Here is a widow who, beyond all peradventure, taking into consideration the medical evidence in the case, ought to have $12 a month under the action of the Pension Office; yet, notwithstanding the overwhelming proof—I see that the gentleman from California [Mr. LOUD] is loading up the gentleman from Kansas [Mr. BLUE] again. [Laughter.]

Mr. BLUE. Mr. Chairman——

Mr. PICKLER. I have the floor.

Mr. BLUE. Mr. Chairman, I want to ask——

The CHAIRMAN. Does the gentleman from South Dakota yield?

Mr. PICKLER. I will, by and by; but I want to finish my statement.

As I was saying, according to the medical evidence in this case this woman ought to receive a pension of $12 a month by the action of the Pension Office. But, as the report shows, her application has been rejected there. Now, in a case of this kind this House is a court of appeals. Her case having been rejected at the Pension Office, she being unable to obtain anything over there, she has no resort but to this tribunal; and in her case nothing more is asked than what has always been done in similar cases.

The gentleman from Iowa [Mr. UPDEGRAFF] says, Why not bring in a general law to cover all these cases? Now, the gentleman is too good a lawyer to get up here and assert that if we should pass fifty general laws undertaking to cover all cases of this class there would not still be exceptional cases requiring action at our hands. It is just such cases that come before our committee and are reported by us to the House.

What would the gentleman from Kansas do with this widow? I leave it with him to say, upon a careful examination of this testimony, whether this widow is not entitled to receive $12 a month by the action of the Pension Office. Yet her case has been rejected there and she can not receive her pension. This is the only place where she can get relief. I would be glad if we could have, as the gentleman from Iowa suggests, a general law covering all these cases; but, as I have said, no general laws can be so broadly and perfectly framed as to obviate the necessity of our action in particular cases. It has been suggested—and the suggestion is a pretty good one—that there might be changes in the Pension Office; but that is a matter not within our province.

Gentlemen, this is one of the plainest cases that could be reported to this House. This woman is clearly entitled to a pension of $12 a month, as the gentleman from South Carolina has well said.

Mr. TALBERT. Then why not let us have a vote?

Mr. LOUD. Mr. Chairman, I want to inform the gentleman from South Dakota what it was I was "loading the gentleman from Kansas up" with.

Mr. PICKLER. Oh, I do not care anything about that.

Mr. LOUD. Because I seem to be a kind of a red rag to the gentleman anyway, always exciting him.

Mr. PICKLER. Oh, no.

Mr. LOUD. But I am not afraid of the gentleman, as I think he has probably discovered by this time.

What I suggested to the gentleman from Kansas was that if he could swallow the case preceding this one he ought not to stumble at a case that had some merit in it. [Laughter and applause.]

Mr. BLUE. I wish to state to the gentleman from South Dakota that I do not antagonize this bill. I do not know whether it is meritorious or not. I was only trying to get to the relief of the gentleman from Iowa, in the general proposition advocated by him.

I am ready to vote upon the bill.

Mr. TALBERT. He has read the report and is now satisfied with it. [Laughter.]

Mr. BLUE. I do wish the committee could make a report that the gentleman who has just spoken could read, which would cure him of the disease that seems to affect him. [Renewed laughter.]

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### WILLIAM HENRY JOHNSON.

The next business on the Private Calender was the bill (H. R. 486) for the relief of William Henry Johnson.

The bill is as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the military record of William Henry Johnson, who served under the name of Henry Johnson, of Company H, Second Pennsylvania Cavalry (Fifty-ninth Pennsylvania Infantry), transferred to Company H, First Pennsylvania Provisional Cavalry, and grant him an honorable discharge to date April 30, 1865.

The report (by Mr. GRIFFIN) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 486) for the relief of William Henry Johnson, having had the same under consideration, recommend that the same do pass.

It is shown by the records of the War Department that Henry Johnson was enrolled and mustered into service October 29, 1861, at Philadelphia, Pa., as a private in Company H, Second Pennsylvania Cavalry, to serve three years, and reenlisted as a veteran volunteer February 6, 1864. He appears to have served faithfully until April 30, 1865, when he deserted, never returning to his command. The Second Pennsylvania Cavalry was consolidated with the Twentieth Pennsylvania Cavalry June 17, 1865, to form the First Pennsylvania Provisional Cavalry, and the name of the soldier appears on the muster-out roll of Company H of the latter regiment with the remark: "Deserted April 30, 1865;" but his transfer to Company H, First Pennsylvania Cavalry, was not consummated, he never having joined that company, and it has therefore been canceled. He is regarded by the War Department as a deserter from Company H, Second Pennsylvania Cavalry, from April 30, 1865.

Applying for removal of the charge of desertion and for an honorable discharge, William Henry Johnson, a resident of Coresco, Saunders County, Nebr., stated in an affidavit dated February 6, 1893, that he served faithfully in Company H, Second Pennsylvania Cavalry, until April 30, 1865, when he shipped on the monitor *Montauk* with the understanding that he had been transferred from the Army to the Navy, and that he served faithfully on that vessel eighteen months until discharged at Hog Island Navy-Yard, near San Francisco, Cal. In another affidavit, dated June 21, 1893, the applicant stated that he joined the Navy as a midshipman, and that he was discharged from the monitor *Montauk* in June, 1865.

It was ascertained by the Record and Pension Office, War Department, upon inquiry at the Navy Department, that no man named William H. (or Henry) Johnson served on the monitor *Montauk*, and that that vessel went out of commission July 7, 1865, at Washington, D. C. The application for relief was denied by the War Department October 24, 1893, holding that the case was not embraced within the provisions of the act of March 2, 1889, the soldier having deserted prior to May 1, 1865, and not having been prevented from completing his term of enlistment by physical disability incurred in the line of duty.

Your committee submit that under the act of March 2, 1889, if the soldier had not deserted until May 1, 1865, and after prior service of six months or more, and by reason of absence from his command at the time the same was mustered out he failed to be mustered out and to receive an honorable discharge, upon proof of such facts the charge of desertion would, under such act, be removed from his record. Waiving the benefits of the service in the Navy, as claimed by the soldier, and although the War Department may, under its strict construction, have determined that unless the soldier was borne on the company rolls as present or properly accounted for as of May 1, 1865, his application for removal of charge of desertion should be denied, yet your committee believe that a soldier serving until the 30th day of April, 1865, under a fair construction of the act of March 2, 1889, comes within its purview, and that therefore the relief applied for in this case should be granted.

It appears further from affidavits of those acquainted with him prior to and since his enlistment in 1861 that he was rather weak-minded and vacillating, and was wanting in that steady purpose of mind which would justify holding him strictly accountable for every act or deviation from correct conduct. Others testify that he is still afflicted with a form of dementia, and consequently hardly able to take care of himself; that he lives in what is called a dugout, and is about 65 years of age; that he is being helped by charity, and for the past three years has been assisted from the county funds.

Your committee has no doubt, from the proofs submitted in this case, that William Henry Johnson is the same Henry Johnson who served in Company H, Second Pennsylvania Cavalry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

### CHARLES E. JONES.

The next business on the Calendar was the bill (S. 249) granting a pension to Charles E. Jones.

The bill was read, as follows:

*Be it enacted, etc.* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Jones, late photographer for the Eleventh Pennsylvania Cavalry Volunteers, said pension to be at the rate of $30 per month.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 909) granting a pension of $50 per month to Charles E. Jones, late photographer of the Eleventh Pennsylvania Volunteer Cavalry, for consideration in connection with Senate bill 249, which passed the Senate January 21, 1896, granting a pension of $30 per month to the said Charles E. Jones, having carefully examined and considered the facts and circumstances in evidence in this case, respectfully attach hereto the report of the Senate Committee on Pensions and adopt it as their report in this case, and adopt Senate bill 249 as a substitute for House bill 909, and earnestly recommend that the same do pass.

[Senate Report No. 21. Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 249) granting a pension to C. E. Jones, have examined the same, and report:

This bill passed the Senate during the Fifty-third Congress.

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

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### AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, *County of Jackson, ss:*

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case, as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1862, when he came to and joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was

not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.
[SEAL.] ROBERT S. RODGERS, *Notary Public.*

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said county, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid case as follows:

"That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebra, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia. His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and is written by myself."

His post-office address is Paola, Kans., and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] WARD J. CARPENTER,
*Notary Public.*

(My term expires March 27, 1895.)

Mr. McCLELLAN. Mr. Chairman, may I ask the gentleman in charge of this bill a question?

Mr. KIRKPATRICK. Certainly.

Mr. McCLELLAN. This man was the regimental photographer, I believe, was he not?

Mr. KIRKPATRICK. I do not know that he had that designation. It was his business.

Mr. McCLELLAN. I confess that I feel a deep sympathy for any photographer. I am a photographer myself, more or less successful, and always supposed that no photographer could have taken his kodak in hand and gone to the front unless he had taken a given part in the hostilities then pending. I have learned, however, recently that regimental photographers were noncombatants. I have learned that they belong to the same class of men as provost marshals, contract surgeons, and teamsters——

Mr. PICKLER. All of them pensionable.

Mr. McCLELLAN (continuing). That wicked class of teamsters which we heard so fully and clearly described two weeks ago, and since we have heard the noncombatant class described I have been obliged to amend my opinion of army photographers.

In that connection I send to the desk and ask to have read, as a part of my remarks, the eloquent words of a gentleman whose opinion upon the subject of the noncombatants in general, and the wicked teamsters in particular, I have the highest regard for.

The Clerk read as follows:

Mr. PICKLER. Mr. Chairman, it is evident that the gentleman has been born since the war. [Laughter.] No man who was in the Army and knows anything about soldiers and teamsters would make such a statement as the gentleman from Maryland has when he compares a teamster, hired by the month, who could quit when he pleased, and quit the Army, with a man who enlisted and who had to go into battle. The teamster did not have to go into battle if he did not want to, and he incurred no danger.

Mr. MILES. But this man did go into battle.

Mr. PICKLER. I do not yield. I refuse to yield. When the gentleman compares a teamster to a soldier and gets up here and prates about putting a man who never was enlisted on the pension roll on an equality with the enlisted soldier it shows that he was born since the war. [Applause.]

Now, Mr. Chairman, this is entirely consistent. A teamster is doing well if he gets on the pension roll at all, and no teamster and no man who is not an enlisted man does get on the pension roll unless he was wounded in the Army. This man was shot. He got a little more of it than most of the teamsters got. He was shot, and was in the hospital, and the committee concluded that, as he was at the front and was wounded, even though he was a teamster and not an enlisted man, and therefore had been refused a pension by the Pension Office, he ought to be pensioned at the rate of $12 a month. It is a fair and liberal pension, and any nonenlisted man is doing extremely well to get such a pension; and therefore I beg that the gentleman from Maryland will not say that there is any inconsistency in pensioning at $30 a month a real soldier, an enlisted man who was wounded, and then get up and shed crocodile tears over the case of a teamster. [Applause.]

Mr. McCLELLAN. I hope that no "crocodile tears" will be shed over this photographer. He got a little more than most of them, because he seems to have been wounded fighting gallantly, but he was not an enlisted man.

The bill, however, proposes to grant a pension of $30 a month, $18 more than the teamster we pensioned two weeks ago, who fought just as gallantly as the photographer. I grant you that he was a gallant man; but like the teamster of two weeks ago, however, he had the option of leaving "when he pleased."

Mr. PICKLER. Will the gentleman allow an interruption?

Mr. McCLELLAN. Yes, sir.

Mr. PICKLER. Has the gentleman noticed the portion of the report that shows that the wound which this photographer received has succeeded in blinding him completely? Does the gentleman refuse, or would he be unwilling, to pension a totally blind man?

Mr. McCLELLAN. The trouble is that it does not appear that the blindness came from the wound.

Mr. PICKLER. Oh, yes.

Mr. McCLELLAN. Ah, no; pardon me. I think not. It said his eyes became affected before he recovered from the wound in the back.

Mr. PICKLER. Look up at the top of page 2.

Mr. ERDMAN (reading):

And I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause.

Mr. PICKLER. Now let me read to the gentleman:

Said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters, in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

Mr. McCLELLAN. Now, does the gentleman mean to say that a man who could leave at any time, a man who was getting good wages, should stand on the same level with a man who enlisted, who wore the uniform, who went to the front and fought and bled and died——

Mr. PICKLER. No, sir; and if this was the case of an enlisted man, he would get $72 a month. [Applause.]

Mr. McCLELLAN. He would not get it. This is only a secondary cause. He would get $12 a month.

Mr. PICKLER. Oh, no; I beg the gentleman's pardon. Total blindness from disabilities contracted in the Army entitles a pensioner to $72 a month.

Mr. McCLELLAN. You have one affidavit from a man who says it may be that the blindness is a secondary result. But this is a case like that of the teamster, two weeks ago, a man who fought gallantly; and to be consistent we ought not to pension him for more than $12 a month. Two weeks ago, if the gentleman will remember, I offered an amendment to put that teamster on the pension roll as though he had been enlisted, and the gentleman from South Dakota [Mr. PICKLER] objected simply on the ground that he had not worn the uniform and had not been regularly enlisted.

Mr. PICKLER. That was not the sole reason.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. McCLELLAN. Yes.

Mr. PICKLER. As I remember now, that teamster was not blind. He was in no such condition of disability as this man.

Mr. McCLELLAN. He was a total wreck.

Mr. PICKLER. Here is a man who, if he had been an enlisted man, would get $72 a month.

Mr. McCLELLAN. The teamster would have got $30 a month if he had been enlisted; and while I feel that I ought to move an amendment, to be consistent with that opinion of the great expert on noncombatants in general and teamsters in particular, my sympathies are so aroused in this case that I shall not move that amendment. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, can any person advance any good reason why this noncombatant, this nonenlisted man, should be placed on a better footing than a soldier regularly enlisted? If you are going to pension this man, why not compel him to do what all soldiers are required to do—make lawful proof of his claim before a body competent to dispose of it and to judge of it? Instead of that, upon the affidavit of one physician, who says that this wound may be the secondary cause of his blindness, you are going to grant him $30 a month.

This affidavit says the shot in the back may have been the cause of the blindness. You want to render an affront to all soldiers who go to the Pension Office now and prove their claim by letting this go through in this slipshod manner. If you care to do it, proclaim it to the world, but do not seek to do it under cover. Be manly, and explain to the whole world that any person who can find a friend at court, an advocate here in this House, to demand a pension for him, shall have it without proof. [Cries of "Vote!" "Vote!"]

Mr. LOUD. Mr. Chairman, I can not find a report of this case here. I should like to know if there is anybody in the House who can vouch for the person who made the affidavit? Here we are confronted with a case where one person, apparently unknown to anybody in this House, off in the State of Missouri, makes an affidavit that a regimental photographer received a gunshot wound. Permit me to say that the position of regimental photographer is an office I never heard of. Where an army corps has been encamped for a time, I have known photographers to come around to take miserable pictures of some of the boys. Is it not, perhaps, pertinent to this case to know who it is that makes this affidavit? There is but one affidavit in this case that this man was shot. Is there anyone in this House that knows about this affidavit?

Mr. KIRKPATRICK. I will try to enlighten the gentleman.

The CHAIRMAN. Does the gentleman from California yield?

Mr. LOUD. Certainly; information is just what I want.

Mr. KIRKPATRICK. Does the gentleman understand, when the Committee on Invalid Pensions make their report, that they bring before the House all the testimony that was submitted to the committee and that the members of the House are supposed to read all of that testimony for themselves?

Does not the gentleman know that in these cases there are sometimes 50 and 75 affidavits, and that the committee, after examining the evidence and the circumstances, make their report as to the facts, and on the facts make their determination? And is it not true that in almost all of these cases members must take the judgment of the committee as to what the facts are in a given case and can not themselves investigate each and every case? There is one affidavit set out there and embodied in the report. Hardly ever, however, is an affidavit embodied in the report, because there are cases where there are a hundred affidavits and not one of them set out in the report; and therefore the gentleman need not assume because there is only one affidavit set out that that is all the testimony on which the committee base their report.

Mr. GROUT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Vermont?

Mr. GROUT. I desire to answer the gentleman's question. I have it here in the report.

Mr. LOUD. I have one very strong answer to the gentleman that ought to be sufficient.

Mr. GROUT. There are two affidavits given in the report, and the credibility of both witnesses is certified to by the notaries public, Robert S. Rodgers, in one instance, and Ward B. Carpenter in the other.

Mr. LOUD. What does that signify?

Mr. GROUT. This is the language:

On this 5th day of September A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office is Kansas City, Mo., well known to me to be reputable and entitled to credit——

Mr. LOUD. The gentleman knows that that is the regular form.

Mr. GROUT (continuing):

and who, being duly sworn, declared in relation to aforesaid case as follows:

The gentleman wanted to know who certified to the credibility of the witness.

Mr. LOUD. That is the regular form.

Mr. CURTIS of Kansas. Will the gentleman yield to me?

Mr. LOUD. Certainly. I am seeking for information.

Mr. CURTIS of Kansas. This bill passed the Senate and the House last Congress and was thoroughly investigated at that time.

Mr. LOUD. It would not do any hurt to investigate it a little again.

Mr. CURTIS of Kansas. It was not signed because it passed too late to become a law. This gentleman is well known in Kansas. The party himself is well known to several of the members of the Kansas delegation and is an honorable, upright, and honest man and very deserving. To-day he has to be led around the streets at his home by a little boy or an attendant, and there is no question that his disabilities are the result of wounds that he received in that battle.

Mr. LOUD. Of course, Mr. Chairman, you can see that the answer to my question is so moving and convincing that there is no gentleman who will answer it. I asked the question if there is anybody in this House to-night who can vouch for the standing of the party who made the affidavit. The gentleman from Vermont gets up and reads the usual form as printed in every notary's affidavit; but he, as a lawyer, knows that that amounts to nothing—that the notary will acknowledge anybody's signature as far as an affidavit is concerned.

Let us take the conditions as they exist. Here is a proposition to pension a person who was a photographer, claiming to be a regimental photographer. Men who were in the Army know that any such person never existed; know that a photographer could not exist if his business was to come from a regiment, a brigade, or a division. And permit me to say that photographers did not follow the Army when they were engaged in active service. My experience was that photographers came to us in winter quarters or when we had camped for a time in one place. Now, I have asked the question three or four times. Three or four gentlemen have assumed to answer it. I say we are confronted with an affidavit of a gentleman, and no one here so far has been willing to say that he was in the Army with this man. I would like to have the facts known, and if anybody can give them I will quit.

Mr. GROUT. Mr. Chairman——

Mr. LOUD. Mr. Chairman, I can not yield to the gentleman from Vermont because the gentleman failed to know anything.

Mr. LONG. I know something about the gentlemen who made these affidavits. I know them personally, or one of them. There are two of them. One is Dr. Hoover.

Mr. LOUD. He does not claim to have been in the service with him.

Mr. LONG. How is that?

Mr. LOUD. This doctor does not claim to have been in the service with him.

Mr. LONG. I refer to the affidavit on the second page of this report.

Mr. LOUD. Does this doctor claim to have been in the service and know that this man received the wound in the service? I ask you that. You have the report.

Mr. LONG. There is no question about that. The gentleman is aware that this bill passed the last Congress.

Mr. LOUD. Oh, I do not care about that. We pass lots of bills that ought not to pass, and I have no doubt that we will pass a great many, Mr. Chairman, that never should receive the consideration of any gentleman if these pension cases were fully investigated. Now, I have been asking the question whether there was any gentleman on this floor who knows personally that this gentleman who makes this affidavit was in the service and occupied a position to know the facts stated. It is a material question to know who this man is.

Mr. GROUT and Mr. BLUE rose.

Mr. LOUD. Before I yield, Mr. Chairman, I would like to know if the gentleman from Vermont has any more information to give?

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. LOUD. I have not yielded the floor, Mr. Chairman.

The CHAIRMAN. The gentleman suspended his speech, and the gentleman from Kansas has been recognized.

Mr. LOUD. When I finish my remarks I will take my seat, Mr. Chairman.

Mr. BLUE. I have no disposition to press the yielding of the gentleman from California, but I expect the Chair will control.

Mr. LOUD. He will try to, you may be sure. [Laughter.]

The CHAIRMAN. The gentleman from Kansas has been recognized.

Mr. BLUE. Mr. Chairman, I happen to know this man who is an applicant for a pension here. I have known him for over twenty years, and he is so reputable a man that in the community in which he resides he was the nominee of the Democratic party for the Kansas legislature a few years ago. It may have been a case of the blind leading the blind [laughter], but I hope it will be no disparagement of his claim to state the fact. I have known him in his industrious ways going out, led by some one, and so attentive to his business that he has managed to sustain himself. This bill, in substantially the same language, was passed by the last Congress.

Mr. LACEY. May I correct the gentleman?

Mr. BLUE. Yes, sir.

Mr. LACEY. It was not in this language. There is a very distinct difference between this bill and the one passed in the last Congress. I will call the gentleman's attention to the difference if he desires.

Mr. BLUE. I am not aware of any difference, and I would be glad to be informed of it now if there is any.

Mr. LACEY. The difference is this: This man was shot in the back, and he claimed that that shot in the back affected his eyes by some nervous connection between the two. The committee could not find that the injury to the eyes was caused by the gunshot wound in the small of the back, but they thought that he should have such a pension as the disability caused by the gunshot wound would entitle him to, and they reported a bill putting him on the roll for the gunshot wound, leaving the rating to the Pension Office, as in the cases of other civil employees. With an amendment like that this bill would give him a pension for the gunshot wound. If the blindness was the result of the gunshot wound, then of course——

Mr. BLUE. That is a difference without a distinction. The fact is, that the bill passed for $30 a month in the last Congress, and that is all we ask now, and it failed of becoming a law only by reason of the inability of the President to reach it in time to sign it before Congress adjourned. It was supported at that time

by Senator Martin of Kansas. The affidavit, as I read it—and I shall be glad to be corrected if I make a mistake—shows that this wound was received while the man was obeying an order from an officer. The objection which the gentleman from California [Mr. LOUD] makes to this affidavit might be made to every affidavit sustaining a pension claim in this House. I take it that the gentleman is too good a lawyer to raise a question as to the credibility of this witness without any proof directed at his credibility or his character for veracity, simply because the gentleman himself suspects that there might be something wrong about him.

Mr. LOUD. I do not suspicion. I asked if there was any person here who knew the party who made this affidavit, and I have got repeated answers that they do, but I have got no information about it.

Mr. BLUE. I have no knowledge from actual acquaintance, but I understand that the witness who makes the affidavit—and I think perhaps the affidavit on its face will show that fact—was a captain of a regiment in the service where this man was performing this duty under orders. If I am incorrect about that I shall be happy to be corrected.

Mr. LOUD. Nobody can correct you, because nobody seems to know anything about it.

Mr. BLUE. So, Mr. Chairman, as was stated by the chairman of the Committee on Invalid Pensions, if this case arose under the general law, the man would be entitled to $72 a month. We ask for only $30 a month, and it seems to me that a wound received in the execution of an order ought to be regarded as equivalent to a muster into the service, and so far it has been so regarded in these cases.

Mr. LACEY. Mr. Chairman, I move to amend the bill by striking out all after the word "rate" and inserting "proportionate to his disability from gunshot wound in the back and results." That is precisely as the bill passed the House in the last Congress and as the Senate concurred in it. That would give him what he would have received if he had been a soldier of the Eleventh Pennsylvania Cavalry and had got shot. Now, I think there is no reason why a photographer should get more than a soldier.

Mr. GROUT. What would be the pension?

Mr. LACEY. That would depend upon the disability.

Mr. GROUT. As a result of the gunshot wound in the back.

Mr. LACEY. The pension would depend on the extent of the disability. It might be $8 or $12 a month. In other words, he would get just what a soldier would get for that wound, his claim being presented to the Pension Office under the general law.

The amendment offered by Mr. LACEY was read, as follows:

Line 8, after the word "rate," strike out the words, "of $30 per month, said Jones having become practically blind, the result of a gunshot wound received in the line of duty," and insert "proportionate to his disability from gunshot wound in the back and results."

The question being taken on the amendment, it was rejected.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

Mr. JOHNSON of California. Mr. Chairman, I want to vote for this bill. I hope it will pass. I rise to occupy about one minute for the purpose of calling the attention of the gentleman from Kansas [Mr. BLUE] and the gentleman from Iowa [Mr. UPDEGRAFF] to this bill as illustrating the fallacy of the position which they assumed a while ago, that these cases could be cared for by general law. And I want to call the attention of the gentleman from Kansas to the inconsistency of his position when he fought a little while ago the claim of a widow because, as he said, there ought to be strong equities presented, and now this man appears from Kansas——

Mr. BLUE. Will the gentleman permit me to interrupt him?

Mr. JOHNSON of California. Certainly.

Mr. BLUE. The gentleman is wholly mistaken when he says that I "fought" that claim. I had no such intention, and I said nothing against it. I simply spoke of the general policy, and everybody here so understood me.

Mr. JOHNSON of California. Well, I regret to say that unfortunately I am one of those individuals who understood the gentleman the other way. I presume that was my fault and not his. But my experience in life has been that when a man slaps my face and says he does it in fun, I usually think he is mistaken. If, however, the remarks of the gentleman were not directed against that bill, then I take back everything I have said and congratulate him on the fact that he lives in Kansas, and that he is able to see the equities of a case when it comes from Kansas, even if he can not see the equities of a case when it comes from Connecticut. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I am just as anxious to vote as are these gentlemen who call out "Vote!" "Vote!" But before I vote on this bill I should like to have some light thrown upon it. Here is an application for a pension for a man who never enlisted in the service of his country; there is no evidence in the report of the committee to show that he ever did one minute's service for the Union cause. Here is an application to grant a pension to a man who had gone out with his apparatus—whatever you may call it; kodak, a gentleman near me suggests; I call it apparatus so that gentlemen here may understand it; so that the gentleman from Kansas may understand it—he had gone out for the sole purpose of making money to put into his own private pocket, whether the Union was saved or lost. I submit, Mr. Chairman, that unless this man was in the service of his country, unless he had been employed by official authority to serve his country by using his photographic instrument to take pictures, he is not entitled to one moment's consideration at the hands of this House.

Mr. PICKLER. Does the gentleman know that the report speaks of this man as photographing, under the order of the Federal officer in command there, Longstreet's fortifications. Now, does the gentleman think there is no danger in that kind of service?

Mr. TALBERT. Yes, and I expect the gentleman himself got mighty tired of photographing those people sometimes. But, sir, I want to say there is no evidence to show that this man went there for any other purpose than observing the country. The army officers found him there with his instrument and pressed him into the service as a bummer or a camp follower, and possibly a stray bullet hit him while he was making tracks to the rear, for I understand he was shot in the back.

Mr. ERDMAN. And went blind from it!

Mr. TALBERT. Yes, and went blind from it, as another man grew deaf from the reports of a cannon that he never heard or saw. I submit, Mr. Chairman, there is just as much justice in this claim as there would be in that of a man who heard nothing but a popgun. He was there with his apparatus taking pictures for his own benefit—not for the benefit of the Union, but for the benefit of himself and himself alone. I must say that I am astonished to see the Committee on Invalid Pensions, presided over as it is by the distinguished gentleman from South Dakota, bringing in such claims as this with a favorable report and asking this House to pass them.

Mr. Chairman, while I feel it my duty to vote, as I have said, for every meritorious claim—I intend to do so and I have done so—I can not with a clear conscience support any such claim as this. And I dare say that if gentlemen on the other side would stop and reflect a moment they would vote this measure down by an overwhelming majority, showing to the country that while they are ready to do anything to stand by the "true-blue" soldiers and their widows, as they ought to do, they are men enough to turn their backs upon photographers, deserters, coffee coolers, bummers, and camp followers, such as this man was when engaged there taking pictures. I hope that gentlemen on the other side, when their good sense and their sense of justice is appealed to, will see to it that this measure is overwhelmingly defeated, as it ought to be.

Mr. JOY. Will the gentleman yield a moment?

Mr. TALBERT. Certainly.

Mr. JOY. Will not the gentleman be kind enough to let us vote on the bill? There is only one minute of the session left.

Mr. TALBERT. I would be perfectly willing to do so, but there are just one or two points which I had not reached and which I desire to discuss. [Laughter.] The first is the insufficient evidence——

The CHAIRMAN. The hour fixed by the rule for adjournment being at hand, the committee will rise.

The committee accordingly rose; and the Speaker pro tempore having resumed the chair, Mr. HEPBURN reported to the House, with a favorable recommendation, the bill (H. R. 2234) granting a pension to Joseph A. Cooper; the bill (H. R. 486) for the relief of William Henry Johnson; the bill (S. 344) granting a pension to Mary A. Hall, and the bill (S. 507) to pension Mollie Crandall; also, with the recommendation that it be recommitted to the Committee on Invalid Pensions, the bill (H. R. 2621) to increase the pension of Jane Webster, widow of Joel Webster; also, with an amendment and a recommendation that it be passed as amended, the bill (H. R. 1634) to grant a pension to William F. Good; also that the Committee of the Whole had had under consideration the bill (S. 249) granting a pension to Charles E. Jones, and had come to no resolution thereon.

The SPEAKER pro tempore. The hour of half past 10 having arrived, the House now, in pursuance of its previous order, stands adjourned until Monday next at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. J. McClendon, administrator of John Wright, deceased, against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KNOX, from the Committee on the Territories, to which was referred the bill of the House (H. R. 6403) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," reported the same with amendment, accompanied by a report (No. 871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 1438) for the erection of a monument at Greenville, Ohio, to commemorate the treaty of peace made on the 3d day of August, A. D. 1795, at Fort Greenville (built on the site of said Greenville, Ohio), by Gen. Anthony Wayne, on behalf of the United States, and various Indian tribes occupying the territory northwest of the Ohio River, and to perpetuate the memory of General Wayne and his gallant army, reported the same with amendment, accompanied by a report (No. 873); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1743) to establish an additional land office in the State of Montana, reported the same without amendment, accompanied by a report (No. 874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 2169) to regulate mail matter of the fourth class, reported the same without amendment, accompanied by a report (No. 875); which said bill and report were referred to the House Calendar.

Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 5730) to amend section 24 of an act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, reported the same with amendment, accompanied by a report (No. 876); which said bil and report were referred to the House Calendar.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex., reported the same without amendment, accompanied by a report (No. 877); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 849) to increase the circulation of national banks, reported the same without amendment, accompanied by a report (No. 881); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MEIKLEJOHN, from the Committee on the Public Lands: The bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark. (Report No. 878.)

By Mr. MOSES, from the Committee on Pensions: The bill (H. R. 5902) granting a pension to Jane Christian Maryo. (Report No. 879.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 519) granting a pension to Ira Harris. (Report No. 880.)

## ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 1965) to amend section 3331 of the Revised Statutes of the United States, reported the same adversely, accompanied by a report (No. 872); which said bill and report were laid on the table.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GILLETT of Massachusetts: A bill (H. R. 7441) to protect State antigambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, by extending to such gambling the penalties provided for interstate gambling by mail or express—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 7442) for the better government of Hot Springs Reservation, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. RAY: A bill (H. R. 7443) for further security of holders of mortgage bonds and of other creditors of corporations created by act of Congress—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 7444) to provide for the building of two range lights on the bar at the entrance to Choctawhatchee Bay, Florida—to the Committee on Interstate and Foreign Commerce.

By Mr. OWENS: A bill (H. R. 7445) to provide for the free coinage of silver dollars equal in value to gold dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON: A bill (H. R. 7446) to establish a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. HOWE: A bill (H. R. 7467) to authorize the Secretary of the Navy to widen the northern entrance to the Wallabout Channel, Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. QUIGG: A joint resolution (H. Res. 145) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. OTEY: A resolution (House Res. No. 216) requesting the Committee on Naval Affairs to investigate the matter of the treatment of the members of the International Association of Machinists at United States navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. RUSK: A resolution (House Res. No. 217) to pay Ulmar, Goldsborough & Co. certain money out of contingent fund—to the Committee on Accounts.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7447) for the relief of John Wassum, of Clarion County, Pa.—to the Committee on War Claims.

By Mr. BINGHAM: A bill (H. R. 7448) for the relief of Alexander Marr—to the Committee on Military Affairs.

By Mr. BOATNER (by request): A bill (H. R. 7449) for the relief of William Leech—to the Committee on Claims.

By Mr. BRODERICK: A bill (H. R. 7450) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy—to the Committee on Naval Affairs.

By Mr. CLARDY: A bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky.—to the Committee on Pensions.

By Mr. COOK of Wisconsin: A bill (H. R. 7452) granting a pension to Orpha A. Briggs—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 7453) granting a pension to John Ledwich—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 7454) to increase the efficiency of the Navy by rewarding enlisted men for long and faithful service—to the Committee on Naval Affairs.

By Mr. KENDALL: A bill (H. R. 7455) for relief of Ingraham B. Whitt—to the Committee on Military Affairs.

Also, a bill (H. R. 7456) for relief of Benjamin F. Knox—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 7457) granting an increase of pension to John Beaird—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 7458) granting an honorable discharge to Christian Bauer, of Peabody, Ind.—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7459) for the relief of Mrs. Minnie E. Goodwin—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 7460) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States volunteers, to $50 per month—to the Committee on Invalid Pensions.

By Mr. QUIGG: A bill (H. R. 7461) granting an honorable discharge to Thomas J. Miller, late of Combany A, Thirty-eighth New York Volunteers—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 7462) to appoint Samuel Bickerstaff in the United States Navy as chief engineer and to place his name on the retired list—to the Committee on Naval Affairs.

By Mr. TRACEY: A bill (H. R. 7463) granting a pension to Thomas Mathias—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 7464) for the relief of the estate of Jonathan Summers, deceased, of Scott County, Miss.—to the Committee on War Claims.

By Mr. KERR: A bill (H. R. 7465) to reimburse Aden Benedict for money paid by him to the United States as commutation for draft—to the Committee on War Claims.

By Mr. FOOTE: A bill (H. R. 7466) for the relief of Benjamin T. Wickham—to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Protest of T. H. Harter, of Bellefonte, Pa., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of L. J. Fryar and 29 members of the Woman's Christian Temperance Union of Amherst, Wis.; also petition of Cora Turner and 67 members of Social Temple No. 3, of Amherst, Wis.; also petition of C. Wesley Turner and 80 members of the Methodist Episcopal Church of Amherst, Wis., in favor of the passage of House bill No. 167, to protect the first day of the week in the District of Columbia—to the Committee on the District of Columbia.

Also, five petitions, containing a total of 50 names, of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BULL: Resolutions of the citizens of Pawtucket, R. I., demanding that Congress take steps to secure the restoration to liberty of Irish-American citizens incarcerated in British dungeons for political offenses—to the Committee on Foreign Affairs.

By Mr. COOK of Wisconsin (by request): Evidence in support of House bill No. 5721, for the relief of Alice Utz—to the Committee on War Claims.

By Mr. CRISP: Protest of A. W. Latimer, of Lumpkin, Ga., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Protests of Orville J. Victor, T. Alfred Vernon, J. Elderkin, and publishers of the Coleman Independent, of Coleman, Mich., against House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Chamber of Commerce of Milwaukee, Wis., against the building of a railroad bridge across the Detroit River at Detroit, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of James S. Hunter and 15 others, against military training in the public schools—to the Committee on Education.

Also, petition of Helen A. Gray and others, favoring the passage of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARDNER: Petition of J. F. Hall, W. McLaughlin, and others, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Memorial of produce dealers of Boston, in favor of legislation against filled cheese—to the Committee on Ways and Means.

By Mr. GROUT: Petition of A. Ropes, of the Vermont Watchman, Montpelier, Vt., against the passage of House bill No. 4566, to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the General Society of Sons of the American Revolution, at Boston, Mass., in favor of the publication of the archives of the Revolution—to the Committee on Appropriations.

Also, resolutions adopted by George C. Randall Post, No. 82, Grand Army of the Republic, of Woodstock, Vt., in favor of the service-pension bill now before Congress—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Paper of F. W. Preston, of Brooklyn, N.Y., favoring the passage of House bill No. 223, regarding medals for storming Port Hudson—to the Committee on Military Affairs.

By Mr. JENKINS: Remonstrance of Ellen Nelson, of Star Prairie, Wis., and 75 others, against the passage of joint resolution proposing an amendment to the Constitution of the United States so as to acknowledge Almighty God—to the Committee on the Judiciary.

By Mr. LACEY: Petition of H. C. Binford and others, of Alabama, in favor of House bill No. 7081, granting lands in Alabama for educational purposes—to the Committee on the Public Lands.

By Mr. LAYTON: Memorial of the New York Produce Exchange, urging Congress to pass a bill introduced by Mr. Low, relating to a site for the new custom-house of the city of New York—to the Committee on Public Buildings and Grounds.

Also, memorial of the Society of Sons of the Revolution, in the State of Maryland, urging legislation enabling the Secretary of State to prepare for publication the records of the Continental Congress—to the Committee on Appropriations.

Also, resolutions of the New York Mercantile Exchange, protesting against any substitution whatever of House bill No. 5213, known as the Wilber bill, regarding the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. LINTON: Remonstrance of citizens of Madison, Wis., against recognizing the statue of Père Marquette, and asking for its removal from Statuary Hall—to the Committee on the Library.

Also, remonstrances from citizens of New Albany, Ind.; Edmore, Mich.; Pittsburg, Pa.; Frank and Buena Vista, Pa.; Washington, D. C., and also citizens of the State of Maryland, against the appropriation of public moneys for sectarian undertakings, and a petition praying for the passage of joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MAGUIRE: Memorial of the San Francisco Chamber of Commerce, against refunding Pacific railroad debts—to the Committee on the Pacific Railroads.

By Mr. McMILLIN: Petition of N. R. Hull, late a private in Company B, South Cumberland Battalion, to be placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of Charles H. Eldridge and 53 other citizens of Hanover, Mass.; also petition of George H. Young and 24 other citizens, of Pembroke, Mass., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Easton and Saratoga Quarterly Meeting of the Religious Society of Friends, officially signed; also petition of citizens of New York and vicinity, asking for a national commission to investigate and report upon the subject of social vice—to the Committee on the Judiciary.

Also, petition of the Second United Presbyterian Church of Sterling, Kans., praying for an amendment to the Constitution recognizing Almighty God as the source of all power and authority in civil government—to the Committee on the Judiciary.

By Mr. MOSES: Petition of citizens of Columbus, Ga., in favor of House bill No. 653, for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. NOONAN: Protest of citizens of San Antonio, Tex., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Papers to accompany House bill granting an honorable discharge to Thomas J. Miller—to the Committee on Military Affairs.

By Mr. REED: Petition of W. S. Crowley and others, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cohen, Goldman & Co., of New York City, praying for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STEWART of Wisconsin: Petition of W. D. Pond and 20 other ex-soldiers of Unity, Marathon County, Wis., in behalf of a bill granting a pension of $8 per month to every soldier or sailor who served ninety days in the Army or Navy and $12 per month to the widows of the same—to the Committee on Invalid Pensions.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, protesting against building a bridge across the Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the city of Milwaukee, regarding financial legislation—to the Committee on Banking and Currency.

By Mr. STRODE of Nebraska (by request): Resolutions of the A. P. A. councils of Omaha, Nebr., relative to the Marquette statue—to the Committee on the Library.

By Mr. TAFT: Papers to accompany House bill to appoint Samuel Bickerstaff as chief engineer in the United States Navy, and to place his name on the retired list—to the Committee on Naval Affairs.

By Mr. WELLINGTON: Petition of the Baltimore Annual Conference of the Methodist Episcopal Church, asking the enactment of a law preventing the nullification of State antigambling laws, etc.—to the Committee on the Judiciary.

Also, petition of the Baltimore Annual Conference of the Metho-

dist Episcopal Church, asking concurrence in the bill forbidding the interstate transportation of obscene matter by express as passed by the United States Senate—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Baltimore Annual Conference of the Methodist Episcopal Church, asking enactment of a law to raise the age of consent to 18 years—to the Committee on the District of Columbia.

## SENATE.

MONDAY, *March 23, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. WOLCOTT, and by unanimous consent, the reading of the Journal of the proceedings of Friday last was dispensed with.

### ORDERS FOR THE SEIZURE OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, certain information as to what orders have been issued from the Treasury Department to seize vessels of the United States loaded with arms and munitions of war, with passengers on board, suspected to be destined for foreign ports, and under what authority of law such seizures and arrests have been made; which, with the accompanying document, was, on motion of Mr. CALL, ordered to lie on the table and be printed.

### REPORT OF INTERNATIONAL PRISON CONGRESS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, July, 1895; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following act and joint resolutions:

An act (S. 227) to authorize the Auditor for the War Department to audit certain quartermasters' vouchers alleged to belong to John Finn, of St. Louis, Mo.;

A joint resolution (S. R. 47) relating to the Federal census; and

A joint resolution (S. R. 72) directing the Public Printer to supply the Senate and House libraries each with 10 additional copies of the CONGRESSIONAL RECORD.

The message also announced that the President of the United States had on the 20th instant approved and signed the following acts:

An act (S. 1230) to extend the limits of the port of entry of New Orleans; and

An act (S. 1804) to authorize the First National Bank of Sprague, Wash., to change its location and name.

The message further announced that the President of the United States had on this day approved and signed the bill (S. 818) for the relief of Halvor K. Omlie, of Homer, N. Dak.

### NATIONAL SANITARIUM FOR TREATMENT OF PULMONARY DISEASES.

Mr. GALLINGER. Mr. President, on the 11th day of April, 1892, I submitted some observations in support of a joint resolution that I then introduced for the appointment of a commission to examine certain lands in New Mexico and other of the Rocky Mountain States, with a provision that a report should be made to the President of the United States, with a view ultimately of having a cession of lands made for the purpose of establishing a national sanitarium for the treatment of pulmonary diseases. That scheme, as originally contemplated, has fallen through, but the parties who are interested in the establishment of a sanitarium for this purpose have sent me a large bundle of petitions looking to the direct cession of land to an organization of benevolent men and women interested in this matter, and after I have presented the petitions I desire to submit some brief observations in reference to this very laudable undertaking.

Mr. President, I present a petition of 24 citizens of the Territory of New Mexico; a petition of P. A. Dewey and 19 other citizens of New York; a petition of R. W. Lord and 13 other citizens of Maine; a petition of S. O. Brown and 11 other citizens of Maine; a petition of Eben Chase and 11 other citizens of Maine; a petition of J. H. Manly, Governor Henry B. Cleaves, and other citizens of Maine; a petition of Gorham P. Pomeroy and 19 other citizens of Rhode Island; a petition of Edward S. Aldrich and 19 other citizens of Rhode Island; a petition of Charles Clark Camp and 22 other citizens of Minnesota; a petition of Fred C. Ackley and 16 other citizens of Minneapolis, Minn.; a petition of Hon. William H. Eustis and 43 other citizens of Minneapolis, Minn.; a petition of A. B. Chalmers and 35 other citizens of Minnesota; a petition of John Wright and 20 other citizens of Minnesota; a petition of A. S. Grow and 8 other citizens of Pennsylvania; a petition of Charles E. Dodge, M. D., and 20 other citizens of New Hampshire; a petition of J. H. Emerson and 18 other citizens of New Hampshire; a petition of J. F. Estes and 47 other citizens of New Hampshire; a petition of W. W. Roberts and other citizens of Massachusetts; a petition of Alfred Hemenway and other citizens of Massachusetts; a petition of Julia Ward Howe, John D. Long, and other citizens of Massachusetts; a petition of ex-Governor William Claflin and other citizens of Massachusetts; a petition of William Coveney and other citizens of Massachusetts; a petition of Franklin Carter, president, and 11 other members of the faculty of Williams College, Massachusetts; a petition of George V. Ladd and 23 other citizens of Massachusetts; a petition of Rollin Jones and 22 other citizens of Massachusetts; a petition of Frank A. Allen and 41 other citizens of Massachusetts; a petition of John C. Haynes and 43 other citizens of Massachusetts; a petition of John A. Scott and 10 other citizens of Massachusetts; a petition of S. G. Miller and 37 other citizens of Massachusetts; a petition of Charles D. Jenkins and 14 other citizens of Massachusetts; a petition of Henry J. Thayer and 17 other citizens of Massachusetts; a petition of B. H. Nourse and 14 other citizens of Massachusetts; a petition of Charles H. Taylor and 11 other citizens of Massachusetts; a petition of Robert P. Bellows and other citizens of Massachusetts; a petition of Dr. William P. Wesselhoeft and 19 other citizens of Massachusetts; a petition of the Superior and Sisterhood of the Home at the Roman Catholic Cathedral, Boston, Mass.; a petition of Rev. Edward Everett Hale and other officers of the American Invalid Aid Society; and a petition of the faculty of Yale University.

I ask unanimous consent that I may make some brief observations concerning the petitions just presented.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the Senator from New Hampshire will proceed.

Mr. GALLINGER. Among the petitioners will be found the names of Edward Everett Hale, Louis C. Southard, Minot J. Savage, Hezekiah Butterworth, E. H. Clement, Wallace I. Pierce, Solomon Schindler, Edwin Ginn, Julia Ward Howe, John D. Long, M. I. Whipple, bishop of Minnesota; William Lawrence, bishop of Massachusetts; William E. Russell, ex-governor of Massachusetts; William Claflin, ex-governor of Massachusetts; Edw. Harvey Willett, president Trinity Club; A. E. Winship, Charles H. Taylor, editor Globe; editors Boston Herald, Traveller, Advertiser, Journal, Transcript, Educational Journal, etc.; William Coveney, Mrs. James T. Field, Olive Wright, Susan Fessenden, William H. Baldwin, Henry B. Blackwell, President Timothy Dwight, with the faculty of Yale University; president and faculty of Williams College, J. B. Mason, ex-Senator from Rhode Island; A. P. Martin, ex-mayor of Boston; Walter M. Guild, Julius H. Ward, Henry J. Thayer, Frank A. Allen, ex-mayor of Cambridge; John C. Haynes, president, and Julius H. Tuttle, treasurer, Massachusetts Historical and Genealogical Society; W. H. Hart, colonel Thirty-sixth Colored Regiment (war record); W. T. Shapleigh, editor (old-line abolitionist); Westley Jones, A. Shuman, Noah A. Plimpton, John C. Paige, Levi P. Lawrence, superior and Sisterhood of the Home at the Cathedral, Charles Sydney Smith, ex-mayor of Providence; Morris H. Richardson, M. D.; Samuel J. Mixter, M. D.; David W. Cheever, M. D.; Samuel Durgin, president Massachusetts board of health; William P. Wesselhoeft, M. D.; James D. Bell, M. D.; Hasket Derby, M. D.; Prof. Grover Robinson, Mrs. John Boyle O'Reilly, Alfred Hemenway, George H. Marcoe, dean Massachusetts College of Pharmacy; John Dana Hubbell, Joseph H. Manley, and a very large number of physicians, clergymen, and leading educators from different parts of the country.

In my former attempt in this direction I introduced a joint resolution which I will not now read, but will ask permission to introduce it into the RECORD. As before suggested, it proposed to appoint a commission for the purpose of investigating this matter with a view of selecting a site and recommending its cession by Executive proclamation to the very worthy men and women who were then engaged in this great philanthropic movement. That joint resolution was in these terms:

SECTION 1. That the President of the United States shall appoint a commission consisting of three persons, two of whom shall be physicians, whose duty it shall be to select a site, and make report thereon to the President, for the establishment of a national sanitarium for the treatment of pulmonary diseases, said location to be in some one of the Territories of the United States and upon such of the public lands as may be unoccupied.

SEC. 2. That the commission so appointed shall, within six months after their appointment, report to the President of the United States where, in their best judgment, is the proper place to establish said sanitarium, together with the boundaries of the land whereon to establish the same, and also rules and regulations suited for the government of the same.

SEC. 3. That upon the receipt of such report the President shall by proclamation withdraw the lands described in said report from sale, and from preemption, homestead, or other entry or sale, and shall reserve the same for the purpose of said sanitarium.

SEC. 4. That the surveyors-general of the several Territories shall, under the direction of the Secretary of the Interior, make such surveys and render such assistance to said commission as the said commission may desire.

SEC. 5. That the traveling expenses, fares, and other expenses incident to the selecting and reporting upon such site shall be paid out of the Treasury of the United States, upon vouchers properly certified, and the said commissioners shall each be paid $10 per day for each and every day they shall be actually employed on such duty.

SEC. 6. That $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said commission, their expenses, fares, clerk hire, and all other matters connected with or growing out of the selecting and reporting said site.

Mr. President, the present purpose is to secure by direct cession to the American Invalid Aid Society of Boston property now owned by the Government. This organization has for its object the amelioration, so far as may be possible, of those who are suffering from pulmonary diseases in the North, and who may be benefited by a change of climate to the more salubrious atmosphere of the Rocky Mountain region. The society has in view at the present time the Fort Stanton Military Reservation, situated in New Mexico, which reservation has been recently abandoned by the United States Government. I will state that when the call for bills is reached I shall introduce a bill which provides that that military reservation shall be ceded by the Government to this society.

Mr. President, very much has been written during the past two years and since this agitation was commenced concerning this philanthropic movement. Dr. William P. Roberts, the managing editor of Folk Lore and Best Thoughts, published in Minneapolis, has given this movement the benefit of his facile pen, and Dr. C. F. Nichols, of Boston, an eminent medical gentleman, has contributed exceedingly interesting articles on the subject to the Review of Reviews and to the newspaper press.

I have here an article of exceeding interest from the Boston Traveller of January 25, 1896, discussing this subject, which is of sufficient interest to be introduced in this discussion:

WORKING WONDERS—WHAT THE INVALID AID SOCIETY COULD DO WITH MONEY ENOUGH—GIVES HOPE TO CONSUMPTIVES—A SCHEME OF COLONIZATION OF NEW MEXICO IN EMBRYO WHICH WOULD BE OF GREAT BENEFIT TO THE COUNTRY'S HEALTH.

The announcement that Mrs. Etta Fish Tingley is to repeat her famous song lecture in Chickering Hall, February 12, for the benefit of the Invalid Aid Society has brought forth from many busy people who were not in touch with all the philanthropical movements of the day inquiries concerning the society.

Its object was partially revealed in its title, but the great value of the work it has done and is still doing and its hopes and plans for the future could only be gleaned from somebody intimately connected with the work.

The society was incorporated in Massachusetts and Ohio three years ago. Dr. Edward Everett Hale is entitled to the honor of its existence, for he practically formed it a year before its incorporation, and is its president pro tempore, there having been a vacancy in the head office since the last annual meeting. Louis C. Southard and Hezekiah Butterworth are the vice-presidents, and E. H. Clement, Edwin Ginn, and Leon M. Abbett are the trustees. There are other officers in the society, not an executive board nor an advisory board, but rather a combination of the two, and near the head of the list is found the name of Mrs. Mary A. Livermore, while Mrs. Julia Ward Howe, Mrs. James T. Field, Mrs. Susan S. Fessenden, and the mother superior and all the sisters of the Home for Destitute Catholic Children are among those strongly interested in the society. Hon. John D. Long, Hon. JACOB H. GALLINGER, of New Hampshire; Rev. Dr. David Gregg, of Brooklyn; Gen. Charles W. Darling, of Utica, N. Y.; Rev. Dr. John L. Withrow, of Chicago; Governor L. Bradford Prince, of New Mexico; Hon. A. P. Lovejoy, of Wisconsin; Hon. Charles W. Loring, of Minneapolis; Rev. Minot Savage, the Upham Bros., of the Youth's Companion, and S. W. Manning, manager of the Atchison, Topeka and Santa Fe Railroad, are among the officers. Col. A. A. Pope has given $500 to the society as a mark of his interest, and such men as Dr. Albert Shaw, A. Shuman, Col. W. W. Bunting, Noah A. Plympton, John C. Paige, Jeremiah Williams, Dr. Samuel Durgin, George F. Lawrence, the president of the State senate; Hon. William E. Russell, Gen. A. P. Martin, Alfred Hemenway, W. H. Baldwin, Dr. James B. Bell, Dr. Hasket Duby, Senator Mason of Rhode Island, and Bishop Whipple of Minnesota, are either members of the society or aids to its work. One of the hardest workers in the society of 200 or more members is Dr. C. F. Nichols, the editor of Folk Lore, one of the editors of Science, and a well-known writer for many of the best magazines. He has obtained a large number of influential people as signers of the petition for land, and has personally superintended much of the business of the society.

And now to its object. It conducts a system of beneficent service to the class of invalids most numerous and pitiable in the Eastern and Northern States—the consumptives. Beginning at the root of their trouble, all expert physicians are convinced that efforts to produce cures are useless as long as victims of tubercular disease remain in damp and changeable climates. Phosphates, cod liver oil, or any other medicines are as unstable as water. Meanwhile the means provided for comfort or refuge for the poorer classes, who are thrown upon public or private charity, are inadequate. Refused at the hospitals, there is nowhere near room enough for the vast number in the establishments thus far provided, and such as gain admission to the homes for incurables do not last very long. The annual death list from consumption in this country is about 100,000, and a large percentage of this number could be saved by being sent to parts of the country where the curative qualities of the climate have been tested. It has long been known that tuberculous disease does not flourish in certain localities. Between 300 and 400 invalids have already been sent away by the society, and in many, if not all, of the cases the disease has been checked. New Mexico heads the list of localities with subtle curative qualities, defying chemical analysis, but pervading the earth and air of these dry drained places, but Colorado and North Carolina are included, as well as certain parts of Florida.

The property known as the Moses Lyman estate, near Jacksonville, Fla., belongs to the association, and it is thought in Congress that the prospect of obtaining from the Government a valuable property at Las Cruces, N. Mex., is hopeful. This property is Stanton Park, which has been held as a Government reserve for disabled soldiers, but its usefulness in that direction is over, and it was to have been given up the 1st of January. Perhaps the war scare had some effect upon that decision, for it is still retained. It consists of many acres of land, irrigated, which is an important item in that Territory, and a number of fine, large buildings in good repair. A petition is being signed by all the prominent names in many States to secure grants of land in New Mexico for the use of consumptives, who may find in the peculiar climate of that Territory health and usefulness, and the gift of Stanton Park is expected as an answer to that petition, particularly as the people of New Mexico are desirous of forming new colonies. Senator GALLINGER has already interested Congress in the subject by an address full of practical points, the best of which was made by placing the work of the society on a basis of sound political economy. He declared that it sent away the unproductive people of one State and gave other States the same number of productive people. No offense being intended toward invalids, it is still true that figures are eloquent in showing the cost to the State of any unproductive class of its citizens.

No prejudice of sect appears in the work and there is no plan to save souls except incidentally. The desire is to rescue without loss of time the sensitive bodies of consumptives. The past work speaks for itself. The future is filled with plans which include the continuance of the work of the past, the publication of papers upon the subjects of importance to consumptives, and the arrangements to supply information to physicians and laymen not informed upon problems of climatology—free information, and charts and maps at a moderate price. Last, but by no means least, the society will provide money for poor applicants as soon as its financial condition will permit, and will furnish homes and opportunities for work that the invalids may become self-supporting as soon as possible. It also proposes to establish sometime small colonies or sanitariums, of tents or isolated houses—a hospital system which has been successful in Belgium and in army practice. Land is offered by President Diaz in Mexico and by land owners in several favored neighborhoods. But all that calls for money and the establishment of a permanent fund, and that must necessarily be slow work unless States, societies, and individuals take up the matter.

I have also a letter dated Las Cruces, N. Mex., from a young man who was sent there by this society, and who has recovered complete health from a condition that was supposed to be hopeless in the latitude of New England. I understand that several of those already sent to the Rocky Mountain region by the Invalid Aid Society have been greatly benefited.

In my former remarks on this question I called attention to the fact that there are a great many precedents for this kind of legislation. The former joint resolution was criticised in certain quarters and by certain newspapers, one great newspaper of the country saying it was paternalism run mad, the claim being made that a proposition to ask the Government to do anything for a certain class of invalids is an absurdity and ought not for a moment to be entertained.

On that occasion I called attention to the fact that we have Homes for seamen established by the Government; that we have National Homes for Disabled Volunteers established by the Government; that we have an institution for the deaf and dumb in the District of Columbia supported by the Government; that we have set apart two sections of land in each township for public schools; that we have a reservation of mines, salines, timber, and water under other sections of the statute for sundry uses; that we have even allowed John Chamberlin the privilege to erect a hotel on the Government reservation at Fortress Monroe; that we have national cemeteries established and sustained by the Government; that the legislation concerning the hot springs of Arkansas is a recognition of the principle involved in the proposed legislation; and that by sections 2474 to 2477 the vast territory known as the Yellowstone Park, with all its natural wonders, has been set apart and provision made for its protection for purposes of pleasure and for purposes of pleasure alone. I then called attention to the fact that in addition to the Yellowstone Park we have the General Grant National Park, the Sequoia National Park, and the Yosemite National Park, in the State of California, covering a million acres of land, and those parks are established and maintained as pleasure grounds for the people of the United States. I took occasion at that time likewise to call attention to the fact that we have by legislation provided for the treatment of precisely this class of cases in domestic animals, and that we have appropriated millions of dollars through the Bureau of Animal Industry for this very purpose. A few days ago when the Agricultural appropriation bill was under consideration, if I remember correctly, more than half a million dollars was appropriated out of the public Treasury for the purpose of treating pleuro-pneumonia and similar diseases in the domestic animals of this country, and nobody objected to it.

Mr. President, the purpose of the friends of this measure is to do something for the men and women and especially for the youths of this country who are suffering and dying from this same terrible disease. I said in the remarks that I had the honor of submitting nearly four years ago in this body that a distinguished sanitarian of this country had made a computation—I will not vouch for its correctness—but he made a computation that the mortality from consumption in Vermont, Maine, Massachusetts, New Hampshire, and Rhode Island is 25 in every 100; that in Connecticut, Delaware, the District of Columbia, New Jersey, and New York it is 20 in 100; that in Maryland, Michigan, Ohio, Pennsylvania, West Virginia, and Washington it is 16 in 100; that in California, Indiana, Kentucky, Minnesota, and Wisconsin it is 14 in 100; that in Dakota, Iowa, Oregon, Tennessee, and Virginia it is 12 in 100; that in Illinois it is 11 in 100; that in Nebraska, Missouri, and Montana it is 9 in 100; that in Colorado, Kansas, Louisiana, and North Carolina it is 8 in 100; that in Alabama, Florida, Mississippi, and Utah it is 6 in 100; that in Arkansas, South Carolina, and Texas it is 5 in 100, and that in

New Mexico it is only 3 in 100, and the mortality in New Mexico comprises not only what would actually come to the inhabitants of that Territory, but likewise includes the numerous persons suffering from pulmonary diseases who go to that salubrious climate from our Northern communities in search of health. If I remember correctly, only a few weeks ago a statement was made in one of the newspapers of this city that 70 per cent of the deaths of that week occuring in the District of Columbia were due to diseases of the respiratory system in one form or another. These figures show that the mortality from this class of cases in the country has reached a point that is a matter of actual alarm to the people who are desirous to ameliorate it, some of whom are willing to give of their time and of their money to accomplish this very desirable result.

The American Invalid Aid Society of Boston, Mass., is a voluntary organization, composed of private individuals who have already contributed largely of their means, who are sending young men and young women from our northern country to the Rocky Mountain region and paying their expenses for the purpose of trying to do something for them in the direction of giving them health and rescuing them from this disease, which is ordinarily incurable in our northern latitudes.

It seems to me that the Congress of the United States may well pause, and, following the precedent that has been established in the matter of legislation for the Bureau of Animal Industry, contribute something out of the funds of the public Treasury, if need be, although that is not asked at the present time, for the purpose of rescuing our people from the ravages of pulmonary diseases. After having given millions of dollars out of the public Treasury for the purpose of treating our domestic animals and saving the herds of the country from a similar fatality, it seems strange that Congress should not be equally willing to do something in the line suggested by the petitioners. I can not but believe that a ready response will come to this appeal from the benevolent and philanthropic people of the country.

Mr. President, I have taken quite too much time in presenting this matter, but my personal interest in it is very strong. I am glad to see that the philanthropic people of this country, the physicians, the clergymen, the educators, the men connected with our great newspapers as well, are being thoroughly aroused to this subject. There is, in my judgment, already in this country a sentiment and a feeling that will warrant any reasonable action on the part of Congress looking to the doing of something in the direction that I have indicated.

As I have already stated, when the order of bills is reached I shall introduce a bill, to be referred to the Committee on Public Lands for their consideration, looking to the cession of the abandoned Fort Stanton Military Reservation, in New Mexico, to the American Invalid Aid Society of Boston, and I will close by quoting a paragraph from my former remarks on this subject:

> After all, the highest and noblest purposes of government are to secure the happiness and prosperity of the people, and surely no legislation can be thought of that promises so much for the well-being of a large class of our citizens as that for which I plead. All over our land the Macedonian cry is heard, and with anxious heart and earnest hope the stricken ones plead for national sympathy and national help. Surely that cry will not go unheeded; surely that help will not be withheld.

Mr. President, I move that the petitions which I have presented be referred to the Committee on Public Lands.

The motion was agreed to.

## PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Henry W. Voss, of the National Game, Bird, and Fish Protective Association, and sundry other citizens of Cincinnati, Ohio, praying for the passage of House bill No. 5729, to regulate interstate traffic in wild game; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Shanks, Ohio, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 17 citizens of Columbus, Ohio, and a petition of 75 citizens of Canton, Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented the petition of J. P. Boston and 31 other citizens of Pittsburg, Kans., praying for the adoption of the Christian amendment to the preamble of the Constitution; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. M. E. Perrine, of Topeka, Kans., together with sundry petitions containing 370 signatures of citizens of Kansas, praying for the passage of Senate bill No. 239, to so amend the internal-revenue laws of the United States as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of the State of Kansas; which were referred to the Committee on Finance.

Mr. McMILLAN presented the petition of Thomas G. Hensey and sundry other citizens of Le Droit Park, District of Columbia, praying for the enactment of legislation providing for the extension of streets and avenues in the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of Washington, D. C., praying for the passage of the one-dollar-gas bill, and also praying for a reduction in the price of electric lighting in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of the city of Washington, praying for the passage of Senate joint resolution No. 84, providing for the completion of the water supply of the District of Columbia; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented a petition of Local Union No. 22, Cigar Makers' International Union of America, of Detroit, Mich., praying for an amendment of the act prohibiting the importation and immigration of foreigners and aliens under contract to perform labor in the United States, etc.; which was referred to the Committee on Immigration.

He also presented a petition of Central City Lodge, No. 95, International Association of Machinists, of Jackson, Mich., praying for an investigation of the treatment accorded machinists in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., praying for the enactment of legislation reducing the rate of letter postage to 1 cent, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Frank Wells, president, and Henry P. Baker, secretary, of the Michigan State Board of Health, praying for the establishment of a national quarantine station at Portland, Me.; which was referred to the Committee on Public Health and National Quarantine.

Mr. DAVIS presented a petition of the Federated Trades Assembly of Duluth, Minn., praying for the enactment of legislation defining and concerning punishments in United States courts for contempt; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 37, International Brotherhood of Bookbinders, of St. Paul, Minn., and a petition of Local Union No. 98, Cigar Makers' International Union of America, of St. Paul, Minn., praying for the passage of House bill No. 3346, to raise additional revenue for the support of the Government; which was referred to the Committee on Finance.

Mr. LODGE presented a petition of the National Association of Stationary Engineers, No. 8, of Brockton, Mass., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

Mr. BAKER presented a petition of sundry citizens of Wakeeney, Kans., praying for the enactment of legislation amending the internal-revenue laws so as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit by virtue of the laws of that State; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a memorial of sundry citizens of South Dakota, remonstrating against the passage of the Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

Mr. VEST presented resolutions adopted by the Missouri State board of agriculture, favoring the enactment of legislation equalizing the grants of land to State universities; which were referred to the Committee on Public Lands.

Mr. KYLE presented a memorial of the Woman's Christian Temperance Union and of the branch of the Young Woman's Christian Temperance Union of South Dakota, and a memorial of the school board of Carthage, S. Dak., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented the petition of G. R. Norcott and sundry other citizens of Huron, S. Dak., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PALMER presented a petition of 79 citizens of the State of

Illinois, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented the petition of Frank M. Hannah and 41 other citizens of Foosland, Ill., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WALTHALL presented a joint resolution of the legislature of the State of Mississippi, praying Congress to grant a township of United States land in the State of Mississippi for the support and maintenance of a hospital, medical college, and bureau of vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Joint resolution of the legislature of the State of Mississippi, memorializing the Congress of the United States to grant a township of the United States land in the State of Mississippi for the support and maintenance of a hospital medical college and bureau on vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.

Whereas there are large areas of United States lands in the State of Mississippi, and the grant of such lands for educational purposes is at all times commendable legislation: Therefore be it

*Resolved by the senate (the house concurring)*, That the Congress of the United States is hereby respectfully memorialized and requested to grant a township of United States land situated in the State of Mississippi in trust to the State of Mississippi, for the support and maintenance of hospital medical college and bureau on vital statistics of the University of Mississippi, to be located at Vicksburg, Miss.

*Resolved*, That the secretary of state be, and he is hereby, required to transmit a copy of this joint resolution to the Senators from Mississippi, to be presented to Congress, and also copies to each of the Representatives of this State.

Passed the house February 28, 1896.

FRANK A. CRITZ,
*Speaker pro tempore of the House.*

Passed the Senate February 14, 1896.

J. H. JONES,
*President of the Senate.*

Approved March 6, 1896.

A. J. McLAURIN, *Governor.*

A true copy.

J. L. POWER, *Secretary of State.*

Mr. TURPIE presented the petition of John W. Zehring and sundry other citizens of Indianapolis, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. MITCHELL of Wisconsin presented the petition of Ira Harris, of West Superior, Wis., praying for the passage of House bill No. 5555, authorizing the Secretary of the Navy to organize national naval volunteers in States bordering upon the Great Lakes; which was referred to the Committee on Naval Affairs.

He also presented a petition of Reader Lodge, No. 299, International Association of Machinists, of Milwaukee, Wis., praying for an investigation of alleged abuses in the treatment of machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Oshkosh (Wis.) Association of Engineers, and a petition of the Association of Stationary Engineers of Milwaukee, Wis., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL presented a petition, in the form of resolutions adopted at the annual convention of the Missouri Roads Improvement Association, held at Columbia, Mo., praying for the passage of House bill No. 5462, establishing engineering experimental stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition, in the form of resolutions adopted at a meeting of the Missouri State board of agriculture, held at Jefferson City, Mo., March 3, 1896, praying for the enactment of legislation providing for the final adjustment of the agricultural lands granted to Missouri for the equalization of land grants to the State universities and for the establishment of engineering experiment stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

Mr. ALLEN (for Mr. THURSTON) presented a petition of sundry citizens of Bartlett, Nebr., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of sundry citizens of Towanda, Ill., remonstrating against the keeping of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented the petition of W. D. Miller, of Alton, Ill., praying that all soldiers and sailors who lost their sight in the United States service or in the line of their duties, be granted a pension of $20 per month; which was referred to the Committee on Pensions.

He also presented the petition of H. L. Potter, late colonel Seventy-first Regiment New York State Militia, praying that the pay of veterans in departmental or other service of the United States may not be stopped for less than six months' absence on account of sickness or disability; which was referred to the Committee on Military Affairs.

He also presented a petition of Island City Lodge, No. 388, International Association of Machinists, of Moline, Ill., praying for an investigation into the condition of machinists employed at the Brooklyn Navy-Yard, and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

Mr. BRICE presented a petition of 55 citizens of Canton, Ohio; a petition of sundry citizens of Ohio, and a petition of 17 citizens of Columbus, Ohio, praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Game, Bird, and Fish Protective Association, of Cincinnati, Ohio, praying for the adoption of an amendment to the interstate-commerce law, prohibiting common carriers from transporting any game for sale, for market, or for storage out of such States and Territories as have nonexport laws; which was referred to the Committee on Interstate Commerce.

Mr. BAKER presented additional papers to accompany an amendment submitted by him March 18, 1896, intended to be proposed to the Indian appropriation bill; which were referred to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2454) restoring the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Lands, submitted a report to accompany the bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, heretofore reported from that committee.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1781) making an appropriation to furnish flags for the schoolhouses of the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2321) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2359) defining the standard shape and size for dry measures to be used in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey, reported it with amendments, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1135) to amend the act creating the circuit courts of appeals, and for other purposes, to report adversely thereon.

I will state that what is contained in this bill has been passed by the Senate in other bills with the exception of one section. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HOAR, from the Committee on the Judiciary, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1619) to enlarge the jurisdiction of United States commissioners;

A bill (S. 2534) to amend section 4193 of the Revised Statutes, relating to the record of bills of sale, mortgages, hypothecations, and conveyances of vessels; and

A bill (S. 2561) amending section 5347 of the Revised Statutes of the United States, relating to offenses by masters and officers of American vessels.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2263) to provide for the settlement of accounts and claims in certain cases, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2546) concerning the court of appeals in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 811) to provide a district attorney and a marshal for the western judicial district of the State of South Carolina, reported it without amendment.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the district of Alaska, reported it without amendment.

Mr. PLATT. On Friday last I reported from the Committee on Patents an amendment to the legislative, executive, and judicial appropriation bill and had it referred to the Committee on Appropriations without printing. I present the same amendment now, and ask that it may be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. PLATT. From the Committee on Indian Affairs, I propose an amendment to the bill making appropriations for the Indian service, and ask that it may be printed and referred to the Committee on Appropriations. It is an important amendment. It deals with the condition of affairs in the Indian Territory and authorizes the commissioners already appointed to perform additional service.

The VICE-PRESIDENT. The amendment will be printed and referred to the Committee on Appropriations.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 835) making an appropriation to survey the lands of the Five Civilized Tribes in the Indian Territory, and for other purposes, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak., reported it with amendments, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 687) to apply the unexpended balance of the amount heretofore appropriated for the relief of the captain, owners, officers, and crew of the late United States private armed brig *General Armstrong*, their heirs, executors, administrators, agents, or assigns, reported it with an amendment, and submitted a report thereon.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, to report it with an amendment, the amendment being a substitute for the House bill. I ask unanimous consent that the Senate amendment, which is a substitute, may be adopted and that then the House bill as amended may take the place of Order of Business 379, being the bill (S. 1242) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby, also, to increase the efficiency of the Naval Reserve, and that the Senate bill on the Calendar be indefinitely postponed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

### MEMORIAL OF THE NATIONAL WOOL GROWERS' ASSOCIATION.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by Mr. SHERMAN on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 17 of the first session of the Fifty-fourth Congress, being the memorial of the National Wool Growers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

### REPORT ON NICARAGUA CANAL.

Mr. HALE, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. COCKRELL on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 12,000 additional copies of the report of the Board of Engineers relative to the construction and completion of the Nicaragua Canal, without maps; of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

### ELECTION OF SENATORS BY THE PEOPLE.

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate that the report of the Committee on Privileges and Elections in the matter of the proposed amendment to the Constitution of the United States relating to the election of Senators by the people be printed in the RECORD.

The PRESIDING OFFICER (Mr. BACON in the chair). Is there objection? The Chair hears none, and it is so ordered.

The report, submitted by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, on the 20th instant, is as follows:

The Committee on Privileges and Elections, to whom was referred S. R. 6, being "Joint resolution proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States," having had the same under consideration, beg to submit the following report:

Article V of the Constitution of the United States provides, among other things, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

It is in pursuance of this grant of power the pending amendment has been submitted.

The men who framed the Constitution, conceding the probable necessity of amendments in the future, did not leave the question either as to the right to amend or the mode of doing it an open one, but in the provision just quoted wisely provided the means and the manner whereby amendments could be made. What, therefore, are some of the more weighty reasons why this amendment should be deemed advisable and what, if any, are the objections that may be properly urged against its adoption? Before proceeding, however, to a statement of some of the reasons in favor of this proposed change in the manner of electing Senators of the United States, reference will be made to one or two principal objections thereto.

The first objection is the general one that no change in the fundamental law should for any reason be attempted. That no change should be made, except for the gravest of reasons, is conceded by your committee; but the fact that already the Congress and the legislatures of a sufficient number of States have decided as to the necessity of fifteen different amendments ought to be of itself a sufficient answer to the general objection that the fundamental law should not for any reason be interfered with.

Recognizing, therefore, the fact that reasons to be assigned for any proposed change should be of the most cogent nature, well grounded and unassailable, your committee have approached the consideration of the pending proposition with a full appreciation of the gravity of the subject and of the importance of the public interests involved. That any change in any of the provisions of the general charter should be made for any mere trivial cause, or on account of any mere sentiment, is a proposition to which your committee could not accede.

#### THE RELATION WHICH THE STATES RESPECTIVELY BEAR TO THE GENERAL GOVERNMENT IS NOT AFFECTED BY THE PROPOSED AMENDMENT.

The principal objection is based upon the false theory that a change in the manner of electing Senators will operate to change the nature of the organization of our Government, and of the relations not only which the States bear to the Federal Union but also the relations which Senators bear to the States respectively and to the people of those States. This proposed amendment, says one, is an invasion of the principle which it is claimed was established by the Constitution, that the Senate represents the States in their sovereign or political capacity, rather than the people of the States collectively or otherwise. It is urged that this is fundamental, and, furthermore, that it is as important to the proper maintenance of governmental equilibrium and the theory upon which our Government is founded as it is fundamental. But however well founded may be the contention—and this is not controverted by your committee—that United States Senators are the representatives of the States in their political or sovereign capacity rather than of the people, it is a mistake, and a very prevalent one, to suppose that the change in the mode of choosing Senators would be an invasion of this doctrine or destructive in the slightest degree of that relation which was established between United States Senators and the States they represent by the adoption of the Constitution.

The proposed amendment does not propose to interfere in any manner whatever with the fundamental law, save and except in the one particular, namely, as to the mode in which the several States shall choose their Senators. No issue is made by the proposed amendment with those who regard the Senate as the especial representative of the States in their sovereign capacity, a part of whose duty it is to see that the States respectively are not denied any of the rights to which they are justly entitled under our system of government. That is a question no element of which is included in the proposed amendment. It simply relates to the mode in which the States respectively shall choose their Senators—whether by the legislatures or by the people.

The proposed amendment does not in the slightest degree trench upon the system upon which our Government is founded. The doctrine that Senators are the representatives of the States as such may be admitted without question; but it is one nevertheless which does not grow out of or in any manner depend upon the mode by which Senators are elected, but wholly and entirely on the equal ratio of representation to which each State is entitled in the Senate of the United States. The share of representation to be accorded each State in the Senate is one thing, and the mode or manner of selecting that representation, whatever it may be, is quite another and different thing. The one—the former—relates to the question that Senators are more particularly the representatives of the States in their political capacity; while the other relates only to what perhaps may by some be considered the more unimportant matter, as to how and by whom the States shall choose this representation, whether by their legislatures or by a direct vote of the people.

A careful review of the debates when the Constitution was under consideration will disclose the fact that the question as to whether the Senate should represent the States in their political capacity or the people arose not in the consideration of the question as to the manner in which Senators should be elected, but rather in considering the question as to the ratio of representation in this body to which each State should be entitled. The contest on this important question was one of immense importance and much gravity in the Constitutional Convention, the contest being between the large and more populous States on the one hand and the smaller and less populous States on the other. The propositions submitted and discussed relating to this important subject were numerous. One was that each State should have a representation in the Senate according to its importance as a State; a second was that the representation should be in proportion to their property, respectively, while a third was that of equal representation; that is to say, that each State, whether large or small, rich or poor, near or distant, weak or powerful, populous or otherwise, should have in the Senate of the United States precisely the same representation, the same voice, as each and every other

States, however wide might be the difference as to important property rights, population, wealth, influence, or power.

After much discussion the last-mentioned proposition was finally agreed upon, namely, that each State should have precisely the same representation in the Senate of the United States, and in that decision, and not in the decision as to the mode or manner of electing Senators, is to be found the declaration of the doctrine that the Senate represents the States in their political or sovereign capacity rather than the people of the States.

The question as to whether the Senate should be the representative of the States rather than of the people was one upon which there was a wide diversity of opinion among the different members of the Constitutional Convention. Mr. Madison held strongly the affirmative of the proposition, and declared in terms that "the Senate does not represent the people, but the States in their political capacity"; while others, notably Mr. Wilson of Pennsylvania, held the contrary view. The large preponderance of sentiment, however, seemed to be in accord with the opinion held by Mr. Madison. Whatever might be the present view, however, or the different views in reference to this matter, it is perfectly clear to your committee that a change in the mode or manner of selecting Senators would not in the slightest manner interfere with it.

The convention having decided that the representation in the Senate should be equally apportioned as between all the States, another and scarcely less important one came up for consideration, and various were the propositions submitted and considered as to the number of Senators each State should have. Many of the members preferred a small number, and one Senator from each State was urged by many members as the proper number, while others advocated three as a proper number. Gouverneur Morris, of New York, insisted on three for each State and submitted a motion to that effect. In support of it he said: "If two only should be allowed to each State and a majority be made a quorum, the power would be lodged in fourteen members, which was too small a number for such a trust"; and finally, after long and able discussion, it was agreed that each State should be entitled to two Senators, and a provision to that effect became a part of the fundamental law, has remained a part of it ever since, and, in the opinion of your committee, is, and forever should be, unchangeable.

It is therefore made apparent to your committee that the question as to whether the Senate of the United States should be regarded as the representative of the States, respectively, in their political capacity, rather than as the representative of the people of the States, was determined in so far as that question ever has been determined, not by the mode or manner in which Senators should be chosen, not in the determination as to the number of Senators that each State should have, but rather in the consideration and determination of the question as to the fixed ratio of representation that each State should have in respect to all its sister States in the Senate of the United States. Therefore the objection is not tenable that any proposed change in the mode of electing Senators can be properly regarded as an attempt to deprive the States, respectively, as States, in their sovereign or political capacity, of their legal representation in the Senate of the United States.

### NO CHANGE IN OUR SYSTEM OF GOVERNMENT IS SUGGESTED BY THIS AMENDMENT.

The proposed amendment suggests no change whatever in our system of government in respect to the relations of the different departments to each other. It neither recommends nor provides for any departure from the established relations between the two branches of the legislative department of the Government or from the existing relation that the Senate of the United States bears to the States, respectively. Nor does it suggest any change in the relation of the States to the General Government. It does propose a change, however, in the mode—only this, nothing more—by which the States, respectively, and the people thereof shall choose their representatives in the Senate of the United States. Under the present provisions of the Constitution they are chosen by the legislatures of the States, respectively. The proposed amendment will change this, so that instead of the legislatures the people or qualified electors of a State shall elect the Senators from such State.

### WHY ARE NOT THE PEOPLE, THE QUALIFIED ELECTORS OF A STATE, THE PROPER MOUTHPIECE OF THE STATE IN THE ELECTION OF SENATORS?

But conceding, for the argument, the correctness of the doctrine that Senators are the representatives of the States in their sovereign or political capacity, who, let us inquire, are more justly entitled to a direct voice in the selection of the men who shall, if you please, represent the States, respectively, in their sovereign or political capacity in the Senate, defend their rights, maintain their dignity, assert their prerogatives, uphold their integrity, and demand and insist upon the proper enforcement of their chartered rights than the people—the qualified electors of those States? That is the precise question involved in the proposed constitutional amendment.

Who are more entitled to speak for the State than the people of that State in their individual and collective capacity as qualified electors? And if entitled to speak, then why not directly and for themselves, and not through their representatives in State legislatures?

The proposition to elect by the people is, it is believed, elemental as well as fundamental when considered in connection with the underlying principle upon which individual suffrage is based. His right to vote, accorded to the citizen for all legislative officers, which can not be denied or abridged, either by the United States or by any State on account of race, color, or previous condition of servitude, carries with it the implication, except that implication is destroyed by another provision of the Constitution, the right to exercise such privilege not only freely but directly, not through the medium of a vicarious agent. Members of the National House of Representatives and United States Senators are, under our system, recognized as elective officers, as contradistinguished from those Federal judges, for instance, who do not come within that category, but are appointed.

But in all elective officers, as above stated, each individual voter has a special interest, which it is presumed he has under our general system of suffrage a right to promote at the polls. That right, it is submitted, should not be charged with restrictions which prevent its full, fair, and effective exercise. What the citizen is permitted to do as hereinbefore stated, indirectly and through the means of a vicarious agent in the matter of suffrage, he should be permitted to do, it is respectfully submitted, directly and in his own right and in his own proper person. If the individual voter has any interest to be represented by a Senator of the United States apart from that general interest he has in the maintenance of the dignity and the preservation of the rights of the State in its sovereign or political capacity—and he doubtless has, or at least should have—and if he has a right to represent that interest in any manner whatever at the ballot box, as it is believed he has or should have, then, in the opinion of your committee, he should be permitted to do so directly.

### THE PROPOSED AMENDMENT IS A JUST TRIBUTE TO THE INTELLIGENCE AND INTEGRITY OF THE INDIVIDUAL VOTER.

One weighty and principal objection to the present system of electing Senators by the legislatures of the respective States is that the power and right of the individual voter are hedged about and circumscribed, his will is manacled, his volition paralyzed; he can not vote for his choice. He can not, in fact, vote directly at all, but must content himself with casting a vote for members of the legislature, who may or may not properly represent his wishes in the vote they may cast for Senator. It carries with it the implication that the people, the qualified voters of a State, are, for some reason, unfit for the full exercise of the elective franchise, except in a qualified and largely restricted sense. The present system is in practice, purpose, and effect a declaration that for some occult reason, which is in no way made manifest, it is unsafe and prejudicial to the public interests to commit the election of Senators to a vote of the people.

The present system is a reflection either upon the honesty, the capacity, or both, of the voting class of the several States, while its tendency to wound the sensibilities of the voter in depriving him of his right as a sovereign to vote directly for his choice, and thus in a measure separating the people from the choice of the legislature and impairing the harmony and unity of feeling which ought to exist between the masses of the people and their representatives, whether of the House or Senate, is plainly manifest.

### THE PROPOSED AMENDMENT IS AN ENLARGEMENT OF THE RIGHT OF SUFFRAGE ON THE PART OF THOSE ENTITLED TO ITS EXERCISE UNDER EXISTING LAWS, AND IT TENDS TO RENDER IMPOSSIBLE THE USE OF IMPROPER METHODS TO INFLUENCE SENATORIAL ELECTIONS.

No system, in the opinion of your committee, can be properly termed free or republican which deprives the individual voter of his right to cast his vote directly for the man of his choice for any legislative office, whether it be for member of a State legislature, Member of the National House of Representatives, or United States Senator.

Again, while it is possible that the inducements of a wealthy and unscrupulous aspirant for Senatorial honors may reach and improperly influence the majority of a small body in the legislature, such a thing would be absolutely impossible were the decision left to the great mass of voters.

### THE MATERIAL INTERESTS OF THE STATE SUFFER BY REASON OF PROTRACTED SENATORIAL CONTESTS IN THE LEGISLATURE, WHICH ARE OF FREQUENT OCCURRENCE.

Another unanswerable objection, as it seems to your committee, to the present system of electing Senators is to be found in the great length of time frequently consumed by the legislature of a State in the election of a Senator and the consequent distraction of the legislative mind from business which all agree properly belongs to such a body, to say nothing of the strife, ill feeling, and contention that too often follow necessarily in the wake of such contests. How frequently is it the case that these contests are carried on not only for weeks, but sometimes for months, during the whole session of a legislature, to the great detriment of other important public business, to say nothing of the expense to the State that must necessarily accrue. Why, then, not have the election of Senators determined on a day fixed and certain, as in the case of members of the House?

It seems to your committee that the history of Senatorial elections in a number of States in the last few years, resulting in several cases in contests prolonged throughout the entire session of the legislatures and in failures to elect, and in other cases in similar contests occupying a great portion of the time of the entire sessions of the legislatures, ought of itself to be a convincing argument in favor of the proposed change in the manner of electing United States Senators.

The long contest in the legislature of the State of New York a few years ago has not been forgotten. The contest before the legislature of the State of Oregon of the session of 1882 extended through the entire session, resulting in an election at the last moment of the session. A similar contest occurred in the last Oregon legislature—to the great detriment of the public business. In 1892-93 the legislatures of the States of Washington, Montana, and Wyoming were severally engaged from the beginning to the end of the sessions of said legislatures in endeavors to elect United States Senators—one in Washington, one in Montana, and one in Wyoming—the effort in each case proving an entire failure and resulting in the appointment of a Senator from each of those States by the governors of the States, respectively, which appointees, after protracted contest in the United States Senate, were denied admittance. Again, in the last Idaho legislature, also in that of Washington, the greater portion of each session was involved in protracted struggles over the election of Senator. The recent contest before the legislature of the State of Delaware is fresh in the public mind, resulting in the claim now pending of Mr. Du Pont to a seat in the Senate, while the daily reports of the contest in the legislature of the State of Kentucky, resulting as it has, after weary months of fruitless balloting, in a failure to elect, adds strength to the proposition of your committee.

But another vital objection to the election of Senators by the legislature and in favor of the change proposed must be apparent to all. How frequently is it true that in the selection of members of a State legislature, at a time when such legislature has as one of its duties the election of a Senator, every consideration is lost sight of except the solitary one as to how candidates if elected will vote on the question of the Senatorship. Will they vote for this man or that man, or against this one or the other one, are the principal questions asked. These are the issues in such a campaign, while the question as to the candidate's qualifications for the business of general legislation or the views he entertains with reference to the great material interests of the State—internal improvements, assessments, taxation, revenue, corporations, appropriations, trusts, municipal affairs, salaries and fees of officers, civil and criminal code, apportionment, and other like important subjects—are wholly lost sight of. Who does not believe that not unfrequently are the most vital interests of the State made to suffer, and in a marked degree, from the very fact that the question of the election of a Senator is a distracting and disturbing element, not only in the selection of members of the legislature, but also in the legislature itself?

### PUBLIC OPINION DEMANDS THE CHANGE.

But not among the least objections to the present system, and one which should not be ignored or passed over lightly, is the fact that there is great unrest in the public mind on this question. Popular opinion has taken hold of the subject, and the demand for this change is loud and emphatic; pronounced, as it is imperative; earnest, as it seems to be, almost unanimous, among the great masses of the people. The belief in the public mind is rapidly gaining that proper deference is not given by the Senate of the United States to the demands and interests of the people, and that is largely due to the fact that Senators do not owe their positions to the people, who are permanent, but to the legislatures, which are transient.

It is quite immaterial as to whether this belief in the public mind is well founded or otherwise. It exists, and there is, in the judgment of your committee, but one means of removing it, and that is by a change in the mode of electing Senators, by which the qualified electors of each State shall have the right to vote directly for their choice for Senator. Restrictions of any kind upon the right of those entitled under the law to the elective franchise in a republic which tend to prevent a full, fair, and direct expression at the ballot box of the will of each individual voter, whether native or foreign born, white or black, are obnoxious to the great fundamental idea upon which a free government is based. And not the least offensive of any of the restrictions now imposed under our present system is, as has been indicated in this report, that which deprives the individual voter of the right to cast his vote directly,

and without circumlocution through vicarious instrumentalities, for his choice for United States Senators; and not until this restriction is removed will our Republic rise to the true dignity and grandeur implied in the phrase "An absolutely free and independent representative government"—representative in its character as much in the mode of electing its rulers and lawmakers as in the making, interpretation, and execution of its laws.

THE RAPID GROWTH OF PUBLIC OPINION IN FAVOR OF THE PROPOSED AMENDMENT.

For the purpose of showing the marvelously rapid growth within the limits of Congress alone of the sentiment in favor of this proposed change in the matter of electing United States Senators, attention is attracted to the following record facts:

During the first session of the Fiftieth Congress, which convened December, 1887, an amendment to the Constitution of this character was submitted by Mr. MITCHELL of Oregon. No action was taken thereon at this session, except a reference to the appropriate committee. This amendment was again introduced by Mr. MITCHELL at the first session of the Fifty-first Congress. The first speech ever delivered in either House of Congress in support of such an amendment was delivered in the Senate by Mr. MITCHELL in support of his proposed amendment on April 22, 1890. The amendment was then referred to the Committee on Privileges and Elections, but no action was taken thereon.

Subsequently, at this same session, but one other similar amendment was introduced in the Senate. This was by Senator REAGAN of Texas, on April 17, 1890, which was also referred to the Committee on Privileges and Elections and no action taken thereon. During the session (first session Fifty-first Congress) eight similar proposed amendments were introduced in the House of Representatives by as many different Representatives from as many different States. No action was taken, however, except an adverse report on one was made from the Judiciary Committee through Mr. Hammond of Georgia.

At the first session of the Fifty-second Congress three similar amendments were proposed in the Senate—one by Mr. MITCHELL of Oregon, introduced December 10, 1891, and on that day on his motion referred to your committee; another by Senator TURPIE of Indiana, introduced on the same day, December, 10, 1891, and on his motion laid on the table. This resolution was, on December 17, 1891, on Senator TURPIE's motion, taken up for consideration, for the purpose of enabling him to address the Senate in support of it, when on that day he made an extended argument in its support (see CONGRESSIONAL RECORD); after which, on his motion, it was referred to your committee; the third being joint resolution (S. R. 37) presented by Senator PALMER of Illinois February 2, 1892.

In the House of Representatives at the first session of the Fifty-second Congress no less than 17 similar amendments were introduced into that body by as many different Representatives of the people, representing as many different States. In this Fifty-second Congress, on January 16, 1893, a joint resolution proposing an amendment to the Constitution, similar to that now reported by your committee, passed the National House of Representatives by over a two-thirds vote, while in the Fifty-third Congress 3 similar amendments were presented in the Senate and 12 in the House by as many members, and on July 21, 1894, one of these amendments passed the House, the vote being—yeas 141, nays 50. But this formidable movement in Congress in favor of this change is not surprising when the fact is stated that nine States—Oregon, California, Idaho, Iowa, Wisconsin, Indiana, Kansas, Wyoming, and last, but not least, the great State of Ohio—have through their legislatures instructed in favor of this amendment.

PUBLIC OPINION ON THIS SUBJECT HAS UNDERGONE A MATERIAL CHANGE SINCE THE ADOPTION OF THE CONSTITUTION.

Many restrictions on the right of suffrage in addition to those now recognized by our present system were suggested and strongly urged in the Constitutional Convention by many leading and influential members of that distinguished body. Among these was the proposition to limit the right of suffrage to freeholders, although at that time 9 of the 13 States had extended the right of suffrage beyond freeholders and eliminated this restriction from their State laws.

In the Constitutional Convention, while the opinion that members of the House of Representatives, or the House of Delegates, as it was designated in the original plan, should be elected by the people, largely predominated, there was a very large and influential sentiment to the contrary, and on the final vote in the convention as to whether the members of the House of Representatives should be elected by the people, two States, New Jersey and South Carolina, voted in the negative; the States of Connecticut and Delaware were divided, while Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia voted in the affirmative.

Roger Sherman, of Connecticut; Elbridge Gerry, of Massachusetts, and Pierce Butler, of South Carolina, contended vigorously, ably, and with marked persistency that they should be chosen by the legislatures of the States, respectively, in the same manner substantially as United States Senators are now chosen. Roger Sherman, in the course of the debate, made this declaration: "The people immediately should have as little to do as may be about the Government."

Opposed to these views, however, were James Madison, of Virginia; James Wilson, of Pennsylvania, and others. Mr. Madison declared that he "thought that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures," while James Wilson, of Pennsylvania, in his advocacy of elections by the people, said, "I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people."

CONCLUSION.

In conclusion, it is submitted by your committee that something—indeed, very much—is due to public opinion in this country. It must be quite apparent to all that the prevailing opinions of 1787, as reflected through the records and history of those days, are not the prevailing opinions upon the subject of suffrage, at least not to a very great extent, of the present day. The views held by many, even of the framers of the Constitution, one hundred years ago and over, and which led many of them to suggest in the Constitutional Convention and insist upon such propositions as that the Senate of the United States should be chosen either by the President or by the House of Representatives, that the President and Senators should be chosen for life or during good behavior, and other propositions of like character, are, in the great American mind, in the minds of the great masses of the people to-day, obsolete. The opinions not only of the people of the United States but of the civilized world are rapidly undergoing changes.

The tendency in the public mind—in the mind of the great masses of the people—is away from any sort of vicarious representation in legislative functions; away from every proposition which deprives the people of the right to be heard and heard directly upon the great questions pertaining to government, and in favor, in a word, of a "government by the people and for the people" in the broadest and best sense of that oft-quoted declaration. The people demand a voice in the election of Senators, and such demand, in the judgment of your committee, should be respected. So, whatever may be said to the contrary, whatever may be thought of the sanctity of the Constitution as it stands, it must be admitted by all that the people are becoming restive under its restraints on the right of those entitled under the Constitution and laws to exercise the elective franchise.

The times are changing as the light of republican influence expands and the spirit of true democracy is exalted, and with these changes the voice of the people, in their majesty as sovereigns, is being heard throughout our land. The movement of the people in the interest of the people on this, as on many other questions, is stalwart and universal, and the sooner this great fact is recognized by the representatives of the people the better.

But not only so. It is a fact that must be apparent to all that during recent years an impression, deep-seated and threatening, whether well founded or otherwise, has obtained in the American mind and among the masses of the American people to the effect that the Senate of the United States has become a sort of aristocratic body—too far removed from the people, beyond their reach, and with no especial interest in their welfare. The Senate has in the past few years been assailed, as we believe causelessly, from time to time, by many of the leading and most influential journals of the country of both political parties.

The tendency of public opinion is to disparage the Senate and depreciate its dignity, its usefulness, its integrity, its power. If there is any cause for this tendency in the public mind it should be removed without delay. Although the Senate of the United States should be, and in fact is, the most dignified as well as the most important legislative body in the world, the tendency in public journalism and in the popular mind is in a large degree to detract from its importance, minimize its dignity and power, and cast the spirit of obloquy over and around it and its members. While your committee are of the opinion that the impression which leads to all this is to a very great extent at least not well founded, yet it is a fact that can not be ignored that it exists.

Therefore, in the judgment of your committee, any movement that looks to the right of the people to be heard directly in the election of Senators can not but result beneficially to all concerned.

The adoption of this proposed amendment will, in the judgment of your committee, bring the Senate into more amicable relations with the people. It will remove prejudices now existing which are rapidly becoming deeply and dangerously fastened upon the public mind. It will invoke a spirit of mutual forbearance and respect, as between the Senate and the people, which unfortunately does not now exist to that degree that is desirable. It will restore confidence. It will dissipate all cause, excuse, and pretext for unjust criticism. It will tend to elevate the character, advance the dignity, increase the usefulness, extend the influence, and justly magnify the power of the Senate, and at the same time promote the welfare of all the people of the Republic.

Your committee therefore, after mature consideration and for the reasons herein stated, beg respectfully to report back Senate joint resolution No. 6 with the following verbal amendments in phraseology and recommend its passage.

AMENDMENTS.

First amendment: In line 11, page 1, strike out the word "direct" and insert in lieu thereof the word "plurality."

Second amendment: In lines 14 and 15, page 2, strike out the following words: "and a plurality shall elect."

Third amendment: In line 16, page 2, strike out the following words: "If vacancies happen by registration," and insert in lieu thereof the following: "When vacancies happen in the representation from any State by resignation."

Fourth amendment: In line 20, page 2, strike out the word "direct."

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 2591) for the relief of the Methodist Episcopal Church at Webster, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 2592) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GALLINGER introduced a bill (S. 2593) granting to the American Invalid Aid Society, of Boston, Mass., the abandoned Fort Stanton Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2594) granting an increase of pension to William A. Beckford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2595) for the relief of George M. Smith, late acting third assistant engineer, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BAKER introduced a bill (S. 2596) amending the act approved January 5, 1893, relating to the increase of pensions to those who served in the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2597) granting a pension to Florinda Clark, of Leavenworth, Kans.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2598) to amend an act entitled "An act to amend chapter 67, volume 23, of the Statutes at Large of the United States"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2599) to amend section 5399 and section 5406 of the Revised Statutes of the United States, in relation to unlawful interference with justice; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2601) granting an increase of pension to Ambrose B. Carlton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2602) for the relief of James Duke; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL of Oregon introduced a bill (S. 2603) granting a pension to Michael Lannon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 2604) granting to the State of Montana 50,000 acres of land to aid in the establishment and maintenance of an asylum for the blind; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2605) granting an increase of pension to James M. Simeral; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 2606) granting a pension to W. P. Snowden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 2607) to provide for the erection of buildings to be used for a hall of records, a folding room for the House of Representatives, and for a storage warehouse in the city of Washington; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GRAY introduced a bill (S. 2608) for the relief of the sureties of Frank A. Webb; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL (by request) introduced a joint resolution (S. R. 106) proposing an amendment to the Constitution of the United States; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

Mr. SHERMAN introduced a joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 108) relating to the Oregon salt springs grant and lands connected therewith; which was read the first time by its title.

Mr. MITCHLELL of Oregon. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Public Lands, as follows:

*Resolved by the Senate, etc.*, That the Department of the Interior shall not dispose of nor patent to anyone whomsoever any lands in Oregon containing salt springs or salt, as saline lands, until the salt grant made to Oregon in its act of admission, February 14, 1859 (5 U. S. Stats., page 384), shall have been fully satisfied by selections thereof and thereunder, to be made by the proper State authorities of the State of Oregon, and title thereto duly perfected.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

WOMAN-SUFFRAGE HEARING.

Mr. CALL (by request of the chairman of the Woman Suffrage Congressional committee) submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage January 28, 1896.

LIMITATION OF DEBATE.

Mr. HOAR submitted the following notice; which was read:

I hereby give notice of a motion to modify and amend the rules of the Senate, for the purpose of enabling the Senate to dispatch the public business more promptly, by the adoption of the accompanying resolution.

It is proposed hereby to amend Rule XXII by inserting the proposed resolve at the end thereof, and by inserting, after the words "to amend" therein, the words "except as hereafter provided."

GEORGE F. HOAR,
*Senator from Massachusetts.*

Mr. HOAR submitted the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

*Resolved*, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for not less than four days it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once, and not exceeding one hour.

After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

After the Senate shall have decided to close debate no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

Mr. GALLINGER. By request of the Senator from North Dakota [Mr. HANSBROUGH], the chairman of the Committee on the Library, I offer a concurrent resolution, which I ask may be read, printed, and go over under the rule. I will state that the Senator from North Dakota is absent from the city, and expects to be absent for about one month. For that reason he requested me to offer the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a subcommittee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden, and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden; that the said subcommittee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the subcommittee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator from New Hampshire that, where he says these gentlemen be appointed to constitute a subcommittee, the resolution be amended by saying that they be constituted "a joint special committee." They are not a subcommittee at all.

Mr. GALLINGER. I think that a proper suggestion.

Mr. HOAR. The resolution should be modified in another place, as the Senator will observe, so as to read "that said joint special committee be authorized."

Mr. GALLINGER. That is correct.

The VICE-PRESIDENT. The resolution will be so modified, in the absence of objection. The resolution as modified will go over.

EMPLOYMENT OF STENOGRAPHER.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the stenographer employed to report the hearings before the Committee to Establish the University of the United States of parties interested in the bill (S. 1202) to establish a university of the United States be paid from the contingent fund of the Senate.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], proposing to instruct the Committee on Foreign Relations to submit a report relative to the war in Cuba, which comes over from a previous day.

Mr. ELKINS. Let the resolution go over.

The VICE-PRESIDENT. Without objection, the resolution will go over.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Massachusetts [Mr. LODGE], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. LODGE on the 18th instant, as follows:

*Resolved*, That the Committee on Civil Service and Retrenchment be, and is hereby, empowered to fully investigate and report upon the administration of the civil-service law in the Government Printing Office as affecting the separation from service of the 35 ex-employees referred to in the printed correspondence furnished the Senate under Senate resolution of January 29, 1896.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CALL. I ask what ground there is for the resolution?

Mr. LODGE. Some time ago an inquiry was introduced in regard to the enforcement of the law in these particular cases, and that inquiry was replied to by the Civil Service Commission. All the papers were laid before the committee. The committee considered the reply and those papers; they also heard informally some testimony, and they voted unanimously for the introduction of this resolution, that they might have proper authority to investigate the question thoroughly.

I was not present at the meeting at which the unanimous vote was passed, but I agree entirely with the action of the committee, and in the absence of the chairman, the Senator from North Carolina [Mr. PRITCHARD], I was requested to introduce the resolution and ask for its passage. It is merely a resolution empowering the committee to make the investigation which it seems to them, on the testimony already before them, ought to be made.

Mr. HILL. When the resolution was brought up before I asked that it might be laid over. I have made inquiry in regard to it. There is no objection to the resolution in the form in which it is presented. It is not to create an investigating committee within the sense in which that term is ordinarily used. In the form in which the resolution is presented I do not conceive that there is any objection to it. The Public Printer, I may state, is entirely willing and desirous that the investigation shall be had if any committee of the Senate desires to make it.

Mr. CALL. I have no objection to the resolution. I was only attracted by its subject, having found it extremely difficult, owing to the very rigid manner in which the civil service is administered in that department, to obtain any employment for some very meritorious persons.

The resolution was agreed to.

## WAR IN CUBA.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the resolutions relative to the war in Cuba.

The motion was agreed to.

Mr. PALMER. Mr. President——

Mr. CULLOM. I desired to say a word on the motion before it was put.

The VICE-PRESIDENT. The Chair will recognize the Senator from Illinois for the purpose.

Mr. CULLOM. I simply want to say that I am very anxious to get up the legislative, executive, and judicial appropriation bill, but as my colleague [Mr. PALMER] has been already recognized as entitled to the floor upon this question, and has been for some days desirous of speaking upon it, I do not feel like interposing until his speech is concluded. After that I shall hope to get up the appropriation bill for consideration.

Mr. CALL. I hope the Senator from Illinois will withdraw the request for the consideration of the legislative, executive, and judicial appropriation bill, and allow a vote to be taken upon the conference report.

Mr. CULLOM. If the Senator will excuse me, I did not hear his remark.

Mr. CALL. I expressed the hope that the Senator from Illinois who has charge of the legislative, executive, and judicial appropriation bill will not ask for its consideration, but allow a vote to be taken upon the resolutions in relation to Cuba.

Mr. CULLOM. I am anxious to dispose of the Cuban resolutions, but I can not afford, and I do not think the Senate will be inclined, to allow those resolutions to hang along here indefinitely and be in the way of the appropriation bills that must be passed at this session. If I could be assured that we would dispose of the Cuban resolutions to-day I would not be inclined to interfere with their consideration, but I can not wait longer.

Mr. SHERMAN. I wish to state that I am as anxious as anyone could possibly be to have a vote upon the Cuban resolutions, of course after any debate that is desired. So far as I am concerned, I should be glad to have evening sessions, for I do think under the circumstances in which we are situated, with the warfare going on in Cuba, the Senate of the United States owes it to itself, to the ordinary sense of humanity, to dispose of the question. Therefore, so far as I am concerned, I shall insist upon it that the Senate shall continue the consideration of the resolutions, and hold evening sessions if necessary until the matter is disposed of.

Mr. PLATT. I will state the trouble about the Cuban resolutions. Three Senators who constituted a conference committee on the part of the Senate agreed without very much deliberation to abandon the resolutions which had been passed by the Senate and to recommend to the Senate that it should pass the resolutions which had been adopted by the other House. I venture to say there are not five Senators in the Senate who approve the House resolutions, but by reason of their being presented to us in a conference report there can be no amendment made here. I suggest to the committee of conference that they recede from their demand that the Senate shall take the House resolutions, which no considerable number of Senators would take except as coming in the guise of a conference report, and present some resolutions which will be acceptable to a majority of the Senate.

Mr. SHERMAN. I should like to say to my friend from Connecticut that that course might be followed if we had any assurance whatever that the Senate would then dispose of the report of the conference committee or pass upon the subject in any way whatever, and dispose of it by passing the Senate resolutions again, after disagreeing to the report of the committee of conference, so that the matter may be ended and a vote had upon the question whether we shall recognize the belligerency of the Cubans or not.

Mr. PLATT. I can only speak for one, but so far as I am concerned, I do not believe there would be any great trouble in disposing of the Cuban question if the Committee on Foreign Relations would consent to a disagreement to the conference report and take the matter into consideration again, and after careful consideration present such resolutions to the Senate as they thought a majority of the Senate would favor. I think the members of the committee must be convinced that they can not expect the Senate to agree to resolutions one of which declares that we ought to be entirely neutral with regard to the conflict going on in Cuba and another of which declares exactly the opposite, that we ought to intervene in that conflict.

Mr. PALMER. Mr. President, I have always had the most profound respect for the rules of the Senate——

Mr. SHERMAN. Will the Senator from Illinois allow me a moment?

Mr. PALMER. Certainly.

Mr. SHERMAN. I wish to say that as far as the Committee on Foreign Relations are concerned, we are, as a matter of course, at all times disposed to acquiesce in the judgment of the Senate, and if a vote can be had upon the question of adhering to the Senate resolutions or agreeing to the report of the committee of conference it could be disposed of in a moment, and then, if the report is disagreed to, the matter can be referred again to the committee of conference for such action as it may choose to take.

Mr. HOAR. If the Senator will submit that request now, and, carrying out his idea, ask unanimous consent that the Senate disagree to the conference report and insist on its resolutions, then what he desires can be accomplished.

Mr. SHERMAN. Then why not have the vote formally taken upon the question whether the report of the conference committee shall be concurred in?

Mr. HOAR. I should like to be allowed to make one observation in addition to what the Senator from Ohio [Mr. SHERMAN] has said, if the Senator from Illinois [Mr. PALMER] will allow me.

Mr. PALMER. With great pleasure.

Mr. HOAR. I am willing for one to agree to the resolution submitted by the Senator from Pennsylvania [Mr. CAMERON], which the committee have agreed to now incorporate as a part of the conference report, if that can be taken by itself; but I do not think it is fair that the Committee on Foreign Relations, having taken up two-thirds or three-quarters of the time consumed in discussion, to ask the Senate to whistle opposition to this matter as it stands down the winds in this way, as seems to be proposed by my honorable friend from Ohio. He says, substantially, "We have been heard, and if you want to be heard, let us save the time and vote without any further debate."

The proposition the Senator last suggested, namely, that the matter should go back for the reconsideration of the committee of conference, can be accomplished if the Senator will ask unanimous consent that the Senate insist on its resolutions and ask for a further conference. If the side represented by the Senator from Ohio will agree to that it can be done in two minutes.

Mr. SHERMAN. Well, Mr. President, I will make that motion——

Mr. PALMER. I must insist that I have some rights on this floor.

The VICE-PRESIDENT. The Chair will state that the Senator from Illinois [Mr. PALMER] is entitled to the floor and claims recognition.

Mr. MITCHELL of Oregon. Will the Senator from Illinois yield to me for a moment?

Mr. PALMER. With pleasure.

Mr. MITCHELL of Oregon. I wish to say a word in regard to the Delaware election case, which, as the Senate is aware, is a question of the highest privilege, and which, I presume, if insisted upon, would have the right of way against the Cuban resolutions, against appropriation bills, and against everything else. I happen to have charge of that matter. Last week I gave way from day to day for speeches on the Cuban resolutions and to other matters. I had expected to be able this morning to insist on proceeding with the Delaware case until finished. The Senator from Missis-

sippi [Mr. GEORGE], however, who desires to be heard on the Du Pont case at some length, informs me this morning that he is not in good health, and that he does not feel that he will be able to proceed during the present week. He has made a personal request of me, I having charge of this case, that it may be permitted to go over until next Monday. In view, therefore, of the earnest desire on the part of the Senator from Ohio to go on with the Cuban case, and in view of the further fact that there is an appropriation bill here ready and being pressed, I am willing to consent to that arrangement to accommodate my friend from Mississippi, with this qualification, that the Senator from New Hampshire [Mr. CHANDLER], who desires to speak on the Du Pont case and who will be compelled to leave the Senate some time during the present week, shall have an opportunity to make his speech some time during this week.

Mr. CHANDLER. I shall endeavor to chip in during the intermission of other essays. [Laughter.]

Mr. GRAY. I also desire the privilege of being heard on the contested-election case.

Mr. MITCHELL of Oregon. The Senator from Delaware [Mr. GRAY] also desires the same privilege.

Mr. PALMER. Mr. President, I suppose all the members of the Senate have heard the story told by JOHN ALLEN of the fellow who ran so fast to get out of a rainstorm that he fell and tumbled over and somebody said, "Why do you run so?" Said he, "I was afraid that the rain would stop before I could get in." I thought at one time this morning from the interruptions, very kindly and proper, that this matter would be adjusted before I would have an opportunity to make my speech. [Laughter.] I should be very willing to yield at any time, however, if this subject could be withdrawn from the attention of the Senate and recommitted in any proper manner, so that some resolution might be reported and brought before the Senate to which all could agree.

Mr. SHERMAN. Will the Senator allow me to make a suggestion?

Mr. PALMER. With pleasure.

Mr. SHERMAN. In aid of the public service, and in order to get these resolutions acted upon by the Senate and out of the way as quickly as possible, I give notice that I shall ask the unanimous consent of the Senate, after the Senator from Illinois gets through with his speech, that the matter be recommitted to the committee of conference, which is practically the suggestion made by the Senator from Massachusetts [Mr. HOAR].

Mr. PALMER. That suggestion, while it will not interfere with my present purpose to address the Senate on the subject of these resolutions, affords me a very great deal of satisfaction.

Mr. President, I object to the propositions of the committee, first, for the reason that their whole tone is unfriendly toward the Government of Spain. There is, notwithstanding the very decorous language which is employed, underneath the whole a pervading spirit of unfriendliness toward the Spanish Government. Among the lessons left us in that wonderful legacy of the father of his country, his Farewell Address, the people of the United States are warned against unreasonable prejudices against any government or people, and they are also warned against unreasonable partialities for any. That underlying spirit of unreasonable prejudice and a spirit of semihostility pervades the whole of the structure of the resolutions before the Senate.

That this is true will appear very readily to any careful reader of the resolutions. I say nothing now of the declaration as to the state of war which is alleged to exist in Cuba; but I refer more particularly to the second resolution, which obtrudes upon the Spanish Government the opinion of Congress as to what ought to be the course of conduct on the part of Spain in respect to its Cuban population:

*Resolved*, That Congress deplores the destruction of life and property caused by the war now waging in that island, and believing that the only permanent solution of the contest, equally in the interests of Spain, the people of Cuba, and other nations, would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.

The suggestion which is found in this resolution is, to say the least of it, intrusive. It volunteers an opinion to a foreign Government as to what should be its policy with respect to a portion of its subjects; it commits the American Congress to that view of the case, so far as these resolutions can be held to commit Congress or anybody else to anything.

I may remark, by the way, that one of my objections to these resolutions is that they propose to do that which it is conceded would be useless, if done, in legal, international, or political effect, and the practical fact remains that whatever is useless is mischievous. It can not be otherwise.

It suggests another fact, that the language that the American Congress proposes to employ, when addressed to a foreign government by the political department of the Government in diplomatic form, would be offensive and would probably lead to an interruption of diplomatic relations between the United States and Spain. If we could venture to interfere in this matter at all we ought to use guarded, careful language, such as could be employed in the most important diplomatic correspondence.

Again, referring to the tone and spirit of these resolutions, I refer to the third, which reads:

*Resolved*, That the United States has not intervened in struggles between any European governments and their colonies on this continent.

That is a mere declaration of a fact which can of itself have no particular importance. Then it is said:

But from the very close relations between the people of the United States and those of Cuba, in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

Imagine that a note substantially like this resolution was addressed by an American diplomatic representative to the representatives of any foreign government. It would be regarded as offensive. What is it? "That the Government of the United States should be prepared" to intervene. Intervene in what respect? What is intervention? Intervention need not be war. The meaning is that the United States ought to be prepared to intervene for the protection of its interests. That is offensive and needlessly intrusive. The language is undiplomatic, such as must necessarily give offense, and it has given offense and is giving offense.

I recur again to the first proposition. This Government ought not to hesitate to employ language merely because it will give offense if the language is necessary. If the words ought to be spoken, then the words will be spoken; and if the words ought to be spoken, and are spoken, the Senate of the United States will be ready at any time, I have no doubt, to indorse the action of the Government. But these are needless words. Why throw out in advance this intimation of a purpose to intervene? Why say that to the world? Why say to Spain words which, if said to Spain by a representative of the United States, would be offensive and would probably lead to a necessity for intervention, and intervention by war?

These resolutions contain three distinct and unnecessarily associated propositions. The propositions are unnecessarily associated. What are they? The first resolution asserts that:

In the opinion of Congress a state of public war exists in Cuba.

Mr. President, where is the proof of that fact? I know that the Senator from Ohio [Mr. SHERMAN], in his emphatic, earnest way, said "If war does not exist in Cuba, where out of hell does it exist?" But the war in Cuba is much as I can imagine a war in hell would be. If the mere fact of slaughter and devastation, outrage and wrong, were war, such war as should be recognized by a civilized country, I grant the fact exists; but in the international relations of this Government with others we are not permitted to assume that mere murder, slaughter, violence, destruction of property, is war. In order to find the proper definition for the term "war" it must exist between two organized parties, two organized governments. I do not mean to say that either government need necessarily recognize the existence of the other; I do not mean to say that a government may not recognize a mere insurrection; but it must have attained such proportions and such means for preserving order that the people whose belligerency it is proposed to recognize have not only the form of a government, but must have some semblance of the power needed to maintain it.

The Senator from Alabama [Mr. MORGAN] the other day in the course of a side discussion defined accurately, in my judgment, that insurrectionary condition which would justify a recognition of belligerency. The Senator from Maine [Mr. HALE] remarked—I do not repeat his language—that in the beginning of our civil war there were proclamations issued threatening to treat some of the adherents of the Confederate government as pirates. The Senator from Alabama said, "Why did you not do it?" and then furnished his own answer, "Because you did not dare do it."

The point at which a people become belligerents and are entitled to a recognition of belligerency is the point at which they can exercise such measure of power as to protect themselves from outrage. In the case of our civil war, the Confederate government from the very beginning was an organized government. It had its armies, its judicial organization, it was an insurrection attempted in the name of the States; and the insurgents had the control of many of the States of the Union. They were a government; they were able to demand—and that demand was conceded by the Federal Government—that prisoners should be exchanged; that the ordinary rules of warfare should be observed, and when the Confederate government threatened to hang officers commanding negro troops, I might retort upon the Senator from Alabama and ask why did they not do it? and answer my own question by saying, "Simply because the National Government was able to protect them." They were able to resent the threat; and that constitutes, in my judgment, one of the tests, and perhaps the true

test, of that condition to which an insurrection must reach in order to be recognized as belligerent.

I say that I have heard nothing yet which justifies the affirmation contained in the very forefront of these resolutions, that—

In the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights.

What was the exact condition of things in Cuba at the last advices? I answer the question myself, or I answer by asking another. Is there any proof anywhere, furnished to the Senate or to the country, that there exists in Cuba to-day an organized government—not regularly organized, but an organized government? Is there to-day in Cuba a government to which the United States can look for the redress of such wrongs as may be suffered by American citizens?

Suppose we concede the belligerency of the insurgents to-day. By doing so we abandon all claim upon Spain for indemnity for whatever outrages the insurgents may commit. From that time forth the United States undertakes to look to the insurgents alone for indemnity for wrongs and for the protection of the rights of American citizens. Now, I ask the Senator from Ohio, Does the proof exist anywhere that there is such a government in Cuba—I mean such an insurgent government—which has such force or organization as that the United States may look to that government for the protection of the interests of its citizens? Where is the seat of government? I know nothing about it. Its armies are fugitive, flying from place to place; it has no international relations; it has no treasury; it has no judicial organization, so far as I know. It is yet unorganized. I suppose the proposition is not denied that if the insurgents are recognized by the United States as belligerents it would follow that the United States would concede that Spain would not be liable for outrages suffered at their hands by Americans and for American property; that it would concede that Spain is no longer to be held liable, and that the insurgent government is the one to which alone the United States must look for the protection of its people or the indemnity for their wrongs.

It can not be said, then, with truth, that there exists in Cuba to-day an insurgent government to the care of which the people of the United States can remit the protection of the rights of the people of the United States who are resident in Cuba or who may otherwise fall within the power of the insurgent government.

Mr. GEORGE. I should like to ask the Senator a question upon that issue of fact if he will yield.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. PALMER. With great pleasure.

Mr. GEORGE. The Senator enumerates several very important functions of government which he says the insurgents in Cuba do not possess. He omitted to mention one other, and that I desire to ask him about. Does that insurgent government, or whatever you may call it, in Cuba levy and collect taxes in the ordinary way, or does it get its revenue by confiscation and by pillage?

Mr. PALMER. I am obliged to the Senator for his inquiry. The insurgent government is so completely unorganized that it has no treasury, no revenue, and no means whatever to afford pecuniary indemnity for wrongs done to others, nor has it the physical power to protect them.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. PALMER. With pleasure.

Mr. CALL. I shall be very glad if the Senator will state any kind of evidence upon which he bases his statement. My information is entirely to the contrary. They do levy taxes; they have a treasury; they have civil officers, and they are a regularly organized government.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. PALMER. Certainly.

Mr. MORGAN. A paper was sent here by T. Estrada Palma, who claims to be the agent of the Republic of Cuba, to Hon. Richard Olney, Secretary of State of the United States of America, who has communicated that to Congress, first to the Committee on Foreign Relations. It has been printed, and contains a full statement of the constitution and organization of the Government of the Republic of Cuba, giving its personnel, all the provisions of law in reference to it, and several general acts passed by that Government, which have been heretofore placed in the RECORD. I suppose, however, the Senator from Illinois has not observed it.

Then I hold here a letter written by Mr. Cisneros, the President of the Republic of Cuba, addressed to the people of the United States, in which he sets forth what he is doing there in the way of civil government, and also presents a very earnest appeal to the people of the United States to grant belligerent rights to the Republic of Cuba. Those papers were sent by a correspondent of the Star, and I communicated with Mr. Crosby Noyes, whom we all know—the Senator knows him perfectly well—long a resident of this city, a man of great capacity and ability and high character. I asked him whether or not those papers and the letter of Mr. Cisneros to the people of the United States were genuine, and he says as follows:

DEAR SIR: The authenticity of the Cisneros manifesto furnished to the Star by Captain Mannix is unquestionable. Had there been any manner of doubt about its authenticity it would never have appeared in the Star. All the internal evidence and all we know of our correspondent's undoubted facilities for communication with the insurgents confirm this and other important information concerning the doings and sayings of the Cuban leaders.

I would furnish these papers to the Senator from Illinois so that he could know exactly the situation there, but they were furnished to the Senate some time ago.

Mr. PALMER. To the extent that those papers are contained in the most admirable speech of the Senator from Alabama [Mr. MORGAN] I may say that I am familiar with them. I have read his speech with a great deal of interest and with the most earnest desire to concur with him not only in his argument, but in his conclusions; and if I were not standing here as one of the representatives of 4,000,000 people, whose interests to this extent and in this day are in my keeping and to whom I am responsible, I would concur in much that has been said by the Senator from Alabama. In the beginning of this matter, when the subject of the Cuban revolution was presented to me, I sympathized with them. But I remember to-day that standing here I have no right to indulge in other sympathies than such as I may commit the people of the State of Illinois to maintain.

Mr. MORGAN. Would it suit the convenience of the Senator if I should send Cuba's appeal to the desk and have it read?

Mr. PALMER. Very well.

Mr. MORGAN. I ask the Secretary to commence with the second column.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

REPUBLIC OF CUBA, EXECUTIVE HEADQUARTERS,
*Cubitas Mountain, February 1.*

*To the American People:*

The infant and struggling Republic of Cuba appeals to the grand and powerful Union of American States.

Undoubtedly this action is most unusual in the history of nations, but because of the international standing of the Cuban Republic—more correctly because it has no recognized place among the powers of the world—are we thus compelled to appeal informally and through the medium of the press directly to the people.

Indeed, it is that international standing that we are now seeking; that we now ask the American nation to give us, and that we pray it will see fit to grant in the name of liberty and of justice.

Why do we ask the American people alone to hear us, and why do we not address this document to the entire world? The answer is well known. We call to the people who have themselves suffered oppression and felt the iron heel of the tyrant. We call to the nation of heroes who threw off the slavish yoke, and who signaled to the downtrodden of the earth that the beacon light of liberty in America would never grow dim, but would throw its rays across the oceans to strugglers for freedom in other lands. We call to the nation that has ever greeted with open arms the honest exiles from far and near; the nation that gave hope to Poland and succor to Ireland; the nation that drove monarchy from Mexico and Hawaii, and so nobly and faithfully shielded our southern sister, Venezuela.

To whom would we appeal if not to America? To what land if not to that of Washington, of Jefferson, of Monroe, of Jackson, of Grant, of Blaine, of Cleveland, and the immortal Lincoln?

CUBA'S SECOND STRUGGLE.

The present is Cuba's second struggle for liberty. From 1868 to 1878—ten long, suffering years—a little band of patriots fought gallantly on. While the wrongs then were as great as they now are, the Cuban people did not rise as they have risen in this war to throw off the Spanish yoke. The thirst for liberty which permeates the island to-day was unknown then, except to a small minority of the people, and after ten years of warfare the end came; but it did not bring success.

But even then Spain made promises to the Cuban people that she did not propose to fulfill, and from that time the island has suffered as no other section of the earth has in the same period. Spain claims she holds Cuba by divine right. Such were her pretensions with regard to all her American possessions; but a Divine hand liberated those same possessions, and to-day they are free and independent Republics of the New World.

SPANISH MISREPRESENTATION.

The Spaniards have raised the cry abroad that the Cuban rebellion is merely an uprising of negroes. There is no truth in this as stated. It is not a negro uprising nor a white uprising, but a rebellion of the people of Cuba against a cruel and unrelenting despot. But even if it were a negro rebellion, would the people of the United States frown upon it?

The answer to that question is told by the firing upon Fort Sumter, the war of 1861 to 1865, the million of graves in the southland and the God-inspired proclamation of Abraham Lincoln. Was not the freedom of the black man announced in that undying language used by the martyr President? And did not the blood of a million American freemen stain grassy mounds in the now loyal and patriotic South, writing in eternal words the emancipation of the black man?

The world knows the noble yet fearful history. Spain knows it, and when her representative in the capital of the United States says the Cuban rebellion is a negro movement entirely he not only falsifies, but he insults the memory of the grand army of the dead.

We are proud to have our colored brothers with us in this glorious struggle for freedom; for Cuba, when free, will be like the land of Washington, where every man worthy of citizenship will be accorded the full rights of civil and religious liberty.

THE RIGHTS OF BELLIGERENCY.

We ask the American people to grant us, through their President and Congress, those rights of belligerency to which, according to the laws of war and of nations, we are are entitled. Our armies have marched whither they might throughout the entire island, and for weeks have threatened the stronghold of Spain's power in Cuba.

Must we capture Habana and drive Spain's hirelings across the sea before we are even given the right as men to fight for that priceless gift which God

destined should be universally divided among his children? Must we gain our independence before we are accorded the sanction of the world to labor for it?

THE REPUBLIC ESTABLISHED.

The Cuban republican government of the island is a firmly established institution. Covering considerably over one-half of the area is the civil branch of our authority, with regularly appointed governors of different sections, prefectos in subdivisions, etc. Of course, Spanish formalities are still followed to a great extent in the administration of the local governments, for a complete change of method in a few months would be too radical.

Here in Cubitas are the head officers and chief departments of the Republic. Here we are able and most willing to receive representatives of the United States or other nations.

On all grounds of diplomatic and international usage the Cuban Republic is entitled not alone to recognition of belligerent rights for its armies now in the field, but to actual independence. Still we do not ask that the latter be accorded us at present. All we wish now is to be looked upon by the Government of the United States as men and soldiers battling for their birthright. We do not wish to appear in the eyes of the world like bandits and rabble.

Is Spain entitled to consideration at the hands of a modern, civilized, and highly progressive nation? Does her misrule of Cuba for a century commend her to the hearts and minds of men? Are her hirelings here to lift up and educate the Cuban and make his beloved island prosperous? Under the accursed flag of Castile will not freedom's muffled shrieks still be heard on the American Hemisphere? Will not the continuance of her supremacy in Cuba mean the perpetuation of mediæval institutions, the downtrodding of right and equity and the upholding of all that to men of the nineteenth century is debased and barbaric?

People of the free and glorious United States, Cuba appeals to you! She asks that you raise your voice in her behalf. She asks that you announce to the world that at least as against the tyrant she be given an equal chance. Cuba, the bleeding, appeals to her American sisters. She does it in the name of God, of justice, of civilization, and of America.

SALVADOR CISNEROS-BETANCOURT.

Mr. MORGAN. I hope the Senator from Illinois will allow me to say that although I have been raised from my childhood in a Southern community, among slaves and slaveholders, I applaud and approve every word in that splendid appeal of Cisneros to the American people.

Mr. PALMER. In 1870, an organization existed in this country to free Cuba. One of its leaders was that distinguished Kentuckian who has done so much in opposition to slavery, Cassius M. Clay. He invited me to become a member of the Cuban organization, very much to my surprise. I answered him by saying that I understood it was an insurrection of men who claimed freedom for themselves, but who asserted the right to enslave others. I declined for that reason to be a party to that movement. That insurrection had none of the elements of universal liberty in its comprehension. It was an insurrection against the authority of Spain, but it was proposed at the same time to continue the existence of slavery in Cuba. I think slavery was ultimately abolished by the action of the Spanish Government—I am quite sure that I am correct in that respect—so that the appeal made here does not address me with the force that it would otherwise have.

I have said already that if I were acting in a mere personal capacity; if I were not under the most solemn responsibilities to others, not only to the people of the State of Illinois, but to the people of the United States; if I could in their name say that war exists in Cuba, and that the people of the United States ought to take upon themselves the responsibility of maintaing that declaration, I might listen to the appeal of the Cuban nominal government, because, after all that is said, that government is purely a nominal one. It has no fixed jurisdiction over a single township in Cuba. It is a fugitive government. It is supported by a force that is constantly moving; a force that rarely resists the organized forces of Spain. It is not a government, nor is the governmental organization one as to which I ought to say to the people of this country, "You can afford, in view of your own interests and in the interest of the people of the United States," which alone I am to consult, "to intrust the protection of the rights and interests of the people of the United States."

I do not now go into any analysis of the rules of international law that define or indicate the condition when belligerency may be recognized in an insurrectionary people; but the simple crucial point with me is whether there is such an insurgent government in Cuba as can be trusted with the defense and the protection of the rights of the American people whose rights are involved in that controversy. My answer is no. The Government may have a name, but it is without local habitation. In this matter I disavow any question of sympathy for Cubans or others. My argument is predicated upon the ground that it is not to the interest of the people of the United States that they should interfere in this question in any manner whatever, and especially in the matter of recognizing the belligerency of this fugitive government—a government which can offer no protection; a government which has no treasury, no revenue, no habitation; a government that can not be intrusted, can not be responsible to the people of the United States for the protection of the rights of our people. So much on that point.

The Senator from Florida [Mr. CALL] said to me a few moments ago that proofs should be furnished that there was no insurgent government in Cuba, or that the evidence before the Senate required some answer. I answer otherwise. The recognition that those people demand, if it were in the power of the Senate to concede it to them, is one that must depend upon facts to be furnished by themselves.

Now, Mr. President, the second resolution is to my mind equally objectionable. I refer again to the same unfriendly spirit that pervades all these resolutions. The second resolution, after deploring the loss of life and property caused by the war in Cuba, announces the belief on the part of the Congress of the United States that a solution of the struggle will be found in the establishment of a government by the choice of the people of Cuba.

The people of Cuba, like all other people, can have liberty if they can win it. I recollect that portion of the Declaration of Independence read by the Senator from Delaware [Mr. GRAY] a few days ago with such earnestness. I recognize the right of a people to throw off a government which they believe to be oppressive. I recognize the right of a people to abolish and alter existing governments at their pleasure. I do not enter into a discussion of the questions so clearly presented by the Senator from Maine [Mr. HALE] as to who that people should be. I concede that right, but it is one which belongs to the people themselves. If they can alter their own government, I concede their right to do so; but I deny the right of the Congress of the United States to obtrude upon Spain its advice or to suggest to it what should be the policy of that Government to any portion of the Spanish people. If I were speaking in other than a representative character I should give my cordial and earnest sympathies to those struggling people. I am influenced solely by the interests of the people of the United States.

The whole of the present session, it seems to me, has abounded in these semiassertions of a right to interfere, either by advice or otherwise, with the conditions that exist in other countries. I insist that the great law which ought to control governments is that which ought to control the conduct of individuals: Mind your own business; attend to your own affairs; consult, look out and see what your rights are; compel others to respect your rights, but do not attempt to assert those rights to an extent that can not be recognized by the feeblest nation.

The last resolution is equally objectionable, because it contemplates war. It is a useless menace to the Spanish Government:

That Congress is of opinion that the Government of the United States should be prepared to protect the legitimate interests of our citizens by intervention, if necessary.

We commence in these resolutions by recognizing the belligerency of the insurgents. We withdraw very largely the legitimate interests of the United States from the protection of the Spanish Government. When we propose to intervene in this war it means, judging from the whole tone of the resolution, war with Spain to protect our interests. It does not mean war with the insurgents to protect our interests. It means war with Spain. It is like the idle menace of quarrelsome, turbulent men, "If you invade my rights, I will defend them; if you approach me or if you strike me, I will shoot you," one of the very methods by which blows are invited. This would be an assertion, in advance of any wrong, that we would defend our rights by intervention, by war. Who doubts that the American people will defend their rights by intervention or by war? Why connect this assertion with this particular controversy? Why say it now? Why urge it now, in the heated debates of the Senate? It is something of a reflection, something of a reproach to the American Senate, when it is said that the Government ought to prepare for intervention to protect American rights. How prepare? Ought we to build ships? Ought we to raise armies? Ought we in some way to increase the revenue? Ought we to prepare any of the physical agencies of preparation? Or is it a mere intimation that if our rights are invaded, are infringed, we are already prepared not only in the means but we have the will to intervene and protect our rights.

It is an idle menace, in my judgment utterly unworthy of the American Congress—I say unworthy; I use that term in its most moderate sense. Who dares assert that the American Congress will not sustain the Government in the defense of its rights if invaded by any Government or anywhere? It is a menace which has no meaning, or if it has any meaning at all it is the meaning that indicates the purpose to be offensive. It is a declaration in advance, and taken in connection with this series of resolutions it means no more than this: The American Government sympathizes with the insurgents, it will employ its power in defense of its rights, and it will intervene if those rights are invaded, as if such a declaration was needed. The American Republic has existed now for more than one hundred years, and has never submitted to an outrage except under extremely distressing circumstances. I remember that I once submitted, with what composure I could command, in a memorable incident with respect to certain Confederate commissioners. But we have been eager and ready at all times to maintain our rights. This declaration will be regarded and is intended—not intended except in the sense that every person must be presumed to intend to use language in its ordinary sense—as an act of hostility to Spain.

Mr. President, I have not intended to go into the matter at any great length. I have very nearly concluded the remarks which I purposed to address to the Senate, and I will conclude by a general statement of the condition of this question as it appears to me.

The Senator from Massachusetts [Mr. HOAR] a few days ago demonstrated as far as demonstration is possible that the American Senate has nothing whatever to do with this subject. We can make no law; we can lay down no rule that any other department of the Government is bound to respect—I say nothing of being bound to obey. We are, in this instance, in the exercise of no power conferred upon Congress by the Constitution of the United States. It seems to me that in these resolutions, like those in regard to Armenia and others to which I might refer, we cheapen the influence and power of the Senate. It was said by the Senator from Alabama [Mr. MORGAN] the other day that the voice of the American Senate will be influential. That is true beyond question. In this instance it will be influential for mischief, without in the slightest degree being potent for good.

What is the law of our relations with Spain growing out of the condition in Cuba? Suppose the resolutions are passed, will not the law of to-day be the law of to-morrow? We change no law by our action. We neither commit the President nor any other department of the Government to our declarations or opinions. We simply express a feeling, and not the most amiable and gentle feeling, toward Spain; but we express an intrusive temper; we express a disposition to sympathize with one of the struggling parties in this great controversy. When we have done that what have we accomplished? Can I speak for the people of Illinois in regard to their sympathies on this subject? I can guess what their sentiments are, but they have not confided to me any duty with respect to this subject, and while my conduct and even these remarks may be the subject of criticism and complaint, or of approbation, yet I can not bind them. My expression of their sympathy may or may not be correct. It is no part of my duty to speak for them. They are free men and will speak for themselves and they will act for themselves.

The conditions in Cuba after the passage of these resolutions will be the same, and the relations of the United States to Cuba or to Spain will be the same in law and in fact. But like all unnecessary acts, which means that all unnecessary acts are mischievous, we presume without the power to make a law or lay down any rules of conduct we profess to give expression to American sentiments. The Senate can not recognize the belligerency of the Cuban insurgents. The Senate can not change the existing relations. I repeat what I have said so often, it can not change the legal or international relations which now exist between Spain and its insurgent subjects.

But we can do mischief by language like this. We may declare that a state of war exists in Cuba. The answer is, it is not war, it is a mere insurrection. The Cubans have not organized a government except on paper. Their government has not the vitalizing value which is given to a government supported by force. We know that there must be a latent force, an underlying force that gives to government its sanction or its power to vindicate itself. In order to recognition of belligerency there must be a government which can be held responsible to other governments. I see no evidence that the government there can take care of itself. I see no evidence that that government can protect the rights of the American people. I see nothing there but an earnest struggle—it may be a patriotic—but an earnest struggle on the part of a feeble party against a powerful, organized government. It may have my prayers individually, and their gallantry may claim my praises, but I stand here as a representative of the American people, who must indorse my act if I should be guilty of a folly. If it shall involves us in a war I know who will die in our battles. I know whose property will be taken.

I know that the soldiers will be American soldiers. They will die on battlefields in defense of the flag, and in a just cause they ought to die; it will be their glory to die in defense of the flag in a just cause, and that just cause is the cause which the American people decide to be just. But I can not consent to use language which may involve us in international troubles and complications which I know must cost the American people immensely, and they must be responsible for it if evil results; while if we do nothing, which is the wise thing when you do not know what to do, we let our people, so far as they are permitted by our laws, follow their own inclinations in regard to rendering assistance to the Cuban insurgents. Let each man for himself do what he thinks is right, obeying the laws, but let us not make such a declaration here, when we are in the attitude of a mere popular assembly, where we have no power to bind anybody, where we can not change the relations between this Government and Cuba, except that indirectly we may by our intemperance involve the country in war by arousing the passions of the Spanish nation or of other nations. It is always wise, when you do not know what to do, to do nothing.

Mr. GEORGE. Mr. President——

Mr. MILLS. I ask my friend from Mississippi to yield to me for a moment. I desire to introduce a joint resolution, and I ask that it be read at length.

The joint resolution (S. R. 109) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish, and organize and arm such forces as may be necessary to support it, was read the first time by its title, and the second time at length, as follows:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. In case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military force as may be necessary to protect them from invasion.

Mr. MILLS. I give notice that I shall submit some remarks to-morrow morning, after the routine business of the Senate is through, in support of such a measure as is outlined in the joint resolution.

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Texas ask that the joint resolution lie on the table for the present?

Mr. MILLS. I ask that it lie on the table and be printed. I shall call it up to-morrow morning for the purpose I have stated.

Mr. CULLOM. Mr. President——

Mr. GEORGE. If the Senator from Illinois will allow me to do so——

Mr. SHERMAN. I do not wish to cut off the Senator from Mississippi, but I wish, in compliance with the notice I gave, to have formal action on the conference report.

Mr. CULLOM. I understood that the Senator from Mississippi desires to say only a few words.

Mr. SHERMAN. Very well. After the Senator from Mississippi is through, I shall endeavor to get action on the conference report.

Mr. GEORGE. Mr. President, I was one of the six members of this body who voted against the resolutions which were sent to the other House and which came back here in the shape of a conference report submitted by the conferees on the part of the two Houses. I had no opportunity during the debate on those resolutions to state the reasons why I so voted. I propose to do so now, without argument.

There are several reasons why I opposed the resolutions. It is necessary for me to state only one. In order to be brief and in order to state my position exactly, I have reduced that position to writing.

However much I may sympathize with a people struggling for liberty and for independence, I sympathize more with the sentiment of the necessity of preserving our Constitution and our own free institutions. In my judgment, the subject-matter of the resolutions belongs to the executive and not to the legislative department of the Government. I believe there is no exigency whatever, certainly none which relates alone to the welfare of a foreign people, which can justify or even palliate an assumption by one department of the Government of powers and duties which, by the Constitution, have been assigned to another and different power.

Mr. SHERMAN. In pursuance of the notice I gave a while ago, and with an earnest desire to promote the public business, so that we may proceed to the consideration of the appropriation bills and the other measures that will naturally crowd upon us, I offer the resolution which I send to the desk. It is based upon the idea that if adopted and the report of the committee of conference should be again delayed in any form in which it is presented, there will be no factious opposition to it, but after a reasonable debate the subject may be acted upon.

The PRESIDING OFFICER. The resolution submitted by the Senator from Ohio will be read.

The Secretary read as follows:

*Resolved*, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the resolution of the Senate in regard to the insurrection in Cuba, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Chair suggests to the Senator from Ohio that the conference report should be first disagreed to before the resolution is considered.

Mr. FAULKNER. Let the formal motion be put on concurring in the conference report.

Mr. SHERMAN. Yes; let the motion be first put. The conference report should be disagreed to.

The report was not concurred in.

The PRESIDING OFFICER. The question now is on agreeing to the resolution submitted by the Senator from Ohio.

Mr. ALLEN. Mr. President——

Mr. SHERMAN. I ask the unanimous consent of the Senate to agree to the resolution. If it is only to open up further debate, I prefer to withdraw it.

Mr. ALLEN. I am unable to hear the Senator from Ohio.

Mr. SHERMAN. I have offered the resolution with the understanding that there would be no further debate upon the question until the committee of conference again reports upon the subject.

Mr. ALLEN. I have no desire to debate the question to any unnecessary length.

Mr. SHERMAN. I hope the Senator will allow the resolution to pass, as it was the understanding on both sides.

Mr. ALLEN. I can not hear the Senator.

Mr. SHERMAN. The understanding was that the resolution should be adopted without debate. When the report is again made the Senator will have an opportunity to speak. I appeal to the Senator to allow the resolution to be adopted.

Mr. ALLEN. I am entirely in the dark as to what the Senator from Ohio wants. I can not hear a word that he says.

Mr. CULLOM. I think I can explain the situation to the Senator from Nebraska in a word. The Senator from Ohio has offered a proposition which results in a recommittal of the Cuban resolutions to the conference committee, and, as he states, the subject will be open for discussion when the report of the conference is again made.

Mr. ALLEN. Why not discuss it now?

Mr. SHERMAN. This course is pursued with the understanding that there will be no factious opposition to the report when made, and that after reasonable debate it shall be acted on.

Mr. ALLEN. Why should it not be discussed now?

Mr. CULLOM. No one now knows what the conference committee may report. It may bring in an entirely new resolution. It will be more apropos, it seems to me, to discuss the report when it comes back. Besides, I am anxious to bring up an appropriation bill for consideration by the Senate.

Mr. GRAY. We have already disagreed to the conference report.

Mr. CULLOM. The conference report has been disagreed to by the Senate.

Mr. ALLEN. I understand that, and the pending question is a motion to refer the subject back to the conference committee, and it is properly debatable.

Mr. MORGAN. That the Senate shall insist in its disagreement and ask for a further conference.

Mr. HALE. If the gentleman from Nebraska will allow me, I will state that the Senator from Illinois [Mr. PALMER] took the floor and the Senator from Texas [Mr. MILLS] had the floor to further discuss the matter and the debate would have gone on, but the Senator from Ohio, who had charge of the resolutions, to avoid further debate and in order that other business might be proceeded with, made a suggestion which was generally agreed to, and which now is embodied in the pending resolution, to send the whole matter back to the conference committee. The whole object of this course was to prevent further debate now and proceed to other business of the Senate. The Senator from Texas, who had the floor, gave way, and it was, I think, the understanding that this course should be pursued. It seems that the Senator from Nebraska did not know about it. The object was to prevent further debate now. Whenever the matter comes up again it will of course be open for debate.

Mr. ALLEN. I do not see anything in the remarks of the Senator from Maine to deprive Senators of the proper discussion of this question. I have no desire to discuss it at any length whatever. There are two or three points which were brought out in the discussion last week to which I desire to reply. I will do that as hastily as possible and as concisely as I can.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the regular order. It will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. FRYE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Maine that the regular order be temporarily laid aside in order that the Cuban resolutions may be further considered? The Chair hears no objection.

Mr. ALLEN. Mr. President, the Senator from Delaware [Mr. GRAY] and the Senator from Louisiana [Mr. CAFFERY], and within a few moments the Senator from Mississippi [Mr. GEORGE], have each announced a constitutional doctrine which I do not believe can be sustained, and which ought not to be announced in the Senate without contradiction on the part of some one. That doctrine is that under our form of government, as those Senators assert, the sole power of recognizing the belligerency or the political independence of a foreign nation resides in the Chief Executive. That is not only a doctrine which can not be sustained, but it is a constitutional heresy that ought not to pass without refutation from some quarter.

There is not one word in the Constitution of the United States conferring, either expressly or by the broadest kind of implication, power upon the President of the United States to recognize either the belligerency of a foreign country or its political independence; and certainly there is nothing in the theory of the Constitution nor in the theory of our Government or the history of the time when the Constitution was framed and adopted by the people of the United States which can in any manner lend color to that conclusion.

Both the Senator from California [Mr. WHITE] and the Senator from Louisiana [Mr. CAFFERY] announced also that the Supreme Court of the United States had frequently laid down doctrines that are binding upon us, holding certain facts and certain circumstances that came before it in litigation as evidence conclusive of a state of belligerency or state of independence.

Mr. HOAR. The Senator from Nebraska seems to be laying the foundation of his argument, and before he proceeds I should like to ask him a question. I understood him to say that there is nothing in the Constitution which by any inference would confer upon the President the power of recognizing either the belligerency or the independence of a foreign state. Is not the recognition of the independence of a foreign state involved in the power of the President to appoint ambassadors?

Mr. ALLEN. Not at all, Mr. President.

Mr. HOAR. I wanted to call the Senator's attention to that point and to know whether it is quite clear as he seems to make it.

Mr. ALLEN. I was coming to that proposition. I propose to call the attention of the Senate to the constitutional proposition on this subject before I conclude, which will be within a few moments. The power to recognize the belligerent rights of a foreign nation and the power to recognize the complete political independence of a foreign nation is a joint power, possessed by Congress and by the executive department jointly. Before, however, proceeding upon that line I desire to return to the point I left off when interrupted by the senior Senator from Massachusetts.

The Senator from California and the Senator from Louisiana seem to think that the Supreme Court has some kind of power that is binding upon the Senate, a power to announce a rule which we are compelled to follow. Mr. President, that can not be true. This Government of ours, according to the doctrines announced by Chief Justice Marshall and by the illustrious fathers, is a Government composed of three coordinate departments, the legislative, the executive, and the judicial departments. I think I name them in the order in which they occur in the Constitution. Unfortunately, however, in these latter days there are some instances, and many of them, where the Supreme Court seems to be supreme and to exercise the authority to annul the acts of the other departments of the Government. But the Supreme Court, according to the established rules of jurisprudence that are older than this country itself, has no power to recognize the belligerency or the independence of a foreign nation until that belligerency or independence has been recognized and established by the political department of the Government. There has never been a time in the history of English jurisprudence or a time in the history of Roman jurisprudence when the power to recognize the belligerency of a foreign nation or the independence of a foreign nation was not committed by practice to the political department of the Government. Certainly it can not be successfully urged that the Supreme Court possesses the slightest political power except that portion which it may from time to time use incidentally in the adjudication of cases.

Suppose, to illustrate my position, that some citizen should feel himself aggrieved by the conduct of Richard Olney, Secretary of State, and should bring an action against Mr. Olney. It would be a perfect plea and a perfect defense for Mr. Olney to set up that what he did he did as the agent of the political department of this country, and that it involved the administration of the political affairs of the nation, which would deprive by that means the Supreme Court or any other court of jurisdiction to inquire further into the subject-matter of litigation. Yet we are told in the Senate gravely, by grave Senators, too, that the sole power to recognize the belligerency or independence of Cuba rests with the President of the United States; that Congress, as a coordinate department of the Government, as the chief repository of the political power of the nation, is powerless and impotent to intervene and check the President or control his conduct, and that conclusion seems to be reached by Senators from some language they find in the Constitution.

Mr. PLATT. Will the Senator from Nebraska allow interruptions or does he prefer not to be interrupted?

Mr. ALLEN. Certainly; I yield to the Senator from Connecticut.

Mr. PLATT. I wish to ask him this question: Suppose that

an independent government should be established, as the President thought, in Cuba, and the President thereupon should issue a proclamation recognizing the independence of Cuba; does not the Senator think that that would be effective without any action by Congress?

Mr. ALLEN. I do not think it would be. I do not see how it could be.

Mr. PLATT. That goes right to the point.

Mr. ALLEN. I desire for a moment to refer to the Constitution. Section 3, Article II, of the Constitution, referring to the duties of the President, reads as follows:

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Another provision of the Constitution confers upon the President of the United States the power to "appoint ambassadors and other public ministers and consuls," but it confers it in language which leaves it apparent, beyond all controversy and all dispute, that the Senate of the United States, as the highest representative of the political power of this Government, must concur in his action, or advise and consent, to use the language of the Constitution, before it shall be effectual. The very fact that the framers of our Constitution put this check upon the executive department of the Government shows conclusively that it was the purpose of the people in the formation of the Federal Constitution to retain this power in their own hands. The language employed indicates that; the spirit breathed by the instrument itself indicates it; and the whole framework and policy of our Constitution, as well as the spirit of the people at the time it was adopted and became the paramount law of the land, indicates that purpose. Yet, Mr. President, without one word that can be found in the Constitution itself, without one fact being cited as existing concurrently with the formation of the Constitution, the people are gravely informed here by at least three Senators upon this side of the Chamber that this high prerogative and kingly power rests in the President of the United States alone; that he, at any time he may see fit, by his mere caprice—for there is no power upon our part to check him if the position of these Senators be correct—may recognize the belligerence or independence of a nation, and we be powerless to advise and consent to it or have anything whatever to do with the recognition.

I did not rise, Mr. President, for the purpose of discussing this question consecutively and thoroughly, as I should like to do if the time were at my disposal, but I wanted to enter my dissent from a proposition that is so absolutely at variance with our Constitution as that announced by the Senators to whom I refer. Let me say that this goes out to the country as the grave opinion of those Senators, and is taken up by the people, some of whom do not devote so much attention to these questions as they ought to, and it is gravely asserted by them that that is a true interpretation of the Constitution because it is from the distinguished Senators from Delaware, Mississippi, and Louisiana; and it ought not to go undisputed in this Chamber.

One proposition more, and I think I shall conclude my remarks. The Senator from Louisiana [Mr. CAFFERY] in discussing this question a few days ago said we have no evidence that war exists in Cuba. If I understand the Senator from Louisiana rightly, it would be necessary, in his judgment, to bring the witnesses before the bar of the Senate and prove by ocular demonstration that a state of war exists in Cuba.

Mr. CAFFERY. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CAFFERY. The Senator from Nebraska must have very widely misinterpreted what I said on that point. I did not say that there was not war in Cuba, but I did say that from the evidence before the Senate and the country there was not public war in that sense which would authorize a country at peace with a power where an insurrection existed to recognize, under international law, the war being carried on in Cuba as public war. Nor, if the Senator will pardon me, did he understand me to say, nor can it be implied from any remarks I made, that I contended that there must be witnesses present before the Senate in order to establish a case of public war. I think I said that the Executive had the means to gather the necessary evidence to establish a state of public war through communication with our consuls resident in Cuba or through any other authentic official source.

Mr. ALLEN. Mr. President, I am inclined to believe that the Senator's explanation needs explaining. There may be some shadowy distinction existing between a state of public and a state of private war—I suppose that is the antithesis of public war—but that I do not understand. Certainly a state of war exists on the Island of Cuba. What is war? Mr. President, it is simply an armed conflict between nations or between parts of nations. It must be something that rises above a riot; it must be a rebellion; and, so far as Cuba is concerned, it is a rebellion, with a regular military organization upon the part of the insurgents. If that is not a state of public war in fact, then I am entirely mistaken in my conception of what constitutes public war.

But how are we to prove it? The Senator says that we could not understand that it was his purpose to have the witnesses brought here and interrogated, but the Senator from Louisiana stood here and said there was no evidence before the country or before the Senate of the existence of a state of public war—I will put in the word "public"—on the Island of Cuba. How do we know that there was a state of war on that island from 1868 to 1878? We know it simply as a matter of history. Do we know that George Washington was the first President of the United States? Nobody living has ever seen him.

Mr. CAFFERY. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Louisiana?

Mr. ALLEN. Certainly.

Mr. CAFFERY. The Senator says we know there was a state of public war. I think that was the assertion he made——

Mr. ALLEN. I will put it "public" or "private" war.

Mr. CAFFERY. That in Cuba from 1868 to 1878 there was ten years of public war. Does not the Senator know that the war then carried on in Cuba was not characterized by President Grant as a public war, in an international sense, between those dates?

Mr. ALLEN. I do not know anything about what President Grant thought about it or believed about it; and I am not concerned in the inquiry at this time. I do not believe in fighting battles according to a book. I never did believe in it, and I never shall believe in it. But what I wanted to prove on the point to which I desired to direct the attention of the Senate when interrupted by the Senator from Louisiana is this: We are to shut our eyes and our ears to current history of the tragic events that are taking place on the Island of Cuba.

Mr. HOAR. May I ask the Senator one question?

Mr. ALLEN. Yes, sir.

Mr. HOAR. It is with reference to this matter of public war. I understand—if the Senator will allow me to preface the question with a single sentence, so that the question may be understood——

Mr. ALLEN. Certainly.

Mr. HOAR. I understand that where a state of public war exists there is some territory all of whose inhabitants, whatever may be their personal conduct or disposition, are at war with the inhabitants of some other territory. For instance, the most loyal man in South Carolina during our late civil war was held to be at war with the most disloyal man in Massachusetts, and if they made contracts they were subject under the law of nations as contracts with belligerent enemies. Now, will the Senator tell us what district or territory in the Island of Cuba is so at war with any other district or territory of the Island of Cuba that the character of belligerence is imputed to one as against the other?

Mr. ALLEN. I think I can tell the Senator probably about as much as he and I both know about that matter, which is to be drawn from current newspaper reports, and possibly some slight evidence in the consular reports. My understanding is that about two-thirds of the Island of Cuba, possibly three-fourths, is under the dominion of the insurgents under the command of Gomez and Maceo and their followers. There is a distinct portion of that territory that has on its face as well-equipped armies as could be expected under the circumstances, where the Republic of Cuba has absolute control and dominion over life and property. That is a portion of the territory through which the Spanish forces do not march, and over which they do not exercise any control. There are there well-equipped and drilled armies in the field under martial law. I have the number of troops here, to which I am going to refer in a moment. If that does not constitute a state of war according to the definition of the books—if war is to be fought according to books—then I am mistaken in my understanding of what the books define to be necessary to constitute war.

Mr. President, I do not know, and I am not concerned in knowing, what President Grant said about the Cuban war from 1868 to 1878. I know, President Grant knew, you know, and the world knows that we have power to recognize the political independence or belligerency, or it may be both, of any people who are engaged in war with one another. That war does not necessarily require the existence of a certain number of men under arms. It is simply required that one portion of the people shall be arrayed in armed hostility against the other, with an army under its control, and a government set up over a specific portion of the territory which is under contention. Whenever we see fit to say that that contending force is a belligerent force, or whenever we see fit to say that that territory and the people occupying it constitute an independent government, a political entity, it becomes so in the eyes of the world, so far as we are concerned.

Mr. MORGAN. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. MORGAN. I wish to call attention to a statement of the laws of war contained in lectures delivered at the Naval War College by Freeman Snow, Ph. D., LL. B., late instructor in international law in Harvard University. This book was sent me by Captain Taylor, president of the Naval War College, whom I conceive to be one of our most eminent men in the Navy, both as a scientist and as a lawyer. Professor Snow gives this definition:

Wheaton's definition of a public war is a contest by force between independent sovereign States. If it is declared in form or duly commenced, it entitles both the belligerent parties to all the rights of war against each other. Whatever is permitted by the laws of war to one of the belligerent parties is equally permitted to the other.

A mixed war is a war between members of the same political society. It is a civil war, though it may not reach beyond the proportions of an insurrection or a local rebellion. The movements in Spain in 1866 and 1867 were of this nature. Such a war may attain sufficient strength and magnitude to entitle both contending parties to all the rights of war with respect to each other and to neutral States. Again, according to the manner and degree of the hostile operations, wars are said to be perfect or imperfect.

I need not go into that further. I think that is the best definition I have seen on the subject by anybody.

Mr. ALLEN. That is in substance the definition given by Mr. Davis in his recent work on International Law of the laws of war.

I do not think that we are required to have any more evidence before us than has been furnished us by the Department of State and has been furnished us by the press of the country. It is true that possibly we must discount a certain portion of the reports which come from the scene of action; but he would be a bold man who would stand in the Senate to-day and say that a state of war does not exist in Cuba. Are we to stand here until the Spaniards cut the throats of the Cubans, and until the bloody events pass into the permanent history of the country before we take any notice of what is transpiring there? We know that a state of war exists there; and the only question, in my judgment, is whether we have the patriotism to say that those people in Cuba who are struggling for their liberty shall be recognized as belligerents and have equal opportunities with the people of Spain in this country and in the ports of this country.

Mr. MORGAN. Will the Senator allow me to again interrupt him a moment?

Mr. ALLEN. Certainly.

Mr. MORGAN. Some dispute is made about the facts and the extent of civil government in Cuba. The correspondent of the Evening Star, of this city, whose veracity and character are vouched for by Mr. Crosby S. Noyes, in the letter I read here this morning, giving an account of his second visit to Cubitas, the capital of the Republic, speaking of Colonel Menocal, who is a near relative of a very distinguished engineer in the United States, and is evidently a man of very fine character, who was educated at Cornell University—speaking to Colonel Menocal, chief of staff of President Cisneros, the correspondent asked a question about what sort of a tour they had been on. He and General Cisneros and 400 men who were his guard had been on a tour of inspection. An inquiry was made in regard to that tour. Colonel Menocal said:

This has been a sort of inspection tour. There was the appointment of about thirty prefectos to be made, and there were a number of others who had not sent in reports for two months. President Cisneros desired to make a personal investigation, and so two weeks ago we left Cubitas. Since that time we have been over in the extreme eastern end of the Republic, made an inspection of the force in the Sierra Maestra Mountains, looked over the stores, farms, and prison there, and on the way back made appointments of prefectos and subprefectos in a score of districts.

Colonel Menocal was reminded that he used the term "republic," referring to the island.

"Why isn't it a republic?" he asked. "We have our established and permanent seat of government, have over 350 prefectos in the island, and govern with civil laws at least two-thirds of the total area. Of course I understand that Spain still controls the seaboard and holds the cities, but her navy is her only salvation. There are hundreds of miles in the interior of Cuba that Spanish soldiers have never trod, and for that matter never shall.

THE REPUBLIC ESTABLISHED.

"If we could not justly lay claim to having a republic here established, how is it that our President, with an escort of only 400 men, can be away from Cubitas for a fortnight, traverse a distance of 300 miles by the main highway of the island, and never a shot be fired by friend or foe? How is it that we have civil officers all the way from Puerto Principe to the very shadow of the castle at Santiago de Cuba; and again, how is it that in the Sierra Maestra Mountains we have working upon the farms of the Republic over 700 Spanish soldiers who were made prisoners of war, and who, not caring to return to their ranks, are protected by Gen. José Maceo and his men? This latter feature may be news to the American people, but the Spanish Government knows it full well, and has made attempts to recapture its men, although at the same time it has denied such a state of affairs."

The sound of a bugle coming from up the road told Colonel Menocal and the other officers at the hotel, among them Dr. Orles, chief of the insurgent hospital corps, and who, by the way, does not speak a word of English, that the hour for taking up the march had arrived.

And they proceeded to Cubitas.

Mr. ALLEN. There can not be the slightest doubt that we must give some force to current history; we must recognize the existence of a state of war in Cuba. It is recognized in the press of foreign countries; it is in the mouth of every person who reads; witnesses come from Cuba and tell us the condition of affairs there; every person understands that there is a state of war; and yet Senators come into this Chamber and gravely say that there is no evidence of the existence of war there. The Senator from Louisiana said the other day that there was no evidence of the existence of any number of the belligerents under arms. I will call the attention of the Senate to the evidence of that fact later.

Mr. CAFFERY. If the Senator will permit me, I should like to ask him what indicia he holds are necessary to exist before a nation can declare a condition of war waged between a parent country and insurrectionary forces to be a public war?

Mr. ALLEN. Mr. President, there is no line of demarcation which is recognized among nations. It rests altogether within a nation itself.

Mr. CAFFERY. Then I would ask the Senator whether or not he rejects the conditions laid down by international writers as indicating a state of war?

Mr. ALLEN. No. The difficulty with the Senator from Louisiana is that I do not recognize his interpretation of international writers. The writers are all right, and the Senator from Louisiana is all right, but I do not conclude that necessarily there must be a synthetical relation between the writer and the reader.

Mr. CAFFERY. The Senator will permit me again. I ask him whether all international-law authors do not hold that it is necessary for the insurrectionary forces to hold and occupy a certain, well-defined extent of territory; that it is necessary for them to have a regular, organized government; that it is necessary for them to have a seat of government, and at least one seaport in a country which borders on the sea?

Mr. ALLEN. I am really glad the Senator calls my attention to the argument again—I heard him make it two or three days ago—that the insurgents must have at least one seaport. The history of the world is full of nations that never had a seaport.

Mr. CAFFERY. When I put that question, I said any country which bordered upon the sea.

Mr. MORGAN. Switzerland has none now.

Mr. ALLEN. The Senator from Alabama says Switzerland has none.

Mr. MORGAN. And could not have one.

Mr. ALLEN. And it has been an independent nation I do not know how many hundred years.

Mr. CAFFERY. Where a nation does not border upon the sea, and where the nation recognized is not contiguous, do not the international-law writers say that a condition can hardly arise where the recognition of belligerency is necessary?

Mr. ALLEN. I am treating the question of recognizing belligerents. We have the right to recognize the belligerence of a people as a political power inherent in this nation. We have the sole power to say when and where this doctrine shall be applied; and we are not required to look into Wheaton's International Law, or the volume on international law written by Mr. Pomeroy, or the volume by any other author upon the face of the earth when we see fit to apply this doctrine. A Senator behind me says there is no such international law; but there was an author who wrote upon that subject, I think, long before the Senator and I were born. What I claim, and where I differ with the Senator from Louisiana, is that he wants the Cubans to be killed or to survive according to a literal definition contained in some volume he holds in his hands.

The conditions of people necessarily must differ. Here is a people who, as I have said, are in control of at least two-thirds of the territory of the Island of Cuba, with a civil government set up and a military government that is able to coop up this man Weyler and his forces in Habana and hold them in check; yet the honorable Senator from Louisiana gravely asserts here that because the conditions which exist in Cuba do not square with his definition or his understanding of the definition of belligerency as he finds it in some law book, therefore this great nation of 70,000,000 people is impotent and powerless to do it. The Senator can content himself with these things if he wants to. I do not want to.

Then the Senator says again that the insurgents must have a capital. They do have a capital. The Senator from Louisiana said a few days ago it was away off in the wilderness—off where Weyler and his forces could not get at it. I infer that the Senator from Louisiana would hold that that capital must be accessible to its enemies or it is not a capital. The Senator said the capitol building was constructed of bamboo, and probably with a roof composed of leaves and grass. I ask the distinguished Senator from Louisiana if he finds anything in the law books, of which he is such a devotee, that distinguishes between a grass or a leaf roofed capitol and one made of shingles, or one made of some harder material?

Mr. CAFFERY. I find nothing in the law books or in common sense to make any such distinction; but I find that where there is a capital, somebody must know where it is, and it must be accessible to civilized nations.

Mr. ALLEN. I thought the Senator would see the ridiculous result to which his own argument would lead him.

Take our own history during the seven years of the Revolutionary struggle in this country. Our capital followed the Army a

portion of the time. It was located at at least half a dozen different places, and in a few instances followed the Army to get away from the enemy. It was a capital on wheels, more completely so than is or has been the capital of the Republic of Cuba, and yet our independence was recognized; we were able to hold off the British power, which was aided by Hessians, until such time as the sense of justice of the civilized world required our recognition; and yet because the struggling Cubans have a capitol constructed of bamboo, with possibly a roof of leaves or grass, which does not rise to the dignity of such a capitol building as we enjoy, the Senator from Louisiana tells us gravely that we can not recognize the belligerency of those people.

Mr. President, as further showing to some extent the existence of the insurgent army in Cuba, I desire to send to the Secretary's desk and have read a communication of Mr. J. Frank Clarke, written from Habana, under date of March 14.

The PRESIDING OFFICER. Without objection, the Secretary will read as indicated.

The Secretary read as follows:

SIZE OF THE CUBAN ARMY—SOME INTERESTING FACTS CONCERNING THE STRENGTH OF THE INSURGENTS—FORTY-THREE THOUSAND MEN IN THE FIELD WITH BUT ONE OBJECT IN LIFE, THEIR FREEDOM—WONDERFUL PROGRESS MADE, NOTWITHSTANDING ALMOST INSURMOUNTABLE OBSTACLES—ARMS AND AMMUNITION NEEDED.

HABANA, *March 14.*

[Correspondence of the United Press, via Tampa, Fla.]

The present strength of the insurgent army is close to 43,000. Cubans themselves estimate the number of men in the field as high as 60,000, but even if unarmed camp followers, men in charge of provision trains, hospitals, and camps were counted it is doubtful if that number could be found actually in service. There are thousands of Cubans who would willingly cast their lot with the patriotic army, but lack of arms and ammunition prevents.

The insurgent forces operate as a rule in zones or districts and are organized on military lines. The columns of Gomez, Maceo, Lacret, and Banderas are, however, limited to no one province, but pass from one to another under direct orders of Gomez. The commander-in-chief is now in Matanzas and the others have reinvaded Habana Province. The following is a statement of the strength and location of the forces of the principal leaders:

LEADERS AND LOCATIONS.

| | |
|---|---|
| Maximo Gomez, in Matanzas | 6,000 |
| Antonio Maceo, Miro Zalas, and others, in Habana | 5,000 |
| Serafim Sanchez, in Santa Clara | 4,000 |
| Jose Maceo, Rojas, Rodriguez, in Santiago | 3,500 |
| Lacret, in Habana | 3,000 |
| Quintin Banderas, in Habana | 3,000 |
| Masso Alvarez, Castillo, Memestro, Nunez, in Habana | 3,000 |
| Delgado, Bermudez, Sanchez, and others, in Pinar del Rio | 2,500 |
| Aguirre, Diaz, Hernandez, Palacios, in Habana | 2,500 |
| Mayit, Roderiguez, and others, in Camaguey | 1,500 |
| Reyes, Benites, Vasa, and Mendicita, in Santiago | 1,000 |
| Rafael and Cardonas, in Matanzas | 800 |
| Verona, Ruperto Sanchez, and others, in Pinar del Rio | 800 |
| Oliva and others, in Pinar del Rio | 600 |
| Carillo, Joaquin, Garcia, and others, in Santiago | 600 |
| Roloff, Pancho, and Perez, in Santa Clara | 500 |
| Mirabel, Ferrez, and Veita, in Santa Clara | 500 |
| Rego Sixto, Roque, Palao, and Sanchez, in Santa Clara | 500 |
| Cortuna, Vidal, and Juan Bravo, in Santa Clara | 400 |
| Juan Toledo and El Inglesito, in Santa Clara | 400 |
| Mantagas, in Manzas | 400 |
| Robau, Cebreco, Ruen, and Planas, in Santiago | 400 |
| Borroto, Lancho, Sardinas, and Eduardo Garcia, in Matanzas | 400 |
| Aulit, Mosjon, Dimas, Martinez, and Sorolongo, in Matanzas | 400 |
| Villancos, Acosta, Aguilar, and others, in Habana | 300 |
| Munez, Chapotin, Sosorro, and Lino Perez, in Santa Clara | 200 |
| Total | 42,800 |

HOW THEY ARE DISTRIBUTED.

The distribution according to provinces is: Habana, 16,800; Matanzas, 8,000; Santa Clara, 6,500; Santiago, 5,500; Pinar del Rio, 3,900; Camaguay, 2,100; total, 42,800.

In addition to the above, there are innumerable local bands from 15 men to 50 or even 100. These do not form a part of the fighting force and should not be counted as part of the army. Their chief functions are to carry out the orders of Gomez, prohibiting the grinding of cane, the movement of troops and supplies by rail, the shipment of provisions to cities, the suppression of "plateados" who rob, burn, and commit other crimes. These small bands serve as recruiting agencies, and when they grow too large for local operation they are attached to one of the army columns. Of the army proper, fully two-thirds are well mounted, and about half are well armed. The others are armed with shotguns, revolvers, or only machetes.

CHOPPED WIRE FOR SHOT.

Some of Maceo's men have old-style muzzle-loading guns, and lead is so scarce that telegraph wires chopped into short lengths is used for the charge. Spanish surgeons have on several occasions reported soldiers wounded with bits of wire. The insurgents have a few pieces of mounted cannon captured from Government troops. There are perhaps a dozen of these guns, which have been used with disastrous effect against the small wooden forts which the Spanish troops have erected at various points.

The Cuban army of liberation, as it is called, has grown to its present size in the face of almost insurmountable difficulties. From the beginning it has been outnumbered by the army of Spain, in never less than four to one. It has escaped annihilation in many encounters when ammunition ran out. It has lived on forage, been almost constantly under fire, and is to-day a reckless, dare-devil army with but one view, and that is to free Cuba. What comes after is not given a thought.

J. FRANK CLARKE.

Mr. ALLEN. Similar articles have appeared in the press from time to time for the last year, and especially for the last few months, and I take it for granted the people of the United States, and especially the Senate of the United States, can no longer doubt that a state of war exists in Cuba and that the insurgent forces are at least under martial law, having a regular military organization, and that their troops amount to many thousands.

I conclude, therefore, that there is but one of two things for the people of the United States to do, either to remain passive and inactive and let the throats of the Cubans be cut by the Spaniards, or to take prompt and efficient action for the recognition not only of the belligerency of Cuba, but its political recognition.

The distinction, as I understand, between belligerency and independence is of so shadowy a character that I can not understand why the Senate hesitates to make the recognition full or to recognize the political independence of those people. The only distinction, as I am informed, is as to the right of the Cubans to be represented at this capital by a minister or an ambassador.

I have sometimes been led to doubt the sincerity of these resolutions—and I dislike very much to doubt their sincerity—because they have not been put in an authoritative form. It has been said here by the distinguished chairman of the Committee on Foreign Relations, and it seems to be conceded all around, that the resolutions are simply advisory. Now, why make them advisory merely? If the struggling patriots of Cuba are entitled to any recognition whatever at our hands, why not give them that kind of recognition which will be of benefit to them? Why say to the people of Cuba who are waging this war for the preservation of their political rights, for the preservation of their homes, for the preservation of their wives and children, "We sympathize with you, but we can not extend to you aid under these circumstances"?

Mr. President, it occurs to me that it would be no more cruel to place water within the sight of a dying man upon a desert and to say to him, "We sympathize with you, but we can not give you the water." If we stand here and suffer Spain to apply the knife to the throats of the Cubans, we will be justly chargeable in the eyes of the civilized world with impotency and with cowardice. Why not put these resolutions in the form of a joint resolution? Why not send them to the President of the United States and say to him, "Sign these resolutions, make them a part of the law of the country, or take the responsibility of inviting the adverse criticism of your countrymen?"

A few days ago Senators in this Chamber, to use a phrase which probably is not altogether parliamentary, were falling over one another to vote for the resolution. There was a wonderful burst of patriotism and patriotic sentiment here, among Republicans and Democrats alike—and Populists were inspired a little, too—in order to demonstrate to the world by our votes that we not only sympathized with Cuba, but that we were willing, if need be, to afford her substantial aid under these distressing circumstances. Yet our patriotism has been sifting out from that moment to this, until it is very doubtful whether the resolutions can pass here to-day. First came the senior Senator from Maine [Mr. HALE] antagonizing the resolutions, then the honorable senior Senator from Massachusetts [Mr. HOAR], and finally the chairman of the Committee on Foreign Relations, I guess, has concluded that it is about time for him to retreat, and we are offered the resolution now before the Senate to recommit the Cuban resolutions for further consideration. I suppose that is the end of it.

Mr. SHERMAN. I call for a vote on the resolution.

The PRESIDING OFFICER. The resolution will again be read.

The Secretary read the resolution, as follows:

*Resolved*, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the resolution of the Senate in regard to the insurrection in Cuba, and ask a further conference with the House on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPPEL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 789) for the relief of Kate Winter;

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and an assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

INDEPENDENCE OF CUBA.

Mr. PLATT submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed.

*Resolved*, That the Senate (the House of Representatives concurring) hereby expresses its earnest desire and hope that Cuba may soon become a

free, independent, and republican government, and that the friendly offices of the United States should be offered by the President to the Spanish Government to secure such result.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. CULLOM. I ask that the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas, which is the unfinished business, be again temporarily laid aside, so that it may not lose its place.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I ask the consent of the Senate that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be first considered and disposed of as they are reached in the reading of the bill.

Mr. PEFFER. Is it the intention of the Senator from Illinois to ask that only the amendments proposed by the committee be disposed of on the first reading?

Mr. CULLOM. That they be disposed of on the first reading of the bill.

Mr. PEFFER. Other amendments to come in afterwards?

Mr. CULLOM. And then that the bill be open to amendment as the Senate sees proper.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and that course will be pursued.

Mr. HOAR. I desire to say to the Senator from Illinois that, as he well knows, there are provisions in the bill in regard to marshals and district attorneys. The Committee on the Judiciary, at the request of the Committee on Appropriations, have considered that subject and have communicated to the Committee on Appropriations their result; but there are a few cases where Senators desired to be heard after the committee had acted—about a half dozen in all. The committee have made a supplementary report. I hope the Senator from Illinois will not take up that part of the bill until to-morrow, because that report can not come in in print until then.

Mr. CULLOM. I do not suppose that that portion of the bill will be reached before that time, but if the Senator desires that it shall not be disposed of until to-morrow morning I am perfectly willing.

Mr. HOAR. If the Senate reaches that part of the bill I ask the Senator to reserve those particular amendments until to-morrow.

Mr. MITCHELL of Oregon. I will say to the Senator in charge of the bill that I should like to have the provision relating to clerk hire in the office of the surveyor-general of Oregon go over until to-morrow.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the provision for office of the Secretary of the Senate, on page 2, line 17, after the word "each," to insert "and $500 additional to the financial clerk, while the office is held by the present incumbent"; so as to read:

Chief clerk, and financial clerk, at $3,000 each, and $500 additional to the financial clerk, while the office is held by the present incumbent.

The amendment was agreed to.

The reading of the bill was continued to the end of line 28, page 3.

Mr. PLATT. In line 29 there is a provision for "librarian, $2,220." I should like to inquire if the committee has considered whether his salary ought not to be increased. I do not know that it is in order to speak of it now, but before we get through with the bill I wish the committee would consider the matter.

Mr. CULLOM. I know what the Senator from Connecticut refers to. The committee did consider the proposition, but, so far as I personally am concerned, when the committee amendments are disposed of, I shall have no objection to referring to it again.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 8, to increase the total for office of the Secretary of the Senate from $64,806.90 to $65,306.90.

The amendment was agreed to.

The reading of the bill was continued to the end of line 26, on page 4.

Mr. CULLOM. In line 23, on page 4, the words "Epidemic Diseases" should be stricken out, because of the recent change. It should be the Committee on Public Health and National Quarantine.

The SECRETARY. On page 4, line 23, it is proposed to strike out the words "Epidemic Diseases" and insert in lieu thereof "Public Health and National Quarantine."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, after line 3, to insert:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

Mr. HILL. I should like to hear some explanation of this amendment, as to whether the amounts are changed or whether additional clerks are provided.

Mr. CULLOM. In the passage of the bill in the other House there were several mistakes in footing up the total amounts, which have been corrected by the clerk of the Committee on Appropriations of the Senate, so that I think they are now correct. On page 5 provision is made for quite a number of additional clerks to committees who have not heretofore received the annual salary now provided in the amendment. That, of course, changes the total expense of the paragraph.

Mr. HILL. I had the honor to be chairman of the Committee on Immigration for about two years. It is not an exceedingly laborious committee, yet we reported some bills, we conducted some investigations, and we discharged our duties in a reasonably satisfactory manner, I assume. The clerk of that committee was given the extravagant compensation of about $1,400. I have now been succeeded as chairman by the junior Senator from Massachusetts [Mr. LODGE], but I am still a member of the committee.

I am not aware of any necessity for a change in the salary of the clerk. I am not aware of any new duties which have been added to those of the clerk, and I do not understand the discrimination proposed to be made. It is in regard to that matter that I ask for some information. Why has this committee assumed such proportions lately? What new duties have been added to it? I should like to know why it is proposed to jump the salary of the clerk from $1,440 to $2,100. I do not refer to the additional clerks added in this paragraph, but to the additional salaries. It strikes me that some of those committees have very little to do. I am not complaining of that. I simply wanted to know why it was that under the previous administration of the Senate the clerk of the Committee on Immigration, who was my clerk, was given $1,400 a year and the new clerk is to be given $2,100 a year. If anyone can tell me the reason why that is done, then I am satisfied.

Mr. CULLOM. I suppose one of the reasons why the clerk of the committee when the Senator was chairman received only $1,440 was because the Senator did not ask for an increase. I do not know how that may be. There are perhaps only two or three of the committees mentioned in this amendment the clerks of which are paid a higher salary than they have heretofore received. For instance, the clerk of the first committee mentioned has for a number of years been an annual clerk, and the same is true of several other committees named.

Mr. HILL. What was the salary of the clerk of the Committee on Woman Suffrage? It is a most important committee, of course, and the duties must be very laborious.

Mr. CHANDLER. I desire to say a word in reference to the amendment, especially in reference to the Committee on Immigration. Two Congresses ago I had the honor of being chairman of that committee. It was one of the busiest and hardest worked committees of the Senate, of course, under those conditions and considering the subject-matter that came before the committee. I thought then that the clerkship ought to be placed in the highest grade. If I had continued chairman of the committee I should have asked to have that done.

Mr. HILL. Will the Senator from New Hampshire allow me a moment? Was the clerk of the committee during your administration paid $1,440?

Mr. CHANDLER. He was paid the same salary that he received in the last Congress. The Senator will see the point as I get on. I did not succeed in getting that clerkship raised, but I bear testimony to-day to the fact that the committee is of sufficient importance to have such a clerk. It ought to have had it two Congresses ago. It ought to have had it in the last Congress, when the Senator from New York was the able and diligent chairman of the committee. It ought to have it now, when the young and enthusiastic Senator from Massachusetts [Mr. LODGE] is chairman of the committee.

I am obliged to say, however, that the salaries of these clerks are adjusted somewhat by the all-wise Committee on Appropriations with some reference to the personnel of the chairmanships. If the Senator from Tennessee [Mr. HARRIS] or the Senator from Ohio [Mr. SHERMAN] were to find himself at the head of any committee of the Senate, considering his long service in the Senate, he would be given a clerk of the highest grade. I was surprised, I must confess, when the distinguished Senator from New York,

coming from the governorship of the Empire State to grace this Chamber with his person and his eloquence, became chairman of the Committee on Immigration that the then dominant party in this Chamber did not give him a clerkship adequate not only to the work of the committee, but to the character and standing of the Senator himself. I think that the majority of this House ought to have given a clerkship to the committee commensurate with its personnel and commensurate with the importance of its services, and I assure the Senator I should have cooperated with great earnestness and cordiality, if he had remained chairman of the committee until this time, in having the clerkship advanced.

I now think that the conclusion of the Committee on Appropriations ought to be accepted without any demur not only with reference to this committee, but with reference to the other committees where they propose to raise the salaries of the clerks. It is a difficult matter to adjust. Unless all the committees have clerkships of one grade it must be difficult to draw the line. But the Committee on Appropriations have done it as well as they could. They have been influenced not only by the consideration of the important duties which the committees have to perform, but somewhat by the character and standing and position in the Senate of the various chairmen of the committees.

I hope, therefore, that the Senator from New York will not undertake either on this or any other occasion (indeed he and I know it is vain) to make any attempt to impugn the exceeding wisdom and impartiality of the Committee on Appropriations.

Mr. KYLE. Mr. President, I should like to hear further from the Senator from Illinois who has the bill in charge as to the basis upon which this adjustment is made. I observe that the amendment as reported by the Committee on Appropriations provides that the clerk to the Committee on Woman Suffrage shall receive $2,100 a year. I do not know that that committee has had a meeting during the present session. I know that during the past Congress there were two or three meetings of the Committee on Woman Suffrage, but at the present session I believe they have had none. The Committee on Mines and Mining I believe is quite an important committee, and I do not object to the raising of the salary of the clerk to that committee. I do not think that the Committee on Revision of the Laws of the United States has had a meeting during the present session. The Committee on Corporations Organized in the District of Columbia I do not think has had a meeting during the present session. The Committee on Indian Depredations has had one short meeting of half an hour, when a quorum was not present. The Committee on the Construction of the Nicaragua Canal I believe has not had a meeting at the present session.

Mr. MORGAN. Oh, yes; they have. They have been in session all the time.

Mr. KYLE. In session all the time?

Mr. MORGAN. Yes, all the time.

Mr. KYLE. I think that all our committees are in session all the time, as far as that is concerned.

Mr. MORGAN. I will state to the Senator that every member of that committee is charged with a particular part of the work, and he is working at it like a man and doing his best.

Mr. KYLE. I presume that is true of every committee. Each member has specific matters referred to him, and then the committee meet and confer.

Mr. MORGAN. They have not conferred yet, but at the same time they are engaged in preparing their work so as to submit it to the Senate.

Mr. KYLE. But what I am trying to get at is the basis of this discrimination.

Mr. HALE. I hope the Senator will bear in mind that a great many of these committees are so very busy that they have no time for meetings.

Mr. KYLE. That is a very important observation. I am glad to know it.

Mr. FAULKNER. If the Senator from South Dakota will permit me, I will state very frankly why I voted for the increase in the committee and why I shall vote for it in the Senate. The clerk of this committee also really does the work of a secretary of a Senator. He not only has to attend to the duties of the committee and all the work of the committee, including all the correspondence and obtaining the information necessary to lay before the committee on matters that come before it, but he also has to perform the duties that are devolved upon the secretary of every Senator who has not the chairmanship of a committee. For that reason I thought there should be a discrimination between those gentlemen who had more labor imposed upon them than the clerks of Senators who receive $1,200 a year.

Mr. KYLE. I am not complaining about the salary of the clerks, but about the discrimination. I wish to say in reference to my own committee that we have had eight or ten meetings at the present session, each one lasting an hour or an hour and a half. We have had important hearings, where we have had to hire our own stenographer, and I presume allowance is not made for that in the appropriation bill. We have paid for the stenographer from our own pockets. What I am complaining of is the discrimination in regard to the clerks of the various committees. I realize, as does the Senator from West Virginia [Mr. FAULKNER], that the salary paid to these clerks is very small, considering the amount of work that they do. Not only the committee work is imposed upon these clerks, but also the work necessitated as private secretaries to Senators. The salary that is paid to the majority of the committee clerks, $2,100, is not too large; but I wish the Committee on Appropriations might reach a proper and impartial basis where all these clerks should be paid the full and maximum amount. I do not believe in being stingy in regard to these matters. I should like to hear from the Senator who has the bill in charge in regard to the matter.

Mr. CALL. Nearly all the clerks of the committees mentioned in this paragraph have been paid this salary for many years. The Committee on Woman Suffrage has been alluded to here as not having had any meeting. That committee represents a great body of public sentiment in this country. It was created at the earnest solicitation and demand of a large number of the women of the United States, who met in this city when holding their conferences. The committee was given a clerk ranking with the other committees upon their special request. The correspondence of that clerk is very great. There is a great public sentiment in this country, whether we agree to it or disagree to it, of the intelligent women of the country, zealous and earnest in what they conceive to be a measure of great importance to the public and to themselves. The clerk of the committee has to my knowledge paid out of his salary a monthly sum for the purpose of keeping up the business of the committee and the duties imposed upon him. In respect to the dignity of the committee in representing a great public sentiment, in representing an earnest public sentiment, the Committee on Appropriations have only acted in deference to the requests of a vast number of the intelligent women of the United States. They have a right to be heard and a right to be represented in the committees of this body.

Mr. CULLOM. I have been called upon by the Senator from South Dakota [Mr. KYLE] to explain the amendment. There is very little explanation, it seems to me, necessary. The committee, with the representations before it, thought they ought to make many of the clerks of committees annual clerks. The Senate is misled to an extent, because several of the committees named already have annual clerks. The Committee on Woman Suffrage, as the Senator from Florida has said, has had an annual clerk for a good many years.

Mr. KYLE. At what salary?

Mr. CULLOM. Two thousand one hundred dollars, I think; the usual amount. So has the Committee on Mines and Mining. As to the Committee on the Nicaragua Canal, in view of the work that that committee will be compelled to discharge, the great question it has under consideration, in which the country is very much interested, and the distinguished character of the Senator who is chairman of that committee, the Committee on Appropriations thought it was only common fairness that the committee should have an annual clerk to aid it in the discharge of its work.

The Committee on Appropriations has tried to do the best it could, as has been said, with reference to these committees. Appeals were made to it by different Senators. The Senator from South Dakota will observe that as we are getting along I apprehend it will not be very many years before it will be shown that the work of every committee in the Senate will be such as to necessitate an annual clerk. The Committee on Appropriations hardly felt at liberty to adopt that scheme at present, but we went as far as we could under the circumstances. I hope we shall have a vote on the amendment and proceed with the consideration of the bill.

Mr. CHANDLER. I wish to say one word more in regard to the Committee on Woman Suffrage. That is a very important committee. The Senate have always undertaken to constitute that committee as one of gravity and they have made it a committee of importance. The chairman two Congresses ago was the senior Senator from Massachusetts [Mr. HOAR], who has been very long in the service of the Government in the Senate. The present chairman, the Senator from Florida [Mr. CALL], has been in the Senate nearly as long as any member upon the other side of the Chamber. I have no doubt that these facts entered into the minds of the members of the Committee on Appropriations in determining what the rank of this clerkship should be.

The Senator from South Dakota [Mr. KYLE] said that the Committee on Woman Suffrage has not much work to do. The committee, to my knowledge, has had repeated hearings. It hears with patience all the delegations of the women of the country who come here to argue the progressing cause of woman suffrage. It has always had hearings and has had as much work to do as almost any committee in the Senate. I do not know whether the Senator from Florida said that or not, but he will correct me if I am wrong.

There is the Senator from Florida, who, in addition to doing the duties of this committee with zeal and with diligence, does as much or more work for his constituents, the people of Florida, as is done by any other Senator here for his constituency. No Senator from New York or from Pennsylvania works any harder for his constituents in those great States than the Senator from Florida works for his constituents of Florida, which, by the way, is a little larger in area than the State of New York. The Senator from Florida goes all over it, and knows all about it, and works for its people. I regret that the Senator from South Dakota should wish to deprive that Senator of the little recognition which his character and services in the Senate have received from the Committee on Appropriations.

Mr. KYLE. The Senator from South Dakota does not wish to deprive the Senator from Florida of the emoluments of his committee. I am glad, indeed, that he has them. The only thing I wish is that the rest of us had the same privileges under the laws of the United States. I was going to move before the close of the discussion, and I will now move, to amend the amendment of the committee by adding to the list the rest of the standing committees of the Senate, whatever they are.

Mr. MORGAN. Mr. President, in consideration of the importance of the work, as we know, which is intrusted now to the Committee on the Nicaragua Canal, as it is called, it has been a standing committee of the Senate. It will have to remain a standing committee of the Senate for years and years to come if that canal is built; and if it is not built, it is equally important that the Senate should have a standing committee until the time arrives when we can build it. The duties of that committee are going to be and are now very onerous. For instance, this morning I received a list, after quite a laborious correspondence, of as many as six of the presidents and controllers of the great canals of the world, from whom I have to obtain maps and reports and data for the satisfaction of this body upon every question connected with this very important affair, because we can not afford to take any step in regard to the Nicaragua Canal in the dark, or at least very few. Some of them, of course, we have to take without full knowledge, but we must be thoroughly informed upon every step that we take in regard to this enormous affair, this great outlay, if we make it. It is a most important work.

The labor of that committee, by concurrence among the membership of it, there being seven members of the committee, has been divided up into seven distinct heads, and very naturally so. Each Senator is at work upon his own particular duty, the duty that has been assigned to him, and in that way the committee is preparing a report upon all of these separate and distinct heads. When those reports are drawn together, I suppose that the Senate of the United States will not have received in regard to any public enterprise more accurate or thorough information than will be imparted by the labors of these gentlemen. It is necessary to keep the office open. It is necessary to have a clerk here in vacation as well as during the sessions of the Senate. He will be busy during all the coming summer. If the canal is to be built the Senate of the United States will be making constant requirements upon that committee for information. I regard it as really one of the most laborious committees of the body connected with a single subject.

But added to that is the former duty of considering claims against the Government of Nicaragua in favor of American citizens. If the work of the committee has been necessarily slow in that direction, it is not that they have omitted to perform any duty about it at all, but that the Government of the United States for reasons of its own, reasons doubtless of proper public policy, has not considered it necessary heretofore to press those claims upon the Government of Nicaragua. But they are important claims, and in my judgment many of them are very just claims. We are dealing with a Government there that has not any great ability to pay. Even that branch of the subject makes it necessary to have the supervision of the claims in favor of our own people that have been referred to the committee. I think the Senate would be doing injustice to that committee if it did not give to its clerk the salary that is paid to other standing committees of the Senate.

Mr. PEFFER. Mr. President, I began pretty early in the session to endeavor to tear down the expenses of the Senate by reducing the expenses of dead Senators. I discovered in the comments of the newspaper press of the country that there was a good deal of interest manifested to see whether we could not effect some sort of legislation that would reduce the expenses of live Senators. I was very much gratified to see a short time ago that my amiable neighbor from New Hampshire [Mr. CHANDLER] joined me in what I thought were laudable efforts in the direction of economy and asked for certain information that the Sergeant-at-Arms could give to the Senate better than any other officer of the body. I see that the newspapers, in commenting upon the figures that the Senator himself submitted to the committee, and it is the general sentiment of the newspaper men, say that a great deal of economy could be practiced wisely in the direction of curtailing not only the number of officers attached to the Senate, but their cost. Now I find that the Senator from New Hampshire has taken the other tack. I do not know whether that is because he was connected with the Navy so long, but at any rate it is a fact.

I am perfectly willing that all the committees enumerated in the amendment proposed by the Committee on Appropriations shall have clerks, but I am not willing that those clerks shall have higher salaries than other persons of equal grade who do quite as much work and are quite as important. I do not know that the character of the chairman has anything to do with the work of the clerk of the committee. Now I move to amend the amendment proposed by the committee.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that there is an amendment pending to the committee's amendment.

Mr. PEFFER. What is the pending amendment to the amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota [Mr. KYLE]. The amendment will be stated.

The SECRETARY. Strike out, in line 7, page 5, the word "and," and after the word "Canal," in line 8, insert "and all other standing committees"; so as to read:

Indian Depredations, Construction of the Nicaragua Canal, and all other standing committees, at $2,100 each.

Mr. CALL. I hope the Senator from Kansas will allow us to go on through the bill and then come back to this question.

Mr. PEFFER. I am not willing to allow the bill to go on until we have discussed this amendment.

Mr. CALL. There are quite a number of other amendments reported by the committee, which will give rise to no discussion, if we can proceed with the bill.

Mr. HILL. I suggest to the Senator from Illinois, as I desire to make some investigation in reference to other committees, that he allow this paragraph to be passed over for the present.

Mr. CULLOM. I have no objection to allowing the paragraph to be passed over for the present, if desired, so that we can go on with the bill.

Mr. CALL. It can be passed over informally.

The PRESIDING OFFICER. The paragraph will be passed over, without objection. The Secretary will continue the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 5, line 10, before the word "clerks," to strike out "twenty-six" and insert "twenty-one," and in line 13, before the word "dollars," to strike out "thirty-seven thousand four hundred and forty" and insert "thirty thousand two hundred and forty"; so as to make the clause read:

For twenty-one clerks to committees, at $1,440 each; in all, $30,240.

Mr. BAKER. If the preceding paragraph is to be postponed, then all the subject-matter contained in lines 10, 11, 12, and 13 ought also to be laid over along with the other, because it is quite evident that there are very many clerks embraced in the pending amendment who do as much or more work than the clerks who are mentioned in the preceding amendment which has just been passed over.

Mr. CULLOM. If there is to be any discussion at all about clerks to committees the two paragraphs might as well go over together, so that they will come up later.

The PRESIDING OFFICER. The pending amendment will also be passed over, without objection.

Mr. BAKER. I wish to move an amendment, to come in at the end of this paragraph. I move that the compensation of these 21 clerks be increased to $1,800 each, instead of $1,440.

Mr. CULLOM. That amendment to the amendment of the committee can be regarded as pending.

The PRESIDING OFFICER. The amendment to the amendment will be received. The paragraph will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 23, before the word "messengers," to strike out "thirty-six" and insert "forty-six"; so as to read:

Office of Sergeant-at-Arms and Doorkeeper: For Sergeant-at-Arms and Doorkeeper, $4,500; horse and wagon for his use, $420, or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, $2,000; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; three messengers, acting as assistant doorkeepers, at $1,800 each; forty-six messengers, at $1,440 each.

Mr. PEFFER. I wish to inquire of the Senator who has charge of the bill the object of increasing the number of messengers.

Mr. CULLOM. The Sergeant-at-Arms was before the committee and gave us all the information that seemed to be necessary, and we agreed to report this increase of messengers, because ten of the messengers are now on the rolls as skilled laborers and perform the duties of messengers. The Sergeant-at-Arms believed, and the committee came to the conclusion, that it was only right that the ten should be made messengers, instead of remaining as they have been heretofore.

Mr. PEFFER. Then it is simply a transfer from one position to another?

Mr. CULLOM. Simply a transfer. The effect of it is to promote them.

Mr. PEFFER. Shifting them from one department to another?

Mr. CULLOM. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 5, after the word "each," to strike out "eleven skilled laborers, at $1,000 each," and insert "skilled laborer, $1,000"; so as to read:

Assistant messenger on the floor of the Senate, $1,440; messenger to Official Reporter's room, $1,440; messenger in charge of storeroom, $1,200; upholsterer and locksmith, $1,440; two carpenters to assist him, at $960 each; skilled laborer, $1,000.

Mr. PEFFER. This amendment as to "skilled laborer" I discover is a change in phraseology. What kind of work does this skilled laborer perform?

Mr. CULLOM. The skilled laborer is one who has been in the service of the Senate for twenty-odd years, and is in the performance of his duties down in the basement of the building. It is merely proposed to pay him just exactly what he has received heretofore.

Mr. PEFFER. That does not answer my question. Is it not the fact this man is a barber?

Mr. CULLOM. I am not sure whether he is or not.

Mr. PEFFER. Does the Senator wish to be understood as saying he does not know?

Mr. CULLOM. I really do not know the exact duty in which the man is engaged.

Mr. PEFFER. I object to the amendment.

Mr. CULLOM. I understand the man has been there for twenty-three years. That is the information that was given to me, according to my recollection.

Mr. CHANDLER. The Senator from Kansas surely does not object to reducing 11 skilled laborers down to 1 skilled laborer. It can not be that the Senator objects to that.

Mr. CULLOM. We shall be saving money by the proposed change.

Mr. CHANDLER. The Senator from Kansas does not wish to discharge the skilled laborer we have got here?

Mr. PEFFER. In answer to my question propounded a moment ago, I understand that there has been a transfer of 10 messengers about the Senate wing of the Capitol from one class to another. On the next page of the bill I see an amendment has been proposed by the committee for the change; but there is still left "skilled laborer," and when I ask what this skilled laborer does, the Senator says he is unable to inform me.

Mr. CULLOM. That skilled laborer is not a messenger, but is employed in the basement of the building in charge of some branch of the service. He has been there for twenty-three years, with the same salary he now gets, perhaps, for most of the time. At least he has been employed for several years at the exact salary which is provided in this bill, as I am informed by the Sergeant-at-Arms.

Mr. PEFFER. That is all very plain, but still I do not learn what I want to know, and that is, what this man is doing.

Mr. CULLOM. I shall endeavor to find out during the day and inform the Senator.

Mr. CHANDLER. Suppose the man is a barber; does it not require skill to shave the other Senators—not the Senator from Kansas or myself. [Laughter.] If this barber is doing this work, does it not require skill in handling a razor upon the faces of Senators?

Mr. PEFFER. Not in my case. [Laughter.]

Mr. CHANDLER. The Senator from Kansas has allowed the increase proposed on page 5, which has been satisfactorily explained to him, to go on; and now, in the interest of economy, the Senator from Kansas objects to the reduction, which is in some measure to compensate us for the increase proposed on page 5, and wants to strike that out. The Senator wants to know whether the provision means the employment of a skillful barber to shave the other Senators of this body. I think it does. [Laughter.]

Mr. PEFFER. My object is to get rid of the barbers in the Senate.

Mr. CHANDLER. I will ask the Senator if it is fair, because he and I do not need a barber, that we should not be willing other Senators should have the little luxury of this skilled laborer. I want some large measure of reform, and I am willing that some small measure of reform shall be made. But, of course, if the Senator insists upon having a vote of the Senate on striking out this provision, we will have it; but I think we had better seize, on reflection, the $10,000 and fasten it onto the committee, for otherwise there is danger, if it is not done now, that before the bill is disposed of they will withdraw that economy.

Mr. PEFFER. What I object to is that Senators employ barbers to do their barbering work for them at the expense of the people of the country. It is time that public attention should be called to this and a great many other items of expenditure which are not only unnecessary, but are viciously extravagant, and it is time that a halt be called somewhere. If we go through this bill we will find a great many different items that ought to be stricken out, and so far as I can keep up with them I propose to ask that they be stricken out, not only in reference to laborers and barbers, but in due time for Senators themselves, so that we shall show a disposition to economize in the expenditures for ourselves as well as in larger transactions.

Mr. CULLOM. The bill as reported by the Committee on Appropriations to the Senate carries with it a smaller amount by $345,843.37 than the act of last year.

The fact is, that it is about the same amount this year that it was away back in 1886, and so on down for several years, carrying a much larger sum than is contained in the present bill. While it is very well to talk about economy, and for us to economize, yet there are some things which we have to do.

Mr. HILL. Will the Senator please state for the information of the Senate in what particular item or items this saving three hundred or four hundred thousand dollars has been exercised? There seems to have been a rise, so far as we have already gone, and I should like to know where in the bill is this economy to be found.

Mr. CULLOM. I will tell the Senator. For instance, in the report made by the Committee on Appropriations he will find on the second page:

| | |
|---|---|
| Civil Service Commission, two messenger boys, at $400 each, in lieu of one messenger, at $840 (net) | $40.00 |
| Watchmen on Capitol Grounds, seven at $840 each | 5,880.00 |
| Total reduction | 5,920.00 |

The total amount this bill carries, as reported to the Senate, is $21,545,874.71 as against $21,891,718.08 last year.

Mr. HILL. Still my question remains unanswered, whereabouts is this large reduction made? It can not be in the few items for laborers, etc., for that is only a small amount.

Mr. CULLOM. I call attention to another item.

*Collecting internal revenue.*—Provision for salaries and expenses of 303 additional deputy collectors, aggregating $408,600, and for ten additional revenue agents, aggregating $36,000.

There is a saving of nearly half a million dollars. There are a number of other items footing up a large aggregate.

Mr. HILL. Were not some of these inserted in the bill of last year on account of the intended collection of the income tax?

Mr. CULLOM. Yes, sir.

Mr. HILL. And dropped out now, of course. The committee could not help it; they had to drop them out.

Mr. CULLOM. The law was decided to be unconstitutional; the tax which has been collected has been returned; the force required for the purpose of executing the law is not needed; and so the committee got rid of that part of the expense.

Mr. HILL. Has the Senator before him, in any written report, or otherwise, an exact table showing the various reductions?

Mr. CULLOM. Yes. If the Senator will send for House Report No. 415, which was made upon this bill, he will find very many items of interest to him. The Appropriations Committee of the Senate made a very brief report which accompanied the bill, Senate Report No. 532.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 13, before the word "laborers," to strike out "twenty-five" and insert "two laborers, at $840 each; twenty"; so as to read:

Two janitors, at $900 each; laborer in charge of private passage, $840 each; two female attendants in charge of ladies' retiring room, at $720 each; telephone operator, $720; telephone page, $900; two laborers, at $840 each; twenty laborers, at $720 each.

Mr. HILL. Where were the 25 laborers, who are now decreased to 2, originally employed?

Mr. CULLOM. They were employed all over the Senate wing of the Capitol. I can not undertake to designate the exact places in the building where each man was employed, but they were under the control of the Sergeant-at-Arms, and were used wherever they were needed in keeping the building in order and in the performance of their duties.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 17, before the word "dollars," to strike out "six hundred and eighty" and insert "eight hundred and forty," and in line 19, before the word "dollars," to strike out "fifteen thousand eight hundred and sixty-four" and insert "eighteen thousand five hundred and four"; so as to make the clause read:

Sixteen pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,840; in all, $118,504.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "dollars," to strike out "clerk in post-office, $1,800," and on page 7, line 2, before the word "hundred," to strike out "nineteen thousand three" and insert "seventeen thousand five"; so as to make the clause read:

Post-office: For postmaster, $2,250; assistant postmaster and mail carrier, $2,068; seven mail carriers and one wagon master, at $1,200 each; four riding pages, at $912.50 each; in all, $17,588.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

For thirty-eight annual clerks to Senators who are not chairmen of committees, at $1,200 each, $45,600.

The amendment was agreed to.

The next amendment was, on page 8, line 16, before the word "thousand," to strike out "four" and insert "eight"; so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "cleaning," to insert "repairing"; so as to make the clause read:

For services in cleaning, repairing, and varnishing furniture, $1,000.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "privates," to strike out "twenty-five" and insert "thirty-seven"; and in line 20, before the word "hundred," to strike out "thirty-nine thousand nine" and insert "fifty-three thousand one"; so as to make the clause read:

CAPITOL POLICE.

For captain, $1,600; three lieutenants, at $1,200 each; thirty-seven privates, at $1,100 each; and eight watchmen at $900 each; in all, $53,100, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 9, line 23, before the word "hundred," to strike out "one" and insert "three"; so as to make the clause read:

For contingent expenses, $300.

The amendment was agreed to.

The next amendment was, on page 11, line 24, to increase the total of the appropriation for the expenses of the office of the Clerk of the House of Representatives from "$84,144" to "$84,168."

The amendment was agreed to.

The next amendment was, on page 12, line 8, before the word "dollars," to strike out "one thousand" and insert "eight hundred," and in line 10, before the word "hundred," to strike out "six" and insert "four"; so as to make the clause read:

Under Architect of the Capitol: For chief engineer, $1,700; two assistant engineers, at $1,200 each; four conductors of the elevators, at $1,100 each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, $720; five firemen, at $900 each; electrician, $1,200; laborer, $800; laborer to clean Statuary Hall and watch statuary therein, $660; in all, $16,480.

The amendment was agreed to.

The next amendment was, on page 13, line 11, before the word "dollars," to strike out "twelve thousand six hundred and thirty-six" and insert "thirteen thousand and sixty-eight"; so as to make the clause read:

For eighteen clerks to committees, at $6 each per day during the session, $13,068.

The amendment was agreed to.

The next amendment was, on page 14, line 25, after the word "and," to strike out "nineteen dollars and eighty-four cents" and insert "forty dollars"; on page 15, line 10, before the word "dollars," to strike out "six hundred and fifty-two" and insert "nine hundred and eighty-two"; in line 12, after the word "and," to strike out "forty-six dollars and fifty-six cents" and insert "and sixty dollars"; in line 14, after the word "thousand," to strike out "three hundred and forty-one dollars and seventy cents" and insert "four hundred dollars"; and in line 20, before the word "cents," to strike out "twenty thousand nine hundred and twenty-four dollars and sixty" and insert "twenty-one thousand three hundred and forty-six dollars and fifty"; so as to make the clause read:

Office of Doorkeeper: For Doorkeeper, $3,500; and for hire of horses, feed, repair of wagon and harness, $900, or so much thereof as may be necessary; assistant doorkeeper, superintendent of document room, assistant superintendent of document room, and department messenger, at $2,000 each; one special employee (John T. Chancey), $1,500; one special employee, $1,500; document file clerk, $1,400; assistant document file clerk, $1,314; clerk to Doorkeeper, and janitor, at $1,200 each; nine messengers, including the messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each; six laborers, at $720 each; two laborers in the water-closet, at $720 each, three laborers, including two in the cloakrooms, at $900 each; female attendant in ladies' retiring room, $720; superintendent of folding room, $2,000; three clerks in folding room, one at $1,800, and two at $1,200 each; foreman, $1,500; messenger, $1,200; folder in sealing room, $1,200; page, $500; laborer, $720; ten folders, at $900 each; five folders, at $840 each; three folders during the session, at $70 per month each, $840; fifteen folders, at $720 each; night watchman, $900; driver, $900; fourteen messengers, on the soldiers' roll, at $1,200 each; two chief pages, at $900 each; thirty-three pages, boys not under 12 years of age, during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each, $9,982.50; two messengers during the session, at $70 per month each, $560; ten laborers during the session, at $60 per month each, $2,400; six laborers, known as cloakroom men, at $50 per month each; horse and buggy, for Department messenger, $250; in all, $121,346.50.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the word "thousand," to strike out "and"; so as to make the clause read:

For employment of Joel Grayson in document room, $1,500.

The amendment was agreed to.

The next amendment was, on page 16, line 4, after the word "thousand," to strike out "five hundred and sixty-one dollars and twenty cents" and insert "six hundred dollars," and in line 7, after the word "thousand," to strike out "one hundred and eighty-one dollars and twenty cents" and insert "two hundred and thirty dollars"; so as to make the clause read:

Office of postmaster: For postmaster, $2,500; first assistant postmaster, $2,000; ten messengers, including messenger to superintend transportation of mails, at $1,200 each; three messengers, during the session, at $900 each; four messengers, at $100 per month each, during the session, $1,600; and one laborer, $720; in all, $21,220.

The amendment was agreed to.

The next amendment was, on page 16, line 21, before the word "days," to strike out "seventeen" and insert "twenty-one"; so as to make the clause read:

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean four months, or one hundred and twenty-one days.

Mr. HALE. In the appropriations for the Library of Congress, on page 19, line 3, I move to strike out "eight" and insert "eleven."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 3, before the word "clerks," it is proposed to strike out "eight" and insert "eleven"; so as to read:

For the employment of eleven clerks, at $900 each, under the direction of the Librarian of Congress, necessary for the execution of the copyright law, $7,200.

The amendment was agreed to.

Mr. CULLOM. The total ought to be changed, in view of that amendment, from $7,200 to $9,900.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 5, after the word "law," it is proposed to strike out "$7,200" and insert "$9,900."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, after line 6, to insert:

For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, and shall make weekly deposits and monthly reports to the Secretary of the Treasury, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 20, line 21, before the word "dollars," to strike out "three thousand and five hundred" and insert "five thousand"; and on page 21, line 6, before the word "hundred," to strike out "thirty-three thousand seven" and insert "thirty-five thousand two"; so as to make the clause read:

For compensation to the following in the office of the President of the United States: Private secretary, $5,000; assistant secretary, $2,500; one executive clerk and disbursing officer, and one executive clerk, at $2,000 each; two clerks of class 4; two clerks of class 3; steward, $1,800; usher to the President, $1,800; chief doorkeeper, $1,800; four doorkeepers, at $1,200 each; four messengers, at $1,200 each; watchman, $900; and engineer, who is also the fireman, $1,000; in all, $35,200.

The amendment was agreed to.

The next amendment was, on page 21, line 19, after the word "each," to strike out "one messenger" and insert "two messenger boys, at $400 each"; and in line 23, before the word "dollars," to strike out "and forty"; so as to make the clause read:

CIVIL SERVICE COMMISSION.

For three Commissioners, at $3,500 each; chief examiner, $3,000; secretary, $2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; two messenger boys, at $400 each; two laborers; engineer, $840; and two watchmen; in all, $91,300.

The amendment was agreed to.

The next amendment was, on page 22, line 9, after the word "each," to insert "law clerk, $2,100"; in line 16, before the word "clerks," to strike out "eight" and insert "ten"; and in line 20, before the word "hundred," to strike out "seventeen thousand eight" and insert "twenty-one thousand seven"; so as to make the clause read:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; Assistant Secretary, $4,500; Second and Third Assistant Secretaries, at $3,500 each: chief clerk, $2,500; for six chiefs of bureaus and one translator, at $2,100 each; law clerk, $2,100; private secretary to the Secretary, $2,000; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; one clerk of class 2, for indexing records, $1,400; sixteen clerks of class 1, one of whom is to be a telegraph operator; five clerks, at $1,000 each; ten clerks, at $900 each; one messenger; three assistant messengers; packer, $720; ten laborers; in all, $121,720.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896.

Mr. GORMAN. I should like to ask the Senator in charge of the bill to explain the provision for certain employees in the State Department, particularly that portion of it which is found in lines 22 and 23.

Mr. CULLOM. This force has heretofore been paid out of the general appropriation for the Department, but the ruling of the Comptroller is such that the Department can not do it any longer. They can not so pay them. Therefore the Secretary of State asked that this provision should be inserted in the bill. It does not take any money out of the Treasury outside of what has been appropriated heretofore.

If the Senator will look on page 3 of the report the committee made he will see that the Secretary of State writes as follows:

SIR: I have the honor to submit herewith two items additional to the estimates of appropriations previously transmitted.

These items are made necessary by the discovery that a practice which has obtained of paying employees of the Bureau of Statistics of this Department from the annual appropriation for the preparation, printing, publication, and distribution of the consular and other commercial reports, and which was supposed to be warranted by the language of the appropriation, is in conflict with the act of August 5, 1882 (section 4, 22 Stat. L., 255), which prohibits the employment of persons by any Department, "except only at such rates and in such numbers, respectively, as may be specifically appropriated by Congress for such clerical and other personal services for each fiscal year." In order that this practice may be discontinued without embarrassment to the important work of editing, publishing, and distributing the consular reports, and of compiling the annual volume, Commercial Relations, one of the items is submitted for insertion in the deficiency act for the fiscal year ending June 30, 1896, in order that it may be immediately available, and the other in the regular appropriations for salaries of the Department of State in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897.

The Secretary writes quite an extended letter upon the subject, which seemed to make it necessary, if we are going to retain the force and engage in this work, that we should make an appropriation for the purpose more specific than heretofore.

Mr. GORMAN. I wish to call the attention of the Senate and of the Senator to the fact that this provision as framed is "for services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports." Here a provision is proposed to be inserted authorizing the employment of this particular force, which, I understand, takes them outside of the civil service and makes them personal appointments under the Secretary of State. Is that the object of the language which I have just read, found after the words "State Department," in line 22, and going down to the word "reports" in line 24?

Mr. CULLOM. Perhaps I had better read to the Senator another portion of the Secretary's letter on this subject, which may explain what the Senator desires to have answered.

As the work required is largely of a technical and special character, and analogous in these respects to the work of the office of Naval Records of the Rebellion, I have adopted substantially the language of the appropriation act for that office (see Stat. L., Fifty-third Congress, third session, chapter 177, page 791), in order that persons may be selected "by reason of special aptitude for the work."

The increase in the amount of salaries heretofore paid is $840, this amount being added in order to secure the services of an additional statistician, made requisite by the recent growth in the work of compiling the consular and other commercial reports, and to obtain greater efficiency in the distribution of them.

Mr. GORMAN. Still I ask the Senator the question, if the language I have just read is not for the purpose of taking those employees outside of the civil service and enabling the Secretary of State to appoint them without an examination?

Mr. CULLOM. I think they are already outside of the civil service.

Mr. GORMAN. Yes.

Mr. CULLOM. And that being true, they can not be taken out of it.

Mr. GORMAN. They heretofore have been employed and paid out of a special appropriation——

Mr. CULLOM. Yes.

Mr. GORMAN. And were not officers of the Government. Now, for the first time by act we are to create these officers. While I am not specially in love with the civil-service rules which have been enacted, the fact is, that under recent orders, and those which we are informed are to come within a day or two, practically everybody in all the Departments of the Government will be required to pass the civil-service examination.

It is not possible to-day to have a man or a woman employed in the Government Printing Office for the purpose of stitching books or the bills which are before us unless he or she has passed a civil-service examination of some sort, and then the appointments are distributed to the States in proportion to population, revolutionizing the whole system of appointments in all the Departments in the most minor and insignificant places. Now, right on the eve, indeed, sir, the morning of the very day of an order going into effect making this system more sweeping in another Department of the Government which, as we are informed, is soon to cover every appointment, here comes from the State Department a proposition to employ a clerk at $1,400, to be the personal appointment of the Secretary of State; that is to say, it is proposed to permit the Secretary of State to appoint him without examination as to his qualifications.

I understand that the merit of the civil-service system is that you get better men because of such examination. Here are three clerks, one at $1,400, one at $1,000, and one at $900, and then a laborer at $660. I suggest to the Senator from Illinois that if it is a good rule which we have entered upon, the civil-service examination should apply to all these places. I for one am utterly opposed to this provision for specific appointments outside of the civil service. The duties of these employees are not of a high character. It does not of necessity require any special technical knowledge to perform the duties of a laborer or those of an ordinary clerk in that Department. I would give the Department the employees they desire and make provision for them, if they are necessary, as they would seem to be from the note of the Secretary of State; but I do not believe that to-day, in the light of what is going on around us, orders being issued by the President of the United States to place everybody else under civil-service rules, we ought deliberately to make these places exempt from that rule.

In line 22, page 23, after the word "Department," I move to amend the committee amendment by striking out "to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports"; so as to leave the offices stand and let them come under the general rule which has been made by the President of the United States.

Mr. CALL. I hope that motion will not prevail. Without discussing the merits of the civil-service law or its demerits, it is pertinent to the proposition of the Senator from Maryland to say that it is unwise to forbid to a high officer of the Government charged with important duties the selection of even a single person for the performance of a special duty and to divest him of the discretion which by law and the Constitution and of necessity invest in him, and to place it in three persons under no kind of responsibility, not charged with investigating the aptitude of the person for that particular duty, not charged with investigating his fitness for a confidential position, but simply with his knowledge of some elementary subjects.

Mr. President, there can be no reason for such a proposition. Why not, according to the argument of the Senator from Maryland, make the Civil Service Commissioners the Secretary of State? That is what he proposes to do. It is proposed to give to those Commissioners the important duties of heads of Departments, because the selection of the officers who are to execute the law is clearly the whole of their duty. The executive department, charged with the execution of the laws, exercises that function by appointing persons fit for the duty. The Constitution says the head of a Department shall have this power vested in him. That is the distribution of power. The executive power of this Government is carefully invested in particular officers charged personally with important duties. What are they? To select and appoint the officers who are to perform them.

However proper it may be to appoint some person as an examiner, to separate that duty from the head of the Department, to make a list of eligibles, there is no reason why we should say that it shall be absolute, and that no person connected with these important duties shall be assigned thereto by the head of a Department; that no discretion shall be vested in the head of a Department, but that the whole power, even to appoint a bootblack or a scrub woman shall be placed in three Civil Service Commissioners who are charged with investigating blindly the scholarly qualifications of individuals.

It may be a good rule to create a list of eligibles under suitable examination, but there is no reason why, when the Secretary of State comes to the Senate and the House and asks for a person to do a particular duty under his immediate eye, we should say he shall have no kind of discretion in the selection of that person, who, on the contrary, shall be taken from the highest upon a list of eligibles.

Mr. GORMAN. The Senator from Florida is making an argument against the civil-service law.

Mr. CALL. Oh, no; against its application to everybody.

Mr. GORMAN. The civil-service law authorizes the President of the United States to place under the civil-service law any number of officers, and all of them, exclusive of those who are

appointed by the President and confirmed by the Senate. It requires an order from him to do it.

Now, in this case, in the State Department the President of the United States, by the request and with the concurrence of the Secretary of State, has placed every messenger and every watchman and every clerk and consular clerk and now consular agents under that rule. That was their act, not the act of Congress. It was done because they believed it would improve the public service. I accord to them perfect sincerity in all they have done. Now comes a proposition to create three or four places, and the Senate by the amendment proposes to reverse the rule which the Secretary of State and the President of the United States have made, and in these four appointments to take them entirely outside of the civil service.

I am not in favor of the sweeping civil-service rules which have been made; I do not believe that they work well, and I have thought from the beginning that it would come to just what the present Congress is considering, a permanent pension roll for the employees, who, under this rule, are to be kept in office during the time they can perform duty. As I say, I am not in favor of it; but I do say that Congress ought not in this provision to make an exception and to permit this Secretary or any other to make appointments in his Department outside of the civil service when those officers by their own act have placed all the balance of the employees of the Department under that rule, making it impossible for a man to be appointed as a messenger or watchman, positions now provided by law and appropriated for in this very bill, unless he has passed a civil-service examination. If the rule is a good one, as the Secretary thinks, and as the President unquestionably thinks, then apply it to every employee in the Department.

Why except these clerks? It requires no more ability to perform this particular duty, indeed, not half so much, as for a head of a division in that great Department, which is concerned with all the relations between this nation and others. There is no reason for it. There is no reason why Congress should step in and say to the Secretary, "The rule which you have made for all the messengers and clerks in your office is a bad one. We will except these particular cases and permit you to put in your favorites outside of such an examination." It is not wise; it is not proper.

Mr. CULLOM. The Senator will probably not need to strike out all that he has indicated. If the words in line 22, "to be selected by the Secretary of State by reason of special aptitude," are stricken out, it will carry the point.

Mr. GORMAN. I will accept the suggestion of the Senator from Illinois. It accomplishes exactly what I want.

Mr. CULLOM. I wish to say, if the Senator from Maryland has concluded his remarks, that I see very plainly the force of his observation as applicable to the proposed amendment. If everything else is to be under civil-service rules and regulations, I see no special reason why these employees should not be also; but I wish to state that I have not the slightest doubt that the Secretary of State would get a better class of men by leaving those words in than he will probably get by depending upon the Civil Service Commission to furnish them. That is my private judgment about it, publicly expressed. At the same time I recognize the fact that nearly everybody else in the public service is now under civil service or is about to be, if the order has not yet been issued taking in those not included in previous orders. That being the fact, so far as I personally am concerned, I am perfectly willing that those words shall be stricken out of the bill.

Mr. CALL. The proposition of the Senator from Maryland [Mr. GORMAN] and the opposition of the Senator from Illinois [Mr. CULLOM] involve a very important point outside of the simple question whether a high officer of this Government shall be divested of all kind of power and discretion in regard to the employees who are to execute the law. What the Constitution of the United States says is a complete answer to the proposition of the Senator from Maryland. We are not to make laws because the President has done something or the Secretary of State has done something. We are not to make laws because they have put everybody in the civil service, not leaving a single exception. That is no reason why the Secretary of State should not have the designation of a particular person. Suppose they have done so, and that the Secretary, for reasons satisfactory to himself, wishes to employ a man and to select him, is it any answer to say the public service will be promoted, when the Senator from Illinois admits that he thinks the public service would be promoted by this discretion? Is it any answer to say, "Well, the Secretary of State has agreed to put everybody under the civil service, and why except this?" The question is not what he has done, but what is best for the public interests, what is best for the execution of the law?

The Constitution provides that Congress may create inferior offices to be vested in the head of a Department. The Senator from Maryland [Mr. GORMAN] says under the civil-service law the appointment of these officers shall not be vested in the head of a Department. He says Congress must not exercise that discretion. Why? Because there is a civil-service law which authorizes the President to put everybody over whom he has authority under the civil service and provides that an appointment can only be made in that way after a civil-service examination. But Congress has the power to say to the President, "We will create an inferior office and we will obey the Constitution and put it under the head of a Department, and you can not divest Congress of that power." Now, the Secretary of State comes here and asks Congress to exercise that power. We are told that the President has put everybody, the bootblacks and the scrub women, under the civil service, and the Secretary has agreed to it, and therefore, however important and beneficial it may be, it can not be done. Why not? We are not obliged to follow the President's suggestion, and it is not at all pertinent to the civil service, as a general rule and policy to create a list of eligibles, that this should be done.

What is the condition? They have arbitrary rules which disfranchise and render ineligible to office all the people of the United States over 45 years of age. There are other rules that require them to come up to a particular weight and standard in the mail service; they must weigh so much and have such a height. All the rest of the people of the United States are deprived of their eligibility to hold office under the Government, and Congress is to be bound to exercise no kind of discretion in the matter. We are to have a privileged class created by three Civil Service Commissioners not responsible to the people of the United States, not elected. However meritorious a person may be, however much better qualified for a position, he is to be excluded and Congress is to be prohibited from providing even in reference to a single clerk when asked for by the head of a Department. I desire to protest against it and express my opposition to this wholesale disfranchisement of the people of the United States of their right to hold office.

The PRESIDING OFFICER. Does the Senator from Maryland accept the modification suggested by the Senator from Illinois?

Mr. GORMAN. I do.

The PRESIDING OFFICER. Does the Senator from Florida wish to be understood as objecting to it?

Mr. CALL. I object to it.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Maryland to the amendment of the committee. The amendment to the amendment will be stated.

The SECRETARY. After the word "Department," on page 22, line 22, strike out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. That takes it out of the power of the Secretary of State to make an appointment except by civil-service regulation.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. CHANDLER. I should like to hear the amendment read before we vote on it.

The PRESIDING OFFICER. The amendment as amended will be read.

The Secretary read as follows:

For services of employees of the Bureau of Statistics, State Department, for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution by the Department of State of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1890.

The amendment as amended was agreed to.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, in the items for the Treasury Department, on page 26, line 17, before the word "clerks," to strike out "three" and insert "four," and in line 20, before the word "hundred," to strike out "sixty thousand nine" and insert "sixty-two thousand five"; so as to make the clause read:

Division of bookkeeping and warrants: For chief of division, $3,500; assistant chief of division, $2,400; estimate and digest clerk, $2,250; two principal bookkeepers, at $2,100 each; ten bookkeepers, at $2,000 each; ten clerks of class 4; four clerks of class 3; three clerks of class 1; one messenger; one assistant messenger; and one laborer; in all, $62,570.

The amendment was agreed to.

The next amendment was, on page 26, line 25, before the word "clerks," to strike out "two" and insert "three," and on page 27, line 4, before the word "hundred," to strike out "twenty-four thousand eight" and insert "twenty-six thousand four"; so as to make the clause read:

Division of customs: For chief of division, $2,750; assistant chief of division, $2,000; three clerks of class 4; additional to one clerk of class 4, acting as drawback clerk, $200; three clerks of class 3; two clerks of class 2; two clerks of class 1; two clerks, at $1,000 each; three clerks, at $900 each; and two assistant messengers; in all, $26,490.

The amendment was agreed to.

The next amendment was, on page 28, line 15, after the word "dollars," to insert the following proviso:

*Provided*, That the chief engineer of the Revenue-Cutter Service, detailed as engineer in chief of said service, under the provisions of the legislative appropriation act of July 31, 1894, shall hereafter receive the duty pay and have the relative rank of a captain of the Revenue-Cutter Service.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "and," where it occurs the second time, to strike out "one sewer and folder, at $2.50 per day" and insert "two sewers and folders, at $2.50 per day each," and in line 13, before the word "cents," to strike out "thirty thousand four hundred and sixty dollars and ninety" and insert "thirty-one thousand two hundred and forty-three dollars and forty"; so as to make the clause read:

Division of stationery, printing, and blanks: For chief of division, $2,500; four clerks of class 4; two clerks of class 3; three clerks of class 2; two clerks of class 1; two clerks, at $900 each; two messengers; two assistant messengers; foreman of bindery, at $4 per day; four binders, at $3.20 per day each; and two sewers and folders, at $2.50 per day each; in all, $31,243.40.

The amendment was agreed to.

Mr. McBRIDE. I offer an amendment to the pending bill and move its reference to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Oregon submits an amendment to the pending bill, which will be printed and referred to the Committee on Public Lands.

The next amendment of the Committee on Appropriations was, on page 31, line 12, after the words "four thousand," to insert "five hundred"; so as to read:

Office of Comptroller of the Treasury: For Comptroller of the Treasury, $5,500; Assistant Comptroller of the Treasury, $4,500.

Mr. PLATT. The committee proposes to make the salary of the Assistant Comptroller $4,500. I do not wish to agree to the amendment. I think that the amount should be larger. I move to amend the amendment so as to increase the salary to $5,000.

Mr. CHANDLER. The salary fixed by law is $5,000.

Mr. PLATT. Yes, and I propose in lieu of the amendment reported by the committee, which is to insert "five hundred" after the words "four thousand," to strike out "four," in line 11, before "thousand," and insert "five."

Mr. CHANDLER. I hope the committee will agree to that, because $5,000 is the legal salary.

Mr. PLATT. I wish to state that on the 31st of July, 1894, we passed a public act providing "That there shall also be an Assistant Comptroller of the Treasury, to be appointed by the President, with the advice and consent of the Senate, who shall receive a salary of $5,000 per annum." The other House cut down that salaried office of $5,000 to $4,000. The committee, seeing the injustice of doing that, has added $500, but still leaves it $500 below the statute salary. I do not think that is right, Mr. President, especially when, upon the recommendation of the committee called the Cockrell or Dockery commission, the salary was fixed at $5,000, upon discussion—I do not think that upon an appropriation bill it should be reduced. I wish to say that the committee has not treated this officer as it has treated the private secretary of the President, who has a salary, I believe, of $4,500, and which it reports to make $5,000.

Mr. WOLCOTT. I should like to ask the Senator from Connecticut a question. Is the present incumbent of the office from Connecticut?

Mr. PLATT. Yes, sir.

Mr. WOLCOTT. Thank you.

Mr. PLATT. But the first incumbent of the office was from Missouri. Mr. Mansur was the first incumbent of this office, and he had a salary of $5,000. After the death of Mr. Mansur a Connecticut man was appointed, and I want the same justice meted out to him that was meted out to the Missouri man. In other words, I want the amount provided by law to be appropriated. It is perhaps pertinent to state that the Dockery commission put upon two individuals the work which had previously been done by six. The Comptroller and the Assistant Comptroller had all the duties placed upon them which theretofore had been done by six persons. I hope the Committee on Appropriations will not object to making the amount $5,000.

Mr. WOLCOTT. I was very glad to be able to identify from the remarks of the Senator from Connecticut the person to whom the amendment relates. I take this occasion to bear very cheerful testimony to the efficiency and ability of the gentleman referred to and to the fact that he earns the full salary of $5,000, which the Senator from Connecticut suggests be given to him.

Mr. CHANDLER. I wish also to say that although this is a Connecticut gentleman he has spent a great deal of time in his short life, for he is still youthful, out in Colorado and the mountains of the West, and that has aided to make him exceedingly acute, able, and valuable in this office.

Mr. WOLCOTT. It has done more than that. If he spent much time in Colorado he needs a salary of $5,000.

Mr. PLATT. I think the Senate may conclude that when Colorado and Connecticut agree on a proposition it must be right.

Mr. CULLOM. I do not care to take up the time of the Senate in discussing this man's salary. The House, after due deliberation and investigation, fixed his salary at $4,000, notwithstanding the statute, which I admit had previously fixed the salary of the office at $5,000. The Senate committee was inclined to think that perhaps there was a little injustice done to this man as compared with those around him and the committee increased it, so far as it was concerned, to $4,500. I think that the Senators who are interested in this young gentleman had better be content with fixing the salary at $4,500, because it is a sort of splitting of the difference between the statute and the House proposition. Besides, it is a very fair salary, and it is within $500 of the amount each of us is entitled to draw as a representative of our respective States.

Mr. HOAR. I should like to ask the Senator from Illinois a question. Does his committee commit itself or desire to commit the Senate to the policy, when the law fixes a salary, of appropriating only a part of it and sending the officer into the Court of Claims for the rest? It seems to me if the salary is too high there should be a law passed to lower it, and that Congress should not simply refuse to appropriate it. It is just as much a legal obligation on the part of the Government to pay this man $5,000 a year salary, unless we repeal the law, as it is to pay a Goverment bond. I can not understand under what authority the committee consents to appropriating a part of the salary for a year and then letting the man go to the Court of Claims for the rest.

Mr. CULLOM. In answer to the Senator from Massachusetts, I will state that the Committee on Appropriations of the Senate came to the conclusion that this man's services are not worth any more than $4,500 a year.

Mr. COCKRELL. Let me ask the Senator from Illinois whether the bill was not originally reported from the Committee on Appropriations somewhere else with the full amount of $5,000 in it, and after it had been reported and during its consideration was not the reduction made?

Mr. CULLOM. Yes; that is true.

Mr. COCKRELL. That is my recollection.

Mr. CULLOM. The report of the committee was voted down.

Mr. PLATT. The Senator from Illinois says he does not think this man's services are worth more than $4,000.

Mr. CULLOM. I will say the office; I do not care to refer to the man. I do not think the office ought to have more than $4,500.

Mr. PLATT. The office is by law salaried at $5,000 a year. The Comptroller had $5,500, the Assistant Comptroller had $5,000, which is the usual distinction between the principal officer and the assistant officer. If we are going into this business of saying that we will determine how much a man's services are worth, we might take up the Cabinet officers. I think upon that ground it is very possible we might get a vote in the Senate or in the House that we would appropriate for some Cabinet officers only six or seven thousand dollars, instead of $8,000, which is the amount provided by law; and I am not sure but that some of the Cabinet officers, if we should act upon that ground, might get reduced still further than I have suggested. Now, that is very unsafe ground to go upon. Here is the law which makes this salary $5,000. If I had the time to explain the duties of this officer there would be no question, I think, that the office is worth $5,000.

Mr. CHANDLER. The duties of this office should be referred to sufficiently to justify the appropriation of $5,000. I do not think the Senator from Illinois who has charge of the bill wishes to do any injustice to the present incumbent of the office. He disclaims that and expresses his opinion about the office itself. The office itself is that of Deputy Comptroller. When the Comptroller is absent, the deputy performs the functions of the office. Now, what is the office? Senators know very well that under the lead of the distinguished Senator from Missouri [Mr. COCKRELL] the Treasury Department has been reorganized, and instead of the two Comptrollers we have but one, and this is the assistant of the sole Comptroller of the Treasury. I ask the Senator from Missouri if I am not right?

Mr. COCKRELL. That is right.

Mr. CHANDLER. That Comptroller determines absolutely whether a dollar of money shall go out of the Treasury or shall not go out. Senators know very well who the present Comptroller is and the great controversy over the fact that he has refused to pay the sugar bounty. He is supreme within his function. Neither the President nor the Secretary of the Treasury nor any other officer under the Government can get one dollar out of the Treasury without the signature of the Comptroller of the Treasury. That Comptroller has been deliberately made one man by abolishing the comptroller for the Army and the Navy appropriations, and he has had given to him this assistant, as intelligent and as upright and as able a man as Connecticut ever produced or Colorado ever nurtured.

Mr. President, while I am not in favor of increasing salaries, I

do say that we should not undertake to place a stigma upon a man who has been put into that office, a good Democrat, too, and Democrats are having trouble enough nowadays without having a stigma of this kind put upon them. We would put a stigma upon him by selecting him out and reducing his office when there is no general revision of salaries in the bill. If the Senator from Illinois will say that either the House or the Senate committee has undertaken to go all over the salaried offices that are contained in the bill and carry out a measure of economy and reform extending to a dozen or two dozen or a hundred or two hundred offices, I will join with the committee in considering that measure of economy and reform. But the House has done no such thing as that. For some reason or other it has taken out and reduced the salary of the Assistant Comptroller. I ask the Senator from Missouri to tell the Senate before this is voted upon what he thinks as to the importance of the office of Comptroller and Assistant Comptroller of the Treasury, which he, by his research and his influence in legislation, has created, what he thinks as to the importance of the office of Comptroller and the office of Assistant Comptroller which this young man holds. I say it is a stigma, it is unjust, and it is unbecoming for Congress to make a reduction in this salary in this way.

Mr. COCKRELL. The Senator from New Hampshire has properly stated the duties of the office. As a matter of course, the office of Comptroller is the most important office really in the Treasury Department, and any assistant necessarily occupies an important position. It is true he can not make final decisions, because they can only be made by the Comptroller, but he must practically decide a great many questions.

Mr. CHILTON. I only want to call attention to one point in connection with this matter. I am not familiar enough with the duties performed by this officer to speak advisedly in regard to his compensation; but if it is the design of this appropriation bill to cut his salary down, the language employed hardly accomplishes the object. The Supreme Court of the United States has had this question before it twice. It was decided in one case that where an officer's compensation is fixed by statute and a subsequent appropriation act provided for a less amount, suit could be maintained to recover the balance from the Government. It was decided in still another case that this rule does not apply if the appropriation act uses language which shows that the appropriation is intended to be full compensation, and act on the matter in place of the statute. So that, unless this appropriation bill uses further language than that which is now under consideration, this party could still recover the balance of his statutory salary.

Mr. CULLOM. The Senator will allow me to call his attention to the very first paragraph in the bill, which reads:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1887, for the objects hereinafter expressed.

Mr. CHANDLER. I should like to have the Senator from Texas understand that while the point he makes is entirely correct——

Mr. CHILTON. I am doubtful whether the language employed would be sufficient to effect the object intended.

Mr. CHANDLER. If it were not for that clause, the Senator would be right, and the full salary could be recovered in the Court of Claims; but this method of reducing salaries having been adopted many years ago, this clause has been invented for the purpose of making a reduction of salary, which is a very unfair method, I think, of reducing salaries.

Mr. CHILTON. The language on the first page, just quoted by the Senator from Illinois, conveys the proper idea; but it is barely explicit enough. The case in which the Supreme Court decided that an appropriation act had the effect to repeal the statutory salary used language of much greater particularity. It is somewhat problematical, in my judgment, whether the phraseology of the present bill will be so construed.

Mr. PLATT. I wish once more to call attention to the services which are performed by the Comptroller and Assistant Comptroller as compared with what was performed by the officers who performed the same duties before the law was passed. The law which provided for the appointment of a Comptroller and Assistant Comptroller abolished the offices of commissioner of customs, deputy commissioner of customs, second comptroller, deputy second comptroller, and deputy first comptroller of the Treasury, and put the duties that had been previously performed by those officers upon the Comptroller and Assistant Comptroller. As a matter of practice, while the Second Comptroller is under the Comptroller, he acts independently of him and passes upon all accounts relating to the Army, the Navy, the Indian, and the pension appropriations, taking one-half of the Departments of the Government, while the Comptroller takes the other half, and when the Comptroller is absent he becomes Comptroller. I submit that this is not a case for cutting down a salary.

Mr. MITCHELL of Wisconsin. I should like to ask the Senator from Connecticut a question. I ask if the opinions that are given by the Assistant Comptroller are revised by the Comptroller of the Treasury?

Mr. PLATT. The opinions which are given by the Assistant Comptroller to the heads of the different Departments are not revised by the Comptroller, but pass the same as the opinions given by the Comptroller himself.

Mr. CULLOM. One word. I certainly did not desire to be understood as making any reflection upon the gentleman who holds the office of Assistant Comptroller. I never had the pleasure of his acquaintance and have never seen him. I appreciate the value of the office he holds; but I found on investigation that the other body having charge of the origination of appropriation bills had, after discussion, come to the conclusion that the salary of this office was too high, and reduced it from $5,000 to $4,000. It seems to me, from my knowledge of the office and from talking with gentlemen who know the occupant of the office, that that was certainly not fair. So the Committee on Appropriations reported to increase the amount $500, which is within $500 of what the statute had fixed heretofore.

I have myself no doubt that the occupant of the office is doing his whole duty, and doing it as well as anybody in that position could. I am simply making these remarks so that if I carelessly said anything that might be considered as a reflection upon this official it may be understood that I am not attempting to make any such reflection whatever.

I do believe, however, that there are many of these salaries which have been fixed by statute which are too large; but if the Senate feels that this salary ought to be put back to the amount heretofore fixed by general statute, I have no objection whatever.

Mr. PLATT. I should like to make an inquiry, which is, whether the same committee have not revised the action of the House of Representatives in another respect, that is, the salary of the secretary of the Executive, which the other House cut down in the same way, and now the committee propose to give him a salary more than is provided by law?

Mr. CULLOM. The committee propose to give him the exact salary that he has been getting for a number of years.

Mr. PLATT. But it is more than the original statute provided.

Mr. CULLOM. I do not know what the original statute did provide.

Mr. PLATT. The other House cut the salary below the statutory salary, and the Senate restored it at a higher rate.

Mr. CULLOM. No higher than the present statute provides. We did that because we all know that the office of private secretary to the President of the United States is a responsible and important one.

Mr. HOAR. That is true, considering who he has on his hands. [Laughter.]

Mr. CULLOM. Yes. Now I hope we shall have a vote.

Mr. HALE. Let us have a vote.

Mr. PLATT. Let the amendment be stated.

The SECRETARY. On page 31, line 11, after the word "thousand," the Committee on Appropriations report to insert "five hundred"; so as to read:

Assistant Comptroller of the Treasury, $4,500.

Mr. PLATT. I move to amend that amendment by striking out the word "four" before "thousand" and inserting "five," and after "thousand," by striking out "five hundred," which is the amendment recommended by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 11, on page 31, before the word "thousand," it is proposed to strike out "four" and insert "five," and after the word "thousand," to strike out "five hundred"; so as to read:

Assistant Comptroller of the Treasury, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. There seems to be a desire that we should have an executive session this evening, and I am willing that the bill shall be laid aside now, with the understanding that we take it up as early as possible to-morrow morning after the routine morning business.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. SQUIRE. I ask the Senator to withdraw the motion for a moment to permit me to make a report and ask for action upon it.

Mr. HOAR. I withdraw the motion for that purpose.

## PUGET SOUND AND LAKES UNION AND WASHINGTON WATERWAY.

Mr. SQUIRE. I am instructed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 104) directing

the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway, to report it without amendment. I ask unanimous consent for its present consideration, as I am sure it will not occasion any debate.

Mr. COCKRELL. Let the joint resolution be read for information.

The joint resolution was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOAR. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 24, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 23, 1896.*

INDIAN AGENT.

Peter Gallagher, of Pocatello, Idaho, to be agent for the Indians of the Warm Springs Agency in Oregon, vice Lieut. Charles W. Farber, United States Army, to be relieved from duty as acting Indian agent.

UNITED STATES CONSULS.

Frank W. Roberts, of Maine, to be consul of the United States at Cape Town, Cape Colony, to fill a vacancy.

R. Hughs Long, of Alabama, to be consul of the United States at Nogales, Mexico, to take effect upon the confirmation and qualification of Frank W. Roberts as consul of the United States at Cape Town, Cape Colony, this day nominated as such consul.

PROMOTIONS IN THE ARMY.

*Infantry arm.*

First Lieut. Robert Nelson Getty, Twenty-second Infantry, to be captain, March 17, 1896, vice Thorne, Twenty-second Infantry, retired from active service.

Second Lieut. Harold Lincoln Jackson, Fifteenth Infantry, to be first lieutenant, March 17, 1896, vice Getty, Twenty-second Infantry, promoted.

POSTMASTERS.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut, in the place of Emerson A. Hough, whose commission will expire April 4, 1896.

T. G. Boyer, to be postmaster at Altamont, in the county of Effingham and State of Illinois, in the place of Diederich P. Buckholz, whose commission will expire April 18, 1896.

Jesse M. Ballard, to be postmaster at Marion, in the county of Grant and State of Indiana, in the place of Clarence M. Hawkins, deceased.

William E. Miller, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa, in the place of Parley Davey, deceased.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 23, 1896.*

UNITED STATES ATTORNEY.

James M. Beck, of Pennsylvania, to be attorney of the United States for the eastern district of Pennsylvania.

MARSHAL.

James B. Reilly, of Pennsylvania, to be marshal of the United States for the eastern district of Pennsylvania.

POSTMASTERS.

E. M. Thompson, to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania.

Joseph A. Bing, to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania.

Daniel Randall, to be postmaster at Mechanicsville, in the county of Bucks and State of Pennsylvania.

Emma K. Gitt, to be postmaster at Hanover, in the county of York and State of Pennsylvania.

Martin Gerard, to be postmaster at Deadwood, in the county of Lawrence and State of South Dakota.

## HOUSE OF REPRESENTATIVES.

MONDAY, *March 23, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday last was read and approved.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 6576) to amend section 3480 of the Revised Statutes, in relation to loyalty, was referred to the Committee on Claims, but properly belongs to the Committee on Military Affairs. Without objection, the necessary change will be made.

There was no objection, and it was so ordered.

LEASE OF CERTAIN LANDS, ARIZONA.

Mr. MURPHY of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona.

The bill is now on the Speaker's desk.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the lands reserved for university purposes, and all of the school land in the Territory of Arizona reserved by law for school purposes, may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory, but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interor for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.

And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State, and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of the public school fund of said Territory, and shall not be used for any other than public school purposes: *Provided*, That the proceeds of leases of university and normal school lands shall be placed to the credit of separate funds for the use of said institutions.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman from Arizona if this bill has been referred to and reported by a committee to the House?

Mr. MURPHY of Arizona. I will explain if the House will give consent for a few moments.

There was a bill passed formerly by the House upon this subject which went to the President and was vetoed, but was subsequently passed over the veto by the House and was sent to the Senate. In the Senate they decided, under the recommendations of the Secretary of the Interior, to redraw the bill rather than pass the original bill over the veto, the new bill being prepared to meet the objections which had been interposed in the President's veto.

The present bill is the modified form, modified in accordance with the suggestions of Secretary Smith and in view of the objection made by the President. It passed unanimously, and is now upon the Speaker's table awaiting the action of the House.

Mr. TALBERT. Has it been referred to any committee of the House?

Mr. MURPHY of Arizona. The committee have not had the bill directly under consideration, but all of the members have knowledge of the bill. They are all here and make no objection to its consideration as it stands.

Mr. TALBERT. But they make no report?

Mr. MURPHY of Arizona. Not on this bill; but, as I have said, on a bill of a similar character they did report, and the bill passed the House.

Mr. LACEY. Mr. Speaker, if we can have the attention of the House for a few moments, I think there will be no objection to the present consideration and passage of the bill in question.

The bill, as the House will remember, on the same subject was passed over the veto of the President some days ago. After consideration of the matter in the Senate Committee on Public Lands, it was deemed best, under all of the circumstances, instead of passing the House bill, to pass a bill with an amendment substantially removing the main objection made by the President in his veto. The original bill would not have met the approval of the House Committee on the Public Lands if the committee had deemed it subject to the objection embodied in the President's veto. But they did not think it could possibly result in the destruction of timber on the leased lands, or that the objection made would have any validity. But the bill as it now comes to the committee has a proviso that no timber lands shall be leased, or rather

I should say it contains a provision for the ample protection of the timber lands, at any rate.

Mr. TURNER of Georgia. Is not the gentleman mistaken about that?

Mr. LACEY. I say that there is a provision for the protection of the timber lands.

Mr. TURNER of Georgia. The gentleman stated that it was provided in the bill that no timber lands should be leased.

Mr. LACEY. That was an incorrect statement which I corrected immediately afterwards. The provision is that there shall be no cutting of the timber.

As I understand it, some of these timber lands are excellent grazing lands, and very desirable for leases on that account; but the bill provides that it shall be unlawful to cut, remove, appropriate, or in any way interfere with the timber on the lands. The bill also limits the amount of land which may be leased to any one person, corporation, etc., to one section.

Mr. TURNER of Georgia. If the gentleman will pardon me. Suppose the lands leased are altogether timber lands, to what use can they be subjected unless the timber is removed?

Mr. LACEY. They can be used for grazing purposes. As I have just said, I understand that in some parts there are portions of the timber lands where grass grows suitable for grazing purposes, and the lands are available for leasing for that purpose.

Mr. TURNER of Georgia. What remedy is there for depredating upon the timber?

Mr. LACEY. By the general law there is ample protection already in that regard. But the provision of the pending bill does not give to the lessees any right to cut the timber.

Mr. TURNER of Georgia. Would depredations on the timber void the lease?

Mr. LACEY. Not necessarily, in my opinion——

Mr. TURNER of Georgia. Ought not that to be the case?

Mr. LACEY. But the man who cuts the timber would be sent to the penitentiary. It is a penitentiary offense, and he is also subjected to a heavy fine; so I think there is ample protection in this regard.

The only difficulty in connection with the matter, I ought to say, was this: Whether or not the manner in which the first bill was drawn would confer upon the lessees a right, without being subject to penalties, to cut the timber; and that, in the opinion of the committee, has been effectually removed by the bill in its present form.

I also call your attention to the following statement of Secretary Smith in regard to the bill. He says:

> If this bill were amended so as to exclude the leasing of timber land or prohibit the cutting of timber on leased timber land, and also limit the quantity which could be leased to any one concerned and the duration of the lease, its objectionable features would be eliminated.

An attempt has been made to carry out every suggestion made by the Secretary, and there is no desire on the part of anyone to allow the leases to culminate in the cutting of the timber. I do not think myself that the original bill could possibly have been used to accomplish that purpose; that is to say, that under its provisions the timber could not have been cut either; but we will forego that point and make it absolutely certain by the adoption of the bill in its present form.

I think there was no question under the former bill and that the provisions as to timber were not necessary, but there can be no objection to inserting them.

Mr. TURNER of Georgia. My friend from Iowa will remember that on a former occasion, when the House was considering the veto message of the President, it appeared that the President objected to the bill because it provided that these leases should not be submitted to the Secretary. On examining this bill I find that that provision still remains in it.

Mr. LACEY. Yes.

Mr. TURNER of Georgia. Why would it not be well to strike that out?

Mr. LACEY. Because the Secretary did not want it stricken out, and because that really was not the objectionable feature of the bill.

Mr. TURNER of Georgia. Does that appear in the letter that you hold in your hand?

Mr. LACEY. Here is what the Secretary says:

> House bill 2769 was not referred before its passage by the House and Senate to this Department for consideration. When the bill came here from the President, in the short time allowed for report, all that was done by the Department was to see that the bill complied substantially with the Oklahoma law. No opportunity was afforded to consider the question as to whether reasons existed for a different rule in Arizona from that which was working satisfactorily in Oklahoma.

That explains why he sent the former bill to the President with the departmental approval.

He further says:

> Since that time the attention of the Department has been called by numerous communications from Arizona and by an investigation of the facts to the heavily timbered condition of a considerable portion of the school lands in Arizona. It would be undoubtedly a mistake to allow this timbered land leased and the timber cut from it. If the bill were changed so that it would go into effect only after the legislature of Arizona had an opportunity to make regulations controlling the leasing of the lands, there would be no serious objection to it. On the other hand, if the bill were amended so as to exclude the leasing of timber land or prohibit the cutting of timber on leased timber land, and also limit the quantity which could be leased to any one concern and the duration of the lease, its objectionable features would be eliminated.
>
> The protests from Arizona come from a great variety of people, Democrats and Republicans, and men who (many of them from my own knowledge) must be moved entirely by a desire for the good of the Territory. In view of these facts, I do not think it safe for the bill in its present form to become a law. Had the bill, before its passage, been referred to this Department, I have no doubt that investigation would have suggested in advance these modifications.
>
> I inclose herewith copy of a communication from the Commissioner of the General Land Office, dated the 5th instant, on this subject, to which I respectfully invite your attention; also to the letter from the chief of the drafting division of the General Land Office.
>
> Very respectfully, HOKE SMITH, *Secretary.*

Now, the Senate Committee on Public Lands have attempted to comply fully with what they understand to be the wishes of the Secretary of the Interior, and, as I am informed, they do not understand that the departmental approval of the leases is desired by the Secretary of the Interior; and although the message in terms referred to that as an objection, that was referred to incidentally and without the knowledge on the part of the President that a different provision had been inserted in the Oklahoma bill at the request of the Department of the Interior. This bill, as I understand, will meet all the objections of the Interior Department to the former bill.

Mr. TURNER of Georgia. Are the safeguards provided in this bill for the protection of the timber known to the Secretary and approved by him? Has the draft of the bill on this subject been submitted to him?

Mr. LACEY. I can not say as to that. This bill in its present form originated in the Senate.

Mr. TURNER of Georgia. It would be more satisfactory to me if the bill had prohibited the leasing of the timber lands.

Mr. LACEY. That was a subject of conference with the Delegate from that Territory, and he informs me that there is a very large area of that land that is good grazing land, but is covered also with timber, and there would be a considerable loss of revenue if the leasing of the timber land was entirely done away with.

Mr. MURPHY of Arizona. I can explain that. The University of Arizona had these 72 sections reserved for it, and every acre of the land is good for summer grazing. There is no underbrush among the trees, and it is good grazing land. Unless it can be leased for grazing purposes there will be no income to the university, and the university desires something from these lands. It would utterly eliminate any income from these lands if they could not be leased at all simply because there is timber upon them. Every acre of these lands is good for summer grazing.

Mr. BOWERS. There is nothing in the bill that allows the cutting of timber?

Mr. MURPHY of Arizona. No; we are as anxious to prohibit the cutting of timber as anybody.

I think no one has any objection to the bill, and I ask that it be put upon its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Utah, a motion to reconsider the last vote was laid on the table.

### BRIDGE ACROSS CORPUS CHRISTI CHANNEL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.

The bill was read. It provides that the Aransas Harbor Terminal Railway Company, a corporation chartered under the laws of the State of Texas, is authorized and empowered to erect, construct, maintain, and operate a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex. Said bridge shall be constructed to provide for the passage of railway trains on and over a double or single track, as said Aransas Harbor Terminal Railway Company may elect, etc.

Mr. SAYERS. Mr. Speaker, I will state for the information of the House that this bill was introduced by my late colleague, Mr. Crain. The Committee on Commerce referred it to the Secretary of War, and the Chief of Engineers and the Secretary of War have reported favorably upon the bill. It has been unanimously reported by the committee. If the House desires, I will have the report read, but it is substantially as I have stated.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

Joint resolution (S. R. 98) directing the Secretary of War to submit a plan and estimates for the repairs and maintenance of the harbor at Stillwater, Minn.—to the Committee on Rivers and Harbors.

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation—to the Committee on Rivers and Harbors.

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors.

The bill (S. 1256) to increase the limit of cost for the erection of a public building in Camden, N. J.—to the Committee on Public Buildings and Grounds.

The bill (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State—to the Committee on the Public Lands.

The bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States—to the Committee on Claims.

The bill (S. 2347) for the relief of Laura C. Dodge—to the Committee on Pensions.

The bill (S. 2129) granting an increase of pension to Annie E. Nolan—to the Committee on Invalid Pensions.

The bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan—to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation, in Oregon.

The message also announced that the Senate had passed with amendments the bill (H. R. 4463) to grant two condemned cannon and cannon balls to the Thirteenth Separate Company National Guard of State of New York; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.;

A bill (S. 2187) to pension Thomas F. Leahy;

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company;

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah;

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade;

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes;

A bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry;

A bill (S. 1796) making an appropriation for reconnoissance of the mouths of the Yukon River, in Alaska;

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions;

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company;

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company;

A bill (S. 1506) for the relief of Holmes & Leathers;

A bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence;

A bill (S. 1119) granting a pension to Peter Daly;

A bill (S. 662) for the relief of William S. Grant;

A bill (S. 644) to refund certain import duties;

A bill (S. 637) granting a pension to George M. Brooks;

A bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler; and

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin.

FOURTH-CLASS POSTMASTERS.

Mr. LOUD. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to present the following privileged report.

The Clerk read as follows:

*Resolved*, That the Postmaster-General be requested to furnish this House at an early date the following information in regard to the salaries of fourth-class postmasters, to wit:

Number of fourth-class postmasters whose salaries are $50 per annum or less, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed fifty and are not above one hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed one hundred and are not above two hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed two hundred and are not above five hundred dollars per annum, and the aggregate amount of the same.

Number of fourth-class postmasters whose salaries exceed five hundred and are not above nine hundred and ninety-nine dollars per annum, and the aggregate amount of the same.

The report was read, as follows:

The Committee on the Post-Office and Post-Roads report that they have considered this resolution, and report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

Mr. TALBERT. Mr. Speaker, I would like to ask the gentleman the object of the resolution—if it looks to an increase of the pay of fourth-class postmasters?

Mr. LOUD. I will say to the gentleman that the object sought to be attained here, I believe, is that the House may know the salaries received by the different grades of the fourth-class postmasters. Possibly the ultimate object is to pay a salary to fourth-class postmasters, if I understand the object. The gentleman from Louisiana introduced the resolution.

The resolution was agreed to.

On motion of Mr. LOUD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SAFETY OF EMPLOYEES AND TRAVELERS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

The bill was read, as follows:

*Be it enacted, etc.*, That section 6 of an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, be amended so as to read as follows:

SEC. 6. That any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of $100 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this act contained shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed 25 inches, or to locomotives used in hauling such trains.

The amendment recommended by the committee is as follows:

In line 29, after the word "trains," insert the following: "when such cars or locomotives are exclusively used for the transportation of logs."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

### QUAY AND DOCK CHARGES ON FLOUR IN LONDON.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas it is represented that American flour exported to London, England, is subjected to severe and unjust discrimination in quay and dock charges imposed and burdensome regulations as to the time flour cargoes may remain on quays and docks: Therefore

*Resolved*, That the Committee on Interstate and Foreign Commerce be instructed to inquire into the truth of the above representations, and if found to be true to report to this House what legislation, if any, is necessary to relieve American flour from such discriminations and burdens.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. CRISP. Has the resolution been reported by a committee?

The SPEAKER. It has not.

Mr. HOPKINS. Ought not the resolution to go to the Committee on Ways and Means, instead of the Committee on Commerce?

The SPEAKER. The Chair had an impression that the subject was under consideration by the Committee on Ways and Means.

Mr. HOPKINS. Yes, sir. I move an amendment to that, to substitute the Committee on Ways and Means for the Committee on Interstate and Foreign Commerce.

Mr. FLETCHER. I have no objection to that.

Mr. HEPBURN. Why should that be done?

Mr. HOPKINS. For the very reason that a subcommittee of the Committee on Ways and Means is at present investigating that very subject, and has had a number of gentlemen interested in the manufacture and export of flour before the committee. This House has already appropriated $1,500 for that investigation, which is now being carried on by the subcommittee on Ways and Means.

The SPEAKER. If objection is made the resolution can not be presented in this way.

Mr. CRISP. Permit me to ask the gentleman a question.

Mr. HOPKINS. If this resolution should be adopted or referred, I desire that it be referred to the Committee on Ways and Means.

Mr. CRISP. The question I desire to ask is, whether this should be considered until some committee of the House shall have recommended its adoption?

Mr. HOPKINS. I think not. I think the better course would be to refer it to the Committee on Ways and Means.

The SPEAKER. Is there objection to reference to the Committee on Ways and Means?

Mr. HEPBURN. I understand the subject is being inquired into by that committee, as stated by the gentleman.

Mr. HOPKINS. It is.

Mr. HEPBURN. There is no reason why there should be two investigations.

The SPEAKER. The Chair hears no objection to reference of the resolution to the Committee on Ways and Means, and it will be so referred.

### WAGON AND MOTOR BRIDGE OVER THE MISSOURI RIVER AT ST. CHARLES, MO.

Mr. TRELOAR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

The bill was read, as follows:

*Be it enacted, etc.*, That Theodore Bruere, Henry B. Denker, A. F. Mispagel, O. J. Marten, C. W. Prosser, W. F. Bloebaum, B. L. Emmons, L. Ringe, A. Runge, J. F. Rauch, and Henry F. Pieper are hereby authorized to construct and maintain a bridge and approaches thereto across the Missouri River, between the city of St. Charles, Mo., and St. Louis County, Mo., at a point, at least one-third of a mile from any other bridge, to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, street-railway cars, motor cars, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said parties and to be approved from time to time by the Secretary of War: *Provided*, That the said parties, or their successors and assigns, shall build and maintain at all times, as accessory works to said bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary, in the judgment of the Secretary of War, to insure at all times a permanent channel for sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge: *Provided further*, That the said parties, or their successors and assigns, shall maintain on said bridge, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

SEC. 2. That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge and accessory works; and if any change be made in the plan of construction of said bridge and accessory works at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge and accessory works that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the said parties or their successors and assigns; that the said bridge shall be constructed without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, and in order to secure that object the said parties, or their successors and assigns, shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and accessory works and a map of the proposed location, giving for the space of 1 mile above and 1 mile below such proposed location the topography of the banks of the river, with shore lines and soundings, and such other information as may be required for a full understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

SEC. 3. That said bridge shall be built as a high bridge with an unbroken and continuous span, all spans over the waterway to have a clear channel of not less than 400 feet and a clear headroom of not less than 55 feet above high-water mark; and the piers of said bridge shall be parallel with the current of said river and the bridge itself at right angles thereto.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the parties authorized to build the same that he approves of the same, and upon receiving such notification the said parties may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be likewise submitted for the approval of the Secretary of War.

SEC. 5. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the street railways or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date thereon.

SEC. 7. That this act shall take effect and be in force from and after its passage; and the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

On page 1, after the word "point," in line 9, strike out the rest of the line.

On page 2, section 2, after the word "the," in line 2, insert the words "location and"; and after the word "plans," in line 2, strike out the rest of the line, excepting the last two words. In line 3 strike out the words "submitted to" and insert the words "approved by." In the third line, after the word "war," strike out the rest of the line and insert the words "as hereinafter provided for." Strike out all of lines 4, 5, 6, 7, and the first two words in line 8.

On page 3 strike out all after the word "river," in line 14, and all but the last two words of line 15. In line 23 insert, after the word "surroundings," the words "and direction of current at medium high rates." After the first word in line 24 strike out the balance of the section, and add the following, viz:

"Said map and drawings shall be referred to a board of officers of the Corps of Engineers, United States Army, for examination and report, which board shall personally examine the site of the proposed bridge and shall hold a public session at some convenient point to hear all objections thereto, of which public session due notice shall be given by public advertisement; and if said board of engineers reports that the location selected or the plans presented are unfavorable to the interests of navigation the Secretary of War is authorized, upon the recommendation of said board, to require such changes in location or plans as may be deemed necessary to protect the interests of navigation; and said bridge shall not be constructed except in accordance with the plans recommended by said board and approved by the Secretary of War."

On page 3 strike out all of section 3 and insert the following in lieu thereof, so that section 3 shall read as follows:

"SEC. 3. That said bridge shall be built as a high bridge with unbroken and continuous spans, at least three of the spans over the waterway to give a clear channel width of not less than 400 feet at low-water surface and clear headroom of not less than 55 feet above high-water surface; and the piers of said bridge shall be parallel with the current as near as possible at high stages of the river."

On page 3, section 4, strike out all after the word "receiving," in the second line, and insert the words "the report of the Board of Engineers." In line 3, section 4, substitute "the" for "a," between the words "that" and "bridge," and after the word "bridge," in the third line, strike out the word "so" and insert the words "to be."

On page 4, section 4, line 8, strike out the words "be made," and in line 9, after the word "works," insert the words "become desirable." After the word "shall," in line 10, strike out the balance of the section and insert in lieu thereof the following: "Only be authorized when recommended by a board of engineer officers and approved by the Secretary of War." In line 4, page 4, section 6, strike out the word "thereon" and insert the word "hereof."

On page 5, section 7, strike out all of line 1 after the word "that" and the first six words in line 2, so that the section as amended shall read: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 12,000 additional copies of the report of the Board of Engineers relative to the construction and completion of the Nicaragua Canal, without maps, of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives.

Also:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 17, of the first session of the Fifty-fourth Congress, being the memorial of the National Woolgrowers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate in regard to the "insurrection in Cuba," had insisted upon its disagreement to the amendment of the House of Representatives, had asked a further conference with the House, and had appointed Mr. SHERMAN, Mr. MORGAN, and Mr. LODGE as the conferees on the part of the Senate.

BRIDGE ACROSS THE CALUMET RIVER.

Mr. ALDRICH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2251, to authorize the construction of a bridge across the Calumet River. I have been instructed by the Committee on Interstate and Foreign Commerce to report the bill favorably and to ask for its immediate consideration.

The bill was read. It authorizes the Hammond and Blue Island Railroad Company, a corporation organized and existing under and by virtue of the laws of the State of Illinois, or its successors and assigns, to construct and maintain, under such conditions as may be prescribed by the Secretary of War, a bridge and approaches thereto across the Calumet River, in Cook County, in the State of Illinois, at a point on and opposite lot 6 in Snydacker & Aimbs's Illinois addition to Hammond, in section 8, township 36 north, range 15 east of the third principal meridian; and provides that said bridge may be constructed for railway and postal service, with single and double track for railway traffic.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALDRICH of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE I. SPANGLER.

Mr. STAHLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4424) to correct the military record of George I. Spangler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of George I. Spangler, late lieutenant of Company K, Two hundredth Regiment Pennsylvania Volunteers, in the late civil war, and grant him an honorable discharge.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STAHLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RICHARD W. JOHNSON.

Mr. KIEFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5478) for the relief of Richard W. Johnson.

The bill was read, as follows:

*Be it enacted, etc.*, That the accounting officers of the Treasury Department are hereby authorized and directed, upon application being made by Richard W. Johnson for commutation of rations and of pay which accrued while the said Richard W. Johnson was in the Volunteer and Regular Armies of the United States, to pay said Richard W. Johnson, out of any money in the Treasury not otherwise appropriated, the sum found to be due him by the Paymaster-General of the Army under the principles of the decision of the Supreme Court of the United States in the Watson case and other decisions relating to longevity pay of army and navy officers.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I object.

ORDER OF BUSINESS.

Mr. BABCOCK. This being District day under the rules, I call up the business of the District of Columbia, and I ask for the present consideration of the bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded.

BILLS OF SALE, ETC., IN THE DISTRICT OF COLUMBIA.

The bill was read, as follows:

*Be it enacted, etc.*, That in the District of Columbia no bill of sale, conditional sale, mortgage, deed of trust, or any conveyance, in whole or in part, of personal property or chattels, through or by which title is claimed to, or a lien or claim is retained or created in, such personal property or chattels, shall be good or valid against a subsequent innocent purchaser for value unless such bill of sale, conditional sale, mortgage, deed of trust, or other writing has been duly recorded in the office of the recorder of deeds in said District prior to the sale to such innocent purchaser.

Amendments recommended by the Committee on the District of Columbia were read, as follows:

Line 5, after the word "chattels," insert "where the property has not been delivered."

Line 9, after the word "value," insert "and without notice."

Line 11, after the word "recorded," insert "delivered for record."

Line 13, after the word "purchaser," add "and all such instruments shall take effect and be valid from the time when such instruments shall have been delivered to the recorder for record, and the recorder shall indorse on each instrument aforesaid the exact time and hour of delivery of the same to him to be recorded."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES LINSKEY.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

The bill was read, as follows:

*Be it enacted, etc.*, That all real estate lying in the District of Columbia heretofore purchased by and conveyed to James Linskey, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887; and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted.

Mr. HOPKINS. Mr. Speaker, I would like to hear the report on that bill, and I would also like to know why it is that this foreigner should be exempted from the operation of the general law.

Mr. HULICK. The facts of the case are set out quite fully in the report, which I will ask the Clerk to read.

The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred a bill (H. R. 1861) for the relief of James Linskey, report the same to the House with favorable recommendation.

The facts in this case are set forth in the following petition:

*To the Senate and House of Representatives*
*of the United States of America in Congress assembled:*

The petition of James Linskey, a citizen of the United States and a resident of the District of Columbia, represents:

That he has been a resident of said District for the last thirty years; that he was born in County Mayo, Ireland, in the year 1840, and came to the United States in the year 1863; and that in 1867 he was married to one Jane Kain, in the District of Columbia; that upon his arrival in this country he immediately established himself in business, and is now engaged in the business of painting, with his son, at 814 Nineteenth street NW.

Petitioner further states that since he came to this country it has never been his intention to retain his allegiance to any other Government, and it has always been his bona fide intention to remain a citizen of the United States and to make his home here in the city of Washington; and to that end, in the month of August, 1889, he purchased a house and lot, in which he now resides, No. 2816 N street NW., being lot 4, square 43, in Alexander Shepherd's subdivision in Georgetown, now West Washington, D. C. At the time he purchased said house and lot for his home he did not know of the provisions of the act of March 3, 1887, entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," (24 Stat., 476), and it was not until the year 1893, when he was summoned on a jury and interrogated by the court, that he was advised of the disability that existed; whereupon petitioner at once took steps to become a citizen, and in the month of May, 1894, he declared his intention of being naturalized as a citizen of the United States in the supreme court of the District of Columbia.

Petitioner further states that at the time he purchased said house in 1889 he, in good faith, executed and gave a mortgage or deed of trust to secure the deferred payments on the purchase price, and now, as the title of your petitioner to the real estate aforesaid is clouded by reason of the act of Congress herein referred to, he prays that said real estate, which may be forfeited under the provisions of said act, be relieved and excepted from the operation thereof, and for that purpose that the annexed act be passed.

Petitioner is a poor man, and if the provisions of the act of March 3, 1887, are enforced against him it would be a great hardship to him, as he purchased his house in good faith for a home for himself and family.

JAMES LINSKEY.

The Commissioners of the District of Columbia recommend favorable action upon the bill. The committee therefore recommend the passage of the bill.

Mr. HOPKINS. Does the law prohibiting aliens from holding real estate in the District of Columbia or in the Territories preclude those who duly declared their intention of becoming citizens of the United States?

Mr. HULICK. I presume not, though I can not answer definitely on that point.

Mr. HOPKINS. If it does not, I see no reason why this bill should be passed. The report shows that this man has lived here for thirty years and enjoyed all the benefits of free government without any of the inconveniences of American citizenship.

Mr. HULICK. I will state the facts of the case, and I think they will satisfy the gentleman from Illinois that this bill should be passed. This man has been living here about thirty years. In 1876 he married in this District, and since that time he and his son have been engaged here in the business of painting. In 1889 he purchased this property, the title of which will be placed in jeopardy if this bill is not passed. He resides on the property. He was not aware, as he sets out in his petition, of the existence of the law until 1893, when he was called to sit as a juror, and he then learned that he was not legally the owner of real estate.

Mr. HOPKINS. As a matter of fact, when he was called as a juror did not he raise the point that he could not be compelled to serve as a juror because he was a foreigner?

Mr. HULICK. I am not advised, nor is the committee advised, whether he raised that question, or whether the attorneys in the case raised it. It was, however, determined at that time that he was not qualified to sit as a juror.

Mr. HOPKINS. What excuse does he give for living in this country and enjoying the benefits of our free institutions for thirty years without ever attempting to become a citizen?

Mr. HULICK. He alleges that it was never his intention to bear allegiance to any other Government, and he filed his application for citizenship in 1894.

Mr. HOPKINS. Does he give any reason why he did not years ago make application to become an American citizen?

Mr. HULICK. The gentleman will remember that this man was a citizen of the District of Columbia, where the right of suffrage is not enjoyed and where people are not called upon to qualify themselves for it.

Mr. HOPKINS. Ah, but the right of suffrage did exist here. There was a time since this man was a citizen of the District when the right of suffrage was enjoyed here, when the District had representation in Congress and the people here had the right to vote.

Mr. HULICK. I believe my friend is right about that; but here is this man, a good citizen, who owns this property——

Mr. HOPKINS. But is he a good citizen if he has lived here that length of time without ever attempting to become a real American citizen until he found out that it was necessary to do so in order to protect his interests?

Mr. HULICK. All questions as to this man's character as a citizen and his relations to this Government were presented to the committee in a way which impressed them favorably. If the gentleman from Illinois questions the man's intention and his character and qualifications simply because he failed to make application for citizenship years ago, of course that is a matter for the gentleman himself.

Mr. HOPKINS. The gentleman has stated that this man has now made application to become a citizen?

Mr. HULICK. Yes, sir.

Mr. HOPKINS. I understood the gentleman also to say that becoming a citizen will, under the terms of the law, relieve him from the penalties that have been incurred.

Mr. HULICK. I do not understand that if he becomes a citizen his title to this real estate is thereby cured. He is a foreigner to all intents and purposes so far as the title to this real estate is concerned. Under the statute the title could not lawfully vest in him. He purchased this property some years ago and has lived there, performing the part of an honest, industrious citizen. He made the purchase in good faith. He is a poor man. At the time of the purchase he executed a mortgage, and his disability as a foreigner affects not only his title, but also the title of the mortgagee.

Mr. HOPKINS. I wish to put another question to the gentleman from Ohio [Mr. HULICK], who, I understand, is an able lawyer. If under the provisions of the law of 1887 a foreigner can not acquire title to real estate in the District of Columbia or any of the Territories, then how will this bill relieve this man from any of the inconveniences referred to in the report? In other words, will not the attempt to convey title to him be void?

Mr. HULICK. The object of this bill, as expressly stated in the bill, is this:

And all forfeitures incurred by force of said act are in respect of such real estate hereby remitted.

The gentleman will see there is a special provision remitting any of these forfeitures bearing upon the title to this property.

Mr. HOPKINS. What is the value of the property?

Mr. HULICK. I can not tell. It is the home in which this man lives. He and his son are engaged in the business of painting in this city.

Mr. HOPKINS. Is the gentleman satisfied that it is this man's fixed purpose now to become a citizen?

Mr. HULICK. We have no doubt about it at all. The committee has reported the bill favorably; and it is also indorsed by the Commissioners of the District of Columbia. We have heard evidence, and we know no reason, legal or otherwise, why the bill should not become a law. In fact, the bill does nothing more than an act of justice.

Mr. LITTLE. How much property is involved in the bill?

Mr. HULICK. There is a house and lot.

Mr. LITTLE. A residence?

Mr. HULICK. Yes, sir. It is used only as a residence. This man bought it in good faith in 1889 and executed a mortgage on it. Since that time he and his son have been engaged in the business of painting, trying to make an honest living, trying to raise the funds with which to pay off the mortgage. When he was advised that he could not hold title to real estate in this District and that his property was jeopardized, he made application in 1894 to become a citizen, and in May, 1896, he will be entitled to citizenship.

Mr. LITTLE. Does the evidence show that that was the first evidence he had of the existence of the law?

Mr. HULICK. The evidence shows that he knew nothing about the bearing of this statute upon the title of his property until he was called as a juror, and in consequence of the facts which were developed in the investigation of his qualification as a juror he was advised that the title to his property was in question; that, in fact, he did not own it under the law of 1887.

Mr. HEPBURN. A remark made a moment ago by the gentleman from Ohio [Mr. HULICK] would seem to indicate that this bill is really in the interest of the mortgagee.

Mr. HULICK. Not wholly; both the mortgagee and the mortgagor desire to have the title perfected.

Mr. HEPBURN. Is it not the mortgagee alone who is now moving in this matter?

Mr. HULICK. Not at all. The committee does not know who the mortgagee is. All that we were advised of was that this man had executed a mortgage to secure a part of the purchase money which he had agreed to pay for the property. We do not know who the mortgagee is.

Mr. GROUT. Will the gentleman state the amount of the mortgage as compared with the value of the property?

Mr. HULICK. No evidence was produced before the committee as to the proportion of purchase money represented by the mortgage and the amount still remaining due.

Mr. BABCOCK. Let me say to the gentleman from Vermont [Mr. GROUT] that the question as to the value of the property and the amount of the mortgage was not necessarily considered by the committee. This property, which is this man's home, is No. 2816 N street. He practically has no title to it. This House has passed a bill of precisely similar character to this in a case attended by similar circumstances, and this same bill was passed in this House in the last Congress, but it failed to pass the Senate because of lack of time. The committee has no doubt as to the propriety of the passage of the bill. I call for a vote.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

## STANDARD SIZE OF DRY MEASURES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That it shall not be lawful for any person, under a penalty of $2 for each offense, to be recovered in the police court of the District of Columbia, in the name of said District, in the same manner as other fines and penalties are recovered, to use any bushel, half-bushel, peck, half-peck, or quarter-peck measure unless the same be of the dimensions following, to be measured from inside to inside, to wit: Every bushel measure shall not be less than 18½ inches in diameter at the top, 14½ inches in diameter at the bottom, 12⅜ inches deep, and the staves three-fourths of an inch in thickness. Every half-bushel measure shall not be less than 12½ inches in diameter at the top, 11½ inches in diameter at the bottom, 9½ inches deep, and the staves at least 1 inch thick. Every peck measure shall not be less than 10 inches in diameter at the top, 9½ inches in diameter at the bottom, 7⅞ inches deep, and the staves three-fourths of an inch in thickness. Every half-peck measure, when joined to the peck, shall not be less than 8½ inches in diameter at the top, 9½ inches in diameter at the bottom, 4½ inches in depth, and the staves five-eighths inch thick; and every one-half peck measure, when made separate from the peck, shall not be less than 9½ inches in diameter at the top, 8½ inches in diameter at the bottom, 4½ inches deep, and the staves five-eighths inch thick. Every quarter-peck measure shall not be less than 6½ inches in diameter at the top, 5½ inches in diameter at the bottom, 4½ inches deep, and the staves one-half inch in thickness.

SEC. 2. That the lawful weight of a bushel of potatoes shall be 50 pounds, and that hereafter all sales thereof shall be made by weight.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having fully considered the same, report it to the House with the following amendments, and as so amended recommend that the bill do pass:

In line 4 of section 1 strike out the word "two" and insert in lieu thereof the word "five."

At the end of section 2, and as part thereof, insert the following: "Any violation of this section shall be subject to the same penalty as that provided for in section 1."

A draft of the bill was submitted by the Commissioners of the District on February 29, 1896:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
*Washington, February 29, 1896.*

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend the introduction in the House of the inclosed draft of "A bill defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes."

Very respectfully,
JOHN W. ROSS,
*President Board of Commissioners, District of Columbia.*

Hon. J. W. BABCOCK,
*Chairman Committee on District of Columbia,*
*House of Representatives.*

There is at present no law in the District of Columbia by which the shape and size of dry measures are regulated or defined. The measures conform to no standard, and frauds are of daily occurrence in the markets, amounting in the aggregate to a large sum. The proposed law is for the protection of buyers against the sharp practices of dishonest dealers.

Mr. HENDERSON. Mr. Speaker, I hope the gentleman will give us some statement as to the purpose of this bill.

Mr. CURTIS of Iowa. Mr. Speaker, the committee has endeavored to state definitely the reasons for the passage of this bill and the necessity for the legislation proposed in the report which has been read.

The dry measures in the District of Columbia do not conform to

any standard size; and the committee was informed that fraud was of daily occurrence. The bill is suggested for the protection of the honest dealers against frauds which have frequently occurred within the District, there being no law now in the District whatever by which the shape and size of the dry measures in use shall be regulated. Therefore, this bill may be said to be for the protection of all buyers and also for the protection of all honest dealers.

The bill was suggested by the Commissioners of the District of Columbia. It was carefully considered by the committee, and is recommended unanimously for passage at this time.

Mr. BAKER of New Hampshire. If the gentleman will permit me, I desire to ask him a question. I notice that the bill provides for the size of the several dry measures, defining that they shall not be less than so and so in size. What provision has the committee made to prevent the local dealers from having measures of a larger size to use in purchasing from the countryman—the producer?

Mr. CURTIS of Iowa. Well, the committee thought it unnecessary to guard against a contingency of that sort, which is not likely to arise. The bill provides, the gentleman will observe, for the minimum measures——

Mr. BAKER of New Hampshire. It provides for the minimum measure, and is all right as between the merchant or market man and the local grocery man and the consumer or boarding-house keeper or citizen of the District of Columbia. But what will prevent such dealer from having another measure of a larger size, one exceeding the limits fixed by this bill, from which to buy from the countryman who comes in, and thus commit a fraud against him?

Mr. CURTIS of Iowa. I will state, Mr. Speaker, that in the event of the passage of this bill it is presumed that the seller and buyer would be each fully informed as to the conditions of the act.

There are some committee amendments on which I ask a vote.

The amendments recommended by the committee were agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend, in line 2, section 2, page 2 of the bill, by striking out the words "fifty-six" and inserting "sixty."

The purpose of the amendment is this: The dealers in the District of Columbia always buy potatoes at 60 pounds to the bushel and retail them at 56 pounds to the bushel. This simply cures that, and requires them to retail them at the same weight at which they purchased.

Mr. CURTIS of Iowa. I think there will be no objection on the part of the committee to the amendment offered by the gentleman from New Hampshire.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

### SEALERS OF WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes."

The bill was read, as follows:

*Be it enacted, etc.* That section 9 of the act approved March 2, 1895, entitled "An act for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," be, and the same is hereby, amended, so as to read as follows:

"SEC. 9. That no person shall use for buying or selling, or for weighing freight or express matter, any weights, measures, scales, or other instruments, unless the same shall have been examined and approved by the sealer or assistant sealer of weights and measures. The fact and the date of such examination and approval and the period for which such examination and approval shall hold good shall be certified to with the seal of the sealer of weights and measures. Such certificates shall be attached in a conspicuous place to the weights, measures, scales, or other instruments so examined and approved, and such certificate shall be valid only for such time as the Commissioners of the District of Columbia shall provide in the schedule of fees hereinafter provided for: *Provided*, That nothing herein contained shall prevent at any time the examination and condemnation of any weights, measures, scales, or other instruments that may be found defective. The Commissioners of the District of Columbia shall prescribe the amount of tolerance to be allowed by the sealer of weights and measures, and all weights, measures, and balances that do not conform to the standards for weights and measures in this act provided for within the limit of tolerance so allowed may be seized by the sealer of weights and measures, and when so seized shall be destroyed by him, and a record of the same shall be duly entered on the books of his office. Failure to comply with the provisions of this section, or the use of any weights, measures, scales, or other instruments described in this section, before the payment of the fees fixed by the said Commissioners for examinations, shall render the person so failing or using liable to a fine of not more than $30 and costs of prosecution for each offense, to be recovered in the police court of the District of Columbia; and the said court may make a further sentence that the offender be imprisoned in the District jail for any period not exceeding six months until the payment of such fine and costs."

Mr. BABCOCK. I ask for the reading of the report accompanying the bill.

The report (by Mr. RICHARDSON) was read, as follows:

The Committee on the District of Columbia have considered the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," and report same with the recommendation that it do pass.

The reasons for this measure are correctly set forth in the Senate report on said bill, which is hereto attached and made a part of this report:

[Senate Report No. 231, Fifty-fourth Congress, first session.]

The Committee on the District of Columbia, to whom was referred the bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," after a full consideration, make a favorable report thereon.

Section 4 of the act in question directs the Commissioners of the District of Columbia to adopt a schedule of fees to be collected by the sealer of weights and measures for his services in making examinations the object being to make the office self-supporting.

Section 9, as it now stands, requires all scales and measures to be stamped once, but does not provide for future examinations.

The courts having decided that no penalty attaches to a failure to pay the fees prescribed, and that one examination does not prevent a subsequent tampering with the weights and measures, the bill remedies these two defects by prescribing a penalty for failure to pay the fees, and also gives the sealer power to make examinations whenever he sees fit.

Since the introduction of the bill two other defects have been found in the law. There is no provision for seizing weights and measures condemned, and hence no way of preventing the reuse of false weights. The sealer of weights and measures stated to the committee that hucksters on the streets are accustomed to watch for his appearance and to hide their false weights and measures when he comes in sight, so as to use them again when he disappears. An amendment prepared by the committee aims to prevent this class of frauds by providing that the sealer of weights and measures may seize and destroy false measures and weights.

Again, it has been decided by the law officers that cases arising under the law as it now stands must be brought before the United States courts, whereas, obviously, they belong to the District courts. An amendment covers this point also.

Mr. BABCOCK. Mr. Speaker, this bill was introduced to amend an act passed last year, and the intention is simply to make that law operative and cure the defects that experience has found to exist in it.

This question of weights and measures is one that for years the Commissioners have considered and struggled with in the District, and the committee proposed at the last session the bill to which I have already referred, which was passed, and thought it would cure the evil known at that time to exist. Actual experience, however, has demonstrated that the amendment which this bill proposes is necessary.

It is recommended by the sealer of weights and measures, by the Commissioners, and by all interested, except those who use false weights and measures. The statements in the report are so full that I think it unnecessary to detain the House longer by any further discussion of the matter, and I ask a vote.

The bill was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

### KATE WINTER.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (S. 789) for the relief of Kate Winter.

The bill was read, as follows:

*Be it enacted, etc.*, That the provisions of the act of Congress entitled "An act supplementary to an act entitled 'An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia,'" approved January 19, 1891, so far as the same authorized the acquisition by said railroad of land for the business of said company in square No. 739 in the city of Washington and District of Columbia be, and the same are hereby, repealed.

Mr. CURTIS of Iowa. Mr. Speaker, I desire that the report of the committee be read.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6981) for the relief of Kate Winter, having considered the same, substitute therefor Senate bill 789, which passed the Senate of the United States March 5, 1896, and recommend that it do pass.

By act approved January 19, 1891, Congress gave to the Baltimore and Potomac Railroad Company the right to acquire square 739 in the city of Washington by condemnation. The company has not chosen to exercise this right and evidently does not intend, at least in the near future, to do so. In the meantime, Miss Winter's title is under a cloud, which renders the property valueless to her.

The Commissioners of the District recommend favorable action.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
*Washington, March 10, 1896.*

DEAR SIR: The Commissioners recommend favorable action on House bill 6981, for the relief of Kate Winter, which was referred to them at your instance for their examination and report. The object of this bill is to quiet Mrs. Winter's title to the land referred to in the bill by repealing the right of the Baltimore and Potomac Railroad Company to take her land by condemnation proceedings. Said company was authorized to acquire land for its business within certain limits specified in the act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia approved January 19, 1891, and square 739 is within those limits.

Very respectfully,

JOHN W. ROSS,
*President Board of Commissioners, District of Columbia.*

Hon. J. W. BABCOCK,
*Chairman Committee on the District of Columbia,*
*House of Representatives.*

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. Mr. Speaker, that is all the business which the District Committee desires to present to-day.

COMMISSIONS OF OFFICERS IN THE DEPARTMENTS.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 732) to regulate the issue and recording of the commissions of officers in the several Departments.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CROWTHER. I object.

INTRODUCTION OF A RESOLUTION.

Mr. WALSH. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask to have it referred to the Committee on the District of Columbia.

The SPEAKER. The gentleman asks that it be referred?

Mr. WALSH. To the Committee on the District of Columbia.

The SPEAKER. It is not necessary to present it to the House. It should take the usual course.

THE DEATH PENALTY.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted. The bill is reported from the Committee on the Judiciary.

The bill was read, as follows:

*Be it enacted, etc.*, That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Mr. Speaker, I should like to have an explanation of that bill.

Mr. HENDERSON. I will say for the information of the gentleman from Texas that the reason why I bring this bill up at this time is because the Department of Justice is very anxious to have early action upon it. Under the present law there are a large number of criminal cases pending in which it will be impossible to get convictions under the death penalty. That is the reason why I am anxious to bring the bill up at this time, when we have no appropriation bill pressing for disposition to-day.

Mr. HOPKINS. I should like to ask the gentleman in charge of the bill if an arrangement can be made whereby we can consider this bill in Committee of the Whole? I am in favor of the idea of doing away with capital punishment, as indicated in that bill; but for one I should like to see various amendments adopted by which the jury trying a criminal may fix the penalty.

The SPEAKER. The Chair would suggest that this is not a bill that would go the Committee of the Whole; but at the same time, by consent of the House, it can be referred to that committee.

Mr. HENDERSON. Can I not couple with my request for unanimous consent a request that the bill be considered as in Committee of the Whole?

The SPEAKER. In the House, as in Committee of the Whole, or in Committee of the Whole?

Mr. HENDERSON. Either one. I want to give the fullest opportunity for discussion and amendment.

Mr. COCKRELL. I will say to the gentleman from Iowa that I should not oppose the passage of the bill if it were at a little later period, but I should like the law to remain as it is until we can dispose of the cutthroats and robbers that this Government is protecting down in the Indian Territory. After we settle with them I shall have no objection to the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill in Committee of the Whole?

Mr. HENDERSON. I understand the gentleman from Texas objects to considering it under any circumstances at this time.

Mr. COCKRELL. No, I do not object.

Mr. HENDERSON. The gentleman from Texas does not object.

The SPEAKER. The Chair hears no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, with Mr. HOPKINS in the chair.

Mr. HENDERSON. Mr. Chairman, I yield now to the gentleman from New York [Mr. CURTIS], the real father of this measure, who will take charge of this bill in Committee of the Whole.

Mr. CURTIS of New York. Mr. Chairman, I did not hear the grounds of the objection of my friend from Texas [Mr. COCKRELL] to the consideration of this bill, and therefore can not answer them.

I will state briefly its general provisions. It leaves intact the two sections of the statute governing the Navy and the Army, and does not modify the punishment provided in those sections, which are section 1342, prescribing articles of war for the government of the Army, and section 1624, prescribing articles of war for the government of the Navy.

It abolishes the death penalty as provided in section 4103, Revised Statutes, which gives to consuls in Algiers, the Barbary States, China, Japan, Madagascar, Morocco, Maskat, Persia, Siam, Tripoli, Tunis, and the islands of the South Pacific and Indian oceans, the power to try citizens of the United States or those sailing under her flag. The Ross case illustrated the evil of granting this power to consuls. An English subject who was enrolled on an American vessel was tried for a murder committed in a port in China, and was sentenced to death by the consulate court. He appealed to the President for clemency, and his sentence was commuted to imprisonment for life. On arriving at California, on his way to be incarcerated in the Albany Penitentiary, his attorney applied to the United States court for a writ of habeas corpus on the ground that he was deprived of his liberty in violation of the Constitution. That case was carried to the United States Supreme Court, where it was decided that Congress had the right to authorize consular officers beyond the limits of the United States to try without a jury persons sailing under the flag of the United States for offenses named in the statutes. The case was reported in the October term, 1890.

This bill retains the death penalty for the crimes of murder and rape. I presented to the House Committee on the Judiciary a letter dated December 23, 1895, from the district attorney for the eastern district of Texas, asking for the early passage of this bill, and before the cases of a number of criminals now held for trial in that court, which will be held at Paris, Tex., on the 6th of April, are brought to trial. This letter is published in the report of the Committee on the Judiciary, No. 108. He stated that he regarded it important that the provision of this bill be enacted as an aid to the administration of justice. Later, in a letter received from him, dated the 3d of March and published in the CONGRESSIONAL RECORD of March 10, when an effort was made to bring the bill before the House, he urges very strongly the enactment of the measure, in order that some punishment may be meted out to men guilty of murder, and yet under such circumstances that juries will fail to convict if the punishment is death.

I had a conversation with a prominent United States judge in one of the Eastern States in reference to the total abolition of the death penalty when a bill for that purpose was before the Fifty-third Congress, and he expressed doubts as to the advisability of the passage of such a bill; but meeting him again before the convening of this Congress, he stated that in a recent trial of a man for murder, in which there was no possible doubt as to his guilt, he had a hung jury because of the reluctance to convict when the punishment was death, and he then thought it desirable to pass a bill having the provisions of the one now under consideration.

I have said that this does not abolish capital punishment, but it will facilitate the administration of justice by the adoption of a principle which has been tried in many of the States of the Union—in almost all the Southern and Western States.

One gentleman said if this bill were passed it would totally abolish capital punishment. I could read from the report of the Committee on the Judiciary, if it were worth while to occupy the attention of the House, to show that they have a greater number of executions in those States that allow juries to decide, in proportion to the number of trials, than in States which do not permit juries to determine the punishment. So that persons who believe—as some men honestly do, but I think erroneously—that the death penalty is a preventive of crime will still have that punishment for murder and rape, which offenses constitute almost all that have for a number of years been committed for which the death penalty is prescribed. This bill will enable, as the district attorney from Texas says, the United States courts to punish murder and afford protection to the people of the Indian Territory which is now wanting by reason of the reluctance of juries to bring in verdicts which carry the penalty of death.

I think I have made all the explanation that is necessary in regard to the general provisions of this bill, but if anyone desires to ask questions about it I shall be glad to answer them.

Mr. CULBERSON. Mr. Chairman, I do not understand that the district attorney of the eastern district of Texas puts his advocacy of this bill upon the ground stated by the gentleman from New York. I understand that the district attorney says in his letter to the Committee on the Judiciary that there is no difficulty in securing convictions for murder in cases of deliberate and atrocious murder, where the killing is done with express malice; but, as the gentleman from New York understands and as we all know, under the laws of the United States there is no division of the offense of murder, so that a killing with express deliberation, with express malice, is punished the same as a killing with implied malice. In many of the States the offenses have been divided into murder in the first degree, meaning killing with express malice, and murder in the second degree, where the killing is without express malice.

Now, as I understand the district attorney, he insists that when a case is brought before a jury where the proof shows that the defendant did the act only with implied malice, malice implied from the circumstances, the jury is loath to convict him, for the reason that he must be sentenced to be hanged; but where the evidence shows that the killing was done with express malice, with deliberate purpose and with a sedate mind, I believe there never has been any trouble in convicting the man of murder. Now, the gentleman's bill facilitates conviction in cases of men charged with murder who the evidence shows committed the act with express malice, with deliberate purpose and a sedate mind; but if the evidence shows that the killing was merely with implied malice, then the jury are given discretion to say, "We find the defendant guilty without capital punishment." There are quite a number of murder cases pending upon the docket in that district——

Mr. CURTIS of New York. Seventy-three.

Mr. CULBERSON. That is, there are 73 cases of men charged with murder in the Indian Territory. Now, I undertake to say that three-fourths of those offenses were committed with what is called implied malice, for there are comparatively few cases of deliberate killing with express malice, and, as I understand the district attorney, he thinks that he may be able to convict a larger number of those charged with that offense and send them to the penitentiary under this bill if it shall become a law than he could convict under the law as it now stands.

Mr. Chairman, while I am on my feet, I desire to make a suggestion as to this bill, if the gentleman will pardon me. While I am in favor of the bill and believe that it ought to pass, I think it contains one strange provision. It makes murder punishable by death in certain cases—that is, it makes murder punishable with or without capital punishment, as the jury may see proper—but it makes the crime of treason punishable simply by confinement in the penitentiary.

Now, while it is true that we have but little use for a law against treason, as we never commit that sort of crime in this country, still it seems to me that the offense ought to stand at the head of the calendar.

Mr. CURTIS of New York. Mr. Chairman, I accept the interpretation of the views of the district attorney for the eastern district of Texas, as expressed by the distinguished gentleman from that State [Mr. CULBERSON], who was for a long time the chairman of the Committee on the Judiciary, and from whose committee a bill containing substantially the provisions of this one was reported favorably in the Fifty-third Congress. The district attorney, as I understand it, is not opposed to capital punishment in cases of murder committed with premeditation, but he is in favor of the punishment of persons whocommit crimes of a grave character, but now escape conviction because the punishment is death, if of a lesser degree than premeditated murder.

As to the gentleman's suggestion about treason, we have not had a successful trial for treason since 1800. We had them in 1795 and in 1800, but not since, and I think one of the reasons why we have had no successful trials is the fact that nobody can be convicted for that offense when the punishment is death. For my part I do not regard it as one which ought to stand at the head of the calendar. I believe I have shown my devotion to this Union and my desire to maintain it to an extent which would perhaps entitle me to plead for the exclusion of that offense from the statute without being accused of a lack of devotion to the Union or of a proper desire for its perpetuity. I shall yield to the suggestion of the gentleman if it is to be pressed with any force upon the committee, but I hope it will not be. I think the committee will be satisfied that the bill as reported ought to pass as it is, in the language in which it came from the Committee on the Judiciary of the Senate in the last Congress and from the Judiciary Committee of this House, which has given it very careful consideration.

Mr. BLUE. Mr. Chairman, do I understand the gentleman from New York to say that this bill does not abolish capital punishment?

Mr. CURTIS of New York. It does not abolish it entirely.

Mr. BLUE. I think section 3 does substantially abolish it, and if I read section 4 aright, it is not apparent to me how this bill is to benefit the district attorney of the eastern district of Texas in securing conviction of parties charged with crime under existing law. Probably, however, the proviso does cover the point. But how about the latter part of section 3?

Mr. CURTIS of New York. Mr. Chairman, in answer to the objection of my friend from Kansas as to section 3, which he thinks does not permit capital punishment under any circumstances, I read that section:

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

This bill proposes to abolish those obsolete laws relating to offenses for violations of which we have had no successful trials in more than three-quarters—I may say nine-tenths—of a century, and it continues the death penalties for those two offenses which, unfortunately, are rapidly growing in the United States. The passage of this bill, it is believed, will tend to lessen those offenses, and will enable the Government in the administration of justice to bring some punishment upon those who take human life or violate woman's honor.

Mr. BARTHOLDT. Why do you not abolish the death penalty altogether?

Mr. CURTIS of New York. I should like to do so, but I do not think the House is in favor of it.

Mr. BARTHOLDT. I am.

Mr. BARRETT. May I ask the gentleman a question?

Mr. CURTIS of New York. Certainly.

Mr. BARRETT. Is the gentleman from New York ready to accept an amendment to the first section striking out in line 4 the words "murder or," so that murder shall continue to be a capital offense?

Mr. CURTIS of New York. That is a capital offense by the bill. I would not like to endanger the bill by an amendment which I think is not necessary. I will explain to the gentleman what the bill provides for.

Mr. BARRETT. I would like to have the gentleman explain the first section.

Mr. CURTIS of New York. This section of the bill was explained in the absence of my friend from Massachusetts. Therefore he did not learn that it exempts from repeal section 1342 relating to the Army, section 1624 relating to the Navy, and the sections relating to murder and rape. These sections are exempted from the repealing provisions of the bill. In certain cases they are not likely to bring in a verdict of guilty if the penalty is death. Perhaps in the case of premeditated murder there would be no difficulty in securing conviction without the clause which we propose to adopt; but where there is no premeditation the jury, without some provision of this kind, will not bring in a verdict of guilty. I am advised to this effect by prosecuting officers in various sections of the Union and by many prominent judges.

Mr. BARRETT. Am I to understand from the gentleman's statement that he proposes to abolish capital punishment for certain crimes simply because in some isolated cases some jury has refused to bring in such a verdict as the prosecuting officer thought ought to have been brought in?

Mr. CURTIS of New York. No, sir; I am governed by the history of the United States for the last seventy years, which shows that the two offenses which I have named are multiplying with a rapidity two times greater than the population, while the punishment is decreasing in like proportion.

In 1826, John Quincy Adams, then President, sent to Congress a statement of the trials, convictions, executions, and pardons for offenses under the Government of the United States from the adoption of the Constitution, including the year 1826. That report, Executive Document No. 146, Twentieth Congress, second session, is embodied in this report of the Judiciary Committee, page 4. From that report it appears that during the period I have named there had been 138 trials, in which there were 118 convictions, showing that the sentiment of the people at that time was in full accord with the provisions of the law, and that persons who committed crimes were brought to punishment in accordance with the terms of the statute.

The sentiments of the people have changed. A report made by the Attorney-General of the United States, dated October 21, 1893, in response to my request, shows the number of indictments, convictions, and acquittals for homicides in 1890, 1891, and 1892, and is published on page 5 of the committee's report. It appears that 378 homicides were examined during that period, of which 271 were indicted, 63 convicted, and 12 executed, which shows a marked disinclination on the part of juries to convict in cases where there is doubt as to the intent of the criminal, and where the penalty is death.

Mr. NORTHWAY. Does this apply only to murder, or to cases of murder and manslaughter?

Mr. CURTIS of New York. The crimes of murder and manslaughter are both provided for by the statutes.

Mr. NORTHWAY. There is no such thing under the United States law as murder in the second degree?

Mr. CURTIS of New York. No, sir. In the last Congress we tried to enact a law defining the crime of murder into first and second degrees, but the Senate would not agree to it.

Mr. PICKLER. Then, this does not apply to manslaughter?

Mr. CURTIS of New York. No, sir.

Mr. WALSH. How is that punished?

Mr. CURTIS of New York. By imprisonment.

Mr. WALSH. For how long?

Mr. CURTIS of New York. Twenty years, I think.

Mr. GAMBLE. As I understand the gentleman, the expectation of the committee is that this bill will more surely result in conviction. That, I understand, is the reason we are asked to pass it.

Mr. CURTIS of New York. We could not get the Senate to agree to the provision defining different degrees of this crime. The law of Massachusetts and other States defines murder in the first and second degree and manslaughter. When a jury brings in a verdict that the prisoner is guilty of murder the penalty is hanging; if the verdict is manslaughter he is confined in the penitentiary. This bill conforms to the system of practice which prevails in United States courts, which is that of the common law and not statute law. There is, as I have said, a disinclination on the part of the Judiciary Committee of the Senate to recognize these different degrees. We, therefore, propose to follow the definitions of the common law as used in the Revised Statutes. Secretary Olney, when Attorney-General, expressed his disapprobation of changing the provisions of the law in respect to definitions, but gave his approval to the modification of penalties as provided in this bill, and so has the present Attorney-General.

Mr. PICKLER. Now, right there, as I understand this bill, when murder is proven, or manslaughter, if the jury think it not a flagrant case, they say no capital punishment.

Mr. CURTIS of New York. In a flagrant case the jury renders the verdict in accordance with the facts, and where the murder is premeditated the extreme punishment allowed by the bill is accorded. But it allows a verdict covering different grades of punishment, as under the statute laws of many States.

Mr. PICKLER. Then, in a case of the kind to which the gentleman refers, where capital punishment is not awarded, the man would necessarily go to prison for life, would he not?

Mr. CURTIS of New York. That may be the sentence.

Mr. PICKLER. Would not that be a pretty severe punishment in certain cases?

Mr. CURTIS of New York. It may be; but certainly is not a greater punishment than to be hung. Nor is it so harsh upon the people as to allow a man guilty of murder to be let loose on the community. This matter, I will say to my friend, has been given careful consideration by the Judiciary Committee of this House in the last Congress, in the Committee of the Senate on the Judiciary in the last Congress, as well as the Judiciary Committee of the House of this Congress; and when my friend from Texas, Judge CULBERSON, rises and says that he approved of this bill, he brings to its support a knowledge of the law and a judicial character that is not excelled in the United States.

I reserve the remainder of my time.

Mr. GROSVENOR. Mr. Chairman, I desire to submit some observations in regard to this bill from the standpoint of my own personal judgment and not from the standpoint of what somebody else may have said or thought.

I have had the misfortune, or the good fortune, as the case may be, to have practiced law ever since 1857, with some slight intervals, in a general country practice, where I have been compelled to practice in the criminal courts as well as in the civil, and a great part of the time have been compelled of necessity to take any case offered that was entirely a proper case to consider and would yield a contribution toward my support. That of necessity brought me in contact with a great line of the criminal proceedings in Ohio, and especially many prominent cases of homicide, cases in which I participated on one side or the other; and so, if I shall show a little tendency toward egotism in the discussion of this question, this fact will be my only apology.

I join heartily with the gentleman from New York [Mr. CURTIS] in wishing to curtail the number of cases in which the death penalty can be applied, but I do not support this bill, and I base my objection upon a ground that is radical and goes to the very foundation of the whole proposition.

I do not believe that the jury ought to fix the penalty in any case. There are so well-defined lines of distinction in the grades of crime against persons in this country that there is no difficulty about the verdict of the jury on the mere question of fact; but there is a great deal of difficulty about the action of the jury if allowed to pass judgment. That has been my observation, and that seems to be the logical and necessary conclusion, based upon human nature, which is pretty nearly a uniform thing throughout this country as well as throughout all of the other countries of the world.

Now, as to the different degrees of homicides——

Mr. CURTIS of New York. If the gentleman desires it, I have the statutes before me. The Ohio law has but one offense—murder in the first degree; but the jury may convict of less degree.

Mr. GROSVENOR. The whole difficulty with the gentleman from New York, and I appreciate his knowledge of this question, and am satisfied that his study has been exhaustive on the lines of his personal opinion—but the great difficulty, it seems to me, has not been as to the public judgment, or the judicial judgment, about what ought to be the death penalty, but that we ought to have some milder form of punishment. The great difficulty has been the commingling of the grades of offenses in a single section. Now, if we could have the three definitions of homicide, as laid down by the law of Ohio, and there may be some others in some of the States, and in fact there are many more in some of them, but the distinctions are too finely drawn, too metaphysical for the average man and the average jury; but with the three distinct definitions laid down in the statutes there would be no difficulty about the question, and then you get rid of hindrances or barriers, which I insist ought to exist where murder in the first degree has actually and without doubt been committed.

Mr. CURTIS of New York. If the gentleman will permit me, as he understands there are three definitions of murder, but we have but two in the United States statutes.

Mr. GROSVENOR. I understand that.

Mr. CURTIS of New York. The Department of Justice has been opposed to the modification of the definition as furnished by the common law; the Senate also has been opposed to it, and in order to meet the difficulties which we found to exist, the bill as originally passed was modified and amended. It was passed in the last Congress to meet the definition.

Mr. GROSVENOR. That is a concession completely onto the ground on which I stand. The Department of Justice is not a legislative body, and with all due respect to the Attorneys-General who have been at its head, I am not willing to yield my judgment on this question to the opinion of the Department of Justice.

The gentleman now at the head of it is a very distinguished lawyer. I have known him during all the time of his practice of the law and, strange as it may seem, it is my judgment that he never tried a criminal case in his life. He has been a member of the great and distinguished law firm of Hoadly, Johnson & Coulson, and later of Harmon, Coulson, and another. He is a splendid lawyer and a most estimable man, but his whole practice has consisted in his relation to large corporations, several of the great railroad lines centering in Cincinnati and many of the other great corporations, and in the general practice of the law on the civil side of the courts. So if he has expressed an opinion about this statute and any opposition to these definitions it simply proves, in my judgment, that he has not given full consideration to this important subject.

Mr. CURTIS of New York. Will my friend permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. CURTIS of New York. I have no wish to be misunderstood as to the question of definition. I have not discussed it with the present Attorney-General, but he has approved of the passage of this bill in the form in which it is, as a measure to promote the administration of justice.

Mr. GROSVENOR. Is his recommendation in writing? I should like to know how fully he discusses the question.

Mr. CURTIS of New York. It is not discussed very fully, sir, but I will read the indorsement which came from the Department. It is as follows:

> The passage of this bill, H. R. No. 878, will promote the administration of justice, and I recommend its speedy enactment.
>
> HOLMES CONRAD,
> *Acting Attorney-General.*

Mr. GROSVENOR. That gives very imperfect information to me. While ordinarily I bow——

Mr. CURTIS of New York. I hope my friend will not assume that I was attempting to instruct him. The gentleman having said that he has considered this matter upon his own judgment, without aid of the opinions of other people, I do not offer it to the gentleman to instruct him in anyway, but simply to show what the Attorney-General thinks about it.

Mr. GROSVENOR. That statement of mine is subject to the modification governing every act of my life—that I value the knowledge of everybody that I could get hold of to shape my own by; but I do not necessarily yield my opinion upon a question of so much importance as this simply to the opinion, which we all understand is so imperfectly delivered generally, coming from the head of one of these Departments.

Mr. RAY. Will the gentleman permit me?

Mr. GROSVENOR. Certainly.

Mr. RAY. Of course this is a matter of considerable importance, and I trust the gentleman will not see fit to oppose the bill, for I believe it is a step in the right direction: and while, if I had my way, I frankly say to the gentleman from Ohio, I would do as we have done in New York—have the statutes of the United States define the crime of murder in the first degree, the crime of murder in the second degree, and then define the various degrees of manslaughter. Still, this is the best we can do at this time. We proceeded on the other line in the Fifty-third Congress, but the Senate advocated this bill.

Mr. GROSVENOR. I would not have more than one degree of manslaughter.

Mr. RAY. There the gentleman and I disagree, and other lawyers as a rule would fail to come to an exact understanding. They could not all look at this question alike. Now, it has been my good fortune or my misfortune, as the case may be, for thirty years to practice extensively in the criminal courts, and I have had experience in capital cases as well as all other criminal cases, and I have, I think, some knowledge of the difficulties that arise in the administration of justice. Now, I think there is time here, and I should like, if the gentleman will permit, to ask him to give to the House his definition of murder in the first degree as he would have it could he have his way.

Mr. GROSVENOR. Yes; I will do that with pleasure. I have been making ready to do that.

Mr. RAY. And then I should like to have the gentleman, if he will, go a step further and define murder in the second degree as he would have it.

Mr. GROSVENOR. Yes.

Mr. RAY. And then manslaughter. The gentleman, as I understand him to say, would have manslaughter only in one degree.

Mr. GROSVENOR. In only one degree.

Mr. RAY. And I should like to have him define manslaughter as he would have it could he have his way.

Mr. CULBERSON. Will the gentleman allow me just a word?

Mr. GROSVENOR. Certainly.

Mr. CULBERSON. I wish to say here and now that I am in full accord with the gentleman from Ohio [Mr. GROSVENOR] on this subject, and during the last Congress we reported a bill from the Judiciary Committee upon the exact lines on which the gentleman is now proceeding. The bill went over to the Senate, the Senate declined to pass it, and this is an amendment or substitute which they proposed then, and which was adopted now because we believed no other bill could pass.

Mr. GROSVENOR. I am now taught by the two gentlemen who have stated it that that is the fact, but it only leads up to this question, whether we shall fail to do what in our judgment is right because we are said to have an uneducated and unintelligent Senate to deal with at the other end of this Capitol. [Laughter.] That is all.

Now let me proceed along the line suggested by the gentleman from New York [Mr. RAY], which is precisely the point up to which I was leading, and then I will point out why, so long as the statute remains as it is, the jury should not be limited to the answering of a single question. If I were to have my way I should define murder in the first degree as follows:

Whoever purposely, either of deliberate or premeditated malice, or by means of poison, or in perpetrating or in attempting to perpetrate any rape, arson, robbery, or burglary, kills another shall be guilty of murder in the first degree.

Now, if I were to strike out any word in that section it might be possible that I would strike out the word "robbery." There is a field for discussion there.

But it seems to me that in the light of our study of this great question the man who, with premeditated malice and who purposely, maliciously, with premeditation and deliberation, takes the life of another ought to be hung; and there ought to be no difficulty in getting an intelligent jury to say that that condition of fact has been proved.

Mr. RAY. Will the gentleman permit me to interrupt him?

Mr. GROSVENOR. Certainly.

Mr. RAY. Now, right there comes in the difficulty in the trial of a capital case. Oftentimes there can be no question that there was deliberation, that there was premeditation by the person doing the killing, but then again a case very often arises where there is a sharp conflict of fact as to whether or not there was deliberation and premeditation. Our courts in New York have stated and held that it was immaterial as to the length of time——

Mr. GROSVENOR. So in Ohio.

Mr. RAY (continuing). Given for premeditation. If there was a length of time, even three seconds, during which a man premeditated, he might have formed a deliberate intent to take the life of another, no matter how great the provocation, there being no justification for the killing. The gentleman will understand that there is a great deal of difference between provocation and justification, as I am using the words now and in the legal sense.

Mr. GROSVENOR. Yes.

Mr. RAY. Now, when that condition of affairs exists, a sharp conflict of fact arising over this question of deliberation and premeditation, the jury stand out. They are all honest; they are all fair; they all mean to do right; but they stand out: they disagree; they remain out hours and days; and the jury is discharged and months pass before another trial can be had; the feeling, the excitement over the case subsides, and that better instinct of humanity begins to prevail—perhaps not the better instinct, but a sort of feeling of pity, a kindly feeling arises, and you go again to the trial of the offender, and you are further from obtaining a conviction than ever. I do not want to make a speech in the gentleman's time.

Mr. GROSVENOR. You are talking very well, and seem to be making a good speech.

Mr. RAY. The gentleman will pardon me. I wanted to call out sharply that line of argument so that the gentleman might reply to it. At the second trial you will have only one or two on the jury who will stand for a conviction for murder; others will want to let the defendant off, or to convict of a lesser crime; and you have another disagreement. I believe that when a crime has been committed the speedy trial and conviction of the criminal is quite as essential for the good of the community as anything connected with the administration of justice. The certainty rather than the severity of punishment best protects society. So it goes on in that way, and the law is robbed of its power. Now, I ask the gentleman right there, if it is not well to have the law so modified, as this bill does it, as to give the jury a chance to agree on the first trial, if divided in opinion and sentiment, as they oftentimes are, by permitting them, if they can not agree upon a verdict of murder in the first degree, to say we will modify our verdict by saying, "Guilty; not death, but imprisonment for life." Now, is not that the better way, I ask the gentleman?

Mr. GROSVENOR. I am very sorry my time is being exhausted by other gentlemen, not in asking questions but making very able speeches, much more so than I can make. Now let me answer. The gentleman has broken entirely the line of argument I was making and carries me away to a new field, and I must stand on my feet and think and answer. The very purpose he has in view is defeated by the subject under consideration, and the very purpose he has in view is shown by the proposition which I make. Here, now, is a single count of an indictment which charges murder in the first degree; it charges the life of the victim was taken by the defendant with premeditation and deliberation, purposely and of malice, and then the court defines all these grades of homicide, which are so simple that I should not like to be tried by a jury who did not know the difference between premeditation and deliberation and mere purpose to kill. Having defined the grades of homicide, the court says now, notwithstanding here is a charge of murder in the first degree, you may find the defendant guilty of murder in the second degree, of manslaughter, or of assault and battery; so that this question of failing to agree is wholly answered by the proposition that the jury may fix the grade of the crime clear down to a mere misdemeanor instead of a felony.

Mr. RAY rose.

Mr. GROSVENOR. If the gentleman will permit, I really must be allowed to have some continuity in my argument.

Mr. RAY. I understand that. I was going to ask——

Mr. GROSVENOR. If you will ask me a question and not make another of those lengthy speeches, I will yield.

Mr. RAY. I want to state that in the United States courts juries are not permitted to do that.

Mr. GROSVENOR. Precisely; and that is what I am talking about. I want them to be allowed to do it, and now is the time to fix it so that they can do it. Now is the time to pass a bill defining murder in the first degree and murder in the second degree and manslaughter. Murder in the first degree I have already referred to. Murder in the second degree is exactly the same as murder in the first degree except that there is no premeditation or deliberation. Manslaughter is the taking of the life of a human being while the slayer is in the commission of an unlawful act. It is well defined in the statutes of Ohio and of other States. "Whoever unlawfully kills another except as provided in the last three sections, is guilty of manslaughter." That is all there is about it. There is no premeditation or deliberation in manslaughter, there is probably no purpose to kill; but the slayer does kill while he is in the commission of an unlawful act. He has made an assault upon the deceased, or he has committed some aggression against his property, and while the deceased has been defending himself or his property the action of the accused has resulted in his death, without premeditation, without purpose.

That is the definition of manslaughter, and there is a wide discretion in the court in fixing the penalty. So by this system of definitions and distinctions, so easily understood, you leave it in the power of the jury after all to compromise their opinions in framing their verdict, and, let me say right here, that a jury which will feel sympathy for a defendant to such a degree that they will

not say that he committed the offense with premeditation and deliberation will never affix to their verdict the penalty of death. It is said that in some of these cases that penalty ought not to be inflicted. I agree that that is so, but in most of the States of the Union there exists a method of mitigating the penalty. In Ohio and Pennsylvania there are boards of pardons, and in New York there is, I understand, an equivalent to that, in the power of the governor to appoint a commission to ascertain and report facts, which is exactly the jurisdiction of the pardon board in Ohio, and the governor has plenary power to modify the sentence in any given case. Thus you let subsequent facts and developments operate rather than compel the jury to fix the penalty at the time of the trial.

Mr. Chairman, after a long experience at the bar in the active trial of cases, I agree with the gentleman from New York that the jury generally intend to be honest; but neither the gentleman from New York nor any other practitioner of any considerable experience will hesitate to admit that juries sometimes render most wonderful and absurd verdicts.

Let me mention one that was rendered in the State of Ohio in the famous case of The State vs. Arrison, tried in the city of Cincinnati. The defendant was charged with having constructed an infernal machine, as it was called, and having sent it to an enemy, whom it killed. He had a bitter grudge against the superintendent of one of the hospitals, had made threats against his life, and had spent three or four months in the construction of what was called an infernal machine. He sent it to the hospital and it exploded and killed the superintendent instantly, as I recollect.

The man was tried. He was one of those persons who would have affected the jury greatly in the matter of his sentence, and after a very full trial, and when the facts demonstrated that he was either wholly innocent or else was guilty of a most malicious and premeditated murder, the jury brought him in guilty of manslaughter. So, in a more recent case not very many years ago, in one of the counties not far from where I live, though in another district, a man was found guilty of poisoning his mother, and the verdict was "manslaughter," although he had deliberately purchased the poison and put it into the coffee, or some other food or drink, and had taken the old lady's life. So, in my humble judgment, it will not do to trust too much to the jury. You should keep the jury confined to the questions of fact. Let them determine, first: Did the defendant commit this act?

What is the fact about that? You have to leave to the jury other questions much more complicated than the one referred to by the gentleman from New York. You have to commit to them the great question in a very large number of homicide cases, the question of self-defense. The court has to submit to the jury not only the question "Did he fear?" but also the other important question, "Had he just grounds to fear that he was in danger of grave bodily harm or of death?" Now, that is a question of fact so subtle, involving so much of mental calculation and mental ascertainment, that sometimes the jury will go widely astray. Therefore, why commit to the jury these other questions, when upon the bench sits a judge coolly and deliberately scanning the evidence, a man of wide knowledge and experience of witnesses and of weighing their testimony? Again, you have to commit to the jury the more occult and difficult question of mental responsibility. That is a question of fact in the abstract, but really it involves the weighing of the testimony of experts, the critical examination of facts, the bringing to bear upon the solution of the question of the judgment and the knowledge of the jury, and after having submitted to the jury questions like these, and they having found a verdict upon the facts, why place also upon them the responsibility of saying what was the degree of turpitude and what is the right thing to do in the way of punishment?

I read not very long ago in a law magazine devoted to criminal law an account of the action of two juries in the same county. One jury found one man guilty of the crime of horse stealing and sent him to the penitentiary for something like ten years. The other jury found a man guilty of murder and sent him to the penitentiary for one year. Not many years ago, in a county adjoining that in which I live, a jury was impaneled to try a man charged with the crime of living in a state of adultery. The evidence was perfectly plain; there was nothing obscure about it; and the jury found the man guilty, and the court sentenced him under our misdemeanor act. Two days afterwards the same jury—or as nearly the same jury as we ordinarily have—tried the woman upon the same charge and the same evidence and found her not guilty.

These are some of the anomalies of trial by jury. Yet we have that system and we must get along with it as best we can. But why now broaden the power of the jury and commit to it the power not only to say that the defendant is guilty of some crime as defined by the court, but to define the crime itself as well as fix the penalty?

Now, the great trouble—and here is my objection to this bill—the great trouble, as I think both of the gentlemen from New York will concede, has grown up from our having this single section covering the crime of murder. That is the reason juries will not convict. I took part in the trial of a case here in the District of Columbia, and when we gave it to the jury we were enabled on behalf of the defendant to say to them, "You must either acquit this man or you must hang him; he is either guilty of murder, the penalty of which is death, or he is not guilty of anything." The jury said he was not guilty of anything. Had there been any provision of law under which the jury could have found a verdict of manslaughter, doubtless public justice would not have been outraged as it was thought to have been by the verdict of that jury—although I disagreed with public opinion on that question, as we generally do when we are interested in the trial of a case. For in this case the acquittal was perfectly justified.

I agree that the law on this subject is wholly defective and ought to be changed, but I see no reason why in doing this we may not proceed intelligibly to define the different grades of homicide, fixing the penalty for each, thus acting in accord with what we understand perfectly well to be the "gathered wisdom of a thousand years," as a former colleague of mine would say.

Mr. RAY. Will the gentleman permit me a moment?

Mr. GROSVENOR. Certainly. I am pretty nearly through.

Mr. RAY. I presume the gentleman understands we have tried to bring about the reform that he suggests. We have tried to grade these crimes into murder in the first degree, murder in the second degree, and manslaughter with one or more degrees. That was the sentiment pervading the Judiciary Committee of the House, and the bill which passed the House in the last Congress was framed upon that basis. But when it went to the Senate that body absolutely refused to concur. So we found ourselves blocked in our attempted reformation of the law. Now, a step in the right direction is proposed here; in other words, if we can not have a whole loaf we are willing to take a part, we are willing to take what we can get. If we can break into this antiquated statute which was placed upon the statute book away back in 1790, there having been some amendment made, I think, a little later—I believe one amendment in 1825—if we can break into this antiquated statute, if we can bring the United States Government to take one step in the same direction as those which have been taken by nearly all the States of the Union, is it not better to do this than to have all legislation on the subject fail?

Mr. GROSVENOR. Mr. Chairman, that argument commends itself to my judgment, and it would be convincing but for this one trouble: We are entering here upon a new and radical departure by giving to the jury the power to fix these sentences. All else would be entirely satisfactory to me; I would accept it as a step in the right direction. But I have never known any man in the United States who was once entitled to vote to be deprived of his vote; I have never known an elective judiciary to be transformed into an appointive one, and I have never known the power of a jury once given by statute to be taken away. I do not believe that the better judgment of the people of the United States, as manifested in their codes of criminal procedure, is in favor of this innovation. Therefore I hesitate to consent that the Congress of the United States shall enter upon it.

While I am on my feet, and while I am making a speech that has no politics in it—gentlemen ought all to be delighted at that circumstance [laughter]——

Mr. RAY. You seem to be standing up for the laws of Ohio very well.

Mr. GROSVENOR. I have referred to the laws of Ohio simply because I am more familiar with the decisions under them than with those of other States. And I will say, by way of compliment to the gentleman's State, that we have taken our code of civil procedure bodily from the State of New York, and have largely drawn our criminal procedure also from that State. And we have cited and followed wherever applicable the opinions of the able court of appeals of New York in all the great leading criminal cases. And I have spoken of a single degree of manslaughter because I am familiar with the practice of the courts in reference to that. I have no doubt that the same argument that is now applied to subdividing the degrees of murder would apply and could apply with equal force to the multiplicity of the degrees of manslaughter. I think there is as much philosophy in one as the other.

But, Mr. Chairman, while on my feet I wish to commend to the Judiciary Committee, which upon all these questions is the great committee of the House, the able committee of the House, to an investigation of a single condition to which I wish to point their attention. The gentleman refers me to the fact that this is a murder statute dating back to 1790. The committee will find many other conditions in the District of Columbia that date back to a period apparently during the Dark Ages, and yet they stand here as provisions of the statutes, not of the District of Columbia, but the statutes which operate on the people of the District of Columbia.

I had occasion to refer to it in a few remarks some weeks ago at the Board of Trade banquet in this city. I found myself here on

one occasion trying a case before a court-martial, and a witness was called on the stand who was asked a preliminary question on the part of counsel opposed to the suspected testimony of the witness. The counsel said he wanted to ask him a question or two, and asked him if he believed in God. Well, the fellow gave some sort of equivocating answer; I do not now remember exactly what it was. He was then asked if he believed in a future state of rewards and punishment, and I found him to entertain a considerable doubt about his answer to the question, but to my utter amazement they produced a statute, which I learned to my entire satisfaction was then and is now in force in the District of Columbia, a statute that forbade him to testify, and he was ruled off the witness stand. Now, there is a question that I should like very much to have the Judiciary Committee consider in connection with the government of the District of Columbia, and as soon as the Committee on the Judiciary has the time to formulate and introduce an act in reference to criminal proceedings in the District of Columbia I hope that they will take into consideration this entire question.

Mr. CURTIS of New York. We will take that up next.

Mr. GROSVENOR. And while we are building magnificent monuments and works of art to commemorate the heroism and patriotism of our people; when we are building splendid buildings to demonstrate the growth in architecture of our country; while we are trying to construct libraries to be the honor and wonder of the world, not only, I trust, the Congressional Library, but some day a public library that the people of the United States will have some interest in directly, in the form of taxation; while we are doing all this and setting an example to all the world as well as to our own people; while we are offering to all the world a splendid city full of educational institutions and educational advantages and all of that, I think the time has come when we should have a model code of procedure to settle the rights of man in this District, and move away from the ancient landmarks which have been forgotten in the States and go forward to the construction of a model code, a model system of courts, a model system of the vindication of the rights of persons and property in this territory, which we alone can legislate for.

Mr. CURTIS of New York. I now yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I fully agree with my friend from Ohio [Mr. GROSVENOR] in his desire to have a model code of judicial procedure in the city of Washington; but I do not believe, however, that anyone will envy him the job of clearing away the old rubbish which now exists in the laws and the administration of justice in this District. I believe, however, that if all the absurd things which he has enumerated have been done in the courts of this country, they will not be enhanced by the passage of this bill. But, furthermore, my friend from Ohio, when pleading for capital punishment, informs us that there is a board of pardons. I would like to know what good a board of pardons will do to a man after he has been hung. I do not see how a pardon granted in this world can reach him then. If I understand the jurisdiction of that board of pardons, it does not extend beyond the boundary of time or life, and when a man has been hung or shot for crime I am sure that it will not be contended that he can be benefited by the exercise of human clemency.

Now, there is but one reason for inflicting punishment for crime, and that is the protection of society. We have no right to deal out punishment to any man, no matter what crime he has committed, as a reward of merit. It is not within the limit of the rights or powers of any man, however good, or of any court, however wise and just, to measure the depths of human guilt and adjust an exact measure of punishment for it. Only that Supreme Power which is not itself sinful and is endowed with perfection in goodness and wisdom is fitted for that task.

But society has the right and it is its duty to protect and preserve itself, and, so far as it may be necessary in order to do so, to restrain and punish criminals. Thus far it is warranted in going; no further.

Now, Mr. Speaker, what is the history of the effect of capital punishment in the past? Has it decreased crime? Why, when men were hanged in England for picking pockets, right at the foot of the gallows pockets were picked when an offender was going up the gallows stairs for having committed that crime. This was not an uncommon occurrence. The whole history of crime in this country and Europe is that it has not been diminished by severity of punishment, but rather by certainty of punishment. We have tried that in my own State. For a long time we had a law which provided that a man should be hanged for committing murder or other capital crime, but he was to go to the penitentiary for one year, there, I suppose, to prepare himself to meet another final judgment which would be pronounced upon him in the next world. He was not to be hanged, however, until the governor should issue his warrant for that purpose. The governors never issued their warrant, so that we had in practice imprisonment for life for murder, arson, rape, and other capital crimes.

But some of our friends who preferred to live by the code of Moses rather than the code of the Man of Nazareth were urgent to have capital punishment reestablished. We did reestablish it. What was the result? During the few years that we hanged men for murder there were more murders in the State of Maine than we had before that time. We kept that law on the statute book but a few years.

Mr. CURTIS of New York. Four years.

Mr. MILLIKEN. I think we hanged two or three people; not more than that. The effect of capital punishment was such that by a consensus of opinion of almost all the people of the State it was abolished, and there is no such thing as capital punishment known in my State now. Men are imprisoned for life instead of being hanged for murder. What has been the result since? There has been less capital crime than there was before. So that I say the only purpose for which we have a right to punish crime, namely, the purpose of protecting society, has been better subserved without capital punishment than with it. The fact that the Government takes human life has, I believe, a brutalizing effect upon the community. It surely does not Christianize or have the influence to elevate and refine the vicious classes. It sets for them an example of the shedding of blood.

One thing more. When the jury understands that the punishment for capital crime is not death, it is more easy to secure a verdict of conviction than when they know that if they happen to make a mistake they will send an innocent man into eternity without the possibility of recall. When we have imprisonment for life as a penalty for crime, if a mistake is made, it may afterwards be discovered and justice be done. Such things have often occurred. Then the board of pardons can exercise its authority with practical effect.

Mr. Chairman, I am heartily in favor of the passage of this bill.

Mr. BRUMM. Will my friend permit me to ask him a question?

Mr. MILLIKEN. Certainly.

Mr. BRUMM. When you reestablished capital punishment, did you have the system of defining murder in the first degree, murder in the second degree, and manslaughter?

Mr. MILLIKEN. Yes; we always have had that, and have now. There has never been a time since the State was organized that we did not have it.

Mr. BRUMM. And you say even under that system more murders were committed. I wish to ask whether the penalty of death was limited to murder in the first degree?

Mr. MILLIKEN. Yes; and the records show that there were more murders when murderers were punished with death than there are now.

Mr. BRUMM. Was the penalty of death limited to murder in the first degree only?

Mr. MILLIKEN. Yes, it was when the alleged crime was murder.

Mr. BRUMM. I wanted to know that fact.

Mr. BOWERS. Mr. Chairman, this bill seeks to establish the law for all places under the jurisdiction of the United States as it has existed in the State of California for over twenty years.

In the winter of 1873–74 Senator PERKINS introduced into the senate of California a bill allowing juries to fix the punishment for capital offenses. It passed the senate, came to the house, and I had the honor of having charge of that bill and getting it through the assembly of California.

This has been the law of that State now for over twenty years, and it is perfectly safe to say that it will never be changed. Twenty-five years ago I heard a judge in a court in California charge the jury substantially to this effect: That it was shown by the evidence that the crime was murder, was in the first degree, or there was no offense committed. It could not be murder in the second degree. It was murder in the first degree, and the penalty for that was death. That jury, because there was a grain of doubt, brought in a verdict of acquittal, and the man went clear. There was not a man in the community, hardly, but believed that man was a murderer; and events afterwards proved that he was, but he escaped. You know that in many cases there are crimes of such brutality that the demon who commits them has no longer a right to live; and in California, under that law, they hang them. The jury there in bringing in a verdict are allowed by the law to add in their discretion, as they see fit, after their verdict of guilty in the first degree the words "and we fix the penalty at imprisonment for life." If they do not add these words to the verdict, then the penalty is death. And I may say that in the State of California since the enactment of that law as many murderers have been hanged as before its enactment.

This law is right. It is founded on common sense and justice. It is the law of many States, and it should be the law of this District and of all places where the United States has jurisdiction. It has been eminently satisfactory. It gives the criminal where it is evident the crime is murder in the first degree or no crime the benefit of the doubt, and the jury can send him to prison if they see fit. So that if in the years after any new evidence should

come up, the criminal may have the benefit of it. I hope this bill will pass; it ought to pass.

Mr. RAY. Mr. Chairman, the statutes of the United States do not define the crime of murder or divide it into degrees, hence the common law definition obtains, and hence this bill now before the House.

I desire as briefly as I may to answer the only objection that thus far has been urged against the proposed measure, and which came from the gentleman from Ohio [Mr. GROSVENOR]. He did not oppose the passage of this bill because he thought it wrong in principle, but simply because he does not think it goes far enough in reforming the law. If the House will have patience with me, attention will be called to the laws on this subject written upon the statute books. I find that in the year 1790 this act was passed—it was amended slightly in 1825 and slightly in 1875:

Every person who commits murder—

Without particularly defining it—

within any fort, arsenal, dockyard, magazine, or any other place or district of country in the exclusive jurisdiction of the United States; second, or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty or maritime jurisdiction of the United States, and out of the jurisdiction of any particular State; three, or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots any other person, and of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

And that is the only punishment. That or nothing. Now let me call your intelligent attention to another section of the Revised Statutes which goes with it. This section was adopted in 1790 and has never been changed or amended.

The court before which any person is convicted of murder may, in its discretion, add to the punishment of death—

Now, here you get your punishment after death. Those who do not believe in punishment after death will find that it is written in the statutes of the United States that there is punishment after death, and that it is a statutory punishment under the United States law. Let me read.

Section 5340 of the Revised Statutes provides—

The court before which any person is convicted of murder may, in its discretion, add to the punishment of death that the body of the offender be delivered to a surgeon, at the discretion of the court. And the marshal who executes such judgment shall deliver the body after execution to such surgeon as the court may direct, and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution.

And then, if any relative or friend of the dead man who is to be thus punished after death shall interfere in any way with this discretion, this drawing and quartering of the deceased, he is to be punished.

The law says:

That every person who, after execution, by force rescues or attempts to rescue the dead body of any offender out of the custody of the marshal or of the officers during the conveyance of such body to any place for dissection as provided in section 5340, or by force rescues or attempts to rescue such body from the house of any surgeon where the same has been deposited in pursuance of that section, shall be liable to a fine of not more than $100 and to imprisonment for not more than twelve months.

Prior to 1790 several hundred offenses were punished with death, and in many cases the criminal was not only strung upon the gallows, but was, after death or before, as was deemed most suitable and consistent with offended justice, drawn and quartered—that is, cut up into four pieces. Our wise and humane forefathers thought it better to provide that the victim of outraged justice be cut up fine—that is, made into judicial mince-meat.

If I could have my way I would blot from the statutes of the United States the two sections last read. I believe that when a man has suffered the extreme penalty of death, if any relative or friend appears to claim his body we ought to give it over for decent burial, and it should not be surrendered for dissection, except in cases where no person claims it for burial. These two sections are relics of a barbarous age, and I believe that the punishment of death inflicted for murder, as defined by the common law, and for those other offenses defined in subdivision 3 of section 5350 of the Revised Statutes, is a relic of the same age.

The Judiciary Committee of this House in the last Congress, and I believe in the preceding Congress, acted to some extent in accordance with that idea. Nearly every State in this Union has taken advanced ground on this subject. In the several States murder has been defined by statute in accordance with modern ideas. In New York we have divided it into two degrees, murder in the first and murder in the second degree; murder in the first degree being the killing of a human being without justification, with deliberation and premeditation, or where it is committed without deliberation or premeditation, but by a person engaged in the commission of a felony against either the person or the property of some individual.

That is the law of the State of New York, which has been copied and followed without material alteration in many of the States of the Union. We go further and define manslaughter in its various degrees, some States having but one degree, others two or more. Whether it is wise to have two or three degrees of manslaughter needs no discussion here and now. The difference of opinion simply shows that the lawmakers of the various States have different minds on this subject; but we all agree substantially in the proposition that these crimes ought to be divided into two degrees, for the guidance of the jury, and in order that when a person is indicted for the crime of murder he may be convicted of a defined crime, a crime made up of certain criminal elements.

A division into degrees gives the jury, after they have considered all the facts in the case, an opportunity to classify the crime where it properly belongs under the law and the evidence, and if indicted for murder the defendant may be convicted of a lesser crime; but under the practice in the United States courts if a man is indicted for murder he must be either convicted or acquitted if the jury agrees.

This is all wrong. The district attorney may think an indictment for murder can be sustained, when in fact an indictment for manslaughter only is the proper record; or the jury may be so divided in opinion that a verdict can only be reached by acquitting the defendant when a crime has been committed. The jury so think, and are only prevented from convicting by reason of the severity of the punishment that must follow conviction.

Mr. HEPBURN. One of the reasons that has been assigned by others for the passage of this bill is that we have not adapted the criminal law of the United States to these modern ideas. Now, why is it not a great deal better to begin at the right place and make these changes of definition in the United States statutes that are so essential, and thus do away with the necessity for the particular advantage which the committee have pointed out in the bill now before the House.

Mr. RAY. I was about to come to that proposition. There was no substantial disagreement, although there was some difference of opinion, in the Committee on the Judiciary in the last Congress, in the preceding Congress, and in this Congress upon the proposition that we ought to revise the criminal statutes of the United States, define murder, separate it into two degrees, and then define and divide manslaughter in one, two, or more degrees, fix the punishment, and then provide that where a person is indicted for homicide, whether murder in the first degree or murder in the second degree, the jury shall be at liberty to convict the offender of any lesser offense in the same grade. We did pass such a bill as that in this House, and it went to the Senate and there it was killed. They would not take that step in legislation. Now, the gentleman from Ohio [Mr. GROSVENOR] referred a while ago to the Senate in a way that I need not repeat. If the Senate of the United States does not come as fresh from the people as the House of Representatives——

Mr. GROSVENOR. If the gentleman will permit me to interrupt him, I want to say that my reference to the Senate was only incidental and that I did not and would not use any disrespectful language of that body.

Mr. RAY. Oh, I understand that no disrespect was intended by the gentleman, but I fully agree with him that we have too many old fogies in the Senate of the United States. [Laughter.] I fully agree with him that when we get younger and fresher blood in the Senate we shall have less difficulty in making laws which the people of the United States want and will be benefited by. I am not afraid to say that much with regard to the Senate of the United States, even if I should lose my seat in this House for the saying of it. I will stand by that. [Laughter.]

Mr. MAGUIRE. Is the gentleman a candidate for United States Senator?

Mr. RAY. He is not. The gentleman from New York would have all of the qualifications essential to a good Senator except the funds. [Laughter.] He could not raise sufficient money to enable him to carry through the first step of a candidacy. [Laughter.]

Mr. MAGUIRE. I was in hopes that a gentleman entertaining such views would be a candidate for Senator.

Mr. RAY. No, sir; there is no use of my being a candidate. I own neither a bank nor a brewery. I can not get there. [Laughter.]

Now, Mr. Chairman, let me proceed to answer the gentleman from Iowa. When that proposed law was defeated in the Senate we were not discouraged in the House; we again took up the subject and were furnished valuable information by my colleague [Mr. CURTIS], who has worked years on this subject and has compiled most valuable statistics.

We found that while the States have been progressing in this matter of punishment for crime the United States has been standing still, clinging to a statute passed in 1790, when our criminal code was in its infancy. It is well to go slow in making or changing laws, but this does not signify absolute nonaction. We can unchain ourselves from the antiquated statutes of the past without danger of rushing into follies or unwise legislation.

The committee believed that it was best to take a step in the right direction, though we can not take all the steps that we be-

lieve ought to be taken. So we propose that in all cases where the accused is found guilty of the crime of murder or rape—I will not stop to read the whole language of the section—"the jury may qualify their verdict by adding thereto 'without capital punishment,' and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment to hard labor for life."

Now, if the gentleman will scan that language carefully he will see that it is substantially equivalent to an enactment dividing murder into two degrees; because if the jury is not willing to convict of murder in the first degree—that is, if they can not all agree upon the proposition that the offender has committed the homicide without justification and with deliberation and premeditation—they may attach to their verdict the qualification "without capital punishment," and that is equivalent to finding the prisoner guilty of murder in the second degree, as defined by the laws of the State of New York.

Mr. CONNOLLY. How can you divide the crime of rape into degrees?

Mr. RAY. We can not. Of course, Mr. Chairman, you can not divide rape into different degrees; but I will say this—that the crime of rape might be committed under circumstances which would demand that the offender suffer the extreme penalty of the law—circumstances where he ought to suffer death—although those cases would be rare, and there might be other cases where the jury would believe that the offender ought not to suffer death, and in these cases under the law as it now stands the offender would be acquitted by the jury or there would be a disagreement of the jury, so that the offender would in the end go scot free. If you adopt this bill and make it the law of the land, you will have more convictions—a speedy vindication of the law—a speedy protection to society. You will have less rape in these United States. So with the crime of murder. If you give to the jury this discretion, this right to modify their verdict, you will have less murder within the jurisdiction of the United States; you will have more convictions, and the convictions that you do have will be more speedy. The law will be vindicated, and society will be protected. The certainty, not the severity of punishment, prevents crime.

As I said a few moments ago to the gentleman from Ohio [Mr. GROSVENOR] if we can not have a full loaf let us take what bread we can get, because if we adopt this bill and send it to the Senate of the United States we are substantially assured in advance that it will pass that body and become the law of the land.

Mr. CONNOLLY. I would like to ask the gentleman whether he feels entirely satisfied that the proviso of section 4 is altogether within the limitations of the Constitution of the United States concerning ex post facto laws. That section provides that concerning offenses heretofore committed—

> Juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

Now, the punishment of these crimes at the time they were committed was death. Here is a provision for a different penalty. Is it safe to adopt such a provision? Is there not danger that it may result in a general jail delivery for all criminals now awaiting trial for these offenses?

Mr. RAY. I think not. I think this bill as it now stands is perfectly safe in its provisions in that regard. This question was most carefully considered and examined into by the Judiciary Committee. It has been repeatedly held that you may lessen the punishment after the commission of the crime, but you can not increase it.

Mr. POWERS. Is it not a complete answer to the inquiry of the gentleman from Illinois [Mr. CONNOLLY] to say that the meaning of the Constitution in declaring that no ex post facto law shall be passed is that no act which when it was committed was innocent shall afterwards be declared a crime? But it does not touch at all the question of the penalty that shall be enforced or inflicted.

Mr. RAY. I think that is undoubtedly true. But I can say further that it has been held in the State of New York (and I do not think it has been questioned anywhere throughout the land) that a statute lessening the punishment which has been provided for a certain crime does not infringe the constitutional prohibition of ex post facto laws.

Mr. HEPBURN. I find on page 7 of the report of the committee "Table No. 3." Has the gentleman any information in regard to where the material for this table was procured? Here is a statement that in 1895 there were 10,500 homicides in the United States. Is that thought by the Judiciary Committee to be correct?

Mr. RAY. No doubt it is correct. These statistics have been most carefully gathered by my colleague, the gentleman from New York [Mr. CURTIS], and his assistants. If he wishes to make a statement on this question, I will yield to him.

Mr. HEPBURN. By this table it appears that the increase of homicides in six years is nearly 150 per cent—an increase from 4,290 to 10,500.

Mr. CURTIS of New York. The percentage of increase is even greater than the gentleman states. In answer to the gentleman's inquiry as to the source of the information which is here published on my authority, I will say that the Chicago Tribune has for a number of years compiled daily from its files and from its exchanges the accounts of various murders reported in different sections of the United States; and those that thus came to the knowledge of that paper in 1895 amounted to 10,500; and there were probably 10 per cent more the information of which did not reach that office. That paper has a department devoted to the collection of statistics of crime, and these lists as compiled during a given year are published on the first day of the succeeding year.

Mr. GROSVENOR. I would like to ask the gentleman from New York what was the theory, or on what theory, the committee acted in reducing the grade of punishment in cases of treason from death to such a speculative punishment as some jury might figure out?

Mr. CURTIS of New York. The object of the introducer of the bill—I can not say what was the object of the committee in reporting it, but the object of the introducer of the bill was that persons ought to be punished for the crime of treason, and taking away the death penalty will enable courts to obtain convictions in proper cases and punish by life imprisonment.

Mr. GROSVENOR. Certainly they ought to be.

Mr. CURTIS of New York. As that crime has not been committed in the United States, as shown by a single successful trial, in ninety years, he thought it wise to abolish the death penalty and see if we could secure convictions which it has been impossible to secure under the law as it stands.

Mr. GROSVENOR. If this bill passes and that provision shall be retained in it, will there be a civilized country on the earth except the United States that puts the penalty of treason at a punishment less than death?

Mr. CURTIS of New York. Yes, sir; many of them.

Mr. GROSVENOR. What are they?

Mr. CURTIS of New York. Examine Report 108, commencing on page 10, and going through pages 11 and 12, you will find 35 different countries report the offenses for which life is forfeited, and you will see that the United States has about ten times as many as prescribed in any other country.

Mr. GROSVENOR. How many revolutions have taken place in these countries?

Mr. CURTIS of New York. Those that have the fewest offenses for which the death penalty is enacted have been most exempt.

Mr. GROSVENOR. Which has the most revolutions?

Mr. CURTIS of New York. Russia abolished capital punishment as to all ordinary nonpolitical offenses in 1753. The abolition has not caused any increase in the number of these offenses. While there have been a great many offenses against the Government for which the death penalty has been inflicted, yet the revocation of the law affixing the penalty of death for minor offenses seems to have had the effect of decreasing the number of such crimes, and we have more than twenty times as many murders in the United States as Russia in proportion to population.

Mr. RAY. Mr. Chairman, there is no question that unduly severe penalties for crime have a brutalizing effect upon the human mind and heart. We aim to protect society from the acts of the criminal classes and inflict a punishment that will deter men from engaging in criminal pursuits. Still experience teaches that the true road to reformation is by education. Get the heart right and make the mind intelligent and crime will decrease, but brutalize men by law or familiarize men with deeds of blood under sanction of law and moral darkness will pervade the land.

Mr. Chairman, I understood my colleague on the committee, Colonel HENDERSON, desired to ask a question a few moments ago when he rose.

Mr. HENDERSON. No; I rose to ask that we proceed under the five-minute rule as soon as you have concluded.

Mr. RAY. I am through now, except to suggest to the gentleman from Ohio that the Committee on the Judiciary firmly believe that if we lessen the punishment for many of the crimes now punishable by death convictions will be surer, the triumph of justice more certain, and the protection of society be more certain. No mistake will be made in adopting this measure. The world is moving, and let us keep step with the most advanced of our people.

Mr. HENDERSON. I now ask that the general debate be closed and we proceed under the five-minute rule.

Mr. BRUMM. Before that I wish to ask the gentleman from New York a question.

As I understand the bill, of course I have not examined it very critically, but it is claimed to be a practical subdivision of the crime of murder similar to that which exists in most of the States—that is, murder in the first and second degree and manslaughter. Now, I fail to see it exactly in that way, and wish to know whether under the bill you can find a person guilty of any other crime than that of murder, because you are practically limited to the

common-law definition of murder, and, being limited to the common-law definition, whether you do not leave the question of distinction between murder in the first and second degree and manslaughter entirely to the juryman, who of course is a layman? Is that not true?

Mr. RAY. That is substantially the law now, but that is not the effect of the bill. Neither does the bill attempt to define murder or separate it into two degrees. What I said or intended to say was that practically it will have the same effect in the administration of justice as though we, by statute, divided murder into two degrees, murder in the first and second degree. As, for instance, a man has been guilty of homicide without justification, thereby constituting murder; he is indicted for murder, and if convicted by the jury, he must suffer the death penalty; and only one of two results is possible in the indictment: He must either be convicted or acquitted. Now, a portion of the jury believe him guilty of murder, another portion believe that he is not guilty of murder though he is guilty of a lesser offense, but if the verdict of the jury was one of guilt he would necessarily have to suffer the death penalty. Therefore the jury will hesitate to pronounce him guilty, and he will have no conviction; whereas if they had the power to say guilty, but without capital punishment, you would have a speedy conviction and justice would triumph. That is about the substance of what I wished to say to the House.

Mr. BRUMM. The point is this: Under your bill of course you meant to use, and did use, the broad term murder, and referred to portions of certain statutes, especially to section 5339, which in a certain sense does define certain kinds of crime; but if you pass this bill by reference to that section you destroy the statutory provision on the subject of murder and go back to the original or fundamental idea of murder as defined by the common law, which is a malicious killing of a reasonable creature.

Mr. CURTIS of New York. You can not get anything else through the Senate.

Mr. BRUMM. What I want to get at is this: Then you expect in all the courts, without a statutory provision, to make it a question before the jury of the ability of the different lawyers to give their judgments and to control the jury by their powers of eloquence or their thought on the subject, as to the fine distinctions in degrees?

Mr. CURTIS of New York. No; we propose to take that away from the lawyers and leave it to the court.

Mr. BRUMM. Why, no; you give it to the jury.

Mr. CURTIS of New York. The law makes that distinction now. And every man who defends a criminal——

Mr. BRUMM. You leave it to the jury to say whether there is premeditation; next, whether there is malice aforethought; next, as the law of murder would be in my State, whether it was committed while in the perpetration or attempted perpetration of arson, rape, robbery, or burglary. You allow all that to be left to the lawyers alone, take it all away from the court, and permit the jury alone to act practically as lawyers, as well as judges of the fact.

Mr. RAY. Not at all.

Mr. BRUMM. My judgment is that is giving entirely too much power to the jury, who are not supposed to be versed in the law.

Mr. RAY. Not at all. The gentleman falls into a serious and grave error when he takes any such grounds. I admit that when a man is indicted under a charge of murder, it is for the jury to say whether he is guilty or not guilty, under the charge of the court, after listening to the arguments of counsel. And now in all trials for all criminal offenses, after the lawyers have had their say and after the evidence has been heard and after the court has charged the jury as to the law, it is all left to the jury to say whether the man is guilty or not guilty.

Mr. BRUMM. Will you permit me right there? Where the law cuts the offense into two or three parts, is it not in that case for the judge to lay the law down to the jury and then for the jury to find the facts to fit one of those cases? But under your proposed bill you obliterate that and take it entirely out of the hands of the court to make the subdivisions and you leave it entirely with the lawyers and then to the jury to find out what shades of distinction there may be, taking the old common-law definition, which simply says that any malicious killing of a reasonable creature is murder.

Mr. RAY. Not at all. Suppose we had written upon the statute books of the United States a definition of murder in the first degree and a definition of murder in the second degree. Suppose we had said that murder in the first degree consisted of the unjustifiable killing of a human being with deliberation and premeditation. Suppose that was the definition of murder in the first degree. Suppose the definition of murder in the second degree was the killing of a human being under precisely the same circumstances and surroundings, but with an absence of premeditation or deliberation. Of course I assume that the murder is not committed while the person is engaged in the commission of a felony. Suppose those were the distinctions. After the evidence was all before the jury, the court would say: "Gentlemen, here are the two definitions of murder. If you find that there was premeditation and deliberation you will say, 'Guilty of murder in the first degree,' and in that event the punishment is death. On the other hand, if you find there was no premeditation and no deliberation, then you will find the prisoner guilty of murder in the second degree, and in that event the punishment is imprisonment for life." He still leaves it for the jury to say, and the jury must say, for they are the final arbiters in the matter, whether there was deliberation and premeditation or not. If they find that there was, then it would be murder in the first degree, if all are of that mind. If they are not all of that mind, and if they are all of the other mind, that there was an absence of those two essential elements, then they will say, "Guilty of murder in the second degree." But if they are unable to agree, if they are unable to get their minds together, there might be a compromise verdict, and they all might agree that it was murder in the second degree. That is, those stickling for murder in the first degree would give way, and you would have a conviction and the triumph of the law.

Mr. BRUMM. Then, as I understand you, if what you say is correct, all the statutory laws that the different States of the Union have passed amending and changing the common law are of no use. They amount to nothing. Is not that correct under your proposition?

Mr. RAY. The gentleman falls into the serious error of supposing that we are endeavoring here to change the law of the various States regarding murder and manslaughter.

Mr. BRUMM. Not with reference to the States, but you are relegating it back to the common-law definition of murder alone.

Mr. CURTIS of New York. That is the law now. The common-law definition of murder is the definition of murder in the United States courts.

Mr. BRUMM. I do not care what it is. There are, as I understand, subdivisions and definitions to a certain extent.

Mr. CURTIS of New York. Not a bit.

Mr. BRUMM. Unless you can improve the law as it is now, there is no reason why you should pass this law. In other words, why do you not introduce a bill here specifically subdividing the degrees, and settle it upon that point? That is the whole point.

Mr. RAY. Now, let me answer the gentleman, and let the gentleman from Pennsylvania open his ears and awaken his intellect to a comprehension of the fact I state, for I have already stated it three several times and other gentlemen of the committee have stated the same thing. I want to say here that it is the duty of gentlemen who belong to this House not only to be in their places but to listen to what is being said when a bill is under consideration. The gentleman from Pennsylvania is usually in that attitude, but to-day he has been a little bit off. Here is the answer already made to the question which he has propounded: The Committee on the Judiciary in the Fifty-second Congress, the Committee on the Judiciary in the Fifty-third Congress, and the Committee on the Judiciary in the Fifty-fourth Congress in the House each believed that we ought to pass an act amending the statutes of the United States defining and providing the punishment of the crime of murder, and the most of us believe that we ought to divide that crime into two degrees, also defining and providing punishment for the crime of manslaughter.

In the last Congress we did pass a bill which defined murder and manslaughter, and which pointed out the various degrees of murder and of manslaughter. That bill went through this House and went over to the Senate of the United States, a very able body of very intelligent men. It has but one superior on the face of the earth, and that is the House of Representatives, the representatives of the people as assembled in the Fifty-fourth Congress. The Senate disagreed with us. It did not come up to our line of intelligence, as was suggested by the gentleman from Ohio [Mr. GROSVENOR]. The Senate refused to concur in our action. They thought we were going too far. For that reason the Committee on the Judiciary in the Fifty-fourth Congress was willing to compromise. We were willing to go one step at a time. We were willing to get this bill. Under the provisions of this bill, when a man is indicted for the crime of murder and a conviction is had, the bill permits the jury to say, if the offense is not of that heinous nature or character that the person should be executed, it permits them to say that he is guilty but shall not suffer capital punishment, and in that event he is imprisoned in a State prison for life.

Mr. BRUMM. Now, if the gentleman will just permit me there.

Mr. RAY. That is the object, and that is the answer to the gentleman's question.

Mr. BRUMM. That is what I have heard the gentleman say before, and I assure the gentleman I understand it thoroughly. But it simply resolves itself into this, that the Senate was opposed to a subdivision of crime.

Mr. RAY. No.

Mr. BRUMM. One minute. They are opposed to a subdivision of the definition of crime, and because they voted down a practical and sensible proposition you are going to take an impracticable

and unsensible proposition and pass it through this House. In other words, you are trying to get from results to methods. I do not believe that the Senate would agree to that any more than they did to the other.

Mr. RAY. I beg the gentleman's pardon. The Senate will agree to this, because this bill as now drawn is substantially in accordance with the suggestion of the Senate, and is substantially the bill proposed or suggested by the Senate Committee on the Judiciary.

Mr. CURTIS of New York. That committee reported the exact language of this bill as a substitute for the House bill of the Fifty-third Congress.

Mr. RAY. I want to say to the gentleman from Pennsylvania that this bill is not a bill that aims at methods and not results. It aims at both. It is perfectly competent in all States of the Union, and it ought to be competent in all courts of the United States, for the jury to say, after they have heard the evidence, after they have listened to the arguments of counsel, after they have heard the charge of the court as to the law, if they find the man guilty, whether he shall be hanged, electrocuted, drawn and quartered and his body given over to some doctor to be dissected, or whether he shall be imprisoned for life.

I believe that the day will come when capital punishment will be abolished; but it has not come yet. The time is not fully ripe for it. But you will have imprisonment for life in any event; a punishment that is as severe, and, as I believe, a more severe and effectual punishment; one having a tendency to produce good order in society and serve humanity better than the punishment of death; a punishment that will protect society from the offender if he is found guilty. This punishment will insure conviction in hundreds of cases where criminals now go scot-free, and as the district attorney from the West says—where is he from?

Mr. CURTIS of New York. From the eastern district of Texas.

Mr. RAY. And as the district attorney for the eastern district of Texas says, it will lead to conviction in dozens of cases of indictment where it is now useless to bring the criminals to trial, because under the law as it stands they are sure to go scot-free; and he says that if this bill becomes law he can safely put these criminals on trial with a certainty of securing conviction in at least eight-tenths of these cases. Letters are coming from all over the land showing the wisdom of enacting this bill into law.

Mr. BARRETT. Will the gentleman permit another question on the same line?

Mr. RAY. Certainly.

Mr. BARRETT. I have heard the argument of the gentleman as to cases of murder in the Indian Territory and other unsettled regions of this country, but I would like to ask him the question whether or not, if this bill becomes law, the punishment of the death penalty will be abolished for being accessories before the fact to murder, to conspiracy, to treason, to piracy under the law of nations, to murder on the high seas, to hostilities against the United States, to piracy by subjects, citizens, of foreign States, the rescue of prisoners going to or from execution, for any of these offenses, and if this death penalty shall be abolished for these crimes, I would like to ask the gentleman to explain whether it has been by reason of the fact of a failure to enforce the law against piracy, treason, for being accessory before the fact to any of the high crimes to which I have alluded?

Mr. RAY. With the gentleman's permission, my time having expired, I will yield to my colleague from New York [Mr. CURTIS] to answer that question, because he will do it much better than I can, having studied the facts in detail and being thoroughly posted in statistics.

Mr. CURTIS of New York. Mr. Chairman, I will answer the gentleman very briefly. The penalty of death is taken away from those offenses for the sole purpose of securing convictions, which in many cases it has been found difficult to do under existing law. I give way now to my friend from Iowa [Mr. HENDERSON] to move to close the debate.

Mr. BARRETT. I trust the gentleman will not give way quite so soon, because he has made an answer that is not satisfactory.

Mr. CURTIS of New York. I fear I can not satisfy the gentleman from Massachusetts. I have tried to answer his question.

Mr. BARRETT. I want to ask the gentleman whether there has been any difficulty in enforcing the law against the crime of piracy?

Mr. CURTIS of New York. There has not been a trial for ninety years, and the last one was a failure.

Mr. BARRETT. I want to ask the gentleman whether there has been any difficulty in enforcing the law against the crime of murder upon the high seas?

Mr. CURTIS of New York. There has not been a trial for murder upon the high seas for a long period.

Mr. BARRETT. Mr. Chairman, that seems to me to be begging the question. I asked the gentleman whether or not from his great legal knowledge he can state that it has been found difficult or impossible to convict men of the crime of murder on the high seas.

Mr. CURTIS of New York. These trials were a long time ago, but the crime of murder wherever committed under the Federal jurisdiction is here provided for as a crime of which the penalty shall be death, unless the jury find "without capital punishment."

Mr. BARRETT. Has there been any difficulty in convicting persons who have been accessories before the fact in cases of murder and piracy?

Mr. CURTIS of New York. The answer I have made is a complete one to all the inquiries the gentleman from Massachusetts makes.

Mr. BARRETT. Mr. Chairman, I understand the gentleman to tell me that the crime of being accessory before the fact is the same crime as murder. Do I understand him correctly?

Mr. CURTIS of New York. Yes, sir.

Mr. BARRETT. I have personal knowledge of a case in New Hampshire, within twenty years, where the supreme court of that State expressly decided that the crime of being accessory to a murder before the fact was not the same as the crime of murder. The man was tried first for murder and acquitted, and then he was brought to the bar charged with being an accessory to murder. It was claimed for the defense that he could not twice be put in jeopardy for the same offense, but it was held by the court that the offense was not the same.

Mr. CURTIS of New York. My friend has failed to distinguish between a State statute and a Federal statute. We are governed here not by the statutes of New Hampshire or of any other State, but by the statutes of the United States. Therefore in this legislation we are not infringing upon the rights of New Hampshire, nor do the decisions of her courts or the provisions of her statutes furnish precedents to be cited in Congress respecting a Federal statute. I hope my friend will recognize the distinction between the Federal Government and the governments of the several States.

Mr. HENDERSON. Mr. Chairman, I now ask unanimous consent that general debate upon this bill be closed and that we proceed to consider the bill by paragraphs under the five-minute rule.

There was no objection, and it was so ordered.

The Clerk read as follows:

That in all cases where the accused is found guilty of the crime of murder or of rape under section 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment"; and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

Mr. GROSVENOR. Mr. Chairman, I do not like to take up any more of the time of the committee, but there is one suggestion that I desire to make. I shall not move to insert the crime of treason in this section, but I wish that it could be done with the consent of the Committee on the Judiciary. The gentleman from New York [Mr. CURTIS] has, with wonderful pains and industry, presented us a most valuable table of information and has done work which it would take an ordinary lawyer almost a year to do.

Mr. CURTIS of New York. Ten of them.

Mr. GROSVENOR. But I want to point out to the committee that the suggestion made by the gentleman in regard to the omission of the crime of treason will hardly be justified in the light of the particular countries that have omitted that crime from the catalogue of death penalties. I want to read the names of the countries that do not punish treason by death, for I think this list presents quite an interesting study: Brazil, Colombia, Costa Rica, Guatemala, Italy, Peru, Siam, Switzerland, and Venezuela.

Mr. CURTIS of New York. And Russia.

Mr. GROSVENOR. Not at all; I beg the gentleman's pardon.

Mr. CURTIS of New York. Russia has abolished the death penalty as to all nonpolitical offenses.

Mr. GROSVENOR. But treason is a political offense.

Mr. MILLIKEN. Will the gentleman yield for a question?

Mr. GROSVENOR. I will in a moment.

Now Switzerland, one of the countries included in the list I have just named, has a stable government—one of the most enlightened and liberal democracies on the face of the earth. Why she has a stable government may be a matter of discussion. It may be on account of the great patriotism of her splendid people. It may be that her geographical position has had much to do with it. Switzerland alone of all these countries that have abolished the death penalty for treason has a stable government. Many of the others have their annual or semiannual or biennial or quadrennial revolutions. There is Brazil with her rotating government; I trust that now under a republic the Government may be more permanent. Then there are Peru, Siam (I know little or nothing about Siam), Venezuela, Colombia, Costa Rica, Guatemala—these are the countries that have abolished capital punishment for treason. It seems to me that is a warning to us. All the great civilized nations of the world, aside from these Spanish-American Republics——

Mr. CURTIS of New York. The gentleman forgets Italy and Portugal and Belgium and Holland.

Mr. GROSVENOR. Holland has not abolished the death penalty.

Mr. CURTIS of New York. Yes; totally.
Mr. GROSVENOR. It does not so appear in this list.
Mr. CURTIS of New York. It is in the list.
Mr. GROSVENOR. If it is I stand corrected. Italy is not a Government that I want to point to as a model.
Mr. CURTIS of New York. She has abolished the death penalty only recently. If she had done it fifty years ago she might be a model.
Mr. GROSVENOR. Italy is a country for which I have much admiration. "Free Italy" presents to the world the spectacle of a nation struggling from under a domination worse than slavery—cultivating patriotism, love of country, pride in country. But beyond Italy and Switzerland you can not find a country other than these Spanish-American Republics that does not declare the highest penalty known to human justice against the man who strikes the blow of treason against his Government.
Mr. RAY. May I ask the gentleman a question?
Mr. GROSVENOR. Certainly.
Mr. RAY. Spain punishes treason with death. The struggling patriots in Cuba are in arms against their lawful Government—we believe for good cause—because of oppression. Would the gentleman, under the circumstances in which those patriots stand, like to see every one of them, if caught, hanged or shot?
Mr. GROSVENOR. It does not become our Government to compare Cuban patriots to persons guilty of treason. Our historical record that a rebellion may grow to such proportions that it ceases to be treason settles the question of the Cuban patriot in his favor.
Mr. RAY. What is the distinction?
Mr. GROSVENOR. I am not here to discuss the distinction. By our Constitution treason against the United States consists of "levying war against the United States or in adhering to their enemies, giving them aid and comfort." But there is a dividing line that we all understand between the plotting traitor to his country and the brave revolutionist, if you please, who boldly takes up arms. And in case of unsuccessful rebellion or attempted revolution it is always a question of discretion, of political policy, afterwards with the Government whether the offense shall be treated as treason or as something else.

But to say that our Government shall be powerless to strike with death the plotting traitor is a proposition the propriety of which seems to my mind doubtful. I submit that question to this Committee of the Whole. I would not oppose this bill on that ground if in the judgment of the committee the provision ought to be retained; but when I heard the distinguished gentleman from Texas [Mr. CULBERSON], formerly the chairman of this great committee, say that in his judgment treason ought to have been left in this bill as one of the offenses punishable with death, I agreed with him, and I shall continue to do so unless I am overruled by the higher judgment of this House.

Mr. CURTIS of New York. One word in reply to the gentleman from Ohio; for I do not wish to detain the House, as I am anxious we shall come to a vote. There has been no trial for treason in the United States since that of Aaron Burr (who was not convicted), except one or two trials which were had in the Western States during the late war, and which were unsuccessful.
Mr. GROSVENOR. There has not been a trial for more than fifty years for murder on the high seas; but is that any answer to the argument? That is the reason perhaps why we have not had any more of them.

But the gentleman from New York is mistaken in his assumption. As deputy United States marshal in June, 1861, I myself impaneled men to try an indictment for treason against the Government of the United States. The case failed upon proof before the jury, but not because of an indisposition to inflict punishment on the part of the jury.

Mr. GILLETT of Massachusetts. Mr. Chairman, the statute which the gentleman from New York [Mr. RAY] read about punishment after death and the dissection of executed criminals reminded me of what I had read of one of the States—I do not now recall which—where the law provided that no medical student should become a practitioner until he had gone through a course in dissection. Shortly after they passed a law that no body should be dissected except the body of an executed criminal, and then they passed a third law abolishing capital punishment. This, of course, made it rather difficult to increase the ranks of the medical profession and gave the old members a fine monopoly.

I agree entirely with what the gentleman from Ohio [Mr. GROSVENOR] has said about this law. I was one of the few members on the committee who opposed it. I thought that instead of this bill we ought to have a law defining degrees of murder, and as I understand the argument made for this bill instead of that one, as it has been expressed by the gentleman from New York [Mr. RAY], it is not that, in his judgment, the pending bill is better than such a bill, but it is simply that the other could not pass the Senate; and so he says, although we have not here the best provision of law—because he admits that he prefers the other—let us pass this inferior one because we can get it through, while the other would fail.

Now, it seems to me, in the first place, that if we think that the other bill is best we ought to insist upon its enactment, and not yield and take something that is inferior or objectionable. I admit that his argument is in general good—that if you can not get all you want you should take what you can get—but it is irrelevant here. This case is just the reverse of that, because it is a case where we want but a little and yet are to be driven under compulsion to take more. To that I object.

What we here all seem to want is a definite grading of the crime of murder which will allow convictions and capital punishment at the right time and under proper circumstances; but I do not think that this law provides that, although it does go very far toward the total abolition of capital punishment. I have no doubt that that is the reason the humane mind of my friend from New York favors this bill, because it comes so near abolishing capital punishment, which he does not believe in.

This bill allows the jury to say whether they will ever apply capital punishment or not. In other words, it puts the burden on each particular juror to ask himself the question, "Shall I assume the responsibility of that man's hanging?" Under the other law, which defines the degrees of murder, that appeal does not come to each individual juror. It may, of course, by straining a point, be applied to him by adroit counsel; but the jury is to find out what degree of guilt the man is involved in according to law, and the juryman does not need to say, "I want that man hung or imprisoned," but simply, "I pronounce him guilty under the law and under the judge's instructions." I do not think that we should place the juror under the stress that this bill would involve unless we wish to entirely abolish capital punishment. Therefore I do not believe in this bill, but prefer the other, and think we are allowing ourselves to be driven to a step toward the abolition of capital punishment, and going further than we want to go—taking a step that we can not retrace—by the threat that the law we want can not be got through the Senate.

That being the case, Mr. Chairman, I claim that we should stand by the law that we do approve, and not pass this bill.

Mr. CURTIS of New York. If my friend will indulge me for a single illustration, I wish to refer him to a man who, in former ages, was regarded as the wisest of his time.

When the Athenians had suffered under the laws of Draco, they asked Solon to prepare for them a code of laws, and when they were completed they asked him, "Have you prepared for us the best laws which you could?" He replied, "No; I have not, but I have prepared the best laws that the Athenians are able to bear." We are precisely in that situation to-day, and I hope my friend from Boston, the modern Athens of America, will yield to the example of the men who made Athens so distinguished.

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not, unfortunately, come from this "Athens of America," so that the argument of the gentleman from New York does not appeal to me as forcibly as it might otherwise.

I have admitted the force of the principle laid down by the gentleman from New York, that when we can not get all we want we must take what we can get, but the principle does not apply here, because we are not taking less than we want, but we are being urged to take more than we want and to go further than we want to go, and take a stand that we do not want to take, because another body says we shall not take and hold the little which we do want and which we believe in.

If it was the other way, the argument would hold. In the Senate, for instance, if they should be told, "No; the House will not agree to this practical abolition of capital punishment, but the House will agree to the law defining degrees of murder, which goes halfway toward abolishing capital punishment," there the argument would be pat, and there the argument ought to be made, and they ought to take part of what they want, not being able to get it all. They ought to be told, "Accept the House bill, which the House passed in two Congresses, defining the degrees of murder, even if it does not go as far as you would like"; but here we are being pushed farther than we ought to go, and I oppose it.

Mr. HEPBURN. Mr. Chairman, I think this bill is one of a great deal of importance, and that it ought not to be enacted simply out of compliment to the gentleman from New York [Mr. CURTIS], who I understand has devoted a great many years of his life to the consideration of this subject, and who seems to have great anxiety to secure its passage. This bill proposes to remove capital punishment in all cases, practically, where there is complete, fair judicial examination, and to leave capital punishment in all that great multitude of cases where there is no examination of that kind, and in my judgment no proper tribunal to determine matters of such great importance as life or death. In all of those offenses known to the Articles of War, or the corresponding articles governing the Navy——
Mr. CURTIS of New York. We do not touch those at all.
Mr. HEPBURN. In all those cases, the gentleman leaves

capital punishment and allows courts-martial to determine upon matters of that kind. Yet from the regularly and properly constituted courts he either wants to take away the power or else to impose new and confusing duties where they ought not to be imposed. To my mind one of the great objections to this bill is that, instead of allowing juries to determine a single question only, namely, the guilt or innocence of the party accused, the gentleman proposes to impose upon them another duty, that of determining the degree of punishment.

Now, I believe that juries, as a rule, are to be trusted, when you can present to them one single question. We must remember that the men who compose our juries are not accustomed to the determination of great questions like life and death; and wherever you perplex them by adding to the question they must determine you lessen the liability of accurate judgment. I should be willing to trust the jury with the question, "Is this party guilty or not guilty," and that is enough to submit to them; but you give to the attorneys the further opportunity of confusion by submitting this other question, after they have determined the primary one, of what shall be the measure of the punishment, and in that you go too far.

Mr. CURTIS of New York. Will the gentleman give way for a question.

Mr. HEPBURN. I will.

Mr. CURTIS of New York. Does any trouble arise on this question in the State of Iowa?

Mr. HEPBURN. I think there does, and I have always been opposed to adding this other perplexing question to the duties of the jury.

Mr. CURTIS of New York. Iowa has had the law since 1878; and 35 other States have the same law.

Mr. HEPBURN. I am perfectly willing to admit that, but while the jurisprudence of Iowa is a great improvement, in very many respects, upon the common law of two hundred years ago, yet I assume that it is not yet perfect. Mr. Chairman, the gentleman has taught us the alarming fact that 10,500 murders were committed in the United States in 1895, and he proposes to take away from the sacredness and protection of life——

Mr. RAY. Just a moment. There were not 10,500 murders, but 10,500 homicides.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LITTLE. Mr. Chairman——

Mr. BARRETT. I ask unanimous consent that the gentleman's time be extended.

Mr. LITTLE. I will yield the floor if it is desired to extend the gentleman's time.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Iowa be extended five minutes. Is there objection?

There was no objection.

Mr. HEPBURN. Now, Mr. Chairman, I believe that human life is so sacred—that is, the life of the law-abiding citizen is so sacred—that it ought to have about it all the protection possible. I do not believe you are adding to its protection when you take away from the mind of the man who may be the culprit the fear of death; when you hold out to him the hope of pardon or of escape. In my own State, within a few days, a murderer who killed a guard in his attempt to escape after the robbery of a bank in broad daylight presented his petition to the legislature seeking for a recommendation to the governor for pardon, which recommendation he must have in that State. That recommendation came within a few votes of passing, and I think it is the second or third legislature that has been importuned in that way. This man has assumed conversion, has assumed an entire change of life. He has excited the sympathy of certain persons in the State; and everywhere weak-minded, kind-hearted people, who are misled, can always be relied upon after the passage of a few years to set at liberty and to give new lease of power for the commission of crime to any criminal, I care not how bloody-minded or bloody-handed he may be. Now, while that uncertainty is in the minds of men, when there is constantly before them the thought that pardon may occur and that their crimes will not meet with certain punishment, I believe that the law does not act as a sufficient deterrent. I believe it is wiser and safer to preserve the death penalty.

It is better, in my judgment, if the death penalty is not to be inflicted and another and lesser punishment is to be imposed, that it should be within the province of the court to determine that, rather than that the minds of the jury, when considering the question of guilty or not guilty, should be perplexed with that additional matter to determine. I believe this bill is all wrong; and I do not believe that the gentleman who spoke in its behalf a little while ago, the gentleman from New York [Mr. RAY], finds or can find a justification for it in the failure of another branch of Congress to engage with us in proper legislation. The primary idea with him is that through the provisions of this bill he is going to secure these degrees of crime through punishment that ought to be found in the definitions of the statute. I agree with him that there should be two degrees of murder—murder of the first and murder of the second degree—and that there should be two, possibly more, degrees of manslaughter, and there are other offenses that properly should have statutory degrees in their definition. But this is not the way to secure it; this is not the legitimate way to secure that legislation, and the fact that others will not do their duty does not justify this House in attempting in this roundabout, inefficient, uncertain way to seek to accomplish what gentlemen think will be to some extent a remedy.

Mr. LITTLE. I desire to offer an amendment.

The Clerk read as follows:

Add at the end of section 1:

"And in all other cases of conviction where any part of the punishment is imprisonment the jury trying the case shall fix the term of punishment, not to exceed the maximum limit prescribed by law."

Mr. LITTLE. Mr. Chairman, I only desire to submit a few remarks upon this proposition. I desire to say, in the first place, that I favor the policy of this bill. I much prefer that the jury should use their own judgment as to whether a man should be hung or imprisoned for life. In other words, I am a sincere believer in the jury trial. I believe that 12 honest men gathered from the country, in criminal cases, in ninety-nine cases out of a hundred will do justice. The amendment that I offer does not at all impinge upon the policy of this bill, but adds to it. The bill provides that in case of capital punishment the jury may say whether or not the punishment of death shall be enforced. The amendment I offer provides that in all cases where imprisonment is a part of the punishment the jury trying the case shall fix the amount of imprisonment, not beyond the maximum limit fixed in the statute. In other words, I undertake by this amendment to take out of the hands of all judges the imposition of the punishment that is fixed, and the extent of it, and place it in the hands of the jury trying the case.

Now, I do not know how it is with other gentlemen, but in the State that I have the honor in part to represent our juries fix the amount of punishment in all cases except capital, within the limits prescribed by the statute. It works well. They can readily judge of the facts, and their findings have almost universally been satisfactory. But when you come to the Federal courts, where the jury are said to be judges of the fact of guilt or innocence, they simply say guilty or not guilty, and the judge says whether it shall be one, ten, or fifteen years in the penitentiary, or whatever the legal limit is. As the juries are judges of the facts, I think they are also better judges of the quantum of the punishment. For instance, the law of manslaughter, as I remember, provides a punishment not to exceed seven years' imprisonment. The jury ought to be permitted to say whether in that particular case it should be five years or one year, or whatever in their judgment is just and proper. The punishment ought to be left to the discretion of the jury. I heartily approve, therefore, of this bill. I believe it ought to be the law all through the land in capital cases; that the juries, hearing the facts and having all the bearings of the cases before them, ought to be permitted to speak and say whether in a particular case it ought to be capital punishment or imprisonment. I think it ought to go even further and say what the imprisonment should be.

I tell you, gentlemen, we ought so far as we can to carry out the Constitution of the country, not only in the letter, but in the spirit, which guarantees to a citizen the right of trial by jury. I think that the jury ought to fix the extent of punishment and say what it shall be, and not let them, as they now do, merely say "yes" or "no" on the question of guilt. I would let them fix the punishment within the maximum; and let the facts be separated from the law and let the juries, the people of the country, settle what the punishment shall be. It has acted well in my State and has always been most satisfactory. It has been satisfactory to the law-abiding element of our land, and I would like to see this amendment adopted. I consider that it is in line with the spirit of the bill and in harmony with the constitutional right of trial by jury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRUMM. Mr. Chairman, I believe that the original bill is bad enough, but to add this amendment to it would make it a great deal worse. I have had considerable experience in criminal cases, and the great trouble with juries as a rule is that they have a disposition to compromise. After the verdict is rendered and you ascertain how the jury stood, you will find in nine cases out of ten that the verdict is a compromise verdict. The best way to get jurors to render a verdict on the facts is by putting them in a position where they can say, "We have nothing to do with the punishment; we have simply to find the facts; we eliminate from our consideration the consequences of our findings; we have simply straight work before us, to find out the fact, Is this man guilty or is he innocent?" Upon that basis the jury will come nearer to rendering a just verdict than any other. Here it is proposed to

encumber these laymen with the double duty of ascertaining the fact and fixing the punishment. If you do it, the result will be that at least 50 per cent more of our criminals will go unpunished.

But there is another objection to this amendment. There ought to be some consistency and similarity in the punishments inflicted for the same offense when committed by different individuals.

Mr. GROSVENOR. What does the gentleman think would probably be the effect under this provision of trying a person charged with making moonshine whisky in some of the mountain districts of the South before a jury of his peers; what would the fine probably be? [Laughter.]

Mr. BRUMM. I can not answer that question, as I have had no experience in that kind of business, but if the jury had authority to fix the punishment I suppose their verdict would be regulated by the sentiment prevailing in the locality.

Now, Mr. Chairman, there is another reason which it seems to me is important in considering this question, the one I have already indicated, that in the punishment of crime one criminal ought to be punished the same as another, or as nearly as possible the same, where the offense is of the same grade. If a rich man commits larceny, he ought to receive the same punishment as a poor man who commits larceny. If a poor man commits larceny, he ought to receive no greater punishment than the rich man. But by this bill you propose to leave the determination of the punishment to the spasmodic impulse of the particular jury in each case. That jury, sitting only in that specific case, will be largely governed by the criminal that is before them. They may think in one case, "This fellow ought to have ten years," and perhaps the next jury, knowing nothing about the length of time for which the first man was sentenced, may fix a very short period of punishment in a similar case, and then the cry will go up in the community that this man had a long term of punishment for a certain offense, while the other man, for a like offense, had only a short term of punishment. Now, if you let the judge pass sentence in both cases, he will be far more likely to do justice by making the sentences consistent with each other. When a judge has passed a certain sentence upon Jack for stealing a pair of boots and Jim comes up before him for a like offense, the probability is that he will give him the same sentence. It is the experience of the judge that enables him to equalize sentences.

Mr. SMITH of Michigan. The judge may be influenced also by his talk with the criminal.

Mr. BRUMM. Yes; I thank the gentleman for the suggestion. The judge will ask the criminal "What have you to say why judgment should not be imposed upon you?" and he will take into consideration the explanation which the criminal makes. Under that system there is no such chance of unequal sentences; but this bill, with the amendment proposed by the gentleman from Arkansas, would be simply a farce. It would be much worse than the original bill.

Mr. CURTIS of New York. Mr. Chairman, I hope the amendment of the gentleman from Arkansas will be voted down.

The CHAIRMAN. Debate is exhausted upon this amendment.

Mr. HEPBURN. Mr. Chairman, I ask to have the amendment again reported.

The amendment was again read as above.

Mr. GROSVENOR. Mr. Chairman, I move to amend that amendment by striking out the word "law."

Mr. CURTIS of New York. I hope the whole amendment will be rejected.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. GROSVENOR. Mr. Chairman, I do not suppose it is likely that this amendment offered by the gentleman from Arkansas will be agreed to. It leaves to the local juries all over the country the fixing of the penalty, and I take it that they would also have something to do with the rule of evidence. When I heard the amendment read, it reminded me of Hoyt's play, A Temperance Town, where the jury went out to try a liquor seller. It was up in Vermont, I believe. One of the items of evidence that had been offered on the trial was a bottle that had been rescued from the cellar of the liquor seller. The bottle was called "Exhibit A," and after the jury had been out for a considerable time the bailiff came in with the empty bottle and said to the court that the jury desired to have "Exhibit A" filled up again. [Laughter.] If this amendment should be adopted I take it as likely that in the moonshine-whisky regions of this country local opinion, as embodied in juries, would be found to be decidedly against the enforcement of the law.

Mr. LITTLE. Mr. Chairman, I suppose the trial to which the gentleman has referred was in his own State of Ohio?

Mr. GROSVENOR. Oh, no; it was located by the playwright in Vermont in a well-known temperance community. Of course he took care to locate the play where no such thing could happen. [Laughter.] I have seen 200 indictments in cases coming from a mountainous section of the country, not in Ohio, but in an adjoining region, and in that United States court the question for the jury was narrowed down very closely by the judge, so that it was simply the question, "Did this man make or sell this liquor?" But if you should let the jury say whether or not the accused should be punished, the outcome would depend, I imagine, very much upon the quality of "Exhibit A."

Mr. HENDERSON. I move that debate on the amendment and the amendment to the amendment be limited to three seconds.

Mr. GROSVENOR. I withdraw my amendment.

Mr. HENDERSON. Then I move to limit debate to three seconds on the amendment of the gentleman from Arkansas [Mr. LITTLE].

The motion of Mr. HENDERSON was agreed to.

The question being taken on the amendment of Mr. LITTLE, it was rejected; there being—ayes 10, noes 58.

The Clerk read, as follows:

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

Mr. GILLETT of Massachusetts. I move to amend this section by inserting, after the word "sections," in line 1, the words "fifty-three hundred and thirty-two." This section is that which provides for the punishment of treason. It seems to me proper, I do not wish to argue the question, that treason should be excepted from the offenses for which the death penalty is by this bill abolished.

The question being taken on the amendment of Mr. GILLETT of Massachusetts, it was agreed to; there being—ayes 47, noes 17.

Mr. BARRETT. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 6 to 11, the words "he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life," and insert in lieu thereof the following: "The jury may qualify their verdict by adding thereto 'without capital punishment'; and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment at hard labor for life."

Mr. BARRETT. I trust the committee will give attention to this amendment, which is designed to make this bill symmetrical and to accomplish the very object which my friend from New York [Mr. CURTIS] said that he wanted brought about. He has stated that in trials for murder or rape it should be within the power of the jury to decide whether capital punishment or imprisonment for life shall be inflicted. But when he comes down to treason and piracy and a number of other offenses equally criminal with murder and rape, and in my opinion more so than murder, he provides that the penalty shall not exceed imprisonment for life, and that the jury shall have no option of imposing capital punishment.

My amendment proposes that in all these cases, whether the offense be murder or rape, or whether it be treason or piracy or similar offenses, it shall be optional with the jury to decide whether the person convicted shall be executed or shall be sentenced to imprisonment for life. My colleague from Massachusetts [Mr. GILLETT] has already offered an amendment, which has been adopted, providing that for the crime of treason the punishment shall be death. The committee, in view of the general sentiment in that matter, wisely offered no serious objection. My amendment makes the provision general, so that where the offense is piracy or murder on the high seas or destroying a vessel or anything of that sort, it shall be within the option of the jury to declare whether the criminal shall be hanged or shall suffer imprisonment for life. There has been nothing in the arguments advanced here by any member of the committee to sustain the fine distinction which the bill undertakes to draw in favor of men who commit this class of crimes and against those who commit the crime of murder or rape. My amendment simply applies to all these different offenses the same provision in regard to punishment, giving to the jury in the second class of offenses the same option as this bill allows in respect to offenses of the first class.

Mr. GILLETT of Massachusetts. Does not my colleague [Mr. BARRETT] wish to retain in section 2 the words "and when any person is convicted of an offense to which the punishment of death or a lesser punishment, in the discretion of the court, is affixed."

Mr. NORTHWAY. The amendment of the gentleman from Massachusetts [Mr. BARRETT], if adopted, simply kills the bill.

Mr. CURTIS of New York. The adoption of the amendment will be fatal to the bill.

Mr. BARRETT. This whole measure has to do with and intends to accomplish, in rather blind phraseology, the abolition of capital punishment.

Mr. CURTIS of New York. Mr. Chairman, the amendment, if adopted, would simply destroy the bill; and I hope that those who favor the bill will vote it down.

Mr. BARRETT. Why, Mr. Chairman, the gentleman says that this will destroy the bill. Yet for two hours I have sat here in my seat and the only discussion we have had with reference to the matter has been in regard to the crime of murder and the penalty as embodied in this bill.

This amendment is to make this section harmonize with the first section, which has been already adopted. The first section was passed just as the gentleman himself reported it.

I submit that the statement of the gentleman that the amendment destroys the bill is simply to becloud the House. Why not call it a bill to abolish capital punishment and have done with it?

The amendment was again reported.

The question being taken on the amendment of Mr. BARRETT, the committee divided; and there were—ayes 28, noes 47.

So the amendment was rejected.

Mr. BARRETT. If in order, Mr. Chairman, I desire to serve notice on the gentleman from New York now, so that he may understand the situation, that when this bill is reported to the House I shall move to recommit it with instructions to make the change which that amendment contemplated, so that the sections of the bill will be in harmony with each other.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Section 3 of the bill was read, as follows:

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Add in line 3, section 3, page 2 of the bill the words "fifty-three hundred and thirty-two."

Mr. GILLETT of Massachusetts. The amendment is simply the corollary to one I offered, and which was adopted by the House, in the preceding section. Of course it is necessary in the second section to insert the exception of treason; it is also necessary in this section, and as the House adopted the other it will, I take it, also adopt this.

Mr. HENDERSON. In order to be logical with the first amendment adopted, I think the gentleman from Massachusetts is correct about the statement he makes.

The amendment was adopted.

The Clerk read section 4, as follows:

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

Mr. CURTIS of New York. Mr. Chairman, I move now that the committee rise and report the bill favorably to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 878, had directed him to report the same to the House with sundry amendments, and as so amended that the bill do pass.

The question being taken on the amendments recommended by the Committee of the Whole, they were agreed to.

The question recurred on the engrossment and third reading of the bill.

Mr. BARRETT. Is it in order now to offer an amendment?

The SPEAKER. It is.

Mr. BARRETT. I desire to offer the amendment which is in the hands of the Clerk at the desk.

The Clerk read as follows:

On page 2, line 6, after the words "United States," strike out "he shall be sentenced to imprisonment at hard labor for life; and when any person is convicted of an offense to which the punishment is death, or a lesser punishment in the discretion of the court is affixed, the maximum punishment shall be imprisonment at hard labor for life," and insert in lieu thereof: "The jury may qualify their verdict by adding thereto 'without capital punishment,' and whenever the jury shall return a verdict qualified as aforesaid" the person convicted shall be sentenced to imprisonment at hard labor for life.

Mr. TERRY. Is that the amendment which was offered by the gentleman in Committee of the Whole?

Mr. BARRETT. It is.

Mr. TERRY. I understand that an amendment rejected in the Committee of the Whole is not in order in the House.

The SPEAKER. The House may differ with the Committee of the Whole.

Mr. BARRETT. The reason I again offer the amendment is, in brief, this: No objection has been made to it and no argument advanced against it, but it was submitted and the only argument raised was by the chairman of the committee, who called on his friends to "vote it down." I undertake to say that no argument can be made against it, for it puts the second section exactly in line with the first and fixes the punishment exactly, word for word, verbatim, as is fixed in the first section of the bill. The intention evidently is to abolish the death penalty for these offenses, but the issue may as well be freely understood.

If the first section is right—and the committee has advocated it—then this amendment ought to be adopted to the second section. The whole theory of this bill is this, as the chairman of the committee has stated, that it ought to be possible to give an option of punishment, either the death penalty or else imprisonment for life. That is put into the first section; but in this second section, as reported by the committee, the jury has not the option to inflict the death penalty for piracy, for being accessory to murder, for stealing a prisoner away on the way to execution, and for numerous other crimes that have been always punishable with death under the law of this country. The reason given by the gentleman from New York [Mr. CURTIS] for this whole law is that men can not be convicted when it is mandatory to inflict the death penalty, when there is no option of imprisonment for life. In the line of the report of the committee, I suggest that the second section may be made harmonious and that the punishment in the second section may be the same as in the first section. If the gentleman in charge of the bill can give any reason for the distinction that is made here, I may be convinced; but until he does, I submit to the House that it is entirely unwise to make the punishment different in the two sections, and to make the punishment different for those crimes which have always been considered of equal gravity, unless, as appears, it is simply a plan to abolish the death penalty.

Mr. CURTIS of New York. I move the previous question.

Mr. BARRETT. I ask the gentleman to yield for a moment. Is it not suggestive when a member gets up on this floor and offers an amendment which makes the punishment in the second section exactly as it is in the first section to have no explanation or answer vouchsafed, but a mere demand for the previous question?

Mr. PICKLER. They are different crimes.

Mr. CURTIS of New York. The matter has been once discussed, Mr. Speaker, and that is the reason why I demand the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 60, noes 26.

Accordingly the previous question was ordered.

Mr. HENDERSON. If the House should now adjourn, would this be the unfinished business to-morrow?

The SPEAKER. It would.

Several MEMBERS. Let us vote to-night.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. BARRETT].

The question being taken, on a division (demanded by Mr. BARRETT) there were—ayes 29, noes 58.

The SPEAKER. The amendment of the gentleman from Massachusetts [Mr. BARRETT] is disagreed to.

Mr. BARRETT. Mr. Speaker, I think an amendment of this importance should not be decided by so small a number as are present on this floor. I do not like to raise the point of no quorum——

Mr. BRUMM. The gentleman from Massachusetts [Mr. BARRETT] can call for the yeas and nays.

The SPEAKER (after a pause). The amendment of the gentleman from Massachusetts is disagreed to. The question is on the engrossment and third reading of the bill as amended by the Committee of the Whole.

The question being taken, on a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 67, noes 23.

Mr. BARRETT. I raise the point that no quorum has voted.

The SPEAKER (after counting the House). One hundred and twenty-eight gentlemen—not a quorum—are present.

Mr. CURTIS of New York. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the Army, together with a report from the president of the Mississippi River Commission in regard to the caving in of the west bank of the Mississippi River in front of Helena, Ark.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers of the Army, report of examination and survey of the waterways between Norfolk, Va., and the sounds of North Carolina—to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SWANSON, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the Senate (S. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, reported the same with amendment, accompanied by a report (No. 883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 1675, reported in lieu thereof a bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce, accompanied by a report (No. 884); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, reported the same without amendment, accompanied by a report (No. 885); which said bill and report were referred to the House Calendar, and the bill (H. R. 2683) relating to the same subject was laid on the table.

Mr. PERKINS, from the Committee on Printing, to which was referred House concurrent resolution No. 20, reported in lieu thereof a concurrent resolution (House Con. Res. No. 32) to print 25,000 additional copies of Bureau of Education Circular of Information No. 200, being the catalogue of the American Literary Association Library, accompanied by a report (No. 888); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the concurrent resolution of the House (House Con. Res. No. 30) to print 10,000 additional copies of the Report of the Director of the Mint for the fiscal year ending June 30, 1895, reported the same without amendment, accompanied by a report (No. 889); which said concurrent resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HERMANN, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. Res. 139) authorizing the immediate use of a portion of the unexpended balance of the appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protection wall necessary to the opening of said canal and locks to navigation, reported the same without amendment, accompanied by a report (No. 890); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. UPDEGRAFF, from the Committee on the Judiciary: The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy. (Report No. 886.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 4655) granting a pension to Frederica A. Driscol. (Report No. 887.)

By Mr. HUTCHESON, from the Committee on Claims: The bill (H. R. 2029) for the relief of the widow of George C. Foulk, deceased. (Report No. 892.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3683) to reimburse George W. McKinsey, postmaster at Kokomo, Ind., for money paid out by him as said postmaster. (Report No. 891.)

The bill (H. R. 4541) for the relief of the owners of the schooner *Walter B. Chester*. (Report No. 893.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 2620) to place the name of Lauretta S. Prince on the pension roll. (Report No. 895.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 3499) granting a pension to Eliza A. Foss. (Report No. 896.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1945) granting a pension to Joseph Porter. (Report No. 897.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers. (Report No. 898.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 4744) to increase the pension of Adam Dennis. (Report No. 899.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 4608) granting a pension to Lydia Chapman. (Report No. 900.)

## ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. AVERY, from the Committee on War Claims, reported adversely (Report No. 894) the bill (H. R. 148) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor; and the same was laid on the table.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 7468) to improve Jefferson Barracks and making an appropriation therefor—to the Committee on Military Affairs.

By Mr. BABCOCK: A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. JONES: A bill (H. R. 7470) to provide for the erection of a monument to the memory of James Monroe at Fredericksburg, Va.—to the Committee on the Library.

By Mr. REED: A bill (H. R. 7471) providing for the purchase of the buildings and contents comprising the quarantine establishment of the city of Portland, Me., located on House Island, in Portland Harbor, and for other purposes—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 7472) for preliminary survey of Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: A bill (H. R. 7473) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved August 3, 1892—to the Committee on Banking and Currency.

By Mr. GAMBLE: A bill (H. R. 7474) to provide for the purchase of a site and the erection of a public building thereon at Lead, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 7475) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 7476) to amend an act to provide for the appointment of additional judges in Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 7478) to amend section 5198 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. McCALL of Massachusetts: A bill (H. R. 7479) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL: A bill (H. R. 7480) donating two condemned cannon and limber to Battery E Association, First Regiment Rhode Island Light Artillery—to the Committee on Naval Affairs.

By Mr. HYDE: A bill (H. R. 7481) to grant to the State of Washington a right of way across the Colville Indian Reservation for a State wagon road—to the Committee on Indian Affairs.

By Mr. PRICE: A bill (H. R. 7538) to amend paragraph 182½ of the tariff act of August 28, 1894—to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 7539) to facilitate the payment of pensions—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 7540) to restore township 17 south, range 31 east of Mount Diablo base and meridian, in the State of California, to the public domain—to the Committee on the Public Lands.

By Mr. HYDE: A bill (H. R. 7541) to provide for the construction and erection of buildings and other improvements for the

army post at Spokane, in the State of Washington—to the Committee on Appropriations.

By Mr. WALSH: A resolution (House Res. No. 219) relating to the use of text-books in the public schools of the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: A concurrent resolution (House Con. Res. No. 31) directing the printing of 2,500 copies of Commercial Relations for 1894 and 1895, and 10,000 copies of Review of the World's Commerce, etc.—to the Committee on Printing.

By Mr. SCRANTON: A concurrent resolution (House Con. Res. No. 33) for printing eulogies upon the late Myron B. Wright, a Representative from the State of Pennsylvania—to the Committee on Printing.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 1397) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2952) for the relief of John W. Thomas—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7078) for the relief of Annie Trace—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 7482) granting an increase of pension to Carleton A. Trundy—to the Committee on Invalid Pensions.

By Mr. AVERY: A bill (H. R. 7483) granting increase of pension to Michael W. Jackson—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 7484) removing the charge of desertion from the military record of G. H. Kruschke—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 7485) granting a pension to Sarah F. McGlasson—to the Committee on Pensions.

Also, a bill (H. R. 7486) granting a pension to Charles E. Keating—to the Committee on Invalid Pensions.

By Mr. COBB of Alabama: A bill (H. R. 7487) granting a pension to Nancy McGuire—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 7488) for the relief of certain light-house keepers in the Eighth light-house district—to the Committee on Claims.

By Mr. FAIRCHILD: A bill (H. R. 7489) granting a pension to Caroline A. Groshon—to the Committee on Pensions.

By Mr. HARMER: A bill (H. R. 7490) to pension Mary Elizabeth Hieskell, widow of the late Pay Director H. M. Hieskell, on the pension rolls—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 7491) granting an increase of pension to Herman Piel—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7492) granting a pension to Louis M. Starring, helpless child of Rosell M. Starring, late of Company H, Forty-fourth New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 7493) to remove the charge of desertion from military record of Josiah Strickley—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 7494) granting a pension to Nancy Slagle, widow of James W. Slagle, late of Company F, One hundred and forty-first Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 7495) for the relief of Albert West—to the Committee on Military Affairs.

By Mr. HYDE: A bill (H. R. 7496) to relieve John McCarthy from the charge of desertion—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 7497) granting a pension to Emma M. Kassebaum—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7498) for the relief of Lucius K. Osterhout—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 7499) to increase the pension of James J. McKinney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased—to the Committee on Pensions.

By Mr. McRAE: A bill (H. R. 7501) for the relief of Daniel T. Tollett—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 7502) granting a pension to Bailey R. Gill—to the Committee on Pensions.

By Mr. PEARSON: A bill (H. R. 7503) for the relief of D. A. Bowman—to the Committee on Claims.

Also, a bill (H. R. 7504) granting an increase of pension to Charles McAllister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7505) granting arrears of pension and increase to Daniel Lucas—to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 7506) for the relief of the Portland Company, of Portland, Me.—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 7507) granting an increase of pension to Richard A. Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7508) granting a pension to Andrew J. McWade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7509) granting a pension to Lyman W. Chandler, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7510) granting a pension to Samuel Perkam, of Harman, Colo., etc.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7511) granting an increase of pension to John A. Clark, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7512) granting a pension to Hezekiah Storm, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7513) granting a pension to James Collins, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7514) granting a pension to Johnson Barker, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7515) granting a pension to James H. Pomeroy, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7516) granting a pension to William G. Campbell, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7517) to remove the charge of desertion against Joseph C. Reynolds, late of Company A, Fifty-ninth Regiment of Illinois Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7518) to remove the charge of desertion against Charles L. Thompson, late lieutenant Seventh Kansas Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7519) granting an increase of pension to William S. Hemphill, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7520) for the relief of Hiram C. Walker, of Denver, Colo., late first lieutenant Company C, Tenth Illinois Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7521) granting an increase of pension to George W. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7522) granting an increase of pension to James S. Wiggin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7523) granting a pension to James L. Ritchie, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7524) granting a pension to Henry H. Richards, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7525) removing the charge of desertion from the late James B. Jordan—to the Committee on Military Affairs.

Also, a bill (H. R. 7526) granting an increase of pension to Carlos Baker, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7527) restoring Franklin L. Smith, of Denver, Colo., to his former rating of $12 per month under the pension act of June 27, 1890—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7528) granting an honorable discharge to James Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 7529) granting a pension to Elliott H. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7530) granting a pension to Mrs. Martha B. Van Horn, of Denver, Colo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7531) granting an increase of pension to William H. H. Walker, of Denver, Colo.—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: A bill (H. R. 7532) for the relief of Martha W. Holmes—to the Committee on War Claims.

By Mr. TAYLER: A bill (H. R. 7533) to remove the charge of desertion from the military record of James Boyle, late of Third Independent Battery Ohio Light Artillery Volunteers—to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H. R. 7534) for the relief of Mary McCarthy, mother of John E. McCarthy, Sixth Company, First Battalion New York Sharpshooters—to the Committee on Invalid Pensions.

By Mr. WOOMER: A bill (H. R. 7535) granting a pension to Launius Coble—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: A bill (H. R. 7536) granting a pension to Fanny J. Sargent—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 7537) for the relief of Wallace Weller—to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of John Wassum, of Piney Township, Clarion County, Pa., to accompany House bill No. 7447, for his relief—to the Committee on War Claims.

By Mr. AVERY: Petition of Michael W. Jackson, to accompany bill granting an increase of pension—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: Petition of Minnewawa Lodge, No. 18, Order United American Mechanics, of Marlboro, N. H., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Five petitions of citizens of Washington, containing a total of 76 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petitions of citizens of Missouri, Iowa, Kansas, and the Territory of New Mexico, in favor of the immediate improvement of the channel of the Mississippi River—to the Committee on Rivers and Harbors.

Also, petition of citizens of St. Louis, Mo., praying that religious publications be given every advantage in circulation of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Troll, in favor of House bill No. 374, for a correction of his military record—to the Committee on Military Affairs.

By Mr. BULL: Petition of Union Council, No. 25, Order United American Mechanics, of Providence, R. I., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COFFIN: Resolutions of the Society of the Sons of the Revolution in the State of Maryland, urging an appropriation to enable the Secretary of State to prepare the records and papers of the Continental Congress for publication—to the Committee on Appropriations.

By Mr. COOK of Wisconsin: Remonstrance of H. B. Metz and 166 other citizens of the city of Oshkosh, Wis.; also, remonstrance of H. F. Johnson and 29 others, of Fond du Lac, Wis., against the continuance of the statue of Marquette in Statuary Hall, or any other public national room or grounds—to the Committee on the Library.

Also, remonstrance of F. E. Van Scooter and 45 other citizens of the city of Fond du Lac, Wis., against appropriating public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

Also, letter from Rev. J. A. Benjamin and petition indorsed by the Algoma Methodist Episcopal Church, of Oshkosh, Wis.; also letter from Rev. S. T. Kidder and petition indorsed by the Congregational Church of Menasha, Wis., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CROWTHER: Petitions and resolutions of 37 posts, Grand Army of the Republic, Department of Missouri, praying for the passage of House bill No. 1196, for the restoration of pensions that have been discontinued or reduced—to the Committee on Invalid Pensions.

Also, petition of the Herald Publishing Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of J. W. Knaggs and 15 other citizens of Bay City, Mich., asking favorable consideration of religious publications under the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, letter of Thomas W. Churchill, of port of New York custom-house, asking that a retirement fund be made for Government employees in the classified service—to the Committee on Reform in the Civil Service.

Also, resolution of the Philadelphia Maritime Exchange, asking that liberal appropriations be made for the perfecting of coast defenses—to the Committee on Military Affairs.

By Mr. CUMMINGS: Petition of L. Stern and 63 other citizens of New York City, praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of citizens of New York and vicinity, asking for a national commission to investigate and report upon the subject of social vice—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: Petition of 13 citizens of Topeka, Kans., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DENNY: Petition of L. K. Bowen and others, for a preliminary survey at Ship Island Pass, Mississippi—to the Committee on Rivers and Harbors.

Also, petition of George W. Welkes, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of W. G. Coleman and others, of Boone, Iowa, favoring the bill to revive the grade of Lieutenant-General in the United States Army in the interest of Nelson A. Miles—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of the Northwestern Miller, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FOOTE: Petition of H. A. Wood, J. B. Riley, and others, favoring the Linton bill, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of the common council of Lead, S. Dak., for public buildings at said place—to the Committee on Public Buildings and Grounds.

Also, petitions of D. W. Jackson and others, of Carthage, S. Dak., and Luella S. Ramsey, president, in behalf of the Woman's Christian Temperance Union and the Young Woman's Band of South Dakota, against military training in public schools—to the Committee on Education.

By Mr. GROUT: Resolutions adopted by the Boston Merchants' Association, of Boston, Mass., against the further agitation for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HARMER: Petition of Mrs. M. E. Hieskell, widow of the late Pay Director H. M. Hieskell, United States Navy, praying for a pension of $50 per month—to the Committee on Invalid Pensions.

Also, letter from Commissioner of Pensions, stating reasons for rejecting the claim of Mrs. M. E. Hieskell, widow of the late Pay Director H. M. Hieskell, United States Navy, together with record of service of said officer—to the Committee on Invalid Pensions.

By Mr. HART: Petition of citizens of Williamsport, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Petition of citizens of Lesueur County, Minn., favoring service-pension legislation—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Paper from the Norwegian Plow Company, of Dubuque, Iowa, in favor of uniform freight classification throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, paper from Dr. E. A. Guilbert, of the Iowa State board of health, favoring the establishment of a quarantine station at Portland, Me.—to the Committee on Military Affairs.

Also, petition of F. A. Gates, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRICK: Petition of W. A. Davis, Z. E. Brown, and 68 other citizens of Paducah, Ky., asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Nathan Hale Lodge, No. 18, Order United American Mechanics, of Bristol, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL (by request): Petition of Paul Revere Council, No. 20, Order United American Mechanics, of Greenville, Conn., asking for the passage of the Stone bill restricting immigration—to the Committee on Immigration and Naturalization.

Also (by request), petition of Sedgwick Council, No. 21, Order United American Mechanics, of Terryville, Conn., favoring the passage of the Loud immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HITT: Petition of Frank G. Morgan and 91 others, citizens of Rockford, Ill., against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. HOWELL: Petition of citizens of Monmouth County, N. J., and elsewhere, praying for a survey of Shark River, Monmouth County, N. J., by the Government engineers, etc.—to the Committee on Rivers and Harbors.

By Mr. HOOKER: Resolution of D. T. Wiggins Post, No. 297, Grand Army of the Republic, of Randolph, N. Y., in favor of the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, petition of Marvin Older, of Franklinville, Cattaraugus County, N. Y., for increase of pension—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of the Pratt Food Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HULICK: Petition of Joseph G. Irwin, O. P. Walker, and others, of Williamsburg, Ohio, and vicinity, for a service-pension law—to the Committee on Invalid Pensions.

By Mr. HULL: Petition of John D. Craven Post, No. 198, Grand Army of the Republic, Department of Iowa, asking for a service pension—to the Committee on Invalid Pensions.

By Mr. HYDE: Petition of Capt. G. L. Luhn, of Spokane, Wash. (retired), to be placed on the retired list as a major, accompanying a record of military service—to the Committee on Military Affairs.

Also, petition of old soldiers now residing at Palouse, Wash., favoring a general service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Clugston Creek Literary Society, in favor of recognizing the Cubans as belligerents—to the Committee on Foreign Affairs.

Also, petition of the Yakima Commercial Club, of North Yakima, Wash., to open the Yakima Reservation—to the Committee on Indian Affairs.

Also, petition of citizens of Toledo, Wash., praying for an amendment to the Constitution recognizing the Supreme Being—to the Committee on the Judiciary.

Also, memorial of the town council of Kalama, Wash., urging the importance of the construction of the Nicaragua Canal—to the Committee on Foreign Affairs.

By Mr. JENKINS: Remonstrance of John Copper, of Spooner, Wis., and 75 others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

By Mr. KEM: Petition of James B. Barry, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KIRKPATRICK: Petition of J. N. Sedgwick and 15 other attorneys of the Labette County bar, Kansas; also petition of A. M. Jackson and 6 other members of the Elk County bar, Kansas; also petition of W. B. Gloss and 13 other members of the Cherokee County bar, Kansas, praying for the division of the State of Kansas into two Federal districts—to the Committee on the Judiciary.

Also, memorial of the Kansas Commandery of the Military Order of the Loyal Legion, praying for the passage of an act reviving the grade of Lieutenant-General—to the Committee on Military Affairs.

Also, petition of J. G. Ellis and 7 other ex-prisoners of war, praying that all ex-prisoners of war be allowed a pension of $12 per month and $2 additional for each day confined in prison—to the Committee on Invalid Pensions.

Also, memorial of the National Association of Agricultural Implement and Vehicle Manufacturers, praying for the passage of a bill giving transportation companies the right to fix uniform freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. KIEFER: Petition of the International Brotherhood of Bookbinders, No. 37, of St. Paul, Minn., Edward B. Scott, secretary, in favor of House bill No. 3346, to tax the "sweat shops"—to the Committee on Ways and Means.

Also, petition of A. M. Lawton, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of a mass meeting of citizens of St. Paul, Minn., protesting against the outrages in Armenia—to the Committee on Foreign Affairs.

Also, petition of Polish-American citizens of the Fourth Congressional district of Minnesota, against legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Iowa State board of health, recommending a quarantine station at Portland, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. LEIGHTY: Petition of Encampment No. 51, Union Veteran Legion, of Fort Wayne, Ind., for a service pension to officers and enlisted men who served in the late war—to the Committee on Invalid Pensions.

By Mr. LEISENRING (by request): Petitions of Good Samaritan Lodge, No. 27, of Pittston, Pa.; also Martin Luther Lodge, No. 91, of Wilkesbarre, Pa., American Protestant Association; also petition of Washington Camp, Patriotic Order Sons of America, of Alderson, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. D. Huff and others, of Luzerne County, Pa., in favor of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of the Sentinel Printing Company, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Plymouth, Pa., protesting against the appropriation of public moneys for sectarian institutions—to the Committee on the Judiciary.

By Mr. LINTON: Letter from the Erie (Pa.) Board of Trade, referring to the adoption by the board of a resolution in favor of 1-cent letter postage and of the Loud bill (H. R. 4566) relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, letters of the Boston Retail Grocers' Association, indorsing House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Petition of Post No. 100, Grand Army of the Republic, Department of Arkansas, in behalf of a service pension of not less than $8 per month—to the Committee on Invalid Pensions.

Also, petition of A. S. Gibson, for the establishment of a court at Duncan, Ind. T.—to the Committee on the Judiciary.

By Mr. LONG: Petition of S. W. Duncan, Henry Block, W. Knaus, J. W. Forray, R. P. Murdock, N. B. Klaine, the News Company, and J. A. Maxey, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of W. C. Long, McDowell & Hutchinson, D. T. Armstrong, A. E. Duvall, and J. W. Milford, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Seymour Augusta Baker, of Kansas City, Kans., and 53 others, praying for an amendment to the preamble of the Constitution of the United States recognizing the Deity—to the Committee on the Judiciary.

Also, petition of Eggleston Post, No. 244, of Wichita, Kans., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUD: Petitions of Charles P. Parish & Co., the Building Exchange, Worcester, Mass., and H. S. Newton, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Fidelity Council, No. 8, of Millville, N. J., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCALL of Massachusetts: Resolutions of the National Master House Painters and Decorators' Association, in favor of the removal of the duty from alcohol used in the mechanical arts—to the Committee on Ways and Means.

Also, petition of Thomas E. Barker and other residents of Somerville, Mass., asking favorable legislation for religious publications—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Postmasters' Association of New England, favoring the passage of the bill (H. R. 3237) for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Petition of James J. McKinley, of Mount Salem, Lincoln County, Ky., for increase of pension—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of R. P. West, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: Petition of Silver Star Council, No. 5, Order United American Mechanics, of Ipswich, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of the Alexander M. Harrison Lodge, No. 16, Order United American Mechanics, of Plymouth, Mass., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. OTJEN: Petition of Michael Kruszka, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PICKLER: Petition of James S. Hunter and 15 others, of Davison County, S. Dak., against military training in the public schools—to the Committee on Education.

Also, petition of G. E. Norcott, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Winfield Scott Post, No. 48, Department of South Dakota, Grand Army of the Republic, against certain arrangements of stars on the American flag—to the Committee on Military Affairs.

By Mr. PHILLIPS: Petition of Encampment No. 4, Union Veteran Legion, of Beaver Falls, Pa., requesting the enactment of House bill No. 3727, granting a service pension of 1 cent for each day's service, commonly known as the per diem pension bill—to the Committee on Invalid Pensions.

Also, petition of the Pride of Sharon Lodge, No. 12, American Protestant Association, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. PITNEY: Petition of Shining Light Council, Order United American Mechanics, of Clinton, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of George W. Smith, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of George W. Gross and 219 others, of Kewanee, Ill., asking favorable action on the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of George W. Olmstead and 96 others, of Prophetstown, Whiteside County, Ill.; asking for the passage of joint resolution No. 11, amending the Constitution of the United States—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of Mount Horeb Lodge, No. 44, American Protestant Association, in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. REED: Papers to accompany House bill No. 7471, to authorize the Secretary of the Treasury to purchase the buildings and contents comprising the quarantine establishment of the city of Portland, Me., located on House Island, in Portland Harbor—to the Committee on Military Affairs.

By Mr. ROBINSON of Pennsylvania: Petition of Washington Camp, No. 338, Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ROYSE: Petition of L. H. Beyerle, asking for favorable action on House bills Nos. 838, 4566 and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Remonstrance of E. C. Spicer and 43 other citizens of Cambria, Wis., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. SCRANTON: Resolution of George G. Meade Post, No. 1, of Philadelphia, Pa., in favor of reviving the rank of Lieutenant-General in the United States Army—to the Committee on Military Affairs.

By Mr. SIMPKINS: Communication from the mayor and aldermen of the city of Taunton, Mass,, asking for the widening of the draw in the railroad bridge at Tiverton, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of Franklin D. Tripp, commander, and George W. Mason, adjutant, of the Henry Clay Wade Post, No. 201, Grand Army of the Republic, Department of Massachusetts, in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Light Keepers' Association of the United States, asking for the passage of a bill to pension employees of the light-house establishments of the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the New England Postmasters' Association, in favor of House bill No. 3237, known as the post-office clerks classification bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING (by request): Petition of Loyal Orange Lodge, of Jackson, Mich., in regard to the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SWANSON: Petition of William E. Judkins, executor of Lewis McKenzie, deceased, for an appropriation of $2,098.95, in payment of necessary expenses incurred by said Lewis McKenzie in his contests for a seat in the Forty-first and Forty-second Congresses—to the Committee on Appropriations.

Also, petition of the heirs of Mary Weaver, deceased, late of Floyd County, Va., praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TAYLER: Petition of Richard Ward and 22 other citizens; also petition of R. S. Moore and 13 other citizens, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fowler Bros. and the Ohio Volks-Zeitung Company, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George H. Thomas Council, No. 8, Order United American Mechanics, of East Liverpool, Ohio; also petition of Royal Star Council, No. 26, Daughters of Liberty, of Canton, Ohio, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolution of Washington Camp, No. 295, Patriotic Order Sons of America, with a membership of 168, located at Pottstown, Pa., indorsing the Stone immigration bill and asking for its passage—to the Committee on Immigration and Naturalization.

Also, petition of John G. Fetteralf, Daniel Shuler, Eugene Dambly, Isaac Wanner, and 130 other residents of Montgomery County, Pa., for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Alfred Paschall, asking for favorable action on House bills Nos. 838, 4566 and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union of Pendleton, N. Y., asking for the prohibition of the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Pendleton, N. Y., in regard to the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

## SENATE.

### TUESDAY, *March 24, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. FAULKNER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Blas Lopez Perez, of Key West, Fla., relative to the recognition of belligerency in Cuba; which was ordered to lie on the table.

Mr. NELSON presented a memorial of the common council of Duluth, Minn., remonstrating against the construction of a bridge across the St. Louis River from Rices Point, in Minnesota, to Connors Point, in Wisconsin; which was referred to the Committee on Commerce.

He also presented a petition of North Star Lodge, No. 197, International Association of Machinists, of Brainerd, Minn., praying for an investigation of the alleged abuses in the treatment of the machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the common council of Duluth, Minn., praying for the passage of the so-called Lodge immigration bill; which was ordered to lie on the table.

He also presented a petition of local union No. 113, United Garment Workers of America, of St. Paul, Minn., praying for the enactment of legislation repressing and prohibiting the sweating system in manufacturing garments; which was referred to the Committee on Education and Labor.

He also presented the memorial of John Lundgren and sundry other citizens of Minnesota, remonstrating against the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation providing for the protection of Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. CULLOM presented a petition of Elgin Lodge, No. 295, International Association of Machinists, of Elgin, Ill., praying for an investigation of alleged abuses in the treatment of machinists at the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented a petition of the North Capitol and Eckington Citizens' Association of Washington, D. C., praying for

the passage of House bill No. 5220, requiring the Eckington and Soldiers' Home Railway Company to adopt a modern motive power, and praying that action on the bill be not delayed because of any promises of experiment which that company contemplates making with air motors; which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. SEWELL presented the petition of B. F. Ladd, of Vineland, N. J., praying for the enactment of legislation reducing the rate of letter postage to 1 cent, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John B. Smith and 11 other citizens of Newark, N. J., Union soldiers and sailors, who lost a limb in the war of the rebellion, praying for the passage of Senate bill No. 354, to adjust the pensions of those who have lost limbs or have been totally disabled in them; which was referred to the Committee on Pensions.

He also presented petitions of Belleville Council, No. 163, Junior Order United American Mechanics, of Belleville, N. J.; of Atlantic Council, No. 154, Junior Order United American Mechanics, of Point Pleasant, N. J., and of Hightstown Council, No. 70, Junior Order United American Mechanics, of Hightstown, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. BLANCHARD presented a memorial of the Board of Trade, Limited, of New Orleans, La., remonstrating against the proposed discontinuance of the existing special fast-mail service between New Orleans and the East; which was referred to the Committee on Appropriations.

Mr. LODGE presented a petition of the Massachusetts State Board of Trade, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the New England Postmasters' Association, of Chelsea, Mass., praying for the passage of House bill No. 3237, providing for the classification of post-office clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Society of Master House Painters and Decorators of Massachusetts, praying that the duty be removed from alcohol when used in the mechanic arts; which was referred to the Committee on Finance.

Mr. BURROWS presented the memorial of Charles Howes and 67 other citizens of South Grand Rapids, Mich., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

### CONDITION OF AFFAIRS IN INDIAN TERRITORY.

Mr. BERRY. I present an argument, made by Judge McKennon before the Committee on Indian Affairs of the House of Representatives, relative to the condition of affairs in the Indian Territory, together with other papers, and a copy of Senate Document No. 12, being a report of the Commission appointed to negotiate with the Five Civilized Tribes of Indians, known as the Dawes Commission.

I move that the argument and accompanying papers be printed as a document.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 2581) granting an increase of pension to Mary B. Houk; and

A bill (S. 2223) granting a pension to Riley W. Pierce.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1510) to pension Mrs. Susan M. Sessford, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2513) to restore to the pension roll the name of Agnes A. Blackman.

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell; and

A bill (S. 2290) granting a pension to Hester A. Robinson, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2456) granting a pension to Oliver P. Gooding, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2393) for the relief of William E. Bond, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1304) granting a pension to Cyrus A. Bowers; and

A bill (S. 1668) granting a pension to Henry Wagner.

Mr. PEFFER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1508) granting a pension to Talbot A. Routon, to submit an adverse report thereon. I ask that the bill be placed on the Calendar, in order that the Senator from Louisiana [Mr. BLANCHARD] may call it up at any time if he desires to do so.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PEFFER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 504) to increase the pension of Edmund Woog; and

A bill (S. 737) granting a pension to James Richardson.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 400) granting a pension to Johnson Hays, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP (for Mr. HANSBROUGH), from the Committee on Pensions, to whom was referred the bill (S. 2557) granting a pension to Sarah A. Boyd, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4179) to amend section 3719 of the Revised Statutes, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, reported it with an amendment.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 1817) granting a pension to Caleb M. Wright, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2045) granting a pension to Harriet R. Matlack, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2370) granting a pension to Elias Laughter, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 9th instant, providing for the survey of the boundary line of the land described in article 1 of the agreement entered into with the Indians of the Blackfeet Reservation, in Montana, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 9th instant, providing for the survey of the boundary lines of the land described in article 1 of the agreement made and entered into with the Indians of the Fort Belknap Indian Reservation, in Montana, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McBRIDE. I am directed by the Committee on Public Lands to report an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 90) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. 110) providing for the

appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway, and submitted a report thereon.

PUNISHMENT OF INDIANS FOR RAPE.

Mr. HOAR. I am directed by the Committee on the Judiciary to report a bill. The bill is reported in obedience to a resolution of the Senate, so that it will take its first reading now. I ask for its present consideration.

The bill (S. 2609) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape, was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That any Indian who shall commit the offense of rape within the limits of any Indian reservation shall be punished by imprisonment, at the discretion of the court.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE AT ALEXANDRIA, LA.

Mr. BLANCHARD. I ask unanimous consent to call up the bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, after the word "River," to insert "at a point suitable to the interests of navigation"; so as to read:

That the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a bridge across Red River, at a point suitable to the interests of navigation, at the city of Alexandria, in the State of Louisiana.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "telegraph," to insert "and telephone."

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

*Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was to add to section 4 the following words:

Or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

So as to make the section read:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use, or, in case of disagreement, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 7, after the word "location," to insert "prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river, and"; in line 10, after the word "of," to strike out "1 mile" and insert "2 miles," and in line 11, after the word "and," to strike out "1 mile" and insert "2 miles"; so as to read:

That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river, and giving for the space of 2 miles above and 2 miles below the proposed location of the bridge the topography of the banks of the river, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRVING W. STANTON.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (S. 923) for the relief of Irving W. Stanton, to report it favorably without amendment, and submit a report thereon. This is a little claim of only $176.95. It is approved by the Department of the Interior and the claimant has waited since 1868 for it. I ask unanimous consent to put the bill upon its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Irving W. Stanton, of Pueblo, Colo., $176.95, this sum being due to him as compensation for his services as register of the land office at Central City, Colo., from September 30, 1868, to November 14, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET-CAR SERVICE.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a bill, and I ask for its immediate consideration.

The bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892, was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.*, That the act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892, be, and the same is hereby, amended by striking out the proviso, as follows: "*Provided*, This act shall not apply to any company operating street railways outside the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HOAR. The bill comes from the Committee on the District of Columbia?

Mr. McMILLAN. I report it from the Committee on the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2611) to remove the charge of desertion from Henry Harmon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 2612) to correct the naval history of Benjamin Atwood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BLANCHARD introduced a bill (S. 2613) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased, and Jessie M. Pollitt, administrator of Amanda Sasser, both late of Rapides Parish, State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER (by request) introduced a bill (S. 2614) to enable the Educational and Relief Association of the District of Columbia to erect a home with workshops and rooms for the colored children of both sexes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PEFFER introduced a bill (S. 2615) granting a pension to David Patton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2616) to prevent unjust discriminations in freight rates on agricultural products by common carriers by amending section 16 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved March 2, 1889; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. TELLER introduced a bill (S. 2617) for the relief of the estate of Emmet Crawford, deceased, late captain of the Third Regiment United States Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 2618) for the relief of Henry H. Hale; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 2619) granting an increase of pension to Ira Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 2620) to provide for placing a suitable memorial of Gen. George Washington at Washington and Lee University, at Lexington, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. MORRILL introduced a bill (S. 2621) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

PENSIONS FOR TOTAL DISABILITY.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior is hereby directed to communicate to the Senate, at the earliest practicable day, a list giving the name

ber of soldiers and sailors now on the pension rolls drawing, respectively, $30 and $36 per month for total disability of arms and legs.

AFFAIRS IN CUBA PRIOR TO 1878.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the Senate copies of all dispatches, notes, and telegrams in the Department of State, from and after the note from Secretary Fish to Mr. Cushing of November 5, 1875, and including that note, until the pacification of Cuba in 1878, which relate to mediation or intervention by the United States in the affairs of that island, together with all correspondence with foreign Governments relating to the same topic.

DISPOSITION OF PUBLIC LANDS IN ARKANSAS.

Mr. GEAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate*, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate, as soon as practicable, whether any of the lands referred to in any of the exhibits 3, 4, 5, 6, and 7, on page 32, Senate Document 155, Fifty-fourth Congress, first session, and more particularly described therein, have been disposed of for less than $1.25 per acre; and if so, to report the description of all lands disposed of at such lesser price, and to state the date when and the exact price at which they were so disposed of, and whether by cash or otherwise.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. ELKINS, instructing the Committee on Foreign Relations to submit to the Senate, before the vote is taken on what is known as the Cuban resolutions now pending before the Senate, or the resolutions on the subject of the war in Cuba that passed the Senate, a report giving all the facts and findings of the committee in support of said resolutions.

Mr. MILLS. I suggest that the resolution lie over without prejudice.

Mr. BURROWS. I observe that the Senator from West Virginia [Mr. ELKINS] is absent, and I ask that the resolution may go over.

The VICE-PRESIDENT. Without objection, the resolution will go over.

JOINT SPECIAL COMMITTEE ON CONGRESSIONAL LIBRARY, ETC.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the concurrent resolution submitted yesterday by Mr. GALLINGER (for Mr. HANSBROUGH), as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the chairman of the Committee on the Library of the Senate and the chairman of the Committee on the Library of the House of Representatives and one other member of the Joint Committee on the Library, to be selected by the two chairmen aforesaid, be, and they are hereby, constituted a subcommittee, with authority to sit during the recess of Congress, for the purpose of inquiring into the condition of the Congressional Library and the Botanic Garden, and to report upon the same at the next session of Congress, with such recommendations as may be deemed advisable; also to report a plan for the organization, custody, and management of the new Library building and the Congressional Library and the Botanic Garden; that the said subcommittee is also authorized to employ a stenographer whenever necessary during the course of the inquiry; that the necessary expenses of the sittings of the subcommittee, including the pay of the stenographer, be taken equally from the contingent funds of the two Houses of Congress.

Mr. GALLINGER. When I offered the resolution in behalf of the Senator from North Dakota [Mr. HANSBROUGH] I did not observe that it carries an appropriation from the contingent fund. I ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. Without objection, the resolution will be so referred.

WAR IN CUBA.

Mr. MILLS. I ask that the joint resolution which I introduced yesterday be laid before the Senate.

Mr. CULLOM. At the conclusion of the routine morning business I intended to ask the Senate to proceed to the consideration of the appropriation bill. However, it has been brought to my attention that the honorable Senator from Texas had given notice of his purpose to address the Senate this morning. I do not desire to interfere with that arrangement.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution indicated by the Senator from Texas, which will be read.

The Secretary read as follows:

A joint resolution (S. R. 100) directing the President of the United States to request the Government of Spain to grant to the people of Cuba the power of local self-government, and in case the Government of Spain shall refuse, to take possession of the Island of Cuba and hold it until its inhabitants can institute such government as they may wish and organize and arm such forces as may be necessary to support it.

*Resolved by the Senate and House of Representatives, etc.*, That the President of the United States is hereby directed to request the Government of Spain to authorize the people of Cuba, subject to the sovereignty of Spain, to institute such local government as they may wish, and invest it with such powers as they may think necessary to secure to the people of Cuba the right to life, liberty, and the pursuit of happiness.

SEC. 2. That in case Spain shall refuse to grant to the inhabitants of Cuba the rightful power of local self-government, then the President of the United States is hereby directed to take possession of the Island of Cuba with the military and naval forces of the United States, and hold the same until the people of Cuba can organize a government deriving its just powers from the consent of the governed, and arm and equip such military forces as may be necessary to protect them from invasion.

Mr. MILLS. Mr. President, I have been ready at all times during the present session to cast my vote for all the resolutions that have been presented to this body expressing sympathy for the oppressed people of Cuba, and favoring the granting of belligerent rights to them, and declaring the duty of the United States in a possible contingency to intervene in the conflict there pending. I have been ready to cast my vote for such resolutions, Mr. President, not because they met my views, not because I believed in all the statements contained in the resolutions. I have not believed that it was the duty of the people of the United States to maintain a strict neutrality in the controversy now pending in Cuba. I do not agree to the statement that the United States have not heretofore intervened in conflicts in this hemisphere. There are other utterances in the resolutions to which I have not given my assent. But taken all together they are steps, though short steps, in the line of march which it is the duty of the Government of the United States to take.

I have been somewhat astonished at the line of argumentation adopted with reference to the pending conflict in Cuba. I have heard many criticisms about the power and duty of the United States to grant belligerent rights to the revolutionists in Cuba. We have been treated to citations from international law to show that the insurrectionists in Cuba have not attained to a position which entitles them to be recognized as belligerents.

Mr. President, I shall not treat this question as one which demands from the people of the United States the recognition of the insurgents of Cuba as belligerents. The people of Cuba have far better rights, far stronger claims to the consideration of the American people than their recognition as belligerents. We do not stand in the same relation to the people of Cuba that we do to the people of Ireland. If Ireland were to-day in insurrection against the British Government, every heart in the United States would be in sympathy with her as they always have been. If the people of oppressed and destroyed Poland were to-day to rise in arms against the authorities that partitioned her territory, our sympathies would be with Poland. If Hungary were to rise again from the bloody dust into which she has been trampled by the heels of the House of Austria, every American citizen would send across the waters, as they did in 1848, warm and generous expressions of sympathy for them. But they would be beyond the reach of anything but sympathy. But the Island of Cuba does not stand in the same relation, nor do its people, as the people of Hungary or Poland or Ireland or Armenia do. If they do, the statesmanship of this country has been at fault for one hundred years.

Our fathers for a century have asserted and maintained that the people of the United States had rights in Cuba, rights not only in Cuba, but in every foot of soil in this hemisphere, and rights that they said they were ready not only to assert, but to maintain with the whole of the military and naval power of the Republic. We have never asserted that we had any rights in Ireland, in Hungary, in Poland, or anywhere in Europe, but we have asserted that we have a right in every square acre of land in this hemisphere, and the highest right, the right of self-preservation of our own household. We find this declaration of rights proclaimed away back in the beginning of our century. It has been stated here that Mr. Canning was the author of what is known as the Monroe doctrine. The Monroe doctrine is as old as humanity. God was the author of the Monroe doctrine. When He made man He gave him a right to preserve his life and his liberty, and when men are associated together in states the nation and the states have the same rights that the individual has.

The man who owns a tract of land adjoining mine owns it from the center of the earth to the center of the sky. So the books all tell us. Yet if he builds a powder house upon his land I have a right to have it abated. If that land is so situated that an enemy can seize it at any time and imperil my life and the lives of my wife and my children, I have a right in every foot of that land for the preservation of a higher right than his right to the title and possession of his land.

In 1802 and 1803 Mr. Jefferson asserted to Spain that the people of the United States had a right to the navigation of the Mississippi River. At that time Spain owned all the soil on the western bank of the Mississippi River. She owned the east bank of the lower river back to the Floridas. Mr. Jefferson asserted that we had a right to traverse the Mississippi River from our own territory across the territory of Spain—a right that we would maintain by force if necessary, a right which Spain could not and should not take from us. Not only did he assert that we had a right to navigate the river out to the sea, but that we had a right of deposit at New Orleans, where the waters between the ocean and the river met, because he said the craft that navigated the river could not navigate the ocean and the craft that navigated the ocean could not navigate the river, and there must be a change of freight; that we were entitled to the facilities on the land of

Spain, and if that land was subject to overflow we had a right to go to the highlands where the freight would be protected, and there to use such means as we thought proper to protect our property. He said our right to navigate the river through Spanish territory was an inherent right, and the right to navigate comprehended all the means that were necessary to its use; that the right of navigation would be useless without the deposit, so that passengers and freight could be exchanged from one vessel to another.

Prior to the year 1800, as I have said, Spain owned all the country afterwards known as Louisiana. In the year 1800 she transferred to Napoleon Bonaparte all that territory. Did she not have a right to do it? Was she not the sovereign of the soil? Most unquestionably she was. But when she conveyed that territory to Napoleon Bonaparte, and Mr. Jefferson learned of the fact, then being President, he told his minister to say to Napoleon Bonaparte: "You have assumed an attitude of defiance against this Government; you have taken a spot of soil that imperils the rights and liberties of the people of this country. We could have permitted that territory to remain in the possession of Spain; Spain could not threaten our peace, our power, nor the safety of our homes. That river and its tributaries drain three-fourths of our country; its branches go through that vast extent of country that was soon to be settled by millions of people. The power that holds the mouth of the Mississippi River is necessarily the enemy of the United States if it has strength enough to imperil our institutions," and he told the ambassador, Mr. Robert R. Livingston, to present these facts to the French Government. I will read from his letter. In a letter to Mr. Robert R. Livingston, April 18, 1802, in Paris, Mr. Jefferson says:

> There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific disposition, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not, perhaps, be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us, and our character, which, though quiet and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth—these circumstances render it impossible that France and the United States can continue long friends when they meet in so irritable a position. They, as well as we, must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation.

Why this strong protest against France that had acquired jurisdiction over that territory, that had acquired all the title, as strong a title as Spain could convey? She was the sole possessor and the sole owner of it before. Why this strong language if we had not a right even superior to the right of France, superior to the right of Spain, superior to the right of any power that could imperil our life as a nation?

Let us go on. He writes to Mr. Dupont, a very distinguished Frenchman who was here, and the friend of Mr. Jefferson, a man of influence in France and whom he made the bearer of this letter. He would not send so important a communication by mail through France, it might have been intercepted, but he writes to him what I shall read.

Mr. GRAY. What is the date?

Mr. MILLS. The letter to Mr. Livingston is dated April 18, 1802. The date of this letter to Mr. Dupont is April 25, 1802.

> I wish you to be possessed of the subject—

Of which Mr. Jefferson was writing—

> because you may be able to impress on the Government of France the inevitable consequences of their taking possession of Louisiana; and though, as I here mention, the cession of New Orleans and the Floridas to us would be a palliation, yet I believe it would be no more, and that this measure will cost France, and perhaps not very long hence, a war which will annihilate her on the ocean and place that element under the despotism of two nations, which I am not reconciled to, the more because my own would be one of them.

Again, Mr. Jefferson says to him in the same letter:

> In Europe nothing but Europe is seen or supposed to have any right in the affairs of nations; but this little event of France's possessing herself of Louisiana, which is thrown in as nothing, as a mere make-weight in the general settlement of accounts—this speck which now appears as an almost invisible point in the horizon—is the embryo of a tornado which will burst on the countries on both sides of the Atlantic and involve in its effects their highest destinies. That it may yet be avoided is my sincere prayer; and if you can be the means of informing the wisdom of Bonaparte of all its consequences, you have deserved well of both countries.

Again he writes to Governor Monroe, whom he sent as ambassador extraordinary to act in conjunction with Mr. Livingston to try to settle this controversy:

> If we can not by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war can not be distant, it behooves us immediately to be preparing for that course, without, however, hastening it; and it may be necessary (on your failure on the Continent) to cross the Channel.

Again, writing to Mr. Du Pont on February 1, 1803, speaking of the Mississippi River, for that is one of the points on which Mr. Jefferson asserted the right:

> For the occlusion of the Mississippi is a state of things in which we can not exist. He (Monroe) goes, therefore, joined with Chancellor Livingston, to aid in the issue of a crisis the most important the United States have ever met since their independence and which is to decide their future character and career.

He uses that same language in his letter to President Monroe in 1823, that this is the most important subject the American people have ever considered since independence. One was to acquire it and the other to maintain it. Here is a question of such transcendent importance that the President of the United States in 1802 sends an envoy extraordinary to act in conjunction with the minister to France to impress upon Napoleon Bonaparte, then rapidly ascending toward the zenith of that splendor and fame which he afterwards acquired—a monarch who presided over a country whose arms were at that time shaking down all the thrones in Europe—and Jefferson tells him if he persists in asserting the claim to the mouth of the Mississippi River, we will unite with the British people and the British nation and join together and sweep him off the face of the ocean; and he tells his ambassador, "In case you fail on the Continent, cross the channel and go to London," to that London where the marriage ceremony was to be celebrated—it was at London that the agreement of marriage was to be made and signed—"go to London, make the agreement between Great Britain and ourselves, and if necessary we will sweep the French fleets off the oceans of the earth in order to maintain the right we asserted to the mouth of the Mississippi River, notwithstanding France had a perfect title to it."

But what does all this mean? Wherever there are rights there are duties. If it was our right to secure our people the free use of the Mississippi River it was our duty to do it. In 1823, Mr. Monroe informed the Holy Alliance that we would not permit any European power to interfere with the revolted Spanish provinces in this hemisphere. Why? Because our political institutions would be imperiled, and to secure the liberties of our people monarchies and large standing armies must be interdicted in this hemisphere. This hemisphere was dedicated by its people to liberty and representative government. Jefferson said the Spanish provinces had a right to be free, and we had the same right to aid them that "a strong man has to assist a weak one when assailed by a robber or a murderer."

Why did we in 1865 send an army to the Rio Grande? The Republic of Mexico had been invaded by a European army, its republican government was overthrown, and an Austrian Emperor had erected his throne upon the ruins. That act was an invasion of our rights as well as the rights of the Mexican people. And our army on the east bank of the Rio Grande was notice to all concerned that the empire was at an end in Mexico. This bold movement was not prompted by mere sympathy for the people of Mexico, but by a regard for our own rights and the safety of our own people.

Monarchies live, Mr. President, by large standing armies. They do not consult the will of the people; they rule by force. If, then, a monarchy could be established in Mexico at our doors, supported by a standing army strong enough to suppress the public will, we could only maintain our Government here by an army of equal or superior strength, and when the American people establish such an army to protect themselves against foreign invasion they abandon the whole of their institutions and adopt the idea of the governments of Europe—a government of force.

Why was it just the other day that the President of the United States, after having been for years trying to get the consent of England to negotiate the disputed question of boundary with the Republic of Venezuela, said when that proposition was declined, that we would resist the absorption of that territory by Great Britain with all the means at our disposal, and made every American heart throb in response to that declaration? Why did he do it? Was it because we wanted to embroil ourselves in a controversy about a strip of land in Venezuela? No, sir; but because the occupation of that territory might remotely affect the interests, the well-being, and the safety of the people of the United States.

Here at our doors is an island which our fathers called the key to the Gulf of Mexico. It locks and unlocks the door to that great inland sea, whose waters wash the shores of five of our States. Into its basin the Mississippi River and all its tributaries pour their accumulated floods. With that gulf open to the fleets of a great naval power, and its key in the hands of that power, not only would our immense commerce going down the Mississippi and gathered on the gulf shores be imperiled, but the lives and property of our people would be subjected to the same danger. Cuba is not only the key that locks and unlocks that door, but it is the fortress that defends it. Mr. Jefferson thought that our system of States was not complete without the addition of Cuba. He said "he had ever looked on Cuba as the most interesting addition that could ever be made" to our Union.

"The control," he said, "which, with Florida Point, this island would give us over the Gulf of Mexico and the country and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being." His first interest was annexation; his second was the independence of Cuba; his third was that no country but Spain should ever acquire it. In writing to President Monroe in 1823, he said: "We will oppose with all our means the forcible interposition of any other power or auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession, or acquisition in any other way."

He was speaking of all the Spanish provinces in America, and the arguments applied with more force to Cuba than to all the rest together. Danger from European conquest of the extreme southern states of South America was only within the regions of possibility. Danger from the occupation of the northern states of South America or Central America was much more probable, but danger to us by such occupation of Cuba would be constant, imminent, and great. Therefore it has been the settled policy of our country, of all parties, at all times, that that all-important key should never pass out of the feeble hands of Spain to any other Government except that of the United States. Jefferson, Gallatin, Adams, Clay, Van Buren, Forsyth, Webster, Crittenden, Buchanan, and Marcy have all declared the same doctrine. Many of our statesmen have advocated its annexation, many have opposed it, but all have agreed as with one voice that it never should go from Spain to any power except the United States. We have made the world understand that we would resist the transfer of that island with the whole armed power of the United States. We have so held for a hundred years, and we are ready to-day to redeem that pledge if any European power thinks proper to put us to the test.

Now, Mr. President, I come to the point. If to protect our lives, our liberty, our institutions, our homes and families we have the right to control the destinies of the Island of Cuba, and if in the exercise of these rights we have fixed the destinies of the people of Cuba and delivered them forever into the hands of Spain, have we not assumed the duty of seeing that the lives, the liberties, the homes and families of Cuba are protected by Spain? We have denied to Cuba the right to better her condition by a change of connection. We claim the right for ourselves to institute such government as we may think most conducive to our happiness, but we deny that right to Cuba. If England should offer to take Cuba from under the despotism of Spain and give to her people the mild government she gives to Canada, we say, "You shall not go." If to-day the insurgents should abandon all hope of help from us and enter into negotiation with England and England should stipulate with them that they should have a home government, with legislative, executive, and judiciary branches chosen by the people of Cuba, with the power to lay and collect their own taxes, and that all her revenues should be expended at home, that England would only exercise the nominal sovereignty over Cuba that she does over Canada, do we not all know that the United States would forbid the contract and like a jailor stand at the door of the Spanish dungeon and bid poor Cuba go back to the companionship of her chains?

Mr. President, if we have kept Cuba from going to France, if we have kept Cuba from going to England—and we have—and no man is so blind as not to know that within the last one hundred years, if it had not been for the people of the United States asserting the superior right to control the destinies of that island, either England or France would have had it and given it a better government than it has, and yet we have stood still and said, "You shall not go." If we intend to keep them within the sovereignty of Spain, is it not our moral duty to protect them and see that they are not destroyed by the government into whose hands we commit them?

I say again that wherever there are rights there are corresponding duties, and I say the people of the United States owe it to the oppressed and downtrodden people of Cuba to say to Spain: "The time has come when you must take your heel off the necks of the people of Cuba. We are responsible for their slavery; we are responsible for the despotism in that island; we are responsible for every drop of blood that you shed; we are responsible for every dollar's worth of property that your mercenaries have stolen; our consciences and our character as a people are involved in this crime. Cuba has a right to appeal to us, and we intend that you shall give her just government."

Mr. President, we have passed through a great civil conflict. Why was it that the Northern people said that they could not submit longer to the continuance of slavery in the Southern States? Because it was in the compact in which they were involved. They said that they were as much responsible for slavery if they continued to support it as those who owned the slaves; that their consciences were aroused; and they continued the agitation until the conscience of the whole country was aroused, and slavery passed out of existence on this continent.

My friend from Missouri [Mr. VEST] the other day spoke of that great philosopher and statesman—the greatest, in my judgment, this or any other country has ever produced—who, when almost a boy, scarcely a beard on his face, entered the house of burgesses with a petition in his hands asking the Commonwealth of Virginia to manumit her slaves. I remember that that illustrious man from that day to the day of his death continued to plead for the same liberty to the African that he enjoyed. He believed that liberty was the birthright of every man. He said he trembled for his country when he remembered that God was just, that nothing was more certainly written in the Book of Fate than that the African was to be free. My friend [Mr. VEST] spoke of his prophecy about Cuba. I want to call your attention to another prophecy that had its fulfillment thirty years ago. Many long years ago, speaking of African slaves in the United States, he said:

> When the measure of their tears shall be full, when their groans shall have involved heaven itself in darkness, doubtless a God of justice will awaken to their distress, and by diffusing light and liberality among their oppressors, or, at length, by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of a blind fatality.

Mr. President, for forty years prior to 1860 the American mind was agitated and tossed by the fact that African slavery existed in the United States. Gradually the light entered the brains and quickened the consciences of thousands and millions of people that while they did not own or hold a slave and never had, yet they were associated under a compact that secured that institution. Their consciences thundered into their ears that they were responsible for the existence of slavery, and no compromises or evasions could acquit them of their participation in the guilt. Then the land was aroused, and the struggle went from the forum of debate to the forum of battle, and slavery passed away through a blood atonement.

Mr. President, the day will come when the American conscience will again be quickened. The day will come when this mighty people will see and feel that the guilt for the wrongs and oppressions of the people of Cuba is upon their hands and souls. When it comes, and come it will, and come it must, the nation will rouse itself like a strong man after sleep, and it will fill these seats with Senators and the seats of the other House with members who will say to Spain: "Give to these people just government, or we will."

What sort of government does Spain give to Cuba? The taxation imposed, not by the people of Cuba but by the people of Spain, takes from the people of Cuba nearly $50,000,000 a year. Have you stopped to inquire what a monstrous iniquity this is? The whole annual produce of all the labor in Cuba does not exceed two hundred and fifty millions, and one-fifth of that is taken every year by Spain. These immense exactions are extorted from the people of Cuba to pay the army that crushes out their life on the land and the navy that guards the shores so that no relief can come and no victim escape.

In a very able article in one of the leading papers of Texas I see the different items of expenditure given, and the sum total is $48,000,000 in one year; and yet there are comparatively no schools; 75 per cent of the entire population can neither read nor write. There are no roads, bridges, or ferries; no public buildings; nothing but despotism and desolation, and that by the authority of the United States! Besides the enormous and exhausting taxation, the plunder of the people is without a parallel in history. One of the prominent Spanish officers now in Cuba with a military command said in the Congress of Deputies, March 2, 1890, that the frauds, thefts, and misappropriations of money by the officers sent out from Spain to govern Cuba amounted to $40,000,000! Forty millions wrung from a million and a half of people is a monumental robbery. Taxes by duties on imports are levied in Spain for Cuba, and levied so as to enrich not the Cubans but the Spaniards in Spain. The tax on flour is levied enormously high to keep out the flour of the United States and compel Cubans to import Spanish flour, and on that was so high a duty that bread costs 25 cents a pound. And the starving people complain to us that bread is a luxury in Cuba, and yet we say that Cuba shall not leave Spain! Why should not the people of Cuba have a government of their own? Why should not the question of taxation be placed in the hands of the representatives of the people who pay the taxes?

For what did our fathers fight in 1776? One of our greatest statesmen has said that our Revolution was fought on a preamble. We had suffered no despotism. We declared that taxation and representation should go together. Such has been our fundamental principle ever since. The taxpayers, through their representatives, must vote the taxes under our Government. But under the despotic barbarism we have forced on the people of Cuba the amount of taxes is prescribed by the tax receiver. It was said here the other day that Cuba had 30 representatives in the Cortes of Spain, while Spain has 700 representatives. How are these 30 so-called representatives chosen? Twenty thousand Spanish merchants and manufacturers in Cuba elect 27 representatives, while 90,000 Cuban farmers elect 3 representatives, and several hundred thousand Cuban male adults are disfranchised. But if the

Cuban people elected the whole 30, what protection would that give to Cuban taxpayers in a body of more than 700 Spanish representatives? What they require for their protection is a government of Cubans for Cuba. No power has the right to impose taxes on the people of Cuba but themselves. Spanish taxation for Cuba makes flour so dear that Cubans only consume 54 pounds per head per year, while Spanish taxation on the Spanish people in Spain is so light that in Spain the people consume 400 pounds per head per year. If the people wish to meet and humbly petition the military commander who has them in his keeping for more bread or for more mercy, they must first obtain a permit. Without it no meeting can be held, and even with it under the supervision of a deputy sent by the commander.

And we are guarding the brutal monsters while they are carrying on their iniquity.

Mr. GALLINGER. If the Senator will permit me, a few days ago I stated that fact on the floor of the Senate, and the Senator from Maine [Mr. HALE] retorted that this was a time of war. I want to ask the Senator from Texas if I was not correct when I said that in time of peace, and during the past ten years, for instance, the Cubans could not hold a public meeting without getting a permit from the Government and a Government officer being detailed, who had authority to suppress any meetings he pleased?

Mr. MILLS. And to disperse them when he pleased. That is the standing order, so I am informed by the representatives of the Cuban people. But if it is only during a time of war, what else has Cuba had for a hundred years? War is the normal condition of that island, and a condition that is imposed by the strong and powerful arm of the United States. How proud we must feel of the great Republic when we see her stand with the keys locking the dungeons in which the free people of Cuba are confined—a people who are not permitted, without the assent of the dictator, even to ask him for mercy.

Mr. President, I want to call the attention of the Senate and the American people to some of the enormities committed by Spanish officials in their treatment of the people of Cuba. In the former revolution, from 1868 to 1878, the conduct of Spain was precisely what it is now. On the 4th of April, 1869, Valmaceda issued an order, from which I read the following items:

First. Every man from the age of 15 years and upward found out of his house who can not give a good reason for it will be shot.

Second. Every unoccupied house will be burned by the troops.

Third. Every house without a white flag, which is the signal that its inhabitants desire peace, will be reduced to ashes.

Women that are not living at their homes or at the houses of their relatives will be gathered either at the town of Jiguaini or in that of Bayamo, where food will be provided for them. Those who do not present themselves will be brought by force.

When Mr. Fish, our Secretary of State, read the brutal order he wrote to the Spanish minister at Washington, "In the interest of Christian civilization and common humanity, I hope that this document is a forgery." But it was not. It was genuine. This exterminating policy was continued, and in 1871 President Grant said to the same minister that the "atrocities" inflicted in Cuba had turned the whole country against Spain to such a degree that the people were scarcely capable of judging impartially any longer. But all such remonstrances were lost on Spain. One of her captains of volunteers says in one of his reports:

More than 300 spies and conspirators are shot monthly in this jurisdiction. Myself alone with my company have already killed 9, and I will never be weary of killing.

Another captain of volunteers reports:

We have captured 17, 13 of whom were shot outright. On dying, they shouted, "Hurrah for free Cuba! Hurrah for independence!" * * * On the following day we killed a Cuban officer and another man. Among the 13 we shot the first day were found three sons and their fathers; the fathers witnessed the execution of their sons without even changing color, and when their turn came they said they died for the independence of their country.

In a letter of one of the officers of the Spanish army he says:

Not a single Cuban will remain on this island, because we shoot all those we find in the fields, on their farms, and in every hovel. * * * We do not leave a creature alive where we pass, be it man or animal. If we find cows, we kill them; if horses, ditto; if hogs, ditto; men, women, or children, ditto. As to the houses, we burn them. So everyone receives what he deserves—the men with bullets, the animals with the bayonet. The island will remain a desert.

During that revolution a Spanish newspaper in Barcelona published the following proceedings of a military tribunal in Cuba:

*General Staff of the Captain-Generalship of the Island of Cuba:*

The court-martial sitting at this place on this day, with the object of examining and passing an opinion about the process against the civilian Jose Valder Nodorce, who uttered seditious words, has condemned him to six years' hard labor and with irons, and his excellency, in sharing the opinion of the auditor, has approved the judgment, but not without remarking his great mildness, because it is not in accord with regulations, codes, and existing laws, and for that reason he has ordered that the president and members of the military court be sent to a castle for two months as a punishment for it.

Published by order of his excellency.

Six years at hard labor for uttering seditious words was a punishment so mild that the court was sentenced to two months' confinement as a punishment for their clemency! And this almost within sight of our shores, and backed by the authority of the United States! I read another extract. It is given to the public by Mr. Quesada, the representative of the Cuban people here. He is a gentleman whose veracity is not questioned. Here is an incident of that war as related by him:

During the last war General Weyler did not distinguish himself by military exploits. As a soldier he was an obscure commander of a column. His operations were in the territories of Camaguey and Tunis. His reputation is based on his atrocities. "The dance at Guaimaro" is famous in Puerto Principe. He captured a number of ladies of the best society of this province. They were taken to the village of Guaimaro. Around a large bonfire in the center of the public square he placed the defenseless women. The ferocious hordes of negroes who composed the Fourth Company of his command were ordered to violently undress the prisoners. Then they played an African dance, and the unfortunate Cubans who refused to participate were whipped by Weyler himself!

"But even worse than the foregoing," he continued, "was the crime committed by Weyler on Senorita Romero. She was captured with her mother. Weyler ordered the latter to propose to her daughter the sacrifice to him of her honor and virtue. The distracted mother, under threats of death, entreated in vain with the young woman. Colonel Weyler offered this dilemma: The senorita must choose between him and the black soldiers of the already famous and sadly celebrated Fourth Company. Senorita Romero did not vacillate. She indignantly exclaimed: 'Between you, monster, and the Fourth Company I do not hesitate. Give me up to the Fourth Company!'" Can Mr. Dupuy de Lôme or Weyler deny this when Cruz solemnly declares: "In 1889, in a house at Nuevitas, thin and emaciated as a specter, her hair white, a complete wreck, an idiot, I saw the sad victim of that infamy!"

How proud we must be as American citizens to stand guard over that atrocious villain who is again in Cuba in his work of death and desolation, but who would not be there to-day if the United States would draw her sword, as it is her duty to do. If we will not permit England, France, or Germany to extricate these wretched and persecuted people from the clutches of Spain, our honor demands that we shall do it ourselves. With what lofty pride our American mothers, wives, and daughters must look upon the enrapturing scene of a Spanish bullfighter at the head of a horde of armed brigands demanding of a helpless, innocent girl to decide between her life and her honor! How their eyes must burn with unwonted brightness and their cheeks suffuse and glow with gratified pride when they look on Weyler, with the Stars and Stripes above his head and falling in rich folds around his shoulders, and the royal bird of Jove fanning his cheeks with the feathers of his outstretched wings, while he bids an innocent girl to choose between his and the embraces of his brutal minions. How proud must all our men be, sons of the sires who hung that standard in the storms of a hundred battles, who saw it ride in triumph on lands and lakes and oceans, and never once did the smell of the stain of dishonor rest within its folds, now see it guarding the wretch who slaughters unarmed men, violates unprotected women, and gives their homes to the flames and their flesh to the eagles. Oh Columbia, gem of the ocean, your children have boasted of their civilization, their freedom, their prowess. How is the mighty fallen, the strong staff broken and the beautiful rod! Columbia, the mighty God who called thee out of the deep, placed in your hands the burning brand to enlighten the world and lead its downtrodden humanity to higher and better altitudes. You were never intended for a jailer. Your fair waist was never designed to be encircled by the belt of a Spanish bullfighter, nor your fair hands to carry the keys of Spanish dungeons, where victims of despotism were loaded with chains because, taught by your precepts and example, they aspired to climb to the mountain tops where you stood.

Mr. President, I speak and feel as an American citizen. There is not a drop of Spanish blood in my veins. I speak for liberty, I speak for the right, and I feel and speak for the honor of my country. We hold Cuba in vassalage to Spain. For a hundred years we have declared, and reiterated the declaration, that Cuba shall stay under the dominion of Spain. We have shut in her face the door of hope for release from that despotism, and, having the responsibility which even an equitable right would give, we should demand of Spain that just government should be given to Cuba. If necessary we should enforce the demand with the whole military strength of the nation. Suppose the suffering people of Cuba should say to us: "You have forsaken us; we have appealed to you time and again. Every generation that has come from the womb has appealed to you, and gone down to the grave marked by Spanish blood and dishonor. So farewell; we are going now to appeal to England; she will give us the mild government she gives to Canada. She will let us govern ourselves in all our domestic affairs—she will let us raise what taxes we are willing to pay and expend our revenues on educating our children and building up our country, and protect us against invasion from Spain or any other power." What would be our response? What has for a century been our response? Columbia would come out with her mighty heart throbbing, her flags flying, and her drums beating, and answer in tones of thunder, "England shall not assume sovereign rights over one square foot of Cuba. We will see that Spain keeps Cuba against all the world except ourselves." Then if we have fixed the destiny of Cuba we owe it to our own honor, we owe it to humanity, to protect the wretched and misgoverned people of that island against Spanish barbarity.

The other day I read in the press dispatches from Cuba where a

Spanish column, after having an engagement with the troops under Maceo's command, attacked a house where a father, a daughter, and an infant were sheltered. The father stepped out with his child in his arms and cried, "Stop firing; we are peaceful citizens"; but they drew nearer, took deadlier aim, shot to death the father and the child. The daughter sprang forward to protect her wounded father and to plead for her own life. The appeal was answered by shots from their rifles and thrusts from their bayonets, and the girl fell on the dead body of her father and brother, riddled with bullets and gashed with bayonets. This is the kind of government Spain is giving to Cuba. It is the protection that the hawk gives to the dove, the panther to the hind. And all this is by the authority of the United States! We stand guard over Spain while she tears Cuba limb from limb, while the victim is crying to us to deliver her from the jaws of the monster.

Mr. President, while thinking of the slaughter of this girl who attempted to save her father, there comes up in my mind the recollection of an incident that occurred in Alabama during our civil war. A colonel of an Ohio regiment was in command of a district in North Alabama within whose lines the family of a Confederate officer resided. Sometimes the bold rebel would slip through the lines undiscovered and visit his family. On one occasion he was discovered by some one more devoted to the Union than to his personal welfare. Information was given to the colonel commanding the district, who took a half dozen of his men and under cover of night went to the house to capture his Confederate foeman. Arriving at the house, he rushed in the door, pistol in hand, and found the Confederate soldier in the midst of his family, his pistol and belt lying upon the bureau and within reach of his daughter, a beautiful Confederate girl of 18 summers. In an instant she grasped her father's pistol to shoot in defense of her father's person. The coolnel sprang forward, seized the pistol in her hand to disarm her. Not being a Spaniard, it never entered his mind to shoot her. In the struggle her pistol fired, and she was shot through the hand, but her father succeeded in making his escape. The gallant officer returned in a few days to see about that wounded hand. He came again to express his profound regrets for that wound, and again and again to hope for its early recovery. He did not stop coming till he carried that hand off with him and clasped it in his. It is his hand now and has been for thirty years. Around that family hearthstone there stands a group of noble sons, half Yankee, half rebel, but all Americans. [Applause in the galleries.] We did not shoot women and children. We did not shoot prisoners in our great civil war.

Mr. President, in my own good State of Texas—a State that drank of the cup of Spanish barbarity to the dregs in its early history—there occurred during our civil war another incident that shows the difference between Spanish and Anglo-Saxon civilization. The Island of Galveston had been occupied by the troops of the United States, and the *Harriet Lane*, a United States man-of-war, laid at her wharf. The officer in command of the Department of Texas at Houston got one or two old steamboats that were laid up out of reach of the enemy, put cotton bales around them, and mounted on them such guns as he could procure, and moved down to attack the enemy's navy with his, and at the same time threw troops across the bridge on the island and attacked and captured the garrison; at the same time, with his improvised fleet, he attacked, boarded, and captured the *Harriet Lane*. Young Lea, the commander of the *Harriet Lane*, fought gallantly, and fell on the quarter deck of his vessel, vainly struggling to hold it. When the battle was over, we did not cut off his head and stick it on a pole and parade the streets with it as the Spaniards did their victims in Cuba. Gentle hands shrouded the young soldier. He was taken to the cemetery where the fathers of the city slept. His remains were followed to the grave by the whole people. His father read the burial service of the church to which they both belonged and into which the young officer had been baptized when a child in his father's arms. We laid him in a hero's grave, we covered him with flowers, flowers that were wet with the tears of kindred and friends, and left him alone in his glory. Never in that great conflict, where more than 2,000,000 of men were engaged for four years in the most desperate struggle that ever occurred in the annals of mankind, did either side ever commit one such act of cruelty as is now being enacted every day in Cuba.

Mr. President, this is the same old story. I could read you instance after instance of barbarism in Cuba; but it would be but the repetition of Spanish history—the same old story that we have heard from the days of Charles V, when the printing press came and light began to diffuse itself and knowledge began to be gathered and stored. Spain tried to crush it out and extinguish the light by military violence. You all remember the history of Luther, who began the Reformation by teaching the Germans that justification came by faith. Charles V had him summoned to Worms to answer to him for this mortal offense. He presided over that august assembly, then the most powerful monarch on the globe. He called on Luther to retract his heresies, which he refused to do, saying he would only retract when his judgment was convinced by reason.

We all remember the history of the poor Netherlands. They had recovered their land from the sea by building dikes, and the Spaniards overflowed their lands with blood as the sea had theretofore done by water. Finding it almost hopeless to contend against them and to save their country from the butchery, torture, and flame of the Spaniard, they stood upon the dikes, spade in hand, and said, "If you continue this persecution, if we can not live in this country, we will cut these dikes and bring back again the sea over us all, and, vanquished and victor, we will go together to the throne of God to plead our cause."

What was the history of Spain in her American provinces? Did her treatment of her subjects change? We were boys once; our heads are now gray; but I can remember when I was a boy reading a little poem and perhaps reciting it at school:

> When Cortez came with sword and flame,
> With one fell blow proud Mexico
> Was humbled in the dust.

Sword and flame! Not the flame of the intellect, not the flame of truth, not the flame of knowledge, not enlightenment and elevation of character, but the flame of fire that extinguishes and burns the fagots beneath the feet of victims.

She desolated Mexico under Cortez, Peru under Pizarro, and when, in vain, after a long tenure she found herself utterly incapable of holding those provinces, and when the United States stood with a brandished and flaming sword and said to all Europe, "You shall not interfere to help Spain recover them," then the whole power of her concentrated despotism fell upon poor Cuba. In 1825 an order or decree issued from the Government of Spain appointing a governor for Cuba and giving him all the powers of a governor of a besieged city. Martial law was given to Cuba in 1825, and martial law has been the inheritance of poor Cuba from 1825 to 1895. For threescore and ten years that prostrate island has been crushed, bleeding, starving, rising in insurrection, the people lifting their appeal to God to smile on their cause and give them deliverance, and appealing to the United States for help. And yet at every moment of that time we have stood upon the dark doorways to Spanish dungeons with American bayonets and American flags flying over them, refusing them succor, and yet holding them in subjection to Spain.

I say, sir, we have a duty, a holy duty, and if we think God will not call us to account for the manner in which we have refused to discharge that duty to those people, we must believe that there are crimes and sins that can be perpetrated in this world which can go without an atoning sacrifice. The blood of innocence and the demands of justice, as my friend the Senator from Missouri [Mr. VEST] said the other day, will speak after a while. He who sees the sparrow fall will open the eyes that never sleep. He will open the ears that are never deaf. He will treasure up the wrongs of Cuba and after a while—

> Eternal justice wakes, and in their turn
> The vanquished triumph and the victors mourn.

We have had something to do with Spanish history in the State of which I am a citizen and where I have lived since a boy. We have gone through all of this history. After 1824, when Mexico had achieved her independence and made her free constitution, copying closely that of the United States, a Spanish dictator, Santa Anna, trod that constitution beneath his feet. With his armed soldiery he marched over Mexico, beat down her armies—for he was a military genius—and not only captured them but butchered them, and not only butchered them but went to the cities that sympathized with the republican government of Mexico and butchered men, women, and children.

In 1836 he came to Texas on his mission of death. He came with a sword of flame, as Cortez had gone to Mexico in 1525, but he found a different kind of material from that with which Cortez had to contend. For a while fortune seemed to smile on him. He entered San Antonio and stormed and took the little garrison in the Alamo, and put to the sword every living thing within its walls except one woman and one little female child. They too would have been slain, but they were covered by the dead bodies of the soldiers who had fallen in defense of the garrison. True to Spanish instinct, Santa Anna went about among the bodies of the slain and sent his dagger to the hilt in the bosoms of its heroes. From San Antonio, flushed with victory, on the 6th of March, 1836, the invaders went to Goliad. On his way he encountered Fannin with a handful of brave men from Texas, Georgia, and Alabama. Though far inferior in number they challenged his advance, and beat him till their ammunition was exhausted, and then capitulated. They were to be sent back home to Georgia and Alabama. But on Sunday, the 27th of March, when the Sabbath bells were ringing all over the home land, when frjends and loved ones in that home land were wending their way to their places of worship, the Spaniard was conducting his victims to the place of slaughter.

The little band under Shackelford were young men from Alabama. An old soldier of the Republic of Texas told me many years ago the story of that massacre as it was given to him by Shackelford himself. He said he was a practicing physician in Alabama, and determined to raise some men and go and help Texas. His son was in his party and his patrons and friends gave him their sons upon the condition that he would treat them as he treated his own son. He accepted the trust. When the battle was fought and lost, Shackelford, who was a skillful surgeon, attended the wounded Mexicans, and rendered to them valuable service. For this he was informed that he could have the life of his son; all the others would be shot. He went to his son and said: "I have accepted all your comrades upon the terms that I would treat each of them as I would treat my own son. Your comrades are ordered to be shot. Your life is offered to me, but I can not accept it without betraying my word. I will leave it to you to decide for yourself." The gallant young hero instantly spurned the proposition and said he would die with his comrades. They were all young men of education. Many of them played well upon musical instruments and all sang. Before the fatal order was executed they took their harps, violins, and flutes, some played and others sang that sad but soul-stirring song of John Howard Payne:

'Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home;
A charm from the skies seems to hallow us there,
Which sought through the world is ne'er met with elsewhere.

In a few moments more their voices were still and their harps were songless and silent. At last they were all at home—not the homes they had left in Alabama and Georgia, and to which the Spaniard had promised they should soon return, but they were at that far-away home "where the wicked cease from troubling and the weary are at rest."

After the slaughter their bodies were gathered in funeral piles, covered with brush, and set on fire, and wolves and dogs and hogs fed upon such as the fire had failed to consume. On to the east the victors pushed their columns till on the 21st of April the last hope of Texas, an army of 783 men, stood with their back against the San Jacinto River. It was the last intrenchment of liberty, and that day was to decide whether it was to be the birth or burial of the Republic. To enter the arena where Texas awaited him he had to cross a stream spanned by a bridge which, when crossed, Houston had destroyed behind him, so that there was no escape for either army. Excelling Houston more than two to one, he was confident of victory, and as the sun passed the meridian he laid down to enjoy his siesta and dreams of ultimate victory and the slaughter of the vanquished. While he was sleeping, gently sleeping, the soft Southern winds passing over vast fields of flowers drank up their odors and poured their rich perfumes through his camp; the feathered choristers of brightest plumage sang in the branches of the evergreen oaks that bent over him. While he slept Houston moved cautiously among his devoted braves, told them the bridge was gone, then "Be men, be freemen, that your childen may praise their father's name. Remember the Alamo!" At 3 o'clock in the evening he moved forward to the battle. As he was advancing he told his musicians to play a piece that he named—a piece that he thought suitable to the occasion and in harmony with their feelings. If a Greek column had been moving against the invader who had driven them to their last intrenchment the song of the Argive warriors would have been:

Again to the battle, Achaians!
Our hearts bid the tyrants defiance!
Our land, the first garden of Liberty's tree,
It has been, and shall be, the land of the free.

But it was not a Greek army, and it was not a Greek song they sang. It was a Texan army, and a handful as brave as the bravest who fought with Themistocles at Salamis or fell with Leonidas at Thermopylæ.

If it had been a Scotch army marching to meet the tyrant who had invaded their homes and laid waste their fields, the song they sang would have been:

Scots, who have with Wallace bled,
Scots, whom Bruce has often led,
Welcome to your gory bed,
Or to victory!

But they were not Scots, though as brave and as true as the best that won with Bruce at Bannockburn or lost with Wallace at Falkirk.

If it had been the Old Guard of France marching down into that vortex at Waterloo, where the concentrated fire of more than a hundred guns was plowing through their ranks, they would have sung:

Ye sons of France, awake to glory!
Hark! hark! what myriads bid you rise!
Your children, wives, and grandsires hoary,
Behold their tears and hear their cries!

To arms! to arms! ye brave!
The avenging sword unsheathe!
March on! march on! all hearts resolved
On victory or death!

But it was not a French army, nor the field of Waterloo. It was a Texan army, as brave, as determined, as patriotic as the gray-bearded grenadiers that carried the victorious lilies of France from the Pillars of Hercules on the west to the mountains of Judea on the east, and from the pyramids of Egypt on the south to the snow-covered steppes of Russia on the north. The occasion demanded not the sonorous blast of the trumpet, but the soft, sweet notes of the lute. The song they sang was a warm, cordial invitation:

Will you come to the bower I have shaded for you?
Your bed shall be roses all spangled with dew.

They came, and a great many of them are there yet. When the battle was over one-half of the enemy were dead on the field and the other prisoners begging for that mercy they never gave but received from those whose homes they had destroyed and whose comrades they had put to the sword. When the sun set on that eventful day and the stars began to light their lamps in the skies, lo! in the southwestern heavens there appeared one that moved forward till it stood over the field of San Jacinto and burned on with ever-increasing brilliancy as the representative of the newborn Republic of Texas.

Mr. President, when I came to Congress in 1873, twenty-three years ago, before I was sworn in I read the news of the capture of the steamer *Virginius* and the butchery of 53 of the persons taken on her decks. The vessel had been engaged in carrying arms and supplies to the insurrectionists in Cuba. She was regularly documented as a vessel of the United States. Over her decks floated the flag of the United States. Every one on the boat was entitled to the protection of the laws of the United States. She was run down on the high seas and captured by a Spanish armed vessel and carried into Santiago on the 3d of November, 1873. At 6 o'clock next morning four of her passengers were shot. An officer of the British schooner *Brilliante*, who witnessed the execution, says:

The executioners demanded that these victims should kneel and be shot in the back. Two of them so knelt and were so shot. The other two, Verona and Ryan, refused to kneel, and were thrown down and handcuffed while begging their executioners to let them die standing. A Spanish officer stepped forward and thrust his sword through Ryan's heart. Verona died easily. Then down upon the corpses, still warm with life, came the bloodthirsty mob, severing their heads from their bodies, placing them on pikes, and marching with them through the city.

Forty-nine others were shot to death on the 7th and 8th of November. And the great achievement was celebrated with bonfires and bullfights over the island. Ryan was a gallant Union soldier from New York. Frye, the captain of the vessel, was a Confederate from Louisiana. These 53 persons on the decks of an American vessel were tried at night before a military tribunal. They were not permitted to be present and defend themselves. They had violated no law of Spain. Reverdy Johnson, one of the ablest lawyers in the United States, said:

Her capture was as gross a disregard of the authority of the United States as if the *Tornado* had seized her in the harbor of New York. If he said the vessel had violated the neutrality laws of the United States, Spain could take no cognizance of it.

The United States alone could do that, but the United States did nothing but enter into a long diplomatic correspondence, and came out of the controversy covered with disgrace. Frye was refused permission to apply to the United States consul for the protection of the men on his boat. When they were marched to execution they were carried past the United States consul's office—his flag not even flying. He did not dare to put it up, and his doomed fellow-countrymen bowed their heads to the bare flagstaff and "waived a mournful good-bye."

After Captain Frye was condemned they for the first time permitted him to come before the military tribunal. He asked permission to go, not to plead for his life, but for the lives of some of his crew. In that appeal he says:

I do not come here to plead for my own life. You have condemned me. I do not ask you for my life.
It has been notorious—

He said—

that a great number of vessels were engaged in it [blockade running] during the American war, and notwithstanding many prizes were taken not a single life was sacrificed.

What a high tribute this is to the Union Army and to the Union people by a Confederate soldier! A citizen of Louisiana, a Confederate, says to the Spaniards:

The country against which I fought and the people against whom I fought, the country that triumphed over me, never perpetrated in one single instance what you do in every instance. On the contrary—

He said—

the greater part of the prisoners were liberated after a short imprisonment.
Of the law in Cuba and the proclamation referring to the introduction of arms into Cuba I had not heard until the night of my conviction. If with superior opportunities I was ignorant of a case decided by other than international law, how completely ignorant should be these poor people? I was continually in the company of persons who ought to have known it, yet the fact was never once alluded to. In a word, I believe that they were ignorant, and that the world will be grievously surprised to know that their lives are sacrificed. The council well know that I am not pleading for my life; I have neither home nor country—a victim of war and persecution—I being shut out

from the road to prosperity until I am unable to provide bread for my wife and seven children, who know what it is to suffer from the vicissitudes of my life. My life is one of suffering, and it is not for myself that I implore.

* * * * * * *

Spaniards, as I believe I am the only one who will die in the embrace of our holy religion, consider the souls of these poor people. Give them time and opportunity to seek the mercy of God. Thus only can you comply with your duty, and my blood ought to be sufficient. These poor men had no knowledge of their crime.

Was not that a magnificent appeal to make? Heroic and noble, he refused to ask from those bloody butchers his own life. He had violated no law for which they could punish him, and, as he said, no one in our great conflict had ever been punished for running a blockade. The vessel would be condemned as a prize, the property would be taken, but the people that were on it would be treated as prisoners in civilized war.

But the Spaniards did not turn any loose. They butchered all of them, and now I have here something more I want to read to you. Our consul, when he found the boat had come in, interceded with the butcher Burriel. I perhaps ought to ask pardon from some of our people who think that I am too harsh in speaking of this "proud and sensitive people." Here was a butcher, and as soon as the vessel came in the American consul asked permission of Burriel to see his countrymen before anything was done. He sent a dispatch to the consul at Jamaica informing him of these facts, and Burriel, the general in command, suppressed it, and admits that he suppressed it, and would not permit it to go until those people were all tried and slaughtered. Here is what Burriel says in reply to that:

I have received your communications, one dated the 2d instant and the remaining two others the 3d instant; the first inquiring if it was true that a telegram had been detained by my orders, which you had addressed to the United States consul in Kingston, Jamaica, asking information as to the nationality of the steamer *Virginius*, seized on the high seas as a pirate by the Spanish war steamer *Tornado*. In my desire to correspond duly to the exquisite zeal which you show in this matter, I would have replied at once to your communication, but as I received it precisely at the moment of important and peremptory affairs, to which I had to devote myself exclusively; further, the past two days were holidays, upon which the officials do not come to the offices, being engaged, as well as everyone else, in the meditation of the divine mysteries of All Saints' and the commemoration of All Souls' days, as prescribed by our holy religion.

He could not listen to an appeal to save those souls when he was engaged in considering the mysteries of All Saints and the commemoration of All Souls. He could not listen to the appeal of a man who, refusing to ask for his own life, asked for the lives of those poor innocent men who were on his boat. He was engaged in considering the mysteries of All Saints and the commemoration of All Souls, when souls were being rushed into eternity by the shots of his guns and by the thrusts of his spears—fifty-three wallowing in their own blood.

What did the American people do about that? Everybody knows very well that Spain had no right to stop that vessel on the high seas. General Grant said so. General Grant's Cabinet said so in 1871 when the question was brought before them whether the people of the United States had not a right to ship arms and munitions of war to insurgents anywhere. It was a matter that was referred to the Cabinet. I have the letter. Here is what it says:

DEPARTMENT OF THE INTERIOR, *Washington, October 1, 1869.*

To FRANCIS DARR:

Your dispatch of to-day came while I was at a Cabinet meeting, and after I had brought before the President your letter on the same subject. After full consultation with the Cabinet, the President was of opinion that the shipment of arms was not prohibited to either party in the Cuban struggle. The revolutionists have as full power to buy and ship as the Spaniards. It is upon the fitting out of a military or naval expedition, warlike in its character, that the neutrality laws operate. It is an entire mistake to suppose that the United States officers have ever been instructed to stop the shipment of merchandise though it be in the form of articles contraband of war.

The owners and masters of vessels must simply take their own risk in these cases. But if an expedition, whether of armed men or armed vessels intended for naval warfare, is started in our ports, then the question of our duty as neutrals or as a friendly power arises, and even if we had acknowledged the independence of Cuba our duty and our rule could be no whit different until we had directly and publicly espoused one side of the question by making war upon the other. You must remember that we constantly bought arms of England during the rebellion, and no one questioned the legal right of Englishmen to sell to us or the Confederacy. The blockade runners took their own risk of capture, but the *Alabama* was fitted out to make war upon us as a ship of war. The Cuban republicans must learn to make this distinction before complaining of our conduct. In this respect, as I have said above, the recognition of their independence would not alter the law.

Yours, truly,

J. D. COX,
*Secretary of the Interior.*

It was unanimously decided by his whole Cabinet that no nation had a right to arrest that vessel on the high seas. Neither Spain nor any other country on the face of the earth could go behind the papers that accredited the vessel; that they were conclusive; it was American soil, and American authority granted the right of security to everyone on its decks. And yet, Mr. President, I say with shame that we permitted that butchery to go almost unchallenged. There was a long list of correspondence, amounting to some hundred or two papers, back and forth, and a little milk-and-water agreement between Mr. Fish and Mr. Barnaby, the minister of Spain, that the guilty party should be brought to justice and tried. They had a tribunal arranged in Spain to try Burriel, and after a long correspondence, running through three or four years, the Government of the United States was notified that the tribunal was organized, that it took jurisdiction, and that the Government of Spain could do no more. The court could do with him as they please. The result was Burriel died a natural death and was never brought to trial at all. And for 53 people butchered on the decks of that vessel, rightfully claiming the protection of the United States, the great body of them American citizens, after a long controversy Spain paid $77,000, about $1,500 apiece.

Now, look upon this picture and upon this, Hyperion to a satyr. At Salonica, in 1876, while this correspondence was going on, a Greek girl was taken from some Mussulmans. The German consul and the French consul rushed into the street where there was a mob attempting to carry her away, to plead for the girl and protect her, if possible. They were cut down and stabbed to death in the streets. The Turkish Government, without waiting for any invitation from Germany or France, telegraphed over the wires that they would punish those people, that it was unauthorized, and offered to do everything.

Did France enter into a long correspondence running through five or six years? Did Germany do it? They did not even deign to answer the telegram, but each one ordered its fleets to Salonica, landed its marines on the shore, and compelled the Government of Turkey to bring the guilty wretches before them, and under the muzzles of their guns they shot to death six of these perpetrators, and then said: "Pay $100,000 to the family of each one of these persons and I leave you," and it was done.

Mr. President, that brings me to the last question to consider in this case. Why is it that in the latter years of our Government every time we attempt to maintain the honor, the dignity, and the respect of our people some tremendous power commences to manifest itself in secret and in quiet, and we hear all sorts of objections except the real one? In the revolution of 1868–1878 they said that Spain had just thrown off the monarchy and bloomed out into a republic, and we will do great damage to republican government—such as we have instituted in this country is felt all over the world—if we talk plainly to Spain. "Remember," they said before, "Castellar is very proud and sensitive. Do not wound his feelings."

Mr. President, the blood of our citizens butchered by Spain is crying from the earth to us, and I for one am for calling her to account, and if her pride is wounded by our demand for proper treatment from her, she may fret till her proud heart breaks.

We hear now the same old plea. Spain is even vindicated here. With the atrocities of three hundred years piled up against her, her cause is espoused and boldly defended. We are told that the insurgents are ungrateful to Spain. When generation after generation of Cubans have been sent to bloody graves by her hand it is ungrateful even to remonstrate.

Mr. STEWART. Will I interrupt the Senator from Texas if I inquire of him whether he thinks the $1,200,000,000 of bonded debt which Spain owes, included in which is a lien of $300,000,000 upon Cuban revenues, has anything to do with the reluctance of other nations to interfere in favor of humanity in this case?

Mr. MILLS. Mr. President, there is something away down under the surface, I can see and feel it moving up to the surface, I do not know just exactly what it is. I think I know, but I can not say positively whether it is foreign securities or what it is, but I know one thing. I know that the great heart of the American people is now pleading for the right and the honor of America. I suppose somebody has some interest in importing sugar. Of course that is going to be disturbed and there will be some money lost in it. Foreign securities may fall. There may be $5,000,000 or $10,000,000 lost in the United States, occasioned by the Senate and House of Representatives asserting the rights, the dignity, and honor of the American people. But, Mr. President, I would rather spend a hundred million dollars and take the captives from the Isle of Pines that Spain has been sending there for fifty years and liberate them, because it is our duty to do it. We have assumed such a relation toward Cuba that the blood of the poor wretches who have rotted on the Isle of Pines and whose bones are scattered about over the whole land rises up against us. The spot of bloody guilt is on our hands and we may fain cry, "Out, damned spot!" All the waters of ocean can not wash this guilt away.

It is our duty, Senators, to protect those people or say to England, France, Russia, and any others, "If you want that island take it; we have nothing to say about it." But as long as we say to all the earth, "You shall not touch it; it belongs to Spain and we will keep it in the hands of Spain," then I say that an awful load of guilt is rolled upon our souls, and we, to whom the honor of our country and our people are intrusted, must stand as Americans, and we must say to Spain, "You shall give that island self-government, or we will." Poor old Oliver Goldsmith said a long time ago:

Honor falls where commerce long prevails.

The right to receive a cargo and make $100,000 on it, and the right to send out a cargo and make $100,000 on it; these are the

things that are now poking their heads up all over this country and pleading against "jingoism." I received a letter this morning from New York. "Another fool," the writer says, "has turned jingo." He asks, "Could you not have left this jingoism to LODGE and CHANDLER and SHERMAN?" "What did you go into it for?" and he signs himself "A Disgusted Democrat." If I had one of the cathode rays and could put it into his pocket, I would find sugar stock. [Laughter.] No man who ever felt the honor of country touch his heart, no man who ever felt a feeling of humanity animate his bosom, in a time of this sort—when innocent women and girls and children are lifting their piteous hands and appealing to the Government that makes these things possible—could ever send such a message as that to a member of Congress.

Mr. President, I believe, as I said a while ago, that the hour is drawing nigh when guiltless blood shall penetrate the sky. I believe that the day is not very far off when the American people will see this as they saw that other slavery. I believe the day is approaching rapidly when the American conscience will stand up full armed and equipped and fill the Senate and the House and the Executive Mansion with men who will say to Spain, "This thing must stop. We will take that island from you. We will give to the people of Cuba the power to organize a government coming from the consent of the governed, the same sort of government that we have. We demand that they shall have the inalienable right."

Our fathers said that everybody had the inalienable right to life, liberty, and the pursuit of happiness, and they said they had a right to institute government such as they might think proper that would secure those rights. Yet we stand in the way and prevent those poor people from instituting any government of their own. They plead and in agony groan and lift their piteous appeal to us, and their cries die on the air while we are the most powerful military people in the world, and the most advanced in civilization. We are right at their door. We have this little ewe lamb in our bosom that God has put here and made us the guardians for its protection. We have assumed that duty, and we still see her day by day and year by year tortured upon the rack.

Ah, sir, the day is coming when Cuba will arise and when there will be a voice that will speak to her like the voice of the apostle who saw the poor man lying at the beautiful gate to ask for alms and an invalid from his birth, begging alms of those who passed by him. The apostle told him he had no money; he could give no alms, but he gave that which was better. He said, "In the name of Jesus Christ of Nazareth, rise up and walk."

Here is another poor beggar lying at the beautiful gate, lying at the gate of the fortress that guards the rights and liberties and safety of the American people; she has been lying there for a century lifting up her shrunken hands and hollow cheeks and crying with salty tears to us, "Help us, O help us to get out of this dungeon." The American people will say after a while, in the name of the mighty Republic, "Arise to your feet and walk." She will extend to the poor mendicant her powerful right arm and lift her to her feet and enable her to stand.

Mr. President, a great many of our fathers have wanted and longed for the annexation of Cuba, a great many others have not, but they have all agreed that Cuba should never go to a power that was strong enough to imperil our rights and liberties. They have all agreed that she shall be under our protection. I am not asking for the annexation of Cuba and I am not longing for her admission as a State into our Union. I would say to Spain: "You can give her local self-government, you can keep your paramount sovereignty over her, but you must protect her people and give them the power to control their domestic affairs. If you do not do it, then I will take possession of the island and with the armed forces of the United States I will see that they have the opportunity to organize a government and arm themselves for its security, and I will hold it until they are able to stand alone." If Cuba says: "I can not stand alone; I want to go with you; all these powers are ready to spring upon me; Spain will invade me, perhaps a combination of European powers will combine and assail me; I do not want to stay alone, I want your help—if she says—

> Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me.

Then, sir, I would say to her in the language of that sweet Irish poet:

> Come, rest in this bosom, my own stricken deer,
> Though the herd have fled from thee, thy home is still here;
> Here still is the smile that no cloud can o'ercast,
> And the heart and the hand all thy own to the last.
>
> Thou hast called me thy angel in moments of bliss,
> And thy angel I'll be 'mid the horrors of this—
> Through the furnace, unshrinking, thy steps to pursue,
> And shield thee, and save thee, or—perish there too.

Mr. MORGAN. Mr. President, I wish to add a very few words to what the Senator from Texas [Mr. MILLS] has said. I want to say that I do not consider any time is wasted by the Senate of the United States in coming to a full knowledge of the situation that we are now dealing with. There is something more in this case than even the power to arouse the majestic and splendid and brilliant oratory to which we have just listened. There is a great deal of seriousness in it; there is a great deal of truth in it; of fact in it, and it seems that the Senate of the United States requires at the hands of certain gentlemen who have expressed opinions on this question, as they also have expressed opinions, that we shall continually exert ourselves to lay the evidence before the country upon which all of our proposed action is based, it makes no difference in what particular direction it may be exercised.

I desire, for a very few moments, to put into the RECORD some facts for the consideration of this body and also of the other House of Congress. I must quote from an American newspaper. It seems that in certain quarters that only source of information of which we are possessed is being continually questioned as to its truthfulness. I regret very much to find that that accusation rests upon the whole American press, as far as I have observed, for there is no dissent among the newspapers as to the facts that come from Cuba. I have yet to see a single statement in contradiction of the reports which have been made in the various newspapers of this country by the very intrepid men who have gone out there and exposed their lives and their liberties for the purpose of gaining information that we can not otherwise gain. I have a quotation here from an English paper as well as from an American paper as to the situation in London:

LONDON, *March 24.*

The Standard has a dispatch from Madrid, which says:

"The Epoca has two articles which are supposed to reflect the opinion of the cabinet and which have been much noticed. The first challenges the United States to doff its mask and display its true colors. If they want war, the Epoca says, Spain is ready to face it with becoming dignity. Otherwise, it advises the American politicians to desist from their vexatious debates and cover the hostility.

"The second article reviews Spain's chances of a European alliance.

"The other papers have similar patriotic articles. It is evident that the Government will refuse to allow an American commission to go to Cuba, because such a concession on the eve of the elections would damage Spanish prestige."

This is an extract from the London Standard.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Will the Senator from Alabama yield? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the unfinished business be temporarily laid aside without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. HALE. Mr. President, I do not object——

Mr. CULLOM. I want to say that I shall insist, as soon as the Senator from Alabama concludes his brief remarks, as I understand he desires to speak briefly, that the legislative, executive, and judicial appropriation bill shall be taken up for consideration. I hope there will be no opposition to that course.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business which has just been laid before the Senate may be passed over without prejudice. Is there objection?

Mr. CULLOM. I have no objection to that.

Mr. HALE. I merely want to say that I do not object for the purpose of taking the Senator from Alabama off his feet; but I call attention to the fact that yesterday, at the request of the Senator from Ohio [Mr. SHERMAN], in charge of this subject-matter, it was withdrawn from the consideration of the Senate and recommitted practically to the committee of conference, with the general understanding, I suppose, that debate would be suspended until the conference committee should again report. I did not object to the Senator from Texas coming in upon his joint resolution, and I do not now, as I have said, seek to take the Senator from Alabama from the floor; but I do insist that at the end of his remarks upon the joint resolution it shall take its parliamentary course and go to the Calendar. I make the point now, so that if I am not here at the end of the Senator's remarks the joint resolution shall take that course.

The PRESIDING OFFICER. There is no objection to the request of the Senator from Arkansas, and it is agreed to.

Mr. MORGAN. Mr. President, the Senator from Texas has brought forth a new phase of this subject, one that has not hitherto been in charge of the Senate or before the Senate. He proposes that we shall go to the Government of Spain and demand of her that she shall give autonomy to Cuba, a government corresponding I suppose in some of its characteristics perhaps very closely, in the contemplation of the Senator from Texas, with that of Canada on the north; and in the event that Spain refuses to grant such autonomy to Cuba, that the American Government will use whatever force may be necessary to expel Spain from that island and take possession of it, so that the people there may have a fair opportunity to determine for themselves what form of government they will have.

That subject has not been before the Senate of the United States in that form or in any form, up to the present moment of time. Up to the time when the Senator from Ohio asked in the Senate a disagreement to the amendment of the House, after an agreement had been suggested by the committee of conference on the resolutions, we had expressed nothing but opinion. We had confined ourselves entirely to that domain. We had proposed no measure which would be binding upon the people of the United States in any sense whatever. It was the response of Congress to the opinion of the people as expressed in the petitions sent to us that we chose to utter.

Now, for that cause, as we expected would be the case, only because the Senate and the House have concurred in the opinion that a state of public war does exist in the Island of Cuba and that those people are entitled to belligerent rights—for that and for nothing more came from the Spanish authorities in Madrid the declaration which I have just read to the Senate, showing that they regard this as an act of hostility on the part of the Government of the United States. We have disclaimed in every form that it was possible to make a disclaimer that we had any hostile intentions toward Spain, that we were acting outside of the line of our duty, even if we had progressed to the extent that I claim we shall progress, to a resolution that is now lying upon the table, of a pure recognition of belligerency and the existence of war in Cuba, and the rights of Cuba and Spain as belligerents, and our rights and our duties as neutrals in that war.

My object in taking the floor this morning is to call attention to a matter of history with which I was not familiar at the time that it was occurring. Unfortunately the people of the Southern States at that time were themselves occupying the attitude of belligerents in what was termed by the Government of the United States a treasonable insurrection against the flag and Constitution of the country, so that what transpired in the United States at that time with the Government of the United States was entirely unknown to us.

Spain came forward at an early moment, as I am informed, before a gun had been fired, or at least before any great battle had been fought, and she recognized not the independence, but the belligerency of the Confederate States. She did not undertake in that recognition of belligerency to demarcate the States or the parts of States that were regarded by the United States as being in insurrection, but she took the whole area, without reference to State boundaries, and wherever the Government of the United States had recognized the fact that insurrection existed Spain recognised the fact that lawful belligerency existed, thereby entirely dissipating the argument which has been made here, I believe by the Senator from Louisiana [Mr. CAFFERY], that the recognition of belligerency extended only to the area where war actually prevailed, and that we had to make a demarcation of boundary before we could recognize that the Cuban Republic was engaged in a state of belligerency.

Mr. President, what I rose for was to call the attention of Congress to the situation of the United States at the time that she was conducting war for the purpose of putting down the rebellion and after Spain had recognized the belligerency of the Confederate States. I confess when my mind was first brought to consider this question I was somewhat puzzled to understand why it was that Spain should have been so magnanimous toward the Confederacy and should have been so active in her disposition to recognise the belligerency of the Confederate States.

We had an institution in the South in common with one that existed in Cuba and Puerto Rico at that time, the institution of slavery. But, sir, Spain very soon after, if not even before, the time that she recognized the belligerency of the Confederate States had set about with a determined purpose, as it appeared, to do two things: One was to establish a republic and the other was to emancipate the slaves. So General Grant, when he came into power afterwards, recognized that the war that was being conducted there was really a war for the emancipation of slaves, and it was conducted by the Spanish Government with that pledge attending every act of hostility that was inflicted upon the people of Cuba.

The consultation of the authorities, the correspondence between our minister in Spain and the Government of the United States during the struggle of which I have been speaking, discloses the reasons why Spain recognized the Confederacy. She thought, first of all, that she would have an ally in the Confederacy to protect and preserve slavery, after she had consented, even in Spain, that it should be abolished, that it would be restored; for, mark you, in regard to political rights and rights of war and rights of conquest Spain acts and has always acted upon the theory that once she has been stripped of a province or of a power she has always a right to go to war to recover it.

What did she do in the case of Mexico? Thirteen years after the Republic of Mexico had been recognized, without any pretext of war at all arising in the course of her relations or transactions in Mexico, she sent her fleets and her armies there to try to recover that territory. Her declaration of war against Mexico was based entirely upon the fact that Mexico had once been her property, and having once been her property was always subject to reclamation.

But Spain went further than that, Mr. President. Very soon after our war began Spain went and took possession of San Domingo, occupied it, and held it until the war with the United States was closed or was about to close. Why did Spain invade San Domingo while our war was going on? Because she expected by establishing her power in San Domingo to check the power of the United States or the influence of the United States in Cuba, and through that instrumentality, getting on the flank of the United States and of Cuba, she expected, if the war resulted in favor of the rebellion, that everything would be straight on principle and on sentiment; if it resulted however in favor of the United States Government, that she would then have a military possession in San Domingo that would enable her to check any advance of the United States in that direction.

Spain was not alone among the European Governments in assailing the United States on that occasion. She had a number, if not of allies, at least of sympathizers, in Europe who took advantage of the struggle in the United States to come and plant themselves or attempt to plant themselves on different parts of the American Hemisphere. We find that Great Britain had already occupied, in the name of the Mosquito King, the mouth of the San Juan River, to command our communications with the Pacific. We find that Austria and France and Great Britain and Spain started out together for the purpose of hunting Mexico to death and reclaiming that territory while our war was going on. After a while Spain and Great Britain dropped off. They came under the pretext of collecting interest on bonds, when everyone knew that their determination was not merely to do that, but to acquire the territory of Mexico and put it under some sovereign crown, to be ruled by a prince of the blood brought from Europe. Maximilian having been elected, as he said, under a plebiscite in Mexico, came at last, under the auspices and protection of the Emperor of France, to occupy Mexico. But on all hands everywhere our great Secretary of State, Mr. Seward, had to wrestle with almost every important European power except Russia in trying to maintain the integrity of American soil for the government of her own people according to their own will in trying to maintain the integrity of republics on this hemisphere and to prevent them from being supplanted with monarchies.

Mr. President, I want to read a very few selections from some of the correspondence that took place at that time upon this question. The charge was made by Spain against the United States that we had negotiated a secret treaty for the purpose of acquiring the Bay of Samana, a very important piece of water, surrounded by a very important piece of land when considered either in respect to its commercial value or its stragetic value for naval war purposes. Mr. Seward, on the 23d of November, 1863, a time of very great anxiety with the Government of the United States, said, in a letter to Mr. Koerner, our minister at Madrid:

> The idle calumny that the United States have stirred up and are giving aid to the revolutionary movements now occurring in the Island of San Domingo would not be thought worthy of notice if it had not been presented to me by Mr. Tassara. I give you for your information a copy of the correspondence which has been held on that subject between him and this Department. I am further not unwilling to have an occasion to let it be known to Spain, as well as to other nations, how faithfully we practice the duties as well as assert the rights of a sovereign State. The United States neither contrive, nor aid, nor encourage, nor mix themselves up in civil or international wars of other nations. They submit their record on this matter to the examination of the world and challenge contradiction of its verity. You may express yourself to this effect, and even to this extent, if occasion should arise in your conversations with the Marquis of Miraflores.

That is dated November 23, 1863. There Mr. Seward discovered in the correspondence that was being conducted that the Government of the United States was being accused of improper interference for the purpose of acquiring some occupancy in the West India island. On the 14th of February, 1864, Mr. Koerner writes to Mr. Seward as follows:

> It is reported upon pretty good authority that a commission will be sent there to make a thorough investigation into the condition of affairs.

That is, to Santo Domingo.

> Letters from the island, freely published in the papers here, represent a thorough conquest and the restoration of lasting tranquillity there as impossible. It is easy enough for the Spanish troops to subdue the insurgent places near the coast, where such troops can be subsisted by the fleet. But the interior is said to be so thinly peopled, so little cultivated, so densely covered by primeval forests, so destitute of roads, that no armies can penetrate into the country, where bands of natives exist with ease, ready to issue forth whenever an opportunity offers to assail the Spanish posts.

That gives the state of the war between Spain and Santo Domingo while our war was progressing, February 14, 1864. What was Spain doing there making war upon Santo Domingo? That will appear a little later.

I have a number of extracts which I should like to read, but under the admonitions in regard to the waste of time here and considering other matters, I shall not do it; but I could not forbear the opportunity of laying these matters before the Senate and the country in order to show that the motive of Spain toward the United States, while our war was going on, in recognizing the

belligerency of the Confederate States, was a motive connected with her determination to seize whatever of territory she could in the time of our distress and paralysis and hold it after our struggle had ended.

On January 31, 1865, Horatio J. Perry, who was then our minister at Madrid, wrote to Mr. Seward as follows:

LEGATION OF THE UNITED STATES, *Madrid, January 31, 1865.*

SIR: The debates in the Spanish Senate, which have run over a period of about twenty days, have been unusually interesting.

On the question of the reply to the Queen's speech, senators of the opposition have taken occasion to review the whole policy of the Government.

Attacked on the questions of the abandonment of Santo Domingo and the plan for the relief of the treasury by the adherents of O'Donnell, with that leader at the head, and on the question of the encyclical letter of the Pope and general policy of ministers toward Rome and Italy by the new Catholic orators, I have rarely witnessed a debate in which there has been more vigor and persistence shown in the attack or a cooler and more solid ability displayed in the defense. The orators of the Government have had the best of the argument on every point, but the struggle has been severe.

The name of the United States has been used as a bugbear by the orators of the opposition, who claimed that the occupation of Santo Domingo by the Spaniards was the only way of averting the annexation of Dominica to the United States and the consequent ruin of Spanish interests in the West Indies. The Duke of La Torre, the same captain-general of Cuba who made the arrangement with the Dominican general, Santana, was the loudest in this argument.

The Marquis of Valdeterrazo, minister of Spain to London in 1860, made the declaration of which I inclose a translation.

The Marquis of the Habana (General Concha), who has been twice captain-general of Cuba, and is now out with O'Donnell, defended the policy of abandonment, and said that the United States had long ago refused the annexation of Dominica (referring to the Cazneau treaty), and that Spain had taken them up only after they had been refused by other powers.

The Duke of La Torre (General Servaro) spoke strongly in favor of a declaration by Spain that the slave trade is piracy, and wanted steps to be immediately taken for the abolition of slavery in Cuba.

The Marquis of Habana desired the extinction of slavery, but preferred measures like those which Brazil had taken to suppress the slave trade, and which had been successful in two years.

He said that if there were anything to be apprehended from the side of the United States, or from any quarter, as a military man he must say that he thought the policy of Spain ought to be to concentrate her power as much as possible; and the possession of Santo Domingo added no strength to Spain, but was a decided source of weakness. The resources of Cuba were uselessly employed in Santo Domingo, and they might be needed in that island itself.

The debate was closed last evening, and the reply to the Queen's speech being put to the vote, passed the Senate by a vote of 102 for and 58 against the policy of the Government.

This is not a direct vote upon the bill for the abandonment of Santo Domingo, this bill not being before the Senate but before the lower House, to come up afterwards to the Senate; but the question is thus already debated and settled indirectly so far as the Senate is concerned, the House having done little else except to adjourn over from day to day to give the members an opportunity to be present at the Senate debates, and allow ministers also to be all present in the upper House.

This great trial of parliamentary strength over, all the interest now centers in the lower House, and the Senate adjourns over to allow ministers to be all present in the other House, as well as the senators themselves.

But the question of Santo Domingo is already prejudged, and the bill for the abandonment is already virtually carried by the Government.

* * * * * * *

With sentiments of the highest respect, I remain, sir,
Your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
*Secretary of State, Washington.*

Here is a translation, which Mr. Perry sends to his Government, of the declaration of the Marquis of Valdeterrazo:

[Translation.]

A mistake has been made in saying that the United States have made a treaty of annexation with Santo Domingo. This is not the fact.

When I was in London I was authorized by the Government of Her Majesty to occupy myself in this question, all the necessary facilities being conceded to me to engage not only the English Government but also the French to associate with the Spanish Government to carry out a demonstration to be made in the Bay of Samana.

I call attention to that, that the British Government, the French Government, and the Spanish Government, according to this statement, had made an agreement to carry out a demonstration to be made in the Bay of Samana.

Being authorized in this way, I conferred with the English Government on the serious damage which would be caused by the occupation of the Bay of Samana by the Anglo-American Government.

The English Government understood it in this light, but did not wish to bind itself unless the French Government associated itself also. I addressed myself to the latter, making a full explanation of the evils, the inconveniences, and the damage which the commerce of the three nations would receive if the United States should found an establishment or raise a fortification in that harbor. The French Government understood the gravity of the question, associated itself with the English and Spanish Governments, and the result was that the three made a demonstration toward the Bay of Samana, at the same time giving instructions to their representatives at Washington to manifest the displeasure which the three Governments would feel if the treaty of which we had advice, but whose tenor was not known, should be carried into effect.

The English Government some time after, having given the necessary orders for the uniting of the maritime forces of the three powers with the above-named object, obtained the first copy of this treaty, which it remitted to the Government of her Majesty.

In this treaty the annexation was not established. That which was alone established was the right to raise a fortification and to found a national establishment in the Bay of Samana by means of a compensation and other services to the Republic of Santo Domingo. For this reason the Duke de la Torre said very opportunely that the occupation of Samana is highly important, and that the Spanish Government should not abandon a post of so much value, not only for the Governments of England and France, but much more for the interests of Spain. In this I agree with the Duke de la Torre, and I say to the ministers that the abandonment of Santo Domingo is a danger, and I also say to the ministers that they ought to consider well to what an extent the security of our provinces beyond sea is compromised by the abandonment of Santo Domingo. The Government is still in time to avoid the evils and consequences which this measure may produce, and let it not be said that this is but an echo, for in order to defend Puerto Rico and the Island of Cuba more expense will have to be borne than is necessary to preserve Santo Domingo.

Those facts, I hope, will draw the attention of statesmen who are in this body to the situation of Spain at that time, to her purposes, and why it was she was occupying the Island of Santo Domingo while we were at war, after she had recognized the belligerency of the Confederate States. She and England and France combined to make an assault upon the United States for the purpose of displacing rights they supposed we had acquired by a secret treaty with the Government of Santo Domingo. Was her feeling toward us on that occasion friendly? Was there not a motive in her recognition of the belligerency of the Confederate States? Does she not stand before this people to-day and before the world as having been influenced in that apparently peaceful act by motives that had regard to the acquisition of power to the monarchy of Spain and in regard also to the infliction of wrong and injustice upon the people of the United States? There they had intended to violate the doctrine which the Senator from Texas [Mr. MILLS] referred to and has spoken upon so eloquently, which has been established in the expressed opinions of every statesman in America of whom I have ever heard, that we would not permit any foreign power to come and acquire dominion in these American islands. They intended taking advantage of what they supposed was the weakness or the embarrassment of the United States during a time of war to do precisely what was done by Austria and France and Maximilian afterwards—they intended to come here and intrench themselves upon this territory, and Spain came without any cause of war against Santo Domingo, a pure invasion, and took that island into her custody at the time we were engaged in belligerent operations here, in civil warfare.

Therefore, Mr. President, it will not do for us to sit by and ignore the facts of history and quietly and serenely to regard Spain as having been always our friend under all circumstances. That story has been told here until I suppose the American people were ready to believe that Spain had always been the bosom friend of the United States, and yet the very moment she found the United States in war, and before the battle of Bull Run had been fought, she recognized the belligerency of the Confederate States, and afterwards, as soon as she could marshal her ships and her armies, went and took possession of the Island of Santo Domingo, and held it until the rebel flag in the South was hauled down.

There is one other fact which I wish to put into the RECORD, and that is the proclamation of General Weyler, a circular of General Weyler's addressed to the military officers. This is not to the people; this is to the military. He addressed another to the people, in which he prescribed specific things that they were to do; certain lines of conduct which they were to observe, on the penalty of being shot to death without trial if they undertook to violate them. He says to the military:

I have addressed my previous proclamations at the moment of my landing to the loyal inhabitants, to the volunteers and firemen, and to the army and navy.

I may give you a slight idea of the intentions I have and the measures I shall follow as governor general in chief, in accordance with the general desire of Spain and with the decided aim of Her Majesty's Government to furnish all the means required to control and crush this rebellion.

Knowing this, and knowing my character—

What an appeal that was—Weyler appealing to his character—

I may perhaps need to say no more to make you understand what is the conduct that I am to follow.

There he anchors himself to every vile precedent that he had established in the previous war, and pledged himself to his officers, through his character and through the history of his conduct that he would repeat the same enormities in this struggle.

Mr. ALLEN. He appealed to his known character as a butcher.

Mr. MORGAN. Yes; he appealed to his character as a butcher, as the Senator well says. His proclamation continues:

But with the idea of avoiding all kinds of doubt, even keeping (as you are to keep) the circulars to be published, I deem it necessary to make some remarks.

It is not unknown by you that the state in which the rebellion has come and the raid made by the principal leaders recently, which could not be stopped even by the active pursuit of the columns, is due to the indifference, the fear, or the disheartenment of the inhabitants.

Is that public war? Are the people so disheartened or so afraid or so indifferent as that he has now to use the torture of war for the purpose of nerving them through a greater and higher fear to stand under his colors and fight his battles? He says further:

Since it can not be doubted that some, seeing the burning of their property without opposition, and that others who have been born in Spain should sympathize with the insurgents, it is necessary, at all hazards, to better this state of things and to brighten the spirit of the inhabitants, making them aware that I am determined to lend all my assistance to the local inhabitants.

PRAISING THE REBELS UNLAWFUL.

So I am determined to have the law fall with all its weight upon all those in any way helping the enemy, or praising them, or in any way detracting from the prestige of Spain or its army or of its volunteers. It is necessary for those by our side to show their intentions with deeds, and their behavior should leave no doubt and should prove that they are Spanish.

Since the defense of the country demands the sacrifice of her children, it is necessary that the towns should look to their defense, and that no precautions in the way of scouts should be lacking to give news concerning the enemy and whether it is in their neighborhood, and so that it may not happen that the enemy should be better informed than we.

The energy and vigor of the enemy will be strained to trace the course of our line, and in all cases you will arrest and place at my disposal to deliver to the courts those who in any way shall show their sympathy or support for the rebels.

The public spirit being encouraged, you must not forget to enlist the volunteers and guerrillas in your districts, not preventing at the same time the organization, as opportunity offers, of a guerrilla band of 25 citizens for each battalion of the army.

I propose that you shall make the dispositions you think most proper for the carrying out of the plan I wish, but this shall not authorize you to determine anything not foreseen in the instructions, unless the urgency of some circumstances should demand it.

"Urgency of circumstances," Mr. President, is a thing that General Weyler left to his officers, and amongst the particular orders which he issued, and which I have quoted in the RECORD at another place on a former occasion, he says that persons who are captured either with arms or without arms, whether they are citizens or whether they are soldiers, shall be sent to him at his headquarters wherever they may be; but if there is any insolence toward a Spanish officer this will not be expected—I do not quote his words; I have given the idea—that is to say, if they can provoke the poor victim into any sort of expression of heat or disappointment, any insolence toward the officer who may take him, "you can take him out and have him shot, and you will do all right."

I expect that, confining yourself to these instructions, you will lend me your worthy support toward the carrying out of my plan for the good of the Spanish cause.

WEYLER.

That is all I wish to say about this business. The American people can make their own comments, and they will not be slow to do it.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The joint resolution which was introduced by the Senator from Texas [Mr. MILLS] will go to the Calendar.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. BROWNING, its Chief Clerk, announced that the House further insisted upon its amendment to the concurrent resolution of the Senate relative to the insurrection in Cuba; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4463) to grant two condemned cannons and cannon balls to the Thirteenth Separate Company National Guard of State of New York.

The message further announced that the House had passed the following bill and joint resolution:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 1861) for the relief of James Linkey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Canal, in Aransas County, Tex.;

A bill (H. R. 4424) to correct the military record of George I. Spangler;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.;

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1616) to pension Michael E. Bucker, of Edgerton, Ind.;

A bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid the United States;

A bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (H. R. 6936) for the reconstruction of the Rock Island Bridge.

## SAFETY OF RAILROAD EMPLOYEES AND TRAVELERS.

Mr. WOLCOTT. There has just come over from the other House a bill to amend the act to promote the safety of employees and travelers. A similar bill was unanimously reported from the Committee on Interstate Commerce of the Senate, the effect of which is merely to provide that trains used exclusively for logging may be relieved from the provisions of the act. The cars used in logging trains, of which there are about 400 in the United States, are only 24 inches high, and it is physically impossible to equip them with grab irons and the other appurtenances required by law. The act goes into force very soon, and I hope the bill may now be passed. It has passed the House of Representatives and a similar bill has passed our committee unanimously.

Mr. CULLOM. I think the bill ought to be passed at some time.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Chair lays before the Senate the bill indicated.

The bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893, was read the first time by its title and the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WOLCOTT. I move that the bill (S. 2027) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, be indefinitely postponed. The bill was reported by the Committee on Interstate Commerce, and is to the same effect as the bill just passed.

The motion was agreed to.

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Canal, in Aransas County, Tex.; and

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

The bill (H. R. 4424) to correct the military record of George I. Spangler was read twice by its title, and referred to the Committee on Military Affairs.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. FRYE. I think that the Senator ought to ask that the unfinished business be temporarily laid aside in order to proceed with the appropriation bill.

The PRESIDING OFFICER. The Chair understands that that order has already been made.

Mr. FRYE. The unfinished business was laid aside temporarily in order that a speech might be made.

Mr. CULLOM. I think it was understood that that applied to the entire afternoon.

Mr. FRYE. All right, if that is the understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. When the Senate ceased considering the appropriation bill last evening we were on page 31, relating to the office of Comptroller of the Treasury, and in the consideration of that

paragraph the appropriation for the salary of the Assistant Comptroller was raised to $5,000 by a vote of the Senate. That necessitates a change of the total in line 19. The Committee on Appropriations reported to increase the total on account of the amendment reported by it from $39,400 to $39,900. I now move that the total be changed to "$40,400."

The amendment was agreed to.

The reading of the bill was resumed, beginning with line 20 on page 31, with the clause making appropriations for "Office of Auditor for Treasury Department." The next amendment of the Committee on Appropriations was, on page 36, line 5, before the word "pressmen," to strike out "three" and insert "four"; in line 7, before the word "separators," to strike out "eight" and insert "eleven"; in line 8, before the word "feeders," to strike out "seven" and insert "eight," and in line 11, before the word "dollars," to strike out "eighty-two thousand seven hundred and sixty-one" and insert "eighty-six thousand six hundred and one"; so as to make the clause read:

Office of the Treasurer: For Treasurer of the United States, $6,000; assistant treasurer, $4,000; cashier, $3,500; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; clerk for the Treasurer, $1,800; twenty-five clerks of class 4; seventeen clerks of class 3; thirteen clerks of class 2; coin clerk, $1,400; twenty clerks of class 1; nine clerks, at $1,000 each; forty-seven clerks, at $900 each; twenty-five expert counters, at $720 each; nine clerks, at $700 each; mail messenger, $840; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; four pressmen, at $1,200 each; one compositor and pressman, at $3.20 per day; eleven separators, at $960 each; eight feeders, at $880 each; in all, $286,601.60.

The amendment was agreed to.

The next amendment was, on page 86, after line 23, to insert:

For purchase of one press and one separating machine for use in sealing and separating securities, $2,000.

The amendment was agreed to.

The next amendment was, on page 40, line 22, after the word "three," to insert "stenographer and typewriter, $1,500"; in line 23, before the word "clerks," to strike out "five" and insert "four"; and on page 41, line 2, before the word "hundred," to strike out "five" and insert "six"; so as to make the clause read:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, $3,000; chief clerk, $2,250; statistical clerk, $2,000; four clerks of class 4, three clerks of class 3; stenographer and typewriter, $1,500; four clerks of class 2; nine clerks of class 1; six clerks, at $1,000 each; two copyists; one messenger; one assistant messenger; one laborer; and one female laborer, $480; in all, $47,650.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $1,000.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "copyists," to strike out "one messenger, $600," and insert "two messengers, at $600 each"; and in line 20, before the word "hundred," to strike out "twenty-five thousand nine" and insert "twenty-six thousand five"; so as to make the clause read:

Office of Supervising Surgeon-General Marine-Hospital Service: For Supervising Surgeon-General, $4,000; one clerk, $1,800; five clerks, at $1,600 each; two clerks, at $1,200 each; clerk and translator, $1,200; hospital steward (employed as chemist), $1,200; six copyists; two messengers, at $600 each; two laborers, at $480 each, and one laborer, $360; in all $26,520, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

The amendment was agreed to.

The next amendment was, on page 45, line 15, before the word "and," to strike out "wagon" and insert wagons"; so as to read:

For purchase of horses and wagons for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, $2,000.

The amendment was agreed to.

The next amendment was, in the provision for office of assistant treasurer at Boston, on page 49, line 1, after the word "dollars," to insert "messenger, $1,000"; in line 3, before the word "watchmen," to strike out "three" and insert "four," and in line 6, before the word "dollars," to strike out "thirty-eight thousand nine hundred and ten" and insert "forty thousand seven hundred and sixty"; so as to read:

Messenger and chief watchman, $1,000; messenger, $1,000; stenographer and typewriter, $1,000; four watchmen and janitors, at $850 each; in all, $40,760.

The amendment was agreed to.

The next amendment was, on page 49, line 15, after the word "dollars," to insert "stenographer, $720," and in line 19, before the word "dollars," to strike out "thirty-three thousand five hundred" and insert "thirty-four thousand two hundred and twenty"; so as to make the clause read:

Office of assistant treasurer at Chicago: For assistant treasurer, $4,500; cashier, $2,500; paying teller, $1,800; bookkeeper, assorting teller, and receiving teller, at $1,500 each; clerk, $1,600; two coin, coupon, and currency clerks, at $1,500 each; ten clerks, at $1,200 each; messenger, $840; stenographer, $720; janitor, $600; and three watchmen, at $720 each; in all, $34,220.

The amendment was agreed to.

The next amendment was, in the provision for office of assistant treasurer at New York, on page 51, line 15, after the word "dollars," to insert "stenographer, $1,200"; in line 18, after the word "each," to insert "money counter, $900; money counter, $800"; and on page 52, line 6, before the word "hundred," to strike out "ninety-two thousand eight" and insert "ninety-five thousand seven"; so as to read:

Stenographer and typewriter, $1,400; stenographer, $1,200; three clerks, at $1,300 each; eleven clerks, at $1,200 each; six clerks, at $1,000 each; money counter, $900; money counter, $800; two messengers, at $1,200 each; three messengers, at $900 each; two messengers, at $800 each; two hall men, at $1,000 each; two porters, at $900 each; superintendent of building, $1,800; chief detective, $1,500; assistant detective, $1,200; engineer, $1,000; assistant engineer, $820; six watchmen, at $720 each; in all, $195,700.

The amendment was agreed to.

The next amendment was, on page 57, line 20, to increase the appropriation for incidental and contingent expenses of the assay office at Boise, Idaho, from $2,000 to $3,000.

Mr. DUBOIS. It is not necessary, of course, to say anything in regard to the amendment, but for the benefit of the conferees I wish to state that the gold received at the assay office in Boise City, Idaho, increased about 33⅓ per cent last year over the previous year, and the indications are that during the next year it will be much further increased. The money for contingent expenses for the assay office is not adequate to take care of this largely increased work, owing to the great gold production in the State. This is one of the largest assay offices in the country, and we have not asked for a great deal.

I state these facts in order that they may be before the conferees. I am very glad to say that the committee of the Senate were willing to put in the additional increase asked for.

Mr. CULLOM. From the representations of the Senator from Idaho [Mr. DUBOIS] before the committee we were unanimous in believing that the amendment should be made.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the provision for Territory of New Mexico, page 61, line 14, after the words "United States," to insert "except a translator and an interpreter"; so as to read:

That no other officer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For repairs of the Adobe Palace at Santa Fe, N. Mex., $2,000.

The amendment was agreed to.

The next amendment was, in the provision for Oklahoma Territory, on page 62, line 6, after the word "dollars," to insert:

*Provided*, That the legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location.

The amendment was agreed to.

The reading of the bill was continued to page 71, line 3.

Mr. CULLOM. Under the head of "Navy Department, Office of the Secretary," after the word "dollars," in line 15, page 70, I move to insert "appointment clerk, $2,250."

The amendment was agreed to.

Mr. CULLOM. The total should be corrected. I move, on page 71, lines 2 and 3, to strike out the words "forty-eight thousand seven hundred and sixty dollars" and insert "fifty-one thousand and ten dollars."

The amendment was agreed to.

The reading of the bill was continued to page 71, line 19.

Mr. COCKRELL. In accordance with the action taken yesterday, the words in line 12, "to be selected by reason of special aptitude," should be stricken out.

Mr. CULLOM. I think both lines 12 and 13 should go out, so as to read:

For two clerks of class 4.

Mr. COCKRELL. That would leave it in better shape.

Mr. CULLOM. I move to strike out, after the word "for," in line 11, page 71, the words "the following employees, to be selected by reason of special aptitude for the work by the Secretary of the Navy, namely"; so as to read:

Office of Naval Records of the Rebellion: For two clerks of class 4, etc.

The amendment was agreed to.

The reading of the bill was continued to page 76, line 18.

Mr. CULLOM. On page 76, under the heading of "Bureau of Steam Engineering," I move to strike out all of line 15, and in line 16 to strike out the word "assistant," where it first appears, and in lines 17 and 18 to strike out the words "eleven thousand and ninety" and insert "eight thousand eight hundred and forty"; so as to read:

Bureau of Steam Engineering: For chief clerk, $1,800; one clerk of class 2; one clerk of class 1; one assistant messenger; two laborers; draftsman, $1,400; assistant draftsman, $1,000; in all, $8,840.

Those positions are provided for in previous pages of the bill, so that they are not needed here.

Mr. KYLE. Does the Senator move to strike out the word "assistant," in line 16, before the word "draftsman"?

Mr. CULLOM. The word "assistant" where it first occurs.

Mr. KYLE. Is it not necessary to substitute the word "one"; so as to read "one draftsman"?

Mr. CULLOM. The word "draftsman" covers the case. It will read:

Draftsman, $1,400; assistant draftsman, $1,000.

Mr. KYLE. The word "one" would be better.

Mr. CULLOM. I do not think it is necessary there.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 79, line 7, before the word "clerks," to strike out "nine" and insert "ten"; so as to read "ten clerks of class 3," and on page 80, line 1, to increase the total appropriations for the Office of the Secretary, under the head of "Department of the Interior," from $220,070 to $221,670.

The amendment was agreed to.

Mr. CULLOM. After the word "dollars," in line 2, on page 80, I move to insert:

To enable the Secretary of the Interior to employ laborers in the work of distributing the reports of the Eleventh Census, $3,900, to be immediately available.

The amendment was agreed to.

Mr. CULLOM. I ask that the letter of the Secretary of the Interior on the subject be incorporated in the RECORD without being read.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, March 16, 1896.*

SIR: I have the honor to call your attention to an embarrassment to which the Department of the Interior is subjected in the distribution of the reports of the Eleventh Census, which embarrassment has arisen as follows:

Section 64 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, reads as follows: "Upon the appointment of the superintendent of documents as hereinbefore provided, the office of the superintendent of documents in the Department of the Interior shall be, and is hereby, abolished, and all laws now in force providing for the delivery to the Department of the Interior of public documents for distribution, other than such as are for the use of that Department, shall be, and the same are hereby, repealed: *Provided*, That the distribution of the reports of the Eleventh Census shall be continued and completed by the superintendent of documents, under existing laws and regulations."

You will discover that by the provisions of this section the office of superintendent of documents in the Interior Department was abolished upon the appointment of superintendent of documents by the Public Printer. The proviso of said section, however, seems to contemplate that the distribution of the reports of the Eleventh Census shall be continued and completed by the former incumbent of the office in the Interior Department after said office had been abolished.

Owing to the vague, ambiguous provisions of said section I have been in doubt as to whether the duty of the distribution of the reports of the Eleventh Census devolved upon the newly appointed superintendent of documents or the former incumbent of that office.

Up to this time, however, the distribution of said reports has been continued by the clerk in charge of documents in the Interior Department.

I have called your attention to the ambiguity in section 64 above referred to, thinking that you might see proper to amend the same so as to make its provisions more explicit or that you may make some legislative interpretation of the same.

I next call your attention to the fact that Congress failed to make provision for the employment of a sufficient number of packers to do the work of distribution, as has been the case in the distribution of former Census reports, as you will see, for instance, by reference to 22 Statutes at Large, page 555, and 23 Statutes at Large, pages 185 and 416.

Up to the present time the work of distribution has been done by a detailed force from the Census roll, but we have now reached that point where this detailed force is no longer available.

Under date of 17th instant the Commissioner of Labor in charge, in a letter directed to the Secretary of the Interior, calls attention to the fact that it was not contemplated by the act providing for the printing and binding and distribution of the final reports of the Eleventh Census that the distribution should be made by the Census Office. In this letter the Commissioner of Labor says:

"I desire now to call your attention to the fact that it is impossible for the Census division to carry these details any longer on the Census roll. There are now 10 such details. I believe it possible to complete all the clerical work legitimately belonging to the Census division under the appropriations now at its disposal, but if the Census division must carry the expense of distributing the volumes, a duty which by law does not belong to it, I hardly think such a result possible."

We are now left, therefore, without any laboring force with which to do this work. For this purpose it is necessary that the Department be allowed to employ six laborers to carry on the work.

I respectfully suggest an amendment to the legislative, judicial, and executive bill now pending before your committee allowing the Department to employ such persons, and that the funds necessary to do so be made immediately available.

If it should be the opinion of your committee, after the investigation of the provisions of said section 64, that the work of distribution should be done by the present superintendent of documents, I should be glad to be at once advised of such opinion.

Respectfully,

HOKE SMITH, *Secretary.*

Senator W. B. ALLISON,
*Chairman Senate Appropriation Committee.*

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 85, after line 23, to insert:

For the purchase of statutes and other necessary law books for the Pension Office, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 11, to insert:

Classification division, Patent Office: For additional force for the Patent Office, namely: For chief of classification division, $2,000; two first assistant examiners, at $1,800 each; two second assistant examiners, at $1,600 each; two third assistant examiners, at $1,400 each; twenty-four fourth assistant examiners, at $1,200 each; two clerks, at $1,000 each; one copyist, at $900; and one assistant messenger, at $720; in all, $44,020.

The amendment was agreed to.

The reading of the bill was continued to the close of the paragraph on page 88, making appropriation "for producing copies of drawings of the weekly issues of patents," etc.

Mr. PLATT. There is a proposed amendment to come in there, but I suppose we may as well wait until the bill is read through before it is offered.

Mr. CULLOM. To what clause does the Senator refer?

Mr. PLATT. To the clause beginning in line 4 and ending in line 16, on page 88. The Senator from South Dakota [Mr. KYLE] proposes to offer an amendment to come in at the end of that clause, but I suppose it should properly be offered after the bill has been read through.

Mr. KYLE. I intend to offer the amendment after the reading of the bill has been completed.

Mr. CULLOM. The Senator will then have an opportunity to do so.

The reading of the bill was resumed and continued to line 3 of the clause making appropriations for compensation of Commissioner of Education and the clerks and employees in his office, on page 89.

Mr. BATE. On page 89, line 2, after the word "statistician," I give notice that I shall move to strike out "$1,800" and insert "$2,000," increasing the salary of that officer to that amount. I do not ask to have the amendment considered just now, however, but shall offer it after the reading of the bill has been concluded.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be considered hereafter when the committee amendments are concluded.

Mr. CULLOM. The Senator from Tennessee and all other Senators will have an opportunity of offering amendments after the committee amendments are disposed of.

Mr. BATE. Very well.

Mr. CULLOM. I therefore hope the Senator will not offer his amendment for the present.

Mr. BATE. I shall take that course.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 89, line 7, before the word "dollars," to strike out "one thousand six hundred" and insert "two thousand"; and in line 16, after the word "thousand," to insert "four hundred"; so as to make the clause read:

Bureau of Education: For Commissioner of Education, $3,000; chief clerk, $1,800; statistician, $1,800; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in education as a preventive of pauperism and crime, $2,000; two clerks of class 4; two clerks of class 3; translator, $1,600; four clerks of class 2; seven clerks of class 1; two clerks, at $1,000 each; seven copyists; skilled laborer, $840; two copyists, at $800 each; copyist, $720; one assistant messenger; two laborers; two laborers, at $480 each; laborer, at $460; and one laborer, at $300; in all, $50,420.

The amendment was agreed to.

The next amendment was, on page 90, after line 19, to insert:

The Commissioner of Education is hereby authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, facts as to compulsory attendance in the schools, and such other educational topics in the several States of the Union and in foreign countries as may be deemed of value to the educational interests of the States, and there shall be printed one edition of not exceeding 25,000 copies of each issue of said bulletin for distribution by the Bureau of Education.

The amendment was agreed to.

Mr. CULLOM. I desire to offer a slight amendment to make it certain from what fund the expense provided for in that clause will come. I move the amendment which I send to the desk, to come in on line 4, page 91.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 4, page 91, the following:

The expense of printing and binding such bulletins to be charged to the allotment for printing and binding for the Department of the Interior.

Mr. CULLOM. The Public Printer thought it would probably be safer to make that item a little more specific.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois.

The amendment was agreed to.

Mr. MILLS. I ask the Senator in charge of the bill if he will not consent to let the matter beginning at section 6, on page 116, go over until to-morrow? I have to leave the Senate for a time, and I have something I wish to say when that matter comes up. The section to which I refer is that in regard to United States district attorneys and marshals.

Mr. CULLOM. I shall make no objection to that request, as we shall probably not reach that point this evening. I agree that the provision to which the Senator refers shall go over until tomorrow.

Mr. MILLS. I have some letters I wish to read before that section is acted upon.

Mr. CULLOM. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 4, before the word "dollars," to strike out "seven watchmen employed on the Capitol Grounds, at $840 each; in all, twenty thousand six hundred and forty-four" and insert "fourteen thousand seven hundred and sixty-four"; so as to make the clause read:

Office of the Architect of the Capitol: For Architect, $4,500; one clerk of class 4; draftsman, $1,800; compensation to disbursing clerk, $1,000; one assistant messenger; person in charge of the heating of the Congressional Library and Supreme Court, $804; laborer in charge of water-closets in central portion of the Capitol, $660; three laborers for cleaning Rotunda, corridors, and Dome, at $660 each; two laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; in all, $14,764.

The amendment was agreed to.

The next amendment was, on page 93, line 11, after the word "dollars," to insert "additional rooms for the engraving and printing division of the Geological Survey, $1,200"; and in line 17, before the word "dollars," to strike out "thirty-nine thousand" and insert "forty thousand two hundred"; so as to make the clause read:

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, $4,000; Geological Survey, $10,000; additional rooms for the engraving and printing division of the Geological Survey, $1,200; Indian Office, $6,000; storage of documents, $2,000; Civil Service Commission, $4,000; Patent Office model exhibit, $13,000; in all, $40,200.

The amendment was agreed to.

The next amendment was, on page 94, line 11, before the word "dollars," to strike out "eight thousand five hundred" and insert "ten thousand"; and in line 12, before the word "dollars," to strike out "ten thousand five hundred" and insert "twelve thousand"; so as to make the clause read:

For surveyor-general of the State of Colorado, $2,000; and for the clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 94, line 15, before the word "dollars," to insert "six hundred"; so as to make the clause read:

For rent of office for the surveyor-general, fuel, books, pay of messenger, stationery, and other incidental expenses, $3,600.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause making appropriations for the salary of the surveyor-general of Oregon and his clerical force, beginning in line 12, on page 96.

Mr. McBRIDE. I wish now, by direction of the Committee on Public Lands, to offer an amendment which I was instructed to submit by that committee.

Mr. CULLOM. The amendment to which the Senator refers is an original amendment to the provision as it comes from the other body to the Senate, and will only be in order after we get through with the amendments of the Committee on Appropriations.

Mr. McBRIDE. Very well; I shall let the amendment go over for the present.

Mr. CULLOM. The Senator will have an opportunity to offer the amendment after the amendments of the Committee on Appropriations are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 97, line 19, after the word "Department," to strike out "who shall also be superintendent of the Post-Office Department buildings"; so as to make the clause read:

Office Postmaster-General: For compensation of the Postmaster-General, $8,000; chief clerk Post-Office Department, $2,500; stenographer, $1,800; stenographer, $1,600; appointment clerk, $1,800; one clerk of class 4; two clerks of class 3; one clerk of class 2; one clerk, $1,000; one curator of museum, $1,000; one messenger; one assistant messenger; page, $900; in all, $26,020.

The amendment was agreed to.

The next amendment was, on page 98, line 23, before the word "laborers," to strike out "nine" and insert "ten"; and on page 99, line 18, before the word "dollars," to strike out "one hundred and sixty" and insert "eight hundred and twenty"; so as to make the clause read:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, $4,000; chief clerk, $2,000; chief of salary and allowance division, $2,500; superintendent of post-office supplies, $2,000; superintendent of free delivery, $3,000; assistant superintendent of free delivery, $2,000; three clerks of class 4; nine clerks of class 3; eight clerks of class 2; nine clerks of class 1; eight clerks, at $1,000 each; three clerks, at $900 each; six assistant messengers; ten laborers; two pages, at $360 each; superintendent of the money-order system, $3,500; chief clerk, $2,000; six clerks of class 4; eight clerks of class 3; five clerks of class 2; six clerks of class 1; six clerks, at $1,000 each; two clerks, at $900 each; one assistant messenger; engineer, $1,000; assistant engineer for additional building for Auditor for Post-Office Department, $1,000; one fireman; four watchmen; conductor of elevator, $720; four charwomen; female laborer, $480; and ten laborers; superintendent of Dead-Letter Office, $2,500; one clerk of class 4, who shall be chief clerk; one clerk of class 4; three clerks of class 3; ten clerks of class 2; twenty-four clerks of class 1; twenty-eight clerks, at $1,000 each; thirty-three clerks, at $900 each; one assistant messenger; six laborers; four female laborers, at $480 each; in all $263,820.

The amendment was agreed to.

The next amendment was, on page 101, line 25, after the word "clerk" where it occurs the second time, to insert the words "and superintendent of buildings"; so as to read:

Office of disbursing clerk: Disbursing clerk and superintendent of buildings, $2,100.

The amendment was agreed to.

The next amendment was, on page 102, line 21, after the word "the" where it occurs the second time, to strike out "Sixth Auditor's Office" and insert "Auditor for the Post-Office Department"; so as to make the clause read:

For contingent expenses of the Post-Office Department, including the additional building occupied by the money-order division of the Auditor for the Post-Office Department and the additional building used for storage of post-office supplies, namely, etc.

The amendment was agreed to.

The next amendment was, on page 103, line 19, before the word "dollars," to insert "six hundred"; so as to make the clause read:

For purchase, exchange, and keeping of horses and repair of wagons and harness, to be used only for official purposes, $1,600.

The amendment was agreed to.

The next amendment was, on page 104, line 12, after the word "dollars," to strike out "And the Postmaster-General may, in his discretion, cause the contract for furnishing the Official Postal Guide to be let for a term of four years"; so as to make the clause read:

For the publication of copies of the Official Postal Guide, including not exceeding 1,500 copies for the use of the Executive Departments, $25,000.

The amendment was agreed to.

The next amendment was, on page 105, line 10, before the word "assistant," to strike out "three" and insert "five"; in line 17, before the word "clerks," to strike out "six" and insert "seven"; in line 21, before the word "dollars," to insert "two hundred"; in the same line, before the word "clerks," to strike out "seven" and insert "eight"; in line 22, before the word "clerks," to strike out "nine" and insert "ten"; in the same line, before the word "clerks," to strike out "eleven" and insert "fifteen"; in line 24, before the word "copyists," to strike out "nine" and insert "six"; and on page 106, line 5, before the word "hundred," to strike out "fifty-six thousand five" and insert "sixty-eight thousand six"; so as to make the clause read:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: For compensation of the Attorney-General, $8,000; Solicitor-General, $7,000; four Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $4,000; Solicitor of Internal Revenue, $4,500; Solicitor for the Department of State, $3,500; two assistant attorneys, at $3,000 each; five assistant attorneys, at $2,500 each; assistant attorney, $2,000; law clerk and examiner of titles, $2,700; chief clerk and ex officio superintendent of the building, $2,500; stenographic clerk, $1,800; three stenographic clerks, at $1,600 each; two law clerks, at $2,000 each; seven clerks of class 4; attorney in charge of pardons, $2,400; additional for disbursing and appointment clerk, $500; chief of division of accounts, $2,200; eight clerks of class 3; ten clerks of class 2; fifteen clerks of class 1; telegraph operator and stenographer, $1,200; six copyists; one messenger; five assistant messengers; four laborers; three watchmen; engineer, $1,200; two conductors of the elevator, at $720 each; eight charwomen; superintendent of building, $250; and three firemen; in all, $168,610.

The amendment was agreed to.

The next amendment was, on page 106, line 9, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand"; so as to make the clause read:

For law books for library of the Department, $2,000.

The amendment was agreed to.

The next amendment was, on page 106, line 24, before the word "clerks," to strike out "three" and insert "four," and on page 107, line 2, before the word "hundred," to strike out "twenty-six thousand eight" and insert "twenty-eight thousand six"; so as to make the clause read:

Office of the Solicitor of the Treasury: For Solicitor of the Treasury, $4,500; Assistant Solicitor, $3,000; chief clerk, $2,000; four clerks of class 4; four clerks of class 3; three clerks of class 2; one assistant messenger; and one laborer; in all, $28,680.

The amendment was agreed to.

The next amendment was, on page 107, line 4, before the word "hundred," to strike out "three" and insert five"; so as to make the clause read:

For law books for office of the Solicitor of the Treasury, $500.

The amendment was agreed to.

The next amendment was, on page 108, after line 23, to insert:

For expense of printing and distributing advance sheets of the opinions of the Supreme Court of the United States to all the circuit and district judges of the United States, $2,000, or so much thereof as may be necessary, to be expended under the direction of the clerk of the Supreme Court of the United States.

The amendment was agreed to.

The next amendment was, on page 109, after line 14, to insert:

For a messenger of the United States circuit court of appeals for the eighth judicial circuit, who shall also perform the duties of librarian and crier of said court, the sum of $2,000 as yearly compensation; said messenger shall also receive his necessary traveling and other expenses when said court shall hold a term at any other place than that of his residence, not to exceed, however, $5 per day, and said messenger shall be appointed by the judges of said circuit court of appeals to serve during the pleasure of the court.

Mr. CULLOM. In the clause making appropriations for "district courts," on page 110, line 8, before the word "district," I move to strike out "sixty-four" and insert "sixty-five," on account of the admission of Utah as a State of the Union; and in line 10, to change the total from "$320,000" to "$325,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 110, line 8, before the word "district," it is proposed to strike out "sixty-four" and insert "sixty-five"; and in line 10, before the word "thousand," to strike out "twenty" and insert "twenty-five"; so as to make the clause read:

District courts: For salaries of sixty-five district judges of the United States, at $5,000 each $325,000.

The amendment was agreed to.

The next amendment was, on page 110, line 19, after the word "and," to strike out "ninety-six" and insert "ninety-seven"; so as to make the clause read:

Retired judges: To pay the salaries of the United States judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1897, is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 111, after line 1, to insert:

For reporter, $1,500, to be paid monthly: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume.

The amendment was agreed to.

The next amendment was, on page 111, line 8, before the word "hundred," to strike out "twenty-four thousand seven" and insert "twenty-six thousand two"; so as to make the clause read:

For necessary expenditures in the conduct of the clerk's office, $500; in all, $26,220, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 112, after line 3, to strike out:

That section 843 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals shall be made for each fiscal year, and from the fees and emoluments of that fiscal year, and not otherwise."

That the compensation of district attorneys, clerks, and marshals for the half year ending June 30, 1896, shall be allowed and settled upon the basis of the returns for that half year.

That hereafter all United States marshals shall be allowed ninety days after the 30th of June and ninety days after the 31st of December in which to make their returns of fees and emoluments under the provisions of section 833 of the Revised Statutes of the United States, which is hereby amended accordingly.

Mr. CULLOM. Those clauses are to be stricken out with the expectation that the provisions in reference to attorneys and marshals which are found in the bill will later be adopted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, after line 20, to strike out:

SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding sixty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding sixty days. All details heretofore made are hereby revoked, but may be renewed as provided herein."

The amendment was agreed to.

The next amendment was, on page 115, after line 21, to strike out section 6, as follows:

SEC. 6. All laws or parts of laws inconsistent with this act are repealed.

Mr. CULLOM. The remaining sections of the bill, commencing with line 24, page 115, and going down to the end of line 15, page 134, relate to attorneys and marshals of the courts, and I have consented that those provisions may go over until to-morrow morning. Section 21, which is on page 124, may be read and disposed of to the end of the bill.

The PRESIDING OFFICER. The sections indicated will be passed over, and the reading of the bill will be proceeded with.

The reading of the bill was resumed at line 16, page 134, and concluded.

Mr. CULLOM. The Senate yesterday began on the first page of the bill, but there was considerable confusion in reference to the provisions as to clerks of committees, and I asked of the Senate to pass over that portion of the bill until later, which was done. I ask now that the Secretary begin to read where we stopped on those provisions.

The SECRETARY. After line 3, on page 5, the Committee on Appropriations report an amendment, to insert as follows:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

Mr. COCKRELL. On page 8, in connection with the same subject-matter, "for 38 annual clerks to Senators who are not chairmen of committees, at $1,200 each," I move in lieu of $1,200 to insert $1,440.

The PRESIDING OFFICER. The pending amendment is the one on page 5, which has been stated.

Mr. HOAR. I move to strike out the word "and," in line 7, and after the word "Canal," in the eighth line of the committee amendment, I move to insert "and on Revolutionary Claims."

The PRESIDING OFFICER. The Chair understands that an amendment is already pending to the amendment.

Mr. KYLE. I believe my amendment to the amendment is pending, and I ask leave to withdraw it.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota is withdrawn. The amendment of the Senator from Massachusetts [Mr. HOAR] to the committee amendment will be stated.

The SECRETARY. On page 5 it is proposed to amend the amendment by striking out the word "and," in line 7, and inserting after the word "Canal" the words "and on Revolutionary Claims."

Mr. CULLOM. I desire to state that it was an oversight that the Committee on Revolutionary Claims was not incorporated in the list. I hope the amendment to the amendment will be adopted.

Mr. GRAY. I move that there be added at the end of the amendment the words "the Committee on the Five Civilized Tribes."

Mr. CARTER. I move as a substitute for the clause as read and for the various amendments what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 5 it is proposed to strike out from line 4 to line 13, inclusive, as follows:

For clerks to the Committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

For twenty-six clerks to committees, at $1,440 each; in all, $37,440.

And to insert:

For twenty-eight clerks to committees, at $1,800 each, the sum of $50,400.

The PRESIDING OFFICER. The amendment first in order is that offered by the Senator from Massachusetts [Mr. HOAR] to the committee amendment. The question is on agreeing to the amendment to the amendment.

Mr. PEFFER. In the confusion I could not hear what the amendment was, and I am not ready to vote upon it.

Mr. HOAR. I withdraw the amendment for the time being.

The PRESIDING OFFICER. If there be no objection, the amendment to the amendment is withdrawn.

Mr. CULLOM. Let the amendment offered by the Senator from Montana [Mr. CARTER] to the amendment be again read.

Mr. GRAY. I have an amendment which precedes that amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be again read.

The SECRETARY. On page 5, strike out lines 3 to 13, inclusive, and insert:

For twenty-eight clerks to committees, at $1,800 each, the sum of $50,400.

Mr. CARTER. Mr. President, it will be observed that my amendment to the amendment contemplates perfect equality in so far as concerns payment for the services of the seven clerks named in the first subdivision of the committee amendment and those referred to under the general designation of 21 clerks in the second subdivision, beginning with line 10. Under it the clerks of committees, designated as 21 in number, now receiving $1,440 a year will receive $1,800 in lieu of that sum, and those provided for in the first subdivision, designated as persons to receive $2,100 per annum, will be reduced from that amount to the sum of $1,800.

I understand the fact that all clerks of committees perform identically the same class of service; that the same talents are required for all the committees enumerated in this number of 28 clerks; that the service they perform is in no manner dissimilar. There does not seem to be any substantial reason why there should be a discrimination in the matter of payment for such services. I think the amendment to the amendment is equitable, just, fair, and that it in no sense creates a discrimination.

Mr. NELSON. Mr. President, I think, in order that Senators may be placed on a footing of equality and be treated with fairness and equity, the amendment offered by the Senator from Montana [Mr. CARTER] ought to be adopted. I know one instance that illustrates the injustice of the pending bill in this respect. I happen to be a member of two committees which have not a great deal to do. One is the Committee on Immigration and the other the Committee to Establish the University of the United States. By the bill as reported the clerk of one of those committees is given a salary of $2,100, while the clerk of the other, the Committee to Establish the University of the United States, is left at the old figure.

I know what the work of these two committees has been, and I know that the committee of which the Senator from North Dakota [Mr. KYLE] is chairman, the Committee to Establish the University of the United States, has had more work and more hearings, and as a committee has done more work, than the committee which is favored by the bill.

It seems to me, in order that we may all have fair treatment and be placed on a footing of equality, that the amendment to the amendment ought to be adopted. I think the Senators in whose favor the discrimination is made in the paragraph in italics ought to be willing to yield this to the other Senators.

Mr. PEFFER. May I ask the Senator from Minnesota whether the aggregate of the appropriation will be increased?

Mr. NELSON. Very little; only a few thousand dollars.

The PRESIDING OFFICER. The Senator from Delaware [Mr. GRAY] has offered an amendment.

Mr. GRAY. I withdraw the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Montana [Mr. CARTER] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GRAY. I desire to offer an amendment. On page 2, line 23, there is a provision for "librarian, $2,220." I move to strike out the words "two thousand two hundred and twenty dollars" and insert "two thousand five hundred dollars;" so that it will read "librarian, $2,500."

Mr. VEST. Librarian of what library?

Mr. GRAY. Of the Senate library.

The present librarian, Mr. Church, who has been there ever since I have been in the Senate and was there a good many years before, is known to all Senators, especially to the older ones, as a most efficient, trustworthy, and competent official. He holds a position which requires more than ordinary experience and education and some special aptitude, qualities that are not always to be found. He is a good lawyer, which a librarian of the Senate library ought to be. He is perfectly familiar with the history of legislation for the last quarter of a century, and we all know that we never apply to him without finding that he can give us the assistance which we are in special need of at the time of the inquiry.

I do not believe we have a right to demand or to expect to acquire the services of a man competent for that position for less than $2,500. It seems to me that we ought not to give him less than that sum now in his old age and disability.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. One page 2, line 21, it is proposed to strike out "$2,220" and insert "$2,500"; so as to read:

Librarian, $2,500.

Mr. CULLOM. I desire to say a word in reference to the amendment. In the outset I wish to state that I think the amendment ought to be adopted. I happen to be one who has known for a great many years the gentleman who occupies the position of assistant librarian. When I first knew him he was a very eminent lawyer, the general solicitor of the Chicago and Alton Railroad, with his office at Chicago. He had subject to his orders many local attorneys, and was recognized as a very able lawyer and a most splendid gentleman in every way. It so happened that suddenly he was stricken in such a way as that he has had a very hard struggle to live and make a living for his family. He is a very able man, and while he is physically unable to move himself about very well, he is thoroughly competent for the discharge of the duties that he is charged with. I confess I would be very much gratified to see this amendment adopted.

Mr. COCKRELL. I suggest as an amendment to the amendment "while held by the incumbent."

Mr. CULLOM. I have no objection to those words being added.

Mr. GRAY. Say "the present incumbent."

Mr. COCKRELL. Yes; "while the office is held by the present incumbent."

The PRESIDING OFFICER. Does the Senator from Delaware accept the modification?

Mr. GRAY. I accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," on page 2, line 23, insert "while the office is held by the present incumbent."

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. CULLOM. On page 8, lines 8 and 9, the total ought to be fixed. I move to insert "$65,586.90" instead of the amount specified in the bill.

The amendment was agreed to.

Mr. COCKRELL. I move, on page 8, line 2, to strike out "$1,200" and insert "$1,500"; so as to read:

For thirty-eight annual clerks to Senators who are not chairmen of committees, at $1,500 each, etc.

The amendment was agreed to.

Mr. CULLOM. I move that the total for that item be changed so as to read "$57,000" instead of "$45,600."

The amendment was agreed to.

Mr. COCKRELL. On page 34, line 3, after the words "thousand dollars," I move to insert, "for chief of division of judicial accounts, $2,200," and then to strike out "three" and insert "two"; so as to read "two chiefs of divisions." That makes the chief of the division in the Auditor's Department the same as the chief of the division in the Attorney-General's Office. He has jurisdiction of the same subjects-matter.

The amendment was agreed to.

Mr. COCKRELL. In line 8 I move to strike out "one" and insert "three"; so as to make the total read "$87,300."

The amendment was agreed to.

Mr. KYLE. I now offer the amendment to which my attention was called by the Senator from Connecticut [Mr. PLATT], on page 88.

Mr. CULLOM. Will the Senator from South Dakota suspend one moment? On page 6, line 12, in the appropriations for the office of the Sergeant-at-Arms and Doorkeeper of the Senate, the word "two," near the end of the line, ought to be stricken out and "three" inserted; so as to make it read "three laborers" instead of "two." I move that amendment.

The amendment was agreed to.

Mr. CULLOM. If the Senator from South Dakota will pardon me one moment I will correct the total there. I move, at the end of the paragraph, in lines 18 and 19, to insert as the total "$119,344" instead of "$118,504."

The amendment was agreed to.

Mr. KYLE. After the word "dollars," in line 16, on page 88, I move to insert:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of four years from the 1st day of July, 1896, or, in his discretion, he may make a new contract for the said work as now provided by law for the term of four years, beginning with the 1st day of July, 1896, the provisions of section 3679 of the Revised Statutes of the United States to the contrary notwithstanding.

Mr. CULLOM. I think I must make a point of order upon that amendment. It is new legislation, and in my judgment it would not be good legislation.

Mr. KYLE. I do not think it is new legislation, but it is merely carrying into effect the present law.

Mr. CULLOM. It is clearly new legislation.

Mr. KYLE. I wish to state with reference to the amendment that it has had the unanimous approval, I believe, of the Committee on Patents. It merely requires the Secretary of the Interior to continue the present contract for the publication of the Patent Office Gazette for a period of four years.

Mr. CULLOM. It is new legislation just the same.

Mr. KYLE. I presume the fact is familiar to all Senators here—we have discussed it in the Senate for the past four or five years at any rate—that one firm, the Norris Peters firm, in this city, had that contract and received since 1877, I believe, $145,000 a year until last year for the publication of this work. Last year it was thrown open again.

Mr. CULLOM. I think it is hardly worth while to argue the merits of the subject. I do not care to take up time in doing it myself. It seems to me the amendment is clearly new legislation under the rule.

Mr. KYLE. I have sat here this afternoon and have seen amendment after amendment placed upon the bill with the sanction of the Senator from Illinois, which amendments were more in the line of direct legislation than the amendment which I have offered. I do not think that a discrimination of this kind should be made against those who do not happen to belong to the Committee on Appropriations. This amendment has had the unanimous approval, I believe, of the Committee on Patents, who are capable of passing upon the subject, and I believe it is a very important one to the people of the country, inasmuch as it involves the difference between $92,000 and $145,000 in the cost of this work. The amendment was drawn, I believe, at the instance of the Commissioner of Patents and with his entire approval. I addressed the following letter to the Secretary of the Interior:

On the 20th instant the Committee on Patents unanimously reported back with an amendment the inclosed amendment intended to be proposed by myself to bill H. R. 6248. Said bill was reported to the Senate before the Committee on Appropriations received from the Committee on Patents my intended amendment with their favorable recommendation. When said bill is under consideration in the Senate, I will offer my amendment at the proper time, and in support of it desire to state to the Senate as to the acceptable manner in which Mr. Andrew B. Graham has performed his contract for the publication of the Patent Office Gazette and all photolithographic work falling within the scope of his contract with the Commissioner of Patents. I respectfully ask for information on the following points:

1. Has said Graham complied fully with the specifications of his contract?
2. Has said Graham delayed the Department at any time in its prompt issue of the Official Gazette?
3. Has the said Graham's work at all times been up to the required standard?
4. Do you regard the work performed by said Graham as being equal or superior to that of former contractors?

Please reply to the foregoing questions not later than to-morrow.

In reply I received the following letter from the Commissioner of Patents, sent to me by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
*Washington, D. C., March 24, 1896.*

SIR: I have the honor to acknowledge the receipt, by your reference of this date, of the letter of Hon. J. H. KYLE, dated March 23, 1896, inclosing proposed amendment to H. R. 6218, relative to the photolithographic work for the Patent Office, and requesting certain information respecting the manner in which the work is now performed by the present contractor, Mr. Andrew B. Graham, of this city.

In reply to your request for a report I beg to say that Mr. Graham has fully complied with the specifications of his contract; that at no time has the issue of the Official Gazette been delayed since his contract with this office; that the work furnished by Mr. Graham has been up to the required standard, and that this office regards the work performed by Mr. Graham as being fully equal to that performed by former contractors.

The papers received by your reference are herewith returned.

Very respectfully, yours,

S. T. FISHER, *Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

I wish to state that Mr. Graham received the past year, I believe, $92,000 for the publication of this work. In the document, which is Senate Report No. 1047, upon page 5, I find a letter from the Norris Peters Company to the Commissioner of Patents relative to the cost of publishing the work. I will read one paragraph from it, which is as follows:

It may not be improper for us to say, in this connection, that on but three occasions since we first contracted to furnish copies of Patent Office drawings other parties, apparently without any knowledge or experience in the matter, have attempted to do the work at prices below those bid by our establishment, and the result on each occasion fully warrants us in saying that the work can not be done satisfactorily at prices less than those bid by us, if the high standard of work required by your office is to be maintained, as two of the contracts referred to were annulled and the third was only fulfilled after causing much annoyance, trouble, and delay, not only to the Government, but to inventors and attorneys as well.

That is the judgment of the Norris Peters Company. Now, let me say that the Norris Peters Company had this contract from 1877 to 1893, and during that time, in the terms of the language of this letter, they received annually $145,000 for the work. In 1893 they received $145,000. In 1895 they bid $103,000. Mr. Graham stepped in and bid $92,000, and received from the Secretary of the Interior the contract. Mr. Graham has gone to a great expense in putting in his plant, and now after one year's work it is thought advisable that the Secretary of the Interior shall be authorized, in his discretion, to continue the contract with this company for a period of four years. The other company had the contract for a period of seventeen or eighteen years at $145,000 a year. When a new company goes to the expense of placing in a large plant, I think it is no more than just and right that if the Secretary of the Interior finds they have done excellent work and complied fully with his requirements he should have the privilege of extending the contract for a period of four years, and in doing so I do not think we enact new legislation or in any way change the existing statutes in the case. I believe it merely enables the Secretary of the Interior to carry out as best he can and as best he sees fit the present statutes as they exist.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. KYLE. Certainly.

Mr. CHANDLER. The Senator spoke of the previous contract having run on for some seventeen years. Will he kindly inform me if he knows how long a specific contract was ever made with that firm? Was it from year to year, or were four-year contracts made?

Mr. KYLE. I think the plan heretofore adopted has been to make a yearly contract with that company. But allow me to say that during all this time I believe there is but one company in town that had a plant sufficient to produce that great work, the Patent Office Gazette. It requires special presses; it requires a large investment of capital to do the work, and now, after the Norris Peters Company had the contract for about seventeen years at $145,000 a year, and I understand have made perhaps a million dollars of money or more out of it, they are able to drive out every other person.

Mr. CHANDLER. Is that company now in existence?

Mr. KYLE. It is now in existence, I believe.

Mr. CHANDLER. And did it compete for this contract?

Mr. KYLE. Last year. Last year they made an offer to do the work for $103,000. The present company bid for it at $92,000 and received the contract.

Mr. CHANDLER. Does the Senator propose that this contract shall be continued for four years without any reletting?

Mr. KYLE. At $92,000 or less, if the Secretary of the Interior shall see fit.

Mr. CHANDLER. The Senator will see that we do not get any competition there. I can conceive that it might be judicious to make a contract for four years, as we do for carrying the mails, but I do not think it would be wise to kill off competition for one year and then by legislation extend the contract for four years. The Senator certainly can not think that that is good business sense.

Mr. PLATT. Mr. President——

Mr. KYLE. I do, most certainly, and I will explain it in a moment. I yield now to the Senator from Connecticut.

Mr. PLATT. In reply to what the Senator from New Hampshire has said, I think one point should be alluded to.

This work cost the Government, when there was not so much of it, about $150,000 a year under the old arrangement. The contract now is for $92,000 a year, a saving of nearly $60,000 a year over what the Government has been paying for many years. A young man who bid less than the Norris Peters Company by $11,000 and got this one-year contract has come forward and invested about $100,000 in order to carry it out. It is perfectly apparent that if it is opened the Norris Peters Company can do it next year for $50,000 perhaps, but they will destroy the only concern in Washington that can compete with them, and then they will have it at their own rate thereafter. That is all there is to it.

Mr. CHANDLER. Then competition is to be abolished for the fear of a future injury by reason of the destruction of one of the competing establishments.

Mr. KYLE. It is rather to establish competition in the city. That is the meaning of the amendment.

Mr. CHANDLER. How does it establish competition?

Mr. KYLE. By enabling another firm to get upon its feet.

Mr. CHANDLER. To extend a one-year contract for four years by act of Congress?

Mr. KYLE. To enable another firm to get upon its feet and then be able to compete. I understand that the Norris Peters Company, in consideration of the large amount of money which they have made from the publication of this work, are able to do it for one or two years at $50,000 a year in order to drive the other company from the field, and then they will have the whole field before them, as they had during a number of years past.

Mr. ALDRICH. Is this discussion proceeding on the point of order?

The PRESIDING OFFICER. The question on the point of order is before the Senate.

Mr. CHANDLER. It has always been a rule that you could not discuss a point of order. However, a point of order always is discussed, and the Senator from South Dakota having the floor, I do not think the Senator from Rhode Island ought to interrupt him, particularly as I want to take a little part in the discussion myself. It seems to me that a discussion of this kind ought to be interrupted by a point of order in the inception and not right in the middle of it.

Mr. CULLOM. If the Senator will allow me, I will state that I tried to interrupt it, but failed.

Mr. CHANDLER. The Senator knows on a question of order the merits of a proposition are always discussed in the Senate.

Mr. CULLOM. That is frequently the case; when you break the rule it is.

Mr. CHANDLER. It is not courteous in the Senate to break up a system because there is a rule against it.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. KYLE. Now, I will speak on the point of order for just a moment. I made a statement to the Senator in charge of the bill a moment ago to the effect that we have sat here during the whole consideration of the bill and witnessed amendment after amendment go upon the bill, which amendments were plainly new legislation and plainly changing existing law. I call the attention of the Senator to one or two on page 90, at the bottom, and at the top of page 91.

The Commissioner of Education is hereby authorized to prepare and publish a bulletin of the Bureau of Education as to the condition of higher education, technical and industrial education, etc.—

In this country and abroad.

Mr. CULLOM. If the Senator saw that the rule was violated, why did he not make the point of order? He had a right to do it?

Mr. KYLE. I have seen it done year after year, and there is never any question raised as to placing these amendments on the bill provided they have been approved by some standing committee of the Senate. That is all that is required.

The PRESIDING OFFICER. The Chair is obliged to confine its ruling to the case in point and not to the other cases on which no point of order has been raised. The Chair suggests to the Senator that he confine his remarks to the pending question.

Mr. KYLE. I will state in reference to the pending amendment that I do not see in reading it through that there is any change of existing law.

Mr. PLATT. I do not want to ask a hypothetical question, but I should like to know if the provision from lines 11 to 16, to which this is offered as an amendment, is not new legislation.

The PRESIDING OFFICER. That is precisely the question pending before the Senate at the present time.

Mr. CULLOM. That provision is according to the present law, I understand.

Mr. PLATT. I beg pardon; it is not according to the present law.

Mr. CULLOM. I am not sure about it, but I think it is.

Mr. PLATT. The present law is that the work may be done at the Government Printing Office, in the judgment of the Joint Committee on Printing.

Mr. CULLOM. That is the same as it is here.

Mr. PLATT. No; it is not the same; I beg pardon.

Mr. CULLOM. What is the matter with it?

Mr. PLATT. But this provision is——

Or if there shall be no joint committee, in the judgment of the Committee on Printing of either House.

That clause is interpolated into the bill, changing the law on the subject entirely.

Mr. CULLOM. Even if that be so, if I may be allowed to refer to the other branch of Congress, when the House incorporates a provision into the bill and it comes here it is not in order to make a point of order on it and to strike it out.

The PRESIDING OFFICER. The Chair is ready to rule upon the point of order. He does not wish to deprive the Senator from South Dakota of the opportunity to express his views.

Mr. KYLE. I will await the decision of the Chair on the point of order.

The PRESIDING OFFICER. The Senator from South Dakota has offered an amendment. The Senator from Illinois raises the point of order against it under Rule XVI, paragraph 3:

No amendment which proposes general legislation shall be received to any general appropriation bill.

This is a positive rule and allows of no modification. The Chair is satisfied, upon an examination of the latter part of the amendment of the Senator from South Dakota, that it is general legislation, and the point of order is sustained.

Mr. KYLE. While upon my feet I wish to say that I intend to remember Rule XVI, and I intend to see that it is rigidly applied so long as the rest of the appropriation bills remain under consideration in the Senate.

Mr. CULLOM. The Senator can announce what he intends to do, either in the Senate or anywhere else. That does not control my action in the premises in reference to these measures.

Mr. PEFFER. I wish to propose an amendment on page 8, beginning at line 4, the first paragraph for contingent expenses. I move to strike out all after the word "namely," in line 4, down to and including the word "dollars," in line 7, and to insert what I read:

For stationery for committees, to be drawn only on requisition approved by the chairman thereof, $5,000. For stationery for Senators, to be drawn only on requisition signed by the Senators themselves, $5,000, or so much thereof as may be required. And after the 30th day of June, 1896, no articles shall be kept in the stationery room for the use of Senators other than paper, ink, pens, pencils, inkstands, blank books, blank forms, and such other things as are required in the official work of Senators.

Mr. President, I shall detain the Senate but a few minutes in support of this amendment; and it is not done for the purpose of calling attention to any impropriety or any unnecessary extravagances or anything of that kind. It seems to me that we can very wisely dispense with a great many articles that are now kept in the stationery room, articles that Senators do not use themselves, articles that are not needed for the official work of Senators, and are used for other purposes altogether; and that now is a good time—and we are the men to perform the work—to reduce these expenses, and this amendment will do it.

I will state one reason, and a very important one, why I think the amendment is good and ought to prevail. I find that we have 46 standing committees of the Senate, and in addition to the 46 standing committees we have 13 special or select committees, making a total of 59 committees. Every one of the committees has been in the practice of drawing such stationery as it needs, and in the amendment $5,000 is appropriated, which is the same amount that is appropriated by the committee, "$5,000 for stationery for committees and officers of the Senate." So a large number of Senators, 59 of us, are chairmen of committees. We draw under the general lump appropriation the stationery for our committees, which leaves the difference between 90 and 59, which is but 31 Senators who would draw upon their own individual requisition. Senators know very well that a large amount of stationery that we use as individual Senators we use while at work in our committee rooms. Probably there is no member of the body who is not a member of at least five or six different committees, and we use in that way a large amount of committee stationery, and hence do not use as much for our own personal use as we would otherwise do.

I shall not call attention to the other articles that I find specified under property in charge of the Secretary of the Senate, but simply submit this matter to the Senate with the concluding remark that this is a good time and we are the proper persons to effect this reform.

Mr. CULLOM. Before I make the point of order upon the amendment, I simply desire to say that there is nothing in the stationery room that we get that we do not pay for. Everything that is kept in that department which is not under the law for the use of committees, etc., if obtained by any Senator or anyone else, has to be paid for. I certainly am sure that I never got anything out of that establishment that was not charged to me and that I did not settle for at the proper time.

Mr. PEFFER. Certainly the Senator from Illinois does not wish to be understood that the cost within the sum of $125 comes out of the pockets of Senators. I see, not in a large number of cases, it is true, that Senators have gone and drawn in actual cash the difference between the value of the stationery they have drawn and the $125 allowed for that purpose. This amendment is to dispense with the annual allowance for stationery. The object of the amendment is simply to limit the amount of stationery used by Senators to that which they actually do need and use, and not allow them pocketbooks and penknives and things of that kind, which we ought to buy ourselves.

Mr. CULLOM. I think the amendment of the Senator is out of order. I waited for my distinguished friend from South Dakota to make the point of order, but I do not see him present.

Mr. ALDRICH. Will the Senator from Illinois allow me to ask the Senator from Kansas a question?

Mr. CULLOM. Certainly.

Mr. ALDRICH. Does the Senator from Kansas propose to do away with the allowance for stationery to Senators?

Mr. PEFFER. Yes.

Mr. ALDRICH. Entirely?

Mr. PEFFER. Yes; so that Senators shall be allowed just the amount they use, and only that for their own personal use.

Mr. ALDRICH. And the $125 allowance is to be repealed?

Mr. HOAR. It is not $125, I think.

Mr. PEFFER. The amendment, if it should be adopted, would abolish the annual allowance.

Mr. ALDRICH. So that every Senator could get what he wanted without limit?

Mr. PEFFER. So that what stationery we actually use we shall be allowed.

Mr. HOAR. I think the allowance is $75.

Mr. COCKRELL. No; $125.

Mr. CULLOM. One hundred and twenty-five dollars is the amount allowed.

Mr. TELLER. I understand each Senator is allowed $125 per annum for stationery, postage stamps, and things of that kind.

Mr. PEFFER. Oh, no; not postage stamps.

Mr. TELLER. He is entitled to that amount if he chooses to take it. I do not remember exactly the language of the statute. The stationery is not for his personal use, but for his official use. The Senator from Kansas speaks about the stationery being for the personal use of Senators.

Mr. PEFFER. The Senator will understand that I did not mean to say it was in that particular form. I mean what each Senator uses as an individual Senator, and not as chairman of a committee.

Mr. TELLER. Last year I remember that I obtained some stationery from the stationery room, and when I got through I had a bill of $13 to pay the Government for the stationery I had drawn. Ordinarily I buy a portion of my stationery outside of the stationery room, because I can do better outside; that is to say, I can, as a rule, better suit myself outside than I can there. Last year I did not do that, but I have done so perhaps every other year. Sometimes when I have done that there may have been to my credit some amount which I had the right to take, because I had already expended more than that outside for stationery. I take to my rooms—never from my committee, but from that which is charged to me or that which I buy at the bookstores—large quantities of paper and envelopes, which I use to write letters that are purely official. I do not suppose that I have ever since I have been in the Senate made any distinction when I wrote to my mother or my friends. I use what paper I have. I do not think those things ought to be considered in the Senate. When I go home to Colorado, as has been suggested to me by the Senator from Massachusetts [Mr. HOAR], I always use the paper that I buy in the community where I am situated—at Denver.

Mr. President, I do not think that these things are worthy of the attention of the Senate. I do not believe that members of the Senate are stealing stationery; and I must say, with all due deference to the Senator from Kansas, that this seems to me very small business for the American Senate to be engaged in. We waste time here, which, if devoted to the public service, would save a much larger amount of money than would be saved if every Senator bought his stationery and paid for it out of his own pocket. I know of no reason why he should. I think when I am engaged in official business I am entitled to have the necessary stationery. That has always been the rule of the Senate, and I have never

heard of its being abused. I think it is rather unfortunate that we should spend our time over little matters of this kind.

Mr. FAULKNER. I certainly think, from my experience, that there can not be any claim upon the part of the Senator from Kansas that the amount allowed is excessive for the purposes specified in the bill. I am satisfied that under his amendment the appropriation would have to be enlarged rather than curtailed. Taking myself, for example, I have frequently exceeded the allowance, and the last year or the year before to the amount of $57.

Mr. CULLOM. Which the Senator paid into the Treasury.

Mr. FAULKNER. Which I paid into the Treasury at the end of the year. The clerk in charge of the stationery room stated that I had drawn that amount over my allowance. If the amendment proposed by the Senator from Kansas be adopted, I am satisfied it will be necessary to enlarge the appropriation rather than to reduce it.

Mr. KYLE. I think this is new legislation, Mr. President.

Mr. CULLOM. That is right.

Mr. KYLE. And that Rule XVI applies to it.

Mr. PEFFER. Mr. President, I do not think that Senators understand the object of the amendment.

Mr. HILL. If the Senator will allow me, I regret that the Populist party is divided upon this very important question. [Laughter.]

Mr. PEFFER. Mr. President, I ask only for the usual courtesy extended in such cases. I do not think the Senate understands the object of the amendment. I began by saying that it was not my intention to call attention to any alleged extravagance, or anything of that kind, but to call attention to what I regarded as a substantial reform.

The Senator from Colorado [Mr. TELLER] speaks harshly, and, I think, under the circumstances, unkindly toward me, a fellow-Senator, who has always been courteous and respectful to the Senator not only officially, but personally, and although my idea may not strike Senators as being just what it ought to be to begin with, yet to present it is a right I have here. What I want Senators to understand is this: That the amount of stationery which we use in our official business we ought to have by an appropriation for that purpose. The people ought to furnish us with all the stationery we need.

Mr. CHANDLER. May I ask the Senator a question?

Mr. PEFFER. In a moment.

Mr. CHANDLER. Do we need an unlimited amount of stationery?

Mr. PEFFER. No; we do not need an unlimited amount.

Mr. CHANDLER. Is it not a good deal like the Senator's proposition to issue money to an unlimited amount? [Laughter.]

Mr. PEFFER. The Senator from New Hampshire will pardon me if I do not allow him to run me off to another issue. I shall try to keep myself together. [Laughter.] I think the people are willing to pay, and ought to pay, for all the stationery which their public men need.

But, now that the subject is being made light of, I find in our stationery room that we use pocketbooks, we use combination cases, we use gold pens, we use fountain pens, we use a thousand and one articles which we do not need at all in the public service.

Mr. MITCHELL of Oregon. And we pay for them.

Mr. PEFFER. We will see about that in a moment.

Mr. MITCHELL of Oregon. I know I do.

Mr. PEFFER. What we use of those things within the limit of the allowance we pay for out of the public Treasury. I have myself paid as high as $60 in one year over and above the usual annual allowance; but that was not all for stationery. I go down to the stationery room, and so do we all, when Christmas time comes, and buy various articles, penknives, for instance, for my boys or for my friends, or pocketbooks, combination cases, and all those things. They all go into our account.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. PEFFER. Not now.

We all purchase more than we are entitled to under the annual allowance of $125. Of course we pay for such purchases out of our own pockets. What I am trying to get at is a careful, cautious, prudent, businesslike use of whatever we need for public purposes, and let the rest pass, so that, whatever we need, let it be paid for out of the public Treasury, and dispense with those articles which occasion so much criticism in the public press.

Mr. HOAR. I call for a ruling on the point of order.

Mr. TELLER. I disclaim any intention of injuring the feelings of the Senator from Kansas, or of being in any way harsh toward him. I did not suppose I was. I supposed I was, for me, unusually mild. [Laughter.] I only wanted to say that it seemed to me that this subject was not big enough to attract the attention of the Senate, unless it was apparent that there had been some abuses of which I had never heard before. I knew the amount allowed to me for stationery had never covered the expenditure it was intended to cover. I will not, however, go into any discussion of it. I will merely say that I did not intend to interfere with the Senator's freedom of speech, nor did I intend to offend him; and if I did so, I regret it. I repeat, however, that I think we ought to let these little matters alone and attend to the weightier matters of legislation.

Mr. BACON. Mr. President——

Mr. HOAR. I raise the question of order, that this discussion is entirely out of order.

Mr. CHANDLER. I rise to speak to the point of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. HOAR. I make the point of order that this is new legislation.

Mr. CHANDLER. I want to speak to the point of order.

The PRESIDING OFFICER. It is the privilege of the Chair to hear arguments when a point of order is raised.

Mr. HOAR. I ask if the Chair will hear arguments that are not on the question of order?

The PRESIDING OFFICER. The question of order has just been raised by the Senator from Massachusetts.

Mr. HOAR. It was raised by the Senator from Colorado [Mr. TELLER], the Senator from South Dakota [Mr. KYLE], and the Senator from Illinois [Mr. CULLOM].

The PRESIDING OFFICER. The Chair had not so understood. The remark made by the Senator from South Dakota was that the amendment was general legislation, but he did not insist on any point of order.

Mr. CULLOM. I made the point of order early after the question came before the Senate.

The PRESIDING OFFICER. The Chair did not so understand. The Chair will hear the Senator from Georgia [Mr. BACON] on the point of order.

Mr. BACON. No, sir; I do not wish to speak to the point of order.

Mr. CHANDLER. Here is an appropriation of the Senate for stationery for committees and officers of the Senate. It is entirely competent for the Senate when considering that clause to regulate the whole subject of stationery expenditure. Any provision as to what shall be done with the money appropriated for stationery, how the stationery room shall be handled, controlled, and managed, and what things shall be kept there I do not find written out in any existing law. Perhaps the Senator from South Dakota or the Senator from Massachusetts knows of some law which tells exactly what is to be kept in the stationery room. I do not; but it seems to me an absolutely unknown limitation upon the power of the Senate, when it is going to appropriate five or ten or fifteen thousand dollars for stationery, to say that you can not direct how that stationery money shall be expended.

Mr. SEWELL. If the Senator from Illinois will allow me, I will move that the Senate adjourn.

Mr. CULLOM. I hope we shall first dispose of these little matters.

Mr. FRYE. Let us dispose of this very important piece of business, at least. [Laughter.]

Mr. CULLOM. We do not want to discuss points of order tomorrow. I think the Chair is ready to decide the question of order.

The PRESIDING OFFICER. The attention of the Chair has not been directed to any statute regulating this matter, and there is no proposition to repeal any general law or to make any general law, but merely to regulate the practice of the Senate with reference to stationery.

Mr. CULLOM. I think there is a general statute which controls the subject.

Mr. HOAR. This is a proposition to make a new law.

Mr. CULLOM. It is to change a law, and make a new arrangement by which the stationery room shall be governed.

The PRESIDING OFFICER. The Chair looks upon it as an attempt to regulate a subject in connection with the contingent expenses of the Senate, and the paragraph on page 8 is for that purpose. The amendment will be read.

The SECRETARY. On page 8, line 4, after the word "namely," it is proposed to strike out all of the paragraph down to and including the word "dollars," in line 7, as follows:

For stationery and newspapers, including $5,000 for stationery for committees and officers of the Senate, $16,250.

And insert:

For stationery for committees, to be drawn only upon requisition approved by the chairmen thereof, $5,000.

Mr. CULLOM. If the Chair rules that the amendment is in order, I hope we shall vote it down without further discussion.

The PRESIDING OFFICER. The Chair would like to have attention called to any statute which regulates that matter. The Chair is not advised that there is any such statute.

Mr. HOAR (to Mr. CULLOM). Withdraw the point of order.

Mr. CULLOM. I withdraw the point of order for the purpose

of getting a vote on the question. I move that the amendment be laid on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to lay the amendment on the table.

The motion was agreed to.

Mr. McBRIDE. I move to amend, in line 13, on page 96, by striking out the word "five" and inserting the word "eight," and in line 14 by striking out the word "seven" and inserting "ten."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 96, line 13, before the word "thousand," it is proposed to strike out "five" and insert "eight," and in line 14, before the word "thousand," to strike out "seven" and insert "ten"; so as to read:

For surveyor-general of Oregon, $2,000, and for the clerks in his office, $8,000; in all, $10,000.

Mr. CULLOM. I do not desire to interfere with any remarks the Senator from Oregon desires to make, but I wish to state that, so far as I am concerned, I should be willing to give that office the amount of the estimates by the Government, which is $6,700. I am willing, so far as I am personally concerned, to allow the amount to be changed to the full extent of the estimates by the Treasury Department. If the Senator is willing to take that, I shall not object, but the amendment is subject to a point of order beyond doubt. I hope the Senator will accept the suggestion.

Mr. McBRIDE. I beg the Senator's pardon. I do not think the amendment is subject to the point of order. Notice was given of it yesterday, and it has been offered by direction of the Committee on Public Lands.

Mr. CULLOM. That is true, but still that does not bring it within the rule.

Mr. McBRIDE. In view of the suggestions made to me by Senators who are members of the Committee on Public Lands, I will accept the suggestion of the Senator from Illinois.

Mr. CULLOM. I am willing to allow the "$5,000" for clerk hire in the office of the surveyor-general of Oregon to be changed to "$6,700," and the total changed accordingly.

The PRESIDING OFFICER. The amendment will be stated in that form.

The SECRETARY. On page 96, in line 13, after the word "office," it is proposed to strike out "$5,000," and insert "$6,700"; and in line 14, after the word "all," to strike out "$7,000" and insert "$8,700"; so as to make the clause read:

For surveyor-general of Oregon, $2,000; and for the clerks in his office, $6,700; in all, $8,700.

Mr. McBRIDE. As showing the necessity for the increase, I send two letters to the Secretary's desk, which I ask to have printed.

Mr. CULLOM. I suggest that they be printed in the RECORD.

The PRESIDING OFFICER. The letters referred to will be printed in the RECORD, in the absence of objection.

The letters referred to are as follows:

PORTLAND, OREG., *March 6, 1896.*

MY DEAR SIR: The Oregon and California Railroad Company, through Mr. George H. Andrews, made application to this office on February 7, 1896, for the survey of 30 whole and fractional townships within the limits of their land grant in Oregon under act of Congress March 2, 1895. Copy of this application was forwarded to the honorable Commissioner General Land Office, and I have been authorized to have the surveys executed, and posted notice on the 2d instant requesting proposals. The estimated cost of this work is something over $22,000, which, added to the regular apportionment of $10,000 for Oregon, makes $32,000 to be expended for public surveys during the present fiscal year.

Based upon the regular appropriations of $10,000, there was appropriated for salaries of the surveyor-general and his clerks for the fiscal year 1895 and 1896, $7,000. With this amount I am only able to employ one draftsman. When the returns of the surveys now authorized are returned to this office, I shall be obliged, under the present situation, to execute the office work in connection therewith with my present clerical force, which is wholly inadequate, and would result in returns remaining here until the funds available for the payment of a portion of this work at least reverted back to the Treasury under the existing law, which would work a great hardship upon the deputies who execute the work. I earnestly request that you exert your influence in the direction of an increase in the appropriation for salaries for this office of at least $5,000, making the total $12,000.

I have written the honorable Commissioner General Land Office upon the subject, who, I have no doubt, will concur in recommendation.

Will you please let me have your views in relation to this matter at your early convenience?

Yours, very truly,

JOHN C. ARNOLD,
*United States Surveyor-General for Oregon.*

Hon. GEORGE W. McBRIDE,
*United States Senate, Washington, D. C.*

—

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., March 24, 1896.*

SIR: I have received your letter of the 20th instant in relation to the application from the surveyor-general of Oregon for an increase of the appropriation for clerical assistance in his office. In reply I have to state that in response to a communication from the surveyor-general he was informed on March 12 as follows:

"Referring to your letter of the 5th instant, asking that the appropriation of $5,000 provided for clerks in your office in the ensuing fiscal year may be increased to $10,000, you are informed that the estimate submitted by the Department was for $6,700 for such service, which is the sum estimated for by you on June 18, 1895, but the House Committee on Appropriations reduced the amount to $5,000, and this sum remained in the act which has been passed by the House.

"It is very doubtful if Congress will permit any increase in the appropriation for your office, but if found practicable a supplemental estimate will be submitted."

As you ask for an early report in the matter, so that you may submit an amendment to the appropriation bill now pending in the Senate, I have to state that while this office is not definitely informed as to the amount of work necessary to be done in the office of the surveyor-general on account of the additional surveys provided by the act of March 2, 1895, it is submitted that if an increase of $3,000 in the amount now given in the pending bill, making $8,000 instead of $5,000 for clerical help, it may meet the urgent requirements of that office, but it is apprehended that asking an increase to $10,000, as indicated by the surveyor-general, might be rejected, whereas the smaller sum may perhaps be conceded.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

Hon. GEORGE W. McBRIDE,
*United States Senate.*

The PRESIDING OFFICER. The question is on the amendment of the gentleman from Oregon, which has been stated.

The amendment was agreed to.

Mr. CLARK. On page 97, in line 11, I move to strike out the word "four" and insert "seven," and in line 12 to strike out the word "six" and insert the word "nine."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 11, page 97, before the word "thousand," it is proposed to strike out "four" and insert "seven," and in line 12, before the word "thousand," to strike out "six" and insert "nine"; so as to read:

For surveyor-general of Wyoming, $2,000; and for the clerks in his office, $7,800; in all, $9,800.

Mr. CULLOM. I make no objection to that amendment.

The amendment was agreed to.

Mr. BATE. On page 89, line 2, I move to strike out "eighteen hundred" and insert "two thousand." I hope the Senator who has the bill in charge will agree to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the appropriations for "Bureau of Education," on page 89, line 2, after the word "statistician," it is proposed to strike out "eighteen hundred" and insert "two thousand"; so as to read:

Statistician, $2,000.

Mr. BATE. I beg to state in regard to this officer that I think he is the only statistician in the Government—around Washington at least—who gets such a small salary as that. It is merely the salary of a clerk, and that much was given when the office was established, when it was merely a baby institution, in 1873. It has been very much enlarged and volumes of books come from there. The statistician has great labor to perform, and not only that, but the office has been increased. The larger part of the whole Educational Bureau force is now under him as the statistician, and he is acting also as chief of division as well as clerk. I think $200 is a small increase to the head of a division. I believe the head of each division in the Interior Department—I think this office is attached to that Department—gets $2,000 or $2,200, and the statisticians in the other Departments—for instance, in the Agricultural Bureau—get $2,500. I think this a very marked injustice to this officer. He certainly ought to have this little increase of $200, and that is all I ask.

Mr. CULLOM. I should be very glad indeed to yield to the appeal of the Senator from Tennessee, but the amount named in the bill is exactly the amount estimated by the Department, and it would be hardly proper to increase it in this way.

Mr. BATE. I beg to say in reply that the chief there has heretofore attempted, in the last two or three years perhaps, to secure an increase, but failed to get it. He did not want to make the appeal again, because he understood this was a very economical Administration, and he so states. But that does not affect the question. Here is the case of a man who is acting as chief of division, with a large force under him, and getting no more salary now than he received at the beginning of the institution, when it was a very small one. I think there can be no doubt that the amount ought to be increased.

Mr. CULLOM. It is beyond the estimates of the Department.

Mr. BATE. Suppose it is. It has been done in half a dozen cases this evening.

Mr. CULLOM. We are trying to keep below the estimates, if possible.

Mr. BATE. The last thing you did was to go beyond the estimate. So I trust the Senator will not make that rule on me now.

Mr. CULLOM. I am willing to have a vote on the amendment without any discussion.

Mr. BATE. Very well.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

Mr. BACON. In the line immediately preceding the one in which the amendment was just adopted, line 1, page 89, after the words "chief clerk," I move to strike out "$1,800" and to insert "$2,000" in place thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 89, in line 1, after the words "chief

clerk," it is proposed to strike out "$1,800," and insert "$2,000"; so as to read:

Chief clerk, $2,000.

Mr. CULLOM. If we are going to increase the salaries of all the chief clerks in the Departments beyond the estimates, we might as well understand it and go ahead on that line.

Mr. BACON. If the Senator from Illinois will allow me, I desire to say that amendment is moved for the reason that this officer is made by law the executive officer of the Bureau of Education. In the absence of the Commissioner, by law he is the Acting Commissioner. He is the superior officer of all others in that Department, save alone the Commissioner. The Commissioner is paid $3,000 a year. In addition to that, all chiefs of bureaus are paid exceeding $1,800, and the chiefs of all the divisions are paid $1,800. This officer is higher than the chief of a division, and I think it is proper that, as he is the superior officer, he should receive this increased compensation.

Mr. CULLOM. I raise the point of order that this amendment is beyond the amount estimated for.

Mr. BACON. This officer is the superior officer of the statistician, to whom the Senate has just awarded the amount of $2,000.

The PRESIDING OFFICER. The point of order is raised against the amendment.

Mr. CULLOM. I withdraw the point of order. I do not care to make discriminations between the two Senators who are trying to get these amendments. I will let the amendment be voted upon by the Senate and disposed of. I think, however, the Senate ought to give attention to it.

Mr. BACON. I think the amendment ought to be adopted. It proposes to increase the compensation of an officer who is the immediate superior of the officer to whom $2,000 has just been allowed.

Mr. CULLOM. No; the one to whom the Senate has just allowed $2,000 is a statistician and the other is simply a clerk. That is the difference.

Mr. BATE. I will come to the relief of the Senator from Georgia. What the Senator has said is true, but at the same time another officer who is inferior to the one who was just voted $2,000 gets $2,400 at the instance of the committee.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON].

The amendment was agreed to.

Mr. CANNON obtained the floor.

Mr. CULLOM. If the amendments are all in, I move that the Senate adjourn.

Mr. CARTER. I wish to submit an amendment.

The PRESIDING OFFICER. The Senator from Utah [Mr. CANNON] is entitled to the floor.

Mr. PLATT. I move to adjourn. We are not going to get through with these amendments to-night.

The PRESIDING OFFICER. The Chair had recognized the Senator from Utah.

Mr. CANNON. I desire to present a brief amendment, which will only take a moment.

Mr. CULLOM. I desire to have a total changed, resulting from the adoption of two amendments, on page 89, line 16, in the appropriation for the Bureau of Education. The total should be "$50,800" instead of "$50,420."

The PRESIDING OFFICER. The total will be changed as suggested by the Senator from Illinois, in the absence of objection.

Mr. CANNON. In line 24, on page 96, before the word "thousand," I move to strike out "five" and insert "seven"; and in line 25, before the word "thousand," to strike out "seven" and insert "nine."

Mr. CULLOM. I understand there are several other amendments to be proposed to the bill. I was hoping that we could get the bill cleared up, with the exception of the court provisions; but if other amendments are to be offered, I am inclined to yield to a motion to adjourn.

Mr. PLATT. You can not do that. The bill is open to amendment until the entire bill has been considered.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah [Mr. CANNON] will be stated.

The SECRETARY. On page 96, line 24, before the word "thousand," it is proposed to strike out "five" and insert "seven"; and in line 25, before the word "thousand" to strike out "seven" and insert "nine"; so as to read:

For surveyor-general of the State of Utah, $2,000; and for the clerks in his office, $7,000; in all, $9,000.

Mr. CULLOM. I hope the Senator will not insist upon a vote on that amendment to-night. Let it go over until to-morrow.

Mr. CANNON. I will cheerfully do that, if the Senator desires, when I have explained the purpose of the amendment.

Mr. CULLOM. If the Senator will explain it to-morrow it will be better understood than if explained now in a thin Senate.

Mr. CANNON. Two amendments of a similar character, bringing the allowance of the surveyors-general up to the estimates of the Department, have just been passed.

Mr. CULLOM. I know it.

Mr. CANNON. If the Senator insists, of course I will allow the amendment to go over.

Mr. CULLOM. I think it will be better for the Senator to make his remarks in the morning.

Mr. CANNON. I have no remarks to make on the subject, because it is self-explanatory.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 25, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *March 24, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

### DEATH PENALTY.

The SPEAKER. The first question before the House is on the engrossment and third reading of the bill the title of which will be read by the Clerk.

The Clerk read as follows:

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. ADAMS. Division.

The question was taken.

The SPEAKER. On this question the ayes are 90; the noes are 35; the ayes seem to have it; the ayes have it, and the bill is passed.

Mr. CURTIS of New York. I move to reconsider.

Mr. CROWTHER. Mr. Speaker, the yeas and nays.

The SPEAKER. On what question?

Mr. CROWTHER. On the question of the passage of the bill.

The SPEAKER. One moment. Had the gentleman risen for that purpose before the vote was announced?

Mr. CROWTHER. Yes, sir.

The SPEAKER. The gentleman from Missouri demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 61, not voting 123; as follows:

YEAS—170.

| | | | |
|---|---|---|---|
| Aitken, | De Armond, | Latimer, | Simpkins, |
| Aldrich, Ala. | Denny, | Lawson, | Skinner, |
| Allen, Miss. | De Witt, | Leighty, | Smith, Ill. |
| Allen, Utah | Dinsmore, | Lester, | Snover, |
| Arnold, R. I. | Doolittle, | Lewis, | Southard, |
| Avery, | Dovener, | Linton, | Spalding, |
| Bailey, | Downing, | Little, | Sperry, |
| Baker, Kans. | Elliott, Va. | Lockhart, | Stahle, |
| Baker, Md. | Ellis, | Loud, | Steele, |
| Baker, N. H. | Evans, | McCall, Mass. | Stewart, N. J. |
| Bankhead, | Fischer, | McCall, Tenn. | Stokes, |
| Barham, | Gardner, | McCormick, | Stone, C. W. |
| Bartholdt, | Gibson, | McCreary, Ky. | Strait, |
| Bartlett, Ga. | Graff, | McCulloch, | Strode, Nebr. |
| Bell, Colo. | Griffin, | McRae, | Strong, |
| Bell, Tex. | Grout, | Mercer, | Strowd, N. C. |
| Bennett, | Grow, | Meredith, | Sulloway, |
| Bingham, | Hager, | Meyer, | Sulzer, |
| Black, Ga. | Hainer, Nebr. | Miles, | Swanson, |
| Bowers, | Halterman, | Miller, W. Va. | Talbert, |
| Broderick, | Hanly, | Milliken, | Tayler, |
| Brosius, | Harmer, | Milnes, | Terry, |
| Bull, | Harris, | Mondell, | Thomas, |
| Burton, Mo. | Harrison, | Neill, | Towne, |
| Burton, Ohio | Heatwole, | Noonan, | Turner, Ga. |
| Catchings, | Henderson, | Northway, | Tyler, |
| Clardy, | Hendrick, | Ogden, | Underwood, |
| Cobb, Ala. | Hilborn, | Otjen, | Updegraff, |
| Cobb, Mo. | Hill, | Overstreet, | Van Horn, |
| Cook, Wis. | Hitt, | Patterson, | Van Voorhis, |
| Cooke, Ill. | Hopkins, | Pendleton, | Walker, Va. |
| Cooper, Fla. | Huff, | Perkins, | Walsh, |
| Cooper, Tex. | Hunter, | Pickler, | Watson, Ohio |
| Cooper, Wis. | Hurley, | Poole, | Wellington, |
| Corliss, | Hutcheson, | Powers, | Wheeler, |
| Crisp, | Jenkins, | Prince, | Williams, |
| Culberson, | Johnson, Cal. | Pugh, | Willis, |
| Cummings, | Jones, | Quigg, | Wilson, N. Y. |
| Curtis, Iowa | Joy, | Reeves, | Wilson, S. C. |
| Curtis, Kans. | Kem, | Sayers, | Wood, |
| Curtis, N. Y. | Kiefer, | Settle, | Woodard. |
| Danford, | Knox, | Shafroth, | |
| Daniels, | Lacey, | Shuford, | |

NAYS—61.

| | | | |
|---|---|---|---|
| Abbott, | Erdman, | Leisenring, | Smith, Mich. |
| Adams, | Faris, | Linney, | Stephenson, |
| Aldrich, Ill. | Fenton, | Loudenslager, | Stewart, Wis. |
| Babcock, | Foss, | Low, | Stone, W. A. |
| Barrett, | Gillett, Mass. | Marsh, | Taft, |
| Bishop, | Grosvenor, | Miller, Kans. | Tate, |
| Blue, | Hart, | Minor, Wis. | Tracey, |
| Bontelle, | Hartman, | Mozley, | Treloar, |
| Brumm, | Hatch, | Murphy, | Wanger, |
| Cannon, | Henry, Conn. | Owens, | White, |
| Cockrell, | Henry, Ind. | Pearson, | Wilson, Idaho |
| Codding, | Hepburn, | Pitney, | Woomer, |
| Connolly, | Howell, | Raney, | Wright. |
| Crowther, | Hull, | Reyburn, | |
| Crump, | Kerr, | Royse, | |
| Draper, | Kirkpatrick, | Scranton, | |

NOT VOTING—123.

| | | | |
|---|---|---|---|
| Acheson, | Dockery, | Layton, | Price, |
| Anderson, | Dolliver, | Lefever, | Ray, |
| Andrews, | Eddy, | Leonard, | Richardson, |
| Apsley, | Elliott, S. C. | Livingston, | Robertson, La. |
| Arnold, Pa. | Fairchild, | Long, | Robinson, Pa. |
| Atwood, | Fitzgerald, | Lorimer, | Rusk. |
| Barney, | Fletcher, | Maddox, | Russell, Conn. |
| Bartlett, N. Y. | Foote, | Maguire, | Russell, Ga. |
| Beach, | Fowler, | Mahany, | Sauerhering, |
| Belknap, | Gamble, | Mahon, | Shannon, |
| Berry, | Gillet, N. Y. | McCleary, Minn. | Shaw, |
| Black, N. Y. | Griswold, | McClellan, | Sherman, |
| Brewster, | Hadley, | McClure, | Sorg, |
| Bromwell, | Hall, | McDearmon, | Southwick, |
| Brown, | Hardy, | McEwan, | Sparkman, |
| Buck, | Heiner, Pa. | McKenney, | Spencer, |
| Burrell, | Hemenway, | McLachlan, | Stallings, |
| Calderhead, | Hermann, | McLaurin, | Tawney, |
| Chickering, | Hicks, | McMillin, | Tracewell, |
| Clark, Iowa | Hooker, | Meiklejohn, | Tucker, |
| Clark, Mo. | Howard, | Miner, N. Y. | Turner, Va. |
| Clarke, Ala. | Howe, | Money, | Wadsworth, |
| Coffin, | Hubbard, | Moody, | Walker, Mass. |
| Colson, | Hulick, | Morse, | Warner, |
| Cousins, | Huling, | Moses, | Washington, |
| Cowen, | Hyde, | Newlands, | Watson, Ind. |
| Cox, | Johnson, Ind. | Odell, | Wilber, |
| Crowley, | Johnson, N. Dak. | Otey, | Wilson, Ohio |
| Dalzell, | Kendall, | Parker, | Woodman, |
| Dayton, | Kulp, | Payne, | Yoakum. |
| Dingley, | Kyle, | Phillips, | |

So the bill was passed.

Mr. FLETCHER. Mr. Speaker, I desire to vote.

The SPEAKER. The gentleman is not recorded.

Mr. FLETCHER. I was in the Hall of the House, and did not hear my name called.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. FLETCHER. I did not hear my name called.

The SPEAKER. If the gentleman was not listening, under our rules he can not be allowed to vote now.

Mr. FLETCHER. I did not hear my name called.

The SPEAKER. The Chair ought to say to the House that attention has been called to the rule in regard to the recording of names after the roll call. The Chair will have it read to the House, so that attention may be called to it.

The Clerk read as follows:

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such members from the same State, the whole name shall be called; and after the roll has been once called, the clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the member's name has been noted under clause 3 of this rule.

The SPEAKER. The practice in the Fifty-first Congress, when the same rule prevailed, was to ask a member if he was listening at the time his name should have been called and failed to hear it, so as to meet the possible contingency that the calling of the name had been omitted. That is the condition of the rule as it stands at present.

Mr. LACEY. That rule is not different, except in the last clause, from what it was in the last Congress—

And thereafter the Speaker shall not entertain a request to record a vote.

That is, after the roll has been called.

The SPEAKER. That was also the practice in the Fifty-first Congress. The Chair does not see how the rule can be otherwise interpreted.

Mr. CLARK of Iowa. Mr. Speaker, I desire to withdraw my vote.

The following pairs were announced:

Until further notice:

Mr. TRACEWELL with Mr. WASHINGTON.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HICKS with Mr. MADDOX.

Mr. HADLEY with Mr. MCDEARMON.

Mr. HULICK with Mr. COX.

Mr. ODELL with Mr. RICHARDSON.

Mr. JOHNSON of Indiana with Mr. BAILEY.

Mr. HOOKER with Mr. MCCLELLAN.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. HARDY with Mr. CROWLEY.

Mr. DALZELL with Mr. MCMILLIN.

Mr. EDDY with Mr. KYLE.

Mr. HUBBARD with Mr. DOCKERY.

Mr. MOODY with Mr. MINER of New York.

Mr. BARTLETT of Georgia. Mr. Speaker, it is announced that I am paired with the gentleman from Pennsylvania [Mr. LEONARD] upon this vote. That is a mistake. I was only paired with the gentleman on a matter that was disposed of Friday last. I voted on this question.

The SPEAKER. The pair will be withdrawn.

The result of the vote was then announced as above recorded.

On motion of Mr. CURTIS of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2482) authorizing and directing the Secretary of the Navy to loan two condemned cannon to the Confederate Home of Missouri, located at Higginsville, Lafayette County, Mo.—to the Committee on Naval Affairs.

A bill (S. 2187) to pension Thomas F. Leahy—to the Committee on Invalid Pensions.

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company—to the Committee on the Public Lands.

A bill (S. 2037) to provide times and places for holding terms of United States courts in Utah—to the Committee on the Judiciary.

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming—to the Committee on the Public Lands.

A bill (S. 1989) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade—to the Committee on Naval Affairs.

A bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 1726) to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1723) to approve and ratify the construction of a bridge over and across Caddo Lake, at Mooringsport, La., by the Kansas City, Shreveport and Gulf Railway Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1722) to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1312) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland line in the war for American independence—to the Committee on the Library.

A bill (S. 662) for the relief of William S. Grant—to the Committee on War Claims.

A bill (S. 637) granting a pension to George M. Brooks—to the Committee on Invalid Pensions.

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company"—to the Committee on Indian Affairs.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 12,000 additional copies of the report of the board of engineers relative to the construction and completion of the Nicaragua Canal, without maps, of which 4,000 copies shall be for the use of the Senate and 8,000 copies for the use of the House of Representatives—

To the Committee on Printing.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 17, of the first session of the Fifty-fourth Congress, being the memorial of the National Woolgrowers' Association; of which 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House of Representatives—

To the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget

Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; in which the concurrence of the House was requested.

CUBA.

Mr. HITT. Mr. Speaker, I desire to call up the message from the Senate announcing a disagreement with the House and requesting a further conference on the House amendments to the resolutions in relation to Cuba, and I move that the House insist upon its amendments to the resolutions of the Senate and agree to a conference.

There was no objection, and it was so ordered.

DONATION OF CONDEMNED CANNON.

The Speaker laid before the House a bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York, with amendments of the Senate thereto.

The amendments were agreed to.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported the bill (H. R. 7542) making appropriations for the naval establishment for the fiscal year ending June 30, 1897; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. BOUTELLE. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The points of order are reserved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PRICE, for ten days, on account of important business.

To Mr. WASHINGTON, for two weeks, on account of important business.

To Mr. HADLEY, for ten days, on account of important business.

To Mr. SORG, for ten days, on account of important business.

To Mr. MCMILLIN, for five days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.;

A bill (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid United States;

A bill (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

A bill (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.; and

A bill (6936) for the reconstruction of the Rock Island Bridge.

CALEB L. JACKSON.

Mr. HALTERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I will ask the gentleman whether this bill has been considered at a Friday night session?

Mr. HALTERMAN. No, sir; it is such a meritorious bill that it needs no elaborate consideration. This man died on the retreat from Manassas in 1863. He has been dead more than thirty years.

Mr. TALBERT. My question was whether the bill had been considered at a Friday night session.

Mr. HALTERMAN. No, sir.

Mr. TALBERT. Then I object.

MARITIME CANAL OF NORTH AMERICA.

Mr. COOPER of Wisconsin. Mr. Speaker, on the 4th of March I introduced a bill (H. R. 7173) "to incorporate the Maritime Canal of North America, and for other purposes," and, either by mistake or inadvertence on my part, it was referred to the Committee on Railways and Canals. The bill relates entirely to interstate commerce, and should have been referred to the Committee on Interstate and Foreign Commerce; and I ask that the reference be so changed.

Mr. LACEY. Mr. Speaker, it seems to me that that bill is in the proper committee. I object to the change of reference.

The SPEAKER. Objection is made.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the reference be changed.

The SPEAKER. Is the gentleman authorized by his committee?

Mr. COOPER of Wisconsin. No, sir.

SALARIES OF POSTMASTERS.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 1480) to amend an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883.

The bill was read, as follows:

*Be it enacted, etc.*, That section 4 of an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, be, and the same is hereby, amended so to read as follows:

"SEC. 4. That the salaries of postmasters of the first, second, and third classes shall be readjusted by the Postmaster-General, the first adjustment (under this act) to take effect simultaneously with the reduction of the rates of postage, and thereafter at the beginning of each fiscal year; and the salary of the postmaster at Washington City, D. C., shall be $6,000; and in no case shall the salary of any postmaster exceed the sum of $6,000, except the city of New York, where the salary of the postmaster shall remain as now fixed by law at $8,000 per annum.

The committee recommended an amendment striking out all after the enacting clause and inserting the following:

That the salary of the postmaster at Washington City, D. C., shall be $6,000 per annum, beginning the 1st of July, 1896.

Mr. SWANSON. Mr. Speaker, I wish to make a brief statement in relation to this bill. It is unanimously reported by the Committee on the Post-Office and Post-Roads. I desire to say in this connection that the salary of the postmaster at Washington is fixed by statute at a specific sum. The salaries of the other Presidential postmasters are fixed by law according to the receipts of their offices. In 1882 the salary of the postmaster at Washington was fixed at $5,000 a year. At that time the receipts of the office would have entitled him to only about $3,700. As the members of this House well know, 60 per cent of the business at the Washington office is free business, for which no stamps are sold. The Postmaster-General has written a letter, in which he shows the gross discrimination which is made against the postmaster in the city of Washington in comparison with the postmasters at other large offices. In 1882 the receipts of the post-office at Washington amounted to $292,756. That was the gross receipts from the sale of stamps. In 1894 the receipts amounted to $586,866. Now, when the receipts of an office amount to $600,000, the salary of the postmaster is fixed by law at $6,000 a year. In 1882 there were only 160 clerks under the control of the postmaster at Washington; now there are 303. At that time there were only 2 carrier stations; now there are 6. In 1882–83 there were 4 substations; now there are 34; in 1882–83 there were 24 stamp agencies; now there are 42.

Now, let us compare the salary of the postmaster in this city with the salary of other postmasters according to the work done. Take, for instance, Buffalo, N. Y., where there are employed 138 clerks, while at Washington there are 303 clerks, for whom the postmaster is responsible. The postmaster at Pittsburg, Pa., has only 156 clerks; at Cleveland, Ohio, 119.

Now, 60 per cent of the business of the Washington post-office is free. This is the third largest registry office in the United States, only New York and Chicago surpassing it. Let me say also that the receipts of the Washington office lack only about $14,000 of being $600,000, the maximum which under the general law, if applied to the post-office at Washington, would give the postmaster a salary of $6,000.

Mr. PICKLER. May I ask the gentleman a question?

Mr. SWANSON. Yes, sir.

Mr. PICKLER. This bill, I believe, proposes to increase the salary of the postmaster here in Washington.

Mr. SWANSON. Yes, sir.

Mr. PICKLER. What is the amount of the proposed increase?

Mr. SWANSON. One thousand dollars.

Mr. PICKLER. Does the bill give anything additional to fourth-class postmasters?

Mr. SWANSON. No, sir; it does not.

Mr. PICKLER. I object.

Several members called for the regular order.

CUBA.

The SPEAKER announced the appointment of Mr. HITT, Mr. ADAMS, and Mr. MCCREARY of Kentucky conferees on the part of the House on the disagreeing votes of the two Houses upon the concurrent resolutions with reference to Cuba.

The SPEAKER. The regular order being called for, the committees will be called for business in the morning hour.

FRAUDULENT BRANDS UPON LIQUORS IN BOTTLES, ETC.

Mr. EVANS (when the Committee on Ways and Means was called). I have been instructed by the Committee on Ways and Means to bring to the attention of the House during this call the bill (H. R. 4580) to amend section 3449 of the Revised Statutes.

The bill was read, as follows:

*Be it enacted, etc.*, That section 3449 of the Revised Statutes be amended so as to read as follows:

"SEC. 3449. Whenever any person sells, or keeps on hand for sale, ships, transports, or removes any spirituous or fermented liquors or wines, whether foreign or domestic, in bottles, casks, or other packages, under any other than

the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles, casks, or other packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines and bottles, casks, or other packages, and be subject to pay a fine of $500, and to be imprisoned six months for the first offense, and to pay a fine of $1,000 and be imprisoned one year for the second offense."

The amendment reported by the committee was read, as follows:

After the word "person," in line 5, insert "knowingly"; so that section 3449, as proposed to be amended, will read: "whenever any person knowingly sells or keeps on hand," etc.

Mr. EVANS. Mr. Speaker, this bill, as will be seen from its title, is designed to amend section 3449 of the Revised Statutes. It relates exclusively to internal-revenue matters, and the bill as recommended by the committee has been indorsed and urged by the Internal Revenue Office. The section proposed to be amended now reads:

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

The Commissioner of Internal Revenue, in a letter to the Committee on Ways and Means, has stated that the law as now on the statute books is inadequate to prevent and punish the gross and extensive frauds now constantly being perpetrated upon the public and upon the revenue by persons engaged in the sale of a great variety of liquors. For example, these persons send out in bottles (which must necessarily be beyond the scrutiny of the internal-revenue officers) a sort of beer that they call "hop tea"; and various other devices of the same kind are resorted to for the purpose of swindling not only the public but the revenue. In some of the larger cities some of these spurious liquors as bottled are designated on the brands as "cognac"; and the use of illustrious names of brandy makers is resorted to for the purpose of foisting upon the public these spurious liquors.

In order to prevent these frauds it is necessary, in the estimation of the Commissioner of Internal Revenue, that we should get at the bottles. It is through the bottling establishments that the frauds are effected. This bill proposes to amend the existing law in such respects as may be necessary to prevent and punish the frauds now so extensively perpetrated. The changes which it is proposed to make in the law are such as in the judgment of the committee and of the Commissioner of Internal Revenue are necessary. If gentlemen will follow the original section as I read the section in its amended form, they will see the changes which it is proposed to make.

Whenever any person knowingly sells or keeps on hand for sale—

The words "knowingly sells or keeps on hand for sale" are an addition—

ships, transports, or removes any spirituous or fermented liquors or wines, whether foreign or domestic, in bottles, casks, or other packages, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the bottles—

There we have inserted additional words—

casks, or other packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines and bottles—

Which is not in the present law—

casks, or other packages, and be subject to a fine of $500.

The amendment proposed also adds to those words the following—

and to be imprisoned six months for the first offense, and to pay a fine of $1,000 and be imprisoned one year for the second offense.

Imprisonment is regarded as absolutely necessary to prevent these frauds. They are being perpetrated not only upon the public by the sale of spurious liquors, but also upon the Government, by the sending abroad of these spurious cognacs and other spurious brands, which take the places of those genuine ones which would otherwise be imported at a much higher rate of duty than the internal-revenue taxation.

The committee were unanimously of the opinion that the bill ought to pass, and they give their reasons at length in the report. They think there is no reason why the suggestions of the Internal Revenue Office should not be carried into effect by the enactment of the law.

Mr. CUMMINGS. I wish, with the consent of the gentleman in charge of this bill, to call the attention of the House to this fact——

Mr. OWENS. Mr. Speaker, I ask for the reading of the report accompanying the bill.

Mr. EVANS. Does the gentleman from New York desire to occupy the floor?

Mr. CUMMINGS. For a short time.

Mr. EVANS. I will yield to the gentleman from New York five minutes, if that will be sufficient.

The SPEAKER. Before the gentleman from New York proceeds, the Chair will say to the gentleman from Kentucky that the reading of the report is not a matter of right except as a part of the remarks of some gentleman occupying the floor, unless by unanimous consent.

Mr. EVANS. I ask that the report be read in my time.

Mr. CUMMINGS. I will yield the floor for the purpose of having the report read.

The report (by Mr. EVANS) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 4580) to amend section 3449 of the Revised Statutes of the United States, having considered the same, respectfully recommend the passage of the bill when amended as follows:

In line 5, after the word "person," insert the word "knowingly."

The existing statute is as follows:

"SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing same, or causes such act to be done, he shall forfeit said liquors or wines and casks or packages and be subject to pay a fine of $500."

The Internal Revenue Office reports that the existing statute is inadequate to meet and correct the gross and extensive frauds perpetrated upon the public and upon the revenue by persons engaged in the sale of a great variety of spirituous, vinous, and malt liquors under false and fraudulent brands. To illustrate, but without going into details, the Commissioner of Internal Revenue reports that in many districts lager beer is found upon the market under such names as "hop tea" and "ambrosia" as well as other false designations, and that domestic distilled spirits are found to have been sent out and sold under names which falsely indicate that the spirits are imported.

Such names as "Booth & Co., London superior," "Old Tom gin," and "J. & F. Martell cognac" are freely used, and the public is extensively imposed upon thereby, so much so indeed, it is said, that the profits are so great that those engaged in the business when detected pay apparently without reluctance the fine imposed by the statute. In the United States district court for the eastern district of Missouri, in the case of The United States *vs.* 133 packages of spirits, recently decided, it was held that goods sent out under such false brands can not be forfeited. There would therefore seem to be much need of the proposed legislation and for the imposition of greatly increased penalties, including imprisonment. This alone, it is believed by the officials and those well acquainted with the facts, will deter those engaged in these fraudulent transactions from actively continuing therein.

Mr. CUMMINGS. Mr. Speaker, I will consume the time of the House only long enough to call attention to the fact that this bill, if passed, will not only be a protection to the revenue service of the country, but will also conduce to the safety of American citizens.

Last summer a friend of mine was very sick in New York. The doctor ordered him to use Hennessey brandy. "Get the three-star Hennessey brandy," he said to me. "That is what is required in his case."

"Well, I went to a drug store—it was Sunday—and got the three-star Hennessey brandy. Before leaving the doctor tasted it, and said, "Where did you get that?"

I replied at such and such a place on Broadway. "Well," he said, "that will kill at 40 rods. It is a compound of wood alcohol, whisky, and strychnine, sold under the label of Hennessey brandy."

I only instance this as indicating the necessity for the passage of this bill. If the revenue is robbed under the present law, it is a misfortune; but if people are killed by these noxious and poisonous compounds to put money into the pockets of greedy citizens, it is a crime. I need say no more. The justice of the measure is manifest. I hope the bill will pass.

Mr. CONNOLLY. Mr. Speaker, I desire to offer an amendment to the bill, and will state the reasons for doing so.

Mr. EVANS. If the gentleman wishes to occupy the floor I will yield him time.

Mr. CONNOLLY. Are you parceling out the time in opposition to the bill?

Mr. EVANS. No, I am not; I am simply holding the floor.

Mr. CONNOLLY. I desire to offer an amendment to the bill as it stands.

The SPEAKER. Has the gentleman from Kentucky yielded the floor?

Mr. EVANS. I have not. That is the reason I interrogated the gentleman as to what time he wanted. I will yield to him as much time as he desires within reasonable limits.

Mr. CONNOLLY. In opposition to the bill?

Mr. EVANS. Yes, if you so desire. I will yield ten minutes to the gentleman from Illinois.

Mr. CONNOLLY. Mr. Speaker, my purpose in taking the floor was to ask the House to amend the bill. If the gentleman in charge of the bill insists on its being acted on just as it is now, I shall feel constrained to vote against it, and I think that there are other members on the floor who will also oppose it unless the feature of the bill to which I wish to call the attention or the House is remedied.

Under all of the revenue laws that we have had in operation up to this time no question has ever been put into the statute about the intent with which any violation of the law has been committed. The law has been like all of our revenue or taxation laws; it has required certain things to be done, and has provided that a failure to do those certain things shall be a violation of the law, without regard to the intent with which the things have been done.

Now, this section of the statutes which it is proposed to amend has, since the internal-revenue laws were first enacted, remained

on the statute books unchanged as it rests there to-day. It provides as follows:

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such acts to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of $500.

Now, so the law has stood since 1868, and anyone who sells, ships, transports, or disposes of liquors of any kind under a false name or of a kind or quality not designated upon the package shall be held to have violated the law. This bill comes in to amend that section; a section that has stood for twenty years—yes, more, for twenty-five years—and provides by adding a few words at the beginning of the section that—

Whenever any person knowingly sells or keeps on hand for sale—

Then follows the rest of the section just as it has always stood. Now, that is the secret of this whole thing, in the few words that have been added at the beginning of the section, namely: "Anyone who knowingly sells, ships, transports," or does any of the things that have always been prohibited. In other words, it changes the law and the whole spirit of the law. It makes this section an exception to all the sections of the internal-revenue laws, and requires the Government, before it can convict a man who evades the statute, to prove that he knew that the article he was selling was falsely branded.

Now, gentlemen can see what opportunity the Government would have to convict these men who are selling the three-star Hennessey brandy that my friend from New York [Mr. CUMMINGS] spoke of. This brandy is put up not by the distiller or by men honestly pursuing their business, but by men who are engaged in a fraudulent business. They compound it, they bottle it, they seal it up. They then have it on sale for retailers at a cheaper price than the genuine article would be. The retailers buy it because the bottle with its brand and labels looks like the genuine Hennessey brandy; but the retailer knows that he bought it at much less. He, however, has never sampled it. He does not know what is in the bottle. He buys it as his purchaser buys it, takes it on trust because of the label. Now, if that word "knowingly" is stricken out, then there can be no objection to this bill. The law always has extended simply to those who shipped and transported this fraudulent class of goods. This bill proposes to extend that law to those who sell and deal in that fraudulent kind of goods. That is all right. But when you add that word "knowingly," then you furnish a loophole by which the fraudulent seller, the fraudulent shipper, the fraudulent transporter can escape. Under the law as it has always stood the shipper and transporter never can escape, for if the article is traced to him the mere proof of the fact that it is fraudulent convicts him. Therefore it puts him on his guard. As the law stands to-day, every man who handles these fraudulent goods does so at his peril, if he is detected in handling or shipping them. Everybody does it at his peril except the man who sells. The law does not extend to the man who sells. This bill will extend it to the man who sells. Now, if you strike out the word "knowingly" then you make it possible for the Government to convict the very class of men who deal in the class of goods of which the gentleman from New York [Mr. CUMMINGS] spoke.

Mr. CUMMINGS. Will my friend permit me?

Mr. CONNOLLY. Certainly, sir.

Mr. CUMMINGS. I agree with the gentleman perfectly; and those members of the committee whom I have seen are willing that the amendment inserting the word "knowingly" may be withdrawn.

Mr. CONNOLLY. Then do I understand that the word "knowingly" may be stricken out?

Mr. EVANS. We will state the proposition.

Mr. CONNOLLY. If that is done I shall have no objection.

Mr. EVANS. I will say to the House, Mr. Speaker, that there was considerable discussion in the committee upon the subject of this word "knowingly." It did not escape the attention of the committee, and in that discussion much doubt was expressed as to whether the word ought to be included in the bill. The criticisms of my distinguished friend from Illinois, as we all know, have force, not only in themselves, but because of his large experience in these matters. And so much are we impressed by them now—as we were before—that I have been instructed by the committee to withdraw their suggestion of this amendment, which was the only amendment offered to the bill. That being the only objection of my friend from Illinois [Mr. CONNOLLY], we shall be very glad to have his support of the measure.

Mr. GRAFF. I should like to ask the gentleman a question.

Mr. CRISP. Have the committee instructed the gentleman to withdraw the word?

Mr. EVANS. I will not say that the committee formally did it, but in a conference among us, as far as the members could be found, it was agreed to withdraw it. I thought the gentleman from Georgia had been consulted.

Mr. CRISP. I am very much opposed to withdrawing the word. I do not think that any man ought to be convicted of any crime unless he has knowledge that he is committing it. I object to its being withdrawn.

Mr. EVANS. Then the committee can not do it, I suppose, as a committee.

Mr. GROSVENOR. I want to join the gentleman from Georgia in that. I am unwilling to make any man guilty of a crime by any act which of itself is an innocent act at the time he commits it.

Mr. EVANS. The gentleman from Georgia, if I understand, objects to the withdrawal of the committee amendment?

Mr. CRISP. Yes.

Mr. EVANS. Then it will have to be voted upon.

Mr. CRISP. Mr. Speaker, as the law stands now it provides that any person who ships, transports, or removes any spirituous or fermented liquors or wines under a false brand shall forfeit them and be subject to a penalty. The proposition pending is to extend this provision not only to the person who ships or transports the goods, but to any person who sells or keeps on hand for sale any liquors under any false brand, and he is not only to be subject to forfeiture of the liquors, but subject to fine and imprisonment. The committee recommended extending the penalty to the seller of the liquor, provided there shall be incorporated in the law the word "knowingly," so that no man shall be punished for selling liquor under a false brand unless he knows at the time he sells it that he is selling it under a false brand. My friend from Illinois [Mr. CONNOLLY], who is a lawyer of distinction, opposes this proposition. I thought it was an elementary principle of the law that there could be no conviction for crime unless in its commission there was a joint operation of act and intention.

Mr. CONNOLLY. That is the rule concerning crimes that are crimes per se.

Mr. CRISP. That is true, or ought to be true, in every case.

Mr. CONNOLLY. It has never been true under the internal-revenue law.

Mr. CRISP. Let the gentleman for one moment look a little to the rights and liberties of the citizens of the United States.

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow me a question?

Mr. CRISP. I hope the gentleman will allow me to finish my remarks. Let the gentleman for one moment consider the public as well as the revenue. Pass this bill without the amendment recommended by the Committee on Ways and Means, and what is the effect? A merchant doing business orders from a manufacturer or from a wholesale dealer liquors in bottles. He orders the the kind of brandy mentioned by my friend from New York [Mr. CUMMINGS]. He pays full price for the brandy that he orders. He honestly and bona fide believes that he is getting the very best merchandise, that which he ordered. It is corked and sealed. A purchaser buys from him a bottle of this brandy. If you do not incorporate in this statute the word "knowingly," then if in fact that brandy be as was that mentioned by my friend from New York, not only is it forfeited to the United States, but the merchant, the innocent seller, a man engaged in a lawful occupation, an honest man, who bought in the open market what he thought was honest goods, is to be fined and imprisoned; and this you call, in an enlightened age and country, a just and equitable law!

Mr. CONNOLLY. Will the gentleman allow me to ask him a question?

Mr. CRISP. I will.

Mr. CONNOLLY. Has not the law since 1866 been such that a man who shipped, transported, or removed any such liquors, whether he knew it or not, could be convicted?

Mr. CRISP. It has.

Mr. CONNOLLY. It did not require any knowledge. Now, the purpose of this statute is to change that law, and to require that he can not be convicted without knowledge.

Mr. CRISP. The purpose of this statute, Mr. Speaker, is to extend that law. It not only applies to the shipper and the transporter but to the seller.

Mr. CONNOLLY. And to make it more difficult to convict the shipper as well as the seller.

Mr. CRISP. Why, undoubtedly, it ought to be difficult to convict an honest man.

Mr. CONNOLLY. But a dishonest man; how about him?

Mr. CRISP. Ah, Mr. Speaker, you must not, in framing your laws to reach the dishonest, leave out of consideration the honest man who is engaged in a lawful business.

Mr. NORTHWAY. Will the gentleman permit me to ask him a question? Has it not been held in the courts since 1866, when a man was on trial relative to these internal-revenue laws, that he must knowingly have committed the violation?

Mr. CRISP. I am almost ashamed to say that I am not familiar with the decision.

Mr. NORTHWAY. The rule, if I correctly remember it, is that the court will charge that there must be knowledge. It is

only in reference to adulterated foods that they hold that a man can be convicted without knowledge.

Mr. CRISP. The gentleman from Illinois can give information better than I can on that question, as he has been engaged in prosecutions under the internal-revenue laws, but the idea I have is that when we extend this law so that it shall apply to every merchant who may sell liquors in bottles or in casks that he should not be punished by fine and imprisonment unless he knowingly sells them, and the onus ought to be on the Government to show that he did knowingly do it, because, Mr. Speaker, even in the enforcement of the internal-revenue laws we have not yet arrived, I hope, at that stage where the presumption of innocence does not attach to every man who is on trial for any offense.

Mr. EVANS. Mr. Speaker, may I ask how much time I have?

The SPEAKER. The gentleman has thirty minutes.

Mr. WILLIAM A. STONE. Mr. Speaker——

Mr. EVANS. How much time do you want? I do not yield the floor.

Mr. WILLIAM A. STONE. Mr. Speaker, I just ask that the Clerk report the bill again, as there are no more copies to be had.

The bill was again read.

Mr. EVANS. If the gentleman from Georgia will remember, the original section 3449 does not include in it the word "knowingly"; and I believe I am correct in saying, having some familiarity with the subject, that the gentleman from Illinois [Mr. CONNOLLY] is correct in his statement that the word "knowingly" is not inserted in this connection in any internal-revenue law. The insertion of the word "knowingly" was recommended by the committee because it was supposed that it was possible that a person selling these goods might not at the time know what he was selling. But when we look at the subject more closely we will find that that could not long continue; that he could not engage long, at least, in the sale of these spurious and fraudulent brands of liquors without knowing exactly what he was doing. Now, I think that no poisonous or spurious compounds should be sent upon the markets with any sort of protection from the internal-revenue laws. The insertion of the word "knowingly" may possibly protect him to some extent, and it might be unwise to do so.

The internal-revenue laws never have heretofore contained the word, and while I originally favored the insertion of it, I have always felt the force of the objections to doing so. The Commissioner of Internal Revenue somewhat strongly opposed the proposition to amend the bill in this way, and in view of the criticisms made upon the amendment, I for one and those around me of the Ways and Means Committee agreed that the recommendation should be withdrawn. As objection is made to that, we can not withdraw it as a committee; but for my part, having perhaps suggested originally the insertion of the word "knowingly," I have no objection to the amendment being voted down.

Now, Mr. Speaker, if anyone else desires to ask any questions as to the bill I am ready to answer them if I can, or if any gentleman desires to make any suggestions I will give him time. I yield five minutes to my colleague on the committee, the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I do not know that I can add anything to what has been so well said by my colleague [Mr. CONNOLLY]. The insertion of the word "knowingly" is an innovation in this kind of legislation by the Federal Congress, and it would be an innovation in legislation of this class in the State of Illinois. If the word "knowingly" is inserted in the statute, in my judgment the Government will be unable to enforce conviction in these cases, because it will be required to show not only the illegal traffic, but also knowledge on the part of the persons accused, and, judging from our experience in the enforcement of this kind of legislation in Illinois, that will be generally found impossible. I trust therefore that the amendment will be voted down.

Mr. GRAFF. Is it true that under this present bill there is no new duty imposed upon the distiller or the manufacturer of these liquors, so far as the branding of the liquors is concerned?

Mr. EVANS. None whatever. Now, Mr. Speaker, if no one else desires to be heard on the bill I will ask for the previous question.

Mr. HULICK. This bill is for the amendment of section 3449 of the Revised Statutes. In what respect is that section materially amended by the bill?

Mr. EVANS. The statute is amended by providing that, in addition to shipping, transporting, and removing these liquors, it shall be an offense to sell or keep them on hand for sale, or to keep them in bottles, casks, or packages, and that the bottles and other packages shall be forfeited. The punishment is also made more severe.

Mr. HOPKINS. The word "knowingly," in line 5, is a separate amendment, is it not?

Mr. EVANS. That is the amendment proposed by the committee, and it has been printed with the bill.

Mr. HOPKINS. That is the amendment that I think ought to be voted down, and I shall ask for a separate vote upon it.

Mr. DINGLEY. That is the only amendment.

Mr. NORTHWAY. Let me ask the gentleman what has been the holding of our Federal courts on the law as it stands without the word "knowingly" in the statute?

Mr. HULICK. I do not think the Federal courts have ever held that it was necessary that the offense should be committed knowingly. They have taken that as a presumption arising from the fact of committing the offense.

Mr. HOPKINS. I can answer the gentleman so far as Illinois is concerned. In the Federal courts all that is required is to show simply the violation of the law under the language of the statute. That is all the Government is required to do in such cases.

Mr. NORTHWAY. That is not the holding of the courts in Ohio.

Mr. HOPKINS. Well, that is the rule in the Federal courts, and our State courts hold in conformity with the Federal courts.

Mr. HULICK. But would it be a good defense to show that the man charged did not know what the contents of the packages were?

Mr. HOPKINS. No; it would not.

Mr. HULICK. Then the mere possession of these unlawful goods would be prima facie evidence against the party.

Mr. EVANS. The possession of them for sale. Now, Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The Chair understands that the committee amendments are two in number.

Mr. EVANS. Only one. Only the proposition to insert the word "knowingly" in the proposed bill.

Mr. HULICK. The bill itself is an amendment to the original statute. That is the "first" amendment referred to by the gentleman from Kentucky, and now there is an amendment to the bill proposed by the committee, which is the "second" amendment.

The SPEAKER. The bill is a bill to amend the statute, and the committee have proposed an amendment, which is the "first" amendment. The previous question is ordered on the bill and the amendment to the passage.

Mr. OWENS. As I understand, the gentleman from Illinois [Mr. CONNOLLY] has an amendment pending to strike out the word "knowingly."

The SPEAKER. No. The committee propose to insert that word as an amendment, and if it does not receive the approval of the House that will have the same effect as a vote to strike it out. The amendment is not in the bill until it is put there by the House.

Mr. OWENS. Before the previous question is ordered I want to suggest an amendment which I would like to offer.

The SPEAKER. The previous question has been ordered.

Mr. OWENS. Well, I ask unanimous consent to suggest this amendment. If the word "knowingly" be left in the bill, then I ask permission to move to strike out the words "knowingly sells or keeps on hand for sale." I think it much better to keep the law as it is, with only the punishment by imprisonment, than to put in this clause requiring the offense to be "knowingly" committed, because there is not a jury in the country that would not, in order to let an offender escape, find that he had not committed it "knowingly." So I would like to have an amendment pending to strike out the words "knowingly sells or keeps on hand for sale," so that in this respect the old law may be left intact, because I think that this word "knowingly," if ingrafted upon the old law, would render it nugatory and impossible of execution.

Mr. EVANS. We can accomplish the object the gentleman seeks by voting down the committee amendment which proposes to insert the word "knowingly."

Mr. DINGLEY. Yes; let that be voted down.

The question being taken on the amendment of the committee, it was rejected, there being—ayes 25, noes 55.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. EVANS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Has the Committee on Ways and Means any further business to present?

Mr. DINGLEY. We have no further business.

### DISPOSITION OF MORMON CHURCH PROPERTY IN UTAH.

Mr. BRODERICK (when the Committee on the Judiciary was called). I am directed by the Committee on the Judiciary to call up the joint resolution (H. Res. 96) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The joint resolution was read, with the amendments of the committee, proposing to make it read as follows:

Whereas the corporation of the Church of Jesus Christ of Latter-Day Saints was dissolved by act of Congress of March 3, 1887; and

Whereas the real estate belonging to the said corporation at the time of its

dissolution is now in the hands of a receiver appointed by the supreme court of the Territory of Utah; and

Whereas the said property is the result of contributions and donations made by the members of said church and was designed to be devoted to the payment of the debts of said church and to the charitable uses thereof, under the direction and control of the first presidency of the church; and

Whereas the said church has discontinued the practice of polygamy and does not encourage or give countenance in any manner to practices in violation of law; and if the said real estate is restored to said church it will not be devoted to any unlawful purpose: Therefore

*Resolved, etc.*, That all of the real estate now in the hands of the receiver of the late corporation of the Church of Jesus Christ of Latter-Day Saints and all the rents, issues, and profits arising therefrom, which includes all the money held by him, be, and the same are hereby, restored to Wilford Woodruff, George Q. Cannon, and Joseph F. Smith, as trustees of the Church of Jesus Christ of Latter-Day Saints, or their successors, to be devoted, under the direction and control of said trustees of said church, to the payment of the debts for which said church is legally or equitably liable, and to the charitable uses and purposes thereof; and the said receiver, after deducting the expenses of his receivership, under the direction of the supreme court of the State of Utah, or the court having charge of said receivership, is hereby required to deliver the said property and money to the persons constituting the trustees of said Church of Jesus Christ of Latter-Day Saints, or to such person or persons as they may designate, to be held and applied to the payment of the debts of said church, as aforesaid, and to the charitable uses and purposes thereof.

Mr. HOPKINS. I trust that the gentleman from Kansas [Mr. BRODERICK] will give us some explanation of this bill.

Mr. BRODERICK. Mr. Speaker, the history of this legislation may not be understood by all the members of the House. In 1862 the first act, known as the antipolygamy law, was passed. That law was not effectual. Under it, as will be remembered by those who kept watch of the proceedings at that time, there was much difficulty in securing convictions of those who violated the law. In 1887 that act was amended by the passage of what was known as the Edmunds-Tucker Act, which, among other provisions, restricted the property holdings of churches in the Territories. The Mormon Church in Utah was not pointed out in the act; yet it was understood at the time that the legislation was intended to apply more especially to that church, because of the large amount of property which it held, and because of the contest going on to have these people observe the law. Under the Edmunds-Tucker Act a proceeding was instituted in the Territorial supreme court and a receiver was appointed, who took charge of the property held by that church in excess of the $50,000 provided by the act. The receiver retained possession of all property in excess of $50,000, except the perishable property, until about a year ago.

Mr. HOPKINS. Will the gentleman allow an interruption?

Mr. BRODERICK. Yes, sir.

Mr. HOPKINS. Under what authority and for what purpose did the receiver take charge of this property, and what directions did he receive about maintaining it and about its ultimate disposition?

Mr. BRODERICK. He took possession of it under the act of Congress of 1887. The proceeds of the personal property, I think, were to go to the common schools of the Territory and the real property was to escheat to the General Government. There has been some controversy about it, but this is now settled. The receiver never disposed of any property except the personal property that was considered perishable. The last Congress passed a resolution similar in form to the one under consideration, providing that the receiver should return to the church the personal property. That resolution was passed by both Houses without a division, for the reason that it was understood that the Mormon people were no longer in opposition to the laws of the land.

Mr. HOPKINS. One moment, if the gentleman will yield. This legislation, as I understand, is designed to undo the legislation under which a receiver was appointed who took charge of the property; and the purpose now is that instead of having the personal property go to the common schools and the real estate to the General Government the property shall be taken out of the hands of the receiver and given back to the church.

Mr. BRODERICK. Yes, sir; that will be the effect. About a year ago the personal property was all turned over and is now in the hands of the church. About that time, as gentlemen understand, Utah framed a constitution in which there was a strong inhibition against polygamy, and since that time has ratified the constitution, and laws have been enacted by the State in pursuance of that constitutional provision against polygamy. In view of these facts and of the further fact that it was understood and conceded by the Gentiles in that country that the Mormons had accepted the situation and were observing the law—that polygamy was no longer taught by the church, but was in fact discouraged—in view of these facts the last Congress provided for turning over the personal property, and it has been done. The real property and the rents and profits still remain in the hands of the receiver. Now, this resolution provides that this remaining property shall be returned to the church.

A resolution similar to this was introduced in the Senate and was passed there the other day without a division, the only difference being that in the Senate the preamble to the resolution was stricken out. Now I wish to have read the resolution as passed by the Senate, and then I shall move to substitute it for the House resolution as just read.

Mr. HOPKINS. In the judgment of the gentleman, would it not be wise to have this property turned over conditionally, the condition being that the church shall never go back to its polygamous practices or teachings, or if it does that the property shall then revert again to the General Government?

Mr. BRODERICK. They have already framed a constitution prohibiting polygamy, and have enacted laws upon the subject as strong as the laws of any State in the Union in further prohibition of it. It is conceded by all that they have given it up. The gentleman from Utah [Mr. ALLEN] will explain that the people in his State all want this done. The Senators from that State were for this proposition, and the Senate passed a resolution which I send to the desk and ask to substitute for the House resolution. I refer now to the resolution S. R. 75, and I desire to offer it as a substitute for the House resolution in the shape that it passed the Senate. I ask that it be read.

The Clerk read as follows:

That all of the real estate now in the hands of the receiver of the late corporation of the Church of Jesus Christ of Latter-Day Saints, and all the rents, issues, and profits arising therefrom, which includes all the money held by him, be, and the same are hereby, granted and conveyed to the Church of Jesus Christ of Latter-Day Saints, the expenses of the receivership to be allowed by the supreme court of the State of Utah being first paid, and said receiver, after the payment of said expenses, is hereby required to deliver the said property and money to the person or persons constituting the first presidency of said Church of Jesus Christ of Latter-Day Saints, or to such person or persons as he or they may designate.

The SPEAKER pro tempore (Mr. BARRETT in the chair). Does the gentleman propose to substitute the wording of the Senate resolution for the House resolution?

Mr. BRODERICK. I do.

The SPEAKER pro tempore. The Chair does not understand that the gentleman wishes to substitute the Senate resolution literally for the House resolution?

Mr. BRODERICK. That is what I propose, Mr. Speaker.

The SPEAKER pro tempore. Has the gentleman from Kansas the copy, the engrossed joint resolution as it came from the Senate?

Mr. BRODERICK. The Clerk has just read a copy of that resolution.

The SPEAKER pro tempore. The Chair is trying to explain that there is a difference between the two things. Does the gentleman wish to substitute the words employed by the Senate resolution or the Senate resolution itself?

Mr. BRODERICK. I wish to substitute the Senate resolution.

The SPEAKER pro tempore. Then, if so, it will be necessary to have the Senate resolution before the House—the engrossed copy.

Mr. BRODERICK. Then I desire to call up the Senate resolution and substitute it for that presented by the House committee.

The SPEAKER pro tempore. Is the Senate resolution in possession of the House or in possession of the committee?

Mr. BRODERICK. I think in possession of the House, although it may have been referred to the committee.

The SPEAKER pro tempore. If it is in the possession of the committee the gentleman will understand that it is not in possession of the House to substitute.

Mr. BRODERICK. Then I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate resolution, and that it be offered as a substitute for the pending House resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BRODERICK. Now, Mr. Speaker, I want to say, as I have but a few minutes of the hour remaining, that the resolution passed the Senate without a division, and the House resolution was unanimously reported by the Judiciary Committee of the House.

I yield to the gentleman from Utah [Mr. ALLEN], who desires to be heard.

Mr. ALLEN of Utah. Mr. Speaker, I would ask for a vote upon the proposition without further discussion unless some gentleman wishes to ask a question, as I see our hour has about expired.

Mr. DINGLEY. I would like to ask the gentleman from Utah this question: What is the value of the property?

Mr. ALLEN of Utah. It is estimated by the receiver at $287,000.

Mr. DINGLEY. And consists of real estate mainly?

Mr. ALLEN of Utah. Of real estate, except $12,054.75 in money, which has accrued from the rents of the real estate.

Mr. DINGLEY. Under the act of 1887, unless this provision is made, this property would escheat to the United States or has already escheated?

Mr. ALLEN of Utah. Yes, sir; but it is still in the courts, in the hands of a receiver.

Mr. HULICK. What is the amount of the indebtedness that is asserted against the property?

Mr. BRODERICK. I can not answer that question.

Mr. HULICK. Well, is there a considerable sum that will remain after the payment of any indebtedness?

Mr. ALLEN of Utah. There is no indebtedness except the expense of the receivership, which can not amount to a very considerable sum. This exception relates only to the expenses which have not been paid up to this time.

Mr. DINGLEY. And those expenses are to be deducted?

Mr. ALLEN of Utah. Yes, sir.

Mr. HULICK. Then the entire proceeds would revert to the church if this resolution is adopted?

Mr. ALLEN of Utah. Yes, sir.

Mr. Speaker, I ask for a vote on the substitution of the Senate resolution.

The SPEAKER pro tempore. The Chair will state that he has sent for a copy of the engrossed joint resolution as it came from the Senate.

Mr. STEELE. While waiting for the resolution I would like to ask the gentleman from Utah if there is any danger, after passing this resolution, that Utah will not want to change her constitution in so far as it relates to this subject?

Mr. ALLEN of Utah. I do not understand how much time we have, Mr. Speaker, but I am willing to answer these questions, and would like very much to have an opportunity to explain the matter at length.

Mr. STEELE. Well, then, suppose you proceed until the bill comes and give us your opinion of the matter, whether they are really sincere in this thing or not, or what the prospects are?

Mr. ALLEN of Utah. The people of Utah have done all they could to assure the people of the United States of their sincerity in this respect. They abandoned the practice of polygamy as far back as 1890, and by what I think was the strongest possible assertion of their purpose, namely, a manifesto, coming through the head of their church, declared their purpose no longer to practice this tenet of their faith. No polygamous marriages have been solemnized by the church for more than five and a half years. The church has issued no permit for polygamous marriages since October, 1890.

The constitution which has been adopted by the State of Utah not only followed the wording of the enabling actupon this point, which wording is as follows:

Polygamous or plural marriages are forever prohibited.

But they also provided in the constitution that an act which had been passed in 1892 by the legislature of the then Territory should remain in force and effect after the admission of the State to the Union, which act provided for the punishment of polygamy. I quote from the constitution now in force in the State of Utah, on page 43, section 2:

The act of the governor and legislative assembly of the Territory of Utah entitled "An act to punish polygamy and other kindred offenses," approved February 4, A. D. 1852, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

In response to the question of my friend, who wishes to know whether the constitution of the State will be changed wherein it relates to polygamy, I will say: It is true that the Mormon people resisted the enforcement of the antipolygamy laws so long as they had a standing in the courts for their contention; but when the final decisions of the courts had been had, and this people found themselves adjudged wrong upon every essential point in controversy, they accepted the situation and declared they would abide by the law of the nation. By their every public act, by their acts as a church, and, as I believe, by their purpose as private individuals, they have shown and they now indicate their purpose to abide by the sentiment and law of the American people.

The history of Utah during the past six years indicates to my mind that there can be no such change in its fundamental law. This step has been taken deliberately by its people, and they will stand by the promises and pledges made to the nation. They are an honest people.

Mr. HULICK. Will the gentleman allow a question?

Mr. ALLEN of Utah. Certainly.

Mr. HULICK. Are we to understand from the statement of the gentleman that the church received a revelation that they must abandon polygamy, and therefore have abandoned it?

Mr. ALLEN of Utah. In October, 1890, there was issued by the first presidency of the Mormon Church what is commonly known in that church and in Utah as the "Manifesto," wherein it was stated that polygamy should no longer be practiced by the Mormon Church.

Mr. HULICK. Well, has that practice ceased because of the revelation or because of the constitutional and legal prohibition? Suppose a revelation were to come from the church hereafter that polygamy should again be adopted, would they observe the law as it is, or would they observe the revelation, and thereby claim that that is the higher power binding them, and the property be subject thereto?

Mr. ALLEN of Utah. I can not in the few minutes that I have go over all the details of the subject opened by this question. If the gentleman had lived there for fifteen years, as I have, and had been all through this fight——

Mr. HULICK. That is the reason I asked the question.

Mr. ALLEN of Utah (continuing). And had been all through this fight in opposition to the church in its practice of polygamy, and one of the last who gave up that fight, I think he would feel, as I do, that the assurances that have been made by the people of Utah are sufficient and that the promise of the present will be sacredly observed in the future.

Mr. STEELE. I understand that the Republican legislature of Utah has passed a resolution requesting this legislation.

Mr. ALLEN of Utah. Yes; and it was in the platform of the party, showing that the people of Utah, both Gentiles and Mormons, are in favor of it.

Mr. STEELE. The engrossed resolution is here now.

The SPEAKER pro tempore. The Chair will state that the engrossed joint resolution of the Senate is now in the hands of the Clerk, and if there is no objection, the pending joint resolution will be considered as laid upon the table. The gentleman from Utah [Mr. ALLEN] moves to take up the Senate joint resolution providing for the disposition of certain property in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ALLEN of Utah, a motion to reconsider the last vote was laid on the table.

### RIGHT OF APPEAL IN RECEIVERSHIP CASES.

The SPEAKER pro tempore. Has the Committee on the Judiciary any other bill to call up at this time?

Mr. UPDEGRAFF. Mr. Speaker, I am instructed by the Committee on the Judiciary to ask for the present consideration, during the morning hour, of the bill (H. R. 4554) to amend the act approved February 18, 1895, entitled "An act to amend the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891."

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to amend the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891," approved February 18, 1895, designated in Supplement to Revised Statutes, volume 2, No. 5, as chapter 96, be, and the same is hereby, amended so as to read as follows:

"That the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891, be amended so as to read as follows:

"'That where, upon a hearing in equity in a district or circuit court, an injunction shall be granted, continued, refused, or dissolved, or a receiver appointed or refused by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, in a case in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve an injunction, or appointing or refusing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed, unless otherwise ordered by that court, during the pendency of such appeal: *And provided further*, That pending the appeal the court may make such orders respecting the property in the custody of the court as the court may deem proper or necessary": *And provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional injunction or other bond."

Mr. UPDEGRAFF. Mr. Speaker, this is a committee substitute for the bill H. R. 218. Its effect is to give the right of appeal from an order of the court appointing or refusing to appoint a receiver. I do not care to say anything more myself on the bill, and I yield the floor to the gentleman from Georgia [Mr. TURNER], who introduced the original bill.

Mr. TURNER of Georgia. Mr. Speaker, what the gentleman from Iowa [Mr. UPDEGRAFF] has just stated is, I think, a sufficient summary of the parliamentary history of the bill. It is really a substitute for a bill which I had the honor to introduce. The substitute is slightly different from the bill which I introduced, but I have accepted the substitute which the Judiciary Committee prepared, and which was necessarily different from the one that I introduced, because in drafting my bill I overlooked the fact that the law which I sought to amend had been previously amended. The substitute conforms to that state of things and adds a provision or two to which I can not object. The gentleman from Iowa [Mr. UPDEGRAFF] has sufficiently indicated the purpose of the bill. The original act creating a circuit court of appeals allowed an appeal from the district or circuit court, from interlocutory orders granting or refusing or continuing injunctions, but it did not provide for appeals from orders appointing or refusing to appoint receivers. A general demand has grown up to allow appeals in these latter cases as well as in the former, and certainly no objection can be suggested against it. I will not detain the House longer, Mr. Speaker, and I hope that the bill will pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. DINGLEY. As the morning hour has expired, I ask unanimous consent that the Committee on the Judiciary may have the second hour to which they will be entitled to-morrow at this time. That will enable them to go on with their business to-day.

The SPEAKER pro tempore. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that the Committee on the Judiciary be allowed an additional hour at this time instead of to-morrow for the consideration of their bill. Is there objection?

There was no objection.

UNITED STATES RAILROAD CORPORATIONS.

Mr. UPDEGRAFF. Mr. Speaker, I am instructed by the Committee on the Judiciary to present to the House the bill which I have sent to the Clerk's desk, and ask for its present consideration.

The Clerk read as follows:

A bill (H. R. 325) to provide that United States railroad corporations shall, for purposes of jurisdiction, be deemed citizens of the respective States into which their line of railway may extend.

*Be it enacted, etc.*, That all United States railroad corporations or railroad corporations or companies organized or incorporated under or by virtue of any law or laws of the United States shall, for all purposes of jurisdiction, be held and deemed to be citizens and corporations of the respective States into which their line of railway or any branch or spur thereof may extend or in which any such corporation may conduct or carry on any business; and service of process upon such corporations may be made according to the laws of the respective States in which suit shall be brought.

SEC. 2. That this act shall take effect and be in force from and after its passage, and all acts or parts thereof in conflict with the provisions of this act are hereby repealed.

Mr. UPDEGRAFF. Mr. Speaker, I have no desire to occupy any considerable time of the House. I think the reading of the bill will commend itself at once to the judgment of all the members of the House. It simply makes Federal railroad corporations citizens of the several States in which they do business. It subjects them to the same conditions that all individuals are subjected to, citizens of the State, and subject to the laws of the State in which they do business. I do not care to say any more, and yield now to the gentleman from Arkansas [Mr. TERRY], the original introducer of the bill.

Mr. TERRY. Mr. Speaker, unless some one desires an explanation in regard to this bill, I do not think it really necessary to take up the time of the House with it. It has been unanimously reported from the Committee on the Judiciary, and was thoroughly considered by that committee. The bill has passed this House once before by a two-thirds majority, and unless there is some objection, or some gentleman desires information, I will not detain the House.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

Mr. CONNOLLY. I desire to correct the statement of the gentleman that it was unanimously reported from the Committee on the Judiciary. It was not. I am a member of that committee, and never voted for the bill.

Mr. TERRY. I will state to the gentleman that I so understand it. If the gentleman objected, I did not know it.

Mr. CONNOLLY. I did not and do not approve of the bill. That bill makes a distinction between the ordinary citizen and a railroad corporation. The ordinary citizen is not subject to be dealt with in the courts of the State in which he does business, but is subject to the jurisdiction of the courts of the State in which he resides. If he resides in one State and does business in another, and a suit is brought against him in a State court in the State in which he does business, he has the right, under the Federal statutes, to remove his case to the Federal court for trial. That right has always been secured to the citizen. This bill now seeks to change that rule, that has obtained since the organization of the Government—a rule both as to the human being, the citizen, and the corporation. For that reason, making that distinction, I would not approve the bill. I do not approve it now and did not approve it in committee. I was not present, I believe, at the time when a vote was taken on ordering the bill reported to the House with a favorable recommendation.

That is my objection to the bill. It makes fish of one and flesh of another. It is simply an attempt to subject every railroad corporation in the United States to the jurisdiction of the State courts of the States through which the road runs, and to force them, without relief or remedy, to try their causes in the courts of the State through which they run. Now, gentlemen may say, Is not that right? Well, men differ in their views about that, as to whether it is right or not. If it is right to the railroad corporation it should be held equally right as to the citizen; so that if a citizen of New York is found in the State of Arkansas and suit brought against him, he is forced to submit his cause to trial in the State courts of Arkansas. It has always been the rule that a citizen of Arkansas, if found in New York and suit brought against him, had the right to transfer it to the Federal courts, or, vice versa, if a citizen of New York should be found in the State of Arkansas and suit brought against him, the Federal court was open to him. These provisions have existed from the foundation of the Government, to remove the citizen from the local prejudices that may be supposed to exist; and I see no reason now, after a century of existence, why we should change that rule as to one class of citizens unless we change it as to all.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the words "United States railroad corporations, or."
In line 4 strike out the words "or companies."

Mr. TERRY. Mr. Speaker, the objections just urged by my friend on the Judiciary Committee are more imaginary than real. The difference existing between the case of an ordinary citizen of the United States, an individual, and one of these United States railroad corporations is inherent in the nature of things, and the vast difference in the operations and business of these corporations compared with the business of the individual citizen——

Mr. CONNOLLY. Mr. Speaker, will the gentleman allow me a moment?

Mr. TERRY. Certainly.

Mr. CONNOLLY. I see the feature of the bill to which I was objecting has been stricken out, and this bill now only applies, as I understand it, to lines organized under acts of Congress?

Mr. TERRY. That is right, sir.

Mr. CONNOLLY. To that I have no objection.

Mr. TERRY. I did not think that a gentleman of his ability as a lawyer would object to this if he understood it.

Mr. DINGLEY. These roads are practically only the Pacific railroads, are they not?

Mr. TERRY. The Northern Pacific and the Texas Pacific, and one or two other United States roads. There may be some others, but it applies simply to those chartered under statutes of the United States.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. UPDEGRAFF, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONS OF DEPARTMENT OFFICERS.

Mr. BAKER of New Hampshire. Mr. Speaker, in behalf of the Committee on the Judiciary, I call up the bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments.

The bill was read, as follows:

*Be it enacted, etc.*, That hereafter the commissions of all officers under the direction and control of the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture shall be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Mr. BAKER of New Hampshire. Mr. Speaker, the report fully states the reasons for the passage of this bill and I ask that it be read.

The report (by Mr. BAKER of New Hampshire) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments, submit the following report:

As early as January, 1785, Congress, under the Articles of Confederation, by "an ordinance for ascertaining the powers and duties of the Secretary of War," defined them with great particularity, and among other duties directed him "to make out, seal, and countersign the commissions of all such military officers as shall be employed in the service of the United States." Those duties were generally devolved, under the Constitution, upon the Secretary of War by the act of August 7, 1789 (1 Stat. L., 49), and he continued to discharge them, both as to the land and naval forces, until by the act of April 30, 1798 (1 Stat. L., 553), the Department of the Navy was established, and the Secretary of the Navy was required to assume control of all matters connected with the naval establishment of the United States. By the act of September 15, 1789 (1 Stat. L., 68), the Secretary of State was required to make out, record, and affix the seal of the United States to all civil commissions issued by the Government.

Thus the law remained until by the act of March 18, 1874 (18 Stat. L., 23), the Postmaster-General was directed to make out and record all the commissions of postmasters appointed by the President and to affix the seal of his Department thereto.

The next year it was provided by the act of March 3, 1875 (18 Stat. L., 420), that the commissions of the officers of the Interior Department should be made out, recorded, and sealed in that Department, and by the act of August 8, 1888 (25 Stat. L., 387), the Attorney-General was required to countersign all the commissions of judicial officers, including marshals and United States attorneys, and to have them prepared and recorded in the Department of Justice.

These several changes from the early statute of 1789 have been found satisfactory in their practical operations, and it is now deemed advisable by your committee that each Executive Department make out and record the commissions of its own officers. This bill is earnestly recommended by the Secretary of State.

Your committee therefore recommend that the bill do pass.

Mr. BAKER of New Hampshire. Mr. Speaker, the purpose of this bill is to make the practice throughout all the Departments uniform. It is approved by the Secretary of State, and, so far as the committee is advised, there is no objection to it upon the part of anybody. I ask for a vote.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BAKER of New Hampshire, a motion to reconsider the vote by which the bill was passed was laid on the table.

CRIMINAL JURISDICTION OVER PLACES CEDED TO UNITED STATES.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up the bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for certain purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That when any offense is committed in any place jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

Mr. GILLETT of Massachusetts. Mr. Speaker, this bill has been unanimously reported by the committee. It is accompanied by a report which fully explains its object, but that report is long, and I think that in a word I can satisfy the House of the intention of the bill and the wisdom of its passage. It is practically a reenactment of a law which provides for the same purpose. The reason it becomes necessary to pass this bill is that the old law has in it the word "now," providing that "all criminal laws now in force" in the State shall be in force in the United States territory within that State. The statute was passed in 1866, so that the only criminal laws which are in force now in such places are those that were in force in 1866. Since that time several new States have come into the Union, and inasmuch as there were no State laws in those States in 1866, there are now no criminal State laws which apply to places ceded to the United States within their limits. Therefore, it is necessary to pass this bill reenacting that old law and providing that all laws which are now in force in the States shall also be in force in these places of United States jurisdiction within the States. That is the whole purpose of the bill, and unless there is objection I move that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GILLETT of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

SHOOTING AT RAILWAY TRAINS.

Mr. BRODERICK. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up the bill H. R. 5379, which is reported by the committee as a substitute for House bill No. 1237.

The substitute was read, as follows:

*Be it enacted, etc.*, That every person who, in the Indian Territory, shall willfully and maliciously shoot at or into any locomotive, caboose, postal car, passenger coach, express or baggage car of any railway train, or at any person thereon, or shall throw any rock or other missile at or into any locomotive, caboose, postal car, passenger coach, express or baggage car of any railway train, or at any person thereon, or shall derail or attempt to derail any locomotive or train, shall be deemed guilty of a felony, and on conviction thereof shall be sentenced to imprisonment at hard labor in the penitentiary for any time not more than twenty years: *Provided*, That if any person shall be killed, either directly or indirectly, by reason of said shooting, throwing, or derailing, the person causing the death shall be deemed guilty of murder, and upon conviction thereof shall be punished accordingly.

SEC. 2. That any person who, in the Indian Territory, shall willfully shoot at or into any freight, stock, postal, baggage, or other car of any railway train, whether such car is attached to a locomotive or not, or shall throw a stone or any other missile at or into such car, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding ninety days or by fine not exceeding $300, or by both such fine and imprisonment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

The original bill (H. R. 1237) was laid on the table; and on motion of Mr. BRODERICK, a motion to reconsider the vote was laid on the table.

REPORTER OF COURT OF APPEALS, DISTRICT OF COLUMBIA.

Mr. BAKER of New Hampshire. Mr. Speaker, I ask unanimous consent for the present consideration, and in the House as in Committee of the Whole, of the bill (H. R. 4797) to provide compensation to the reporter of the court of appeals of the District of Columbia, reported from the Judiciary Committee.

Mr. LOUD. Mr. Speaker, what will become of our morning hour if this request be granted?

The SPEAKER pro tempore. At the expiration of the morning hour the gentleman from Maine [Mr. DINGLEY] asked consent that the Committee on the Judiciary should have an extra hour to-day, to come out of its time to-morrow. No objection was made, and the second hour awarded to that committee is now in progress.

Mr. LOUD. But I mean beyond that—after that hour has expired?

The SPEAKER pro tempore. At the expiration of the morning hour, which has been extended for one hour by the consent of the House, the call of committees will continue unless the question is raised——

Mr. LOUD (interposing). The Chair evidently does not understand my question. The gentleman from New Hampshire [Mr. BAKER] now rises and asks a unanimous consent, which is outside of that hour entirely.

The SPEAKER pro tempore. The Committee on the Judiciary having been allowed an additional hour for the consideration of measures reported by it, the Chair has recognized a member of the committee [Mr. BAKER] to ask for the consideration of a bill.

Mr. LOUD. Within the rules, Mr. Speaker, but not outside of them.

The SPEAKER pro tempore. Certainly not. The gentleman from New Hampshire has asked unanimous consent for the consideration of a bill. If that consent is not granted, and it will not be if anyone objects, the Chair will not entertain the gentleman's proposition.

Mr. LOUD. But before the question of giving consent is put I wish to know what will be the result of granting unanimous consent.

Mr. HENDERSON. It will certainly not take us beyond the morning hour.

Mr. LOUD. I ask the judgment of the Chair in the matter.

The SPEAKER pro tempore. The gentleman will please state his question again.

Mr. LOUD. I would like to know what would be the result of granting this unanimous consent. Will it determine the hour? It evidently breaks into the hour by another order of business, and I simply ask a ruling of the Chair as to where it will leave us.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. DINGLEY. Of course only bills on the House Calendar can be considered in this consideration hour, and I suppose what the gentleman from New Hampshire asks is that a bill which is not on the House Calendar may be considered during this hour, and may also be considered in the House as in Committee of the Whole, as it contains an appropriation. Of course this proposition, if agreed to, would be a variation of the rule, but nevertheless I suppose anything can be done by unanimous consent.

The SPEAKER (having resumed the chair). The Chair thinks it has not been the custom under the present system of rules to allow proceedings by unanimous consent during the consideration hour.

Mr. HENDERSON. Then the bill is withdrawn.

TYPEWRITING IN TAKING DEPOSITIONS.

Mr. TERRY. I am directed by the Committee on the Judiciary to call up the bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse.

The bill was read, as follows:

*Be it enacted, etc.*, That section 864 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 864. Every person deposing as provided in the preceding section shall be cautioned and sworn to testify the whole truth and carefully examined.

"His testimony shall be reduced to writing or typewriting by the magistrate or under his personal supervision, or by himself in the magistrate's presence, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent."

Mr. TERRY. Mr. Speaker, this bill has been unanimously reported from the Judiciary Committee. Its whole scope and purpose is simply to provide that depositions taken upon a typewriting machine shall be legal, just the same as if taken in longhand writing. That is all there is in the bill. It simply amends the present law by inserting after the word "writing" the words "or typewriting."

Mr. UNDERWOOD. Do not the decisions of the courts already sustain the proposition that if an instrument is written upon the typewriting machine it has the same legal effect as if written in longhand?

Mr. TERRY. That might be true if it were typewritten by the magistrate himself; but the statute now provides as follows:

His testimony—

That is, the testimony of the witness—

shall be reduced to writing by the magistrate taking the deposition, or by himself [the witness] in the magistrate's presence, and by no other person.

Under that provision of the statute, the deposition must be reduced to writing by the magistrate himself, or by the person

giving the deposition; but under this bill if the magistrate has, acting under his direction, an operator on the typewriting machine, that operator can record in that way the deposition, and by this bill it is made legal. It has, in fact, been thus done time and again, and I do not know that any objection has ever been raised; but the purpose of the bill is to obviate the possibility of a deposition so taken being held illegal.

Mr. TURNER of Georgia. The object, then, as I understand, is that the deposition may be recorded by a person using the typewriting machine under the direction of the magistrate.

Mr. TERRY. Yes, sir.

Mr. HULICK. I should like to ask the gentleman from Arkansas a question. Suppose we wish to have the deposition of a witness taken down by a stenographer. Would that be objectionable under the amendatory bill now proposed? Must it be written upon the typewriting machine by the magistrate himself or by some person under his supervision?

Mr. TERRY. The usual practice in my part of the country is that when we want to have a stenographer take down depositions the attorneys agree that the depositions may be taken down in that way and transcribed.

Mr. HULICK. Would it not be well to consider the advisability of incorporating in the bill a provision that these depositions may be taken down by a stenographer and then certified by the magistrate? We find it very convenient to employ stenographers; but where their employment depends upon the agreement of the attorneys, the attorneys may sometimes, like other human beings, fail to come to an agreement.

Mr. TERRY. I appreciate the value of the gentleman's suggestion; and if there has been any inconvenience in that respect in his part of the country he should present a bill on the subject. We can not undertake to cover all these things in this single bill, which was designed for a single purpose.

Mr. HULICK. We have found practical inconvenience sometimes for want of such a provision as I have suggested.

Mr. TERRY. I have no doubt that the subject is a proper one for legislation, but we are now providing only for what the committee has fully considered.

Mr. GROSVENOR. Of course I am in favor of any change which may be necessary to make our laws conform to the present methods of doing business. So far as I have heard, one court only has decided that a typewritten deposition was not a compliance with the United States statutes. I differed with that learned judge, though I had no interest in the case. I did not believe the language of the law was capable of such a misconstruction.

As to the question suggested by my colleague [Mr. HULICK], I think that when a deposition is taken by a stenographer, written out, read over to the witness, signed by him, and certified by the notary public or other officer taking the deposition, the law is fully complied with. Hence I think that the amendment contemplated by this bill will furnish all the legislation necessary on this subject.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

### ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, the Committee on the Judiciary has no further bills to submit at this time.

The SPEAKER. The Chair will call the other committees.

When the Committee on the Merchant Marine and Fisheries was called,

Mr. DINGLEY. Mr. Speaker, I ask that that committee be passed over without prejudice, as the gentleman from New York [Mr. PAYNE] is not present. He desires to present some matters for consideration.

There was no objection.

Mr. McRAE. I ask the same for the Committee on Coinage, Weights, and Measures. However, I see the chairman of the committee is now present.

Mr. CHARLES W. STONE. Mr. Speaker, I ask unanimous consent that the committee be passed over for the present without losing its privilege.

There was no objection, and it was so ordered.

Mr. GROUT (when the Committee on Agriculture was called). Mr. Speaker, the chairman of the Committee on Agriculture is not present, and I ask unanimous consent that the committee be passed over without prejudice, as there are some matters he desires to call to the attention of the House.

There was no objection.

The Committee on Military Affairs was called.

### APPOINTMENT OF OFFICERS, ARMY AND NAVY.

Mr. HULL. Mr. Speaker, on behalf of the Committee on Military Affairs I call up for present consideration the bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States.

The bill was read, as follows:

*Be it enacted, etc.*, That section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, which section is as follows: "No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterwards served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army or Navy of the United States," be, and the same is hereby, repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. HOPKINS. Before that, Mr. Speaker, I would like some explanations of this bill.

Mr. HULL. Mr. Speaker, this is simply an act to repeal the law which prohibits the appointment in the Army or Navy of men who, holding commissions in the United States Army, resigned and served in the Confederate army. It passed the Senate some days ago, and is about the last of the restrictions left on the men who engaged in the rebellion. The objection raised by some is that it gives a preference over the Union soldiers in such appointments.

This, as a matter of fact, is not by any means true. It simply gives the same right to fight for the flag to the Confederate soldier that the Union soldier has under our existing law. And so far as the appointments in the Regular Army or Navy are concerned, these men are all past the age which would entitle them to such appointments, unless Congress should pass a special act in their behalf.

Mr. LACEY. What is the lowest age at which a man can be appointed an officer in the Regular Army now?

Mr. HULL. There is no barrier——

Mr. LACEY (continuing). I mean would it not be limited by the retiring age anyhow?

Mr. HULL. Of course; but there is no vacancy except such as shall be created by act of Congress or those that come through promotions where vacancies occur in the grade of second lieutenants, and these are filled by men who enter the Army as private soldiers and serve two years, pass the examination required by law, and receive their promotions to the office of second lieutenant.

So far as I am concerned I have no objection whatever, in case of another war, to allowing the men who fought in the Confederate army to enter the Union service, if they desire to do so, and get shot in place of myself.

Mr. HOPKINS. I would suggest to the gentleman from Iowa that the gentleman from Maine, the chairman of the Committee on Naval Affairs [Mr. BOUTELLE], desired to be heard upon this bill, and as the committee has several other bills to be considered, I ask him to withdraw this until the gentleman from Maine can be present.

Mr. HULL. Well, I do not know when we can get the gentleman from Maine here. I told him that we would take advantage of the first opportunity when the committee was called to bring it forward for consideration.

Mr. HOPKINS. But the gentleman can withdraw this for the present and call up another bill.

Mr. HULICK. The gentleman from Maine is now engaged in perfecting the naval appropriation bill, which we expect to call up to-morrow morning for consideration, and I am satisfied that he can not now attend to this matter.

Mr. HOPKINS. I think it would be an act of courtesy on the part of the gentleman from Iowa to withdraw the bill temporarily.

Mr. HULL. I have no objection to that, of course, in the absence of the gentleman from Maine, and will withdraw the bill until he can be sent for.

The SPEAKER. The bill is temporarily withdrawn.

### MEDALS OF HONOR.

Mr. HULL. I now call up for present consideration the joint resolution (H. Res. 85) relative to the medal of honor authorized by the act of July 12, 1862, and March 3, 1863.

The joint resolution was read, as follows:

*Resolved, etc.*, That any person who has been, or may hereafter be, awarded the medal of honor provided by the acts of July 12, 1862, and March 3, 1863, respectively, may wear, in lieu of said medal, a rosette or bowknot of ribbon, of a pattern and under regulations to be established by the President of the United States, who is hereby authorized to determine and prescribe a suitable ribbon for the medal of honor in lieu of that heretofore provided.

SEC. 2. That the wearing of said medal or ribbon by any other than the persons above specified shall be deemed a misdemeanor, and subject, on conviction, to a penalty of $100.

Mr. HULL. This simply provides that the men who for gallant services have received medals of honor for the performance of distinguished services in the civil war may wear a rosette to be adopted by the order of the War Department——

Mr. STEELE. Prescribed by the President of the United States.

Mr. HULL. Yes, prescribed by the President—that will designate the fact that the wearer of the rosette is the possessor of one of

these medals of honor. It is plain that the medal of honor, which is of iron, is unwieldy, very heavy, and it is very highly prized by the possessors and their families. They are liable to be lost if constantly worn, and for that reason parties having them ask permission to wear something in the nature of a badge, such as the rosette of the Loyal Legion, to indicate the ownership of one of these medals.

The gentleman from New York [Mr. CUMMINGS] is especially interested in this matter, he having a medal given to him on account of distinguished services as a Union soldier in the war of the rebellion. I regret that he is not present at this time. This, as I have said, is simply to authorize the wearing of a rosette to designate the fact that the wearer is the possessor of one of these medals.

Mr. HOPKINS. Can not they do that now without the passage of this act?

Mr. HULL. No; because if so, everybody could wear it without restriction. I ask a vote.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

RETIREMENT OF ENLISTED MEN.

Mr. HULL. Mr. Speaker, I desire to call up the bill (H. R. 4575) to amend chapter 67, volume 23, of the Statutes at Large of the United States.

The bill was read, as follows:

*Be it enacted, etc.*, That an act approved September 30, 1890, be amended so as to read as follows:

"That when an enlisted man has served thirty years in the United States Army, Navy, or Marine Corps, he shall, by making application, be placed on the retired list with 75 per cent of his pay and allowances of the rank upon which he was retired, and $7.50 per month as commutation of quarters."

Mr. HULL. Mr. Speaker, this is new legislation. It increases the pay of enlisted men on the retired list by giving them 75 per cent of the pay and allowances of the rank upon which they were retired.

Mr. DINGLEY. This bill should not be on the House Calendar.

The SPEAKER. This bill is not admissible under this order of business.

Mr. HULL. I think it is open to that objection, and I withdraw the bill and introduce another, which I send to the Clerk's desk.

BREVET APPOINTMENTS IN CERTAIN CASES.

The SPEAKER. The gentleman from Iowa [Mr. HULL], on behalf of the Committee on Military Affairs, presents the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5719) to provide for appointment by brevet of active or retired officers of the United States Army.

*Be it enacted, etc.*, That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, shall receive a brevet in the Regular Army equal to the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

Mr. HULL. Mr. Speaker, this bill simply provides that men who fought in the volunteer service and were brevetted for distinguished services, and who afterwards served in the Regular Army, shall receive the brevet rank in the Regular Army that they earned by serving in the volunteer army. The bill gives no pay, and entails no additional expense to the Government in any way. It simply recognizes these men for their distinguished services during the war.

Mr. HOPKINS. Whom is this bill intended to affect?

Mr. HULL. It will affect about twenty-five or thirty men who are now in the Regular Army.

Mr. McCLELLAN. There is an amendment to that bill, is there not?

Mr. HULL. I believe there is.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 6, after the word "to," the words "the highest rank held or."

Mr. HULL. That amendment was put in so that if a man had a high rank in the volunteer service and was not brevetted he shall now get a brevet rank in the Regular Army equal to the highest rank which he held in the volunteer service. This is simply a concession in the nature of a complimentary commission without any expense whatever. I move that the amendment be adopted and that the bill do pass.

Mr. STEELE. I should like to hear that amendment read again.

The amendment was again read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

APPOINTMENT OF OFFICERS, ARMY AND NAVY.

Mr. HULL. Now, Mr. Speaker, I again call up the bill that was temporarily laid aside on account of the absence of the gentleman from Maine [Mr. BOUTELLE].

The SPEAKER. The Clerk will report the bill.

The bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States, was again read as above set forth.

Mr. HULL. Mr. Speaker, I do not desire to again debate the bill. It is something that every member of the House is as competent to form an opinion upon as I am. It is simply to remove about the last restriction that remains on our statute books against the men who organized and fought the rebellion, and as we have them in Congress and in the Cabinet, and as they could be elected to the Presidency, I certainly have no objection to their entering the Army or Navy if the occasion requires their services, and to letting them take the same chances of war that the rest of us would take. It is a question that the House is just as competent to pass upon as the committee. The committee have unanimously recommended it, and it is before the House for its action.

Mr. BOUTELLE. I should like to ask the gentleman what purpose is sought to be accomplished by the bill?

Mr. HULL. I think there is very little to be accomplished by it one way or the other.

Mr. BOUTELLE. Then why are we to take up time to consider it, if there is nothing to be accomplished by it?

Mr. HULL. We did not expect it would take over ten minutes. It took probably five minutes in the other branch of Congress.

Mr. BOUTELLE. Why should it even take five, unless there is something to be accomplished by it?

Mr. HULL. The object, as I understand, is simply to remove the one restriction that now exists on the statute books against Confederates. It seems to me that the restriction is one that could be very properly removed at this time when we are hearing of wars and rumors of wars all over the world, and when there is a possibility that we may call upon our citizens to defend the flag and the integrity of the Government against foreign foes.

It seems to me it is simply fair to say that the men who tried for four years to destroy the Government may try for four years, if necessary, to preserve it. So far as I am concerned, I am willing to let them stand shoulder to shoulder with me and the gentleman from Maine [Mr. BOUTELLE] if we have another war, to show that they love the flag and are willing, if necessary, to die for it.

It gives them absolutely no advantage over any man who was a Union soldier. It simply places the Confederates side by side with the Union soldier in case we enter into a war. This idea that they are to be appointed in the Regular Army has no terrors whatever for me. If there is some man whom the President wants to appoint in the Regular Army, as has been suggested, he must go before the Senate and be confirmed; and I can conceive of no reason why any man who served in the Confederate army should now be appointed to the Regular Army. There would have to be a vacancy before he could be appointed outside of the staff corps. It is possible that a man might be appointed judge-advocate, or he might be appointed in some other staff corps; but to appoint him in the line of the Army would be impossible.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. HULL. Certainly.

Mr. PICKLER. The gentleman has not heard of any protest from any Union soldier against this bill?

Mr. HULL. On the contrary, I have received letters from Union soldiers favoring the wiping out of this last restriction.

Mr. PICKLER. I think that is the feeling of the Union soldiers throughout this country.

Mr. BOUTELLE. Mr. Speaker, I have no commission to appear for the Union soldier or anybody else but myself. I simply want a little information upon this subject. I wish the chairman of the Committee on Military Affairs, if he has any information upon the matter, will inform me what is the object or what benefit to the people of the United States is to be accomplished by the passage of this bill. His rhetoric I admire; it is beautiful. His patriotism appeals to my sentiment, and it sounds nice; but he has very successfully up to this time evaded giving any reason why we should legislate upon this subject at all. Does he know a single officer who could be commissioned in the United States Army if this bill were passed?

Mr. HULL. No.

Mr. BOUTELLE. He does not. Then why do you want to pass the bill?

Mr. HULL. In the event of war we will call for troops. The Regular Army may be increased. It may be that they will be commissioned, and maybe they never will be commissioned. The bill has been put before us by the action of the Senate; and I will not put myself in the position of voting or speaking or working against it, because I can see no reason on earth for retaining this on the statute books of our country.

Mr. BOUTELLE. Well, the gentleman ought to be able to give some reason.

Mr. HULL. The very fact that it is there on the statute books standing against these men and against men who can make and execute our laws, who can be Supreme Court judges, is a discrimination against them that should not longer be perpetuated on the statute books in my judgment. It may be only a matter of sentiment, but when that sentiment can be gratified without injury to the country my vote shall be in favor of it. So long after the war I would not let this restriction remain to annoy anyone.

Mr. BOUTELLE. My friend says it is a discrimination against somebody on some privilege, and says we can not discriminate against them. Will the gentleman tell what privilege the bill would give?

Mr. HULL. Does the gentleman know?

Mr. BOUTELLE. Why, I shall be perfectly frank and candid. I will say that this bill is brought up here for sentimental purposes.

Mr. HULL. Well, we will call it that.

Mr. BOUTELLE. Very good.

Mr. PICKLER. Sentiment is a good motive.

Mr. BOUTELLE. Perhaps there is no one who has a larger share than my friend. [Laughter.] I have seen my friend from South Dakota when I thought he was charged with sentiment from crown to sole. But let us see what the sentiment is. If there is anything involved in this bill, it is a proposition to undo something that was done many years ago. It is not a proposition capable of accomplishing any practical purpose to-day; and therefore the only possible object that I can see is to cast a reflection upon the sentiment of the people who enacted that law.

Mr. PICKLER. Will the gentleman allow me?

Mr. BOUTELLE. Wait a moment. At the time this law was passed there was good reason for it, was there not?

Mr. PICKLER. I think there was.

Mr. BOUTELLE. It represented a very proper sentiment.

Mr. PICKLER. I think it did.

Mr. BOUTELLE. Was there anybody north of Mason and Dixon's line or many south of Mason and Dixon's line who had any feeling that an officer who had been educated at the expense of the United States Government and bore its commission, and then saw fit, in the exercise of his personal volition, to go out and fight against the Government, should be kept eligible to a commission in the United States Army? I think not. Now, why should this Congress desire to enter upon retroactive legislation here that will suggest that there was a mistake in that legislation?

Mr. PICKLER. Will the gentleman now allow me?

Mr. BOUTELLE. Wait a moment. If there is anybody here to-day or anywhere living in this country who is eligible to appointment in the United States Army and desires to go into the United States Army, or who has desired to be able to be put into the United States Army, why not act upon it? Why go back? You may just as well go back and repeal Abraham Lincoln's proclamation for 75,000 troops. You may just as well go back and expunge any chapter of the war's history as to do this. You can not do it. We can not wipe out the fact that we had war. We can not ignore the fact that people were arrayed against the Government of the United States and that the Government resorted to extraordinary measures to save the life of the nation, and I can see in this bill only another ebullition of what seems to me the everlasting desire to bring up the issues of the war.

Why not let them rest? More railing accusation has been made in this House against people who stir up the embers of civil strife than has been uttered upon any other subject here. Now we have brought up here a measure tending in that direction, a measure that is not going to do anybody any good. All around me are men who served in the Union Army and in the Union Navy, but nobody gets up here and proposes to make them eligible to commissions in the United States Army or the United States Navy. We are not eligible. The regulations provide who shall hold the commissions.

Mr. HULL. Let me ask the gentleman whether this bill will give the persons to whom it applies any rights of that kind more than the Union soldiers have?

Mr. BOUTELLE. Ought they to have any more?

Mr. HULL. No; but you are arguing as if this bill did give them more.

Mr. BOUTELLE. That is a most peculiar argument of the gentleman from Iowa. Does he think that these men ought to have any more rights than the Union soldiers?

Mr. HULL. I do not think anything of the kind; but you have been arguing as if you thought this bill would give them more. Now, Mr. Speaker, I have been holding the floor with the hope of winding this matter up within an hour.

Mr. BOUTELLE. I do not think you are holding the floor against me.

Mr. HULL. Yes; I am holding the floor, and I shall move the previous question before I sit down.

Mr. BOUTELLE. I reminded the gentleman from Iowa that I proposed to exercise my right to try to be heard, and he took pains to send to the other end of this Capitol to enable me to be heard; but now it seems he does not want to hear me.

Mr. HULL. Mr. Speaker, is this discussion in my time or in the gentleman's own time?

The SPEAKER. The Chair understood that it was in the gentleman's own time, though the matter was quite informal.

Mr. HULL. Then, if the gentleman is proceeding in his own time, I will simply reserve mine.

Mr. GROSVENOR. Mr. Speaker, I desire to call the attention of the gentleman from Iowa to another consideration. The gentleman from Maine [Mr. BOUTELLE] has challenged those of us who propose to vote in favor of this bill to give our reason. That goes to the country, and it is a pretty important suggestion coming from the gentleman from Maine, and for one I should like very much to state briefly the reasons why I am in favor of the passage of this bill.

Mr. HULL. As the gentleman from Maine is not exhausting my time, there will be ample opportunity for other gentlemen to be heard.

Mr. STEELE. I do not think so, as there is only an hour altogether.

Mr. HOPKINS. Well, we can take another day. This matter had better be discussed fully on both sides.

Mr. BOUTELLE. Have I the floor, Mr. Speaker?

The SPEAKER. The gentleman has the floor.

Mr. BOUTELLE. I had no idea that this bill was coming up to-day. It is a very busy day with me for many reasons, and I did not expect to devote any of it to this bill. I do not regard this as a measure of special urgency. We have had a number of these bills, but to my mind this has the least excuse of any that has ever been brought in here. You might just as well bring up a bill to repeal some law that regulated the qualifications of officers entering the Continental Army a century ago. There is not a man in the House of Representatives to-day who has any expectation, probably none who has any desire, to be commissioned in the United States Army. There is no necessity for any such legislation as this, and the only possible effect it can have is to cast some sort of reflective shadow upon the sentiment involved in the original passage of that act.

I believe that act was right. I do not believe it would have been possible to save the life of this nation on any other principle than the principle involved in that act. I do not believe there was any injustice in passing it. I believe that if it is possible for the human mind to conceive a case in which a man would render himself ineligible to a commission in the Army or the Navy of the United States it would be the case of a man who, having been educated at the expense of the Government or, whether so educated or not, held a commission in the Army or the Navy of the United States, and then, without coercion, deliberately elected to turn his weapons against the Government.

Now, if you want to pass a vote here which will qualify that sentiment, if you want in 1896 to resolve that in the opinion of Congress a man who holds a commission to-day in the Army of the United States, or any of the boys at the Naval Academy or at West Point who may come hereafter to hold commissions in the United States Army or Navy, may go out and enter upon rebellion against the Government and then come back and be regarded as eligible to again wear the uniform and again receive the commission of the Government of the United States, of course you gentlemen can do it. I could conceive that there might be some exigency which would strain men's purposes very much in the direction of leniency, perhaps even to the extent of enacting legislation of this kind, but there is nothing to-day which warrants any such extraordinary action; there is nothing calling for this legislation, and I simply ask gentlemen to consider what they are invited to do. Now, there are members here who no doubt sincerely believe that they are very much more friendly to our brethren who engaged in the rebellion than I am, but I doubt it.

There is no man in the United States, without regard to his previous condition, without regard to his former relations to the war which lasted four years and more—there is no man who is obeying the laws, who is a good citizen, who is laboring to promote the interests of our common country, for whom I have not the kindest feeling; and there is no such man with whom I will not cooperate in securing any possible benefit for the country or for his constituents. I can say that on a record of thirteen years in this House. But I claim that it is my right and my duty when a mere sentimental proposition like this is brought up, the only possible sentiment or suggestion of which is to obliterate the sacredness of the obligation that a man owes to his flag and his country—it is my right and my duty to say that we ought to hesitate about such a measure.

I do not think we ought to adopt it unless some great, overriding necessity compels us to do so. There is no man kept out of the United States Army to-day by reason of that law—not one. And when the gentleman from Iowa says that this does not grant to

these officers any greater privileges than to a Union soldier, I simply say to him that he has not come in here to make the Union soldier eligible to commission in the United States Army. We have got to repeal a whole code of laws that are now on our statute book before any Union soldier now in private life can become a commissioned officer in the United States Army. No man who held a commission during the late war and is now in private life can obtain such a commission.

We had to make a great fight here in Congress—a fight covering two or three years—in order to get the chief of the Union armies, a graduate of West Point, the greatest soldier of modern times, the privilege of simply being enrolled on the retired list of the United States Army; and I regret to say that the gentlemen in whose behalf this legislation is asked were the principal and most persistent opponents of that measure. There are gentlemen here who remember the case perfectly well—how even Ulysses S. Grant was prevented month after month and session after session from enjoying the privilege of being enrolled upon the retired list of the Army.

Gentlemen over here will perhaps say, "Oh, I do not like to take a position which may be misconstrued or criticised by somebody and place me in an attitude inimical to the views and desires of our brethren who were on the Confederate side in the late rebellion." My friends the gentlemen on the other side have never hesitated one moment in advocating their side of all these controversies. No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list. No gentleman over there so far as I know felt estopped in the slighest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Mr. WHEELER. Will the gentleman tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

Mr. BOUTELLE. They all voted against it.

Mr. WHEELER. The House voted unanimously for the bill; there was not a single vote against it.

Mr. BOUTELLE. I know exactly what I am talking about. My memory is not so short as to have forgotten the circumstances. There are gentlemen here from the State of Iowa who know that we were unable even to get up the question and to have a vote on General Grant's case until we had surrendered the rights of a gentleman from Iowa who had a contested-election case pending here.

Mr. HULL, in his seat, addressed a remark to Mr. BOUTELLE.

Mr. BOUTELLE. Mr. Speaker, I hope that a gentleman who was not here and who presumably does not know anything about this matter will not try to correct a gentleman who was here and who knows all about it. [Laughter.] There are other gentlemen here who know all about it. But for the benefit of my friend from Iowa [Mr. HULL], I will call upon another gentleman from Iowa [turning to Mr. HEPBURN] who was here to attest the truth of my statement that the Hon. James Wilson got up here after they had filibustered against getting up the Grant bill—notwithstanding the fact that the great Union Democrat, Samuel J. Randall, was the author, I think, or at any rate the sponsor of the bill—they refused to let the bill come up at all, a gentleman from North Carolina insisting that the contested-election case of somebody against Wilson from the State of Iowa should first be disposed of, an election case in which it was purposed to turn out a Republican and put in a Democrat, not only on the last day but in the last hours of the session. And finally, when we were at our wits' ends and feared that the gavel might fall and Congress adjourn and General Grant die before he could receive this honor at the hands of his countrymen, Mr. Wilson, to his honor be it said, arose in his seat in about that place [pointing] and said:

Mr. Speaker, if by my sacrifice justice can be done to General Grant, I ask my friends to let my case go.

And they did let his case go. He was turned out of this House and his successor was sworn in before we were permitted even to vote upon the proposition to put Ulysses S. Grant in his dying hours on the retired list of the United States Army. Now, I do not cite these facts to stir up strife. I have not brought the strife here. I cite this as a matter of history; and I cite it to show, as I said before, that, while gentlemen who served under the Confederate flag have never felt the slightest delicacy in rising here at any time and on any occasion to defend anything that they regarded as a right of theirs or their section or their cause, there is no reason why I or any other member who was on the other side of that question, who stood by the Government, should be ashamed, should crawl under the table, or try to repeal the righteous legislation to which this nation owes the preservation of its life.

It does no good. Congress ought to be dealing with other questions. The men who are affected by it probably do not desire to go into the Army. The very fact, as stated by the gentleman from Iowa himself, that some of these men are occupying high positions in the Government shows that they are probably satisfied as things exist. Presumably they do not want to go into the United States Army. Actually they can not do so. You would have to repeal the whole code of army laws before they can get there. On the other hand, none of us who have passed the years of military life expect to enter the military service or obtain commissions, except under very special cases or extraordinary circumstances, so that that fact has no practical bearing upon the question; and the only purpose of the passage of the measure is a sentimental one, to make gentlemen on that side of the House believe that gentlemen on this side are their friends. It is the old story of Dickens, "Codlin's your friend, not Short."

I think the presentation of the bill was a mistake. I say the man who got up the bill was not intelligently informed. There is no necessity for such a proposition. Let us forget it. And while I have been accredited with more or less aggressiveness, I have not been the author of such propositions. I have seen them brought here time and again. They continually crop up unduly and unnecessarily.

Now, a word to my friends on this side, the old Union soldiers. My friend Mr. PICKLER, the gentleman from South Dakota, wanted to know if the Union soldiers had protested against this. I ask him how many Union soldiers know that this bill is pending? Very few, I opine; very few, indeed. How many Union soldiers know that among the things that have been done to illustrate the kindness and generosity toward the Union soldier of the North is a provision in some portions of the constitution of a State of the South that amounts practically to a tax on a man if he served in the Union Army?

Mr. WALKER of Virginia. Will the gentleman be kind enough to specify what State?

Mr. BOUTELLE. The very question that the gentleman propounded to me shows that information on this subject is not so universally disseminated. I hold in my hand a copy of the constitution of the State of South Carolina. If there is some gentleman present who represents the State, I would like to ask him a question in connection with the matter.

Mr. WILSON of South Carolina. What portion of the constitution does the gentleman refer to?

Mr. BOUTELLE. In answer to the gentleman from South Carolina I desire to ask him this question: If there is not a provision in the constitution of that State that imposes a tax upon the voters of the State generally, from which men are relieved if they served in the Confederate army?

Mr. WILSON of South Carolina. I was a member, Mr. Speaker, of the convention which framed the State constitution——

Mr. BOUTELLE. And the gentleman must therefore be familiar with its provisions.

Mr. WILSON of South Carolina (continuing). And the only discrimination made in the constitution of the State of South Carolina in favor of the soldiers of the Confederate army is the provision that those who are under 50 years of age, which is the road-working age, are exempt from road duty.

Every other citizen in the State between the ages of 18 and 50 is liable to this road duty; but the convention which framed the constitution of the State of South Carolina in its wisdom came to the conclusion that those soldiers who had represented the State in the war, who had given in many instances many years of their lives for the service of the State in the war, who had suffered physically and had been crippled perhaps, who had become to a large extent physically unable to do the work, that those citizens should be relieved from the necessity of working the roads. That is the only discrimination that is made in favor of them, with the exception of paying them a pension, which you give to the disabled who are decrepit and physically unable to earn a living. South Carolina is not ungrateful to the old soldiers.

Mr. BOUTELLE. Is South Carolina grateful to the Union soldiers for saving the Union and bringing South Carolina back into it?

Mr. WILSON of South Carolina. The Union is grateful to them, as the paying of the pensions indicate, which are paid by moneys raised from all parts of the country.

Mr. BOUTELLE. That does not exactly answer the inquiry. But did I mistake the facts in what I said?

Mr. WILSON of South Carolina. Well, you must be the judge of that. I have stated that the only discrimination is that the soldiers who served during the war and are living and are under age are exempt from road duty. That is all.

Mr. BOUTELLE. Does it mean all the soldiers who served during the war?

Mr. WILSON of South Carolina. The Confederate soldiers.

Mr. BOUTELLE. Will the gentleman be kind enough—he says he was a member of the constitutional convention and ought to be able to put his finger upon the provision—will he be kind enough to note in this pamphlet that I send him the provision in question and return it to me?

Mr. WILSON of South Carolina. I will do so. I will say, further, that the war has been over for thirty years. Thirty years and eighteen added make forty-eight years, and only those gentlemen who are between 48 and 50 years of age are affected by the exemption in question.

Mr. BOUTELLE. How old are the men who would be likely to be affected by this bill—men who held commissions in the United States Army in 1861?

Mr. WILSON of South Carolina. Oh, I think it would affect very few of them; but in case of war, if the gentleman asks that question, he would find that these men who stood up to the dictates of their consciences and their sense of right then would be just as true to the Union——

Mr. BOUTELLE. Nobody questions it.

Mr. WILSON of South Carolina (continuing). And would do just as valiant service as the gentleman from Maine or anybody else.

Mr. BOUTELLE. I ask the gentleman from South Carolina to please point out that paragraph in the constitution of his State. He is familiar with it.

Mr. WILSON of South Carolina. It will take me some time to find it.

Mr. BOUTELLE. I will help the gentleman. I know pretty nearly where it is. I do not yield the floor, Mr. Speaker.

Mr. WILSON of South Carolina. Mr. Speaker, I will state to the gentleman——

Mr. TERRY. Mr. Speaker, as a question of information, I should like to know which one of these gentlemen has the floor?

Mr. BOUTELLE. I have it.

The SPEAKER pro tempore. The gentleman from Maine has the floor.

Mr. WILSON of South Carolina. I will state to the gentleman from Maine that I will try to find the paragraph which he desires. In the meantime I suggest that he continue in possession of the floor.

Mr. BOUTELLE. I ask that the gentleman be given a moment or two.

Mr. WHEELER. In the meantime will the gentleman allow me to give him some information. [Laughter.]

Mr. BOUTELLE. Wait a moment.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Maine desire to proceed?

Mr. BOUTELLE. I ask that the gentleman from South Carolina be allowed a few moments in which to find this paragraph.

The SPEAKER pro tempore. Does the gentleman from Maine desire to proceed?

Mr. BOUTELLE. Yes, I do.

The SPEAKER pro tempore. The gentleman is entitled to the floor.

Mr. BOUTELLE. I want to proceed; but I desire to have this extract, because I want the absolute text of it.

Mr. WHEELER. Would you not like to find out something else first? You are wrong on everything. Get right on one thing at a time.

Mr. BOUTELLE. I am going to take one thing at a time. You come next. [Laughter.] I can not take South Carolina and Alabama all at once.

Mr. WHEELER. They are two pretty good States.

Mr. BOUTELLE. They are; and I do not want to get into antagonism with both of them at the same time.

Mr. Speaker, for the purposes of what I have to say I will repeat—while I can not quote the language verbatim—that the constitution of the State of South Carolina recently adopted contains a provision in regard to taxation, and, if I have not read mistakenly, I think it is a provision that the poll tax shall be so much, and there is a provision that this shall be levied substantially upon all persons except Confederate soldiers between the ages mentioned. Now, I do not think anybody will contradict that fact; and it shows a very different disposition, as I look at it—I may be biased; I may be prejudiced; I try not to be—it certainly does not seem to me to show that disposition which brings this bill in here. I am one, whether of few or of many, who still believe and really believe that, while it is well to make all the concessions in life that can justly and honorably and properly be made between individuals and between people, some of the concessions in regard to this matter of the strife against the Government of the United States ought to come from those who tried to destroy the Government.

I do not believe that any good purpose can be served, at a time when gentlemen who occupy this floor from day to day feel obliged to inveigh against a condition of things which brings thirty contested-election cases into this House, cases of such a character that gentlemen stand up here day after day and assert that the laws and the Constitution of the United States, affecting not only the rights of the citizens but which must affect the safety and welfare of the Government itself, are persistently and systematically violated over a large section of this country. These cases come in such numbers and with such glaring proportions that the House of Representatives of the United States has been compelled for the first time in its history, in order to do justice, in order to dispose of these controversies as to what the people of the Congressional districts have really decided in regard to their representation, to appoint three separate Committees on Elections to determine these cases.

Now, that does not show a condition of things which calls upon us to go back and rip up the necessary and righteous legislation of the war. I think that some of my friends on this side—and I say it without personal, individual application—would really be quite as well employed, would be doing quite as good service to this country, would be quite as much in line of their duty to liberty, to freedom, and to progress, if they had not been misinformed, as all of them said they were awhile ago, of the fact that the greatest discrimination was made in one of the States of the Union not only against their own comrades, but against the men who served under the flag of the Union. I think that we could have been more worthily occupied than in hunting up these statutes that were brought into this House and into the Senate by the lion-hearted men who stood like pillars and supported the fabric of Government in the hour of its peril, the men who upheld Abraham Lincoln's arm when the Government was tottering, and when nothing but armed resistance to men who had taken up arms against the Government could by any possibility give liberty to the future.

I say it is rather late in the day for us to make a definition of what constitutes the duty of a man who has a commission of the United States Government. I say that unless some great public benefit is to be accomplished, unless some great overshadowing peril or evil is to be avoided or evaded, we ought not to publish a lesson to-day that it is a light thing for a man to take his oath to support the Government of the United States and then draw his sword against it. I have nothing to do with the animosities of the past. Of the conditions that have been made I have nothing to do but to accept the situation. I draw no line against any man for the performance of any duty that has been assigned to him under the Constitution as it was or the Constitution as it has been amended. But I do say that I can not see how or why we are called here to-day to so act as to give an object lesson to those boys at Annapolis and those boys at West Point that will imbue them with the idea that their obligation to their Government is less sacred than it was believed to be in the time of Abraham Lincoln and Ulysses S. Grant.

Mr. QUIGG. Will the gentleman allow me a question?

Mr. BOUTELLE. I want the boys of this country, whether at West Point or Annapolis, when they look at the possibility of service under the flag of their Government, to recognize that it is the obligation of a life, just as sacred as the signers of the Declaration of Independence regarded it when they pledged their lives and sacred honor to the cause.

Mr. QUIGG. Will the gentleman allow me to ask him a question?

Mr. BOUTELLE. I do not see any object to be attained by the passage of this bill that at all warrants us in putting this new construction upon the American idea of the duty of an American soldier and an American officer to his Government and to his flag.

Mr. QUIGG. Will the gentleman allow a question there?

Mr. BOUTELLE. Certainly.

Mr. QUIGG. Mr. Speaker, I would like to ask the gentleman from Maine whether he seriously thinks that the removal in this proposition——

Mr. BOUTELLE. Some people say I always think seriously.

Mr. QUIGG. I have no doubt. If the gentleman will think seriously now, will he answer the question whether he thinks this proposition, at this time and under all the circumstances that surround us and the country, is going to give any such lesson as he suggests to young men?

Mr. BOUTELLE. I do.

Mr. QUIGG. I do not.

Mr. BOUTELLE. If it does not form some lesson there can be no practical effect in this. It can be passed for no reason under the heavens except to carry an impression to the public. It is a brutum fulmen in regard to the Army of the United States. It amounts to nothing in regard to the gentlemen who served on the other side. It means nothing, and it was brought in here for no purpose whatever except to give an impression to the public that we had reached in these years since the war a condition in which we looked with some leniency on the cause. We have looked with some leniency on those who participated, as I do myself very freely, and it would follow that we looked with more leniency upon the act itself. This I deny in the name of the American people. The people of this country to-day are as loyal to the flag, and their sentiment, I insist, is as inviolate as it was in 1861 to 1865. The flag of our country is just as precious and as sacred

as it is to the man who takes the sword of the Government of the United States in his hand and kissing the hilt swears that he will wield it faithfully in the defense of his country, even with life itself, and it ought to mean just as much of an obligation in the present year and the years to come as it meant during the time of the late rebellion from 1861 to 1865.

Now, I ask gentlemen to consider this thing. If there was some advantage to be achieved, if there was to be one feather's weight even in bettering the condition of the people who are proscribed in any section of this country, the words of the constitution just adopted by South Carolina brings you notice that they have not admitted yet that the war is over, that they have not found out that strife is ended; but that to-day, in the organic law of that State, they have made a discrimination against the men who fought under the Union flag by making a discrimination specifically in favor of those who fought under the Confederate flag.

Mr. WILSON of South Carolina. Mr. Speaker, in reply to the question of the gentleman from Maine I wish to say that I have discovered the portion of the constitution to which he refers, and the difference between my statement and the statement in the constitution is the difference between the poll tax and the road tax. The provision is as follows:

> There shall be assessed on all taxable polls in the State between the ages of 21 and 60, excepting Confederate soldiers above the age of 50 years, an annual tax of $1 on each poll; the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected.

Now, I will say to the gentleman that it would be very difficult for him to find any others than Confederate soldiers among the veterans of the war in the State of South Carolina.

Mr. BOUTELLE. I can find the gentleman a great many. That document was sent to me by one of them who is proscribed.

Mr. WILSON of South Carolina. You will find them only on the seacoast, among a certain portion of the population, a class of population who are receiving the benefit of nearly $1,000,000 of taxation for their public schools, this fund being used altogether for the public schools.

Mr. BOUTELLE. The gentleman entirely ignores the fact that there are white men from the North living in South Carolina. Why did you not include Union soldiers in that exemption, as you were a member of the constitutional convention?

Mr. WILSON of South Carolina. Why do we not include Union soldiers in our pension laws? This is simply an act of gratitude on the part of South Carolina to those Confederate soldiers over the age of 50 years—not under—whom the people of South Carolina believe to have served the State sufficiently to justify this discrimination in their favor.

Mr. BOUTELLE. Very good. Then the gentleman from South Carolina says that his State, in making a new constitution more than thirty years after the war, still regarded the services of the Confederate soldiers as more valuable to the State and more entitled to recognition than the services of the Union soldiers who saved the life of the nation. Now, if that be so, I want to ask my friend from South Carolina this plain question, and I ask him to answer it candidly: If you in South Carolina are sincere in holding that the men who fought under your State flag and served against this Government are more entitled to the recognition and favor of South Carolina than the men who fought for the United States Government, do you not think that we here would better continue, as a Congress of the United States, to let this law stand, which holds that the men who fought for the Union, and held commissions in the Army and Navy of the United States, and were true to those obligations, are more entitled to recognition and favor by the Government of the United States? [Applause.]

Mr. WILSON of South Carolina. I will answer the gentleman. Mr. Speaker, I will not be drawn into a controversy which would amount to fighting the war all over again. Down South we believe that the war is over——

Mr. BOUTELLE. Then why do you act so in making your State constitution?

Mr. WILSON of South Carolina. Wait one moment and I will tell you. The spirit which actuates us now is not one of resentment against the Union soldiers, but it is a spirit of gratitude to those who fought for the cause in which we were interested.

Mr. BOUTELLE. Then let us exercise the same spirit here toward those who fought for the cause in which we were interested.

Mr. WILSON of South Carolina. Mr. Speaker, I will say to the gentleman from Maine that I regret to see one who has actually seen service, who was in the war, who has an honorable war record, who smelt powder—I regret, I say, to see such a man showing that he is still smelling powder. The war is over. The North can not get along any better without the South than the South can get along without the North.

Mr. BOUTELLE. Mr. Speaker, I decline to yield any longer. I appealed to the gentleman from South Carolina for information on this question of the discrimination in the constitution of his State, and it appears that he was a member of that convention, and I need make no argument as to his perfect confirmation of the statement I had made. The exemption of Confederate soldiers over 50 years of age of course excludes pretty nearly all the men in South Carolina who served in the Confederate army. We have the fact, then, that a State constitution, made within a year, in the State of South Carolina, discriminates in express terms against the Union soldiers living in that State. The men who made that constitution did not resort to any subterfuge; they came out plainly, and the gentleman from South Carolina tells us that they do it for the same reason that they pension Confederate soldiers, because they regard the services rendered by those soldiers as entitled to more favor and consideration on the part of South Carolina than the services of the men who fought to save the Union.

Mr. QUIGG. Is that a good example to follow?

Mr. BOUTELLE. Well, now, Mr. Speaker, the gentleman from New York shall have an opportunity to be heard on that subject. If he wants to defend this South Carolina constitution I will ask that he be given time after I get through. I hope in the meantime that he will not disturb the thread of my remarks. I want to hear a defense of that South Carolina constitution, and I know that if I hear it at all I must hear it from somebody as young as the gentleman from New York [laughter], for no man who served in the Union army, no man who knows personally anything about the war, would ever think of palliating such a constitution, of palliating the conduct of a State which in the year 1896 makes a discrimination against the men to whom we owe the fact that we have a Government to-day.

The gentleman from South Carolina [Mr. WILSON] has spoken about the few men who served in the Union Army who are now in South Carolina. They are probably fewer than they would be if conditions there were different, but I remind him that there are at least enough of them to have two gentlemen contesting seats in this House and alleging that they would occupy those seats if the laws and the Constitution of the United States had been obeyed in the election.

Now, I was notified hurriedly that this bill was to come up. There are a number of things I would have been glad to say. Some one has sent me a memorandum which I will read—that one of these contestants in the States from which my friend would have us think there were no Union soldiers except down in the black belt or somewhere else, implying that there were only colored men—Col. Tom Johnson, now contesting the seat of Mr. STOKES of South Carolina, was a member of General Butler's command that marched through Baltimore——

A MEMBER. On the cars.

Mr. BOUTELLE. Well, on the cars, if the gentleman desires to be specific—freight cars, or whatever they were.

Mr. BARRETT. General Butler did not march through Baltimore.

Mr. BOUTELLE. Oh, well, gentlemen, do not be microscopic in your criticisms. I remember once hearing old Senator Hamlin refer to a colleague in the Senate as a man who could see a fly on the barn door, but could not see the barn.

Mr. Speaker, I have said about all I want to say, and I will reserve the balance of my time.

Mr. GROSVENOR. Mr. Speaker, had it been left to me to decide, I should not have introduced this bill into Congress. I do not believe, however, that it was introduced for any other than a patriotic and proper purpose; and the question now presented to us is whether we shall pass the bill or defeat it.

So far as I am concerned, I do not care particularly about the constitution of South Carolina. I do not want to add any fuel to the prospective flames of this debate; but I will venture to suggest that possibly the present constitution of South Carolina was made without a great deal of reference to the Constitution of the United States—made more as a protest against it than as an indorsement of it.

The question is asked whether that constitution, in so far as it undertakes to favor a class of persons, can be defended. Well, I have to say just this about that constitution: It is a question for each State to make such discrimination in favor of classes of helpless and suffering people as the citizens of that State may see fit to make. I think for myself that it is a very unwise provision to put into a constitution. I believe that one of the great evils of American legislation and American statesmanship to-day is the disposition to crowd into State constitutions a great mass of matter which is properly legislation—nothing else than legislation, such provisions as have no proper place in the organic law of a State. It has possibly been unfortunate for South Carolina that a party in that State got possession of power, and fearing that they might not be able to hold the legislative power of the State, put into the constitution a lot of provisions that will undoubtedly be a seeding of dragon's teeth that will grow up to afflict that Commonwealth.

But a State has a right in the exercise of its police power and in its care for the unfortunate to exempt from taxation classes of individuals; and that police power is wisely executed when the

class to be exempted is composed of people who in the main are helpless and would otherwise become indigent and after awhile become chargeable upon the public. So in many States we exempt the Union soldier in some measure from taxation, not especially as a commendation of him, but in order to save the country from a burden that otherwise would be hard to bear. In the State of New York, in the State of Connecticut, in the State of Ohio, I know that this is so. In the State of Pennsylvania the Union soldier is not required to pay a license tax to engage in peddling and other matters of that sort. More than that, I understand he gets a license which no other man can get, and gets it without making any payment. Now, such things are done not only to testify our appreciation of the Union soldier, but are also in the nature of a public provision to aid him.

Now, let us see whether it is very strange after all that South Carolina should look about her among her helpless classes—or I will not say South Carolina; I will say all the States of the South—and do something to aid those people and to keep them out of the poorhouse, for, after all, notwithstanding a man may have served in the rebel army, notwithstanding he is an ex-Confederate soldier, the public owes to him bread and clothing and lodging and fire, and if he can not get them in any other way he will have to get them at the public expense as a matter of charity.

Now, we pension the Union soldier very liberally. The Confederate soldier is not pensioned. But South Carolina aids the Union soldier by paying her share (it is a very small proportion) of the pensions of the country; and then, in order that the ex-Confederates may be kept out of the poorhouse, many of the States of the South confer small pensions upon the Confederate soldier. I have never heard that anybody complained of that. I do not complain, most assuredly. I would go a long way to aid the man who bore a musket against me in the time of war [applause], much farther than I would go to aid the man in the North who stood and howled and hissed at me when I was doing the best that I could in the South. [Applause.]

Now, then, the question has come before us here; and the challenge is made by the gentleman from Maine——

Mr. BOUTELLE. I challenged nobody; I am not in the challenging business; and right here, if the gentleman will permit me, I desire to disclaim——

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield?

Mr. GROSVENOR. Everybody yields to the gentleman from Maine. [Laughter.]

Mr. BOUTELLE. The gentleman called my name—I want to put it on that ground—he need not yield unless he desires to do so; but when a gentleman calls another by name he ought to allow a reply.

Mr. GROSVENOR. I have yielded to the gentleman.

Mr. BOUTELLE. I simply want to say this—I should not have thought it necessary, perhaps, if some other gentleman than the gentleman from Ohio had appeared on the floor—but I simply desire to say——

Mr. GROSVENOR. Oh, Mr. Speaker——

Mr. BOUTELLE. And I want to say, Mr. Speaker, that I have spoken here to-day on my own behalf, and not as representing any candidate for the Presidency of the United States.

Mr. GROSVENOR. Now my friend from Maine, when he recovers a little, will not be very proud of that remark.

Mr. BOUTELLE. I am absolutely proud of it; and I do not want anybody to be responsible except myself for what I do or say.

Mr. GROSVENOR. Nor will anybody be responsible for my speeches. And in that connection, Mr. Speaker, let me ask, is it possible that we have reached such a condition of affairs in this country that when a man is in favor of A for the Presidency, or B or C, that every time he gets up here to say something on on any subject somebody is to call attention to the fact and proclaim aloud that his advocacy of an entirely independent measure has something to do with that candidacy? Is that manly politics? Or is that argument on such a question as this?

But, Mr. Speaker, I will not answer the gentleman from Maine in kind. What I was saying was this: That he challenged a reason for the passage of this bill. Well, I used the word challenged. He demanded to know—and put it at our distinguished chairman of the committee with considerable vim two or three times—he demanded to know the necessity or the reason for the passage of this bill. Now, I called that a challenge.

Mr. BOUTELLE. And I will be glad to be informed on that very point.

Mr. GROSVENOR. Well, I am seeking to inform you now, and if you had been quiet a little while and had allowed me to go on, you would have had full information by this time. [Laughter.]

It is said that the passage of this bill would not add anybody to the United States Army. Well, I do not know whether it will or not. I place my support of the bill upon the grounds that in so far as my action in this legislative body goes it shall be to make possible the highest degree of loyalty and love of country on the part of every man who served in the Confederate army during the war. [Applause.] The time may come—the time has come—when we want unity and loyalty on both sides of Mason and Dixon's line. [Renewed applause.]

Mr. BOUTELLE. Does the gentleman mean to intimate that it does not exist to-day on both sides of the line?

Mr. GROSVENOR. On the contrary, I think it does.

Mr. BOUTELLE. Does the gentleman intimate that something is needed on the part of the Government of the United States toward these people to warrant them in being loyal?

Mr. GROSVENOR. It is always necessary and proper for a great government to do what is right and fair and just for all of its people. [Applause.]

Mr. BOUTELLE. Does the gentleman say that this legislation which you seek now to repeal was not just and right and fair?

Mr. GROSVENOR. Why, Mr. Speaker, the gentleman has already made his speech. We passed provisions of law in years gone by that disfranchised every man of a great class in this community. They were not allowed to vote. They could not even have the use of the mails, and where are all these restrictions now? We took them off one by one as the years went on; we took them off of every man who came forward and said: "I have had enough of this, and am loyal to the United States Government." We took off the disabilities that we had passed in order to testify that the original purpose of the rebellion was right? Was that the purpose? By no manner of means. That was not the intent; such a thought never entered into the minds of the lawmakers. It was because under the blessings of a restored Government we proposed that every man should have an equal chance to again work out his salvation as an American citizen without legal disabilities. [Applause.] We took them from the men who graduated at West Point, who had forsworn their obligations to the Government and went into the Confederate army to fight against the Union; we took the disabilities from them and took them back again.

Where are they to-day? They are in this body. They are in the Senate of the United States, a coordinate branch of this Government. They are on the Supreme Bench of the United States. They are in the Cabinet of the Administration of this Government and they were in the Cabinet of a Republican President of the United States. Aye, more than that, Mr. Speaker, there was one in the Cabinet of that very same General Grant, the glorious general of the United States Army, whom my friend pronounces so high an encomium upon—they were in the Cabinet of General Grant. [Applause.] It was General Grant, the great leader of the Union armies, who sent to a foreign country the cavalry raider from Virginia; it was General Grant who gave Longstreet, the bravest and, in my humble judgment, and with all due respect to the opinion of others who differ with me, the ablest of the Confederate leaders, a high position in the civil service of the Government of the United States.

Mr. BOUTELLE. Was he not ostracized throughout the South from that very fact?

Mr. GROSVENOR. Well, that is an entirely different question. I am talking now of the policy of the Government.

It was General Grant who made it possible for Fitz John Porter, a Union general, to go on the retired list of the Army. It was General Grant who used his mighty influence to procure the passage of that act. So at every step of the way we have been trying to remove these disabilities. I am as vigorous in my adherence to the Republican party and as partisan as it is proper for any American citizen to be; but when a man comes forward who served in the Confederate army and says to me, "Here is a little distinction left, as a mere remnant of that which rested upon us in our long years of wrong and trouble; take it away," I am willing to take it away. [Applause.]

Mr. BOUTELLE. Will the gentleman be kind enough to say who has ever said that?

Mr. GROSVENOR. Said what?

Mr. BOUTELLE. Who brought this bill forward?

Mr. GROSVENOR. God only knows. I do not. [Laughter.]

Mr. BOUTELLE. Do you know that any Southern man has asked for it?

Mr. GROSVENOR. I do not know that.

Mr. PEARSON. Why, yes; the gentleman from Virginia.

Mr. GROSVENOR. If there was a man from the South begging for it I should not feel as anxious to give it to him as I am to give it to him as the free act and deed of this side of the House. [Applause.]

Furthermore, now, why should this be kept upon these people? It is said that the repeal of this act would be a reflection upon its original passage. Is that possible? Did Abraham Lincoln reflect upon the original disabilities that were put upon the Confederate soldier when he recommended to Congress that they be relieved, and to a Republican Congress at that? It was a Republican Congress which lifted these disabilities. Did old Thad Stevens and

John A. Bingham and Garfield and Schenck and that class of men inveigh against the original propriety of those disabilities because they removed them? Did Grant suffer in his loyalty to the country when he made his famous proclamation that sent a thrill of gratitude through the hearts of the Southern people and was the producing cause of the greatest encominms ever given to him, when he told those Confederate soldiers to take their horses home and make crops with them? I can condemn the bad legislation of the South without standing here to object to removing a disability such as this.

Now, Mr. Speaker, I might elaborate upon this point. Let me tell my friends here what I have looked forward to with hope, and I have wanted to live long enough after the war until I could see it. I have wanted to live long enough to see the policy of the great party to which I belong operate to restore the Union absolutely, so it would be again—

A union of hearts and a union of hands;
A union of States none could sever.

I have aided in my feeble way to put into the Constitution barriers against which the gates of rebellious hell can never again prevail.

I have voted for the amendments to that Constitution that guarantee equal rights to the people of the whole country, and I have wanted to live to hear the proclamation go out to other countries, "My country is united; my country is loyal; the wounds and stains of war have been abolished and wiped out in the growth of American patriotism and American statesmanship and intelligence." [Applause.] I have wanted to see the time come when, if war with a foreign country should arise, my countrymen North and South, those who suffered under these disabilities and those who have grown up, the young men of the South, might feel just as zealous, just as anxious, just as patriotic, as the young men who have grown up in the North; and I believe, Mr. Speaker, notwithstanding some of the bad legislation, notwithstanding some of the contested-election cases in this House—I believe that time has come. I believe the time has come when the man of South Carolina, the man of Georgia, the man of Texas, the man of Ohio and Pennsylvania, and the man of California feel the same pride in our country that I feel, the same reverence for the flag that I feel, and I want no class of men in my country carrying a load that I am not willing to carry. [Applause.]

Mr. GROW. Mr. Speaker——

Mr. HOPKINS. I make the point that the morning hour has expired.

The SPEAKER. Under the rules of the House any member is at liberty to make a motion which will close the morning hour, but the morning hour does not expire of itself.

Mr. GROW. Mr. Speaker, was I recognized?

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. GROW. I propose to trespass but briefly upon the attention of the House at this time. National disasters have fallen upon all nations that preceded us, and in our case a mighty disaster befell this generation. The soil of England was drenched for long years in the blood of her best citizens in the War of the Roses; and yet when that struggle passed from the consideration of the living generation who took part in it, the asperities of its animosities ceased, and where is the Englishman to-day who remembers the antagonisms and strife of that period?

Slavery was the cause of the rebellion in this country. Our habits of thought are, to a great extent, creatures of our surroundings. We are all born and reared under certain influences, which develop certain traits of character. Had the men of Massachusetts been born and reared for generations in South Carolina, when the iron hail beat on the walls of Sumter, they would have joined in rebellion, as did the men born in South Carolina. And if the men of South Carolina had been born and reared in Massachusetts for generations under her surrounding influences, they would have united, as she did, in upholding the institutions bequeathed by our fathers. What caused the rebellion—the moving, educating element—is gone forever, and no one sheds a tear on its grave. To-day all who dwell upon American soil under the flag of our fathers are surrounded by similar influences, and will erelong forget the bygones except as a warning for the future, if they have not already done so.

When this mighty conflict was at its height and the roar of hostile cannon was heard from one end of the country to the other, 18,000,000 people stood like the youth in the streets of Paris when it was rumored that Mirabeau was dying. He had listened to his impassioned eloquence in the Corps Législatif, and rushing to his physician he eagerly inquired, "What is the matter with Mirabeau?" and when told that he was dying for want of blood, stripping bare his arm, he exclaimed: "Take the blood from my veins and put in his, and let Mirabeau live." So 18,000,000 of the American people, when danger hung over the perpetuity of the Union bequeathed by our fathers, baring their bosoms, exclaimed: "Take our hearts' blood and let the Republic live."

The men in arms for the destruction of the Union were inspired by the institution of slavery, and would never have gone to the battle for its overthrow only from such influences. What caused the rebellion has passed away forever, leaving a Union saved and a country free. While our fathers were among the wisest of men that ever laid the corner stone of empire, yet in the grand temple of liberty which they reared they left the cankerworm of human bondage to gnaw at the vitals of free institutions until the crisis hour came when one or the other must die, and slavery was the victim.

The world is ever ready with its meed of praise for valor and deeds of heroic self-sacrifice, whether in the Spartan at Thermopylæ, the Old Guard at Waterloo, or Pickett's dauntless charges at Gettysburg.

But 'tis the cause makes all,
Degrades or hallows courage in its fall.

A victorious party in a carnival of blood can not in this age convert itself into a party of perpetual hates. Hates and rancors must sometime have an end. Let us bury with the heroic dead the animosities engendered in the conflict and remember only that we are all American citizens, glorying in the traditions of a common ancestry, and henceforth vying with each other in deeds of patriotic devotion for the greatness and the glory of the Republic. [Loud applause.]

Mr. BOUTELLE. Will the venerable gentleman from Pennsylvania permit me to ask him a question? If devotion to the Government, if patriotism is a matter of locality, and if it be true that the people of Massachusetts to-day are entitled to no special credit for being loyal, and the people of South Carolina, or Alabama, if you choose, are entitled to no special condemnation because they were disloyal, does not the gentleman think that he ignores a great fact and does great injustice to that body of loyal men who, in Tennessee and in North Carolina, in Missouri, in Kentucky, and in West Virginia, in spite of the fact that they were domiciled with slavery; in spite of the fact of their locality; in spite of the fact of their minority; in spite of the fact of their proscription and the sufferings for which they fled to the mountains for refuge—does he not think these men are entitled to some consideration, to more honor from the Government of the United States, than those who voluntarily engaged in fighting to destroy the Government? It seems to me that we can not afford to argue on the basis that if we had lived somewhere else we should have done as somebody else did. You can make that argument in favor of anything that any man or set of men ever did anywhere.

I hold that the people of Massachusetts and of New York and of Pennsylvania were loyal to this Government for other reasons than because they lived in those States. They were not the men who were gathered under a sudden impulse into the Army; they were the thoughtful, patriotic bone and sinew of those States, who left their homes, their shops, their vocations, and went to the field because they believed a great principle was involved, and you must give them proper credit for it. And those men in the South who were born amid slavery and surrounded by it in the States to which I have referred, yet who were faithful to the Union, can not be ignored by simply referring to patriotism as a matter of sectionalism or locality.

Mr. HOPKINS. Mr. Speaker, I move that the House do now adjourn.

Mr. GROW. Will the gentleman allow me a moment to reply to the question which the gentleman from Maine has asked me and which implies that I have not a proper sense of patriotism?

Mr. BOUTELLE. I beg the gentleman's pardon; no man would think of implying anything of that kind.

Mr. GROW. Mr. Speaker, I ask the gentleman from Illinois to withdraw his motion to adjourn for me to answer the question put by the gentleman from Maine.

Mr. HOPKINS. I will not withdraw the motion, but I will withhold it long enough to enable the gentleman from Pennsylvania to answer the question.

Mr. GROW. If the gentleman will withdraw the motion temporarily and desires me to renew it, I will do so at the conclusion of my remarks, or I will leave it for him to renew it.

Mr. HOPKINS. Very well.

Mr. GROW. Mr. Speaker, we all know that there is a great principle of patriotism in the human breast, formed by the surrounding associations of childhood in the community in which we were born or in which we may chance to live, and there is a sense of justice implanted in every human heart, but each of these feelings or senses can be shaded more or less in its development by the circumstances of childhood and youth and by the influences surrounding our manhood. I depreciate not the valor, the patriotism, the self-sacrifice of the men of Massachusetts. I made mention of them only by way of illustration, and did not intend any disparagement of their patriotic services.

We all know that patriotism springs from the associations of childhood in the land in which we are born, and it is just as strong in the people of one nation as in those of another. The men of

east Tennessee, to whom the gentleman from Maine has referred, never were demoralized or corrupted by the institutions of human bondage. And the same is true of the men in the border States, whose heroic self-sacrifice in the cause of the Union was never surpassed. It was the cotton States that led in the rebellion, that portion of the South where slavery had become the dominant idea, the controlling sentiment in politics and in the social relations, so that even on this floor there was a time when a question presented, directly or indirectly involving the question of slavery, on all such occasions there was a solid vote from the cotton States in favor of slavery.

Mr. BRUMM. Will the gentleman permit me to ask him a question at that point?

Mr. GROW. I do not wish to enter into any controversy. I only desire to be understood. Patriotism, justice, the sentiment of humanity are born in the human heart, but their development is greatly influenced and controlled by the influences that surround us, the atmosphere in which we grow to manhood. It was slavery that molded the habits and thought of the men who made and led the rebellion. I use the word now in no invidious sense when I say that slavery made its devotees traitors to the Union. It was not the impulse of their hearts; it was not the patriotism inculcated by the associations and the history and the traditions of our country.

The object that sent them to the tented field was to defend what they considered an institution for their benefit, because, as we all know, they proposed to found a republic upon slavery as its corner stone. Now slavery has gone. It vanished in the expiring flames of civil war, and the martyred President, sealing with his blood the emancipation of a race, bore 4,000,000 broken manacles to the throne of eternal justice. The great cause of all the trouble and disaster to our country having disappeared forever, we can all rejoice to-day, victor and vanquished alike, in one Union, one people, one flag, and one destiny, now and forevermore. [Applause.]

Mr. BRUMM. Now will my colleague permit me to ask him a question?

Mr. HOPKINS. Mr. Speaker——

Mr. GROW. The floor belongs to the gentleman from Illinois.

Mr. HOPKINS. I move that the House do now adjourn.

Mr. HULL. Mr. Speaker, a parliamentary question. If we adjourn now when does this bill come up again under the rules of the House?

The SPEAKER. In the morning hour, the next time we have one.

Mr. HULL. When the committee is again called. I hope, Mr. Speaker, we shall not adjourn. Let us finish the bill now.

The question being taken on the motion to adjourn, it was decided in the negative.

Mr. HULL. Mr. Speaker, I would like to know how much time I have remaining.

The SPEAKER. The Chair thinks the gentleman has about three-quarters of an hour.

Mr. HULL. I yield ten minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I did not expect to occupy the time of the House upon this question, and I would not do so had not the gentleman from Maine [Mr. BOUTELLE] referred to me specifically. I have a great regard for the opinions of the gentleman from Maine upon such questions as this generally, but it seems to me that in this particular case he has the wrong side of the question.

Now, I beg to call the attention of the House to the following section of the Revised Statutes:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Now, I desire the attention of the gentleman from Maine. He wants to know what is the object of this proposed legislation and whether it will not be a reflection upon all legislation of this character and those who enacted it if we should now pass this bill. I want to call his attention to the section I have just read and remind him that that section has been repealed as to different classes therein described by no less than five acts now on the statute book, in the interest of the men of the South, in the interest of the Confederate soldier. It was repealed on March 9, 1878, for the benefit of the soldiers of the Confederate service in regard to pensions arising out of the war of 1812, to the extent that the soldiers or widows of the war of 1812 should not be longer debarred of their pension on account of the soldier's subsequent Confederate service. It was repealed on March 3, 1877, as to soldiers who afterwards voluntarily enlisted in the Army of the United States and incurred disability in line of duty; it was repealed January 29, 1887, as to the survivors and widows of the Mexican war; it was repealed July 7, 1892, as to survivors and widows of the Indian wars; and it was repealed August 1, 1892, as to the Navy, placing sailors on the same footing as soldiers of the Army. In the interest of the Confederate soldier the section which I have read, a section in which there is substance, a section which affects their receipt of money and which has voted pensions to them, or rather restored them to pensions, has been repealed as to certain classes by no less than five acts of the Congress of the United States.

Mr. BOUTELLE. Will the gentleman permit me to ask why he thinks that remark is pertinent as addressed to me?

Mr. PICKLER. The gentleman appealed to me personally, and he asked of me and of the House the question if it would not be a reflection upon the legislators who put the section in question on the statute book to now repeal it. The same argument applies in the cases I have cited, and does the gentleman think that the repeal of the law I have cited was any reflection upon those enacting it?

Mr. BOUTELLE. Suppose it does; what have I to do with it?

Mr. PICKLER. That is what surprises me—that a gentleman with the good judgment and fairness of the gentleman from Maine, a gentleman who I know has a friendly feeling toward the Confederate soldiers—I do not doubt that for a moment——

Mr. BOUTELLE. Nor do I.

Mr. PICKLER. It surprises me, I repeat, that the gentleman should raise such a commotion about this bill. The gentleman talks about the war being forgotten. It does not seem to me that the gentleman's speech is conducive to that result.

Mr. BOUTELLE. Will the gentleman permit me?

Mr. PICKLER. I trust I shall have a little more time——

Mr. BOUTELLE. The gentleman has cited a section here which he says has been in several instances repealed. Does he hold me responsible for that? Does he assume that I indorse everything that this House has ever done?

Mr. PICKLER. I do not hold you responsible; but no one, as far as I know, has ever complained of the repeals I have cited.

Mr. BOUTELLE. I voted against the repeal of that law.

Mr. PICKLER. I think that when Congress can afford to forgive these Confederate soldiers five different times in a matter affecting money payments to them, it can here in this case, where there is simply a shadow at stake, where it would show an act of magnanimity by the Government toward these men and show that we believe them in earnest in support of the Government and the flag. [Applause.]

Mr. BOUTELLE. Then urge the inconsistency upon men who voted for the repealing legislation. I did not.

Mr. PICKLER. I can not yield further. But the gentleman would have surrendered no principle had he so voted, and as one of the victors he could have well shown such magnanimity toward the vanquished. I voted for two of these repeals and I am proud of it.

Mr. Speaker, in the war of the rebellion the men of the North and the men of the South had no enmity against each other as individuals; we were fighting for principle; the South claimed the same. And I am glad to concede to the men of the South the same courage, the same resolution, the same determination that I claim for soldiers of the Union Army. In reference to all such acts as these, which are designed to tone down the rancor resulting from the war, it is enough to say that we were right and that the men who were opposed to us were wrong; and when that is conceded, as it must be when the question arises, I am willing that they should have the credit of all the bravery of American soldiery and that they should enjoy all the honors of American citizenship. [Applause.] The gentleman quoted Grant. Has not Grant, above all others, set us the example for such action as this? It was Grant who said in his own time, "Let us have peace." [Applause.]

Mr. BOUTELLE. Will the gentleman please state what I quoted from General Grant? I should like the gentleman to keep somewhere near the earth when he refers to me.

Mr. PICKLER. Well, Mr. Speaker, the gentleman alluded to Grant several times.

Mr. BOUTELLE. I did allude to him.

Mr. PICKLER. Several times.

Mr. BOUTELLE. I alluded to a specific case.

Mr. PICKLER. And I am alluding to a specific case, when he said to the Confederate officers, "Retain your side arms," and when, as quoted by the gentleman from Ohio, he said to the men in the ranks, "Take home your horses; you will need them to raise crops and earn a living."

Mr. BOUTELLE. And I was in favor of that.

Mr. PICKLER. I will allude to another specific case. Year after year since I have been here, when we were asking legislation for the Union soldier, when we were asking liberal pensions for men who fought the battles of the Union—and we are asking much for the Union soldier, and the nation can never pay him all it owes him—I have found (and this has had much to do with my forming my opinions along these lines)—the Confederate soldier rarely, if ever, opposing a pension to a Union soldier. For one I appreciate this action of the Confederate soldier.

I am in favor of marking all of the battle grounds, or wherever there was a skirmish, by proper monuments throughout the country, so as to let our children have something historical to point with undying luster to the heroism of our brave soldiers. We go to Europe and look over the great battlefields of the wars of the past, and it is a matter of history and pride to the people of the various nations that all of these great fields are marked by commemorative monuments of some kind. And so, Mr. Speaker, we should mark the battlefields of this greatest war in history, and the prowess, bravery, and courage of American soldiers on these fields, and the great result attained will be the common heritage of the whole nation in all the years to come. [Applause.] I join with the gentleman from Ohio [Mr. GROSVENOR] in hoping that the time will soon come when all of these statutes, with the magnanimity of passing years, will be obliterated from our statute books, though still adhering to the declaration that the defenders of the Union were right in that great contest.

Mr. Speaker, in conclusion I would rather indorse the sentiment, I would prefer to uphold the sentiment of that other great patriot of our country, who has been referred to by the gentleman from Maine, and commend the sentiment that he so ably expressed in a paragraph in his first inaugural address—I allude to Abraham Lincoln, of whom it has been said that he "paled the glory of Hastings in the preservation of an Empire and won comparison with Hampden for self-command and rectitude of purpose, while as the emancipator of a race he stands alone in his solitary glory without a rival and without a parallel." [Prolonged applause.] I say that I would rather indorse the sentiments which he so ably expressed, and which I commend to the consideration of the gentleman from Maine, than those sentiments which would still keep alive the bitterness of our late strife. He said:

> I am loath to close. We are not enemies but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and every patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

[Applause.]

Let us bind by one more cord in memory's chain patriot grave with living heart and hearthstone by erasing this statute from our nation's laws.

Mr. BOUTELLE. Will the gentleman kindly inform me what was the response to that sentiment of Mr. Lincoln, and when it was uttered?

Mr. PICKLER. Oh, Mr. Speaker, it was uttered before the war, in March, 1861.

Mr. BOUTELLE. And what was the response?

Mr. PICKLER. And that is just the trouble with the gentleman from Maine. He wants this great Government to take up and resent the vindictive laws of the Southern States passed since the war and emulate them in their rancor and spirit of enmity. That we can not afford to do. Let us as a great nation, as a victorious people, rise above any spirit of resentment, and with brotherly magnanimity accept with a generous spirit and recognize as honest the pledges and promises that have been made on the part of these men who took part in the rebellion, and when they tell us that they are loyal to the flag let us welcome the statement as true and believe it, and let us place such laws on the statute books of the country as will indicate the sincerity of our belief. [Prolonged applause.]

Mr. HULL. I yield five minutes to the gentleman from Virginia [Mr. WALKER]. [Applause.]

Mr. WALKER of Virginia. Mr. Speaker, I do not know when or by whom this bill was introduced into this House. I am sure that if it had been known that it would be the occasion of the renewal of heartburnings between the North and South it would never have been introduced. I had fondly hoped that it would receive the unanimous support of every member of this body. But it is here and it must be acted on, and I believe that much depends on its passage.

Its enactment will do much toward the promotion of harmony and good feeling in the South. We are told that there is no practical good to be attained by the repeal of this restriction, and that it is urged as a mere sentiment. Mr. Speaker, let us admit this for the sake of the argument. Is there not something, after all, in sentiment? Is not sentiment often a thing which is right and just and holy? And if this is a sentiment, is it not a sentiment which leads us in the right direction—a sentiment that leads to peace and brotherly kindness?

Admit, if you choose, that Stonewall Jackson and Robert E. Lee, who were educated at West Point, and whom all must admit were Christian gentlemen, were guilty a great wrong when they left the Federal Army and espoused the cause of the Southern Confederacy. Let us remember that "to err is human, to forgive divine."

There is to-day a sentiment rapidly growing in the minds and hearts of the Southern people of love for this nation, for its Constitution, its laws, its flag, and its institutions which gentlemen on this floor who do not have the opportunity of mingling freely with the masses of our people can scarcely believe or appreciate. I proclaim here, in sincerity and truth, that with the exception of a few Bourbons, who can never forget and who will never learn, the Southern people entertain the warmest and most affectionate feelings for the Government. We claim it as our Government. We are in this Union to stay, and we claim that we should be equal before the law. If we have sinned, we have suffered. Is there no atonement? The riches of a nation consist not in material things, but in the patriotism, the devotion, and the courage of its sons. This bill asks no material aid, it asks no indorsement of the past; but it asks that the ban which forbids freemen from defending their native land from foreign invasion be removed, and that this country be allowed to accept the services of all willing hands if an emergency arises which calls for their help. These gentlemen desire to prove their devotion and loyalty, and if a foreign war shall come you will find them in the front ranks fighting for the cause of their country.

But this is not a mere sentiment; it is a practical question, which appeals to the patriotism of every gentleman on this floor.

There are many men in the South who were educated at West Point, and who are young enough to render military service, and who are true and tried soldiers.

I doubt if there is an officer to-day in the Federal Army who could render more efficient service to this country in war than the Lees or WHEELER or a number of other Confederate officers who were educated at West Point, and I know there are none who would render such services more willingly and patriotically.

There are 2,000 of the kinsmen and descendants of these officers who would be found ready to die for the old flag if called upon to do so, and who would shed their blood more readily and more abundantly if they knew that this great Government had been magnanimous to their fathers and their kindred.

A foreign war may come to this nation sooner than we think for which will tax the energies and the resources of the United States to their fullest capacity, and I ask if you would deny to the men who fought in the Confederate army the privilege of fighting for their country and carrying the flag of their country? That is all this law asks.

Mr. STEELE. The law would not affect you, as you were not educated at West Point.

Mr. WALKER of Virginia. It would not affect me. I was not educated at West Point; but I will say now for myself that if this nation needed my services I should be glad to render them, and I would render them as heartily and as cheerfully as I ever fought on any battlefield during the late war. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PEARSON. I should like to ask the gentleman if he did not lead the glorious brigade of Stonewall Jackson after that hero's death?

Mr. HULL. I will give the gentleman a minute more.

Mr. WALKER of Virginia. I will answer the gentleman's question. I had that honor, and I am proud of it, because I am proud to have been considered worthy to lead that brigade. [Applause.] I want to say again that there are thousands of men in the South who served in the late war who are as true and as loyal to this Government to-day as I am or as any man in this Hall.

Let me say one word more. I want to say to the Republicans in this House—and I do not speak from a sectional standpoint—that to-day the hearts of the people, and more especially the Southern soldiers, are turning to the Republican party. Some gentleman said that Longstreet was ostracized for joining the Republican party. That is true, but that day has passed. Men are ostracized no more there on account of their political opinions; and I want to say that the fact that Longstreet and men like him have suffered for their opinions is another reason why we want to ask you as Republicans as well as patriots to remove this ban and say, in the language of General Grant, "Let us have peace." Let us rub out all trace of sectional animosities. [Applause.]

Mr. BOUTELLE. Will the gentleman permit me to ask him a question to make a correction?

Mr. WALKER of Virginia. Yes.

Mr. BOUTELLE. I think the gentleman inadvertently said that there were thousands of sons of these men and thousands of men in the South who bore commissions——

Mr. WALKER of Virginia. Oh, no.

Mr. BOUTELLE. In looking over the gentleman's remarks he can correct the statement if he made it. I understood the gentleman to say that there are thousands of men in the South who held commissions in the Union Army at the outbreak of the war.

Mr. WALKER of Virginia. No; I did not mean that.

Mr. STEELE. You said thousands of their sons.

Mr. HULL. As this debate has certainly been fair to those opposed to the bill in allowing them to have a large proportion of the time and as it is getting late now, I move the previous question.

Mr. CUMMINGS. I appeal to the gentleman to yield to me three minutes.

Mr. HULL. I can not yield.

Mr. CUMMINGS. As a representative of the War Democracy at the outbreak of the war, I ask the gentleman to yield to me.

Mr. HULL. I will yield three minutes to the gentleman from New York.

Mr. CUMMINGS. Mr. Speaker, General Grant was a War Democrat. If he was on this floor to-day there would be no question about the passage of this bill in view of his action at Appomattox.

Mr. Speaker, I am one of 800,000 War Democrats in the North who marched to the front to sustain this Union during the war. They fought loyally for the Union. On behalf of every one of those Democrats I appeal to the House to support this bill. Grant himself would advocate it if he were alive. Mr. Speaker, if you remember, the War Democracy were an important factor in the country at the outbreak of the war. Abraham Lincoln was the Republican candidate for President in 1860. He was the Union candidate for President in 1864. So far as party names were concerned, the Republican party was blotted from existence during the war, just as much as the Whig and the Federal party were before the war. As a War Democrat I voted for the Union ticket. As a War Democrat I voted for General Grant, the nominee for the Presidency in 1868.

Mr. STEELE. Every vote against him was cast by a Democrat.

Mr. CUMMINGS. And many a vote for him also. I cast my vote for him a second time. If he had been nominated for the third time, imperialism or no imperialism, I might have voted for him. [Great applause.] His action at Appomattox showed him to be a true representative of the War Democracy. In the light of the terms granted there I hope that not a Confederate soldier on this floor will vote on this question one way or the other.

A MEMBER. That is right.

Mr. CUMMINGS. Let them maintain a dignified silence. Throw the responsibility where it belongs. If there are Republicans who desire to maintain this barrier thirty years after the war, let them speak for themselves. After listening to the speech of my old friend the commander of the gallant Stonewall brigade, [Mr. WALKER]—I call him my old friend, for I have met the Stonewall brigade on the field of battle—let them go on record. If they desire to say to these men to whom General Grant extended the hand of brotherly love at Appomattox; if they desire to say that Grant was wrong and that thirty years afterwards they are right, let them vote down the bill and take the responsibility. [Loud applause and cries of "Vote!" "Vote!"]

[Here the hammer fell.]

Mr. HULL. I demand the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. CROWTHER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CROWTHER. Is an amendment in order?

The SPEAKER. An amendment is not in order. The question is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HULL. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair desires to lay before the House a report of the Committee on Enrolled Bills.

### ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 789) for the relief of Kate Winter;

A bill (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona;

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A bill (H. R. 5286) providing for disposal of lands lying within the Fort Klamath hay reservation, not included in the Klamath Indian Reservation, in Oregon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, indefinitely, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of important business.

To Mr. WELLINGTON, for three days, on account of death in his family.

### CORRECTION OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 797) authorizing the Secretary of War to exchange with the Oregon National Guard, of the State of Oregon, Springfield rifles of the pattern of 1884 for the same make of rifles of the pattern of 1873, and for other purposes, and the same was referred to the Committee on the Militia.

The SPEAKER. The gentleman from Iowa moves that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the Army, giving information in relation to the breakwater in Marquette Bay, in Lake Superior—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a statement of reasons for the enactment of a draft of a bill pending before the Indian Affairs Committee, submitted by the Secretary of the Interior, in relation to the rights of a United States officer or agent to make arrests of Indians upon Indian reservations—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of State, recommending an appropriation for a subscription to the International Prison Commission and for the expenses of the American member thereof; also transmitting two inclosures—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. COOPER of Florida, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 2673) to remove discriminations against sailing vessels in the coasting trade, submitted thereon the views of the minority of said committee (Report No. 848, part 2); which said minority report was referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7088) to create the office of surveyor-general in Alaska, reported the same with amendment, accompanied by a report (No. 901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7087) to amend section 8 of the act entitled "An act providing a civil government for Alaska," approved May 17, 1884, reported the same without amendment, accompanied by a report (No. 903); which said bill and report were referred to the House Calendar.

Mr. SPERRY, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 260) to increase the pay of letter carriers, reported the same without amendment, accompanied by a report (No. 902); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2114) establishing gas buoys in the St. Lawrence River, reported the same without amendment, accompanied by a report (No. 906); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, reported the same without amendment, accompanied by a report (No. 909); which said bill and report were referred to the House Calendar.

Mr. PUGH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1687) to authorize the Secretary of the Treasury to examine vouchers filed or to be filed by the State of Missouri in certain cases since April 22, 1882, reported the same without amendment, accompanied by a report (No. 931); which said bill and report were referred to the House Calendar.

Mr. LATIMER, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1632) to permit owners of mining claims on forest reservations of the United States to perfect their title thereto and to procure a patent therefor, and for other purposes, reported the same with amendment, accompanied by a report (No. 933); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GIBSON, from the Committee on War Claims:

The bill (H. R. 6122) to correct the military record of George A. Tillett. (Report No. 905.)

The bill (H. R. 2943) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased. (Report No. 914.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 6378) for the relief of Eliza J. Holman. (Report No. 907.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 2742) to grant a pension to J. J. Davis. (Report No. 908.)

By Mr. AVERY, from the Committee on War Claims:

The bill (H. R. 1731) for the relief of Michael Dittlinger. (Report No. 910.)

The bill (H. R. 1304) for the relief of George W. Saulpaw. (Report No. 911.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 7200) for the relief of A. T. Hensley. (Report No. 912.)

A bill (H. R. 7543) for the relief of A. T. Hensley, of Fulton & Hensley, doing business under the name of the Lavaca Wharf Company, reported in lieu of H. R. 7199. (Report No. 913.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 6318) for the relief of the heirs of David B. Sanders, deceased. (Report No. 915.)

By Mr. HURLEY, from the Committee on War Claims: The bill (S. 100) for the relief of the estate of John R. Bigelow. (Report No. 916.)

By Mr. LESTER, from the Committee on War Claims:

A resolution (House Res. No. 220) to refer the bill (H. R. 5611) for the relief of the estate of Phillip W. Engs, deceased, late of New York City, N. Y., and Enoch M. Marshall, of Fauquier County, Va., and all of the accompanying papers, to the Court of Claims, reported in lieu of H. R. 5611. (Report No. 917.)

A resolution (House Res. No. 221) to refer the bill (H. R. 7025) for the relief of the estate of William I. Way, deceased, and all the accompanying papers, to the Court of Claims, reported in lieu of H. R. 7025. (Report No. 918.)

By Mr. NEILL, from the Committee on War Claims:

A resolution (House Res. No. 223) to refer the bill (H. R. 542) for the relief of Mrs. Salome Sengel, with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 542. (Report No. 934.)

A resolution (House Res. No. 222) to refer the bill (H. R. 1055) for the relief of Charles T. Hyde, of Clarendon, Ark., with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 1055. (Report No. 919.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 75) for the relief of St. Charles College. (Report No. 920).

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 5035) to carry out the findings of the Court of Claims in the case of Thomas W. Campbell, assignee of Miles Kelly, against the United States. (Report No. 922.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 905) granting a pension to Mary W. Keeffe. (Report No. 929.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 5855) granting a pension to Emily Elliott. (Report No. 930.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 5895) granting a pension to Anna N. Kendall. (Report No. 931.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1276) granting an increase of pension to John L. Britton. (Report No. 932.)

## ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. AVERY, from the Committee on War Claims:

The bill (H. R. 4308) for the relief of William C. Hughes. (Report No. 923.)

The bill (H. R. 3048) for the relief of R. H. Hoffman. (Report No. 924.)

The bill (H. R. 553) for the relief of the estate of John Poland, deceased, late of Prince William County, Va. (Report No. 925.)

The bill (H. R. 2965) for the relief of John A. Fairfax, of Fairfax County, Va. (Report No. 926.)

The bill (H. R. 2239) for the relief of James M. Stephenson, Mason County, W. Va. (Report No. 927.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 6042) for the relief of Mrs. Lavinia M. Payne. (Report No. 928.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEPBURN: A bill (H. R. 7544) providing for a survey of a ship canal connecting the waters of the Great Lakes with the Atlantic Ocean—to the Committee on Interstate and Foreign Commerce.

By Mr. SKINNER: A bill (H. R. 7545) to retire and pension employees of Light-House Establishment and Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMP: A bill (H. R. 7546) making an appropriation for a steam fog whistle at Ottawa Point, entrance to Tawas Bay, Lake Huron—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of North Dakota: A bill (H. R. 7547) to establish and maintain lights on the Missouri River between Fort Yates and Coal Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. NEILL: A joint resolution (H. Res. 146) authorizing and directing the Secretary of War to prepare project with estimate for improvement of White River, from Batesville, Ark., to Buffalo Shoals, by means of locks and dams—to the Committee on Rivers and Harbors.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 7548) granting a pension to Eunice P. Bigelow—to the Committee on Invalid Pensions.

By Mr. ATWOOD: A bill (H. R. 7549) to remove the charge of desertion from Thomas Griffin—to the Committee on Military Affairs.

By Mr. BAKER of Kansas: A bill (H. R. 7550) for the relief of Nimrod D. Keneaster—to the Committee on War Claims.

By Mr. BRODERICK: A bill (H. R. 7551) for the relief of Oliver J. Lyon—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 7552) for the relief of Orcinos C. Snyder—to the Committee on Military Affairs.

By Mr. COCKRELL: A bill (H. R. 7553) to pension Mrs. Sarah L. Caddel—to the Committee on Pensions.

Also, a bill (H. R. 7554) to pension John Teague—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 7555) granting a pension to Anne M. Post—to the Committee on Invalid Pensions.

By Mr. HENDRICK: A bill (H. R. 7556) for the relief of heirs of Clifton R. Young, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7557) for the relief of James Love—to the Committee on War Claims.

By Mr. HOPKINS (by request): A bill (H. R. 7558) to amend the record of Capt. Tenodor Ten Eyck—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 7559) for increase of pension for Mrs. Lucy Keenan, widow of John B. Keenan, late major Eleventh Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 7560) for the relief of the estate of John Kirk—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 7561) to grant medals of honor to James and Allen Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 7562) for the relief of Isaac W. Blake—to the Committee on Claims.

By Mr. NOONAN: A bill (H. R. 7563) to pension Sarah A. Halter—to the Committee on Invalid Pensions.

By Mr. SIMPKINS: A bill (H. R. 7564) granting a pension to Maria N. Flint—to the Committee on Invalid Pensions.

By Mr. TAFT (by request): A bill (H. R. 7565) granting a pension of $30 per month to William D. Dempster, late first lieutenant Company G, Fifth Ohio Cavalry—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 7566) granting a pension to Miss Della Burrows—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7567) to carry out the findings of the Court of Claims in the case of the estate of Nelson G. Allen, deceased—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 7568) granting a

pension to Julia Walke, widow of the late Rear-Admiral Henry Walke, at the rate of $100 per month—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Petition of certain business and professional men in Chicago, Ill., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ARNOLD of Rhode Island: Petition of Enterprise Council, No. 24, Order United American Mechanics, of Pawtucket, R. I., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of citizens of Washington, containing 51 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BENNETT (by request): Petition of the American Protective Association of the Nineteenth Ward of Brooklyn, N. Y., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. BISHOP: Petition of C. C. Chittenden, Samuel J. Wall, and 46 other citizens of Cadillac, Mich., praying for the passage of House bills Nos. 3466 and 3467 for the relief of Mary E. Slater, widow, and children of Nathaniel W. Reed, deceased—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Remonstrance of the druggists of Lancaster County, Pa., against certain bills pending affecting druggists—to the Committee on Ways and Means.

By Mr. CRUMP: Petition of 111 ship owners of Bay City and Detroit, Mich., and Cleveland, Ohio, for an appropriation to establish a steam fog whistle at Ottawa Point, Tawas Bay, Lake Huron—to the Committee on Rivers and Harbors.

By Mr. CURTIS of Iowa: Remonstrance of publishers of Maquoketa, Iowa, against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the president of the Iowa State board of health in favor of the establishment of quarantine stations by the Government—to the Committee on Military Affairs.

By Mr. DALZELL: Petitions of sundry citizens of Pittsburg, Pa., asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of W. F. Mayer and 13 other citizens of Wakonda, S. Dak., favoring the passage of House bill No. 5213, imposing a tax upon and regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: Resolutions adopted by Loyal Orange Lodge, No. 90, of Chicopee, Mass., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Monitor Lodge, No. 61, Order United American Mechanics, of Glastonburg, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HOPKINS: Petition of Prosperity Council, No. 50, Junior Order United American Mechanics, of Williamsport, Md., favoring Senate bill No. 1242 and House bill No. 1659, to improve the merchant marine engineer service—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUFF: Resolution of the Chamber of Commerce of Milwaukee, protesting against the erection of any bridge across the Detroit River that does not span the entire waterway—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill for increase of pension to Mrs. Lucy Keenan, widow of John B. Keenan, late major Eleventh Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. JENKINS: Resolutions of J. B. Culver Post, No. 128, Grand Army of the Republic, Department of Minnesota, of Duluth, recommending the passage of House bill No. 5555, relating to national naval volunteers—to the Committee on Naval Affairs.

By Mr. JOHNSON of North Dakota: Petition of Miss Elizabeth Preston, Mrs. D. W. Shinn, Mrs. Carrie M. Allen, and Mrs. Barbara H. Wylie, general officers of the North Dakota Woman's Christian Temperance Union, favoring arbitration of differences arising between the United States and the mother country—to the Committee on Foreign Affairs.

By Mr. KEM: Petition of 75 members of Stephen A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of United Garment Workers of America, No. 113, of St. Paul, Minn., in favor of the Sulzer bill to tax "sweat shops"—to the Committee on Ways and Means.

By Mr. LACEY: Petition of R. F. Low Post, Grand Army of the Republic, of Sigourney, Iowa, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAWSON: Petition of Crawford Jackson and many others, to prohibit the manufacture of spirituous liquors in counties where the sale of such liquors is prohibited—to the Committee on Ways and Means.

By Mr. LINTON: Remonstrance and petition of C. W. Olmstead and others, citizens of Perry, Okla., against the acceptance of the Marquette statue in Statuary Hall—to the Committee on the Library.

Also, petition of the Kennard Shoe Company, of Cleveland, Ohio, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. Millard Smith, publisher, of Maple Rapids, Mich., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of White Ribbon Women, of Minnesota, favoring a commission of arbitration to settle peacefully international disputes—to the Committee on Foreign Affairs.

Also (by request), petition of T. D. Sedgwick Post, No. 130, Grand Army of the Republic, asking for the passage of a bill granting a pension of $8 a month to every man who served not less than ninety days in the Union Army or Navy during the war of the rebellion and were honorably discharged, and $12 a month to the widows of such as have died—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of Oliver Van Bilhard and others, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. POOLE: Petition of citizens of Fabius, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Fabius, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

Also, memorial of citizens of Madison County, N. Y., members of Lenox Grange, No. 43, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. QUIGG: Resolutions of the New York Board of Trade and Transportation; also of the New York Cotton Exchange, indorsing House bill No. 6197, for the erection of a new custom-house in the city of New York—to the Committee on Public Buildings and Grounds.

By Mr. SCRANTON: Petition of Scranton Council, No. 229, Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SIMPKINS: Petition of the Clothing Cutters and Trimmers' Association, of Boston, in favor of House bill No. 3346, to abolish the sweating system—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of Lucas Parker, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of Pioneer Council, No. 1, Order United American Mechanics, of New Haven, Conn., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of Bigelow Council, No. 81, Order United American Mechanics, of New Haven, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Edgar Ruhl Camp, No. 33, Sons of Veterans, located at York, Pa., praying for the passage of a bill authorizing the wearing of a distinctive badge adopted by the Sons of Veterans upon all occasions of ceremony—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: Petition of F. H. Bohanan and 38 others, of Lincoln, Nebr.; also letters of Charles O. Whedon and 35 others, of the State of Nebraska, asking for the passage of a bankruptcy law—to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Frank P. Parshley, councilor,

Dan H. Carr, secretary, and 98 other members of Washington Council, Manchester, N. H.; also petition of G. F. Robertson, councilor, Lewis H. Greer, secretary, and 59 other members of Washington Council, of Goffstown, N. H., Order United American Mechanics, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. VAN VOORHIS: Remonstrance of Samuel Bailey and 85 other citizens of Beverly, Washington County, Ohio, against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of Israel Putnam Council, No. 46, Order United American Mechanics, of Westfield, Mass., indorsing the Stone immigration bill and asking for its passage—to the Committee on Immigration and Naturalization.

## SENATE.

WEDNESDAY, *March 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

### SAN CARLOS INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement negotiated by United States Indian Inspector McCormick and the Indians of the San Carlos Reservation for the cession and relinquishment to the United States of a certain portion of that reservation, together with reports from the Commissioner of Indian Affairs and the Commissioner of the General Land Office, and also a draft of a bill ratifying and confirming the agreement and recommending favorable action by Congress; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### WATER-SUPPLY INVESTIGATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th instant, a letter from the Director of the Geological Survey containing a statement of the investigation by the Geological Survey now in progress under the clause in the appropriation act approved March 2, 1895, for gauging the streams and determining the water supply of the United States, etc.; which, with the accompanying statement, was ordered to lie on the table and to be printed.

### PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present the petition of William F. Warren, president of Boston University, and 7 other members of the faculty of that university, in favor of a grant of land in New Mexico by the Government to be used as a resort for the alleviation and cure of persons suffering from pulmonary diseases. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. GALLINGER. A few days ago I introduced a bill to establish a life-saving station at or near Hampton, N. H. I present the petition of Frank Jones and a large number of other citizens of Portsmouth, N. H., praying for the passage of that bill. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PEFFER presented the memorial of D. E. Winters and sundry other citizens of Haviland, Kans., remonstrating against the enactment of legislation directing or authorizing military training in the public schools; which was referred to the Committee on Military Affairs.

He also presented the petition of W. J. Hatfield, pastor, and 89 members of the First Presbyterian Church of Girard, Kans., praying for the passage of Senate bill No. 239, to so amend the internal-revenue laws of the United States as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold a permit issued by virtue of the laws of that State; which was referred to the Committee on Finance.

Mr. BLANCHARD presented a petition of Federal Labor Union No. 6360, American Federation of Labor, of New Orleans, La., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

Mr. TELLER presented a petition of sundry citizens of Cripple Creek, Colo., praying for the enactment of legislation restricting immigration; which was referred to the Committee on Immigration.

He also presented memorials of Council No. 7, American Protective Association, of Denver, Colo.; of Council No. 57, American Protective Association, of Durango, Colo., and of sundry citizens of Breckenridge, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. BERRY presented a petition of sundry citizens of Palestine, Ark., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of the Chicago Labor Congress, praying for the passage of House bill No. 5113, to authorize the establishment of money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the North Capitol and Eckington Citizens' Association of Washington, D. C., praying for the passage of Senate bill No. 1886, requiring the Eckington and Soldiers' Home Railway Company to adopt a modern motive power, and praying that action on the bill be not delayed because of any promised experiment which that company contemplates making with air motors; which was referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented the petition of J. W. Smith and sundry other citizens of Washington, D. C., praying for the enactment of legislation extending the streets and avenues of the city of Washington; which was referred to the Committee on the District of Columbia.

He also presented the petition of F. H. Leavenworth, of Detroit, Mich., praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the State Board of Trade of Maine, praying that an appropriation be made for deepening and widening the harbor at Portland, Me.; which was referred to the Committee on Commerce.

He also presented a petition of the Department of Maine, Grand Army of the Republic, praying for the enactment of legislation to revive the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

Mr. BROWN presented a memorial of the legislature of the State of Utah, praying that an appropriation of $17,241.50 be made to liquidate a deficiency in defraying the expense of the constitutional convention held in that State March, 1895; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

**Memorial to the Congress of the United States.**

Your memorialists, the governor and legislature of the State of Utah, would respectfully represent to your honorable body:

That the constitutional convention held in the Territory of Utah, under and by virtue of the provisions of the enabling act, approved by the President of the United States on the 16th day of July, 1894, entitled "An act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," beginning the 4th day of March, 1895, and ending on the 8th day of May, 1895, after exhausting the appropriation made for the purpose of defraying the expense of said convention incurred, additional expenses, amounting to $17,241.50, and that such additional expenses were properly and necessarily incurred by said convention in the course of its proceedings; and your memorialists respectfully petition your honorable body to give the subject of this memorial suitable consideration and to appropriate a sufficient sum of money to liquidate such deficiency.

And your memorialists will ever pray.

Approved March 19, 1896.

GEORGE M. CANNON,
*President of the Senate.*
PRESLEY DENNY,
*Speaker of the House.*
HEBER M. WELLS,
*Governor.*

Mr. HALE presented a petition of the Encampment of the Department of Maine, Grand Army of the Republic, of Waldoboro, Me., praying for the enactment of legislation to revive the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Maine State Board of Trade, praying for the enactment of legislation providing for the deepening and widening of the harbor at Portland, Me.; which was referred to the Committee on Commerce.

Mr. GORDON. I present a memorial of the Savannah pilots, remonstrating against the passage of House bill No. 2673, repealing the compulsory-pilotage law so far as it relates to coastwise vessels. I move that the memorial be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. GORDON presented the petition of J. L. Baker, of Madison,

Ga., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Atlanta, Ga., praying for the passage of House bill No. 3273, providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Rev. J. B. Gambrell, president of Mercer University, Macon, Ga., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of Waycross Lodge, No. 74, International Association of Machinists, of Waycross, Ga., praying for an investigation of the alleged abuses of machinists in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Merchants' National Bank of Savannah, Ga., praying that authority be given the national banks to increase their circulation from 90 per cent to 100 per cent of the par value of their bonds, and favoring the recommendation of the Comptroller of the Currency that the tax on circulation be reduced from 1 per cent to one-fourth of 1 per cent; which was referred to the Committee on Finance.

PRINTING OF FINANCIAL DOCUMENTS.

Mr. COCKRELL. I present a communication from the Acting Director of the Mint, transmitting a statement of the coinage of gold and silver of France from 1795 to 1874, inclusive. I move that the communication be printed as a document.

The motion was agreed to.

Mr. COCKRELL. I present a communication of the Secretary of the Treasury, dated January 16, 1896, addressed to me, relative to the amount of silver bullion now on hand, the cost of the same, and the coinage value if coined into dollars, and the amount of seigniorage if so coined, etc. I move that the communication be printed as a document.

The motion was agreed to.

Mr. COCKRELL. I present copies of correspondence between the Secretary of the Treasury, Mr. H. McCulloch, and the assistant treasurer at New York, Mr. Thomas C. Acton, January, 1885, relative to the payments to be made through the clearing house, whether in gold or silver dollars, or representative certificates. I move that the correspondence be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2367) to complete the military record of Dennis Whidly, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2338) for the relief of Joshua Bishop, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2352) granting an increase of pension to Francis L. Abbott, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2274) granting an increase of pension to Mary E. Chamberlain, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 470) granting to the State of Washington certain lands therein situated for the purpose of a fish hatchery, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 115) for the relief of the estate of Ramsay Crooks, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 2117) for the relief of Mrs. George Pauls, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 18th instant, intended to be proposed to the general deficiency appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Indian Depredations, to whom was referred the bill (S. 220) for the relief of Robert McGee, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, submitted a report to accompany the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892, heretofore reported by him.

ACCEPTANCE OF DECORATIONS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France, to report it without amendment and recommend its passage. The joint resolution is very short, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a joint resolution, and I ask that it be put upon its passage.

The joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate, etc.*, That Benjamin Harrison be, and he is hereby, authorized to accept certain medals presented to him by the Governments of Brazil and Spain during the term of his service as President of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. ALLEN. Let the joint resolution go over.

The VICE-PRESIDENT. Objection being made, the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2622) fixing the date of the restoration to rank of Capt. Tenodor Ten Eyck; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2623) granting a pension to John F. Dearborn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 2625) granting an increase of pension to Baley Bison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2626) granting an honorable discharge to John Kinchlow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2627) granting an increase of pension to Henry Hatch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL (by request) introduced a bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a bill (S. 2629) to provide for the erection of a public building at Washington, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CHANDLER introduced a bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2631) authorizing the Secretary of the Navy to place the name of Charles C. Jones on the roll of the *Metacomet;* which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CANNON introduced a bill (S. 2632) granting to the Utah Orphans' Home Association, a corporation organized under the laws of the State of Utah, a portion of the Fort Douglas Military Reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ELKINS introduced a bill (S. 2633) for the relief of Nimrod D. Keneaster; which was read twice by its title, and referred to the Committee on Claims.

Mr. SQUIRE introduced a bill (S. 2634) granting a pension to Jerome M. White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle

Ground Company, near Greensboro, N. C.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER. I introduce a joint resolution which I ask shall be read at length, and after such reading that it shall lie on the table.

The joint resolution (S. R. 113) proposing an amendment to the Constitution of the United States; which was read the first time by its title, the second time at length, and ordered to lie on the table, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following amendment to the Constitution of the United States be proposed for ratification by legislatures in the several States, which, when ratified by legislatures in three-fourths of the United States, shall be valid as a part of the said Constitution, namely:

"ARTICLE XVI.

"Neither Congress nor any State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

FINAL ADJOURNMENT.

Mr. PLATT. I wish to submit a resolution which fixes the time for the adjournment of Congress. I think it is time that that matter shall be considered.

The resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 2d day of May, at 2 o'clock p. m.

Mr. PLATT. I suppose the resolution must be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

The message also announced that the President of the United States had on the 24th instant approved and signed the joint resolution (S. R. 79) directing the Secretary of War to furnish an estimate for deepening the channel from Hampton Roads to the navy-yard at Norfolk, Va., and also for improving the Western Branch of the Elizabeth River.

REPORT ON WAR IN CUBA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from West Virginia [Mr. ELKINS], coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. ELKINS instructing the Committee on Foreign Relations to submit to the Senate before the vote is taken on what is known as the Cuban resolutions, now pending before the Senate, or the resolutions on the war in Cuba that passed the Senate, a report giving all the facts and findings of the committee in support of said resolutions.

Mr. PEFFER. I do not see the Senator from West Virginia [Mr. ELKINS] in his seat and——

Mr. SHERMAN. The Senator from West Virginia, who submitted the resolution, told me yesterday that he desires to have it laid on the table, but I think it had better go over until he comes in.

Mr. PEFFER. It had better go over and retain its place.

The VICE-PRESIDENT. What is the suggestion of the Senator from Ohio?

Mr. SHERMAN. The Senator from West Virginia told me that he intends to have the resolution laid on the table, but I think it had better go over in the ordinary way in his absence.

The VICE-PRESIDENT. The resolution will go over without prejudice.

BLACK RIVER BRIDGE, IN LOUISIANA.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to place on its passage the bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 1, line 7, after the word "point," to insert "suitable to the interests of navigation"; so as to read:

That the Kansas City, Watkins and Gulf Railway Company, a corporation created and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a bridge across Black River, in the State of Louisiana, at such point suitable to the interests of navigation as may hereafter be selected by said railway company for crossing said river with its railroad line.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "telegraph," to add "and telephone."

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

*Provided,* That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was to add to section 4 the following:

Or, in case of disagreement, upon such terms and conditions as may be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

So as to make the section read:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; or, in case of disagreement, etc.

The amendment was agreed to.

The next amendment was, in section 5, line 7, after the word "location," to insert "prepared with reference to a known datum plane, upon prescribed scale, furnished by the engineer officer having supervision of said river," and in line 10, after the word "of," to strike out "1 mile" and insert "2 miles"; in line 11, after the word "and," to strike out "1 mile" and insert "2 miles"; so as to read:

That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge and a map of the location, prepared with reference to a known datum plane, upon prescribed scale, furnished by the Engineer officer having supervision of said river, and giving for the space of 2 miles above and 2 miles below the proposed location of the bridge the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States, as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army and Navy of the United States.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 325) to provide that United States railroad corporations shall, for purposes of jurisdiction, be deemed citizens of the respective States into which their line of railway may extend;

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States in relation to taking depositions de bene esse;

A bill (H. R. 2719) to provide for appointment by brevet of active or retired officers of the United States Army;

A bill (H. R. 4554) to amend an act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891";

A bill (H. R. 4580) to amend section 3449 of the Revised Statutes;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for such purposes; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 789) for the relief of Kate Winter;

A bill (H. R. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes";

A bill (S. 2251) to authorize the construction of a bridge across the Calumet River;

A bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona; and

A bill (H. R. 5286) providing for the disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation, in Oregon.

SUBJECT CATALOGUE OF BOOKS IN LAW LIBRARY.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOAR. I should like the attention of the Senator from Illinois. I ask unanimous consent to proceed to the consideration of Senate joint resolution No. 69, and I should like, before it is read for information, to make a statement in a few words. It is a joint resolution authorizing the preparation of a subject catalogue of the books in the law library. It can not incur much expense for the first year. It will probably be the work of one clerk or two alone. It is greatly needed for the convenience not only of the court, but of members of both Houses of Congress. I desire to have the joint resolution now passed, so that it may be in order to move it as an amendment to the sundry civil appropriation bill when that bill comes up. I have no doubt it would have been passed the other day when the Senate was considering bills on the Calendar but for the absence of the chairman of the Committee on the Library. It may be now read for information, and I should like to have it put on its passage.

The Secretary read the joint resolution (S. R. 69) authorizing the preparation of a subject catalogue of the books in the law library, as follows:

*Resolved, etc.*, That there be prepared, under the direction of the Chief Justice of the Supreme Court, by the law librarian, a compilation of the titles of all the books in the law library, classified alphabetically by legal subjects, arranged, indexed, and bound in suitable volumes, as a law-subject catalogue, for the use of the standing committees of the two Houses of Congress, the members of the two Houses, and the judges of the Supreme Court; and the sum of $30,000, or so much thereof as may be found necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preparation of said work, which sum may be paid by the Secretary of the Treasury upon the order of the Chief Justice as additional pay or compensation to any officer or employee of the United States.

SEC. 2. That said catalogue be stereotyped and printed for sale to the public at a price equal to the cost of the paper, presswork, and binding, with 10 per cent added thereto, the proceeds of such sales to be paid into the Treasury.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. SHERMAN. I do not desire to object to the joint resolution at all, but it seems to me that the amount of $30,000 proposed is too large a sum to provide an index for the volumes in the law library.

Mr. HOAR. That sum was fixed by the Library Committee, I believe, on consultation with the librarian, but I would just as lief have it $10,000 as $30,000, because, of course, the whole amount proposed will not be expended in one year, and the additional appropriation can be made later. I have no choice about it.

Mr. WOLCOTT. I ask the Senator from Massachusetts how many volumes there are in the law library.

Mr. CHANDLER. I will state that there are about 100,000. It is the largest law library in the country, and I think in the world.

Mr. SHERMAN. Ten thousand dollars or $5,000 would be enough to commence with.

Mr. HOAR. It makes no difference, so far as I am concerned, whether the whole amount is appropriated this year or not.

Mr. CHANDLER. If the Senator will allow me, I will state that it is not to be an ordinary catalogue. It is to be a subject index, which it is expensive to make, but which, when made, is invaluable.

Mr. HOAR. I suggest that the money is to be expended under the direction of the Chief Justice of the United States, who certainly can be trusted with its expenditure. I will agree to reduce the amount to $20,000 or $15,000, if Senators prefer.

Mr. SHERMAN. I think it should not be more than $10,000.

Mr. HOAR. Make it $15,000.

Mr. SHERMAN. I think that not more than $5,000 or $10,000 would be expended in the first year.

Mr. CULLOM. It seems to me that even $15,000 is an immense sum of money to appropriate for a catalogue.

Mr. HOAR. I would as lief just get it fairly started, and then I am sure the Committee on Appropriations will take care of it in future years. I will agree to reducing the amount appropriated to $10,000.

Mr. CULLOM. I do not think that over $5,000 is needed this year.

Mr. HOAR. Oh, yes; that is a very small amount.

Mr. CULLOM. Of course it is a small amount; but it is not very small, either, when compared with the work that is to be done.

Mr. HOAR. It is to be a great subject catalogue, as the Senator from New Hampshire has said, of certainly one of the finest law libraries in the world—I am not sure that it is better than Lincoln's Inn. At any rate the work must be done by competent and able lawyers. It is to be done under the supervision of the Chief Justice of the United States, and the estimates coming from some source of the cost is $30,000. I think $5,000 is too small a sum, and I hope Senators will agree to make it $10,000. I move to reduce the amount from $30,000 to $10,000.

The VICE-PRESIDENT. Without objection, the joint resolution will be modified as indicated by the Senator from Massachusetts.

Mr. WOLCOTT. Is this a joint resolution that has come from the other House?

Mr. HOAR. No; it is a Senate resolution.

Mr. WOLCOTT. If I remember aright, this is a measure which has been before the Senate again and again for a number of years, is it not?

Mr. HOAR. I do not know.

Mr. WOLCOTT. I remember when I was upon the Committee on the Library, the same measure was before the Senate and was very much pressed by some young man in connection with the library, who had prepared something in connection with this work. I know at that time it was not deemed expedient in the Library Committee to press it. I remember at that time this clerk of the library was upon the floor of the Senate explaining to Senators the measure, which represented some work of his own, which was to be adopted by Congress. I have the greatest deference to the opinion of the Senator from Massachusetts as to the character of the work, and if he has investigated it thoroughly I shall not object. I remember when I was upon the Committee on the Library we looked into it and it seemed to us as if it was more for private benefit than for public good.

Mr. HOAR. It does not put one dollar, as I understand it, in the pocket of any clerk or anybody else. It is a work which will be done either by the persons in the law library and on their salary, and they will get no pay for it otherwise, or by such other instrumentalities as the Chief Justice of the United States may direct. Can any Senator hesitate for a moment in the belief that a subject law catalogue, where you can find what you want instantly and by subject, is needed for the convenience of this body, to say nothing of the courts, to say nothing of the other House, or of the profession? This work is to be sold to the profession and to other libraries when it comes out. The necessity for it is apparent, and the character of the illustrious magistrate who will have charge of the work seems to me to make it altogether perfectly safe. I have not seen the person whom the Senator from Colorado speaks of for a year or two.

Mr. WOLCOTT. There is a little further question I should like to ask. There are a number of law libraries in the United States of greater or less magnitude. There is hardly a city in the United States which has not one. There is hardly a county seat which has not one. There is no place where a Federal court meets which has not one. Many cities have several. If it be true that a subject index is a matter of great benefit and advantage it is equally true that to the extent of the volumes which are generally held throughout the United States it would be fully as advantageous to every law library in the United States if it had a subject index. We have the most enterprising lot of law publishers in the world within the United States. If this were a volume which was to be of general advantage we would long since have had it compiled and prepared and put on sale for the benefit of the different law libraries of the United States.

The law library which we have here is far larger if the number of volumes be 100,000 than any other in the United States, and many of its volumes must be old and worthless lumber. There are not 100,000 law books that can by any possibility be of advantage to the lawyers in the preparation of their cases. The index by subjects of thousands and thousands of those volumes must be utterly useless and of no benefit to anybody. It does seem to me that the Judiciary Committee or some committee who are actively concerned in the contents of those books and their codification should go through this measure and examine it and make some investigation as to the needs of the library for such a

catalogue before we take up the joint resolution for passage and make a large appropriation for this purpose.

Mr. CULLOM. I think I shall have to object to the further consideration of the joint resolution.

Mr. HOAR. I should like to say one word, if the Senator from Illinois will allow me.

Mr. CULLOM. I will allow that, of course.

Mr. WOLCOTT. First, one word as to the Chief Justice. Of course nobody doubts for a moment that if the Chief Justice of the United States out of the multitude of his duties will pay any attention to this matter it will be done not only with the utmost integrity, but intelligence and care. There is not the slightest reflection, as the Senator from Massachusetts understands perfectly, upon the Chief Justice of the United States.

Mr. HOAR. I had not suggested any such thing.

Mr. WOLCOTT. No; but the Senator had spoken once or twice of the fact that the work would be under the charge of the Chief Justice.

Mr. HOAR. Certainly I spoke of that, and of the security and safety of it.

Mr. President, a subject catalogue of a library like the law library is not a book to be largely sold. No matter how much it may be needed, in the nature of the case it is not a book which will be paid for like a form book or a treatise on some ordinary branch of the law, and if it is ever done for the country it has got to be done in this way and under the auspices of Congress. This seems to me to be the most economical way to do it.

In regard to what the Senator from Colorado says about the fact that many law books are useless lumber and that it is not desirable to have it known what they contain, I beg leave, with great respect, to differ from him. I think the experience of most persons who have had occasion to consult libraries as a matter of habit of life, as students or scholars, will warrant me in saying that it is astonishing how few of the vast number of books that are published on any subject are unnecessary for the investigation of scholars. When they were enlarging the library at Harvard, which is still, I believe, the foremost library in this country in value, if not now in number of volumes, in order to get the space they sent to another of the college buildings the books that the librarian thought would by no possibility ever have to be consulted by anyone. They seemed to be the merest old songs of books. But it was found that they had to send about ten times a week for books that were taken out of that library. I was in the library myself one morning, and the librarian told me they had sent over eight times to this collection of books that somebody or other had to look up.

Now, take a question of law, a turning point on which perhaps some great historic or constitutional question may be determined, or some great question before the Supreme Court of the United States which involves an important private interest, and you find it occurred to some one jurist and it has been dealt with in the judgment of some obscure court, and you get the necessary light upon it there. I remember once myself being counsel in a cause of very great interest and importance, for which no authority was found by the counsel on either side. After great study, Mr. Justice Metcalf, an old black-letter lawyer, dug into a volume of Chipman's Reports, or some volume of reports almost forgotten, and found the precise authority for the purpose. Now, I do not want to press the joint resolution unduly. The Senator from Colorado, a man of large learning and great genius and intellectual power, sees everything at a glance and settles everything by his intellectual capacity, as we all know. He may not need these helps that humbler intellects and humbler men need.

Mr. CULLOM. Now, Mr. President, I hope we will proceed to the consideration of the appropriation bill.

Mr. CHANDLER. Let me ask first whether the joint resolution has passed from the consideration——

Mr. CULLOM. It has not passed, and I am inclined to think it ought not to be passed until the Committee on the Judiciary investigate the question.

Mr. HALE. Let us have the regular order.

Mr. CULLOM. I objected to the further consideration of the joint resolution.

The VICE-PRESIDENT. The Chair will state that objection was interposed to the further consideration of the joint resolution.

Mr. CHANDLER. Then I will reply to the Senator from Illinois some other day.

The VICE-PRESIDENT. The joint resolution goes over under the rule.

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 325) to provide that United States railroad corporations shall for purposes of jurisdiction be deemed citizens of the respective States into which their line of railway may extend;

A bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted;

A bill (H. R. 2178) to amend section 864 of the Revised Statutes of the United States, in relation to taking depositions de bene esse;

A bill (H. R. 4554) to amend an act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891";

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes; and

A bill (H. R. 6345) to establish a criminal jurisdiction over places ceded to the United States for such purposes.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army; and

A joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The bill (H. R. 4580) to amend section 3449 of the Revised Statutes was read twice by its title, and referred to the Committee on Finance.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT. I understand that the Senator from Utah [Mr. CANNON] is entitled to recognition.

Mr. CANNON. When the Senate adjourned last evening it had under consideration a proposed amendment which I will ask the Secretary to read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 24, on page 96, it is proposed to strike out "five" before "thousand" and insert "seven"; and in line 25, to strike out "seven" before "thousand" and insert "nine"; so as to read:

For surveyor-general of the State of Utah, $2,000; and for the clerks in his office, $7,000; in all, $9,000.

Mr. CANNON. Mr. President, I have no desire to make any remarks on this proposed amendment further than to state that of the public domain of Utah there have been surveyed but 15,000,000 acres, and there remain yet for survey more than 38,000,000 acres. The necessity, therefore, to have a competent clerical force in the office of the surveyor-general in order to make up the field notes for the parties who are out surveying the public domain must be quite apparent to all Senators present.

Mr. CULLOM. I make no opposition to the amendment, as it comes within the estimate.

The amendment was agreed to.

Mr. PLATT. I wish to call the attention of the Senator in charge of the bill to a matter in behalf of my colleague [Mr. HAWLEY], who is detained from the Senate by illness, and who wishes me to propose an amendment for him in his absence. On page 4, line 6, after the word "dollars," I move to insert "assistant clerk, $1,440"; so as to read:

Clerk to the Committee on Military Affairs, $2,220; assistant clerk, $1,440; messenger, $1,440.

As my colleague is absent and can not speak for himself, I hope the Senator from Illinois will allow the amendment to come in tentatively at least, and it can be looked into afterwards.

Mr. CULLOM. I understand that that committee has a vast amount of business.

Mr. PLATT. It has about 600 bills before it.

Mr. CULLOM. I am only sorry that they do not get more of them out of the committee. I am satisfied that there is need of an additional clerk there, and I will make no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. While I am upon the floor, I ask to refer to page 31, the last line of the page, where, in the items for the Office of Auditor for the Treasury Department, it reads "ten clerks of class 2." That the Secretary of the Treasury is very solicitous about, and the number was reduced, I think, by mistake. I move, in line 25, on page 31, to strike out "ten" and insert "eleven"; so as to read:

Eleven clerks of class 2.

The amendment was agreed to.

Mr. CULLOM. Then upon the next page, in line 4, page 32, the total should be changed. I move to strike out "$116,400" and insert "$117,800."

The amendment was agreed to.

Mr. CULLOM. I now ask the attention of the Senate to the

provisions beginning on page 115, section 5, relating to the marshals and district attorneys. The Senator from Colorado [Mr. TELLER], representing the Judiciary Committee, will make some suggestions of amendment as we proceed with the reading of the items in the bill.

Mr. MILLS. Commencing on what page?

Mr. CULLOM. On page 115, at the bottom of the page, beginning with section 5.

Mr. TELLER. At the suggestion of the accounting officers of the Treasury Department, I move, on page 115, line 24, after the word "that," to strike out "from" and insert "on"; in the same line, before the word "day," to strike out "thirtieth" and insert "first," and after the words "day of," to strike out "June" and insert "July."

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 115, in section [7] 5, line 24, after the word "that," it is proposed to strike out "from" and insert "on"; before the word "day," in the same line, to strike out "thirtieth" and insert "first," and after the words "day of" to strike out "June" and insert "July"; so as to read:

That on and after the 1st day of July, 1896, all fees and emoluments, etc.

The amendment was agreed to.

Mr. CULLOM. These provisions have not been regularly read by the Secretary.

Mr. TELLER. Then let the Secretary read them.

The Secretary read as follows:

SEC. [7] 5. That on and after the 1st day of July, 1896, all fees and emoluments authorized by law to be paid to United States district attorneys and United States marshals shall be charged as heretofore, and shall be collected, as far as possible, and paid to the clerk of the court having jurisdiction, and by him covered into the Treasury of the United States; and said officers shall be paid for their official services, salaries, and compensation hereinafter provided and not otherwise: *Provided*, That this section shall not be construed to require fees to be charged against or collected from the United States, except as provided by sections 12 and 14 of this act relating to field deputies and their payments.

Mr. HOAR. At this point in the consideration of the bill, I wish to say that I have desired to do what I could to make the bill, so far as it affects district attorneys and marshals, represent what I believe to be the desire of the Senate, and also to do what I think is for the public advantage. I am prepared, therefore, to do what I can in completing the text of the bill with that view, but I am opposed to adopting this important legislation on an appropriation bill. I think the Senate must feel that if they go into the question of legislating upon this subject it will be at a great disadvantage. If the House of Representatives refuse to concur with our amendments, we shall then have to insist on what we think is just and in the public interest at the cost possibly of defeating the appropriation bill, and legislating, as it were, with a loaded pistol at our temples. The result may be that we shall amend this bill according to what we think is for the public interest; then it will go into conference; there will be a disagreement; and then may come a proposition to adjourn Congress. When we get into the neighborhood of the time of adjournment, our conferees will come back and say to us that we must yield on this or the appropriation bill will fail, and there will be an extra session or we must prolong the session of Congress still further. I think the objection to legislating on subjects however important on an appropriation bill is very serious and grave indeed. It would then be very difficult to go back to this matter in the ordinary method of legislation. If the Senate and the House wish to correct the judicial system, they had better change the Constitution and abolish one or the other branch, or have some other Constitution.

So I wish to reserve the right to vote to strike out the whole thing, although I think the reform which is proposed in regard to these officers a very important one and one that ought to be accomplished.

Mr. CULLOM. Before proceeding further with these paragraphs, I will say that I neglected to ask the Senate to change the totals after an additional clerk was provided for on page 5. The total on that page, in lines 2 and 3, ought to be "$90,480" instead of the sum specified in the bill. I hope that change will be made.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 3, in the appropriations for "clerks and messengers to committees of the Senate," it is proposed to increase the total appropriation from "$93,040" to "$94,480."

The amendment was agreed to.

Mr. CULLOM. So far as the members of the Committee on Appropriations were concerned, I think there was a feeling that, while it was a very great and serious step to add so much legislation to an appropriation bill, yet there seemed to be such a universal demand in favor of a change of the system in reference to the payment of marshals and district attorneys, that the Committee on Appropriations did not feel that they could afford to oppose such attempted legislation. The fact has been that there have been bills in the Judiciary Committees during several Congresses proposing to change the law in relation to the payment of these officers from fees to salaries, and it has been shown over and over again that there were great abuses under the present system, that the administration of our courts was becoming outrageously expensive to the country, and that some change should be made. The body where this bill originated was very earnest in its efforts to make such a change. The bill came to the Senate with these provisions upon it, and the Appropriations Committee did not feel that it could afford to refuse to consider them. As I have intimated already, the subject was referred to the Judiciary Committee for consideration and for the guidance of the action of the Appropriations Committee. What is now proposed to be acted upon by the Senate is a report from the Judiciary Committee made to the Committee on Appropriations. While I deprecate this kind of legislation generally, I do not feel, as a member of the committee, like opposing it in this instance.

Mr. KYLE. I should like to ask the Senator whether, in his judgment, these sections, if added, would be a violation of Rule XVI of the Senate?

Mr. CULLOM. They come from the other body as legislation already enacted by that body.

Mr. KYLE. There is a similar rule in the other House, I understand.

Mr. CULLOM. Yes. I do not undertake to pass upon the question whether it is a violation of the rules of the Senate or not.

Mr. KYLE. I should like to understand from the Senator whether he thinks it is general legislation or a change of existing law?

Mr. CULLOM. I think it is.

Mr. KYLE. That is all I wish to know.

Mr. CULLOM. That is my judgment; but I shall not discuss that any further. I hope the reading of the bill will proceed and that the Senator from Colorado will suggest the amendments as heretofore agreed upon.

Mr. HILL. Does the Senator from Colorado desire to amend the bill?

Mr. TELLER. That is what I intended to do on behalf of the committee.

Mr. HILL. I wish to say something upon the subject suggested by the Senator from Massachusetts [Mr. HOAR].

Mr. TELLER. I suggest that the Senator had better wait until we get the bill amended, and then the whole subject will be before the Senate.

Mr. HILL. That will be just as well.

Mr. HOAR. If the Senator will pardon me, I should like to have an understanding while we are dealing with this paragraph, after the Committee on Appropriations has moved its amendments, that other amendments may be moved to the paragraph without postponing the whole subject to the end of the bill. It will be more convenient, certainly, to attend to the whole matter at once. There are some amendments which the Committee on the Judiciary wish to propose.

Mr. TELLER. I have no control over that.

Mr. HOAR. I am asking consent.

Mr. TELLER. I am proposing the amendments suggested by the Committee on the Judiciary to the Committee on Appropriations.

Mr. CULLOM. I am inclined to think, if it be agreeable to the Senate, that as these items are reached whatever amendments are to be proposed may as well be offered at the time, item by item, so that we may get rid of the subject as we go along.

Mr. SHERMAN. I hope no agreement will be reached that will prevent us from moving to strike out all of these sections.

Mr. CULLOM. That can be done after the sections have been amended.

Mr. PLATT. That can be done in the Senate in any event.

Mr. SHERMAN. I may desire to submit such a motion.

Mr. HOAR. I ask unanimous consent, after the Committee on Appropriations have moved their amendments to these two sections, that other amendments may be in order without waiting until the completion of the bill.

Mr. TELLER. I suppose that will be done. I do not object.

Mr. ALLISON. I do not understand that the Senator from Colorado [Mr. TELLER] is proposing the amendments as from the Committee on Appropriations. Of course, these amendments formally and nominally come from the Committee on Appropriations, but they are, as I understand, amendments which were presented to the Committee on Appropriations by the Judiciary Committee, and we did not undertake to revise them.

Mr. TELLER. Mr. President, let me state just what was done. After the Committee on Appropriations had determined not to strike these provisions out of the bill, which personally I very much regret, the whole question of marshals and district attorneys was referred to the Judiciary Committee. That committee has made a report to the Appropriations Committee, which was found to have some mistakes in it. Then the Judiciary Committee reexamined the question, and I am presenting what I understand to be the second report, which did not reach the Appropriations Committee until after that committee had reported the bill to the Senate.

It was found that the Judiciary Committee—I am a member of both committees—had made some mistake, we had some lack of information, and now these amendments are being proposed for the purpose of trying to secure an equitable and just arrangement of the salaries both of marshals and district attorneys in accordance with the amount of business they have to do.

I will say that the Attorney-General was before both the Appropriations Committee and the Judiciary Committee on this subject, and gave his opinion as to some of the proposed changes, and we reported in accordance with that.

I also have a letter from the Comptroller of the Treasury about some of the proposed changes, which I desire to move now, which are not of any great consequence. Agreeably to the suggestion of the Comptroller, who consulted the Attorney-General, who also desires the insertion made, on page 116, in section [7] 5, after the word "services," in line 6, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. In section [7] 5, on page 116, line 6, after the word "services," it is proposed to insert "which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting."

Mr. ALLEN. Let me ask the Senator if he will not move to insert those words after the word "salaries," in the same line, instead of after the word "services"?

Mr. PLATT. I do not think it makes good sense.

Mr. ALLEN. It does not make good sense as it is now.

Mr. TELLER. The amendment is offered for the purpose of making it clear that the services are to be rendered in the circuit courts of appeals.

Mr. ALLEN. I understand that the Senator from Connecticut [Mr. PLATT] says that my suggestion will not make good sense.

Mr. PLATT. No; I say I do not think the amendment as reported at the Secretary's desk makes good sense.

Mr. ALLEN. It does not make good sense as reported now.

Mr. PLATT. That is what I have said. Let the amendment be again stated.

The SECRETARY. In section [7] 5, on page 116, line 6, after the word "services," it is proposed to insert "which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuit courts wherever sitting"; so as to read:

And said officers shall be paid for their official services, which, in the case of district attorneys, shall include services in the circuit courts of appeals of their respective circuits wherever sitting, salaries and compensation hereinafter provided, and not otherwise.

Mr. PLATT. The sense is all right.

Mr. TELLER. That is the point where the amendment should come in.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. TELLER. In line 8 of the same section, after the word "require," I move to insert "or authorize"; so as to read:

*Provided*, That this section shall not be construed to require or authorize fees to be charged against or collected from the United States, etc.

The amendment was agreed to.

Mr. TELLER. In line 10 of the same section, in order to correct the numbers of the sections referred to, I move to strike out "12," where it occurs and insert "10," and to strike out "14" and insert "12."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section [7] 5, on page 116, line 10, after the word "sections," it is proposed to strike out "12," and insert "10," and before the words "of this act," to strike out "14" and insert "12"; so as to read "except as provided in sections 10 and 12 of this act."

The amendment was agreed to.

Mr. TELLER. I shall try to follow with the amendments proposed by the Judiciary Committee which did not reach the Appropriations Committee in time to be considered by that committee.

Mr. VILAS. Has section 6 been read?

Mr. CULLOM. It has not.

Mr. TELLER. The section should be read.

Mr. VILAS. I think as it is read the Senator might propose his amendments.

The VICE-PRESIDENT. The section will be read and the amendments reported by the Committee on Appropriations acted upon as they are reached in the reading, in the absence of objection.

The Secretary proceeded to read section [8] 6. The first amendment reported by the Committee on Appropriations was, in line 5, after the word "each," to strike out "four" and insert "five"; so as to read:

SEC. 6. That the United States district attorney for each of the following judicial districts of the United States shall be paid an annual salary as follows: For the northern and middle districts of the State of Alabama, each $5,000, etc.

The amendment was agreed to.

The next amendment was, in line 16, after the word "Alabama," to strike out "three" and insert "four"; so as to read:

For the southern district of Alabama, $4,000.

The amendment was agreed to.

The next amendment was, in the same section, line 20, after the word "California," to strike out "four" and insert "five"; so as to read:

For the northern district of California, $5,000.

The amendment was agreed to.

The Secretary continued the reading, as follows:

For the southern district of California, $3,000.

Mr. TELLER. I move to strike out "three" and insert "four."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section [8] 6, on page 116, line 22, before the word "thousand," it is proposed to strike out "three" and insert "four"; so as to read:

For the southern district of California, $4,000.

The amendment was agreed to.

The reading of the section was resumed. The next amendment of the Committee on Appropriations was, in line 22, after the word "Colorado," to strike out "four" and insert "five"; so as to read:

For the district of Colorado, $5,000.

The amendment was agreed to.

Mr. ALLEN. I should like the Senator from Colorado to state why these salaries should be increased over the amount fixed by the House of Representatives?

Mr. TELLER. I will say that these salaries were fixed by the Judiciary Committee. I wish to say to the Senator that personally I think they are in many instances very much too high, and I suppose it is likely when they come out of conference they will be very much lower.

Mr. ALLEN. I want it understood at this time that I reserve the right to object to all these items of increase of salary of United States district attorneys and marshals after the bill reaches the Senate.

Mr. TELLER. I understand every Senator has that right.

Mr. HOAR. As I understand, the Judiciary Committee has been keeping below, and never proposing to raise salaries at all, never going above what the particular district attorney or the marshal has earned, except in one or two very extraordinary cases. The Judiciary Committee have desired largely to be governed by the opinion of the Senator from Colorado and by the opinion of the Senator from the particular State in which the district is situated; and in this particular instance we should not have proposed an increase if the Senators from Colorado thought the salary too high for that State. I should for one, if they so thought, have assented to reducing it.

Mr. TELLER. The Senator from Massachusetts, the chairman of the Committee on the Judiciary, understands very well upon what theory the committee proceeded. It was that the salary should be uniform according to the services rendered, or to be rendered; and if other items are to be put up in this way, Colorado is entitled to be put up also.

The House of Representatives have not, in my judgment, provided a very equitable arrangement here. Some of the salaries are entirely too high and some too low. We undertook to equalize them and make the provision just and equitable. That will not, I think, perhaps, prevent the scaling down of a percentage of them. I should be quite willing, so far as Colorado is concerned, if other salaries are put down, that the salaries should be put down for the officers in that State; but I am not willing that an officer in an adjoining State who does less work should have more salary than an officer in my State who does much more.

Mr. ALLEN. I desire to call the attention of the Senator from Colorado to a fact that may or may not have attracted the attention of the Judiciary Committee. We are now considering the southern district of California, as I understand.

Mr. HOAR and Mr. TELLER. Colorado.

Mr. ALLEN. Possibly Colorado, which makes it so much the worse. I hold in my hand an official communication as to the mileage of the several attorneys of the United States for the last six months; and I find that Mr. H. V. Johnson, of Colorado, drew for the last six months $760.20 mileage; which for the year would make $1,520.40. Under the ruling of the Supreme Court, Mr. Johnson is not required to make any account, or is not chargeable with this mileage. I find with reference to others that the mileage has been nothing in some instances; in others it has not exceeded $50 a year; and in a great many others it was less than $100. If Mr. Johnson is to be put upon an equality with those who receive a small compensation for their traveling expenses, would it not be wise for the Judiciary Committee—a committee which I hope is committed to the great doctrine of economy in these peculiar times—to take that into account, and reduce his salary to some extent at least?

Mr. TELLER. I should like to say to the Senator from Nebraska that Mr. Johnson has to travel a long distance. He has three courts to attend, two of which are away from the point of his residence, and he is compelled to make long journeys. He would not be required to travel so far in many of the States, because they are not big enough. He travels in order to reach the most distant court he is required to attend nearly as far, I suppose, as from here to Philadelphia, or farther. There is only one district in Colorado.

Mr. PLATT. All these traveling expenses have to be paid in the first instance out of his own pocket, and he gets them back.

Mr. TELLER. He has to pay them first out of his own pocket.

Mr. ALLEN. I call attention to the fact that his traveling expenses are paid by the Government.

Mr. PLATT. Yes; but he has to pay them in the first instance, and then they are paid back to him by the Government.

Mr. ALLEN. He has first to pay them, but he charges the Government 10 cents a mile for riding on the cars, when the rates are about 3 cents.

Mr. TELLER. He will not under this bill.

Mr. HOAR. That is abolished.

Mr. ALLEN. I am glad of it. I was not aware of the fact that it had been abolished, and I fail to see any provision abolishing it.

Mr. TELLER. We provide that every man shall get a salary, and then he will pay his own expenses, only being allowed his actual traveling expenses.

Mr. ALLEN. I call the attention of the Senator to this inequality to a little greater extent in the northern district of Alabama. The traveling fees of the district attorney for the last six months have been $133.20; of the middle district, $80; of the southern district, $93.80—a State as large as the State of Colorado, practically—and all put together the fees do not amount to one-half of the traveling expenses of Mr. Johnson in the State of Colorado. In the eastern district of Arkansas it was $56; in the western district nothing; in the northern district of California nothing; in the southern district $190.60.

Mr. TELLER. I can not explain all the inaccuracies of the system now in existence. What we are trying to do is to get rid of a system which allows such things to be done.

Mr. HOAR. If the Senator will pardon me one-half minute, I will say that, as I understand, under the present existing law the evils which the Senator from Nebraska points out exist; that is, officials get so much a mile, 10 cents a mile, I think. If they have a free pass on the railroads, the 10 cents a mile, if they happen to travel 250 miles to convey a prisoner, or to summon a witness in a case of larceny, or perform some other official duty, is clear gain.

Mr. ALLEN. Clear gain?

Mr. HOAR. Yes. It is so far an abuse unless all that they get is not sufficient to pay them. Then, of course, it is not an abuse. Under this bill I said that system is abolished. I meant by what I said just now that it is proposed to be abolished by this bill. This bill provides a salary for those officials and that they shall get their actual traveling expenses; that is, what they actually pay out. If they travel on a free pass they do not get their fare back. If they pay out 2 cents a mile or 3 cents a mile for railroad fare, that they get back actually, and I suppose nobody would doubt that that should be done. So I suppose this bill cures that difficulty.

The difference in the existence of such fees and charges in different districts arises somewhat from the character of the business. For instance, you take some moonshiner districts, as they are called, where the deputy marshals may have to go into a district at a distance from the court-house to summon witnesses. They charge fees, and a great mass of those are piled up. In some cases, undoubtedly, some small offenses are complained of or are almost invented in order to make business for the United States commissioners and deputy marshals; but that is all proposed to be cured by this bill.

In other districts, where there is a great deal more actual law business done, there is very little opportunity for collecting fees and emoluments, when in fact there is a great deal more actual public service rendered.

Mr. ALLEN. I should like to ask the Senator from Massachusetts or the Senator from Colorado to point out that feature in this bill which cures the case he mentions.

Mr. PLATT. It is on page 120, I think.

Mr. TELLER. If the Senator from Nebraska will look at the bill and let us go on he can raise those questions later. It seems to me that would be the better way.

Mr. PLATT. I think it is the proviso beginning in line 4, page 120.

Mr. HOAR. It begins on page 115.

Mr. PLATT. The provision on page 116 reads:

Said officers shall be paid for their official services salaries and compensation hereinafter provided, and not otherwise.

The paragraph on page 120 relates to traveling expenses.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 22, page 116, after the word "Colorado," to strike out "four" and insert "five"; so as to read:

For the district of Colorado, $5,000.

The amendment was agreed to.

The next amendment was, in line 23, page 116, after the word "Connecticut," to strike out "two" and insert "three"; so as to read:

For the district of Connecticut, $3,000.

The amendment was agreed to.

The next amendment was, in line 25, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Delaware, $2,500.

The amendment was agreed to.

The next amendment was, in line 25, page 116, after the word "dollars," to strike out "for the District of Columbia, $5,000; for the northern and southern districts of Florida, each $3,000," and insert:

For the northern district of Florida, $3,500; for the southern district of Florida, $4,000.

Mr. PASCO. I ask to have the amendment modified in line 3, on page 117, by changing "$3,500" to "$4,000." I have already spoken to the Senator from Colorado with reference to it.

Mr. TELLER. Let that be done.

Mr. PASCO. I have demonstrated the fact that this is a proper allowance for that office.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 3, page 117, after the word "Florida," it is proposed to strike out "three thousand five hundred" and insert "four thousand"; so as to read:

For the northern district of Florida, $4,000; for the southern district of Florida, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 117, line 6, after the word "Georgia," to strike out "$2,500" and insert "$3,000"; so as to read:

For the southern district of Georgia, $3,000.

Mr. HOAR. The Senator from Alabama [Mr. PUGH] called my attention and that of the members of the Judiciary Committee to the fact that the compensation in the second district of Georgia should be the same as in the first. There is really more business in the southern district. I hope the Senator will move an amendment to make it $5,000.

Mr. BACON. In accordance with the recommendation which, as I understand, has been made by the Judiciary Committee, I move that the amount for the marshal of the southern district of Georgia be fixed at $5,000. I move to amend the amendment so as to make it $5,000 instead of $2,500.

Mr. HOAR. That is what I referred to. The Senator from Alabama [Mr. PUGH] made such a motion in the Judiciary Committee.

Mr. BACON. I move, in line 6, page 117, to strike out "$2,500" and insert "$5,000."

Mr. VEST. It is $3,000 in the bill.

Mr. BACON. That is the amendment reported by the committee.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 6, page 117, it is proposed to amend the amendment of the committee by striking out "$3,000" and inserting "$5,000"; so as to read:

For the southern district of Georgia, $5,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia [Mr. BACON].

Mr. TILLMAN. Mr. President, I do not like to interfere with this pleasant arrangement of increasing salaries, but I feel very much like the Senator from Colorado did a moment ago when he stated that if a man in an adjoining State is going to get a large salary for doing less work than a similar officer in his own State gets he would ask for an increase; and so I will ask the Senate when it reaches my State to increase the item, too; and I am not disposed to do that.

In regard to several items in the bill, I have in my hand the report of the Auditor for the State and other Departments to the Secretary of the Treasury, wherein you will find the official figures showing the exact amount which each of the marshals and each of the district attorneys charged up and was paid last year; and it is the only place you can find it.

Mr. TELLER. If the Senator from South Carolina will wait until South Carolina is reached I think he will be satisfied.

Mr. TILLMAN. The Senator from Georgia [Mr. BACON] is now asking that the Senate shall raise the salary of the district

attorney for the southern district of Georgia to $5,000 from $3,000, at which the Senate committee has placed it, and $2,500 at which the other House fixed it, thereby doubling his compensation.

I am not trying to oppose anybody. I am merely endeavoring to call attention to the fact that we are padding the bill and trying to stop the other House in its efforts to uproot the abuses growing out of the fee system. We are putting so much on these provisions that we will load them down and they will be killed, and we ought not to do that.

I will call attention to some items here. The marshal of the southern district of Georgia is placed in this report, which is official, as having earned in fees $18,122.90. The district attorney earned only $2,850.60, and therefore he got all the fees that were coming to him. In other words, he got every single dollar that he could charge.

If you will look on down you will come to New Hampshire, for instance. The marshal earned only $1,227 and the district attorney earned only $712, and yet you will find here that he is going to get $3,000. In other words, you are going to raise the salary of an officer who receives only $712 to $2,500 or $3,000, I do not remember which it is; I know it has been largely increased.

I give notice, if you are going to make increases as to other districts, when we come to South Carolina, I shall merely ask that we shall have some of the pie, too.

I am willing to vote to stand by the House report, or I will stand by the Senate report as it has come in; but if we are going to continue to increase salaries because one man is trying to help out his constituent and wants to increase his salary, I say, as a matter of justice, that the thing ought to go around.

Mr. BACON. I desire to state that neither my colleague nor myself has received any communication whatever from the district attorney of the southern district of Georgia, and that the motion which I made to amend the amendment was made exclusively in view of the fact that the Judiciary Committee, which has had the matter under consideration, has so recommended.

I think the suggestion made by the Senator from South Carolina [Mr. TILLMAN] has much pertinency in it, and in view of the state of facts set forth in this report, that the district attorney for the southern district of Georgia does not earn exceeding the amount recommended by the Committee on Appropriations, and upon consultation with my colleague, I will withdraw the amendment and ask that the clause may stand as reported by the committee, allowing $3,000 for the district attorney for the southern district of Georgia.

Mr. HOAR. I should like to make one observation before the Senator from Georgia withdraws his amendment, if I may be permitted.

Mr. BACON. Certainly.

Mr. HOAR. The reports of earnings, of course, in some districts are all the information we have except what we get from individual Senators, who know the needs and condition of their States. But they are a very uncertain guide. Take, for instance, a port like Savannah, or a port like Mobile, in Alabama, or New Orleans or Boston, where they have admiralty causes, where in time of war they have prize causes, where the United States district attorney may have to deal with delicate questions affecting our international relations, and you have to have, and you ought to have, in such a port a man at the constant call of the Government whose learning, character, and capacity entitle him to be treated as a first-class lawyer. All over the United States, taking our history clear back to the beginning, we have in general had great lawyers at the service of the United States.

Now, there may be in time of peace, when there are no prize causes, an important indictment, an indictment, for instance, for wrecking a vessel to get the insurance, or for barratry, or an indictment under our revenue laws, or other important indictments, where the district attorney may be employed for a fortnight or three weeks in one trial, and where, if he charged according to the rates that private parties pay, he would charge more than his whole salary. Still that goes into his earnings or emoluments as $10 if he loses the case and $50 if he wins it. That is three weeks' work.

On the other hand, in some other part of the country a lot of small cases may be got up against Indians for selling liquor or against moonshiners or on account of some small smuggling operation, where the witnesses will be summoned by the marshal to travel a hundred miles to court or where the district attorney himself will have to travel to the place of hearing before a commissioner, and there will be five hundred or a thousand dollars of fees returned in the account when all those cases put together do not represent one-quarter either of the professional labor or of the professional capacity which the man in Savannah or Mobile has put into a single case.

So that the Committee on the Judiciary, having before them the emoluments and seeing what they were and so on, were obliged to trust largely to the judgment of the Senators from the different districts as to what their officials should receive. The amendment which is prepared and which is ready to be moved for South Carolina, which is the one suggested by the Senator from South Carolina [Mr. TILLMAN], and which I hope he will himself move, would put the South Carolina district on precisely the same footing with that in Georgia.

Mr. BACON. The action which I took in the first instance was, as I stated, based exclusively on the judgment of the Judiciary Committee. I did not know the considerations which had moved them to that recommendation. The reasons given by the Senator from Massachusetts [Mr. HOAR], I think, are entirely controlling. I have within my personal knowledge had illustration of the truth of the condition of affairs as stated by the distinguished Senator. I have known in that particular district an instance where the district attorney was engaged for thirty-one days in the representation of the Government in the prosecution of a single case. For that he received no larger fee than if the case had not consumed more than one hour.

Mr. HOAR. That is it exactly.

Mr. BACON. I think the judgment of the Judiciary Committee, as explained by the distinguished Senator from Massachusetts, is one which ought to be sustained by the Senate, and after consultation with my colleague, I renew the amendment and shall ask the Senate to adopt it.

Mr. ALLEN. What is the amendment?

The VICE-PRESIDENT. The amendment submitted by the Senator from Georgia [Mr. BACON] to the amendment of the committee will be stated.

The SECRETARY. In line 6, page 117, it is proposed to amend the committee amendment by striking out the words "three thousand" and inserting "five thousand"; so as to read:

For the southern district of Georgia, $5,000.

Mr. ALLEN. I wish to call attention briefly to some of the inequalities of the action of the Judiciary Committee and the Appropriations Committee. For the last fiscal year the United States district attorney for the northern district of Georgia received $7,959 besides his mileage, which amounted to $256.70. The district attorney for the southern district of Georgia received $3,056 in the form of fees rather, and he received $256.70 mileage. The proposition of the Judiciary Committee is to increase that salary from $3,056 as it existed last year to $5,000, making it practically $2,000 above the earnings of that office last year.

Now, I wish in this connection to call attention to some other matters, and it will save the necessity of doing it at another time. Take, for instance, the northern district of California, which is fixed at $5,000 by the committee. The United States district attorney received last year in fees $1,947, and here is an increase of over $3,000 in that case. If we are to indulge in economy in the passage of the pending appropriation bill, it occurs to me that we have started in the wrong direction.

Take the southern district of California, for instance. Under the amendment as proposed by the committee $3,000 is to be allowed for the southern district of California. Last year the fees amounted to $2,900. The committee proposes to allow $5,000 in a case where the fees were $1,947 and $3,000 in a district where the fees were $2,900.

Mr. VEST. Will the Senator from Nebraska permit me? I think he is mistaken in thinking that the amount of fees should be the ultimate criterion as to the amount of salary in every case.

Mr. ALLEN. I think I am, too.

Mr. VEST. I will tell the Senator why, and of course as a lawyer he will appreciate it.

Take a district attorney in a district where there are large cities, or one large city, and he has under his charge very important litigation for which he gets about the same fees as he would for a small case. Take the city of New York, the city of Savannah, Ga., which the Senator from Massachusetts [Mr. HOAR] has mentioned here, or Charleston, or New Orleans, or the city of St. Louis, or any of the large cities, and there are very important cases in which the Government is interested, and a great amount of work is required to be done by the district attorney, for which he receives about the same fee that he does for an inconsiderable case.

I have had some experience in this matter for about twelve years with the Attorneys-General and with deputy attorneys-general, and I have found it one of the most difficult tasks that can be given to mortal man. I do not care what sort of a bill you bring in here, you will have the same sort of thing that is going on here now. One Senator thinks that because fees are shown to be less in another district than in a district in his State he is entitled to an increase.

You can not establish any iron rule in regard to the matter. You must take each district and determine as to the amount that is justly due for the services rendered. That is the only way in which it can be done. I do not like the legislation that is put in this bill. The Senator from Ohio [Mr. SHERMAN] once said in regard to a tariff bill that he never had voted for a tariff bill that suited him. I never expect to find a tariff bill, or a river and

harbor bill, or a bill of this kind which meets my entire approbation, and in which, in my opinion, there are not defects. But all legislation is in the nature of compromise. A tariff bill, a river and harbor bill, a bill fixing fees and salaries constitute the most difficult legislation in the world, because they bring up what you might call the entire representative feature of our Constitution.

Mr. ALLEN. There seems to be a desire here to get all that is possible, and in that respect I agree with the Senator from Missouri.

It is quite evident to any person who will take the compensation that was paid to Federal attorneys for the last year and the amendments as they have been offered by the Judiciary Committee or by the Committee on Appropriations that the latter are largely in excess of the former. Instead of being a bill to equalize salaries and to put it beyond the power of district attorneys to prosecute for the sake of fees cases that ought not to be prosecuted, it has been deemed wise, and I deem it wise, to substitute the salary system in place of the fee system. The district attorney in the northern district of California—and I select that district because it is handy here—received but $1,947 for his services last year, and he presumably rendered the Government all services that were necessary. The House of Representatives fixed his compensation in the bill at $4,000, and it occurs to me that it is utterly reckless, to put it in mild terms, for the Judiciary Committee or the Committee on Appropriations to propose to raise it to $5,000. The salary for the southern district of California is practically correct. The earnings were $2,900 last year. The other House fixed the salary at $3,000, and the Senate permits that sum to stand.

Take, for instance, the districts of Arkansas, the eastern and western districts, and there is a very large disparity between the receipts of the district attorneys of those districts last year. In the eastern district the district attorney received $5,419 and in the western district the attorney received $10,562, and the committee put those two districts upon a perfect equality, $4,000 each.

In the State of Florida, for instance, last year the United States attorney for the northern district received $4,439 in fees and the district attorney for the southern district received $3,244.

Mr. PASCO. That is for six months, as the Senator from Nebraska will see by reference to the official paper coming from the Attorney-General's Office.

Mr. ALLEN. I am not talking about the mileage. I am speaking with respect to the annual compensation.

Mr. PASCO. I know what the Senator is talking about.

Mr. ALLEN. Take, again, for instance, the State of Idaho. In the State of Idaho the district attorney received $2,390.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. ALLEN. Certainly.

Mr. DUBOIS. The Senator from Nebraska does not understand the workings of the present system.

Mr. ALLEN. And no other man understands them.

Mr. DUBOIS. I understand them, I dare say.

Mr. ALLEN. I am glad of it.

Mr. DUBOIS. Having occupied one of those positions, I have had some practical experience.

The attorneys and marshals in the Western States make a great deal of money out of mileage. They get 10 cents a mile for travel. They get 10 cents a mile for transporting prisoners, and they make a great deal out of that, which does not appear in the emolument returns.

The district attorney in Idaho received $2,900, as it appears there, yet the attorney and the marshal make a great deal out of mileage, legitimately and honestly, which does not appear in the $2,900 which the Senator from Nebraska mentioned.

It is so in all of the Western States, where the distances are great. That is done away with in this bill. The marshal of Idaho makes a great deal more, I dare say, than $3,500. It will be a saving to the Government. The Senator from Nebraska does not seem to understand that they get the mileage outside of the emoluments that he is reading all the time.

Mr. ALLEN. I announced an hour ago that they got their mileage outside of the fees. Now, let us look at the question of mileage, too.

Mr. DUBOIS. That is eliminated by the pending bill.

Mr. ALLEN. Right here I have the figures: J. H. Forney, district attorney for the district of Idaho, for the last six months drew $1,212.10 mileage. In the State of Kentucky, a State almost as large, in population and litigation larger, and where the district attorney has to attend five terms of court, Mr. Smith received $67 for the same time.

Mr. President, if this system is so honest in the judgment of the Senator from Idaho [Mr. DUBOIS], I should like to have him explain how the district attorney in his State drew $1,212.10 for six months and the district attorney for the State of Kentucky, where the travel is as great and the business larger, drew only $67.

Mr. DUBOIS. That is very easily explained, Mr. President. The attorney for Idaho lives 1,000 miles from the court at Blackfoot. He lives at Moscow, which is 1,000 miles from Blackfoot. The distances are great. A man is arrested and brought before a commissioner's court seven or eight hundred miles away. The attorney goes there to attend. We have those districts, which are larger than in other States.

Mr. ALLEN. How much larger is the State of Idaho than the State of Kentucky?

Mr. DUBOIS. They do not have so many districts in Kentucky, probably.

Mr. ALLEN. The State of Idaho has but one judicial district. Mr. President, that disparity can not be explained.

Mr. DUBOIS. I insist that it is easily explained why there is such large mileage in Idaho. I can not explain, perhaps, why there is such small mileage in Kentucky, but it is perfectly natural and simple and can not be avoided in the Western States that the mileage shall be greater.

Mr. ALLEN. It seems, however, that it pays the district attorney to live a thousand miles away from the seat of litigation.

Mr. DUBOIS. He can not live at all three seats of litigation.

Mr. ALLEN. And he goes a thousand miles every time a little infraction of the Federal law comes up and is to be heard before a United States commissioner. Take, for instance, the northern district of Illinois. The mileage was but $31.40 in that district in the last six months.

Mr. BACON. I wish to suggest to the Senator from Nebraska that there is one element in this business which he has not taken into consideration. In all districts where the business justifies it, the law authorizes the appointment of an assistant attorney, and these fees represent what has been earned in the office by the work both of the principal and the assistants, whereas in other districts, where the fees appear to be much larger, the Government is at that much less expense, because there is simply the principal district attorney without an assistant. In my own State, for instance, we have two districts. The northern district of Georgia is one of the recognized moonshine districts, as they are called, where there is a very large amount of business and where as large fees are earned in a few hours in one day in the trial and disposition of cases of that kind as will be earned in another district where the business is of a different character, probably, in a week. But in one case there is simply the district attorney, and in the other case there is the district attorney and also an assistant, who has been appointed under the provisions of the law. So the Senator in considering the question as to the proportion of fees earned with the amount of salary proposed to be paid must take into consideration the fact that in the one case there is one officer, and in the other case there are two officers.

Mr. DUBOIS. If the Senator from Nebraska will allow me for a moment, I had overlooked a very important fact. The law provides that the marshal and the attorney may accept actual expenses in lieu of mileage if it is so desired. Now, in and around Chicago, where railroad fare is cheap and living is cheap, they take their actual expenses, and probably they will do that——

Mr. ALLEN. Mr. President, I am perfectly willing that the Senator from Idaho shall explain away this matter if he can, but the explanation will have to be somewhat more lucid than it is now to satisfy me that he is correct.

I come now to a State of which I have some personal knowledge. I call the attention of the Senator from Iowa [Mr. ALLISON] to this statement. In the northern district of Iowa for the last six months the mileage was $1,267.20, making a yearly mileage of almost $2,600. In the southern district of Iowa it was $412.60 for the same time. I personally know something about the State of Iowa. I went there forty years ago, and I know every foot of territory between the Mississippi and the Missouri rivers as well as a boy and man could know it by traveling over it in that time. I know personally that the travel in the northern district of Iowa is no greater than it is in the southern district. The truth is, that the courts are held in the northern district at but three places, and they are not as important courts as those held in the southern district, for the population is not as great and the business is not as great. Yet here is this disparity of Mr. Cato Sells, of the northern district, receiving $1,267.20 mileage for six months, making about $2,600 for the year, and Mr. C. D. Fullen, of the southern district, receiving for the same time $412.60. Will the Senator from Idaho say that there are some peculiar circumstances about that, accounting upon a basis of honesty for this disparity?

Mr. ALLISON. Will the Senator from Nebraska yield to me for a moment?

Mr. ALLEN. Certainly.

Mr. ALLISON. I do not know just why it is that the mileage in the northern district of Iowa is larger than the mileage in the southern district, unless it be that the district attorney in the southern district resides very near the places where the chief courts are held, namely, Keokuk and Des Moines—living midway between them.

Mr. ALLEN. I call the Senator's attention to the fact that court is held at Council Bluffs also.

Mr. ALLISON. Court is also held there twice a year. In the northern district the district attorney resides at a distance from all the places of holding the court except Cedar Rapids. He resides near that point. So when he goes to Dubuque, where the principal business of the court is transacted, or to Sioux City, going to the one place he has a mileage account probably of 200 miles and in going to the other a little more than 200 miles. He charges mileage of course for every time he either attends the courts or attends other duties, like commissioners' courts and so on. If he is called either to Sioux City or Dubuque to a commissioner's hearing he charges mileage from his place of residence to the place where the commissioner is holding his court. So the argument the Senator from Nebraska is making and the illustrations which he produces here are to my mind the strongest arguments for dealing with this subject and dealing with it now.

The district attorneys for the northern and southern districts of Iowa receive each the maximum sum of $6,000 per annum for their services without including their mileage account. If it be true, as shown by the memorandum of the Senator from Nebraska, that the district attorney for the northern district of Iowa is receiving $2,600 mileage for six months' service it means that he is practically receiving twice that sum for a year's service, and in addition to that he will be entitled to receive, under the existing statute, the maximum sum of $6,000. So his compensation under existing law will amount to $11,000 per annum, whereas under the provisions of this new scheme his compensation will be $5,500 per annum, if the amendment of the Judiciary Committee is adopted, and his actual traveling expenses while he is on duty as respects the public business of the State.

Mr. HOAR. Will the Senator from Iowa allow me to make a suggestion right there?

Mr. ALLISON. After I finish the sentence. And in addition to that, the Attorney-General is required by these provisions to declare where the official residence of the district attorney shall be.

Mr. HOAR. And there will be no expenses in traveling.

Mr. ALLISON. Therefore there can be no expense in traveling to and from his official residence. If the Attorney-General does what I believe he will do, he will fix the official residence of the district attorney at the principal place where courts are held, and then the district attorney will be entitled to receive no compensation for expenses of traveling from a distant home to or from that official residence. So the arguments suggested by the Senator from Nebraska are strong arguments to my mind that we should deal at the present session of Congress, whether upon this bill or by a separate measure, with this question.

Now, I want to say to the Senator from Nebraska that there is another disparity as respects this clause.

Mr. ALLEN. I hope the Senator from Iowa does not understand that I antagonize the adoption of the salary system in lieu of the fee system.

Mr. ALLISON. No; I do not. I was only stating that the Senator from Nebraska is giving the strongest illustration, to my mind, why these provisions should be dealt with. He spoke of the disparity as respects the mileage between the State of Idaho and the State of Kentucky. The Senator will observe that under existing law the fees authorized to be charged in what are known as the mountain States are double fees under existing law, so that if the district attorney for the State of Idaho resides a thousand miles from where the court is held he is entitled to charge 20 cents per mile instead of 10. His mileage under the existing law is twice that of the interior States of the country.

Mr. ALLEN. Will the Senator from Iowa permit me to call his attention to a State that is not a mountain State. I call attention to the northern district of New York, where the mileage for the last six months has been $2,806.80.

Mr. PLATT. That is just what we are cutting off.

Mr. ALLISON. That only shows the possible abuses that may exist under the present law. I have no doubt the district attorney resides at a point remote from where the courts are held in the northern district of New York, and therefore charges mileage every time he leaves his home on public business, of course. As the Senator looks over these amendments, he will observe that we have retained the double-fee provision of the mountain States, but we have provided that the double fees in those States, as in other States, shall be paid into the Treasury of the United States, and the district attorneys and marshals in those States, like in every other State, will be entitled to receive only their actual traveling expenses and cost of living during the time they are traveling.

Mr. VILAS. Will the Senator from Nebraska allow me to ask the Senator from Iowa, while he is on his feet, a question? What is the occasion for so large a business by the district attorneys and marshals in the State of Iowa? It is an agricultural State, with no ports of entry, no Indian reservations, no special moonshining; none of those subjects that raise business in general.

Mr. PASCO. There are no wicked people in Iowa.

Mr. VILAS. And there are no wicked people in Iowa, as the Senator from Florida suggests.

Mr. ALLISON. I will answer the Senator as best I can. We have in Iowa a very intelligent, active, law-abiding population; we have also a minimum of those who trespass upon the laws.

Mr. GRAY. And they come over from Wisconsin, I suppose?

Mr. ALLISON. They come over from neighboring States. I shall not discriminate against Wisconsin at this moment, for I feel very friendly to that State. But we have there a semiprohibitory statute and we have also a United States statute which taxes the sale of intoxicating liquors. A good many people in Iowa are in the habit of undertaking to sell intoxicating liquors in violation of our statutes as well as in violation of the Federal statute.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the rights of the unfinished business, such as they are, be protected by laying it temporarily aside, without losing its place.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business be temporarily laid aside without losing its place. Is there objection? The Chair hears none. The Senator from Iowa will proceed.

Mr. ALLISON. Under the present law the marshals, the deputy marshals, the commissioners of the courts, the district attorneys, and you may add the clerks of the courts, derive their compensation and emoluments practically from fees. Therefore it is that through these officers and their deputies there is a remarkable vigilance in the enforcement of the laws in our State. Every time a person is guilty of an infraction of the law the whole corps of the United States courts, including, first, the deputy marshals, then the commissioner, then the district attorney or his assistant, then the clerk, the law requiring that there shall be a jury trial in these cases, which I think could very well be dispensed with and thus save enormous expenses; the whole machinery of the courts is brought to bear against a person who violates a single provision of the statute, costing I do not know how many hundreds of dollars in every case. It may be that many cases are practically compromised by a person pleading guilty and going through all the forms in order that the fees may be charged. It may be that there are a great many prosecutions, and I think there are a great many, which under the proposed change in the fee system would not appear in the courts.

Mr. GRAY. Then may I ask the Senator from Iowa if a change to the salary system might not change the character of his State from a semiprohibitory State to one much less than semiprohibitory?

Mr. ALLISON. That is getting into a fine analysis of the ultimate or immediate results of our laws that I do not care to discuss, although I believe that under this system the laws of the United States will be fairly enforced and at a minimum of cost compared with the existing conditions of things.

Now, what is true in these agricultural States (and I will interrupt the Senator from Nebraska only one moment more) is true in a larger degree in the mountain States, where it is of the utmost value to the people who can violate the liquor statutes as respects the manufacture of liquor. The question, it seems to me, after all, that we should consider is, what is the reasonable compensation of an attorney learned in the law who is capable of dealing with whatever question may come before the courts of the United States as respects our United States laws? I believe that competent attorneys can be found in nearly all the States of this Union who will perform these duties at a less rate than is proposed in the bill.

Mr. VILAS. I hope the Senator from Nebraska will allow me one observation more in reference to this matter.

Mr. ALLEN. Certainly.

Mr. VILAS. The Senator from Iowa has given substantially the answer I expected, that the large figure of emoluments from which the district attorney and marshal in each of the districts in Iowa is paid arises from a thorough cultivation of the business of those officers. We are now fixing the salary for the future, when that business probably will not be so well cultivated. Why is it that the salary should be raised in a State like Iowa, where there are two districts, above the amount which is fixed generally in the other States? It seems to me that it would be a great deal wiser if we fixed a maximum of $5,000 in every case, except perhaps such districts as New York, Boston, Chicago, New Orleans, San Francisco, Philadelphia, and Baltimore, where there is a large amount of customs business requiring peculiar abilities and much labor.

Mr. ALLISON. If the Senator from Nebraska will pardon me one moment further, I will make a suggestion to the Senator from Wisconsin, who indulged in a slight implication that possibly the Judiciary Committee in its judgment of these salaries has been too

liberal to the State which I in part represent, it being an agricultural State. As I understand it, the Judiciary Committee have made this schedule and scale of salaries upon what is known as the emolument returns of the last two or three years. They have supposed that the salary should approximate at least the amount that the district attorneys and marshals have received hitherto, and therefore turning to Iowa they saw the large emoluments, which do not even include mileage, and thus fixed Iowa, as they fixed other States, upon this basis. It is true, I think, that in great cities like New York, Boston, Philadelphia, Baltimore, and perhaps New Orleans and Chicago, where the cost of living is much higher than it is in rural localities, the fees and compensation of district attorneys should be larger, as a man who is fitted to perform the duties of district attorney in those great cities can of course in his private practice earn a much larger sum than even the maximum amount provided in the law.

Mr. VILAS. The business is much greater.

Mr. ALLISON. The business is much greater, but there has been an amendment offered—if not printed, it is proposed to be offered—providing that the services for which the salaries are paid shall not include services in customs cases. So I think there is some provision, or intent at least, among those who are dealing with this subject to exclude customs cases. I am not clear about that. In response to the Senator from Nebraska, and the Senator from Wisconsin as well, I will say that the State of Iowa, and those who represent it here, will be willing that there shall be such an adjustment of the compensation of district attorneys and marshals in that State as will only fairly do justice to those officers in that State as compared with those in other States.

Mr. ALLEN. Mr. President, just a moment with reference to the State of Iowa, to which I referred for the sole purpose of comparison and as illustrating the disparity between the receipts of the two district attorneys. The bulk of the population in the State of Iowa is to be found in the southern district of Iowa. The great body of the important litigation in the State of Iowa, as compared with the northern district, is in the southern district. It is as far across the State of Iowa in the southern district of Iowa as it is in the northern district. The city of Dubuque is located on the eastern boundary of the State, almost due north of the city of Keokuk and the city of Fort Dodge, where a term of the Federal court is held. In the northern district there lies to the north the city of Des Moines, and about 65 miles from it the city of Sioux City, which is the western boundary of the southern district, almost due north of the city of Council Bluffs, which is the western boundary of the southern district.

Now, if Mr. Sells resides in Benton County, as I understand he does, he can get to the city of Keokuk, the most important city in the northern district in point of population and commerce and litigation, by traveling about 110 miles; he can get to the city of Fort Dodge, where the next term of the court is held, the center of the division, by traveling about 110 miles, and he can get to the city of Sioux City by traveling about 250 miles. Now, I am not criticising the State of Iowa; I am simply using this by way of comparison for the purpose of showing the abuse.

Mr. GEAR. May I interrupt the Senator a moment?

Mr. ALLEN. Certainly.

Mr. GEAR. The Senator stated by traveling 250 miles one could reach Sioux City from Dubuque. Let me call his attention to the fact that about the narrowest place in the State of Iowa is 299 miles, and it is 300 miles from Dubuque—326 miles, to be exact.

Mr. ALLEN. I did not make any statement of the kind. The Senator is entirely wrong in his understanding of what I said. I said a man living in the county of Benton can reach Sioux City by traveling about 250 miles. Am I correct in that?

Mr. GEAR. No, sir; you can not do it.

Mr. ALLEN. I have been over every foot of that territory a good many times.

Mr. GEAR. It must have been some years since the Senator was over it. I have been over it lately. You can not make it by traveling less than 300 miles.

Mr. ALLEN. How far is it from Waterloo to Dubuque? It is a little over 90 miles.

Mr. GEAR. It is over 90 miles. It is 96 miles.

Mr. ALLEN. Mr. Sells lives a few miles south of Waterloo, in the county of Benton. Now, how far wrong am I, when it is only a little over 300 miles across the State? He can make it in 250 miles, every foot of it, and he can make all his divisions by traveling 110 or 115 miles to each one of them.

I agree, Mr. President, fully with the policy of the committee of changing the fee system to a salary system. I am satisfied that there have been gross abuses, and that there are daily gross abuses of the fee system; that some of these men are put out to hound down people for the mere purpose of earning fees, a system of espionage, a system of persecution that is entirely foreign to the freedom of our Government. But what I want to know from the Senator from Colorado who has this matter in charge is, why the Judiciary Committee should think it wise to change the salaries as fixed by the House of Representatives from $1,000 to $2,000, and possibly more in some instances?

Why would it not be wiser and better to let the salaries remain as the House of Representatives have fixed them, and then, if it be proved by the practical execution of the law in the future that the salaries are not great enough, to raise them to that point where experience demonstrates they should be placed? It is a great deal easier to raise a salary than it is to reduce it after it is once fixed.

Mr. GEORGE. You will never get it down again.

Mr. ALLEN. You will never get it down again. That is true. I want to run over the bill briefly, because I am saying now about all I wish to say on this measure, and put in the RECORD the increases which have been made by the Senate committee over the salaries as fixed by the House of Representatives.

The House of Representatives fixed the salary of the United States attorney for the northern district of Alabama at $4,000; the Senate proposes to raise it $1,000; the House of Representatives fixed the salary for the southern district of Alabama at $4,000; the Senate proposes to raise it a thousand dollars. The House of Representatives fixed the salary of the middle district of Alabama at $4,000, and that is proposed to be raised $1,000. In Arizona the amount was fixed by the House of Representatives at $4,000, which I think is left by the Senate. In California the House of Representatives fixed the salary of the district attorney for the northern district at $4,000, and the Senate proposes to raise it $1,000. In Colorado the salary was fixed at $4,000 by the House of Representatives, and it is proposed to be raised by the Senate $1,000. In Connecticut the salary was fixed by the House of Representatives at $2,000, and it is proposed to be raised by the Senate amendment $1,000, making it $3,000. In Delaware the salary was fixed by the House of Representatives at $2,000, and it is proposed to be raised by the Senate $500. In Florida the salary was fixed by the House of Representatives at $3,000 for the northern district, and it is proposed to be raised $1,000 by the Senate, and now I understand it is to be also raised a thousand dollars in the southern district.

Mr. CALL. I will correct the Senator in that statement. The salary in the bill as it came from the House of Representatives for the northern and southern districts of Florida was $3,000 for each of the district attorneys; and by the Committee on Appropriations it was changed to $3,500 for the northern and $4,000 for the southern district of Florida; but in the Senate the two districts have properly been put at the same amount, $4,000. That is the change made in accordance with the committee's recommendation. In Florida, in both districts, the amount received under the fee system was greater than the salary which is given by this bill, as shown by the returns in the Attorney-General's office. There was an error in those returns made by the Committee on the Judiciary. The northern district of Florida having been organized for many years, and about a year ago a new district being created, called the southern district of Florida, the returns for the northern district of Florida extended over the entire calendar and fiscal year. The returns for the new district of Florida were only for six months. In that way a mistake was made by the clerk of the Judiciary Committee in entering up the amount; but in point of fact there is no increase of salary, but a reduction, in the two districts of Florida.

Mr. ALLEN. I was not criticising the State of Florida. I was only pointing out the fact that the Senate amendment proposed to raise the salary in the two districts of Florida. The House of Representatives fixed the salary in each of those districts at $3,000, and the Senate committee now proposes to raise it to $4,000, making an increase of $2,000 in the aggregate, or $1,000 for each district. That is all I said. I presume the State of Florida is entitled to it; I do not know.

In the State of Georgia there is an increase of $500 recommended by the Senate over the amount fixed by the House of Representatives; and I now understand the Senator from Georgia wants to increase it still more.

Mr. BACON. I do.

Mr. ALLEN. He wishes to increase it $1,500 more, making a total increase of $2,000.

The same is true in the State of Idaho. The House of Representatives fixed the salary there at $2,500, and the Senate proposes to increase it $500. In the southern district of Illinois the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In Indiana the House of Representatives fixed the salary at $5,000, and the Senate proposes to increase it $500. In the northern district of Iowa the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,500. There is where the enormous sum of mileage is paid to which I referred a moment ago.

In the southern district of Iowa the House of Representatives fixed the salary at $4,000, and it is proposed to be raised $1,500 by the Senate. In Kansas the House of Representatives fixed the salary at $4,000, and that is proposed to be raised $1,000 by the Senate. In Kentucky the House of Representatives fixed the sal-

ary at $5,000, and that is proposed to be raised $500 in the Senate. In the State of Maine the House of Representatives fixed the salary at $2,500, and that is proposed to be raised by the Senate $500. In Maryland the House of Representatives fixed the salary at $3,000, and the Senate proposes to raise it $1,000, making it $4,000. In the district of Massachusetts the House fixed the salary at $5,000, and it is proposed by the Senate to increase that $500. In the western district of Michigan the House of Representatives fixed the salary at $3,000, and that is proposed to be increased by the Senate $1,000. In Minnesota the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In the northern district of Mississippi the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it $2,000. In the southern district of Mississippi the House of Representatives fixed the salary at $3,000, and the Senate proposes to amend it by increasing it to $5,000. In the western district of Missouri the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. In Montana the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it by adding $1,500 more. In Nebraska the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,000.

Mr. LINDSAY. That is right.

Mr. ALLEN. No, sir; it is not.

In Nevada the House of Representatives fixed the salary at $2,500, and the Senate proposes to increase it $500. In New Hampshire the House of Representatives fixed the salary at $2,000, and the Senate proposes to increase that $500. In New Jersey the House of Representatives fixed the salary at $2,000, and the Senate proposes to increase it $2,000. In New Mexico the salary was fixed at $4,000, and the Senate proposes to increase it $1,000. In the eastern district of New York the House of Representatives fixed the salary at $3,000, and the Senate proposes to increase it $1,500. In the western district of North Carolina the House of Representatives fixed the salary at $4,500, and the Senate proposes to increase it $500. In North Dakota the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,500. In the northern district of Ohio the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,000. The same is true also of the southern district of Ohio. In Oregon the House of Representatives fixed the salary at $4,000, and the Senate proposes to increase it $1,500. In the eastern district of Pennsylvania the salary was fixed by the House at $4,000, and the Senate proposes to increase it $1,000, with a thousand dollars increase in the western district. In Rhode Island the House of Representatives fixed the salary at $2,000, and $500 increase is proposed by the Senate. In South Carolina the salary was fixed by the House at $4,500, and the Senate proposes an increase of $500. In the State of South Dakota the House of Representatives fixed the salary at $3,500, and the Senate proposes to increase it $1,500.

Right in that connection, I will say that the State of South Dakota is not a mountain State, and therefore the district attorney does not draw double mileage. The mileage of Mr. Ezra W. Miller for the six months between the 1st day of July and the 31st day of December, 1895, amounted to $2,534, being over $5,000 a year mileage in that State, which is almost as level as a floor.

In Tennessee the House of Representatives fixed in the three districts a salary of $4,000 each, and the Senate proposes an increase of $1,000 each, making the total increase $3,000.

Mr. BATE. Will the Senator allow me?

Mr. ALLEN. I am not criticising the State of Tennessee at all.

Mr. BATE. I wish to say that Tennessee, out of those emoluments, has turned back into the Treasury much more than was taken out as salaries. The net amount taken in by the attorneys of these three districts in Tennessee as emoluments is $38,745.31, out of which they are entitled to retain, as a maximum, $6,000 each, leaving a net balance to the Government through this channel of $13,745.31 for the period referred to. And permit me to say that the marshals for these three districts present quite as good a record. It will thus be seen that the officer is getting $6,000 now, and he will get a thousand dollars less by the proposed change.

Mr. ALLEN. Tennessee has been remarkably honest in the matter of mileage.

Mr. BATE. Thank you.

Mr. ALLEN. In the eastern district of the State of Tennessee for the last six months the mileage was only $20. There has been, presumably, no return from the middle district,

Mr. BATE. There is no mileage there.

Mr. ALLEN. In the western district only $112.40 was charged for mileage. There is a mountain State, and if my friend from Iowa [Mr. ALLISON] is correct, a State where there is some moonshining.

Mr. BATE. I suppose as much as there is anywhere. That is where the trouble arises.

I want to say that my remarks were simply made in defense of the State of Tennessee to show that, so far as the officials in that State are concerned, the Government loses nothing by the proposed change. I wish to say further that each of these officers is now receiving from the amount collected by him as emoluments $6,000, and in the case of marshals the salary as now proposed to be fixed is lessened by a thousand dollars in each case.

Mr. ALLEN. Well, it possibly ought to be lessened.

Mr. BATE. Very well, that may be so, but the Senator has referred to my State and said that it had a clear record upon this matter; yet it is not free from abuses under the present system, and I am in favor of changing the fee system, because of the abuses which are practiced under it.

Mr. ALLEN. That is exactly what I am contending for, that the system should be changed.

I wish to call attention to a fact which could not have escaped the Appropriations Committee and the Judiciary Committee, that the receipts of these offices have been in every instance, or in most instances, swelled in consequence of the fee system, and because the district attorneys in some of these districts have received eight or nine thousand dollars under the fee system it does not prove by any means that that is a fair and proper compensation for their services. Probably in many instances they should have earned less.

In the State of Texas there are three districts. In the northern district the House of Representatives fixed the salary of the district attorney at $3,000, and the Senate proposes to increase it $1,000; in the eastern district the salary was fixed by the other House at $3,000, and the Senate proposes to increase it $1,000; in the western district the salary was fixed by the House at $3,500, and the Senate proposes an increase of $1,500. In Utah the House fixed the salary at $3,000, and the Senate proposes to increase it $2,000. In Vermont the salary was fixed by the House at $2,000, and the Senate proposes to increase it $500.

Mr. TELLER. The Senate there proposes an increase really of $1,000, instead of $500. That is the recommendation of the Judiciary Committee.

Mr. ALLEN. In the eastern district of Virginia the salary fixed by the House of Representatives was $3,500, and the Senate proposes an increase of $1,000; in the western district the salary was fixed by the House of Representatives at $4,000, and the Senate proposes an increase of $1,000. In Washington the salary was fixed by the House at $4,000, and the Senate proposes to increase that $1,000. In West Virginia the salary was fixed at $4,000 by the House, and the Senate proposes an increase there of $1,000.

There are two districts in the State of Wisconsin. The other House fixed the salary of one at $4,000 and the other at $3,000. The Senate proposes a total increase of $2,500 in the two districts. In Wyoming the salary was fixed by the House at $3,000, and the Senate proposes to increase it $1,500, according to the figures I have here.

Mr. President, in almost every case here there has been a deliberate change of the fees of the district attorneys as fixed by the House of Representatives, and we are standing here and having a Senator call them up paragraph by paragraph, and the Presiding Officer announcing "agreed to," without the slightest discussion or investigation or explanation.

Mr. TELLER. There seems to be some discussion on the amendments.

Mr. ALLEN. Well, there is some discussion now; but I call the attention of the Senator from Colorado to the fact that we went down without any discussion from Alabama to Georgia, the Senator from Colorado standing at his desk in this Chamber and moving the adoption of amendments, and the Presiding Officer saying "agreed to," without the slightest explanation from the distinguished Senator from Colorado who has this matter in charge, or from any other Senator, why these salaries should be increased from the amounts fixed by the House of Representatives to the amounts proposed by the Senate Committee on Appropriations.

While I am in favor of abandoning the fee system, because I believe it leads to corruption, because I believe it to be oppressive and wrong in its execution, and while I believe in adopting the system of salaries, I do not believe the Senate should, by mere force of its power, raise these salaries as fixed by the House of Representatives, without the mover deigning at least some explanation to Senators who are not members of the committee as to why it is done. We have some interest in it; we represent States here to some extent, or are attempting to do so; and yet this committee comes here, and there is a play between the Senator who has the floor and the Presiding Officer, and every Senator must sit here with his mouth shut or get up whenever an item is proposed, travel over the same ground, and receive no explanation from the committee.

I am not speaking of the Senator from Colorado in an accusing sense, or at least I do not mean to do so, but what I mean is that these enormous increases in the salaries of these officers should not be made unless some reasonable written or printed report be laid

before the Senate, which can be investigated by us and from which we can come to the conclusion, if it be true, that the advancing of these salaries is correct.

Mr. President, one more proposition at this time. I have no sympathy with the idea which has been advocated here—and I hear it every once in a while crop out in the Chamber—that it requires a high order of legal talent to fill these positions. It requires some legal talent, it is true, but the duties of these officers are in a majority of instances merely perfunctory. You know, and I know, that the highest order of legal intellect is rarely brought into the service of the United States in these offices. There are political debts to pay, usually they are to be paid to politicians, and sometimes to shysters, who walk into these positions and receive seven or eight thousand dollars a year for their services through this system, who could not earn $750 a year honestly in the practice of law; and yet, whenever this question is brought up, some grave and reverend Senator stands here and tells us it is the highest order of legal intellect and legal qualifications which must be brought into the discharge of these duties. I am in favor, decidedly in favor, of this system; but, Mr. President, before I take this medicine I want to know something about its composition; I want to know how it has been compounded; and I want the Senator having this bill in charge to say to me, or to say to the Senate, that there are some reasons for making these changes; and if there are reasons I am satisfied we will all agree to them. But I do not want the Judiciary Committee or the Committee on Appropriations to come into this Chamber and by their mere caprice undertake to force these amendments to raise the salaries of these officers without some reasonable explanation of their conduct in doing so.

Mr. President, I will send to the desk and have read a list of district attorneys and the compensation they have been receiving in the form of mileage for the last six months.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

Mr. ALLEN. I wish it read as a part of my remarks.

Mr. TELLER. Would it not answer the purpose of the Senator as well to have the list printed in the RECORD without reading?

Mr. ALLEN. Yes, sir. Let it be published as part of my remarks without reading.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

The list referred to is as follows:

*Mileage charged against the United States by the United States attorneys in their accounts, as rendered to the Department of Justice, for the period from July 1 to December 31, 1895.*

| Districts. | United States attorneys. | Amount. |
|---|---|---|
| Alabama, northern | Emmet O'Neal | $133.20 |
| Alabama, middle | H. D. Clayton | 80.00 |
| Alabama, southern | J. N. Miller | 93.80 |
| Arizona | E. E. Ellinwood | 544.00 |
| Arkansas, eastern | J. W. House | 56.00 |
| Arkansas, western | J. F. Read | ---------- |
| California, northern | H. S. Foote | ---------- |
| California, southern | G. J. Dennis | 180.60 |
| Colorado | H. V. Johnson | 780.20 |
| Connecticut | G. P. McLean | 94.80 |
| Delaware | L. C. Vandegrift | ---------- |
| District of Columbia | A. A. Birney | ---------- |
| Florida, northern | J. Emmet Wolfe | 948.40 |
| Florida, southern | Frank Clark | 292.40 |
| Georgia, northern | J. S. James | 40.80 |
| Georgia, southern | W. T. Gary | 256.70 |
| Idaho | J. H. Forney | 1,212.10 |
| Illinois, northern | J. C. Black | 31.40 |
| Illinois, southern | W. E. Shutt | 669.00 |
| Indiana | F. B. Burke | 1,309.30 |
| Iowa, northern | Cato Sells | 1,297.20 |
| Iowa, southern | C. D. Fullen | 412.60 |
| Kansas | W. C. Perry | 1,192.60 |
| Kentucky | W. Smith | 67.00 |
| Louisiana, eastern | F. B. Earhart | 18.00 |
| Louisiana, western | C. W. Seals | 103.00 |
| Maine | A. W. Bradbury | 236.00 |
| Maryland | W. L. Marbury | 23.00 |
| Massachusetts | Sherman Hoar | 460.00 |
| Michigan, eastern | A. P. Lyon | 483.20 |
| Michigan, western | John Power | 2,187.00 |
| Minnesota | E. C. Stringer | 1,084.40 |
| Mississippi, northern | A. F. Fox | 30.40 |
| Mississippi, southern | R. C. Lee | 127.20 |
| Missouri, eastern | W. H. Clopton | 1,297.80 |
| Missouri, western | J. R. Walker | 1,406.05 |
| Montana | P. H. Leslie | 1,190.20 |
| Nebraska | A. J. Sawyer | 647.70 |
| Nevada | C. A. Jones | 1,020.60 |
| New Hampshire | O. E. Branch | 141.20 |
| New Jersey | J. W. Beekman | (*) |
| New Mexico | J. B. H. Hemingway | 273.80 |
| New York, northern | W. A. Poucher | 2,893.80 |
| New York, eastern | J. L. Bennett | ---------- |
| North Carolina, eastern | C. B. Aycock | 79.60 |
| North Carolina, western | R. B. Glenn | 183.60 |
| North Dakota | Tracy R. Bangs | 940.60 |
| Ohio, northern | Samuel Dodge | 679.00 |

*The attorney has not rendered his account.

*Mileage charged against the United States, etc.*—Continued.

| Districts. | United States attorneys. | Amount. |
|---|---|---|
| Ohio, southern | Harlan Cleveland | $1,000.60 |
| Oklahoma | C. R. Brooks | 268.80 |
| Oregon | D. R. Murphy | 308.80 |
| Pennsylvania, eastern | E. P. Ingham | 140.00 |
| Pennsylvania, western | H. A. Hall | 1,299.20 |
| Rhode Island | C. E. Gorman | ---------- |
| South Carolina | W. P. Murphy | 81.40 |
| South Dakota | Ezra W. Miller | 2,534.00 |
| Tennessee, eastern | J. H. Bible | 20.00 |
| Tennessee, middle | Tully Brown | ---------- |
| Tennessee, western | C. B. Simonton | 112.40 |
| Texas, northern | W. C. Knowlton | 659.50 |
| Texas, eastern | Sinclair Taliaferro | 185.00 |
| Texas, western | R. U. Culberson | 141.20 |
| Utah | J. W. Judd | 165.80 |
| Vermont | J. H. Senter | 1,168.00 |
| Virginia, eastern | F. R. Lassiter | 480.00 |
| Virginia, western | A. J. Montague | 160.00 |
| Washington | W. H. Brinker | 1,423.40 |
| West Virginia | C. C. Watts | 163.60 |
| Wisconsin, eastern | J. H. M. Wigman | 1,933.90 |
| Wisconsin, western | H. E. Briggs | 1,701.30 |
| Wyoming | C. Gibson | 1,197.00 |
| Total | | 40,976.30 |

Mr. TELLER. I should like to go on with the bill now, Mr. President.

Mr. GEORGE. Mr. President, I would not occupy the time of the Senate in my present state of health unless I believed it was a duty incumbent upon me.

I am not and have not been in accord with the majority of the Senate from the very beginning of my service in this Chamber until now as to the proper amounts to be fixed for salaries of United States officers. I do not hope that anything I may say will change the vote of any Senator in this body, much less have the effect to carry out what I believe to be the true policy of the Senate in fixing salaries. But, sir, in the present condition of affairs, especially in the present pecuniary condition of the people of this country, oppressed with debt, the low prices of their produce, which rarely give to the husbandman, the farmer, the laborer any extra gains over a bare living, oppressed with taxation, I deem it my duty to put on the records of the Senate my opposition to this, as I regard it, very extravagant and very extraordinary compensation as proposed in the bill as it came from the House of Representatives, and also in the bill as proposed by the committee.

I have learned in a school which, I suppose, is now out of fashion the principles upon which compensation to public officers ought to be fixed. I have learned that public offices were not arranged, were not fixed for the accommodation of officials, or so that they might be enriched. I have regarded that service in a public office is rather a patriotic duty than a means of acquiring wealth, and as expressing in the strongest and tersest language that can be expressed, I desire to read to the Senate a section from the constitution of Vermont, which first appeared in that instrument in the year 1777, then again, I believe, in 1792, when that State was admitted into the Union, and again in 1793. I believe that that section, which I am going to read to the Senate, contains so much of truth so tersely and so properly expressed—contains the true rules by which every legislator, whether in the Federal Congress or in the State legislatures, should be guided—that I feel warranted in saying that it ought to be printed in letters of gold and hung up in every legislative hall in this country. It is as follows:

SEC. 23. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But, if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it the profits ought to be lessened by the legislature.

That, sir, contains the rule by which I think we ought to be guided.

But it is said that the United States ought to have the very best talent in supplying these offices. I think the United States ought to have fair, good talent, so that the officers may efficiently discharge their duties and protect the interests of the country. I hold in my hand a list of the salaries paid by nearly every State in the Union to the highest officer who represents the State in the courts of that State—the attorney-general. I propose to read that to the Senate as containing at least the judgment of the States, which we represent here, as to the amount of compensation that should be given to law officers.

Before I read this to the Senate I wish to remark that in nearly every instance, if I remember aright, the fees proposed to be allowed to the district attorneys of the United States are largely

more than, and frequently double, the amount allowed the attorney-general of the State in which they serve.

In Alabama the attorney-general receives a salary of $2,250. Under this bill, as I remember, the United States district attorneys are to receive $5,000, more than double the salary allowed to the attorney-general of the State, an officer higher in rank and upon whom are devolved duties of a more delicate character than are devolved upon the district attorney.

I may mention as I go along that the governor of Alabama receives the sum of $3,000, less than the amount allowed to the United States district attorneys in that State.

I go to the State of Arkansas next. I find in that State, in the memorandum which I have, no statement as to the salary of the attorney-general. I ask the Senator from Arkansas [Mr. BERRY] to state the amount.

Mr. BERRY. I do not remember what compensation the present statute of Arkansas provides in regard to the attorney-general; but some years ago I think it was $2,000.

I will state to the Senator from Mississippi, however, as he has made a comparison between the duties of United States district attorneys and those of the attorney-general of a State, that the duties of a district attorney in my State require more work and labor than the duties of the attorney-general, and especially in the western district of Arkansas there is no comparison between the amount of work performed by the district attorney and by the attorney-general.

Mr. HOAR. I was just about to inquire of the Senator in which district Little Rock is situated?

Mr. BERRY. Little Rock is in the eastern and Fort Smith in the western district.

Mr. GEORGE. I should like to conclude my remarks and let the explanations of Senators come afterwards.

Mr. BERRY. The Senator asked a question.

Mr. GEORGE. I asked for the amount; and I have no objection to the Senator's statement.

Mr. BERRY. If I am to be put on the witness stand I want to answer.

Mr. GEORGE. I have no objection to the Senator answering, but I do not want to go into a general wrangle on the subject. I am getting at the facts now.

Mr. BERRY. Very well.

Mr. GEORGE. The salary of the governor of the State of Arkansas, however, is only $3,000. The salary of the chief justice of that State is only $3,000. So one of the gentlemen who happens to be fortunate enough to get into the office of United States district attorney in the State of Arkansas gets not only more than the chief law officer of that State, but he gets more than the governor of the State, and more than the chief justice of the State.

I go next to the State of California. I find that the attorney-general there gets only $3,000.

Mr. TELLER. What officer?

Mr. GEORGE. The attorney-general of the State. I go next to Connecticut, and I do not find in this book the salary of the attorney-general of Connecticut. I should like to ask the Senator from Connecticut what is the salary of the attorney-general of his State?

Mr. PLATT. I believe we have no attorney-general; we did not have within a very few years at any rate, and I do not think any statute has been passed lately. There has been an attempt several times to create the office of attorney-general, but I do not think it has succeeded as yet.

Mr. GEORGE. I go to the State of Delaware. The attorney-general there gets the sum of $2,000; the governor gets $2,500. I go to the State of Florida next, and I find the attorney-general there gets $1,500. I wish the Senator from Florida who sits on my left [Mr. CALL] would state to me, for I have not read it, what it is proposed to give to the district attorney in the State of Florida under the pending bill?

Mr. PASCO. I will state to the Senator from Mississippi that the salary of that officer in Florida has been raised since that publication.

Mr. GEORGE. How much?

Mr. PASCO. Five hundred dollars. He now gets $2,000 a year.

Mr. GEORGE. He gets $2,000. Now, let us compare it. Will the Senator from Florida nearest me state what the district attorney now gets?

Mr. CALL. The district attorney now gets, I think, under the present bill about $2,000 less than he does under the existing law.

Mr. GEORGE. I ask what amount he gets under the bill.

Mr. CALL. Four thousand dollars.

Mr. GEORGE. Just double the amount that the attorney-general of the State gets, and as there are two United States district attorneys and only one attorney-general, they get $4,000 each for discharging the duties of the law officer of the State government.

Mr. PASCO. But there is no comparison between the amount of work——

Mr. GEORGE. Never mind; I am not asking about the work.

Mr. PASCO. Between the amount of work done by the attorney-general and that done by these other officers.

Mr. GEORGE. In Georgia the attorney-general gets the sum of $2,000; the governor gets a salary of $3,000; the chief justice of the State gets $3,000—very largely below the amount of fees or salaries fixed for the district attorneys in that State.

I go now to the State of Idaho. I do not find that they have any attorney-general in Idaho; at least the salary is not put down in this book, but the chief justice of that State gets the sum of $3,000, and the governor gets the sum of $3,000. I do not know what the district attorneys for Idaho will get under the bill, but I suppose it is largely in excess of that amount.

I go next to Illinois. I do not find that there is any attorney-general there. In Indiana the attorney-general gets $2,500. By this bill I suppose the district attorney gets about double that amount. I intend to put in the RECORD what the various States pay the highest law officer each has to represent its interests not only in the courts but to give legal opinions to the various executive officers of the State as to the construction of the laws and the constitution of that State.

In Iowa the attorney-general gets $1,500 and $5 per day when in court. If he were in court every day in the year except Sunday he would get only about $1,500 more. That would make $3,000.

In Kentucky I find that the attorney-general gets the sum of $500, with $10 per day while the legislature is in session, and as the legislature can only sit sixty days in every two years, giving him thirty days a year would be $300 more, and the attorney-general of Kentucky would get $800.

Kansas I passed. The attorney-general in that State gets $2,500; the governor, $3,000; the chief justice of the State gets $3,000.

In Louisiana I do not find the salary of the attorney-general here given. Will the Senator from Louisiana inform me what is the salary of the attorney-general of the State of Louisiana?

Mr. CAFFERY. I do not exactly remember what the salary is. I think it is about $2,500.

Mr. WHITE. I suggest that if the Senator from Louisiana remembers the decisions or opinions rendered by the attorney-general in Louisiana he will probably be able to fix the salary. I imagine that the two go together.

Mr. GEORGE. In the State of Maine the attorney-general gets $2,000, the governor $2,000, the chief justice $2,500. In the State of Maryland the attorney-general gets $2,000. In Massachusetts for the attorney-general the figures are blank—they are not put down. I do not see a Senator from Massachusetts here so that I may inquire what is the salary of the attorney-general in that State.

In Michigan the attorney-general gets $3,000. In Minnesota he gets $3,500. In Mississippi I find that the sum is left blank. I will ask my colleague if he remembers the salary of the attorney-general of Mississippi?

Mr. WALTHALL. It is $2,500.

Mr. GEORGE. Two thousand five hundred dollars. I find no statement as to the salary of the attorney-general in the State of Missouri. I do not see either Senator from Missouri present so that I may ask him, but I will venture to say——

Mr. WHITE. I suggest to the Senator from Mississippi that if he recounts all the Senators who are not present he might perhaps develop the absence of a quorum here.

Mr. GEORGE. That is all bosh, allow me to say, with due respect to the Senator.

Mr. VEST. What did the Senator from Mississippi ask about Missouri?

Mr. GEORGE. I should like to know the salary of the attorney-general of Missouri. It is not put down here.

Mr. VEST. It is $3,500.

Mr. GEORGE. Three thousand five hundred dollars. I go to Nebraska. The salary of the governor of that State is $2,500—less than the amount to be allowed the district attorney under either of the bills before the Senate. The salary of the attorney-general is $2,000. I find no statement as to the salary of the attorney-general of Nevada, nor of the State of New Jersey. In New York the attorney-general gets $5,000, which seems to be about the average salary allowed to the district attorneys under these bills.

I go to the State of North Carolina. I do not find that the salary of the attorney-general is stated, but I will state that the salary of the governor is $3,000 and of the chief justice of the State $2,500. I think I can be safe in assuming that the attorney-general does not get more than the chief justice.

I go to Ohio, a great and rich State, probably the third State in the Union in population, and I find that the attorney-general gets the sum of $2,000. In Oregon the salary of the attorney-general is left blank and so I can not state it. The same is true in Pennsylvania, which is left blank. In Rhode Island the salary of the attorney-general is $2,500; in South Carolina it is $2,100; in South Dakota it is $1,800. In Tennessee I find no statement. I believe the attorney-generals there are district attorneys.

Mr. BATE. No, sir; we have an attorney-general also.
Mr. GEORGE. What is his salary?
Mr. BATE. I do not recollect exactly, but I think it is $3,000. I wish to state, in addition to the Senator from Mississippi touching that, that the attorney-general, as I expect is the case in many of the other States——
Mr. GEORGE. Never mind about that.
Mr. BATE. I will state in connection with Tennessee, however, that the attorney-general has the exclusive right of publishing the reports of the supreme court, which is of much importance to him as an income, because it gives him an income additional to his salary.
Mr. GEORGE. That does not apply to any State except Tennessee, so far as I know.
Mr. BATE. I reckon it does.
Mr. GEORGE. It does not apply to the State of Mississippi, nor to any other State, so far as I know. If the Senator from Tennessee knows of any other State in which the attorney-general ex officio is reporter of the supreme court he can state it.
Mr. BATE. I only know what I said. I read the Mississippi reports with the name of Senator GEORGE attached thereto. I expect he was attorney-general there once, and very likely he made the reports. I do not know what compensation he got.
Mr. GEORGE. I never had the honor of being attorney-general of Mississippi.
Mr. BATE. The Senator was the reporter.
Mr. GEORGE. I never ranked high enough in the profession in Mississippi to be selected for that office.
Mr. BATE. You edited the reports there?
Mr. GEORGE. The very best lawyers in the State we get there for the sum of $2,000 and $2,500.
Mr. BATE. Were you not the reporter?
Mr. GEORGE. Yes; but I was not attorney-general.
Mr. CALL. How much was the reporter paid?
Mr. GEORGE. It was a fee.
Mr. CALL. How much?
Mr. GEORGE. I do not know; I never did know.
Mr. PASCO. May I ask the Senator what his salary was as a reporter?
Mr. GEORGE. I had no salary.
The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair understands that the Senator from Mississippi declines to be interrupted.
Mr. GEORGE. Mr. President, this is all bosh. Senators will not come up and meet the question, but inquire about the salary of the reporter and things of that sort. It is belittling the dignity of the occasion.
Mr. PASCO. I thought that is what the Senator——
Mr. GEORGE. It is making fun of the groans of the people of the United States, burdened as they are with debt and taxation. In Virginia the salary is $2,500; in Washington it is $2,000; in Wisconsin it is $3,000. That ends the States so far as I have them here in this book, which is the American Tribune Almanac, and I suppose it is reliable authority.
Mr. President, I have about done my duty. I have put upon the record what the States pay officers not of similar grade, but of higher grade, than the district attorneys of the United States. I have put that in the RECORD, so that if Senators who have not looked into this matter desire to look into it they may know that the statesmen at home where these men serve think they can get competent legal representatives in the courts for a much smaller sum than we propose to pay.
The PRESIDING OFFICER. The Secretary will state the next amendment of the Committee on Appropriations which was passed over.
The next amendment was on page 117, line 6, after the word "Georgia," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the southern district of Georgia, $3,000.

The amendment was agreed to.
The next amendment was, on page 117, line 7, after the word "Idaho," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the district of Idaho, $3,000.

Mr. TELLER. In line 7, I move to strike out "$2,500" and insert "$3,500."
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, on page 117, in line 9, before the word "dollars," to insert "five hundred"; in line 10, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in line 11, before the word "dollars," to insert "five hundred"; in line 13, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; in line 14, before the word "thousand," to strike out "four" and insert "five"; in line 15, before the word "dollars," to insert "five hundred"; so as to read:

For the northern district of Illinois, $5,500; for the southern district of Illinois, $5,000; for the district of Indiana, $5,500; for the northern and southern districts of Iowa, each $5,500; for the district of Kansas, $,5,000; for the district of Kentucky, $5,500.

The amendment was agreed to.
The Secretary read the next item, as follows:

For the eastern district of Louisiana, $3,000.

Mr. TELLER. The Judiciary Committee recommend $5,000 instead of $3,000. I move to strike out "three" and insert "five" before "thousand."
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, in line 17, before the word "dollars," to insert "five hundred"; so as to read:

For the western district of Louisiana, $2,500.

Mr. TELLER. In line 17, I move to strike out "$2,500" and insert "$3,000."
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, in line 18, before the word "dollars" to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the district of Maine, $3,000.

Mr. TELLER. In line 18, I move to strike out "three" before "thousand" and insert "four"; so as to read, "$4,000."
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, in line 19, before the word "thousand," to strike out "three" and insert "four"; so as to read:

For the district of Maryland, $4,000.

Mr. TELLER. I move to insert "$5,000" instead of "$4,000"; so as to read:

For the district of Maryland, $5,000.

That is a committee amendment.
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, in line 20, before the word "dollars," to insert "five hundred"; in line 22, before the word "thousand," to strike out "three" and insert "four"; in line 23, before the word "thousand," to strike out "four" and insert "five"; in line 25, before the word "thousand," to strike out "three" and insert "five"; so as to read:

For the district of Massachusetts, $5,500; for the eastern district of Michigan, $4,000; for the western district of Michigan, $4,000; for the district of Minnesota, $5,000; for the northern and southern districts of Mississippi, each $5,000.

The amendment was agreed to.
The Secretary read line 25, as follows:

For the eastern district of Missouri, $4,000.

Mr. TELLER. I move to strike out "four" before "thousand" and insert "five"; so as to read:

For the eastern district of Missouri, $5,000.

The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, on page 118, line 2, before the word "thousand," to strike out "four" and insert "five"; in line 3, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 4, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 6, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 7, before the word "dollars," to insert "five hundred"; in line 8, before the word "thousand," to strike out "two" and insert "four"; in line 9, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the western district of Missouri, $5,000; for the district of Montana, $5,000; for the district of Nebraska, $5,000; for the district of Nevada, $3,000; for the district of New Hampshire, $2,500; for the district of New Jersey, $4,000; for the district of New Mexico, $5,000.

The amendment was agreed to.
The Secretary read line 9, as follows:

For the northern district of New York, $4,000.

Mr. TELLER. In line 10, I move to strike out "four" before "thousand" and insert "five"; so as to read "$5,000."
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment of the Committee on Appropriations was, in line 11, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; in line 14, before the word "dollars," to strike out "four thousand five hundred"

and insert "five thousand"; in line 15, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 16, before the word "thousand," to strike out "four" and insert "five"; in line 19, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; in line 20, before the word "thousand," to strike out "four" and insert "five"; in line 21, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the eastern district of New York, $4,500; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $5,000; for the district of North Dakota, $5,000; for the northern and southern districts of Ohio, each $5,000; for the district of Oklahoma, $5,000; for the district of Oregon, $3,500; for the eastern district of Pennsylvania, $5,000; for the western district of Pennsylvania, $5,000.

The amendment was agreed to.

The next amendment was, in line 22, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Rhode Island, $2,500.

Mr. TELLER. I move to strike out "$2,500" and insert "$3,000." This is recommended by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 23, before the words "district of South Carolina," to insert "and western districts of the," and in line 24, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; so as to read:

For the eastern and western districts of South Carolina, $5,000.

Mr. TILLMAN. I desire to offer an amendment, and I ask that it be read at the desk.

Mr. TELLER. I will state that the amendment which the Senator from South Carolina proposes is recommended by the Judiciary Committee, I understand.

The PRESIDING OFFICER. The amendment of the Senator from South Carolina will be stated.

The SECRETARY. Instead of the language following the word "dollars," in line 23, relating to South Carolina, insert:

For the eastern district of South Carolina, $5,000; $3,000 of which shall be for the performance of the duties of district attorney for the western district of that State.

Mr. TILLMAN. I desire to explain simply to the Senate that the phraseology as it is printed here creates confusion. Senators will observe that it is very strange. It reads, "For the eastern and western districts of the district of South Carolina."

The fact is, we have two judicial districts in our State and have had since 1823, but the phraseology which is used by the committee in the amendment is copied from the Revised Statutes, which themselves are muddled; in other words, they are contradictory. In the section from which this is copied, section 546, I think it is, this language is used, and the committee copied the words as taken from that section, but in subsequent sections the division of the State is clearly ascertained, and in all the acts bearing on our State it is clearly stated and recognized that we have two judicial districts.

I have a little bill here which the Judiciary Committee has reported favorably, and it is on the Calendar, which contemplates the appointment of a district attorney and marshal for each of these separate districts. If we leave this language in here it will create confusion in the mind of the court itself, possibly, as to what it means, and I have inserted the amendment with that phraseology. While I do not want to press the bill now in the shape of an amendment, but will ask the Senate to pass it after a while, the amendment as I offer it will clarify the situation and avoid the confusion which would result from the adoption of the amendment of the committee as it appears in the bill.

Mr. TELLER. There is no objection on the part of the committee to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 25, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; on page 119, line 2, before the word "thousand," to strike out "four" and insert "five"; in line 3, before the word "thousand," to strike out "three" and insert "four"; in line 4, before the word "thousand," to strike out "five" and insert "four"; so as to read:

For the district of South Dakota, $5,000; for the eastern, middle, and western districts of Tennessee, each $5,000; for the northern district of Texas, $4,000.

The amendment was agreed to.

The next amendment was, on page 119, line 4, before the word "dollars," to strike out "five" and insert "four"; so as to read:

For the eastern district of Texas, $4,000.

Mr. TELLER. I move to strike out "four thousand," before the word "dollars," and insert "five thousand five hundred"; so as to read:

For the eastern district of Texas, $5,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 5, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand," and in line 6, before word "thousand," to strike out "three" and insert "five"; so as to read:

For the western district of Texas, $5,000; for the district of Utah, $5,000.

The amendment was agreed to.

The next amendment was, on page 119, line 7, after the word "thousand," to insert "five hundred"; so as to read:

For the district of Vermont, $2,500.

Mr. TELLER. That is a mistake. The five hundred proposed by the committee should be stricken out and it should be made $3,000. I move to amend the amendment so as to read: "For the district of Vermont, $3,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 119, in line 8, before the word "thousand," to strike out "three" and insert "four"; in line 10, before the word "thousand," to strike out "four" and insert "five"; in line 11, before the word "thousand," to strike out "four" and insert "five"; in line 12, before the word "thousand," to strike out "four" and insert "five"; in line 13, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the eastern district of Virginia, $4,500; for the western district of Virginia, $5,000; for the district of Washington, $5,000; for the district of West Virginia, $5,000; for the eastern district of Wisconsin, $5,000.

The amendment was agreed to.

The next amendment was, on page 119, line 14, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; so as to read:

For the western district of Wisconsin, $4,500.

Mr. TELLER. I move to strike out "$4,500" and insert "$5,000"; so as to read:

For the western district of Wisconsin, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 16, before the word "dollars," to strike out "three thousand" and insert "four thousand five hundred"; so as to read:

For the district of Wyoming, $4,500.

The amendment was agreed to.

The next amendment was, in section [9] 7, on page 119, line 18, after the word "judge," to insert "of any district"; in line 21, after the words "Attorney-General," to strike out "not exceeding the number provided by law during the last fiscal year, except upon the order of the President"; on page 120, line 5, after the word "necessary," to insert "expenses for lodging and," and in line 11, after the word "magistrate," to insert "and while otherwise necessarily absent from their respective official residences on official business"; so as to make the clause read:

That whenever, in the opinion of the district judge of any district or the chief justice of any territory and the district attorney, evidenced by writing, the public interest requires it, one or more assistant district attorneys may be appointed by the Attorney-General, but such opinion shall state to the Attorney-General the facts as distinguished from conclusions, showing the necessity therefor. Such assistant district attorneys shall be paid such salary as the Attorney-General may from time to time determine as to each, which shall in no case exceed $2,500 per annum: *Provided*, That the necessary expenses for lodging and subsistence actually paid, not exceeding $4 per day, and actual and necessary traveling expenses of the district attorney and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the manner hereinafter provided.

The amendment was agreed to.

The reading of the bill was continued to line 20 on page 120.

Mr. COCKRELL. I suggest to the Senator in charge of the bill that after the word "paid," in line 19, the words should be inserted, "in lieu of the salaries, fees, per centums, and other compensation now allowed by law."

Mr. TELLER. I suggest to the Senator from Missouri to move that amendment.

Mr. COCKRELL. I move the amendment.

Mr. HOAR. Is that the same language, I will ask the Senator from Missouri, in the bill in regard to district attorneys?

Mr. COCKRELL. I wanted to put it in there if it has not been put in on page 116, line 14. After the word "paid" there I wanted these words inserted.

Mr. HOAR. I do not object to the Senator's purpose as expressed in his language, but it strikes me that it would be well to

have precisely the same meaning in the bill as applied to the two classes of officers expressed in the same words. My suggestion is, that instead of the language he has used he should use the language applicable to district attorneys.

Mr. COCKRELL. I have the words that I want to put in, that were furnished me by the Auditor for the Department who has charge of them.

Mr. TELLER. Let the same words be put in at both places.

Mr. COCKRELL. I want the words also inserted in line 14, page 116. I happened to be out at the time that was passed upon.

Mr. TELLER. Let the words be inserted here as applied to the marshals, and then we can go back and put them in there.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "paid," in line 19, page 120, it is proposed to insert:

In lieu of the salaries, fees, per centums, and other compensation now allowed by law.

The amendment was agreed to.

Mr. TELLER. Now turn back to page 116.

The SECRETARY. After the word "paid," in line 14, page 116, it is proposed to insert:

In lieu of the salaries, fees, per centums, and other compensation now allowed by law.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 120, section 8, line 21, before the word "thousand," to strike out "four" and insert "five"; in line 22, before the word "thousand," to strike out "three" and insert "four"; in line 23, before the word "thousand," to strike out "four" and insert "five"; so as to read:

That the United States marshal for each judicial district of the United States shall be paid an annual salary as follows: For the northern and middle districts of the State of Alabama, each $5,000; for the southern district of the State of Alabama, $4,000; for the Territory of Arizona, $5,000; for the eastern district of Arkansas, $4,000; for the western district of Arkansas, $5,000.

The amendment was agreed to.

The next amendment was, on page 121, line 2, before the word "dollars," to insert "five hundred"; so as to read:

For the northern district of California, $4,500.

Mr. TELLER. On page 121, line 2, I move to strike out "three" and insert "four"; so as to read:

For the northern district of California, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, in line 3, before the word "thousand," to strike out "four" and insert "five"; in line 5, before the word "thousand," to strike out "two" and insert "three"; in line 6, before the word "dollars," to insert "five hundred"; in line 7, before the word "dollars," to insert "five hundred"; so as to read:

For the southern district of California, $3,000; for the district of Colorado, $5,000; for the district of Connecticut, $1,000; for the district of Delaware, $2,500.

The amendment was agreed to.

The next amendment was, on page 121, line 7, before "dollars," to insert "five hundred"; so as to read:

For the District of Columbia, $5,500.

Mr. HOAR. There is a letter from the Attorney-General which I should like to have read on the subject of the marshal of the District of Columbia.

Mr. TELLER. Let it be read. I will accept the amendment increasing the amount to $6,000.

Mr. HOAR. Then I will let the letter go into the RECORD without reading.

Mr. TELLER. I know the Attorney-General thinks it ought to be six thousand.

The PRESIDING OFFICER. The question is on agreeing to the amendment to increase the amount to $6,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. Let the letter be printed in the RECORD.

Mr. HOAR. The substance of the letter simply is that the service of civil process and fees from that source are larger here than any other place in the United States, and, of course, all that is abolished.

The PRESIDING OFFICER. If there be no objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., March 23, 1896.*

DEAR SIR: My attention has been called to the legislative bill (H. R. 6243) as reported to the Senate by the Committee on Appropriations. I notice on page 121, line 6, that the salary of the United States marshal for the District of Columbia has been fixed at $5,500. In my opinion the United States marshal for the District of Columbia should receive the maximum compensation, and as the salaries have been increased over those passed by the House, and $6,000 is now the maximum compensation to be paid any marshal, I earnestly recommend that that amount be fixed as the salary of the United States marshal for the District of Columbia. It is proper in this connection to state that the earnings in civil cases in the District of Columbia exceed the amount allowed the marshal for his salary. This is only true in one other district, namely, the southern district of New York for the fiscal year 1895, as appears from House Document No. 167, under heading, "Earnings from individuals." As the salary in that district has been fixed at $6,000, the salary of the United States marshal for the District of Columbia should, I think, be fixed at the same amount.

Very respectfully,

JUDSON HARMON,
*Attorney-General.*

Hon. GEORGE F. HOAR,
*Chairman Judiciary Committee, United States Senate.*

The next amendment of the Committee on Appropriations was, on page 121, line 7, after the word "dollars," to strike out "for the northern and southern districts of Florida, each $3,000" and insert "for the northern district of Florida, $3,500; for the southern district of Florida, $4,000"; so as to read:

For the northern district of Florida, $3,500; for the southern district of Florida, $4,000.

Mr. TELLER. I move to amend the amendment, in line 9, page 121, by striking out "$3,500" and inserting "$4,000"; so as to read:

For the northern district of Florida, $4,000

Mr. PASCO. In asking the committee to make this amendment I have done it not as a matter of favor but as a matter of justice, and I should have said nothing but for the remarks which were made by the Senator from South Carolina [Mr. TILLMAN] and others after I had offered a similar amendment in the Senate with reference to the salaries of the district attorneys in my State.

The receipts of the marshal for the northern district of Florida, according to the report which has been furnished us here from the Attorney-General's Office, show that the marshal for the northern district of Florida is receiving under the present arrangement $4,775.27 as his net emoluments for the year, and when he receives, under this new order of things, $4,000 his emoluments are cut down to that extent over $775.

The amount to be received by the marshal for the Southern district has been raised, and very properly so. I understand it was originally put at the smaller sum because it had been overlooked that the receipts as shown by this table from the Attorney-General's Office were for only six months, and amounted for that time to $2,796.64. Under the new arrangement both of these officers and both of the district attorneys really get less than under the old. As I understand the whole scheme, the result of it will be not to increase salaries, but to reduce them.

The Senator from Mississippi [Mr. GEORGE] just now in a speech of some length called attention to the salaries that are being received by the leading principal law officers of the different States, and he made a comparison with the salaries that are being received by them and by these United States officers. But those officers as a general rule have very much less work to do than the United States district attorneys. I asked him with reference to the salary that he was getting as a law officer in the State of Mississippi, where he resides. He is a very able lawyer and has filled some of the highest positions in that State, and I asked him what his salary or compensation was in the position that he filled as reporter of the supreme court. I think if he had answered civilly the question that I asked him it would have been demonstrated that the State of Mississippi had treated him in that office in no parsimonious spirit, and the comparison of that compensation with the salaries under discussion would have been pertinent and perhaps valuable.

Mr. President, I wish to say further that I have not been in favor of substituting the salary system for the fee system when applied only to these two classes of officers—the district attorneys and the United States marshals. I have thought that if this is to be a reform and to be carried out it should go further; that it should include the clerks and the deputy marshals and the United States commissioners, and we would then have come nearer to reaching the root of the evil that has been complained of in all the remarks that have been made in connection with the subject. In my judgment we should have come nearer reaching the root of the evil if we had put the commissioners and the deputy marshals under the fee system instead of beginning with the district attorneys and the United States marshals. I had hoped when the Judiciary Committee attempted to amend the scheme that was brought in from the other House that they would make it cover these officers also.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 13, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the northern district of Georgia, $5,000; for the southern district of Georgia, $3,000.

Mr. BACON. I move to amend the amendment of the committee by striking out "$3,000" and inserting "$5,000," so as to make the compensation $5,000.

Mr. TELLER. That is the arrangement agreed upon by the Judiciary Committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment by striking out "three" where it first appears in line 3, page 121, and inserting "five"; so as to read "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 14, before the word "thousand," to strike out "two" and insert "three"; in line 15, before the word "dollars," to insert "five hundred"; in line 17, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in the same line, before the word "thousand," to strike out "four" and insert "five"; in line 19, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the district of Idaho, $3,500; for the northern district of Illinois, $5,500; for the southern district of Illinois, $5,000; for the district of Indiana, $5,500; for the northern and southern districts of Iowa, each $5,000.

The amendment was agreed to.

The next amendment was, on page 121, in line 20, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the district of Kansas, $5,000.

Mr. ALLISON. The modified amendments are from the Judiciary Committee, I understand.

Mr. TELLER. They are all suggestions from the Judiciary Committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 121, line 21, before the word "dollars" to insert "five hundred"; so as to read:

For the district of Kentucky, $5,500.

The amendment was agreed to.

The next amendment was, on page 121, line 22, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; so as to read:

For the eastern district of Louisiana, $3,000.

Mr. TELLER. I move to amend the amendment by striking out "three thousand" and inserting "four thousand"; so as to read:

For the eastern district of Louisiana, $4,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 23, before the word "thousand," to strike out "two" and insert "three"; so as to read:

For the western district of Louisiana, $3,000.

Mr. TELLER. Before the word "thousand" I move to strike out "three" and insert "four"; so as to read:

For the western district of Louisiana, $4,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 1, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Maryland, $3,500.

Mr. TELLER. I move to strike out the word "three" and insert "four" before "thousand"; so as to read:

For the district of Maryland, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 3, before the word "dollars," to insert "five hundred"; in the same line, before the word "thousand," to strike out "four" and insert "five"; in line 4, before the word "thousand," to strike out "three" and insert "four"; in line 6, before the word "dollars," to strike out "four thousand" and insert "five thousand five hundred"; so as to read:

For the district of Massachusetts, $5,500; for the eastern district of Michigan, $5,000; for the western district of Michigan, $4,000; for the district of Minnesota, $5,500.

The amendment was agreed to.

The next amendment was, on page 122, line 6, after the word "dollars," to strike out "for the northern and southern districts of Mississippi, each $3,000" and insert "for the southern district of Mississippi, $4,000; for the southern district of Mississippi, $5,000"; so as to read:

For the northern district of Mississippi, $4,000; for the southern district of Mississippi, $5,000.

Mr. TELLER. In line 8, I move to strike out "four thousand" and insert "five thousand"; so as to read "five thousand dollars each."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 10, before the word "dollars," to insert "five hundred"; so as to read:

For the eastern district of Missouri, $4,500.

The amendment was agreed to.

The Secretary read the next item, as follows:

For the western district of Missouri, $4,000.

Mr. VEST. I move to insert after "four thousand" the words "five hundred." The two Missouri districts ought to be at the same amount.

The PRESIDING OFFICER. The amendment moved by the Senator from Missouri will be stated.

The SECRETARY. In line 11, page 122, after the word "thousand," insert "five hundred"; so as to read:

For the western district of Missouri, $4,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 122, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 14, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in the same line, before the word "thousand," to strike out "two" and insert "three"; in line 15, before the word "thousand," to strike out "two" and insert "three"; in line 17, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 18, before the word "thousand," to strike out "four" and insert "five"; in line 20, before the word "thousand," to strike out "three" and insert "five"; in line 21, before the word "thousand," to strike out "five" and insert "six"; in line 24, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; in line 25, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in the same line, after the word "dollars," to strike out "for the northern and southern districts of Ohio, each $4,000," and insert "for the northern district of Ohio, $4,500; for the southern district of Ohio, $5,000"; on page 123, line 5, before the word "thousand," to strike out "four" and insert "five"; in line 6, before the word "thousand," to strike out "four" and insert "five"; in line 8, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; so as to read:

For the district of Montana, $5,000; for the district of Nebraska, $5,000; for the district of Nevada, $3,000; for the district of New Hampshire, $3,000; for the district of New Jersey, $3,000; for the district of New Mexico, $5,000; for the northern district of New York, $5,000; for the eastern district of New York, $5,000; for the southern district of New York, $6,000; for the eastern district of North Carolina, $4,000; for the western district of North Carolina, $5,000; for the district of North Dakota, $5,000; for the northern district of Ohio, $4,500; for the southern district of Ohio, $5,000; for the district of Oklahoma, $5,500; for the district of Oregon, $5,000; for the eastern district of Pennsylvania, $5,000; for the western district of Pennsylvania, $5,000.

The amendment was agreed to.

The next amendment was, on page 123, line 9, before the word "dollars," to insert "five hundred"; so as to read:

For the district of Rhode Island, $2,500.

Mr. TELLER. I move to strike out the word "two," in line 9, before "thousand," and insert "three"; so as to read "$3,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 9, after the word "eastern," to insert "and western districts of the," and in line 10, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand"; so as to read:

For the eastern and western districts of the district of South Carolina, $5,000.

Mr. TELLER. I understand the Senator from South Carolina [Mr. TILLMAN] desires to offer an amendment to the amendment.

Mr. TILLMAN. I have an amendment that I desire to offer.

Mr. TELLER. It is similar to the other amendment offered by the Senator from South Carolina.

Mr. TILLMAN. After the word "dollars," in line 9, on page 123, I move to strike out all down to and including the word "dollars," in line 11, and insert:

For the eastern district of South Carolina, $5,000, $3,000 of which shall be for the performance of the duties of marshal of the western district of that State.

The PRESIDING OFFICER. Does the Chair understand the Judiciary Committee to accept the amendment to the amendment?

Mr. TELLER. We accept the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 123, line 12, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 14,

before the word "thousand," to strike out "four" and insert "five"; in line 15, before the word "thousand," to strike out "three" and insert "four"; so as to read:

For the district of South Dakota, $5,000; for the eastern, middle, and western districts of Tennessee, each $5,000; for the northern district of Texas, $4,000.

The amendment was agreed to.

The next amendment was, on page 123, line 16, before the word "thousand," to strike out "five" and insert "four"; so as to read:

For the eastern district of Texas, $4,000.

Mr. TELLER. That should be left $5,000. I ask the Senate to disagree to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 123, line 17, before the word "dollars," to strike out "three thousand five hundred" and insert "five thousand"; in line 18, before the word "thousand," to strike out "three" and insert "four"; in line 19, before the word "thousand," to strike out "two" and insert "four"; in line 20, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand"; in line 21, before the word "thousand," to strike out "four" and insert "five"; in line 22, before the word "thousand," to strike out "four" and insert "five"; in line 23, before the word "thousand," to strike out "four" and insert "five"; in line 24, before the word "thousand," to strike out "four" and insert "five"; so as to read:

For the western district of Texas, $5,000: for the district of Utah, $4,000; for the district of Vermont, $4,000; for the eastern district of Virginia, $4,000; for the western district of Virginia, $5,000; for the district of Washington, $5,000; for the district of West Virginia, $5,000; for the eastern district of Wisconsin, $5,000.

The amendment was agreed to.

Mr. TELLER. In line 25, on page 123, the word "four" should be stricken out and "five" inserted; and on page 124, line 1, the words "five hundred" should be stricken out after "thousand," so as to read "$5,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment after the words "western district of Wisconsin," in line 25, by striking out "$4,500," the amendment reported by the Committee on Appropriations, and inserting "$5,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2, on page 124, before the word "thousand," to strike out "three" and insert "five"; so as to read:

For the district of Wyoming, $5,000.

The amendment was agreed to.

The next amendment was, on page 124, line 15, after the word "actual," to insert "expenses for lodging and," and in line 16, after the word "day," to insert "and the necessary actual expenses in transporting prisoners, including necessary guard hire"; so as to make the clause read:

SEC. 9. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, or subpœna, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

Mr. ALLEN. Before the amendment is agreed to, I should like to ask the Senator from Colorado if there is any similar statute——

Mr. HOAR. Before the Senator puts his question, may I make a mere amendment in the form of a few words?

Mr. ALLEN. Certainly.

Mr. HOAR. I move to insert in line 12 of the pending section, after the word "subpœna," the words "or other order of the court." I am not sure that all orders of a court are covered by the words "writ, process, or subpœna." I move also to strike out the word "or," at the end of line 11.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts, which will be stated.

The SECRETARY. In section [11] 9, on page 124, line 11, after the word "process," it is proposed to strike out "or"; and in line 12, after the word "subpœna," to insert "or other order of the court"; so as to read:

When any of such office deputies is engaged in the service or attempted service of any writ, process, subpœna, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, etc.

The amendment was agreed to.

Mr. ALLEN. I now desire to ask the Senator from Colorado who has this subject in charge if there is any similar power existing or conferred by present law upon the Attorney-General as that which he proposes to confer upon him by section 9 of this bill?

Mr. TELLER. I do not hear the Senator. Will he repeat his question?

Mr. ALLEN. This section provides—

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

Have we any statute now in existence as broad as that?

Mr. TELLER. I do not think we have, and this is to cut off the marshal who has been doing that and lodge that power with the Attorney-General, for it has to be lodged somewhere. There must be somebody who has the power to appoint a number of deputies, if there should be occasion, and it was thought best to put the power in the hands of the Attorney-General. I do not think he exercises any power of that kind now. I do not think he supervises the marshals.

Mr. ALLEN. I do not know how to amend the section except by moving to strike it out, which I shall do.

Mr. TELLER. That is the provision as it came from the House of Representatives. We did not wrestle with it in any shape.

Mr. ALLEN. I move to strike out all of section 9, on page 124, down to and including the word "provided," in line 10.

The PRESIDING OFFICER. The Secretary will read the words proposed to be stricken out by the Senator from Nebraska.

The SECRETARY. It is proposed to strike out all of section [11] 9, on page 124, down to and including the word "provided," in line 10, as follows:

SEC. [11] 9. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

Mr. ALLEN. There are two dangerous features about the provision which has just been read. In the first place, it confers upon the Attorney-General the power to increase the number of deputy United States marshals upon an ex parte showing made to him by the marshals themselves. It goes without saying, that if this part of section 9 becomes the law there will not be a judicial district in the United States where there will not be a showing for a deputy with a large salary attached. It occurs to me that the thing to be done is not to transfer the legislative function from Congress, where it belongs, to the Attorney-General and the marshal, but for the Committee on the Judiciary, if they are taking part in this matter, and especially the Committee on Appropriations, to fix these salaries exactly as they fix the salaries of judges and United States district attorneys and marshals.

Mr. VEST. Is it not the law now that the Attorney-General allows the marshal, upon his request, the number of deputies that he employs?

Mr. ALLEN. I was asking the Senator from Colorado that question.

Mr. VEST. I so understand.

Mr. TELLER. My recollection is that the marshal does it on his own motion.

Mr. VEST. No; as I recollect, the law applies now to the Attorney-General.

Mr. TELLER. That may be.

Mr. VEST. And the Attorney-General permits the marshal to employ the number of deputies he shows to be necessary for the public service in his district.

Mr. FAULKNER. If the Senator from Nebraska will permit me, I had called to my attention the other day an instance in the District of Columbia where the appropriation had been exhausted out of which this allowance has heretofore been made with the approval of the Attorney-General. He required last year that the allowance for this purpose should be taken out of the allowance for the marshal himself; in other words, it was deducted in that particular case, for want of an appropriation, from the salary of the marshal, which was then $6,000.

Mr. ALLEN. Mr. President, whether or not this power by existing law resides in the marshal himself is nothing to the argument I make. It is a dangerous power to place in the hands of the marshal or of the Attorney-General. We are simply abdicating our powers as legislators here and we are turning over the power to legislate to the Attorney-General.

The truth is, that much of the legislation of this country has been by act of Congress conferred upon the heads of Departments and the heads of bureaus. It is a very common thing for them to create offices, to abolish them, to attach salaries to them, and take the salaries away at their pleasure. This provision will do nothing but increase the horde of officeholders in this country,

and by that means increase the appropriations of Congress from year to year, and eat out the substance of the people.

I want to call attention for a moment, and only for a moment, for I have no desire to delay the Senate, to the report of the Attorney-General for the year 1895, page 4. The Attorney-General says:

The expenses of the Federal courts have steadily increased, as well as their business, as will appear by the following statement:

| Fiscal year— | | Total expenses. |
|---|---|---|
| 1888 | | $3,864,898.15 |
| 1889 | | 4,031,189.09 |
| 1890 | | 4,761,204.60 |
| 1891 | | 4,992,195.64 |
| 1892 | | 5,049,778.96 |
| 1893 | | 5,628,223.21 |
| 1894— | | |
| Incurred and paid in 1894 | $4,551,373.61 | |
| Incurred in 1894 and paid in 1895 | 1,643,726.89 | |
| | | *6,195,100.50 |
| 1895— | | |
| Incurred and paid in 1895 | | *5,412,718.91 |

*Amounts yet to be paid to be added, as appropriations are available for two years after the year for which they are made.

It is quite evident that the time has come in the history of this country when we must call a halt upon the judicial branch of this Government, and, in fact, upon every other branch, for that matter. The persons employed in the service of the Government in different departments seem absolutely crazy and mad to get their hands into the public Treasury clear up to their shoulders; and when they are getting respectable and decent salaries, in many instances very much above their merits, they are constantly clamoring for more, until the expenditures of the Government have run from about $50,000,000 during the Administration of Mr. Buchanan, when we had about thirty-one or thirty-two million people, possibly a little more, to $500,000,000, practically, in 1896, when we have a population of seventy million and some six hundred and odd thousand, I think, as it is now estimated. The population has increased a little over 100 per cent, and we have increased the expenditures of our Government about 450 per cent, almost 500 per cent.

How has this come about? What has caused this increase in the expenditures of the Government? It is this mad disposition upon the part of every man who gets into public position to take every dollar by hook or by crook, and principally by crook, that he can get out of the Government. Here is given power to the Attorney-General to create more offices, offices without limitation, and fix the salaries of those offices at just such sum as he may see fit. Let it be admitted that the Attorney-General will always be a man competent to discharge his duties; let it be admitted, if you will, that he will at all times be a patriotic citizen and discharge his duties as faithfully and as well as he can; yet we know by experience and by observation that the pressure which will be brought to bear upon such a man to make positions for his political friends, with fat salaries attached to them, will be with such force that he can not resist it. Is it wise, is it the proper thing to do? Is it statesmanlike for us to transfer the legislative power which the Constitution vests in us to the Attorney-General or to the head of any other Department, without any limit or check upon him in the creation of offices and the fixing of salaries?

I presume that this section will go through. I have no hope of inducing the Committee on Appropriations to apply economy in this respect. If it were some little measure, or if some individual Senator was asking for the payment of some little debt due a citizen, the chairman of the committee in charge of this bill would be on his feet in a moment and make a point of order under Rule XVI, which is made to do duty here on almost all convenient and inconvenient occasions.

Mr. GRAY. May I ask the Senator from Nebraska a question?

Mr. ALLEN. Certainly.

Mr. GRAY. I have not examined the bill so carefully as has the Senator from Nebraska, but I should like to ask him whether there is any other provision in the bill for the employment of deputies by the marshals of the various districts of the United States?

Mr. ALLEN. I know of nothing else, though there may be.

Mr. GRAY. I merely want to ask if there is no provision other than this for the necessary and proper appointment of deputies so that the office may be properly and efficiently administered, whether this is the proper form to make it, is another question; but I want to know if there is any other provision for the appointment of deputies.

Mr. ALLEN. I know of none, though there may be. The Senator from Colorado [Mr. TELLER] can tell.

Mr. GRAY. Then, if this provision be stricken out, would not the office of marshal be in some respects paralyzed when the public service requires that it should be efficient?

Mr. ALLEN. Not at all. I presume the present system of doing business would be in operation if these provisions do not take effect.

Mr. HOAR. I wish to say, if the Senator will allow me, I understand if this motion prevails the whole scheme to abolish these fees and the whole scheme for the enforcing the laws of the United States will depend on the individual capacity of the marshal, without any assistant or deputy. Does the Senator desire that? If not, ought he not to accompany his amendment with a proposition of a better plan, if the old scheme does not remain in operation?

Mr. ALLEN. I do not know what the Senator from Massachusetts understands, and I am not concerned in knowing what he understands, nor am I concerned in offering a better plan. I think I could do it if I had five minutes to draft it.

Mr. GRAY. The Senator, of course, does not mean to say he is not concerned with the efficiency of the administration of the marshals' offices for which we are providing?

Mr. ALLEN. I am not in this sense, that it is not proper for the Senator from Delaware or the Senator from Massachusetts to transfer from the shoulders of the Judiciary Committee or the Committee on Appropriations the responsibility to some individual member to cure this provision.

Mr. VEST. Mr. President, the Senator from Delaware has suggested a point about which I do not know that I am correct, but it was touched upon a few minutes ago in a colloquy here. Section 780 of the Revised Statutes provides that—

Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court or by the circuit court for the district, at the pleasure of either.

I was under the impression that the Attorney-General made the appointment on the suggestion of the marshal, but I find that that is in the Indian Territory, and it was that which misled me. This is the general provision. I do not understand that the provision in the appropriation bill which is before us changes that law at all. This is a provision which gives to the Attorney-General the power to "allow the marshals to employ necessary office deputies and clerical assistance." That is very different from employing marshals.

Mr. GRAY. To guard property.

Mr. VEST. To guard property and serve writs.

Mr. ALLEN. Then, why not call them "clerks," as they are?

Mr. VEST. That may be. This provision is only for the clerical force; and it does not interfere at all with the general statute, as I understand, which gives to the marshal the right to appoint one or more deputies to assist him in the discharge of his functions.

Mr. HOAR. That is covered in the next section of the bill, redrafted and reenacted.

Mr. VEST. Yes.

That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals—

That is the law as it is now—

for such district, who shall be known as field deputies.

And section 9 applies to the clerical force.

Mr. ALLEN. Yes, Mr. President; but the Senator does not answer the proposition that it increases the number of officers. Now, look how artfully this provision is worded. Speaking of the Attorney-General, the language is this:

That when in the opinion of the Attorney-General the public interest requires it—

Of course the "public interest" always requires it when he has men thundering at his doors for political appointments—

he may, on the recommendation of the marshal—

The marshal is situated about as the Attorney-General is. He wants to increase the number of offices to accommodate his friends—

which recommendation shall state the facts, as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance—

Which is simply employing one or more clerks in his office. Call them marshals, call them deputies, or call them what you see fit, they are simply clerks—

upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided.

He is not confined to the appointment of one clerk, nor is he confined to the appointment of two clerks. He may, under this language, if he can induce the Attorney-General to do so, increase the number of officeholders, clerks, or clerical deputies, or whatever you call them, to any number without limit.

Is it a wise thing for Congress to turn this power over to the Attorney-General and to the marshals of the various districts? Why did not the Judiciary Committee take hold of this matter? Why did not the Judiciary Committee inquire into the existing condition of affairs in these different judicial districts? Why did they not inform themselves as to the necessity of these officers in the different judicial districts of this country, and then create the offices by name that were necessary to be created, and fix the

salaries and compensation as they ought to be? No; the Judiciary Committee escape; they run away from this duty; they turn over to the Attorney-General a limitless power, and to the marshals a limitless power, and the Attorney-General may fix the compensation at $5 or $5,000 a year so far as this provision of the bill is concerned. There is not the slightest limitation upon it except his mere caprice, his mere conscience.

The Senator from Delaware [Mr. GRAY] wants to know and the Senator from Massachusetts [Mr. HOAR] wants to know what I would substitute for it, what I would put in place of it. I can tell these Senators very quickly what I would put in place of it. I would meet, if necessary, with the Judiciary Committee of the House of Representatives, with all the facts before me; I would canvass every district of the United States; I would determine from the facts which were presented whether there was a necessity for an increase of clerical force in the marshals' offices, and if there was, I would determine the character of that force, the number of persons that were needed, and I would fix their salaries exactly as the Constitution requires us to fix the salaries, in the form of legislation. Here is a vast army of officers in embryo to be created under this bill to increase the appropriations of Congress at another session or at another Congress.

Although it is somewhat disjointed from the connection in which I read a moment ago, I desire to read this extract from the report of the Attorney-General for 1895:

> The number of places of holding Federal courts has increased from 186 in 1866 to 227 in 1895.

But there is no comparison between the increase of the places of holding court and the increase of the expenses of holding these various terms of court.

Mr. HOAR. If the Senator will allow me, the Judiciary Committee has been at work on this subject with a great deal of zeal for six years, and it submitted a report when the Senator from Missouri [Mr. VEST] was a member of that committee. He gave very great and thorough attention to the general scheme, and corresponded, I think, with the judges and other court officials in every district in the country. They all had an opportunity to be heard, and many of them were heard at great length. He reported two bills, one for the marshals and one for the district attorneys.

The Senate, after considerable discussion, could not agree on the details of those bills, and the bills failed. Another measure was reported in the last Congress. I did not myself see how the judicial department could get along without the system of fees in regard to marshals, for reasons which I shall not detain the Senate by explaining. But I finally became a convert, hearing of the complaints from all parts of the country, not merely from the South and the newly settled States, but from my own neighborhood as well, to the belief that, on the whole, we should attempt to have this matter of fees stopped, which are taken out of the poor very largely.

At the present session of Congress I went to work upon the subject in person. A subcommittee was appointed, consisting of the Senator from Alabama [Mr. PUGH] and the Senator from Minnesota [Mr. DAVIS], himself an experienced official of the United States, formerly district attorney, and we prepared very carefully two bills, going over this whole matter. We got them ready, and they are now in the Senate reported as separate bills. But about the time we were ready to report them, we found the House of Representatives had put this scheme into an appropriation bill, and therefore we turned over the result of our labors, whatever it was, to the Committee on Appropriations. After considering it that committee have reported what is found here. You have got to have extraordinary and occasional services for extraordinary crimes requiring to be detected and punished, and there are extraordinary civil commotions; there are offenses against the internal and the external revenue laws, which require to be followed up. You can not get along with a man who is paid a salary and be sure of faithful and efficient and vigorous execution of the law. A man who is to get his $2,000 a year will very much prefer to sit upon his own veranda on a summer's night than to go in pursuit of a moonshiner where a bullet may strike him from a thicket. A man in New England would very much prefer to sit by his own fireside of a winter's night than to go somewhere on that ice-bound coast and pursue a smuggler.

Therefore it became necessary to combine to some limited and careful extent the fee system with the salary system in regard to deputy marshals. The deputy marshals are put on a salary and all temptation to increase their business is removed. The district attorney is put on a salary and all temptation to him to make business for the sake of making money is removed. Having accomplished so much, the bill provides that in regard to commissioners and clerks there shall be a scheme submitted to the Senate next winter. These two, we thought, were as much as could be attended to at this time.

The scheme in regard to deputy marshals is substantially the same scheme that came from the House. The marshal must have somebody in his office. That person is made a deputy rather than a clerk, because if a marshal is out you want a man who can serve a writ himself, who has the marshal's power. If you send him to attend in court you want a man who has the duty of an officer to arrest a disorderly person in court. Therefore, he is styled an office deputy and put with the clerical assistance. They can not be paid by fees in any way, and therefore somebody must fix their salaries.

Then, for the ordinary outdoor service, to go over a State which extends several hundred miles you want men in different parts of the State for United States processes, to serve civil processes. The bill provides that there shall be field deputies appointed by the marshal, but those field deputies shall in no case get more than $2,400 a year each—at that rate for any part of a year—and shall in no case get more than three-fourths of what they earn. So of what they get from civil or from criminal cases, a quarter of what they earn at least will go into the United States Treasury.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if this bill does not increase, or authorize an increase of, the marshal's force?

Mr. HOAR. No, sir; the power of appointing deputy marshals under the Revised Statutes is absolutely unlimited. Is not that the case?

Mr. FAULKNER. I will read the section which provides for the clerks and deputy marshals and how they may be paid. It is in excess of the amount received by marshals over $6,000 expressly provided in section 841.

Mr. HOAR. Exactly.

Mr. FAULKNER. Section 841 provides that—

> No marshal shall be allowed by the Attorney-General, except as provided in the next section, to retain of the fees and emoluments which he is required to include in his semiannual return, as aforesaid, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury Department, and a proper allowance to his deputies, any sum exceeding $6,000 a year.

Mr. HOAR. Exactly.

Mr. FAULKNER. So that all these office expenses are included under the present law as an allowance over and above the $6,000, to be taken out of the emoluments that are returned.

Mr. ALLEN. That does not answer the question at all.

Mr. HOAR. I think it does.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. HOAR. Allow me to finish the statement first, and then I will answer any question I can.

The Senator from Nebraska said a little while ago, in speaking of the district attorneys, that this bill increases the public expenditures. He took a few cases where the returns are large, like in your State, I think [Mr. PERKINS in the chair], where the district attorney has argued within the year, among other things, the great case of the claim against the Leland Stanford property. The idea of measuring the proper compensation to a person who has such duties by looking to see how much taxable costs of travel and attendance go out of the little petty cases in the office has no connection with it whatever.

But, to come back to what I was saying, the bill very largely diminishes the expense to the United States, because in a great many of these districts, as is shown by the bill which was prepared here for the use of the committee, where the district attorney is to have a salary of $5,000, the fees run up to $18,000 or $15,000 or some other large sum, and the salary might in all those cases go up to $6,000. So we are making a great diminution of the cost to the United States.

The Senator from Nebraska spent a good deal of time in his last speech in criticising the proposition that the salaries for the offices of deputies and clerks are left to the Attorney-General to fix. He says that the Judiciary Committee ought to fix them, and he said in his other speech, where the Judiciary Committee or the Appropriations Committee had fixed them, that the Senate ought not to take them, as we were doing, at the recommendation of the committee, but ought to consider them itself, and that every Senator is responsible.

Now, then, here are 77 districts in the United States. They are constantly changing in their demands and their wants and their needs. Some of them are growing, in some few of them the business is growing less, and the Senator from Nebraska thinks that in addition to the other public business, involving all the great questions of war and peace and foreign commerce and post-offices and internal commerce and jurisprudence, which the Senate of the United States has to do, in the first place the Judiciary Committee, consisting of 13 Senators, should inquire in every one of the 77 districts what is a fit and proper sum for clerk hire in the marshals' offices; that it should then bring that into the Senate, should discuss it in the presence of 90 Senators, and each one of them should make up his individual opinion about it and debate it; and that has got to be done every year, because this

matter is so constantly changing that the judgment for one year might not apply for the next, and when we have done that, then he thinks the House of Representatives should go through the same thing. Of course, the 370 members, or whatever is the number, of the House of Representatives are on oath and have their own conscience and judgment, and he thinks it is not only unrepublican, but unconstitutional, that we should decline to go into that question. I venture to say that to do that single thing without trusting somebody other than the individual Senator would take six months of the twelve months at least for the two Houses of Congress. Now, this world is not run in that way.

Mr. ALLEN. It ought to be, I think.

Mr. HOAR. The American Government is not run in that way, and never will be, and never ought to be. If we were to undertake to do what the Senator from Nebraska suggests, we should be deservedly the laughing stock of the American people and of mankind. If we can not take the head of the legal profession of the United States and trust him with the question of saying how many office deputies are needed in the 77 districts of the United States, how much they ought to be paid, I think republican government better shut up shop, and we had better apply either to the Emperor of Russia or to the head of some Populist club and take him for a despot.

Mr. ALLEN. Mr. President, the only really sensible thing that has been said by the Senator from Massachusetts was his last remark, that it would be wise to apply to some Populist club for information as to the course that should be pursued in running this Government. I fully agree with the Senator from Massachusetts that the most sensible thing that could be done at this time would be either to have this portion of the bill recommitted and sent back to the Judiciary Committee and have them discharge their duty with reference to it or to refer it to some Populist club who have the ability and the disposition to properly consider and properly report it. The Senator from Massachusetts does not tread upon my toes at all by his cynical reference to the Populist party or to a Populist club. If the Populist party had shown the utter lack of common sense in the administration of the affairs of the Government that has been shown by the Republican party, it would be justly subject to criticism and justly subject to the universal contempt of the people.

The Senator from Massachusetts gravely informs the Senate (and I suppose he intended to inform me more particularly as one of the ignorant Senators here) that this country had never been run upon the order that I have suggested; that, in other words, Congress has always been in the habit of turning over these matters to the heads of Departments.

Mr. ALLISON. May I ask the Senator from Nebraska if the Attorney-General is not as capable of fixing the compensation of deputy marshals, if they are needed, as he is to fix the compensation of assistant district attorneys, which the Attorney-General has done for many years, and I have never heard of any abuse under it?

Mr. ALLEN. That may all be true, but that is to no purpose whatever in the argument. I object seriously to turning over the legislative branch of this Government to any Department of the executive branch. The learned Senator from Massachusetts discovers something that is really amusing to him in the position I took that it is unconstitutional to do so. I challenge the Senator from Massachusetts to point to a single word in the history of English jurisprudence and in the history of the United States especially, where we have these republican forms of government, that authorizes one department to usurp and discharge the duties of another.

I say to the Senator from Massachusetts, although he is my superior in ability and in years and in experience, that taking his own State and the 44 other States of this Union he can not find a solitary decision that authorizes the legislative department of the Government to turn over the power of legislation to the judicial or to the executive department. It is not a thing to be sneered at. It is not a thing to be laughed at. The Senator understands, if he understands these things, that there is not a court of last resort in the United States which has not held at least once, and in some instances repeatedly, that the power to legislate which is by the Constitution committed to the legislative department of the Government can not be abdicated or abandoned or turned over to another department. Yet this is something that savors of Populism, so the Senator from Massachusetts would say, and therefore, per consequence, the subject of jest and sport.

The Senator from Massachusetts says again that having some 77 different judicial districts in the United States, it would be impossible for Congress to inform itself upon the precise conditions of each district and therefore to formulate and pass legislation adapted to each district. Why impossible? Has the Senator from Massachusetts offered one reason why that would be impossible? Nothing, Mr. President, whatever has been offered by him except his mere ipse dixit.

Mr. President, every State in this Union is represented in this Chamber by two Senators with the exception of one and that is not so big but that the one who is here can represent it properly. Every State in this Union is represented by members in the other branch of Congress. How difficult would it be for the Senators representing the different States and the members of the lower House representing the different districts in the different States to gather up the information necessary to enable the judiciary committee of each House to form an enlightened judgment and an accurate opinion upon this subject so as to enable them to present the proper bill? It is not difficult at all.

The Senator from Massachusetts says we would be the just subject of ridicule upon the part of the civilized world if we should attempt it. Mr. President, I would rather be the subject of ridicule upon all that part of the civilized world that would heap upon us ridicule for discharging our constitutional and our sworn duties than to be the recipient of their smiles and their favors. I would rather invite their criticism, sir, than to invite the just condemnation of the honest people of this country throughout its length and breadth for an impotent if not a willful failure to discharge our sworn duties.

Mr. TELLER. I do not suppose anyone will take issue with the Senator from Nebraska that the legislative department should not be invaded by the executive, but if the Senator means to say that when we allow the head of a Department to determine the amount of salary a clerk shall receive, he is very much mistaken in saying that that is an invasion of the legislative department.

Mr. ALLEN. I say, if the Senator from Colorado will permit me, that the authorizing of the executive department of the Government to increase the number of officers in this country is legislation.

Mr. TELLER. For very many years, if the Senator will take the pains to look, he will find that the appropriations were made in a lump, so to speak, for the Departments. Long since I have been a member of this body it has been to a large extent true that the head of a Department would determine how many men he would employ and the salary he would pay to them. I admit it was not a good practice, but it grew.

Mr. ALLEN. If the Senator will permit me right at that point——

Mr. TELLER. Certainly.

Mr. ALLEN. I know he states the facts exactly as they are. It is a fault that I find with that system of business and that I would change at this time.

Mr. TELLER. In the early days the men who made the Republic, I may say, and the Constitution did not think that was such a serious violation of the Constitution. For very many years that practice existed. They never thought of making an appropriation for so many clerks of the first class, and so many of the second class, and so on. This does not enlarge in the slightest degree the power of the marshal. It simply puts a check upon the marshal by allowing the head of the Department, the Attorney-General, who has control of the marshals to a large extent, to check their excessive and sometimes extravagant appointment of deputy marshals. It does not change the law except that there is now a check upon the marshal by the auditing officer. Now there will be another check upon him by the head of the Department.

Mr. ALLEN. It permits an increase of officers by the head of the Department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. ALLEN].

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in section [12] 10, page 124, line 23, after the word "deputy" to insert "and shall hold office during the pleasure of the marshal, except as hereinafter provided"; so as to read:

That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive three-fourths of the gross fees, etc.

Mr. COCKRELL. I move to strike out the words "three-fourths of the gross," in line 1, page 125, and insert, in line 6, page 125, after the word "arrest," the words "where no arrest is made."

Mr. TELLER. I do not quite understand what the Senator's idea is. I understand this three-fourths of the gross fees is a limit upon the total amount that he shall receive for the yearly compensation. There are two limits put on it. He shall not get more than three-fourths of the gross fees nor more than $2,400.

Mr. CULLOM. In any event.

Mr. TELLER. In any event.

The PRESIDING OFFICER. The pending question is on the amendment of the committee, in line 23. The amendment will be stated.

The SECRETARY. After the word "deputies," in line 23, page 124, the committee report to insert:

And shall hold office during the pleasure of the marshal, except as hereinafter provided.

The amendment was agreed to.

Mr. COCKRELL. The Auditor suggested the amendment I have moved and also another one.

The PRESIDING OFFICER. Does the Chair understand that the committee accept the amendment proposed by the Senator from Missouri?

Mr. PLATT. I should like to have it stated.

Mr. COCKRELL. I will let it pass, except after the word "arrest," in line 6, page 125, I move to insert "where no arrest is made."

The PRESIDING OFFICER. The committee amendment in line 1 will be stated.

The SECRETARY. After the word "fees," in line 1, page 125, the committee report to insert "including mileage."

The amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Missouri in line 6 will be considered as agreed to.

Mr. HOAR. There is objection. I should like to make an inquiry of the Senator from Missouri. I see what he wants to get at; but suppose a murderer comes into his office and surrenders himself; he arrests him; there is no fee at all except the mere fee for the service of the capias; but he has spent perhaps a month in endeavoring to arrest that man; he has spent his whole time in the last month to find that murderer. This is not in construction; it is only what he pays out that he is allowed. At the same time I see he does not want to get constructive expenses and actual expenses, too. I think the Senator had better let that go by until we get into the Senate.

Mr. COCKRELL. I will pass it by, because I am going to move to strike it all out.

Mr. HOAR. Very well. I see there is something which ought to be accomplished which the Senator proposes to accomplish, but at the same time I think the phraseology of his amendment goes further than he means to go.

Mr. COCKRELL. I will withdraw both of the amendments, and then will move to strike out the whole section.

The PRESIDING OFFICER. The amendment is withdrawn. The next amendment of the committee will be stated.

The next amendment of the Committee on Appropriations was, on page 125, line 9, after the word "mileage," to strike out the following proviso:

*Provided*, That in special cases, where in his judgment justice requires, the Attorney-General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than three-fourths of the gross fees earned by such field deputy, and he shall hold his office during the pleasure of the marshal.

The amendment was agreed to.

The Secretary resumed and concluded the reading of section [13] 10.

Mr. COCKRELL. Now I move to strike out the section, unless the Senator from Colorado wants to move an amendment.

Mr. TELLER. I want to move an amendment. What does the Senator wish to strike out?

Mr. COCKRELL. I propose to move to strike out the whole of section 10 and insert a substitute.

Mr. TELLER. Have you the substitute ready?

Mr. COCKRELL. I have.

Mr. TELLER. All right.

Mr. COCKRELL. I propose the following:

SEC. 10. That in addition to the office deputies above provided for—

That is, in section 9—

the United States marshal in each district may appoint such number of field deputies as the judge of said district, with the concurrence of the Attorney-General, shall consider necessary for transacting the business of said district, and said deputies shall receive for compensation salaries at the rate of $1,000 per annum, together with the actual and necessary expenses of traveling and subsistence while away from their places of residence on official business, the correctness of their vouchers therefor to be certified by the affidavits of the field marshal and approved by the marshal and the district attorney.

That changes the deputy marshals from feed officers to a fixed salary and no fees.

Mr. HOAR. That has been the subject of more anxious consideration in regard to the solving of this problem, both by the Attorney-General and in the Senate, than any other single clause in the bill. I suppose we shall not get the bill through the Senate to-night. I wish the Senator would have the amendment printed and let it go over and offer it in the Senate to-morrow, so that we can look at it.

Mr. COCKRELL. I wish to say that the amendment has been prepared by the Auditor of the State Department, who has given a great deal of attention to this matter, and he thinks that unless the fee system is stopped entirely it will not work the good we expect, and that is also the opinion of experienced persons in the office.

Mr. HOAR. I suppose the Attorney-General's Office, which is certainly quite as high authority as that of a mere accounting officer——

Mr. COCKRELL. I meant to say the Auditor for the Department of Justice.

Mr. HOAR. I dare say it may be all right; but I wish the Senator would let the amendment be printed and let us look at it.

Mr. CULLOM. I suggest to the Senator whether the salary of a thousand dollars a year for a deputy is not rather small. It seems to me it ought to be larger.

Mr. BERRY. If the Senator will permit me, I should like to make a statement. I wish to state that the deputy marshals in the Indian Territory of the courts in the Territory, not at Fort Smith or Paris, were put upon a salary during the last Congress of $1,200 each. I state further that I was shown at the Attorney-General's Office the expenses under the two systems for six months, and that 45 deputies under the salary system at $1,200 each cost the Government more in six months than 200 deputies cost under the fee system. The figures were given me, and I put them in the RECORD in the former discussion of this subject, as will be shown, that I received from the Attorney-General's Office. I was informed by the office there that in the matter of the field deputies in the Indian Territory (and especially would that be so if they had had jurisdiction of felony cases), if the necessary number of deputies should be appointed to enforce the laws there it would cost far more, doubly more, under a salary system for field deputies at $1,200 each than under the present fee system. That is the information I received from the Attorney-General's Office; and I will state——

Mr. VEST. Let me ask the Senator from Arkansas a question.

Mr. BERRY. Certainly.

Mr. VEST. I ask if that includes the fees which are increased before the commissioners under the fee system when it applies to marshals; in other words, what you might call the indirect fees?

Mr. BERRY. The commissioners' fees were not in question. The figures that I received from the Attorney-General's Office applied to deputy marshals in the Indian Territory, those courts having only jurisdiction, as the Senator knows, of misdemeanor cases, the felony jurisdiction yet remaining at Paris and Fort Smith. The statement given me at the Attorney-General's Office was that 45 deputies, at a salary of $1,200, cost more than 200 deputies cost under the fee system of the present law, and that, as I stated before, with those courts having jurisdiction only of misdemeanor causes. If it did include the felony jurisdiction, which now remains at Fort Smith and Paris, it is absolutely impossible to enforce the law there with salaried deputies who ride in the field without a cost that is almost beyond computation larger than the present; that so far exceeds it that the Government could not and would not pay the additional sum which deputy marshals there on a salary would cost.

Mr. TELLER. I ask to go back to page 121.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri not to press his amendment at this time.

Mr. COCKRELL. I offer this amendment, and in this connection I desire to say that I would not want it to apply to the Indian Territory, for that is not a normal condition. There posses—a large number of deputies—have to go, which would not be the case in the older States, where everything is better organized. As a matter of course, there have been bands of robbers and ruffians there, and it would take a large number to go, but it would not be so in Missouri; it would not be so in the States.

Mr. HOAR. I ask the Senator from Missouri to withdraw his motion to amend in order to give notice that he will offer it to-morrow.

Mr. COCKRELL. Very well; I give notice that I will offer it.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri will have leave to withdraw his amendment, and he gives notice that the same will be offered when the bill is reported to the Senate.

Mr. TELLER. I desire to turn back and correct an error on page 121. At the top of the page, for the district marshal for the northern district of California we have it $4,500. It should be $5,000.

The PRESIDING OFFICER. If there be no objection, the amendment will be agreed to. The next amendment which was passed over will be stated.

The next amendment of the Committee on Appropriations was, on page 125, after line 22, to strike out:

That said marshal, when attending court at any place other than his official residence and when engaged in the service of any process, writ, or subpœna, shall be paid his actual and necessary expenses for subsistence and travel while so necessarily employed, the same as the district attorneys, and an account of the same shall be made out and paid as hereinafter provided.

And insert:

That the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpœna, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as hereinafter provided.

So as to make the section read:

SEC. 11. That the marshal, when attending court at any place other than his official residence, and when engaged in the service or attempted service of any process, writ, or subpœna, and when otherwise necessarily absent from his official residence on official business, shall be allowed his necessary expenses for lodging and subsistence, not exceeding $4 per day and his actual necessary traveling expenses. He shall also be allowed the actual necessary expenses in transporting prisoners, including necessary guard hire. An account of such expenses shall be made out and paid as hereinafter provided. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney-General shall be authorized to fix and declare the place of such official residence.

Mr. HOAR. I should like to ask the Senator from Colorado why it is that the expense for lodging and subsistence is made $2 a day on page 124 and $4 a day here?

Mr. TELLER. One is for the deputies and the other is for the marshals.

Mr. HOAR. Do you expect marshals to have a breakfast twice as good as deputies?

Mr. TELLER. The Attorney-General thought it ought to be this way, and we put it in to suit him. We ought to raise the other.

Mr. HOAR. I think the other is too small.

Mr. TELLER. I think it is.

Mr. HOAR. I move to go back and make the other $3 instead of $2.

The PRESIDING OFFICER. If there be no objection the pending amendment will be agreed to.

Mr. HOAR. Now I ask to go back to page 124, line 16, and I move to strike out the word "two" before "dollars" and insert "three"; so as to read:

Shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day.

The amendment was agreed to.

The next amendment was, in section [14] 13, on page 127, line 6, after the word "law," to insert:

Each marshal shall make such returns of the earnings and expenses of office as shall be required under rules and regulations prescribed by the Attorney-General: *Provided*, That no office or field deputy shall receive compensation as bailiff, and no field deputy shall represent or receive fees for representing the marshal in court;

So as to make the clause read:

SEC. 12. That whenever in this act an officer is allowed actual expenses the account therefor shall be made out quarterly, in accordance with rules and regulations prescribed by the Attorney-General. When made out the account shall be verified on oath before an officer authorized to administer oaths.

The expense accounts of the marshals and their office deputies and the accounts of the field deputies shall be paid by the marshals; said accounts and the expense accounts of the district attorneys and their assistants when made out in accordance with this act shall be submitted to and examined by the circuit court or district court of the district, and when approved by the court shall be audited and allowed as now provided by law. Each marshal shall make such returns of the earnings and expenses of his office as shall be required under rules and regulations prescribed by the Attorney-General: *Provided*, That no office or field deputy shall receive compensation as bailiff, and no field deputy shall represent or receive fees for representing the marshal in court.

The amendment was agreed to.

The next amendment was, on page 127, line 22, after the word "by," to insert "sections 5 to 14, inclusive, of"; so as to make the clause read:

SEC. 13. That all salaries provided by sections 5 to 14, inclusive, of this act shall be paid monthly by the Department of Justice.

The amendment was agreed to.

The next amendment was, on page 127, line 25, after the word "That," to strike out "the foregoing," and in the same line, after the word "sections," to insert "5 to 14, inclusive," and on page 128, line 2, after the word "amount," to strike out "of"; so as to make the clause read:

SEC. 16. That sections 5 to 14, inclusive, of this act shall not be so construed as to prevent or affect the amount or taxation of costs against the unsuccessful party in civil proceedings or against defendants convicted of crimes or misdemeanors.

The amendment was agreed to.

The next amendment was, on page 128, line 6, after the word "by," to insert "sections 5 to 14, inclusive"; so as to make the clause read:

SEC. 17. That any officer whose compensation is fixed by sections 5 to 14, inclusive, of this act who shall directly or indirectly demand, receive, or accept any fee or compensation for the performance of any official service other than is herein provided, or shall willfully fail or neglect to account for or pay over to the proper officer any fee received or collected by him, shall, upon conviction thereof, be punished by a fine of not less than $50 nor more than $500, or by imprisonment, at the discretion of the court, not exceeding five years, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, on page 128, after line 15, to strike out:

SEC. 20. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1896; and it shall be the duty of the district judge of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district judge; and no person shall at any time be a clerk of a United States court and a United States commissioner: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent or private citizen, but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

That United States commissioners are hereby authorized to administer oaths.

The amendment was agreed to.

The next amendment was, on page 129, after line 21, to strike out:

SEC. 21. That no marshal or deputy marshal, clerk, or deputy clerk of the circuit or district court, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States.

The amendment was agreed to.

The next amendment was, on page 130, after line 8, to strike out:

SEC. 22. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court, and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case—for first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $1.50; for attending to a reference in a litigated matter in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington, November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $3 a day for the time necessarily employed.

Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation.

The amendment was agreed to.

The next amendment was, on page 133, after line 2, to insert:

SEC. 18. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid, by salary or otherwise, to clerks of United States circuit and district courts, as also the proper compensation to United States commissioners; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks and commissioners of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties.

The amendment was agreed to.

The next amendment was, on page 134, line 6, after the word "sections," to strike out "7 to 23" and insert "5 to 19"; in line 11, after the word "sections," to strike out "7, 9, or 16" and insert "5, 7, or 14"; and in line 14, after the words "New York," to insert "or for the District of Columbia"; so as to make the clause read:

SEC. 20. That all acts and portions of acts inconsistent with this act are hereby repealed: *Provided*, That none of the provisions of sections 5 to 19, both inclusive, of this act shall apply to the Indian Territory or Territory of Alaska, and said sections shall take effect and be in force on and after June 30, 1896: *Provided further*, That none of the provisions of sections 5, 7, or 14 of this act shall apply to the office of the United States district attorney and his assistants for the southern district of New York, or for the District of Columbia.

The amendment was agreed to.

Mr. CULLOM. The succeeding sections were read yesterdya and corrected.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. CHANDLER. I wish to move an amendment. I desire to move it to-night, but I will wait until the Senator from Illinois is through.

Mr. CULLOM. I think the court provisions are not quite disposed of yet.

Mr. TELLER. I wish to know whether the Senator from Missouri proposes to call up his amendment now?

Mr. COCKRELL. I have no objection, if the Senate desires to act upon it.

Mr. TELLER. I think we might as well act upon it.

Mr. HOAR. If I may be allowed a moment, the amendment of the Senator from Missouri makes a limitation, so that in no case can any United States deputy marshal get more than a thousand dollars a year anywhere. It seems to me that is too small a compensation. These are men who are armed with the authority of the United States in time of great civil commotion, and in very important affairs always, whether there is civil commotion or not. There are a great many cases where one United States court is being held, the court of appeals or the circuit court, or the district court at one place, and one or more other courts at another place within the same circuit; not often within the same district, I agree, but occasionally there will be two courts within the same district.

Mr. TELLER. Sometimes that is the case.

Mr. HOAR. The marshal is at one and there must be a deputy competent to take care of the court and preserve order at the other. You can not get in my part of the country certainly a thousand-dollar man who would be likely to be a suitable person. You would have to go down into the region of poorly paid men. They are also men who must be expected to be men of courage, of principle, and integrity. They have to take their lives in their hands sometimes.

I suggest to the Senator to make his limitation $2,000 and let it go into conference, instead of $1,000. It was $2,400 in the bill as the Committee on Appropriations fixed it. I would not ask any delay, but I certainly should feel it my duty to resist if it is to be put at $1,000.

Mr. COCKRELL. I ask the Senator just to hear me for a moment. Section 9 of the bill is in the following words:

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance——

Mr. HOAR. "Office deputies."

Mr. COCKRELL—

upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service or attempted service of any writ, process, or subpœna, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed $3 per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.

There the deputies will perform a kind of duty to which the Senator from New Hampshire refers, and the Attorney-General will fix their compensation.

Mr. HOAR. If the Senator will pardon me at that point, if he is right, that is a good answer to a part of my argument, but I do not understand that to be the purpose of this provision. I understand these men are to be office deputies, and the suggestion was made by the Senator from Nebraska [Mr. ALLEN] that they ought to be called clerks and not deputies. They are office deputies, clerical assistants. They are intended to be men who will keep the marshal's accounts and be in the office when he is out of it, and it was thought expedient that they should be clothed with the function of deputy marshals.

It was not, however, expected that they would ordinarily serve writs or attempt to serve writs, but they will have the power to do it, as they are made deputies. It was provided, although they are salaried officers, that they should get, in addition to their ordinary salary, the payment of their expenses. The idea of the bill, however, is that the deputy marshals, who are known as field deputies, are to do the work of serving writs ordinarily. For instance, in a large district where there are two or three places of holding court, as in the case of Iowa, which has been spoken of, and in New Hampshire, I think, there are two or three places of holding court, though that is a small State territorially, the marshal will expect to have one of these field deputies in one of these places of holding court where he does not reside himself, and another in another place. They are men, as I understand, who are expected to do the ordinary work of a deputy marshal.

Mr. COCKRELL. I think the bill contemplates very differently. This bill contemplates that there shall be office deputies; and they have the right to, and the bill expressly provides that they shall, perform any duty; that they shall go on official business, and that when on official business they shall receive mileage and per diem traveling expenses. Then the field deputy is to be officially disconnected, as I understand, from the office deputy. The office deputies will attend all the courts—for instance, in Boston, in New York, in Chicago, in St. Louis, or wherever it may be. It will be an office deputy who will attend the courts and transact the marshal's business in the courts. The field deputies will be out in the service of process, and it will not require the same class of persons as are required to be present in court and to make arrests.

I have no idea that a field marshal would be appointed under this bill for the city of Boston. The office deputies would serve the process right there. That is my idea of the theory of this provision, and therefore I have offered this amendment. I think that $1,200, or probably $1,500, would not be any too much.

Mr. HOAR. If the Senator will make the amount $1,500, I will not delay the bill by a discussion on a difference of $500 a year.

Mr. COCKRELL. I have no objection to making the amount $1,500.

Mr. HOAR. It will all be in conference, in any event, where it can be properly arranged.

Mr. COCKRELL. Yes, I know. Let the amount be changed to $1,500.

The PRESIDING OFFICER. The amendment will be so modified, and will be read as modified.

The SECRETARY. It is proposed to strike out section 10, on pages 124 and 125, and insert:

SEC. 10. That in addition to the office deputies above provided for the United States marshal in each district may appoint such number of field deputies as the judge of said district, with the concurrence of the Attorney-General, shall consider necessary for transacting the business of the said district, and said deputies shall receive for compensation salaries at the rate of $1,500 per annum, together with actual necessary expenses of travel and subsistence while away from their places of residence on official business, the correctness of the vouchers therefor to be certified by the affidavit of the field marshal and approved by the marshal and the district court.

Mr. TELLER. We will accept that amendment.

The amendment was agreed to.

Mr. TELLER. I wish to add to the amendment which has just been adopted on the motion of the Senator from Missouri [Mr. COCKRELL] the amendment I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. At the end of the amendment just adopted it is proposed to add:

*Provided*, That the clerks of the circuit and district courts, and the field deputies herein provided for the districts of California, Washington, Montana, North Dakota, South Dakota, Nevada, Oregon, and Idaho, shall, for the services they may perform during the fiscal year 1897, receive double the fees allowed by law to like officers in other States for performing similar duties, but neither of them shall be allowed to receive of such fees any sum exceeding the aggregate compensation of such officer as provided by law.

Mr. TELLER. I wish to modify the amendment by inserting "Colorado" after "California." Colorado is provided for in the existing statute, and I thought it was in the amendment.

Mr. CLARK. How about Wyoming?

Mr. TELLER. Wyoming is also in the present law, and it should be included in the amendment. Wyoming is in the section of country where such provision is made by existing law, and as the Government is likely to get the fees, I do not think there can be any objection to including it. I modify the amendment further by inserting "Wyoming" after "Oregon."

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. CARTER. I offer the amendment which I send to the desk, to be inserted at the end of line 7, on page 109.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 7, on page 109, it is proposed to insert:

*Provided*, That in the ninth judicial circuit, in addition to the term or terms held in San Francisco, two terms of the circuit court of appeals shall be held each year in two other places in said circuit, to be designated by the judges of said court.

The amendment was agreed to.

Mr. VILAS. I ask the Senator from Illinois if he will consent now to an executive session?

Mr. CULLOM. I should like to propose two or three little amendments on behalf of the Committee on Appropriations, and then I shall yield.

On page 79, in line 7, I move to strike out the words "bookkeeper for custodian, $1,200"; and in line 9, before the word "clerks," to strike out "twenty-four" and insert "twenty-five."

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 79, in lines 7 and 8, it is proposed to strike out "bookkeeper for custodian, $1,200"; and in line 9,

before the word "clerks," to strike out "twenty-four" and insert "twenty-five"; so as to read:

Twenty-five clerks of class 1, two of whom shall be stenographers or typewriters.

The amendment was agreed to.

Mr. CULLOM. On page 75, in line 11, I move to strike out the words "one copyist" and to insert "one clerk of class 1."

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 75, in line 11, in the appropriations for the Naval Observatory, it is proposed to strike out "one copyist" and to insert "one clerk of class 1."

The amendment was agreed to.

Mr. CULLOM. At the end of that paragraph I move to change the total so that it will read "$37,460" instead of "$37,160."

The amendment was agreed to.

Mr. CULLOM. On page 12, in lines 7 and 8, I move that the Senate disagree to the amendment reported by the committee, so that it may stand as the House fixed it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the appropriations for "Office of the Clerk of the House of Representatives," on page 12, line 7, after the word "laborer," the Senate, as in Committee of the Whole, struck out "one thousand" and inserted "eight hundred"; so as to read:

Laborer, $800.

Mr. CULLOM. It is proposed to disagree to that amendment.

The amendment was rejected.

Mr. CULLOM. At the end of that paragraph I move to disagree to the amendment reported by the Committee on Appropriations, in line 10, before the word "hundred," striking out "six" and inserting "four"; so that the total may stand as the bill came from the other House, "$16,680."

The amendment was agreed to.

Mr. CHANDLER. I desire to offer an amendment.

Mr. VILAS. I ask the Senator from New Hampshire if he wishes his amendment considered to-night?

Mr. CHANDLER. I do. I wish to expedite the business of the Senate to-morrow by going away. [Laughter.] So I should like to have the amendment considered now.

Mr. VILAS. We all agree, without a word. [Laughter.]

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 71, after line 24, it is proposed to insert:

For printing, binding, and wrapping 1,000 additional copies of series 1, volumes 1, 2, 3, and 4, for supplying officers of the Navy who have not yet received the work, $2,400; and for the expense of a board of publication to conduct the preparation of such records, to be appointed by the Secretary of the Navy, one member to be an officer of the Navy and the other two members to be civilian experts, whose compensation shall be fixed by the Secretary and paid from this appropriation, and for other expert services in compiling, publishing, and distributing the records, $11,600.

Mr. CULLOM. I inquire if that amendment is reported from any standing committee?

Mr. CHANDLER. It is. The original estimate was $50,000. It was cut down to $18,000 in the House of Representatives, and this is an addition of about $10,000 for a thousand extra copies and for expediting the publication. The amount is far less now than the estimate, and it is moved by direction of the Committee on Naval Affairs. Here is the letter of the Secretary of the Navy recommending the full amount of $50,000, which I ask to have inserted in the RECORD.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The letter referred to is as follows:

NAVY DEPARTMENT, *Washington, March 20, 1896.*

SIR: Referring to the committee's communication of the 12th instant, inclosing a copy of an "Amendment intended to be proposed by Mr. CHANDLER to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," and requesting to be advised as to the views of the Department in regard thereto, I have the honor to state that said amendment serves to carry out the recommendation made in the report of the Secretary of the Navy for the year 1895 relative to the publication of the Naval War Records, and that made by the superintendent of the Naval War Records in his report for the same year. The Department recommends, therefore, that the amendment in question receive the favorable consideration of the committee.

Very respectfully, W. MCADOO, *Acting Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
*United States Senate.*

Mr. CULLOM. As we have a prospect of the Senator leaving the Senate for a while, I shall not take up time in opposition to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin.

Mr. CALL. I ask the Senator to yield to me to offer an amendment.

Mr. VILAS. Several Senators desire to offer amendments.

Mr. CALL. I merely desire to offer an amendment.

Mr. VILAS. Very well.

Mr. CALL. I call the attention of the Senator from Illinois to a paper from the Treasury Department relating to the steam engineering service, which I gave to him with a request on the part of that Bureau to move for a change in the bill. I merely call the attention of the Senator to that fact so that it may be attended to before the bill passes into the Senate.

Mr. CULLOM. The Senator can offer his amendment in the Senate after the bill is reported from the Committee of the Whole. I really do not know where I laid the paper which the Senator states he handed to me.

Mr. CALL. I will submit an amendment which I intend to offer.

Mr. CULLOM. I inquire of the Senator from Wisconsin and those who desire to make an effort to strike the court provisions out of the bill, whether they would not agree that that motion and the discussion upon it should take place in the Senate, instead of in Committee of the Whole, so that the bill may be reported to the Senate for consideration? The bill will still be open for amendment in the Senate, as every Senator knows, and I should be very glad if we could get the bill out of committee to-night.

Mr. HILL. I assume that the same rights will pertain to the bill in the Senate as in Committee of the Whole.

Mr. CULLOM. Yes.

Mr. HILL. With all rights reserved, I have no objection to the course suggested by the Senator from Illinois.

Mr. CALL. I give notice that I shall ask for a separate vote in the Senate on the amendment made as in Committee of the Whole under the head of "Department of State," beginning on page 22, line 21, down to and including line 9 on page 23, relative to the employees of the Bureau of Statistics, State Department, etc.

Mr. COCKRELL. All amendments will be reserved.

Mr. CULLOM. If the Senator from Wisconsin will allow me, the Senator from Oregon [Mr. MCBRIDE] has been very anxious to offer an amendment.

Mr. VILAS. I withhold the motion for an executive session until the Senator from Oregon can offer his amendment.

Mr. CULLOM. I hope he may have the opportunity to do so.

Mr. CALL. I offer an amendment and ask that it be printed and laid on the table.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Florida will be received and ordered to be printed.

Mr. MCBRIDE. I now renew my motion to amend in line 13 on page 96, as directed by the Committee on Public Lands.

Mr. PLATT. I hope that the amendment of the Senator will be agreed to, because yesterday I suggested that a point of order would lie against it, as it was a little more than the estimate; but I am satisfied the point of order does not lie, because a report has been made regarding it.

Mr. CULLOM. The fact is, that the Senator from Oregon has produced a letter from the Department on the subject.

Mr. COCKRELL. Let the amendment be read, so that we may understand it.

Mr. MCBRIDE. I move to amend the amendment which was adopted yesterday by which "$6,700" was inserted, in line 13 on page 96, by striking out that sum and inserting "$8,000."

Mr. CULLOM. I have no objection to the amendment.

Mr. MITCHELL of Oregon. I sincerely hope that the amendment proposed by my colleague will be adopted.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment heretofore adopted by striking out "$6,700" and inserting "$8,000"; so as to read:

For surveyor-general of Oregon, $2,000; and for the clerks in his office, $3,000.

Mr. CULLOM. I consent to the amendment so far as I am individually concerned.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. CULLOM. The total ought to be changed to correspond with the amendment which has just been made. Let the Secretary correct the total.

Mr. MCBRIDE. Do I understand that the amendment has been made in line 14, so as to change the total to correspond with the amendment which has just been adopted?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to change the total in line 14 by striking out "$8,700" and inserting "$10,000"; so as to read:

In all, $10,000.

The amendment was agreed to.

Mr. CALL. I give notice of an amendment I propose to offer in relation to the salaries of committee clerks on pages 4 and 5.

Mr. CULLOM. The Senator will have an opportunity to do that after the bill is reported to the Senate.

Mr. CALL. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. VILAS. There are some reservations to be made.

Mr. COCKRELL. All the amendments made as in Committee of the Whole should not be now concurred in.

Mr. CULLOM. I was going to except the court provisions and those provisions about which there is controversy.

Mr. HILL. There are some other motions to be made to strike out.

Mr. COCKRELL. They had better go over until to-morrow.

Mr. VILAS. I move to proceed to the consideration of executive business.

Mr. CALL. Before that is done, we should have an understanding.

Mr. COCKRELL. We have an understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin [Mr. VILAS].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 26, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 25, 1896.*

UNITED STATES ATTORNEY.

Charles W. Comstock, of Connecticut, to be attorney of the United States for the district of Connecticut, vice George P. McLean, whose term expires March 27, 1896.

PROMOTIONS IN THE ARMY.

*To be second lieutenant, cavalry arm.*

Candidate Corpl. Herman A. Stavert, Company G, Twelfth Infantry, March 23, 1896, vice Preston, Ninth Cavalry, promoted.

*To be second lieutenants, infantry arm.*

Candidate Corpl. Frederick B. Shaw, Company A, Twenty-first Infantry, March 23, 1896, vice Rose, Fifth Infantry, promoted.

Candidate Corpl. Reuben S. Turman, Company G, Sixteenth Infantry, March 23, 1896, vice Bennett, Sixth Infantry, promoted.

Candidate Sergt. William B. Cochran, Company B, Fifth Infantry, March 23, 1896, vice Creden, Twenty-fifth Infantry, deceased.

Candidate Sergt. Harry F. Rethers, Company A, First Infantry, March 23, 1896, vice Campbell, Ninth Infantry, promoted.

POSTMASTERS.

Guy Northrop, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi, in the place of Abner K. Northrop, deceased.

Charles E. Wills, to be postmaster at Homer, in the county of Cortland and State of New York, in the place of Pembroke Pierce, whose commission will expire April 4, 1896.

William H. Klie, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania, in the place of George W. Stetson, whose commission will expire April 8, 1896.

Patrick J. Ryan, to be postmaster at Durand, in the county of Pepin and State of Wisconsin, in the place of William L. Batchelder, whose commission will expire April 8, 1896.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 25, 1896.*

CONSULS.

Ethelbert Watts, of Pennsylvania, to be consul of the United States at Horgen, Swizerland.

Richard L. Miller, of Virginia, to be consul of the United States at Hull, England.

COMMISSIONER OF FISH AND FISHERIES.

John J. Brice, of California, to be Commissioner of Fish and Fisheries.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Henry S. Mathewson, of New York, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Sherrard R. Tabb, of Virginia, to be an assistant surgeon in the Marine-Hospital Service of the United States.

APPRAISER OF MERCHANDISE.

R. Loper Baird, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania.

COLLECTOR OF CUSTOMS.

Charles H. Bateman, of Massachusetts, to be collector of customs for the district of Marblehead, in the State of Massachusetts.

INDIAN INSPECTORS.

J. George Wright, of South Dakota, to be an Indian inspector.

John Lane, of Spokane, Wash., to be an Indian inspector.

COLLECTOR OF CUSTOMS.

Louis S. Clayton, of Maryland, to be collector of customs for the district of Annapolis, in the State of Maryland.

POSTMASTERS.

Joseph E. Schmuke, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri.

Louis R. Benedict, to be postmaster at Ellenville, in the county of Ulster and State of New York.

Albert B. Comins, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts.

William Burns, to be postmaster at Salineville, in the county of Columbiana and State of Ohio.

Laura Goodfellow, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

Junius Q. Hatch, to be postmaster at Northboro, in the county of Worcester and State of Massachusetts.

Edmund H. Gates, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts.

John R. Manahan, to be postmaster at Chatfield, in the county of Fillmore and State of Minnesota.

Mary F. Ballantine, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska.

Daniel H. Brooks, to be postmaster at Bozeman, in the county of Gallatin and State of Montana.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

SENATE JOINT RESOLUTION AND BILLS REFERRED.

Under clause 2 of Rule XXIV, the following joint resolution and bills were taken from the Speaker's table and referred by the Speaker as follows:

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway—to the Committee on Rivers and Harbors.

A bill (S. 1906) in relation to the pay of Rear-Admiral Roger N. Stembel, retired—to the Committee on Naval Affairs.

A bill (S. 177) granting a pension to Sophia D. Clendenin—to the Committee on Invalid Pensions.

A bill (S. 644) to refund certain import duties—to the Committee on Claims.

A bill (S. 1119) granting a pension to Peter Daly—to the Committee on Invalid Pensions.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a question of personal privilege.

In the Washington Post of yesterday an attack was made upon me in connection with a debate which occurred in this House, and the question is therefore privileged. The Post in its column entitled "Capitol Chat" discussed the controversy which arose on the floor of this House between the gentleman from New York [Mr. SULZER] and the gentleman from Tennessee [Mr. GIBSON], and it went on to state that one of the correspondents, or one of the argus-eyed correspondents, of a newspaper in Mr. GIBSON'S district had discovered the man who had furnished the circular to Mr. SULZER. This writer in the Post then goes on to make this statement:

Direct evidence points to Congressman BARTLETT of New York as the accessory to the fact. He is said to have picked up a copy of the interesting circular in a job printing office in this city where Mr. GIBSON had this prose ode to himself printed.

In other words, this writer accuses me of an act which, to say the least, would be ungentlemanly, and in my opinion would have been dastardly—that is, to enter a printing office and take a circular which did not belong to me, and not having the courage or manhood to make an attack myself to hand it to another gentleman to make an attack. Now, whether this article be strictly libelous or not, I can say that it is a lie. It is absolutely false.

On the afternoon in question I was deprived of the pleasure of listening to the short debate which occurred between the gentleman from New York and the gentleman from Tennessee, because, having become somewhat wearied by the long debate on the Bayard question, I went uptown. As a matter of fact, I have never been in a job printing office in the city of Washington. I have never seen the circular in question. I have never known anything whatever of the subject, except from reading the reports of it on the following morning. The only remedy that a member of Congress has in a case such as this is to draw attention to the libel and to denounce the fabricator of the inexcusable falsehood.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1898, and for other purposes," approved July 29, 1892;

A bill (S. 2609) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape;

A bill (S. 1725) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.; and

A bill (S. 923) for the relief of Irving W. Stanton.

QUESTION OF PRIVILEGE.

Mr. BOUTELLE. Mr. Speaker, I rise to a privileged matter. I desire to correct the RECORD. On yesterday, during one of those gusts of fervid enthusiasm which have swept over this House periodically, in which members have seemed to be impartially earnest in declaring war against Great Britain, or against Spain, or in negotiating peace with the Southern Confederacy [laughter], I made a few remarks, during the course of which several gentlemen undertook to give me instruction, of which I probably was in much need, but which, on examination, proves to have been unauthenticated by that basis of fact which is required to make history permanent. At one point I made a statement about the action of the House of Representatives some years ago in relation to the retirement of General Grant, using this language:

> My friends the gentlemen on the other side have never hesitated one moment in advocating their side of all these controversies. No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list.

Mr. CRISP. Mr. Speaker, can we be informed as to what question is pending?

Mr. BOUTELLE. If the gentleman will permit me to make my statement, he will be informed.

The SPEAKER. The gentleman from Georgia, I suppose, rises for some purpose.

Mr. CRISP. I rise, Mr. Speaker, to ask what is the question before the House?

The SPEAKER. The question before the House is the question of privilege which the gentleman from Maine [Mr. BOUTELLE] is now stating.

Mr. CRISP. What is the question of privilege?

The SPEAKER. The Chair is listening in order to hear what it is.

Mr. CRISP. I make the point that the gentleman has not stated any question of privilege.

The SPEAKER. He has not stated it, but what the gentleman has said may be preliminary to a statement of the question of privilege. The gentleman from Maine stated that he wished to make a correction of the RECORD.

Mr. CRISP. But the gentleman can not make a speech preliminary to the statement of his question of privilege. The question of privilege must be stated first and the speech made afterwards.

The SPEAKER. The Chair thinks the gentleman from Maine is proceeding in order.

Mr. CRISP. Of course that settles it!

Mr. BOUTELLE. Mr. Speaker, I trust that a question of privilege under the rules of this House will be entertained in the present Congress. [Laughter.] I stated distinctly when I took the floor that I rose to a question of privilege for a correction of the RECORD, and I believe I am in my right.

The SPEAKER. The Chair has so ruled.

Mr. BOUTELLE. Yes; and if the gentleman from Georgia had paid attention to the proceedings of the House he would have known it and would have been a great deal better employed——

The SPEAKER. The Chair hopes the gentleman will confine himself to the question, the Chair having ruled in his favor.

Mr. BOUTELLE. Well, if the Chair will keep gentlemen on the other side from interfering with me, I will take care of myself.

The SPEAKER. The Chair will do as well as he can. [Laughter.]

Mr. BOUTELLE. I said yesterday, Mr. Speaker, in addition to what I have just read, and in the same connection:

> No gentleman over there so far as I know felt estopped in the slightest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Whereupon the gentleman from Alabama [Mr. WHEELER]——

Mr. WHEELER. Who is always correct. [Laughter.]

Mr. BOUTELLE (continuing). Who states that he is always correct, appeared in the aisle with an enormous volume, supposed to be a volume of the CONGRESSIONAL RECORD——

Mr. WHEELER. Yes; and here it is. [Laughter.]

Mr. BOUTELLE (continuing). And proceeded to "correct" me in this wise:

> Mr. WHEELER. Will the gentleman please tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

I of course supposed when he said "one man" that he referred to one ex-Confederate, as I had been alluding to those gentlemen, and I said:

> They all voted against it.

Then Mr. WHEELER said:

> The House voted unanimously for the bill. There was not a single vote against it.

Now, I find in the RECORD this morning that that interesting colloquy is reported in this way. What the gentleman from Alabama did say was:

> Will the gentleman please tell us the name of one man who voted against the passage of that bill for Ulysses S. Grant?

The printed RECORD, however, makes him say:

> Will the gentleman tell us the names of Democrats who voted against the passage of that bill for Gen. Ulysses S. Grant?

After which I say, as I have already read:

> They all voted against it.

Thus I am made to say that all the Democrats voted against it, when I never dreamed of saying anything of the kind, because I knew what I was talking about.

Then the gentleman from Alabama said, as we all heard him say:

> The House voted unanimously for the bill. There was not a single vote against it.

But in place of that the RECORD of this morning makes him say:

> The gentleman is mistaken; very many Democrats voted for the bill.

Mr. WHEELER. Will the gentleman allow me to say just one word?

Mr. BOUTELLE. In a moment I will yield to the gentleman. Let me conclude my statement.

Now, Mr. Speaker, I submit that it is impossible for the CONGRESSIONAL RECORD to be a reliable or useful record of what takes place here if anybody is to be permitted to tamper with it in this way. I have here the official transcript of the reporter's notes, which coincide exactly with my recollection of what took place. The official manuscript, in the original typewriting, contains this:

> Mr. WHEELER. Will the gentleman tell us the name of one man who voted against the passage of that bill for Gen. Ulysses S. Grant?

That original report is changed, in pencil, to the form which I have read from the RECORD this morning. The report shows me to have said: "They all voted against it;" meaning all the ex-Confederates. The original report shows the gentleman from Alabama as saying:

> The House voted unanimously for the bill. There was not a vote against it.

But instead of that we have this in the RECORD:

> The gentleman is mistaken; very many Democrats voted for the bill.

Now, Mr. Speaker, that is an absolute injustice to me. It leaves me standing upon nothing, when, as a matter of fact, I was standing upon the records of this House. It is not a true statement, but is absolutely incorrect to say that there were no votes against that bill. On the contrary, the vote upon placing General Grant on the retired list, which was taken on March 3, 1885, discloses 198 yeas and 79 nays.

Mr. OWENS. I rise to a question of order. Upon a question of correcting the RECORD, so as to make it conform to the facts, is it competent to go ahead and discuss the question as to who was correct in the statements which were actually made?

The SPEAKER. The Chair thinks not.

Mr. WHEELER. I ask that the gentleman from Maine have full range to say what he pleases for an hour.

Mr. MILES. I must object to the gentleman having "full range."

The SPEAKER. The Chair thinks that if the question of fact involved in the statements which were made yesterday is to be discussed again a "full range" might involve remarks by a number of gentlemen. It seems to the Chair that the simple question is on the correctness of the RECORD.

Mr. BOUTELLE. Well, I am trying to show that the RECORD

is not correct; that instead of there being no votes against the bill, 79 members voted against it——

Mr. OWENS. That has nothing to do with this question.

Mr. BOUTELLE. Among whom were 58 ex-Confederates, who voted in favor of placing Fitz John Porter on the retired list.

The SPEAKER. The object of a correction of the RECORD is to make it conform to what actually took place. It seems that there has been a change in the report as written out. Whether it was changed in accordance with the fact under discussion is not of immediate consequence, the question before the House upon a correction of the RECORD being simply whether it has been changed from what actually occurred.

Mr. BOUTELLE. Well, Mr. Speaker, what is the usual procedure when it is disclosed in this way that the RECORD has been modified?

The SPEAKER. It seems to the Chair that the usual course would be to have the RECORD corrected so as to state what took place yesterday. Whether what was said yesterday was a correct statement or not is another question.

Mr. BOUTELLE. I move, then, that the RECORD be corrected so as to conform to what took place in the House yesterday as reported by the official stenographers.

The SPEAKER. If there is no question as to the fact, the correction will be made as a matter of course. The Chair does not understand that there is objection.

Mr. WHEELER. I would like to say a word. The gentleman from Maine has said what he wanted to say.

Mr. BOUTELLE. I would like to say several words.

Mr. WHEELER. The gentleman told me three times yesterday that he would give me a chance to make the correction, and he did not do it.

The SPEAKER. The gentleman from Alabama is not in order. Unless there is objection to the statement of fact made by the gentleman from Maine, citing from the record of the Official Reporter, the Chair will direct the correction to be made. The Chair understands there is no dispute on that point, and the correction will be made.

Mr. WHEELER. The Chair will surely consent to give me a few minutes to explain.

Mr. BOUTELLE. I have here the manuscript as sent me from the Government Printing Office.

Mr. WHEELER. I have not objected to the gentleman's statement——

The SPEAKER. Very well; the correction will be made.

Mr. WHEELER. Now, Mr. Speaker——

Mr. BOUTELLE. If anybody is to discuss this matter, I want to do so. If I am not permitted to discuss it, I object to anybody else doing so.

Mr. HENDERSON. I rise to a question of order. I submit that as the correction has been made, there is nothing before the House for the gentleman from Alabama or the gentleman from Maine to discuss.

Mr. CRISP. Does it not occur to the House that the gentleman from Alabama should be allowed to make an explanation?

The SPEAKER. The Chair thinks that if the gentleman from Alabama desires to make a statement with regard to how this occurred——

Mr. WHEELER. That is all I want.

The SPEAKER. That, the Chair thinks, would be a question of privilege for him, but as to going into the question of fact, whether the gentleman from Maine was correct in his statements made yesterday, that would be reopening the whole debate. The Chair thinks the gentleman from Georgia must recognize this.

Mr. CRISP. I simply think that, in view of what has been said, the gentleman from Alabama ought to have the privilege of explaining why he made the change, if he did make it.

The SPEAKER. The Chair thinks that how or why a member changed a record of a matter on which he was in debate with another member, without his knowledge or consent, might be a subject of explanation.

Mr. BOUTELLE. I rise to a point of order. I wish to suggest that up to this time there has been no accusation or reflection or intimation in regard to the gentleman from Alabama. I had no knowledge as to how the change was made in that manuscript. I have not even inquired. I simply say it is a fact. I know that the language embodied in this typewritten copy was the language used on yesterday. That is my own memory of it, and that is the recollection of a number of gentlemen around me who know what occurred at the time. Who made the alteration I do not pretend to know, but that an alteration was made will be attested by many of the members who were present on the floor on yesterday.

Mr. WHEELER. Mr. Speaker, I want to state that I made the correction. In accordance with your honor's ruling, I will state that on yesterday when the gentleman from Maine made the statement that the Democrats on this side of the House were unanimously against the bill, my recollection was brought to the fact that in the very last day of the Forty-eighth Congress the gentleman from Maine himself rose in his place on the floor and said, as I will read from the RECORD:

I want to announce——

Mr. HOPKINS. Mr. Speaker, I ask if this is in order?

The SPEAKER. The Chair thinks the remarks of the gentleman from Alabama should be confined to the actual question pending, as to the change in the RECORD.

Mr. WHEELER. I will endeavor to do so, Mr. Speaker. The gentleman from Maine said:

I want to announce that the Senate unanimously passed the bill——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order. There is no question here as to what the Senate did. It has nothing whatever to do with the pending question.

The SPEAKER. The Chair desires to say to the gentleman from Alabama that his remarks, if they are to be in the nature of a personal privilege, must be confined to the subject actually before the House, namely, the alteration of the record of the proceedings of the House in a matter of debate without consent of the other party.

Mr. MILES. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILES. Was it not ruled—I respectfully submit to the Chair with reference to the point of order made on the gentleman from Maine—that it was in order for him to make a statement preliminary to the question of privilege?

The SPEAKER. Precisely.

Mr. MILES. I submit that that is just what the gentleman from Alabama is now doing.

The SPEAKER. It does not seem so to the Chair, although it may be the fact.

Mr. WHEELER. I do not rise to a question of privilege, as I understand it, but simply to reply to reference to myself by the gentleman from Maine. The Chair will see what I am stating is entirely relevant.

Having in mind the statement of the gentleman from Maine that this question had been acted upon unanimously by the Senate, I made the reply I did with regard to his statement of the attitude of the Democrats on this side of the House on the question of General Grant's retirement. Immediately afterwards, having ascertained exactly the facts, I called upon the gentleman from Maine and asked him to allow me to explain the mistake, and to inform the House as to what the actual facts were, for neither the gentleman from Maine nor myself were entirely accurate in our statements, and I wanted to inform the House exactly what the facts were.

Now, the remarks of the gentleman from Maine would indicate that the Democrats of the House, as a body, were against the bill——

Mr. BOUTELLE. I rise to a question of order. I call the attention of the Chair to the decision on the point of order raised by the gentleman from Georgia against myself. If an argument is to be permitted on the part of the gentleman from Alabama, I wish to say that I am loaded with arguments myself, and desire to be heard upon them.

The SPEAKER. The Chair has ruled that the gentleman from Alabama should confine himself exclusively to the question of privilege, namely, to the actual fact whether or not the RECORD was changed without the consent of the other party.

Mr. WHEELER (continuing). After making three different attempts to be permitted to correct the matter in the House, I then did avail myself of that privilege which is accorded to every member when he finds he has made a mistake or an inaccuracy in a statement; I corrected the matter myself. I repeat, that I tried three times in the House to correct it and was not allowed to do so, and therefore corrected it and put it in the form that the gentleman has read to the House, and I did it with the knowledge that the stenographer's report was to be sent to the gentleman from Maine for revision, and therefore I knew he would see my correction, and, his attention being called to his error, it was my hope he would correct his erroneous statement also.

We all have a right, as I understand it, to make such corrections, and members of the House and Senate avail themselves of this right continually. The object of every member should be, of course, to correct such mistakes, to tell the truth in all such matters, and not misinform the House or the country.

Mr. BOUTELLE. Mr. Speaker, I hardly think that this is fair to me. If the gentleman is permitted to go into this kind of argument, I should have the same privilege——

The SPEAKER. The Chair, with permission of the gentleman, will regard the incident as closed.

Mr. BOUTELLE. Because it hardly seems in accordance with the logic of the rule to check the flow of my eloquence—— [Laughter.]

The SPEAKER. Perhaps that would be easier than to check that of the gentleman from Alabama.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the call of committees under the rule.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. I desire to call up the appropriation for the naval establishment if the motion be adopted.

The motion of Mr. BOUTELLE was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Chairman, I move to proceed with the consideration of the bill making appropriations for the naval establishment for the fiscal year ending June 30, 1897.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

*Be it enacted, etc.*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1897, and for other purposes.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Unanimous consent is asked to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. BOUTELLE. Mr. Chairman, the bill which is now before the committee has no special novel features. It runs along the general line of naval legislation, and is devoted simply to carrying forward the work of maintaining and increasing our naval establishment. I do not think it is necessary to make any elaborate remarks in favor of the bill. In the early stages of our naval development, or the development of our new naval force, more or less explanation in detail seemed to be necessary; but since that time we have gone forward consecutively and successfully in the building up of our new Navy. The people generally are familiarized with the stages of that progress, so that it is hardly necessary to go over the ground in anything like detail. As, however, a large number of the members of the present House are members for the first time, it may be proper for me to cursorily run over the history of this rehabilitation of the service up to the present time.

The new Navy, so called, had its origin, if I may use that word, in an act passed in the Forty-seventh Congress, which prohibited the expenditure of money for the further repairs of our old wooden ships in every case where such repairs would involve an expenditure of more than 20 per cent of the cost of a new vessel of similar type. From the time of the war up to that point we had been incurring large expenditures, and the Government had been incurring more or less severe criticism for the large amount expended in repairing our old wooden ships. It required heroic determination to change this entire policy. The public had become so used to looking at the historic vessels that formed the Navy of that day as invincible, as retaining their pristine usefulness and power, that a proposition which looked to the extinction of our wooden Navy within a few years, by sending these ships to the auction shop and the junk shop, was a somewhat startling innovation. But that law was passed. We are reaping the benefits of it to-day. That was followed by the appointment of a special board to present designs for a certain number of ships of modern type, and an appropriation was made to begin the construction of four ships, the *Chicago*, the *Boston*, the *Atlanta*, and the *Dolphin*, which were in due time completed and are now a part of the new steel Navy. Following that, on the day of the adjournment of the Forty-eighth Congress, an act was passed making an appropriation for the construction of several vessels that had been provided for, but for which no appropriation had been made.

Under the law the *Baltimore*, the *Philadelphia*, and one or two others of our steel cruisers were put under construction under the administration of Secretary Whitney, who entered into the work with great zeal and energy. From that time until the present the work has gone forward, the attention of the Department and of the Government during the early years being devoted exclusively to the construction of protected cruisers, finally to the construction of the armored ship *Monterey* for coast defense, and the *Maine* and the *Texas*, which are now rated as second-class battle ships.

In the Fifty-first Congress it was first proposed to enter upon the construction of the heaviest class of fighting ships, which are designated in naval nomenclature as battle ships. During that Congress three vessels of that class, of about 10,120 tons, were placed under construction. At the same time authority was given for the construction of an especially fast cruiser, which proved to be the *Columbia*, followed at the next session by a similar vessel, now in commission, under the name of the *Minneapolis*. Since that time there have been authorized three more battle ships, the *Iowa*, in the Fifty-second Congress, which is to be launched this week at Philadelphia, and the *Kentucky* and *Kearsarge*, which were contracted for on the 2d day of January and are to be constructed at Newport News.

This is a very brief and concise statement of a work that has been going on for a little more than a dozen years, but which really represents the most remarkable development of the resources and capacity of the American people in any line of progress observable during my public life.

When the first appropriation was made for the construction of steel ships, it was an absolute impossibility to provide the material in this country for the construction even of a steel gunboat of the size of the *Dolphin*. We were dependent upon foreign forges for the armor for the protective decks; we were dependent upon foreign workshops for a large portion of the steel plating that entered into their construction. We were absolutely unable in any part of the United States, throughout its whole breadth and broad expanse, to produce the hollow compressed shafting required for any one of these ships.

To-day we are standing in a position where for years one of the fundamental provisions of our appropriation bills has been that every part and parcel of a ship shall be of material of domestic manufacture. Instead of being obliged to send abroad for every forging that entered into our armor plate and into the manufacture of our guns for the Navy, we determined to emancipate ourselves from foreign dependence in that regard; and years ago, I think in 1886, by the joint action of the House and Senate, the Secretary of the Navy and the Secretary of War were authorized to issue proposals for $10,000,000 worth of steel forgings for armor and guns to be produced in an American establishment that should give a guaranty of its ability to begin the manufacture of these forgings within a certain period. I remember very well when that proposition first came before Congress. I recollect as if it were yesterday when the bill was reported here, in its reading, when the Clerk had reached the point where the Secretary of the Navy was required to build these vessels and to obtain this armor of domestic manufacture if it could be obtained at a reasonable price or in a reasonable time, I made the motion to strike out the qualification and compel the use of American material without limitation. The argument was made, on a strong basis, that we could not produce this material, and that was the fact at the time.

Gentlemen took a different view as to how long it would be before we could possibly supply the materials required. I took the ground that we had better wait for years, if necessary, in order to stimulate the production of these materials on our own soil than go on building ships for the construction of which we should be continually dependent upon foreign countries for the materials; and I emphasized my position, I remember, in making the statement that, so far as my own view was concerned, if at the end of ten years we could have 20 first-class ships of war of modern type afloat under the American flag, a large or considerable portion of the materials of which were necessarily procured abroad, or at the end of ten years should not have a single modern naval ship that would have been constructed in our own jurisdiction, and on our own soil have one great manufacturing plant that would be capable of producing every material that should enter into the construction of our war ships, I would take the latter alternative.

The alternative was taken to the extent to which I have referred. These proposals were sent out; and the Bethlehem Iron Company, of Pennsylvania, immediately entered upon the erection of what is to-day the most powerful, the most extensive, and the most successful steel-forging plant in the world. Instead of being, as we were ten years ago, in absolute dependence upon foreign countries for all important materials, we have to-day at Bethlehem a plant which contains the most powerful machinery on the globe. While the great works of Krupp have a hammer which strikes with an impact of 95 tons, the great hammer at Bethlehem comes down with a thud, carrying 125 tons to the blow; and instead of our being compelled either to go abroad or to take inferior material, we have the most improved facilities; and I ought to make this remark, that besides the Bethlehem Company the great plant of the Carnegies and the great plants at Midvale and elsewhere in the country have contributed to this march of progress. So that to-day we are not only not dependent upon one, but we are not dependent upon any one establishment in our own country. We are emancipated, so far as naval construction is concerned, from dependence upon any other nation on the globe; and when we consider, Mr. Chairman, that in the construction of a ship, and especially of a ship of war, there is concentrated more of the labor, the ingenuity, and the skill of the various avocations of our people than in any other construction, we can readily see the stride of progress we have made.

We have made progress in another direction. At the time the first bill for the construction of steel ships came up in the committee it contained a provision for purchasing the engines abroad. The provision was based upon the belief that we could not

construct the high-power machinery required for forcing modern war vessels at the speed that had been attained in modern times. The matter was discussed animatedly in the committee. I remember distinctly the positiveness with which the opinion—it was more than an opinion—with which the judgment was expressed by certain gentlemen that we could not build the great machinery required to drive one of these war ships at the requisite speed in this country, and that it would be years and years before we would attain the ability to do so. We struck foreign engines out of the bill; we struck them out in the committee. Finally we received suggestions from the Secretary of the Navy to that effect, and he expressed his view that we could trust to the skill, ingenuity, and progressive efforts of American artisans to supply us with the machinery we needed, although we have been for so long a time out of the business of building ships of war.

The wisdom of that action was demonstrated almost immediately. Within a few months after this prediction was made that we could not build these great engines, the *Baltimore* was under construction by the Cramps, and produced a higher degree of horsepower than the English plans required. While she was under construction the builders came to Washington and suggested a modification of the machinery for her sister ship, the *Philadelphia*, which was adopted by the Department, and this American shipbuilding firm built the engines for that great ship, and we have gone on improving until in the *Columbia* and the *Minneapolis* we have set the pace for ocean cruisers for the world. Having been a witness of this evolution within these few years, it is almost startling to my mind to contemplate the contrast between that hour, when so many earnest, able men, some of them engaged in business that was akin to that of engine building, declared that it must be years before we could develop the tools of precision that would enable us to construct a great, powerful, successful marine engine, and the time, only a few years later, when the *Columbia* was making the ocean record of the world for speed.

Mr. Chairman, that, in brief, is the history of this wonderful evolution of the American Navy, and we have now reached the point where, while our Navy is small in number of ships as compared with the navies of the great powers of the world, we believe, and we believe intelligently and with reason, that we have a navy to-day that, ship for ship, is the best navy in the world. [Applause.] It ought to be a proud thought for every American citizen that we have bearing our flag the fastest cruiser that sails the ocean [applause]; that the *Columbia* is really the "gem of the ocean," rightly named and worthy of her proud title. [Applause.] We ought to be, and we are, all of us, proud that in the great cruiser *New York* we have the finest protected steel cruiser under the canopy of heaven, admitted to be so by the experts of all the nations of the globe. We ought to feel proud that within a year the Emperor of Germany, himself at the head of a nation having one of the most powerful navies afloat, paid the unqualified compliment to this superb American cruiser, the *New York*, of saying that she exceeded all of his expectations and all of his ideas as to the possible perfection of a great ship of war. It ought to be and it is a matter of pride that to-day in the *Indiana*, which is now in commission, in the *Massachusetts* and the *Oregon*, about to go into commission, we have ships of war that are conceded to be, ship for ship, the most powerful battle ships in the world. And this is not mere home congratulation. It is the testimony of the most skilled experts of the navies of Europe and of the Orient.

Now, Mr. Chairman, we have reached the point where we have a fair number of cruisers, and they are of the best. We have a fair number of gunboats, and they are of the best. We have five double-turreted monitors and a double-turreted coast-defense ship, the *Monterey*. For harbor defense we have the *Maine* and the *Texas*, which are second-rate battle ships, for our second line, and we are about to place in commission, or at least we shall have during the present year, three of our first-class battle ships carrying the flag and fully manned. In addition thereto we have one other battle ship, the *Iowa*, which, though of the same type, is believed to be superior in some respects to those already completed, and at Newport News we are about to enter upon the construction of the *Kentucky* and the *Kearsarge*, which are somewhat larger and are believed to have still other improvements in construction and efficiency. That makes six battle ships which have been provided for and are now either completed, in process of completion, or under contract. We have only three torpedo boats, but we have a number under construction at the Herreshoff and other works, and it is believed by the Department, in which belief the Committee on Naval Affairs have cordially coincided, that the policy of our Government at this time should be to make whatever addition it is deemed wise to provide for at the present session by increasing the strength of our line of battle.

The utility of our cruisers of all classes is perfectly obvious to anyone who considers the needs of a navy, but to all who have given thought to the real final use of a naval force to the United States it is clear that our main reliance must be placed upon our line of battle, and it is the belief of naval officers of experience and of other experts generally that the real coast defenses of the United States must depend in a large degree—I believe in the largest degree—upon our first line of battle, which must be outside of our headlands, on the water. Any nation that proposes to successfully defend its coast line must first prevent the possible landing of an enemy on its shores; and against any force that could assail us from across the ocean the most powerful defense, the wisest and the most effective defense of which I can conceive, would be a cordon of battle ships along our coast line that should prevent an enemy's fleet from entering our harbors or making a landing upon our coast. We confidently believe that a sufficient fleet of vessels of the type of those now completed and under construction, if judiciously placed outside of our coast line, would enable us to defend this country in all probability against any naval force that could be sent across the sea; and if we can do that the problem of coast defense is solved. If we can not actually accomplish that, we can certainly inflict such damage and cause such delay and interpose such obstacles to an assault upon our coast as would make the water line of battle the most important consideration of our defense.

There is another phase in which this appeals to our desire for security. However strongly we may fortify the headlands of our coasts (and I for one am earnestly in favor of strong and powerful coast defenses), the forts along our coast line must, of course, occupy fixed positions; and an enemy, whenever possible, will seek to avoid the fortified points and effect his landing where those defenses do not exist. In case of an emergency we can not move those forts so as to reenforce each other; but with a sufficient fleet of heavy battle ships the click of the telegraph could assemble at any threatened point a half dozen or a dozen or twenty (if we should go so far) of the most powerful forts that have been erected anywhere, and that could be moved into the most advantageous position, not only from day to day, but from hour to hour and from moment to moment during a conflict. So that I think there can be no question of the overpowering utility of a battle line of naval ships for our coast defense. It was with this view that, in drafting the provision authorizing the first three battle ships, I suggested, and the committee adopted, the phraseology of "seagoing coast-line battle ships," so as to characterize this class of vessels and to dedicate these ships as the patrols and defenders of the coast of the United States.

In the present bill, Mr. Chairman, we have followed the lines of the estimates very closely, making comparatively few modifications. The modifications that we have made will be found in general stated in the brief report which has been submitted here. One of the important features of the bill is the provision for the enlistment from time to time during the coming year of a thousand additional men and boys. This provision has been inserted in accordance with the request of the Secretary of the Navy and was based upon his statement of the fact that vessels to be put in commission during the coming year will require this additional force of men to make their crews. A year ago the Secretary requested Congress to grant him 2,000 additional men; Congress granted him 1,000. This year the request for an additional thousand was renewed, and the committee have recommended authority for their enlistment. This will account for the increase we have made in the appropriation under the head of "Pay for the Navy."

Under the heading "Bureau of Navigation" there has been a small increase rendered necessary in order to provide for the outfits and bounties of apprentices for waterworks at the training station in Rhode Island (this item having been cut down last year), and $2,000 for necessary repairs to the Naval War College, earnestly requested by the Department.

Under the Bureau of Ordnance we have made a larger increase, although it is proper to state that the items in this bill which are an increase over the last appropriations were contained, I think, almost entirely in the bill reported to and passed by this House last year, although, for some reason of which we have not been advised, those items were stricken out in the Senate. One of these is a provision for a reserve supply of guns. We have no reserve guns. We have no supply upon which to draw in case of emergency or in case of the disabling of a portion of the guns. Your committee deemed it unwise to permit this condition of things to continue, and therefore reported in favor of an appropriation of $250,000 to manufacture this reserve supply.

In the reserve for the Navy there are no projectiles that would be at all adequate to a demand that might arise at any time. We appropriate $200,000 for a reserve supply of projectiles. We also provide $142,000 for an additional supply of torpedoes, which we regard as especially desirable, not only in view of the torpedo boats already under construction, but in view of the fact that we have provided for 15 more.

We also provide for reserve guns for the auxiliary cruisers of the Navy; and in that connection I may properly call attention to the fact that this naval development of ours has already borne the fruits that we anticipated in stimulating a return of the American flag to the ocean as a representative of American commerce.

In closing the report of the committee in 1890 a brief reference was made to the stimulus that this building up of great naval plants would cause in behalf of our commercial marine, and the statement of the committee closed in this way:

The result of this effort to build up the Navy would be to increase the power, protect the honor, and promote the prosperity of our great nation by setting afloat a navy that will not only be an outer bulwark of defense in case of war, but that, we trust, may prove in peace the messenger of good will to other lands and show to us and to the world again that commerce follows the flag.

I think I am justified in saying that, as a direct result of the development of our resources for the building of modern steel ships, we have returned our flag to the ocean, and it now floats over a great international line of steamships which is called the American Line. It has brought under our flag two ships which, when they were permitted to American registry, were regarded as the finest steamships in the world, the *New York* and the *Paris*, and it stimulated the construction at the same shipyard that gave some of the finest of our vessels—the great war ships—the construction of two great American ocean steamers that are American from stem to stern, from rail to keelson, the *St. Louis* and the *St. Paul*, steamers that are a source of pride to every American citizen, and that are to-day closely wrestling with the speed record of steamers on the Atlantic Ocean. So, Mr. Chairman, commerce has already followed the flag, and is following it, and we have intimations and evidences from every direction that the example thus set, the way thus pointed out, is to be followed in the future until we shall find again the American flag, representing our American commerce, in every port of the civilized world. We ought not to minimize or underrate the effect that a great Navy—great, I mean, in power and excellence—exercises as a representative of our country, always has exercised and always will exercise, in supplementing our commerce with the other nations of the world.

We have made some appropriations of a minor character for naval magazines where they were regarded as urgently necessary, and also for repairs for the retaining sea wall at the torpedo station at Newport. We have also increased the appropriation for the Bureau of Equipment, to apply to the increase in our vessels afloat.

Under the head of Yards and Docks we have also made an increase for the maintenance of the plants at those institutions; and under Public Works we have made an increase of $126,580.78, the appropriation being principally applied to carry on the work and improvements at Brooklyn, League Island, Mare Island, and Washington Navy-Yards, the Puget Sound and Port Royal naval stations, and at the Naval Academy.

There is a slight increase in the appropriation for the Bureau of Medicine and Surgery by reason of the additional number of men to be cared for.

Under the Bureau of Construction and Repair there is an increase of $1,065,500. In the item of construction and repair of vessels there is an increase of $350,000 over the appropriation of last year and it is urgently required for continuing the work during the present fiscal year, and a similar amount is appropriated to cover a deficiency, which is made immediately available. This is to be applied on ships on which the work had to be suspended on account of the inadequacy of the appropriation last year. We have therefore taken the appropriation of last year and added to it the deficiency required this year, and appropriated $1,250,000 to carry on the work during the ensuing year, which is not an extravagant sum in view of the large increase of work in the Navy. We also appropriate $250,000 for carrying on the work of repairs to the *Chicago*, and $100,000 for the *Hartford*.

Under the Bureau of Steam Engineering there is an increase of $246,500. We appropriate $235,000 for new boilers and machinery for the *Atlanta*, the *Dolphin*, and the *Hartford*.

For the Naval Academy there is an increase of $40,883, $15,000 of which is for grading the grounds, $15,000 for the new main sewer, which is required, and $5,000 for dredging.

We have increased by $136,223 the appropriation for the Marine Corps, largely to provide for the 500 additional men reported to us by the commandant and the Secretary as necessary, in view of the increase of the number of our ships afloat.

Under the head of increase of the Navy the estimates called for $9,522,883 for carrying on the work of construction of the hulls and machinery, the armor and armament of vessels heretofore authorized. It will be seen that this is an item, therefore, that covers solely the work on new vessels of the Navy. After full consideration it was finally determined that the authorization this year should be on the line of battle ships and torpedo boats. We have recommended the construction of four additional battle ships of a similar type to those already under construction. The tonnage of these vessels has been always approximately stated in the bills authorizing them and has not necessarily limited the size in detail, the size and character of the vessel being limited solely by the authorization or limit of cost. Hitherto we have authorized battle ships to be built at a cost, exclusive of armament, not to exceed $4,000,000. None of the ships that have been constructed or contracted for at this time have reached so high a price as that. That is to say, they have never reached the limit of cost fixed in the bill; and we have thought it wise, therefore, to decrease the limit by $250,000, recommending that the total cost shall not exceed $3,750,000; and I stop here to explain that this was simply to remove from the bill a limitation that experience has shown to be entirely too large, and does not in any way indicate that the vessels to be constructed are to be in any sense not as efficient as (and we expect that they will be superior to) those heretofore ordered, which have never cost, exclusive of armament, so much, or nearly so much, as $4,000,000. The largest authorization that has ever been made for ships before this session, I think, was in the Fifty-first Congress, when we authorized three battle ships, the cruiser *Columbia*, and some minor vessels. This bill therefore makes the largest authorization of vessels that ever has been made.

There were some considerations at the outset that would have inclined the committee to a more moderate recommendation. The condition of our finances, to which attention had been called two years ago and the present year by the Secretary of the Navy, was one of the considerations. The Secretary of the Navy reported in favor of building 3 battle ships and 12 torpedo boats; but after looking the whole matter carefully over, considering the state of public opinion so far as we could judge it, and using our best efforts to make to this House what we believed to be a judicious recommendation, the committee concluded to give the benefit of the doubt on the side of liberality, even when the financial situation is not quite what we wish it were, and we ask your favorable consideration and action upon our recommendation that we authorize at this session 4 additional battle ships and 15 torpedo boats. When they are put under construction that will make, in addition to the 2 that were contracted for on the 2d of January, 6 battle ships, the construction of which will be inaugurated during the present year; by far the most noteworthy addition to our Navy in its history, and, as we believe, as large an authorization as all the circumstances would fairly warrant. We hope that the House will not consider it too large, because we have arrived at this conclusion after going over the whole subject with great care, and we submit it to Congress with confidence that it will ratify the judgment of the committee.

Mr. DINGLEY. Mr. Chairman, before the chairman of the Committee on Naval Affairs concludes, will he state the estimated cost of the 4 new battle ships and 15 torpedo vessels that are authorized, including armament?

Mr. BOUTELLE. I was going to state that. Following my citation of the fact that the estimates called for $9,522,883 of appropriations in this bill for the carrying on of work on vessels already under construction, I was going to state that that amount has been decreasing somewhat because of the completion of contracts upon vessels. Now, in addition to that we propose in this bill to make appropriations, for these 4 battle ships and the 15 torpedo boats, of all the money that the Department estimates can be properly profitably expended during the coming fiscal year. I ought perhaps to say that in the bill passed last year which authorized two battle ships, the *Kentucky* and the *Kearsarge*, there was substantially no appropriation made for their construction. I think there was added under the head of appropriations perhaps $100,000 or so for making their designs, but there was no appropriation made to carry forward their construction, and their contracts were not entered into until the 2d day of January of this year. There is incorporated in this $9,522,883 of estimates the amount deemed requisite for commencing and carrying on the construction of those two battle ships during the coming year.

Now we have put in, in addition to that, $500,000 for each of the battle ships, making $2,000,000, and $1,256,250 for the 15 torpedo boats. Those appropriations are based upon estimates submitted to us by the Secretary of the Navy, that $500,000 will be required for work on each of the 4 battle ships, and that these torpedo boats, which are to cost, the 5 large ones $870,000, and the 10 smaller ones $800,000—it was the opinion of the Secretary that 75 per cent of the total amount would be required during this year. Seventy-five per cent of these amounts makes $3,256,250, which, added to the $2,000,000 for the battle ships, makes $3,256,250 that we add to the estimates, making the total appropriations in this bill for the increase of the Navy $12,779,133.

In reply to the question of my colleague from Maine [Mr. DINGLEY], I will state that the battle ships now under construction at Newport News were contracted for, for their hulls and machinery, exclusive of armament, for $2,225,000, I think. That is the approximate amount. In addition to that, the hulls require, as estimated, $647,000 of hull armor, and, in addition to that, the armament will cost something over $2,000,000.

Mr. DINGLEY. For each battle ship?

Mr. BOUTELLE. For each battle ship. I will give the estimate of the Chief of the Bureau of Ordnance. On the two battle ships now under construction at Newport News the bids received and accepted for the hulls and machinery were $2,255,000. The cost of the hull armor will be $637,000, making $2,892,000 that will

be paid out of the limitation made by Congress of $4,000,000. Then, under the head of armor and armament, the armor and gun protection will cost $2,405,000, making the total cost of those two battle ships each $5,297,000; and I may say here that those vessels were contracted for at a considerably lower rate than the previous ships. The first battle ships were contracted for, exclusive of armament, for $8,120,000, and these bids, as will be seen, are considerably below those. I ought to say, in that connection, what I should have said when I was speaking of the development of these shipbuilding plants, that their development has caused the most marvelous reduction in the cost of the material for these vessels. The cost of the production of steel has decreased to a degree that would be hardly credible; in some instances nearly 50 per cent. So much so that it has been stated approximately that three battle ships could be built now for very little more than two would have cost ten years ago.

The torpedo boats, as I have said, five of them, are to cost $875,000 each. We have not specified that they should cost so much, but we desire, at the request of the Department, to leave a discretion there, to make some of them larger and more expensive than others, if deemed desirable. So we have simply provided the aggregate amount. They are to have a speed of not less than 26 knots, and it is hoped that they will reach a much higher rate; and in fact we have every confidence that they will. The 10 small torpedo boats have also been provided for in an appropriation in bulk, in order that the Department may so arrange their designs as to meet such contingencies as the Department think are important to consider in regard to their transportation and utilization at various points on our coast and inland as the occasion may arise.

Now, Mr. Chairman, I do not know that I desire to say anything further. It is a fruitful theme, but I have already occupied considerably more time that I intended.

Mr. DINGLEY. Mr. Chairman, if the chairman of the committee will pardon me, before he closes I want to see if I understand correctly what the ultimate cost of the authorization of new vessels provided for in this bill would be. I understand $21,168,000 will be the ultimate cost of four battle ships, if I took the figures correctly.

Mr. BOUTELLE. You have made the figures?

Mr. DINGLEY. Two million eight hundred and two thousand dollars for the hull and equipment and $2,405,000 for the armament, making the cost of each battle ship $5,207,000, if I took down the figures correctly.

Mr. BOUTELLE. That is the estimate furnished by the Ordnance Department, by Commodore Sampson, of the cost of the two ships under construction at Newport News.

Mr. DINGLEY. And the cost of four, with armament, is $21,168,000. Then the 15 torpedo boats will cost how much?

Mr. BOUTELLE. They are to cost $800,000 and $875,000, which is $1,675,000.

Mr. DINGLEY. That makes about $23,000,000 for increases in the Navy by new vessels authorized in this bill?

Mr. BOUTELLE. Assuming that the cost will be identical.

Mr. DINGLEY. Yes, assuming that the cost is identical.

Mr. CUMMINGS. Ultimately they will not cost so much.

Mr. DINGLEY. Then the battle ships—the chairman of the committee will pardon me—having been contracted for recently, when the market price of steel is probably at the lowest point that will be reached for many years, I think it is but fair to conclude that the new battle ships will cost at least as much, as it is to be borne in mind that steel has been abnormally low.

Mr. BOUTELLE. I will state to the gentleman that so far as the committee are concerned, we have had no information brought to us that would indicate an increase in the cost; have we, Mr. CUMMINGS?

Mr. CUMMINGS. None at all; but the cost will be less.

Mr. DINGLEY. I think that is a fair estimate.

Mr. BOUTELLE. In my report I state the cost of the 4 battle ships and the 15 torpedo boats, exclusive of armament, at $16,675,000. I did not make the figures as to the total cost. They are to aggregate about 45,600 tons displacement—that is, the vessels carried in this bill.

Mr. DINGLEY. They are to be about the same size?

Mr. BOUTELLE. They are to be about the same size—about 11,000 tons. The *Iowa*, I think, is a little over 11,000 tons.

Mr. CUMMINGS. Eleven thousand two hundred and fifty tons.

Mr. DINGLEY. That will be $16,675,000 for the new vessels authorized, exclusive of armament. I understood the chairman of the committee to state that the cost of the armanent is $2,405,000, estimated, for each battle ship. That will be $9,600,000 to be added to $16,675,000, and that will carry it up to over $25,000,000.

Mr. CUMMINGS. I did not understand the chairman to state the amount.

Mr. DINGLEY. He made an estimate of the amount required for the armament.

Mr. BOUTELLE. What do you name the amount?

Mr. DINGLEY. I notice that the estimated cost of the 4 battle ships and 15 torpedo boats, exclusive of armament, is stated in the report at $16,675,000.

Mr. BOUTELLE. Is that erroneous?

Mr. DINGLEY. That is the statement in the report; and that the cost of the armament, exclusive of that sum, about $2,405,000 for each battle ship, which would be $9,600,000 for the 4 battle ships, and that added together carries the whole amount up to $26,275,000. That is the authorization in the bill for the 4 battle ships and 15 torpedo boats, with armament. And that is in addition, of course, to the completion of the vessels already authorized, 2 battle ships having been authorized last year and the first appropriation made in this appropriation bill.

Mr. BOUTELLE. That is what I endeavored to state. I will state it consecutively, so that it will appear in the RECORD. The 4 battle ships and 15 torpedo boats will aggregate about 45,600 tons, to cost, exclusive of armament, not exceeding sixteen millions—no, my colleague's figures are not correct, because the estimate made here is up to the full limit of cost, which these vessels will not in all probability reach. My statement in my report was about the authorization. Of course in a report to this House we could not state just exactly what the ships were to cost before they were contracted for, and I stated that they were to cost, exclusive of armament, not exceeding a certain amount, but I did not say they would cost that amount. They are authorized to cost $16,000,000. The proper way to figure for the purposes of construction here would be to multiply the total cost of each of these ships at Newport News by four.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I am amazed, Mr. Chairman, that I have trespassed so long upon the committee. I had no intention of doing so.

Mr. CUMMINGS. I will yield the chairman of the committee whatever additional time he desires.

Mr. BOUTELLE. I thank my colleague.

Mr. HANLY. Will my colleague, the gentleman from Maine, permit me to make a suggestion as to these figures?

Mr. BOUTELLE. Certainly.

Mr. HANLY. The total authorization was $22,863,000.

Mr. DINGLEY. Including armament?

Mr. HANLY. Including armament. That is based on the cost of the two ships recently contracted for.

Mr. DINGLEY. Then the estimate of the authorization of new vessels on page 2 of the report, of $16,675,000, is not based on the cost of the battle ships recently contracted for?

Mr. HANLY. I am giving the torpedo boats. The difference arises in this way: We have appropriated or fixed the limit of the appropriation for the hull of each vessel at $3,750,000, whereas they are actually let at less than $2,000,000, and the difference between the figures comes in there.

Mr. BOUTELLE. Three million seven hundred and fifty thousand dollars each is the limit that these vessels may be permitted to reach, but they were bid for at $2,255,000.

Mr. DINGLEY. How much would that reduce them?

Mr. BOUTELLE. The 4 battle ships, if contracted for at the same rates as those now being built at Newport News, will cost, as the gentleman from Indiana [Mr. HANLY] has stated, $21,188,000. We have authorized an expenditure, and expect to meet it, on the torpedo boats of $1,656,250, which would make the total cost of these new vessels added to this bill $22,844,250.

Now, Mr. Chairman, I wish to inquire whether either of my colleagues on the committee desires to speak at this time, or whether they would prefer to go on with the bill, reserving the right to speak at such point as may seem to them best?

Mr. CUMMINGS. Mr. Chairman, I should like to submit a few remarks at this point. We shall have no trouble, I think, about the debate.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. CUMMINGS. Mr. Chairman, the Committee on Naval Affairs has done its work very carefully and thoroughly. The gentleman from Maine [Mr. BOUTELLE] has correctly analyzed this bill. In my opinion it is as economical a bill as was ever brought into the House from the Committee on Naval Affairs for the inspection of Congress. It is even less in amount than the bill brought into the House last year. In the last session the House passed a bill carrying $31,636,823. That was $75,000 more than the bill which is brought before you to-day. In view of the war cloud on the horizon, I will say it seems to me that this is an exceedingly economical bill, and that it ought to meet with no opposition on the floor of this House. We certainly ought to keep pace by ratio in the increase in our Navy with the increase in the English navy, and above all at this time. I was in favor of 6 battle ships while the bill was under consideration in committee, for I believe that the best defense in the world is the means of offense. But voted down in committee, I accept the report of the chairman. I find this statement regarding the increase of the

English navy, to which I call attention. It is a statement made in the British Parliament:

Mr. Goschen said that the Admiralty proposed to increase the navy by 4,900 seamen and 500 extra marines.

We have provided for an increase of only 1,000 seamen and 500 marines.

For guns and ammunition the Admiralty proposed a supplemental estimate of £200,000, and for the ensuing financial year they proposed an increase of £850,000.

That is six times as much as the increase proposed in this bill.

The Admiralty also proposed an increase of £2,250,000 for docks, and explained that the proposed dock works would increase the amount, £8,900,000 provided by the last estimates, to £14,000,000.

This is a hundred times as much as we have appropriated for the same purpose.

Mr. Goschen then said that between 1889 and 1896 105 ships and 62 torpedo destroyers had been built or were building. He admitted that this was a formidable list; but the Admiralty proposed to spend an additional £1,000,000, including the £200,000 previously proposed, as a supplementary estimate for guns and ammunition during the present year. The Admiralty had judged it advisable to undertake the construction of 5 additional battle ships, 4 first-class cruisers, 3 second-class cruisers, and 28 torpedo destroyers, in addition to minor expenses, such as anchoring a training ship at Queenstown and replacing the cadet ship *Britannia* by a college for naval cadets.

Besides the vessels mentioned, Mr. Goschen also said the admiralty proposed to provide for 6 third-class cruisers, and all would be commenced in 1896.

Now, gentlemen, that is five times the amount proposed for the increase of the Navy under this bill. And I hold, sir, that it is a duty which we owe the country to maintain at least our ratio with the war ships of England as it stands to-day. I do not believe that we ought to allow the English navy to again become as powerful in comparison with the American Navy as it was at the close of the war. Let us, sir, at least keep what we have gained, if we gain no more.

Mr. Chairman, I regretted that no more seamen were provided for in this bill. I understood the Secretary to say that he would like to have 1,500, and discretion on the part of the President to increase the number to 3,000 in a warlike emergency. I have acquiesced in the report of my friend the chairman of the committee. I was also sorry that no appropriation was made for the dock at Algiers, La., but after learning that there was a dispute with regard to what kind of a dock should be built, and believing from what the chairman said that he would be in favor of such a dock when this dispute shall be settled, I was glad to let the question go over until the next session of Congress.

Mr. BOUTELLE. Perhaps the statement just made by the gentleman might be misleading without this explanation on my part. I stated that I was unwilling to make an appropriation for constructing at that point a dry dock of a character that might prove unsatisfactory; and while I have always been warmly in favor of having a naval station on the Gulf somewhere, when the location should be properly determined, my view has been for a number of years, and still is, that without regard to sections or geographical considerations we should first supply all our navy-yards where there are extensive plants for carrying on construction and repairing with dry docks before we should commence the construction of a simple dock at any point where there is now no naval station.

Mr. CUMMINGS. In other words, it was a question of capacious docks without regard to site.

Mr. Chairman, I have no further remarks to make upon the bill, and if no gentleman on this side of the House desires to speak——

Mr. UNDERWOOD. Before the gentleman from New York concludes, I should like to ask him a question. I see that these battle ships provided for in this bill are all to draw over 25 feet of water.

Mr. CUMMINGS. Yes, sir.

Mr. UNDERWOOD. Well, as I understand, it is impossible for ships of that draft to go into any port south of Newport News to coal.

Mr. BOUTELLE. If the gentleman will permit me——

Mr. CUMMINGS. I yield to the gentleman.

Mr. BOUTELLE. I think the design of these vessels was modified for the express purpose of reducing their draft.

Mr. UNDERWOOD. I should like to have some information on that point.

Mr. BOUTELLE. I find by referring to the documents that the Secretary caused the designs for these two ships to be reexamined and modified with the express view of reducing their draft, so that they have been given more beam, as architects would say. They have been made broader and given more floor for the purpose of making them draw less, and they are now estimated to have a draft of 23 feet 6 inches.

Mr. UNDERWOOD. Will those ships with that draft be able to enter any ports south of Newport News to coal?

Mr. BOUTELLE. I do not know that I can speak positively and fully on that point at this moment. They will be able to go into the Mississippi River without any trouble. They will be able to go into Port Royal and may be docked there. I remember that at Port Royal when high tide was on, the *Indiana*, which drew, I think, 24 feet of water, could not be docked. I am not familiar at this moment with the depth of water at the other Southern ports. Some gentleman from Georgia can tell us with regard to Savannah. I do not feel sure.

Mr. UNDERWOOD. Then that would give us two battle ships which would be able to coal in ports south of Newport News.

Mr. BOUTELLE. Of course four of the ships are not yet designed; but my expectation is that they will be designed with the same view of having them of as light a draft as possible. I presume they will not draw any more than these other two. I think that a vessel of 23 feet 6 inches draft could go into Mobile and Pensacola.

Mr. CUMMINGS. Not into the harbor of Mobile, but the bay.

Mr. BOUTELLE. I mean the lower bay.

Mr. LOW. Mr. Chairman——

Mr. CUMMINGS. How much time does the gentleman desire?

Mr. LOW. About twenty-five minutes, or perhaps a half hour.

Mr. CUMMINGS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has forty-five minutes of his time remaining.

Mr. CUMMINGS. I yield thirty minutes of the time to the gentleman from New York.

Mr. LOW. Mr. Chairman, there is an old military saying that in time of peace the sentinel is apt to sleep on his post. This bill, which is before us for consideration, I have heard read to-day for the first time, but be that as it may, any bill which provides for an increase in our Navy touches one of the most popular sentiments in the heart of the American people—popular because it means the strengthening of an arm of our service; popular because it means better protection not only to our own seacoast, but for the American interests throughout the world.

The people of these United States do not want war; we do not invite hostilities; neither do we wish to extend our border lines; but, Mr. Chairman, the people of this country are tired of taking up the newspapers and reading now and again that some American citizen sojourning in a foreign land has been unjustly thrown into prison, and they are tired of having foreign nations minimizing our rights. Recent events have convinced those who have followed the trend of national affairs that the want of a Navy has been one of the reasons why we have had to suffer humiliation at the hands of foreign nations.

Build up our Navy, enact this bill, for it provides a step toward the construction of a national floating bulwark which, when completed, will speak louder, deeper, and more effectively than words in settling—aye, in preventing—international complications; then when the United States speaks, foreign ears which have been so deaf will suddenly come out of the infirmary with their hearing fully restored. Taking into consideration our thousands of miles of seacoast, our vast merchant marine, and world-wide commercial interests, we must admit that our policy has been suicidal in neglecting to keep our Navy up to a proper standard. Questions, if not disputes, have recently come to the surface, and the American people have realized—have been compelled to realize for the first time in thirty years—that the American Navy, which has ever been the pride and boast of the American heart, is numerically weak. Why is it so? Why are the great commercial interests of a maritime nation like ours left to the protection of a feeble Navy? The fact is our people since the close of the war have been so busy developing the country's resources that they forgot our ships of war. If we fail to provide for the outer lines of our defense we tempt foreign nations to interfere in our domestic affairs. Why, were a powerful nation to make war upon us to-morrow, the people of the United States would give up every railroad that runs from here to the Pacific, if they could, in exchange for a fleet of battle ships.

Our country must build up the Navy, keep it at a proper standard, and then there will be no occasion for thrilling the heart of our nation by a dynamite message. It is true that we are confronted with a depleted Treasury. But what has that to do with it? If the Administration is bankrupt, the country is not. There are loyal hearts and plenty of money among the 70,000,000 people living under the folds of our flag who will gladly and cheerfully indorse any outlay to build up the marine arm of our country's service and make it what it ought to be. I hope every Administration from now on will consider it a national duty, to wit, that the Army and Navy shall be the last two departments to economize upon. We want peace, but peace without honor means servitude. Peace with honor is expensive, but war is more so.

I hope, therefore, in discussing this bill that there will be no attempt to economize even in the smallest degree, for have we, Mr. Chairman, a more important function to perform than to provide for the national defense? We can not maintain and keep our position among the family of nations by talk. Boasting will not settle any dispute. Why, we might as well line ourselves up and down

upon our shores and make faces at the foreign nations when international questions come up.

Have we forgotten the sentiment of this House on the Monroe doctrine when the Venezuelan question was before us? Have we forgotten the attitude of this body when the Cuban resolutions were introduced? Why, Mr. Chairman, a failure at the present time to strengthen our Navy in a superlative degree would be tantamount to making an apology to the world for our actions during the past two months.

Gentlemen can view our Navy from every point of the compass; they can diagnose the marine arm of the service with all the skill and all the experience of a lifetime; they may bias that skill and experience with theories or expediencies, but the fact will still remain that our Navy is numerically weak and that it needs something more than a homeopathic dose to strengthen it. The high attenuationists who wish to prescribe for this patient must give way for heroic treatment. If we fail at the present time to make provision for our Navy and to bring it up to a standard commensurate with our great wants, after the sheet lightning of warning has flashed into the eyes of this Republic, we shall commit an unpardonable national crime which neither this nor future generations will condone.

I reserve the balance of my time.

Mr. BOUTELLE. Mr. Chairman, unless some other gentleman desires to address the committee, I will ask unanimous consent that we may proceed with the reading of the bill by paragraphs, with the understanding that when that portion of the bill which provides for the increase of the Navy shall be reached my colleague of the committee [Mr. HANLY] shall be entitled to occupy the floor for twenty minutes or half an hour, as he may elect.

Mr. HANLY. Half an hour.

Mr. CUMMINGS. There are other gentlemen here who desire to speak——

Mr. HULICK. At that time.

Mr. BOUTELLE. Then I will ask unanimous consent that we go on with the reading of the bill——

Mr. CUMMINGS. Until we reach that item.

Mr. BOUTELLE. Until some gentleman desires to speak.

Mr. HULICK. We do not wish any limit.

Mr. JOHNSON of California. I should like to make an inquiry. I do not care for one to say anything in regard to this bill generally, but when you reach the question of the increase of the Navy, I desire permission to offer a few feeble remarks for the good of the country and myself, and I can not do it in five minutes.

Mr. BOUTELLE. The gentleman misunderstood me. I will make this proposition: I ask unanimous consent that we now proceed—unless some gentleman desires to take the floor at this time—to consider the bill under the five-minute rule by paragraphs, until we reach such point——

Mr. CUMMINGS. The increase of the Navy?

Mr. BOUTELLE. Unless some gentleman desires to speak before that, until we reach the paragraph for the increase of the Navy, when we will arrange how much time shall be occupied in general debate.

Mr. HULICK. With the understanding that if there should be any amendment proposed in regard to dry docks or any other important measure the same understanding would apply to that.

Mr. BOUTELLE. Why, it would be under the five-minute rule.

Mr. HULICK. I object to that.

Mr. BOUTELLE. The gentleman from Ohio objects.

Mr. HULICK. I wish it understood that the item of dry docks is to come under the same understanding as the item with reference to the increase of the Navy. As I understand the gentleman, he has only made his suggestion with reference to that one item of the increase of the Navy.

The CHAIRMAN. Unanimous consent is asked that the committee now proceed with the reading of the bill under the five-minute rule until the portion of the bill which relates to increase of the Navy is reached. Is there objection?

Mr. HULICK. I object unless this modification is made——

Mr. BOUTELLE. What is the gentleman's objection?

Mr. HULICK. That it shall apply not only to the increase of the Navy, but to the question of dry docks.

Mr. BOUTELLE. I will state to the gentleman that there is no item for dry docks in the bill.

Mr. HULICK. That is very true; but an amendment might be offered. I understand the gentleman's proposition to apply simply to the item for the increase of the Navy, and I wish it to apply to an amendment for the increase of dry docks.

Mr. BOUTELLE. I ask unanimous consent that we may proceed with the bill under the five-minute rule until we reach some point where some gentleman desires more than five minutes, when time can be granted by the House.

The CHAIRMAN. Unanimous consent is asked for the consideration of the bill under the five-minute rule——

Mr. BOUTELLE. I want to say that it is nobody's purpose to cut off proper discussion.

Mr. TATE. Mr. Chairman, I should like merely to state——

The CHAIRMAN. One moment. The Chair is stating the proposition. Unanimous consent is asked that the committee now proceed with the bill under what is known as the five-minute rule until some portion of the bill is reached where any member of the committee desires to occupy more time than is allowed under the rules of the House. Is there objection?

Mr. MEYER. I desire to ask the chairman of the committee whether in the event that an amendment were proposed under the head of increase of the Navy—assuming that the bill pursues its regular course until that point is reached—whether if an amendment were offered in regard to dry docks, the chairman would claim that it was out of order and not pertinent to the bill, we having passed over the intervening portion of the bill?

Mr. BOUTELLE. Mr. Chairman, I have reserved all points of order. We can not decide a thing out of its order, or until it is reached.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Maine. The Clerk will proceed with the reading of the bill by paragraphs.

The Clerk read as follows:

Navy-yard, League Island, Pennsylvania: For one clerk, at $1,400; one writer and telegraph operator, at $1,000; one messenger, at $2 per diem; one foreman laborer, at $4 per diem; in all, $4,278.

Mr. BINGHAM. At the close of the paragraph in reference to the navy-yard, League Island, Pennsylvania, I desire to ask if that is the paragraph in the bill where an amendment can be introduced with reference to the construction of a dry dock at the League Island yard? I desire to submit an amendment at the point where it is in order.

Mr. BOUTELLE. I will state to the gentleman from Pennsylvania that is the civil establishment.

Mr. BINGHAM. Then, may, I ask the gentleman where it would be in order? I desire to move an amendment at the part of the bill where it is in order.

Mr. BOUTELLE. I should suppose that would come in under the head of public works. They are all yards and docks.

Mr. BINGHAM. On what page?

Mr. BOUTELLE. On page 18. It is not for me to say whether it is in order. It is for the Chair.

Mr. BINGHAM. I am simply asking for information.

Mr. BOUTELLE. I will state that we are now on the civil establishment, and it would not be in order to insert any item about any public work there.

Mr. BINGHAM. I will ask if the gentleman will kindly enlighten me?

Mr. BOUTELLE. So far as the chairman of the Committee on Naval Affairs may be permitted to do so I will.

Mr. BINGHAM. I ask the chairman of the committee to inform me on what page?

Mr. BOUTELLE. On pages 18, 19, 20, and 21 are public works.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: For grading, paving, sidewalks, and sewers, $10,000; quay wall coal dock, 800 feet, $40,000; quay wall, Whitney Basin, $25,000; in all, $75,000.

Mr. BOUTELLE. My attention has been called to a feature in this item, and I desire that it may be passed over, in order that we may recur to it. My colleague [Mr. CUMMINGS] is looking up some data. I ask unanimous consent that it be kept open for amendment.

The CHAIRMAN. Unanimous consent is asked that the paragraph just mentioned be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy-yard, League Island, Pa.: For dredging and filling in, $30,000; water-closets for yard, $5,580; lightning rods and sidewalks, $2,000; in all, $37,580.

Mr. BINGHAM. Mr. Chairman, I desire to offer an amendment on page 19, in line 10, after the word "dollars."

The Clerk read as follows:

Page 19, line 10, after the word "dollars" insert the words "That the sum of $300,000 be, and it is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Navy, toward the construction and completion of a dry dock at the navy-yard, League Island, Pa., of sufficient capacity to meet all present and probable future needs, both for the naval service as well as for the auxiliary or reserve ships to be used in time of war, the total cost of said dry dock not to exceed the sum of $712,000.

Mr. DINGLEY. I desire to make the point of order on that, being for an appropriation not authorized by law.

Mr. BINGHAM. I will state, Mr. Chairman, that, in the matter of the construction of dry docks in connection with the naval establishment of the Government, it has always hitherto been the course of the Committee on Naval Affairs, without any preceding legislation, to incorporate in their annual bill, as a continuing service in connection with the naval development, dry docks at the established yards of the country. In the bill which I hold in my hand, for 1887, the present dry dock at League Island Navy-

Yard was directed by legislation which was not a part of a statute, but was a part of the naval appropriation bill that came to the House.

Such has been the course of this House. It has been a matter of common notoriety that the Committee on Naval Affairs entertained and carried in their committee the establishment of three dry docks that were to have been reported in this bill without question of a point of order in committee; but upon reconsideration of the proposition, without regard to the point of order, the committee determined, for other reasons, not to make the recommendation to this House. I claim, sir, that it is a part of a continuing work in the development of the naval establishment of the Government, just the same as this committee brings into this House an increase of your Navy in these four battle ships as well as this number of torpedo boats. There is no statute for them. They are a part of the growing, continuing establishment of your Navy and your navy-yard developments as are continually going on in the Navy, as they are continuing the construction of the ships, and therefore it comes in under the rule. To clean the hull or bottom of a ship is just as necessary as to appropriate for repair or renewal of the interior of a great vessel.

Mr. DINGLEY. Mr. Chairman, the rule provides, in substance, that no appropriation shall be reported in any appropriation bill or any amendment thereof be in order except for objects previously authorized by law unless it shall be in continuation of a work or object which has been thus authorized. It has been ruled frequently that the general laws authorizing the construction of a navy permit the incorporation of an appropriation for new ships in a Naval appropriation bill for the reason that the essence of a navy is ships. There have been cases where propositions have been reported for building a dry dock in a navy-yard without a point of order being made. The only instance in which a point of order was ever made within my recollection against a provision for the construction of a dry dock was for one at Algiers, near New Orleans, where it was proposed to establish a navy-yard, and a point of order was sustained in that case on the ground that its construction was not authorized by law.

Unless a dry dock is so indispensable a part of every navy-yard that there can be no such yard without such an appurtenance, it can not properly be held that every law which authorizes the establishment of a navy-yard necessarily authorizes the erection of a dry dock, which is what must be the case in order to bring the proposed amendment within the exception of the rule. But a dry dock is not an indispensable construction in order to establish a navy-yard. There are navy-yards without as well as with dry docks. Indeed, it would be impracticable to build such dry docks as are required to handle the great steamships of to-day in every navy-yard; and if a sufficient depth of water could be commanded, only a few at remote points would be required, especially for the use of the Navy. Indeed, the gentleman from Pennsylvania [Mr. BINGHAM] frankly admits that his object is not only to provide for naval requirements, but also to provide for the requirements of the merchant marine.

It seems to me that in so important a matter as an appropriation for a great and expensive work like a dry dock there ought to be some preliminary legislation, and that it ought not to be incorporated in an appropriation bill, especially not by an amendment not considered by any committee, on the plea that it is so essential an incident of a navy-yard that the mere authority of law establishing such a yard thereby gives authority, without further legislation, for the construction of a dry dock. I think that if it should be ruled that a dry dock may be put on a naval appropriation bill by an amendment we should probably have a great deal of difficulty hereafter with reference to propositions of that nature. A dry dock does not appear to be an essential part of a navy-yard, and unless the construction of it has been authorized by existing law I do not think it can be held to be authorized merely by previous legislation establishing a navy-yard. Unless a dry dock is so essential and necessary a part of a navy-yard that you can not have a navy-yard without it I think it would be a strained construction of our rules which would hold that an appropriation for a new dry dock, not existing at this time, may be put upon an appropriation bill by way of an amendment.

I trust that we shall not have a ruling of that nature, but that when so important a matter as a dry dock not essential to a navy-yard is to be provided for and is to be placed even within the limits of a navy-yard some preliminary authorization by law will be required. Let the proposition be considered on its own merits and authorized by law before we appropriate for it in a general appropriation bill.

Mr. BINGHAM. I wish to ask the gentleman this question: Are there any dry docks built by the Government that are not in navy-yards?

Mr. DINGLEY. No; of course not. Of course the Government would not build dry docks outside of its navy-yards.

Mr. BINGHAM. Then is not a dry dock essential and a part of a continuing work, when by legislation you have authorized the construction of war vessels and when you have no dry docks wherein you can dock those vessels?

Mr. DINGLEY. It is not necessary that every navy-yard should have a dry dock.

Mr. BINGHAM. Every navy-yard has one.

Mr. DINGLEY. I think not; certainly not such dry docks as a modern battle ship requires. A dry dock is not an indispensable part of a navy-yard. Dry docks of the magnitude required by the existing vessels of our Navy will not be constructed except at a few points and are not an essential part of every navy-yard. It seems to me clear that there ought to be some previous authority of law before we are called upon to appropriate $250,000 to start such a dry dock as is proposed, which will of course cost a great deal more before it is completed. I trust that the proposition will be brought in upon its own merits and will not be hurriedly placed on an appropriation bill on the plea that it is authorized by existing law, when in fact there is no existing law authorizing it.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I am placed in rather a peculiar position regarding this amendment offered by my colleague the gentleman from Pennsylvania. This district which he represents in the great State of Pennsylvania, which is closely connected in part by its maritime interests with the League Island Navy-Yard, asks for an appropriation of $200,000 for a dry dock there. Representing a district on tidewater contiguous to Philadelphia and League Island, and, in part, the State of Pennsylvania, I naturally would cordially support such a proposition. But the matter of dry docks was before the Committee on Naval Affairs and was thoroughly traversed there, and I believe I reveal no committee secrets, at least I do not wish to do so, when I say that there was a quasi understanding that we would press none of these propositions for dry docks; because if the general question should be raised, of course each member who wished a dry dock in his district would naturally desire an item for one.

I take it that the point of order raised by the distinguished gentleman from Maine [Mr. DINGLEY], whose parliamentary experience is as wide and full as that of any member in the House, is not well taken by reason of the fact, partially disclosed by him in his remarks, that a dry dock is an essential component part of a navy-yard. We have no dry dock to-day, unless it be at Port Royal (and I doubt the capacity of that one), whereby the best modern battle ship that we have could be docked; and so lax, so dilatory, so shortsighted has been the Congress of the United States in making appropriations in the past for the improvement of the approaches to the dry docks already existing that there is hardly a harbor on the coast, unless it be Portland, Me., where one of our modern vessels, the *Indiana*, or any vessel of that type or class contemplated by this bill to be constructed, could approach the dry dock to be docked. The channels of approach to many of these places are so shallow as to endanger any such vessel on its way to any one of these docks, as we know by the recent history of the attempt to get the *Indiana* into the Port Royal dock. For the dock in my own State at League Island, I will say, and I am sorry to have to say it, that large vessels can not get to League Island until the channel of the Delaware is deepened and improved.

Mr. BINGHAM. All of which will be done in less than a year.

Mr. ROBINSON of Pennsylvania. True, it may be done, and I hope it will be done, and I shall help all in my power. It is putting the cart before the horse to appropriate for the dry docks before deepening the river.

Mr. BINGHAM. You do not build a dry dock in a day.

Mr. ROBINSON of Pennsylvania. True. The gentleman from Pennsylvania and myself have no contention regarding this appropriation, which I will most cordially support but for the reason I have stated in connection with the action of the Committee on Naval Affairs.

In this connection I wish to say that I was called home last week to attend the primaries and convention in my own county. All Congressmen repair to those places when they expect a renomination; they go into "dock" themselves for repair or to get ready for future action. On that occasion a correspondent here of a daily newspaper of the city of Philadelphia, animated by a desire which I have been informed is in accord with his orders (at least formerly) from the proprietors of the newspaper, to "roast" me whenever it could be done, stated that it was due to my absence from Washington that a dry dock was lost to the city of Philadelphia. I wish to say that this correspondent used the truth with most economical frugality when he made that statement, and that I had an arrangement with the chairman of the committee [Mr. BOUTELLE] to be called here by telegraph at any time to be present when my vote was essential either for the interests of Philadelphia, of my own district, or those of the great Commonwealth of Pennsylvania. If this point of order should be sustained, there will of course be no question about this amendment of the gentleman from Philadelphia; but I am cordially in favor of the amendment. I am in favor of a dry dock at Philadelphia and would do all in my power to have one there, provided

the door is opened by the committee or in any other way to go into that question. But as I understand it the members of the committee stand together upon the question of dry docks, and no appropriations for such a purpose will be made so far as the committee is concerned.

Mr. BOUTELLE. Mr. Chairman, I wish to call attention to an inadvertent error in a table published as a part of the report, and which may have caused some misunderstanding. My attention has just been called to the fact that in a tabulated statement prepared some time ago and inserted in the report, showing appropriations under the different bureaus and for different public works, there is an error arising from the fact that provisions for dry docks at Algiers, La., at Mare Island, Cal., and at Portsmouth, N. H., which should have been struck out have erroneously been included. No such appropriations are in the bill nor is any amount for such a purpose included in the appropriations carried by the bill. At one time the committee contemplated making these appropriations; and in making up a tabulated statement at that time these items were inserted. In preparing the report I inadvertently incorporated a copy of this tabulated statement from which these items had not been stricken out, as they should have been.

I repeat, that some gentlemen may possibly have been misled by this table on page 4 of the report, which contains $100,000 to begin a dry dock at Algiers, $100,000 for a dry dock at Portsmouth, N. H., and also a provision for a dry dock at Mare Island, Cal.

It may be proper at this time to say that the committee gave very careful consideration to this whole matter of dry docks. We found that if we should enter upon the construction of such works this year the committee would almost inevitably be obliged to report in favor of quite a number of those enterprises. In view of the situation it was not deemed wise or necessary that we should enter upon such works at this time.

The Secretary of the Navy in his annual report reviewed the suggestions, requests, and appeals in behalf of dry docks at these various points, but he strongly recommended that we should not enter upon any of these works at the present time. I will state to the committee that the situation in regard to dry docks to-day is simply this——

Mr. BARRETT. I rise to a parliamentary inquiry. Is the gentleman from Maine now discussing the point of order raised by his colleague?

Mr. BOUTELLE. "The gentleman from Maine" is not occupying the floor for any purpose that is objectionable to the gentleman from Massachusetts. I will explain the matter later.

Mr. BARRETT. Mr. Chairman——

Mr. BOUTELLE. I thought it was proper to call attention to an error which as chairman of the committee I had inadvertently made in the preparation of the report.

Mr. BARRETT. So long as the gentleman from Maine confined his remarks to that question of order, I did not rise to make any point, but when he diverged to take up the question of the utility of dry docks and the opinions of the Secretary of the Navy on the advisability of building them, I confess I was unable to see the exact application of those remarks to the point of order.

I desire now to submit a few words upon the question of order. The gentleman from Maine [Mr. DINGLEY], the chairman of the Committee on Ways and Means, has raised the point of order that this amendment is contrary to the rules of the House. I wish to call the attention of the Chair to a decision given here in the second session of the Forty-ninth Congress. An amendment was offered to the Naval appropriation bill proposing the construction of some new vessels; and that eminent Democratic statesman, who does not now honor this House by his presence, Hon. William S. Holman of Indiana, raised the point of order that the amendment was in violation of the rule which has been cited at this time by the gentleman from Maine. The present Secretary of the Navy, Mr. Herbert, at that time a member of this House, in discussing the point of order, made this statement:

> The point of order is not well taken. This amendment does not change any law. It simply proposes to make an appropriation of money in accordance with existing law providing for a further increase of the Navy.

Now, I wish to call the attention of the Chair to the language which follows. Said Mr. Herbert further:

> I claim we have the right to appropriate money for new ships; we have the right to appropriate money to be used in machine shops, in navy-yards, for machinery, or for guns, or for ships. Whoever supposed it was necessary to pass a special law authorizing the purchase of ordnance, or for the purchase of any one of these things I have mentioned? There is power under the general law for all such purposes. We have the right by virtue of the general law. All that is required is appropriation of money.

That was the opinion of the present Secretary of the Navy.

Later on in the same debate the Chairman of the Committee of the Whole, in giving his decision, quoted from a decision which had been made by the distinguished Speaker, at present Secretary of the Treasury, Mr. Carlisle. Here is his language:

> In the Forty-sixth Congress (Mr. Carlisle in the chair) it was decided "that appropriations for public works and objects" already in progress could be included in general appropriation bills or could be inserted as amendments; and that the word "objects" meant something in addition to the word "works," and must be held to include the public Departments of the Government, and the civil, military, and naval establishments recognized by law and supported by the Government. The Government has undertaken to maintain and is annually maintaining a naval establishment, and under the rule appropriations may be made for it in a general appropriation bill.

Now, Mr. Chairman——

Mr. BINGHAM. Will the gentleman state what he reads from?

Mr. BARRETT. From the CONGRESSIONAL RECORD, Forty-ninth Congress, second session.

Mr. BINGHAM. What is the date?

Mr. BARRETT. February 26, 1887.

The gentleman from Maine [Mr. DINGLEY] suggests that dry docks are not an essential part of the Navy. If they are not, what are? Dry docks are as essential as machine shops or as crews. Not one of our modern vessels can keep the sea over six months without being docked. We have three already. We need one at every first-class yard. Certainly one is just as essential as any other part of the apparatus for keeping our naval vessels in repair.

Now, the Committee on Naval Affairs, if the point of order is well taken, has itself apparently violated it several times in the presentation of the bill we are now considering. The bill proposes, for instance, two new dwelling houses for the Naval Academy at Annapolis. I undertake to say, Mr. Chairman, that if there is authority of law to provide for an increase of the dwelling houses at the Naval Academy, there is precisely the same authority of law to provide for the extension of the dry docks in the yards where they already exist.

It is also provided in this bill that 1,000 additional men may be enlisted in the United States Navy, and I undertake to say that if you can vote new ships, and new men to man the new ships, you are equally justified, and precisely by the same logic, in providing for new dry docks.

I wish also to make the point, if the Chair will permit me, that this is not by any means new work, but is to be fairly called and is in fact an extension of an old work already in progress. The Government has a dry dock already at Philadelphia. The Committee on Naval Affairs might without question bring in an appropriation bill to expend money in the repairs of this dry dock. There is no doubt of that. Now, if in the wisdom and judgment of Congress it is believed to be cheaper and more economical, in order to carry out the existing provisions of law, there should be a dry dock at League Island, then, instead of expending money for the expenses or repairs of the dock already in existence, it is proper, and on precisely the same principle that you authorize the construction of new dwelling houses at the Military Academy, to make provision for a new dry dock which will be sufficient to meet the requirements of our modern war ships.

If Congress has the right, as it undoubtedly has, to maintain the existing dry dock, but deems that it would be cheaper and better and more economical to make the expenditure for the construction of a new dock rather than for the maintenance of the old one, I claim that it is strictly within the rule and not subject to the point of order.

I have no special interest, Mr. Chairman, in the construction of the dry dock at Philadelphia any more than any other citizen of the United States, except that it is my desire that the House shall have some right to consider legislation that it believes to be just and proper, unhampered by technical constructions of a rule.

But if the provision is inserted in the bill for the dry dock at Philadelphia, I shall move to insert a provision also providing for the construction of a dry dock at the city of Boston. We have already a dry dock there which is entirely obsolete and unsuited for the needs of our modern vessels. You could not spend money enough upon it to make it available to dock a vessel for the new Navy. Yet the Government of the United States provided years ago for a dock suitable for the needs of that yard. A new dock is in effect a maintenance of the one already authorized. It is not new legislation in any legitimate sense of the term.

Because the Government has already provided that the dock shall exist, it has power to preserve it and repair it and put it in shape to meet all modern requirements, the cheapest way to do which is to construct a new one rather than repair the old. A new dry dock at Boston is an imperative necessity to any comprehensive plan for the preservation of our Navy and its efficiency in time of war.

Mr. BOUTELLE. Mr. Chairman, I dislike exceedingly to interrupt the gentleman, but he is departing widely from the point of order——

Mr. BARRETT. Referring again to the point of order——

Mr. BOUTELLE (continuing). And I only call the attention of the gentleman from Massachusetts to the fact that there are some people in Washington, notwithstanding his opinion on the point of order, who are competent to discuss these questions and understand them as well as gentlemen from the far East.

Mr. BARRETT. Referring again to the point of order—and I should not be so bold as to suggest that I could add a mite to the

vast stock of information and knowledge of my friend from Maine [Mr. BOUTELLE]—but referring again to the point of order, I submit that the decision I referred to, made on the 26th day of February, 1887, an extract from which I have already read in the hearing of the committee, is entirely pertinent to the pending question, and it is exactly on all fours with the point of order made by the gentleman from Maine [Mr. DINGLEY].

Mr. BINGHAM. Will the Chair allow a single authority to be suggested in this connection?

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. BINGHAM. In the first session of the Fifty-second Congress, when the naval appropriation bill was before the House, under the paragraph for "Increase of the Navy," Mr. Holman raised the point of order as to the paragraph that that provision was out of order. General debate ran with Mr. Herbert, now the Secretary of the Navy; Mr. BOUTELLE, and others identified on the Committee on Naval Affairs, of which he is now chairman, together with the gentleman from Maine [Mr. DINGLEY], and in the course of a discussion the gentleman from Maine [Mr. BOUTELLE] submitted:

The gentleman will allow me to cite the language of Mr. Cox:

"Without reference to other decisions made from the Chair, either in Committee of the Whole or otherwise, the present occupant of the Chair is informed that the Speaker of the House on a former appropriation bill held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining the Navy; and that decision of the Speaker runs on all fours with the decision which the Chair now makes when he overrules the point of order."

Mr. Chairman, the debate then widens, and the gentleman from Maine took part and made this statement:

If the gentleman will pardon me—

Says the gentleman from Maine [Mr. BOUTELLE] in response to the gentleman from Indiana [Mr. Holman]—

he is hardly justified in stating as broadly as he does that the rulings of the House have been against the building of dockyards.

Mr. HOLMAN. Why, undoubtedly.

Mr. BOUTELLE. The gentleman is entirely mistaken. That is not the case. The question has been brought up here and repeatedly decided that an appropriation for constructing a dry dock at an existing navy-yard was in order under this rule, and we have appropriated time out of mind on our bills for just such structures.

The gentleman having been on the Committee on Naval Affairs since he has been in Congress, fourteen or sixteen years, doubtless means his long and honorable service as "time out of mind"—many years. The debate runs on. The gentleman from Maine [Mr. BOUTELLE], replying to Mr. Holman, says:

Oh, the gentleman from Indiana is entirely in error. Since I have been a member of this House we have appropriated for five or six dry docks on the naval appropriation bill, on the principle that it was for the maintenance of the naval establishment.

The gentleman from Maine [Mr. DINGLEY] says:

If the gentleman will pardon me, there is a distinction in principle between an appropriation for the construction of a dry dock in an existing navy-yard and where the yard does not exist.

I submit the quotations from the discussion of the point of order for the consideration of the Chair as well as for the consideration of the gentlemen from Maine, Messrs. BOUTELLE and DINGLEY.

Mr. BOUTELLE. I am greatly complimented at being cited in this matter as a parliamentary authority. As I have never been fortunate enough to occupy a position which would enable me to make a ruling in this House, it is especially complimentary to have the gentleman rest his case on something that I said to Mr. Holman.

Mr. BINGHAM. The gentleman on any question is never afraid of his record.

Mr. BOUTELLE. Just why the gentleman should have addressed his observations to me I am not entirely informed, because I have not made the point of order. I do not know just how far my colleague [Mr. DINGLEY], who did make the point of order, might feel himself concluded by those observations of mine.

The CHAIRMAN. The Chair is ready to rule on the point.

Mr. DINGLEY. Before the ruling is made, I wish simply to call attention to the fact that there has been but one ruling within my recollection in the House on the question as to whether an appropriation for the establishment of a dry dock is in order on an appropriation bill. All the rulings that have been made, except that one, have been on the question of new ships for the Navy. I have no doubt that the general law which authorizes the maintenance of a Navy authorizes the Committee on Naval Affairs to place in an appropriation bill an appropriation to authorize the construction of a new vessel. There is no doubt about that, because a vessel is the essential element in naval maintenance. A dry dock stands on a very different ground. The decision that I want to call attention to was made in the Fifty-second Congress. It is in the following words, as set forth in the Manual. I remember the decision very well:

A commission, acting under authority of Congress, having selected a site for a dry dock and navy-yard, but the work not having been authorized or actually in progress, a provision for the erection of such dry dock, etc., was held to be in conflict with the rule, and stricken from the bill on a point of order.

I recognize a distinction between this case and the case which has been presented by the gentleman from Pennsylvania. In that case the commission had recommended the establishment of a navy-yard and dry dock, I think, at Algiers, and unquestionably a provision of that kind would be out of order on an appropriation bill. The only way in which a provision for building a dry dock in a navy-yard can be made in order on an appropriation bill must be under that provision of the rule which authorizes an appropriation for a continuing object already authorized by law. I think it probable that there is a dry dock now at the League Island Navy-Yard——

Mr. BINGHAM. Oh, yes; since 1881.

Mr. DINGLEY (continuing). And that an appropriation for the enlargement or repair of that, it being already authorized by law, would be in order. But this amendment proposes to build another dry dock.

Mr. BINGHAM. The dry dock was authorized in the naval appropriation bill without any preceding statute or authority.

Mr. DINGLEY. I understand that, but no point of order was made.

Mr. BINGHAM. I do not know about that; I have not looked over the debate to see.

The CHAIRMAN (Mr. HOPKINS). The Chair is ready to rule. Rule XXI of the rules governing this body is identical with the rule that was adopted in the Fifty-first Congress. In that Congress, when the naval appropriation bill was under consideration, the identical question that is raised by the gentleman from Maine was then raised, and Mr. Butterworth of Ohio was at that time in the chair. The question was fully discussed, and after mature deliberation the Chair then held that the point of order was well taken.

The same question was raised when the naval bill was under consideration in the Fifty-second Congress. Mr. Shively of Indiana was then in the chair. The Chair has the RECORD before him, where the matter was fully discussed, and, while the Chair then recognized that previous to the Fifty-first Congress the ruling was as contended by the gentlemen from Massachusetts and Pennsylvania, the Chair then felt constrained to hold, both on authority and precedent, that the point was well taken. In pursuance of those two precedents, the Chair will hold that the point made by the gentleman from Maine is well taken.

Mr. CUMMINGS. Mr. Chairman, I understood that the paragraph beginning on page 19, "Navy-yard, Brooklyn, N. Y.," was passed over. I desire now to offer an amendment which I send to the desk.

The Clerk read as follows:

On page 19, line 1, after the words "New York," insert "wing and quay walls of dry dock No. 3, to be immediately available $50,000."

Mr. BOUTELLE. Mr. Chairman, I hope that will be inserted by unanimous consent.

Mr. CUMMINGS. It was ordered by the subcommittee, but was inadvertently omitted.

Mr. BOUTELLE. The Senate committee provided $50,000 of a deficiency to complete this largest dock in New York, large enough for the largest battle ship, and this money is required to build the quay and wing walls at the entrance of this dock.

The CHAIRMAN. Is there objection to the adoption of this amendment? [After a pause.] The Chair hears none.

The Clerk read as follows:

New buildings: For increase of appropriation (act of March 2, 1895) "for quarters for observers, two buildings, at $5,000 each, $10,000," $2,500.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill if he can give any idea when the Government will get through constructing exceedingly expensive quarters in the name of promoting science at the Observatory on the hill, but in reality as an encouragement of details from the Navy, the officers detailed having extra quarters at the public expense without benefit to science?

Mr. BOUTELLE. Mr. Chairman, if the gentleman from Illinois will suggest to me which part of that involved mass of misrepresentation and misstatements he desires me to address myself to I will try to tackle him.

Mr. CANNON. I will say to the gentleman now, by way of direct statement, that the scientific corps at the Naval Observatory—misnamed naval; it is the astronomical observatory—does not consist in fact of anybody who is connected with the Navy.

Mr. BOUTELLE. I thought you had just complained that that sort of people were sent there from the Navy.

Mr. CANNON. I say that the people who are detailed and occupy the expensive quarters which have been constructed there are people detailed from the Navy that do not know any more about astronomy than I do, and that is not much.

Mr. BOUTELLE. What is the gentleman's proposition?

Mr. CANNON. I ask the gentleman if he can tell us when we

will get through, in the name of encouraging science, with building these expensive quarters that are not occupied by scientists?

Mr. BOUTELLE. I will answer the gentleman by explaining to him exactly what the Naval Committee is now recommending to this House in regard to the Naval Observatory.

Mr. CANNON. Yes.

Mr. BOUTELLE (continuing). The estimates for which have in due course been submitted to us. We propose to do this: To increase the appropriation act of March 2, 1895, "for quarters for observers, two buildings, at $5,000 each, $10,000," the sum of $2,500. The buildings provided for are not for officers of the Navy. The item plainly discloses that they are not for officers of the Navy. They are for the observers at that station. The appropriation is not made this year. The appropriation was made last year. Advertisements for proposals were made, and the lowest bid for the construction of the buildings exceeded the amount appropriated by $2,500, and inasmuch as we have the finest observatory in many respects in the world, deliberately appropriated for and established by Congress, with an elaborate and expensive outfit of instruments, and being employed there under law, and I think under a law that is reported to the House annually by the committee of which my distinguished friend is chairman, we are simply providing for the houses in which these men detailed there are to live. It was not originated by the Committee on Naval Affairs, but by an appropriation bill which originated in the committee room of my friend the gentleman from Illinois. We are simply furnishing them with a roof to cover their heads in order that they can attend to their duties.

Mr. CANNON rose.

Mr. BOUTELLE. One moment until I have finished.

Mr. CANNON. I will yield further to the gentleman out of my time.

Mr. BOUTELLE. I thought I was occupying a little time myself. [Laughter.]

Mr. CANNON. Go ahead.

Mr. BOUTELLE. I know the chairman of the Committee on Appropriations is known to be always in order.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOUTELLE. I move to strike out the last two words; and will say that this appropriation, which has caught the eagle eye of my friend, is an appropriation of $2,500 to enable an appropriation made last year to be availed of, to supply quarters for two astronomers who are stationed there, whose hours of work are indeterminate, who have to observe the stars when the stars choose and not when they choose, who are liable to be called there at all hours in the night, and who, until these quarters are provided, will be obliged to do as they have been doing, to go out from this city, or from wherever they may find board, to the Observatory at any and all hours to perform their duties.

There is nothing novel about this proposition. We have provided some quarters out there. I do not agree with my friend from Illinois in his description of them as of a palatial character. They would not be so regarded in the smaller communities around where I live, and certainly they would not be so regarded in Chicago, in the gentleman's own State. I think that they are fair, appropriate buildings for the purpose. The fact remains that the general legislative, executive, and judicial appropriation bill has provided for a force of, as I suppose, scientific people to carry on the work at the Observatory, and that this proposition is only following up the work that has been commenced, of supplying them with quarters, providing houses for two more of the observers who have been employed there for years, who are now employed, and who, I presume, will continue to be employed.

Mr. CANNON. Mr. Chairman, I rise to oppose the amendment, and I can say in a minute, partly by restatement, what I desire to say about this miscalled Naval Observatory.

Mr. BOUTELLE. I want to suggest to my friend that it is hardly fair to precipitate a discussion here about the title of the Observatory. We all know that there has been a great deal of controversy about that, but I submit that it is not fair for him to reopen that discussion upon this bill. He is delaying the bill, and we have no right to discuss or settle that question on this occasion.

Mr. CANNON. Mr. Chairman, it is now twenty minutes past 3 o'clock. We have transacted the ordinary morning business, and the gentleman has called up this bill from the Committee on Naval Affairs, which carries, as I understand—and I am not criticising the amount—substantially $30,000,000 or $31,000,000 and authorizes contracts for I do not know how much more, but I believe twenty or twenty-five millions. This bill, therefore, makes appropriation and authorization for perhaps $50,000,000, and now, at the hour of twenty minutes past 3 o'clock, when I in my quiet way propose to occupy probably five minutes to call attention to what I regard as an unwise provision in the bill—a small item as compared with the large appropriations contained in the bill, but still, I think, an unwise one—he complains that I am delaying his bill. I have no desire to obstruct or delay this bill. I only want to call attention to a matter to which I think it is proper that the attention of the House and of the country should be directed.

Mr. BOUTELLE. What does the gentleman want to do about this matter? Does he object to this $2,500 appropriation?

Mr. CANNON. If I can get five minutes to myself, I will try to tell the gentleman. [Laughter.]

Mr. BOUTELLE. Well, I want to ask the gentleman one other question: Does he think it is fair to bring up for discussion this question, which has run through Congress after Congress, between the friends and the foes of the Naval Observatory, as to what kind of institution it shall be? Does he think that is a proper subject for discussion here now?

Mr. CANNON. I think I will show that it is proper in so far as it comes up for consideration now. The miscalled Naval Observatory, Mr. Chairman, does not dwell in the sea. It dwells here on Columbia Heights, away above tide water, but unfortunately many years ago it was unguardedly placed under the Secretary of the Navy. Since that time the new Observatory has been builded. It is a magnificent Observatory, and I am glad and proud of it, because it is right and proper that our Government should keep step with scientific progress touching all such matters. So much for that. But the Observatory is, in letter, under the Navy Department, and what is the result? The result is a lot of buildings, buildings that ought to have been constructed at private expense, but that have been constructed at the public expense, splendid residences, buildings not necessary for the observation of the stars, but erected to be occupied by these scientific employees that are paid from the public Treasury.

There they are, and they are occupied by favored naval officers who are detailed nominally to promote astronomical observations, but who really are planted upon that appropriation and that reservation, without knowing any more about astronomy than the average member of Congress. [Laughter.] And now, instead of putting them out, as the Secretary of the Navy might well do in the exercise of a wise administrative discretion, the gentleman from Maine comes here and reports this provision to build more quarters for the scientific observers. Now, if these Government officers, who do not know anything about astronomy, are to live in that respectable-sized village at the Observatory, in the name of astronomy, I suppose you ought to build these quarters. But, pray, under what rule of the House does the Committee on Naval Affairs, which reports these magnificent appropriations for the construction of the Navy to sail upon the waters of the deep blue sea—and which rightfully exercises that jurisdiction—under what rule of the House does that committee get jurisdiction to recommend appropriations to build quarters for these scientific observers? That is what I wanted to say. I hope the time will come when somebody will have the leisure and the power to take this miscalled Naval Observatory from the jurisdiction of the Secretary of the Navy and put it under scientific superintendence and direction, and that these buildings, so far as may be necessary, will be occupied by the real scientific corps. Whenever that is done they will all be properly housed, and the United States Government will have rooms to let. That is all I want to say.

Mr. CUMMINGS. Mr. Chairman, let me say one word to my friend from Illinois. Since I have been a member of the Committee on Naval Affairs two separate attempts have been made to transfer the Naval Observatory from the care of the Navy Department to scientists. That committee has given patient hearings hour after hour to gentlemen from Dudley Observatory, from Harvard Observatory, and elsewhere; and after such hearings in two different Congresses the committee has reported unanimously against the proposition.

Mr. BOUTELLE. Mr. Chairman, I do not know that anything further is necessary to be said on this subject. It strikes me that my friend from Illinois can hardly feel a great degree of satisfaction in what he has said. To interpolate here a discussion as to the desirability of continuing one of the establishments of the Government under the control and supervision that have obtained for many years is, it seems to me, hardly pertinent to an appropriation to furnish quarters for officers who are to-day lawfully assigned to duty at that station.

The question as to whether the Naval Committee or the Appropriations Committee should have jurisdiction was one that the gentleman did not disclose when he rose. I do not think that the Naval Committee feels a great deal of pride about appropriating for a few buildings here and there; but we do feel a pride in responding appropriately to the demands of this Government as made to us through the proper sources when they commend themselves to our judgment and when we find that the law of the United States as passed through this House under the scrutiny and control and management of the gentleman from Illinois has provided this very year for a Naval Observatory. If this institution is misnamed, it is misnamed in the gentleman's bill as well as in ours. In the legislative, executive, and judicial appropriation bill as

passed through this House only a few days ago provision is made as usual under the head of "Naval Observatory." I do not find that it is designated in that bill the "miscalled Naval Observatory." It seems to me that upon that bill there was an opportunity for the gentleman from Illinois to correct the title of this institution if he thought it ought to be done. I find in that bill appropriations for pay of assistant astronomers, etc., going through the whole body of people who are provided for to look after this work at that Observatory. We have simply put into our bill a provision for a small appropriation to enable the Superintendent to put under contract two buildings for the astronomical observers at that place. I do not think the Committee on Naval Affairs are subject to criticism for this item; and I do not think anyone will wish to strike it out. I withdraw the pro forma amendment.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I move to amend by striking out the last three words. I simply want to controvert the statement of the gentleman from Illinois [Mr. CANNON] concerning the Naval Observatory. As I understand his complaint—and I presume he has made it all along the line since he has been in Congress—it is that the naval officers in charge of the Naval Observatory are not competent for the work they do there. Is that the contention of the gentleman?

Mr. CANNON. I say that officers detailed from the Navy have no more business to be stationed at the Naval Observatory, and in fact no more right, so far as the advancement of science is concerned, than officers of the Army or any other people who are not skilled in astronomy.

Mr. ROBINSON of Pennsylvania. Has the gentleman ever visited the Naval Observatory?

Mr. CANNON. Oh, yes.

Mr. ROBINSON of Pennsylvania. Does the gentleman know what scientific work is done there by the officers of the Navy?

Mr. CANNON. General superintendence, I suppose.

Mr. ROBINSON of Pennsylvania. Allow me to say to the gentleman from good information upon the question that the highest scientific knowledge contained in the brains of any set of men in the United States relative to astronomy has been wrought out by the officers of the Navy detailed to be placed in charge of the Naval Observatory. Those officers have to prepare—and it requires very high scientific knowledge—the Nautical Almanac or Ephemeris, which must be prepared two or three years in advance for the use of navigators. Without this work no vessel upon the high seas can be properly scientifically navigated. The whole care and regulation of the chronometers by which the longitude at sea is ascertained devolves upon the naval officers and Superintendent at that Observatory. The tabulating and cataloguing of the stars, which are necessary for observations in navigation, is a matter that has been going on for years at that Observatory.

The scientific work connected with the weather bureau and with correlative subjects has always been under the direction and supervision of the British navy, and Admiral Fitzroy of the British navy gained a world-wide reputation by reason of his high attainments and scientific knowledge connected with this work. So have some officers detailed from our Navy and in charge of the Naval Observatory. The gentleman commanding there now, Commodore Phythian, who prior to this duty was Superintendent of the Naval Academy, is one of the most scientific of the officers of the Navy, and for that reason was detailed there. If the gentleman from Illinois will make inquiry, which he has not done (for apparently he has drawn a large draft upon his ignorance, and it has been honored), if he will inquire of any scientific gentleman of high attainment in this country he will find that the work done at the Naval Observatory by officers detailed from the Navy is of the foremost scientific character.

Mr. CANNON. Mr. Chairman, a Daniel has come to judgment and a Solomon is amongst us—a man who not only has exhausted this question, but has brought the X ray to bear upon the knowledge of his brother Representatives—a man who can see all through people to discover ignorance or the want of knowledge. [Laughter.] I am glad we have our friend with us.

Mr. ROBINSON of Pennsylvania. I am willing to sit at the feet of this Gamaliel from Illinois——

Mr. CANNON. Let us see who is ignorant——

Mr. ROBINSON of Pennsylvania. Upon this question.

Mr. CANNON (continuing). Upon this question. The gentleman has given us information. He has told us some facts and has turned the light of his intellect upon the House to give us the benefit of that information. Let us see whether it is information, however, or misinformation he has given us. I hold in my hand a copy of the current law, to which reference has been made. The gentleman says the Nautical Almanac——

Mr. ROBINSON of Pennsylvania. The work connected with its preparation.

Mr. CANNON (continuing). Is made up by the commodores who sail the seas. See, now, how plain a tale will put him down. I hold in my hand the appropriation for the current year, and what do I find?

Nautical Almanac Office: For the following assistants for preparing the American Ephemeris and Nautical Almanac, three clerks at $1,600, two at $1,400, three at $1,200, two at $1,000; a copyist, a typewriter, assistant messenger, laborers, etc.; in all, $15,480.

Under whose charge? Prof. Simon Newcomb's charge; and in so far as I have inquired about it—and I doubt if the gentleman from Pennsylvania has done so—so far as the Nautical Almanac is concerned there is no naval officer detailed or otherwise who knows any more about it or its preparation than a Sioux Indian does about trigonometry. [Laughter.]

Now, I am not speaking disrespectfully of our gallant naval officers. That is not the question presented. They were not educated to be experts along this line.

Mr. ROBINSON of Pennsylvania. Why, the name of Commodore Maury, as a scientist, is known the whole world over.

Mr. CANNON. And yet he has been dead for many years.

Mr. ROBINSON of Pennsylvania. But his work lives after him.

Mr. CANNON. And he was an exception; a great scientist, an intelligent man——

Mr. ROBINSON of Pennsylvania. Yes; and a naval officer.

Mr. CANNON. And a naval officer; but is that a reason why men who do not know any more about astronomy than a seaman in the Navy should be appointed to these places, or be detailed here or elsewhere, to take charge of such a work?

Mr. ROBINSON of Pennsylvania. Why, they are educated in that very science.

Mr. CANNON. I do not yield. I say is there any reason why these men should be detailed to occupy these residences in the name of science, in the name of astronomy?

So much for the Nautical Almanac. "Very ignorant," I confess I am, but I happen to know a little about this Nautical Almanac business and who are detailed for the work.

Mr. ROBINSON of Pennsylvania. Will the gentleman allow me a moment to ask him to send for the Nautical Almanac and see who prepares it?

Mr. CANNON. Oh, there is the law under which it is prepared.

Mr. ROBINSON of Pennsylvania. The Nautical Almanac itself will show you who prepares it.

Mr. CANNON. I am content with the law. I will accept that, although the gentleman from Pennsylvania had not thrown the X ray as clearly as he seems to have imagined on the preparation of the Nautical Almanac.

Mr. BOUTELLE. Will you kindly tell us what position is held by the gentleman who he states prepares the Nautical Almanac?

Mr. CANNON. Oh, it is prepared under direction of Professor Newcomb.

Mr. BOUTELLE. But what is his office?

Mr. ROBINSON of Pennsylvania. He is an officer in the Navy.

Mr. BOUTELLE. Will the gentleman from Illinois state what his office is?

Mr. CANNON. I say that he is a naval officer.

Mr. BOUTELLE. You said a little while ago that this was not prepared by a naval officer.

Mr. CANNON. I said that the men provided for in this bill, the section of which I read, and who prepared this work, were not naval officers. Professor Newcomb has been for years regarded as a distinguished scientist, and is at the head of the work.

Mr. BOUTELLE. But what is his position?

Mr. CANNON. Oh, he is at the head of the Nautical Almanac Office.

Mr. ROBINSON of Pennsylvania. Will you state——

Mr. CANNON. Mr. Chairman, who is making this speech? [Laughter and applause.]

The CHAIRMAN. The gentleman from Illinois will not be interrupted without his consent.

Mr. CANNON. Now, a word as to the Naval Observatory. We have 23 employees in civil life appropriated for from year to year, their bare salaries costing $37,160—they do all the work——

Mr. ROBINSON of Pennsylvania. I deny it.

Mr. CANNON (continuing). Watching the stars up there at the Observatory.

Mr. BOUTELLE. They are the men for whom we are providing houses.

Mr. CANNON. Now, what have we? We have this Observatory up there, with room enough for a prince to live in, to house these 23 men or employees that are not all housed there; and now the gentleman tacks on an item of appropriation to this bill—a bill to build ships—to build houses. And what for? To build houses, if you please, out here upon these Observatory grounds.

Mr. BOUTELLE. Now, right here, will my friend allow me?

Mr. CANNON. In a moment.

Mr. BOUTELLE. I should like to ask a question.

Mr. CANNON. In a moment. There is time enough.

The CHAIRMAN. The gentleman from Illinois must not be interrupted without his consent.

Mr. CANNON. Now, my object in calling attention to this was that the attention of the House might be directed toward it, and I wanted also to call the attention of the gentleman from Maine [Mr. BOUTELLE], kindly and not offensively, to the fact that in my judgment, as one member of the House at least, his committee does not rightfully have jurisdiction except as to that which pertains to the Navy, and that this does not, in fact, pertain to the Navy.

Mr. BOUTELLE. Well, now, Mr. Chairman, right there——

Mr. CANNON. In a moment. If I have succeeded in directing the attention of the House to it I have accomplished my object. Now, if the gentleman desires in my time to ask me a question, I will answer it if I can.

Mr. BOUTELLE. I do not want to ask you a question; I want to state a fact.

Mr. CANNON. That is right. Then I yield the floor, Mr. Chairman.

Mr. BOUTELLE. Mr. Chairman, the gentleman from Illinois has succeeded in one thing, and that is in setting up his judgment as to the jurisdiction of a committee against the judgment of the entire House of Representatives as expressed at every session of Congress for a long period of years. And as chairman of the Committee on Naval Affairs, I absolutely repudiate his right to challenge the jurisdiction of my committee to report back to this House matters that this House has specifically given into our jurisdiction by a vote. It is the most astonishing proposition that I ever heard. Here are the estimates of the United States Government for the naval establishment, and this Book of Estimates contains on its face, where the gentleman must have seen it if he had familiarized himself enough with this matter to justify him in arresting the progress of this bill, this item as one of the items of the estimates of the Government sent here for the action of Congress. It is in the regular Book of Estimates and referred to the Committee on Naval Affairs, which committee has been given jurisdiction over every one of these items, specifically, by the vote of this House. I submit—I would say, if it were not perhaps a harsh expression—that it seems to me like trifling with the time of this House for any man to get up here, no matter if he holds so distinguished a position as the chairman of all the other appropriation committees of the House, and challenge the jurisdiction of a committee over an item which has been put in its jurisdiction by order of this House. If the gentleman's authority is to override that of the House, then the jurisdiction may be taken from us; but until this House nullifies and changes the specific jurisdiction that it has given to us, not only at this session but at every session of Congress during the thirteen years that I have had the honor to be a member—and in some of that time the gentleman has not been here, and about that he may be ignorant—for thirteen years I have sat here and seen the Committee on Naval Affairs given complete and specific jurisdiction over this matter.

Now, I only want to say one word more, and that in the briefest possible manner. I did not enter into that, because I do not want to precipitate a discussion. I do not think it is a proper thing, I do not think it is a fair thing to bring up here an old controversy between gentlemen who claim to be all of the scientific world outside as to the naval jurisdiction over this bureau, which it has held for years with distinction and honor. But I want to repudiate for myself the slightest sympathy with any word of criticism that the gentleman from Illinois has applied to the distinguished naval officers who have been detailed to that institution. Instead of being ignoramuses and unfitted for their duties, they have been the most brilliant ornaments of the American Navy; and I want to give the gentleman a piece of exclusive information, as it would seem, so far as he is concerned, that the United States Navy embraces some of the brightest, some of the most accomplished scientists in the civilized world. [Applause.]

To detail a naval officer to an institution does not carry with it the supposition that an ignorant man has been detailed. It carries on its face the presumption that you have sent there one of the best educated, one of the best equipped men that can be found in the United States, and if he is not such he is unfit to be in the Navy. If he is not such he has in some way escaped the vigilance which has so sifted the cadetships that almost every member of Congress has been making an outcry during the last ten or fifteen years that they were too strict at that Academy. The name of M. F. Maury is held to-day in distinction, not only throughout the scientific world, but every shipmaster knows and appreciates the value of his services in the establishment of his great system of observations for the wind and current charts. The name of Admiral C. H. Davis is enrolled where the gentleman from Illinois can not disturb it, among the names of the scientists of the world who have rendered illustrious and distinguished service, and coming down from that time to this I would be unwilling, I would be ashamed to concede that we have so far retrograded that a Navy which thirty years or twenty or ten years ago could supply brilliant scientific men to put at the head of this Naval Observatory no longer contains a man of sufficient scientific attainment to warrant putting him at the head of that great institution.

I believe that to-day the gentleman who is assigned as Superintendent is finely equipped for those duties. He came there from where? He came there from the chiefship of the great naval instruction institution of this country—from the Superintendency of the Naval Academy; and as the superintendent of the Naval Academy no better hostage as to his fitness could be asked than that he is a man capable of directing the instruction of all future naval officers for a series of years. Certainly he ought to be fit to be the head of the Naval Observatory. I regret that an attack has been made upon the naval officers or the Naval Observatory, and I regret particularly that this bill has been held up for half or three-quarters of an hour on a proposition to add $2,500 to an appropriation to put up some necessary quarters for two observers at that institution.

The CHAIRMAN. Debate on this amendment is exhausted. Does the gentleman from Pennsylvania withdraw his pro forma amendment?

Mr. ROBINSON of Pennsylvania. I withdraw the amendment, but if the gentleman from Illinois is going to make another speech on the question I have another one ready.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized on his amendment.

Mr. CANNON. With the consent of the distinguished gentleman from Maine, I ask my other distinguished friend to withhold his threat——

Mr. ROBINSON of Pennsylvania. I made no threat.

Mr. CANNON (continuing). While in an humble way, as an ordinary Representative of the House, who has been sent here by a constituency, I shall in the short space of three or four or five minutes modestly exercise my right in this great presence to at least ask a question and express my disapproval about administration or appropriations. But it seems that the gentleman from Maine will not have any question raised touching any item, great or small, in this bill. What is it being considered in the committee for?

Mr. BOUTELLE. The gentleman made no proposition to modify the bill. Will the gentleman make a motion?

Mr. CANNON. I have made a motion.

The CHAIRMAN. One moment. The gentleman from Illinois must not be interrupted without his consent.

Mr. CANNON. I entitled myself under the rules of the House to the floor. I am a Representative, along with the gentleman; and so long as I am I will not submit to lectures from the gentleman when I exercise my right as a member here.

Mr. BOUTELLE. Will not you submit to other gentlemen exercising their rights?

Mr. CANNON. Oh, certainly.

Mr. BOUTELLE. Then we will get along all right.

Mr. CANNON. I have no objection to the gentleman, and I sat tolerably quiet listening to all the gentleman said. "Upon what meat doth this our Cæsar feed, that he is grown so great" that I can not even ask a question about the bill or express a doubt as to its wisdom? So much for that. I find I am to be lectured by the gentleman from Maine for making, as he claims, an attack upon the magnificent personnel of the Navy. It has been magnificent. I believe it is magnificent. I have very great respect for it. The officers of the Navy were educated at public expense, bright men and strong men, skilled in navigation and the command of ships, and I want them to follow their calling. That is not their calling out here at the Observatory gazing at the stars in the heavens or the stars on earth.

Mr. BOUTELLE. That is not for you to judge, or rather to decide.

Mr. CANNON (approaching Mr. BOUTELLE). May I humbly and modestly be permitted to express my opinion upon the question? [Great laughter.]

Mr. BOUTELLE. Certainly.

Mr. GROSVENOR. I think the gentleman from Illinois ought not to try an experiment in a new character upon so important a bill as this. [Renewed laughter.]

Mr. CANNON. Now, then, I only want to state again, when I first arose I had no thought of attacking the jurisdiction, real or claimed, of the Committee on Naval Affairs. But while you are talking about jurisdiction of committees, let me say the gentleman from Maine well knows, and every other member of the House that has had considerable experience on the subject of appropriations, that it is a favorite scheme for executive officers, when they can not get appropriations recommended under the jurisdiction of one committee, to shift around and submit estimates for appropriation so that they will come in under another committee. I state again, that I do not think the Committee on Naval Affairs substantially, under the rules of the House, had jurisdiction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Several MEMBERS. Oh, no.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, now I have not troubled the House very often in five years' service, but I intend to make a few remarks on this subject.

Mr. BOUTELLE. I hope my colleague will be listened to. He is a member of the committee and has served for years in the United States Navy.

Mr. ROBINSON of Pennsylvania. There is no need to apologize for my speech. I shall speak in my own right as a Representative. [Laughter.]

Mr. BOUTELLE. I am not apologizing for the gentleman.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, on all questions of legislation outside of those connected with the United States Navy, I am perfectly willing to submit to the superior experience and information of the gentleman from Illinois [Mr. CANNON], but if I may be pardoned for a personal statement, I am a graduate of the Naval Academy, and I served for eleven years in the United States Navy, and I therefore feel that I may speak with some measure of authority on this subject. From information and knowledge—and I think I am a good witness—I wish to say, and this is the only point upon which I take issue with the gentleman from Illinois, that the officers of the Navy detailed for work at the Naval Observatory perform duty similar to that which is performed by naval officers in England and that they are gentlemen of the highest scientific attainments. If they were not capable of compassing all the scientific knowledge that is necessary to be brought to bear in the work of that Observatory, they certainly would not be detailed for such a conspicuous position, and the gentleman from Illinois ought to know that the scientists of this country would rise up in protest against this Congress, or against the appointing authority, if officers were detailed for such duty who were not fully qualified to perform it to the satisfaction of the country.

Mr. MILES. Have we not had one scientific gentleman protesting on the floor of this House this afternoon in the person of the gentleman from Illinois? [Laughter.]

Mr. CANNON. Yes; and now we have a second.

Mr. ROBINSON of Pennsylvania. I desire to say further, Mr. Chairman, that when the gentleman attempts to state and to put it upon record that our naval officers who are detailed for this business are not capable of doing the work, I take issue with him in toto. I do not know whether he is the gentleman or not, but I think it must have been the gentleman from Illinois in his early days in Congress of whom a certain story is told. At all events the principal in it was a gentleman from some western portion of the country—and I have no indictment to make against the great West, because even so great a man as Grover Cleveland got into trouble the other day by attempting that. [Laughter.] However, if my information is correct, it must have been the gentleman from Illinois, who in his pristine days in Congress was invited to go down the Potomac upon one of the Government vessels. He accepted the invitation, and walking around the deck of the vessel examining all things in his scientific and inquisitorial way, he happened to look down over the main hatchway, whereupon he raised his hands and exclaimed, "Great God, she's holler." [Great laughter.]

Probably during his long and creditable career in Congress (interrupted only while he was out on the treeless prairies for two years on one occasion not long ago) he has acquired more information about naval affairs than he had at the beginning; still he has not yet gathered to himself sufficient information, scientific or otherwise, to justify him in stating that the officers of the Navy are lacking in scientific knowledge—the men who can make the computations contained in this book I hold in my hand (the Nautical Almanac), upon which our commerce rests; because the scientific knowledge required for the safe conduct on the highways of the sea of our commercial and national marine is obtained from the material furnished in this book, and the work upon which these computations are based is done by naval officers in great part, is of greatest scientific character, and is superintended entirely by a distinguished naval officer, a master of the sciences as well, Commodore Robert L. Phythian.

Mr. CANNON. Now, Mr. Chairman, I move to strike out the five last words. [Laughter.] For the sake of peace I plead guilty to all that the honorable gentleman from Pennsylvania has said, and, if he wishes, to all that he will say, including the story about going down the Potomac and all that. [Laughter.] I do live out in the Mississippi Valley. I did not have the benefit of a training at the Naval Academy at Annapolis, as my friend from Pennsylvania had. That was my misfortune, and it was his good fortune that he had that training and that he had eleven years' service as an officer in the Navy, serving the people of this country, of whom I am one.

I have been frequently surprised in my service in this House of Representatives at the fact that no man sitting here as a Representative and the peer of every other Representative can rise in his place and criticise any abuse, or what seems to be an abuse, in administration when it touches an officer of the Navy, magnificent and splendid as those officers are and well able to stand on their real merits, but what there rushes to the front some defender who has zeal if not knowledge. And so, after the gentleman from Pennsylvania has ceased to be an officer in the Navy and is a Representative in this House, from a love of old associations, or probably from pride of profession, he rushes in to defend what is, in my judgment, a misappropriation of the services of his former colleagues. I may be wrong about it, but that is my judgment, whether I knew that the ship that went down the Potomac was "holler" or not. [Laughter.] And let me say to my friend that upon these subjects I am just about as wise as my constituents.

Mr. MAHON. Will the gentleman allow me to ask a question?

Mr. CANNON. Yes, sir.

Mr. MAHON. You know that a schooner is hollow, do you not? [Laughter.]

Mr. CANNON. I confess it. There is no man in the House that can make the assertion with greater positiveness and safety than the distinguished gentleman from Pennsylvania. [Laughter.]

Now, then, behold what a great matter comes from asking in a legitimate way a question. I have asked a question; I have made my protest. I have not made it every year, I believe. Only once before in my life, so far as I have any recollection, have I called attention to this abuse (and I am not abusing anybody when I say that) in the public service. I believe it ought to be corrected. I hope I shall live long enough to see it corrected by law.

Mr. BOUTELLE. Now, will the gentleman from Illinois be kind enough——

The CHAIRMAN. Debate is exhausted.

Mr. BOUTELLE. I move to strike out the last word; and I want to ask my friend from Illinois whether he will be kind enough to suggest what there is in this bill at this point to which he objects and what he desires to have changed.

Mr. CANNON. I will very gladly accommodate the gentleman. I believe that the substance of the rule would be observed and that good administration and appropriation would be promoted if the gentleman would rise in his place and move to strike out the appropriation for the completion of these buildings.

Mr. BOUTELLE. On what ground? They are recommended by the Department.

Mr. CANNON. Yes.

Mr. BOUTELLE. They are in conformity with a law that has been passed by Congress. The question is simply whether we shall appropriate $2,500 in accordance with law; that is all. If we do not put in this provision for quarters it will not take away any of the "observers" that are already provided for. The gentleman and his committee have provided for "observers" going there. We are simply housing them. Unless the gentleman desires to make some motion, I hope we shall go on with the reading of the bill.

Mr. CANNON. I have answered the gentleman's question; and I have stated what I believe to be the merits of this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For construction of a similar additional ward to increase needed capacity of hospital, $25,000, which sum shall be paid from that portion of the naval hospital fund accruing from the sale of naval hospital grounds to the city of Brooklyn, and placed to the credit of the naval hospital fund in pursuance of the provisions of the act approved July 2, 1890.

Mr. WHEELER. I move to amend by striking out the last word.

Mr. Chairman, on yesterday the gentleman from Maine [Mr. BOUTELLE] who a moment ago was right by me made a statement on this floor which was historically inaccurate.

In speaking of—

Gentlemen on the other side—

meaning, of course, Democrats on this side of the House, and also speaking of—

men who served in the Confederacy—

the gentleman from Maine [Mr. BOUTELLE] said:

They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

When this statement was questioned and was sought to be corrected, the gentleman from Maine replied:

They all voted against it.

This language of Mr. BOUTELLE was certainly susceptible of no other construction than that the Democratic party voted solidly against the bill to restore General Grant to the retired list, and especially that those who served in the Confederacy particularly opposed and voted solidly against this measure, and it certainly carried with it the conclusion that this included the entire Congress, both Senate and House.

This statement was so contrary to the truth that I denied it with great emphasis, and if I made my denial any broader than I should, Mr. BOUTELLE more than any other man was responsible for it. On the 3d of March, 1885, Mr. BOUTELLE rose in his seat just as the session was about to close and said (I read from the CONGRESSIONAL RECORD, page 2567):

GENERAL U. S. GRANT.

Mr. BOUTELLE addressed the Chair.
The SPEAKER. For what purpose does the gentleman from Maine rise?
Mr. BOUTELLE. I ask unanimous consent to make an announcement that will occupy but a few seconds, and that I know will be of great interest.
There was no objection.
Mr. BOUTELLE. Mr. Speaker, I have the great pleasure of announcing to the representatives of the people that the Senate of the United States, in open session and by a unanimous vote, has confirmed the nomination of Ulysses S. Grant as General of the Army of the United States on the retired list. [Applause.]

With this statement from Mr. BOUTELLE on my mind, is it surprising that in recurring without a moment's reflection upon an occurrence of more than eleven years ago I should have made my statement a little broader than was justified by the facts? I immediately afterwards endeavored to get the gentleman's permission to correct my statement and to make it conform strictly to the fact, and I continued my efforts during all of Mr. BOUTELLE's occupancy of the floor, not alone to correct my slight error, but also to correct the gross misstatement of the gentleman from Maine. When I appealed to the gentleman, as shown on page 3153, the RECORD says:

Mr. BOUTELLE. Wait a moment.

Which certainly was giving me to understand that if I waited a moment he would give me an opportunity.

Again, on the same page, I appealed to him and he replied:

Mr. BOUTELLE. I am going to take one thing at a time; you come next. [Laughter.] I can not take South Carolina and Alabama all at once.
Mr. WHEELER. They are two pretty good States.
Mr. BOUTELLE. They are, and I do not want to get into antagonism with both of them at the same time.

This certainly was an intimation to me that I should have an opportunity to make the correction. The gentleman, however, did not allow me any such opportunity, and I availed myself of the privilege of correcting my statement, which was done immediately as the House adjourned, so that when the papers were sent to Mr. BOUTELLE for correcting his speech he would see my correction, and my hope was that he would then correct his fearful misstatement.

Now, Mr. Chairman, a great many gentlemen who were members of this House and of the Senate opposed the bill upon the ground that General Grant was in business and was the compeer of any financial man in the country. It is a matter of record that in the Military Committee of the House in the Forty-seventh Congress, when that bill was brought up, a distinguished Republican, who had been a soldier, met it with a resolution that whereas General Grant had shown himself to be the compeer of the most distinguished financial men in the country he did not need the salary, and he moved that the bill be not reported favorably. That motion against the bill was voted for by every Republican in the committee, as I recall the facts, and the bill was not opposed by any Democrat. That is my recollection.

Now, when the Senate bill came before the House, so far from correct is the gentleman from Maine in saying that it was solidly opposed by the Democrats, 77 Democrats voted in this House for the bill on the yea-and-nay vote.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I ask unanimous consent that I may have five minutes more.

Mr. NORTHWAY. I object.

Mr. BOUTELLE. I hope the gentleman will not object.

The CHAIRMAN. Objection is made.

Mr. WHEELER. I move to strike out the last two words.

Mr. STALLINGS. If I can be recognized I will yield my time.

Mr. WHEELER. Now, Mr. Chairman, my purpose in rising and correcting the gentleman was to preserve the truth of history, and not allow a statement to go into the RECORD of this Congress that was entirely without foundation.

Mr. BOUTELLE. Will the gentleman kindly state what statement he referred to was "entirely without foundation"?

Mr. WHEELER. The statement I read of the gentleman from Maine which appears in the RECORD. A statement to the effect that everybody on this side of the House, every Democrat, solidly voted to put Fitz John Porter on the retired list of the Army and solidly voted against putting General Grant upon the retired list.

Mr. BOUTELLE. Who voted against it?

Mr. WHEELER. You had gone on and spoken of those on this side, and those who served in the Confederacy, and the House understood, and the whole country would have understood, it to mean that the whole Democratic party and all who served in the Confederacy voted solidly against the bill.

Mr. BOUTELLE. I think not. I think the statement should be clearly understood, and that it refers to those members who served in the Confederate army.

Mr. WHEELER. And in contradiction of that statement I find at a glance, without counting the other names, at least 10 in the House who voted for the bill in question and 15 in the Senate who voted for the bill were in the Confederate army. I also see that 20 Democratic Senators voted for the bill and every Democrat in the Senate voted for the confirmation of General Grant's appointment, and, as stated, 77 Democrats in the House voted for the bill. It is true that there were 78 votes against the bill, but they were not all Democrats.

Now, since I have had the honor of being a member of the House I have several times been the subject of attack by the gentleman from Maine, but I have never replied——

Mr. BOUTELLE. I desire to say to the gentleman that I made no attack upon him whatever. I have never referred to him in any way.

Mr. WHEELER. Now, I have never replied to any of these attacks because I have never had any feeling of animosity against or other than kindly feelings toward the gentleman. My feelings have always been those of sympathy, commiseration, and pity. [Laughter.] I dislike to see a man in the situation of my distinguished friend from Maine on yesterday, to stand solidly and alone in opposition to a measure which met the approval of the entire House and the whole country. I could not take the floor myself upon it. I could not vote upon it. There was a manifest impropriety in my speaking upon it, and I should never have alluded to it again had not the gentleman this morning got up and criticised my making a slight change in order to make what I said tell the exact truth; and, as I tried to say this morning, it was done largely so that when the manuscript of his remarks went to the gentleman, as they were to go to him, he would learn the facts and correct his remarks so that they would tell the truth also. But the gentleman did not do it, but allowed his remarks to remain in the RECORD as incorrectly uttered by him, when the gentleman must have known himself that his statement was not accurate.

Now, Mr. Chairman, in view of the fact that eleven years have elapsed since that vote was taken the purpose of the gentleman from Maine evidently must have been an attempt to convince the people of the North that the Southern people were inimical to every measure that sought to honor the Federal soldiers. The gentleman ought to know that the Southern people have always honored the brave men of the Federal Army who stood in the first of battle; and if he will examine the records he will find that Democratic Congresses have reported bills to appropriate twice as much money to pension Federal soldiers as have ever been reported by Republican Congresses. The Democrats have always done their full duty to their country.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, I regret very much to find it necessary, or expedient rather——

A MEMBER. Oh, let us go on with the bill.

Mr. BOUTELLE. I do not want to be placed in the position of having made a statement in the way attributed to me by the gentleman from Alabama who has just spoken. But I should not have referred to the matter again if the gentleman had not addressed the committee, and will now say what I was prevented from saying when I sought the floor this morning. I do not propose to be left in the position of making a statement in regard to the votes of the members of the other side of the House that I did not make, and could not have made, and did not intend to make, a statement which could have been made from no other motive except malice.

I had no idea of saying that all the Democrats on that side of the House voted against the bill for the retirement of General Grant. On the contrary, I expressly stated that the distinguished Democrat from Pennsylvania, Samuel J. Randall, was active in support of the bill. What I did say in the discussion on yesterday was:

Gentlemen over here will perhaps say: "Oh, I do not like to take a position which may be misconstrued or criticised by somebody and place me in an attitude inimical to the views and desires of our brethren who were on the Confederate side in the late rebellion." My friends, the gentlemen on the other side—

Those gentlemen, of course everybody understands—

have never hesitated one moment in advocating their side of all these controversies.

I certainly was not referring to the Democratic party in this statement. It is obvious that I was not, for there were Union generals on that side.

No man who served in the Confederacy felt at all estopped because he had participated in the rebellion from opposing the putting of General Grant on the retired list. No gentleman over there, so far as I know, felt estopped in the slightest degree from acting as a juror in the great case of the Union against Fitz John Porter when he was retired. They voted solidly to put Fitz John Porter on the retired list; they voted solidly that Ulysses S. Grant should not go on that list.

Whereupon the gentleman from Alabama [Mr. WHEELER], according to the reporter's notes, and as I believe the gentleman now concedes, said:

Will the gentleman tell us the name of one man who voted against the passage of that bill for Gen. Ulysses S. Grant?

The reply to that was:

They all voted against it.

Of course everybody understood when I said "they all voted against it" that I was referring to ex-Confederate members of this House. Then the gentleman from Alabama said:

The House voted unanimously for the bill; there was not a single vote against it.

I said nothing about the Senate. There was no member of this body better aware of the fact that the Senate voted unanimously in favor of that proposition, because I came over here and made the announcement myself. I did not make any accusation against the gentleman. I simply put my question of privilege on the ground that the RECORD had been altered in a way to do injustice to my accuracy, and I left the responsibility to be fixed as it might be. As a matter of fact, the RECORD shows that I was entirely correct. If there was one member who served in the Confederacy who did vote for General Grant, I regret that I did not know it and state it. I would have stated it if I had known it. There were 78 Democrats who voted against putting General Grant on the retired list. Fifty-eight of them were from the South, and of those 58 members, every one who was present at the succeeding session, to the number of 51, voted to bestow upon Fitz John Porter the honor they had refused to General Grant.

Now, for the accuracy of history, I will read that the nay vote on the 3d of March, 1885, on the direct question of placing General Grant on the retired list of the United States Army, was:

| | | | |
|---|---|---|---|
| Alexander, | Crisp, | Lanham, | Singleton, |
| Ballentine, | Culberson, D. B. | McMillin, | Skinner, T. G. |
| Barbour, | Davidson, | Matson, | Smith, A. Herr |
| Barksdale, | Davis, L. H. | Miller, J. F. | Stewart, Charles |
| Belmont, | Dibrell, | Mills, | Stockslager, |
| Bennett, | Dockery, | Money, | Swope, |
| Blackburn, | Dowd, | Muldrow, | Taylor, J. M. |
| Blanchard, | Eaton, | Neece, | Tucker, |
| Blount, | Eldredge, | Oates, | Turner, H. G. |
| Buchanan, | Forney, | O'Ferrall, | Turner, Oscar |
| Buckner, | Geddes, | Patton, | Van Eaton, |
| Cabell, | Gibson, | Pierce, | Warner, Richard |
| Caldwell, | Green, | Price, | Wellborn, |
| Clay, | Halsell, | Pryor, | Winans, E. B. |
| Clements, | Hammond, | Reagan, | Wise, G. D. |
| Cobb, | Hatch, W. H. | Reid, J. W. | Wolford, |
| Cook, | Hemphill, | Reese, | Wood, |
| Cosgrove, | Hewitt, G. W. | Rogers, J. H. | Woodward, |
| Covington, | Hill, | Rosecrans, | Yaple. |
| Cox, W. R. | Jones, J. H. | Shively, | |

The affirmative vote was 198, and there were, I am glad to say, a large number of Democrats who voted for it.

Mr. CUMMINGS. Were there any War Democrats who voted in the negative?

Mr. BOUTELLE. Yes; I see two or three. And of the 78 Democrats who voted in the negative there were 58 who had served in the Confederacy.

Mr. WHEELER. Seventy-seven Democrats voted the other way.

The Clerk, resuming the reading of the bill, read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), and fresh water for drinking and cooking purposes, $1,275,000; labor in general storehouses and paymasters' offices in navy-yards, including expenses of handling stores purchased under the naval supply fund, a chemist at $2,000 per annum, $130,000; in all, $1,405,000.

Mr. JOHNSON of California. I should like to ask the chairman of the committee if that is the section that there was some complaint made about? The gentleman from California [Mr. HILBORN] who is a member of the committee knows what I refer to. Is this the commuted-ration business that complaint was made about?

Mr. HILBORN. That is all provided for in the first section of the bill, in the pay of the Navy. It does not come in here. It is all right.

The Clerk, resuming the reading of the bill, read as far as the paragraph beginning—

INCREASE OF THE NAVY.

Mr. JOHNSON of California. Mr. Chairman, I call the attention of the chairman of the committee to the fact that we have reached the item in the bill now relating to the increase of the Navy.

Mr. BOUTELLE. Mr. Chairman, it has been suggested by a number of gentlemen that as it is nearly 5 o'clock it is rather late for any general debate. I think it would be better for the committee to rise, and if that will be satisfactory to those gentlemen who desire to speak, I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

Mr. BOUTELLE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent, leave of absence was granted as follows:

To Mr. STROWD of North Carolina, for one week, on account of important business.

To Mr. BARTLETT of Georgia, for this day.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments;

A bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York; and

Joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

The motion of Mr. BOUTELLE was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Bartley Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting an agreement with the San Carlos Reservation Indians ceding certain lands to the United States, together with reports from the Commissioner of Indian Affairs and of the Commissioner of the General Land Office and the draft of a bill ratifying and confirming the agreement—to the Committee on Indian Affairs, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3124) to amend section 34 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 935); which said bill and report were referred to the House Calendar.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4974) for the relief of settlers on the Northern Pacific Railroad indemnity lands, reported the same without amendment, accompanied by a report (No. 946); which said bill and report were referred to the House Calendar.

Mr. DRAPER, from the Committee on Patents, to which was referred the bill of the House (H. R. 3014) revising and amending the statutes relating to patents, reported the same with amendment, accompanied by a report (No. 940); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 2231) for the relief of Bluford Reeder. (Report No. 936.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 6282) to increase the pension of Alexander McBride. (Report No. 937.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3503) to correct the military record of Elisha B. Bassett. (Report No. 945.)

The bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department. (Report No. 938.)

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 145) for the relief of J. J. Lints. (Report No. 939.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 6900) increasing the pension of Mary T. Young. (Report No. 941.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5425) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve. (Report No. 942.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4875) granting a pension to John W. Pogue. (Report No. 943.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7240) granting a pension to John W. Bruner, late of Company F, Second Regiment Pennsylvania Volunteers, and Company G, First Regiment Pennsylvania Cavalry, and the United States Signal Corps. (Report No. 944.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 7569) authorizing the issue of patents to the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of Kansas, and for the sale of their reservation in Kansas, and for other purposes—to the Committee on Indian Affairs.

By Mr. KYLE: A bill (H. R. 7570) for preliminary survey of Coldwater River, Mississippi—to the Committee on Rivers and Harbors.

By Mr. HULING: A bill (H. R. 7571) fixing the time for holding the circuit and district courts in the district of West Virginia—to the Committee on the Judiciary.

By Mr. MILLIKEN: A bill (H. R. 7572) providing for the adjudication of pension claims in cases of hernia—to the Committee on Invalid Pensions.

By Mr. CRUMP: A bill (H. R. 7573) for the erection of a public building at Alpena, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 7574) for the relief of certain settlers in the State of Washington—to the Committee on the Public Lands.

Also, a bill (H. R. 7575) for the relief of persons who have filed declarations of intention to enter desert lands—to the Committee on the Public Lands.

By Mr. RUSK (by request): A bill (H. R. 7576) to incorporate the Columbia Subway Company—to the Committee on the District of Columbia.

By Mr. GARDNER: A bill (H. R. 7577) to incorporate the Washington Homeopathic Medical College and Hospital—to the Committee on the District of Columbia.

By Mr. MURPHY of Arizona: A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona—to the Committee on the Public Lands.

By Mr. NEWLANDS: A bill (H. R. 7579) to secure the relinquishment of the Indian title to a portion of the Pyramid Lake Reservation, in Nevada, and to the entire Walker River Reservation, in said State, and for other purposes—to the Committee on Indian Affairs.

By Mr. SAYERS (by request): A bill (H. R. 7580) to provide for testing devices for the coupling and uncoupling of railway cars, and for awarding a prize to the most meritorious of such devices—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIKEN: A bill (H. R. 7614) to provide for the erection of a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. HARRIS: A bill (H. R. 7615) to improve the navigation of Sandusky Bay, Ohio—to the Committee on Appropriations.

By Mr. HITT: A joint resolution (H. Res. 147) authorizing Prof. Asaph Hall, United States Navy, to accept a decoration from the Government of the Republic of France—to the Committee on Foreign Affairs.

Also, a joint resolution (H. Res. 148) authorizing Prof. Simon Newcomb, United States Navy, to accept a decoration from the Government of the Republic of France—to the Committee on Foreign Affairs.

By Mr. BRODERICK: A concurrent resolution (House Con. Res. No. 34) providing for the reprinting of certain publications of the Surgeon-General's Office—to the Committee on Printing.

By Mr. ALLEN of Utah: A memorial of the governor and legislature of the State of Utah, praying for an appropriation to meet the deficiency in amount heretofore appropriated for the expenses of the constitutional convention of said State—to the Committee on Appropriations.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the dry dock at the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. BREWSTER: A memorial of the assembly of the State of New York, in favor of House bill No. 1, to reclassify and prescribe the salaries of the railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: A memorial favoring a plan for the construction of increased areas of dockage and the improvement of harbors to accommodate and protect deep-draft vessels, etc.—to the Committee on Rivers and Harbors.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 7581) granting a pension to Mrs. Maria N. Flint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7582) granting a pension to Mrs. Martha A. Avery—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 7583) for the relief of John T. Giverin—to the Committee on Naval Affairs.

By Mr. BULL: A bill (H. R. 7584) granting a pension to Phebe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 7585) granting a pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 7586) for the relief of Charles E. Hallenbeck—to the Committee on Military Affairs.

Also, a bill (H. R. 7587) to authorize the Secretary of War to place the name of F. M. Moore on the list as a post noncommissioned officer with a view to subsequent retirement—to the Committee on Military Affairs.

Also, a bill (H. R. 7588) authorizing and directing the Secretary of the Treasury to pay Eben Pierce, of Tacoma, Wash., the sum of $412.50—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 7589) for the relief of John W. Kennedy, of Wheeling, Ohio County, W. Va.—to the Committee on Claims.

Also, a bill (H. R. 7590) for the relief of the heirs of James A. Smith, deceased, of Wheeling, Ohio County, W. Va.—to the Committee on War Claims.

By Mr. FISCHER: A bill (H. R. 7591) granting an increase of pension to Lovenia Bayles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7592) to remove the charge of desertion from the military record of Robert F. Johnson—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska (by request): A bill (H. R. 7593) for the relief of James L. Williams—to the Committee on Military Affairs.

By Mr. HARRIS: A bill (H. R. 7594) to remove the charge of desertion from the military record of John Wiedes—to the Committee on Military Affairs.

Also, a bill (H. R. 7595) to remove the charge of desertion from the military record of Thomas Higgins—to the Committee on Military Affairs.

Also, a bill (H. R. 7596) to remove the charge of desertion from the military record of George Gardener—to the Committee on Military Affairs.

Also, a bill (H. R. 7597) for the relief of Anderson H. Ash—to the Committee on Claims.

By Mr. HENRY of Indiana: A bill (H. R. 7598) for the relief of Thomas Cox—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7599) for the relief of Sarah J. Richardson—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7600) for the relief of Maria E. Mumford, widow of Ferdinand S. Mumford, late captain, First Regiment United States Infantry—to the Committee on Claims.

Also, a bill (H. R. 7601) to grant a pension to Andrew Ames, formerly a scout and guide in the service of the United States and acting with the regular troops in the campaign against the Apaches led by Chief Geronimo—to the Committee on Pensions.

Also, a bill (H. R. 7602) to provide for the restatement, readjustment, settlement, and payment of dues to Capt. William C. Hemphill, late an officer of the United States Army—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 7603) to pay heirs of John Rogers and William Duval for legal services—to the Committee on Indian Affairs.

By Mr. MILNES: A bill (H. R. 7604) for the relief of I. Winslow Ayers—to the Committee on Claims.

Also, a bill (H. R. 7605) for the relief of Edwin Collar, late a member of Company F, Third New York Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 7606) granting an increase of pension to Lucy Ord Mason—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7607) for the relief of Mrs. Susan Clendenin—to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 7608) to increase the pension of Dorothy J. Edgar—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 7609) granting a pension to James Boyle—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7610) to permit E. W. Ridgeway to establish a homestead on the public lands of the United States—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 7611) granting a pension to H. L. Graham—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7612) for the relief of William Barber, late of United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 7613) for the relief of Samuel H. Keifer, late of Company A, One hundred and thirty-second Pennsylvania Infantry—to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petitions of George E. Locker, George H. Hult, and William Alexander Platt, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BULL: Papers to accompany House bill No. 7584, granting a pension to Phebe A. Thurber, dependent daughter of Samuel Short, a soldier of the Revolutionary war—to the Committee on Pensions.

By Mr. DOOLITTLE: Seven petitions of citizens of Olympia, Wash,, indorsing House bill No. 444, for the relief of A. D. Glover, ex-postmaster—to the Committee on Claims.

Also, petitions of citizens of Winlock, Anacortes, and North Yakima, Wash.; also resolutions of Grand Army posts of the State of Washington, viz, Farragut Post, No. 15, of Port Townsend; Commodore Foote Post, No. 84, of Sidney; George H. Thomas Post, No. 5, of Olympia, and L. C. Ladd Post, No. 18, of Puyallup, Department of Washington and Alaska, in favor of the passage of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the citizens of Orting, Wash., favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, resolution of the Tacoma Chamber of Commerce, Washington, favoring the passage of Senate bill No. 1214, for the investigation and tests of American timber—to the Committee on Agriculture.

Also, resolutions of the faculty and students of the Puget Sound University, of Tacoma, Wash., favoring the passage of a measure establishing a permanent court of arbitration—to the Committee on Foreign Affairs.

Also, resolutions of Sprague Camp, No. 4, Sons of Veterans, of Tacoma, Wash., indorsing joint resolution No. 102, that members may wear the distinctive badge on all public occasions of ceremony—to the Committee on Military Affairs.

Also, petitions of C. A. Heath, Walrath & Riesderph, A. W. Bower, William A. Sparks, and Whatcom County Press Association, Washington, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Western Central Labor Union, favoring the direct-legislation bill—to the Committee on Rules.

Also, petition of the Manufacturers' Association of California, asking that a commission be appointed to investigate the invasion of our markets by Japanese goods—to the Committee on Ways and Means.

Also, memorial of the town council of Waterville, Wash., favoring the passage of bill authorizing the speedy construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Lewisville, Wash., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. DOVENER: Remonstrance and petition of S. A. Cunningham and 104 other citizens of Wheeling, W. Va., against the continuance of the statue of Marquette in Statuary Hall, or any public national room, building, or public ground—to the Committee on the Library.

By Mr. EVANS: Petition of C. W. Samuels, F. W. Panke, and other citizens of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. FISCHER: Petition of Lovenia Bayles, widow of James M. Bayles, deceased, late private and sergeant of Company A, Second Regiment New York Volunteers, Mexican war, and quartermaster and captain Fourth Regiment New York Volunteers in late civil war, for passage of a special act increasing her pension—to the Committee on Pensions.

By Mr. GARDNER: Two petitions of citizens of Medford and county of Burlington, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of Eureka Council, No. 43, Order United American Mechanics, of Higganum, Conn., in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Indiana: Resolutions adopted by Encampment No. 80, Union Veteran Legion, of Indianapolis, Ind., favoring the passage of House bill No. 3727, entitled "A bill to grant a service pension to officers and enlisted men who served during the late war"—to the Committee on Invalid Pensions.

By Mr. HENDRICK: Papers to accompany House bill No. 861, relating to a levee on the Mississippi River between Hickman, Ky., and Tiptonville, Tenn.—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. HICKS: Petition of Highland Grange, No. 1123, of Cambria County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. KERR: Petition of Commodore Perry Council, No. 32, Order United American Mechanics, of Mount Vernon, Ohio, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Protest of E. M. Jenison, publisher, of Ottumwa, Iowa, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McEWAN: Petition of Federal Labor Union, No. 6402, of Missoula, Mont.; also petition of Civic Federation of Denver, Colo., asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. McRAE: Petition of A. S. Gibson, and papers to accompany House bill No. 7476, to amend an act to provide for the appointment of additional judges in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

Also, memorial of P. C. Bolger and other citizens of the town of Cameron, Ind. T., against the passage of House bill No. 4154, to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. MORSE: Petition of J. W. Thuma and 20 other citizens of Shauck, Ohio, praying for the recognition of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. NEILL: Petition of W. R. Jones, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Pennsylvania: Petition of Nathan P. Walton and others, of Kennett Square, Pa., protesting against military training in public schools—to the Committee on Education.

By Mr. RUSSELL of Connecticut: Petition of General Burn-

side Council, No. 83, Order United American Mechanics, of Norwich, Conn., favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Faith Trumbull Council, No. 26, Daughters of Liberty, of Lebanon, Conn., favorable to the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan (by request): Petition of M. S. Painter, of South Grand Rapids, Mich., and 50 others, praying for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of E. S. Holmes and 9 other citizens of Grand Rapids, Mich., favoring the passage of House bill No. 5729, for the protection of game birds and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of Columbia Council, Lodge No. 5, of Meriden, Conn.; also Pioneer Council, Lodge No. 1, Order United American Mechanics, of New Haven, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of H. E. Watson and other members of the International Association of Machinists, of Port Huron, Mich., for further investigation of condition, etc., of employees in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of William H. Marvin, publisher, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

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## SENATE.

THURSDAY, *March 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MORRILL, and by unanimous consent, the further reading was dispensed with.

### CLAIMS FOR BARRACKS AND QUARTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 13, 1896, directing the Secretary of the Treasury to cause the proper accounting officers of the Treasury to reexamine certain claims reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, a report from the Comptroller of the Treasury thereon, of the 24th instant; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

### PACIFIC RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of February 13, 1896, certain information relative to the Union Pacific, Central Branch Union Pacific, Sioux City and Pacific, and the Kansas Pacific railroad companies; also the number of acres of land granted to each and all the Pacific railroads; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments;

A bill (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies National Guard of State of New York; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Board of Trade and Transportation, and a petition of the Woman's Christian Temperance Union of Oklahoma Territory, praying for the establishment of an international board of arbitration between Great Britain and the United States; which were referred to the Committee on Foreign Relations.

He also presented a petition of the American Anti-Saloon League, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, etc.; which was referred to the Committee on Education and Labor.

He also presented a memorial of the United Independent Political Club, of Baltimore, Md., remonstrating against the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented the memorial of W. C. Fowler and 17 other citizens of Washington, D. C., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. CHANDLER. I present the petition of the Muskogee or Creek and Seminole Nations, signed by the chief, opposing the passage of certain measures pending before the Senate which have been presented in consequence, as they assume, of the recommendation of the Dawes Commission. As the petition is from the nation, I ask that it may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Petition of the Muskogee or Creek and Seminole Nations.

*To the Congress of the United States:*

The Muskogee or Creek and Seminole Nations, by their duly authorized representatives, do hereby most respectfully petition your honorable body to take such action as will prevent the passage of the measures now pending before you, which are calculated and intended to destroy our local governments, to deprive us of the right of self-government, to rob us of our heritage, and to abolish and annihilate our tribal existence.

We desire respectfully to call your attention to the fact that under the solemn treaty stipulations the right of unrestricted self-government has been guaranteed to our people.

You have recognized and respected that guaranty for many years, and under it we have established and maintained local governments in form similar to your own. Our people have advanced in all the arts of civilization, churches have been established, and a system of common schools has been maintained, and provision for the liberal education of our youth has been provided, and all branches of industry have been promoted. We point with proud satisfaction to the influence of these instrumentalities as tending to Christianize, educate, and elevate our people and fit them for the higher duties and responsibilities which should characterize freemen and patriotic citizens.

Under this system of government our people are making commendable and satisfactory progress, and their pride and ambition are stimulated to increased efforts for higher and greater achievements.

While we do not pretend that our governments are perfect either in form or in the methods of administration—because we realize that no human governments are perfect—still we invite the closest scrutiny into all our local concerns, and particularly as to the protection of the rights of persons and property within our limits. We challenge the most searching investigation into all our affairs, feeling assured that as a result of such investigation our people will receive full and complete vindication.

If at any time the rate of crime in our country has exceeded that of the States of the Union, it has resulted from the fact that a large number of those who belong to the criminal classes have invaded our territory from adjacent States, in violation not only of our laws but of the laws of the United States.

It is our desire especially to enter our solemn protest against those statements contained in the report of the Dawes Commission, which charge crime, corruption, and misrule among our people, and we challenge the most searching investigation by a committee of honest, impartial, and fair men into the condition of our people, the manner in which our laws are administered, and the provision we have made for the protection of the lives and property of those who may reside among us.

We are prepared to say for our people that upon such a report, coming from such a source, they will be willing to stand and to abide for all the purposes of future action in regard to them.

But we do most solemnly protest against the enactment of any legislation predicated upon the report of the Dawes Commission which will effect the autonomy of our governments.

In all our public and domestic affairs we have sought to pattern after your form of government and liberal institutions, and to emulate the Christian civilization of your intelligent and patriotic people. If we have fallen below the highest standards, illustrated by your superior intelligence and advanced civilization, it may be possible that you are in part responsible, as the invasion of our territory by criminals and covetous land grabbers has disturbed the peace of our country and injured the good reputation of our law-abiding and peaceable people.

In the name of sacred treaty stipulations, in the name of statutory provisions which you have enacted for our protection, in the name of the decisions of your judicial tribunals, and in the name of national honor, we appeal most earnestly to you, the representatives of this great Christian nation, to spare our homes, our firesides, our institutions, and our inestimable heritage, and let us alone until such time as we have under the inspiration of Divine Providence—encouraged by the example of you rliberal institutions and superior civilization—worked out our own welfare and destiny.

Very respectfully submitted.

G. A. ALEXANDER,
S. B. CALLAHAN,
E. B. CHILDERES,
D. V. ANDERSON,
*Delegates for the Creek Nation.*
HULBUTTA MEKKO,
JOHN JUMPER,
*Delegates for the Seminole Nation.*
SAMUEL H. MILLER,
*Interpreter.*

Mr. CHANDLER. I move that the petition be also printed as a document, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GRAY presented a petition of the Wilmington Conference of the Methodist Episcopal Church of Wilmington, Del., praying

for the adoption of a proposed amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Petition of the Wilmington Conference of the Methodist Episcopal Church to the Congress of the United States.

Whereas the Constitution of the United States contains no recognition of God or of His providence; and

Whereas there is now pending in Congress a joint resolution proposing the following amendment:

"We, the people of the United States, devoutly acknowledging Almighty God as the source of all authority in civil government, the Lord Jesus Christ as the ruler of nations, and the revealed will of God as of supreme authority in civil affairs, in order to form a more perfect Union," etc.; and

Whereas the proposed amendment, if adopted by constitutional majorities by Congress and the State legislatures, would change our organic law from a purely secular to a theocratic Government, which was not intended by the framers of the Constitution or any of the States ratifying the same; and

Whereas no Unitarian, Jew, or Deist, who nevertheless might be a patriotic and useful citizen, could conscientiously swear to support the Constitution containing the said amendment: Therefore,

*Resolved*, That a committee be appointed by this conference with instructions to proceed to Washington as soon as possible after the adjournment of this body in order to lay before Congress the following petition:

"The members of the Wilmington Conference of the Methodist Episcopal Church, now sitting at Dover, in the State of Delaware, respectfully petition the honorable Senate and House of Representatives of the United States in Congress assembled, to pass a joint resolution submitting to all the State legislatures for ratification the following amendment to the Constitution:

"After the word 'posterity,' in the preamble as it now stands, insert the words 'trusting in Almighty God,' so that the whole preamble thus amended shall read as follows: 'We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, trusting in Almighty God, do ordain and establish this Constitution for the United States of America.'"

*Resolved secondly*, That the said committee secure, if possible, a similar petition from the Lay Electoral Conference, and that our delegates to the next General Conference endeavor to secure a like petition from that body.

Respectfully submitted.

J. H. Caldwell, R. H. Adams, W. L. S. Murray, Vaughn S. Collins, E. C. Macnichol, George A. Phoebus, Thomas E. Terry, T. E. Martindale, Merritt Holburd, Lewis E. Barrett, Edward Davis, W. E. Avery, Alfred T. Scott, F. C. MacSorley, John D. Rigg, C. W. Prettyman, R. Irving Watkins, B. F. Price, Henry S. Thompson, Charles A. Hill, Robert W. Todd, J. B. Quigg, Charles F. Sheppard.

Mr. McMILLAN presented a petition of sundry citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which was referred to the Committee on the District of Columbia.

He also presented a petition of Lansing City Lodge, No. 384, International Association of Machinists, of Lansing, Mich., and a petition of Gratiot Lodge, No. 117, International Association of Machinists, of Port Huron, Mich., praying for an investigation of the treatment accorded workingmen in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the National Association of Stationary Engineers, No. 11, of Negaunee, Mich,, praying for the passage of the so-called Squire bill, relative to naval engineers; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of the Illinois Reform Press Association, of Springfield, Ill., remonstrating against the passage of the so-called Lodge bill appropriating $88,000,000 to carry out a scheme of coast and harbor defenses; which was referred to the Committee on Coast Defenses.

He also presented a petition of sundry citizens of Advance, Ill., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of La Clede, Ill., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Illinois general assembly, praying for the enactment of legislation providing a general system of dock and harbor improvements upon the Great Lakes; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Joseph Sherwood, George Caswell, Harmon Varrell, and Charles M. Powell, enlisted men of the U. S. S. *Bibb*, and citizens of Maine, praying for the enactment of legislation placing them under the provisions of the acts of Congress of July 14, 1862, and of June 27, 1890, granting pensions; which was referred to the Committee on Pensions.

Mr. WALTHALL presented a concurrent resolution of the legislature of the State of Mississippi, praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims, and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas property belonging to the Methodist Episcopal Church South, in Nashville, Tenn., was used, damaged, and destroyed, under the direction of the United States Army, during the war; and

Whereas the policy of the Federal Government has ever been to compensate peaceable citizens within the borders of our country for property used, damaged, or destroyed, belonging to private individuals or concerns, under the authority or direction of the Federal Army; and

Whereas several committees in Congress have pronounced valid the claims made by the agents of the Methodist Church South for compensation for the use of property by the United States Army during the late war: Therefore

*Be it resolved by the house of representatives (the senate concurring)*, That the Senators and Representatives in Congress from the State of Mississippi are hereby formally and earnestly requested to use every honorable effort to secure the passage of a bill now pending in Congress for the "relief of the book agents of the Methodist Episcopal Church South."

That a copy of these preambles and resolutions be certified by the secretary of state and sent our members of the House and Senate of Congress.

Adopted by the house February 21, 1896.

FRANK A. CRITZ,
*Speaker pro tempore of the House.*

Adopted by the senate February 24, 1896.

J. H. JONES,
*President of the Senate.*

Approved March 11, 1896.

A. J. McLAURIN, *Governor.*
J. L. POWER, *Secretary of State.*

Mr. BRICE. I present a memorial of the agents of the States of Ohio and Pennsylvania, relative to the claims of these States, under the act of July 27, 1861, as stated in Senate Document No. 75, Fifty-fourth Congress, first session. I move that the memorial be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT presented a petition of the Woman's Christian Temperance Union of Connecticut, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

Mr. WHITE presented a petition of the Paint, Oil, and Varnish Club, of San Francisco, Cal., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

## BERNARD R. GREEN.

Mr. MORRILL. I am directed by the Select Committee on Additional Accommodations for the Library of Congress to report a joint resolution and ask unanimous consent for its passage.

The joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriations for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury under such rules and regulations as he may prescribe.

Mr. MORRILL. I merely wish to say that Mr. Green is the man who has been the engineer under General Casey in the construction of a considerable share of the War, State, and Navy Department building, the Washington Monument, and the Library building, at present nearing completion. This building, it is expected, will be completed within less than one year from the present time. It is only recently that General Casey said to me that Mr. Green, receiving only $4,200 a year as his compensation, is really worth $5,000; and therefore the Select Committee on Additional Accommodations for the Library of Congress have placed his future compensation at the rate of $5,000 a year. I trust that the joint resolution will receive the unanimous approval of the Senate.

Mr. HALE. Mr. President, I most cordially second the proposition of the distinguished Senator from Vermont [Mr. MORRILL]. Since the Committee on Appropriations took this matter largely in hand and have from year to year examined into all of the appropriations for the new Library building, I think I may speak for all the committee in saying that the worth of the services of Mr. Green has been constantly growing in the mind of the members of the committee. He is a man of singularly excellent capacity, of untiring industry, of great integrity; and in the calamity that has fallen upon the country in this service and in other ways in the death of General Casey, I esteem it a matter of great congratulation to ourselves that so good a successor is naturally presented in the great work in which General Casey, was engaged. I would be willing to increase the compensation. If at any time hereafter the amount proposed in the joint resolution is not large enough, I

shall be even willing to increase the compensation provided in the joint resolution for this most excellent and worthy man.

I wish to say further, although it is needless here, that long experience with General Casey has led me to estimate him as one of the best of all officers in the public service. The monuments that his genius has raised in this city will be enduring as memorials to his fame, and all that has been done by Congress for him is only a slight measure of recognition of his real merit.

Mr. VILAS. Mr. President, I can not let the occasion pass without adding a word in respect to the peculiar merit of Colonel Green for this appointment. His connection with the construction of the Library building began during the time while I was upon the commission originally created, composed of the Architect of the Capitol, the Librarian of Congress, and the Secretary of the Interior. He was from the outset of the work the efficient accomplishing force connected with it, and he always has been from that time to this. He has been retained from no favor. I do not think there is a man in the United States who is his superior in knowledge of everything that pertains to the construction of a building in every branch, both of the substantial material parts, and of the æsthetic parts. I believe that the Government of the United States has saved a very large sum of money in the construction of the Library building by reason of Mr. Green's capacity and fidelity.

It is a pleasure to me to support the joint resolution, while at the same time I join in lamentation at the loss of the excellent officer who has been called away.

Mr. HILL. Mr. President, I am always reluctant to assent to resolutions of this character, which are brought in without a report from any committee and upon which immediate action is desired. I should suppose the selection of an important official like this is a matter that might well be referred to some appropriate standing committee of the body and then be reported to the Senate for action. I know nothing in regard to the qualifications of Mr. Green, or Colonel Green, I think he is called, nor in regard to the propriety of the compensation proposed to be given him. I shall ask this question: Is he connected with the Army in any way? Has he been?

Mr. VILAS. I do not understand that Mr. Green is an Army officer. He is a civil engineer, but had been in the employment of the Government, as was stated by the Senator from Vermont, as superintendent for a considerable portion of the time of the construction of the State, War, and Navy building, and afterwards of the construction of the Washington Monument, at the conclusion of which work he was employed as superintendent of the construction of the building for the Library of Congress.

Mr. HILL. Why should not the successor of General Casey, whoever he may be, take the place of General Casey and still retain this man as an assistant?

Mr. VILAS. I do not undertake to answer for the committee, the venerable chairman of which is present, but I will simply say, as the Senator directs his question to me, that this work is now and always must be peculiarly and specially in the hands of Mr. Green, and as it is now so near completion, it could do no good and might do harm to change its superintendence.

Mr. HILL. General Casey was appointed or selected or detailed for this position, I presume, by some statute. It does not follow, I suppose, that his ordinary army duties would have given him this position.

Mr. HALE rose.

Mr. HILL. Will the Senator from Maine explain in regard to that matter?

Mr. HALE. I will tell the Senator exactly how it came about. The plans and the work for the new building dragged for a long time, until at last, when applications were made for appropriations to commence the real work and to furnish real plans and were laid before the Committee on Appropriations, that committee, with the knowledge that it had of General Casey in regard to his adaptability for this kind of work, as shown in the State, War, and Navy Department building and in the finishing of the Washington Monument, sent for General Casey. It was not, I will say to the Senator from New York, because he was an army officer, but because of the acquaintance that Congress had with him in connection with these great works, the skill that he had developed, and his large, broad capacity. The whole subject was laid before General Casey, and he was requested to formulate some plan which his experience, not technically as an army officer, but in the building of great structures, would induce him to do. When he laid his plan before the committee it was so complete in every detail that the whole work was imposed upon him, and from that day to this it has been a constant source of satisfaction, I think, to the committee that that was done.

Now, he was not selected simply as an army officer, but because of his great experience, and in that experience, I will say to the Senator, Mr. Green traveled alongside with him as his assistant. He was at once taken by General Casey and put practically in charge, and since then he has developed the faculty and the ability that show him to be much more competent for the service than any army officer is likely to be.

Mr. HILL. Mr. President, I do not like legislating a man into office. That is all this bill is. I think it would be wiser, if the original act does not provide for the appointment by some board, or by the President or Secretary of War, that a statute should be passed by which an appointment can be made. I will ask the Senator from Maine, who seems to understand this matter better than I do, how General Casey was originally appointed, whether by statute specially or by some authority?

Mr. MORRILL. By law, as the Chief Engineer of the War Department, and subsequently, when he was about to retire, he was continued under the name of General Casey until the building should be completed.

Mr. HILL. Then why should not his successor succeed him and have the same charge?

Mr. HALE. He has had no such experience as General Casey had in this kind of work.

Mr. HILL. Not in this particular work, but it is to be assumed he has had some experience.

Mr. HALE. This man has been practically in charge of the work from the day when the first stone was laid, constantly increasing in his usefulness, and no army officer can compete for a moment with him.

Mr. HILL. Why can not he continue in the same position under the new official as under General Casey, if he is so valuable a man?

Mr. HALE. I would reward a man for real merit and for the work he has done, and I would promote him because of that work.

Mr. MORRILL. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. MORRILL. I will state that this matter has been fully considered by every member of the committee, the Senator from Illinois [Mr. CULLOM], the Senator from Iowa [Mr. ALLISON], the Senator from Indiana [Mr. VOORHEES], the chairman of the committee, and the Senator from Alabama [Mr. PUGH].

Mr. HILL. When was the joint resolution introduced?

Mr. MORRILL. It has been considered by the Secretary of the Treasury, and the joint resolution was prepared under his supervision as the proper thing to be done.

Mr. HILL. I did not understand that a report from any committee was presented.

Mr. MORRILL. Certainly. The joint resolution is the unanimous report of the committee.

Mr. HILL. It is a report?

Mr. WOLCOTT. Will the Senator from New York yield to me?

Mr. HILL. Yes.

Mr. WOLCOTT. I want to appeal, as a Senator who likewise knows but little on this subject, to the Senator from New York to permit the joint resolution to be passed. If experience had not so often proved the contrary we would all have said that General Casey's place could never be filled. If it is possible that the work which he has so grandly carried on can be consummated, we are informed by this committee that it may be done by the gentleman whose name is stated in the joint resolution.

Mr. President, the splendid structure which for all ages—we hope as long as this Republic lasts—will adorn this capital has arisen through the efforts of the committee under the direction of the venerable and beloved senior Senator from Vermont [Mr. MORRILL]. He has kept it from its inception until now out of all political controversy, out of every question except that which would tend to the beauty and grandeur of the building. We have known as little as he has seen fit to tell us. We have kept out of disputes about it and out of controversy as to whom the work should be awarded or under whose direction certain elements of its construction should be carried on, until now there is nearing completion the grandest and most beautiful library building that the whole world affords.

If the venerable Senator from Vermont, whose days and nights and constant thought have been given to the completion of this structure, is of opinion that it should be finished under the direction of the gentleman named in the joint resolution, I appeal to the Senator from New York to withdraw any opposition he may have based upon the fact that precedents do not call for this action, and to permit the joint resolution to pass and permit the structure to be finished under the same hands as those that inaugurated it. Long after the Senator from Vermont and all the rest of us shall have passed away that building will stand as a monument to his intelligence and his efforts and his patriotism, and for one I am delighted that it should be left in his hands.

Mr. ALDRICH. I beg to recall to the Senator from Vermont a fact which I think must have escaped his attention. When General Casey was placed in charge of the work upon the new Library building it was not as an officer of engineers, it was not as Chief of Engineers, but he was placed in charge of the work as Thomas L. Casey, by name, in a statute passed by Congress. It was done on account of his experience. The Senator from Maryland [Mr.

GORMAN] shakes his head. I am sure I am right, because I remember the circumstances very well.

Mr. MORRILL. I think the Senator will find he was first employed as Chief of Engineers.

Mr. ALDRICH. No; he was not.

Mr. MORRILL. I know he was subsequently named.

Mr. ALDRICH. I remember very well talking the matter over with the late Senator from Kentucky, Mr. Beck, who had charge of this matter in the Committee on Appropriations. He insisted that if the work was to go on it should be under the charge of General Casey; and it was given him in charge, not as an officer of engineers, but as an individual. I understand the action now suggested by the Senator from Vermont is to follow the precedent which was made in this case, and which proved of great advantage to the country, and to appoint his successor in the same way.

Mr. HILL. What year was that statute passed?

Mr. ALLISON. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. ALLISON. This statute respecting General Casey was passed eight or nine years ago. It was perfectly familiar to every member of the Committee on Appropriations at that time. There was then a careful investigation made by that committee as respects the progress which had then been made in the construction of the Library building. There was practically no progress at all. With considerable appropriations every year for clerical and other force, they did not seem to be advancing the work. It was then that the Committee on Appropriations was called upon to make a large appropriation for the commencement of the structure, and we made such an investigation as led the committee to believe that if it was constructed under the management of those having it in hand its completion would be indefinite as to time and that it would cost an immense sum of money. The Committee on Appropriations having charge of the sundry civil appropriation bill, of which I was then chairman, my colleague the Senator from Maine [Mr. HALE] being upon the committee, and Senator Beck being also a member of the committee, made a full investigation of the subject. We then sent for General Casey and asked him to go over the plans and suggestions made by Mr. Smithmeyer, who was then the architect. He gave us an estimate as to what the probable cost ought to be, and also of the time necessary for its completion. The committee then considered the subject with care and again sent for General Casey, and stated to him that we had prepared an amendment which placed the whole charge of the work in his hands, fixing a limit of cost and fixing a time for its completion. He expressed a disinclination to take charge of the work, but agreed that he would do it if the amendment we proposed should pass and become a law and he could have a sufficient appropriation from year to year to execute it. His name was inserted in the bill as Gen. Thomas L. Casey, Chief of Engineers of the United States Army.

Mr. HILL. Can the Senator from Iowa turn to the act, or has any Senator here the act?

Mr. ALLISON. It was, I think, in the act of 1884, or probably in 1885. I will turn to the act presently. I can not at this moment remember the precise year.

Mr. VILAS. It was in 1888. The Senator is a little off on some of the other details in connection with the matter.

Mr. ALLISON. I may be, but I am not so far off as the Senator thinks I am, as will appear before I get through. The details are perfectly within my memory.

Mr. HALE. If the Senator from Iowa will allow me, I have the act here. The language of the original act, which remained in force until General Casey was retired, provided—

That the contracts for the construction of said building or any part thereof shall be made by the Chief of Engineers of the Army.

That language was followed until General Casey was retired.

Mr. ALLISON. His name may not have been mentioned until after his retirement, but it was no part of the duty of the Chief of Engineers of the Army to construct a Library building for Congress. Therefore it was as much a designation of Thomas L. Casey for that work as though his name had been originally inserted, which was my recollection. I apologize to the Senator from Wisconsin for making a mistake.

Mr. HILL. If the Senator will allow me, if General Casey had then died of course his successor would have taken charge of the work.

Mr. ALLISON. I will reach that point in a moment. This work was put in charge of General Casey, he being designated, of course, at first as Chief of Engineers. He went on with the work from year to year, and Congress appropriated whatever he asked to have appropriated for the work. When the time for his retirement arrived it became necessary—he being no longer Chief of Engineers of the Army—that his name should be inserted, and it was inserted.

During all this work, occupying eight or nine years, Mr. Green, who is now designated here, was his subordinate and had the chief control and direction of the details of the work. Being an engineer, he disclosed during this period a capacity for the work that met the complete approval of those familiar with it as it progressed.

The point I desire to impress upon the Senator from New York is, that the work has never been under any appointee. General Casey was not a Government appointee so far as this work is concerned. He was in the employ of the two Houses of Congress in the execution of appropriations made from year to year for the construction of the building. He never received a commission or a designation or an appointment in the form of an officer in charge of the work.

Mr. HALE. He was not detailed?

Mr. ALLISON. He was not detailed by the Department in any sense. The work from its inception to this moment, so far as respects General Casey, has not been in charge of any officer of the Government. It is not now in charge of any officer of the Government, because General Casey was not in charge as an officer. He was in charge as Thomas L. Casey, a retired officer, it is true, of the Army, performing a civil duty designated by Congress and not otherwise.

Mr. President, I speak without hesitation when I say that Mr. Green is eminently fitted for this work; first, from his education and qualifications as an engineer; secondly, from his assidnity; thirdly, from his integrity, and next from the fact that he is familiar with every stone and every brick and every piece of ornamentation in the Library building from its beginning to this time.

Mr. MORRILL. And he knows every workman.

Mr. ALLISON. And as the Senator from Vermont very properly suggests, he knows every workman. He is familiar with every contract and with every workman and with the qualifications of every workman, and there are men employed upon the Library building of the highest qualifications as respects their peculiar art. He is the only man of whom I know who is capable of completing this work as it ought to be completed. We have appropriated a sufficient amount of money for its completion. It will be completed within less time than one year. No new man, however intelligent he may be or however exalted he may be in office, can take up the thread of that work and be substituted intelligently for Mr. Green in its performance.

Mr. HALE. Will the Senator before he sits down let me give the language of the act of 1892?

Mr. HILL. That is not the original act. The original act was in 1888.

Mr. HALE. I am speaking to the act of 1892, passed at the time of General Casey's retirement. After making the appropriation the act provided:

That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

Mr. CULLOM. That was passed before his retirement?

Mr. HALE. Before his retirement.

Mr. ALLISON. Now, one word more and I am done. It is no reflection upon any chief engineer of the Army, or upon any engineer officer of the Army, that this designation shall go to the man who has had charge of the work as to its details. When General Casey retired he was placed in charge as General Casey, a retired officer, and not as an engineer officer. As there is no one now in charge of the building, I hope that the Senator from New York will yield and allow the joint resolution to pass, which will devolve the work upon Mr. Green as chief engineer and the superintendent of the work until it is completed.

Mr. HILL. Mr. President, when I rose to make the inquiry for information I labored under the impression that the joint resolution had not been introduced before, but had simply been introduced this morning, and I did regard and still regard it as somewhat hasty legislation. I am now advised that the joint resolution has been reported from a committee, although nothing had been referred to the committee. However, I recognize the right of a committee to report by bill or otherwise. I now understand that the joint resolution is reported from a committee and immediate action is asked.

The discussion has already shown how unreliable is the information of gentlemen who were very positive that when the original act was passed General Casey's name was mentioned in the act, not even in his official capacity, but as Thomas L. Casey, and they emphasized it. The original act I have before me. It was, as usual, an amendment to an appropriation act, an act of 1888. I will read the whole of the item:

For the building for the Library of Congress, as herein provided for, and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary for the work and shall specially order, $500,000.

This appropriation and all appropriations hereafter made, and all sums available from appropriations heretofore made for this purpose, shall be expended under the direction and supervision of the Chief of Engineers of the Army, who shall have the control and management of all of said work and the employment of all persons connected therewith. And all contracts for the construction of said building, or any part thereof, shall be made by the Chief of Engineers of the Army, and so much of the act entitled "An act

authorizing the construction of a building for the accommodation of the Congressional Library," approved April 15, 1886, as requires the construction of said building substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer, and so much of the first section as provides for a commission, together with the eighth section of said act be, and the same are hereby, repealed, and the duties of said commission under said act are hereby devolved upon the Chief of Engineers of the Army, who shall annually report to Congress at the commencement of each session a detailed statement of all the proceedings under the provisions of this act, and hereafter, until otherwise ordered by Congress, no work shall be done in the construction of said Library except such as is herein provided for, and all contracts for work or materials not necessary for the execution of the work contemplated herein are hereby rescinded.

So the gentlemen who answered that this work was originally given to Mr. Casey and not to the Chief Engineer of the Army are mistaken.

Mr. MORRILL. The Senator from New York will remember that I stated the matter as he finds it on the record.

Mr. HILL. I think the Senator from Vermont probably stated it accurately, though I did not hear the remark he made. Subsequently in 1892, in an appropriation act, as usual, it was provided—

That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

I assume the idea of that enactment was because he was about retiring and there would be a question as to whether the language "Chief Engineer of the Army" would refer to a retired officer. I have no doubt that Congress intended to continue General Casey in charge. He selected Mr. Green. I have no objection to Mr. Green, who is undoubtedly a very competent man, but I do not quite see the hurry for the putting through of this joint resolution only a day or two after the death of this distinguished gentleman.

I am not disposed to continue my objection to the joint resolution if the committee have thoroughly considered this matter, although I do confess, while I shall not insist upon the objection, that I do not like this method of legislating, as I said, legislating a man into office by statute. It seems to me that either the President of the United States or some other authority might be designated to select a competent man. If we do not pass the joint resolution what is the result? The result simply is that in a few days the President will send in the name of some competent officer of the Army who is an engineer, and that engineer will succeed to the duties devolving upon him, and I assume will keep Mr. Green, if he is so valuable as has been represented, in this very same place.

The little increase of salary spoken of I care nothing about. That is a small matter. It strikes me, however, that it, designating a particular man, is not the proper way to legislate. If Mr. Green should die to-morrow Congress would have to pass another statute to meet the particular exigency. I do not like that way of legislating. The committee seems to be very earnest about the matter. They seem to think it is a matter requiring immediate action, even before the burial of the distinguished general. I do not like it, but I shall not insist upon my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CALL. Mr. President, I was a member of the Committee on Appropriations at the time when this trust was created and this duty imposed upon General Casey. Whatever may be the language of the act, every member of the Senate at that time knew that this was a personal trust imposed upon General Casey as a man, that it in no wise pertained to the military duties which belonged to him as Chief of Engineers, but it was because, as stated at that time by the Senator from Kentucky, Mr. Beck, as I well remember, that he had built the War and Navy portion of the State, War, and Navy building in a manner far superior to that which had been done under contract, and, as I now remember, at a cost one-third less than that at which the other portion of the building had been constructed. I remember that Mr. Beck was particularly earnest in his insistence that General Casey as an individual, as an architect, should have this duty imposed upon him. Therefore, whatever may be the language of the statute passed at that time, it was the intention of every member of this body—for there was no dissent, as I remember, to it—that this should be a duty imposed upon General Casey because of his personal qualifications and his capacity for the work.

I wish to say that General Casey was a model man. I knew him most intimately in his official duties and relations to the Library building. He was one of those rare geniuses who develop into great architectural ability and into great business ability in respect to details. He was one of those men who have built the great public buildings which have become classic and which in all parts of the world commemorate the most distinguished and eminent civilization in its architectural monuments. His place can not be supplied. He was a man of the century. His integrity, his complete and perfect devotion to models of art was something which is exceedingly rare and which, as I said before, belongs only to one man in a generation.

Mr. Green was General Casey's pupil and was familiar with all his methods. It is my good fortune to know him and know him somewhat well. I desire to bear my testimony here to the fact that he is one of the most eminent of the architects of this age, and he will develop, if opportunity is offered to him, a reputation which will equal that of the illustrious gentleman who has just passed away.

General Casey was a noble specimen of a man, and I am glad to be able to pay this tribute to him here. He would have been an honor to any country, to any age. Mr. Beck, the distinguished Senator from Kentucky, long ago discovered his capacity, his great architectural ability, and it was largely, if I remember aright, through his efforts that General Casey was placed in charge of the construction of the War and Navy part of the State, War, and Navy building, and when all was in doubt and it was supposed extravagant expenditures had been made, and that $12,000,000 or perhaps $15,000,000 would not cover the cost of completing the Library building according to the architect's plan, General Casey, having examined into it, reported that he would do it for, I think, $6,000,000, and that he would do it within the time specified in his estimate.

A short time ago he informed me that he would not only complete the building within the time and in a manner which would be an ornament to this country and a distinguished monument to architectural art, but that he would do it within the estimate, and he insisted that that would be done. I have no doubt that had his life been spared that would have occurred.

I hope that we shall pass the joint resolution without opposition.

Mr. PROCTOR. Mr. President, I should be very reluctant indeed to take away from a bureau of the War Department any work which properly belongs there, and I should be especially reluctant to do anything which would in any way reflect upon the present very able head of the Engineer Corps of the Army. I consider him the peer of any man who has held that position in my acquaintance. His selection as president of the Society of American Engineers shows how he is esteemed by the great railroad and civilian engineers of the country. But this is outside of the proper work of that Department. I do not believe that General Craighill seeks it or desires it in the least.

I have known Mr. Green and his work for many years—his work on the Washington Monument, his work on the War Department building and the Soldiers' Home, and upon the Congressional Library building. While in the Department I knew, of course, intimately all his methods in detail. I am glad to say, with some experience in construction, that I have never in my life known a man whom I considered his equal in work of this kind. He performed it so well that there was nothing left for his superior to do. I believe he has saved the Government hundreds of thousands if not millions of dollars.

I think the joint resolution is only a very slight acknowledgment of the great debt the country owes him.

Mr. GORMAN. Mr. President, the distinguished Senator from Vermont [Mr. MORRILL] and my distinguished friend the Senator from Indiana [Mr. VOORHEES], who is temporarily absent, have devoted many years of their Congressional life to bringing about the passage of an act for the construction of the grand pile which has been erected opposite this building. It was through their exertions, because of their efforts, that that grand pile has been erected. The architect, Mr. Smithmeyer, is entitled to great credit. He prepared the plans, which were adopted by Congress upon the recommendation of the Library Committee. The Library building will stand as a monument to his genius and his worth.

The work of construction was placed in the hands of General Casey as Chief of Engineers of the United States Army. In all the history of the Army I do not believe there is a single member of the Engineer Corps who has had the unbounded confidence of Congress and of the committees who have looked into his work as had General Casey. He was a man of supreme integrity and of splendid ability as an engineer and as an executive officer. There have been few in my time, if any, who were his equals. He has at last completed this work. All or nearly all of the contracts have been made under his direction. The decorations and every appointment of that great building have been under his eye and under his direction. Now that he has passed beyond, as a matter of course Congress must take prompt action to provide his successor to carry out that work. I accord to Mr. Green all that has been said of him. I suppose that under the peculiar circumstances of the case it is the wisest and best thing to place the finishing of the structure in his hands. But in doing so I do not want to make a precedent which will trouble us hereafter.

Mr. HILL. Will the Senator from Maryland allow me to ask where Mr. Green is from?

Mr. GORMAN. I have no idea of what State he is a resident. He is an American citizen and a civil engineer. My impression is that he is from New England.

Mr. HILL. There are a thousand American civil engineers,

but I thought some one might know from what State this gentleman came or what building he has ever erected.

Mr. GORMAN. My impression is that he is a New England man, although I do not know from what State he comes. Mr. Green is a civilian, and to place by resolution in the hands of any civilian the expenditure of six or eight million dollars without any provision in regard to bond or supervision is unwise.

Mr. MORRILL. Will the Senator from Maryland allow me to state that there is a clause in the joint resolution providing that all of the expenses for compensation or under contracts shall be disbursed by the Treasury Department?

Mr. GORMAN. Yes; but I understand all the authority which was conferred upon General Casey goes to Mr. Green, and that involves all the contracts.

Mr. MORRILL. I think he has given bond already.

Mr. GORMAN. I do not believe that there is in this case any danger. I know by the statements of General Casey and the officers connected with the Treasury Department that they regard this gentleman as a man of great integrity and great ability. I merely want to say that in voting for the joint resolution I consider it an exceptional case. I would not like to see it followed out hereafter, so that Congress by resolution would place in the hands of any civilian large expenditures without making proper provision as to bond.

Mr. COCKRELL. As I understand the joint resolution, it does not place one dollar of money to be handled individually by this superintendent.

Mr. GORMAN. No; but there are contracts.

Mr. COCKRELL. The contracts, as we all know, are practically made and completed. There is very little to be contracted for. The building will be completed inside of a year from this time.

Now, this is a Congressional building. It is not a building for the benefit of the Government generally. Congress is the only power that ought to select the persons to superintend it, just as we ought to select our Secretary here and every other one to transact our business. The work is done by the joint action of Congress, and I think it is the right and only proper method for Congress to make the selection. It does not belong to the executive branch or any other branch of the Government.

Probably I never saw Mr. Green more than once in my life. I have no idea what State he is from. I did know something of General Casey. When I came here a number of years ago the State, War, and Navy building was not completed and was not occupied. The State Department was out Fourteenth street. There was much delay and much complaint about the slow progress that was made. At the instance of some one of the committees of Congress a change was made, and General Casey was placed in charge of the construction of that building. I have learned since that Mr. Green was then his assistant. I do not know about that, but I know that that building was put up very rapidly, to the entire satisfaction and to the great gratification of everybody, and it was completed within the time he estimated and within the limit of the appropriation. I remember another instance: When this city was about to suffer for water, and it was necessary to have an additional water supply, General Casey was called in and made his suggestions and the matter was placed in his charge, and in one season alone he placed in position the 4-foot water main, a magnificent work. The material was collected from all the foundries in the country. It was brought in here on every route of transportation that could bear it, because it was the only way that it could be assembled in one season and completed. That work was completed, extending from the water supply in Georgetown here on North Capitol street, and when the water was turned on there was not a drop that leaked and there was not an imperfection found in it.

We all remember how the Library building was progressing. Everybody practically became disgusted with the slowness with which the work was being done. There were vague rumors about what the cost would be and the length of time it would take. The House of Representatives at that time, as we all know who were here then, instituted a rigid investigation. Its committee called before it those engaged in the construction, and they were so dissatisfied that they called upon General Casey to make a modification of the plan and an estimate of the amount it would cost and the length of time it would take to complete it. That estimate was made, the plans were submitted, and the House of Representatives adopted it, and directed that General Casey, then Chief of Engineers, not naming him, but putting it in his hands because he was the Chief of Engineers, should take charge of the work. We gave him authority to go on and construct the building according to his plan and specifications and authorized him to contract for the full amount. He went on and he had nearly brought the work to completion within the amount specified before his unfortunate and sad death.

Not an additional dollar has been required or will be required. He was continued in charge by name after he was retired because the description of Chief of Engineers would not suit him after that time. He would not be Chief of Engineers; he would be ex-chief.

Mr. Green, from what I am told, has very greatly aided General Casey in all this work, and I tell you the most wonderful work that has ever been done was the calculation of the cost of the Library building and the length of time it would take to construct it, when the material, the marble, had to be gathered from every noted quarry. You will find marble there from every State in the Union where there was any marble; and how anyone could make a calculation of what the cost would be is to me incomprehensible. I think that Mr. Green ought to be continued until the work is finished. The money is being paid out by the Secretary of the Treasury, and it will only be paid out in accordance with the existing contracts, which are nearing completion.

Mr. CULLOM. Mr. President, I feel that I ought to say one word in favor of the joint resolution, as I am one of the committee and believe that such a measure ought to pass. I shall not take up the time of the Senate by going over the history of the work that has been carried on here for a number of years, but I desire to say, what perhaps has already been said, that the work will be completed within the cost estimated and within the time specified when it was first begun. The last time that I had the pleasure of seeing the late General Casey he seemed to be exceedingly happy in talking about the work, and he said he expected to complete the building in January next, I believe, which was a month or two before the time should expire within which the work was to have been done, and he expected to save about $60,000 below the contract that had been made for the completion of the work at the beginning.

So far as Mr. Green is concerned, I have known him ever since he has been engaged in that work. He has seemed to be the active, constant man in charge of the work, of course subject to the supervision of General Casey, but he is largely responsible for the rapid progress of the work and for the manner in which it has been carried on. So far as the question of the impropriety of the appointment of a civil engineer by Congress to take charge of such a work and appoint him by name, it seems to me that this is a very noted case and a case where such an exception should be made. He has been engaged in this work from the beginning. The work is within a few months of completion, unless it is interfered with in some way that we know nothing about at present. So far as the joint resolution is concerned, it does not provide that Mr. Green shall handle any money at all except his own salary. The joint resolution reads:

That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriation for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury, under such rules and regulations as he may prescribe.

Mr. HILL. Will the Senator from Illinois allow me?

Mr. CULLOM. Certainly.

Mr. HILL. Is it expected that the place which Mr. Green now holds as first assistant is to be supplied by the appointment of some one else?

Mr. CULLOM. It is not contemplated by the joint resolution, and I do not know that it would be necessary to supply it.

Mr. COCKRELL. There is no necessity for it at all.

Mr. CULLOM. There is no necessity for it in my judgment, in view of the fact that the work is all let substantially now, contracts are made, and the only requirement is that somebody shall be at the head of the establishment and give it his personal attention, so that the contracts may be carried out as rapidly as possible and within their terms. I do not think anything further is necessary in the premises than the adoption of the joint resolution.

Mr. VILAS. Mr. President, I judge from the tone of the discussion that there is no longer any doubt about the disposition of the Senate to do this very reasonable and proper thing and direct Mr. Green, who has been the efficient superintendent and manager of its construction, to perform the few remaining things which are to be done during the coming year to complete that noble building.

But I wish to make one or two observations to correct some mistakes of history which have fallen from the members of the Committee on Appropriations, the distinguished Senator from Iowa [Mr. ALLISON], as well as the distinguished Senator from Missouri [Mr. COCKRELL], in respect to the circumstances under which General Casey was placed in charge of the work.

I happened to have something to do with it. There was no complaint at that time of the then tardy progress of the work. There had been an interruption during the year previous, lasting for a great many months, in consequence of a controversy that had arisen between Mr. Smithmeyer, who had been designated as architect, and the contractors who had to furnish cement for the first course—the bottom course of the building. The only thin

which had been done under the commission, as it had been constituted previously to the time when I went upon it, was to condemn the ground and dig a trench around the outside of the wall. I went upon that commission on the 18th of January, 1888, by virtue of being then placed in possession of the office of Secretary of the Interior, and in February following for the first time the commission met, and the controversy over the cement, which had been raging for nearly a year, at least for six or eight months, was settled at that meeting. Shortly afterwards—and I had perhaps as much to do with it as any other member upon the commission—Mr. Green was employed as superintendent, and in April, as quickly as the spring would permit, the subfoundation of cement was laid, the next foundation above it was laid, and before this act of Congress was passed the basement walls were some feet above the ground in places, and the work was going on with great rapidity.

What occasioned the change was this: One day in the summer of 1888 I was called before the subcommittee on Appropriations in the House of Representatives, the subcommittee then being composed of the Hon. Samuel J. Randall, Hon. J. H. Forney, Hon. Mr. Ryan, of Kansas, and perhaps one or two others; but I remember those three gentlemen as particularly active. I was called there for the purpose of explaining some estimates that had been sent up by my predecessor in regard to the Department of the Interior. Nothing was said in respect to the Library of Congress until I called their attention to the erroneous manner, as I conceived it, in which appropriations were being made for that building, which, after being discussed, led to an inquiry of me by the Hon. Mr. Randall: "What will the building cost, in your opinion?" I said, "From $7,000,000 upward, in my opinion, although I have no right to give one, for I am no builder." They exclaimed at once, every member of that subcommittee raising their hands and using vigorous speech, that it had been represented to them that if they consented to the construction of the Library of Congress building it should not cost to exceed $3,000,000. I said I was not aware of anything of the sort; that I meant to enter into no controversy, but that I would submit it to them as a mere general statement that that sum must be insufficient; that the Library of Congress building covers 23,000 square feet of ground more than the State, War, and Navy building, and the State, War, and Navy building had cost $11,000,000 or thereabouts, approximately.

Thereupon they declared that they would proceed no further with that work; it should be brought to the terms upon which it had been represented to them when they had consented to enter upon the scheme of building; and a discussion was begun at once in the House of Representatives, followed by an investigation, the result of which was this measure passed in the appropriation act of 1888, by which it will be seen that no plan was adopted then. They, in a certain vehemence of anger, struck down all plans, and simply directed the construction to be made by the Chief of Engineers of the Army, and the plan to be modified. There was a brief sketch of new plan suggested then, but the plans were to be modified. The act is dated October 2, 1888. It was then provided that the total cost of the building should not exceed $4,000,000, exclusive of the appropriations theretofore made.

Mr. HILL. Will the Senator from Wisconsin allow me for a moment? Can he tell me when the work was first begun?

Mr. VILAS. The act for the creation of the Library commission, the original provision, was made in the Forty-eighth Congress, and in the last session, if I remember rightly, of the Forty-eighth Congress, probably on the 3d of March, 1885.

Mr. HILL. When was Mr. Green first connected with the work?

Mr. VILAS. Mr. Green was appointed in March or April, 1888, according to my best remembrance, and then the first stone was laid in the building by the contractors, who had been in quarrel with the architect in respect to the question of cement for many months, perhaps nearly or quite a year previous. I will not say Mr. Green was appointed superintendent before the contractors began on the work, but it was early.

Mr. HILL. He was not selected by General Casey; another inaccuracy.

Mr. VILAS. I suppose I appointed Mr. Green, together with the other members of the commission.

Mr. HILL. Mr. Green was there in the spring of 1888, and the appropriation bill containing this item did not become a law until October 2, 1888.

Mr. VILAS. The building was well advanced in construction when that act was passed, and because of that fact General Casey did not change the plan. The building is constructed to-day substantially and mainly upon the original plan, the plan as made by Mr. Smithmeyer, with very slight modifications. What General Casey did was this: He took out some of the cross sections of the interior building originally designed in the first Smithmeyer plan, and thus reduced the cost. The building is now simply a square, with two transverse segments passing through what would be the interior square or court. In the original design there were other transverse buildings, and by removing those he both improved the light of the interior and reduced the cost; and before General Casey did any work at all on the building Congress recognized that the original plan ought to be followed as so modified; and accordingly, the following March, before any work was done, the other act being passed in October (no work had been done during the winter), they changed the limit of cost to the sum of $5,500,000, exclusive of other appropriations theretofore made, which carried the total amount to some six million and three hundred or four hundred thousand dollars. Within that limit the building has been constructed. I believe it has been constructed with good judgment and with more economy than any other building that I ever knew the Government to have anything to do with. Mr. Green, as well as General Casey, is entitled to share the credit.

Mr. HILL. I notice that the act of 1888, at the end, says:

*Provided further*, That the total cost of said building shall not exceed $4,000,000, exclusive of appropriations heretofore made.

Was that changed afterwards to $5,000,000?

Mr. VILAS. That was changed within just five months. Five months afterwards it was changed before any work had been begun under it, and the old plan of the building was readopted with those modifications, by which the cost of it was somewhat reduced. The building, if constructed according to the plan which Congress had adopted and the Library Commission were at work under, would have cost probably $7,000,000 and more, but by taking out those transverse interior wings the cost was reduced.

Now, Mr. President, I only desire to say in reference to that, in justice to the Commission of which I was then a member and partly in claim of justice to myself, that there was no sort of criticism upon the rapidity of the work or the manner in which it was being conducted at the time when the act was changed. The whole controversy arose out of the fact that the other House found that the building was to cost more than it was expected and had been represented to them it would cost, and if Senators will look at the debates that took place in the House of Representatives at that time it will be found that that was the whole burden of complaint and controversy.

Mr. ALLISON. Both the Senator from Wisconsin [Mr. VILAS] and the Senator from New York [Mr. HILL] animadvert upon the fact that I made a slight mistake. I said that originally General Casey's name was inserted in the law. That, for the moment, was my recollection, knowing that it was inserted in the appropriation act for several years. However, I regard that criticism as sticking in the bark and not touching the essential point that we are considering here. It would require a casuist to discover that the designation of the Chief of Engineers to do a work not within his province as Chief of Engineers was a different thing from inserting the words "General Casey, Chief of Engineers." Of course I accept the criticism of the Senator from New York with a proper degree of humility.

Mr. HOAR. Before the Senator from Iowa proceeds I should like to ask him a question, which perhaps is not very important. Was not this thing settled, whatever was done in the beginning, when General Casey retired? Was not the continuance by act of Congress of the work by him a determination of Congress that it was an individual trust and not one pertaining to the office of Chief of Engineers?

Mr. ALLISON. Of course the insertion of his name later was a necessary execution of what was originally done by the two Houses.

Mr. HOAR. My proposition is——

Mr. ALLISON. I understand, that it was a distinct averment——

Mr. HOAR. My proposition is that when General Casey retired Congress had to consider the question whether they had intended to intrust this work to him as an individual or had intended to annex it to the office of Chief of Engineers, and they enacted that it belonged to him as an individual when he retired from his office so far as the duties were concerned.

Mr. ALLISON. That is very true. When General Casey, as Chief of Engineers, was about to retire, Congress had freshly to consider the question, although originally, as every Senator who was here at that time knows, the placing of the Library building under the control of General Casey was done not because he was Chief of Engineers, but because of the knowledge of Congress as to his ability to perform the work.

Now, I did not enter into a detailed statement of what preceded the appointment of General Casey. Therefore, of course, my statement was not a full one as to the history of the construction. Of course I knew, as we all know, that the Library building was under the care of a commission prior to the statute of 1888.

The Senator from Wisconsin [Mr. VILAS] seems to think that there was no criticism as respects the method of conducting the work or its progress or its chief architect.

Mr. VILAS. Oh, no; not as to the latter.

Mr. ALLISON. It is well known that although Mr. Smithmeyer made an elaborate plan for the Library building, associated with him was another architect, Mr. Pelz, who has been constantly employed since that time; and it is well known from Mr. Smithmeyer's own statement, which he made to the Committee on Appropriations of the Senate, that it was impossible for him even to estimate the cost of the building. He stated it might be eight, ten, or twelve million dollars, and he was the active officer in the construction of the building at that time, of course under the supervision of the Commission.

Now, the Committee on Appropriations of the Senate inserted those provisions. They were not put in in the House. This question was wholly dealt with in the Senate as respects the selection of the Chief of Engineers of the Army for the work. We dealt with it in the Senate specifically. The amendment which has been twice read in this debate was prepared by Senator Beck and myself and submitted to General Casey, the House of Representatives having refused to make appropriations, because, as truthfully said by the Senator from Wisconsin, they were led to believe originally that the cost would not exceed $3,000,000. When we summoned General Casey before us and asked him to examine those plans, he stated that under those plans it would be impossible to construct the building for $3,000,000 or $4,000,000 or $5,000,000, and therefore we inserted the original provision in the Senate, my recollection is—I may be mistaken in that recollection—which I state with due deference to the Senator from New York who I hope will not criticise me adversely if I am mistaken. We had three or four conferences with a committee of the House before they would agree to progress with the building at all unless its cost was confined to $3,000,000, and unless a plan was projected that would limit the cost to $3,000,000. That is the truth about that matter. But it was finally agreed and compromised between our limit of cost to $5,000,000 and their insistance that the limit of cost should be $4,000,000.

Then it was that General Casey took all those plans, and within the intervening five months, as he was requested to do in the original act, modified the plan so as to make the limit of cost $5,000,000.

Mr. MORRILL. Six million dollars.

Mr. VILAS. A little over $6,000,000.

Mr. ALLISON. I think it was exactly $6,000,000.

Mr. VILAS. It was a little over $6,000,000.

Mr. ALLISON. A little over $6,000,000. He then brought those modified plans to us and stated to us, that if he had proper legislation from year to year he would limit the cost to $6,000,000 and complete the work within eight years.

Now, that is the history of that transaction, given in brief, and I make no reflection upon the Commission or upon anyone who had charge of the matter, unless it be a reflection upon Mr. Smithmeyer to say that he was progressing with the work upon a scale of extravagance that was inexcusable. Therefore it was that we cut up by the roots in the appropriation everything respecting the chief architect. He insisted afterwards that because he was the chief architect he should have the compensation of a chief architect, which included a percentage upon the entire cost of the building, and we prepared in that amendment for any suit of damages against the Government of the United States, whether by Mr. Smithmeyer or any contractor, or under any contract that he had entered into. As the Senator from Wisconsin will see, we nullified the contracts which were then in existence, it being the intent and purpose of that legislation to place this whole matter in the hands of General Casey, and if it cost $30,000 or $50,000 in the way of damages to annul those contracts we intended that they should be annulled.

Afterwards Mr. Smithmeyer was settled with as architect and paid $30,000 for his services in the making of the original plan. I believe——

Mr. VILAS. Did he not recover a judgment for over $50,000 in the suit in the Court of Claims?

Mr. ALLISON. Was it $50,000?

Mr. VILAS. I think so.

Mr. ALLISON. My recollection is that it was $30,000; but whether it was $30,000 or $50,000 or $100,000 it was necessary that we should change the method of constructing the Library building, and it was done in the manner stated. I am not going into all those details. Then, for the first time in the history of the progress of the Library building, it went on steadily and constantly, Congress each year giving to General Casey the appropriations he estimated for.

Mr. President, I did not intend to go into this detail at all, and I have only gone into it for the purpose of showing that although I had made a slightly inaccurate statement, when we come to the core of this business the act of 1888 had for its intent and purpose the placing of the Library building in the hands of General Casey and not in the hands of any other officer of the Government.

Mr. VILAS. I should like to ask the Senator from Iowa a question. Did the Senator state that it was the Senate which put the work under General Casey?

Mr. ALLISON. It was a Senate amendment.

Mr. VILAS. Was it not done in the other House?

Mr. ALLISON. Not at all. It was done in this body; it was done by the Appropriations Committee, and we had contest after contest with the House of Representatives.

Mr. VILAS. The House of Representatives originally put in the Secretary of the Interior alone, abolishing the Commission.

Mr. ALLISON. It did.

Mr. VILAS. And I addressed a letter to the committee, requesting that that should not be done and giving it as my judgment that it should not be imposed upon him.

Mr. ALLISON. I remember the letter of the Senator.

Mr. VILAS. I believe I urged the appointment of General Casey.

Mr. ALLISON. My recollection now is, and if I am mistaken I hope some one will see that my inaccuracy shall not be taken against me in this regard, that the Senator from Wisconsin, who was then Secretary of the Interior, appeared before the committee in the Senate and stated to us—it comes to my mind now—that it ought not to be put into the hands of the Secretary of the Interior, and declined to take charge of so important a work, saying that it was in the nature of things impossible for him to give it necessary attention as Secretary of the Interior. So the provisions as to the Library building were inserted in the Senate upon an amendment proposed by the Committee on Appropriations, as I have described.

Now, Mr. President, I want to say just a word more in response to the Senator from New York. It is impossible by delay to provide that the President, or any Department of the Government, shall place a person in charge of the Library building by appointment. This is a Congressional library. It is a library belonging to the two Houses of Congress, as the library always has belonged to the two Houses. It is an expense as appropriate for us to make as for the clerks at the Secretary's desk, and it is our duty to provide for it in just such way as we provide for those officers. Instead of devolving these duties upon Mr. Green, I admit we may devolve them upon the Chief Engineer of the Army, or we can devolve them upon the Secretary of the Interior, or any other officer of the Government.

Whatever may have been the past history of this question, I think it is important that this action should be taken. The reason for the haste is, that although there are contracts made, and numerous contracts, there are a great number of people who are working upon the Library building day by day and people who are receiving compensation by the day, and large compensation is being paid for the decoration and ornamentation of the building. They have no authority to continue their work for a day or an hour unless we shall by some method devolve the control of the building upon some one. I have said a great deal more than I intended to say upon the subject. I hope the joint resolution will pass.

Mr. CHANDLER. Mr. President, I desire to speak but a moment.

In common with all Senators, I was shocked at the sudden death of General Casey. I am filled with profound regret. This officer has passed away, at the end of an honorable career, with unblemished character and a high reputation for professional skill. The work which he has done in connection with the Washington Monument, the State, War, and Navy Department building, and the Congressional Library building will last forever to testify to his ability and fidelity.

Speaking now to the joint resolution before the Senate, praise is equally due for the character of General Casey's work in architecture to Mr. Bernard R. Green. I have known him for thirty years. I had the privilege, in connection with the Senator from Indiana [Mr. VOORHEES] and the Senator from Vermont [Mr. MORRILL], as a member of the Committee on Additional Accommodations for the Library of Congress, to recommend that Mr. Green be put in charge of the work upon the Congressional Library building. This recommendation, as the Senator from Vermont will remember, was made before it was determined that General Casey, then Chief of Engineers, should be placed in charge of the work. Mr. Green had been General Casey's assistant in the construction of the State, War, and Navy building, and in view of the complications which had arisen in reference to the construction of the Library building, which have been spoken of by the Senator from Wisconsin [Mr. VILAS] and the Senator from Iowa [Mr. ALLISON], it was thought by the Senate Committee on Additional Accommodations for the Library of Congress that it would be a great help and a step in the right direction to have Mr. Bernard R. Green employed as an assistant architect in the construction of the building; and this recommendation was made anterior to the recommendation of the Senate committee that the work should be placed in charge of General Casey.

Mr. Green is a gentleman of great accomplishments in his line of work. He is modest and unassuming. He is a man of high personal integrity of character, and he has contributed largely to the success of General Casey's work of construction. General

Casey, like all other generals in command, is entitled to praise and commendation for what has been accomplished by his subordinates; but I know that General Casey himself would have paid the highest possible tribute to Mr. Green if an opportunity had been afforded. I am sure that the work can not be so wisely or so properly completed as it will be under the direction of Mr. Green upon the passage of the pending joint resolution.

Mr. HILL. Mr. President, there have been some surprises in this debate. In the first place, I want to call the attention of the Senate to the fact that the remarks just submitted by the Senator from New Hampshire [Mr. CHANDLER] constitute a violation of an agreement made yesterday by him with the Senate. I regret that I feel constrained to call the attention of the Senate to it, but I do.

Yesterday the Senator from New Hampshire just before adjournment desired to offer an amendment to the appropriation bill then pending, and wanted it considered immediately. Some objection was made, and finally the Senator said that he wanted to expedite the business of the Senate to-morrow by going away, and immediately the Senator from Wisconsin said, "Everybody agrees to that." Instead of that, we find this morning the Senator here submitting remarks upon this joint resolution, to which nobody yet has specially objected. There were those who desired some information on the subject. I desired also to know where the distinguished gentleman, Mr. Green, resided, and we have been given the information that he resided in New England, and then the further astonishing information that he is a very modest man. [Laughter.]

Mr. CHANDLER. Will the Senator from New York allow me to reply to this important part of his argument now, because I am really going away shortly?

Mr. HILL. I will not detain you, then. [Laughter.]

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from New Hampshire?

Mr. HILL. Certainly.

Mr. CHANDLER. I wish to call the Senator's attention to the fact that the contract I made with the Senator from Wisconsin and the Senator from Illinois to go away, of which I have already been reminded by the Senator from Illinois this morning, did not specify any time. I said to-day, and I am going the latter part of the day. When a contract is made and no particular time is specified a reasonable time is allowed. The Senator from New York made a contract with his constituents when he was elected Senator that he would come down here and attend to the business of the Senate, but it was a year or more before he fulfilled that contract. He remained as governor of New York, and when it suited his convenience he came here; and we have been very glad to see the Senator here ever since he came. I will not say that we wish he had stayed away entirely, because he has afforded us much amusement and has benefited the public service on the whole. But I crave for myself the privilege of taking a day to comply with my contract, inasmuch as the Senator took a year for complying with a much more important contract.

Mr. HILL. Mr. President, I am very much obliged to the Senator from New Hampshire for the implied compliment. He may or may not have made an express compliment. I did not know but that the Senator was going to say that he was sorry I came here. The Senator's contract that he made yesterday is about as uncertain and loose as this legislation, to which attention has been called. The Senator has not contributed anything to that portion of the debate. It was stated at the outset that it was intended to place this work in the charge of General Casey personally. I have already called attention to the fact that the original act provided that the work should be performed by the Chief of Engineers of the Army, in which General Casey was not mentioned at all. Next it was said that in 1892 it is very certain it was intended then to give the work to General Casey personally, and when we come to examine that provision, it reads as follows:

*Provided*, That Brig. Gen. Thomas Lincoln Casey, now in charge of the construction of said building, shall continue in said charge until its completion, whether on the active or retired list of the Army.

Mr. President, a man on the retired list of the Army is an officer of the Government, and this very section limited the time during the period that he should be an officer of the Government. If General Casey had resigned all connection with the Army, active or retired, he would have ceased to be an official of this Government, and he would have ceased to have had charge of this work.

It was then said, as a very high compliment to Mr. Green, that he was selected by General Casey originally, and then comes the Senator from Wisconsin, who seems to have had more to do with this matter than any other Senator, and properly so, and intelligently so, as appears from the statement made, and says that Mr. Green was on this work before General Casey was placed in charge of it. We get more light on the subject. Mr. Casey was placed in charge when, according to the Senator from Iowa, there was some criticism in regard to the work. The fact that Mr. Green was continued all this period by General Casey is of course to his credit and I agree to it, and so far as I am concerned I do not object, so long as the committee want it, that he shall be continued. If the Committee on Appropriations, in their haste to add general legislation to an appropriation bill, intended to place this work in charge of Mr. Casey personally, they succeeded in concealing their intention. It affords an argument appropriate to be made at this time that it was unwise then and is unwise now to place such important legislation hastily in an appropriation bill.

Now, if the chairman of the Select Committee on Additional Accommodations for the Library of Congress desires to pass the joint resolution, as I said at the outset, so far as I am concerned, I shall offer no objection.

Mr. MORRILL. I hope we shall now have a vote.

The PRESIDING OFFICER. The joint resolution is in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## REPORTS OF COMMITTEES.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 206) to provide an American register for the steamer *Kahului*, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Territories, to whom was referred the bill (S. 2090) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 4698) so provide an American register for the steamer *Matteawan*, reported it without amendment.

Mr. PERKINS. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 293) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, to report it with amendments, and submit a report thereon. I move that double the usual number of copies of the report be printed.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 3549) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex., reported it with amendments.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2564) to ratify an agreement with the Indians of the Blackfeet Reservation, Mont., and making appropriations to carry the same into effect, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2565) to ratify an agreement with the Indians of the Fort Belknap Reservation, Mont., and making appropriations to carry the same into effect, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory, reported it without amendment.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred an amendment submitted by himself on the 16th instant, for the relief of Emmart, Dunbar & Co., intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 205) granting a pension to Mary O. H. Stoneman, reported it with amendments, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5083) granting an increase of pension to A. H. McLaws, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred an amendment submitted by himself on the 23d instant, for support and education of 250 Indian pupils at the Indian school at Santa Fe, N. Mex., intended to be proposed to the Indian appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. CARTER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1885) for optional and compulsory retirement of Government employees of Executive Departments in the classified service, to submit an adverse report thereon, and move that the bill be referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments, the Post-Office Department being only one of the numerous branches of the executive department to which the subject-matter of the bill refers.

The report was agreed to.

PUBLIC BUILDING AT WASHINGTON, PA.

Mr. QUAY. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2629) to provide for the erection of a public building at Washington, Pa., to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices at Washington, Pa., the cost of the site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $75,000.

Mr. GRAY. I should like to ask the Senator from Pennsylvania what is the population of the town of Washington?

Mr. QUAY. I think it has a population of about 10,000.

Mr. GRAY. It is a county town?

Mr. QUAY. Yes; a county town.

Mr. GRAY. Of what county?

Mr. QUAY. Washington County.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2635) granting a pension to Caroline Watkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2636) to establish a farmers' market in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2637) granting a pension to Jane Christian Marye; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 2638) granting a pension to Aaron W. Swick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN (by request) introduced a bill (S. 2639) to authorize the Anacostia and Potomac River Railroad Company of the District of Columbia to change its motive power for the propulsion of its cars, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITE introduced a bill (S. 2640) to amend an act entitled "An act providing for leave of absence for officers and employees in the customs service of the Government who receive per diem compensation," approved August 28, 1890; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL introduced a joint resolution (S. R. 115) proposing an amendment to the Constitution of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

FINANCIAL POLICY.

Mr. ALLEN. I offer a resolution, and ask to have it read and lie on the table.

The resolution was read, as follows:

*Resolved*, That Congress should, by appropriate legislation, and without further delay, restore silver to free and unlimited coinage at the ratio of 16 parts of standard silver to 1 part of standard gold, and should, by appropriate legislation, withdraw from the Secretary of the Treasury any power he may now have to issue the bonds or other interest-bearing obligations of the United States until the necessity therefor shall have been declared by Congress, and that Congress should not adjourn until these things have been accomplished.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

ACCEPTANCE OF MEDALS.

Mr. SHERMAN. I reported yesterday from the Committee on Foreign Relations a joint resolution providing for the acceptance of medals by ex-President Harrison. I ask that it be now considered. It was laid over at the request of the Senator from Nebraska [Mr. ALLEN].

There being no objection, the joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON PUBLIC LANDS.

Mr. KYLE. I ask unanimous consent for the present consideration of Senate bill 2284. It is a very short bill, and it will take only a moment to pass it. It is very important to the settlers upon the ceded lands in South Dakota.

Mr. CULLOM. If it will give rise to no debate, I shall have no objection.

Mr. KYLE. It will cause no debate. It has the unanimous approval of the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from South Dakota asks the unanimous consent of the Senate for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That in all cases, including those arising on ceded portions of Indian reservations where persons duly qualified to enter land under the homestead laws have heretofore or may hereafter settle, improve, and continuously reside upon unsurveyed public land with the bona fide intention of entering the same under the homestead laws when surveyed and opened to entry shall, upon presenting final proof, as required by law, be entitled to credit for residence, improvement, and cultivation made prior to the approval of such survey and the acceptance of filings. All acts and parts of acts in conflict herewith are hereby repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. PLATT. I wish that that amendment might be read again.

Mr. KYLE. I can state to the Senator in one word what it means. It merely provides that those upon the ceded lands who have been living upon them for a number of years as squatters, when the lands are thrown open to settlement or to entry, shall be allowed to count the time they have lived upon the lands with reference to their final proof. That is all.

Mr. PLATT. I should like to hear the amendment read.

The Secretary again read the amendment.

Mr. PLATT. The bill started to relieve some settlers in a certain county in South Dakota. It has now a very wide application, and I think that I should like to have a little more time to consider whether it is wise to pass a bill so sweeping.

Mr. KYLE. I wish to state to the Senator from Connecticut——

Mr. PLATT. I shall object to it for the present.

The PRESIDING OFFICER. The Senator from Connecticut objects to the present consideration of the bill.

Mr. KYLE. I think the Senator from Connecticut will withdraw the objection when I explain the bill. The bill was drawn in the first instance for the relief of certain settlers in South Dakota. The Senator from Nebraska [Mr. THURSTON] asked that it might be extended to his State. Then other members of the Committee on Public Lands thought that it might with justice be extended to other States where there are ceded lands. Thereupon the Senator from Montana [Mr. CARTER], who has had much experience in the matter of public lands, drew the amendment exactly as it is now, and it received the unanimous approval of the Committee on Public Lands.

Mr. PLATT. Mr. President——

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. Mr. President, that bill has been the unfinished business since the 2d day of March. It has been crowded out by the Cuban conference report and the privileged report of the Committee on Privileges and Elections and appropriation bills until now. I ask the unanimous consent of the Senate that immediately after the conclusion of the morning business to-morrow the bill which is the unfinished business shall be considered.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that to-morrow, immediately after the morning business, this bill shall be considered. Is there objection?

Mr. KYLE. I will let the bill which was under consideration at 2 o'clock go over until to-morrow.

Mr. CULLOM rose.

Mr. BERRY. Of course if the appropriation bill is not finished to-day I shall yield until it is disposed of.

Mr. CULLOM. I was going to say that I have no objection to the Senator's request so far as I am concerned, provided it does not interfere with the appropriation bill.

Mr. BERRY. I take it that the appropriation bill will be concluded to-day.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Arkansas, and it is so ordered.

Mr. PLATT. I do not think the Senator from Arkansas ought to ask at this time, in the thin condition of the Senate, unanimous consent for the consideration of the unfinished business to-morrow morning. I do not know that there is any objection to it, but I know that two Senators, who I suppose intend to discuss it and oppose it, are not at the present time in the Chamber.

Mr. BERRY. If the Senator from Connecticut will permit me, I will state that when the bill was made the unfinished business the Senator from Iowa [Mr. GEAR] asked for time, and I gave him all the time he asked, which was until the 16th of the present month. Since that time I understand he has been ready at all times to proceed with the bill. The Senator from New Hampshire [Mr. CHANDLER] also understood that I was to get it up to-day or to-morrow if it was possible for me to do so. He is going away, and he has no objection to it. I have been most patient in regard to the bill. I have given way to everyone. If the pending appropriation bill passes to-day, it is but fair that we should take this bill up to-morrow morning at the conclusion of the morning business, and I have no doubt but that we can reach a vote on it to-morrow. I hope the Senator from Connecticut will not interpose an objection.

Mr. PLATT. If the appropriation bill should be completed at 3 o'clock this afternoon the bill which the Senator from Arkansas has asked consideration for to-morrow morning would be in order, and we could take it up this afternoon and go on with it. If the appropriation bill is out of the way, his bill becomes the next business of the Senate, but I do not want to make any unanimous agreement concerning it.

Mr. CULLOM. My impression is that the appropriation bill will not take all of the day, but there will be another appropriation bill ready perhaps for to-morrow.

Mr. BERRY. A member of the Committee on Appropriations, the Senator from Maine [Mr. HALE], told me that an appropriation bill would be reported to-morrow, but as it would have to be printed it would not be ready for consideration, and that there would be no objection to the Senate taking up the Arkansas bill to-morrow morning and disposing of it. I simply state that I have given way to everyone and I have made no trouble about it, and I think we are entitled to a day for the consideration of this matter, in which is involved a settlement between one of the States of the Union and the Government of the United States. All that I ask is fair treatment in this matter. The bill has been the unfinished business since the 2d day of March.

Mr. CULLOM. If the Senator from Arkansas will allow me, I will state that my suggestion was intended for the benefit of the Senator. If we get the appropriation bill out of the way early we may pass his bill to-day.

Mr. BERRY. The Senator will not get the appropriation bill through by 3 o'clock. I am satisfied it will take all of to-day. But even if the appropriation bill should be out of the way at 3 o'clock, we could not conclude the consideration of the Arkansas bill this evening. We could do so to-morrow, but of course if the Senator from Connecticut objects that is the end of it; I shall have to take my chances.

Mr. PLATT. I shall not object to the consideration of the bill whenever it is reached, but I do not think it is wise to make a unanimous agreement in the Senate.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

Mr. BERRY. I ask that the unfinished business be laid aside without losing its place on the Calendar.

The PRESIDING OFFICER. If there be no objection, that will be the order of the Senate. The Chair hears no objection.

### LAKE MICHIGAN AND WABASH RIVER SHIP CANAL.

Mr. TURPIE. I ask, in pursuance of the assent of the honorable Senator from Illinois, to take up the joint resolution S. R. 110, which relates to my State.

Mr. CULLOM. I consented yesterday morning to yield to the Senator from Indiana for the consideration of some little measure that he desires to have considered; but he failed to call my attention to it at the proper time, and I had forgotten it. I hope that the Senator from Indiana may be allowed to call up his joint resolution.

Mr. TURPIE. I ask that the Senate proceed to the consideration of the joint resolution (S. R. 110) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal, of approved width and depth, from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. When the Senate adjourned yesterday evening it had concluded the consideration of the bill as in Committee of the Whole and the bill had been reported to the Senate. I now ask, as the first step, that the amendments made to the bill as in Committee of the Whole, of which there was not notice given of a desire to vote upon them separately in the Senate, be now concurred in in gross. Of course among the amendments reserved for a separate vote in the Senate are included the provisions relating to the compensation of district attorneys and marshals.

Mr. CALL. There are some amendments which have been distinctly reserved by me; one, the amendment striking out the provision in regard to certain State Department clerks; another, striking out the amendment in regard to the committees, and the amendment proposing to strike out certain provisions of the bill as it came from the House.

Mr. CULLOM. I hope the vote will now be taken on concurring in the other amendments in gross except those reserved, which include the provisions relating to district attorneys and marshals, in the latter part of the bill.

Mr. HILL. What is the necessity for that course?

Mr. CULLOM. If we went over the bill item by item we would be here all day concurring in the little amendments. The usual rule is by one vote to concur in all amendments made as in Committee of the Whole except as to those on which a separate vote is desired.

Mr. KYLE. I should like to know whether the amendment on page 19, relating to register of copyrights, was reserved?

Mr. CULLOM. It was not reserved, so far as I know. The Senator can reserve it if he desires.

Mr. KYLE. I desire to reserve that amendment for a separate vote.

Mr. CULLOM. Now I hope the vote will be taken on concurring in all amendments made as in Committee of the Whole which have not been reserved for a separate vote.

The PRESIDING OFFICER. The Chair is uncertain whether the Senator from New York [Mr. HILL] desired to reserve an amendment for a separate vote or not.

Mr. CULLOM. The Senator from New York has not indicated any such desire.

The PRESIDING OFFICER. Unless there be objection, the amendments made as in Committee of the Whole will be considered as concurred in, subject to the reservations which have been specified.

Mr. CULLOM. As to amendments which have been reserved, I hope Senators asking for a separate vote will now call the amendments to the attention of the Senate, so that they may be disposed of.

Mr. KYLE. Then I ask the attention of the Senator from Illinois to page 19, the amendment relating to copyrights. I do not think it is explicit as it reads. It is in this language:

> For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, and shall make weekly deposits and monthly reports to the Secretary of the Treasury; to be immediately available.

In line 9 I should like to add as an amendment the words "except the appointment of clerks," which I think clearly carries out the meaning of the member of the Committee on Appropriations who drafted the amendment. After the word "Congress," in line 11, I move to insert those words.

Mr. CULLOM. I do not see any objection to that amendment.

Mr. COCKRELL. It will not hurt and it will not do any good. Let it go in.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 11, after the word "Congress," it is proposed to insert "except the appointment of clerks"; so as to read:

> For register of copyrights, $2,000, who shall be selected by the Committee on the Library of the two Houses of Congress, shall give bond, shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress, except the appointment of clerks, and shall make weekly deposits and monthly reports to the Secretary of the Treasury; to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. PLATT. Have the amendments made as in Committee of the Whole been concurred in?

The PRESIDING OFFICER. The amendments made as in Committee of the Whole have been concurred in, except those reserved.

Mr. PLATT. Except those reserved, of course.

Mr. TELLER. The Senator from Florida [Mr. CALL] reserved two or three amendments, and I should like to have them now disposed of.

Mr. CALL. Mr. President, I desire a separate vote on the amendments beginning on page 22, line 21, going down to and including line 9, on page 23, in reference to the employees of the Bureau of Statistics, State Department. The Senate, as in Committee of the Whole, disagreed to the committee amendment, which reads:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400; one clerk, at $1,000; one clerk, at $900, and one laborer, at $660; in all, $3,960, the same to be paid from the appropriation of $20,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports, made in the diplomatic and consular appropriation act approved February 27, 1890.

This amendment was recommended and requested by the Secretary of State for a special work—that of editing and distributing the consular reports. I am informed that the special desire and object of the recommendation was to obtain persons who are competent for the editorial duty of preparing the consular reports in proper form for publication and also for their distribution. I am also informed that there has been an amount appropriated in a single sum, subject to the discretion of the Secretary of State, for this work for some years, and that such persons have been employed under that appropriation for this particular work. I think $20,000 has been appropriated for that purpose heretofore.

There is an act of Congress which forbids the employment of any person on a salary unless authorized by an act of Congress. The Secretary of State, as I am informed, having been in the habit of employing under this single sum of $20,000 persons for this special work, the Solicitor of the Treasury has decided that in his opinion it would come within the provision of the statute of the United States prohibiting the employment of any person upon a salary except under a special designation of an act of Congress. So this particular work, being paid for out of that appropriation, will be suspended and these clerks placed under the civil-service rules, without any provision, as I understand, for their payment except out of this appropriation. For that reason I am told that these clerks have been asked in this form, and it is no new provision in reference to clerks. But the Senate struck it out in Committee of the Whole a few days ago. I am satisfied it was done under a misapprehension. I should like to have a vote upon it, inasmuch as I understand that to be the condition of facts. It has been so stated to me to-day by one of the employees of the Department.

Mr. CULLOM. I hope the Senate will concur in the amendment made as in Committee of the Whole, and if after investigation it turns out that the service requires any exemption, the President of the United States can himself make it under the civil-service law and regulations. So I think we had better adhere to the action of the Senate as in Committee of the Whole.

Mr. CALL. Mr. President, I should like very much, if we had a full Senate—I shall not, of course, embarrass the progress of the bill—but I should like to have the Senate decide why, when the President of the United States, voting in either of the two Houses of Congress, has one vote less than two-thirds of the whole legislative power of the Government, Congress is willing to divest itself of the power to follow the language and the meaning of the Constitution in creating in the heads of Departments, the power to designate at some time and under some cases of necessity persons for the employment of special work. Let us have that question decided and not put it under the vague and general proposition that the President of the United States can do this or do that.

The Congress of the United States divests itself all power; it loses the respect of the people of the country in its failure to assert the powers and to perform the duties imposed by our organic law. The Constitution says that Congress may create inferior officers, to be appointed by the heads of Departments, yet we are told constantly that the President of the United States possesses this great power, and has in every vote of this body one vote less than two-thirds of the whole legislative power of Congress, and we are not to exercise any of these powers.

I do not see that you can conduct the service of the Government when the Secretary of State asks for what? He asks that in the preparation of the consular reports for publication he shall be allowed to select officers capable of that work to be performed under his own eye. According to the appropriations heretofore made, five clerks who have been employed in his office do not come within the designations of the civil service, and we are told that we must not exercise our judgment. To what end shall three Commissioners not responsible to the people, the creatures of Executive power, be accorded the entire function of deciding who shall be the employees even to the smallest office?

For that reason I for one desire to protest against this abandonment of power on the part of Congress and vesting it in the President of the United States without reference to the heads of Departments, and vesting it in three Civil Service Commissioners. There is such a thing as carrying a rule to an extreme and absurd extent. There are exceptions to all rules.

When the Secretary of State says to Congress that "Here is a special work, which amounts to but little, in which I ask to be allowed to select five persons for the performance of the work," shall we say, "Oh, no; the President of the United States, if he thinks proper, can do it; whatever Congress may think, he may exempt these persons from the civil service"?

Mr. COCKRELL. I hope the amendment made as in Committee of the Whole will be concurred in. It is no abandonment of power on the part of Congress. We can not appoint these designated employees. The Secretary of State is an executive officer, the appointee of the President. The Civil Service Commissioners are executive officers; they are the appointees of the President: they are the subordinates of the President, to carry out his will, to carry out his preferences. It is not right that the head of an Executive Department should come to us and ask us to give him special privileges which his master, the President, will not give him. The principle is not right.

We delegated this whole matter to the President, and now if we put any of these officers under civil service he can take them out. Congress never has sanctioned, except by acquiescence, the farcical extent to which the employees of the Government have been placed under the civil-service law and orders. It is not our fault that these men are there. Let any Cabinet officer go to the President and ask him to give him the power to make these selections. That is what ought to be done, and the President in a proper case ought to give him the power or order it to be done. We are not called upon to override practically the will of the President in these appointments, and that is what it would be doing. It would not be giving Congress any power to say who should be appointed or any influence in the appointment.

We began this system in 1883 and instituted a Civil Service Commission because the executive branch of the Government said it was necessary to enable it to reform the civil service as it then existed. There was then a Congress Republican in both branches and a Republican Executive. They said the civil service needed reforming and that such a law was necessary for its reformation. On that ground I voted for it and advocated it, but I never dreamed that the executive branch of the Government would carry the authority of the law to the extent to which it has been carried, even including copyists and messengers and watchmen, and everything else nearly that you can think of down to charwomen, who, I suppose, will be included after a while under a civil-service examination to test whether they are competent and have the skill to wash the floors of the different Department buildings.

I say let the responsibility rest upon the executive branch. It is no surrender of any power of Congress. The President has the power to control the Cabinet officers. They can go to him; he can exempt any of their clerks. In proper cases exemption ought to be exercised, but it is not for Congress to interpose by law and take away the power that he has heretofore exercised with his own subordinate officers.

Mr. CALL. Let us take the proposition of the Senator from Missouri, and reason about it a little, and see whether there is any foundation for it at all in reason. The question with us is, What is the best thing for us to do for the service?—not what the President of the United States may do or may not do. It is not what power he has or has not.

The Senator says it is farcical to put everybody under the civil service; that there should be some exceptions. Let us see what the organic law says. The President has the constitutional power to appoint—

All other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

If we think it is proper in respect of the advantage of the public service to appoint these five clerks by the head of the Department and not by three Civil Service Commissioners and not by the President, is it not an abandonment of our power and a denial of our duty if we fail to do it? What is it?

The organic law says that Congress shall have power to vest by law the appointment of those five clerks in the head of a Department. According to the Senator from Missouri, when the head of a Department says, "I can perform this executive duty better by having you exercise the power conferred in the Constitution to vest in me by law the power to appoint those five people," we should reply that though we think it is farcical to extend the civil-service law to this extent, though we think it is farcical to deny this

power to the head of a Department, we will not do it, because the President of the United States may, if he sees fit, exempt you from it. The Constitution imposes the duty upon every member of this body to say when he thinks it proper to vest by law the appointment of inferior persons, either one or many inferior officers, in the heads of Departments.

Now, I say there is no one who can deny that the head of a Department, if he be worthy of that office, should have some discretion as to persons to perform duties requiring special trust and special knowledge.

The Secretary comes here and says, "Here is a kind of work for which I have been selecting persons." "What is it?" "It is the preparation of consular reports for publication and distribution. It is a kind of work for which no civil-service examination can ascertain a person's qualifications, and the control of which you have been giving to me for some years. The Solicitor of the Treasury has made a construction of the statute which prohibits payment of those people under the general appropriation. I ask that such words shall be inserted in the bill as will enable me to do that which I have been doing, preparing the consular reports in a proper manner and distributing them as required by law." When he says that, the Senator from Missouri says, "Oh, no; it is true that the extent to which the civil-service law has been carried is farcical, but we will not do that, because this is an Executive Department." That is the whole case.

Mr. CULLOM. I hope we can now have a vote.

Mr. CALL. I desire to enter my protest against this perpetual denial to the people of the country of their rights through their representatives to make the laws of the country, as well as to protest against this concentration of power and this abandonment of duty on the part of members of this body.

Mr. CULLOM. We are trying to make laws for the country, and I hope we may have a chance to go on. I should like to know what the motion is that the Senator from Florida makes.

Mr. CALL. The motion is to disagree to the amendment to the amendment made as in Committee of the Whole in striking out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. The question will necessarily have to be on the whole amendment.

Mr. COCKRELL. The question is simply on concurring in the amendment made as in Committee of the Whole.

Mr. CULLOM. Certainly.

Mr. CALL. The Senator wants to know what the amendment is. I will state it. The Senate, as in Committee of the Whole, struck out the words "to be selected by the Secretary of State by reason of special aptitude."

Mr. CULLOM. The Senator from Florida simply desires a vote of the Senate upon the amendment to the amendment which the Committee on Appropriations reported agreed to as in Committee of the Whole. I think that is what he wishes in the premises.

Mr. CALL. The Senator from Illinois does not state it right. The Committee on Appropriations reported an amendment to the bill, on page 22, to insert this provision:

For service of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude.

Upon motion of the Senator from Maryland [Mr. GORMAN], I understand, the clause from the word "Department" and including the words "to be selected by the Secretary of State by reason of special aptitude" was stricken out.

Mr. COCKRELL. An amendment to the amendment was agreed to as in Committee of the Whole, leaving out those words.

Mr. CALL. Yes.

Mr. COCKRELL. The Senator from Florida has reserved the amendment, and wishes to have those words restored. I suggest that he make the motion to insert them, and that will present the question.

The VICE-PRESIDENT. The proposed amendment to the amendment made as in Committee of the Whole will be stated.

The SECRETARY. It is proposed to amend the amendment agreed to as in Committee of the Whole by inserting after the word "Department," in line 22, page 22, the words "to be selected by the Secretary of State by reason of special aptitude"; so as to read:

For services of employees of the Bureau of Statistics, State Department, to be selected by the Secretary of State by reason of special aptitude for the work of compiling and distributing consular and other commercial reports, namely, one clerk, at $1,400.

The VICE-PRESIDENT. The question is on the amendment to the amendment made as in Committee of the Whole.

Mr. CALL. Let us have a yea-and-nay vote on that.

Mr. CULLOM. I hope the Senator from Florida will not ask for the yeas and nays.

Mr. CALL. I will let it pass over with the understanding that the amendment will be renewed afterwards.

Mr. SHERMAN. I desire——

Mr. CULLOM. Let us dispose of this question.

Mr. SHERMAN. I wish to strike out the provisions about marshals.

Mr. CULLOM. That amendment has already been reserved and will come up later.

The VICE-PRESIDENT. Without objection the amendment made as in Committee of the Whole will be considered as concurred in.

Mr. CALL. It is understood that I will call for the yeas and nays after awhile.

Mr. CULLOM. If the Senator from Florida insists upon the yeas and nays we had better decide it now.

Mr. CALL. Very few Senators are present, and I do not want to impede the bill.

Mr. CULLOM. It will impede it just as much to have the question come up later. If the Senator insists upon a yea-and-nay vote we had better have it now.

Mr. CALL. I will let it go.

Mr. CULLOM. The Senator from Florida withdraws the demand for the yeas and nays.

The VICE-PRESIDENT. The amendment made as in Committee of the Whole will be considered as concurred in.

Mr. CALL. I have reserved two amendments. I wish to ask the Senate to disagree to the amendment to the amendment made as in Committee of the Whole by which the Senate struck out from line 4 to line 9, on page 5.

The other is the amendment adopted as in Committee of the Whole by which certain clerks of committees, beginning in line 10, were increased in number to 26, at $1,800.

Mr. CULLOM. I hope the amendment adopted as in Committee of the Whole will be concurred in by the Senate.

Mr. CALL. I desire to say that if this amendment is concurred in I shall move the amendment which I sent up to the desk, by which the committees named on page 4, with the exception of four, shall all be put in the class of $2,120, thus reducing——

Mr. CULLOM. Let us have one vote at a time.

Mr. CALL. I am giving notice of what I propose to do, so that the Senate may understand it.

The VICE-PRESIDENT. The question is on concurring in the amendment agreed to as in Committee of the Whole.

Mr. CALL. Let us have the Senate understand it.

Mr. CULLOM. Let it be reported.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out all after line 3, on page 5, down to and including line 13, on the same page, and inserted:

For 28 clerks of committees, at $1,800 each, the sum of $50,400.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. Let us understand the amendment. The Senate committee reported this amendment, which was stricken out:

For clerks to the committees on Woman Suffrage, Mines and Mining, Immigration, Revision of the Laws of the United States, Corporations Organized in the District of Columbia, Indian Depredations, and Construction of the Nicaragua Canal, at $2,100 each, $14,700.

That was stricken out, as I have said. The 21 clerks of committees, in line 10, on the same page, were increased to 28 in number, at $1,800.

The object of the motion—I prefer to take the bill as the Senate Committee on Appropriations reported it—is to have the six or seven clerks retain the places assigned to them, at $2,120.

The other House, in sending the bill over, put into it a large number of committees with clerks at $2,220. If you intend to strike those committees off and put them in a class at $1,800, then all of the committees standing in the like situation should be put on the same foundation. Because the other House has undertaken to regulate the compensation of the committees of this body and to say which shall have payment and which shall not have payment at a particular rate is no reason why this body should permit an injustice to be done.

Let us see what committees there are in the bill as it came from the other House as to which the Senate committee properly reported an amendment.

The Committee on Engrossed Bills has a clerk at $2,220 and a messenger at $1,440. Why should that committee be advantaged in comparison with the other seven committees here which are stricken down to $1,800? What has that committee to do? That committee, like the seven here, or the most of them, was accorded to the minority when I came here, and the distinguished Senator from New York, Mr. Conkling, was then chairman of that committee, and the committee was properly equipped as a matter of respect to him. So it has continued ever since as a minority committee.

Take the Committee on Private Land Claims. There is another one at $2,220. What has that committee to do more than these committees? When Senators who have been here a long period of time have been assigned to those committees why should the

clerks of some of the committees be put at $2,220 and the others, with Senators of equal experience and equal length of service as chairmen, be stricken down to $1,800?

Now let us go on. There is a provision for a clerk to the Joint Committee on the Library at $2,220 by the House arrangement. Why should that be given such a clerk in comparison with these seven committees?

Then there are clerks at $2,220 to the committees on the Census, on Indian Affairs, to Audit and Control the Contingent Expenses of the Senate. What great work has the Committee to Audit and Control the Contingent Expenses of the Senate as compared with the committees which have been stricken down to $1,800? Why should it have $2,220?

Then there are the committees on Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, and Territories. What have they to do more than these other committees? Then there are the Committee on Epidemic Diseases, the Committee on Private Land Claims, the Committee on Coast Defenses, the Committee on Additional Accommodations for the Library of Congress, the Committee on Rules, and the Committee on Civil Service and Retrenchment. I had the honor to be assigned to that committee at one time. I think it had nothing in the world to do. The Senator from Missouri [Mr. COCKRELL] took all of its jurisdiction away from it by the appointment of a joint commission or something of that kind to perform the duties of all the committees of the Senate. What has that committee to do with a clerk at $2,220?

Let there be some fairness in this business. If you propose to assign clerks to committees and Senators to chairmanships of committees for some other reason than that they have great work to do, let the line be fairly drawn and let it not be a mere matter of favor. Here are all these committees that are held at $2,220. Then there are these other committees at $1,800. Take the clerk to the Committee on Woman Suffrage. I have the honor of being chairman of that committee, if it be an honor, and to my knowledge the clerk of that committee pays out of his own salary the expense of a stenographer. To my knowledge the correspondence from all the societies throughout the United States that are intensely interested in the subject of woman suffrage is quite onerous. It has, it is true, no great amount of legislation to consider, but the Senate created the committee in deference to the request of the women of the United States, and they properly regard it as a means of communicating in reference to public documents, petitions, and memorials, and correspondence of all kinds.

I have here in my desk a letter from the president of the Women's Congressional Society, I think it is called, upon this subject, calling for the publication of certain documents, and a large number of them, which they consider important and a matter of deference to the committee. Why should that committee be stricken down, while the Committee on Private Land Claims and the Committee on Engrossed Bills, which never had a bill before it, are allowed $2,220? I was a member of that committee for some years. It never had a meeting. Why shall these committees be selected for the benefit of particular persons and the others stricken down? The Senator from Illinois in charge of the appropriation bill makes no objection to this. He hopes the amendment concurred in as in Committee of the Whole will be retained.

Let us have some fairness about this matter. Let everybody stand on equal ground. If the Senate want to favor particular Senators on account of long experience here or because they stand in a particular attitude toward the country let them do it, but let it be fairly observed and put upon its proper ground. Here is the Senator from Alabama [Mr. PUGH], who has been here a long time and is chairman of the Committee on Revolutionary Claims. His clerk is put down at $1,800. I think all that is wrong. Other Senators, who have just come to the Senate, have committees with $2,200 clerkships.

I ask for a yea-and-nay vote, to know whether or not the rule of discrimination and unfairness, without reference to duties performed by clerks of committees, is to be carried into effect in the bill. My amendment, when this is disposed of, will be to reduce the appropriation, by putting all the committees that I have mentioned, with the exception of Appropriations, Finance, and one or two others, upon the $2,120 basis.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GORMAN. I think that in the action taken by the Senate as in Committee of the Whole probably an injustice has been done. The clerks of the committees on Woman Suffrage and Mines and Mining have been heretofore paid $2,100. That is my recollection. Am I correct in that respect?

Mr. CALL. Yes, sir.

Mr. GORMAN. I suggest to the Senator in charge of the bill that after the word "dollars," in line 3, page 5, we insert the committees on Woman Suffrage and Mines and Mining to receive the same compensation they are now receiving, $2,100, and then the balance of it can stand.

Mr. CULLOM. I have no objection to the amendment. I intended to state that if that would be agreeable to the Senate, as those committees have heretofore had that sum for their clerks as other standing committees have had, I would have no objection to exempting them from the operation of the new amendment.

Mr. LINDSAY. When did those committee clerks begin to receive $2,120?

Mr. CULLOM. Many years ago.

Mr. LINDSAY. I think it was during the last Congress.

Mr. CULLOM. The Committee on Woman Suffrage has had a clerk at that salary for a number of years. The Senator from Maryland [Mr. GORMAN] can move the amendment so that it will be satisfactory.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 3, page 5, it is proposed to insert:

For clerks to committees on Woman Suffrage and Mines and Mining, $2,100 each, $4,200.

Mr. CULLOM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CULLOM. Then the succeeding amendment agreed to as in Committee of the Whole should be modified as to the number of clerks and the total.

The SECRETARY. It is proposed to amend the amendment adopted as in Committee of the Whole by striking out "eight," where it occurs, and inserting "six"; so that it will read:

For twenty-six clerks to committees, at $1,800, the sum of $46,800.

Mr. CULLOM. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. COCKRELL. If the amendments made as in Committee of the Whole have been concurred in, I wish to offer an amendment. In most of the Territories an increase has been made to the amount of the estimate. As to the Territory of New Mexico, it is represented that the appropriation for clerks in the surveyor-general's office is wholly inadequate, that the business is behind, and the estimate is $10,000.

Mr. CULLOM. What page does the Senator refer to?

Mr. COCKRELL. Page 92, line 11. Seven thousand dollars is allowed. I suggest that it be increased to $10,000, according to the estimate, and that in line 12 "twelve" be inserted instead of "nine."

Mr. CULLOM. I think the matter to which the Senator refers is not on page 92. The Senator has the wrong bill.

Mr. COCKRELL. I have the wrong print. I will look it up.

Mr. HOAR. While the Senator from Missouri is finding his place, I wish to make a suggestion in regard to the item relating to committees.

If this matter is stricken out and the substitute proposed by the Senator from Montana [Mr. CARTER] goes into the bill, it of course will be a matter for the conference committee. Whether they will accept that in the end or whether the old arrangement will be left to stand or some other new arrangement substituted we can not know; and I should like to have added to the list of committees, if it can be done before that is stricken out, the Committee on Revolutionary Claims, of which the Senator from Alabama [Mr. PUGH] is chairman, so that if the old arrangement is retained that may be within the power of the committee of conference.

Mr. CULLOM. I suppose it would be in the power of the conference committee to retain one or all of them. I thought we had already got the committee question pretty well settled to the satisfaction of the Senate. So far as I am personally concerned, it is my desire that the amendment shall be kept in such way as to give fair satisfaction to the great body of the Senators. I have recognized the fact that there is an inequality; that some committees are faring well while others are faring badly in the way of clerical service; but the amendment which has been adopted by the Senate, having been agreed to as in Committee of the Whole, is a very fair and reasonable settlement of the question, and I hope it will be retained.

Mr. HOAR. So do I, Mr. President. I do not rise for the purpose of disturbing that relation; but I wish to have it in the power of the conference committee, if the House does not agree to it, to do what they shall think right with reference to the committee of which the Senator from Alabama [Mr. PUGH] is chairman. That is all.

Mr. CULLOM. I think we have that power as it stands.

Mr. HOAR. If the Senator from Illinois thinks they have that power as it stands, I will not make any motion.

Mr. CULLOM. We can modify the amendment by making it one or two or ten, I suppose, or whatever number we please.

Mr. MORGAN. Mr. President, when the clerk of the committee of which I have the honor to be chairman, a very hard-working committee and one which I think is very important, was put in the $1,800 list, I did not see proper to make any objection to it,

although I think it is a very low compensation for the labor that has to be done and the necessary confinement during all the summer months. I was disposed to let the matter go along without any interference at all; but now a member of the Committee on Appropriations appeals to an old law which gave his committee $2,150, I believe, and thereupon, by the unanimous consent of the committee, his committee is taken out of the $1,800 category and put into the $2,100 category.

I hardly think that is exactly the right kind of treatment. I have been here twenty years making brick without straw, and I am perfectly willing to keep on with it, provided my neighbors and friends are put on the same level; but I do not think there is any reason for putting the Committee on Woman Suffrage at $2,100 and leaving the Committee on the Construction of the Nicaragua Canal at $1,800. I do not see the justice of it.

As to the Committee on Revolutionary Claims, with respect to which the Senator from Massachusetts [Mr. HOAR] has been kind enough to interpose in behalf of my colleague, who is not here, of course that committee has about as much to do with present affairs as the Revolutionary war had to do with the war in Cuba. No case ever comes before that committee; none possibly ever will come before it. I never yet heard of any Revolutionary claim coming before it for consideration. It is a mere indulgence given to the minority Senators, which at the same time I think is very properly given to them, and it is intended to be without any work at all.

I am in favor of making all proper concessions, but I do not want to have any unjust discrimination made against me. That is not right. Let the Senator from Florida [Mr. CALL] stand on the $1,800 basis, or let my committee go upon the $2,100 basis. Mine is a standing committee of the Senate, entitled to as much respect as is the Committee on Woman Suffrage or the Committee on Revolutionary Claims, to say the least of it.

Mr. HOAR. Will the Senator from Alabama pardon me?

Mr. MORGAN. Certainly.

Mr. HOAR. I understand the theory upon which the Senate has gone hitherto in appointing the committees is that there was a certain number of chairmanships accorded by the majority to the minority of the Senate as a matter of courtesy and because the gentlemen on the other side had of course need of service in their important public duties. These chairmanships were filled by the minority by appointing the Senators oldest and longest in service here.

When the Republicans were in the minority in the Senate I was chairman of the Committee on Woman Suffrage, and the duties of that committee consisted of one hearing and one report on a constitutional amendment, but the Democratic side of the Chamber, with great kindness, gave an annual clerk to the committee. I was an older Senator, and I estimated that I had to answer about 7,500 letters in the course of the year, and I do not think there was a harder-worked man in the Commonwealth of Massachusetts than that clerk was during that time.

Both of the Senators from Alabama are among the most distinguished and honored and esteemed Senators of this body, and among the longest in service, and I suppose that if the present plan is retained the whole Republican side of the Chamber would think the Senator from Alabama [Mr. MORGAN], with his great public service and labors, ought to have an annual clerk at a compensation for a person competent to make researches and explorations under his direction as well as merely to conduct his correspondence.

As the clerk of the Senator's colleague is left out of the preferred list, although his colleague is one of the seniors in the Senate, my purpose in interposing was to suggest that the clerk for his committee should be put on, if we are going to retain the old system. I entirely agree to the new system instead of the old one, but I only want to make sure that if the other House does not consent to our new system and insists upon the old one the committee shall have the power to correct the injustice. That is the purpose of my interposing, and I understand the Senator from Illinois [Mr. CULLOM] says there is no doubt that they will have that under their jurisdiction in conference.

Mr. MORGAN. I do not set up any personal claim whatever to favor or indulgence, although I am very much obliged to the Senator from Massachusetts [Mr. HOAR] for his kind allusions to me for the work I have tried to do since I have been in this body. But I think it is a matter of justice. You have taken the Committee on Nicaraguan Claims and added to it the consideration of subjects relating to the Nicaraguan Canal, thereby not only——

Mr. CULLOM. Will the Senator from Alabama allow me to interrupt him to say a word?

Mr. MORGAN. Yes, sir.

Mr. CULLOM. It may end this controversy. I appreciate very fully, I think, the very great service of the Senator from Alabama [Mr. MORGAN], especially in connection with the Nicaraguan question, and I believe I appreciate, to some extent at least, the great importance of the work that has to be done there as respects those matters. Personally I should be gratified if the Senator's clerk could have $2,100 salary instead of $1,800, which is provided in the general amendment that we have adopted.

I hope that in view of the Senator's service here and the great importance of the work he is charged with in connection with the new committee we may all agree to give his clerk a salary of $2,100, if that will be satisfactory to the Senator.

Mr. MORGAN. It is entirely satisfactory. The other plan was satisfactory to me, except that I do not want any discrimination upon grounds that are not real.

The committee of which I am chairman has been made a standing committee of this body, and it is due to the character of the committee that it should have an annual clerk at a reasonable salary. I am not in favor of extravagant salaries, but I think, really, that the work which is required of that committee is going to be, as it is now, very heavy.

The VICE-PRESIDENT. The vote by which the amendment was concurred in will be considered as reconsidered, and the amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment so as to read:

For clerks to Committees on Woman Suffrage, Mines and Mining, and the Construction of the Nicaragua Canal, at $2,100 each, $6,300.

For twenty-five clerks to committees, at $1,800 each, the sum of $45,000.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. WILSON. If it is agreeable to the Senator from Illinois [Mr. CULLOM], I should like to ask a question. I have just come into the Chamber. Is the salary of the clerk to the Committee on Engrossed Bills still continued at $2,200, with a messenger at $1,440?

Mr. CULLOM. None of the old clerks is interfered with at all.

Mr. WILSON. That committee has a messenger, too, at $1,440.

Mr. CULLOM. The committee has what it had before.

Mr. CANNON. I move, in line 25, page 3, to strike out the words "assistant clerk" and to insert the words "two assistant clerks at," and in line 1, page 4, after the word "dollars," to insert the word "each."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 25, page 3, strike out the words "assistant clerk" and insert "two assistant clerks at," and in line 1, page 4, after the word "dollars," to insert "each"; so as to read:

Clerk to the Committee on Pensions, $2,220; two assistant clerks, at $1,440 each.

Mr. ALLEN. I can not see any necessity for two assistant clerks, at $1,440 each.

Mr. CULLOM. I am inclined to think the amendment ought to be adopted.

Mr. WOLCOTT. Will the Senator from Illinois permit me?

Mr. CULLOM. Certainly.

Mr. WOLCOTT. I do not know but that I am depriving the Senator from Nebraska [Mr. ALLEN] of the floor.

Mr. ALLEN. Not at all.

Mr. WOLCOTT. On calling the attention of the industrious and very intelligent clerk of the Committee on Pensions to some bills for pensions which I have pending before that committee, as I think all of us have, I ascertained that not only the clerk and his assistants are overworked, but that the clerk out of his own salary, which is meager enough, is employing people to help him and is paying them out of his pocket in trying to get the docket up and procure information about the pensions cases. I trust—and I speak outside the committee—that the Senator from Illinois and every Senator will agree that the Pension Committee should have such clerical force as it needs. Our constituents are writing us all the time, at least mine are, "Why is not my case pressed?" "How does the delay occur?" "Congress is going to adjourn; no action has been taken on my case." It comes because every one of us as Senators has case after case introduced here by bill and we are pressing the committee to get a report, and their hands are tied because of an insufficient clerical force. The force can not look up the cases and get them before the committee which acts upon them and lays them before the Senate. I do hope the Senator will find his way clear to accept the amendment.

Mr. CULLOM. I shall not make any opposition. If the Senate thinks that provision should be made for an additional clerk, I have no objection.

Mr. ALLEN. I shall enter my objection to authorizing the employment of a second assistant clerk. I am unable to see that the Committee on Pensions are doing a work that requires the services of an extra clerk.

Mr. CANNON. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. CANNON. Before the Senator from Nebraska objects to the allowance of an assistant clerk it is only fair to him and to

other Senators present that some information should be had of the character and extent of the work now imposed upon the Committee on Pensions. It is to-day absolutely overwhelmed. There are a thousand cases of general and special pension bills on the calendar of that committee. Already, so early in the session, 400 of those bills have had complete or partial consideration by the committee. There are coming to the committee now within a very few days, perhaps not more than a few weeks at most, probably 200 bills from the House of Representatives, and it is impossible for the committee, under existing circumstances, to give to such measures the prompt attention which they should have and which Senators on this floor are constantly demanding. As high as 60 bills have been introduced by one member of this body.

The clerk has been occupying the position for ten years. He is amply competent to perform all the service which one man can do. He has to employ a stenographer and to pay her out of his own pocket in order to keep the table anywhere near clear. Every member of the committee is assailed constantly by demands from other Senators because of the fact that the work is in arrears. It is unfair to the country and it is not in the interest of economy to have the work of the committee clogged. I hope the Senator will not object, because it is in the interest of expedition of the public service to have enough clerical assistance to perform the work and have the table clear. It is certainly not in the interest of the public service to have Senators engaged in the ostensible performance of their duty while the clerical force is insufficient to make senatorial labor effective.

Mr. ALLEN. What is the membership of the Committee on Pensions? There are 11 members of the committee, are there not?

Mr. CANNON. There are 13 members of the committee.

Mr. ALLEN. I do not know at what work the Committee on Pensions will put these clerks, but I infer that the business of the clerk, as he is employed now, is to make reports for the members of that committee to file in the Senate.

Mr. CANNON. I beg the Senator to let me interrupt him once more. I am a member of the Committee on Pensions, and so far as my short observation entitles me to speak, the clerks employed by the committee do not make the reports for individual Senators. On the contrary, I think it is a fact that every Senator who is a member of that committee has not only to do the work of examination of the cases apportioned to him as a subcommittee, but in nearly every instance he has personally to employ assistance. I know that this is true in my case. There are already 35 bills which would be apportioned to me as a subcommittee. It passed my own command of time and the time of my secretary, and I am compelled to employ expert assistance to examine the cases.

Mr. HALE. Let me ask the Senator a question, if the Senator from Nebraska will permit me. Is there not a great deal of routine information that has to be derived from the Departments as to accuracy of statements made and the record in each case, a service which those clerks have to perform for the committee generally in preparing the reports?

Mr. CANNON. That is absolutely the case.

Mr. HALE. I think I may say for one that I have found the Committee on Pensions very attentive to business and very laborious; and when I consider the number of cases on their docket as compared with other committees, however well worked and important, I do not think that an additional clerk will any more than put them even with other committees for the work they have to perform.

Mr. TELLER. Mr. President——

Mr. ALLEN. I supposed I had the floor. However, I yield to the Senator from Colorado.

Mr. TELLER. Will the Senator from Nebraska allow me to make a statement?

Mr. ALLEN. Certainly.

Mr. TELLER. Some years ago I was chairman of the Committee on Pensions. We had a clerk and an assistant clerk, and, just as the committee is now, it was overwhelmed with bills that came in, and during the entire time I was chairman of the committee I do not suppose I ever had a letter written or the slightest service from either the clerk or his assistant. During all that time I employed a young man to do my work.

I do not think that any Senator should be required to do that; and if, as stated by the members of the committee, the committee is overwhelmed with work, it seems to me we ought to dispose of work of that character. It ought not to be left here. It ought to be disposed of intelligently, and it can only be done by getting information from the Departments, from the Pension Office and the War Department. There ought to be sufficient clerical force to do that, I am sure.

Mr. ALLEN. I think I am the last man in this Chamber who would captiously obstruct the work of the Committee on Pensions. I want to see its work done efficiently and well. I think, however, that some of us have a right to complain that bills which were introduced on the very opening days of the present session of Congress have been passed over and nothing has been done with them, while bills introduced by members of the committee have received some consideration at their hands and have been reported.

But passing over that matter as one of the things which probably may be considered as inseparable from the organization of committees, I am informed that this committee has a clerk, a very efficient man, and that it has a messenger, who is a stenographer, and does the stenographic work of the committee; each one of the members of that committee has a secretary, whose services ought to be devoted to the discharge of the business of the Senator in whose employ he is. I do not see anything about the work of the Committee on Pensions which would prevent a Senator to whom a bill was referred using the services of his own clerk in gathering the data necessary to report a bill either favorably or unfavorably.

I suppose it is true that every Senator in this Chamber has been compelled from time to time to employ extra help at his own expense. I know that is true in my case. I have been compelled to do it; and yet I have never called upon the clerk of the committee to furnish me with data or to formulate a report which I have made.

If I believed that this is necessary, and that it would expedite the business of the committee in the slightest degree, I should not object; but I do not believe that it would.

Mr. CANNON. Mr. President, either I failed to make the distinction clear when I interrupted the Senator from Nebraska or he has failed to appreciate it. The object of asking for this additional assistant is not that individual Senators may be relieved from the performance of their proper duty in acting as subcommittees and in making reports; it is merely that the general clerical work of the committee may be discharged by the clerks of the committee. No one proposes to have this assistant in order to aid individual Senators in the preparation of reports; but the work of the committee, with the present pressure of bills, can not be discharged by the officers paid by the Government, and the clerk employs and himself pays a stenographer. I think the Senator from Nebraska will not insist that it is proper that a clerk employed by the Government shall pay one-half of his salary to employ an assistant in order to discharge the duties of his position.

Mr. ALLEN. No, Mr. President, I do not propose to be put on that ground by the Senator from Utah. That is not the true ground upon which my objection stands. The Senator fails to be specific in his pleading here. He fails to state a thing that this assistant is to do that can not be done and is not being done by the present clerk and his messenger, or whatever force he may have there. What specific thing is there for this additional clerk to do? Will the Senator from Utah answer?

Mr. CANNON. Certainly. There is for the clerk and his assistant the care of over 1,000 bills, with the most voluminous accompanying documents which probably on the average go to any committee of the Senate. The care of 1,000 bills, each one of which presses for attention; the care and the tabulation of all the papers which accompany the 1,000 bills, with the correspondence necessary between that committee and the Pension Bureau, ought certainly to be sufficient to justify the payment of one clerk and an assistant.

Mr. ALLEN. The committee has a chief clerk; it already has one assistant. Suppose there are 1,000 bills there to be put in wrappers and classified, and briefed possibly, and put in pigeonholes, where many of them are now and will remain. Then the clerk must dictate some letters to the Department calling for statistics or data upon which reports are to be based. Does the Senator from Utah think that one efficient clerk and one assistant can not do that work and do it with ease?

Mr. CANNON. Mr. President, if the Senator desires an answer to the question I will reply. The present assistant clerk must perform the work for the chairman of the committee, as he is the only person whom the chairman has to act as his secretary. Each Senator has his own secretary. The assistant clerk of this committee acts as the secretary of the chairman of the committee, and it is unfair, when every other Senator, regardless of the fact whether he is a chairman or not, has a secretary, that the chairman of the committee should not have some one upon whom to devolve the detail labor of his duty here. So we do not have the advantage in the committee proper of the services of the gentleman who is now enrolled as the assistant clerk.

Mr. ALLEN. There is not the slightest thing in that statement. The assistant clerk, as the committee is now organized, performs the work of private secretary to the chairman of the committee, which is proper. There is left whatever time he may have, and he certainly must have some time, and the time of the chief clerk, and the time of the messenger, who I understand is a stenographer, to attend to the duties of the committee.

Mr. WOLCOTT. Will the Senator from Nebraska allow me to make a suggestion to him?

Mr. ALLEN. Certainly.

Mr. WOLCOTT. I do not suppose either of us, not being upon

the Committee on Pensions, can form a very adequate idea of exactly what the duties of these officials are; but I desire to call the attention of the Senator from Nebraska to the fact that in another Chamber, where these matters are dealt with no more expeditiously and no more intelligently and no more carefully than in this, there are two Pension Committees, employing a force of eight clerks and assistants, whose work practically stands against the employment of one clerk in this Chamber.

Mr. President, there is one Senator in this body, the senior Senator from Missouri [Mr. COCKRELL], who has some 60 bills pending before the Committee on Pensions; my colleague and I have some 30 apiece; the Senators from Pennsylvania have some 30; nearly all the Senators have from 15 to 30 pension cases pending in that committee, and their constituents are constantly asking them to press their claims. The Senator from Nebraska has but 2. It is natural that this pressure from constituents is not brought home to him with the same force that it is brought home to the rest of us.

I know from the inquiries I have made and the attempts I have made to obtain action upon bills which I have introduced that the Committee on Pensions is utterly overworked; that its members unselfishly devote hours of their time daily to the work of the committee; that there is not one of them who does not deny himself hours every day when he ought to be in this Chamber in order that he may attend to the duties of his committee; and I know that even if there were two clerks instead of one clerk more, as has been asked for, after they had been appointed and had done their work the efforts of Senators would still be required in framing the reports and in sifting the testimony. The clerks do not have anything to do with the making of reports. The clerks go to the Bureau and make inquiries; they go to the Secretary of War and gather the testimony; they get the case in readiness for the members of the committee to report upon it.

We are overwhelmed with work. There was a resolution introduced yesterday that we should adjourn on the 2d day of May, and it is believed we shall adjourn in May. The action of the Senator from Nebraska, if it shall be successful, will result in depriving scores of people in the United States, privates who served their time in the Army, from receiving pensions to which they are entitled. I know the Senator from Nebraska does not want to stand up in this body and by objecting to the employment of an additional clerk, whose labors this intelligent and self-sacrificing committee certainly need, deprive the people who are entitled under the law to their pensions and by the action of Congress to the favorable consideration of their bills.

I will state further that 25 per cent of all the bills that come into the Senate go to the Committee on Pensions.

Mr. ALLEN. Let me reply briefly to the Senator from Colorado. In the first place, he calls attention to the fact that there are some seven or eight assistant clerks in the House of Representatives. The Senator must remember, however, that there are 356 members of the lower House of Congress.

Mr. WOLCOTT. But they do not get more bills than we get, and they do not act on so many.

Mr. ALLEN. The Senator is certainly mistaken on that point, because they set apart every Friday night and hold a session of the House of Representatives for the express purpose of passing upon pension bills and for no other purpose.

I do not propose to have the Senator from Colorado put me in the attitude that he seems to desire to do, of antagonizing the work of the allowance of pensions. I am in favor of every man who is entitled to a pension having it. I will do anything I can to procure it for him. I have announced that so frequently that there ought not to be any misunderstanding on the part of the Senator from Colorado or any other person upon that subject; but I do not propose that members of the Committee on Pensions shall be able truthfully to go out into the country and say that I obstructed the passage of pension bills because I objected to the Committee on Pensions having an assistant clerk when, in my judgment, that assistant clerk is not needed.

The truth is, Mr. President, that it costs more, I am informed by reliable authority, to run the United States Senate, independently of the salaries that are paid Senators, than it costs to run the Military Academy at West Point in the State of New York. These expenses are becoming enormous, and there seems to be no disposition whatever upon the part of any person to call a halt or to stop at some convenient point. The employment of an assistant clerk for the Committee on Pensions will be followed pretty soon by a bill or an amendment to employ assistant clerks in other committees, and the truth will be after a while that every Senator will have four or five employees in his service at the expense of the Government. There is no necessity for it.

The Senator from Colorado speaks about the number of bills he has introduced and the few bills which I have introduced. I have had many requests to introduce bills. There are as many soldiers in the State of Nebraska, according to its population, if not more, than there are in the State of Colorado. But I do not believe that a Senator should introduce a bill which has no merit in it simply for the effect it may have upon his political fortunes. I could introduce a basketful of bills if it were necessary or proper to do so; but I usually take the precaution to examine into the merits of the applicant before I introduce his bill. I do not think because bills are turned in here through the Senate as water is turned through a sieve that therefore additional assistance should be employed by the Committee on Pensions. I base my objection solely upon the ground that the employment of an assistant clerk is absolutely useless, and can not in the nature of things facilitate the business of the committee.

Mr. DAVIS. Mr. President, I served as chairman of the Senate Committee on Pensions for six years, and perhaps have some of the qualifications of experience to give my opinion on this subject.

I think the objections of the Senator from Nebraska are based upon a misconception of the method in which the business of that committee is necessarily conducted. In the first place, the statement has been correctly made that nearly one-half the bills which come under the consideration of this body are referred to that committee. I know personally from the experience of six years how much exacting and self-denying toil by Senators is necessary to do justice to this most meritorious class of claims. The present chairman of the Senate Committee on Pensions [Mr. GALLINGER] is a man of great experience in those labors. I am perfectly convinced that he would not ask for anything that he did not think was imperatively needed by the necessities of the branch of the service in which he is engaged.

In regard to the so-called perfunctory duties that are performed by the Senators comprising that committee and their clerks, let me correct the Senator from Nebraska a little. It is a rule of the committee that no claim for a pension shall be granted by statute until it has been adversely passed upon by the Pension Office. That rule is almost invariable. It must be a very exceptional case, one not contemplated by the law at all—I mean where the Pension Office can not afford relief—which exempts a case from the application of that rule.

I will state the mode of procedure. A bill is introduced and the original file upon which the Pension Office has predicated its rejection of a claim is sent for to the Pension Office and taken charge of by the committee. Those files are in most cases more voluminous than any ordinary court file. They are composed of affidavits, reports, examinations, tests sometimes by the Department itself, which require the most minute and scrutinizing examination both of questions of fact and law. Those files are gone over and examined with all the care of a referee or a judge in a civil case. It takes hours to go through one of them with any accuracy or sufficiency at all. The clerk can not do that and he does not do it. No clerk ever made a report for me; no clerk makes reports for other members of that committee. The sum and substance of it is, that to do one's duty faithfully in that committee takes away from the Senate the advantage and assistance of his deliberations and counsel in many matters of the highest importance.

I am not in general in favor of the increase of the clerical force, but I felt during my term of service on that committee that more help was imperatively needed. I think, under the enormous increase of business which has supervened upon that body under conditions for the last two or three years, the request is not only reasonable, but one which it is absolutely necessary to comply with if we intend to render to the soldiers any sort of attention to their claims at all commensurate with their imperative merits.

Mr. CULLOM. I hope we shall now have a vote on the amendment. I think the Senate understands it.

Mr. ALLEN. I should like to ask the Senator from Illinois if he proposes to make a point of order upon the amendment.

Mr. CULLOM. I do not.

Mr. ALLEN. The Senator has employed the point of order here very frequently upon this and other bills.

Mr. CULLOM. I have not employed it more than once or twice.

Mr. ALLEN. I should like to suggest to the Senator——

Mr. CULLOM. If the Senator wants to make a point of order, he can do so. I shall not make it, because I am inclined to believe that perhaps this assistant clerk ought to be given.

Mr. ALLEN. Then I will take the responsibility of making the point of order under Rule XVI.

Mr. GALLINGER. I ask the Senator to withdraw the point of order for just one moment.

Mr. ALLEN. I will do that.

Mr. GALLINGER. I have no objection, of course, to the Senator making the point of order. That is the Senator's privilege.

Mr. President, I do not even now know exactly what is under consideration, and I should like very much to be informed before the point of order is made, because I may desire to be heard just one moment.

Mr. CULLOM. Let the Secretary report the amendment, so that the Senator from New Hampshire may understand what it is.

The SECRETARY. On page 3, line 25, before the word "assistant," it is proposed to insert the word "two," and to strike out the

word "clerk" and insert "clerks," and after the word "dollars," in line 1, on page 4, to insert the word "each"; so as to read:

Clerk to the Committee on Pensions, $2,220; two assistant clerks, $1,440 each; messenger, $1,440.

Mr. GALLINGER. Mr. President, I wish to make one or two observations.

The VICE-PRESIDENT. Does the Senator from New Hampshire address himself to the point of order?

Mr. GALLINGER. The point of order, I understood, was withdrawn for the moment.

Mr. ALLEN. I withdrew it.

The VICE-PRESIDENT. The Chair did not so understand. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, I made that request, and the point of order was withdrawn.

This proposed amendment was not suggested by me, and I am not at all responsible for it, although I think it a very just amendment. I desire to state precisely my position in regard to this matter, and I state it for the reason that as I approached the Senate Chamber coming from the committee room, where I had been engaged in work for other Senators, the question was propounded to me whether I was purposely absent during this discussion. I had no knowledge that this discussion was to occur, and hence my absence from the Senate Chamber had nothing whatever to do with it.

Now, a few words as to what I have said and done looking to an increase of the force in the room of the Committee on Pensions and some facts concerning the work of the committee.

I took upon myself the chairmanship of that committee with a full knowledge of the fact that it was a committee to which a vast amount of work would necessarily go, and that somebody would have to perform an unusual amount of labor if the affairs of the committee were properly conducted. I had had service on a similar committee in the other House of Congress, and I had had service for four years on this very committee in this body, and hence knew something of the work; but notwithstanding this I did not adequately realize the measure of labor and responsibility that would come to it.

There have been during the present session, I think I may safely say, an unusual proportion of bills which have been presented to the Senate, referred to that committee. I have not counted them up recently, but I think I can safely say that about one-third, or nearly one-third, of all the bills which have been presented in this body are before that committee now or have been reported, and are now on the Calendar or acted upon by the Senate.

Mr. President, I am not in the habit of obtruding my individual affairs upon the Senate or even upon my friends, and yet I feel constrained to say that I have worked in that committee room from 9 o'clock in the morning until 6 in the evening, except the time I have been in this Chamber, every day since the beginning of the Congress, and I have worked there every Sunday from 10 o'clock in the morning until 6 o'clock in the afternoon. That is a matter known to some others as well as to myself. The work has been carried on in just that way, so far as the chairman is concerned.

I am personally interested in very few of the bills, but a very large proportion of the Senators, on both sides of the Chamber, are interested in them. Senators come to me about their bills, asking that they may be expedited, and I am always very glad to accommodate them if I can. I have put myself out very much in behalf of other Senators, and it has been a delight and a pleasure for me to do it, even at the expense of my own convenience and my own comfort. I have personal charge of the bills for the New England States and the State of New York, but reference to the Calendar will disclose the fact that I have reported bills from all parts of the country, the examination of the papers and the writing of the report in each case requiring much time and patience as well as a certain kind of technical knowledge.

Two years ago certain matters came to my attention in connection with the work of the committee of which I will now briefly speak. I then found that the clerk of the committee—who is not a man from my own State, a resident, I think, of Minnesota, and a gentleman whom I have been glad to continue in that position, notwithstanding I have had many applications from my own State for the place, because of his military services and large experience—was paying a young lady stenographer and typewriter out of his salary. That custom has been continued until the present time. As I understand the matter, and I am sure I am not mistaken, Mr. Johnson, the clerk of the committee, has paid that young lady, who is in the committee room every morning at 9 o'clock and remains there until between 5 and 6, a salary for several years—I do not know how much—out of the amount which he receives as clerk of the committee.

Mr. President, I have no concealments about this matter. My own son is the assistant clerk of the committee. I prefer to keep him there, as he attends to my private correspondence, and I presume that it is not a matter of just criticism that he should be there instead of some one else. He is of more service to me than any other young man could be, and performs his duties faithfully so far as the interests of the public service are concerned.

Mr. President, I propose to tell the whole story so far as I am personally connected with this matter. When this appropriation bill was under consideration by the Committee on Appropriations I addressed a letter to my friend at my left [Mr. CULLOM], who I understood had charge of it, and I made the suggestion to him that I thought it might be a proper thing to increase the salary of the assistant clerk of the committee from $1,440 to $1,800. I think I said in that letter (if I did not I certainly meant to do so) that the added salary would be taken from the assistant clerk and given to the young lady, and in that way the clerk of the committee would be partially relieved of what I think is a very unfair thing. Mr. Johnson is a man who has an invalid wife, and my sympathies went out to him, feeling that he was paying too much out of his salary for clerical assistance which is absolutely needed in the committee room, and without which the business of the committee would not go along to the satisfaction of the Senate. I did not give the matter as careful thought as I might have done, else I would doubtless have asked what the amendment pending contemplates. What I suggested occurred to me as one way in which relief could be secured, and I asked it. The Senator from Illinois did not report the suggested amendment, and he will bear me out when I say that I have sat beside him in the Senate ever since and I have not even mentioned the subject to him. I have not asked him why he did not do it. I took it for granted that the committee exercised their judgment and discretion in the matter, and that they thought it was not a wise thing to do.

That is all I have done about this thing, and I have sought the opportunity to make this explanation lest something might have been said in my absence which would have placed me in a false position. More clerical assistance than is now furnished ought to be supplied, but I have not felt like persistently or unduly pressing the matter. That is all I care to say about it.

Mr. CULLOM. Mr. President, perhaps I ought to say a word. The Senator from New Hampshire has stated the exact truth, so far as any conversation between him and myself is concerned and also in addressing the letter to me. The chief clerk of that committee has also talked to me in reference to the matter on the line of adding something to somebody's salary, so that that addition might be taken to pay an assistant typewriter. I did not quite see how I could do that, or that the Senate would be inclined to do it, and I did not know what the temper of the Senate might be with reference to an additional assistant clerk. I have learned more about the exact situation since this item has been under discussion than I knew before, and as it has gone along I have made up my mind that the assistant clerk ought to be allowed by the Senate, because I know not only from the Senator himself, the chairman of the committee, but from the clerk, that the clerk has been paying a part of his salary in order to keep the work up as well as he could. Under the circumstances I do not care to make the point of order upon the proposed amendment, and I hope my friend from Nebraska, after hearing the chairman, will not do so either.

Mr. ALLEN. Mr. President, I want to say just a word, and then I will let the amendment be voted on.

I want to say to the Senator from New Hampshire that nothing was said in his absence by me or by anyone else involving this matter that ought not to be said. I have no purpose to object to the employment of all the clerical assistance that may be necessary in the transactian of the business of this Chamber, and above all I have not the slightest desire to obstruct the business of the Committee on Pensions. That is the last committee whose business I would obstruct if I had it within my power to obstruct any. I am in entire sympathy with its desire and attempt to present bills here as speedily as they can be presented for the consideration of the Senate.

But, Mr. President, the same thing of which Senators complain with reference to the Committee on Pensions exists with reference to the Committee on Claims. The duties of the two committees are almost identical. The Committee on Claims is simply a court; that is all. It is an equity court, a court where the files, as the Senator from Minnesota [Mr. DAVIS] well said with reference to the Committee on Pensions, exceed in number the ordinary court files. It becomes the duty of every member of that committee to whom a claim is referred not only to examine the evidence that is on record, the ex parte evidence of the depositions, but very frequently to call in witnesses and examine them and find out the history of the claim and report upon its merits. These claims involve not only that, but they involve the examination of records, and very frequently inquiries from the Departments or Bureaus. That is done in every instance by the Senator or by his clerk.

Now, the Committee on Pensions, in addition to having a very efficient chief clerk and a very efficient assistant clerk and a messenger, has, or should have, the assistance of thirteen different

clerks, the clerks of the Senators who compose that committee. When a bill is referred to a member of the committee for examination, it passes from the jurisdiction of the committee until he reports it back, and he should employ the services of his own clerk, or devote his own services, if need be, in examining into its history and preparing and making the report. The honorable Senator from New Hampshire speaks of his being overworked; I have no doubt of that.

Mr. GALLINGER. I did not complain of that at all. I stated the fact.

Mr. ALLEN. I did not understand it to be spoken of in the way of complaint at all, but I can say to the Senator, speaking personally, that for myself I have not been out of my committee room, except when I have been here, until 10 or 11 o'clock at night for two months. I am, unfortunately, a member of the Committee on Claims, and it seems to me sometimes that every old claim that has been on file in the Senate for twenty-five or thirty years has been sent to me, claims that involve the examination of 150 or 200 and sometimes 300 papers. I do my work as best I can. I think the members of this committee should do their work as best they can. However, in view of the fact that the Senator in charge of the pending bill thinks that it is not his duty to make the point of order upon the amendment, but who does occasionally make a point of order upon a meritorious amendment and by that means eliminate it from the proposed legislation, I think I will leave the responsibility with him to make it or not to make it, as he sees fit.

Mr. CULLOM. All right. I am glad the Senator has adopted that course.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Utah [Mr. CANNON].

The amendment was agreed to.

Mr. CULLOM. The adoption of the amendment renders necessary a change of the total on page 5, line 3. I move at that point to strike out "$94,480" and insert "$95,920."

The amendment was agreed to.

Mr. CULLOM. It is proposed by the Senator from Ohio [Mr. SHERMAN], I understand, to move to strike out certain sections of the bill in relation to marshals and district attorneys, beginning at the bottom of page 115, section 5. I suppose that it will be his purpose to strike out all that part which pertains to those subjects, and if that is his purpose he can make his motion to include all the bill beginning with the twenty-fourth line on page 115, and ending with the fifteenth line on page 134. All of that part pertains to the proposed change of the system in relation to marshals and district attorneys.

Mr. SHERMAN. The Senator from Illinois correctly states the proposition I intended to submit to the Senate, although I do not intend at this late hour of the day to embarrass the committee in any way. In my judgment, however, this is a mistake, and all of these provisions in regard to marshals and judges and district attorneys, all of this reorganization, I will say, of the judiciary department of the Government of the United States ought not to be made upon an appropriation bill.

As a rule, no important legislation ought to be ingrafted upon an appropriation bill. We all admit that, and yet we constantly violate that rule. The established rule of almost every legislative body is to confine appropriations to the distribution of money to the various public objects. The practice of attaching legislation to appropriation bills has largely increased of late. Formerly, thirty or forty years ago, it rarely occurred, and only when it became necessary, either by the urgency of a political faction or to accomplish some political purpose, was a legislative amendment placed on an appropriation bill.

Here is a most striking example of the dangers which may occur from this kind of legislation. Here is a bill that is brought to us from the Committee on Ways and Means, in no way connected with the judicial department. We have committees organized in both Houses of Congress to deal with these subjects-matter. They are all composed of lawyers, without exception, leading members especially of the bar, belonging to either House of Congress, and measures of that kind can not be dealt with by persons who have not been trained as lawyers.

The first objection I have to the system proposed is the general principle that it is faulty; that it is bad legislation to encumber an appropriation bill with legislative provisions affecting the whole judicial department of the Government of the United States. I know that such bills have been pending in both Houses, and they ought to be there framed by the proper committee. The honorable Senator from Massachusetts [Mr. HOAR], who sits by my side made, I thought, some very wise remarks upon this subject. The propositions now ingrafted in the pending appropriation bill have been considered by the Judiciary Committee of the Senate, and they were not able to agree upon them. They were not able to act upon them; they made no report upon them. I do not know the history of the measure in the House of Representatives, or how it came to be attached to the bill before the Senate, but it is certain that the principle is adopted of ingrafting in a bill that must be passed provisions to which there may be marked opposition, and which could not pass upon their own merits. That is the first and the radical objection to this part of the bill. But that is not all.

I have read this portion of the bill with a good deal of care. I believe the rates of compensation fixed for these officers is entirely too high. I believe it is too high not only in Ohio but in Arizona, because it is proposed to give the same compensation to the officers in Arizona as in Ohio. It seems to me that dealing with many of the States, especially where the population is small, and where therefore the compensation paid by the State officers is comparatively small, it is an apparent outrage to pay to the marshals $4,000 or $5,000, when the ordinary officers of the State courts receive probably only one-third of that amount. It is making a marked discrimination against the wisdom of Congress in dealing with salaries. A district attorney in Columbus, Ohio, performing the duties of a district attorney in the courts of the United States ought not to receive any more than would be paid, according to the habit and custom of our people, to a common prosecuting attorney. In almost every city in Ohio there are more cases tried of far greater importance than the cases tried in both the Federal courts of the State, and yet higher salaries are to be given to these officers than the salary paid the highest officer of the State government. Now, this is an objection.

This is a time when of all other times we ought to be careful about the appropriation of money. The appropriations now being made at the present session of Congress are more than the revenues of the Government, and therefore at a time when our revenues are insufficient to carry on the operations of the Government it is proposed to increase very largely the salaries of these officers. A salary of $4,000 or $5,000 a year is a very large salary in nearly all of the Western States.

Mr. HOAR. Is there any salary that the Senator knows of increased in the bill?

Mr. SHERMAN. I only know that the Senate have largely increased the salaries proposed by the House.

Mr. HOAR. That is another matter. If the Senator will pardon me—I do not wish to interrupt him, because he is making a very important and interesting statement—but I understood him to say, I suppose inadvertently, that we were increasing the salaries of these officers.

Mr. SHERMAN. I intend to come to that.

Mr. HOAR. As I understand it, all these salaries are cut down by the bill. It is true we make them higher than the House proposed.

Mr. COCKRELL. But not higher than these officers are now receiving.

Mr. HOAR. Not higher than they are now receiving.

Mr. SHERMAN. At present the marshals and district attorneys and nearly all the officers of the courts of the United States are paid by fees. The clerks of the courts of the United States are paid by fees. Whether those fees are more than the salaries here provided is not a question that is material here. They now receive fees. In my judgment it is far better that they should be paid by fees rather than directly from the Treasury, because under the system proposed there will be no motive whatever for either a clerk or marshal or district attorney to collect from the litigants the fees that have been paid them under previous laws. Whether those fees amounted to more than the salaries here provided is not material, but the very moment you give these officers full salaries, with no motive whatever to collect the fees which the law prescribes, as a matter of course you do it at the expense of the Government of the United States. It is true the bill provides that the fees which are now paid to clerks and marshals, etc., shall be paid into the public Treasury, but who will collect those fees? What inducement is there for those officers to collect the fees and pay the money into the Treasury of the United States? The amount of the fees now collected is amply sufficient.

There are always many candidates for all these offices. They are all desirable positions from the point of honor. Everybody would like to be a district attorney of a United States court, and the office of clerk we all know is a very important one; but what motive will these officers have to collect fees for the Government of the United States? The fees will not be collected. The result is there will be more paid out of the Treasury of the United States in consequence of this salary provision than would be paid in the way of fees. Everybody knows that that will be the natural result.

I think on these two grounds, without going into the details, we ought not to pass the salary provision now. It ought to go to the Committee on the Judiciary and there be carefully considered in all its details.

Mr. COCKRELL. I wish to put a question to the Senator from Ohio. He intends to move to strike out the House provision.

Mr. SHERMAN. Yes, sir.

Mr. COCKRELL. Not a Senate amendment. It is a part of

the bill that the House has sent to us. Now, the Senate strikes that out. We get into conference. The House members refuse to yield. What shall the Senate do? Would the Senator stand by the conferees of the Appropriations Committee then and keep Congress here for weeks or months or defeat the bill entirely? That is the question that confronts the Committee on Appropriations and the conferees. Remember, the Committee on Appropriations did not insert this in the bill.

Mr. SHERMAN. I see that.

Mr. COCKRELL. It came here from the House and then was referred to the Judiciary Committee of the Senate to consider it. The Committee on Appropriations simply adopted the report of the Judiciary Committee. So it is the work of the Judiciary Committee as completely as if it had been brought in as a separate bill.

Mr. SHERMAN. I do not see that that alters the argument. A law must have the assent of both Houses. If the House of Representatives violate their own rules, because their rules prohibit this——

Mr. COCKRELL. Oh, no; I beg the Senator's pardon. It was passed through the House in accordance with their rules. All these provisions were put on by the rules of the House. They have what they call standing rules, but then they have a Committee on Rules which brings in an order, and that order becomes the rule for the time being in the consideration of the bill just as much as their standing rules. Does the Senator talk about their rules? It is absolute power. They can pass a bill under their rules with any kind of legislation on it if they have an order, because that order suspends all other rules as to that particular item.

Mr. SHERMAN. It makes no difference; everyone concedes that legislative provisions on an appropriation bill which do not affect the very items of the bill itself ought not to be there. That is the established rule of parliamentary law. If the House of Representatives send us a bill full of legislative measures affecting the whole of one of the great departments of our Government, increasing the salaries that are paid out of public money very largely, because heretofore this compensation was made up by fees paid by litigants and others, and therefore the whole of this burden is now thrown upon the Government, it seems to me we have the right to say to the House of Representatives——

Mr. COCKRELL. Will not the fees be paid into the Treasury?

Mr. SHERMAN. They will not be collected. I have already said that Senators who are familiar with these courts, as I am to some extent, know that the fees will not be collected by either class of these officers. They get their salaries, and what do they care? They will not look after the fees of the Government.

Mr. TELLER. I should like to suggest to the Senator from Ohio that a good deal of the money that is paid as fees is paid by the Government of the United States.

Mr. SHERMAN. In cases.

Mr. TELLER. In very many cases a large proportion of the salary of the district attorneys is now simply paid by the Government as fees.

Mr. SHERMAN. That may be true to some extent, but there is in the courts of the United States a multitude of suits between private parties.

Mr. COCKRELL. The Senator from Colorado is probably familiar with one point here, and I should like to have the information. I ask him if it is not true that the fees are not collected in many cases—if there are not many cases where they can not be collected because of the poverty of the defendants, and so the attorneys and marshals, etc., are paid out of the Treasury?

Mr. TELLER. In such cases they are paid by the Government, I understand.

Mr. COCKRELL. And the Government will get into the Treasury under this proposed law exactly as much as it gets credit for now?

Mr. SHERMAN. The fees are paid by the United States only in cases in which the United States is interested, but the great mass of the litigation in the United States courts is not between the United States and its citizens; it is between litigants in controversies in which the Government has no interest. Therefore it is not an excuse to the Senate of the United States to allow a measure of this kind to be ingrafted on an appropriation bill because the House has done so. The House has often reproached the Senate for doing the same thing. We have submitted to the reproach and sometimes yielded to it where they have made a determined opposition to a legislative provision. But here is a proposition that was pending before the Judiciary Committee, I understand from what the Senator from Massachusetts said. It had been pending also before the Judiciary Committee in the House. It is put on this omnibus bill in order to carry it through when it could not be carried through by the force of its own merits. Now, that is the position. If we do not stop this process of legislating on appropriation bills we had better abandon all the rest of the committees and put everything on the appropriation bills and in that way get them through. But we ought not to do it.

But there are provisions in the pending bill objectionable besides the mere fact that they are legislative. The salaries are too high, in my judgment. I think every salary even provided by the House is larger than similar salaries in the States. But I see several provisions here that I do not like. These provisions, which I will not read, seem to take from the Treasury Department most of the accounting that is now required in that Department and carry it to the Attorney-General. The Attorney-General is by the plain provisions of this bill made practically a comptroller and an auditor. All the accounts are to be sent to him for examination and approval, according to the bill. There is no provision in the bill, although probably the general law will carry the accounts finally to the Auditor and Comptroller of the Treasury Department.

The bill also provides that the Attorney-General shall pay out of his Department all the salaries that are provided for by this proposed legislation. It seems to me that withdraws from the payments the surveillance now fixed by law for the Treasury Department by the combination of auditors and comptrollers and the various officers who are paid to take care of and protect the money of the Government.

There are several of the provisions that seem to be blind. I have inquired the meaning of them of Senators and can not ascertain precisely, although it is said that one of the provisions which requires all the salaries to be paid in the office of the Attorney-General was provided for by an act of Congress a year or so ago.

All I wish to say now is that on the whole the practice of placing important legislative provisions on the appropriation bills ought not to be adopted at this time. This part of the bill ought to be stricken out. Sometimes, as a matter of necessity, both Houses of Congress find it convenient to put on appropriation bills important legislation, and where that legislation is undisputed and uncontroverted, and where it is apparent to anyone that it ought to be adopted either on an appropriation bill or anywhere else, there is not so much objection to it. Although persons familiar with legislation are opposed to mingling general legislation with merely financial appropriations, it is done occasionly. It is done sometimes to attain a political object. I have myself participated in putting on amendments of this kind when some important object was to be attained. But there is no hurry about this matter. We have had the system of fees of attorneys, clerks, and officers of this kind since the beginning of the Government, and now it is proposed in this sudden way (for I never knew anything about it until I took up the bill and read it) to change the whole manner of conducting this great Department of the Government.

Mr. CHANDLER. Will the Senator from Ohio allow me a word? Is he quite sure that change is made? Are not all the accounts of district attorneys and marshals now sent in the first instance to the Attorney-General, and then transmitted to the accounting officers of the Treasury Department?

Mr. SHERMAN. There is nothing, I say, in the bill about that.

Mr. CHANDLER. I may be wrong and the Senator may be right, but I supposed that the accounts of every Department of the Government went in the first instance to the head of the Department, and were by him transmitted to the accounting officers of the Treasury Department.

Mr. ALLISON. That is true. The same rule as respects the accounting of the moneys appropriated will apply under this bill that now applies under existing law.

Mr. SHERMAN. I doubt that somewhat. If Senators will look at the peculiar provisions of the bill they will have a doubt on that point. But at any rate there is no affirmative legislation here requiring that the accounting of money paid to the judicial department shall be made by the proper officers of the Treasury Department. Probably that might be covered by the general provision of the existing law, but there is no provision of that kind here. Indeed this is a measure solely in the interest of the officers I have named, the clerks, attorneys, etc. There are many provisions in the bill that ought to require the careful scrutiny of the Committee on the Judiciary. This bill seems to have been withdrawn from the committee of this body which had it in charge, I do not say by the action of the Senate, but by the action of the House, and thus we are called upon to experiment in legislation. All I desire to say is that I should like to strike out this provision and leave it to be legislated upon more at leisure after a careful examination, not to transfer to the Committee on Appropriations the business of the Committee on the Judiciary, and not to compel the Committee on Appropriations, when they are treating only with subjects of appropriations, to consider and pass upon legislative provisions contained in the bill under their keeping. All of this proceeding disturbs and changes the regular ordinary course of business in the Senate.

Now, with these remarks, Mr. President, I will conclude, so far as I am concerned. I should like to have a vote upon this question, and I hope that the Senate will take my view and postpone

this matter until the next session of Congress at least, when it may be acted upon in a proper way—in the ordinary way—by the Committees on the Judiciary of the two Houses.

Mr. HOAR. Mr. President, I shall support the motion of the Senator from Ohio to strike out this matter from the appropriation bill for the reasons so clearly stated in his interrogatory by the Senator from Missouri [Mr. COCKRELL]. While the Senator from Ohio was speaking the Senator from Missouri, a member of the Appropriations Committee of long experience and formerly its chairman, rose and said: "What are you going to do if we vote to strike out this provision and the House insists? If we do not agree with the House and the House insists, are you going to prolong the session two or three weeks or let an appropriation bill fail?"

Now, when that argument is presented to the Senate of the United States I think the honorable Senator from Ohio is entirely right in saying that the Senate ought not to stand it. We are one of the two legislative branches of the Government, and no affirmative legislation ought to pass making new laws, changes in our proceedings and public policies, unless it has the assent of the reason and conscience of this body. Whenever we undertake to say such a thing as that to the House, they treat it with great respect and say: "If you are going to force on us what we do not believe in and disapprove of, we shall not consent, and you may take the consequences."

I understand the rule of proceeding on the part of the House toward the Senate is, "You shall not be permitted to insist on any new legislation that has not the assent of both bodies"; and we have always dealt with them in that way. If the House undertake to assume the position of forcing a failure of the appropriation bill by putting new legislation on the bill, they are undertaking to do an unconstitutional thing, to wit, to get new general laws upon the statute book to which the Senate does not agree. It is in substance withholding the supply unless they can be the only legislative body. So for that reason I shall vote to strike out this general legislation on an appropriation bill of this kind.

However, I do not agree with the honorable Senator from Ohio in his opposition to the proposed legislation. First, he says it is suddenly brought in here. It has been a subject of consideration in the Judiciary Committee for six years and in the Senate for that time. We have tried and tried to agree upon a proper provision. The complaint comes from all over the country that while the district attorneys, marshals, clerks, and commissioners are dependent upon fees, there is a multiplication of small and vexatious causes that swell those fees; that poor men are plucked, men who are guilty of trifling offenses, Indians who sell liquor, liquor offenses against the revenue or the postal laws. Some one puts on the outside of a pamphlet that he sends, as a lady who is of very near kin to me did a few years ago, "Please return," innocent that it is a violation of the postal laws of the United States, and some official gets up a prosecution against that person.

Then, when they are prosecuting, a deputy marshal summons witnesses. He first brings the offender to the commissioner. The whole thing ought to be disposed of in ten minutes; but the commissioner continues it. Then half a dozen witnesses are summoned on the day to which it is continued. The marshal has summoned half a dozen witnesses when one would do, and he gets a fee for summoning each one of those witnesses. The commissioner gets two days instead of one. On the slightest pretext the case is adjourned, and the commissioner gets his third day's fee and the marshal gets his fee for attendance, and so on. That complaint comes up from all over the United States. It comes from Boston. It comes from places where Indians are found and commit petty offenses. It comes from moonshiner districts in other States, and so on. Therefore very reluctantly I have come to the conclusion that we must put a stop to the system of paying these officers by fees, and I believe that is the judgment of the whole Senate with substantial unanimity.

The Senator from Missouri [Mr. VEST] drew up a bill. It was reported by the committee. It broke down. I think the committee has been at work on it eight years. It was the second time we took it up that we reported the bill and it failed. We have been at work at the present session, and we have two bills which have been reported and are now on the Calendar. So there is no suddenness in this matter. Then the House sent over a scheme on an appropriation bill. We sent our bills to the Appropriations Committee, and they have in substance taken what the Judiciary Committee had agreed upon, if I am not mistaken, with hardly any changes in that particular.

Although I agree with my honorable friend in most of his general positions, I do not agree with him in the belief that these salaries are too high. The United States ought to have in every district in this country a representative who is a lawyer of the first grade, and not merely an ambitious, pushing young gentleman who thinks he would like the salary. They may at any time in the seaports have a case involving our international relations in times of war. Prize causes have to be presented by the district attorney. In times of peace they may have questions affecting our neutrality laws and questions affecting our revenue laws. Within the last two months the district attorney in San Francisco, who gets under this bill I think only $5,000 a year, has had to represent the United States in the great case of the claim against the Leland Stanford estate, involving millions upon millions. If any lawyer who is a member of the Senate—if my honorable friend from Colorado had been retained in that case everybody would have thought his compensation was small if he had asked $25,000 as a fee, so great was the responsibility. In Boston the district attorney was very recently arguing a great question against the defendants in the Maverick Bank case. The president and some directors of that institution had conducted that bank in the interest of their own speculations. It was one of the most difficult and responsible and important prosecutions that we ever had in Boston.

Mr. ALLISON. May I call the attention of the Senator from Massachusetts to another very important case arising under the tariff law of 1894, wherein there was a little provision inserted about withdrawing distilled spirits in bond? There is now a dispute in the courts involving $12,000,000 under that provision. All these are very important questions.

Mr. HOAR. When we dealt with the question of the salaries of the district judges it was said: "Why, the district judge in Delaware, to whom we propose to pay $5,000 a year, is employed but for two months out of the twelve." The answer was made, which in the end satisfied the Senate by a large majority, and the House, too: "If he is employed but two months out of the twelve, he has got to hold himself aloof from other occupations; he has got to be a man fit for the great questions which may come before him, and he must hold himself at the command of the public service the whole year. He is a man who may at any time have in the district court the trial of a question on which depend the dignity and authority of the United States. He may have in the circuit court to decide some vast patent question like the Bell telephone case, involving millions upon millions. Therefore it is to the interest of the United States to have a man competent for that responsibility."

This bill goes on the ground in general (the salaries for the southern district of New York and the District of Columbia being excepted, because they are special) that these salaries should range from four to six thousand dollars a year, what a bright, capable young man who has been in the profession ten years in any of our commercial cities can easily earn.

It seems to me, with all the study I can give to it, that the bill which the Judiciary Committee has reported is not unreasonable in this particular. As it is, all the salaries in the country are $6,000 a year now, with the limitation that if the man does not earn fees enough to make up his salary he does not get more than his fees amount to. So there is the constant temptation to swell the business on the part of those officers who do not get enough fees to make up their salaries.

It is not the great cases out of which the fees come. It is the little cases. You take a criminal case, which takes a month or six weeks to try, and the district attorney gets only $10 if he loses it and $50 if he wins it. It is the little vexatious suits against poor and ignorant defendants out of which the fees come.

I am therefore an entire and enthusiastic convert to the proposition which I received originally with reluctance, as the Senator from Ohio [Mr. SHERMAN] does, that we should abolish the fee system for the salary system. I think I shall entirely agree with the Senator from Ohio in saying that the bills which the Judiciary Committee have reported ought to be taken up and dealt with on their merits, the views of the honorable Senator from Ohio in regard to the amount of salaries thoroughly considered by the Senate, and let us have all equal rights in legislation with the other House.

Mr. CHANDLER. The two Senators who last addressed the Senate, the Senator from Ohio [Mr. SHERMAN] and the Senator from Massachusetts [Mr. HOAR], argued on different sides of the main question and are going to vote together upon the motion; that is to say, the Senator from Massachusetts believes that the district attorneys and marshals ought to have salaries, but that they ought not to be given them upon an appropriation bill, while the Senator from Ohio has opposed these provisions in the bill on the general proposition that there ought not to be legislation upon an appropriation bill.

Mr. President, it is true that there ought not to be, as a general principle, and yet the Senator from Ohio knows that the most important legislation that has been accomplished in Congress has been put upon appropriation bills. Early in the present session the attention of both Houses was called to the enormous expenses of the United States courts, and it has seemed to be agreed by almost the unanimous consent of the other House and of the Senate that a system of salaries for those officers ought to be established. The House, following up that almost unanimous sentiment, has prepared a list of salaries and put it into this bill. The

subject of the salaries has been considered by the Judiciary Committee and the Appropriations Committee of this body, and the list of salaries now stands in this bill. I think we ought to hold on to the reform that we have obtained. I think we ought to retain the provision as to salaries for marshals and district attorneys. The amendments that have been made in the Senate will come up for consideration in the conference with the House, and we shall then have accomplished a result at this session of Congress.

I call the attention of the Senator from Massachusetts to the fact that even if these salaries are not exactly as they should be in all respects, Congress meets again within six months, and any anomaly can be corrected, whereas, I ask the Senator, suppose we strike these provisions out of the bill and the House concurs in erasing them, how long will it be before we shall have the district attorneys and the marshals of the United States placed upon salaries. It may be a year, it may be a half dozen years, and I have observed that the way to get anything you want to obtain in legislation is to get it when you can, and not be very earnestly in favor of it and at the same time in favor of securing what you want in some other way and at some other time.

Mr. HOAR. Does the Senator from New Hampshire wish me to answer the question?

Mr. CHANDLER. I will answer any question the Senator from Massachusetts wishes to ask.

Mr. HOAR. The Senator asked me a question, and I rose to answer it.

Mr. CHANDLER. I ask the Senator, when will we get the reform if we do not get it now?

Mr. HOAR. Those two bills are at our gates, all reported. The Senator says it is very easy to alter the bill in a year if it is wrong, and that it is very difficult to get this legislation, both Houses being zealously in favor of it, unless we accept the provisions in the pending bill.

Those two bills are here in the ordinary course of legislation ready to be acted upon. I am willing to move to take them up to-morrow morning if these provisions are stricken out of the bill. Those bills are on the Calendar now. We can pass them and the other House can. If we pass them, we shall pass them on an equality with the other House. Now, as we put the provisions in the appropriation bill we put our head into the mouth of the other branch.

Mr. CHANDLER. No. The other House have given their salaries and we give our salaries, and they go into conference, and the question can be fairly settled by the conference committee.

So I agree with some things that both Senators have said, who differ with each other, and I differ from the votes which, differing with each other, both of them propose to give. I think we ought to hold on to these salary provisions and secure them now at this session of Congress.

Mr. HILL. Mr. President, I am very glad that the distinguished Senator from New Hampshire [Mr. CHANDLER] remained after 4 o'clock, although he had agreed to leave promptly at that hour, in order that he might express his sentiments on the general proposition of the impropriety of placing important legislation upon appropriation bills. I concur in all the sentiments which he has expressed upon that point.

I wish to say a few brief words as to the history of this matter and its present status. The Senator from Missouri [Mr. VEST] introduced certain bills fixing salaries in place of fees for district attorneys and marshals. Those bills were before the Judiciary Committee. A subcommittee was appointed very promptly and was considering those very bills, and that committee was intending to present a report. In the meantime the House of Representatives, for some reason, no one knows what, concluded to place upon this appropriation bill the provisions there found, changing the whole law upon the subject and substantially embracing the provisions of the Vest bill.

Notwithstanding that fact, the Vest bills have been reported by the Judiciary Committee, containing these same provisions, and they are here upon our files. Immediately after the consideration of the Arkansas bill they can be taken up and passed, provided the Senate is in favor of the adoption of the salary principle. There is therefore no necessity for creating a vicious precedent. There is no necessity for putting on the appropriation bill provisions which it is said the Senate approves and which it has already been shown that the other House approves.

One or two Senators who have spoken have said that it is sometimes justifiable in great emergencies, and at other times when everybody concedes the propriety of certain legislation, and in the last moments of a session, by common consent, to place unobjectionable provisions upon an appropriation bill. Within those limitations it might be well to say that possibly no harm is done. I antagonize these provisions not because I have any particular opposition to them. I antagonize them on the first ground, that it is unnecessary to place them here. The two Vest bills have been reported. They can be amended here within the next forty-eight or fifty-six hours; they can be made exactly like the provisions in this bill, and they can be passed and go to the other House, and that House can act upon them. It can not be truthfully said that a House which almost unanimously passed the provisions upon the pending bill would refuse to act upon those bills.

Therefore, Mr. President, we are creating a bad precedent unnecessarily. We are doing a foolish thing without any cause for it. We are straining over legislation when there is no point to it. When we had our pleasant little discussion a few weeks ago on the subject of distributing the appropriation bills, the very point was made that the Appropriations Committee was the most important committee. It was denied. The point was made and attention directed to it that the most important provisions enacted by Congress were always to be found in appropriation bills. Whether they got there surreptitiously, whether they were put there deliberately, whether in the last hurried ending of a session they were put there, it matters not; they found their way there; they were there.

Sir, during the first forty years of the history of this Government there were no such things as amendments of this character upon appropriation bills. The first forty years of the history of this Government shows that our legislators religiously kept appropriation bills for appropriations. There never was any attempt to ingraft general legislation upon them. We may learn some wisdom from our fathers. Afterwards both bodies were more or less to blame for placing political legislation upon appropriation bills. The Senator from Ohio [Mr. SHERMAN] says the system is a pernicious one; the Senator from Massachusetts [Mr. HOAR] says the system is a pernicious one; the Senator from New Hampshire [Mr. CHANDLER] says the system is a bad one, and yet he is willing to tolerate it at this particular time for the sake of reform.

Let us see what the result of this thing will be. In the first place, there is a bad precedent, in that you have taken out this matter from the consideration of the very committee authorized by the House and the Senate to pass upon judicial questions. These provisions originated in the Appropriations Committee of the House. They were passed upon by the Appropriations Committee of this body. Now, what was done? To take the curse off, if I may use such a familiar phrase, for the purpose of exhibiting great courtesy to the Judiciary Committee, which we very much appreciated, the Appropriations Committee asked the Judiciary Committee to look over the appropriation bill concerning these provisions and to make suggestions. We could not well refuse.

We did go over the bill, and we made such suggestions as occurred to us; and out of courtesy to the committee we transmitted those amendments back to the Appropriations Committee. Nevertheless that is not the way to do business. That is not the proper way to legislate. The Judiciary Committee was entitled as a matter of propriety to this subject originally, and not as a mere matter of courtesy. They were reported. In transmitting them to the Appropriations Committee it was distinctly understood and was said in our committee that we were not committed to the propriety of placing those amendments on the appropriation bill. Every member of the committee reserved that question for himself. What did we do? At the same time we reported the Vest bills, which are here, properly reported, awaiting action.

Mr. President, is it necessary for me, when everybody concedes that the point I make is right, to multiply instances when great wrongs have been perpetrated in the history of this Government by making use of appropriation bills for general legislation? It has been done, sir, or attempted to be done, by both political parties. It is a wrong and vicious principle. It does not pay politically in the long run.

Let us go back in the history of this country. Look how some of the important amendments to the Federal elections law crept in on appropriation bills, put there in order to coerce the action of certain branches of the Government. Then what took place subsequently? Subsequently an effort was made to repeal those laws, and we have not forgotten the great contest had between both Houses of Congress and President Hayes. I have before me the veto of President Hayes on amendments to appropriation bills, amendments that got rid of what was known as the obnoxious Federal election laws, and he vetoed them. Sir, candor compels me to say that he properly vetoed them on the ground that they had no place in appropriation bills. Much as I desired at that time, much as the Democratic party desired, the repeal of those laws, that was not the way to accomplish it. I am free to say that if there ever was an occasion when it was proper to use an appropriation bill as a lever with which to accomplish great political results, that was one of them.

Every Senator knows it is wrong. Every Senator knows it is a vicious principle. Every Senator concedes all that has been so well said here by the Senator from Ohio and the Senator from Massachusetts, and yet we propose to do it again. Why at this stage of the session? It is not the close of the session. We have plenty of time to legislate. There is to be no financial legislation; there is to be no tariff legislation, and we have ample time to

perfect those wise provisions, if they are wise, and therefore we have not any sort of an excuse for inaugurating a principle which some day or other will return to plague us.

Now, when the Senate is nearly equally divided, when our Populist friends hold the balance of power, is a good time, when neither party has the absolute control of the Senate, to stop the House of Representatives from resorting to this method of legislation. Merely because the Appropriations Committee, out of courtesy, sent the bill as respects these provisions to the Judiciary Committee does not change the situation. Let me say further that no criticism should be indulged in against the Appropriations Committee of the Senate. It is but fair to say that that committee did not place the provisions on the bill. As has been well stated, they were placed there by the other House, and the Appropriations Committee felt constrained to permit them to remain. Therefore the criticism which I have made is not directed against the Appropriations Committee of the Senate. They have tolerated the error; they have not sanctioned it. They have simply accepted the situation as it was presented by the House, and the House, in my judgment, ought not to have insisted upon them, because it is an unnecessary, an unwise, and a bad precedent. If these provisions meet with the views of both Houses, we can easily pass them in separate bills.

Let us see further what is the danger of this thing. If we disagree and a conference committee is appointed, not a member of the Judiciary Committee will be upon the conference committee. The Appropriations Committee take charge of that. What further takes place? Bear in mind, the Appropriations Committee have not adopted all the provisions of the other House. The Appropriations Committee have stricken out all the clauses in regard to United States commissioners, a very important matter. Some say they are desirable and others deny it. They are stricken out. We have no opportunity to amend them, because they are not before us. Some of us have certain views as to what United States commissioners should be compelled to do, as to what offices they should hold, and all that, but we are substantially and virtually powerless, because the committee have stricken them out and they are not before the Senate for amendment.

The bill goes to the other House. They nonconcur. Again the Appropriations Committee have charge of it, and they will agree or disagree to the provision in reference to United States commissioners. When the bill comes back there is no opportunity for amendment. Those who desire to amend the provisions relating to United States commissioners have no opportunity. It is gone. This simply illustrates the folly, the unwisdom, of attempting to put important judicial provisions, enacting new legislation, upon an appropriation bill.

Mr. CULLOM. I should like to inquire of the Senator from New York whether striking out the provisions in relation to commissioners is not in part the action of the Judiciary Committee, of which the honorable Senator is a member?

Mr. HILL. Of course it is. That is not the question.

Mr. CULLOM. It is one of the facts, nevertheless.

Mr. HILL. We suggested that there ought not to be any legislation upon that question at all. It was stricken out. The bill goes to a conference committee. Possibly there ought to be amendments. If it is to be adopted at all, there ought to be amendments to it. We have had no opportunity to amend it. We can not do it. It has not been discussed in the Senate. The provisions have been stricken out absolutely, and thus the House has an unfair advantage over the Senate in that respect. If the matter had been brought up in a regular fee bill, in a regular judiciary bill, such as the Vest bill before us, then we could have gone over those items separately and considered them and made such amendments as were necessary.

I do not care so much about the pending bill. I have convictions upon this subject. I see over and over again a course pursued that is unwise, and every time we hear the old argument, "We will change it next time." The Senators constituting the Judiciary Committee will bear in mind that I suggested in our consultation that now is a good opportunity to stop this kind of legislation. Everybody considers that it is wrong, even in the Judiciary Committee. I do not think that even the Appropriations Committee cared about having this matter thrust upon them, for it was thrust upon them by the other House. They say, What are we to do? We will go back to the House and tell them the Senate will not agree to it. Shall we hazard this great appropriation bill? Yes; hazard it. There is no better time to hazard it than now. You have ample time to do it. You have been diligent, you have been prompt, at least this year, in presenting your appropriation bills, and there is plenty of time for negotiation.

Let me call your attention to another matter. We can not place new legislation upon appropriation bills. We are tied down by our rules. The other House can not do it, but they violate the rule. I hold in my hand the rules of the House of Representatives, and these new provisions which they have put on are in violation of their own rules. Yet so anxious were they for this great reform, that they rode over their own rules and placed those provisions upon this bill. And now it is said we must not strike it out. Why not? We are a coordinate branch of Congress. We have just as much right to legislate as has the House. The House can pass the bill in a separate form. Although the House has control of the Treasury of the country, although it has the right to originate revenue bills, it has not the sole power to originate bills of this character.

Further, I submit to the good sense of the Senate upon this matter, which is not a party question, but a question of propriety, a question of the orderly conduct of legislative business, why seek to create a precedent that will return some time to plague us? The general question of the propriety of changing the system of fees to a system of salaries, I am disposed to favor. There is a great deal to be said upon the other side. There is a great deal to be said upon some of the provisions which were so ably defended by the Senator from Illinois when attention was called to them. I refer to the provisions which allow the appointment of an almost unlimited number of deputy marshals. That is the effect of it. I fear it will increase the expenses of the United States Government. I am willing to try it and I am willing to vote for it, and I voted to report the two Vest bills. I am willing to take them up for consideration the moment the Arkansas bill is disposed of.

There is no necessity for placing these provisions in the present bill. What would be the result if we did not? I know there will be a struggle over it. The House will not insist upon it. If I were to predict, I would predict that the House would not insist upon it. We are clearly right, as right as if there were but one side to the argument, and the good sense of the House will assert itself.

Undoubtedly there has been in the past much excellent legislation placed upon appropriation bills. I do not think it was wise to do it. I recollect—it was only a year or so ago, in 1892 or 1894—when the whole system was changed in the matter of accounting in the Treasury Department and the other Departments of the Government. It was placed upon an appropriation bill. Then once in awhile there creeps in an objectionable feature. We woke up the other day to find that we could not ask for a second estimate for a public work to be done, because we had bound ourselves by an amendment put on an appropriation bill which nobody knew anything about and which had not been discussed in this Chamber. We found that we could not substantially ask for that information from one of the Departments of this Government without the consent of the President of the United States. The provision was put in on an appropriation bill. Public attention was not drawn to it, and every day we witness the farce—for it is nothing more or less—of a bill or a joint resolution being passed asking for a second estimate for public works, which has to go to the President of the United States. I speak thus of unwise things that have been done, and there have been wise things done, so far as they are intrinsically concerned. What I am objecting to is the vicious principle involved.

Mr. President, my attention has been called to this matter in other fields of labor. My views were expressed years ago in messages to the legislature of the State of New York. I was compelled in many instances to veto an entire appropriation bill because of objectionable, partisan, vicious legislation inserted upon it. I appealed to the people upon that question, and the last constitutional convention of our State amended the constitution, so that to-day it absolutely prohibits any sort of legislation upon appropriation bills. That is the right principle. Several of the State constitutions contain similar provisions. Public experience has demonstrated the wisdom of it.

We can not without great difficulty provide an amendment to the Constitution of the United States for anything—good, bad, or indifferent. It takes too long. But we can by a proper course here pursued adhere to orderly methods of legislation. It is for the benefit of both political parties, it is for the benefit of all sides of this Chamber, it is for the benefit of the whole people to confine appropriation bills to their legitimate purposes, and not to attempt to put in general legislation, not to attempt to change existing law, even though the amendments are good or are bad.

I see no answer to this proposition, and when Senators of such long experience as those who have risen upon the other side of the Chamber to-day, whose service in this Chamber numbers three or four terms and even more than that, say this is a wrong principle, I think those who have served less time in this body may well follow the principles they have laid down.

I do not suppose, as many Senators have left with the understanding that there would be no vote this evening upon the pending question—of course I do not desire to have a vote quite pressed this afternoon.

Mr. CULLOM. I do not know of any understanding that the bill would not be disposed of this afternoon. I have heard nothing of it.

Mr. HILL. I did not speak of an understanding with the Senators. I say several Senators left with such an understanding.

Mr. CULLOM. They may have gone away. That is one thing.

Mr. HOAR. They are paired.

Mr. CULLOM. I suppose they are paired if they have gone. The bill has now been before the Senate some three days or more, and I think we ought to dispose of it to-night.

Mr. HILL. I desire to have a full vote on this question.

Mr. CULLOM. I think we ought to dispose of the bill this afternoon, and I hope the Senator will allow us to come to a vote as soon as Senators get through with what they have to say.

Mr. HILL. I have no objection to anyone else speaking; I am not going to move to adjourn; but I do not wish to have a vote taken to-night.

Mr. CULLOM. I will make a suggestion in the interest of accommodating members of the Senate as well as I can. I ask that it be unanimously agreed that immediately after the morning business to-morrow we shall take this bill up and vote at 2 o'clock. If the Senate will agree to dispose of it by 2 o'clock to-morrow, I would be willing that the Senate should now adjourn without further considering the bill to-day.

Mr. HILL. That would be all right, except that we can not tell what will come up as morning business. That is the difficulty about it.

Mr. CULLOM. I mean actual morning business, the introduction of petitions and bills and reports. If we agree to my suggestion, we can take up the bill soon after 12 o'clock.

Mr. HILL. I suggest to the Senator that we had nothing but routine morning business this morning, and it immediately gave rise to a discussion which took two hours.

Mr. CULLOM. We had more than mere routine morning business. We had the discussion and passage of a joint resolution.

Mr. HILL. It was the report of a committee, however, which was properly in order.

Mr. CULLOM. Yes; but it was within the power of the Senate to have refused to consider it this morning if it had chosen to do so. However that may be, if it should be understood by the Senate that to-morrow morning, without going into the discussion of measures such as resolutions, etc., or attempting to pass bills, but immediately after the presentation of petitions, memorials, bills, and reports from committees we take up this bill and dispose of it by 2 o'clock, I shall be entirely willing.

Mr. HILL. I have no objection to disposing of the bill. I have no doubt we can do that, but I do not want any agreement to that effect; that is all. I have no purpose whatever of delaying the bill, however.

Mr. CULLOM. Will the Senator agree that the Senate shall take a vote at 3 o'clock or sooner if there is no further discussion?

Mr. HILL. Certainly, at 3 o'clock.

Mr. CULLOM. At 3 o'clock.

Mr. HILL. It will not take even that time. One or two Senators have spoken to me who desire to say a few words, and I do not desire to foreclose them.

Mr. HOAR. Say not later than 3 o'clock.

Mr. CULLOM. Not later than 3 o'clock, if the discussion is concluded.

Mr. HILL. But the difficulty with a unanimous-consent agreement is that you are liable to have some other business come up, and if you——

Mr. CULLOM. Does the Senator from New York want to make any agreement?

Mr. HILL. I prefer not to; but I state to the Senate in all fairness that we expect to have a vote after very little more discussion. The point is that some Senator will rise and ask the Senate to consider some bill, and you have to be discourteous to him if you object. That is why I do not wish to enter into an agreement. That is all. Yet I want a full vote, and I want to have this bill disposed of.

Mr. ALLISON. I ask unanimous consent that this question may be taken up, as suggested by the Senator from Illinois [Mr. CULLOM], and disposed of at an hour to be agreed upon, with no intervening business to take the place of any proper discussion that may be had upon this bill.

Mr. COCKRELL. Say begin its consideration at twenty minutes after 12 o'clock to-morrow.

Mr. ALLISON. And that the discussion shall go on. I desire myself to make some observations upon the bill, but do not wish to speak to-night. This being an appropriation bill, however, it ought certainly to be passed to-morrow. If we can now have some understanding as to any hour when we shall take a vote, it will be—it seems to me it would be—a wise thing to do.

Mr. PLATT. I desire to have an opportunity to offer one amendment in the Senate before the bill is finally acted upon. I do not want to be cut off by an agreement.

Mr. CULLOM. There will be no difficulty about that.

Mr. PLATT. I do not wish to be cut off by an agreement as to any hour for a vote. I wish to say now that in any agreement I may enter into——

Mr. ALLISON. Does the Senator's amendment relate to this matter?

Mr. PLATT. Not to this particular matter, but I refer to an amendment to the bill which will be in order.

Mr. ALLISON. Very well.

Mr. ALLEN. I was going to suggest to the Senator the propriety of fixing the hour at 4 o'clock.

Mr. CULLOM. I am willing to agree to that if we can not dispose of it sooner. Say not later than 4 o'clock.

Mr. ALLEN. Not later than 4 o'clock.

Mr. ALLISON. Upon the bill?

Mr. GORMAN. No; on this proposition.

Mr. ALLEN. Upon the final passage of the bill.

Mr. CULLOM. The final passage of the bill and amendments.

Mr. HILL. I do not think it will take until 4 o'clock, but I think it will expedite matters not to have an agreement.

Mr. CULLOM. It will expedite matters to have an agreement.

Mr. ALLEN. There is not the slightest disposition to delay the passage of the bill.

Mr. HILL. Not at all.

Mr. CULLOM. If we have no understanding we will get into the discussion of other matters, and a good share of the day will be passed before we shall get to the consideration of this bill, and we ought to get it through at as early a day as possible. I have been, I think, very patient about the matter; I have not undertaken to press anybody; I have accommodated the Senate in other matters as well as I could to keep Senators satisfied that they were having fair play. Now, if the Senate will agree that we shall vote at 4 o'clock to-morrow upon the bill——

Mr. ALLISON. And all amendments.

Mr. CULLOM. And all amendments, and take the bill up as early as possible in the morning, I think it ought to be satisfactory to the Senate. I ask that of the Senate.

Mr. HILL. I do not wish to have an agreement. It will be evident to-morrow why I do not wish to do it.

Mr. CULLOM. Then I can not——

Mr. HILL. I wish to bear witness to the Senator's extreme courtesy during the entire debate. I have not asked any special favors in regard to it that I know of, and I do not think the Senator could have cut me off if he had tried, though he has not tried. But there is no disposition whatever to delay action upon the bill. I am as anxious as he can possibly be to oblige our most patient friend the Senator from Arkansas [Mr. BERRY], whose bill is the unfinished business.

Mr. CULLOM. I am not going to ask for any agreement—I can not in view of the remarks of the Senator from New York, as he indicates that he is not willing to make one—but I give notice that I shall ask to take up the bill early to-morrow, immediately after we meet and the morning business is disposed of.

Mr. HILL. I will cooperate with the Senator from Illinois.

Mr. COCKRELL. Say twenty minutes after 12 o'clock.

Mr. CULLOM. I hope to get the bill up within twenty or thirty minutes after 12 o'clock.

Mr. NELSON. Mr. President——

Mr. ALLISON. If I have the floor, I will yield to the Senator from Minnesota.

Mr. NELSON. I ask unanimous consent for the present consideration of House bill 4254.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of a bill the title of which will be stated.

Mr. ALLISON. Before the bill is taken up, I will state that, if this matter is to be laid aside for the day, I am perfectly willing that the Senator from Minnesota should have consent to proceed to the consideration of his bill. I wish, however, if it has not already been done, that other amendments to the appropriation bill, aside from the amendments proposed to be stricken out by the Senator from Ohio [Mr. SHERMAN] might be concurred in.

Mr. CULLOM. They have been concurred in.

Mr. ALLISON. Have all of the amendments been concurred in?

Mr. CULLOM. All of the amendments made as in Committee of the Whole have been concurred in and disposed of except those involved in this proposition.

Mr. ALLISON. Then this is the only amendment pending?

Mr. CULLOM. Probably there are some other amendments which are liable to be offered.

Mr. ALLISON. Which will be offered?

Mr. CULLOM. Yes.

Mr. ALLISON. I was not aware of that.

Mr. HILL. I can not hear what is going on, but I do not understand that any agreement is being made which will bind the Senate?

Mr. ALLISON. No agreement whatever.

Mr. CULLOM. No agreement, I can assure the Senator from New York.

Mr. HILL. If there is, I want to be a party to it.

Mr. PLATT. Before the conclusion of the bill I shall ask once more to offer the amendment which was offered by the Senator from South Dakota [Mr. KYLE] and ruled out of order. I think perhaps the point of order will not be made against it again.

DULUTH AND NORTH DAKOTA RAILROAD COMPANY.

Mr. NELSON. I renew my request for unanimous consent for the present consideration of the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add as a new section the following:

SEC. 4. That the provisions of this act shall not apply to the Red Lake Reservation until the consent of the Red Lake Indians shall be obtained thereto in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DECISIONS OF THE DISTRICT COURT OF APPEALS.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 2546) concerning the court of appeals in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the decision of the court of appeals of the District of Columbia shall be final in all cases where the decision of a circuit court of appeals of the United States would have been final if the question involved in such decision had arisen in any State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST DEFENSES.

Mr. SQUIRE. I desire at this time to give notice that it is the desire of the Committee on Coast Defenses that the bill which has been reported to the Senate by that committee shall be taken up for consideration and acted upon at the earliest practicable moment. There is a great deal of interest manifested in the bill, I may say, throughout the country, and I have received a great many letters and petitions on the subject. The people feel that it is right and proper that the question shall come up at this session of Congress and at an early day. They are very anxious to have the matter considered. I therefore trust that there will be a disposition on the part of Senators to allow the bill to be taken up as soon as practicable.

I know that there are some other matters already on the Calendar which are preferred. The Cuban question is preferred; the question as to the Senator from Delaware is preferred, and, I believe, also the question of——

Mr. CULLOM. And appropriation bills.

Mr. SQUIRE. Appropriation bills, of course, are preferred. I I suppose that is the rule here. In addition to that, I understand the Senator from Arkansas [Mr. BERRY] has a bill which he has obtained the consent of the Senate shall be regarded as the unfinished business. I have no disposition to displace that bill. At the same time I feel that the great importance of the question of coast defenses warrants me in pressing it upon the attention of the Senate, and that I should not be justified in waiting an undue length of time before asking the Senate to consider the bill.

DISTRICT COURT OF ALASKA.

Mr. VILAS. I ask consent of the Senate for the present consideration of the bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the regular terms of the district court of the United States in and for the District of Alaska shall be held at Sitka on the third Monday in May and at Juneau on the last Monday in March and the second Monday in November.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN CHEYENNE, BOISE CITY, AND HELENA.

Mr. MANTLE. I ask unanimous consent to call up the bill (S. 656) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment.

Mr. HOAR. I do not wish to embarrass the passage of the bill, but I think the Senator from Montana should state the special reasons—I presume there are some—why these three public buildings are coupled in one bill instead, as in the ordinary course, of being placed in three bills separate from each other. Of course every Senator understands that the practice of putting together in one bill several public buildings would lead to great abuse and logrolling in legislation. There would be a temptation to do that. Appropriations for public buildings ought to be kept, as they always have been in the practice of the Senate, distinct, unless there be some special reason for uniting them. If there be such reason, it ought to be stated when the bill is under consideration.

Mr. MANTLE. I desire to state, in reply to the Senator from Massachusetts, that the reason why these localities are coupled together in the pending bill is that they were united in a former bill which is now a law, and which was, I believe, originally passed in pursuance of a general law providing for the erection of public buildings at the capitals of the States. These three towns were put together in the former law, and hence they are kept together in this bill.

Mr. HOAR. This relates to the capitals of the three States which came in together?

Mr. MANTLE. Yes; Montana, Wyoming, and Idaho. The Senator from Idaho [Mr. DUBOIS], I believe, originally introduced this bill, and perhaps he can explain it.

Mr. HOAR. As I said, I do not wish to antagonize or embarrass or delay the passage of the bill, but I want to have clearly and sharply stated the reason why several cities are appropriated for in one bill, so that it shall not be made a precedent hereafter.

Mr. DUBOIS. With the consent of the Senator from Montana, I believe I can make the matter plain to the Senator from Massachusetts. At the last session of Congress the Committees on Appropriations of the House and of the Senate deemed it wise and proper to give to each one of those new States a public building at its capital, inasmuch as there was no public building in any one of those States. The reasons were so plain that there was no objection.

All the Federal officers are in the capital cities, and as these three States were the only States which did not have public buildings, they were coupled together and put in an appropriation act.

Mr. HOAR. This is a bill supplemental to that act?

Mr. DUBOIS. Entirely. The bill in that shape passed Congress.

Mr. MANTLE. I desire to state, in addition to what has been said by the Senator from Idaho——

Mr. COCKRELL. How much will the bill increase the limit of cost of each of those buildings?

Mr. MANTLE. It will increase the limit of cost of the public building at Boise City, Idaho, $50,000; at Cheyenne, Wyo., $100,000; and at Helena, the capital of Montana, $150,000. There are reports from the Department, accompanying the bill, showing the necessity for this increase of the amounts, inasmuch as larger buildings are required to accommodate the public necessities in those States. The bill was reported favorably by the committee.

The PRESIDING OFFICER (Mr. HILL in the chair). The amendment reported from the Committee on Public Buildings and Grounds will be stated.

The SECRETARY. In line 25, after the word "including," it is proposed to strike out the words "the site"; in line 29, after the word "hundred," to strike out "and fifty"; in line 30, after the word "and," to strike out "five" and insert "three"; and in line 32, after the word "Montana," to insert "exclusive of the cost of the sites therefor"; so as to read:

Neither of said sites shall cost in excess of $20,000, and neither of said buildings, each of which shall be fireproof, shall cost, including heating and ventilating apparatus, elevators, fireproof vaults, and approaches, complete, in excess of the sum of $250,000 for the building at Cheyenne, the capital of Wyoming; $200,000 for the building at Boise City, the capital of Idaho, and $300,000 for the building at the city of Helena, the capital of Montana, exclusive of the cost of the sites therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES LINSKEY.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. BROWN. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. For what purpose does the Senator desire me to yield?

Mr. BROWN. I wish to ask unanimous consent for the consideration of a bill which has once passed the Senate in a different

form. A similar bill having passed the other House; I wish to ask the Senate to pass the House measure. It will take but a second. If I state the reason I think the Senator will yield.

Mr. JONES of Arkansas. I withdraw the motion for that purpose.

Mr. BROWN. On March 2 the Senate passed a bill, which I hold in my hand, Senate bill No. 680, which is word for word the bill passed by the House, No. 1861, which has come over to the Senate; but there was no allusion to its being the same bill. Now, I ask that the House bill, as such, may be passed, as on comparison I find it to be the same.

The PRESIDING OFFICER. The Senator from Utah asks for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 1861) for the relief of James Linskey from the operations of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES of Arkansas. I now renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 27, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### THURSDAY, *March 26, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

JAMES DUKE.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 572) for the relief of James Duke.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of James Duke, who enlisted in the United States Navy February 21, 1862, and served as a first-class fireman on board the *Baron de Kalb* and *Maria Denning* up to July 6, 1863, by removing the charge of desertion from the record and granting him an honorable discharge.

SEC. 2. That upon the correction of the naval record of the said James Duke as aforesaid the Secretary of the Treasury is hereby authorized and directed to pay to the said Duke or his legal representatives, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a first-class fireman from the 21st day of February, 1862, to the 6th day of July, 1863.

The amendment recommended by the committee was read, as follows:

Strike out section 2.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 2610) to amend an act entitled "An act to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes," approved July 29, 1892—to the Committee on the District of Columbia.

The bill (S. 1795) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across Red River at the city of Alexandria, La.—to the Committee on Interstate and Foreign Commerce.

The bill (S. 923) for the relief of Irving W. Stanton—to the Committee on Claims.

The bill (S. 1796) making an appropriation for a reconnoissance of the mouths of Yukon River, in Alaska—to the Committee on Appropriations.

The bill (S. 314) for the relief of Eunice Tripler, widow of Charles S. Tripler—to the Committee on Claims.

CURRENCY COMMISSION.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent to have read the resolution which I send to the desk, and that it be printed in the RECORD and referred.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to offer the following resolution, and that the same be printed in the RECORD and referred.

The Clerk read as follows:

Whereas, in view of the present inadequate banking and currency system, it is desirable that Congress have the aid of such recommendations as a non-partisan commission of experts might be able to offer regarding needed changes:

*Resolved by the House of Representatives (the Senate concurring)*, That the President is hereby authorized to appoint nine citizens, eminent in trade, political economy, and banking, to act with the Comptroller of the Currency, as such commission, and that the said commission be requested to report its conclusions and recommendations to Congress.

The SPEAKER. Is there objection to printing the resolution in the RECORD? [After a pause.] The Chair hears none. The resolution will be referred to the Committee on Banking and Currency.

SEWER ON PERMANENT RESERVATION AT HOT SPRINGS, ARK.

Mr. LITTLE. Mr. Speaker, I desire to call up the bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Albert B. Gaines, S. H. Stitt, and A. S. Garnett, of Hot Springs, Ark.; S. W. Fordyce, of St. Louis, Mo., and Charles B. Platt, of the city of New York, out of any money under his control derived from leases of bath-house sites and from the sale of lots on the Hot Springs Reservation, Ark., and available for the protection and improvement of said reservation, the sum of $1,421.18, in reimbursement of the amount actually expended by said persons in the construction of a sewer upon the permanent reservation at Hot Springs, Ark.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. MEIKLEJOHN) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 2265) to provide for reimbursement of the expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark., respectfully submit the following unanimous report, and recommend the passage of the bill:

The line of sewer pipe, repayment of the cost of which is provided in the bill, was constructed at the expense of the beneficiaries therein named in August, 1886. It extends for a distance of 1,550 linear feet upon the front of the permanent Hot Springs Reservation, and provides the only outlet for sewage from the Army and Navy Hospital and from the Arlington Hotel and bath houses occupying ground leased by the Government, by which is created the fund applicable by law to the protection and improvement of the reservation, and out of which it is proposed to make payment for this sewer.

At the time the sewer was laid the Government, under the direction of the Department of the Interior, had in progress the improvement of the creek which runs through the principal street of the city of Hot Springs by confining its waters between arched walls of masonry, affording an opportunity of laying the sewer with the least excavation and consequently at the lowest cost.

The plan under which the creek improvement was being done contemplated the emptying of the sewage of the city into the creek, a course which was universally condemned by the physicians of Hot Springs and competent engineers as unsanitary and injurious to the healthfulness of the city. A petition was addressed to the Department of the Interior, praying that the Government would lay this sewer, to which the Department replied that it could not then be determined whether the fund available for the work in progress would be sufficient to provide payment for this sewer; that the Department was prohibited from involving the Government in any contract in excess of the amount available, but that if the citizens of Hot Springs thought it advisable to take advantage of the opportunity before the filling was done along the creek work to lay the sewer, under the supervision of the superintendent of the reservation, there would be no objection interposed.

The sewer was laid in pursuance of this permission, and the cost of it was defrayed by the beneficiaries named in the bill.

We submit herewith a copy of a report of the Secretary of the Interior, from which it appears that the Department is satisfied "that the laying of the sewer was a necessity and that the Government was the principal beneficiary under the improvement," and that the Department "desired to allow a reasonable sum in reimbursement of the expenditure out of the Hot Springs Reservation fund, which was sufficient for the purpose," but that, upon referring the matter to the Comptroller of the Treasury, that officer had decided that payment could not legally be made.

The committee do not concur in the view of the Secretary of the Interior that an amount less than the cost of the sewer should be allowed these claimants. His recommendation is based upon an opinion of the present superintendent of the reservation, to the effect that while the cost of the sewer, as evidenced by the vouchers in 1886 appears to be correct, the work could probably be done now at less expense.

We find, however, that in forwarding to the Department the account and vouchers for this work October 11, 1886, the then superintendent of the reservation, Gen. Charles W. Field, under whose supervision the sewer had been laid as required by the Department, stated that "the work appears to have been done with as much economy as is consistent with durability and efficient service," and, it may be added, he recommended that the Government assume the ownership and control of it and reimburse the projectors for their outlay.

In order to satisfy ourselves upon this point the committee have carefully examined the original account and vouchers on file in the Interior Department. The principal items are for the sewer pipe (purchased directly from manufacturers, in the city of St. Louis), freight thereon to Hot Springs, drayage, labor in laying the sewer, and other small items incidental to work of this character, all at prices which seem to be reasonable.

We therefore report the bill favorably without amendment and recommend its passage.

—

FEBRUARY 14, 1896.

SIR: Your letter has been received, inclosing, with request for report thereon, House bill No. 2265 (Fifty-fourth Congress, first session), "to provide for reimbursement of expense of constructing a sewer upon the permanent reservation at Hot Springs, Ark."

In response thereto, I have the honor to state that on the 11th of October, 1886, the then superintendent of the Hot Springs Reservation transmitted to this Department, with favorable recommendation, the application of A. B. Gaines, of Hot Springs, Ark., for reimbursement to him of the sum of $1,421.18 as expenses incurred in the laying of a 10-inch vitrified earthen sewer pipe along the front of the permanent reservation from Reserve avenue to Fountain street, a distance of 1,550 feet, together with the original

vouchers for material and pay rolls for the labor used in connection with the work.

Under date of 21st of January, 1897, the Department considered the application, and declined to authorize the payment of any portion of the account presented by Mr. Gaines, for the reason that there was no money belonging to the Hot Springs Reservation fund available for such purpose.

In August of 1895 Mr. Gaines renewed his application for reimbursement of the money expended in laying the sewer pipe in question. The Department, having satisfied itself that the laying of this sewer was a necessity and that the Government was the principal beneficiary under the improvement, advised the Comptroller of the Treasury, under date of August 29, 1895, of its desire to allow applicant a reasonable sum in reimbursement of the expenditure in the matter from the Hot Springs Reservation fund, which was then sufficient for the purpose, provided payment could be made therefrom, and requested his opinion as to the propriety of the proposed allowance.

Under date of September 18, 1895, the Acting Comptroller decided that the Department could not, under the law, reimburse Mr. Gaines for the expense incurred in the laying of the sewer in question.

The present superintendent of the Hot Springs Reservation, to whom the bill under consideration was referred, reports that from a thorough investigation it appears that the sewer was laid across the reservation front as a connecting link between the Hot Springs sewerage system, at that time being laid by the city both north and south of it, and that it is now being extensively used by the Arlington Hotel, all the bath houses on the permanent reservation, and the Army and Navy Hospital. The cost of the sewer, as evidenced by the vouchers, etc., in 1886, appears to be correct as to material and labor at that time, but, he adds, it seems to have been expensively constructed, and expresses the opinion that such a sewer could be laid now for from 50 to 65 cents per foot.

Upon careful consideration of the matter, the Department is of the opinion that 60 cents a foot would be a reasonable sum to pay for the laying of the sewer in question, and have to suggest that the bill be amended by substituting $930 for $1,421.18 therein.

In this connection it is proper to add that the records of the Department fail to indicate that any of the beneficiaries specified in the bill, other than Mr. Gaines, have ever presented any claim for reimbursement for the expenditure in question.

There are transmitted herewith for your information copies of such papers from the files and records of the Department as bear upon the subject-matter of the claim.

Very respectfully, HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
*Chairman Committee on the Public Lands,*
*House of Representatives.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Reserving the right to object, I would like to know what became of the report of the Secretary of the Interior that is referred to in that report?

Mr. LITTLE. It is set out in the report.

Mr. LOUD. There is so much confusion that I did not hear it read.

Mr. LITTLE. A copy of the Secretary's letter accompanies the report. I will state to my friend that the situation in this matter is this: A few years ago the Government undertook to bridge in the Hot Springs Creek, which runs down the main street, dividing the east reservation from the west reservation on the main street of the city. The east side of the reservation is the Government's permanent reservation, upon which are situated the bath houses, the Arlington Hotel, and Army and Navy Hospital. While they were bridging in this creek it was thought necessary to lay a sewer along the reserve side of the creek. The city laid a sewer on the opposite side, and this was laid to connect the reservation with the sewerage system of the city. This was done under the supervision of General Field, the superintendent of the reservation at that time. That could not be contracted for at that time, because the Government had no reservation funds on hand; but now there is ample money on hand of the reservation funds. This is not an appropriation by the Government, but the reimbursement of these citizens, who went down into their own pockets for the benefit of the Government and the city.

Mr. LOUD. What does the Secretary recommend?

Mr. LITTLE. He recommends the payment of $930; but the committee disagree with him. The committee have examined the vouchers and the receipts for the different items and had a detailed statement of the expense. The Secretary is of the opinion that it could now be done at less expense. General Field, the superintendent who supervised the work, stated: "The work appears to have been done with as much economy as consistent with durability and efficient service." And the committee recommend the reimbursement of the projectors for their outlay without interest.

Mr. LOUD. How is it that the Government did not take it up? Is not this private work that the private citizens wanted to do?

Mr. LITTLE. This was done by the citizens, but it was done under the supervision of Government officials there, because it was absolutely necessary, and solely for the direct benefit of the Government property.

Mr. LOUD. That is, the Government did not stop them?

Mr. LITTLE. The Government officials supervised the work.

Mr. LOUD. I think that you had better accept the amount that the Secretary recommends.

Mr. LITTLE. I think it ought to be the full amount of the cost expended by these good citizens.

Mr. LOUD. What is the amount?

Mr. LITTLE. It amounts to $1,421, and it would come out of these reservation funds. It is for the construction of this sewer which connected the east side reservation with all the bath houses, the national hospital, and the Arlington Hotel, which pays a heavy lease to the Government, and it is simply a reimbursement out of this fund derived from these leases.

Mr. LOUD. I understand; but do you not think in a case of this character it is wise to confine ourselves to the Secretary's recommendation?

Mr. LITTLE. I think not. I think it is best to follow the recommendation of the committee and do right. The present superintendent reported that the sewer could be more cheaply constructed now than the figures at which it was originally constructed, and the Secretary made his recommendation upon that report. One superintendent, the one who was superintendent at the time the sewer was constructed, the one who supervised the work, reported that it was done as economically as consistent with durability. The other reports that it can be done more cheaply now.

He says this: "The work appears to have been done with as much economy as is consistent with durability and efficient service," and it may be added he recommended that "the Government assume the ownership and control of it and reimburse the projectors for their outlay."

That is the statement of General Field, who was on the ground and at the time superintendent of the reservation.

Mr. LOUD. Let us hear what the Secretary says.

Mr. LITTLE. The Secretary says this:

> The present superintendent of the Hot Springs Reservation, to whom the bill under consideration was referred, reports that from a thorough investigation it appears that the sewer was laid across the reservation front as a connecting link between the Hot Springs sewerage system, at that time being laid by the city both north and south of it, and that it is now being extensively used by the Arlington Hotel, all the bath houses on the permanent reservation, and the Army and Navy Hospital. The cost of the sewer, as evidenced by the vouchers, etc., in 1886, appears to be correct as to material and labor at that time, but, he adds, it seems to have been expensively constructed, and expresses the opinion that such a sewer could be laid now for from 50 to 65 cents per foot.
>
> Upon careful consideration of the matter the Department is of the opinion that 60 cents a foot would be a reasonable sum to pay for the laying of the sewer in question, and have to suggest that the bill be amended by substituting $930 for $1,421.18 therein.

Mr. LOUD. If the gentleman will accept $930 I shall not object to the consideration of the bill at this time.

Mr. BARTLETT of New York. I desire to ask the gentleman from Arkansas a question. After this money is paid who will own this sewer?

Mr. LITTLE. The Government.

Mr. BARTLETT of New York. The bill does not so state.

Mr. LITTLE. But the sewer is on the permanent reservation, and the courts have decided oftentimes that improvements of this character upon Government reservations belong to the Government. The sewer is away down in the ground, and of course nobody could go and tear up the ground on the permanent reservation without the consent of the Government. The Department makes no point of that kind. I hope the gentleman will not object to this bill. These men have lain out of their money for more than eight years, and the Government has had the benefit of this sewer during all that time. They ask no interest, only the principal.

Mr. LOUD. If the gentleman will accept $930 I shall not object.

Mr. LITTLE. Well, I suppose I shall have to accept it, though I shall be very sorry to do so. Will the gentleman allow us to take a vote on the amendment?

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Mr. Speaker, as I understand this bill, it proposes to pay about $500 more than the Secretary of the Interior recommends.

Mr. LITTLE. Yes, sir; some $500 more.

Mr. DINGLEY. What is the reason for paying more than the Secretary recommends?

Mr. LITTLE. I have explained that fully to my friend from California [Mr. LOUD], but I suppose the gentleman from Maine did not hear the explanation.

Mr. DINGLEY. I did not hear the colloquy.

Mr. LITTLE. The present superintendent of the reservation wrote a letter to the Secretary stating that it appears the sewer was expensively constructed and that it could now be constructed for a less sum per foot, but General Field, who was on the ground at the time, reported that it was built as reasonably as it could have been built at that time, and we have his statement to that effect. The vouchers for the outlay are on file, accounting for every cent of the money. The committee had those vouchers before them, and after examining them fully, the committee decided that these men ought to have the amount that they expended in constructing the sewer. The Government has had the use of the sewer for more than eight years, and the reason it has not been paid for before is that until very recently there has been no surplus in the reservation fund.

Mr. DINGLEY. I think if we pay what the Secretary recommends that is all we ought to do.

Mr. LITTLE. But the Government has had the use of the sewer during all this time.

Mr. DINGLEY. But it was built by private individuals for their own benefit.

Mr. LITTLE. Not at all. There is not a private individual who can use it. It is on the permanent reservation. It is used by the hotels and the bath houses; but the Government is collecting rent for those houses, and no individual uses this sewer. There is no private establishment on that side of the avenue.

Mr. DINGLEY. Have the committee unanimously recommended the payment of an amount above that which is recommended by the Department?

Mr. LITTLE. Yes, sir; they made the recommendation after full discussion. My friend from Iowa [Mr. LACEY] can explain that.

Mr. LACEY. Mr. Speaker, the theory of the Interior Department was that this was practically a purchase of the sewer at the present time, and that therefore we ought to give only what it would cost to construct it at this time——

Mr. LOUD. I think the gentleman misinterprets the language of the Secretary, if I can understand English. He says it would cost 40 cents per foot at this time, but he proposes to allow 60 cents.

Mr. LACEY. No; he says the cost would be from 50 to 65 cents, and he strikes an average at 60 cents.

Mr. LOUD. Mr. Speaker, I think I shall have to insist upon my objection, unless the gentleman will accept $930.

The SPEAKER. Objection is made.

Mr. LITTLE. Mr. Speaker, there was a misunderstanding between the gentleman and myself. I thought he was going to offer his proposition as an amendment and have a vote upon it. But if he insists I shall have to accept the $930.

The SPEAKER. Is there further objection?

There was no objection.

Mr. LOUD offered an amendment, as follows:

Amend by striking out, in line 11, page 1, the following words: "One thousand four hundred and twenty-one," and also the words "eighteen cents," and insert the words "nine hundred and thirty" before the word "dollars."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LITTLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

GULF, COLORADO AND SANTA FE RAILROAD COMPANY.

Mr. FISCHER. I ask unanimous consent for the present consideration of the bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T.

The bill was read, as follows:

*Be it enacted, etc.*, That the Gulf, Colorado and Santa Fe Railroad Company, operating a railroad in the Indian Territory, may acquire such ground as may be necessary for depot, yards, sidings, and such other railway purposes as may be necessary at the town of Davis, in Tishomingo County, Chickasaw Nation, in the Indian Territory. But before taking possession of and using such lands the railroad company shall deposit with the treasury of the Chickasaw Nation compensation in cash at the rate of $25 per acre: *Provided*, That if said tribe shall not be satisfied with the compensation herein provided, the amount to be paid by said railroad company to said tribe shall be ascertained in the same manner as is prescribed by section 2 of this act with respect to compensation to be paid individual occupants on any land so taken.

SEC. 2. That when the railroad seeks to establish the depot on the land of individual occupants, and where the matter can not be amicably settled between the railroad company and said individual occupants, the company may apply to the Secretary of the Interior, who shall thereupon appoint three disinterested referees, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their awards. In case the referees can not agree, then any two of them are authorized to make the award. Either party dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the United States district court of the district in which said land is situated, where the case shall be tried de novo. When proceedings have been commenced in court the railroad company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of such depot, with the necessary tracks. Each of said referees shall receive for his services the sum of $4 per day for each day they are actually engaged in the trial of any case submitted to them under this act, with mileage of 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nation, and all costs, including compensation of the referees, shall be made a part of the award and be paid by said railroad company.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. FISCHER, a motion to reconsider the last vote was laid on the table.

SPECULATING IN CLAIMS AGAINST THE GOVERNMENT.

Mr. HENDRICK. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers.

*Be it enacted, etc.*, That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, either directly or indirectly, any witness fee or claim, or the fee or claim of any juror, or the fee or claim of any deputy marshal, or the fee or claim of any other person whatsoever against the United States Government.

SEC. 2. That any person who shall be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States, and, upon conviction, shall be fined in any sum of not less than fifty nor more than five thousand dollars, and final judgment against the defendant shall ipso facto operate as a removal of the person convicted and render his office or position vacant.

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. GILLETT of Massachusetts) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 6834) to prevent the purchasing of or speculating in claims against the Federal Government by United States officers, recommend its passage.

The main abuse against which this bill is aimed is the purchase by officers of the courts of witness fees at much less than their face value, and thereby not only are the witnesses taken advantage of and deprived of their proper compensation, but inducement is created for the officers to promote unnecessary litigation. There are many other cases where the present practice is pernicious which this bill would remedy, and the few possible cases where it might work hardship are deemed by the committee insignificant compared with those where its operation would be beneficial.

Mr. GROSVENOR. On account of confusion in the Hall I was unable to hear either the bill or the report. I hope the gentleman from Kentucky [Mr. HENDRICK] will state the effect of the bill.

The SPEAKER. In the absence of objection, the gentleman from Kentucky will make an explanation.

Mr. HENDRICK. Mr. Speaker, under the law as it now stands there is nothing to prohibit speculation in claims against the United States Government by officers of the Government; and this privilege, which arises from a lack of wholesome legislation, has been very much abused. The Attorney-General called my attention to the defect in the existing law, and after I had drafted this bill I submitted it to his inspection. After examining it, he has recommended its passage.

A few weeks ago my attention was called to a case in which one marshal had under his direction more than 200 deputies and bought up their claims at 50 cents on the dollar, and then put them in against the Government at 100 cents on the dollar. This man, although he went into office a very poor man and has held office only a short time, is now considered wealthy. He was formerly supposed to need the services of 200 deputies, but has now only 12, as I am informed, and the work is done as efficiently as when he had 200.

Anyone can see at a glance the door which is now wide open to dishonest officials who may wish to speculate in claims against the Government. This bill is intended to cut off that character of speculation, and to close the door to temptations and fraud.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GROSVENOR. I disapprove some of the provisions of the bill, but I do not wish to kill it by my mere objection.

The SPEAKER. In the absence of objection, the bill is before the House.

Mr. GROSVENOR. Mr. Speaker, my objection to this bill is based particularly upon the penalty provided in the second section. I would not advise such a bill as this in any event. It is an attempt to make the Government a sort of guardian over the conduct of all its officers. It is a step in the direction of that patriarchal tendency of the times, the idea of which seems to be that the Government shall impose disabilities and restrictions upon two classes of citizens—one, officeholders of a certain kind; the other, persons who happen to have claims against the Government for fees. But my principal point against the bill is that it provides a punishment by degrading the official incumbent from office. I doubt the constitutionality of that provision. When a man holding official position is charged with having bought a claim for witness fees, I doubt whether he is not entitled to have that fact tried and ascertained before the forfeiture of his official position.

Mr. HENDRICK. If the gentleman will notice closely the language of the bill, he will see that the removal from office is only to occur after the party has been indicted and convicted.

Mr. GROSVENOR. I understand that perfectly. But, sir, is it not a pretty serious business to inflict a penalty in this way? There may be a witness who has testified in a certain case and who has not money enough to go home on. We do not make our appropriations for these matters with such accuracy as always leaves money in the registry of the courts for the payment of such claims. Over and over again I have known cases in the courts of the country where there was no money to pay jurors or witnesses.

Now, suppose the case of a witness who, summoned by the compulsory power of the Government, spends all the money he has in traveling to the place where the court is held. Having no money to return, he goes in his extremity to a Federal office-holder, who advances him, we will suppose, the entire amount of the fees and puts the certificate in his pocket. For thus doing, a judge of the United States court appointed for life, or a marshal, or a district attorney, would, under this bill, be degraded from office. For what reason?

Mr. HENDRICK. Will the gentleman allow me to ask him this question: If a United States marshal, for instance, does not wish to impose on the witness or to speculate on his necessities, the claim against the Government being perfectly good, can not the officer take out the money and hand it over to this witness? This bill merely prohibits the purchasing or speculating in such claims.

Mr. GROSVENOR. It is a broad, sweeping proposition.

Mr. HENDRICK. Let me ask the gentleman this fourth question: Does he not think the existing evil is greater than the one suggested by him? It is understood that in some cases hundreds of witnesses who know very little about the case in controversy are summoned before United States commissioners and courts for the simple purpose of enabling some officer of the court to buy up their claims or fees, and that such claims to the amount of hundreds of thousands of dollars are purchased in that way and put in against the Government.

Mr. GROSVENOR. Never try to right a wrong by another wrong. Never try to right an irregularity of this character by using the power of the Government in a manner indescribably oppressive. The bill introduced here by the Committee on the Judiciary, which is now a part of one of our annual appropriation bills, undertakes to remedy that evil; a very wise provision, and will go a long way toward accomplishing the desired end. It strikes at all of these attempts to pile up cases for the purpose of speculation. May I ask what committee this bill comes from?

Mr. HENDRICK. From the Committee on the Judiciary.

Mr. GROSVENOR. It is said, Mr. Speaker, that the Committee on the Judiciary are the authors of this bill; but it is, I must say, a most astonishing piece of legislation—the most astonishing that I have ever seen in my life. If we are going to do this, if Congress is going to begin to undertake to control the contracting power of the citizens of this Government; if it is to discriminate against a man as to one class of claims and forbid him from selling or purchasing them under any circumstances, it strikes me that we are entering upon a very broad field, one that is peculiar, as far as I am aware, averse to our system of government, and I doubt very much its legality.

Mr. DINGLEY. Mr. Speaker, I move to strike out, in section 2 of the bill, all after the word "dollars," in the fifth line, on the second page, down to the end of the section, the following words:

And final judgment against a defendant shall ipso facto operate as the removal of the person convicted and render his office or position vacant.

I move to strike those words out, after "dollars," in the fifth line.

Mr. HENDRICK. If the gentleman from Maine will permit me, I wish to say that as originally drafted this bill did not contain the words that he offers to strike out. But the words he proposes now to strike from the bill were put on as an amendment at the suggestion of the Attorney-General, and the committee considered them on his recommendation. Here is a letter from the Attorney-General which suggests the amendment, and the gentleman can read it if he desires to do so.

Mr. DINGLEY. It seems to me that an officer who has been nominated by the President and confirmed by the Senate should scarcely be dealt with in this manner. It seems hardly desirable that, in the case of a person so appointed, who has been convicted of advancing money for or purchasing the claim of a witness in order that he may return home, that he shall be punished not only by fine and imprisonment, but ipso facto that it should vacate his office. It seems to me that it is going a little too far.

Mr. HENDRICK. I think the gentleman will agree with me as a lawyer that if a party simply advances money to a witness or to another person it would not be a violation of the law. This provides for the punishment of persons who speculate in such claims.

I wish to say, Mr. Speaker, that I have no pride or special interest in the bill, but if the gentleman will read the letter from the Attorney-General which I hold in my hand he will discover that the privilege to buy or speculate in these claims is very much abused. Now, if you will permit me I will send to the desk——

Mr. DINGLEY. I hope the gentleman will read the letter. It is a very severe punishment, it seems to me, and we would like to have all the information available upon the subject.

Mr. HENDRICK. The Attorney-General in his letter uses this language:

DEPARTMENT OF JUSTICE,
*Washington, D. C., February 10, 1896.*

SIR: I have the honor to acknowledge the receipt of your letter of February 8, 1896, inclosing me a copy of the bill H. R. 654 entitled "A bill to prevent the purchasing of or speculating in claims against the Federal Government by United States officers."

So far as I know, the only law on the subject is Revised Statutes, section 3477, which makes unlawful all transfers and assignments of any claim upon the United States, etc., except under certain formalities for allowance and issuing of warrant. For some reason this law does not appear to have been greatly honored in the observance.

As the evil at which your bill is aimed is widespread and corrupting, I think it should be passed, with some modifications. For instance, I think the enumeration of officers in the first section is unnecessary, and unnecessary enumeration is always dangerous, raising, as it does, the risk of limitation of the general language which follows to things of the same class as those specified under the application of the rule noscitur a sociis. I would leave the enumeration of claims stand as it is, but would change the general clause at the end of the section so as to limit it to claims arising in any way out of the administration of justice, if, as I presume from the general tenor of your bill, it is that class of claims only at which you aim.

I also suggest that in lines 5 and 6, second page, in lieu of the words "and shall in addition thereto be removed," you insert the words "and final judgment shall ipso facto operate as a removal of the person convicted."

Very respectfully,

JUDSON HARMON,
*Attorney-General.*

Hon. JOHN K. HENDRICK,
*House of Representatives.*

The section of the statute referred to by the Attorney-General is as follows:

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer, and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Mr. CURTIS of Kansas. Does this bill provide the amendment suggested in the Attorney-General's letter?

Mr. HENDRICK. Yes, sir; the bill is now drawn as suggested, and has been considered by the Judiciary Committee and so recommended for adoption.

Now, I wish to say to the gentleman from Maine that we have the same law in Kentucky, which has worked well there, and we were absolutely compelled to put such a law upon the statute books and cut off this abuse. I understand the gentleman from Tennessee [Mr. GIBSON] to say the same law prevails there.

Mr. DINGLEY. It strikes me as legislation of a very extraordinary character, when it proposes not only to fine and imprison a man in a matter of this kind, who might under some circumstances have an ample defense, but also to make the conviction an absolute vacation of an office where the officer has been nominated by the President and confirmed by and with the advice and consent of the Senate. It struck me that it was going further than was necessary to secure the remedy. Of course the power of removal is with the President at any time; but if the Committee on the Judiciary have carefully examined this matter and think that the evil is so serious that a penalty going to this extreme should be adopted, why, I do not desire to make any suggestion in the matter. It seems to me, however, to be very severe.

Mr. HENDRICK. Did the gentleman hear my statement of a certain case——

Mr. DINGLEY. Oh, I can imagine that there might be an exceptional case which was very serious; but I can imagine that there would be a very large number of cases that would be of minor importance. I should think that a penalty of fine and imprisonment would be sufficient.

Mr. GROSVENOR. I should like to ask the gentleman a question. If this is an evil, why not stop it by the exact process by which we prevent the speculation in all other classes of Government claims, to wit, simply putting a half dozen lines or less into the statute relating to these fees, saying they shall be paid by the proper officer to no person except the person to whom the certificate is issued. In that way you have the whole matter under control without going into this sort of thing.

Mr. HENDRICK. If the gentleman from Ohio will read the section referred to by the Attorney-General, section 3477, he will discover that we virtually have that law upon the statute books now; but the Attorney-General says it is more honored in the breach than in the observance.

Mr. GROSVENOR. That shows that we do not need any more legislation; for whenever you have got up to the maximum point where a law can be enforced and go beyond that maximum point, that is a time in a free country to stop legislation on that question.

I should like to suggest another thing to the gentleman. This law, in my judgment, is wholly unconstitutional. It does not give to every citizen of the State the equal protection of the law, which is the fundamental principle of the fourteenth amendment to the Constitution. Just at this time there is in this country a long line of cases, which have been decided one way in the State of Indiana, but which have been decided the other way in Illinois, Missouri,

West Virginia, and thus far in Ohio. They go to the question of the power of the legislative department of the Government to say that a laborer upon a certain kind of work shall not contract to take his pay in checks or orders upon the store, while every other kind of laborer may sell his labor at any price he sees fit. That system of legislation has been denounced in Massachusetts and all over the country, with the exception of one State. Now, here is an attempt in the same line. It is to say that I, holding a claim against the Government for a bushel of wheat or a barrel of pork, may sell my claim against the Government to whomsoever I please; but that if I sell my claim, just as honestly earned, for a fee as a witness, that the party who buys it, if he happens to be a Federal officer, shall be fined and degraded from his office, I say it is a plain innovation upon every principle of legislative power, and that is all I care about it. I have no interest in it, but simply do not want this House of Representatives to pass that kind of legislation.

Mr. BARTLETT of New York. Mr. Speaker——

Mr. DINGLEY. Mr. Speaker, I withdraw my amendment. It appears that the Judiciary Committee have examined this matter and have reached the conclusion that the bill should remain in its present form. Therefore I withdraw the amendment.

Mr. BARTLETT of New York. Mr. Speaker, I renew the amendment. It seems to me, Mr. Speaker and gentlemen of the House, that we do not want to enter upon this unusual and arbitrary character of legislation without due consideration. I have the greatest respect and admiration for the distinguished lawyers who compose our Committee on the Judiciary; but you will recollect that most of the bills that have been brought in during the present session by that committee have not been brought in in a judicial manner. We had the anti-Fitzsimmons-Maher bill. We had a bill brought in here, reported favorably but informally by the Committee on the Judiciary and passed in a few minutes, the purpose of the bill being to stop a prize fight. Was the prize fight stopped? We passed the bill hastily and in my opinion improperly, without due consideration. It was a bill to control prize fights throughout all the Territories and in the District of Columbia. It was an important measure, and yet, as in the case of all special legislation, it did not achieve the end desired. The prize fight went on, and the Texas Rangers drew off and looked on while the parties crossed the border and conducted the fight in Mexico.

Mr. MAHON. But there was no fight in this country.

Mr. BARTLETT of New York. It does not matter whether they fought in this country or not——

Mr. McEWAN. If we had taken months to consider that law, would it have had any effect in deterring the prize fight from taking place in Mexico?

Mr. HENDERSON. The House very kindly extended the time of the Judiciary Committee the other day. This bill was not called up by the committee to-day but by the gentleman who introduced it. We do not want to take up the time of the House with any bill which will provoke debate, and, with the consent and approval of the gentleman who called it up [Mr. HENDRICK], I will ask to withdraw the bill from the present consideration of the House.

The SPEAKER. If there be no objection, the bill will be withdrawn.

There was no objection.

Mr. BOUTELLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. GROSVENOR. Will the gentleman yield to me for the purpose of making a report?

Mr. BOUTELLE. I withdraw that motion for a while.

### CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to make a report from the Commission on the Dedication of the Chickamauga and Chattanooga National Park. I ask that it be printed and rereferred to the committee.

The SPEAKER. The gentleman from Ohio makes a report from the Commission on the Dedication of the Chickamauga and Chattanooga National Park, and asks that it be printed and recommitted. Without objection it will be so ordered.

There was no objection.

### NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HOPKINS in the chair.

Mr. BOUTELLE. Mr. Chairman, I call up the naval appropriation bill, which was under consideration yesterday; but I would ask unanimous consent, before entering upon the next paragraph, to make a verbal correction on page 19, or modification at the top of page 19, under the head of "Navy-yard, Brooklyn, N. Y." We amended that paragraph yesterday so as to read: "For quay wall dock No. 3, $60,000." Is that in the text?

The CHAIRMAN. The Clerk will read the text as it is.

The Clerk read as follows:

Navy-yard, Brooklyn, N. Y.: Wing and quay-walls of dry dock No. 3, to be immediately available, $60,000.

Mr. BOUTELLE. That is correct. Now please proceed.

The Clerk read as follows:

For grading, paving, sidewalks, and sewers, $10,000; quay wall coal dock——

Mr. BOUTELLE. Right there I ask unanimous consent to amend, so as to make it read: "quay wall for coal dock," and strike out "800 feet."

The CHAIRMAN. The correction will be made, if there is no objection.

There was no objection, and it was so ordered.

Mr. BOUTELLE. And also to correct the footing, so it will read, instead of $75,000, $135,000.

The CHAIRMAN. That correction will also be made unless there is objection. [After a pause.] The Chair hears none.

Mr. BOUTELLE. I understand yesterday we reached the clause for the increase of the Navy. The understanding was that at that point the privilege of general debate was to be accorded to members of the committee and such other gentlemen as desired to offer remarks. I suppose the regular order would be to read the paragraph of authorization first and then amendments will be in order. Now I would like, before we begin, to agree as to the amount of time that shall be consumed in general debate.

Mr. HANLY. I suggest that we fix it at 5 o'clock.

Mr. BOUTELLE. I understood that the gentleman wanted about half an hour.

Mr. HANLY. There are other gentlemen on the committee who wish to be heard, and there are gentlemen who are not on the committee who also desire to be heard.

Mr. BOUTELLE. I certainly desire to consume very little, if any, time. I understand the gentleman from Indiana desires to make some remarks. How long does the gentleman from California desire to speak?

Mr. JOHNSON of California. I presume that I could get through in thirty or forty minutes.

Mr. BOUTELLE. What other gentlemen desire to be heard?

Mr. CUMMINGS. I would like to be heard for a few moments.

Mr. FISCHER. I would like to inquire whether gentlemen who desire to offer amendments should offer them when debate on this section is closed or whether the amendment should come in now?

Mr. BOUTELLE. Amendments would be in order to the paragraph after the debate. I am trying to fix the time for general debate. I suppose gentlemen could offer their amendments and then speak to them. Gentlemen can refer to their amendments in debate and offer them afterwards.

Mr. HULICK. As I understand, an amendment is to be offered to increase the number of battle ships. Why not let the amendments be introduced and let them be discussed, and the minor amendments, about which there is no serious trouble, can be offered? Let them be taken up by the parties who desire to introduce them and be disposed of in the order in which they are presented. I make that suggestion.

Mr. BOUTELLE. Does the gentleman desire to speak?

Mr. HULICK. Yes, sir.

Mr. BOUTELLE. For how long?

Mr. HULICK. Not over an hour nor less than five minutes. [Laughter.]

Mr. HANLY. I renew my request.

Mr. BOUTELLE. Does any other gentleman on the committee desire to take the floor?

Mr. CUMMINGS. I may wish to say something after debate has proceeded.

Mr. BOUTELLE. I understood that the gentleman desired to address the committee. For how long?

Mr. CUMMINGS. Possibly five or ten minutes.

Mr. BOUTELLE. I see no reason why general debate ought to occupy more than two hours.

Mr. HANLY. That will not be satisfactory. That will be an hour on a side; and that is not sufficient.

Mr. BOUTELLE. There is no question of an hour on a side. I do not know that anybody desires to take the other side.

Mr. CANNON. Let me ask the chairman of the committee—I am not on his committee—as he is now seeking to limit general debate, the real debate, which is the five-minute debate, will still be in order?

Mr. BOUTELLE. Why, certainly.

Mr. CANNON. That is the real debate on an appropriation bill.

Mr. BOUTELLE. This simply, I would state to the House, is what is known as general debate, for the purpose of what is designated set speeches; and then we proceed with the reading of the bill by sections under the five-minute rule, which continues until

the bill is disposed of. Is there any other gentleman who desires to speak?

Mr. HANLY. I will agree to three hours instead of four.

Mr. BOUTELLE. I do not think there is any necessity for three hours of debate.

Mr. HANLY. I am not certain that so much time is desired.

Mr. CUMMINGS. Mr. Chairman, I suggest that general debate be limited to three hours, an hour and a half on a side, and if the whole of that time is not used we can close the general debate sooner and go on with the consideration of the bill under the five-minute rule.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent that general debate be closed at half past 3 o'clock.

Mr. JOHNSON of California. It seems to me, Mr. Chairman, that the suggestion of the gentleman from New York [Mr. CUMMINGS] is a good one, to fix the limit of general debate at three hours, which need not all be used if gentlemen do not desire. I presume if I were hard pressed I might talk four or five hours [laughter], but I do not want to, and I presume I can tire everybody here, as well as myself, in thirty minutes. Still, if we have plenty of time we shall all feel better, and I think discussion of this matter ought not to be closely limited. If we fix the time at three hours and we do not want to talk so long, it will not be wasted; it can be used for the consideration of the bill generally.

Mr. BOUTELLE. Mr. Chairman, my desire is to give gentlemen all the time they need, and I will now ask consent that the general debate upon this paragraph continue for three hours, if that length of time is desired, the time to be equally divided between those who favor the increase and those who oppose it.

There was no objection, and it was so ordered.

Mr. CUMMINGS. Now, Mr. Chairman, I suggest to the gentleman from Maine that he allow the paragraph to be read, so that gentlemen who desire to offer amendments can do so.

Mr. BOUTELLE. I was about to suggest that the paragraph be read, but I suppose amendments will not be strictly in order until the close of the general debate.

Mr. CUMMINGS. But let us know what the proposed amendments are.

The CHAIRMAN. The Chair would like to be informed by the chairman of the committee as to who is to control the time on the respective sides.

Mr. BOUTELLE. I should suppose that the chairman of the Committee on Naval Affairs would control the time on one side.

The CHAIRMAN. Who is to control it on the other?

Mr. BOUTELLE. That I do not know.

Mr. HANLY. I propose to offer an amendment.

Mr. BOUTELLE. The gentleman from Indiana proposes to offer an amendment, and I suppose he should control the time on the other side. It is suggested that members are probably familiar with the text of the paragraph, having before them the printed bill, and I ask unanimous consent that it be considered as read.

There was no objection.

Mr. HANLY. Now, Mr. Chairman, I should like to offer my amendment.

Mr. BOUTELLE. I see no objection to the gentleman offering his amendment at this time.

Mr. HANLY. Mr. Chairman, then by consent of the House, I send to the desk an amendment which I propose to offer to the paragraph which provides for the increase of the Navy.

The amendment was read, as follows;

Strike out the word "four," in line 2, page 49, after the word "contract," and insert in lieu thereof the word "six."

Mr. HANLY. Mr. Chairman, to that amendment I wish to speak. The effect of the amendment will be to increase the number of new battle ships from four to six and to increase the appropriation carried in this bill by something like a million dollars, while providing for the making of contracts that would involve in the end ten million dollars. I offer this amendment with some hesitation because of the fact that the gentlemen on the committee who belong to my political party were opposed to it there, and if this were a party question I say to you frankly that I am partisan enough to have been found with my party. In what I shall say touching this amendment I shall seek to make no reflection upon the good faith, the labor, or the care of the chairman of the Committee on Naval Affairs or of its members generally in considering this measure in committee. I have a profound respect for the chairman because of his long experience as a member of the committee, and I look upon him, as the country does, as the founder and father of the new Navy, because in my judgment through his efforts, through his energy, through his patriotism and breadth of view upon this question we have obtained the start we have toward the construction of a new Navy.

On the 14th of April, 1892, the House having under consideration the naval appropriation bill, the gentleman from Maine [Mr. BOUTELLE], then a member of the Naval Committee, as he is now, made this appeal to the people of the West:

I believe there are a few, including the gentleman from Indiana [Mr. Holman], who are sufficiently removed from the seaboard or who live high enough up in the mountains to feel secure from bombardment, and who are sublimely philosophical in their willingness to permit their fellow-citizens along the coast to shift for themselves in case of a foreign war.

Again, on the 18th of April, when the same bill was being considered, he said:

To gentlemen from the West let me say, no matter how far you may have gone into the interior, your footsteps toward the setting sun were followed by the fostering care and protection of the patriotic people of the East; and no advance of civilization, no onward march of the pioneer was ever swift enough to outrun the fraternal care and the solicitous, patriotic interest with which the people of the seaboard and of the East have helped to make generous provision for everything that the nation could do for the promotion of your prosperity and the protection of your homes.

Mr. Chairman, the people of the West heard that appeal, and their answer has been made by the retirement of the gentlemen from Indiana, who then misrepresented the people of that State, and by sending 13 members here who are now a part and parcel of this body, and who, in my judgment, are patriotic enough to meet the gentleman from Maine upon this proposition.

I live a thousand miles from the seashore. My people have no interest in this measure, nor have I, save that larger interest that takes in the welfare of the American Republic. While we live a thousand miles from tide water, the bitter experiences of the last three years have taught us that the interests of this nation, while wonderfully diversified, are so closely interwoven that you can not affect one part of the country or one interest without affecting the whole. And viewing the condition of our seaboard cities, counting the population of those cities and the untold wealth that has accumulated in them—always in possession of a pride for the good name and strength and power of the Republic—our people are here now, through their Representatives on this floor, ready to vote for an appropriation that will create a navy sufficient to enforce our rights in every sea.

I wish briefly to go into a comparison of the American Navy with that of Great Britain. I understand fully that the needs of the Republic, so far as a navy is concerned, will always be much less than those of an Empire like Great Britain; yet there should be kept up such a ratio of power as will insure respect for our rights whenever there is a controversy between us and the Government of Great Britain.

The strength of our Navy can readily be computed. We have, all told, 15 armored vessels. Of these 5 are iron low free-board coast-defense monitors, built in 1874 and 1875; 1 is a steel-armored battle ship; 3 are steel-armored cruisers; 1 is a steel seagoing battle ship; 3 are coast-line battle ships; 1 is a steel harbor-defense ram, and 1 a steel low free-board coast-defense battle ship. Of single-turreted iron monitors we have 13; all built in 1862. Of unarmored vessels we have 33. Of these 13 are protected cruisers, all built since 1883; 3 are unprotected cruisers; 1 a dispatch boat; 8 gunboats of modern build; 3 are torpedo boats, 2 of which are steel, 1 for naval cadets, and 1 dynamite cruiser.

Of modern steam vessels we have 23, of which only 6 are iron, and none of which are of modern construction. We have 6 wooden sailing vessels, all built prior to 1862. We have, all told, about 25 ships capable of meeting the battle ships of any other nation of the first power, and of these but 9 are steel armored. The others are protected cruisers, possessed of great speed, but not constructed for engaging heavily armored battle ships.

Great Britain has, or will have when the authorized ships are completed, 60 armored battle ships to our 8; 11 coast-defense vessels to our 20; 29 armored cruisers to our 2. She has 74 unarmored protected cruisers to our 13. She has 93 unarmored cruisers to our 20. She has 16 unarmored gun vessels to our 17. She has 34 unarmored torpedo vessels to our 1, and she has 251 torpedo boats to our 9.

Said Senator PROCTOR in the Senate on the 27th of February last:

If England were to send over such a naval force as she could spare, she would have her own way. She could probably take the whole Navy. By putting all our vessels behind Sandy Hook, we could probably make something of a fight for that place; but nothing to prevent her from taking the whole coast.

That is a comparison of the naval power of Great Britain with that of the United States. I hold in my hand a statement of the appropriations made by Great Britain, France, Germany, Russia, and Italy during the year 1895–96 for the maintenance and increase of their navies:

| | |
|---|---|
| Great Britain | $91,012,156.70 |
| France | 52,180,680.00 |
| Germany | 19,880,037.41 |
| Russia | 26,902,624.50 |
| Italy | 17,022,703.42 |

For the financial year 1894–95:

| | |
|---|---|
| Great Britain | $84,399,246.00 |
| France | 51,504,275.00 |
| Germany | 17,593,000.00 |
| Russia | 21,158,565.00 |
| Italy | 18,502,589.00 |

Last February, when Parliament convened, in the face of Great Britain's already stupendous power at sea, in the face of the fact

that year after year she had been making great improvements in her naval vessels and in their armament, the Queen said to the English Parliament:

> The extension and improvement of the naval defenses of the Empire are the most important subjects to which your efforts can be directed and will doubtless occupy your most earnest attention.

What has been the answer of the British Parliament to this appeal? Right Hon. George Goschen, first lord of the Admiralty, brought in a naval programme that involved the appropriation of $120,000,000 for the increase of the navy during this year. That is the amount asked, and an overwhelming majority of the English Parliament is ready to indorse that programme. In response to public sentiment Parliament must needs sanction it.

Mr. CUMMINGS. I will say to my friend that the bill carrying out that programme has already passed the House of Commons.

Mr. HANLY. So I understand—by a majority of 264, if I remember correctly.

Mr. CUMMINGS. You are right.

Mr. HANLY. Within the last eight years Parliament has provided for the construction of 28 armored battle ships of the first class, besides a large number of cruisers and torpedo boats. The naval bill this year calls for the construction of 5 more battle ships, 13 cruisers, and 28 destroyers, that being the name applied to large seagoing torpedo craft.

Since 1883, the year in which the reconstruction of the American Navy began, we have expended for the increase of the Navy, including all of the ships authorized or in process of construction up to this time, $110,371,710.10. In thirteen years we have appropriated less money for the construction of our Navy than the English have appropriated for this single year. England expends almost as much annually as we have expended in all of that period. To-day our Navy ranks as the sixth among the navies of the world; and, gentlemen, to me it is a deeply humiliating idea that our coast may be plundered at any time by a power like Holland, Spain, or even Chile. Six millions of our countrymen and untold millions of property value are at the mercy of any second-class power; and we are absolutely helpless to check an offensive movement or to participate in an aggressive one. We are helpless alike for aggression or defense.

In keeping with this line of thought I wish to call the attention of the committee to the decadence of American power, as illustrated by our merchant marine. The chairman of the Committee on Naval Affairs truthfully said on yesterday that our commerce always followed our flag; and, my friends, as the flag has departed from the high seas, so American commerce has disappeared. Let me give you some data on that question.

In 1894 there were 17,060 American sailing merchant vessels and 6,526 steam merchant vessels, making a total of 23,586 in all. That year the value of our carrying trade—the amount of our imports alone—was $625,371,527. Of this amount, $121,561,193 was carried in American ships and $503,810,334 was carried in foreign vessels. In other words, 19 per cent of the imports of that year was carried by American vessels and 80 per cent by foreign ships. Why, gentlemen, even in 1850 we controlled 63 per cent of our foreign trade—that is, of our imports.

In 1884 we exported $842,000,000 worth of merchandise; $73,707,023, or 8 per cent, of this was carried in American ships and $769,212,122, or 91.3 per cent, was carried in foreign vessels, and though our total carrying trade amounted to $1,468,290,672 for the year 1894, Americans carried in American ships but $195,268,216, or 13.3 per cent, while foreign vessels carried $1,273,022,456, or 86.7 per cent.

To my mind, Mr. Chairman, it is high time that the American people were waking up to the importance of the declaration made by the chairman of the Committee on Naval Affairs on yesterday, that commerce must, in the very nature of things, follow the flag.

Another consideration showing the need of the Navy. I spoke of the great coast line of the United States a moment ago. I find that we have an Atlantic coast line of 6,000 miles; that we have a Gulf coast line of 3,000 miles, a Pacific coast line of 2,000 miles, an Alaskan coast line, including the bays and inland waters of Alaska, of 8,000 miles, and an Arctic coast line of 2,000 miles, or in all 22,000 miles of coast line, with but six battle ships to protect it. We have a lake area in the United States navigable for large vessels of 95,000 square miles to protect. We have seaboard cities, 11 in number, that have 4,000,000 of population and untold millions of wealth. In my judgment, with the Navy that we now have, that population and that accumulation of wealth is at the absolute mercy of any second-class naval power in the world. I know it will cost something to build ships, but it will cost infinitely more some day to repair the ruin wrought by our neglect to reenforce our Navy so that we may have a line of battle, as the chairman of the committee said on yesterday, beyond the headlands to protect the people and the property of our seacoast.

I for one, Mr. Chairman, have been convinced and am convinced that it is time the American people should formulate and enter upon a distinctive national policy. Practically we have had none on this subject. I remember, I think, on every occasion in the House since I have been a member—only a short time it is true, yet many things have occurred of national importance in that short time—that every time that anyone has risen here to speak of an aggressive policy on the part of the American Republic some one has turned and pointed with reverential finger to the advice and counsel of Washington, in his Farewell Address, made in the infancy of the Republic with reference to the subject of the increase of the American Navy. I wish to briefly advert to that advice. The message contained these words:

> The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith.
>
> Here let us stop.
>
> Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns.
>
> Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.
>
> Our detached and distant situation invites and enables us to pursue a different course. * * *
>
> Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? * * *
>
> It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them. * * *

Now, Mr. Chairman, mark the basis upon which that opinion was rendered.

> The inducements of interest for observing that conduct will best be referred to your reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

That advice was rendered at a time when there were but 4,000,000 people in these United States. It was given at a time when there were but a few billions of property in the United States, at a time when we were in our swaddling clothes, occupying a narrow fringe of territory along the seaboard. To-day we have a population of 70,000,000 people; we have wealth aggregating seventy thousand millions of dollars; we have spread across the continent until the waters of the two seas wash the feet of great cities that belong to us. I say that that advice has ceased to be applicable to this country.

> New occasions teach new duties; time makes ancient good uncouth;
> They must upward still, and onward, who would keep abreast of Truth.
>
> Lo! before us gleam her camp fires, we ourselves must pilgrims be,
> Launch our Mayflower, and steer boldly through the desperate winter sea;
> Nor tempt the Future's portal with the Past's blood-rusted key.

New duties, new conditions, confront the people of this Republic now, and it is time, in my judgment, that we entered upon a distinctively national policy. [Applause.] I know that the generation which fought to a conclusion the great war, both North and South, were satiated with blood. I know that they had enough, and they turned gladly from the turmoil of war to the peaceful avocations of life. Thirty years of peace, thirty years of accumulation of wealth and of material power, have lessened somewhat the national feeling that existed at that time. We have become a peaceful, gain-loving people. We must remember, however, that a peaceful, gain-loving people are never farsighted; that such a people usually sleep until golden opportunities have passed by, until destiny has turned her back to them, and they are left to take what surrounding nations are willing to concede. Without the sea Holland died, France languished, Spain sunk to the rank of a second-class power, and Carthagena became a province of Rome. As a nation we seem to have been entirely engrossed in our domestic affairs, absorbed in making money. Content in simply growing rich, we have apparently lost sight of every outside interest and have sat by unconcerned while foreign nations have eagerly sought and obtained points of vantage about us on every hand, viewed either from a commercial or military standpoint.

England and her dependencies on the north of us have completed on Canadian soil a waterway to the sea. Subsidized by the Government, a great railway connects the two oceans, while English forts and English coaling stations surround us on every side, located always at points most advantageous for commercial and military supremacy. Arrogant and grasping, she has held up the little Republic of Nicaragua and at the point of the bayonet compelled that Republic to pay such damages as she (England) has deemed right. We have watched her as year by year she encroached upon Venezuela, until to-day she possesses Venezuelan

soil to the extent of 40,000 square miles, an area greater than the State which I in part represent. To all this for thirty years the American people have been as oblivious as though these aggressions affected only the inhabitants of Mars instead of being fraught as they are with far-reaching and lasting import to ourselves.

Until recently the Monroe doctrine has been a dead letter. Islands lying in the heart of the Pacific, the controlling point in the commerce of that great ocean, have been tendered us of the free will of those in control and we have rejected them. Unmindful of future commercial progress, we have even refused a small appropriation for the construction of a cable to those islands. Given the opportunity to construct and control the Nicaragua Canal, we haggle and cavil about the cost as though it were a matter to be measured by a Congressional appropriation. With wealth ever accumulating we hesitate to construct deep waterways connecting the Great Lakes with the sea on the east or the Gulf on the south; and in this we deliberately, for a few paltry dollars, break faith with our own posterity, turn our backs on our own future. We are told that the cost of this will be too great; that the cost of all this will imperil a few doubtful Congressional districts in the approaching elections.

It has been dinned into my ear constantly in the committee room and out of it, Mr. Chairman, on every hand, that we ought not to make this appropriation because our Democratic friends would not make one when they were in power. Looking back over the debates, I find that the Democratic party, as a rule, has been enthusiastically in favor of appropriations for the Navy when they were out of power and not responsible, and I find that the Republican party has largely pursued the same policy. Why, sir, the chairman of this committee, speaking in a Democratic Congress, urged an appropriation for 10 war ships. Why not now? Why not now, when clothed with power and authority? Let him answer it. I do not for myself favor that kind of politics. I am heartily sick of it all, and so are the people of these United States. It seems—

> The age of virtuous politics is past,
> And we are deep in that of cold pretense.
> Patriots have become too shrewd to be sincere,
> And we need not be surprised if the people are too wise to trust us.

As for myself, I propose to vote while a Representative in this Chamber for that which will best conserve the interests of this entire nation; and if that vote does not suit my people, then they have their remedy and it is complete. They may retire me to private life. But, my friends, in my judgment the Nicaragua Canal will be built; the narrow strip of 200 miles that has for so many years kept apart the affectionate waters of the two oceans will not continue to be a barrier to the genius and the energy of the twentieth century. We will find a way across the Isthmus or we will make it, regardless of its cost. [Loud applause.] If we are to continue to control this continent; if we are to remain dominant on this hemisphere, there must be a revival of nationalism; we must resist foreign aggressions and embrace every opportunity for the extension of American commerce and American influence and power. In my mind, a nation no more than an individual can afford to trifle with its destiny.

> Once to every man and nation comes the moment to decide,
> In the strife with Truth and Falsehood, for the good or evil side;
> Some great cause, God's new Messiah, offering each the bloom or blight,
> Parts the goats upon the left hand, and the sheep upon the right;
> And the choice goes by forever 'twixt that darkness and that light.

[Applause.]

We find that the American people are already assuming this condition. You will find evidence of it here. You found evidence of it, gentlemen, when Mr. Cleveland for the second time in his eight years incumbency, of the Presidency so far forgot his political convictions as to become President of the whole people. That was indicated when he sent to this House this message:

> The course to be pursued by this Government, in view of the present condition, does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will can not of course be objected to by the United States.
>
> Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. * * *
>
> In making these recommendations I am fully alive to the responsibility incurred and keenly realize all the consequences that may follow.
>
> I am, nevertheless, firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

I remember the scene when that challenge was sent to England. I remember the scene in this Hall when party lines were blotted out; when politicians hushed their cavil; when party rancors seemed cold, and when the members of this House stood as one man to indorse that message of a President of the United States. Now, I say to you, my friends, you ought to again rise above party politics; you ought to again rise above a doubtful district and be patriots when you vote for this appropriation.

Following that came the Armenian resolutions, which I will send to the desk and ask the Clerk to read.

The Clerk read as follows:

> *Be it resolved, etc.*, That the President be, and he is hereby, requested to communicate with the Governments signatory to the treaty of Berlin the profound regret of the American people and their Government that the engagements made in that convention for the security of the Armenian Christians have not been performed: and
>
> *Be it further resolved*, That the Government of the United States expresses its sympathy for the Armenian people and its hope that the Government of the Sultan will at once extend to them full and adequate protection for the preservation of life, the security of property, and the free exercise of religion.

Mr. HANLY. Following that challenge to the powers of Europe came one that I now send to the desk and ask to have read.

The Clerk read as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That in the opinion of Congress a state of public war exists in Cuba, the parties to which are entitled to belligerent rights, and the United States should observe a strict neutrality between the belligerents.
>
> *Resolved*, That Congress deplores the destruction of life and property caused by the war now raging in that island, and believing that the only permanent solution of the contest equally in the interest of Spain, the people of Cuba, and other nations would be in the establishment of a government by the choice of the people of Cuba, it is the sense of Congress that the Government of the United States should use its good offices and friendly influence to that end.
>
> *Resolved*, That the United States has not intervened in struggles between any European Governments and their colonies on this continent; but from the very close relations between the people of the United States and those of Cuba in consequence of its proximity and the extent of the commerce between the two peoples, the present war is entailing such losses upon the people of the United States that Congress is of the opinion that the Government of the United States should be prepared to protect the legitimate interests of Americans by intervention if necessary.

Mr. HANLY. Mr. Chairman, this House has been in session since the 2d day of December, and in that short time these three challenges have been sent from this Chamber to foreign powers; rightly so, I concede. I voted for them; did it gladly and proudly; but in the face of that attitude we ought not now to be parsimonious when it comes to putting the people of the United States on such a naval footing, if I may use the word, as will enable them to meet the answer to be made by these foreign powers. It has been urged, Mr. Chairman, that we can not construct these battle ships any sooner by appropriating for them now than we can if we appropriate for four now and two at the next Congress. Two at the next Congress! If we need them, why not vote for them now? It will not save the Government a dollar by putting it off. You may juggle the people, but I doubt it. If you think you can continue to do so, very well; but you only deceive yourselves, as the gentlemen on the Democratic side of the Chamber have learned.

In answer to that criticism, I send to the Clerk's desk and ask to have read the following correspondence between myself and the Secretary of the Navy and two of the armor plants of this country. I ask the Clerk to omit so much as refers to the docks, and that he read all the rest.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, March 9, 1896.*

SIR: In reply to your letter of inquiry, propounding certain questions regarding the ability to furnish armor in connection with proposed shipbuilding, I have the honor to reply as follows:

1. If this Congress should authorize 6 battle ships instead of a lesser number, and in addition to the 2 already authorized, making 8 in all, and their building should be commenced immediately, the two armor plants at present in the United States would be able to keep pace with the work of construction and furnish armor as fast as needed.

2. The present capacity of the two armor plants on limited orders is 300 tons per month each, or 7,200 tons annually for both establishments. On this basis all the armor required for 6 battle ships could be furnished in twenty-eight months. With large orders for armor, especially in the case of armor for a number of ships of the same general type, where a great many plates of the same shape and dimensions would be required, and which could be carried along together through the various processes of manufacture, it is estimated that the output for each establishment would be increased to 400 tons per month, and on this latter basis the armor for 6 battle ships would be finished in twenty-one months. It will be seen, therefore, that there is no reason to fear delay in the completion of battle ships on account of nondelivery of their armor. The amount of armor required for 1 battle ship is 2,800 tons.

3. The present contracts for armor were made as follows:

| | Tons. |
|---|---|
| June 1, 1887, Bethlehem Iron Company | 6,700 |
| November 20, 1890, Carnegie Steel Company | 6,000 |
| February 28, 1893, Carnegie Steel Company | 2,900 |
| March 1, 1893, Bethlehem Iron Company | 3,500 |

Deliveries commenced in August, 1891, 128 tons being delivered in that year, since which time there has been a gradual but large increase in the output, due to experience and increase in facilities, until each establishment is now able to deliver at least 300 tons per month. During the month of February the Carnegie Steel Company delivered over 700 tons.

4. The Department is not in possession of the details as to the contracts

made between the Russian Government and the armor manufacturers in this country. It is understood, however, that the quantity of armor is small and that the work is already well advanced, so that these contracts can not in any way delay the completion of armor which may be ordered by the United States. It is also understood that these contracts were entered into by the company because the amount of work furnished by this Government was not sufficient to keep the plants in operation, their capacity being far beyond that of the present demands upon them.

5. The guns and mounts required for the 6 battle ships could be completed in ample time to be installed before the actual completion of the ships. Twenty-four 13-inch guns, 24 8-inch guns, and 84 5-inch guns, with mounts for all, would be required, and all these could be furnished at the naval gun factory within the time required to complete the ships, considering also all work still to be done for vessels already authorized.

Contracts have already been made with two companies, the Bethlehem and the Midvale, for the manufacture of the 8-inch and 13-inch gun forgings for battle ships Nos. 5 and 6. The deliveries for all the 5-inch forgings of these 2 ships will be completed on the 17th instant.

If additional ships are authorized, the Carnegie Steel Company will immediately make additions to their present plant and take up the manufacture of gun forgings, so that the Department would have the advantage of opportunity for competition and a greatly increased source of supply. The American Ordnance Company is ready to manufacture all the smaller caliber of guns, should it be considered advantageous by the Department to supplement the facilities of the naval gun shop.

6. There have been no delays in the building of the present battle ships occasioned by the backwardness in furnishing the armament. Some delays have been occasioned by the want of armor, but it should be borne in mind that an effort has been made to satisfy the almost simultaneous demands for armor for 15 ships, whose authorization by Congress covered a period of ten years, and that this has been practically accomplished in a little over four years, even while the plants were being erected and labor trained for this work. The difficulties attending the manufacture of armor in this country have been many, and the plants have slowly but surely attained their full capacity, so that former delays would be no criterion of their present undisputed ability to furnish armor as fast as required. The material employed is one with which no previous experience had been elsewhere obtained; and despite the fact that the dimensions and weight of the heaviest plates exceeded considerably those manufactured for any other navy in the world, a process surrounded by difficulties pronounced insurmountable by many of the most prominent engineers in this and other countries has been successfully developed and applied. With the present enlarged experience and improved facilities at each of the armor establishments either of them can manufacture the armor for a battle ship in about one-third the time required to build the ship itself.

11. The Department incloses herewith copy of a letter just received from the Bethlehem Iron Company, from which it will be seen that in the foregoing statement the Department has underestimated the quantity of armor and gun steel which that firm would undertake to deliver under a penalty for delays. The Department has not as yet received any advices from the Carnegie Steel Company, but there is no doubt that company would also undertake to deliver an equal quantity of material subject to a penalty for delays.

Respectfully,

H. A. HERBERT, *Secretary.*

HON. J. FRANK HANLY,
*Committee on Naval Affairs, House of Representatives.*

—

THE BETHLEHEM IRON COMPANY,
*South Bethlehem, Pa., March 9, 1896.*

SIR: Replying to your letter of the 7th regarding the output of armor and gun forgings which we would be able to guarantee in case several ships were appropriated for, we beg to report as follows:

We could manufacture and deliver about 400 tons a month of such armor plate as we are now under contract to deliver without enlargement of our plant as at present erected or completing, and, by the purchase of a few more machine tools, could reach 500 tons or more. The tools in view we could procure in three or four months, which would be as soon after signing a contract as we would have work for them.

As regards gun forgings, we are prepared to undertake to deliver 6 sets of 13-inch gun forgings within six months from date of contract and at the rate of 12 sets per annum thereafter. We would undertake at the same time to deliver sets of 8-inch gun forgings at the same rates as above, and sets of 5-inch gun forgings at the rate of 12 sets in the first six months and 24 sets in each six months thereafter. These three plans of delivery are intended to run at the same time. The above we could do with our present plant, and the 16 13-inch, 16 8-inch, and 80 5-inch sets we could deliver in a little less than eighteen months.

If the larger number of guns indicated by you were called for, namely, those for additional ships, being, with those now on hand, double the number above, we could, by procuring a few more machine tools, make deliveries as follows:

A first set of 13-inch gun forgings in ninety days, and the remainder at the rate of one set in every twenty days; sets of 8-inch gun forgings at identical rates; and a first set of 5-inch forgings in sixty days, and the remainder at the rate of one set in every seven days.

We should be ready to enter into contract with the Government to deliver under penalties at the above rates.

Yours, truly,

THE BETHLEHEM IRON COMPANY,
By ROBERT A. SAYRE, *Vice-President.*

CHIEF OF BUREAU OF ORDNANCE,
*Navy Department, Washington, D. C.*

—

THE BETHLEHEM IRON COMPANY,
*South Bethlehem, Pa., March 10, 1896.*

MY DEAR SIR: Our president, Mr. Linderman, to whom your letter of March 6 was addressed, is absent in Europe, and I am requested by our vice-president to say, in reply to your letter, that with our present plant we can manufacture and deliver 400 tons of armor plate a month, and if larger amounts should be required, in the event of large number of ships being appropriated for, this delivery could be increased very materially without entailing any delays. This for the reason that our casting and forging departments, which require a long time to build, are amply able to manufacture more plates than we have ever had orders for, and it would be only necessary to increase the number of machine tools, which we can always do upon receipt of an order, and receive the tools before the armor plates in the course of manufacture are sufficiently far advanced to require these tools.

Yours, truly,

J. F. MEIGS, *Engineer of Ordnance.*

HON. J. FRANK HANLY,
*United States House of Representatives,*
*Washington, D. C.*

THE CARNEGIE STEEL COMPANY, LIMITED,
*Pittsburg, Pa., March 19, 1896.*

DEAR SIR: In reply to your inquiry of 6th instant, would say:

The present American factories are undoubtedly equipped to turn out the armor plate that would be required for eight battle ships as rapidly as the hulls would be ready to receive it.

The capacity of our present plant is estimated at from 4,000 to 6,000 tons per annum, depending upon the character of the orders and based on the assumption that orders would be placed in such manner that all parts of our plant could be operated continuously to their maximum capacity. We have been making additions to our armor plant whenever it was found necessary to do so for the prompt execution of orders.

If additional battle ships are authorized, we are willing to bind ourselves to manufacture and deliver such portion of the armor as may be ordered of us as rapidly as it will be required in the construction of the ships.

We have practically finished all of our armor orders for the United States Government, as only about 100 tons yet remain to be shipped.

Very respectfully,

THE CARNEGIE STEEL COMPANY, LIMITED,
By L. C. PHIPPS, *Vice-President.*

HON. J. FRANK HANLY,
*Committee on Naval Affairs,*
*House of Representatives, United States, Washington, D. C.*

Mr. HANLY. I ask that the further reading be omitted, and that the remainder of the correspondence be inserted in the RECORD.

The correspondence I have just submitted to the House is by the Secretary of the Navy and by the management of the two great armor-producing factories in the United States, and there can be no question made, after reading the statements there, but that the armor can be produced as rapidly as required to construct these ships. I submit that they can be constructed more cheaply, comparatively, if they are all constructed now, if the contract is let at one time, and if these great shipbuilding concerns of the country have an opportunity to bid upon six ships instead of four.

It has been urged, Mr. Chairman, against this amendment, that the Treasury of the United States is now empty. I say to my Republican friends with that we have nothing to do. We are not responsible for the deficit in the Federal Treasury. When we laid down the reins of Government we left laws upon the statute books that were supplying a sufficient revenue to defray the expenses of the nation, and with that objection we have nothing to do. There is a further answer to it also. This nation, in my judgment, is on the eve of a return to the protection of McKinley and the reciprocity of James G. Blaine [applause], and when that is accomplished there will be revenue sufficient to meet every demand made upon the Federal Treasury. That will happen, in my judgment, before the last hammer stroke is made upon the vessels for which you are now asked to vote an appropriation. Before the last dollar is appropriated for those vessels this nation will again be standing on the purple heights of prosperity.

Now, Mr. Chairman, in conclusion let me say that the American people will awaken to the present conditions that surround them; that we will construct the Nicaragua Canal, and that we will put a fleet by and by upon the waters of the Caribbean Sea and in the Gulf of Mexico that will secure to us the control of that great ocean highway when we once have builded it. When that canal is built it will become a great highway of commerce. The nations of Europe will be brought to our very shores. Then complications will arise. Then, sir, we will indeed face a crisis in our affairs.

Sir, the nation that has taken from France and Holland and Germany the control of the English Channel; that has wrested from the Spanish people the embattled crest of Gibraltar and held it for a century and a half against the oft-repeated efforts of France and Spain to regain it; the nation that wrested from the grudging grasp of the great Napoleon the Island of Malta and held it in spite of his prowess; the nation that is quietly but persistently seeking position after position of strategic note and importance in every land and on every sea where her people emigrate or her ships can go, will not be slow to risk the wage of war for the control of this great highway of commerce—a highway, the control of which would give her the dominion, commercially speaking, of not this Republic alone, but of the American Hemisphere. I believe it the duty of the American Congress to so legislate now that we will when the crisis comes, as come it will, have a fleet in those waters that will command the respect and submission of English greed and English avarice. [Applause.] "Peace the offspring is of power." With such a fleet we can maintain peace with honor; without it, humiliation must needs come.

Mr. Chairman, I did not expect to continue so long in the abuse of the patience of the committee, but I feel strongly upon this question, and that, sir, must be my excuse. I am impatient for the time when my country's rights, or reparation for her wrongs, shall be enforced by her fleets in every land and on every sea throughout the world. [Prolonged applause.]

Mr. CUMMINGS. Mr. Chairman, I should like to know how much time the gentleman has occupied?

The CHAIRMAN. The gentleman from Indiana has occupied fifty-one minutes.

Mr. HANLY. Mr. Chairman, I reserve the balance of my time.

Mr. BOUTELLE. Mr. Chairman, I yield thirty minutes to my colleague on the committee, the gentleman from Ohio [Mr. HULICK].

Mr. HULICK. Mr. Chairman, I want to congratulate the gentleman who has just taken his seat [Mr. HANLY] on the very happy address that he has given us upon the Navy of this country, and upon the sentiment that he has incorporated in his remarks. I approve everything that he has said in regard to our Navy and in regard to the duty of this Congress to provide a proper naval construction. But are we at this moment ready to vote for more battle ships than are proposed in the bill that is now under consideration? I want to indorse especially what the gentleman has so well said, and what we all in the committee understand, as to the obligation that we are under to the chairman of our committee, and I want to congratulate the chairman upon presenting to this House and to the country a bill which has received nearly the unanimous approval in the House, an approval such as I apprehend no prior naval appropriation bill has been fortunate enough to command.

I want to congratulate this House upon having as its leading representative upon the Committee on Naval Affairs and in charge of that committee a gentleman who has been so arduous in the performance of his duties and has rendered such valuable service not only to the House but to the country. On that point also, therefore, I fully agree with the gentleman who has just taken his seat. I want to say at this point, Mr. Chairman, for the benefit of other members of the committee, that I should be glad to vote now, if I could, for the protection of our coast, and for the construction of 6 instead of 4 new battle ships, as proposed by this amendment.

I should have been glad also if I could have voted for the proposition of the gentleman from Louisiana [Mr. MEYER] for the construction of a dry dock at Algiers. It is not provided for in this bill, but I want to say that his constituents must not blame him, that, while he has failed to secure that construction at this time, he deserves a better fate on account of the manner in which he worked for it and his persistent efforts in that behalf; and if there was to be a dry dock provided for anywhere at this session of Congress, and only one, I should have voted for that one in the South, believing that the people there are entitled to it, and also because its construction at that place, in my judgment, would be beneficial not only to our Navy, but to the commerce not alone of the Mississippi River, but also of the Ohio River, in which my constituents have a special interest.

I wish to congratulate my friend from California also [Mr. HILBORN] upon his faithful, persistent efforts before the committee for the location of a dock at Mare Island for the benefit of his constituents and his State. I also offer my congratulations to the Representative from Massachusetts [Mr. BARRETT] for his persistent attempt to secure one at Boston, and to my friend from Pennsylvania [Mr. ROBINSON] for his energetic efforts to secure one at League Island. They have all failed, but it is not because they did not want them and did not labor for them. And it was not the fault of any member of the committee that they did not get what they so much desired.

Mr. BARRETT. In order that we who are interested in these dry docks may understand exactly where we stand, will the gentleman tell us whose fault it was that we did not get them?

Mr. HULICK. It is because of the lack of money in the Treasury of the United States and the need of preserving the credit of the Government at this time that members of this committee have said "No, we have not the means now; we must take care of the docks already under construction or needing repairs; we must use money for the increase of the Navy; we need it also for the enlistment of men and for the payment of similar services rather than for the construction of new dry docks." And further I may say, as is suggested by a gentleman near me, that we have taken this position because the Secretary of the Navy (in his last report) expressly recommended against the establishment of these dry docks.

Mr. BARRETT. Now, will the gentleman allow me another question? Whether the members of the Committee on Naval Affairs were not fully aware of the state of the Treasury and the peculiar views of the Secretary of the Navy when they deliberately voted to put into this bill a provision for three new dry docks?

Mr. HULICK. Yes, sir; and I voted for it. I believe it was on my motion that the number was increased from one to two and from two to three. And I would have kept on voting to this time and would have increased the number to fifty if they had been asked for; but I did not expect that any one of those propositions would be finally adopted; it was not the understanding that they should be.

Mr. BARRETT. One more question and I am done. Does the gentleman wish us to understand that the Committee on Naval Affairs when they voted in favor of the construction of dry docks did so with the deliberate intention of not recommending the construction of those dry docks to the House?

Mr. HULICK. I answer the gentleman in this way: If we should begin the erection of dry docks we would begin at those places where dry docks are most needed. We realized that a dry dock was needed at Algiers, that one was needed at Portsmouth, that one was needed at Mare Island—and the Secretary of the Navy had so recommended; but as we looked at the question we could not begin the construction of dry docks at this time because we wanted to increase our Navy, and considering the depleted condition of the Treasury we could not do both.

Mr. BARRETT. Now, the gentleman has reached exactly the point I wanted to bring out. As I understand, the Committee on Naval Affairs believe that these dry docks should be constructed at the earliest possible moment.

Mr. HULICK. I believe so myself; I think the committee are of the same opinion, and if at the next session we can enter upon these works—if with the Republican party voted into power we can have a protective tariff to bring money into the Treasury, I shall be ready to vote not only for the three dry docks that have been named, but for others that are needed. But in the first place we must give proper attention to the dry docks we already have. We do not want a dry dock in such a condition as that at Port Royal. When the *Indiana* was sent there a few days since to be docked, the dock was in such a condition that the vessel could not get into it to be repaired, and there is not sufficient water in the channel to let the great ship out of the port—the moon and high tide can alone afford relief. There is where we need to spend money in the first instance, instead of making an appropriation to construct a dry dock, for instance, at Algiers, which is estimated to cost $1,200,000. We are not ready to make any such large appropriation at this time in this direction. In this connection I call attention to what the Secretary of the Navy has said in his report:

> In my opinion it would be wise to invest whatever moneys are to be expended upon the Navy beyond its current needs and the necessities of existing repair plants in the construction of new ships, and not in building docks.

The Secretary further adds:

> In my opinion to undertake all this work would be extravagant, and I feel sure it would lead to much unwise expenditure of money in the future.

I indorse what the honorable Secretary has said on this subject, and I think the country will approve his conclusions.

The Secretary says further:

> There should be a dockyard and repairing station on or contiguous to the Gulf of Mexico for the use of vessels cruising in the Caribbean Sea and other southern waters, but it is for Congress to say whether the condition of the Treasury is such as to justify it in undertaking the construction of such a dock at present.

There are other declarations of the Secretary of the Navy to the same effect upon this question.

Mr. ADAMS. Will the gentleman permit me a question?

Mr. HULICK. Well, I would rather not be interrupted.

Mr. ADAMS. This is a practical question.

Mr. HULICK. Proceed.

Mr. ADAMS. I want to ask the gentleman whether there is a single accessible dock to-day in the United States in which the largest ships that we have can be docked for repairing, painting, or scraping?

Mr. HULICK. I apprehend not. But I answer further that I am in favor of making appropriations to enlarge the existing docks, whether at New York, Mare Island, Portsmouth, Boston, or elsewhere, so that large vessels may be docked there. The large dock at Port Royal, S. C., should be put in condition at once. It should have been finished, according to contract, April 23, 1893. Let it be put in condition to receive our largest ships at once before we begin to build new docks.

Mr. ADAMS. Then let me ask why the committee has not recommended the enlargement of docks at points where it is known that there is sufficient water to float these large ships?

Mr. HULICK. That is being done now. The dock at Brooklyn Navy-Yard is expected to be ready for use by the 1st of June next, and when completed will be large enough to accommodate our largest vessels. This was to have been completed last September, but the builder failed to comply with his contract, and it had to be sublet. That, with the Port Royal dock, will, when put proper in condition, furnish ample accommodation to dock all our largest war vessels.

The Secretary has now full authority to repair and enlarge docks where it is needed, and he is doing this as rapidly as possible.

Mr. ADAMS. How are we going to take care of the ships now afloat? That is a business question.

Mr. HULICK. Disclaiming any intention of being discourteous, I shall have to decline to submit to further interruption.

Mr. ADAMS. Then the committee have no answer to the question why they will not supply docks to take care of the ships now afloat, though at the same time they are proposing to build six more?

Mr. HULICK. Long before our new ships are built we will have ample facilities for docking all of them.

I must decline to yield further.

Mr. ADAMS. This is a plain business proposition.

Mr. HULICK. Mr. Chairman, I wish to indorse further what has been so well said by the gentleman from Indiana. The facts that he has given us in regard to the navies of England, France, and other foreign countries were entertaining, and they will be good reading for his constituents and mine and for the country at large. But I am not going to institute a comparison between our navy and that of foreign nations at this time. It is unnecessary in connection with this discussion. This is purely a business proposition we are discussing—whether we shall have six new ships as the amendment proposes, or four, as provided in the bill.

Mr. WATSON of Ohio. Will the gentleman allow me just there——

Mr. HULICK. Well, I hope my colleague will excuse me. I desire to proceed without interruption. I would do any favor for him, and when we get over into Ohio in the campaign this fall stumping for McKinley I will divide time with him. [Laughter.]

I repeat, Mr. Chairman, that I wish no comparison with the navies of foreign nations, because the conditions are essentially different in our country and theirs. European nations have been hundreds of years in organizing and maintaining large and costly navies. The stability of their thrones depended upon them, and the very existence of their Governments was assured only by their powerful navies.

Those navies are used in countries where their rulers are born, not made; where to-day they do not know who is to be the ruler of to-morrow, until that ruler is born into the world. But we have a country here where our rulers are not born to rule, but where by their own merit and intellectual powers, by their energy, their moral worth, their manhood, their statesmanship, they are called to rule over this Government, and the young man from the cabin goes to the Presidential chair to administer the affairs of the greatest nation on earth because the policy he indorses or the party which supports him represents a great principle. He represents a country that does not have to depend upon standing armies or great navies to sustain itself. It is therefore not proper or just to make such comparisons. Nevertheless I favor the enlargement of our Navy from a commercial standpoint. Commerce follows our flag, and that must be protected wherever it floats, as it always has been in the past. We do not think it necessary, therefore, for the construction of more battle ships at this time than those which are recommended in the bill of the committee.

The Secretary of the Navy in his report recommended the construction of two additional battle ships. At the time he made his report we did not have the same circumstances surrounding us that we have to-day; but while we were considering the matter the Secretary came before the committee, on the 11th day of February last, and made his recommendation with reference to the number of battle ships that in his judgment was deemed necessary or advisable at the time. He informed the committee that we have now the *Massachusetts*, the *Indiana*, the *Oregon*, the *Iowa*, and the two recently contracted for and under construction, the *Kentucky* and the *Kearsarge*, which make six first-class battle ships; and in his report he recommended two additional. Ordinarily the committee would have indorsed absolutely the recommendation of the Secretary of the Navy, and would have provided for but two additional. But the circumstances which existed at the time the report of the Secretary was filed have changed. Our relations to other countries have become strained, and the Secretary advised the committee that—

Since that time I have come to the conclusion that we might with advantage build four additional battle ships, etc.

Now, as to the cost of building these ships, it is conceded they can be built much cheaper than ever before. The Secretary says, in his statement before the committee:

I thought I had the statement here, but I can state it in general terms, that the fall in the price of battle ships between the time of the contract for the *Indiana* and for the *Kentucky* and *Kearsarge* is nearly 30 per cent; and I have stated in my annual report, which came out before these bids were made, that—

"The prices per ton for the gunboats *Machias* and *Castine*, contracted for in April, 1890, was $302.86; the average price of the 3 gunboats contracted for in January, 1894, and of the 6 others just let out the contract is $222.34 per ton, a saving of $80.52 per ton, or 26 per cent of the price of the ships.

"The price of the *Ericsson*, contracted for in October, 1891, was $945.83 per ton; the average price of the 6 torpedo boats contracted for in 1895 is $760.58 per ton, a reduction of $170.25 per ton, or of about 20 per cent in the price of the boats."

It is 26 per cent in one case and 20 per cent in the other, so those reductions, you see, apply as well to battle ships as to gunboats and torpedo boats. We have now a very earnest competition for the building of all these ships. There does not seem, so far as the construction of ships are concerned, to have been any combination whatever or any sign of a combination between bidders, but the Government is getting the advantage of forced competition and getting the very lowest prices.

For these and other considerations the committee ask for 4 battle ships and 15 torpedo boats, requiring the largest appropriation that has ever before been made by any Congress for our Navy, and yet the gentleman from Indiana insists on 2 more battle ships, while we now have, including the *Kentucky* and *Kearsarge*, 6 to pay for, at a cost of at least $25,000,000.

Mr. WATSON of Ohio. Will my colleague allow a question there for information? What do you claim will be the additional cost of constructing the two battle ships?

Mr. HULICK. You mean the two already contracted for, the *Kearsarge* and the *Kentucky*? These ships were authorized to cost not exceeding $4,000,000. But they have been contracted for, however, at a much less figure.

Mr. WATSON of Ohio. What is to be the total cost of these ships, complete?

Mr. HANLY. Five million two hundred and fifty thousand dollars will be the total cost, including armament; that is, the complete battle ship.

Mr. WATSON of Ohio. That is the cost of each ship?

Mr. HULICK. Yes; the cost of each ship. The gentleman can obtain all the information on these facts by an examination of the report; but with reference to this question all that the gentleman from Indiana has said applies as well to the four battle ships as to the six.

Now, what is our Navy at this time? In 1883 the first steel battle ships, the first steel cruisers, were constructed under contracts that had been duly entered into. From the close of the war up to 1883, about eighteen years, the appropriation for the repairs of our ships and for construction amounted to about one and one-half million of dollars annually. But in 1883 the legislation of this country was such that they proposed to do away with the wooden ships unless they could be repaired at an expense of not exceeding 20 per cent of the cost of a new ship, and when the cost of the repairs of a wooden ship exceeded that they said, "Let the ship go; we will not expend any more money in its repairs, but we will begin the construction of a new navy."

Now, in 1885 we had 32 wooden vessels afloat, of a displacement of 66,000 tons, and at that time 7 war ships only, of a displacement of 6,900 tons. The total was 39 ships, with a displacement of 72,900 tons. Now, from 1885 to 1895, in ten years, we reduced the number of wooden vessels from 32 to 11, by letting them go out of commission. The 11 wooden vessels had a displacement of 18,300 tons, and instead of having 7 steel ships, we had 32 iron and steel vessels, with a total displacement of 104,500 tons. We had a total of 43 vessels, with a displacement of 122,800 tons, the amount being almost doubled in ten years; these figures being exclusive of torpedo boats, tugs, and receiving ships. That was during a time of entire peace, when we had no wars or rumors of wars, when the people of this country were not nervous over our foreign relations with other countries. Was not that fast enough progress in the construction of our Navy?

For these new steel vessels the appropriations for the last three years amounted to about a million dollars annually.

Now, as to the appropriations for the new navy. The new ships that have been built will soon require to go into dock, and the cost of redocking and keeping our new navy in repair—in a seagoing condition—is far greater than ever before; it is more expensive to keep the Navy up at this time, with the new steel vessels, when they begin to need docking, than it would have been to keep the old wooden vessels in repair. That is one of the important considerations, that these four new vessels which we authorize and the two under construction and those that have been constructed will require a greater appropriation every year to keep them in repair than the old wooden vessels would have required. If the gentleman is on that committee in the next Congress—and I hope he will be returned by his constituents—he will find that instead of the appropriation which we have provided for in this bill being large enough, we shall have to increase it.

Mr. DAYTON. This bill carries $7,600,000 for the construction of machinery and ships already authorized.

Mr. HULICK. Yes; it already carries over $7,000,000, and the next one, for repairs of docks and repairs of ships and keeping up the Navy which we have, will not be $7,000,000 only, but over $10,000,000, I apprehend. Thus we see that the total displacement of vessels in commission or being fitted out at this time is about double what it was in 1885, while the modern ships under the cost of maintenance per ton displacement will be vastly greater. It therefore behooves us to look well to the question of "construction and repair" while we are making contracts for new ships.

TORPEDO BOATS.

This bill provides for 15 torpedo boats. The United States has now only 2. I submit to the members of this House as a business proposition, as a reasonable, common-sense view of the situation, whether we ought not now provide for a much larger number of these boats. Their services are greatly appreciated by officers of the Navy, and in time of war they are indispensable.

The following table shows the number of torpedo boats of foreign navies as compared with our own:

| Countries. | Torpedo boats. | |
|---|---|---|
| | In service. | Authorized and building. |
| Argentina | 21 | 6 |
| Austria | 64 | 6 |
| Brazil | 22 | |
| Chile | 22 | Some. |
| China | 23 | |
| Denmark | 29 | 2 |
| France | 218 | 54 |
| Germany | 121 | 8 |
| Great Britain | 189 | 62 |
| Italy | 184 | 5 |
| Japan | 40 | 17 |
| Netherlands | 39 | 3 |
| Russia | 174 | 16 |
| Spain | 23 | 23 |
| Sweden-Norway | 38 | 20 |
| | 1,206 | 221+ |
| United States | 2 | 7 |

This table, Mr. Chairman, affords us a lesson. France has 218 and is building 54; Great Britain has 189 in service and 62 under construction; Spain has 23 and is building 23 more, and she is now "making mouths" at this country because we have accorded belligerent rights to Cuba.

It will be seen that the fifteen other countries mentioned have altogether 1,206 torpedo boats in service. The United States has only 2 and is building only 7 more.

Now, what does my friend say, and what do gentlemen claim, when we have appropriated in this bill for 15 torpedo boats? In the act of March 2, 1895, there were 3 torpedo boats provided for, to cost not to exceed $175,000, and these 3 were in addition to the other 3 and 1 submarine torpedo boat. That makes 7. There were 6 light-draft composite gunboats of about a thousand tons displacement, not to cost more than $230,000, in all $1,380,000, exclusive of armor, and 2 seagoing coast-line battle ships to cost not to exceed $4,000,000. There are other appropriations that I could refer to. Then there were these new battle ships under construction or contract at a cost not to exceed $4,000,000 each, and which were contracted for at about $5,250,000 for the 2. That is the present status of our Navy.

Now, it is recommended that the sum of $332,000 be appropriated and made immediately available for the improvement of our navy-yards, wherever needed. We have 6 first-class battle ships already, the armored cruiser *Brooklyn*, the *New York*, the ram *Katahdin*——

Mr. HANLY. Have we 6 battle ships now in commission? Is it not a fact that the only battle ship that we have in commission at this time is the *Indiana*?

Mr. HULICK. We have at this time the *Indiana*, the *Maine*, the *Iowa*, the *Oregon*——

Mr. HANLY. Are they in commission?

Mr. HULICK. No; the *Iowa* and the *Oregon* are not in commission. We have the *Indiana*, the *Maine*, and the *Texas*; but we have two battle ships under construction at this time. The *Iowa* is to be launched on next Saturday over at the navy-yard of the Cramp Bros., in Philadelphia.

Mr. HANLY. Is it not a fact that we have but one battle ship in commission, namely, the *Indiana*?

Mr. HULICK. At the time this report was issued the *Indiana* was awaiting commission. She was placed in commission and sent down to Port Royal, and will be docked there if she can be gotten into the dock.

Mr. HANLY. That is the only one we have in commission?

Mr. HULICK. No; as I said, we have the *Indiana*, *Maine*, and *Texas*.

Mr. HANLY. We have contracted for two more, but the keels are not laid.

Mr. HULICK. Now, in addition to that we have the 2 armored cruisers (*Brooklyn* and *New York*), we have 1 armored ram (*Katahdin*), we have 6 armored vessels, 6 double-turreted monitors, and 13 single-turret iron monitors. We have 16 unarmored steel vessels, one of which is that queen of the sea, the *Minneapolis*, with a speed of over 23 knots per hour—the fastest ship in the world to-day. I had the honor and great pleasure, with the gentleman from New York [Mr. CUMMINGS] and others of our committee, of being on that "flying monster of the deep" upon her trial trip two years ago—the pride of the ocean, the pride of our Navy, the representative of American genius, American skill, American ingenuity, American progress. Such a production was made possible only by the encouragement given our American talent and enterprise by the protective policy of the Republican party. We have in addition 2 torpedo boats, 7 under contract, and 15 provided for in this bill, making in all 24 torpedo boats. For all these that are built and those to be constructed more liberal appropriations must be made in the future than have been in the past.

Mr. LOW. I want to ask the gentleman what is the size of these torpedo boats?

Mr. HULICK. Well, my dear sir, I refer you to the report of the Secretary of the Navy, where you can learn all these facts for yourself.

Mr. LOW. Can you give me the length of them?

Mr. HULICK. Oh, yes; but if you will examine the report of the Secretary you will find all those facts. My time is limited and I can not yield.

Mr. LOW. I have the report. Torpedo boats vary in size. Can you give me the size it is intended to make these?

Mr. HULICK. Of course they vary in size. The Secretary is to use his discretion in this regard, and to build them as the best interest of the service may require.

Mr. JOHNSON of North Dakota. It is right on the same line that I desire to ask a question. I do not desire to criticise nor to ask how many feet there are, but I wish you would specify the class of these unarmored boats.

Mr. HULICK. I have not time to do so now. You can find that in the bill, and where it is not provided for, discretion is given to the Secretary of the Navy to determine the character of the vessel.

Mr. DAYTON. I will state to the gentleman that five of them are to be first class in every particular.

Mr. LOW. But a small boat can be first class.

Mr. HULICK. My time is limited, and I can not yield for other questions.

There is another matter to be considered in this connection. These boats have not only to be constructed and paid for, but they have got to be manned, and those men have to be put upon the pay roll and paid, and that will require money. Now, what about our enlisted men? In the Fifty-third Congress we provided for the enlistment of 1,000 men. They have already been enlisted, and 1,000 additional are provided for in this bill. There are now in our Navy, officers and men, including marines, 13,460 only.

England has 88,850; they have 70,000 in France; they have 21,000—I will only give round numbers—in Germany. They have in Italy 24,000; and if these 24,000 sailors do no better fighting than the Italian soldiers did the other day in their campaign over in Abyssinia they do not deserve to be ranked among the navies of the world. One of our American battle ships, armed with an American crew, could drive the whole Italian fleet in confusion before it. Men who are drafted into the service are mere machines. We have now about 1,100 marines. Take them out and we have 12,360 men in our Navy. Several thousand more will be required on the new ships; and we can get them as quicky as we can get the ships.

But the gentleman says it is not a question of cost. I will admit if we had war at this time it would not be a question of cost. It was not a question of cost when the rebellion was brought upon us. Then we got all the men we wanted, and we got all the money we wanted; and if there were a war to-day—if it were announced at this moment, while I am addressing this House, that a fleet was on its way from England, or any other great fleet to which reference has been made—you could get all the volunteers you needed from every section of our country and no foreign navy that floats could get within gunshot of our shores.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I yield fifteen minutes more to the gentleman.

Mr. HULICK. I say that when the time comes for money we can get it, and when the time comes for men we can get them. And we will not have to sell bonds to foreign syndicates to raise the money, for we can get all we want in this country, and we can have all the men we want—not conscripts, but men from every station in life—educated, business, patriotic men, who are invincible in war as they are influential in peace. But let me say to you, Mr. Chairman, and to gentlemen of this House, we are not going to have a war. England does not want war. With her splendid navy she does not want war. She would not have it. To-day the morning papers announce that Lord Salisbury is perfecting measures to have a settlement of the Venezuelan question on the plan suggested by the President of the United States, and have it arbitrated.

There are too many interests in common between that country and this—financial, social, educational, religious, commercial, and a thousand others—that will always, I trust, stand between our people and theirs. If a war were proclaimed to-day, every cross-road schoolhouse would echo with the voice of patriots called to arms, and, whether on land or sea, our country's honor would be maintained and our flag wave in triumph on every sea. But, Mr. Chairman, no navy on the face of God's footstool will ever cross the Atlantic or any other ocean to attack this country. When the time comes we are ready to defend ourselves. We are going right

on to build ships, to build up our Navy. It is not to be inferred that because this bill provides for 4 instead of 6 battle ships more that the Navy is to suffer. Every man on the Naval Committee is an ardent friend of the Navy. It will not suffer in their hands. But the number of battle ships to be built now is purely a business proposition.

Mr. HEPBURN. If those nations are never going to come here, why do we need battle ships at all? [Laughter.]

Mr. HULICK. We need them for the purpose of protection.

Mr. HEPBURN. Protection from what? You say nobody is going to come here.

Mr. HULICK. We need them to protect our commerce on the seas and our citizens in their lives and property in foreign countries.

The gentleman who was last on the floor said that we wanted ships to send over to Armenia; that we stand powerless here, making recommendations and declarations which we can not enforce, and he spoke of our want of power in European waters. Does not the gentleman know that the *Minneapolis* is now in Turkish waters to aid the Christian Armenians in that country of bloodshed and murder? She carried there that Christian woman, Miss Barton, of this city, who is there as the representative of the Red Cross Society, supported by the prayers of millions of good people all over the world—that little woman, weak in body but strong in faith, with the Bible in one hand and the cross in the other; and to-day she is carrying the contributions of the Christian people of this land to give money and food and consolation to the dying Christians of Armenia. We do not want war ships to send there. We have the *Minneapolis* there with shot and shell and our flag waving over her, and no one dares to lay his hand upon that noble Christian woman and her faithful escort.

Mr. HANLY. Will the gentleman permit a question?

Mr. HULICK. Not now. I "will see you later."

Mr. HANLY. I "will see *you* later." [Laughter.]

Mr. HULICK. Now, Mr. Chairman, what is the trouble? Why can we not build all the ships now that we want? It was proclaimed a few days ago over the waters by our ambassador that protection emptied our Treasury. We know very well that the Treasury is empty, and that is the reason we can not build more ships and as fast as we want them. During this Administration we have borrowed over two hundred and sixty-two and a half million dollars. It is true that we have a gold monument one hundred millions high standing in the Treasury as the representative of the monetary power and wealth of this country, and, if necessary to defend our country and our flag, we could borrow all the money we might want; but shall we do it in time of profound peace? Mr. Chairman, can any gentleman within the sound of my voice point to an instance where protection depleted our Treasury?

The history of our country tells us when and how the Treasury has been depleted. Go back to 1861. What depleted the Treasury when the Democratic party was in power under James Buchanan? Was it protection or was it free trade? When the war came on protection was adopted, and through the Administrations of Lincoln and Grant and every other Administration down to that of Mr. Cleveland the credit of the nation was maintained, the public debt diminished, liberal pensions were paid to our soldiers, and our Treasury was filled with money. Whether the present Speaker of this House shall be elected our next President, or whether it shall be a candidate from New York or from Iowa, or whether we elect our candidate from Ohio, that sterling patriot and advocate of protection, Governor McKinley, we will give such protection to American labor and American industries as will fill our Treasury, restore our credit, and we can then build all the ships we may want.

Thrice is he armed that hath his quarrel just.

And, Mr. Chairman, I want to indorse at this time the President of the United States, as I gave him my vote on the 17th of December last, when he sent to the Congress his message in regard to Venezuela. Here is what he said:

> In order that such an examination should be prosecuted in a thorough and satisfactory manner, I suggest that the Congress make an adequate appropriation for the expenses of a commission to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will, in my opinion, be the duty of the United States to resist, by every means in its power, as a willful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which, after investigation, we have determined of right belongs to Venezuela. In making these recommendations I am fully aware of the responsibility assumed by me and realize all the consequences that may follow.

The President was right. He did not stop to inquire whether we had fifty ships or a thousand. He knew he was right and that the people of this country would indorse him. And Great Britain, instead of declaring war, declares she is ready to settle the matter by arbitration.

This country of ours, Mr. Chairman, educated as it is to be always on the right side of every question, and certain as it is to take the right side and to assert the cause that is just, need have no fear of the nations of Europe. When we are on the right side of any controversy, whether it be with England or with France or with Spain or with any other nation, we are ready to enforce our view, and the powers of the world will never question our attitude.

When this Congress indorses the resolutions to recognize the belligerency of the Cuban patriots no country will dare to come in and take the part of Spain. They may threaten, they may send their squadrons into American waters to protect their citizens, but not one of them will dare to come in and act with Spain against our country. I repeat, I want to indorse our President when he is right, though we could not heretofore indorse his foreign policy.

In the Hawaiian matter he was wrong. He had not gotten used at that time to setting up the flag, and when it was a question as to whether that flag should stand where it had been set up on those islands, floating in the free air of heaven, the President said "No," and it had to come down, and the country condemned him for that. But whenever he is right we are ready to stand by him and give him men and money. "It takes a real live man to govern this country," was the saying of our ambassador in Great Britain the other day. If he had said that it takes a real live man to govern the Democratic party he would have been about right.

When we were discussing certain resolutions the other day in regard to the utterances of our representative in Great Britain, it was intimated that if those resolutions were adopted that gentleman would become the Democratic candidate for President, but I say to my Democratic friends that when they go to Chicago and look all around them they can not find, either in the Democratic party or in the Free Coinage party, or in the Populist party, another man who can control them as well as Grover Cleveland has tried to do during his term of office. Your party, gentlemen, would have gone to pieces and the country would have gone to pieces if you had not had there a man just like him. If Ambassador Bayard, instead of saying that the American people need a strong man to control them had said that it requires a real live man to control the Democratic party, he would have been right.

Whether the President was right or wrong in his Venezuelan message, we voted $100,000 to sustain him. In some other matters we can not sustain him. In his pension policy we say he is wrong. We condemn that policy; and the people condemn it. In his home missionary work he was right. I honor any President of the United States who, with the great affairs of office upon him, can go to New York and there preside over a Christian assemblage such as the Home Missionary Society. I commend him for it. He said that he had a father who was a preacher and he remembered the prayers of that father, and those prayers carried him into the great Presidential chair. So when he was called upon by those good Christian people he went to New York and presided over that assemblage. I mention it to his credit, though I can not indorse his reflections upon the Western people. His criticisms were unjust, impolitic, and unworthy of the President of the United States.

The highest standard of morality and civilization is found in the sturdy people who have built up our Western country. The church, the schools, and colleges are their just pride. [Applause.]

In conclusion, Mr. Chairman, let me say that the question now under consideration is a business proposition. This bill will be adopted as it is reported. The Senate will pass it, the President will approve it, the country will indorse it. And our Navy will continue to be improved until our ships will deck every sea and our flag float in every harbor of the world. [Great applause.]

[Here the hammer fell.]

Mr. HANLY. I yield twenty-five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I congratulate the Committee on Naval Affairs on having made some provision for an increase of the American Navy. It was a timely and judicious act on their part. But they were entirely too conservative in their action. They did not go far enough either to please the people or to meet the exigencies of the times. There is a feeling of unrest all over the world. There are small or large conflicts now going on in every quarter of the habitable globe—Jameson against Kruger in the Transvaal; Italy against Abyssinia; England against the Soudanese; France against Madagascar and Siam; Russia wherever the bear can penetrate; the Armenian uprising causing trouble to Turkey; and near our borders Spain and Cuba engaged in an internecine war. Wherever the eye ranges it sees the red of carnage and the desolation of war.

Millions of soldiers are waiting the trumpet call and hundreds of ships the signal gun to engage in deadly combat. The peace of Europe and of the world rests to-day in the brain of two monarchs suffering from disease, either of whom may, in delirium of fever or twinges of pain, light the torch of a war from ocean to ocean, from hemisphere to hemisphere, exceeding any known to man.

If any such war does come, we need a navy powerful enough to protect our commerce, our people, and our national honor from

the infuriated hordes on land and the fiery cruisers on sea let loose by czar or kaiser. In this mad race to get into a row with somebody we have not been much behind our kingly neighbors. With a most cheerful disregard of our condition we declared war, in effect, upon Great Britain about Venezuela in just three minutes by the clock. [Laughter.] We then declared war, in effect, upon all of Europe except Spain about the Armenian massacres in exactly two hours and forty minutes. And then, in order not to be partial and in order to show that we thought we could whip the whole world, we, in effect, declared war against Spain regarding Cuba in exactly one hour and ten minutes. [Laughter.] In doing that we were utterly forgetful of the fact that our Navy was in such a condition that if we should enter into a war with any first-class country about all we could say after the first encounter would be what the boy said at school to his larger antagonist, "Well, you can't get up and go away and say you didn't have any fight, even if you did whip me." [Laughter.]

We have ignored the precepts of Washington. We have departed from the uniform course of the Republic since it was formed, of noninterference in the affairs of foreign powers. We have stretched the Monroe doctrine until it has become so attenuated that its author himself could slip through the threads of the doctrine and never know where he was. [Laughter.] We have launched ourselves boldly into the ring of nations, claiming to be a first-class power, not only in the New World but in the Old World as well.

Mr. Chairman, so far as I am concerned I am not worried particularly. I have no particular fault to find with the existing order of things or the action taken so far by the House. I am as proud of my country as any man, and believe in its mighty power as firmly as any enthusiastic supporter of the jingo policy. Our position having been taken, I stand by the vote and the record we have made. But are we quite ready to maintain ourselves in the position we have undertaken to assume? We have a small, an insignificant Navy. It is good as far as it goes, but it does not go far enough. It is not very large; in fact, there is not much of it as compared with other nations or with our needs and our wealth, our strength and our duties.

In 1853, when Franklin Pierce was nominated for President of the United States, the New York Herald, in speaking of him, said that Mr. Pierce was a very large man in the State of New Hampshire, but when you came to spread him all over the United States the ground showed up in spots. [Laughter.] And so of our Navy. It is a very good Navy as far as it goes, but when you come to spread it all over the world, the oceans and countries show up altogether in too many places to make that Navy a thing of extraordinary value to us in case we should be engaged in a foreign war. We want something more than what we now have.

I have listened carefully to the speeches and have read many of them made at this session, speeches like that made by my distinguished friend from Ohio [Mr. HULICK] a few moments ago, about the honor of our flag, and about its beauty, and all that sort of thing; about our country's greatness, our schoolhouses, and our churches, and we have heard from time to time that when the note of war was sounded we would simply stamp on the ground and immediately millions of soldiers and hundreds of ships would come floating through the air in order to defend our frontiers. All of which I recognize as very pretty poetry of speech and very beautiful in thought and expression. While, however, it stirred my pulses and roused my patriotism, as was intended by the speakers, I could only say, as Marshal Saint Arnaud said of the charge of the Six Hundred at Balaklava, "It is very beautiful, but it is not war." [Applause.]

Just imagine for a moment that we were engaged in war with a foreign country; imagine that the time comes of which my friend from Ohio speaks so eloquently, and that an armed fleet is coming across the Atlantic to assail our unprotected seacoast, and see what would be the result if we follow his advice. Imagine Gen. Nelson A. Miles of the Army and Admiral Ramsay of the Navy embarking on a pilot boat, cruising out into the harbor of New York robed in the gaudy folds of the American flag, one of them reading aloud the eloquent speech of that Senator who said that he had lost his father in one war and was willing to lose his son in another, the other reading the speech of that other Senator who wanted the shots from our cannon to enter the seraglio of the Sultan of Turkey to carry deliverance to that people, and both reciting the speech of the honorable gentleman from Ohio [Mr. HULICK], who talked so eloquently just now of schoolhouses and patriotism and churches and Clara Barton, and all that sort of thing, in the vain endeavor to hypnotize the advancing fleet of ironclads, and thus prevent the looting of the commercial center of the United States. [Laughter.] Why, even our honored President, if he should wave in one hand the Declaration of Independence and in the other the national ensign, and undertake to repeat in basso profundo voice Drake's apostrophe to the American flag, while his entire Cabinet circled round him and sang the Star Spangled Banner to the strains of the Marine Band, could not prevent Washington being sacked a second time by the English fleet if we were to declare war again upon Great Britain unless he was backed by ironclads. [Laughter and applause.]

Mr. Chairman, the only way to maintain ourselves, the only way to set at naught the powers that may combine against us, is to have battle ships, and plenty of them, and accentuate the patriotic speeches we make with the thunders of our cannon from the ships of our Navy, and so believing, I deem it essential that we should have a large Navy, and most cheerfully support the committee's recommendation and the amendment offered by my friend from Indiana [Mr. HANLY], who so eloquently addressed you this afternoon.

We read of British consuls in foreign lands spreading the British flag on the ground and defying their enemies successfully, and saving the consulate and people and property therein from injury and death, and we read of them sometimes protecting American citizens from insult and from violence by spreading that flag above them. Why is it? It is because of the power that is behind that flag. It is because that all over the world it is known that you may kill a British consul, you may destroy a British flag and make quick work of it, but within a longer or a shorter time the red cross of St. George, floating from the masthead of a British man-of-war, will make that cross grow redder yet in the blood of the assassins of the Englishman or the insulter of the English banner. [Applause.] We ought to make our flag respected just as much as is that of the greatest of foreign nations respected. We demand that the emblem of our country shall float as proudly as any, and forever stand as an evidence that back of it is a power that will not be insulted and will not allow its citizens to be molested. [Applause.]

I can remember the massacre of the crew of the *Virginius* in Cuba, and felt then, as I feel now, ashamed of my country because it did not protect its people as they ought to be protected in a foreign land, and as they must and shall be protected in the future if we are true to ourselves, our history, and our nation. [Applause.] But they say we have not money enough. Good God! if we have not, let us borrow it. It is easy enough to borrow it to pay salaries. Let us borrow it to pay for ships. Let us borrow it, and not discuss this question simply and solely as though it was partisan politics. Do not say always that when we Republicans come into power then we will be able to build ships. Do not postpone the day of doing good. Borrow the money if necessary. The American people will sustain us, because they always sustain the party that protects the American flag, the American honor, and the American citizen. [Applause.]

We all know that the brightest pages of American history are those whereon are inscribed the records of the achievements of the American Navy. Starting from the Revolutionary times, who has not had his blood thrilled with patriotic joy as he read of the conflict of the *Bon Homme Richard* with the *Serapis;* who has not waved his hat in triumph as he cheered and cheered again for John Paul Jones, the victor in that bloody battle. [Applause.] Coming down to 1812, who is it that has not echoed again and again the words of Senator Stockton, of New Jersey, when he said:

> Who was it in the dark days of 1812, when your armies on shore were covered with disgrace and defeat, when Winchester had been defeated, when Hull had surrendered, and the whole Northwest was open to the incursions of a savage and a foreign foe—who was it that bearded the British lion in his den and waked the echoes of old Albion's cliffs with the thunders of his cannon and the shouts of his victory? It was the American sailor.

[Applause.]

The names of Decatur and of Perry come down to us now as the heroes of our country's second struggle with the mother country. [Applause.]

In the rebellion, who does not remember the deeds of Foote and of Porter and of grand old Farragut [applause] when they carried the flag past the ironclad batteries of Vicksburg; when they carried the flag through the mouth of the Mississippi; when they stormed the forts at Mobile, and proved that the valor of 1776 and 1812 was equal if not excelled by the sailors of 1861 to 1865. [Applause.] And in our later days, who is it that was not proud of Fighting Bob Evans when he cleared his ship for action in Valparaiso and said his sailors must be protected? [Applause.] Who is it that was not proud of Admiral Benham in Rio de Janeiro when he said to the commanders of the ships in that harbor, that outnumbered, outmanned, and outclassed him, that he would take the American trader into port and let them fire upon the flag if they dared, and did it. [Applause.]

We are all proud of them. We were and are proud of our sailors; we were and are proud of our Navy, and proud of its history. We believe that the sailors of to-day would write new records of victory upon the history of our Navy and of our country; that they would inscribe new glories upon historic tablets; that they would do all that men could do. [Applause.] But, as Napoleon said, "God fights on the side of the heaviest battalions," so our small Navy would magnificently sink beneath the shots of the overwhelming force of many a foreign country, refusing to surrender, but unable to conquer. [Applause.] The day of

miracles has passed. There are no Davids, no Goliaths, at the present time. They can not be duplicated. You can not sling pebbles against the shot of rifled cannon and have any hope of success in the engagement. [Laughter.] We might be as bold, we might be as valorous as the celebrated bull, the very proudest of his race, the gamest and strongest of the bovine tribe, who charged upon the locomotive, believing it was interfering with his vested rights in the field wherein he pastured. After the collision, in the language of the poem detailing Casabianca's fate, they said:

That bull, oh where was he?

[Laughter.]

So it would be with our Navy if we undertook to engage in conflict with the navies of foreign nations. We would ask, "Our Navy, where is it?" for it would be gone from our gaze forever more. The cheese box of Ericsson is the nearest approach to a miracle of modern times, and it might be that the genius of Ericsson could be dimmed by that of the more modern inventor in excelling the almost miraculous production of the destroyer of the *Merrimac* by presenting some new electrical coast defender; but it is not safe to take any chances. We need a strong navy so as to be prepared for any event at any time regardless of our hope from the wizard of the day. We are preeminently fitted to have and maintain a powerful navy by our country, our climate, and our situation, and all demand one at our hands.

Ever since this session began we have been acting like a boy at school with a chip on his shoulder, walking around and asking somebody to knock it off. [Laughter.] We have paraded ourselves among the nations of the earth, interfering in foreign affairs, admitting that in so doing we were leaving the landmarks of the nation in order to interfere in the affairs of foreign countries—something we never sought to do before—and we must be prepared to fight if the chip is knocked off our shoulder. I have been told by the gentleman from Illinois, the chairman of the Committee on Appropriations, that in a certain friendly game that it is said is played in Washington it is unwise to bluff too often, because you will be called and lose if you do. [Laughter.] Now, in this bluff that we are playing with the nations of the earth somebody may call us, and where shall we be when the bluff is called? [Laughter.] We may say that our cause is just; we may say that it is Freedom's cause; we may say, in the language of the gentleman from Ohio [Mr. HULICK]:

Thrice is he armed that hath his quarrel just.

That sounds good and grand, either on the stage or in a speech. But let me tell my friend that in the years I have passed upon this earth I have always found that a well-sharpened sword or a well-oiled and loaded revolver for a man, or a strong army and a powerful navy for a nation, will beat a thrice-armed just quarreler every day in the year. [Applause.]

Hence we need a strong navy; because, although our cause may be so just that the very angels in heaven will sing psalms of joy that America has so just a cause, unless we have something besides a just cause to defend ourselves with, the devils in hell will laugh at our discomfiture, and tell us that we deserved it because we were not prepared for the trouble that we brought upon ourselves. [Laughter and applause.] The more ships the better. You can not have too many for the American people. I prefer 16 to 6; I prefer 6 to 4. I prefer 50 torpedo boats to 15. They are all needed; they can all be used—every one of them. And if we can not get armor plate enough now, let us offer a premium to some man to invent armor plate, and see if we can not get it.

Is it possible—is it not a libel on American intelligence and enterprise to say that we can not get armor plate enough? Why, when I heard the gentleman from Ohio [Mr. HULICK] make that statement—that we could not get armor plate enough to cover the six ships—I looked around this House, hoping to see the tall form of the gentleman from Iowa, who made so eloquent a speech the other day in defense of protection, rise to his full height and say, "You are mistaken; because protection will give us any amount of armor plate." [Laughter and applause.] I expect we can get it; and I say to you it is a mere subterfuge, if you will pardon the expression, to cover up the real issue and prevent the necessary increase of the Navy. It is because, in the language of the gentleman from Indiana [Mr. HANLY], you are afraid of close Congressional districts in these United States. You are afraid of the effect upon the people of the country; you are afraid to spend more money. You are going ahead with this "do-nothing" policy in the hope of hoodwinking the people, which I do not think you can, for the people believe in a do-something policy. [Applause.]

A large increase in the Navy is a good thing in another aspect of the case. It will relieve the congested state of the Navy Department, so far as its officers are concerned. The personnel of the Navy is loudly clamoring for reform. The Engineer Corps of the Navy, as my friend from New York [Mr. WILSON] on my right knows, is clamoring for reform and for needed legislation. We can not hope to give it in any other way than by having more ships. Men are now growing gray in the service as ensigns and lieutenants, with no hope of promotion. New ships and new torpedo boats will give work for all the officers. It will allow ambitious and deserving young officers to become captains, commanders, commodoers, and even admirals before the time comes for them to retire from the service because they have outlived their usefulness. A large increase in the Navy, in building more ships and torpedo boats, will give employment to thousands of workingmen, and thus help the country. God knows we have too many idle men in the United States now. The tramp of the unemployed is heard on the pavements of every city of this nation, striking terror to the heart of the taxpayer and causing sorrow to every lover of humanity.

It is the duty of the Government to aid them if it can. I do not believe in socialism; I do not believe in paternalism; but I think when the Government can give employment to the deserving poor of the land the Government ought to do it. [Applause.] No Government is entitled to the support, the respect, or the confidence of its citizens unless it cares for those citizens in woe as well as in weal. In every aspect of the case, then, these additions should be made. Let us make our Navy an instrument of war, and not a plaything of peace. Our Navy, compared with that of most foreign nations, is like the caravels of Columbus compared with the famous White Squadron, which we own and of which we are so justly proud. Sir Francis Drake sailed around the world in the wooden vessel *Pelican*. The stories of his victories recount one continued march of triumph wherever he went, and sound like fairy tales. The *Pelican* was a grand ship of its time. To-day the *Pelican* would be no match for the smallest armored boat that we have. And so with our Navy. It is good as far as it goes, but it does not go far enough, compared with the navies of other nations of the world. We are in a condition compared with them like Sir Francis Drake's *Pelican* compared with us.

I want to see an American ship on every sea, carrying our glorious banner around the world, keeping in line everywhere with the noise of the drumbeat of Britain's power, the symbol of freedom everywhere, the hope of patriots in every land, the pride of every American, the protector of every American citizen everywhere on this earth, regardless of his color or condition. [Applause.] In olden times the words "I am a Roman citizen" protected any man when he uttered them, whether on the banks of the Euphrates or on those of the storied Rhine, whether on the plains of Persia or in the mountains of Spain. Why, in that ancient day to be a Roman was greater than a king. [Applause.] I want the announcement "I am an American citizen" to be as the Roman cry was in the day of the Cæsars—a title of nobility, an armor of defense, a sword of protection, a shield for the weak and suffering, the undying glory of this great nation, man's last and best attempt at self-government. [Loud applause.]

Mr. BOUTELLE. I now yield ten minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. ROBINSON].

Mr. ROBINSON of Pennsylvania. Mr. Chairman, I have heard with great pleasure the eloquent forensic song and dance given to us by the young gentleman from Indiana [Mr. HANLY] and the brilliant remarks of the gentleman from California [Mr. JOHNSON]. If you will review the legislative record since constitutional government began on this side of the Atlantic and discussions about appropriations for the Navy were first recorded, I doubt if you will find more encomiums or a stronger defense of what the immortal Lincoln called "Uncle Sam's webfoot"—the Navy—than have been spoken upon this floor during the present debate. There has rarely been—as occurs with the Army, the other branch of the service—a strong defender of the Navy upon the floor of this House. It is a very glittering subject; one filled with glamour and romance. A man can easily make a speech full of statistical and historical canned goods [laughter] about the magnificent achievements of the United States Navy. He can go back to the time of Paul Jones and run the gamut of true heroics down to the day of the brave old Admiral Farragut, and it all reflects fadeless credit upon the patriotism, the bravery, and the courage of the American people, and the officers, seamen, and marines of the American Navy.

But, Mr. Chairman, we come now, in discussing the amendment, to a cold, plain question of what appropriations we shall make for the increase of this branch of the service. No committee of this House, I think, has given more careful, more industrious, or more arduous labor to the work intrusted to it than has the Committee on Naval Affairs and its able chairman. There was a difference of opinion in the committee as to the number of battle ships that we should authorize. I am free to say that I was myself at first favorable to an appropriation for six ships.

Mr. HANLY. Did you not so vote in the subcommittee?

Mr. ROBINSON of Pennsylvania. I did so vote in the subcommittee.

Mr. HANLY. What changed your mind?

Mr. ROBINSON of Pennsylvania. I did so vote there, and I am perfectly willing to accept the responsibility of it.

Mr. BOUTELLE. Mr. Chairman, I want to suggest to the Chair and to the Committee of the Whole that, while I have no

objection of course to the disclosure of anything that was done in the committee, yet if we were to enter upon that sort of discussion here it would not only be very much contrary to usage, but it might lead to a discursive kind of debate that would not be useful. It is customary for the members of a committee to bring only their conclusions into the House. Of course, in reaching conclusions, different gentlemen often take different views of a subject, but it is not necessary to discuss in open House the statements or the arguments that may have been employed in the committee from the beginning of the consideration of a question until the conclusion was reached. I therefore suggest to the gentleman from Indiana and to the gentleman from Pennsylvania that this discussion had better be confined to the desirability of making the appropriation proposed by the committee.

Mr. HANLY. Mr. Chairman, I wish to suggest to the gentleman from Maine that I shall be the judge of my conduct, and do not ask advice from him.

Mr. BOUTELLE. Well, Mr. Chairman, I thought a suggestion would be enough, but now I shall reluctantly make the point of order that it is not in order, in a debate in the House, to refer to discussions or proceedings that took place in committee.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. ROBINSON of Pennsylvania. Mr. Chairman, this interlocutory matter does not come out of my time, I hope. [Laughter.] Now, sir, I am as familiar as other gentlemen with the magnificent display made all around the world by that great naval power, England. I have been around the world, and know it is round [laughter], and in every part of the world and on every sea, wherever there is an English keel, there follows an English commercial interest, and back of that to protect it is the whole power of the most magnificent navy in the world. I have seen England's fleets in the Mediterranean, at Cape Town, in Australia, and in British India. I have seen them in the harbor of Hongkong, in the Orient. I have seen them in the land Rudyard Kipling says—

East of Suez, where the best is like the worst,
Where there aren't no Ten Commandments, an' a man can raise a thirst;
On the road to Mandalay,
Where the old flotilla lay;
On the road to Mandalay,
Where the flyin'-fishes play,
An' the dawn comes up like thunder outer China 'crost the bay!

[Laughter.]

I have noticed her mailed fleets flying, not what the gentleman from California calls "the red cross of St. George," because the English national marine does not fly any red cross, but a white flag, in every quarter of the globe. That, however, is not material. I have seen all this. But, Mr. Chairman, I am not afraid of England or of the English navy, and the American people are not afraid of her or of her navy. In the great Olympian race of nations we are not going to compete with her in this enormous nautical militarism. We fear her not. I recall a story in regard to President Jackson. He was riding one day with the French minister around the environs of Washington, when riding there was not so pleasant as it is now. Jackson, with all his other accomplishments in Americanism, did not understand any French, but he had an interpreter, a secretary, riding at his side who did the French act for him, and while this secretary and the French minister were conversing very animatedly old Jackson, with his cloak wrapped around him, was in a state of quietude. After a while, however, he turned to the secretary and asked: "What is he jabbering about?" The secretary replied, "Mr. President, he was telling me how a French fleet could come up the broad sweep and reaches of the Potomac, get within gunshot of the capital, and how easy it would be for such a foreign fleet to take the capital." Old Jackson, that iron-nerved, lion-hearted old patriot, turned around to the secretary and said, "Take hell!" [Laughter.]

So, Mr. Chairman, the American people will reply when they are threatened with the English navy, or with the French navy, or with all the navies of the world united. To conjure up these suppositious dangers has no fear for the true American patriot. I am in favor of increasing our Navy liberally, sufficiently to make it a constabulary on the high seas for protecting our commerce and defending our flag, but for any purposes of minatory, warlike action, or of vain military display, I am opposed to it, and my people are opposed to it. They are in favor, as I am in favor, of just appropriations for the purpose of giving us a modern Navy that will give effective surveillance to all of our maritime interests, but not for the purpose of vainglorously racing with England; not for the purpose of competing with the Continental powers in any display of extravagant militarism. I represent a constituency where there is, perhaps, the largest number in any one district of the people known as "The Society of Friends." They believe, conscientiously, in peace, in arbitration, and that war is simply organized savagery. They believe in the words put into the mouth of Richelieu by Bulwer Lytton:

Beneath the rule of men entirely great,
The pen is mightier than the sword.

They dream the dream of the true statesman, and by tenets and creed strive to hasten the day described by Tennyson, "when universal peace shall lie like a great shaft of light across the land." That the world is not to-day abreast of their faith is because it is not abreast of the teachings of the Prince of Peace. A great navy, tempting us to embroilment and foreign war, is one thing; a navy of modern construction and sufficient in size to protect our coast line and commerce, is another. I believe the American people, respecting the advice of the fathers of the Republic so far as applicable to the changed conditions to-day, desire the latter; and even though they do not, the "jingoist" who represents them is subject to the limitations of a reduced reserve and cofferless Treasury. Although nearly 90 per cent of any appropriation contemplated by the amendment of the gentleman from Indiana would be expended in my own State; although in my own district and county magnificent ships can be built, I hesitate to support the increase. At Chester some of our finest vessels have been built, both for our national and commercial navy, among them that magnificent vessel, the finest ship of its class that ever sailed the sea, "a thing of beauty and a joy forever," whose builder was maligned and, through the action of the Democratic Secretary of the Navy, hampered and halted in the payment for it—the United States steamer *Dolphin*. Both builder and ship have been vindicated. It has been demonstrated by the present Secretary, Mr. Herbert, that of her class there is no vessel excelling her. She first ran from the ways of the shipbuilder into the tide water of the Delaware in one of the counties of my district. Nothing ever appertaining to her was "structurally weak" save the vicious attacks made upon her and her builder—that grand old man, the father of the American modern navy and faithful friend of protection—the late John Roach. [Applause.]

I feel that in voting for four ships now, instead of six, we go to the extreme limit, if we take into consideration the fact, among other arguments, that the types of modern vessels are constantly and quickly changing, and that possibly before these ships are built and launched there will be so radical a change in these fighting platforms, in these magnificent battle ships—into which we put millions of dollars—that it may be that the money would be wasted, as it has been wasted, absolutely wasted, in the construction of other vessels before this. I take it that the committee's action was wise in coming to the conclusion in favor of four ships instead of six. I thought it would be prudent, at a time when the sentiment of the House seemed favorable to a moderate increase of the Navy, to vote in subcommittee for six ships rather than four; but I believe——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. ROBINSON] has expired.

Mr. ROBINSON of Pennsylvania. I ask for two or three minutes more.

Mr. BOUTELLE. I yield to the gentleman.

Mr. ROBINSON of Pennsylvania. But I believe now that the considerate judgment of the committee as reported in the bill is right. We wrestled with the question for a long time. We debated it in committee again and again, and we came to the conclusion finally that in authorizing 4 ships at this time (for, as the chairman of the committee will explain, we are practically undertaking to build 6 ships, the 2 provided for by the last Congress not having been fully appropriated for)—we are building 6 ships within a short space of time and we go far enough in the direction of increasing the Navy of this country—not increasing it for the purpose of war; not increasing it for the purpose of parading belligerently a navy around the world, but increasing it for the proper purpose, of policing the seas, of guarding our coasts, of looking out for the commercial interests of our country as against the predatory commercial disposition of England and the other great powers. We will receive the just approval of our constituents and of this Republic, which, upholding and defending the cause of self-government and civil liberty on this hemisphere, at the same time deprecates "jingoism" and all that savors of it. [Applause.]

Mr. HANLY. I yield the remainder of my time to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, during the nine years that I have been a member of this House I have never failed to support the most liberal appropriations for the increase of the Navy. In one Congress I went so far as to vote with the gentleman from Maine [Mr. BOUTELLE] to recommit a naval appropriation bill to the Committee on Naval Affairs with instructions to report a provision for the construction of more ships.

I have listened here with great pleasure to the speech of the gentleman from Indiana [Mr. HANLY]. It is a speech that gladdens my heart, coming as it does from the State of Indiana. We have heard far different music from that State in the years that are past. There has been here a statesman from Indiana who has boldly asserted upon the floor of this House that half a dozen canal boats were enough for the American Navy. His hatred of the Navy became almost proverbial.

I have listened with equal interest to the speech of the gentleman

from California [Mr. JOHNSON]. It was melody from the Pacific Coast. These gentlemen have spoken of the present and the future; no one has spoken of the past. We must judge of the future by our experience in the past. The past shows that a strong navy is a vital necessity to every free and independent nation. From the day when the Greeks defeated the Persians in the Bay of Salamis down to the present time the navy has always been a vital factor in the history of nations. Hannibal crossed the Alps and descended upon the fertile plains of Italy. He remained there seventeen years—longer than Napoleon maintained his supremacy in Europe. He was at last defeated, not by Roman armies upon the Peninsula, but by the Roman galleys and triremes. A Roman navy transported the troops of Scipio from Italy to the African coast, changing the seat of war, and forcing the withdrawal of Hannibal. His decisive defeat at Zama was the result of the operations of the Roman navy.

Without a navy, sir, we never should have been successful in our Revolutionary war. In the darkest hour of our struggle then the sky was illumined with the flames of the *Bon Homme Richard* and the capture of the *Serapis* by Paul Jones. He kept the whole coast of England in continuous alarm with his little war ship. Indeed, sir, from the day when William the Norman landed in England that country was never invaded until Paul Jones landed his sailors and plundered British estates.

But, sir, there was another navy that made its mark in our Revolutionary history. It was the French navy, under d'Estaing and the Comte de Grasse. It was the French navy that forced the surrender of Cornwallis at Yorktown. Without the presence of the French navy there would have been no capitulation. Without the French navy the few British ships under the command of Admiral Howe at New York would have sailed up the Chesapeake and have relieved the British general from his untoward position. So it is that I say this country would not have been free and independent and the nation it is to-day without the assistance of the French navy.

Let us go a little further. After we had gained our independence France had her own revolution, upon which the structure of an empire was founded. Napoleon became emperor—the admiration and at the same time the fear of the world. We seem to believe that Wellington defeated Napoleon. Ah, Mr. Chairman, that is a great mistake. Wellington gained the battle of Waterloo, but the man primarily responsible for the destruction of Napoleon was Lord Nelson. The French fleet was the right arm of Napoleon, and Nelson repeatedly destroyed it. When Napoleon had secured an alliance with Holland an English fleet rendered the Dutch fleet useless. When the alliance with Denmark was made, and its purpose was to secure the assistance of the Danish fleet, it was Lord Nelson who bombarded Copenhagen and seized the Danish fleet. When the Emperor Paul of Russia was ready to make an alliance, it was Nelson in the Baltic who broke off the negotiations by threatening the Russian fleet.

It was Nelson who destroyed the French fleet in the Bay of Aboukir and shut up Napoleon in Egypt. It was Nelson who maintained English supremacy in the Mediterranean in spite of all of Napoleon's efforts against him. It was Nelson who caused England to disregard the provisions of the treaty of Amiens and retain her grip on the island of Malta. It was Nelson who destroyed the Spanish fleet at St. Vincent and the combined Spanish and French fleets at Trafalgar. Napoleon's final destruction was due to Nelson and the British navy. France was isolated—cut off from the rest of the world by his operations. She had no intercourse with the outside world. She had neither exports nor imports. Her commerce was destroyed. She was compelled to feed upon herself. She was forced to furnish her own supplies, artillery, and munitions of war. Provisions and men finally gave out. France had exhausted herself, and Wellington finished the work begun by Nelson. It demonstrated the value of the British navy. It had won for England the greatest fight of modern times, and fastened upon her the greatest national debt in the whole world.

Now, Mr. Chairman, let us come down the aisles of time to the war of 1812. Is there anything on the land except Macomb's one fight at the Saranac upon which we can plume ourselves? The battle of New Orleans, remember, was fought after the treaty of Ghent. When Hull had surrendered at Detroit, when Scott had been captured after Lundy's Lane, when the American Army had been driven back across the Niagara, when Wilkinson had made his fiasco upon the border, and the whole nation was plunged in the darkness of gloom and despair, the glorious news of the victory of Perry on Lake Erie and of McDonough on Lake Champlain aroused the enthusiasm of the people anew and excited their patriotism to the utmost pitch. And there was glorious music on the ocean. Decatur, Barron, Bainbridge, Hull, Stewart, Porter, and a score of American naval heroes were driving home the iron pellets of liberty. These were the victories that forced England to the treaty of Ghent, and which made her acknowledge that thereafter American vessels should be free from search upon the high seas and American sailors free from danger of British impressment.

Now let us speak of our own internal troubles over thirty years ago. The Confederacy was ranged on one side and what was left of the Union on the other. Who segregated the Confederacy? Was it Sherman? Why, it had been torn in twain a year before the march to the sea; torn in twain by Farragut, Porter, and Foote. The Mississippi River had responded to the prediction made by John A. Logan on the floor of this House in 1861. It was again made a free American river. New Orleans was in the hands of Farragut before McClellan had got through fighting on the Peninsula. The American Navy closed the ports of the Confederacy and sealed them as the ports of France had been sealed by Nelson fifty years before. It was the American Navy that forced the victorious result. Without it there might have been to-day two confederacies, one North and the other South. With it the Union shall ever be preserved.

Mr. Chairman, I said in the beginning of my remarks that we must provide for the future in the light of the past. Within one year we have had a lesson in naval warfare which we should heed. The little Kingdom of Japan, with scarcely thirty-five millions of inhabitants, has overwhelmed the oldest, the richest, and the most populous Empire on the face of the globe. It did it within six months. Where would Japan have been but for her navy? It was the navy of Japan that did the work. The Yalu will live in history at the side of Trafalgar. Let us heed well the lesson.

There are war clouds on our own horizon. No matter who made them, they are there. If we work and act in accordance with what we have heretofore proclaimed on the floor of this House, we will make liberal provision for battle ships of similar type to those that destroyed the hope of China. We have been threatened by an island nation, the same as Japan, with a navy far more powerful. We have to-day at least three causes of irritation with that nation. There is the Venezuelan question, there is the boundary question in Alaska, and there is the question of our fur-seal fisheries. The Bering Sea Commission recommended an appropriation of over $400,000 to pay England for destroying our property in that sea, but the House voted down the proposition.

Did you mean it when you voted it down? Did you mean to accept the necessary and natural consequences arising from your action? If so, now is the time to show it. Did you mean it when you voted unanimously to sustain the recent declaration of the Monroe doctrine? If you did, prove it by your vote. [Applause.] Did you mean it when you bade defiance to Spain by your vote on the proposition to recognize the belligerency of the Cuban patriots? If so, enunciate it by your vote on the amendment offered by the gentleman from Indiana [Mr. HANLY]. If you mean business, do business, for this is the time and this the hour to do it.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, has the time on the other side been exhausted?

The CHAIRMAN. The time on the other side is exhausted.

Mr. BOUTELLE. Mr. Chairman, I will say but a few words. There are some things which it seems to me ought to be said. There is really no question here in regard to the desirability of going forward with the work of building up the American Navy. This bill brings an assurance to the House from the committee that we are heartily in favor of continuing this work. I have been somewhat identified with our progress in naval construction during the last twelve or thirteen years, and have generally been regarded as favorable to a liberal increase of our naval armament from time to time. I feel very much gratified at the pleasant references that have been made to my service in that regard by the gentleman from Indiana [Mr. HANLY], my colleague from Ohio [Mr. HULICK], and others, and I desire to say to them and to this House that I feel great satisfaction and pride in having emulated all of the liberality and enthusiasm of my previous record in this regard by presenting to this House to-day for its consideration, and, as I confidently believe, for its indorsement, provision for the largest amount of tonnage and for the largest expenditure for ships of war ever requested of the House of Representatives or of the Senate of the United States.

The appropriation bill now pending in this House carries an authorization for 4 battle ships and 15 torpedo boats, which constitute an aggregate of about 45,600 to 46,000 tons of displacement. That is by far the largest authorization that has ever been made in the history of our naval progress in any one bill. I made a brief computation a few moments ago, by which I find that the largest amount of tonnage previously authorized was in the first session of the Fifty-first Congress, when I had the honor of being chairman of the committee, when the authorization amounted to 33,550 tons. The largest previous authorization for the construction of ships amounted to only 25,600 tons. This act, as I said, carries an authorization for about 46,000 tons of the most expensive and powerful war ships ever authorized by this Government.

The same facts are true in regard to the liberality of provision for these vessels. I hold in my hand a statement in detail of the authorization of ships and the amounts appropriated in every bill since 1885. This statement covers all of the appropriations except

those for the *Chicago*, the *Dolphin*, the *Boston*, and the *Atlanta*, which should be also included in the new Navy; but this statement begins with my service upon the committee.

Mr. HANLY. Will the gentleman yield for a question?

Mr. BOUTELLE. If it is only a brief one. I have but half the time which the gentleman had.

Mr. HANLY. Is it not a fact that the Fifty-first Congress, at its first and second sessions, appropriated or authorized, for the building of the new Navy, under the head of "Increase of the Navy" no less than $26,582,000?

Mr. BOUTELLE. I do not know why the gentleman should want to ask that question when I was about making the statement. I have the papers in my hand. I am not talking about how much was appropriated at any two or three or four sessions of Congress. I am speaking of the annual appropriation bills. When we have made another bill next year we shall know how much this Congress has appropriated.

Mr. HANLY. The fact is as I have stated.

Mr. BOUTELLE. I am discussing the appropriation of this year, and as compared with any previous appropriation or any previous authorization of ships it is far the largest. The largest authorization of vessels prior to the Fifty-first Congress was in 1885, when the aggregate cost of all the vessels authorized was not to exceed $10,128,000. The next highest was in the first session of the Fifty-first Congress, when we began the construction of battle ships and authorized three of them. That bill made an authorization limit of $15,225,000. The bill of March 3, 1885, which authorized an expenditure of $10,128,000, made appropriations for only $3,500,000, leaving the larger part of the appropriation to future years. The act of June 30, 1890, which provided for the first seagoing battle ships and which authorized an expenditure of $15,225,000, made an appropriation to carry forward that work of $8,120,000. I might follow down and say that the act of March 2, 1892, provided for the authorization of vessels to cost $7,500,000 as the outside limit exclusive of armament, and appropriated $4,900,000. The act of March 3, 1893, provided for 3 gunboats of 1,200 tons.

That was the parting contribution of the present distinguished Secretary of the Navy, who left the chairmanship of the Naval Committee of this House to accept his present Cabinet position. That bill provided for 3 gunboats of only 1,200 tons each, the authorization of expenditures being only $1,200,000, and the bill carried no appropriation for carrying on the work of the Navy on these and the vessels then under construction. We had a good deal more money in the Treasury then than we have now. The act of July, 1894, provided for no construction whatever. It was believed by the committee at that time, my distinguished friend from New York [Mr. CUMMINGS] then being the chairman, at the request of or suggestion of the President of the United States, that Congress should regard the depleted condition of the Treasury before entering upon any new obligations for expenditures of that kind, was sufficient justification for making no provision in that Congress for any new ships whatever; and the bill appropriated $9,955,000 for carrying on the work of the construction of vessels already authorized.

Then we had a change. I do not know that the political situation had anything to do with this matter, but between the second and third sessions of the Fifty-third Congress a great popular revulsion changed the complexion of the House of Representatives; and then we had the experience that the committee, which, on the 26th day of July, 1894, deferring to the recommendation of the President that we consider the depleted condition of the Treasury before providing for more ships, on March 2, 1895, when the Treasury certainly was not in a much better condition, they came in with a recommendation of 2 battle ships and 6 gunboats and authorizing an expenditure thereon of $5,905,000. They made an appropriation for carrying on the work upon vessels under construction, and a very small appropriation for making the plans, etc., of the 2 battle ships. The aggregate appropriation carried by the bill was $13,304,000.

Now, right there I want to call the attention of the House to a fact that is important in the consideration of the question now before us. As a matter of fact, while this committee authorizes in this bill the construction of four additional battle ships, this appropriation bill is really inaugurating the construction and providing for the beginning of the construction of six battle ships. The act of March 2, 1895, providing for two battle ships, did not appropriate any money for the construction of those vessels. It did provide a small sum, in one of the items constituting the aggregate of the appropriation bill, to carry on the work of drafting and designing these ships; and, although the Department was ready to advertise for bids for the construction of these vessels on the 2d day of March, 1895, they were not put under contract until the 2d day of January, 1896. No provision was made for their construction last year. We are making provision in this bill for the construction of those ships. We are carrying in this appropriation all the money that the Secretary of the Navy has estimated can profitably be spent on these two ships this year, and it will be the first money expended on them. They will be the children of this Congress, if I may use that expression in regard to ships. We are providing their first sustenance, and are going forward building them.

In addition to these two ships we have stretched the limit of liberality by providing for four more of these most expensive ships ever authorized by the Government.

The table from which I have taken the foregoing figures is as follows:

*Increase of the Navy.*

| Date of act and object of appropriation. | Amount authorized. | Amount appropriated. |
|---|---|---|
| **Under act of Mar. 3, 1885:** | | |
| Total under this act | $2,905,000 | $1,805,000 |
| **Under act of Aug. 3, 1886:** | | |
| Maine | 2,500,000 | |
| Texas | 2,500,000 | |
| Baltimore | 1,500,000 | |
| Cushing | 100,000 | |
| Double-turreted monitors | 3,178,000 | |
| Vesuvius | 350,000 | |
| Total under this act | 10,128,000 | 3,500,000 |
| **Under act of Mar. 3, 1887:** | | |
| Monterey | 1,000,000 | |
| Concord | 550,000 | |
| Bennington | 550,000 | |
| San Francisco and Philadelphia | 3,000,000 | |
| Newark (increased) | 200,000 | 1,500,000 |
| On vessels previously authorized | | 2,420,000 |
| Armament previously authorized | | 2,128,362 |
| Armor and gun steel previously authorized | | 4,000,000 |
| Total under this act | 5,300,000 | 10,048,362 |
| **Under act of Sept. 7, 1888:** | | |
| Cincinnati (No. 7), 3,000 tons | 1,100,000 | |
| Raleigh (No. 8), 3,000 tons | 1,100,000 | |
| Cruisers 9, 10, and 11, 2,000 tons, $700,000 each | 2,100,000 | |
| Armored cruiser New York (No. 2), 8,150 tons | 3,500,000 | |
| Armored cruiser No. 6, 2,500 tons | 1,800,000 | |
| Steel practice vessel for United States Naval Academy, etc., 800 tons | 200,000 | 200,000 |
| Toward the construction and completion of vessels heretofore and herein authorized by Congress | | 3,500,000 |
| Toward armor and armament of vessels heretofore and herein authorized | | 2,000,000 |
| Total under this act | 9,800,000 | 5,700,000 |
| **Under act of Mar. 2, 1889:** | | |
| Armored cruiser, monitor, 3,000 tons | 1,500,000 | |
| Dynamite cruiser No. 2 | 450,000 | |
| 2 gunboats, Nos. 5 and 6, 1,000 tons | 700,000 | |
| 1 ram, 17 knots, 2,050 tons | 930,000 | |
| For the purchase of rapid-firing guns | 50,000 | 50,000 |
| Toward the construction and completion of vessels heretofore and herein authorized | | 4,055,000 |
| Toward armor and armament of vessels authorized by act of Mar. 3, 1885; of the vessels authorized by sections 1 and 2 of the act of Aug. 3, 1886; of the unfinished monitors mentioned in section 3 of same act; of the Miantonomoh; of the vessels authorized by act of Mar. 3, 1887, and of those authorized by act of Sept. 7, 1888 | | 2,500,000 |
| Total under this act | 3,630,000 | 6,605,000 |
| **Under act of June 30, 1890:** | | |
| 3 seagoing coast-line battle ships, 8,500 tons, $4,000,000 each | 12,000,000 | |
| 1 protected cruiser, 7,300 tons, 21 knots | 2,750,000 | |
| 1 swift torpedo cruiser, 740 tons, 23 knots | 350,000 | |
| 1 torpedo boat | 125,000 | |
| Toward the armament and armor for vessels authorized by act of Mar. 3, 1885; sections 1 and 2 of act of Aug. 3, 1886; of the unfinished monitors mentioned in section 3 of the same act; of the Miantonomoh; of the vessels authorized by act of Mar. 3, 1887; of the vessels authorized by act of Sept. 7, 1888, and of those authorized by act of Mar. 2, 1889 | | 2,500,000 |
| Gun plant, Washington Navy-Yard | | 145,000 |
| Toward construction and steam machinery | | 5,475,000 |
| Total under this act | 15,225,000 | 8,120,000 |
| Under act of Mar. 2, 1891 (1 cruiser) | 2,750,000 | 4,400,000 |
| Under act of July 19, 1892 (1 cruiser and 1 battle ship) | 7,500,000 | 9,400,000 |
| Under act of Mar. 3, 1893 (3 gunboats) | 1,200,000 | 7,125,000 |
| Under act of July 26, 1894 | | 9,955,000 |
| Under act of Mar. 2, 1895 (2 battle ships and 6 gunboats) | 5,905,000 | 13,304,000 |

I brought into this House, under the instructions of my committee, in 1890, a bill carrying only three of these ships, at a time, Mr. Chairman, when we had probably $100,000,000 surplus of revenue in this country, and when our system of providing income for this Government was rolling up funds in the Treasury vaults to an extent that the surplus in the Treasury was made the slogan

and war cry of our political opponents from one end of this country to the other. Then, when the committee recommended the construction of three of these ships, the present Secretary of the Navy, then the senior Democratic member on the Committee on Naval Affairs, took the floor and opposed the construction of more than two; and he did it squarely on the ground that we ought not to go too fast. He took the ground then that he did not think we ought to have many of these ships, and he said in that speech, which I have in my desk, that he thought five or six would be enough. We have six under construction to-day; and he thought it extravagant, that we were going too far, in providing for the construction of three of these ships in one bill and that we ought to take advantage of the improvements that were likely to be made and spread this expenditure over a long period.

I want to advert to a statement made by my colleague, the gentleman from Indiana, which I have no doubt he made in good faith, and in which I have no idea he intended to create a misapprehension; but he did. He has given this House an impression—and I state that upon statements that have come to me from gentlemen around me—that I, the chairman of the committee, am so inconsistent that whereas I advocated provision for 10 battle ships in the Forty-ninth Congress, to-day I am only willing to give 4. The gentleman tells me he did not use the word "battle ships."

Mr. HANLY. I said "war ships."

Mr. BOUTELLE. Well, if the gentleman said "war ships," the impression made was the same.

Mr. HANLY. I say "war ships" yet.

Mr. BOUTELLE. The gentleman proposed unquestionably, if he proposed anything, to convict me in some way of an inconsistency; and he has utterly failed to do so. In the Forty-seventh Congress, on the 14th day of February, when the naval appropriation bill was before the House—and mark you in the year 1887, at the time when money was fairly leaking from the vaults of the Treasury, they were so full—I made a motion on this floor that we provide for 10—what? For 10 protected cruisers. Now, what is a protected cruiser?

Mr. HANLY. War ships.

Mr. BOUTELLE. Well, Mr. Chairman, the gentleman seems to think that "war ship" is a distinctive term, and that it is just as impressive if he accuses me of favoring the construction of a torpedo boat as if he accuses me of favoring the construction of a battle ship. But if the gentleman had read the motion carefully he would have seen just what it meant.

Mr. HANLY. I have read it.

Mr. BOUTELLE. Then why did not the gentleman say so?

Mr. HANLY. I have said so.

Mr. BOUTELLE. That motion proposed to provide for 10 protected cruisers, specified the size of the vessels, allowed ample time for their construction, and provided that the expenditure should be spread over a sufficient period. The aggregate cost of those cruisers, exclusive of armament, was to be $15,000,000, "which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated; to be available during five years from March 4, 1887." So this immense mountain of extravagance which I was accused of having advocated, so far as the House understood the charge, turns out to be a motion to provide for 10 protected cruisers, to cost $15,000,000, and to be paid for in five years, involving an expenditure of about $3,000,000 a year.

Mr. HANLY. Exclusive of armament.

Mr. BOUTELLE. Exclusive of armament. That, Mr. Chairman, was my extravagant proposition made in 1887. Now, I do not know that it would have any great effect upon the judgment of the House as to the merits of this bill if I had been convicted of absolute inconsistency; but I want to say to my young friend that I stand to-day not only in as liberal an attitude as I then occupied, but I go beyond it, for I have not limited myself in this bill to asking this House to provide for an expenditure of $3,000,000 a year for the next five years for the construction of a few cruisers. I stand here now recommending a provision for the building of four first-class battle ships that are to cost in the aggregate, exclusive of their armament, $3,750,000 each, and that, on the basis of the latest bidding, will make them cost, when completed and armed, between $5,000,000 and $6,000,000 apiece, if not more than that. Instead of the small appropriation, the small annual expenditure, that was proposed by me in 1887 for those cruisers, the bill now under consideration authorizes ships that will cost in the aggregate nearly $2,000,000 more than the aggregate cost of those cruisers. That motion of mine involved an ultimate expenditure of $15,000,000. This bill as it stands here to-day, with the authorization of four battle ships, carries an authorization of an expenditure of $16,675,000.

Mr. DINGLEY. Exclusive of armament.

Mr. BOUTELLE. Exclusive of armament, and the armament costs almost as much as the ship. Now, if we add to that the appropriations that we make in this bill, and the real sponsorship that is here assumed for inaugurating the construction of the two ships that have been contracted for at Newport News, it increases the authorization of expenditure in this bill by $4,000,000 apiece for these vessels, which makes an aggregate authorization of expenditure amounting to about $20,000,000.

We have not followed the example of previous committees in putting in the tonnage and not making appropriation. I say to the Committee of the Whole that this bill carries in the appropriations recommended every dollar that the Department has estimated can be profitably expended during the current fiscal year, and, as my friend well knows, in addition to that we are carrying in this bill a large amount of deficiencies brought over from the last appropriation for various purposes of maintaining the naval establishment. One item in this bill of $350,000 is a deficiency arising from an inadequate appropriation for keeping in repair the ships that we have already in commission. We have granted it and made it immediately available for use this year, and we have added that deficiency to the full amount appropriated last year for that purpose, so that we ask the House to appropriate for the coming year $1,250,000 to keep our ships in repair, as against $900,000 carried in the last bill.

Now, Mr. Chairman, I think I have made it tolerably plain to the House that this is by no means a mean or an ungenerous appropriation. It is an extraordinary and, in view of the condition of our finances to-day, it is an extravagant provision for the public safety. I want to say to the gentlemen of this Committee of the Whole, every one of whom bears to some constituency and to the country at large the same responsibility that rests upon me—although perhaps for the moment, in regard to a particular measure, I may, and I hope I do, as I ought to, feel a special responsibility because the House has honored me with a special trust—I want to say to all of you gentlemen that it is your duty as well as mine to consider the propriety, to consider the expediency, to look like statesmen and public servants at the appropriations and the various provisions made by this Congress.

We are pledging the people of the United States to large expenditures. The building up of a new navy has cost large sums of money. The expenditure has not been extravagant. It has shown splendid fruits. I ask this House to repose in me in these few closing remarks just such confidence as it may see fit to do, when I say that with a long experience in connection with shipbuilding and with a comparatively long experience in service on the Naval Committee—notwithstanding the statements which have been made here with regard to the facility with which we can supply these vessels with armor and guns—I say to you we have had these same assurances in the past. While I accord the highest credit and praise to these great steel-producing plants for overcoming the difficulties under which they have labored and for getting these works forwarded as they have, I do not believe that providing in this bill for six battle ships additional would give us the last of those ships one month earlier than if we appropriate for four now and follow that action up hereafter with a provision for other vessels.

I know that this is not simply a question of setting those works in operation on the 1st day of January and running them at full capacity through the year. I know practically that for a large portion of this armor they have got to wait until the ship reaches a certain stage of her completion in order that accurate measurements may be taken from the completed hull before they can begin to finish up the armor for those vessels. Therefore, for every ship additional that we authorize we crowd additional work into a limited period.

It does not answer this argument to come in here and show that a certain output of necessary material may be relied upon on an average, working all the time. We must take actual experience; and if I had time I would show, as I shall perhaps take the liberty of showing more fully in my extended remarks, that delays have continued up to last year, and that it is only within a very short time that the battle ships which I had the honor to report to this House in 1890—six years ago—have received the last of their armor.

That has been answered by the statement, "We have gotten over all the difficulties, and now we can do an unlimited amount of work." I do not think that is so. I think there are yet limitations, and that if we provide, as we shall if this bill is passed as printed, for beginning—mark you, beginning—after this date the construction of six of these great battle ships, which can not be put under contract and started before January, we are not only entering upon the largest amount of ship construction in the history of this Government, but we are taxing our facilities to a very great extent.

In regard to the type, I have never encouraged the argument that we should not build ships or guns to-day because some better ones may be built to-morrow. Following that argument, we would never build any. I have heretofore stated in this House, and I repeat to-day, that I believe the general type and character of the battle ship which is designed by the American Government to-day is not only by all odds the best, the most powerful in any

navy in the world, but I believe that the type is substantially fixed for some time to come. I can not guarantee that, however, in this age of discovery. In view of the discoveries and inventions of the last few years—in view of some of the marvels of the last few months—he would be a bold man who would dare to say there will be no great change within an early period. But I am satisfied that we are justified in coming forward now and adding to our naval force upon an approved type that is believed to be to-day substantially on the right line for some time to come. But it is not true, any more than it has been in the past, that we can not improve even from month to month.

The *Iowa* is claimed to be an improvement upon the *Indiana*. The battle ships that are to-day under contract at Newport News are claimed to be superior in important respects to the *Indiana* and the *Iowa*. The *Indiana*, the *Massachusetts*, and the *Oregon*, concerning which I say freely that I believe they are the finest completed ships in the world, were experimental ships with us. They were the first battle ships that we had ever tried to design; and they reflect eternal honor upon their designers. It was a marvel for us to be able to step into this untrodden field and in the first three great fighting ships that we put afloat show that we could not only build ships here of a character almost as good as those constructed in the great shipbuilding establishments of Europe, where they have been engaged for generations in that work, but that we had actually built ships that are conceded by British naval architects, by experts from Japan, and by other maritime powers to be the most powerful vessels in the world.

But nevertheless, as I have said, the *Iowa* was an improvement, and to-day the *Indiana* is lying somewhere inside the points of Port Royal waiting for some extraordinary rise of the tide or some interposition of Providence to enable her to get into a dry dock, because she draws too much water for that dry dock, or because the harbor has not as much water as it ought to have. In view of that fact, the Department, in designing the two ships now under construction at Newport News, has modified, wisely and beneficially, as I believe, the design——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. BOUTELLE. I ask a few minutes additional.

Mr. WATSON of Ohio. I ask that the gentleman from Maine be allowed so much additional time as he may desire to finish his remarks.

Mr. HANLY. I hope that will be granted.

There was no objection.

Mr. BOUTELLE. I am very grateful to the committee for its courtesy and certainly will not abuse the privilege accorded to me.

Mr. GROSVENOR. If the gentleman will permit me, I would like him to give the committee information, that he can give, in regard to the facilities the Government possesses for docking the great war ships.

Mr. BOUTELLE. I will do so with pleasure if the House desires the information.

But right here let me say, first, that the modification of the models of these ships, by which less draft is secured, is, in my judgment, a very great and marked improvement. But the modifications which have been made afford no substantial criticism of the work of the designers of the first three battle ships constructed, all of which can enter a large number of our harbors, and for all of which there will be adequate docking facilities during the present year at certain points.

But the weights of the great battle ships are an enormous factor in calculation; and in the evolution of these great engines of war, from the incipient plans until they are finally assembled, we have the best result of the study, the experience, and the knowledge of naval construction, which has resulted in building larger ships than were at first contemplated. While their drafts, I will say, are marvelously in accord with the calculations of the designers—indeed, I may say, it is one of the most marvelous things in naval architecture, the accuracy with which these calculations are made—yet it was deemed advisable to have these vessels of less draft if possible, without impairing their usefulness in other ways, and so these two ships last contracted for have been given more floor space—more beam—so that they have less draft, and will be able to enter ports that the other vessels could not enter. Another reason why there have been changes, not of a typical or fundamental character, not in contravention of the desirability of having built the former ships of the Navy, but most desirable in the way of modification and improvements, is that we have in this regard availed ourselves and naval construction has availed itself of the ingenuity—the marked ingenuity and skill—of the American people. For instance, if we were to sit down to-day and determine to build 40 great battle ships in a single year, believing that there would be no improvements hereafter, we would be false to our trust in the American people's skill and ingenuity and commit a very serious blunder. These improvements will come from time to time.

I believe by distributing the construction of the vessels through a considerable length of time we will obtain better results, that we will have the advantage of improvements and discoveries that develop from time to time, and that it is much better for all concerned, instead of creating workshops to an extent almost sure to involve to some degree the slighting of the work and the forced preparation of material as well as the hasty assembling of the parts, to extend the construction over a reasonable length of time.

Mr. STEELE. If the gentleman will permit me, I would like to know the truth regarding the *Texas* and one other vessel, if the gentleman from Maine is prepared to answer. If he does not deem it desirable to do so, I hope he will not regard the inquiry.

Mr. BOUTELLE. Well, the gentleman has asked a question with regard to the *Texas*. I will answer as best I can. The *Texas* is a second-class battle ship, and while I may have an impression in regard to it, yet I have not the absolute data which would enable me to discuss her condition in a satisfactory manner to myself. I will simply state to the House that some years ago plans were advertised for and a premium offered for the plans, and one set was presented and accepted from a firm of English constructors for a "second-class battle ship"—I think we call such ships now. The plans were accepted and the ship was put under construction. At the same time the Bureau of Construction and Machinery in the Navy Department prepared plans for a somewhat similar vessel. The Secretary of the Navy placed the vessel that subsequently became the *Texas* under construction at Norfolk, and the vessel that became the *Maine*, from designs furnished by the Navy Department itself, at New York, and the construction went forward with various degrees of criticism until they were both put into commission within the past year. I am justified in saying (while beyond the compliment which the Secretary of the Navy [Mr. Whitney] kindly paid to my State in giving her this name I am not personally interested in the ship) that she is believed to be a fine vessel and reflects great credit on the Bureau of Construction and Steam Engineering as well as the Ordnance Bureau. Officers who are acquainted with the ship and who have served on her speak very highly of her. The *Texas*, when put into commission and put into the dry dock in New York displayed a certain degree of weakness about some portion of the construction which could be discussed better by a naval constructor than myself. There have been various explanations of it and various views expressed in regard to it.

Mr. CUMMINGS. If my friend will allow an interruption, I hope he will call attention to the fact that this ship was built from plans furnished by an English concern.

Mr. BOUTELLE. That is true. Perhaps I did not bring that out clearly enough, although I stated that the plans were purchased from England. Among the plans that were put in competition came this plan from this English concern. It was accepted by the Secretary as the best plan, and was paid for. I ought to say that our Bureau of Construction in the Navy Department condemned the plans, if I remember, stating that they were defective in some fundamental particulars; that the vessel had not flotation enough, and that she would not carry the armament, etc., which it was believed by the Department she ought to carry.

There were various criticisms about her construction. I do not want to go into details about them; it is too small a matter. There was a widespread impression that, in order to meet the criticisms of the Bureau, she had not sufficient flotation, that those in charge of her construction lightened her material too much in order to help her float, and when she was put in dry dock in New York and took her bearings on the floor of the dry dock her framework, or scantling as they call it in naval nomenclature, was not heavy enough to hold up the side superstructure, and it crumbled. When she was in the water the water bearings held her up all right. Now she has been sent to Norfolk to be repaired, to be strengthened. I understand that the constructor who had charge of her building claims that she can be so repaired as to be an effective ship.

Mr. CUMMINGS. The gentleman who constructed her was the gentleman who docked her?

Mr. BOUTELLE. Yes, as my friend says, the gentleman who constructed her was the same gentleman who superintended her docking when she met with this mishap. Now, the whole question of the *Texas* is likely to be examined into hereafter, and therefore I will not say anything more than that she did not prove entirely successful. She is now in the dry dock for repairs at Norfolk, and the degree of success which may attend the attempt to repair her and make her a first-class ship has not been fully disclosed.

The gentleman from Ohio [Mr. GROSVENOR] asked me to make a statement about the dry docks. I will endeavor to do so briefly and succinctly. Of course you will all understand that the old stone dry docks of the old Navy are not at all available for any of our larger new ships. These modern vessels are enormously longer and larger than the largest of our old ships. We began some

years ago the construction of modern and, as we believed at that time, as the debates will disclose, extraordinarily large timber dry docks. We built one in New York. I should like to have my friend from New York [Mr. CUMMINGS] follow me, and if I omit any of these facts, I ask him to prompt me.

We built a new timber dry dock in New York that was at the time believed to be an enormous structure. I thought it was. We authorized one to be built at League Island, and we authorized one to be built at Norfolk. All of them were immensely larger than the old wooden docks at those places. They have been completed. They are fine docks. They accommodate all the ships in the Navy except nine. They were amply large for the vessels we were then constructing, but in the evolution of our Navy, when we came to build the great cruiser *New York*, and followed that up with these enormous battle ships, we built our ships too big for their houses, and the dry docks were too small. We then authorized a new timber dry dock, a larger one, at New York. There was a great deal of difficulty in the construction. The contractor failed, and one difficulty followed another. Finally the contract was broken, a new contract was made, and I understand that dock will be opened during the coming summer for the reception of ships. It is amply large, and with ample draft, as I am advised, to dock any of our cruisers or any of our battle ships.

The dock at League Island is in the same category as the others. It is large enough for all of our ships except those very largest ones.

Some years ago we authorized a dry dock to be built at Port Royal, a timber dock. It was believed that that dry dock, which was only opened this spring, was large enough and deep enough for our largest ships. I never had a suspicion but that it was. It was designed, I think, to have 26 feet of water over the sill. The *Indiana* was sent down there to be docked because the large dock in New York was not completed and the other docks were too small. She is there to-day. They have not yet had water enough to get her into that dock. I think that 24 feet and a few inches is the greatest depth of water they have had over the sill up to this time, and I understand—although I have no official information—that the ship is waiting for a higher course of tides.

Mr. TERRY. Speaking of the size of these ships, I will ask the gentleman if there are any of the ports south of Hampton Roads that these large battle ships can enter?

Mr. BOUTELLE. I will say to the gentleman that if he will give me the depth of water over their bars, I will tell him in a minute. I am more familiar with the draft of the ships than I am with the depth of the water in those harbors.

Mr. TERRY. The draft of the ships is 25 feet or more, is it not?

Mr. BOUTELLE. No, sir; these contracts for ships to be built at Newport News provides for 23 feet 6 inches.

Mr. TERRY. There are very few Southern ports that they could enter.

Mr. BOUTELLE. My impression was that they could enter all.

Mr. TERRY. I am not sure of it.

Mr. BOUTELLE. They can enter Mobile. It is confidently claimed by my friend from New Orleans that the *Indiana* or any of that class of vessels can enter the mouth of the Mississippi. They can certainly get into Mobile Bay, and I think they can get into Pensacola.

Mr. TERRY. I will state to the gentleman from Maine that I have been informed that the draft of these battle ships is over 25 feet, and that with that draft they can not enter the Southern ports. I have been further informed that the time for which they carry coal is very short. Will the gentleman state for how many days they carry coal?

Mr. BOUTELLE. I can not tell the gentleman offhand. I can do so readily by referring to the report. They have ample coal capacity for all the purposes for which they are required—to cruise along our coast from Nova Scotia to the Gulf, and even to cross the ocean.

Mr. TERRY. I would like the gentleman to ascertain and put it in the RECORD.

Mr. BOUTELLE. I will do that with great pleasure. So far as their entering the ports is concerned, I have understood that they will have no difficulty in entering the principal ports of the South. But these ships can not be built sufficiently powerful on a light draft.

Mr. ELLIOTT of South Carolina. I would like the gentleman to yield to me two minutes to enable me to make a statement in regard to the Port Royal dock.

Mr. BOUTELLE. I yield two minutes to the gentleman from South Carolina.

Mr. ELLIOTT of South Carolina. I regret very much that the condition of my voice is such as to make it almost impossible for me to be heard. On account of the statements that have been made about the dock at Port Royal, I beg to say that it is altogether a mistake that under ordinary conditions that dock will not be suitable for docking the great battle ships. It was built for that express purpose, and is to-day the only dock in the country that can receive the *Indiana*. I went there myself on a recent occasion when it was supposed she was to be docked, and it was a most grievous disappointment to all concerned that, on account of the peculiar conditions prevailing at that time, she could not enter the dock. That is, it was not considered safe that she should be docked, considering the fact that she was the first battle ship to be docked in this country and the first large ship to be put into that dock. The *Amphitrite* had tested the dock; but she was so small in comparison with the dock that she had to be put in twice for the purpose of covering its full length. The peculiar condition of things that made it unsafe to dock the *Indiana* was a succession of westerly winds ending in a northwesterly gale, the same which had overtaken the *Indiana* off Hatteras on her trip to Port Royal. These westerly winds had driven the water out of the rivers and caused very low tides.

That condition, as is well known, existed also at New York and on the coast of New Jersey, and also in this city, where it is said the tide fell 7 feet lower than usual. Day before yesterday I saw it mentioned in the Baltimore Sun that, in consequence of the low tides prevailing, caused by these westerly winds, ships had experienced great trouble in getting away from the wharves at Norfolk. But there will be no difficulty whatever in docking that ship under ordinary conditions. The depth of water in the dock, I was assured by the commander of the station, Captain Rockwell, was frequently 27 feet; and I am certain that within a day or two, if not to-day, news will be received that the *Indiana* has been safely docked. There need not be any apprehension, I assure gentlemen, that under ordinary conditions difficulty will be experienced in docking any battle ship at Port Royal.

Mr. BOUTELLE. I yield two minutes to the gentleman from New York.

Mr. CUMMINGS. Mr. Chairman, I want to call the attention of my friend from South Carolina to the fact that he made a misstatement, and that was that the Port Royal dock is the only dock that will take in these big battle ships. There is a dock at Port Orchard, on Puget Sound, ready for use that will take any of them.

Mr. FOOTE. That will be done in a few months.

Mr. ELLIOTT of South Carolina. But it is not completed yet.

Mr. BOUTELLE. Mr. Chairman, I have no disposition to prolong the debate any further. I will close, as I began, by saying we have here the most generous, the most liberal, and if I were not its sponsor I would say the most extravagant, naval bill that has been presented since we began the new Navy. In 1890, when the first battle ships were authorized, the present Secretary objected that we were going too fast by authorizing three. He said we had been spending annually on an average $6,000,000—with plant, about $7,000,000—for building purposes. We have reached that, and the average has been raised. By the annual provisions for new shipping, reached largely by the large appropriation of the Fifty-first Congress and by the appropriation of this bill, we reach an average of $7,783,891 in actual provisions for work in building up the new Navy, and I confidently ask gentlemen of the committee and of the House to stand by the committee in the work that it has so faithfully and painstakingly done, and I believe you will do so. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

Mr. BOUTELLE. I omitted to say, what I assume is understood, that I hope this amendment will be voted down, and I express that hope in the firm conviction that it is not only in the best interests of the Government, but of the future building up of the American Navy.

The question being taken, the Chairman declared that the noes seemed to have it.

Mr. HANLY. I ask for a division.

The committee divided; and there were—ayes 82, noes 134.

So the amendment was rejected.

Mr. FISCHER. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert in line 13, page 50, after "vided," the following:

"That if it shall appear to the satisfaction of the President of the United States that one or more said vessels and their machinery can be constructed at any of the navy-yards of the Government within the amount appropriated, he may authorize and order the same to be built at such yards as he may designate."

Mr. FISCHER. Mr. Chairman, I want to say a word about that amendment. The object of it is this: It is a well-known fact that in several of our navy-yards the Government has placed very extensive plants. Taking, for instance, the navy-yard located in Brooklyn and speaking for that, knowing it as well as I do, I may say that there is there a very complete plant for the building of ships. Machinery has been purchased and placed in the navy-yard by the Government which will perform the backing, stamping, and bending of plates as well as it can be done in any shop in this country.

Now, in my judgment it is absolutely necessary for the protec-

tion of the country in this respect that these expensive plants shall be maintained and kept in order, for this reason: If in the event of war any of our ships should be damaged, it would of course be necessary that the Government should have at all times depots for their repair. I take it that in the event of war the main naval battles would be fought in or around the harbor of New York. Of course, other battles might be fought off Boston or off Philadelphia, but suppose a battle to be fought off the harbor of New York, if in the meantime the plant in the navy-yard there had been allowed to rot and go to pieces from nonuse, it would be necessary to send any of our vessels that got damaged in the conflict to some other place for repairs.

Now, except the navy-yard at Portsmouth, where also the plant should be kept in use, there is no other place to which to send a damaged vessel but the private shipyards on the Delaware. But if she were badly injured she might not be able to make her way to those yards, or, even if the damage was not serious enough to prevent her from going that distance, it might happen that the enemy's squadron would blockade the entrance to the Delaware River and thus prevent her from reaching those private yards. It does not matter whether the Government shall order some of these vessels or torpedo boats to be built at these several yards, the building of them will have this effect: It will keep the machinery in the navy-yards in condition, so that it can be used when it is needed, and it will keep in each yard a force of men who by their skill and experience will be always able to do the work of repair in an emergency. On the other hand, the result of a discontinuance of work in the yards has been that men have left the Government employ and gone into the employ of private concerns, so that it will be necessary to reestablish the force when it is required unless by a wise policy we keep it up all the time.

It may be said that the ships can not be built as cheaply in the Government yards as they can be built by contractors. Upon that point I take issue; but my amendment is so worded that that objection can not have any force. I have carefully prepared the amendment, and gentlemen will observe that it provides that the President shall order one or more of these vessels to be built in the various yards only when he shall be convinced that they can be built there within the appropriation. At the Brooklyn yard recently were built two ships——

[Here the hammer fell.]

On motion of Mr. ODELL, the time of Mr. FISCHER was extended five minutes.

Mr. FISCHER. I am obliged to the committee. At the Brooklyn yard were built two ships, the *Maine* and the *Cincinnati*. I have heard it said that the *Cincinnati* cost so much that it was impossible to convince anyone thereafter that the navy-yards could build ships within the appropriation. But I ask gentlemen whether they know the fact that the great cost in the construction of the *Cincinnati* occurred through a fire in the machine shop in the Brooklyn yard, which destroyed the machinery——

Mr. CUMMINGS. If the gentleman will allow me, the increase was so great as to make the cost nearly double.

Mr. FISCHER. Oh, no; it was not double. The increase of cost was that which resulted from the fire——

Mr. CUMMINGS. The limit was $1,100,000, and the cost was $2,020,000.

Mr. FISCHER. Well, I will not dispute the gentleman's limit. [Laughter.]

Mr. CUMMINGS. In other words, you raise the limit. [Laughter.]

Mr. FISCHER. No; I can not afford to do that. This, like "the ships that pass in the night," of which the gentleman from California spoke, is dismissed. [Laughter.] But, Mr. Chairman, the fact is that the additional cost in that case resulted from the destruction of machinery in the machine shop in the navy-yard. But for that the vessel would have been built within the appropriation. Now, both these ships, the *Cincinnati* and the *Maine*, have turned out to be excellent vessels in their class.

Mr. CUMMINGS. May I call the gentleman's attention to the cost of the *Maine*? Her limit was $2,500,000, and her cost was $3,963,000.

Mr. FISCHER. That may be possible; but I imagine from what I know that some of these things occurred through a change of plan.

Mr. Chairman, I want to add (and I am reminded of this by a gentleman near me) that while the *Maine* was built at a cost exceeding the amount appropriated, I wish gentlemen to remember that the reason the *Maine* was ordered to be built at a navy-yard was that no contractor would take her at the figure fixed in the appropriation; nobody would undertake to build her so cheaply. And in addition her plans were altered. So that there is nothing in those figures to prove that the Government could have had that vessel built for less.

Now I ask in the interest of the Government service that the personnel may be kept up at these navy-yards; that these yards shall be kept in good order and not allowed to rot. I hope this amendment will be adopted.

Mr. DINGLEY. I wish to inquire of the chairman of the committee [Mr. BOUTELLE] whether we were correct in understanding him to state that these vessels could be built for about a million dollars less than the maximum sum named in the provision for giving out their construction by contract? If that is the case, then this amendment will authorize the building of one or more of these battle ships in a navy-yard, notwithstanding the cost might be a million dollars more than it would be if the construction were let out by contract.

Mr. FISCHER. I wish to say to the gentleman from Maine that such is not the intent of my amendment.

Mr. DINGLEY. Then the gentleman should modify the language of the proposition.

Mr. BOUTELLE. Let me say a word for the information of the House. The *Kentucky* and the *Kearsarge* were authorized to cost $4,000,000 apiece, but they are now under contract for $2,255,000 each.

Mr. FISCHER. I do not think that any language used in my amendment would authorize the construction which gentlemen seem disposed to put upon it.

Mr. DINGLEY. I suggest that the gentleman modify the language of his amendment.

Mr. FISCHER. I will do so.

Mr. BOUTELLE. The gentleman from New York will plainly see that if we put in this bill an amendment that the construction of these vessels shall not be submitted to contract, the Government will be deprived of the benefit which the provision of the bill was designed to give it, because under the amendment these vessels may cost, if the navy-yards should see fit to make them cost, the full amount of the maximum named.

Mr. FISCHER. The amendment simply provides for constructing at some of our navy-yards "one or more" of these vessels. But I modify the amendment by striking out "shall" and inserting "may."

Mr. DINGLEY. How does that obviate the difficulty?

Mr. FISCHER. The amendment will then simply provide that the President "may" order one or more of these vessels to be constructed at a navy-yard.

Mr. MILNES. I call the attention of the gentleman from New York to the fact that while this bill fixes $3,750,000 as the maximum cost of each of these vessels, it is a fact that similar vessels now under contract are costing us only a little over $2,000,000 apiece.

Mr. BOUTELLE. Let me state this matter in brief. This bill fixes the extreme limit of cost at $3,750,000; but we do not expect that these vessels will cost anything like that. If, however, the amendment should be adopted, the vessels may be built at our navy-yards, and every dollar of that sum may be spent. The amendment ought not to be adopted.

The question being taken, the amendment of Mr. FISCHER was rejected.

Mr. HILBORN. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out "one," the last word in the last line of page 49, and insert in lieu thereof the word "five"; so that the clause will read, "and five of said torpedo boats shall be built on or near the coast of the Pacific Ocean."

Mr. HILBORN. Mr. Chairman, in this bill we have provided for the building of 15 torpedo boats, but only one of these is to be built on the Pacific Coast. The effect of my amendment is to allow five of them to be built there. These torpedo boats are for use on the Pacific Ocean as well as on this side, and it seems to me that those which are to be used on the Pacific ought to be constructed on that coast. These are not seagoing vessels. If those designed for service on the Pacific are to be built on the Atlantic Coast, how are they to be transferred to the Pacific? There is no way of getting them there, and if it were practicable to take them round Cape Horn the additional expense thus caused would exceed the added cost of building them on the Pacific Coast. It seems to me that every consideration of economy demands that those torpedo boats which are to be used on the Pacific should be constructed on the Pacific Coast. I ask the chairman of the committee [Mr. BOUTELLE] to accept this amendment.

Mr. BOUTELLE. "The chairman of the committee" would be very glad to accept any amendment as a matter of courtesy to a colleague on the committee or as a matter of kindness to any section of the country if public duty would allow it.

This matter was fully considered by the committee. The difference of cost that would result from the building of four torpedo boats, instead of one, on the Pacific Coast would be comparatively slight. Yet I may be allowed to say that we were, and intended to be, very liberal and generous toward our friends on the Pacific Coast. We have reported in the bill a provision allowing one of these battle ships to be constructed on the Pacific Coast, even

though the bid for its construction there should be larger than some others, provided it be kept within a reasonable limit; and indeed all of these battle ships may be built there if the bids from that region should be low enough. But, taking into consideration the probability of the increased expenditure for getting material for the construction, we granted in the bill that one of these battle ships shall go there, unless the bid is beyond that which is regarded as fair and reasonable.

So far as the torpedo boats are concerned, I will be perfectly frank with the committee and with the gentleman from California, by saying that these are provided for at the earnest request and recommendation of the Secretary of the Navy; and the committee has believed it advisable to leave them entirely and absolutely to his discretion. You know, the committee know, and the country knows—it is public property now, for it is contained in a printed pamphlet in this House—that the Secretary has already contracted with the Herreshoffs for the construction of some of the boats previously authorized, because the Department are satisfied from the exhibits made to them on the part of these builders that they will provide a very superior type of vessel in speed and other qualities, and desiring to avail ourselves of the experience of these men, who are believed to be capable of building the quickest and best vessels of this type, it was deemed advisable to leave the matter entirely in the discretion of the Secretary. It is believed that they will be able to furnish the fastest boat yet furnished by any of the contractors; and the appropriation for this purpose was made in bulk, "five torpedo boats, to cost $875,000 in all," so as to enable the Secretary of the Navy to vary his contract if he deems it desirable in regard to two or three of them, expending a little more money on these if necessary to produce a superior vessel, and giving a higher price of course to the contractors for the same.

The provision of the bill is that one of the vessels and one torpedo boat shall be built (and it follows former bills in this regard)—for the purpose of preventing any possible idea of sectionalism—that one of each of these shall be built on the Pacific Coast, one torpedo boat on the Mississippi River, and one on the Gulf of Mexico, and so on; but if we adopt the amendment proposed by the gentleman from California none of these could be built on the Atlantic Coast at all, and it would absolutely defeat the desire of the Department to continue under a special contract the construction by the same people in this case and enable them to build some of these vessels, putting into the construction the experience that they have gained in this regard, and which is believed by the Department to be so valuable.

Mr. HILBORN. How could we transport them to the Pacific Coast even if they were built at the Herreshoffs?

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The amendment was rejected.

Mr. LOW. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, after the word "dollars," in line 10, page 49 of the bill, by inserting "45 first-class torpedo boats of from 100 to 125 tons displacement, to have a maximum speed of not less than 24 knots, and to cost not more than an average of $175,000 each."

Mr. LOW. Mr. Chairman, this amendment is just as important, just as urgent, and just as necessary to meet the wants of our Navy as any provisions outlined in the original bill, and for several reasons—

First. Because torpedo boats are needed not only to assist in protecting our harbors, but to broaden the scope of effective work in connection with our fleets.

Second. This amendment means to provide an opportunity for young naval officers to learn the practical science of commanding.

This has been, and is to-day, a problem of great import. Our naval officers in the middle and lower grades are suffering for the want of an opportunity to command, and the country will be the loser unless it provides for the bright, ambitious, and young officers the opportunity to command, to be captain of his own war vessel, be she ever so small.

Legislation does not nor can not make a commander, except in rank and pay. A commander, in the broadest sense of the title and meaning, can only be made by actual experience in commanding his own vessel, and this must be obtained while the officer is in the early prime of life, for at that period his ambition stimulates him to seek proficiency, power, prominence, and rank. These 50 torpedo boats mean 50 commands for officers not above the grade of lieutenant.

The officers of these boats have to be changed so frequently, that during a year fully 200 officers will have an opportunity to familiarize themselves with a captain's duty.

If these 50 vessels can be the means of developing one Paul Jones or a Farragut it will be worth the cost of the entire fleet asked for in my amendment.

Mr. STEELE. What would be the necessity for launching out into this expenditure if there were no officers capable of commanding them?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOUTELLE. I hope we will vote without further delay.

The question being taken on the amendment of Mr. LOW, it was rejected.

Mr. DOOLITTLE. I desire to amend by inserting "four," in line 24, on page 49; so that it will read:

And four of said torpedo boats shall be built on or near the coast of the Pacific Ocean.

The amendment was read, as follows:

At the end of line 24, on page 49, strike out the word "one" and insert the word "four."

Mr. DOOLITTLE. I desire to state in that connection that it is well known that the shipbuilding plants located on the Pacific Coast are very large and fine ones. On Puget Sound we are already building one of the best torpedo boats, it is said, that has been constructed, and we are also building in the plant there a tug for the use of the Government. Now, these people are ambitious, and I think, inasmuch as 15 of these vessels are to be constructed, that at least 4 of them should be constructed on the Pacific Coast under the restrictions contained in this bill. I believe it to be fair to the building up of that industry and the interest that should be manifested in that industry on that coast. I ask the House to vote for this amendment, because I believe it to be in the interest of the country, in the interests of the Navy, and in the interest of economy. No means is provided at the present time for the transportation of these torpedo boats from the Atlantic to the Pacific, and in case of war there will be need for these vessels in that ocean. I believe that the building up of these plants ought to be encouraged in this way, and that the amendment is entirely fair, in the interest of the country, and in the interest of the service.

The question being taken on the amendment of Mr. DOOLITTLE, on a division (demanded by Mr. JOHNSON of California) there were—ayes 50, noes 76.

Accordingly the amendment was rejected.

Mr. TATE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by adding after the word "act," on page 50, line 15, the following: "*Provided further*, That no draftsman, designer, copyist, or other person shall hereafter be employed in the preparation of the plans or specifications for new vessels of the Navy who is not a citizen of the United States."

Mr. BOUTELLE. What is the object of that amendment?

Mr. TATE. The object of the amendment is that our designs may be kept private.

Mr. BOUTELLE. I make the point of order that that changes existing law.

Mr. TATE. I think I have the floor.

Mr. BOUTELLE. I have no objection to the gentleman making his explanation. I do not want to lose my point of order.

Mr. TATE. I think the gentleman has already lost it.

Mr. BOUTELLE. I will reserve the point of order.

Mr. TATE. The only purpose of the amendment is that our designs and drawings shall be kept private, shall not be known to any foreigner; that we shall not employ foreigners to make them, but shall trust our own citizens to make them. That is the sole purpose of the amendment. It explains itself. I do not care to make a speech on the question.

Mr. BOUTELLE. Mr. Chairman, I hope that the amendment will not be agreed to. We must trust to the officers of the Navy Department to properly guard the secrets of our designs. The mere exclusion of some draftsman or colorist who may be a skillful man will not necessarily keep our secrets. I know nothing about the fact whether any foreign people are employed there or not. I think that an amendment like this would have excluded this Government from the benefit of the genius of Ericsson, who designed the *Monitor*. I am compelled to insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. I desire to submit an amendment.

The amendment was read, as follows:

On page 50, in line 15, after the word "act," add "*Provided*, That one of the battle ships shall bear the name *Nebraska*."

Mr. MERCER. Mr. Chairman, the State of Nebraska is midway between the great oceans and not very near the Great Lakes or the Gulf of Mexico, but we take an interest in the American Navy and believe it should be second to none. Of course I am well aware that year after year Congress appropriates large sums of money for the dredging and improvement of various harbors and thereby makes them accessible to ships of war as well as of peace, and we are certainly justified in building battle ships to protect the cities situated on harbors which by our own action we have made subject to the shot and shell of foreign gunboats.

Nebraska is fortunate in this respect; in fact, Omaha and the other cities along the Missouri River are amply fortified.

We have the best line of sand bars in that stream that were ever placed anywhere by the Creator of the universe. [Laughter.] These sand bars are never conquered and they would smile at any fleet so foolhardy as to attack them. We have no fear of the combined navies of the world as long as these sand bars give us the protection we now enjoy; but, Mr. Chairman, as I said before, we in Nebraska take an interest in the Navy, and since we are prevented from harboring battle ships, you should not deprive us of the pleasure and privilege of having one of them bear the name "Nebraska." Indiana, Iowa, and Kentucky have been thus remembered, and Nebraska vies with them in seacoast mileage. [Laughter.] It is not our fault that we have neither ocean, lake, nor gulf. We are ready to accept either, but as a rule Nebraskans never take water [laughter], although under the trials and tribulations imposed upon us by this Administration we are willing to take most anything. [Laughter.]

Mr. Chairman, I sincerely trust that the chairman of the Committee on Naval Affairs, good-natured as he is, will favor this amendment of mine. [Laughter and cries of "Vote!" "Vote!"]

Mr. BOUTELLE. Mr. Chairman, I am sorry to have to say to my friend that the naming of these ships is not in the province of the committee.

Mr. MERCER. I wanted the Committee of the Whole to name them.

Mr. BOUTELLE. The committee have no authority to name ships.

Mr. MERCER. Give us a trial.

Mr. MAHON. Mr. Chairman, I offer an amendment to the amendment.

Mr. BINGHAM. I will state to the gentleman that no vessel is named *Pennsylvania* as yet.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "*Nebraska*" and insert "*Quay, Reed, McKinley, and Allison.*"

[Great laughter, and cries of "Vote!" "Vote!"]

Mr. HULICK. I would like to have that voted on separately.

Mr. MERCER. I did not refer to cruisers, Mr. Chairman, I referred to battle ships. [Renewed laughter.]

Mr. MAHON. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

Mr. ROBINSON of Pennsylvania. I desire to offer an amendment to the amendment.

The Clerk read as follows:

After the word "*Nebraska*" insert "and *Pennsylvania.*"

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ROBINSON of Pennsylvania. There is a peculiar propriety, if I may coin the expression, in naming a ship *Pennsylvania*, because we build these ships in Pennsylvania.

Mr. MONEY. And you get all the money.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Nebraska.

Mr. MERCER. Now help the West!

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. MERCER. Division.

The CHAIRMAN. The ayes seem to have it.

Mr. MERCER. I beg pardon.

Mr. BOUTELLE. Division, Mr. Chairman.

The committee divided; and there were—ayes 56, noes 87.

So the amendment was rejected.

Mr. HILBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend by inserting after the word "*Provided*," in line 13, page 50, the following: "One of the torpedo boats herein provided for shall be constructed at each of the United States navy-yards having the necessary facilities for such construction."

Mr. HILBORN. Mr. Chairman, I will not occupy the attention of the committee by any remarks, but will merely send up a letter from the Secretary of the Navy to be read.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, March 25, 1896.*

SIR: Responding to yours of March 21, asking whether it would be good policy to build some torpedo boats, to be authorized by the present Congress, at navy-yards, I beg to say that in my opinion it is not as a rule desirable to build ships at navy-yards, on account of the greater cost. I would recommend, however, that authority be given to the Department to build at least one torpedo boat at each of the three principal navy-yards. The increased cost would probably be some 10 per cent over the prices at which these vessels can be built by contract, but the building of a boat at each navy-yard will greatly aid in retaining the force of skilled workmen necessary for the repairs of vessels.

Very respectfully, yours, H. A. HERBERT,
*Secretary.*

Hon. S. G. HILBORN,
*House of Representatives, Washington, D. C.*

Mr. BOUTELLE. I will simply say that we are providing in this bill $1,250,000 for carrying on the work of repairs in the navy-yards, which will have the effect of keeping these skilled workmen. The objection applies even more to the building of torpedo boats than the building of ordinary ships, because these small craft require the very highest technical skill, and we want to give them to contractors whom we can bind by heavy penalties to produce the very best results. [Cries of "Vote!" "Vote!"]

The question was taken; and the amendment was rejected.

Mr. BOUTELLE. I move that the bill be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair will state to the gentleman in charge of the bill that when unanimous consent was had this morning for general debate the understanding was that the section pertaining to the increase of the Navy should be considered as read; but there are two sections following that.

Mr. BOUTELLE. These are the appropriations, I will state, under the heads of "Construction," "Machinery," "Armor," and "Equipment."

The remaining sections were read.

Mr. BOUTELLE. Mr. Chairman, I now move that the bill and amendments be reported to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7542, and had directed him to report the same back to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. BOUTELLE. I move the previous question, but will withhold it for a moment that the gentleman from Illinois may report some documents that he has.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported the bill (H. R. 7664) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. CANNON. I give notice that I propose to call the bill up for consideration to-morrow.

## NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. I move the previous question on the passage of the bill and amendments.

The previous question was ordered; and under the operation thereof the amendments recommended by the Committee of the Whole were agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BOUTELLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BOUTELLE. I thank the House, on behalf of the Committee on Naval Affairs, for its generous action this afternoon.

## ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States; and

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DRAPER, for ten days, on account of important business.

To Mr. BURTON of Ohio, for five days, on account of important business.

## REPRINT OF A BILL.

On request of Mr. SULZER, a reprint was ordered of the bill (H. R. 3346) to raise additional revenue for the support of the Government.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of cost of securing a channel in Newtown Creek, New York, was taken from the Speaker's table and referred to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. EVANS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6659) providing for the withdrawal of distilled spirits from bonded warehouses by the distiller or owner, and for other purposes, reported the same with amendment, accompanied by a report (No. 948); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 494) constituting Stamford, Conn., a subport of entry, reported the same without amendment, accompanied by a report (No. 949); which said bill and report were referred to the House Calendar.

Mr. HARTMAN, from the Committee on Mines and Mining, to which was referred House bill No. 2555, reported in lieu thereof a bill (H. R. 7625) providing for proofs of discovery of mineral or placer mining claims containing petroleum and other mineral oils, accompanied by a report (No. 951); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ERDMAN, from the Committee on Invalid Pensions:

The bill (S. 684) granting an increase of pension to Marion McKibben. (Report No. 950.)

The bill (H. R. 3884) for the relief of John T. Brewster. (Report No. 956.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 1505) granting a pension to Mrs. Sarah A. Aspold. (Report No. 953.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5670) to increase the pension of Richard S. Phillips. (Report No. 954.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3945) granting a pension to Thomas J. Thorp, late private Company K, Third Ohio Volunteer Cavalry. (Report No. 952.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4264) granting a pension to Mary Pelham. (Report No. 955.)

By Mr. BRUMM, from the Committee on Claims:

The bill (S. 281) for the relief of F. M. Vandling. (Report No. 957.)

The bill (S. 1380) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher. (Report No. 958.)

The bill (S. 1180) for the relief of the legal representatives of John Roach, deceased. (Report No. 959.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 4243) to pay for improving the streets in front of the post-office site in the city of Sacramento, State of California. (Report No. 960.)

By Mr. WOODARD, from the Committee on Claims: The bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co. (Report No. 961.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 6425) for the relief of Clifton R. Anderson. (Report No. 962.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 2176) granting a pension to Thomas Pollock. (Report No. 963.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 1018) to increase the pension of Bennett S. Shaug. (Report No. 964.)

By Mr. MOZLEY, from the Committee on Pensions: The bill (H. R. 4712) granting a pension to Margaret A. Luthy. (Report No. 965.)

## ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2298) legalizing the assessment and levy of taxes on personal property on the various Indian reservations in Oklahoma, and for other purposes, reported the same adversely, accompanied by a report (No. 947); and the said bill and report were laid on the table.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILLIAMS: A bill (H. R. 7616) to grant a township of land to the hospital medical college bureau of vital statistics of the University of Mississippi at Vicksburg, Miss.—To the Committee on the Public Lands.

By Mr. LESTER: A bill (H. R. 7617) to authorize the President to appoint three commissioners of claims—to the Committee on War Claims.

Also, a bill (H. R. 7618) authorizing the Court of Claims to adjudicate certain claims arising under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property," etc.—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 7619) to provide topographic surveys and mark elevations on the arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. REYBURN (by request): A bill (H. R. 7620) authorizing a special election to be held by the citizens of the District of Columbia to determine whether the present municipal government shall continue or whether there shall be established in its place a representative form of government—to the Committee on the District of Columbia.

By Mr. MEREDITH: A bill (H. R. 7621) to authorize the Herndon and Aldie Railroad Company to construct a bridge over the Potomac River at or below the Great Falls—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 7622) to grant right of way over the public domain for pipe lines—to the Committee on the Public Lands.

By Mr. FOWLER: A bill (H. R. 7623) to extend the time of commencement and the completion of the bridge authorized to be constructed in Newark Bay—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7624) for continuing the improvement of Rahway River—to the Committee on Rivers and Harbors.

By Mr. BURTON of Ohio: A joint resolution (H. Res. 149) for change of location of light-house provided for on Little Bay de Noquette—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: A concurrent resolution (House Con. Res. No. 35) to appoint a commission to act with the Comptroller of the Currency and report to Congress—to the Committee on Banking and Currency.

By Mr. BARRETT: A resolution (House Res. No. 225) of inquiry regarding the Venezuela affair—to the Committee on Foreign Affairs.

By Mr. ALLEN of Mississippi: A memorial relating to the Methodist Episcopal Church South, in Nashville, Tenn.—to the Committee on War Claims.

By Mr. WILLIAMS: A memorial of the legislature of the State of Mississippi relating to a hospital medical college and bureau of vital statistics of the University of Mississippi—to the Committee on the Public Lands.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 7554) to pension John Teague; and the same was referred to the Committee on Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AVERY: A bill (H. R. 7626) to remove the charge of desertion against the military record of William H. Collins—to the Committee on Military Affairs.

By Mr. BAKER of Kansas: A bill (H. R. 7627) granting increase of pension to Michael Lochard—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: A bill (H. R. 7628) to increase the pension of William T. Evans—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7629) for the relief of John P. Fox, of Adamston, Harrison County, W. Va.—to the Committee on War Claims.

By Mr. EVANS: A bill (H. R. 7630) granting an increase of pension to Thomas T. Hickey, of Louisville, Ky.—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 7631) granting a pension to Sewall P. Norton—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 7632) removing the charge of desertion and granting an honorable discharge to John D. Long—to the Committee on Military Affairs.

Also, a bill (H. R. 7633) removing the charge of desertion and granting an honorable discharge to William Zimmerman—to the Committee on Naval Affairs.

Also, a bill (H. R. 7634) for the proper official recognition of William F. Tieman—to the Committee on Military Affairs.

Also, a bill (H. R. 7635) for the relief of Bridget Lane—to the Committee on Claims.

Also, a bill (H. R. 7636) for the proper official recognition of Hans C. Heg—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7637) for the relief of E. B. Carter—to the Committee on War Claims.

Also, a bill (H. R. 7638) for the relief of E. B. Carter—to the Committee on War Claims.

By Mr. HICKS: A bill (H. R. 7639) for the relief of and to correct military record of James J. Fluke—to the Committee on Military Affairs.

Also, a bill (H. R. 7640) to correct military record of Alexander Anderson, alias James S. Fortney—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7641) to correct naval record of John W. Thompson and grant him honorable discharge—to the Committee on Naval Affairs.

By Mr. HULL: A bill (H. R. 7642) for the relief of Capt. J. A. Olmstead—to the Committee on Claims.

By Mr. LEFEVER: A bill (H. R. 7643) for the relief of the legal representatives of David Heustis, deceased—to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 7644) granting a pension to Dorcas V. Hicks—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 7645) granting a pension to John Barry—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 7646) for the relief of certain heirs of the officers and crew of the United States light-house schooner *Mignonette*, lost near Brazos Santiago, Tex., in the storm of September 21, 1887—to the Committee on Claims.

By Mr. POOLE: A bill (H. R. 7647) granting a pension to Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7648) granting a pension to Charles Harrington (insane), late sergeant Company F, Eleventh Regiment New York Volunteers.

By Mr. SOUTHARD: A bill (H. R. 7649) to correct the military record of David Collins, late private Company L, Third Ohio Cavalry—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 7650) granting a pension to Theodore Elchlepp, late Company I, Seventh Regiment United States Infantry—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 7651) to remove the charge of desertion from Robert Logan—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 7652) granting a pension to Emily Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7653) granting a pension to Ambrose J. Vanarsdel—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 7654) for the relief of Spencer Norfleet—to the Committee on Military Affairs.

By Mr. VAN HORN (by request): A bill (H. R. 7655) to provide for the payment of the claims of James Condon, of Atlanta, Ga., for work done as a carpenter in the Interior Department—to the Committee on Claims.

By Mr. WILSON of New York: A bill (H. R. 7656) to remove the charge of desertion against the name of John S. Wood—to the Committee on Military Affairs.

By Mr. WHITE: A bill (H. R. 7657) to relieve the heirs of Leon Frank, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of the statute of limitation—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 7658) for the relief of Stephen R. Stafford, captain Fifteenth Infantry, United States Army—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 7659) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7660) granting an increase of pension to Samuel M. Howard—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 7661) to correct the military record of the late Capt. Isaac L. La Flesh, Company A, Indiana Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 7662) to grant arrears of pension to George W. Boggs, late first lieutenant Company G, Tenth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 7663) to increase the pension of Jesse Sims—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Youghiogheny Lodge, No. 293, International Association of Machinists, of Connellsville, Pa., praying that a committee be appointed to thoroughly investigate the treatment of fellow-members in United States navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. ALDRICH of Alabama: Memorial of the Mobile Coal Company, of Mobile, Ala., asking for American register for the Norwegian bark *Thomas S. Falck*—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William M. Smith, of Talladega County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 445, Patriotic Order Sons of America, of Fisher, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. AVERY: Papers to accompanying House bill to remove the charge of desertion against the military record of William H. Collins—to the Committee on Military Affairs.

By Mr. BAKER of New Hampshire: Petition of Franklin Pierce Lodge, No. 24, Order United American Mechanics, of Hillsboro Bridge, N. H., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BREWSTER: Memorial of the Fireside Publishing Company, of Rochester, N. Y., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COFFIN: Petition of Ignatius J. Langley, for reference of his claim for stores and supplies to the Court of Claims under act of March 3, 1883—to the Committee on Claims.

By Mr. DOVENER: Resolution of John A. Logan Post, No. 61, Grand Army of the Republic, of Sherrard, W. Va., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Garfield Council, No. 3, Order United American Mechanics, of McMechan, W. Va., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolution of citizens of Quiet Dell, W. Va., expressing sympathy for Armenians and American missionaries in Turkey—to the Committee on Foreign Affairs.

By Mr. ERDMAN: Petitions of citizens of Allentown, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FOWLER: Petition of citizens of Belleville, N. J., in favor of the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

By Mr. GARDNER: Remonstrance of citizens of Burlington County, N. J., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

Also, petition of H. Maas, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Putnam Council, No. 19, Order United American Mechanics, of Wallingford, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HICKS: Petition of ex-Union prisoners of war, of Altoona, Pa., for the speedy passage of House bill introduced by Hon. E. J. HAINER for their relief—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of White Ribbon Women for a commission to carry out arbitration in differences between the United States and our mother country—to the Committee on Foreign Affairs.

By Mr. HYDE: Memorial of the town council of Kalama, Wash., urging the importance of the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Papers to accompany House bill for the relief of Capt. J. A. Olmstead—to the Committee on Claims.

By Mr. JENKINS: Remonstrance of Richard H. Palmer, of Knapp, Wis., and 100 others; also of F. E. Baker, of Maiden Rock, Wis., and 200 others; also of John Thornton, of Alabama, Wis., and 50 others; also of A. E. Pound, of Chippewa Falls, Wis., and 50 others; also of Leona M. Hunt, of Round Lake, Wis., and others, against the passage of the joint resolution proposing an amendment to the Constitution of the United States for the recognition of God in the Constitution—to the Committee on the Judiciary.

Also, petition of James Langdon, of L. N. Nichols Post, No. 177, Grand Army of the Republic, Department of Wisconsin, and 50 others, of River Falls, Wis., praying for the passage of a bill grant-

ing a service pension of $8 a month to every soldier who served not less than ninety days in the Army or Navy of the United States during the late war, and of $12 a month to widows of veterans—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of the Lincoln Club, of St. Paul, Minn., protesting against the passage of Senate bill No. 2162, relating to the inspection of steam vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolutions of the New York Board of Trade and Transportation, urging Congress to give more attention to domestic questions of commerce and finance rather than to international questions involving menaces of war—to the Committee on Coinage, Weights, and Measures.

By Mr. LEISENRING (by request): Petition of Washington Camp, No. 137, Patriotic Order Sons of America, of Plymouth, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINTON: Two petitions of citizens of Arkansas, favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McEWAN: Petition of the Direct Legislation Club of Detroit, Mich.; also petition of the North Side Woman's Club of Colorado, asking passage of House bill No. 184, for the appointment of a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MERCER: Petition of Omaha Mercury, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrance of Henry J. Schmidt and others, of Milwaukee, Wis., against the continuance of the statue of Marquette in Statuary Hall, or any other public national room or grounds—to the Committee on the Library.

By Mr. PICKLER: Petition of S. B. Sheldon and 26 others, of Watertown, S. Dak., asking for the protection of game—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Pennsylvania: Petition of the Woman's Christian Temperance Union of Avondale, Chester County, Pa., protesting against military training in the public schools—to the Committee on Education.

By Mr. SMITH of Illinois: Petition and remonstrance of citizens of Belknap, Johnson County, Ill., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. TAFT: Papers to accompany House bill No. 1397, for the relief of Mrs. Sarah K. McLean—to the Committee on War Claims.

By Mr. WOOD: Petition of Charleston Post, No. 271, Grand Army of the Republic, of Charleston, Ill., to increase the pension of Jesse Sims, late private Company G, One hundred and twenty-third Illinois Volunteers—to the Committee on Invalid Pensions.

## SENATE.

### FRIDAY, *March 27, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

#### PETITIONS AND MEMORIALS.

Mr. NELSON presented the petition of Judge Ira B. Mills, of St. Paul, Minn., chairman of the committee on uniform freight classification, praying for the enactment of legislation providing a national system of uniform classification of freight throughout the United States; which, with the accompanying paper, was referred to the Committee on Commerce.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

Mr. TELLER presented a memorial of Abe Lincoln Council, No. 2, of Leadville, Colo., and a memorial of Council No. 12, of Sterling, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. FRYE presented a petition of the State Board of Trade of Maine, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of the New York Board of Trade and Transportation, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation providing for a new custom-house at the port of New York; which was referred to the Committee on Commerce.

Mr. HILL. I present resolutions adopted by the faculty of the school of mines of Columbia University, favoring the passage of the bill to reorganize and increase the efficiency of the personnel of the Navy, etc. In connection therewith, I wish to read the following letter from the president of the university:

COLUMBIA UNIVERSITY, IN THE CITY OF NEW YORK,
*President's Room, February 27, 1896.*

MY DEAR SENATOR: I have the pleasure of handing you herewith copy of a preamble and resolutions adopted by the faculty of the School of Mines of Columbia University. I am sure you will agree with me in the desire that this oldest of the universities of the State of New York should not be behindhand in cooperating with the Government in advancing so laudable an object as is aimed at by the bill referred to. It appears to be particularly Columbia's duty to do this, because of its location in the great port of our State and of the United States. If you shall see fit to accompany the presentation of this petition with any remarks favorable to its object, I beg to assure you that I believe Columbia will do everything in its power to make the bill effective in the accomplishment of its purpose should it become a law.

I am, sir, very respectfully, your obedient servant,

SETH LOW, *President.*

Hon. DAVID B. HILL,
*Senator, Washington, D. C.*

I do not know that it is necessary that I should accompany the presentation of the petition by any extended remarks. The letter itself presents the subject admirably.

The VICE-PRESIDENT. The petition will be referred to the Committee on Naval Affairs.

Mr. SMITH presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation giving protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented the petition of Mrs. S. M. Swaim and 36 other members of the Woman's Christian Temperance Union of Chatham, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of New Jersey, praying for the appointment of an international board of arbitration between the United States and Great Britain; which was referred to the Committee on the Judiciary.

He also presented the petition of John B. Smith and 11 other citizens of Newark, N. J., Union soldiers and sailors who lost a limb in the war of the rebellion, praying for the passage of Senate bill No. 354, to adjust the pensions of those who have lost limbs or have been totally disabled in them; which was referred to the Committee on Pensions.

He also presented petitions of Ellsworth Council, No. 120, Junior Order United American Mechanics, of Silverton, N. J.; of Summit Council, No. 87, Junior Order United American Mechanics, of Jersey City, N. J.; of Hightstown Council, No. 70, Junior Order United American Mechanics, of Hightstown, N. J.; of Lafayette Council, No. 129, Junior Order United American Mechanics, of Jersey City, N. J.; of Fidelity Council, No. 8, Junior Order United American Mechanics, of Millville, N. J., and of Belleville Council, No. 163, Junior Order United American Mechanics, of Belleville, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. ALLISON presented the memorial of Dr. Philip Slack and 8 other citizens of Hesper, Iowa, and a memorial of the Woman's Christian Temperance Union of Mount Vernon, Iowa, remonstrating against the introduction of military training in the public schools of the United States; which were referred to the Committee on Military Affairs.

He also presented petitions of 44 citizens of Wright County, Iowa; of 44 citizens of College Springs, Iowa; of 31 citizens of Wright County, Iowa; of 17 citizens of College Springs, Iowa; of 44 citizens of Coin, Iowa; of 51 citizens of Clearfield, Iowa, and of 17 citizens of College Springs, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

#### PAYMENTS REFUSED BY EXECUTIVE OFFICERS.

Mr. PEFFER. Some time ago Senate bill 238 was reported favorably from the Committee to Examine the Several Branches of the Civil Service. It is a bill "to prohibit officers of the Government from refusing to pay moneys appropriated by act of Congress." Since the bill was reported I am informed that in another branch of Congress the same subject is being investigated by the Judiciary Committee of that body; also that the subject which originally inspired the introduction of the bill is now pending in the Court of Claims and will probably be taken to the Supreme Court of the United States for adjudication. I have thought it best to ask that the bill be stricken from the Calendar and in connection therewith to ask that the paper which I hold in my hand and will describe in a moment may be printed as a document for the use of the Senate and such other persons as may need it.

It is an argument of ex-Senator Manderson before Comptroller Bowler, of the Treasury Department, in the cases known as the sugar-bounty cases, in which Mr. Manderson has cited and gone through all of the authorities bearing upon the claims of United States officers to set aside acts of Congress when, in their judgment, the acts are not beneficent. It would save a great deal of trouble when the subject comes before the Senate, as it probably will, and also afford a great deal of satisfaction to lawyers who are interested in this subject, and at the request of a number of members of the profession, I move that the argument of the ex-Senator be printed as a document.

The motion was agreed to.

HISTORY OF SIOUX INDIANS.

Mr. ALLEN. I present a brief history of the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, which I ask may be printed as a document. It will make a very small document, and it is important in the consideration of matters before the Senate.

The PRESIDING OFFICER (Mr. WHITE in the chair). In the absence of objection, the paper will be printed as a document and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall, and their heirs and assigns, all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2153) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 493) for the erection of a public building at Waterbury, Conn., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2492) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, reported it without amendment.

Mr. WILSON, from the Committee on Public Lands, to whom was referred the bill (S. 2555) to authorize the Secretary of the Treasury to issue leases of certain islands in Alaska for the breeding of foxes, reported it with amendments, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 286) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 335) for the relief of Esther A. Keyser, reported it with an amendment, and submitted a report thereon.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2394) to provide for the construction of a public building at Salem, Oreg., reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind., reported it with amendments.

COAST AND GEODETIC SURVEY REPORT.

Mr. HALE. From the Committee on Printing I report a joint resolution which I ask may be considered.

The joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume, was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate, etc.*, That paragraph 8, section 73, of the act of January 12, 1895, providing for the public printing and binding, etc., be amended by striking out all of said paragraph after the word "survey," at the end of the first and beginning of the second lines, and substituting in lieu thereof the following words: "Two thousand eight hundred copies in quarto form, bound in one volume, 200 for the Senate, 600 for the House, and 2,000 for distribution by the Coast and Geodetic Survey."

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON SALMON FISHERIES OF ALASKA.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. TELLER on the 5th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies; 1,500 for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department.

OFFICIAL REPORTER OF DEBATES.

Mr. HALE. I report from the Committee on Printing the resolution which I send to the desk. The resolution should be passed at once, owing to the death of the Official Reporter of the Senate.

The resolution was read, as follows:

*Resolved*, That Theodore F. Shuey is hereby appointed Official Reporter for reporting the proceedings and debates of the Senate until further order of the Senate, subject to all the duties and obligations of the contract made with D. F. Murphy, deceased, late Reporter of the Senate, and to the supervision and control of the Committee on Printing on behalf of the Senate, in all respects therein provided, and to receive payment for such service according to law.

Mr. HILL. Let that go over.

Mr. QUAY. I object to the consideration of the resolution at present. Let it go over.

Mr. HALE. Of course it ought not to be delayed long. I shall call up the resolution to-morrow morning.

The VICE-PRESIDENT. Objection being made, the resolution will go over under the rule.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2641) for the relief of William Leech; which was read twice by its title, and referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 2642) to provide for the safety of passengers on excursion steamers; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 2643) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880 (21 Stat., page 287); which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a bill (S. 2644) granting a pension to Mrs. Anna Long; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2645) granting a pension to Mrs. William Vandever; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2646) granting an honorable discharge to Thomas Walker; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 2647) granting a pension to Robert J. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2648) granting a pension to George F. Barrage; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2649) granting a pension to Clara A. Southard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2650) granting a pension to Robert E. Fousman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2651) granting a pension to William Herriott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2652) granting a pension to Lewis W. Goddard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a bill (S. 2653) for the relief of M. S. Hellman; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 2654) to authorize the Washington, Arlington and Falls Church Railway Company to enter the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2655) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS (by request) introduced a bill (S. 2656) to provide for the purchase of a site for the Government Printing Office, and the construction of buildings therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

Mr. BROWN submitted the following resolution; which was read, and referred to the Committee on Indian Depredations:

Whereas under an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, there were filed in the Court of Claims ten thousand eight hundred and forty-one (10,841) cases; and

Whereas, as it is shown by the report of the Attorney-General for the year 1895, only nine hundred and forty-four (944) of said cases have been reduced to judgment during a period of nearly five years, and only forty-four (44) in the year ending November 1, 1895, while during the last-named period the Attorney-General has made motions for new trials in about one hundred and fifty (150) of said cases in which judgments had been rendered nearly two years prior to the filing of said motions;

*Resolved*, That a committee be appointed to examine and investigate the manner in which these Indian depredation cases are being tried, with a view to ascertaining who, if anyone, is responsible for the great and unreasonable delay and expense, both to the Government and the claimants, in the trial thereof, and to report what amendments, if any, to the act of March 3, 1891, or what change in the tribunal before which such cases should be heard, or what other measures are necessary in order to carry out the intention of Congress when it passed said act, and to do speedy and substantial justice between the United States and the Indians on the one hand and the claimants on the other.

UNSURVEYED PUBLIC LANDS.

Mr. CALL. I submit a resolution and ask unanimous consent for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Committee on Public Lands be directed to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed public lands of the United States from being approved and patented without a survey and examination, and report as to their being swamp and overflowed in the meaning of the act of Congress.

Mr. DUBOIS. I ask that the resolution may go over.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. CALL. I ask the Senator from Idaho to withdraw his objection for one moment.

Mr. DUBOIS. Very well; I withdraw it for a moment.

Mr. CALL. I desire to read a letter from the Assistant Commissioner of Public Lands. It is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
*Washington, D. C., March 24, 1896.*

SIR: I have the honor to acknowledge the receipt of your letter of March 18, 1896, asking information for the benefit of W. T. Chapman, of Tampa, Fla., in relation to the rights of settlers on unsurveyed lands, and in reply you are advised that a homestead settler on unsurveyed public land not yet open to entry must make entry within three months after the filing of the township plat of survey in the district land office, his settlement being protected for that period only.

The land "near Cape Sable" with regard to which you make inquiry is unsurveyed, and therefore there are no entries upon the same as shown by the records of this office. However, all the unsurveyed land in what would be, if surveyed, T. 61 S., R. 33 E., Florida, within the limits of which Cape Sable appears to be situated, has been selected by the State under act of September 28, 1850 (9 Stat., 519).

Very respectfully, E. F. BEST, *Assistant Commissioner.*

Hon. WILKINSON CALL,
*United States Senate, Washington, D. C.*

I call the attention of the Committee on Public Lands and the chairman of that committee to the fact that unsurveyed lands in the State of Florida, public lands of the United States, are being patented and approved without any survey and without any examination, dispossessing the settlers upon those lands of their homes.

Mr. DUBOIS. I will say to the Senator from Florida that I have no doubt the Committee on Public Lands will make a very full and thorough investigation, but as I understand the attention of no member of the committee has been called to the resolution, I think it proper that it shall go over until to-morrow, so that we may have time to examine it.

The VICE-PRESIDENT. The resolution will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the resolution of the Senate directing the Public Printer to eliminate from the 10,000 copies of the Report on the Statistics of Agriculture in the United States Census of 1890 the monograph entitled "Report on agriculture by irrigation in the western part of the United States," etc.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 572) for the relief of Jane Duke;

A bill (H. R. 2365) to provide for the reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark.;

A bill (H. R. 7170) to grant to the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T.; and

A bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to appointment of officers in the Army or Navy of the United States; and

A bill (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. CULLOM. Before we proceed to a discussion of the provisions in relation to marshals and district attorneys, I desire to correct a mistake on page 40 of the bill in the items for the Bureau of Statistics, Treasury Department. In line 23 the word "four" was inserted, as in Committee of the Whole, before "clerks" instead of "five." I ask that that amendment be reconsidered.

Mr. COCKRELL. Where is that?

Mr. CULLOM. On page 40. The Senator from Arkansas [Mr. BERRY] has called my attention to an error as to the amendment that we undertook to make there. It should read "five clerks of class 2; eight clerks of class 1."

The VICE-PRESIDENT. If there be no objection, the vote by which the amendment in line 23 was agreed to will be reconsidered. The vote is reconsidered. The question is on agreeing to the amendment of the committee to strike out "five" and insert "four."

The amendment was rejected.

Mr. CULLOM. In the same line, before the word "clerks," I move to strike out "nine" and insert "eight"; so as to read:

Eight clerks of class 1.

The amendment was agreed to.

Mr. CULLOM. I hope the clerks will correct the footing there.

The VICE-PRESIDENT. The correction in the footing will be made.

Mr. COCKRELL. I thought an amendment was made yesterday on page 96. It was intended to be made and I thought it was agreed to, but I see that the RECORD does not show it, and I suppose that the Journal will not show it. On page 96, line 2, in the item for surveyor-general of New Mexico, the word "seven" before "thousand" should be changed to "ten," and in line 3, "nine" before "thousand" should be changed to "twelve"; so as to read:

For surveyor-general of the Territory of New Mexico, $2,000; and for clerks in his office, $10,000; in all, $12,000.

The amendment was agreed to.

Mr. CULLOM. If the Senator from Missouri has no further amendments, I hope we will proceed with the consideration of the provisions in relation to marshals and district attorneys, upon which I understand the Senator from Iowa [Mr. ALLISON] has the floor.

Mr. VILAS. I understand the motion now is to strike out the entire provision.

Mr. CULLOM. It is.

Mr. VILAS. I wish to make a motion to amend section 6 by striking it out and substituting another, and I suppose that motion will have precedence of the general motion to strike out the entire subject.

Mr. CULLOM. It will.

Mr. VILAS. If the Senator from Iowa will permit me, I will send up the amendment.

Mr. ALLISON. Certainly.

The VICE-PRESIDENT. The amendment of the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to strike out section 6 as it stands in the bill and insert as a new section:

SEC. 6. That the United States district attorney for each of the judicial districts of the United States, except the southern district of New York, which shall continue under existing law, shall be paid an annual salary of $4,000; and except that in the district of Massachusetts, the eastern district of Pennsylvania, the eastern district of Louisiana, the northern district of California, and the northern district of Illinois he shall be paid an annual salary of $6,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. Mr. President, I wish to make an observation in reference to the amendment, and with that I will leave the subject.

This proposition to change the system of fees to a system of salary compensation is one which has long been agitated in Congress and a great deal of labor has been expended upon it. The Senator from Missouri [Mr. VEST] for a long time wrought upon this subject with a great deal of efficient labor. Yet I think the difficulty which in the end more than anything else tended to obstruct the acceptance of the view has been the trouble of adjusting the salaries. Each district is striving to claim a high salary, and basing that claim upon the amount of alleged business which has been done in the district in past time. In my opinion the business of the past as indicated by the emoluments which have been received by the several district attorneys of the different districts furnishes no fair basis for the arrangement of the salary. In many cases the business has been worked up by assiduous, ingenious cultivation, and the evils which we are seeking to eradicate would be more or less perpetuated by an effort to adjust the salaries upon the basis of the computations of district attorneys' fees in the past. I think we ought to try the salary system in this country. I believe it will have a tendency, and probably a very effective tendency, to diminish much vexatious litigation instituted in the name of the United States in the way particularly of prosecutions for minor offenses.

But I do not think anybody can expect that we shall adjust the salaries in anything like a fair measure of accordance with the work which is done in the different districts. Indeed, I presume every Senator will recognize the fact that in the same district in different years a vast amount of difference exists in the labor called upon to be exerted by the district attorney. Now and then a case arises in reference to which a district attorney is called upon to expend more valuable professional labor in a single year than he might perhaps for five years before or five years after be required to exert. If we adopt a fixed salary in the several districts we shall have, doubtless, at different times a great variety of compensation without reference to the actual work that is done, but we shall fix upon a system which is the fairest upon the whole, the most just upon the whole, and which will more nearly in the long run meet the necessities of the case.

Besides, I think everybody will recognize that we have strained the salaries to a point too high in the present provisions. We shall have no difficulty in securing sufficient talent and ability to conduct the business of the Government at the rate of salary proposed in the amendment, and we shall do far better, in my judgment, if we have a uniform salary than if we attempt to vary the salary to meet supposed differences in different districts. We never shall so adjust salaries as to make an accurate, strict compensation for the work that is done, measured by a fair rule as between different district attorneys. The same principle which has governed the adjustment of salaries for judges ought to govern the adjustment of salaries for district attorneys and for marshals. There should be uniformity. Let there be uniformity in the salaries. Let the different officers take their chances as they must in respect to the amount of work that will be required to be performed by them. As the Senator from Florida [Mr. PASCO] sitting by my side suggests to me, it will be more or less equalized by the appointment of deputies under the next section of the bill as it is now prepared, which gives the Attorney-General authority to appoint assistants when peculiar necessity exists.

I do not care to elaborate the discussion of this matter or to take the time of the Senate. If this amendment should be adopted, I should like to see it followed by a similar one in respect to marshals, and I believe it would tend to the settlement of this vexed question upon a more enduring basis than the present aspect of the bill promises. If we have a difference in the salaries for the different districts based upon the theory that more work is done in some than in others, we shall at once invite year after year a constant repetition of solicitation upon Congress to correct inequalities caused by changes in the circumstances.

Mr. CALL. Will the Senator state what his amendment is?

Mr. VILAS. The amendment I propose is to have the district attorneys in every district in the United States paid $4,000 a year except in the southern district of New York, which is a very special case. I propose that the present law with reference to his compensation shall continue; and I also except the district of Massachusetts, which includes the city of Boston; the eastern district of Pennsylvania, including the city of Philadelphia; the eastern district of Louisiana, including the city of New Orleans; the northern district of California, embracing the city of San Francisco, and the northern district of Illinois, with the city of Chicago. I propose that they shall each be paid $6,000. I would fix, in other words, arbitrarily, a certain salary for this term, and I leave it open for controversy hereafter. I believe the salary in each of those cases is ample and adequate to secure as effective, useful, valuable service for the Government as we have ever had by the district attorneys hitherto employed.

Mr. CULLOM. I sincerely hope that the amendment will not be adopted. I think it will result in killing the whole measure.

Mr. HILL. Why would it kill the whole measure?

Mr. CULLOM. Because it is not fair legislation, in my judgment.

Mr. HILL. That might be, and not necessarily kill the whole measure.

Mr. CULLOM. I think almost every other Senator will think the same way.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

The amendment was rejected.

Mr. ALLISON. Mr. President, I do not expect to occupy much of the time of the Senate in the discussion of the provisions which are proposed to be struck from the bill on the motion of the Senator from Ohio [Mr. SHERMAN]. I agree with all that has been said by Senators as to the impropriety of placing riders in the way of legislation on appropriation bills. The Senator from New York [Mr. HILL], who laid great stress upon that point, can not outdo me in objecting as a rule to placing riders upon appropriation bills. I have heard the Senator from Ohio many times express his view upon that subject and I have never differed from him in his argument. I think I can say truthfully for all the members of the Committee on Appropriations that they do object to legislation upon these bills. They would greatly prefer to deal with the appropriation bills without respect to legislation upon them; and we always hope that as to every one of these bills the rule which prohibits general legislation upon them will be adhered to. The House of Representatives has a similar rule. So according to the rules of the two Houses legislation of a general character can not be put upon appropriation bills, and that question need not be debated here.

The only question which arises now, as it seems to me, is whether the situation and condition surrounding this question of the compensation of district attorneys and marshals take this proposed legislation out of the general rule which prevails here, and which ought to prevail. In the first place, so far as the Senate is concerned, it has no choice as respects this bill. These provisions came to us from the House of Representatives; they are in the bill; and in some form they must be dealt with here. I know perfectly well it would be an easy thing for us to adopt the motion proposed by the Senator from Ohio and strike them out; but that does not deal with the question which is presented to us in these sections, unless the Senate is ready, and it never has been ready so far as I know, to say to the House of Representatives, "We will not agree to pass this bill unless you strip it of the legislation which you propose." I agree that according to parliamentary law, and according to the just relations that should exist between the two Houses, when either House proposes on an appropriation bill new legislation, if the other House objects to it the legislation should be taken from the bill. That is the rule; nobody disputes it that I know of; and every member of the Senate, so far as I know, agrees with the suggestions made by the honorable Senator from Ohio, the Senator from New York, and other Senators who say that we should not legislate upon appropriation bills.

The Committee on Appropriations, however, in the consideration of this bill regarded, and were compelled to regard, this as an exceptional case: and they so treated it. The House of Representatives, with its rule providing that no legislation should be placed upon appropriation bills, took this proposed legislation out of the scope of that rule. The Committee on Rules, having the power to bring in special rules as respects special questions, overriding the general rules of the House, brought into that body a special rule; and so unanimous was the House of Representatives for this legislation that the yeas and nays were not called, as the record of the House shows, upon the adoption of that rule.

Mr. HILL. Will the Senator from Iowa permit me to ask him a question? What was precisely the special rule which the Committee on Rules reported?

Mr. ALLISON. The special rule provided that these sections which are now incorporated in the bill should be made in order upon the legislative, executive, and judicial appropriation bill, and that the sections should be considered pending that bill, and they were so considered under that special rule. Otherwise, of course, the provisions would have been subject to a point of order, and ruled out.

Mr. HILL. I am seeking information. I was not aware that the Committee on Rules in the other House had a right to bring in a special rule which superseded one of the standing rules of the House for the consideration of bills in the House. Of course if the Senator says that that course was adopted, I accept his statement. I supposed what the Committee on Rules did was to expedite particular measures, stating how long the debate should be, and certain other details. I was not aware that it suspended one of the regular standing rules of the body relating to what should go into a bill. I may be misinformed.

Mr. ALLISON. I think I have the rule before me.

Mr. HILL. I wish the Senator would read it.

Mr. ALLISON. The committee proposed the following resolution:

*Resolved*, That it shall be in order for the Committee on the Judiciary to offer, and for the House to consider in Committee of the Whole, as an amendment to the legislative, executive, and judicial appropriation bill for the fiscal

year 1897, the bill (H. R. 6054) entitled "A bill to abolish the fee system as to United States district attorneys and marshals and substitute salaries, and for other purposes."

Thus the Committee on Rules, which has the power to make special rules for special cases, in the exercise of that power in the House, without objection, practically, regarded these provisions as so exceptional in their nature and so important as to their consideration that they should be embodied in and ingrafted upon the legislative, executive, and judicial appropriation bill.

All these provisions, I understand, received the careful scrutiny of the Committee on the Judiciary of the House of Representatives, not for a day, or a week, or a month, but for many weeks. The Attorney-General before the Committee on Appropriations of this body read in the presence of the committee every section and every provision of the bill, and stated to us that he had given this subject long, faithful, and careful attention during the winter months, and that every legislative provision here respecting the changes made necessary by the adoption of the salary clauses instead of the fee system received his unqualified support.

Mr. HILL. Will the Senator from Iowa allow me for a moment?

Mr. ALLISON. Certainly.

Mr. HILL. Of course the Senator from Iowa desires to state it with entire accuracy.

Mr. ALLISON. Yes, sir; so far as I can.

Mr. HILL. The House, after the elaborate investigation and deliberation referred to by the Senator, reported another provision to the bill to change the whole system relating to United States commissioners.

Mr. ALLISON. They did.

Mr. HILL. And after receiving the assent of the House Judiciary Committee, after receiving the assent of the House Appropriations Committee, after passing the House, the Attorney-General came before the committee, did he not, and disapproved of the whole proceeding?

Mr. ALLISON. I, of course——

Mr. HOAR. I do not like to interpose, but I wish to suggest to the Senator from Iowa whether it is in accordance with our rules to discuss a particular vote or majority or the proceedings in the other House.

Mr. ALLISON. I think it is not, and I will make no further allusion to the House. That statement has been made heretofore by other Senators in dealing with the question, and I suppose that my reference to what occurred there would at least be not objected to.

Mr. GEORGE. I ask the Senator from Iowa to allow me to interrupt him for a moment or two so as to get some information.

Mr. ALLISON. Certainly.

Mr. GEORGE. The Senator from Iowa has on two occasions in the Senate explained the difficulties that surround the matter. I have a serious difficulty about these provisions, which I desire to submit to the Senator from Iowa for solution. I understand, sir, the motive, the reason for the rule which excludes general legislation from an appropriation bill to be this: We are under a sort of moral and political necessity, in order to carry on the Government, to vote for and to pass general appropriation bills, so that when an amendment which is objectionable to a Senator or a majority of Senators is put on a bill and we can not get rid of it we are placed in an attitude where we must either vote for that which we do not approve or refuse the necessary appropriation for the Government. I should like the Senator to explain how any exceptional case can do away with the reason of that rule.

Mr. ALLISON. If I stated that this is an exceptional case, which in any sense changes the rule which I endeavored to state, namely, that if one House places new legislation upon an appropriation bill which the other House disagrees to, the House proposing the legislation must give way or themselves take the responsibility of a failure to pass an appropriation bill——

Mr. GEORGE. Why may we not pursue that course now?

Mr. ALLISON. I am stating as nearly as I can why I think we should deal with this question now. Of course I can not state it all in a sentence. I was stating, however, and I was not out of order, I believe, in stating what the rule of the House is and what an exception to its rules may be. Certainly it is in order in this body to read in debate the rules of the other House.

Mr. PLATT. There is no question about it.

Mr. ALLISON. It is in order to read the rules of the House in debate, I repeat. It is also in order to read every rule of the House. If you can read one rule, you can read all the rules. Therefore I submit to my honorable friend the Senator from Massachusetts [Mr. HOAR] that I was not out of order in stating that this legislation was put on the bill in the House in accordance with the rule which I read.

Mr. HOAR. I did not suggest that the Senator was out of order.

Mr. ALLISON. Oh!

Mr. HOAR. I did not make any such point. The Senator will pardon me. I did not refer in what I did say to that. I referred to the Senator's statement about the unanimity of the House in a certain matter. Will the Senator allow me to take the book he has in his hand? I referred also to his statement about certain votes on this subject.

Mr. ALLISON. The only——

Mr. HOAR. The Senator from Iowa will pardon me. What I had in mind is this:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

That is Mr. Jefferson's statement. I merely asked the Senator himself to consider whether a statement about the opinion of the House and its unanimity was in order here. The Senator very properly said he did not think it was, in which I agree with him.

Mr. ALLISON. I withdraw that part of my statement as to the vote.

The Attorney-General, I repeat, stated that the provisions as to changing from the fee system to the salary system met with his approval. In reference to changing the law as respects commissioners of United States courts, the Attorney-General said to the Committee on Appropriations (I do not know what he said to the Committee on the Judiciary) that there was doubt in his mind as to many of those provisions, and he did not, without condition, recommend to either committee, as I understand, that the provisions as to commissioners should remain in the bill. Therefore, the Committee on Appropriations, as I understood, in accord with the view of the Committee on the Judiciary, struck out the provisions as to commissioners, and, in association with the Committee on the Judiciary, inserted a clause in the bill requiring the Attorney-General to make investigation and examination as to commissioners and clerks of the courts.

So at every step of this bill and of these provisions the Committee on Appropriations yielded to the judgment of the Committee on the Judiciary. We did so for the reason that we understood the Committee on the Judiciary at this session, as at many former sessions, had under consideration bills looking to a change in the method of compensation to district attorneys and marshals.

Mr. HOAR. Will the Senator from Iowa allow me, before he passes away from that matter?

Mr. ALLISON. Certainly.

Mr. HOAR. I am not aware that there is any single provision on this subject reported or now recommended by the Committee on Appropriations in regard to which there is a difference of opinion between those two committees. Indeed, the Judiciary Committee also reported as bills what they reported as amendments to the pending bill.

In regard to the question whether this legislation should go on an appropriation bill, what I have said about it is merely my individual opinion and I have no authority to represent the committee at all. They have taken no action either way on that subject.

Mr. ALLISON. Now, it turns out that the Judiciary Committee have not only considered those provisions, but that they have also reported separate bills looking to the change which is proposed here.

I have made this narration for the purpose of showing or attempting to show that these are not amendments put into the bill on the floor of the Senate in haste upon the motion of a single Senator. They are not amendments that have not been considered by the two committees of this body, to say nothing of any other body, who have charge and jurisdiction of the subject. They have considered them. The provisions have the approval of the highest law officer of the Government; they have been debated in this body now for four days, and every Senator here has had his opportunity to criticise and to propose amendments to each and all of those sections.

Mr. President, it seems to me that the circumstances I have related which surround this important legislation are sufficient for us all to say that the provisions have been carefully and wisely considered by the highest law officer of the Government and by the two committees that necessarily have charge of those subjects. Certainly the committee of this body that has charge of the subject has considered them. If that be true the only question that should be considered, it seems to me, is whether or not the amendments are important. If they are important, then they have been carefully considered by the proper committees and by this body. The mere technical statement that they are all on an appropriation bill, whereas they should be in a separate measure, it occurs to me ought not to prevail.

I wish to say one thing further as to this matter. If I had my way, although I have not consulted anyone in reference to it, I should advise that as to these provisions, when the necessary appropriations have been concluded in regard to the pending bill, if there are serious differences between the two Houses upon the subject, those differences should be settled by the law committees of the two Houses and not by the Committees on Appropriations.

I believe that those provisions are valuable; that they are of importance; that in their general result they will greatly reduce

the expenses of the Department of Justice, and that the compensation provided here even by the Senate amendments as to marshals and district attorneys is smaller than they now receive by law.

Mr. HILL. Will the Senator from Iowa allow me for just a moment?

Mr. ALLISON. Certainly.

Mr. HILL. I wish to call the attention of the Senator to the unfairness of this proceeding, and to hear his views upon that question. Adopting the suggestion that was made from some source, without now speaking of the Attorney-General, the Appropriations Committee and the Judiciary Committee have reported to strike out of the bill quite a portion of it relating to United States commissioners. Among other matters which the House inserted was a provision which prevented any district clerk from being a United States commissioner. That part of it goes out. It has not been discussed here; it can not be discussed here, as there is nothing before the Senate in regard to it. That is a matter which seriously affects the southern district of New York. I have letters signed by every judge of the courts—the district court and the circuit court—by the district attorney, by the leading members of the bar of New York, making suggestions upon that branch of the case.

Now, you have not brought that provision here and perfected it. It is going out, according to the idea of the Senate. The conference committee meets, and that question is to be determined. The conferees on the part of the Senate may yield to the House. Then when the bill comes back here we can not amend it. We have to vote down the whole report of the conference committee and attack it in that way, imperiling an appropriation for the support of the Government. That is the unfairness of the whole proceeding, I submit to the Senator from Iowa.

Mr. ALLISON. I agree that the sections respecting commissioners were stricken out of the bill on the report of the committee and have not been debated, but those sections certainly will be debated in this Chamber before they are agreed to by the Senate. For one I will not agree to the provisions with respect to United States commissioners as they stand in the bill, nor have we or the Attorney-General the information which would enable us to deal intelligently with those commissioners and the clerks of the courts.

Although what the Senator says is embarrassing, it certainly would be much more embarrassing if, instead of striking out one or two sections relating to commissioners, we had struck out every section relating to marshals and district attorneys as well, and thus thrown those provisions into a conference without having had the opportunity of hearing the expression of Senators as to their justice or injustice.

Mr. President, having said this much as to the bill, I believe we ought to deal with the subject here and now. I believe that a great majority of the Senators upon this floor favor these provisions. Certainly the Judiciary Committee favor them, because they have reported similar provisions to this body in a separate bill. The Senator from New York favors them, and so stated in the debate yesterday. The provisions as reported to us by the Attorney-General will save annually large sums of money to the Government without impairing the efficiency of the courts of the United States.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. PROCTOR in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. ALLISON. Certainly.

Mr. GEORGE. Will the Senator explain how, by what process, a saving will be made to the Government, and how much it will be?

Mr. ALLISON. There have been many tables presented upon this subject in the House debate, and I believe two or three have been introduced here. I will not stop to discuss them. The estimate is that the annual saving will be about $500,000. I will refer the Senator to the House debate upon the subject, where elaborate tables were produced, prepared in the office of the Attorney-General.

Mr. SHERMAN. I think there must be some misunderstanding about this matter, if my friend the Senator from Iowa will allow me, because we all want to get at the facts.

Mr. ALLISON. Certainly.

Mr. SHERMAN. As I understand, most of these officers are paid by fees which are levied according to law upon litigants. The United States pays fees in cases in which it is interested, and all other litigants pay fees. Those fees now pay the salaries of the district attorneys and the clerks, and probably the marshals to a certain extent, perhaps entirely.

The payment of these officers out of the Treasury will probably prevent the collection of fees. There will be no one interested in collecting the fees from parties litigant, and the result will be a large increase, in my judgment, whatever it may be nominally, in the expense of the Government and the expense of the courts, because the expenses which are now paid by fees will be paid out of the Treasury of the United States, with no assurance that the fees will be collected, as there is no one interested to collect them.

Mr. GEORGE. I should like to ask whether the fees which the marshals and district attorneys receive are not payable by the defendants in cases and not by the United States?

Mr. ALLISON. They are paid, of course, by the loser in the suit, whoever he may be.

Mr. HOAR. I should like to ask the Senator a question. Is there not the same motive for a district attorney or a marshal to collect fees which are adjudged by a court against the defendant that there is for an officer in the customs service to collect duties on imports or for an internal-revenue officer to collect excise duties? It seems to me the Senator from Ohio might as well say that we never will collect revenue under our customs laws because the officers have no interest in collecting it. It is the duty of the United States district attorney to tax and collect all costs against a defendant. In pretty nearly all the States of this Union, certainly in Massachusetts, the district attorney is paid by salary, but he collects the taxable costs against the defendant. I never heard of a suggestion that fees would not be collected because the officer himself was not interested. But what the salary system does remove is the motive on the part of officials to make litigation for the purpose of putting the fees in their pockets.

Mr. WOLCOTT. May I suggest to the Senator from Massachusetts that what it invariably leads to is fewer indictments and more convictions?

Mr. HOAR. Yes.

Mr. ALLISON. I can not for a moment agree to the suggestion made by the Senator from Ohio that the courts of the United States will fail in the discharge of their duties, because a statement that the fees will not be collected and paid is an imputation upon every judge of our courts and upon every lawyer who has the ability and capacity to become a district attorney of the United States. These are sworn officers. The fees are required to be paid into the Treasury, whether drawn from private litigants or from actions in which the United States is a party. All fees which will be collected after these provisions shall take effect will be paid into the Treasury of the United States. Walk across this corridor and you will find there the highest judicial tribunal in the world, with private litigants without number, and a fee bill which, to the losing litigant, is regarded as very large. Every dollar of that fee bill and of those fees, by a statute of the United States, is paid into the Treasury of the United States, although the litigants are private parties.

Mr. GEORGE. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. GEORGE. I understand that the Senator from Iowa relies with implicit confidence upon the integrity of the district attorneys and also of the courts, but mainly the district attorneys, who are the active agents in this matter, that all the fees will be collected. I understand (if I am wrong in this I desire to be corrected) that the main reason for changing from the fee system to the salary system is because the district attorneys can not be relied upon, and that they use the powers of their office unjustly and improperly for the purpose of increasing their fees.

Mr. ALLISON. The courts of the United States, like other courts, have their judges, their district attorneys, their marshals or sheriffs, as the case may be, and their commissioners. If a deputy marshal finds what he believes to be a case of wrongdoing as respects a United States statute, he commences a proceeding. That proceeding can not be commenced by a private citizen without the sanction of the district attorney. Therefore it is that I have no doubt that in some cases deputy marshals have inaugurated suits, which have resulted in large fees, that the laws compel the district attorney to deal with, although he may not believe that the cases ought to be dealt with. But I submit that these fees which go into the Treasury of the United States will continue to go there.

Mr. HOAR. Will the Senator from Iowa allow me to make a single remark? The Judiciary Committee has had this matter before it a long time. I have received a great many communications on this subject, and the complaints in this particular are not of the district attorneys, but of deputy marshals and commissioners. The complaint is that the fees are multiplied and cases put off, taking three days where the work might be done in one, and ten witnesses being summoned when two would answer, and all that class of complaints, but not relating to the district attorneys. Certainly in some instances among the most earnest advocates of this change have been district attorneys, who say that it is impossible for them to control the matter as it now stands.

Mr. GEORGE. Will the Senator allow me just one word, and then I shall quit?

Mr. ALLISON. Certainly.

Mr. GEORGE. In response to the suggestion made by the Senator from Massachusetts, I will say that if the fault is not in the district attorney's office, but in the marshal's office, there is no necessity for a change from the fee system to the salary system in the district attorney's office; the change ought to be confined to the marshal's office.

While I am up I believe I will say that I am authorized to state that no such abuse as has been alluded to in the debate here about deputy marshals and marshals putting up cases improperly for the purpose of obtaining fees exists in the State of Mississippi.

Mr. ALLISON. Mr. President, I do not care to go into that question. I will only refer the Senator from Mississippi to the page of the CONGRESSIONAL RECORD in which that showing appeared. It is of the date of March 4, 1896, page 2452, in which there is a full statement of the whole question.

What I mean to say is, as to this whole subject, that it having been thus dealt with at large by the Department and by the proper committees of the two Houses, all recommending that these changes should be made, all concurring that this is wise legislation, it seems to me that it is an unwise thing now, after having perfected it so nearly, that we shall in this method remove from the bill all these safeguards and provisions merely because, under our rules and the general rules of the House of Representatives, and under the ordinary rules of parliamentary procedure, this proposed legislation should not be on an appropriation bill.

I sympathize with every suggestion which has been made here as to the impropriety of putting legislation upon an appropriation bill. If the Judiciary Committee had come into this body and stated that any one of these provisions was unwise, and that they objected to it because of its unwisdom, I should be the last Senator here who would insist upon retaining it in the bill. So, without any feeling about it, I shall vote against the motion of the Senator from Ohio, believing that as we have progressed thus far with this important subject we may intelligently complete it in the pending bill.

Mr. HOAR. Mr. President, I agree, as I have already said, with the Senator from Iowa in his approbation of the provisions of the bill. They are substantially the same as the provisions which have been agreed to by the Judiciary Committee, which were reported in two private bills. I sympathize, however, with the Senator from Ohio [Mr. SHERMAN] and the Senator from New York [Mr. HILL] in the objection to putting them on an appropriation bill.

The Senator from Iowa does not seem to have answered the principal argument, which is, that when this goes down to the House of Representatives and comes back the proposition of the committee of conference can not be amended; that we shall have the naked question presented to us whether to swallow or reject the whole dose; and we shall be obliged to agree with the other House or take the risk of the defeat of the appropriation bill.

You have no right, it seems to me, to tie to a bill for carrying on the Government any general legislation. It is in effect the working of the old threat to withhold the supplies from the Government unless the House of Commons had its way in some particular measure. The Senator from Iowa simply says he agrees to all that, that it is a bad thing to put general legislation on appropriation bills, and the Senate is acting under a species of duress when the thing is done, etc. It is not that this particular thing is not right; it is not as to what the Senate wants; it is that you are inevitably, in all probability, going to have brought about in the future something which will be wrong, and that the Senate does not want, proposed elsewhere, and that you have got to take or leave.

The fact that this is a great temptation, and not a little one, to violate a principle, that it is violating it to get something you want instead of something you do not want, does not control my judgment, as it seems to control the judgment of my honorable friend from Iowa. The Senator from Iowa seems to me very much like the Scotch lassie who met Walter Scott on one occasion. She told him that she had always found in her experience that the best way to get rid of a temptation was just to yield to it. [Laughter.] That seems to be my honorable friend's notion in regard to the proper rule of procedure.

Mr. HILL. Mr. President, I want a yea-and-nay vote on this question, and I suggest the absence of a quorum in order that we may first get Senators in.

Mr. CULLOM. I have no doubt absent Senators are within hearing, and they will come in if we proceed to vote.

Mr. HILL. My idea was first to give them a little notice.

The PRESIDING OFFICER. The absence of a quorum is suggested.

Mr. CULLOM. All right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Aldrich, | Cockrell, | Jones, Ark. | Proctor, |
| Allison, | Cullom, | Lindsay, | Quay, |
| Baker, | Daniel, | McBride, | Sherman, |
| Bate, | Davis, | McMillan, | Shoup, |
| Berry, | Dubois, | Mantle, | Smith, |
| Blackburn, | Elkins, | Mills, | Stewart, |
| Brice, | Faulkner, | Mitchell, Oreg. | Teller, |
| Burrows, | Frye, | Mitchell, Wis. | Turpie, |
| Caffery, | Gear, | Nelson, | Vilas, |
| Call, | George, | Pasco, | Walthall, |
| Cannon, | Hale, | Peffer, | White, |
| Carter, | Hill, | Perkins, | Wolcott. |
| Chilton, | Hoar, | Platt, | |

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the amendment stated so that I may know what we are to vote upon.

The PRESIDING OFFICER. The amendment of the Senator from Ohio is to strike out sections 5 to 20, inclusive.

Mr. GEORGE. All that relates to the marshals and district attorneys?

Mr. CULLOM. If the Senator has the bill before him, he will see that those are the sections which refer to United States attorneys and marshals.

Mr. GEORGE. That is satisfactory.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I notice that my pair, the honorable Senator from Delaware [Mr. GRAY], is not present. Not knowing how he would vote if present, I will withhold my vote. If I were allowed to vote, I should vote "nay."

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. Not knowing how he would vote, I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. He is unavoidably absent, and I will withhold my vote.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. Can his colleague inform me how that Senator would vote upon this question?

Mr. PUGH. My colleague would vote "nay."

Mr. QUAY. Then I will vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. CARTER. I desire to inquire whether the junior Senator from Maryland [Mr. GIBSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CARTER. I have a general pair with the junior Senator from Maryland, and not knowing how he would vote, I withhold my vote.

Mr. MANTLE. I have a general pair with the Senator from Virginia [Mr. MARTIN]. However, it covers only political questions. Hence I am at liberty to vote upon this matter.

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

| | | | |
|---|---|---|---|
| Baker, | Daniel, | Mantle, | Turpie, |
| Bate, | George, | Mills, | Vilas, |
| Blackburn, | Hill, | Pasco, | White. |
| Caffery, | Hoar, | Sherman, | |
| Chilton, | Lindsay, | Smith, | |

NAYS—30.

| | | | |
|---|---|---|---|
| Aldrich, | Cockrell, | McBride, | Quay, |
| Allison, | Davis, | McMillan, | Shoup, |
| Berry, | Dubois, | Mitchell, Oreg. | Stewart, |
| Burrows, | Elkins, | Nelson, | Teller, |
| Butler, | Faulkner, | Peffer, | Vest, |
| Call, | Frye, | Platt, | Wolcott. |
| Cannon, | Hale, | Proctor, | |
| Clark, | Jones, Ark. | Pugh, | |

NOT VOTING—41.

| | | | |
|---|---|---|---|
| Allen, | Gibson, | Martin, | Squire, |
| Bacon, | Gordon, | Mitchell, Wis. | Thurston, |
| Blanchard, | Gorman, | Morgan, | Tillman, |
| Brice, | Gray, | Morrill, | Voorhees, |
| Brown, | Hansbrough, | Murphy, | Walthall, |
| Cameron, | Harris, | Palmer, | Warren, |
| Carter, | Hawley, | Perkins, | Wetmore, |
| Chandler, | Irby, | Pettigrew, | Wilson. |
| Cullom, | Jones, Nev. | Pritchard, | |
| Gallinger, | Kyle, | Roach, | |
| Gear, | Lodge, | Sewell, | |

So the amendment was rejected.

Mr. HILL. On page 61 of the printed bill, I move to strike out, in line 4, commencing with the word "*Provided*," down to the end of line 14. Upon that question, after it is stated, I desire to say a few words.

The PRESIDING OFFICER (Mr. WHITE in the chair). The Secretary will state the amendment offered by the Senator from New York.

The SECRETARY. After the word "dollars," line 4, page 61, it is proposed to strike out the following proviso:

*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the first Monday in May, 1897, and each succeeding session thereof shall commence on the first Monday in May of every odd-numbered year thereafter: *Provided further*, That no other offi-

cer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States, or by the legislative assembly of said Territory than such as may be provided for by the laws of the United States except a translator and an interpreter.

Mr. HILL. Mr. President, the motion which I have made to amend presents again the question of the propriety of general legislation upon an appropriation bill. It ought not to require much argument to convince the Senate that this amendment should be carried. Why Congress can not make an appropriation for the support of the government of New Mexico without adding provisions changing the date of the meeting of the legislature and otherwise regulating the affairs of that Territory, I can not see.

This proposed legislation is not asked for by the legislature of New Mexico. I have letters from nearly all its members, especially those who belong to my own political party, protesting against this legislation as partisan. I have letters from the governor of the Territory protesting against this legislation as partisan. It is not asked for by the governor of the Territory. It is not asked for by the legislature. It is sought to be sneaked in under this appropriation bill.

There is already pending here a bill relating to the Territory of New Mexico. It has been considered, not by the Appropriations Committee—it has been considered by the appropriate committee, the Committee on Territories. They have reported that bill. It is here upon our files ready for action at the proper time. If this political amendment is necessary and proper, why is it not placed in that bill?

Mr. President, we might as well be plain with one another. The object of putting in this amendment is to force Executive approval. That is all there is of it. It can not be defended upon any other ground. Under existing laws the legislature of that Territory, the Democratic legislature, will assemble in December next, and this little trick is to postpone it until May, for the laudable purpose, it is believed, that by that time there may be a Republican President of the United States, and a Republican governor and all the other officers of the Territory to be appointed. If there have been excuses in the past for the placing of partisan legislation upon appropriation bills, it could at least be said in justification for it that they were great party measures; that they were put on when great exigencies in public affairs existed; that it could not be done otherwise, and that party interests required it to be done. Mr. President, this is a small, mean, contemptible, silly provision, and an attempt to get party advantage through the appropriation bill.

In the first place, I invoke the eloquent speech of the Senator from Iowa [Mr. ALLISON], who said he is opposed to putting amendments of general legislation upon an appropriation bill. But his excuse was that the provision which we have just voted upon relating to marshals and district attorneys was a great reform. Everything goes in the name of reform nowadays. If a man wants to do some questionable thing, he invokes the name of reform. If you want to secure the adoption of any questionable provision, it is a reform provision. The Senator from Iowa said that if there was great opposition to the provision relating to marshals and district attorneys, then it ought not to be pressed, but he spoke of the great unanimity in the other House in favor of that reform; he spoke of the unanimity here upon the general question of the propriety of the change of the system. What unanimity is there for this amendment? Will anybody tell me who is asking for it except the Delegate from New Mexico?

Mr. MITCHELL of Oregon. The Senator from New York speaks of it as an amendment. It is a part of the bill as it came from the House.

Mr. HILL. I speak of it as an amendment in a general appropriation bill. In that respect I am entirely accurate. It was put in in the House; that is true. That much is to be said, of course, in defense of the Appropriations Committee; they did not put it in; they tolerated it, that is all.

Mr. ELKINS. Will the Senator from New York allow me to ask him a question? The Senator says it was "sneaked" in. What does he mean? How does he know, and upon what authority, that it was sneaked in?

Mr. HILL. I thought I would stir up the Senator from New Mexico.

Mr. ELKINS. I am glad you did.

Mr. HILL. I have witnessed day after day his friend who sits by his side here looking after this little amendment. In three minutes by the clock after my motion was made he comes in here to defend this little amendment, to whisper in the ear of our friends on the other side that it is vital for his party in that Territory. What I mean by "sneaked in" is because a little partisan advantage of this kind is unworthy to be placed upon a great appropriation bill of the Government. Will the Senator from the State of New Mexico—I have got that wrong; it is substantially that, though, I guess—will the Senator from West Virginia tell me why this was not brought up in the Committee on Territories? I am a member of that committee, and he is a member of it. Why was it not brought up there, in the proper committee? Can not some other committee than the Appropriations Committee of the Senate be trusted to take care of important amendments like this?

Mr. ELKINS. The Senator from New York has not answered my question. I should like to have him answer it before he asks me another. It is a serious charge that he has made about the provision being inserted by the House of Representatives; that it was sneaked into the bill. Let the Senator confine himself to the word "sneaked."

Mr. HILL. I will explain precisely what I mean by it. In the first place, it has no business here, legitimately, properly; it ought not to be here. That is what I mean by it. I mean it was put in in violation of the rules of the House. That is what I mean.

Mr. ELKINS. Is not the other House the judge of its own rules and regulations and proceedings? How can the Senator attack the House and what the House does?

Mr. HILL. According to the statement made this morning by the Senator from Iowa [Mr. ALLISON] they have no rules. It has been shown that they have their standing rules, all made, published, placed in the Manual, and new members who come in examine them and they see how all their rights are protected. But they have another provision by which the Committee on Rules meet fifteen minutes before a bill is to be considered and set aside all their rules, one and all of them. So I am strictly accurate in saying that substantially there are no rules of the House of Representatives to-day, but whatever rules they do have in form, on paper, they overrule. Therefore I say that the amendment was sneaked in; it crept in. That is the reason for it.

Now, Mr. President, what is the effect of this provision? The fiscal year of that Territory ends March 1. How is the government to be supported from March 1 until May, when the legislature meets? It is not provided for. Who has asked for this change? Where does it come from? What officials of the Territory there have asked for it? Will the Senator from West Virginia—I have got it right this time, or substantially right—deny that this is a political amendment?

Mr. ELKINS. Mr. President, I do deny it. The Senator from New York says in one breath that this is a violation of the rules and in the next breath he says that they have no rules.

Mr. HILL. And I am substantially correct in both statements.

Mr. ELKINS. He again lays emphasis on the word "sneaked." That is an inconsistency which I wish the Senator from New York would explain.

Mr. HILL. If I have not explained it sufficiently, even to the comprehension of the Senator from West Virginia, I shall not attempt it again. I have said they have certain standing rules, of which I was speaking. They are rules carefully prepared, rules printed in the Manual, rules published to the world to show how fairly the rights of minorities are protected. Those are the standing rules. Those rules forbid the placing of general legislation upon appropriation bills. Then they have another arrangement invented, no matter by whom, by which the Committee on Rules reports special rules to pass a particular bill.

Who ever heard before in the history of the House of Representatives of the necessity for bringing in a special rule to pass a great appropriation bill for the support of the Government, which we all recognize must be passed? Mr. President, never before; and it is not necessary to be done, because every Senator and every Member of the other House stands ready at all times to vote for supplies to run the Government of the United States. Say what you will about either House of Congress, all the members are willing to provide adequate moneys for the support of the Government.

Mr. President, this provision did not get in here by accident. Oh, no. It is placed here deliberately; placed for partisan advantage; placed for a purpose. It is not placed in a regular Territorial bill. It has never been considered by the Territorial Committee of the Senate at all. I have attended nearly every session of that committee until to-day. This question has not been brought up. We have discussed all other questions relating to New Mexico; but this question never has been suggested. It comes in here, gets in, crawls into this appropriation bill.

Who has said that the month of May is the proper time for the meeting of the Territorial legislature? I have a remonstrance from people who say that at that time many of the people there are engaged in the great sheep industry of that Territory. They do not want the legislature to meet in May. They protest against it. Why not meet as it has been in the habit of meeting, in December? What point is there except a political point?

Now, when the Senator from West Virginia denies that this is a political amendment it shows his capacity. I say he is equal to the emergency. Of course he has got to deny it, if he has not already. The other Senator from West Virginia, not from New Mexico, says he did not really squarely deny it. I am assuming he will have to deny it, of course, before this debate is over. He will have to deny it, because he does not want to come here and father this little amendment containing a contemptible political advantage in an appropriation bill and say we had to put it in there because we doubted whether we could get it in in any other

way. Oh, no, Mr. President; he has got to say that this is in the interest of the people of the Territory and not a partisan amendment, and he is amazed to find any objection to it raised here. Did he not know that the governor of the Territory is opposed to it? Does he not know that a large number of the members of the legislature are opposed to it? If he knows as much about that Territory as I think he does, he knows of the opposition to this provision.

Mr. President, are we to be told again that it is necessary to put this provision in the bill? I invoke all the arguments made that nobody would think of putting it in an appropriation bill unless it was not by unanimous consent but by a sort of common consent. The only argument advanced here in favor of the amendment for marshals and district attorneys was that everybody was in favor of it.

Mr. President, I can not see why this should be pressed at this time. I can not see upon what ground it can be defended. Assume, for the purposes of the argument, that it is a proper amendment; assume, for the purposes of the argument, that the governor of the Territory is in favor of it; assume, for the purposes of the argument, that the legislature wants it, all of which is untrue, then what is the necessity to put it on this bill anyhow? Are these appropriation bills to be made mere sewers to put in odds and ends and scraps that everybody wants to place in a bill? I hope not.

I hold in my hand letters and papers from that Territory in which they are opposed to this amendment. I say it is uncalled for. I say it is unnecessary. I say there is no necessity for changing the date of the meeting of the legislature under these circumstances. Before I proceed further, I want to hear the reasons for this provision upon the other side, if there is any other side.

Mr. CULLOM. Mr. President, I shall not become so much excited at least as my distinguished friend from New York over the provision.

Mr. HILL. Not the slightest. I am under no excitement at all. I never was cooler in my life.

Mr. CULLOM. I was a little uneasy for fear the Senator might have a spasm over it before he got through.

Mr. HILL. The spasm is on the other side.

Mr. CULLOM. Not the slightest. This provision was put on in the House of Representatives, if I may be allowed to refer to that body, which I regard as out of order. The provision came to us just as it appears in the bill, with the exception that the words "except a translator and an interpreter" were added by the Committee on Appropriations of this body. The Delegate from the Territory appeared before the committee in favor of the retention of the provision, and desired additional amendments to it, which the Committee on Appropriations declined to give, except as to the words which I have quoted. I heard nothing and I think no member of the committee heard anything said about any politics that might be involved in it. Whether there is any, I am not prepared to say. The Delegate insisted that it would be in the interest of the Territory if the time for the commencement of the legislature should be fixed as is provided in the bill. I did not hear very much from the Delegate, because we told him early that we could not add any additional amendments to it.

I desire to say in behalf of the honorable gentleman who represents that Territory in the other body that he is a gentleman of character. He is a gentleman of eminent ability as a lawyer, perhaps as much so as any man living in the Territory. He comes here by the votes of the people of that Territory, and he had a perfect right to be heard in the Committee on Appropriations if he desired to be heard before the committee.

Mr. COCKRELL. Will the Senator from Illinois recall the fact that Governor Thornton was before us and stated——

Mr. CULLOM. I was about to do so.

Mr. COCKRELL. All right.

Mr. CULLOM. Before that time, however, we had sent for the Delegate to know whether he had anything which he desired to say. The governor of the Territory was before us and objected to the time named in the provision which was incorporated in the bill in the other branch. He preferred that it should be on the first Monday of January, instead of the first Monday of May, but, as I remember it (and the Senator from Missouri will correct me if I am mistaken), he stated that if there was any change made in the time of the meeting of the legislature he preferred it should be in February or March. Am I right in that?

Mr. COCKRELL. No; his statement was that he preferred to have the legislature meet in January.

Mr. CULLOM. I know he preferred January. He desired it should meet in January, but if any change should be made he did not want it later than February or March.

Mr. COCKRELL. Not later than March.

Mr. CULLOM. That is my recollection of his testimony. There was nothing of a partisan nature suggested by either of the distinguished gentlemen who were before us. The governor seemed to be a gentleman of character and intelligence. He is a gentleman whom I never had the honor of knowing before. The Delegate I have known for a number of years. I am prepared to say that so far as I have any information, both those distinguished men are honorable gentlemen and both of them had a right to represent to Congress or to either branch of it what their views and wishes were with reference to legislation.

Mr. COCKRELL. Let me refresh the memory of the Senator from Illinois. Does he not remember that Governor Thornton stated, after he had gotten through and made his suggestions, that it was due to the committee, or due to himself, that he should state it was a political matter?

Mr. CULLOM. Possibly he may have made that remark after he got through.

Mr. COCKRELL. After he had given his reasons, after the whole question was discussed, then he went on to state fully that this was purely a political matter.

Mr. CULLOM. He may have stated that, but there was not apparently——

Mr. COCKRELL. There was not a word said about politics until after the whole question was discussed.

Mr. CULLOM. That may be true.

Mr. COCKRELL. And then, before he left, you will remember he told us he felt it to be due to himself, as well as to the committee, to state that they regarded it as a political question?

Mr. GEORGE. We can not hear on this side the colloquy that is going on.

Mr. HILL. Who made that statement?

Mr. COCKRELL. Governor Thornton.

Mr. CULLOM. The Senator from Missouri states what the governor of the Territory said before our committee after the general statement which he was called upon to make had been concluded. I have rather an indefinite recollection of what he did say, because I was not impressed that there was much of anything in the subject. However, the governor stated, and so the Senator from Missouri says, that it was a political scheme or measure, and I take it for granted that the Senator from Missouri recollects definitely what was said by him. Now, whether it was or not, the governor argued that the 1st of May was at a time in the year when it was troublesome for members of the legislature or others engaged in agricultural pursuits to attend the legislature at all, because it was the season when the sheep needed to be attended to, etc., but there was no very strong impression made upon anybody's mind, I think, that there was very earnest objection to the provision in the bill. While it may have been out of order to put it on the bill, as it certainly would have been in the Senate in the first instance, having been embodied in the bill before it passed the House without very much or any discussion, the committee did not take any steps looking to getting rid of it.

The PRESIDING OFFICER. The Senator from Illinois will suspend to enable the Chair to lay before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. CULLOM. I hope the unfinished business will be temporarily laid aside without losing its rights until the appropriation bill is concluded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULLOM. I have a very few words more to say. I have felt that the honorable Senator from New York was a little severe, and that it was rather untimely for him to talk about this provision being sneaked into the bill by anybody or from any quarter. I hope he did not mean to reflect upon the Delegate from that Territory or upon anybody else. It got into the bill publicly by being introduced, I suppose, in committee in the other body, and adopted by that body without closed doors or any means which would look toward an unfair advantage. Certainly the Delegate from the Territory has a right to represent his Territory just as any Senator upon this floor or any Member of the other branch has a right to represent his State, taking his own view of what is best after looking into the question.

Mr. GEORGE. Will the Senator from Illinois allow me to ask him one question?

Mr. CULLOM. Certainly.

Mr. GEORGE. Was any specific fact or series of facts stated to the committee which showed that it was improper to hold the legislature in November and that it was proper to hold it in May? I should like to know as to that point.

Mr. CULLOM. There was some talk, and I have just been looking to see whether anything was taken down. I regret very much that the statements of the Delegate as well as those of the governor were not reported and printed for the use of the committee. However, they were not, as I find, and I did not charge my memory very closely in reference to what was said either by the governor or the Delegate as to specific reasons for or against the proposition. The Delegate representing the Territory——

Mr. HILL. Was it heard before a subcommittee or the full committee?

Mr. CULLOM. It was before a subcommittee, as I remember.

Mr. HILL. Not before the full committee?

Mr. CULLOM. The matter was subsequently before the full committee, of course, but the hearing was not before it.

Mr. HILL. No.

Mr. CULLOM. I do not care to take up the time of the Senate longer. I should like to have a vote upon the amendment so as to dispose of it as soon as possible in some way.

Mr. BERRY. Mr. President, I wish to state that on the vote to strike out the provisions in the bill in regard to the salaries of marshals and district attorneys, I voted "nay." I did so for the reason that for years an effort has been made in both Houses to establish the salary system. I believe it is most important to the entire country that the fee system for marshals and district attorneys should be dispensed with, and a salary system placed in lieu of it.

I would not have voted for those provisions on an appropriation bill had it not been shown that the matter was thoroughly considered by the Judiciary Committee of the House. The salaries were arranged by that committee, and it went from that committee to the Appropriations Committee and was placed on the bill, coming from the Judiciary Committee in the House. When the proposition came here the Appropriations Committee referred it to the Judiciary Committee of the Senate, which was the proper committee to deal with the subject. The result was that both the Judiciary Committees in the House and in the Senate have thoroughly considered these provisions of the bill; they have been placed there, and there is at present no other way by which legislation can be had on that subject.

Many of the salaries are too high, and I would not have voted for them for that reason separately; but believing, even high as they are, that there will be a great saving, taking the entire country over, I voted against striking out the provisions. In my own State the salaries fixed by the bill will be $4,000 less for the two marshals and the two district attorneys than under the present fee system.

But this is a great and important question. It is a question which affects the entire country. It is not political. It is out of the ordinary when it is put upon an appropriation bill, but it is only put there after thorough consideration by the committees of the two Houses that have charge of this subject.

The matter directly before the Senate—in regard to the time of meeting of the legislature in New Mexico—I understand, was never considered by the Committee on Territories. The Committee on Appropriations is not supposed to be familiar with or to know so well as the Committee on Territories what is required in the Territory of New Mexico. This provision comes in on an appropriation bill from the House without having been considered by the Committee on Territories of this body, and so far as I know, although I do not know as to that, by that committee in the House of Representatives.

The Senator from New York [Mr. HILL] says that some political advantage is sought. I do not know how that is, but if it be true it seems to me it is very small politics to ask the House to make a rule to put into an appropriation bill a subject-matter that does not belong here, in no way connected with the appropriation bill, in order to gain a political advantage, if that be the purpose.

If we can not enforce strictly and literally the rule that no general legislation shall go on appropriation bills, it seems to me all important that matters of this kind, which have not been considered by the proper committees, should not be put on an appropriation bill. And it is especially objectionable to attempt to pass political legislation in this way when it could not otherwise receive favorable consideration.

Mr. CARTER. Mr. President, it is important, apparently, that the Senate should understand the particular portion of the bill affected by the amendment proposed by the Senator from New York [Mr. HILL]. Since the first organization of the Territorial form of government in 1787, Congress has reserved unto itself the right not only to direct what can be done by Territorial legislatures, but likewise the right absolutely to abrogate any law passed by a Territorial legislature which does not appeal to the judgment of Congress as for the best interest of the people domiciled in that section of the country. Therefore, in attempting to place certain restrictions upon the authority of the legislature of New Mexico no innovation upon time-honored precedent is undertaken by the provision sought to be stricken out.

First, the provision designates the month of May instead of the month of December for the meeting of the Territorial legislature. Second, it provides that the Territorial authorities shall not be vested with the power to employ or pay for the use or service of the legislative assembly any person or persons in addition to those provided for by act of Congress to perform clerical service, except an interpreter.

With reference to the first matter, designating the time for the meeting of the legislature, I understand the fact to be that the legislature of the Territory meets in the month of December under existing law, and the meeting at that time brings about a state of affairs which I will describe. The election returns shall be filed with the secretary of the Territory within fifteen days after the election. In the case of a contest occurring, thirty days shall be allowed in which to give notice of intention to contest. This notice manifestly, under the law, would embody the complaint, as in an ordinary proceeding in the courts, setting forth the cause of action. Eight days are allowed for an answer to be filed. Thus the issue in a contested case would be framed. After the framing of the issue sixty days' time is allowed for the preparation of evidence or the presentation of the testimony. This allows a sufficient time in all for the meeting, the sessions, and the expiration of the legislative session before a hearing on a contested election case can occur.

So cases of fraud presented after the election in the Territory of New Mexico go unwhipped of justice. Instances are cited of cases after the last election wherein the secretary of the Territory by arbitrary and unauthorized action, in defiance of law and the will of the majority, placed upon the rolls of the legislature of the Territory a large number of men who did not have the semblance of credentials of any kind, character, or description. They were placed upon the roll as members of the Territorial legislature simply from and because of the fact that they had been candidates at the election and were defeated, while those who held credentials regular in form, commissioned by a majority of the people to represent them in territorial council, were absolutely deprived of the privilege by the fiat of the secretary of the Territory, who had supreme authority to make up the preliminary roll.

Thereafter, owing to this peculiar condition of things, allowing time to elapse within which the Territorial session would expire before a contest could be brought to a hearing, the people of the Territory were placed in the remarkable position of being represented by gentlemen whom they did not elect at all. It is now proposed to place the session of the legislature in the month of May, to the end that persons contesting the regularity of the seat of a member of the legislature may have a day in court, in the proper forum, before the legislature adjourns.

Mr. FAULKNER. Will the Senator from Montana permit me to ask him a question?

Mr. CARTER. With pleasure.

Mr. FAULKNER. Why, then, put in May, which is a very busy season with the people of that country, to accomplish the object which the Senator suggests? Why could it not be done by fixing the time suggested by the governor and other officers of the Territory, either in February or March?

Mr. CARTER. I will state in reply to the question suggested to me by the Senator from West Virginia that the question propounded by him was propounded to the Delegate of the Territory of New Mexico by me, and he replied that the people in the rural districts were very largely engaged in sheep husbandry, and that if the legislature should convene in the month of February it would interfere seriously with the attendance at the legislature of persons who happen to be engaged in that line of enterprise, whereas in that far southern region the shearing concludes in the latter part of April, and the month of May is comparatively free from any preoccupying engagements.

Mr. FAULKNER. I will state to the Senator from Montana that that is just exactly the reason the governor gave in his testimony before the subcommittee, as I understood, why May or April should not be selected, because April and the early part of May come in the busy season in reference to the sheep industry.

Mr. CARTER. That brings up a question as between those two gentlemen which can readily be determined by reference to ordinary geographical and climatic conditions. In the far northern region of Montana, on the Canadian line, the lambing and shearing season concludes in the month of June, and I am persuaded that as between the governor and the Delegate from New Mexico, the climatic and geographical argument is on the side of the Delegate.

Now, with reference to the second proposition presented by the Senator, to strike out that portion of the bill which restricts the local officers from fixing undue burdens upon the people by employing extra force in the legislature, I can speak from some experience, having been for a considerable number of years under the dominion of a Territorial form of government in our Commonwealth. The experience in the last legislature in New Mexico was this: Congress, contemplating the necessities of 36 members of the legislature, 24 in the house and 12 in the council of that Territory, provided ample clerical force for the transaction of the detail and necessary business. The Government of the nation pays the legislative expenses to the limit fixed by Congress. In addition, however, and I venture to say without any existing necessity for the act, in reckless disregard of public economy, the legislature of the Territory of New Mexico affixed for clerk hire $13,000 upon the people of that struggling community in addition to the Congressional appropriation. The second proposition, then, sought to be stricken out by the Senator from New York [Mr. HILL], is the restriction which prevents a recurrence of that abuse.

Relative to the appearance upon this floor of the Delegate from New Mexico a word should be said. I am glad the distinguished Senator from New York called the attention of the people of New

Mexico, through the CONGRESSIONAL RECORD, to the fact that their Delegate is here discharging his duty. By reference to the law providing for Delegates in Congress from the Territories the Senator will observe that it is not a Delegate to the House whom the Territorial citizens elect, but a Delegate to Congress, and the right of a Delegate to Congress is as strong upon this floor as upon the floor of the House of Representatives.

It is unfortunate that 200,000 people domiciled in New Mexico, law-abiding American citizens, who have conquered 122,000 square miles of territory, who have all the necessary qualifications for Statehood, should be voiceless in this Chamber and without a vote anywhere in those matters concerning their own destiny. Since the privilege is accorded the Delegate to appear upon this floor, his appearance must be mentioned to his credit and not to his detriment.

Mr. HILL. I find no fault with the Delegate from New Mexico for discharging his duties. On the contrary, it is very commendable upon his part. I do not understand that it is a part of his duty, however, to endeavor to place upon appropriation bills amendments of this character. I do not think he has any superior rights to Senators or Members. I am not speaking of the Delegate personally. I am speaking of the propriety of a Delegate so anxious to accomplish political purposes that he deems it his duty to insist to his party friends upon having a political provision agreed to, embarrassing them.

I am sure that the fair-minded men upon the other side of the Chamber were not aware of the political character of this provision in the first instance, when it was proposed. The Senator who last addressed the Senate knew all about it. He remained silent when I was making the accusation that it was a political provision, and he heard the Senator from West Virginia [Mr. ELKINS], who is equal to every emergency in that line, get up and strenuously deny that it is a political provision. In a few moments the Senator from Montana [Mr. CARTER] rose at his place and admitted the whole thing, that it is political in its character, for the very purpose of regulating the political affairs of that Territory.

What committee of this body has corroborated the Senator's statement? Not one. He has denounced the action of a Democratic secretary of the Territory. Where has the secretary been heard? What committee of this body considered this legislation? None. Sir, while complaining of me because I commented upon the diligence with which the Delegate has looked after the provision while it has been pending here, I beg to ask whether it was entirely in good faith for the Senator from Montana to assail the secretary of the Territory, who has no one to speak in his behalf, and has not had any opportunity here to be heard?

If you wish to pass a proposition like this, go at it like business men. Introduce it and have it referred to a committee. Let the opposition be heard. Let testimony be taken. If there is a great overwhelming necessity for this little, contemptible, political provision, let the subject be thoroughly investigated. Fellow-Senators upon the other side, am I asking anything but what is right?

Mr. President, what the secretary did or did not do, I can not inform you. I have some letters in regard to the matter, portions of which it would not be proper for me to read here. They are personal letters explaining this matter. I conversed with the governor when he was here. I learned the character of the provision. Is there any doubt about its character? Is there a Senator upon the other side, fair-minded men who do not want to be mixed up in this little petty squabble, who does not know what it is?

I ask whether there is a good reason for insisting on this provision? Let us see. In the first place, they want a change made from December to May as to the session of the legislature. The first question which would arise when men are asked to pass upon the matter is, What is the point to it? In the first place, what is the political complexion of the legislature? It is a Democratic legislature. Who suggested the amendment? The Republican Delegate from the Territory. I think a Democrat would want to know immediately, What is the point to it? What is the reason for it? Who is asking for it, the legislature? Does the governor ask for it? Whence does it come?

Mr. CARTER. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. CARTER. I will state that the legislature to be elected next November is the legislature to which I expect this particular provision would apply, and consequently the political character, so far as narrow partisanship is concerned, which the Senator refers to, can not be applied to a condition wholly unknown, for the clear reason that we can not predict what the political complexion of that legislature will be.

Mr. HILL. Do any of the members hold over?

Mr. CARTER. There are no holdovers.

Mr. HILL. None at all?

Mr. CARTER. There are no holdovers, either in the council or in the house. The entire legislature will be elected.

Mr. HILL. Who is the secretary of the Territory now?

Mr. COCKRELL. Lorion Miller is the secretary.

Mr. HILL. What is his politics?

Mr. CARTER. I am not informed. I suppose the Senator from Missouri can give the information.

Mr. COCKRELL. The secretary of the Territory is a Democrat.

Mr. HILL. The Senator from Missouri says he is a Democrat.

Mr. CARTER. Very well.

Mr. HILL. I understood the Senator from Montana to say that the same secretary at another time virtually organized the legislature.

Mr. CARTER. That is the statement made to me by an authority in which I place great reliance.

Mr. HILL. I ask the Senator whether the same secretary will not in December substantially organize the legislature?

Mr. CARTER. Yes, sir; without time——

Mr. HILL. There is where the point is.

Mr. CARTER. Without time for any contestant to be heard prior to the adjournment of the legislature or the expiration of the session by limitation.

Mr. HILL. It is not quite the thing, it strikes me, for Congress to attempt to regulate the length of time that a Territorial legislature shall sit merely for the purpose of determining the question of contested seats, nor do I think that mere loose allegations, not investigated, not proved, where the parties accused have had no hearing, constitute a sufficient argument why we should change existing laws to accomplish this result.

As the bill passed the House of Representatives with these provisions they limited and restricted the legislature to the appointment of only such officers as were expressly authorized by the Congressional act. The legislature has heretofore authorized translators or interpreters, and properly so. Sir, one-half or two-thirds of the people of that Territory speak the Spanish language, and it was necessary that they should have those officers. So long as the strict acts of Congress did not provide for it the legislature felt as though they were constrained to provide for their appointment. While the Delegate from the Territory did not look after this matter in the House of Representatives, the committee very properly added these exceptions.

Mr. President, I moved to strike out the whole provision because it is special legislation. The two distinct amendments go together; they are both legislative matters. One is clearly political; the other not so much so, and the amendment which has been added by the Committee on Appropriations is substantially unobjectionable. But I make the motion to strike it all out because it is legislation which does not belong here.

I have listened in vain in the elaborate apology made for this action by the Senator from Illinois for some reason why this should not be placed upon the bill for the admission of New Mexico. What reason has been stated? Why place it upon this bill?

The Senator from Montana [Mr. CARTER] gives the case away. He was right; he is a fair man. He will not attempt to say that this is not a political amendment, intended for advantage. I will spend no more time upon this question. Whether it is a political amendment or not, if we muster courage to accept the statement of the Senator from West Virginia [Mr. ELKINS] that it is not, why should it be placed here? What good reason can be urged for such legislation in this bill?

Mr. President, it is the duty of the Committee on Territories to investigate Territorial questions. I have been on that committee for several years. I served under the distinguished Senator from West Virginia [Mr. FAULKNER] who sits upon this side of the Chamber. We have never heard of this measure. The first we saw of it was when it turned up in this bill, and we have to get such information as we can in regard to it. Let it be stricken from the bill by common consent. If it is not a political amendment, as the Senator from West Virginia says it is not, why not let it go out by common consent and let it take its place in the regular bill for the admission of New Mexico and stand or fall with that bill?

Mr. President, it is put in here for the purpose of coercing us to pass it. It is put in here for the purpose of coercing the President of the United States to let it go. That is why it is put in. It will be argued that we must have money to run the Government. It is practically impossible to oppose an appropriation bill; and that is the reason it is placed here.

I cast no reflection upon anyone who differs from me on the general question of the propriety of placing general legislation on appropriation bills. Senators have voted as their judgments dictated. I am opposed to this provision upon principle. I am opposed to this kind of legislation. As I said yesterday, my attention has been called repeatedly to it for some years. I believe the safest course is to oppose it at all times, and I especially oppose it at this time, when I think I see from the statements made to me, from the admissions made upon the other side, that this is political in its character. That is the further reason why I oppose it.

Now, I submit this to Senators upon the other side who have conceded in the debate just had that an amendment of this kind ought not to be forced upon an appropriation bill. Here stands this minority. I am not authorized to speak for my party associates upon

this question, but I do not believe that they favor this amendment. Did not the Democrats in the Committee on Appropriations oppose it? They did. Yet it was forced on them. Still, the Senator from Illinois says he was not aware of its political character. Yet he recollects that the Democratic governor did say that it was political; that is all. Oh, no; that is altogether too innocent, Mr. President. I prefer the bold, frank, manly statement of the Senator from Montana [Mr. CARTER], that it is political, and that that is the reason he favors it.

Mr. DANIEL. Mr. President, I shall vote to strike out this provision from the appropriation bill. It seems to me that every member of this body and the country at large are interested to oppose on all occasions such a pernicious system of legislation. It is calculated to take the Senate by surprise. No one expects in the body of a general appropriation bill to find political legislation or legislation affecting those general subjects which are distributed and put in charge of the committees which especially pertain to them.

I have had various occasions recently to observe the ill effects of this class of legislation. There is a case in my own State in which a feud has arisen about a little provision interjected into a river and harbor act establishing a criminal code and requiring mine owners and furnace men not to empty the slag of their mines into the rivers, a measure that ought to have been referred to the Judiciary Committee of this body, where it may be presumed it would have been handled with some technical and legal skill, and when debated would have attracted the attention of the Senators or Representatives from the States affected.

The widespread discontent with having one committee of this body to handle all of the appropriations grows largely out of the toleration of such legislation as this. The Senate is not left as a free body to deal with this proposed legislation. I shall not address myself to the political aspect of it nor to the merit of the question itself. It is obtruded here. It is where no Senator has a right to anticipate its presence. It comes without the consideration of the committee of this body which has been duly selected with reference to its ability and fitness to consider such a question.

The third clause of Rule XVI with reference to amendments to appropriation bills provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill.

Suppose any Senator desires to amend this alien matter now in the body of the bill, he is not free as a Senator to offer that amendment here. Why? Not because the subject-matter ought not to be free to amendment; not because the subject-matter is not one which in our parliamentary scheme is intended to be first examined by a committee appointed with reference to it, and then to be open to any amendment or suggestion that any Senator may offer; but because of the fact that it has been isolated from its natural, its just, and systematic relation to our parliamentary proceedings and has been incrusted in the body of an appropriation bill, where no one can get at it.

Mr. President, is it not calculated to bring contempt and derision upon our rules to establish a system of parliamentary procedure which advertises to the whole world and notifies every Senator as to what are his rights and what are the rights of his constituents, and then openly, flagrantly, in protest of the minority, who have only the rules for their protection, to surprise them by putting this manner of legislation in an appropriation bill?

We have just perceived the embarrassment and difficulty of such a process. Here in the pending appropriation bill a matter with reference to marshals and district attorneys, which belongs to the Department of Justice and to the Committee on the Judiciary, was brought bodily into and obtruded into this measure. What is the result? If the Judiciary Committee desires to exercise its functions, if the Senate desires the enlightenment which it has appointed that body to give it, the appropriation bill must be broken up and there must be two committees at the same time considering fragmentary portions of it.

I am very much in favor of the reform contemplated by the provision which has been incorporated in this bill respecting marshals and district attorneys. I believe that it is a crying evil of this country that the ministers of justice, who should be fair-minded and dispassionate, should have contingent compensation based upon the measure of zeal which they may exercise in the prosecution of offenses. It is calculated to scandalize, to degrade, to pervert the whole system of justice to have such a system of fees upon our statute book. But desirous as I am to strike it down, feeling in my own State and witnessing in the practice of the law the evils of that system, I was yet unwilling in the little time that could be given to it in the midst of the consideration of an appropriation bill to foist upon the country such ill-considered and such an inappropriate style of legislation.

It is not for me, Mr. President, to criticise the House of Representatives. As a legal and coordinate body of this Government, it is competent constitutionally for it to send us its legislation in any such shape as it may please to put it, and there are occasions, extraordinary ones, it is true, in which it is not only fitting but is right for a House to associate its appropriations with conditions which may prevent abuses. But the Senate has established its system for itself, and if the two bodies shall not work in harmony with each other, it is at least possible for the Senate to work in harmony with itself. We shall improve general legislation; we shall tend to the betterment of all our processes of procedure; it will be fairer for everyone who has the burden of representing a constituency here, if it be known that the Senate will adhere to its system and that when it considers appropriation bills it will not tolerate the interjection of general legislation into them.

There are two clauses of our rules which tie our hands, which shackle the Senate, which deprive every Senator of his free right to offer an amendment upon this floor to the clause of the appropriation bill under consideration:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The clause which has been inserted in this bill is obnoxious to both objections. It is general legislation; it is not germane or relevant to the subject-matter contained in the bill.

What is the bill? It is a bill making appropriations for the legislative, executive, and judicial expenses of the Government. That is all it purports to be; that is all that under our rules it has a right to be; and I do not conceive that we could enter upon or enforce a more wholesome and just reform than to be true to ourselves and insist in our procedure upon the letter and spirit of the system which we have established.

Mr. CALL. Mr. President, I shall vote to strike out of the pending appropriation bill this provision in regard to the legislature of New Mexico meeting in May; but I think the criticisms which are made upon the placing of legislation upon appropriation bills are without just foundation in many respects.

The Senator from Virginia [Mr. DANIEL] holds that it is a system objectionable in every respect, that it is a surprise to the Senate, that provisions are imported into bills which can not be stricken out because of the Senate rules. If that be so it is an objection to the rules which prevent such an amendment.

But the construction which the Senator from Virginia makes of the Senate rules is not a correct one. There is nothing in the rules which prevents the amendment of a portion of an appropriation bill which is itself general legislation. It is the introduction into the bill of a new provision which is general legislation.

Then, when you come to define general legislation it is almost impossible to tell what it means. Is it general in respect to the subject, or in what respect is it general legislation? It is very difficult to define it. But be it general or not, be the language of the rule definite or not, precisely the same influences which will pass the legislation in a separate bill will pass it in an appropriation bill or strike it out. It is substantively and individually just as much subject to examination as it would be in a separate bill. If the Committee on Appropriations undertakes to consider, without the action of any committee of this body, a provision and puts it in an appropriation bill, the evil is there in the practice of the committee and not in the fact that it is general legislation upon an appropriation bill. All the processes of the Senate are as applicable to a provision in an appropriation bill, of general legislation or special legislation, as the report of an individual committee.

So the report of an individual committee on a bill may be a surprise, and the vast number of bills upon the Calendar are placed there without any kind of information or knowledge of Senators not upon the committees from which they are reported until they are heard and discussed in this body. When you come to investigate these propositions they have no true relation to the subject.

The practice of intermixing many subjects upon an appropriation bill which are not pertinent or relative to the appropriation is certainly objectionable. It is objectionable because it brings into one simple subject, the appropriation of money, matters that are not connected with it and that all come at once to the consideration of the body. But the proposition that it is a surprise to the Senate, that it is not subject to examination, that there is something in the mere fact that it is a general appropriation bill, and that it is legislation which does not relate to appropriations, does not affect the processes by which it is considered. They are the same precisely as if the special measure had been reported by a committee.

Mr. DANIEL. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly.

Mr. DANIEL. If the Senator were chairman of the Committee on Territories, would he not be surprised to find in a general appropriation bill a proposed enactment with reference to the Territories which had never been referred to his committee?

Mr. CALL. Yes.

Mr. DANIEL. That was my argument, which the Senator is now answering.

Mr. CALL. That was not the Senator's argument—I beg his pardon.

Mr. DANIEL. That is the way I understood it. Perhaps the Senator may have understood it otherwise.

Mr. CALL. I will point out to the Senator wherein it was not his argument. The Senator said that this would be a surprise to the Senate, not to a member of the committee. Here is the difference. It would be a surprise to other Senators——

Mr. DANIEL. I am surprised that I know so little as to what would surprise the Senator from Florida.

Mr. CALL. The Senator of course knows a great deal, but that is not answering the argument. The Senator is here to make propositions and have them answered, and if they are not correctly answered, point it out. What the Senator from Florida knows or does not know, what the Senator from Virginia knows or does not know, is not the question. The question is whether, when upon an appropriation bill a subject of general legislation is placed of necessity, because it was on an appropriation bill, under the rules of the Senate, it was a surprise to Senators. I say that as to that proposition if I had been chairman of the Committee on Territories, and if I had reported a bill fixing the time for the meeting of the legislature of New Mexico in May, it would have been as much a surprise to every Senator not upon that committee as would be this provision upon the appropriation bill; and so of every other bill. Therefore the criticism that the placing of general legislation upon appropriation bills is a matter of surprise to other Senators is no more applicable to that species of legislation than it is to the report of any committee of this body on any bill before it.

There is an objection to this mode of legislating. That objection is that the Executive is compelled to choose between vetoing an appropriation bill or permitting the passage of some objectionable provision. It is a substantial objection that the President may be compelled either to veto the whole bill, disapprove it, or allow some objectionable provision to pass. But I am not concerned, for one, about that. If that were the only objection to putting such a provision upon an appropriation bill I should not object to it. The Executive power, voting two-thirds of the legislative power here, or exercising it, the power of the people, sub judice, as it were—the Executive power of two-thirds, less 1 vote, by which the power of legislation can be defeated—does not need any additional guard and assistance or protection from the other third of the legislative power that is vested in these two Houses. So that to me would be no kind of an objection.

It is a good rule that we should not have general legislation upon an appropriation bill, but you must not settle upon that rule all the objectionable practices of evil which result from careless legislation. It is objectionable because it collects in one single bill many subjects of importance which ought to have separate consideration and greater time given to them. But I have heard constantly in the seventeen years of my service here that legislation at every session of Congress has been forced upon appropriation bills because of the exigencies of the public service and the delays of legislation. We have had perpetual discussion of the necessary evils of legislating on an appropriation bill.

I think we had much better address ourselves to the amendment of the rules so that when general legislation is placed upon an appropriation bill it may be considered, and that any Senator may require it to be considered, with deliberation, and that it shall have been referred to the appropriate committee of this body before it goes upon the bill. If the Senator from Virginia or the Senator from New York desires to amend the rules in the interest of deliberate and careful and just legislation, let there be a rule adopted that will require the Committee on Appropriations, or any committee that is charged with appropriations, before putting general legislation upon a bill to have it referred to such committee of this body as properly has jurisdiction over the subject. That is the remedy, and not the proposition that the legislation is necessarily careless, indifferent, objectionable, and a surprise because it is put upon an appropriation bill and not brought in on another bill.

Mr. ELKINS. Mr. President, this amendment about which so much has been said as being in the direction of general legislation and a defeat of rights is simply a provision in the appropriation for the expenses of the Territory of New Mexico changing the time of the meeting of the legislature from December to May. There is no constitutional question, there is no question affecting anybody's right, involved in this amendment. The Delegate from New Mexico is authority for the statement that it suits his people better to have the legislature hold its sessions in May than in December. Who is authorized to speak for the Territory of New Mexico better than the Delegate who represents the people and who was elected by the people? He surely understands, with all due respect to the Senator from New York, the wishes of his constituents better than the Senator from New York.

Mr. HILL. Will the Senator allow me a moment?

Mr. ELKINS. Yes, sir.

Mr. HILL. For how many years has that Territory suffered under the same difficulty of meeting in December?

Mr. ELKINS. I do not know. That is not pertinent to this discussion.

Mr. HILL. And why the suddenness of this change now?

Mr. ELKINS. The Senator from New York challenges my interfering on this subject or making myself busy. I had never read this provision when he made his motion to strike it out. I sent for the Delegate from New Mexico to come and explain it, and I asked the Delegate if it was political in its character, and he said no. I notice that the distinguished Senator from New York made reflections upon the Senator from Montana about the good taste of attacking the secretary of the Territory. I do not think the Senator is authorized to talk about good taste when he can get up here in his place and charge that the House of Representatives sneaks an amendment into the law and that the Committee on Appropriations concurred in sneaking it through. I do not believe a Senator capable of making that statement is a good authority and should be trusted upon the subject of taste.

Mr. President, there has been dragged into this discussion a political feature. I do not see the politics in it. I stated at once frankly just what the Delegate said to me, that it suited his people better, and the provision is entirely immaterial. As I said, it enunciates no principle; it violates no principle; it affects no constitutional right. The people, through their Delegate, simply ask that the legislature shall meet in May instead of December.

Mr. BRICE. Before the Senator from West Virginia takes his seat, I would ask him if he has at any time represented the Territory of New Mexico as a Delegate in Congress?

Mr. ELKINS. Oh, yes; I had that honor.

Mr. BRICE. Did the Senator when he was Delegate believe that his constituents wanted the time of the meeting of the legislature changed? If so, why did he not initiate the legislation at that time?

Mr. ELKINS. The question never came up. If they had asked me, I surely should have moved this amendment. I do not think that that has anything to do with the discussion.

Mr. FAULKNER. Mr. President, I should not have engaged in this discussion but for the fact that, being a member of the Committee on Appropriations, I feel, after the developments which have taken place with reference to the provisions of the bill, that I have myself perhaps been somewhat derelict in not having ascertained the motives and purpose and intention of the insertion of this clause in the appropriation bill.

I will state that, not being on the subcommittee of the Committee on Appropriations having charge of the pending bill, I did not hear any of the statements made by the governor of New Mexico in reference to this subject to the effect that the provision was in itself and in character political, and that that was the object and purpose of its insertion. Had I understood that any such view was entertained by the governor of the Territory, I should have investigated the subject before voting in favor of retaining the provision; but not having learned it or heard any suspicion of it until after the bill was reported, it remains only for me to state my views in reference to the clause as it now appears in the bill.

There has been but one argument made that at all would justify the insertion of a clause for a change of the time of the meeting of the legislature of the Territory of New Mexico, and that was made by the distinguished Senator from Montana [Mr. CARTER]. He said that the meeting in December does not allow sufficient opportunity, first, to take the evidence, and, secondly, to determine the question as to contests before the adjournment of the legislature.

It is true that for a long number of years that objection has never been heard of and has never been brought to the attention of Congress, and yet I will say to the Senator that perhaps there is some justification in the suggestion he made that between the election in November and the meeting of the legislature in December sufficient time is not given to take evidence upon the question of contested elections. But, sir, that is no argument in favor of this provision. Why has not the Delegate from that Territory suggested that the legislature should meet, as the State legislatures do, in January? I hardly know a single legislature elected in November that does not convene in general assembly the following January for the purpose of transacting the legislative business of the State. Certainly it can not be claimed that the time required in New Mexico is greater than the time required in all the States of the Union to meet and properly and fairly examine into the question of contested elections. Therefore that argument is overthrown by the experience of all the States of the Union and by the past experience of the Territory itself.

Mr. CARTER. Will the Senator from West Virginia permit an interruption?

Mr. FAULKNER. Of course.

Mr. CARTER. I will state that in 1884 the legislature of New Mexico was authorized by Congress to fix a date for the meeting of the legislative assembly of the Territory. It fixed the last Monday in December, and it has been steadily held in the Territory by all authorities since then that, having exhausted the authority by a single act, the Territorial legislature is now without authority

to change or modify the condition brought about by that designation.

Mr. FAULKNER. I agree with the Senator from Montana fully as to the law of the case. But the legislature and the people of New Mexico stated that that was not a satisfactory time. As I was proceeding to state, that was done in 1885. Since that time, although they exhausted the power conferred upon the legislative body by that act of Congress, they could have applied at any time to Congress to be given authority to change the time or to have had it changed by an act of Congress. But now for the first time during the whole period we find a proposition made to change the date of the meeting as fixed by the legislative assembly, not by Congress, as is done in almost every Territory of the Union, but fixed by the people of that Territory in the legislative bodies assembled. They fixed the period as the last Monday in December, and yet, without any petition, without any application except from the Delegate of the Territory, we find that for the first time the Delegate asks that it be changed to May.

Mr. President, there is a controversy between the Delegate and the governor as to whether May is a proper time. There is a statement from the personal knowledge of the distinguished Senator from Montana that neither February nor March nor April, perhaps, would be a proper time. Then we have the month of January. There is no dispute as to that being a time when it would be convenient for the people of the Territory of New Mexico to assemble the members of their legislature for the purpose of transacting legislative business.

But we find that January will not suit, and why? Mr. President, the scheme and the purpose of this provision in the House bill are just as plain to my mind as anything possibly can be. It is the duty of the secretary of the Territory to determine as to who are the members elected in that Territory. The body that will assemble next in that Territory will be elected in November. It meets in December. The present secretary of the Territory is a Democrat and the governor is a Democrat. Now, it will not do to extend the time to January in order to meet the demands of the Senator from Montana in reference to the time needed for contests. It will not do to fix upon February or March as the time to meet, because of the difficulties in sheep-shearing just at that particular season, when the people of that Territory are occupied in that industry; but we must fix a time when, taking in all the probabilities and the anticipations and the hopes and the expectations of our Republican friends we shall have inaugurated a Republican President, who will appoint a Republican governor, and a Republican secretary of the Territory, and then organize the legislature in May following.

Mr. WOLCOTT. Do I understand the Senator from West Virginia to say that the probabilities are that there will be a Republican President inaugurated next spring?

Mr. FAULKNER. No, sir; I have not yet lost my balance so far as to make such an unwise prediction.

Mr. WOLCOTT. I understood the Senator to make that statement.

Mr. FAULKNER. I said that was the hope, the anticipation, and the expectation of our Republican friends, and especially, I may say, those who have very vivid imaginations and who dream when they are waking.

Mr. President, that is the whole purpose of this provision. If gentlemen desire to meet it fairly and squarely and honestly in a nonpartisan spirit and want more time for arranging and obtaining evidence of contests in the election of members of the legislature, let them offer an amendment to the bill fixing the period for meeting on the second Monday in January. That would test the sincerity of those gentlemen and disclose whether their motives and purpose and intention are political, or whether they desire to afford accommodation and convenience to the people of that Territory.

I sincerely hope that the amendment of the Senator from New York will be agreed to. Personally I am so bitterly opposed to allowing political provisions upon appropriation bills that I would not have any hesitation in staying here and making a contest upon this question just as long as we could get the members of the Senate who are opposed to political provisions on appropriation bills to stay here and make the contest.

Mr. PLATT. Mr. President, I want to contribute only one word to this discussion. I do not know how far this provision may be political and how far it may not be, but I know that when I was chairman of the Committee on Territories, and before the present secretary of the Territory was appointed, I received several letters from people in New Mexico asking me to see to it that the time of holding the legislature was changed. I do not know whether any bill was introduced or not. The matter perhaps never took sufficient shape to bring it to an issue, but I remember distinctly that I had letters of that kind from different residents of New Mexico complaining of the time when the legislature was held.

Mr. BATE. Mr. President, I desire to say in this connection that I am a member of the Committee on Territories, of which the Senator from Connecticut [Mr. PLATT], who has just taken his seat, is a member, and of which the Senator from West Virginia [Mr. ELKINS] is also a member, as well as the Senator from New York [Mr. HILL]. These matters came up in the committee. Without specially stating what occurred there, I may say there were letters received upon this very question in regard to the date, and that such as I received, and such as I have read since, were favorable to the view taken by the Senator from New York [Mr. HILL], and given at length in his to-day's speech, and which facts I will not restate.

In that committee, of which we are members, we have had a bill presented for our consideration asking that Statehood be given to the Territory of New Mexico. All the time required by that bill was given, and for one I heard no contest in the committee in regard to any difference of date. They seemed to agree there without dissent upon a time for submitting the constitution, and a date is named in the bill and is not earlier than the first Tuesday after the first Monday in November, 1896. That bill was reported favorably to this Senate and is now here, and I think if we could get a vote upon it and pass the bill giving Statehood to this Territory it would relieve this question, because it is not amenable to the criticism justly made against the clause sought to be stricken from this appropriation bill.

But, Mr. President, it is extremely doubtful if this can be done, and now it is thought best by certain persons, who speak for a certain political party in that Territory, that they shall put some provision in an appropriation bill that will change the time. I will not go over the reasons for that; they have all been given by the Senator from New York [Mr. HILL] and the Senator from West Virginia [Mr. FAULKNER]; and they are certainly very pertinent and quite conclusive, and strike me with much force.

I oppose the provision and will vote against it, first, upon the ground that it is vicious legislation, out of time and place; improper legislation, because it is upon a general appropriation bill, and that it is general legislation. In the second place, I shall do so because it is a very material character of legislation, far-reaching and hurtful in results. It affects directly the rights of the whole people in that Territory and indirectly the whole country, as in the election it may give the balance of power to a party, and for the further reason that it has not been submitted to the proper committee—it being Territorial legislation, should have been passed upon by the Committee on Territories of this Senate. Dates are sometimes material, and in this instance it goes to the essence of the law proposed to be thus put through. Then, again, I object to it because it certainly smacks of party politics, to say nothing more, and can not properly belong to an appropriation bill. With the explanation which has been given as to the dates and the reasons therefor by the Senator who has just taken his seat, it must strike the mind of every reasonable man that party politics are in it, and wherever there are party politics in legislation upon an appropriation bill it is vicious. You know, Mr. President, and we know, that perhaps the most vicious legislation, and that which has been most unfortunate to our country, has been legislation under cover of appropriation bills; and whether you say this has been "sneaked in" or not, it certainly has come in at the back door without knocking and untimely. Legislation which has been thus accomplished is dangerous and not creditable to the body that permits it. For these reasons I shall vote to strike this provision from this appropriation bill.

I regret, sir, that this matter was not before the committee of which I am a member, and where such matters have been discussed and ought to be discussed; I mean the Committee on Territories, of which the Senator from West Virginia [Mr. ELKINS], who seeks to avoid responsibility for it, is also a member. Had it gone first to that committee, we could possibly have agreed upon a time or date; but it seems to be necessary to effect some hidden object. There must be a cat in the meal. It must be to effect some object not expressed in the language used that it should come to the Senate from the House in an appropriation bill, as if to avoid the scrutiny of the Committee on Territories. I take that view of it, sir, and under that impression I shall certainly vote against retaining the provision in the bill. There should be no party politics in an appropriation bill.

Mr. CARTER. Mr. President, my regard for the judicial temperament of the Senator from West Virginia, who is so fair and just in his actions and expressions on this floor, constrains me to reply to two suggestions made in the course of his observations. First, as a reason why this legislation should not now obtain in the form in which it is presented, the lapse of time fixing the last Monday of December for the next meeting of the legislature is urged as an estoppel. The statute of limitations is thereby pleaded. Every Senator will recall the fact that the numerous amendments to the Federal Constitution in and of themselves offer a sufficient answer to the argument of the Senator in that behalf. The convention, composed of the most thoughtful, patriotic, and farseeing men the world has ever known to meet and discuss matters in convention, failed to provide for all necessities and contingencies, and their experience demonstrates the limitations of all deliberative bodies.

From 1884 up to the present time no occasion has risen until recent date to disclose the vicious and unfortunate possibilities existing under an infirm law now upon the statute book relating to New Mexico. It is a mathematical problem merely. My previous statement of time, I am advised by the Delegate from New Mexico, was incomplete in so far as it relates to the proecss of contest. The elections are generally held from the 1st to the 10th of November.

Now mark, calculate, and conclude as to the necessity for this provision. First, the returns must be filed with the secretary of the Territory within fifteen days. After the return of the notice there are thirty days in which to file a contest and eight days in which to file an answer; then thirty days in which to give notice of an intention to take testimony. Sixty days are then given in which to reduce the testimony to form for presentation to the legislature, making an aggregate of one hundred and forty-three days after the election before the contest is in form for presentation to the legislature. This will run the proceeding into the month of April under the laws of that Territory.

So the provision to contest is rendered absolutely nugatory because of the fact that the legislature may, under existing law, refuse to consider until the record is complete, and its term will expire by limitation before the resisting party can be brought to final issue.

It does seem to me under these circumstances that the answer is complete in so far as it refers to the question of the Senator from West Virginia drawing upon the month of January as a proper and a fitting time. The same difficulties sought to be remedied by fixing the month of May would obtain if the month of January instead of the month of December should be named. The obvious fact remains that the contest record would not be complete until after the session of the legislature had expired by limitation.

This, then, brings us back to the apparent political point connected with this transaction. No one can predict the complexion of the Territorial legislature of New Mexico to be elected at the next general election. Hence the law can not affect an officer now holding the office. If, however, it has appeared to the judgment of the Delegate from New Mexico, who speaks for the majority of the electors of that Territory, that the present incumbent of the secretary's office at the time of the assembling of the last legislature so far disregarded his duties under the law and his oath as to deprive citizens of that Territory of lawful representation under the supreme rule of the majority, it is the plain duty of Congress to deprive him of the privilege of inflicting that injustice in the future. If it be political to prevent a single appointee of the President of the United States from exercising the arrogated privilege of disfranchising any district in the Territory of New Mexico, then we should indulge in such politics. Let the supreme rule of the majority obtain. To allow the Territorial secretary to set at naught the voice of the majority of the people of New Mexico will be of little advantage to any party, and a great and an irreparable wrong to the people.

Mr. FAULKNER. In reply to the Senator as to his statement of the peculiar law of contest in that Territory, I desire to say that if the contestant does not give notice that he intends to make the contest before the end of the thirty days provided for, then it would be impossible even to get the notice of contest completed under the law, as he gives it, by the 1st day of May.

Mr. CARTER. Yes; it would be in the early part of April.

Mr. FAULKNER. It would be just about the 1st day of May if he waited until the end of the thirty days, as the Senator will see if he makes the calculation.

But I call the Senator's particular attention to a bill in considering which at the present session the Committee on Territories of the Senate has passed upon this question. Is it not remarkable that in reporting that bill the committee provide that the legislature of the Territory to be admitted into the Union shall convene on the third Monday of December following the vote and the proclamation by the President admitting the State as one of the members of this Union?

Is it not remarkable, if there be so much difficulty and so much trouble and inconvenience to the citizens of New Mexico, that their intelligent and active and energetic Delegate should have stood by and seen this great bill, admitting that Territory as one of the States of the Union, introduced into the Senate, passed through a committee of the Senate, and reported back to the Senate, providing that the representatives of those people when admitted as a State into the Union for the first time shall convene on the third Monday of December?

Mr. CARTER. I wish to interrupt the Senator from West Virginia, with his permission. I apprehend that some misunderstanding exists concerning the fixing of the date as suggested, and for this reason: In the regular course of procedure for the admission of a State into the Union authority is given the President of the United States to cause to be examined the constitution adopted by the people and presented to him for examination. If satisfied that such constitution presents a scheme of government republican in form, he thereupon issues his proclamation admitting the State into the Union.

It is left to the governor and the properly constituted authorities of the State, as a rule, to fix the time and place for the meeting of the legislature. That was the case in Utah and with reference to all the States recently admitted. If such a provision as the Senator describes has crept into the bill or any print of the bill for the admission of New Mexico, it would of necessity have to be amended in the Senate or in the other House, for the obvious reason that the Senate and the House of Representatives can not predict just when the President would issue the proclamation. His proclamation might be issued long after the time fixed in the act for the meeting of the legislature.

Mr. FAULKNER. The Senator from Montana will find that he is mistaken with reference to Utah. I do not know how it was as to other Territories. That bill designated when the legislature should convene for the first time as a State legislature, and it fixed the time. I understand the New Mexico bill fixes it distinctly, by saying that the legislature shall convene at the time now provided by law, which of course would be on the third Monday in December.

It strikes me as very remarkable that with this matter now assuming such important form, as affecting the inconvenience of the people of New Mexico, the measure to which I refer has been allowed to go through the Senate of the United States so as to reach its Calendar without even a suggestion of a change of the time when the legislature shall meet in order to accommodate the convenience of the people of the Territory. This is simply an additional reason which demonstrates the correctness of the views which I first expressed.

Mr. ELKINS. Mr. President, I find in the Statutes at Large, volume 20, page 193, that in the legislative appropriation act of 1878 there are two long sections providing for a government in the Territories. I will ask that those two sections be inserted in my remarks to show how important and material they were:

That from and after the adjournment of the next session of the several Territorial legislatures the council of each of the Territories of the United States shall not exceed 12 members and the house of representatives of each shall not exceed 24 members, and the members of each branch of the said several legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive $6 per day for the same time. And the several legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population except Indians not taxed: *Provided*, That the number of council districts shall not exceed 12 and the representative districts shall not exceed 24 in any one of said Territories, and all parts of sections 1847, 1849, 1853, and 1922 of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

That the subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of $6 per day; one enrolling and engrossing clerk, at $5 per day; sergeant-at-arms and doorkeeper, at $5 per day; one messenger and watchman, at $4 per day each; and one chaplain, at $1.50 per day. Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory. And section 1861 of the Revised Statutes is hereby repealed, and this substituted in lieu thereof: *Provided*, That for the performance of all official duties imposed by the Territorial legislatures, and not provided for in the organic act, the secretaries of the Territories respectively shall be allowed such fees as may be fixed by the Territorial legislatures. And in no case shall the expenditure for public printing in any of the Territories exceed the sum of $2,500 for any one year.

As distinguished from this provision, I will read a part of one section:

That from and after the adjournment of the next session of the several Territorial legislatures the council of each of the Territories of the United States shall not exceed 12 members and the House of Representatives of each shall not exceed 24 members, and the members of each branch of the said several legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides.

There was a radical revision of the law on the subject of Territories in the legislative and judicial act, and I do not know that there were any particular objections raised even to that sort of legislation, which is radical.

Here is a mere attempt to change the date for reasons represented by the Delegate from the Territory to be good and sufficient for his people. It has been the custom of Congress to legislate about Territories whenever it pleased. Congress has sole and exclusive jurisdiction over everything in a Territory, and if it has wanted to pass a law affecting Territories in an appropriation bill, it has done so. Any time and any place have seemed suitable in the discretion of Congress to pass legislation affecting the Territories.

If such legislation as I have referred to, found in the Statutes at Large, has been placed in an appropriation act, why all this objection simply to changing the date? The political significance or the political feature of the amendment which was made by the House of Representatives has been drawn into the debate by the Senator from New York [Mr. HILL] and the Senator from West Virginia [Mr. FAULKNER]. I answered promptly that it had no political significance, upon the authority of the Delegate from New Mexico.

I take it that my colleague has examined, as I have, the bill for the admission of New Mexico into the Union as a State, reported by the chairman of the Territorial Committee. There is in it no such provision as he states as to the meeting of the legislature.

Mr. FAULKNER. If my colleague will permit me——

Mr. ELKINS. I simply state that to correct a misapprehension. I know my colleague has not the bill before him.

Mr. FAULKNER. I have it before me, and I therefore want to ask the Senator to read anything in the bill which corrects my statement. He says he has the bill before him and that it corrects my statement.

Mr. ELKINS. I have the bill before me, but I did not observe the provision when I read the bill just now.

Section 19, which is the section that is pertinent, says:

That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and Representative in Congress, at the time for the election for the ratification or rejection of the constitution; but the State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act, etc.

That is, by Presidential proclamation. Suppose the proclamation——

Mr. FAULKNER. If my colleague will permit me, like all lawyers he reads one side, and the most remarkable fact about reading one side is that he has stopped just where the express provision is made, which follows the very last word he read, designating when the legislature shall meet.

Mr. ELKINS. I will read the whole section for the information of the Senate. I did not want to take up the time, as I supposed the Senate wanted to vote on the motion.

In case the constitution of said State shall be ratified by the people, but not otherwise, the legislature thereof may assemble, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representative in the manner required by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representative shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Does my colleague wish me to read further? That refers to the election of United States Senators under the law of the United States. I do not see what it has to do with the matter. I supposed there was something in my colleague's interruption. I had not read the bill carefully. I had only read a few lines, glancing over it hastily, and I was ready to be corrected, and I hope my colleague will stand ready to be corrected.

Mr. FAULKNER. I think the Senator is corrected by reading the statute.

Mr. ELKINS. We differ, as we do sometimes on other questions.

Mr. ALLEN. Mr. President, I rise only for the purpose of saying that the Senate seems to have turned into an experience meeting, and we are regaled here this afternoon by Democrats and by Republicans on the subject of the administration of the laws of Territories. About the only thing that appears to be in dispute is as to whether the Democratic secretary in the Territory of New Mexico shall conduct the affairs of his office upon the principles and precedents that have been set him by his Republican predecessors. If current history is to be believed, the Republican secretaries in the Territory of New Mexico have been in the habit, to some extent at least, from time to time, of placing upon the legislative rolls of that Territory Republicans who were not elected to offices which they claimed or where the offices were seriously in dispute.

Now, the Administration changes from a Republican to a Democratic Administration; a Democratic secretary of the Territory is appointed, and he seeks naturally to change the political complexion of the legislature of the Territory. Following the precedent of his illustrious predecessors, according to the statement of Senators made in this Chamber, he has placed upon the legislative rolls as elected to the different branches of the legislature gentlemen who were not elected or whose election is at least questionable. Under such circumstances it is very difficult to tell what course the Populists should pursue. Here is a confession of corruption on both sides; or, at least, no denial of the charge that the secretary of that Territory has been manipulating the returns of elections. So far as I know there has never been any denial of the charge of like conduct upon the part of his predecessors.

I infer, then, from this condition of affairs, and especially from some charges which have been made recently by my illustrious friend the Senator from New Hampshire [Mr. CHANDLER], who I regret is not in his seat to-day, that the claim of pure statesmanship and purity in elections made by the respective great political parties, as they are termed here, the Republican and the Democratic parties, is not altogether sincere.

Mr. President, it is a very sad spectacle indeed, it is humiliating to the ordinary American citizen, to say nothing about the ordinary American statesman, to witness this grave confession in the United States Senate that frauds of such a character are being practiced in one of the most important Territories in the Union. The only reason why complaint is now made upon the other side of the Chamber is that their men, who have practiced those frauds, have been turned out and the Democrat who has been longing for many years for accession to power has finally come into power in that Territory and is following Republican precedent.

I am inclined to believe that so far as I am concerned I will vote with my Democratic friends here, not because I approve their methods, but it is quite evident to me that the time is coming, and coming with great rapidity—it will be here, Mr. President, before we realize it—when our Democratic friends will be turned out of power in this country to browse as best they can, probably for the next third of a century. I think they will probably get no more than they are entitled to, considering the relation which exists in that Territory between the respective parties, by being held in power for the next eight or nine months.

Mr. COCKRELL. Mr. President, I hope the amendment of the Senator from New York [Mr. HILL] will prevail and that this provision will be stricken out. I think it is political and that the political objects to be attained by it are, first, to deprive the Territorial secretary of the power to organize the legislature and to place it in the hands of a Republican secretary. That would appear to most persons to be a decided party advantage. It is not such an advantage as should be legislated into an appropriation bill by Congress in regard to any of the Territories of this Union. The law now existing in the Territory, if I am not misinformed, was passed by a Republican Territorial general assembly or legislature, and Republican secretaries of the Territory have enforced and administered the law just as the present Democratic secretary has administered and enforced it, and if I am not misinformed the action of the present secretary of the Territory has been sustained by the courts.

The next objection to the provision is one which relates to the convenience of the people. I refer to the time for meeting, in May instead of in December or, as would be better, in January or February. I have no doubt that it would suit an overwhelming majority of the people of the Territory of New Mexico to have their legislative assembly meet in January, and not in December. I think it would be greatly to their inconvenience to meet in May. Why do I object to their meeting in May? Aside from the one political reason which I have given, I will recite another. I call the attention of Republican Senators to this fact. I understand the fiscal year of the Territory ends on March 1, and there is no provision made for paying the Territorial officers or supporting the Territorial institutions from the close of the fiscal year, March 1, 1897, until May, 1897. What are you going to do with your Territorial government, with not a dollar to maintain the Territorial administration from the 1st of March until the time proposed for the legislature to meet? Is that right? Is it just? Is it what the people of the Territory want? There is the dilemma.

In the next place, meeting in May will be the most inconvenient season for the people of New Mexico. Why? Because that Territory ranks fourth in size in the Union in the number of sheep and in the sheep-growing industry, and many of the members of the legislature to be elected and who have been elected and will be elected again are engaged in that business, and they would be busy at that particular season of the year in shearing and lambing. The cattlemen would also be engaged in rounding up their stock and the ranchmen in cultivating their crops. Here are two substantial reasons why this provision should not prevail which are not based upon political grounds. One very serious embarrassment in that Territory will be in consequence of the expiration of the Territorial fiscal year on the 1st of March, while the legislature will not meet until May, there being no appropriation for the support of the Territorial government for the period between the 1st of March and the meeting in May.

I have given one statement of the political feature of this matter, but I will go on about the expenses of the Territory, which is a more important matter. Now, mark you, the legislature is to meet in May, according to this provision. The appropriation provides for the payment of the expenses of the legislature—this appropriation itself, remember now—the printing of the journal and the laws thereof. If the legislature does not meet until May, it can not close until along in June. This is a bill for the expenses of the Government for the fiscal year ending 1897. That fiscal year expires on the 30th of June, 1897. This appropriation for the Territorial legislature is made, and the legislature meets in May, and it can not close until some time in June as a matter of course.

I call the attention of Senators on the other side to the fact that the legislature can not dispose of its business in less than six, eight, or ten weeks. It will take until the last of June. It would be impossible for the legislature to have the journals and the laws printed and for the disbursing officers to close up their accounts by the end of June for the work done during the session. It could not be done. The money appropriated would be covered back into the Treasury before the work could be completed. How are you going to obviate this difficulty? Here is the condition you have to confront. This appropriation is for the fiscal year ending on

the 30th of June, 1897, and it is for all the expenses of the legislature to meet in May, 1897, and that legislature meeting in May can not complete its work and do what the money appropriated for it contemplates by the time the money will have to be covered into the Treasury.

Mr. President, those reasons, I think, are amply sufficient to cause our Republican friends to change the date of the meeting at least until January or February, not later than the second Monday in February. The first or second Monday in January would suit much better. It would be in consonance with nearly all the other legislative assemblies in the United States, which nearly all meet on the first Monday in January, and it would be only right and fair.

But here is another political reason, and I call the attention of my Republican friends to it. They certainly do not want to attempt to take any political advantage by a provision in an appropriation bill. Under the Territorial laws of New Mexico, as they exist to-day, all the Territorial officers who have been confirmed by the last legislature, and they are Democratic and were the successors to the Republicans, hold their offices for two years, until their successors have been appointed and have qualified. Under the same law the Republican Territorial officials continued in office until January, 1895, nearly two years after the Democratic administration came in, and until the last legislature met and made other provision. The officials who will be appointed and confirmed by the legislature that is to be held in December and January next will hold for two years, notwithstanding a Republican President may possibly be elected and a Republican governor appointed for the Territory.

Here is the politics in it. The Republicans hope to elect a President. They want the Republican President to appoint a Republican governor, and then they want the legislature to meet after that date and turn out the Democratic Territorial officials after the expiration of only a little over a year. Is this right and fair? Is it honorable and just that a great political party, branded G. O. P., should want to seek such a little political advantage? No, Mr. President, it is not.

Mr. PLATT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. PLATT. Unless it is pretty certain that the Republican party is going to elect its candidate for President and get the governor of New Mexico there is no political advantage in this provision.

Mr. COCKRELL. Yes; there is.

Mr. JONES of Arkansas. The intention is political.

Mr. COCKRELL. The intention is political, necessarily so. There you see it upon its face. There are two political reasons. You can not deny them. They stand out in bold relief. They are advantages attempted to be taken by a great political party of its opponents by legislation in an appropriation bill. It is not right; it is not just.

There are these two substantial reasons why the time should not be changed to May. They arise first from the Territorial legislative law. The fiscal year of the Territory ending on March 1, 1897, there will then be no provision made for the expenses of the Territorial government until May, 1897, and until the Territorial legislative assembly can make provision. Is that right? Then, again, look at the inconvenience of it. The legislation in the pending bill appropriating money requires the legislature to meet in May, and the year for which the money is appropriated expires on the 30th of June. The legislature can not dispose of its business in a satisfactory manner before the money appropriated to defray the expenses of it will be covered into the Treasury, and you will be in this dilemma.

Unless Senators will agree to a modification as to the time, I insist that the provision shall be stricken out.

ADJOURNMENT TO MONDAY.

Mr. WOLCOTT. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CULLOM. I hope the motion will not be pressed until the appropriation bill is disposed of.

Mr. WOLCOTT. I am sorry——

Mr. CULLOM. I am very anxious that the bill shall be disposed of this evening, and I hope the motion will not be pressed until the bill is disposed of.

The VICE-PRESIDENT. Does the Senator from Colorado withdraw the motion?

Mr. WOLCOTT. I do not withdraw the motion, but I express my deep regret that I have interfered with the plan of the Senator from Illinois.

Mr. CULLOM. I know the Senator from Colorado did not mean to do so.

Mr. WOLCOTT. I certainly did not.

Mr. CULLOM. I hope the Senator will withdraw the motion until the bill is disposed of, when I will join with him in favor of the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado [Mr. WOLCOTT], that when the Senate adjourn to-day it be to meet on Monday next. [Putting the question.] The ayes appear to have it.

Mr. CULLOM. I must ask the Senate to dispose of the bill to-night.

Mr. PLATT. Can we not have a vote on the pending amendment?

Mr. CULLOM. I ask that the yeas and nays may be called on this question.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York [Mr. HILL], to strike out the clause which has been read.

Mr. GORMAN. What becomes of the motion to adjourn over?

Mr. VILAS. Was there an announcement of the decision on the motion to adjourn over?

The VICE-PRESIDENT. The Chair announced the fact that the ayes appeared to prevail.

Mr. CULLOM. I was calling for the yeas and nays on the motion.

The VICE-PRESIDENT. The Chair did not so understand. The question will be treated as still being open.

Mr. CULLOM. I hope the Senate will reconsider the vote and that it will let us see whether we can not come to an agreement about this matter so as to dispose of the bill to-night. I do not myself desire a session to-morrow, but I am very anxious to get the appropriation bill out of the Senate.

Mr. HOAR. The Senator from Illinois has the power to get a vote at any time he chooses. The amendment has been discussed very largely on both sides of the Senate. If the Senator will move to lay the amendment on the table he can get a vote.

Mr. FRYE (to Mr. CULLOM). Why do you not do that?

Mr. HOAR. If the Senator does not do that, I do not think we are bound to stay here on his account.

Mr. CULLOM. I will try that course.

The VICE-PRESIDENT. Does the Senator from Illinois demand the yeas and nays on the motion that when the Senate adjourn to-day it be to meet Monday?

Mr. CULLOM. I think the Senator had better——

Mr. WOLCOTT. Do I understand that the Senator from Illinois moves to reconsider the vote?

Mr. CULLOM. Yes, sir.

Mr. GORMAN. This is an important matter which is under consideration. It is the first time for the last fifteen years that a purely political question has been brought in on an appropriation bill. I say to the Senator that there ought to be and there will be fair time for the discussion of the matter.

Mr. WOLCOTT. I rise to a point of order. I do not understand that the good and fair time is pending a request for the yeas and nays.

Mr. GORMAN. I am merely giving the reason why I think we should adjourn over to-morrow, if the Senator from Colorado will permit me.

The VICE-PRESIDENT. If objection is interposed——

Mr. CULLOM. I ask that the Senator from Maryland may be allowed to make his statement, and then I wish to make one myself.

Mr. WOLCOTT. I beg pardon of the Senator from Maryland. I did not mean to interfere with him.

Mr. GORMAN. It is all right.

Mr. WOLCOTT. And I withdraw anything I can withdraw.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado [Mr. WOLCOTT], that when the Senate adjourn to-day it be to meet on Monday next, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. Under the circumstances, I shall not vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT (when Mr. HAWLEY's name was called). My colleague [Mr. HAWLEY] is detained from the Senate by indisposition. I presume he is paired with some Senator, although I am not sure. If he were present, he would vote "nay."

Mr. PASCO. The Senator from Connecticut [Mr. HAWLEY] has no pair, I will state.

Mr. PLATT. I trust, then, that the Senator from Florida [Mr. PASCO] will see that a pair is arranged for him in some way.

Mr. DUBOIS. I suggest to the Senator from Connecticut [Mr. PLATT] that he pair his colleague [Mr. HAWLEY] with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT. That will be entirely satisfactory.

Mr. DUBOIS. That will allow me to vote. I vote "yea."

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. I transfer my

pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I have a general pair with the Senator from New Jersey [Mr. SEWELL]. On this question I feel at liberty to vote. I vote "yea."

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS]. Judging this to be a political question, I will withhold my vote.

Mr. WALTHALL (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. QUAY. I am paired with the Senator from Alabama [Mr. MORGAN]. I am not advised as to how he would vote on this question, and I therefore withhold my vote.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from South Dakota [Mr. KYLE] and vote "yea."

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. Not knowing how he would vote, I refrained from voting on the call of the roll. However, being advised that a quorum has not yet voted, I will vote. I vote "yea."

Mr. CAFFERY. I have a general pair with the Senator from Michigan [Mr. BURROWS]. I transfer my pair to the Senator from Georgia [Mr. GORDON], who is paired with the Senator from Iowa [Mr. GEAR]. I vote "yea."

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. My pair having been transferred, I vote "nay."

Mr. DANIEL. It is suggested to me that I transfer my pair with the Senator from Washington [Mr. SQUIRE] to the Senator from Nevada [Mr. JONES]. He is not present. I make that transfer and vote "yea."

Mr. PERKINS. I desire to announce my pair with the junior Senator from North Dakota [Mr. ROACH]. However, in order to make a quorum, I will vote. I vote "nay."

Mr. CULLOM (after having voted in the negative). This provision seems to have taken something of a political turn, and I think I ought to withdraw my vote, as I stand paired with the Senator from Delaware [Mr. GRAY], who is absent.

Mr. CALL. I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. CARTER. I transfer my pair with the junior Senator from Maryland [Mr. GIBSON] to the Senator from Nevada [Mr. STEWART], and will vote. I vote "nay."

Mr. CULLOM. The Senator from Mississippi [Mr. WALTHALL] stands paired with the Senator from Pennsylvania [Mr. CAMERON]. We will transfer our pairs, so that both the Senator from Mississippi [Mr. WALTHALL] and I can vote, and the Senator from Pennsylvania [Mr. CAMERON] will be paired with the Senator from Delaware [Mr. GRAY].

Mr. QUAY. To assist in producing a quorum I will take the liberty of voting. I vote "nay."

Mr. MCBRIDE. I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I transfer my pair to the Senator from Wyoming [Mr. WARREN] and vote "nay."

The result was announced—yeas 33, nays 12; as follows:

YEAS—33.

| | | | |
|---|---|---|---|
| Aldrich, | Cannon, | Jones, Ark. | Turpie, |
| Allen, | Chilton, | Lindsay, | Vest, |
| Bate, | Cockrell, | McMillan, | Vilas, |
| Berry, | Daniel, | Mantle, | Walthall, |
| Blackburn, | Dubois, | Mitchell, Wis. | White, |
| Brice, | Faulkner, | Pasco, | Wolcott. |
| Brown, | Gorman, | Peffer, | |
| Caffery, | Hill, | Pugh, | |
| Call, | Hoar, | Sherman, | |

NAYS—12.

| | | | |
|---|---|---|---|
| Allison, | Frye, | Mitchell, Oreg. | Quay, |
| Carter, | Gear, | Perkins, | Shoup, |
| Callom, | McBride, | Platt, | Teller. |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Bacon, | George, | Lodge, | Roach, |
| Baker, | Gibson, | Martin, | Sewell, |
| Blanchard, | Gordon, | Mills, | Smith, |
| Burrows, | Gray, | Morgan, | Squire, |
| Butler, | Hale, | Morrill, | Stewart, |
| Cameron, | Hansbrough, | Murphy, | Thurston, |
| Chandler, | Harris, | Nelson, | Tillman, |
| Clark, | Hawley, | Palmer, | Voorhees, |
| Davis, | Irby, | Pettigrew, | Warren, |
| Elkins, | Jones, Nev. | Pritchard, | Wetmore, |
| Gallinger, | Kyle, | Proctor, | Wilson. |

So the motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 572) for the relief of James Duke was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 2265) to provide for the reimbursement of the expenses of constructing a sewer upon the permanent reservation at Hot Springs, Ark., was read twice by its title, and referred to the Committee on the Public Lands.

The bill (H. R. 7170) to grant the Gulf, Colorado and Santa Fe Railroad Company the right to acquire depot grounds at the town of Davis, Tishomingo County, Chickasaw Nation, Ind. T., was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, the pending question being on the amendment of Mr. HILL to strike out the proviso beginning in line 4, page 61.

Mr. CULLOM. If I may be allowed to make a motion, I move that the pending amendment, to strike out from the word "dollars," in line 4 on page 61, to and including line 16, be laid on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to lay the pending amendment on the table.

Mr. GORMAN. Let the question be stated so that we may understand it.

Mr. CULLOM. I will state it again. The Senator from New York moved to strike out beginning with the word "*Provided*," in line 4, page 61, to and including line 16, on the same page. I move to lay that amendment on the table.

The VICE-PRESIDENT. The Chair so understands.

Mr. GORMAN. Will the Senator, before he makes that motion, permit me to say a word? Will he withdraw it for a second?

Mr. CULLOM. Of course.

Mr. GORMAN. I trust the Senator from Illinois will not move to lay the amendment on the table, but will let us have a perfectly fair vote on it in the Senate, after proper discussion, which would follow as a matter of course. If this course is not pursued, other amendments will be offered within the rule, and a fight will be inaugurated on an appropriation bill such as we have not had here for many years. I submit to the Senator in charge of the bill that it is not a fair way to treat this question. For the first time in the last ten or fifteen years purely a political matter is brought in upon an appropriation bill—legislation such as both parties have condemned. I trust that the Senate, on a fair vote, will strike out this provision. But at all events we are entitled to have, and we shall have, a fair discussion of the proposition, and it will extend away beyond the bounds which have been laid out at present.

Mr. CULLOM. If the Senator from Maryland will allow me to say a word (both of us are out of order, except by unanimous consent), I will state that I thought making a motion to lay the amendment on the table would be a test of the sense of the Senate as to whether the Senate is in favor of retaining the provision in the bill or not, and if it is not in favor of retaining it, so far as I am concerned I should not feel like pursuing the matter any further.

Mr. GORMAN. Then, if it is to be merely a test vote and the Senator puts it that way, so far as I am concerned I am ready to vote now.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois to lay the pending amendment on the table.

Mr. CULLOM. I think we ought to have the yeas and nays on the question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague [Mr. BLANCHARD] is absent on business. He has a general pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. CALL (when his name was called). I transfer my pair with the Senator from Vermont [Mr. PROCTOR] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. CARTER (when his name was called). Having a general pair with the junior Senator from Maryland [Mr. GIBSON], I will withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. PLATT. I suggest to the Senator from Idaho that he transfer his pair, so that the Senator from New Jersey [Mr. SMITH] will stand paired with my colleague [Mr. HAWLEY].

Mr. DUBOIS. Very well; I will transfer my pair with the Senator from New Jersey [Mr. SMITH] to the Senator from Connecticut [Mr. HAWLEY], and I vote "nay."

Mr. HILL (when his name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. LODGE] to the senior Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MANTLE (when his name was called). I am paired with the Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH]. If he were present, I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], but I have no doubt that in the present condition of the Senate he will excuse me for voting. I vote "yea."

The roll call was concluded.

Mr. WALTHALL. I desire to announce that on this vote the Senator from Delaware [Mr. GRAY] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON], but that pair has been transferred by an arrangement with the Senator from Wisconsin [Mr. MITCHELL] to the Senator from New Jersey [Mr. SEWELL], so that the Senator from Wisconsin and myself can vote. I vote "yea."

Mr. PERKINS. As I have before announced, I am paired with the junior Senator from North Dakota [Mr. ROACH]. I will transfer my pair to the Senator from Wyoming [Mr. CLARK] and will vote. I vote "yea."

Mr. MITCHELL of Wisconsin. I transfer my pair with the Senator from New Jersey [Mr. SEWELL] to the Senator from Georgia [Mr. GORDON] and I vote "nay."

Mr. BATE. I desire to announce that my colleague [Mr. HARRIS] is necessarily absent. He is paired with the Senator from Vermont [Mr. MORRILL]. Were my colleague here, he would vote "nay."

Mr. PROCTOR (after voting in the affirmative). I learn that before I came into the Chamber my pair with the Senator from Florida [Mr. CALL] was transferred to the Senator from Indiana [Mr. VOORHEES]. I therefore withdraw my vote.

Mr. MANTLE. As I have already announced, I am paired with the Senator from Virginia [Mr. MARTIN]. I now transfer that pair to the Senator from Wyoming [Mr. CLARK] and vote "yea."

Mr. PASCO. I transfer my pair with the Senator from Washington [Mr. WILSON] as before to the Senator from South Dakota [Mr. KYLE] and I vote "nay."

Mr. QUAY (after having voted in the affirmative). Before the result is announced, I desire to withdraw my vote. I did not understand when I cast it that there was any political question involved.

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Aldrich, | Carter, | McBride, | Platt, |
| Allison, | Cullom, | McMillan, | Shoup, |
| Baker, | Davis, | Mantle, | Teller. |
| Brown, | Elkins, | Mitchell, Oreg. | |
| Burrows, | Gear, | Nelson, | |
| Cannon, | Hale, | Perkins, | |

NAYS—29.

| | | | |
|---|---|---|---|
| Allen, | Cockrell, | Hill, | Vest, |
| Bate, | Daniel, | Jones, Ark. | Vilas, |
| Berry, | Dubois, | Lindsay, | Walthall, |
| Blackburn, | Faulkner, | Mitchell, Wis. | White, |
| Brice, | Frye, | Pasco, | Wolcott. |
| Caffery, | George, | Peffer, | |
| Call, | Gibson, | Pugh, | |
| Chilton, | Gorman, | Turpie, | |

NOT VOTING—32.

| | | | |
|---|---|---|---|
| Bacon, | Harris, | Morrill, | Smith, |
| Blanchard, | Hawley, | Murphy, | Squire, |
| Butler, | Hoar, | Palmer, | Stewart, |
| Cameron, | Irby, | Pettigrew, | Thurston, |
| Chandler, | Jones, Nev. | Pritchard, | Tillman, |
| Clark, | Kyle, | Proctor, | Voorhees, |
| Gallinger, | Lodge, | Quay, | Warren, |
| Gordon, | Martin, | Roach, | Wetmore, |
| Gray, | Mills, | Sewell, | Wilson. |
| Hansbrough, | Morgan, | Sherman, | |

So the Senate refused to lay Mr. HILL's amendment on the table.

Mr. CULLOM. As the vote seems to indicate the sentiment of the Senate on this question, I shall make no further insistence upon retaining the provision in the bill.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from New York [Mr. HILL], to strike out the proviso on page 61 of the bill.

The amendment was agreed to.

Mr. COCKRELL. I suggest, on page 3, line 4, in the item for "assistant in the stationery room," to add, after "one thousand," the words "two hundred," and after the word "dollars," the words "while held by the present incumbent"; so as to read:

Assistant in stationery room, $1,200, while held by the present incumbent.

The amendment was agreed to.

Mr. PLATT. When this bill was in Committee of the Whole there was an amendment proposed by the Senator from South Dakota [Mr. KYLE], who is now absent, upon which a point of order was made and which was ruled out. I have modified the amendment so that I think it is not open to a point of order and I will offer it again. It comes in on page 88, after line 16.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 88, after line 16, it is proposed to insert:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896.

Mr. CULLOM. I desire to make a statement in regard to this amendment. I made the point of order against the amendment as offered by the Senator from South Dakota. The amendment is now presented in a different shape, and until it took this shape I stated to my distinguished friend from Connecticut that I would not admit the amendment without making the point of order upon it unless the Senator from South Dakota himself asked it. He is not now present, however, and as we are about to conclude the consideration of the bill, I make no question as to the right of the Senator to offer the amendment.

Mr. CALL. I ask the Senator from Connecticut to state in a few words the change which has been made in the amendment as originally offered by the Senator from South Dakota.

Mr. PLATT. The amendment as formerly proposed would allow the Secretary of the Interior to extend for four years the contract which is made for these drawings. I think it ought to be extended for a year, and the amendment is now presented in that form.

Mr. CULLOM. The previous amendment extended it four years, and this is for one year.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

Mr. DUBOIS. After the word "dollars," in line 16, page 81, I move to add:

For ten examiners, to constitute a board of examiners of surveys, at $2,000 each, the appointment to be certified by the Civil Service Commission, $20,000.

I am very sorry that this matter was not brought to my attention sooner, in order that I might have gone before the Committee on Appropriations and urged it. It is for the appointment of examiners to examine surveyed lands in the West. These appointments are now made for political considerations, and we have had a great deal of trouble in that part of the country on account of it. Men who are inexperienced, who never have had an opportunity to visit that region, and who do not understand the surveys which have been made are sent out, and it makes great confusion. It ties up the contracts; months and months elapse before they can be finally settled.

The Commissioner of the General Land Office, Mr. Lamoreux, most heartily and cordially supports this amendment. Being chairman of the Committee on Public Lands, and having a great deal of business with him, I can say that he is a most excellent officer. He understands the wants of the Western country remarkably well. He has the entire confidence of all of the Western Senators. He is very anxious for this amendment to prevail, and asked me to endeavor to induce the Senate to accept it.

The amendment will not impose any additional expense upon the Government. When we come to consider the sundry civil appropriation bill, which makes provision for these examiners, the $20,000 which is appropriated here can be taken out, so that there will be no additional cost to the Government.

These examiners will not be appointed until after they are certified by the Civil Service Commission. They will be practical men in the office as well as men who understand surveys. It will expedite the business, as Mr. Lamoreux says, very much, and it is an amendment which I believe all of the Western Senators agree with me in thinking will be of great advantage to our part of the country.

As I stated, it has the hearty cooperation of the Commissioner of the General Land Office, and I must apologize to the Committee on Appropriations for not going before them in regard to it, as I should have done had my attention been called to it sooner.

Mr. TELLER. I dislike to differ from the Chairman of the Committee on Public Lands, but the Appropriations Committee had this question before it and fairly considered it. I have myself had a little experience in those matters, and I am satisfied that no benefit will be derived from the creation of a new division in the Land Office. I am willing to indorse everything that the Senator from Idaho has said about the present head of the Land Office, but I am certain that no good can come from the adoption of the amendment.

We have the special examiners of surveys, but unless they go into the field they know nothing whatever about the surveys. They can not tell, being located here, whether the surveys are properly made or not. We have always had a revision of the surveys in the Interior Department, and it was found some years ago that the surveyors were in the habit of sitting down in their offices and making the plats, without going into the field at all. The returns came to the office apparently perfect and complete, and

there was nothing in the office to show otherwise, as there will be nothing for these 10 men when they are appointed by which they can determine whether the survey has ever been actually made or not. All they can do is to correct irregularities in the papers which come in.

The special inspectors who are sent out go into the field; they hunt for the corner posts or stakes which by law have been set, and if they do find them, while they do not survey, they go over enough of the ground to find whether the stakes have been properly set, and in some instances of course they run a trial line.

Mr. DUBOIS. I wish to state to the Senator from Colorado that special examiners, just the same, will be provided for in the sundry civil appropriation bill. There is now, I think, $45,000 appropriated for this purpose.

Mr. TELLER. The special examiners will of course go into the field. I can not conceive the slightest benefit to the public service that these 10 men can be in the office here. They can know nothing about the surveys any more than the present clerical force does which revises the plats which come in. All they can tell is whether the mechanical work of the plats has been properly made.

What we have suffered from in the West is a failure of the engineers to go upon the ground and set the corner stakes of the owners of land and make an actual survey, a failure that can never be determined by men in the Land Office here; it must be determined by men on the ground.

In my judgment, there are many better ways in which the Government can spend this money in the Western country than to spend it for a division here in the General Land Office.

Mr. DUBOIS. These 10 men will go into the field also. They can be sent into the field at any time. Besides that, there will be others whose duty is in the field all the time. The amendment does not propose to interfere at all with that feature.

Mr. TELLER. If we want any more inspectors in the field they should be applied for, but I know enough of the way business is done there to know that the moment these people are located here and this division created in the General Land Office they will simply remain here and we shall get no service in the field whatever.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. DANIEL. I wish to offer an amendment which I fear, if excepted to, is out of order, but I will ask the privilege of submitting a statement in respect to it from the Secretary of the Treasury. I desire to offer an amendment to come in on page 24, line 18, after the word "messengers" where it occurs the second time.

Mr. CULLOM. If the Senator will make a brief statement I shall not make the point of order on the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 24, line 18, after the word "messengers" where it last occurs, it is proposed to insert:

For watchman to care for the monument and wharf at Wakefield, Va., $300; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of State.

Mr. CULLOM. I make no objection to the amendment.

The amendment was agreed to.

Mr. DANIEL. I ask leave to have printed in support of the amendment a letter from the Secretary of the Treasury in reference to it.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

TREASURY DEPARTMENT, *March 5, 1896.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 4th instant, submitting an estimate of appropriation for the employment of a watchman, at a salary of $30 per month, to care for the monument being erected at the birthplace of Washington, Wakefield, Va., in pursuance of the joint resolution of Congress of February 26, 1881, and which will be completed in May of this year.

Respectfully, yours, S. WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE, *Washington, March 4, 1896.*

SIR: I have the honor to inclose, with a view to its transmission to Congress, a copy of a letter from Col. John M. Wilson, Corps of Engineers, United States Army, dated the 29th ultimo, stating that the monument to be erected at the birthplace of Washington, Wakefield, Va., pursuant to the joint resolution of February 26, 1881 (U. S. Stat. L., vol. 21, p. 519), will be completed in May next, and urging that a small appropriation for the employment of a watchman be granted.

I cordially indorse Colonel Wilson's recommendation, and trust that the sum of $30 per month may be allowed during the present session.

I have the honor to be, sir, your obedient servant, RICHARD OLNEY.

The SECRETARY OF THE TREASURY.

WAR DEPARTMENT,
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
*Washington, D. C., February 29, 1896.*

Mr. SECRETARY: I have the honor to report that it is probable that the monument to be erected at the birthplace of Washington under your direction, in accordance with the joint resolution of February 26, 1881, will be completed in May, 1896.

I beg to invite attention to the necessity of the appointment of a watchman to care for this monument, and to suggest that Congress may be requested to make provision for such a custodian at a small salary.

The stone slab placed in position about the year 1813 to mark the site of Washington's birthplace was carried away piece by piece by vandals seeking mementos of the spot, and I fear similar attempts will be made upon the new monument, as frequent efforts are made to break off pieces from the Washington Monument in this city.

Very respectfully, your obedient servant,

JOHN M. WILSON,
*Colonel Engineers, United States Army.*

Hon. RICHARD OLNEY,
*Secretary of State, Washington, D. C.*

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

Mr. BERRY. I now ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I wish to give notice that on Monday morning next, immediately after the conclusion of the morning business, I shall move to proceed to the consideration of the unfinished business.

Mr. WHITE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, March 30, 1896, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 27, 1896.*

CONSUL.

Frank W. Roberts, of Maine, to be consul of the United States at Cape Town, Cape Colony.

COLLECTOR OF CUSTOMS.

George P. Decker, of New York, to be collector of customs for the district of Genesee, in the State of New York.

POSTMASTERS.

William A. Bucknam, to be postmaster at Truckee, in the county of Nevada and State of California.

Dora Austin, to be postmaster at Perris, in the county of Riverside and State of California.

Thomas H. Jackman, to be postmaster at Peabody, in the county of Essex and State of Massachusetts.

Stephen J. Lyon, to be postmaster at Collinsville, in the county of Hartfort and State of Connecticut.

George W. Merrill, to be postmaster at Orange, in the county of Franklin and State of Massachusetts.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *March 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

IRRIGATION.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing, I submit the following report and ask for its present consideration.

The report was read, as follows:

The Committee on Printing, having had under consideration Senate concurrent resolution to eliminate from 10,000 copies of the Report on the Statistics of Agriculture in the United States, Census of 1890, the monograph entitled "Report on agriculture by irrigation in the Western part of the United States," and bind the same as a separate document, with an appendix bringing the water-supply information up to date, recommend that the same be agreed to.

The Public Printer estimates that the cost of this work will be about $3,000.

This report is much sought after in the Western States experimenting in irrigation, and, properly indexed when brought down to date as proposed, can be made readily available at comparatively small cost.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection, and the resolution was agreed to.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 1506) for the relief of Holmes & Leathers—to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress;

A bill (S. 2629) to provide for the erection of a public building at Washington, Pa.;

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States;

Joint resolution (S. R. 110) providing for the appointment of a commission under the direction of the Secretary of War for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal of approved width and depth from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway;

A bill (S. 2546) concerning the court of appeals in the District of Columbia;

A bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska;

A bill (S. 676) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895;

Joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France;

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana;

The message also announced that the Senate had passed with amendment a bill of the following title; in which the concurrence of the House was requested:

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

The message also announced that the Senate had passed without amendment the bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies, 1,500 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department.

ELISHA B. BASSETT.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3503) to correct the military record of Elisha B. Bassett.

The bill was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and hereby is, authorized to revoke, disapprove, and set aside so much of General Orders, No. 253, Headquarters Department of the Cumberland, Chattanooga, Tenn., dated October 23, A. D. 1863, by command of Maj. Gen. George H. Thomas, general in command, as confirms so much of Special Field Orders, No. 171, Headquarters Department of the Cumberland, Murfreesboro, Tenn., dated June 23, A. D. 1863, Maj. Gen. Rosecrans commanding, as dismissed Capt. Elisha B. Bassett, captain of Company B, Nineteenth Michigan Volunteer Infantry, from the service for cowardice exhibited by deserting his command while engaged with the enemy at the affair of Thompson Station, and to grant and cause to be issued and delivered to the widow of said Elisha B. Bassett a certificate of honorable muster out of the service as of the 23d day of June, A. D. 1863. And the widow and heirs of the said Elisha B. Bassett shall not be entitled by virtue of this act to any pay or allowance subsequent to said 23d day of June, A. D. 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. Mr. Speaker, I would like to ask whether that is not a bill that ought to be considered at a Friday night session? What committee reports it?

Mr. THOMAS. This is a bill reported from the Committee on Military Affairs.

Mr. TALBERT. Then it would not come properly before the Friday night session?

Mr. THOMAS. No, sir.

Mr. BARTLETT of New York. Mr. Speaker, I will ask for the reading of the report.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3503) to correct the military record of Elisha B. Bassett, have had the same under consideration, and beg leave to report as follows:

The said Elisha B. Bassett, now deceased, was, in the year 1863, captain of Company B, Nineteenth Regiment Michigan Volunteer Infantry. In the early part of March of that year Captain Bassett was in command of his company during the march of his regiment from Brentwood to Franklin, Tenn. On the 5th of that month the enemy were encountered near Thompsons Station, Tenn., and during the engagement that followed Captain Bassett turned over the command of his company to the first lieutenant, Hubbard, and retired to the rear. The colonel of the regiment, H. C. Gilbert, thereupon reported Captain Bassett as guilty of cowardice, and recommended his dishonorable dismissal from the service, which recommendation was carried into effect. The purpose of this bill is to correct the military record of Captain Bassett so as to clear his memory from the stain of cowardice, which, we think, unjustly rests upon it.

In support of the bill there were laid before the committee the affidavits of Clark, surgeon, and Bennett, assistant surgeon, of the regiment; Adams, regimental adjutant, and afterwards assistant adjutant general of brigade; Anderson, first lieutenant of Company H, and afterwards major and colonel of the regiment; Shaffer, first lieutenant Company A, and afterwards colonel and brigadier-general, and Privates Bellinger, Beverly, and Ely, of Captain Bassett's company.

The facts supported by the mass of testimony submitted, and based on personal and professional knowledge, are, in substance, that in the fall of 1862, months prior to the engagement at Thompsons Station, Captain Bassett was attacked with tuberculosis, and was so prostrated that he was ordered on leave to recuperate his health, and went to his home in charge of his wife, who had been sent for to nurse him.

After an absence of about two months he rejoined and took command of his company, though greatly emaciated, and remained in service thereafter against the advice of the regimental surgeon. From this time until the following spring he spent considerable time in the hospital, leaving it only a few days before the march to Franklin and the engagement near Thompsons Station. During this march he was obliged to ride in an ambulance, but on meeting the enemy he took personal command of his company and participated in the engagement until a movement up hill being ordered at a double quick he found himself too weak to lead his men and turned over his command to his first lieutenant. This action coming to the notice of the colonel of the regiment, Captain Bassett was reported for cowardice, with the result already stated.

The colonel who preferred the charge and the captain who suffered disgrace are both dead. All the testimony goes to prove the high moral and soldierly qualities of Captain Bassett, and more especially to his conduct in the engagement near Thompsons Station, where he remained in command of his company as long as he was able, and proved himself a brave man. The evidence upon which this report is based also shows that the colonel of the regiment had a strong personal dislike toward Captain Bassett, amounting to a pronounced prejudice, which he took no pains to conceal, and which found voice and expression in the charge of cowardice preferred against Captain Bassett by his superior office. This conclusion seems abundantly warranted by the testimony submitted, which is based on the personal knowledge and observation of the affiants, and their character and opportunities are such as to absolutely compel belief.

The records show that Captain Bassett was mustered into service as captain of Company B, Nineteenth Michigan Volunteer Infantry, September 5, 1862, and that he was dishonorably dismissed the service of the United States by command of Major-General Rosecrans, on the complaint and recommendation of Col. H. C. Gilbert, June 23, 1863.

It should be remembered that Captain Bassett was dismissed without trial, against which injustice he earnestly protested.

It is therefore considered an act of the merest justice that the cloud of dishonor which darkened Captain Bassett's life and followed him to his grave should now be lifted from his memory.

The committee therefore approve the bill and heartily recommend its passage.

Mr. TALBERT. Mr. Speaker, I would ask the gentleman in charge of this bill whether it is a bill to remove the charge of desertion or a bill to revoke the order of a court-martial?

Mr. GROSVENOR. It is neither.

Mr. TALBERT. This man was regularly court-martialed, as I understand.

Mr. THOMAS. He was not court-martialed. He had no trial; he was dismissed simply by an order.

Mr. TALBERT. I have no objection to the consideration of the bill.

Mr. BARTLETT of New York. Mr. Speaker, does the gentleman in charge of this bill take the position that a captain in active command of a company during an engagement is ever justified in turning over his command and going to the rear?

Mr. THOMAS. No, sir; unless it is impossible for him to continue in command, as it was in this case.

The record shows that Captain Bassett was ill and had been so for months, and got out of an ambulance and took command of his company at the time the charge was ordered; that he stayed with his company during the engagement until they reached the hill, in going up which he was compelled to resign his command.

Mr. STEELE. What is the name of the officer who ordered his dismissal?

Mr. THOMAS. Colonel Gilbert first made the order, and it was confirmed by General Thomas and General Rosecrans.

Mr. STEELE. I object to the consideration of the bill, Mr. Speaker.

Mr. GROSVENOR. I did not intend to object, but I did intend to make some remarks on this kind of legislation.

The SPEAKER. Objection is made.

J. J. LINTS.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 145) for the relief of J. J. Lints.

The bill was read.

Mr. POOLE. I ask for the reading of the report.

The Clerk proceeded to read the report.

Mr. HEPBURN (during the reading). Mr. Speaker, I demand the regular order as against that bill.

The SPEAKER. The gentleman from Iowa demands the regular order, which is equivalent to an objection.

Mr. HEPBURN. I do that for the purpose of moving that the House resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar, this being Friday, and the House in this session never yet having gone to that Order of Business.

Mr. POOLE. I would like to say a word, if I may be allowed.

The SPEAKER. The gentleman from Iowa has objected to the consideration of the bill.

Mr. HEPBURN. This bill, I take it, will come up in its regular order if we can go to the Private Calendar, the business of the day.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] gave notice that he would move to take up the sundry civil appropriation bill this morning.

Mr. CANNON. Yes. I suppose, Mr. Speaker, that the proper way to raise the question of consideration would be in Committee of the Whole; or would it be proper to ask the House to vote down the motion of the gentleman from Iowa, giving notice that if that is done I will move that the House resolve itself into Committee of the Whole on the state of the Union to consider the sundry civil appropriation bill?

The SPEAKER. That would be the proper way to raise the question of consideration.

Mr. CANNON. Then I ask the House to vote down the motion of the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. CANNON. I ask for a division. I rise——

Mr. HEPBURN. I call the gentleman to order. This is not debatable.

Mr. CANNON. I am not debating it.

Mr. Speaker, I rise——

Mr. HEPBURN. The gentleman can not debate the question, I insist.

The SPEAKER. The gentleman is correct. It is not debatable.

Mr. CANNON. I am not debating it. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I want the House to understand what it is voting on——

Mr. HEPBURN. I call the gentleman to order. That is not a parliamentary inquiry.

Mr. CANNON. Is it not in order, after having raised the question of consideration on the motion of the gentleman from Iowa, for the Chair to state to the House what is involved in that question of consideration, so that the House can understand what it is voting on? [Laughter.]

The SPEAKER. The Chair thinks that the parliamentary inquiry of the gentleman from Illinois answers itself.

However, if the House votes down the motion of the gentleman from Iowa, it will be in order to proceed to the public business, as usual, under the rule.

The question being taken on the motion of Mr. HEPBURN, the House divided; and there were—ayes 90, noes 66.

Mr. CANNON. I demand tellers.

Tellers were ordered.

Mr. CANNON and Mr. HEPBURN were appointed tellers.

The House proceeded to divide. Before the announcement of the result,

Mr. CANNON said: I ask the yeas and nays, Mr. Speaker, at once on this motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 77, not voting 132; as follows:

YEAS—145.

| | | | |
|---|---|---|---|
| Abbott, | Cobb, Ala. | Gardner, | Kulp, |
| Acheson, | Connolly, | Gibson, | Lacey, |
| Adams, | Cook, Wis. | Griffin, | Latimer, |
| Aldrich, Ala. | Cooke, Ill. | Griswold, | Leisenring, |
| Allen, Miss. | Cooper, Fla. | Grow, | Leonard, |
| Allen, Utah | Cooper, Tex. | Halterman, | Lewis, |
| Andrews, | Cooper, Wis. | Hanly, | Linton, |
| Arnold, Pa. | Corliss, | Hardy, | Little, |
| Atwood, | Crowther, | Hartman, | Livingston, |
| Babcock, | Crump, | Hatch, | Long, |
| Bailey, | Cummings, | Heatwole, | Loudenslager, |
| Baker, Kans. | Curtis, Kans. | Heiner, Pa. | Low, |
| Baker, Md. | Curtis, N. Y. | Hepburn, | Maddox, |
| Barham, | Dayton, | Hicks, | Mahon, |
| Barney, | De Armond, | Hill, | McCormick, |
| Bartlett, Ga. | Denny, | Hopkins, | McCulloch, |
| Bennett, | De Witt, | Howe, | McLachlan, |
| Bishop, | Doolittle, | Huff, | McRae, |
| Blue, | Ellett, Va. | Huling, | Mercer, |
| Boutelle, | Ellis, | Hurley, | Meredith, |
| Bowers, | Evans, | Jenkins, | Miller, W. Va. |
| Broderick, | Faris, | Johnson, Cal. | Minor, Wis. |
| Bromwell, | Fenton, | Kerr, | Money, |
| Burton, Mo. | Fischer, | Kiefer, | Neill, |
| Chickering, | Foote, | Kirkpatrick, | Odell, |
| Clardy, | Gamble, | Knox, | Ogden, |
| Otey, | Settle, | Sulzer, | Wilber, |
| Otjen, | Shafroth, | Swanson, | Willis, |
| Overstreet, | Sherman, | Taft, | Wilson, Idaho |
| Pearson, | Skinner, | Tayler, | Wilson, S. C. |
| Phillips, | Smith, Ill. | Terry, | Wood, |
| Pickler, | Southard, | Tracey, | Woomer, |
| Poole, | Spencer, | Van Horn, | Wright, |
| Prince, | Sperry, | Walsh, | Yoakum. |
| Pugh, | Stahle, | Wanger, | |
| Richardson, | Stewart, Wis. | Watson, Ohio | |
| Scranton, | Sulloway, | White, | |

NAYS—77.

| | | | |
|---|---|---|---|
| Aitken, | Foss, | Lorimer, | Shuford, |
| Arnold, R. I. | Gillet, N. Y. | Loud, | Spalding, |
| Avery, | Graff, | Marsh, | Steele, |
| Bartholdt, | Grosvenor, | McCall, Tenn. | Stokes, |
| Bartlett, N. Y. | Grout, | McClellan, | Stone, C. W. |
| Bell, Colo. | Hainer, Nebr. | McCreary, Ky. | Strait, |
| Bingham, | Harrison, | Miles, | Talbert, |
| Black, Ga. | Hart, | Mozley, | Tate, |
| Brosius, | Henderson, | Noonan, | Thomas, |
| Cannon, | Hendrick, | Northway, | Tucker, |
| Clark, Iowa | Henry, Conn. | Parker, | Turner, Ga. |
| Cobb, Mo. | Hilborn, | Patterson, | Underwood, |
| Cockrell, | Hitt, | Pendleton, | Updegraff, |
| Codding, | Hull, | Perkins, | Wadsworth, |
| Coffin, | Johnson, N. Dak. | Pitney, | Walker, Va. |
| Crisp, | Jones, | Powers, | Williams, |
| Dingley, | Kem, | Quigg, | Wilson, N. Y. |
| Downing, | Lawson, | Raney, | |
| Elliott, S. C. | Layton, | Sayers, | |
| Erdman, | Lockhart, | Shaw, | |

NOT VOTING—132.

| | | | |
|---|---|---|---|
| Aldrich, Ill. | Dockery, | Linney, | Russell, Conn. |
| Anderson, | Dolliver, | Maguire, | Russell, Ga. |
| Apsley, | Dovener, | Mahany, | Sauerhering, |
| Baker, N. H. | Draper, | McCall, Mass. | Shannon, |
| Bankhead, | Eddy, | McCleary, Minn. | Simpkins, |
| Barrett, | Fairchild, | McClure, | Smith, Mich. |
| Beach, | Fitzgerald, | McDearmon, | Snover, |
| Belknap, | Fletcher, | McEwan, | Sorg, |
| Bell, Tex. | Fowler, | McKenney, | Southwick, |
| Berry, | Gillett, Mass. | McLaurin, | Sparkman, |
| Black, N. Y. | Hadley, | McMillin, | Stallings, |
| Brewster, | Hager, | Meiklejohn, | Stephenson, |
| Brown, | Hall, | Meyer, | Stewart, N. J. |
| Brumm, | Harmer, | Miller, Kans. | Stone, W. A. |
| Buck, | Harris, | Milliken, | Strode, Nebr. |
| Bull, | Hemenway, | Milnes, | Strong, |
| Burrell, | Henry, Ind. | Miner, N. Y. | Strowd, N. C. |
| Burton, Ohio | Hermann, | Mondell, | Tawney, |
| Calderhead, | Hooker, | Moody, | Towne, |
| Catchings, | Howard, | Morse, | Tracewell, |
| Clark, Mo. | Howell, | Moses, | Treloar, |
| Clarke, Ala. | Hubbard, | Murphy, | Turner, Va. |
| Colson, | Hulick, | Newlands, | Tyler, |
| Cousins, | Hunter, | Owens, | Van Voorhis, |
| Cowen, | Hutcheson, | Payne, | Walker, Mass. |
| Cox, | Hyde, | Price, | Warner, |
| Crowley, | Johnson, Ind. | Ray, | Washington, |
| Culberson, | Joy, | Reeves, | Watson, Ind. |
| Curtis, Iowa | Kendall, | Reyburn, | Wellington, |
| Dalzell, | Kyle, | Robertson, La. | Wheeler, |
| Danford, | Lefever, | Robinson, Pa. | Wilson, Ohio |
| Daniels, | Leighty, | Royse, | Woodard, |
| Dinsmore, | Lester, | Rusk, | Woodman. |

So the motion of Mr. HEPBURN was agreed to.

The following pairs were announced:

Mr. TRELOAR with Mr. HALL.

Mr. STRODE of Nebraska with Mr. CLARKE of Alabama.

Mr. HENRY of Indiana with Mr. KENDALL.

Mr. BREWSTER with Mr. RUSSELL of Georgia.

Mr. STEWART of New Jersey with Mr. RUSK.

Mr. BURTON of Ohio with Mr. OWENS.

Mr. BAKER of New Hampshire with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. WASHINGTON.

Mr. REYBURN with Mr. MCKENNEY.

Mr. LITTLE with Mr. DINSMORE.

Mr. STRONG with Mr. STROWD of North Carolina.

Mr. MCCALL of Massachusetts with Mr. BELL of Texas.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HADLEY with Mr. MCDEARMON.

Mr. DOVENER with Mr. CATCHINGS.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HOOKER with Mr. MINER of New York.

Mr. DALZELL with Mr. MCMILLIN.

Mr. HUBBARD with Mr. DOCKERY.

Mr. LEIGHTY with Mr. BANKHEAD.

Mr. DALZELL. Mr. Speaker, I find that I am paired, and shall therefore withdraw my vote. I voted in the negative on this question.

The result of the vote was then announced as above recorded.

Mr. TUCKER. Mr. Speaker, my colleague, Mr. TURNER, is detained from the House by reason of sickness. I ask leave of absence for him until Monday.

BERNARD R. GREEN.

Mr. QUIGG. Mr. Speaker, I rise to ask unanimous consent for the present consideration of the joint resolution sent over from the Senate this morning, providing for the appointment of a successor to the late General Casey. I do so in behalf of the Library Committee, and if my request can be entertained I hope it will be at this time.

The SPEAKER. It can only be done by unanimous consent.

Mr. QUIGG. I make that request.

The SPEAKER. The Clerk will report the resolution.

The joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Thomas L. Casey in relation to the construction and completion of the Library of Congress was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. Mr. Speaker, I shall not object; but as this makes a charge upon the Treasury, while I have no desire to delay it, I shall ask the gentleman to ask either that the House resolve itself into the Committee of the Whole to consider it, or that it be considered in the House as in Committee of the Whole. As I say, I have no desire to delay it, but there ought to be some little explanation about it, and possibly some amendment.

Mr. HEPBURN. If it is going to require delay I shall have to object.

Mr. QUIGG. I do not think it will cause delay.

Mr. HEPBURN. It will if you go into Committee of the Whole.

Mr. LIVINGSTON. Regular order.

Mr. CANNON. I have no desire to make any delay. I only ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia [Mr. LIVINGSTON] demands the regular order. In accordance with the vote already announced, the House resolves itself into the Committee of the Whole House for the consideration of the Private Calendar, and the gentleman from Illinois [Mr. HOPKINS] will please take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the Private Calendar, with Mr. HOPKINS in the chair.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Chairman, I offer the following resolution——

Mr. CANNON. I call for the regular order.

Mr. PICKLER. This is the regular order.

Mr. CANNON. I do not so understand it. The rule provides what shall be done when we go into Committee of the Whole on the Private Calendar.

Mr. PICKLER. That is just my motion exactly.

The CHAIRMAN. The Clerk will report the resolution. The Chair will then determine the point of order raised by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. All I do is to demand the regular order.

Mr. PICKLER. This is the regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

I move that business on the Private Calendar from the Committees on Claims and War Claims be passed over without prejudice, and that bills from the Committees on Invalid Pensions, Pensions, and Military Affairs be taken up for consideration in their order upon the Calendar.

Mr. PICKLER. Mr. Chairman——

Mr. RICHARDSON. I make a point of order against that motion.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota.

Mr. RICHARDSON. Is the point of order made?

The CHAIRMAN. The Chair will consider the point of order pending and will hear gentlemen upon it.

Mr. PICKLER. I refer to paragraph 4 of Rule XXIII:

4. In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

I offer the resolution now, Mr. Chairman, in accordance with this provision, that the committee lay aside without prejudice bills from the Committee on Claims and from the Committee on War Claims and proceed to take up bills reported from the Committees on Invalid Pensions, Pensions, and Military Affairs.

I think, Mr. Chairman, this is too plain for any argument. It is the language of the rule, about which there can be no doubt, because the rule says that in Committees of the Whole House business on the Private Calendar may be taken up in the regular order, or in such order as the committee may determine.

If this resolution is carried, the Committee of the Whole can lay aside without prejudice bills reported from the Committees on Claims and War Claims, and that will enable us, as the resolution further provides, to take up business reported from the Committees on Invalid Pensions, Pensions, and Military Affairs. And I may say, Mr. Chairman, besides this being perfectly in order, in accordance with the rule, it seems to me it would be very advisable for this committee so to do. We have had experience here in the years past in trying to do something with the large number of private bills reported from other committees, and we have never yet made much headway with them. While I have nothing to say against the other bills, there are a large number of gentlemen in this committee interested in these bills reported from the Committee on Invalid Pensions, from the Committee on Pensions, and from the Committee on Military Affairs. It seems to me advisable that we should adopt this resolution and proceed to the consideration of pension bills and bills from the Committee on Military Affairs. We have a large Calendar of those bills, and a great many members are desirous that they should be considered.

Mr. LIVINGSTON. I want to suggest to the gentleman that his proposition will consume the time allowed for the Private Calendar for private claims, when we have given him every Friday night for pensions. That is the practical result of the gentleman's motion.

Mr. PICKLER. I will say to the gentleman——

Mr. RICHARDSON. Mr. Chairman, I ask for order. It is impossible to hear the gentleman.

The CHAIRMAN. The committee will be in order.

Mr. RICHARDSON. I should like to hear this statement as to why the point of order is not good.

Mr. PICKLER. Now, Mr. Chairman, I want to correct the gentleman from Georgia. We have stood here Friday night after Friday night and have not passed a bill through the House on a Friday night, as the point of no quorum has been made from that side, and for four weeks we have not been able to pass a bill.

Mr. LIVINGSTON addressed the Chair.

The CHAIRMAN. One moment. The gentleman from South Dakota must confine himself to the point of order. The merits of the case are not in issue.

Mr. DINGLEY. This is not a question of the wisdom of the matter.

Mr. PICKLER. The rule determines that it is in order.

Mr. RICHARDSON. What rule does the gentleman refer to?

Mr. PICKLER. Paragraph 4 of Rule XXIII. It is too plain to need any argument:

In Committee of the Whole House, business on their Calendar may be taken up in the regular order—

That is, taking the first bill, and then consecutively—

or in such order as the committee may determine.

Now, I offer a resolution stating the order in which they shall be taken up.

Mr. RICHARDSON. The committee is not in session under that item. I want to state that the rule sets apart Friday for the consideration of matters on the Private Calendar, and we are not in session under the item the gentleman suggests.

Mr. BOUTELLE. This rule was modified expressly, as it is clearly in recollection of the older members of this House, for the purpose of preventing procedure upon the Calendar from being blocked Friday after Friday through the whole session, as it was in former Congresses, because some obnoxious bill stood at the head of the Calendar and could not be evaded or avoided, there being no way by which to pass it over; and in order that the Committee of the Whole should be enabled to do business, and not be blocked because some bill at the head of the Calendar was obnoxious to the views of a large number of the House, this rule was made to enable the Committee of the Whole to take bills up in such order as it might determine or in the regular order of the business on the Calendar.

Mr. RICHARDSON. If I may be pardoned——

Mr. BARTLETT of New York. I desire to be heard on the point of order.

Mr. RICHARDSON. The gentleman from Maine is correct that the House has——

The CHAIRMAN. The gentleman from Tennessee will state his point of order against the written motion of the gentleman from South Dakota.

Mr. RICHARDSON. The House is in session in Committee of the Whole on the Private Calendar under the special rule of the House which provides that every Friday, unless otherwise ordered by the House, shall be set apart for the consideration of bills on the Private Calendar. Now, this House refused otherwise to decide, when it decided to go into Committee of the Whole on the Private Calendar.

Mr. BOUTELLE. We are on it now.

Mr. RICHARDSON. And the gentleman from Maine reads item 4 of Rule XXIII, which provides:

In Committees of the Whole House business on their calendars may be taken up in the regular order.

While we are in Committee of the Whole House. It is Committee of the Whole on the Private Calendar, and it is not in the Committee of the Whole to which the gentleman from Maine is addressing himself. When we go into Committee of the Whole the difficulty which the gentleman suggested arose several years ago, when an effort was made to pass over the appropriation bills and take up the tariff bill.

Mr. BOUTELLE. It was an omnibus war claim bill, reported by the gentleman from Tennessee, Mr. Enloe.

Mr. RICHARDSON. It was to take up a tariff bill, but the rule

provided that that could only be done by unanimous consent. In other words, to refuse to consider bills on the Private Calendar it required unanimous consent to do so; and if objection was made the Committee of the Whole House should rise and report that objection to the House, and then the House would go through a form of directing the committee to pass over that bill.

Mr. BOUTELLE. This rule was framed, if the gentleman will pardon me——

The CHAIRMAN. The gentleman can not be interrupted.

Mr. RICHARDSON. I will yield in a moment. This provision was made to obviate that objection—that when you go into Committee on the Private Calendar you must take them up in the order in which they are on the Calendar.

Mr. BOUTELLE. One express reason of the rule being modified was that the Private Calendar was blocked, as we all remember, by a long omnibus bill, reported, I believe, from the Committee on War Claims, I think, by Mr. Enloe of Tennessee, and this was modified to prevent business being blocked by such bills; so the language was put this way:

In Committees of the Whole House business on their calendars—

On the committee calendars; that includes the Private Calendar—

may be taken up in their regular order, or in such order as the committee may determine.

And this committee will now proceed to determine on it.

Mr. RICHARDSON. Now, I will say in reply that the gentleman states that this modification was inserted to meet the difficulty presented by an omnibus war claim bill reported by Mr. Enloe. Now, that bill, Mr. Chairman, was reported in the Fifty-second Congress. This item to which the gentleman is addressing himself is a part of the rule of the Fifty-first Congress.

Mr. BOUTELLE. Why, we had the same experience in the Fiftieth Congress and in the Forty-ninth Congress.

Mr. RICHARDSON. But Mr. Enloe had no bill in the Forty-ninth or Fiftieth Congress to pay this class of claims in bulk.

Mr. BOUTELLE. Yes, but it was of the same general character of bills as that which Mr. Enloe introduced that had been blocking the way in previous Congresses.

Mr. RICHARDSON. Now the gentleman is again mistaken, because the only general bill of that kind was brought in and passed by the Fifty-first Congress and the claims paid. There never were any general bills prior to the Fifty-first Congress. Consequently the gentleman is clearly mistaken; and I distinctly remember that in the Fiftieth Congress the effort was made to pass over some appropriation bills in order to reach a tariff bill which the gentleman from Texas desired to have considered. Older members of the House will remember that fact. This amendment was put in in the Fifty-first Congress simply to enable the Committee of the Whole, when it wanted to consider some particular appropriation bill, to decide the question of consideration for itself. But, Mr. Chairman, it has never been decided, and, in my opinion, an instance can not be found where any such motion was made when the Private Calendar was under consideration on the day set apart by the rules for that business.

Mr. BARTLETT of New York. Mr. Chairman, I should like to be heard for a moment on this point of order. It seems to me that the point is well taken. We must consider two rules of the House, not only the fourth subdivision of Rule XXIII, but also Rule XXVI, and our procedure here is governed by Rule XXVI. Now, what are the two salient provisions of that rule? First, that—

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

Second, that—

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, etc.

The motion of the gentleman from Iowa [Mr. HEPBURN] was that the House resolve itself into Committee of the Whole, not for the purpose of considering your private pension bills, or bills for the removal of political disabilities, but for the purpose of considering bills on the Private Calendar.

Mr. PICKLER. That is right.

Mr. BARTLETT of New York. The fourth subdivision of Rule XXIII gives us a certain discretion, namely, to pass over one bill, say No. 33, and take up No. 34 when we come to that bill; but it does not give us discretion to interfere with another rule of the House by passing over a whole class of bills and to decide that we shall be relegated and confined to the regular business of the Friday evening session. That would be a monstrous construction. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair is ready to rule on this question. Section 6 of Rule XXIV provides that—

On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar, etc.

The first paragraph of Rule XXVI provides that—

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by the House.

And the second paragraph provides that—

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered, etc.

That, of course, is mandatory upon the House. Paragraph 4 of Rule XXIII provides that after the House has gone into Committee of the Whole House the committee can then determine the order of business that shall be pursued, and the Chair holds that it is clearly within the province of the committee to determine whether it will take up the bills in the order in which they are found on the Private Calendar or whether, by motion, as proposed by the gentleman from South Dakota [Mr. PICKLER], it will proceed to take up a certain class of private bills. The language of paragraph 4 of Rule XXIII, as it seems to the Chair, is clear upon the subject. The Chair therefore holds that the written motion submitted by the gentleman from South Dakota [Mr. PICKLER] is in order.

Mr. SWANSON. The ruling of the Chair depends to a great extent, of course, upon the motion made by the gentleman from Iowa [Mr. HEPBURN]. If the gentleman's motion was that the House go into Committee of the Whole to consider business on the Private Calendar in the order in which it stands there, of course that would preclude such a ruling as the Chair has just made. Now, I would like to know what the form of the motion of the gentleman from Iowa was, as submitted by the Speaker, and upon which the House voted.

The CHAIRMAN. The Chair understands that the motion made by the gentleman from Iowa [Mr. HEPBURN] was that the House should resolve itself into Committee of the Whole House for the purpose of considering business on the Private Calendar. That left it for the committee to determine, after the House had resolved itself into Committee of the Whole House, the order in which the business on the Private Calendar should be taken up.

Mr. McRAE. Mr. Chairman, I desire to move an amendment to the resolution of the gentleman from South Dakota.

Mr. SWANSON. Do the minutes show just what the motion was, as submitted by the gentleman from Iowa?

The CHAIRMAN. The Chair presumes they do. The gentleman from Arkansas [Mr. McRAE] is recognized.

Mr. HEPBURN. Mr. Chairman, I raise a point of order under Rule XXV, which provides that—

All questions relating to priority of business shall be decided by a majority without debate.

This question is not debatable.

The CHAIRMAN. The point of order is well taken; but the debate was upon the point of order which has been raised by the gentleman from Tennessee, and therefore the Chair allowed the discussion to go on.

Mr. PICKLER. But that question has been decided.

The CHAIRMAN. That question has been decided.

Mr. HEPBURN. I make the point of order that there is no point of order now pending, the Chair having passed upon the one raised by the gentleman from Tennessee.

The CHAIRMAN. The Chair sustains the point. The Chair now recognizes the gentleman from Arkansas [Mr. McRAE], who states that he desires to offer an amendment to the resolution pending before the committee.

Mr. McRAE. I desire, Mr. Chairman, to amend by adding to the words of the resolution "beginning at the foot of the Calendar."

Can I be heard upon the amendment?

The CHAIRMAN. The matter is not debatable.

Mr. TALBERT. If in order, I would like to have the original resolution read.

Mr. McRAE. Does the Chair hold that I am not entitled to debate the resolution?

The CHAIRMAN. The Chair has not held anything yet.

Mr. McRAE. I insist that I have the right, then, to hold the floor until the Chair does rule.

The CHAIRMAN. Rule XXV provides that all questions relating to priority of business shall be decided by a majority without debate. The Chair thinks the amendment of the gentleman from Arkansas relates to the order of business, and is not debatable.

Mr. McRAE. Then in that case I will not hold the floor. [Laughter.]

The CHAIRMAN. What amendment does the gentleman from Arkansas suggest?

Mr. McRAE. I move to strike out of the resolution of the gentleman from South Dakota the words "in their order" and insert "beginning at the foot of the Calendar."

Mr. MAHON. I wish to offer an amendment to the amendment.

The CHAIRMAN. The Chair thinks it would not be in order to entertain another amendment at this time.

Mr. MAHON. Then I will wait until the others are disposed of.

Mr. SWANSON. Is there not a substitute pending for the motion of the gentleman from Arkansas? If not, I desire to offer a substitute.

The CHAIRMAN. The Chair will first recognize the gentleman from Pennsylvania, who desires to offer an amendment.

Mr. MAHON. I move to amend by inserting "that no cases of desertion shall be considered under that order."

Mr. CANNON. If the gentleman from South Dakota will permit me, I think perhaps I may be able to offer a suggestion that will satisfy all sides. I suggest that he modify the resolution by calling the bills on the Calendar, one at the head and another at the foot, thus alternating through the day. Many of us have bills scattered through the Calendar, and we can never reach them by proceeding as the gentleman's order proposes.

Mr. PICKLER. The gentleman from Illinois has had much experience here and knows that by proceeding in that manner we will finally strike one of those bills to which objection is made, and require us to spend the whole day in its consideration without effecting any result.

The CHAIRMAN. The matter is not debatable. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. BOUTELLE. What is the motion?

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

That no claims for desertions shall be considered in order under this resolution.

Mr. DINGLEY. If the gentleman will permit me, that is an amendment in the first degree, and would be only in order after the others have been disposed of.

The CHAIRMAN. The Chair will hold that the point of order is well taken, and the question therefore recurs on the amendment of the gentleman from Arkansas, which will be read.

Mr. RICHARDSON. I desire to ask what has become of the amendment of the gentleman from Pennsylvania?

The CHAIRMAN. The amendment is not now in order.

The Clerk will read the amendment of the gentleman from Arkansas.

The Clerk read as follows:

Strike out the words "in their order on the Calendar" and insert "beginning at the foot of the Calendar."

The question was taken; and on a division there were—ayes 32, noes 96.

Mr. MCRAE. I demand tellers.

Tellers were ordered.

Mr. MCRAE and Mr. PICKLER were appointed tellers.

The committee divided; and the tellers reported—ayes 34, noes 90.

So the amendment was rejected.

The question recurred on the motion of Mr. PICKLER.

Mr. TERRY. I move an amendment to the pending resolution, that we begin at the middle of the Calendar and alternate both ways.

Mr. PICKLER. I make the point of order against the amendment that it is too indefinite. Nobody knows what the middle of the Calendar is.

Mr. TERRY. Why, it is a mere matter of mathematical calculation. We have some five hundred and eighty or ninety bills on the Calendar. But I will make it more definite. I move that we begin with No. 286 on the Calendar.

Mr. HAINER of Nebraska. I make the point of order that the motion is dilatory.

Mr. TERRY. Why is it dilatory?

The CHAIRMAN. The Chair will overrule both points of order, and allow the committee to determine the amendment.

Mr. BOUTELLE. Is it in order to pile up these amendments here?

Mr. GROW. Let us have a vote. Question!

Mr. BOUTELLE. Please do not call the question while I am addressing the Chair.

Mr. GROUT. This matter is not debatable.

Mr. BOUTELLE. The gentleman from Pennsylvania says I have no business to address the Chair, but with the indulgence of the Chair I desire to ask a parliamentary question, whether these amendments are in order, amendment after amendment without limit.

The CHAIRMAN. The Chair will state that the point of order was made by the gentleman from South Dakota that the motion was indefinite, and by the gentleman from Nebraska that it was dilatory. The Chair overrules the point of order, and will submit the amendment for the consideration of the committee.

Mr. BOUTELLE. But my inquiry was whether the motion of the gentleman from South Dakota is amendable without limit.

Mr. TERRY. Why, when you vote down one amendment another can be offered, of course. That is the parliamentary law.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That we begin at No. 286 on the Calendar and alternate each way.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TERRY. Division.

The committee divided; and there were—ayes 27, noes 82.

Mr. TERRY. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. TERRY and Mr. PICKLER.

The committee again divided; and the tellers reported—ayes 20, noes 85.

Accordingly the amendment was rejected.

Mr. SWANSON. Mr. Chairman, I desire to offer a substitute for the pending amendment, which I send to the Clerk's desk.

The clerk read as follows:

That Calendar No. 158 be first considered—a bill for the relief of the book agents of the Methodist Episcopal Church South.

Mr. PICKLER. I am glad to see you do something pious; but I make the point of order that that is dilatory.

Mr. RICHARDSON. Can we be heard on that amendment? Does the Chair hold that debate is not in order on this amendment?

The CHAIRMAN. No debate relating to the order of business is permissible under Rule XXV, and the Chair has so held. The question is on the substitute offered by the gentleman from Virginia [Mr. SWANSON].

The question being taken, the Chairman announced that the noes seemed to have it.

Mr. SWANSON. Division.

The committee divided; and there were—ayes 37, noes 75.

The CHAIRMAN. On this question the ayes are 37, and the noes are 75. The noes have it——

Mr. SWANSON. Tellers, Mr. Chairman.

Mr. PITNEY. Too late, Mr. Chairman.

The CHAIRMAN. The Chair thinks not.

Tellers were ordered; and the Chairman appointed Mr. SWANSON and Mr. PICKLER.

The committee again divided; and the tellers reported—ayes 6, noes 94.

Accordingly, the substitute was rejected.

Mr. PICKLER. I call for a vote on my motion.

Mr. RICHARDSON. Mr. Chairman, I offer a substitute for the pending amendment, to consider the claim of the Southwestern Presbyterian University. There are a thousand petitions here in favor of that claim.

The CHAIRMAN. The Clerk will report the substitute.

Mr. DALZELL. Mr. Chairman, I make the point of order that the——

Mr. RICHARDSON. It has not been read yet, Mr. Chairman.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

That we consider No. 4435 on the Private Calendar, a bill for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

Mr. DALZELL. Mr. Chairman, I make the point of order that the motion of the gentleman from Tennessee is dilatory.

Mr. RICHARDSON. Mr. Chairman, I desire to be heard on that. If that is not a meritorious motion, then I have never made one——

Mr. DALZELL. That is not debatable.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RICHARDSON. Then I appeal from the decision of the Chair.

The CHAIRMAN. The Chair declines to entertain the appeal. [Applause.]

Mr. RICHARDSON. Of course it is in the power of the Chair to do so. [Cries of "Regular order!"]

The CHAIRMAN. Gentlemen will please observe order. Gentlemen will please resume their seats. The question is now on the motion of the gentleman from South Dakota.

Mr. COOPER of Texas. Mr. Chairman——

The question was taken on Mr. PICKLER's motion; and the Chairman announced that the ayes seemed to have it.

Mr. RICHARDSON. Division.

The committee divided; and there were—ayes 93, noes 1.

Mr. SWANSON. No quorum.

Mr. LOUDENSLAGER. Count, Mr. Chairman.

The CHAIRMAN (having counted the committee). One hundred and thirty-three members—a quorum—are present. The ayes have it, and the motion of the gentleman from South Dakota [Mr. PICKLER] is adopted. [Applause.]

Mr. PICKLER. Mr. Chairman——

Mr. COOPER of Texas. I move that the committee do now rise.

Mr. PICKLER. I believe I addressed the Chair first.

The CHAIRMAN. The Chair declines to entertain the gentleman's motion.

M. R. WILLIAM GREBE.

Mr. PICKLER. The first bill under that order is from the Committee on Military Affairs, and it is the bill H. R. 3139, Calendar No. 36, at the bottom of page 12.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

A bill (H. R. 3139) for the relief of M. R. William Grebe.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to revoke the order by which M. R. William Grebe was separated from the military service of the United States as a captain of the Fourth Missouri Volunteer Cavalry, and to honorably discharge said Grebe, to date from the 12th day of December, 1864.

Mr. TALBERT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBERT. The point of order is this: As the Committee of the Whole have decided to take up only bills reported by the Committee on Invalid Pensions, I will call attention to the fact that on last Friday evening, when the committee rose, they were discussing a bill for the relief of Charles E. Jones. As you have decided to consider only bills from the Invalid Pensions Committee, I make the point of order that you must begin where you left off.

The CHAIRMAN. The point of order is not well taken. The gentleman from South Carolina has evidently misapprehended the motion of the gentleman from South Dakota.

Mr. TALBERT. Possibly so. I think there is a great deal of misapprehension going on.

The CHAIRMAN. The Chair is not responsible for that. The Clerk will proceed.

The Clerk read as follows:

The Committee on Military Affairs reported the following amendments:

First, strike out the word "separated," in the fifth line of said bill, and insert in lieu thereof the word "dismissed."

Amend by adding to the bill the following proviso:

"*Provided*, That nothing herein shall entitle said M. R. William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial."

Mr. McCLELLAN. The report.

Mr. BARTLETT of New York. I ask for the reading of the report.

The CHAIRMAN. The question is on the amendments.

Mr. RICHARDSON. Mr. Chairman——

The CHAIRMAN. The Clerk will please read the report.

The report (by Mr. Tarsney) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (H. R. 3139) entitled "A bill for the relief of M. R. William Grebe," and having considered the same, respectfully report:

It appears from the official records of the War Department that M. R. William Grebe was mustered into the service as first lieutenant of Company I, Fourth Missouri Cavalry, November 22, 1862; he was promoted to be captain April 5, 1864, and was assigned to Company F of that regiment; he was detached and assigned to duty as aid-de-camp on the staff of the major-general commanding the Department of the Tennessee on July 5, 1864; he was cashiered December 12, 1864, by a sentence of a general court-martial promulgated in General Orders, No. 223, of that date, Department of the Missouri. From the record of the court-martial, its evidence, and the action taken thereon by the reviewing authority, and the report of the Judge-Advocate-General of the Army to the President of the United States, upon an application for Executive clemency in behalf of said Captain Grebe, it fully appears that one Ferdinand Hanson, then a captain in Company D, Fourth Regiment Missouri Volunteer Cavalry, M. R. William Grebe, major and aid-de-camp of the governor of the State of Missouri and captain of Company F, Fourth Regiment Missouri Volunteer Cavalry, and Gottlieb C. Rose, then a captain of Company C, said Fourth Missouri Volunteer Cavalry, were jointly tried by court-martial in December, 1864, upon the following charges, to wit: The said Captain Hanson, first, for sending a challenge to another officer to fight a duel; second, dueling, to the prejudice of good order and military discipline. The said Major Grebe, first, accepting a challenge from another officer to fight a duel; second, dueling, to the prejudice of good order and military discipline. The said Captain Rose, first, promoting a challenge to fight a duel; second, aiding and promoting a duel, to the prejudice of good order and military discipline.

The several specifications alleged in substance that said Captain Hanson sent a challenge to fight a duel to said Major Grebe; that Major Grebe accepted the same; that a duel was fought by these parties; that the said Captain Rose promoted and aided the same by furnishing them with pistols and by other aid, countenance, encouragement, and presence.

To the charges and specifications respectively alleged against them, each of said parties pleaded guilty, were convicted thereof on said 12th day of December, 1864, and sentenced to be cashiered.

In his address to the court Captain Hanson stated in substance that he was of foreign birth and had been educated in the manners and customs of a foreign country, and that the habits and thoughts which there prevailed had been to some extent impressed upon his character and formed a part thereof.

That the custom and practice of the duello obtained generally with the officers of the army of Schlesswig-Holstein, his native country, in which army he had formerly served, and although not recognized by law, yet when this practice of settling differences was pursued under circumstances of an extreme character, it by no means incurred the displeasure of the Government, and seldom deprived a soldier of rank or the privilege of defending his country in the field. He also called attention of the court to the fact that this practice prevailed to an extent in other countries, and to a considerable extent in the United States and in the Army of the United States; and called attention to the case of General Sumner and General Harney, the former of whom sent and the latter of whom accepted a challenge to fight a duel. While not arguing in favor of the practice to justify himself or combating the propriety of the regulations of the Army, which prohibited such practice, he endeavored to impress upon the court that in erring as he had he was entitled to some consideration in consequence of the early training and education he had received as a soldier in his native country.

In his address to the court Major Grebe stated that he was brought up in Europe as an officer, that he had been but a short time in this country; that according to usage in the old country he was obliged to accept the challenge; that he was still in the service of the King of Norway and was only on furlough to fight for the Union, and expected to resume his position as first lieutenant in the service of the King of Norway; that according to his idea and the usage of the old country he would have been considered infamous if he had not accepted this challenge, and other officers would not have associated with him; that he was not at the time a citizen of the United States and knew nothing of its laws.

Captain Rose stated to the court that he had been in this country only since 1861.

All the members of the court earnestly recommended Major Grebe to the leniency of the commanding general in consideration of the peculiar nature of the cases as presented by the several statements of the accused.

An application was made to the President for a review of the finding of the court in regard to these officers. The records show a petition of his excellency Thomas C. Fletcher, then governor of Missouri; Brig. Gens. S. A. Meredith, I. T. Copeland, John McNeil, Thomas Ewing, jr., George H. Hall; of Colonel Barstow, president, and Colonel Williams and Major Dietz, members of the court by whom they were tried; of John B. Gray, adjutant-general of Missouri, and others, praying the Executive, in consideration of the history and respective military careers of these officers, and for the interest of the service, that the record of their dismissal be set aside, that their services might be again placed at the disposal of the Government, and that they each might be reinstated with the rank they respectively held at the time of their dismissal.

Major-General Dodge certifies that he was acquainted with Major Grebe during the Atlanta campaign and knew him to be a reliable, brave, and competent officer. Hon. John B. Henderson, then a United States Senator from the State of Missouri, indorses the petition in the following words, namely:

"Mr. PRESIDENT: These men have no fault except that they want to fight too much. It is a good fault at present. Please restore them."

The application for reinstatement was denied, not on account of want of merit in the application, but on account of want of Executive authority.

The record indisputably shows Major Grebe to have been a brave, intelligent, and efficient officer, whose service for more than two years was so conspicuous as to particularly commend him to his superior officers and to the governor of the State who commissioned him—so conspicuous that Governor Fletcher made a special application to the President to remove Major Grebe's disability in order that his services might be utilized by the governor in raising a new regiment.

There is no question as to the legality of the proceedings of the court-martial, that the offenses alleged in the charges clearly constituted violations of the regulations governing the Army, or that such offenses at the time were prejudicial to good order and military discipline.

Your committee, however, are of the opinion that the previous education of this officer and the sentiment relating to the practice of the duello then prevalent in the country in which he was educated and to a considerable extent prevalent in our own country and Army at the time, while not justifying the officer for his offense, distinguishes such offense from the ordinary offenses violative of good order and military discipline, and appeals strongly at this time for the removal of the stain upon his otherwise unexceptionally creditable military record.

In consideration of the fact that sentiment favorable to the settlement of private dispute between citizens or between officers of the Army in this country by appeal to the duello has now happily entirely disappeared, the action here recommended will not be considered a precedent or encouragement for the revival of such sentiment, the committee recommend the passage of the bill with the following amendment:

First, strike out the word "separated," in the fifth line of said bill, and insert, in lieu thereof, the word "dismissed."

Amend by adding to the bill the following proviso:

"*Provided*, That nothing herein shall entitle said M. R. William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial."

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. I rise to inquire whether debate is to be absolutely cut off, or are we allowed to be heard on these pension bills?

Mr. PICKLER. Regular order.

Mr. RICHARDSON. This is debatable.

Mr. PICKLER. Regular order.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. BLUE. I move the adoption of the amendments.

Mr. RICHARDSON. Well, Mr. Chairman, it is not in order to vote upon the amendments in gross, and I make that point of order. Besides, general debate has not been closed; and I object to voting on the amendments until general debate at least is closed on this bill, unless it is determined to close general debate without any explanation. I would like to hear something, Mr. Chairman, in favor of the passage of this bill by the gentleman from Kansas who introduced it. I want to hear the gentleman, if he wants to discuss it.

Mr. BLUE. The first thing is for the Chair to pass on the point of order.

The CHAIRMAN. The amendments are debatable.

Mr. RICHARDSON. The bill is debatable also.

The CHAIRMAN. The amendments are now being considered.

Mr. RICHARDSON. How is that, sir?

The CHAIRMAN. The gentleman from Tennessee is correct. The whole question is debatable—the bill and amendments.

Mr. BLUE. I suppose the motion is in order. I desire to say to the gentleman from Tennessee that when he understands this bill I am satisfied he will not object to it.

Mr. RICHARDSON. Will the gentleman yield to me for a moment? I have asked an explanation, Mr. Chairman, of the merits of this bill in general debate. I have no objection to its passage, but I could not understand the reading of the report in the confusion on the floor, and I was in hopes that the gentleman in general debate would tell us something of the merits of this

bill. We have not closed general debate now. That is the point I wanted to be understood.

Mr. BARTLETT of New York. I should like to be heard on this bill.

The CHAIRMAN. The gentleman from Kansas has the floor.

Mr. BLUE. This bill is for the relief of a soldier who was in the service of the King of Norway when our civil conflict began. He came by permission of his sovereign to this country to participate in the conflict on the side of the Union. He served with distinction, and participated in some 17 battles courageously and honorably. While the conflict was going on he attended a theater at St. Louis with a young lady who was the daughter of some member of the official family of that State. While there an officer of our Army insulted him in the presence of the lady. He returned home with her, and when he met that officer again he thrashed him soundly. For that the officer who had given the first insult challenged him, saying that he was a smaller man physically than Major Grebe, and that he might be able to thrash him with his fists, but that he did not dare to meet him in conflict with arms. Major Grebe accepted the challenge, and, as this report shows, an officer who was also educated in military affairs in the Old World became his second, while a third one procured the arms. They went upon the field of honor and Captain Grebe shot his man, but not mortally, and his antagonist shot a hole through Major Grebe's clothes. They were both arraigned before a court-martial, and the court, upon the plea of guilty with extenuating circumstances, entered a judgment cashiering each; but that court, immediately after entering this judgment of dismissal, unanimously joined in a recommendation to the President of the United States to remove and set aside the judgment of the court by pardoning Major Grebe. On the recommendation of the Judge-Advocate-General it was refused. The recommendation of the Judge-Advocate-General is included in the report on this bill.

The ground upon which he opposed it was that it was highly immoral and highly detrimental to the good of the service that officers should be permitted to fight duels and be relieved from the effects of them by pardon. Your attention is called to the fact shown in the report that Major Grebe said to the court in extenuation of what he had done that in his country it was regarded an honor to fight a duel when you were challenged, and that it would have been an everlasting disgrace for him in the land in which he was born and educated to have declined to accept this challenge, and not being educated in our institutions and not understanding our laws and regulations, he accepted the challenge and believed that he was doing honorable service when he fought that duel. He cited also the fact that in this country up to that time the duello had not been regarded as dishonorable, and he cited the fact that General Harney and General Hunter had been guilty of the offense, the one being challenged by the other and he having accepted the challenge to fight a duel. Under these circumstances, now, in his old age, he feels keenly the effect of this dismissal, which occurred many years ago, and all that he asks in this bill is that he may have this stigma removed.

Mr. CURTIS of Kansas. What is his age?

Mr. BLUE. He must be 60 or 65 years of age. His hair is white as wool, and the old man, in his declining years, said to me, with tears in his eyes, "I can not become a member of the Grand Army, and when Decoration Day comes, and the procession goes by, my children inquire of me why I am not there, and I have to tell them that I was dimissed from the service and that I am not entitled to be recognized as a defender of the nation." It seems to me that under the circumstances of this case my friends from the South especially ought not to object to a bill of this character.

Mr. RICHARDSON. I see this bill contains a proviso that "nothing herein shall entitle the said William Grebe to any back pay or allowances to which he might have been entitled but for the action of such court-martial." I wish to ask what benefit this officer would receive from the passage of the bill other than that which the gentleman in charge of the bill has mentioned?

Mr. BLUE. It removes from him the stigma of a dishonorable discharge, but it gives him no back pay or allowance. That proviso was added by the committee and I did not object to it.

Mr. RICHARDSON. My question is, what further effect this bill would have on this soldier so far as his financial status is concerned? What right does it give him as to a future pension?

Mr. BLUE. There seems to be some difference of opinion as to what would be the effect of the proviso in that respect. I think the effect is to preclude him from receiving any back pay. For instance, whatever pay may have been due him at the time of his dismissal is forfeited by the judgment of the court-martial, but I do not think he would be prohibited from prosecuting a claim for a pension. So far as that proviso goes, it was put in there by way of precaution, so that the bill should not set aside or attempt to set aside any part of the executed portion of the sentence of the court-martial. That amendment was made by the committee intelligently, I have no doubt, because the Senate, I understand, insists strenuously upon the proposition that an execution of a judgment when once complete shall not be disturbed. Hence that proviso leaves the judgment of the court-martial undisturbed so far as back pay or other such compensation is concerned, but it removes the stigma of dismissal from this officer's record, so that he may prosecute a pension claim if he so desires.

Mr. RICHARDSON. Mr. Chairman, I will now use a portion of my time. I have not risen for the purpose of making any very sharp opposition to the passage of this bill. In some respects it seems to be a meritorious bill, but I can not understand why it is to be regarded as any more meritorious than several other measures that are pending upon the Private Calendar. I can not see why this bill should be singled out for consideration, a bill applying to a man who has been convicted of an offense against the law and made the subject of a sentence from which this bill seeks to relieve him.

Mr. BLUE. If the gentleman will permit an interruption, I wish to say that I do not understand that this bill is singled out. By the order under which we are now proceeding it is the first bill reached.

Mr. RICHARDSON. That is the very point that I am addressing myself to. This bill is singled out—a bill relieving a man from the effects of a sentence passed upon him for having violated the law in respect to dueling, a very grave and serious offense. To consider that bill we lay aside other measures, we lay aside these claims from my section of the country, and we undertake this partial legislation upon this at least doubtful subject.

I wish to say a word as to why I raised the question a while ago. When, in response to the appeals of gentlemen this morning, I assisted them to go into Committee of the Whole for the purpose of considering bills on the Private Calendar, I did think that we on this side would be treated as we have been treated in former Congresses, and that bills in which we are interested, highly meritorious bills, would be considered in the order in which they are found upon the Private Calendar. They are placed there by the committees of this House appointed by the Speaker, and we have confidence in these committees. They are regularly reported from those committees and entered upon the Private Calendar in their order. Our rules provide that Friday of every week shall be devoted, unless the House otherwise expressly directs, to the consideration of bills on that Calendar. In all my experience here I have never known an instance where the House was pressed into Committee of the Whole on the Private Calendar as it was this morning, and where then, by this—I will not call it legerdemain, because that might not be parliamentary, and I do not want to make any offensive intimation—but I will say where this unfair and unusual method has been adopted to evade the consideration of the bills in their order on the Calendar, and I say it is unfair to those who assisted in going into Committee of the Whole under the idea that the Private Calendar was to be considered and that business upon that Calendar was to be taken up in its order.

Mr. PICKLER. Will the gentleman allow me a word?

Mr. RICHARDSON. Certainly.

Mr. PICKLER. The gentleman's position is equivalent to saying that no pension legislation shall pass.

Mr. RICHARDSON. Now, my friend ought not to say that.

Mr. PICKLER. Let me show the gentleman why I say it. The private claim bills to which he refers are at the head of the Calendar, and none of our pension bills are where they can be reached, and for three or four Congresses, since I have been here, never on a Friday afternoon, when we have been considering the Private Calendar, has a pension bill been reached.

Mr. RICHARDSON. The gentleman from South Dakota is a fair fighter, and I do not object to that kind of warfare. The gentleman knows that on every Friday evening—meeting at about half past 7 o'clock or 8 o'clock, and lasting until 10 o'clock and 30 minutes, every Friday evening throughout the session—this House meets for the consideration of private pension bills. Is not that true?

Mr. PICKLER. In connection with other bills; yes.

Mr. RICHARDSON. In connection with bills reported from one other committee for the purpose of removing political disabilities and charges of desertion. Now, the gentleman is not satisfied.

Mr. PICKLER. No; certainly not.

Mr. RICHARDSON. Why not?

Mr. PICKLER. I will tell the gentleman——

Mr. RICHARDSON. If the gentleman will permit me a moment, I am perfectly willing to give you another night, if you are not content with one; that is, I will vote with you to have another night, or take any other action that may be considered necessary in order to secure the consideration of bills to which the gentleman refers.

Mr. PICKLER. Will the gentleman allow me to say this further? I do not think that there was a design of this sort on this side of the House when the motion of the gentleman from Iowa was made and adopted, and when the House declined to go into Committee of the Whole on the appropriation bill—that is to say,

that in regard to this matter of the consideration of the pension bills, it came up later.

Now, I want to know if the gentleman from Tennessee thinks this is the way to get the consideration of his private claims hereafter? Does he think that by filibustering against the rule of the House which we are now acting under he will promote the consideration of those claims? If so, I fear he is mistaken. Further, I think that there is a sense of fairness on this side of the House and a desire to have these claims considered, and in my opinion, if the gentleman from Tennessee would act the part of wisdom and let us go on under the rule—I speak, of course, for myself only—that on next Friday we will no doubt take up the Calendar and begin at the very beginning of it and have a try at the consideration of these bills at least.

Mr. RICHARDSON. The gentleman from South Dakota does me a great injustice to say or to intimate that I filibustered against the consideration of private pension bills. I have been in Congress with the gentleman for eight years, I think, and I never have filibustered against a private pension claim, and I think the gentleman will certainly bear me out in that if he will reflect for a moment.

Mr. PICKLER. I think that is true.

Mr. RICHARDSON. The gentleman knows it is true.

Mr. PICKLER. But the demonstration of the gentleman today is at least very suspicious.

Mr. RICHARDSON. Not at all; it means that we resent the treatment we are receiving at the hands of those we cooperated with in voting to go into Committee of the Whole on the Private Calendar.

And I want to answer the gentleman further. The gentleman says that at this time I am occupying the position of filibustering against the consideration of private pension bills. Now, I have shown, Mr. Chairman, that the gentleman has every Friday night for the consideration of his bills. Claims and war claims have every Friday, and I ask the gentleman if he has not already had every Friday night for the consideration of his bills—every Friday night when he himself has not consented to dispense with the evening session—for the consideration of private pension bills since the first Monday in December? He has, I will answer for him, and has had three hours or more every day—that is, every Friday evening—for the consideration of these bills.

I ask him in that connection if he has known this House, from the beginning of this session, to give one solitary moment to the consideration of those bills on the Private Calendar that come from the Committee on Claims and the Committee on War Claims, and which have been reported by the committees of this Congress? I ask him also if Friday, under the rules, is not solemnly set apart for the consideration of just such claims, and if on a single Friday we have been permitted to go into Committee of the Whole to consider them?

Mr. PICKLER. I have not charge of the bills coming from the Committee on Claims or War Claims. How many Fridays has the gentleman moved to go into Committee of the Whole for the consideration of these bills?

Mr. RICHARDSON. I did last Friday.

Mr. PICKLER. That is the solitary exception.

Mr. RICHARDSON. I moved on last Friday that the House go into the Committee of the Whole for the consideration of these bills and was not treated very ceremoniously. The Speaker informed me that a motion of a higher order was pending.

Now, I repeat, every Friday is set apart for the consideration of bills which we seek to have considered here to-day. We are not asking anything that is revolutionary or violent. We are only asking that the House shall adhere to its own rule. What are the bills that are here? You know what they are. They are bills that come from these committees after due and full consideration, every facility having been given to them for their consideration; and every solitary one that we want considered is a bill which has been passed upon by the Court of Claims, that tribunal consisting of five Republicans—not a single Democrat on the court.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. RICHARDSON. I will.

Mr. WATSON of Ohio. Are you opposing the passage of this bill?

Mr. RICHARDSON. Well, I do not know whether I am yet or not. I am not entirely satisfied with the method of getting it before us.

I was saying, Mr. Chairman, that the Court of Claims has charge of these bills and refers them back to our committees. There are five members of that court, all Republicans. Now, what is done with a bill when it is referred to them? The first step in the consideration of the bill is to ascertain that the claimant was loyal. That does not affect me. I was not loyal during the war. I am not, therefore, partial to them because of political prejudice or bias. Fortunately, or unfortunately, as you may look at it, I was on the losing side in the past. But all of these claims come mainly from my country. The Court of Claims must find, as a jurisdictional fact, that the claimant was loyal. That objection stands in the court as a bar to further progress until it is removed by affirmative proof. Now, after that is done; after the loyalty of the claimant is ascertained, the claim is again referred to the same tribunal, just as to a master in chancery, to take proof upon the merits. Then, after that, if the court decides the claim is meritorious, a second finding is made and returned with the papers to Congress that the appropriations may be made.

Mr. Chairman, I insist that there ought to be no objection to the payment——

Mr. DINGLEY. Will the gentleman pardon me?

Mr. RICHARDSON. Yes.

Mr. DINGLEY. The gentleman refers to war claims that are referred to the Court of Claims simply for the finding of facts.

Mr. RICHARDSON. Under the Bowman Act.

Mr. DINGLEY. There is no adjudication by the Court of Claims on those cases.

Mr. RICHARDSON. There is an adjudication.

Mr. DINGLEY. No adjudication, but simply a finding of facts. They are to be tried out by the House the same as any claim subsequently.

Mr. RICHARDSON. The gentleman will not say that it is not an adjudication of a fact.

Mr. DINGLEY. It is a determination of a fact, but as to whether or no the facts justify an appropriation has to be determined by Congress.

Mr. RICHARDSON. If the gentleman from Maine will pardon me, Congress determined that in 1864, because they commenced affirmative action then, and said that "whenever a claimant is loyal in the insurrectionary States and his property is taken and used by the Army we will pay him for it." That affirmative action rests upon the statute book to-day.

Mr. DINGLEY. But the gentleman must be aware that every one of these claims to which he is referring was adjudicated by the Southern Claims Commission and rejected, or else these claims did not have merit enough to be presented.

Mr. RICHARDSON. The gentleman was never more mistaken in his life.

Mr. DINGLEY. To present the idea that these claims have been adjudicated in the Court of Claims, in any sense in which we speak of "adjudication," is not correct.

Mr. RICHARDSON. The gentleman is altogether mistaken when he says that all of these claims have been rejected; and I will tell him why.

Mr. DINGLEY. They have been rejected or else not presented, one or the other.

Mr. RICHARDSON. No; they were presented before the bar of the statute, which commenced on the 1st of January, 1880. Claims filed since that date are barred and can not be and are not considered.

Mr. DINGLEY. Every one of these claims is barred by the statute of limitations.

Mr. RICHARDSON. They are not barred. They are not considered by the Court of Claims if filed subsequently to the 1st of January, 1880. Now, the gentleman's statement that they have all been rejected is not true. The gentleman doubtless thinks so; but I will tell him why it is not so. A great many of these claims were filed and pending before the Southern Claims Commission. The gentleman knows that the law providing for that commission terminated the commission by its own operation, and when it was terminated there were thousands of cases pending which had never been heard at all.

What did Congress order done with those claims? It ordered them filed before the Committee on War Claims of the House, or transmitted to Congress. If I remember correctly, that is the wording of the law; and they are pending now before Congress and have never had the slightest adjudication on this earth. The Southern Claims Commission did not touch them. It did not have time to do it. It did consider a great many; allowed some and rejected many more. Now, under the Bowman Act it is provided that these claims may go to the Court of Claims.

Mr. DINGLEY. For a determination or finding of fact?

Mr. RICHARDSON. I have the law here and I will ask the Clerk to read it in order that there may be no misunderstanding.

The Clerk read as follows:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter

judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Mr. RICHARDSON. Now, Mr. Chairman, I ask the attention of the gentleman from Maine. I wanted to have that statute read as a part of my remarks, because I wanted to comment on it for a moment. I want to ask the attention of the members of this House to it. I assert here, Mr. Chairman, that there is not a class of claims against this Government that has ever been treated more unfairly than these findings of the Court of Claims under this very act. The gentleman from Maine makes the point that these claims here are barred or have been barred at one time or other by the statute. He will find a reservation in this law against all such claims as those he referred to.

Mr. DINGLEY. Not by the statute of limitations.

Mr. RICHARDSON. Oh, well, barred in anyway. If they are barred the Court of Claims can not consider them.

Now, Mr. Chairman, what I want to emphasize is this fact—that these claims have been referred to the court under this act for years in order to relieve Congress and the Departments by having these questions taken out of Congress and from the different Departments and sent to a competent court where they could be investigated by a judicial tribunal. I say that was the object of the law.

Now, what is the practice? Remember this law provides that when they go there they shall be defended by the Attorney-General or an Assistant Attorney-General of the United States. They appear there, the claimant, with his counsel, on one side and the Attorney-General on the other. Now, they have that investigation, which I have just described, which is twofold in its character. First, to ascertain that the claimant was loyal. If he was not loyal—and, Mr. Chairman, it means loyal throughout the war, as you very well know. It is not a case where he came into the county seat and took the oath of allegiance while the war was going on, but he must prove affirmatively that he was loyal throughout the war; and if he was disloyal at any time he can not prosecute his claim under this act. Then, when this court of five Republican judges find affirmatively that the claimant has been loyal throughout the war, the only question it seems to me is, Has his property been taken and used by the United States Army to keep the United States Army alive during the war? That is the next question. When that finding is had, it is certified to Congress.

Mr. Chairman, it is a fact that these cases have been referred for the past four years and that there are to-day bills carrying over $900,000 of just such claims on which the findings have been favorable by this Republican Court of Claims. The claimant is proved to have been loyal and the property taken and used by the United States Army, and yet Congress refuses to appropriate one dollar. I want to say, Mr. Chairman, that when I say this I do not mean that my reflection, if it be a reflection, shall rest upon this House simply. I want to state as a fact that the Fifty-third Congress, when the party to which I belong had control in the House of Representatives, did not pay these claims. I want to state that the Fifty-second Congress, when the same party had control of the House, did not pay these claims; but the Fifty-first Congress, when your party, sir, was in power, did pay $548,000 of these findings. The bill passed nem. con. It was taken up by unanimous consent on the last day of Congress, and it passed this House unanimously, without a dissenting voice.

Now, is it not strange that in this Republican House we can get no justice done to this class of claimants, South and North—because many of them lived in the border States, some of them in the North? I insist, Mr. Chairman, that I had the right to make the contention I made. I insisted that we ought to go into Committee of the Whole for the purpose of considering these bills. I did not ask any advantage. I asked that they be taken up in their regular order as they have been reported by the committees of this House. The Chair declined to hear any discussion on the resolution—I will not say improperly—and there was no opportunity offered until this moment for gentlemen on this side of the House, or gentlemen who voted as we did, to say a word in favor of this contention, why we favored taking up and considering these claims, that are just claims, now piling up on the Speaker's desk until they amount to something over $900,000. Now I will yield to the gentleman for a question.

Mr. OTJEN. The gentleman has practically answered my question in stating that the last Congress paid none of these claims.

Mr. RICHARDSON. That is true.

Mr. OTJEN. Although he says they are just.

Mr. RICHARDSON. It is true. I have nothing to conceal. I find no reason to justify this Congress in its course, if they are just. I want to say another thing, Mr. Chairman. No man, in my judgment, will vote against these claims when they are considered, but they will filibuster them out of the way, and they will not decide the motions that put them out of the way are dilatory, but the motion that makes them proper to be considered and brings them before us is a dilatory motion, possibly. I say this in justice to these claimants.

Now, further, upon the subject of the claims, Mr. Chairman, I assert that it is true, and I assert it upon information which I do not for one moment doubt, that there have been referred and passed upon by this Court of Claims claims aggregating in amount somewhere in the neighborhood of $15,000,000 to $18,000,000. Think about it for a moment. The gentleman from Maine [Mr. DINGLEY], whom I recognize as a legislator of long experience, of great ability, and of perfect and absolute honesty, undertakes to cast a slur upon this class of claims. I want to tell him a fact, which I think it likely he knows, but it will do no harm to repeat it here, that of the fifteen or eighteen million dollars of these claims that have been considered by the Court of Claims about 92 per cent have been rejected. Ninety-two per cent of these claims have been disallowed by the court and finally laid to sleep, and the little 7 or 8 per cent that have been passed upon favorably, that have gone through all the intricacies of the law and through all the difficult processes of that court, that have had a light equal to the cathode ray thrown upon them until you could see not only the outside of the claims but part of the way through and all the way through—the 7 or 8 per cent of these claims that have been found just and honest—are all that we are asked to pay.

Now, sir, I undertake to say that there never was a court or a tribunal of any kind appointed to investigate any class of claims which, if it allowed anything, allowed a smaller per cent than the Court of Claims has allowed of the class of cases which my friend from Maine attempts to discredit. It is for that 7 or 8 per cent of these claims found to be well founded and honest that I speak. I see the chairman of the Committee on War Claims present, and I have no doubt that he will sustain me as to the facts that I have attempted to state here. I tell you, Mr. Chairman, that these claims ought to be paid now, and they ought to be paid by this Congress. We have already kept the claimants out of their money for more than thirty years. We pay them no interest. First we reject through the court 92 per cent of these claims, and then the others that are not rejected are sent to Congress, but it is impossible to get Congress to pay them.

These, Mr. Chairman, are the facts, poorly expressed, that have led me to make the effort I have made to-day to have one hour or one day devoted to the consideration of these just claims. Already a resolution has been introduced to adjourn this Congress. It seems that in about one more moon we shall return to our homes, having done nothing but pass the appropriation bills. We could have done that by the 4th of March; we do it every alternate year. We could have passed the appropriation bills by the 4th of March and have gone home, and that is all that we are doing or that we are to do. It is announced that we are to do nothing else. We are told that we are here for nothing except to pass the appropriation bills and go home, and it is manifest that that is about all we shall do. But, Mr. Chairman, in justice to these claimants of whom I have spoken, in justice to these men who have been found to be loyal men, these men as to whom five Republican judges have told us that their property was taken and used by the United States Army, I do make an appeal.

The bills to provide for paying this class of claims ought to be passed. Understand, Mr. Chairman, that that court does not pass upon claims for occupation of property in the rebel territory by the Army of the United States. That court was not authorized to investigate claims for damages to property. Even if the property of loyal men was damaged, that court has no jurisdiction over

such claims. These claims, therefore, are all for property actually consumed by the Army of the United States as a means of maintaining itself while it was in that section of the country.

I have said this much because I felt that so much ought to be said on behalf of this worthy class of claimants. I yield the remainder of my time to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, some of the gentlemen who have been asked whether they were opposed to this bill have hesitated to answer. I do not hesitate to answer. I am opposed to this bill and I am opposed to every measure of this kind. Not that I am opposed to every bill for private relief. I propose to consider every bill on its own merits, but I am opposed to any bill which proposes to reverse the decision of a court-martial made and carried into effect thirty-two years ago, and I am opposed to any bill which puts the seal of the approval of the House of Representatives of the United States upon that which is a crime under the laws of all civilized countries. Do you care to go on record, gentlemen, as in favor of murder, as in favor of that form of homicide which is embraced in the term "duelling"? You may vote in favor of this bill because we are now in Committee of the Whole and no record can be taken of your votes, but I venture to say that if your names could be placed upon the roll call you would not dare to go before the people of this country, or before the people of your several districts, as voting in favor of an indorsement of an admitted crime.

What does this bill propose to do? It proposes, in substance, to reverse the decision of a court-martial which took effect in the year 1864, and to restore Major Grebe to his position on the register of the Army and thus to give him an honorable discharge. For what purpose? Not for purposes of pay and allowance, but for the purpose, undoubtedly, of securing for him hereafter a pension from the Government of the United States. Now, even if the gentleman who introduced this bill or the gentleman who moved its consideration would consent to an amendment providing that no pension should be granted to this claimant, I should still be opposed to the measure. For what reason? Because it would be a declaration by this body—it would be a declaration by the more popular branch of the Federal Legislature—that, as legislators, we believed in the justice and propriety of duelling; that we thought it was right. You gentlemen of the majority were very eager the other day when a bill was brought in from the Judiciary Committee to stop a prize fight—in many aspects a somewhat noble amusement, incomparably more noble than going out with sword or pistol to deprive your adversary of his life—you were very eager, I say, to pass that bill. Yet, what was at stake there? Simply the question whether Fitzsimmons or Maher should be knocked out in a few rounds, and yet the Congress of the United States rushed in and hurried that bill through in order that the prize fight might be, not stopped, but that it might be fought under the protection of Texan rangers in the territory of Mexico. [Laughter.] Yet now you come here and say, practically, that while a prize fight is very criminal, is very wrong, is very immoral, a duel, in which each party seeks to kill the other, is not only a proper but an eminently Christian amusement.

Now, it seems to me, Mr. Chairman, that we ought to go a little slow before we pass bills of this character involving a moral or an immoral declaration, as this would be. Dueling was all very well in the Middle Ages; it was all very well in the time of Charles II; it was all very well for the courtiers and rakes in the time of the four Georges; but is it the right and proper thing for legislators, in a constitutional Government like ours, at the end of the nineteenth century, to set the seal of our approbation upon such acts? I say, gentlemen, God forbid!

But before I go on further to discuss the question of dueling let me indicate to you some of the peculiar features of this case. Was this man convicted unjustly? Was he not, according to the record, convicted on his own confession? Did he not, as a matter of fact, interpose a plea of guilty to the charge of dueling? Here we find three captains of the Fourth Missouri Volunteer Cavalry while in our service in war time deliberately taking part in a duel, when these officers had taken the oath on entering the Federal service to comply with the rules and regulations of war and knew every obligation that thus became incumbent upon them. They knew at the time of taking the oath that the Articles of War, article 26, provided as follows:

> No officer or soldier shall send a challenge to another officer or soldier to fight a duel or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

Now, these three captains in that Missouri regiment, having been detected in the infraction of the Articles of War and of the Revised Statutes of the United States, having committed that which was a crime not only under the Federal law but which is also against the statutes of every one of the States, and having been, I say, detected in the offense, were arraigned before a general court-martial, and the three officers pleaded guilty to the offense, and were finally dismissed from the service of the United States. I do not believe, therefore, as a matter of precedent, that we have a right to come in here, over thirty years after the war has ended, and reverse the deliberate findings of a court-martial when those findings have been approved by the commanding general of the department and the officers who were familiar with the facts at the time of their occurrence.

But what is the other objection to this bill? After dueling has ceased in the United States of America it is now proposed that this body shall solemnly declare that dueling in reality is no offense.

Mr. STEELE. Will the gentleman allow me an interruption?

Mr. BARTLETT of New York. Certainly.

Mr. STEELE. I think our position is this: That this man was fresh from another country where dueling was permitted and had been challenged by a man in our country, and, being a stranger and new to the country, he felt that it would be dishonorable in him and that his actions might lead to misconstruction if he refused to accept the challenge and fight the duel, and, consequently, in violation of the law, he accepted the challenge. Now, as he was a brave soldier, as these things occurred thirty years ago, as the gentleman himself has said, while we do not say that dueling is right, yet we are willing to forgive. That is my position, at least.

Mr. BARTLETT of New York. The answer to the gentleman from Indiana is that such an excuse is hardly a plausible one. It may be to one unacquainted with the laws of European countries somewhat a specious excuse, but to anyone who is familiar with the criminal laws and statutes of European countries its falsity must be at once manifest. If these officers made such an excuse, it could not have been made in good faith; for, whatever may be said of the practice of dueling in France and other countries, it is certain that ever since the time of the great Frederick dueling among officers of the army in Prussia and in the German army has received the severest condemnation by law and statute. You all remember that Frederick the Great was against dueling, although the spirit of his time was in favor of it, and that when an officer came to him—an officer with whom he was friendly and intimate—and told him that he must accept a challenge to fight a duel, the great king said, "Yes, you can fight your duel." But when the morning came they found upon the dueling ground a scaffold erected. And they asked, "For what purpose is that erected"? The answer given to them was "Whoever survives the duel shall be hanged on the spot!" And yet we are told that in Schleswig-Holstein dueling was permitted in 1864. I ask any gentleman who makes that assertion to produce the law which governs Schleswig-Holstein in this matter, and which authorizes and permits anyone, or any officer in the service of that country, to take part in a duel or to send or accept a challenge.

Mr. STEELE. You will have to send for somebody to read the law even if I had it, if it is in German. [Laughter.]

Mr. BARTLETT of New York. Well, I could read it if it is in German.

Mr. GARDNER. Will the gentleman allow an interruption?

Mr. BARTLETT of New York. Certainly.

Mr. GARDNER. The gentleman has been referring to the law of Schleswig-Holstein as prohibiting dueling. It is not to be presumed, I suppose, that we are in the habit of keeping the statutes governing that country in our desks for convenient reference; but as the gentleman has made the suggestion he did, and as I have broken my glasses and can not read the article myself, I send to the desk and ask to have read a brief newspaper extract referring to a duel fought by a naval officer on yesterday who is connected with the German navy.

Mr. BARTLETT of New York. I can not yield for the gentleman.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. BARTLETT of New York. What is it that the gentleman desires to have read?

Mr. GARDNER. A brief account of a duel fought by a German naval officer.

Mr. BARTLETT of New York. That may be true, but it does not prove that there was any statute permitting dueling or that there was not a statute inhibiting it in Schleswig-Holstein in 1864.

Mr. GARDNER. All this proves is that the habit prevails in the army of Germany and among German-speaking people, and I simply want to say that the correctness of that belief is confirmed by a dispatch in the New Jersey State Gazette of this morning, containing an account of a duel fought on yesterday.

Mr. BARTLETT of New York. Mr. Chairman, this interruption of the gentleman from New Jersey is very interesting, but the authority of an account in a New Jersey newspaper could hardly be taken in the same light as an extract from the statute books.

Mr. GARDNER. I should like to read this.

Mr. BARTLETT of New York. I must decline to yield for that.

Mr. BLUE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. BARTLETT of New York. I yield.

Mr. BLUE. This committee report, if I remember it correctly, states in the portion pertaining to the court-martial that these officers, who were educated men, military men educated abroad, and who were doubtless familiar with the law, say that it was permissible there. I think that the burden of proof is on the gentleman from New York [Mr. BARTLETT] to show that there is any law there that prohibits it, especially when he sets up his mere ipse dixit against what they say about it. They may be presumed to have knowledge and information on the subject.

Mr. BARTLETT of New York. Mr. Chairman, I will venture to assert that dueling among officers of the army is illegal in every country in Europe and that it is punishable as a crime in every country.

Mr. BLUE. Cite your authority.

Mr. BARTLETT of New York. And that it is punishable in every army there by cashiering or dismissal from the service.

Mr. GROW. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTLETT of New York. Oh, I think so; yes, sir.

Mr. GROW. Does the gentleman yield for my question?

Mr. BARTLETT of New York. If it is not an argument on the tariff, or on the President, I will yield.

Mr. GROW. That is all right. There was a time when there was a law of Congress prohibiting dueling, and I think there is still such a law. Yet in my experience a good many gentlemen have gone out of these halls to fight duels.

Mr. BARTLETT of New York. I presume that the distinguished gentleman from Pennsylvania is still in favor of the practice, but I think it would be rather unfortunate. I do not think it has ever led to any good in this country, and I call the attention of the gentleman from Pennsylvania, who believes in dueling, to this somewhat tragic account of the Broderick-Terry duel——

Mr. GROW. I hope the gentleman will allow me to correct his statement. I do not believe in dueling. When challenged once, I rejected it on that ground.

Mr. BARTLETT of New York. Then I hope the gentleman from Pennsylvania will not vote in favor of this bill, which is in essence an approval of the system of dueling.

Mr. GROW. Oh, dueling has gone out with slavery. But my point was to call the attention of the gentleman to the fact that although there was a law of Congress prohibiting members of Congress from dueling, yet just as honorable gentlemen as any on the floor to-day used to accept challenges and fight duels.

Mr. BARTLETT of New York. Of course, if there is a general feeling in the Congress of the United States in favor of this form of murder known as dueling, then let us declare that it is all right. Let every State repeal its statute against dueling. If the gentleman from Pennsylvania thinks that dueling is a good thing, let him cast his eyes down the bloody record during the early part of this century. Let him recollect that in every State it has been made the object of general execration. Why? Because it led to so many inexcusable and wanton homicides. Now, if it were a general rule to settle all disputes by resort to dueling it would be perfectly agreeable to me, although it would necessarily take up a large part of that time which we ordinarily devote to public business. Now let us see what is the history of the practice of dueling in this country? I will ask the Chairman how much time I have?

The CHAIRMAN. The gentleman has two minutes.

Mr. BARTLETT of New York. Was I recognized in my own right?

The CHAIRMAN. The gentleman was recognized in the time of the gentleman from Tennessee.

Mr. BARTLETT of New York. There is one statement in conclusion to which I wish to call the attention of the committee, and it is this evasive statement contained in the report as to Executive authority:

> The application for reinstatement was denied, not on account of want of merit in the application, but on account of want of Executive authority.

Did the committee mean to state that the President of the United States, the Chief Executive, had no power to pardon Major Grebe for the offense committed? Does not the Constitution, in Article II, give the express power of pardon to the President of the United States? And why was not the application for Executive clemency made to the President of the United States?

If there had been any circumstances which would have entitled the applicant to favorable consideration, will it for one moment be asserted that the President of the United States would not have pardoned this offender? It is, I apprehend, gentlemen, because there is some more sinister motive back of this than to clear the record of this soldier. I believe it is to entitle him to a pension, to which he is not entitled. Why? Because, in the first place, he had committed an offense, or crime, under the Articles of War; because, in the second place, he had been convicted by a general court-martial, and the sentence and finding of that general court-martial has never been reversed or set aside.

Mr. TALBERT. Mr. Chairman, I am not here to argue the justice or injustice of the dueling code or laws or anything of that kind. I am not here to argue the justice of the war claims, on which the distinguished gentleman from Tennessee [Mr. RICHARDSON] had so much to say in his eloquent remarks. Notwithstanding the fact, sir, of the doubtful way, the roundabout way, and the questionable way in which the majority of this House succeeded in getting into Committee of the Whole for the consideration of these private claims, and the way in which they took advantage of some of those who voted for it after getting into Committee of the Whole to bring up only pension claims, notwithstanding the fact of the apparent arbitrary ruling of the Chair and his refusal to entertain motions, I stand here and say that I for one am in favor of the bill before the committee at present.

In the first place, I am in favor of granting relief to this distinguished soldier, because the evidence shows, and it is voluminous, that he was a good soldier, that he was a brave soldier, and that he was a true soldier, fighting for what he honestly thought was right, coming from the Old World and doing his duty, and the only charge against him is that, having been insulted, he possibly agreed to fight a duel with some officer. The evidence does not go on to show whether he really fought a duel or not; but it does show that he was challenged and accepted the challenge. For that he was dismissed in a dishonorable manner from the Army; and now, after thirty years, there is no reason why this simple request should not be granted to this gallant, true Union soldier. The evidence shows that as an officer of the Army he was always at his post and secured the complimentary notice and praise of all his commanding officers. Consequently I shall vote to-day for this brave soldier, to have the order of the court-martial revoked, for that is all he asks.

In the second place, Mr. Chairman, I shall vote for it because this claim was favorably reported by the distinguished gentleman from Missouri, Mr. Tarsney, from the same State, and whose seat seems now to be vacant. I will vote for it, in the next place—and I hope the gentlemen on this side, especially from the South, will vote for it—to show that we can do justice to a brave soldier against whom there is no charge of unsoldierly conduct. If this man had been charged with desertion, or if it was a charge of being a "bum" or a "coffee cooler," I should raise my voice against his request; but as it is, he stands without a single stigma against his record as a soldier; and I hope every man on this floor will vote for this man, especially men from the South, for the special purpose of showing to gentlemen on the other side of the House that we stand ready to take up every case and do justice toward brave soldiers who fought for the side which they considered right.

Let it be a contrast to the treatment that you gave to that distinguished Union soldier, Mr. Tarsney, when you refused him an opportunity to reopen his case and bring out more evidence and let him bring in new evidence which had been discovered after the case was closed. Let it be in contrast to your conduct in kicking him out of his seat without giving him a chance to bring in new evidence which had been found and which he wanted to introduce. [Applause on the Democratic side.] Let us show that we stand ready to do justice to the brave soldiers, whether they fought on the one side or the other. Let us show that we will always recognize and always commemorate the merits of brave soldiers as becomes a people who commemorate deeds of valor in song and in story, and let us make an effort in this case, Mr. Chairman, to obliterate and do away with the only soldier in both armies, it seems, who now wants to fight the war over. I allude to the gentleman from Maine [Mr. BOUTELLE], and after we have thrown down this last soldier, then, in the language of General Grant, "Let us have peace." [Laughter.]

Mr. WALSH. Mr. Chairman, I want to occupy the time of the House for about five minutes on this case. Inasmuch as my colleague [Mr. BARTLETT of New York] has alluded to the fact that as we are in Committee of the Whole no record of our vote on this measure can be obtained, I want to say that I am going on record in favor of this bill.

It is not a question of the propriety of dueling. The statutes of most of the States have pronounced against that. It seems to me that we can look back with a great deal of charity upon the act of a man who came all the way from Norway in the time of our troubles to fight for the Union. He came as a volunteer from that country, and offered his service to us in our time of peril. He was in the act of defending his own honor and the honor, perhaps, of a lady who was with him, and was compelled by a citizen of our own country, who should have known our laws, who had done him an injustice, and who had challenged him—compelled by every rule of honor, every characteristic of a gentleman,

to accept that challenge. He pleaded nothing in extenuation of his act, but went before the court-martial and stated the facts to the court, and the history is presented here as it actually occurred. He accepted the verdict without complaint; and as the gentleman from Kansas [Mr. BLUE] said, that court-martial immediately afterwards unanimously recommended the wiping out of this stain that they had placed upon him and stated in that recommendation that they did so on account of the mitigating circumstances presented in the case. I say, irrespective of the manner in which the bill is brought before this House, irrespective of the question of whether dueling is proper or improper, this man has shown himself an honorable, brave soldier and true gentleman, and he deserves at the hands of this House the vote of every honorable man and every gentleman. [Applause.]

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAN S. PLACE.

The next business on the Private Calendar was the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of Dan S. Place so as to show him honorably discharged from the service as first lieutenant, Eighteenth Indiana Volunteers.

Mr. BARTLETT of New York. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Daniel S. Place, first lieutenant, Eighteenth Indiana Volunteers, have carefully considered the same and the papers pertaining thereto, and report:

Daniel S. Place was enrolled as a private in Company G, Eighteenth Indiana Volunteers, July 27, 1861, and was promoted to the rank of first lieutenant for meritorious conduct, to date April 23, 1863. He was severely wounded and partially disabled in action at Port Gibson, May 1, 1863. While convalescing was ordered on light duty at New Orleans, where he remained until September, 1864, and was placed on detached duty at Elmira, N. Y., by special orders from the War Department, dated October 29, 1864.

While serving at Elmira, on duty at Prison Camp, he was charged with "conduct prejudicial to good order and discipline" and "conduct unbecoming an officer and gentleman," the specification being that he did, contrary to orders, carry out and mail letters for prisoners of war confined in the camp.

He was found guilty of the offense charged by a court-martial, but as the letters were shown to be of purely social character and contained nothing of importance, the sentence of the court was out of all proportion to the offense, in that it sentenced him to be cashiered the service and forever prohibited from holding any office of trust or emolument under the United States Government; that his sword be broken by a noncommissioned officer, his straps taken from his shoulders, and his buttons cut from his coat in the presence of the troops of the command.

The latter part of the sentence, requiring his personal degradation in the presence of the troops of the command, was disapproved by Brt. Brig. Gen. A. S. Devier, commanding the military district of New York.

On March 15, 1865, the case was reopened at the instance of Senator Henry S. Lane, of Indiana, and a lengthy report made and filed by the Acting Judge-Advocate-General of the Army, in which, among other things, he says:

"It is not believed that he should be disfranchised, and as he is represented to be a man of good character and undoubtedly loyal, the interests of the service would justify a removal of all disability in order to enable him to reenter the service if the governor of the State sees proper to commission him."

Upon this report, by direction of the President, the disability to reenter the service was removed.

There remains, therefore, against Lieutenant Place nothing of the original sentence save the dismissal from the Army, which, in view of his established loyalty before and after the offense charged, the trivial character of the offense itself, viewed in the light of the facts submitted to the Judge-Advocate-General upon the reopening of the case, his brave, efficient, and faithful services as a soldier, his high character and standing as a citizen during the thirty years that have passed since the war, your committee believe ought to be removed. Your committee do not discredit the necessity for the maintenance of military discipline, which it is conceded involves exact obedience to orders, but it believes the highest demands of such discipline have been more than met by the punishment already inflicted.

Your committee therefore report the accompanying bill favorably and recommend that it do pass.

Mr. RICHARDSON. Mr. Chairman, I understand that the gentleman from Florida [Mr. COOPER] is in charge of this bill, and I would like to hear a brief explanation of it.

Mr. COOPER of Florida. Mr. Chairman, this bill was introduced by me because the family of Mr. Place—that is, his wife and daughter—live in my district in Florida. Mr. Place went there after the war on account of the loss of health, which I understand was largely due to a wound received in active service in the Union Army. He went into the Eighteenth Indiana Volunteers as a private. He was promoted to a lieutenantcy for gallant conduct in the field. He was severely wounded at Fort Gibson and was invalided. While convalescing he was detailed to duty at the military prison at Elmira, N. Y. There he had in his service, as was customary among officers at the military prisons, a Confederate prisoner who acted as his secretary. This prisoner was corresponding with some ladies at home. The prison rules had been so changed that all letters written by prisoners had to go through the hands of a Confederate detail before they were mailed, and those fellow-prisoners would write upon the margin of the secretary's letters addressed to these ladies things that were unpleasant for him to have go upon his letters through the mails. I knew Mr. Place in his lifetime. He was as generous-hearted a man as ever lived. The secretary asked him if he would not mail some letters for him to his ladycorrespondents.

Mr. Place always claimed that he did not know there was any regulation against it, and he said that if the letters were handed to him open, so that he could see there was nothing contraband about them, he would mail them to the ladies, and he did so. He was arraigned on the charge of mailing the letters of prisoners. It was admitted that there was nothing contraband in the letters; his loyalty was never questioned; he was at that prison doing duty because he was suffering from wounds received in the field. He was invalided at the time, and, in fact, he never did recover his health. Later he went to Florida and died of disabilities received in the Union service. The court-martial dealt with him with wonderful severity; with such remarkable severity that, looking back, it is difficult to understand it. They sentenced him to be cashiered from the Army; they ordered that the sword which he had won by gallant conduct in the field should be taken away from him; that the buttons should be cut from his uniform, and that he should be degraded. That sentence went up to a superior tribunal. They struck out all those things which imposed personal degradation, on the ground that he had been a gallant and loyal soldier and did not deserve such punishment.

The sentence in that form went to the War Department. The Department amended it again by writing on it that, owing to the meritorious military record of this officer and his loyalty, while he should stand dismissed, he should be entitled to enter the Army again and to receive a commission. The State of Indiana gave him an honorable discharge. Later he went to Florida, where he was as good and useful a citizen as any man I ever knew. What his politics were I do not know. I do know that he died very largely as the result of wounds received in service in the field. He had been a gallant soldier of the Union. He had been promoted for meritorious conduct. He suffered to the end of his days from the wounds which he had received in battle, and he left a wife and daughter, who not only desire that his memory shall be relieved from this stigma, but who, I am free to say, are in exceedingly narrow circumstances, and if they should be entitled to any relief, by way of pension or otherwise upon application in due course before the Department, I desire that they shall have an opportunity to present their just claim. That, gentlemen, is the case, and I think it is one that appeals to the House.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEN. WILLIAM P. CARLIN.

The next business on the Private Calendar was the bill (H. R. 422) for the relief of Brig. Gen. William P. Carlin, retired.

The bill was read, as follows:

*Be it enacted, etc.*, That Brig. Gen. William P. Carlin, retired, be, and he is hereby, relieved and discharged from any and all liability for the amount of $1,108.85, expended by Capt. J. McE. Hyde, assistant quartermaster, by his direction, while in command of the Department of Columbia, for expenses incurred in the search for and rescue of a party of citizens lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893.

Mr. JOHNSON of California. Mr. Chairman, I ask for the reading of the report.

The report (by Mr. PARKER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 422) for the relief of Brig. Gen. William P. Carlin, retired, would report:

This is a bill to relieve General Carlin from liability for $1,108.85, expended by Captain Hyde, assistant quartermaster, under his direction, while in command of the Department of the Columbia, for expenses incurred in the search for and rescue of a party of citizens lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893.

The party went into a region inaccessible except in summer. Snows set in early. The party were reported snowed in, and would certainly have perished had not General Carlin ordered relief expeditions, who had to spend money for guides, snowshoes, toboggans, moccasins, etc. The party was rescued, but the sum so paid was charged to the General. After two hearings in the War Department, it has been decided that it can not be allowed under existing laws.

General Schofield, in a report on this matter to the Secretary of War, well states the custom of the Army to respond promptly, without orders, to all demands of humanity, wherever fire, flood, or other disaster has overtaken any part of the people, and especially where adventurous pioneers have incurred unusual dangers from which the troops alone were in position to rescue them. He further states that the use of Government property in such service has always been accepted as a matter of course, but that where the necessities of the service involve the purchase of supplies not provided by the Army it is more doubtful. He continues:

"If it is considered within the limits of administrative discretion to approve the purchases made in this case, I recommend that it be done. If not, I respectfully suggest that the matter be brought to the attention of Congress, in order that a bill providing the necessary relief may be passed."

The committee concur in this view, and recommend the passage of the bill.

General Carlin's son was one of five in the lost party. General Carlin has, however, spent over $1,400 in other expenses connected with the search for the party, for which he has not asked repayment as not being purely military, and we are of opinion that he should not bear the sum provided for in this bill, which was expended in what we deem a necessary and proper use of the Army in case of urgent need. Public policy demands that no officer should suffer for army expenses incurred in prompt and successful answer to the call of humanity.

The facts appear in the petition, letters, and brief of the War Department, which are appended.

WASHINGTON, D. C., *November 23, 1894.*

The undersigned, a brigadier-general in the Army of the United States on the retired list since November 24, 1893, respectfully appeals to Congress for relief under the circumstances and facts stated below:

In June, 1893, he was by order of the President of the United States assigned to the command of the Military Department of the Columbia, including the States of Oregon, Washington, and Idaho, and the Territory of Alaska, with headquarters at Vancouver Barracks, Wash. The troops of the United States in said department were under his command and, of course, subject to his lawful orders.

In the month of September, 1893, a party of five men left Spokane, Wash., on a hunting expedition in the spurs of the Bitter Root Mountains embraced by the branches of Clearwater River, in Idaho. The region designated is uninhabited and inaccessible, except in summer time. It was passed over by Lewis and Clarke, the great explorers, on their way to Columbia River in the year 1806, but was so rugged and inhospitable that they came near perishing, and would have perished but for the kindness of the Indians west of the mountains.

In the year 1893 the rainy season set in unusually early, and in September the high mountains and ridges were covered with snow.

Nothing was heard of the party of hunters after they left Spokane on the 18th of September by any of their acquaintances or friends till November 25, 1893. But on the 7th of November, 1893, a telegram was sent to me from Spokane saying that it was rumored that they had been snowed in and could not get out without help. This report becoming known to the officers at Vancouver Barracks excited great sympathy among them, and one of them, Lieut. Charles P. Elliott, Fourth United States Cavalry, came to me and asked me to order him out with a party of men of his troop to go in search of the lost party of citizens. I complied with his request and gave the necessary instructions for the movement of the detachment and for supplying them on their march. Subsequently I ordered out two small parties under command of Lieut. Clough Overton, Fourth United States Cavalry, and Lieutenant Voorhies, Fourth Cavalry. I also requested by telegram that the Major General Commanding the Army direct the general commanding the Department of Dakota to send a party from Fort Missoula, Mont. Major-General Schofield complied with this request and the party was sent by General Merritt, commanding the Department of Dakota.

In order to penetrate so rough and unknown a region, the officers in command of the parties ordered out to search for the men supposed to be perishing, or possibly murdered by Indians, it was necessary for them to hire civilians as guides and packers to build boats and to buy snowshoes, toboggans, forage, food for men, and to pay the prices of that region. When I ordered the movements of the troops stated above, I reported the facts by telegraph to the Adjutant-General for the information of the Major-General Commanding the Army and the Secretary of War, and requested the approval of my action. No direct reply was received, but from the subsequent action of the Major-General Commanding I inferred that my action was approved, or at least not disapproved.

The date of my retirement for age under the law was close at hand, and before that date I issued orders directing that all vouchers approved by officers sent out by my orders should be paid by the disbursing officers of my command.

On the 24th of November, 1893, I was retired by the operation of law. No news of the lost party had been received. The Department had been placed under command of General Ruger, then at San Francisco, Cal. On the 25th of November, the day after my retirement, I received a dispatch from Lieutenant Elliott saying that he had found the lost party on November 22, 1893, except one who was lost. It required nearly three days for this dispatch to reach me.

In the settlement of the accounts of Captain Hyde, the quartermaster at Vancouver Barracks, the Quartermaster-General United States Army, suspended vouchers to the amount of $1,108.85 against him. Captain Hyde wrote the facts to me, and I suggested that he had only obeyed my orders in paying these vouchers, and that he could have the responsibility transferred to me. This has since been done on the recommendation of the Quartermaster-General, approved by the Secretary of War.

The letter of the Quartermaster-General, indorsed by the Acting Judge-Advocate-General, the Major-General Commanding the Army, and the Secretary of War, is attached hereto. Your special attention is respectfully invited to the letter and indorsements. The Acting Judge-Advocate-General remarks that as it does not appear that General Carlin had any authority to order the payment of the expenditures, that he be held responsible. The opinion of the Major-General Commanding the Army justifies my action in this matter. I was placed in command of the troops and department by lawful orders of the President, and I hold that the authority I exercised was legitimate by long-continued custom in the Army, and that the expenditures were necessary to the success of the expedition. These men were in the greatest possible peril. They were exhausted by starvation and exposure when met by Lieutenant Elliott, and it is doubtful if any of them would have escaped alive if Lieutenant Elliott had not met them.

In addition to the sum of money for which I am held responsible by the Quartermaster-General and War Department, I paid out of my own pocket the following items on account of the search for the party of snow-bound citizens:

| | |
|---|---|
| As reward to Lieut. C. P. Elliott, Fourth United States Cavalry, which he divided among his men | $500.00 |
| To Lieut. C. Overton, Fourth Cavalry, to reimburse men for clothing worn out or lost | 63.25 |
| To W. H. Wright as guide to the Missoula party | 250.00 |
| To party of citizens at Missoula for preparing to search for the lost party | 30.00 |
| Other expenses for the party of hunters | 550.00 |
| Personal exponses for traveling, telegraphing, etc | 50.00 |
| Total | 1,433.25 |

WILLIAM P. CARLIN,
*Brigadier-General (Retired).*

EBBITT HOUSE, *Washington, D. C., November 26, 1894.*

Since writing the above the Quartermaster-General has notified me of the suspension of two accounts paid by Capt. C A. McCauley, quartermaster, and that the amount thereof, $42.82, has been charged against me. The total thus charged against me is $1,151.67, which amount he has requested me to deposit to the credit of the Treasurer of the United States.

WILLIAM P. CARLIN,
*Brigadier-General United States Army (Retired).*

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WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., September 19, 1894.*

SIR: In the money accounts of Capt. J. McE. Hyde, assistant quartermaster, rendered from Vancouver Barracks, Wash., for the months of November and December, 1893, various expenditures appear on account of a relief party dispatched to the Clearwater River region, Idaho, under orders of Brig. Gen. W. P. Carlin, commanding Department of the Columbia, for the rescue of a party of hunters, citizens (among them a son of General Carlin), lost among the Bitter Root Mountains in a great snowstorm in the late autumn of 1893.

In the examination of these vouchers in this office disallowances to the amount of $1,108.85 were made—mainly for purchase of snowshoes, toboggans, moccasins, rubber boots, etc., reimbursement of expenses, services of boatmen, packers, guides and couriers, and hire of transportation at excessive rates. An abstract of these vouchers is submitted herewith, together with Captain Hyde's reply to the remarks of this office disallowing the expenditures as not a proper charge against the appropriations of the Quartermaster's Department. Captain Hyde explains that he paid the vouchers because he was ordered to do so by the department commander, whose approval appears on the vouchers. He adds that the officers who incurred the expenses were acting under a formal military order, and that the expenditures were absolutely necessary for the successful accomplishment of the specific duty to be performed.

Captain Hyde also cites Army Regulations 737, as follows: "An officer shall have credit for an expenditure of money or property made in obedience to the order of his commanding officer. If the expenditure is disallowed it shall be charged to the officer who ordered it."

It is recommended that General Carlin be held responsible.

In the same accounts are other vouchers for expenditures, aggregating $466.67, which are involved in somewhat similar conditions, paid under the same authority, but not disallowed in this office, as they are mainly for forage for public animals and expenses necessarily incurred for troops in the field. They are enumerated in Captain Hyde's reply, and an abstract of the vouchers is submitted.

Very respectfully,

R. N. BATCHELDER,
*Quartermaster-General United States Army.*

The SECRETARY OF WAR.

[First indorsement.]

To A. J. A. G.

[Second indorsement.]

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
*Washington, D. C., September 22, 1894.*

Respectfully returned to the Secretary of War.

Attention is invited to the statement of facts contained in the letter of the Quartermaster-General dated September 19, 1894. This recommendation that General Carlin be held responsible is concurred in, for the reason that it does not appear that he (General Carlin) had any authority to authorize the expenditures.

G. NORMAN LIEBER,
*Acting Judge-Advocate-General.*

HEADQUARTERS OF THE ARMY, *Washington, September 23, 1894.*

Respectfully returned to the Secretary of War.

It has been the custom of the Army during all its long and arduous services in the wild portions of the country, and even in those more civilized and densely populated, to respond promptly without hesitation and without orders to all demands of humanity.

Wherever fire, flood, or other disaster has overtaken any part of the people of the United States available troops have always rushed to the rescue without hesitation as to personal risk or sacrifice involved, or without question as to the use of United States property in the performance of such acts of humanity. Such service has, of course, been most common in the mountainous countries, where adventurous pioneers and settlers have incurred unusual dangers, and have been exposed to great suffering and death, from which the troops alone were in position to rescue them.

The use of Government property in such service, including the issue of rations when necessary, has always been accepted as a matter of course, but where the necessities of the service involved the purchase of supplies not provided by the Quartermaster's and Subsistence departments of the Army, the matter assumes a new aspect. I am not aware whether such purchases have ever been made for such a purpose. If it is considered within the limits of administrative discretion to approve the purchases made in this case I recommend that it be done. If not, I respectfully suggest that the matter be brought to the attention of Congress, in order that a bill providing the necessary relief may be passed.

In respect to the purely official question of responsibility for the purchases made, of course the commanding general who ordered them is the responsible authority.

J. M. SCHOFIELD,
*Major-General Commanding.*

WAR DEPARTMENT, *November 3, 1894.*

The recommendation of the Quartermaster-General, as concurred in by the Acting Judge-Advocate-General, that General Carlin be held responsible, is approved.

DANIEL S. LAMONT,
*Secretary of War.*

Respectfully returned to the Quartermaster-General, inviting attention to the orders of the Secretary of War indorsed hereon.

GEO. D. RUGGLES,
*Adjutant-General.*

Respectfully furnished Brig. Gen. William P. Carlin, United States Army, for his information.

ADJUTANT-GENERAL'S OFFICE, *November 8, 1894.*

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In September, 1894, the Quartermaster-General reported to the Secretary of War that in the money accounts of Captain Hyde, assistant quartermaster, various expenditures appeared on account of a relief party dispatched to the Clearwater River region, Idaho, under orders of General Carlin, the department commander, for the rescue of a party of citizen hunters lost among the Bitter Root Mountains in a great snowstorm in the autumn of 1893, and that in the examination of these vouchers the amount of $1,108.85 was disallowed, mainly for purchase of snowshoes, toboggans, moccasins, rubber boots, etc., reimbursement of expenses, services of boatmen, packers, guides and couriers, and hire of transportation at excessive rates; that in reply to remarks of the Quartermaster-General disallowing this expenditure, Captain Hyde explained that he paid the vouchers because he was ordered to do so by the department commander, and cited paragraph 737, Army Regulations, 1889: "An officer shall have credit for an expenditure of money or property made in obedience to the order of his commanding officer. If the expenditure is disallowed, it shall be charged to the officer who ordered it."

The Quartermaster-General recommended that General Carlin be held responsible. The Secretary of War, November 3, 1894, approved this recommendation, and November 9, 1894, General Carlin was advised accordingly. (9621 A. G. O., 1894.)

December 5, 1895, Brigadier-General Carlin requests a reconsideration of the action of the Department in holding him responsible for the expenditure by officers of the Quartermaster's Department on account of parties of troops

sent out to relieve a party of citizens lost and snow-bound in the Bitter Root Mountains, Idaho, in November, 1893. He asks attention to paragraph 515, Army Regulations of 1895, which, he says, refers to such an emergency "involving loss of life," as the one which led to these expenditures, and also to other paragraphs prescribing the powers of department commanders, and states that last year a bill was introduced in the Senate for his relief, but he was advised to withdraw the same, which was done, although he is convinced that he erred in complying with this advice, and has taken steps to have a bill introduced in Congress directing that the vouchers be audited and allowed, but as the question is within the province of the Secretary of War, he prefers that the case should be decided by him, and therefore asks his approval.

December 4, 1894, a bill for the relief of General Carlin was introduced in the United States Senate and referred to the Committee on Military Affairs, but no further action seems to have been taken.

Referring to the previous correspondence on the subject, and to his letter of December 5, 1895, General Carlin was informed on December 14, 1895, by the Assistant Secretary of War, that after a careful reconsideration of the case the Department is constrained to adhere to its former decision in the premises, declining to approve the expenditure thus incurred.

January 16, 1896, the House Committee on Military Affairs transmits to the Secretary of War House bill No. 422, for the relief of General Carlin, discharging him from liability in the sum of $1,108.85, expended by his direction, while in command of the Department of the Columbia during the fall of 1893, in searching for citizens lost in a snowstorm, and requests that it be furnished with a record in this matter and an opinion whether the relief proposed is for the good of the service.

Mr. ALLEN of Utah. Mr. Chairman, the gentleman from Idaho is interested in this bill, and I understood that there was an agreement between him and those advocating the bill that it should not be called up in his absence. He is not present at this time, and I therefore ask that the bill be passed over for the time being without prejudice.

Mr. CONNOLLY. Mr. Chairman, the agreement was that the friends of the bill would not call it up in the absence of the gentleman from Idaho; but the bill has been reached now in its regular order, and I do not see any reason why it should not be proceeded with.

Mr. ALLEN of Utah. I would suggest to the gentleman that when we went into the Committee of the Whole House to-day it was generally understood, I imagine, that we were going to begin with the beginning of the Calendar. It was not then understood that we were going to take up these bills in this order, and it was hardly expected that that bill would be reached. The gentleman did not expect the bill to come up now. Certainly I did not, and under the circumstances I would ask that it be not considered at this time.

Mr. HULL. I wish to state, in addition to what has been said by the gentleman from Utah, that possibly I was the party that made the arrangement with Mr. WILSON. He had objected when I wanted to call the bill up at some former time by unanimous consent, but desired to be present, and that was all that he asked when the bill was taken up for consideration. The understanding was that the bill would not be taken up except when he was present, although the agreement went only to the fact of calling it up by unanimous consent. I am satisfied he left the Hall with the idea that this bill would not come up for consideration to-day; and in his absence I think it only right that the bill should go over.

The CHAIRMAN. Does the gentleman from Iowa make that request?

Mr. HULL. I am not at liberty to make the request to the House——

Mr. CONNOLLY. I will ask that the bill go over, under the circumstances, without prejudice.

There being no objection, the bill was laid aside, retaining its place on the Calendar.

### FRANK M. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 4510) for the appointment of Frank M. Marshall as lieutenant on the retired list of the Army.

The bill was read, as follows:

*Be it enacted, etc.*, That in view of the long and faithful services of Frank M. Marshall as a hospital steward, Hospital Corps, United States Army, the President be, and he is hereby, authorized and directed to appoint said Frank M. Marshall a second lieutenant of cavalry in the United States Army, and to place him on the retired list with pay of the grade and increase on account of the length of service.

Mr. McCLELLAN. I ask the reading of the report in that case.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4510) for the appointment of Frank M. Marshall as a lieutenant on the retired list of the Army, having considered the same, report the bill back to the House with a recommendation that it do pass as amended.

The bill is amended by striking out the words "and directed," in the clause relating to the authorization of the President.

From among the many letters, official and otherwise, attesting the meritorious services of Frank M. Marshall through a long period of years of continuous enlistment, the following are appended:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, D. C., January 28, 1896.*

"*Record of the military service of Frank M. Marshall, Company C, Eighty-fourth New York Volunteers, and hospital steward, United States Army.*

"Enrolled May 18, 1861, and mustered in May 23, 1861, in Company C, Fourteenth New York State Militia (subsequently Eighty-fourth New York Infantry), and discharged March 13, 1863, per Special Orders 103, War Department, 1863, to enlist as a hospital steward, United States Army, a private.

"Enlisted March 13, 1863, as a hospital steward, United States Army, and discharged March 13, 1868, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1868, and discharged March 13, 1871, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1871, and discharged March 13, 1876, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1876, and discharged March 12, 1881, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1881, and discharged March 12, 1886, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1886, and discharged March 12, 1891, at Washington, D. C., by expiration of service, a hospital steward.

"Reenlisted March 13, 1891, and is still in the service as a hospital steward United States Army.

"J. C. GILMORE,
"*Assistant Adjutant-General.*"

—

"OFFICE OF THE ATTENDING SURGEON,
"UNITED STATES ARMY,
"*Washington, D. C., December 5, 1895.*

"SIR: I have the honor to invite your attention to the case of Hospital Steward F. M. Marshall, United States Army, stationed at this office, and to request that you take such action as will secure for him a compensation somewhat in proportion to his abilities and the responsible duties he performs. Prior to the passage of the act approved June 30, 1890, he received in monthly pay, commutation, etc., the sum of about $95 per month. On this, which was certainly not extravagant, he managed, with more or less difficulty, to live and take care of his family.

"Since the act referred to has taken effect he has $37.88 pay per month with fuel and one ration in kind and the rent of one room. This altogether amounts to less than the pay of a messenger in the general service and is clearly insufficient.

"Hospital Steward Marshall has served for over twenty-five years, is a competent pharmacist and an excellent clerk. He is a good mechanist, and keeps many of the instruments, etc., in order without extra cost to the Government. He makes the chemical and microscopical examinations required in carrying on the care of the sick. For these various occupations, involving a high degree of intelligence, he should be paid not less than $125 per month.

"I therefore submit to you the propriety of recommending the insertion in the forthcoming Army appropriation bill of a section fixing $125 per month as the pay of one hospital steward, to be designated by the Surgeon-General, and making the clause operative from the date of the passage of the bill.

"I am, sir, very respectfully, your obedient servant,

"R. M. O'REILLY,
"*Surgeon, U. S. A., Attending Surgeon.*

"The SURGEON-GENERAL UNITED STATES ARMY."

On January 28, 1896, Dr. O'Reilly appeared before this committee in person and reiterated the substance of the foregoing letter.

The following extracts are from a letter addressed to a member of the Committee on Military Affairs by Surg. Gen. George M. Sternberg, United States Army:

"Mr. Marshall is a worthy man who has had long and faithful service as a hospital steward. He has been on duty at the Army dispensary in this city since October 5, 1865, and has been regarded by the medical officers under whom he has served as a most trustworthy and competent pharmacist. I should be glad to see him retired with the rank of a second lieutenant of cavalry, as provided by this bill. The only objection I see to the passage of this act is the fact that it will furnish a precedent for similar applications from other worthy men who have had long service as hospital stewards. It appears to me that it might be better to make some general provision for the retirement of hospital stewards who have served faithfully for thirty years or more which would provide more liberally for them than is done by the laws at present in force. If they could be given a retired pay equal to the retired pay of a second lieutenant of cavalry without conferring upon them the rank, it would perhaps be quite as satisfactory and on some accounts would be preferable."

In a letter addressed to Mr. Marshall under date of January 29, 1896, Col. F. C. Ainsworth, Chief of Record and Pension Office, War Department, says:

"Your long and faithful service in a position of great responsibility is certainly deserving of reward, and you have a right to expect that the officers of the Army who know how well you have discharged the duties imposed upon you should bear testimony in your behalf. I do not know of any enlisted man of the Army who has a stronger claim than you have for some such recognition as that proposed in the pending bill, and I hope that you may receive it."

It is evident from the foregoing record and personal testimony that Frank M. Marshall has not only performed faithful and honorable service from May 18, 1861, until the present time, but also that his service has been of a highly efficient and valuable nature, with which his rank and pay have been by no means commensurate. It is believed that there is no valid reason why he should not be retired with the rank and pay of a second lieutenant of cavalry.

Mr. PICKLER (during the reading of the report). I ask that the reading of the services of this soldier be omitted.

Mr. McCLELLAN. There is nothing to show why this bill should pass. The only possible reason is contained in the report of the committee.

Mr. PICKLER. I am not asking that the whole report be dispensed with, but ask that that part relating to the service of the soldier be not read.

Mr. RICHARDSON. That is part of the report. I have sent for the report and have been so far unable to get a copy of it.

Mr. McCLELLAN. I ask for the reading of the entire report.

The Clerk resumed and concluded the reading of the report as above.

The CHAIRMAN. The question is on agreeing to the amendment of the committee.

Mr. HULL. Mr. Chairman, I wish to make a very brief statement of this bill, which is now in the hands of my friend and colleague from Ohio [Mr. FENTON], who will explain fully its provisions to the committee.

This bill is a distinct departure from the general rule heretofore established, of conferring the rank of a commissioned officer of the Army on hospital stewards. Under the present law we have

112 hospital stewards. Under the law after this present fiscal year that number will gradually be reduced to 100.

This man has reenlisted at the different times and for the different periods under the law which are set forth in the report, which enlistments absolutely gave him no promise of ever becoming a second lieutenant. Personally, I should have preferred to see him receive, if necessary, a lump sum, rather than to increase the number of officers of the Army and gradually increase the retired list. But the committee decided to report it favorably, and I simply wish the committee now to understand the purport of the bill, which is a bill to give the rank of second lieutenant to a hospital steward, which will give him the rank and pay of such second lieutenant while on the active list and place him on the retired list as a second lieutenant. He is entitled, I will say, to be retired at any time.

Mr. BAILEY. Will the gentleman from Iowa tell the committee the pay of a second lieutenant?

Mr. HULL. One hundred and twenty-five dollars a month.

Mr. BAILEY. Does the gentleman mean the retired pay or the active pay?

Mr. HULL. The active pay.

Mr. BAILEY. Then this man would be entitled to three-fourths of that when he goes on the retired list?

Mr. HULL. Yes; and it would entitle him also to purchase supplies from the Government at Government cost.

Mr. BAILEY. And he would be entitled to the additional 10 per cent for each five years of his service?

Mr. HULL. Well, that is a question in my mind whether he would be entitled to it or not. If he had the additional rank for every five years during the thirty-five years that he has spent in the service it would be a very considerable amount. But I think it would hardly cut any figure, as he is ready to be retired now, and the only question for the committee is to determine whether it will take a hospital steward and make him a commissioned officer in the Army. As I have said, it is unusual and entirely a departure from our practice heretofore in that regard.

Mr. BAILEY. I understand the chairman of the Committee on Military Affairs, then, is opposed to that policy?

Mr. HULL. Personally, I am opposed to it. I think it is not a good policy for us to adopt. And yet this man has had a very exceptional service. There are circumstances which operate in this case which probably will never occur again.

But I wish to call the attention of the committee to the fact (and the committee is able itself to decide this matter as well as I am) that this is taking a hospital steward and giving him a commission in the Army. Now, as I have said, the committee is competent to determine whether, after thirty-five years of service, a man who has held the position of a hospital steward all the time, who has been drawing full pay and allowances during that whole period, should become a commissioned officer at the expiration of the thirty-five years' service?

I will say to my friend from Texas that, personally, I would much prefer that we pass a law that whenever a hospital steward passes thirty-five years of service he should be commissioned. I think it would be better than making an exception, as in this case. But I only wanted the committee to understand the exact facts as they are presented here, and with that statement my opposition to the bill will cease.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. HULL. I yield.

Mr. RICHARDSON. I want to ask the gentleman if he is in favor of recommending to this House the passage of any such law?

Mr. HULL. That bill is not before us. I will answer that question when the bill comes up. Now, I do not want to take the time of the committee. My colleague from Ohio [Mr. GROSVENOR] has the bill in charge and will give excellent reasons for its passage.

Mr. CANNON. I want to ask the gentleman a question. In reading this report I find the following:

> Prior to the passage of the act approved June 30, 1886, he received in monthly pay, commutation, etc., the sum of about $95 per month. On this, which was certainly not extravagant, he managed, with more or less difficulty, to live and take care of his family.
>
> Since the act referred to has taken effect he has $37.88 pay per month, with fuel and one ration in kind and the rent of one room.

Is that additional to the $95 per month?

Mr. HULL. No; it is in lieu of that. The pay of hospital stewards has been reduced, I will say to my friend from Illinois——

Mr. CANNON. What is the pay in dollars?

Mr. HULL. You have read it just there.

Mr. CANNON. With fuel and one ration in kind and the rent of one room?

Mr. HULL. The rent of the room is $12 a month.

Mr. CANNON. That statement does not convey much information to the ordinary man. It says "with fuel and one ration in kind and the rent of one room." I do not know why the pay of army officers was originally fixed in this way, unless it was so as not to let people know what they got; but when you figure it down in dollars and cents, what does he get?

Mr. HULL. You can not figure it down in dollars and cents, because if a man is out on the frontier and the Government furnishes him his rations, one ration in kind is about all one man will eat during a day. It includes beans, meat, coffee, rice, and such things as go to make up the army fare. So that you can not figure it in dollars and cents. If you were in the East you could probably buy the food for a great deal less than it would cost if you were out in Colorado, or Arizona, or Utah, or some of those Western States. His fuel would be whatever would be necessary to keep him comfortable in any kind of weather that he was exposed to.

Mr. CANNON. That is commuted, is it not?

Mr. HULL. Not necessarily.

Mr. CANNON. But it can be.

Mr. HULL. Not when a man is in active service. They only get 30 cents a day as commutation of rations, as I recollect it now.

Mr. CANNON. I will ask the gentleman if it is not true that during many, many years this very worthy man—because I have no doubt he is worthy—has been on duty here in Washington?

Mr. HULL. The report does not state that.

Mr. CANNON. I want to know.

Mr. HULL. Yes; he has been on duty in Washington.

Mr. CROWTHER. Thirty cents a day is the commutation of rations.

Mr. CANNON. For how many years has he been in Washington?

Mr. HULL. For one or two enlistments. He has been a valuable man. I am not saying anything against him.

Mr. CANNON. I understand. He was so valuable, was he not, that he was on duty at the Surgeon-General's Office?

Mr. HULL. He was on duty in Washington.

Mr. CANNON. In the Surgeon-General's Office in Washington?

Mr. HULL. I will not undertake to answer that.

Mr. CANNON. Does the gentleman know?

Mr. HULL. He has been used wherever they have needed him. He has been detailed wherever he has been needed. The question as to where he has been on duty has nothing to do with this bill.

Mr. CANNON. It has something to do with it when it comes to the question of addressing itself to the discretion of the House whether a man shall have exceptional legislation, whether he has been on the frontier taking his chances with others not so favored in the service, or whether he has, through several enlistments, been on duty in Washington, detailed down here in the Surgeon-General's Office. I do not know that he has. I never heard of him until within the last ten minutes; but we are entitled to frank statements as to the facts here.

Mr. HULL. I will say to my friend from Illinois that the gentleman from Ohio will give him all the information that he desires. My understanding is that he has been on duty in Washington for several years. If that is of any importance whatever, it is a reason for an increase of his pay, because on the frontier he would have nothing like the expense which he would be under in Washington. So that, so far as that is concerned, the only effect of it would be that we ought to pass this bill in some shape to give him additional compensation.

Mr. CANNON. Does my friend understand that it is considered a hardship in the Army to be detailed for many, many years in Washington?

Mr. HULL. If I only had a salary of thirty-seven or thirty-eight dollars a month I should consider it a great hardship to be detailed here in Washington.

Mr. CANNON. After all, when the gentleman speaks of thirty-seven or thirty-eight dollars a month he has declined to give me the information as to what the allowances are.

Mr. HULL. His allowance is one ration in kind, and fuel and the rent of one room. The commutation of rations, as I have stated, is 30 cents a day,

Mr. CANNON. What is the fuel?

Mr. HULL. Whatever it costs to buy fuel.

Mr. CANNON. Is it not commuted?

Mr. HULL. That I could not state.

Mr. CANNON. And the rent is how much?

Mr. HULL. Twelve dollars a month for one room.

Mr. CANNON. So that the $37.88 per month wants to be increased about $26 a month? I did not suppose it amounted to so much.

Mr. HULL. It is about $30 a month extra.

Mr. CANNON. So that this $37.88 really means $67.88. And for the greater part of the time he was paid at the rate of $95 per month, until his pay was reduced a short time ago.

Now, what I want to ask the gentleman is this: He has already stated his position as to the policy of increasing the retired list of the Army. I want to suggest to the gentleman that if length of service should place a noncommissioned officer upon the retired list as a commissioned officer, it ought to be done by general law.

Mr. HULL. That is a question before the committee, Mr. Chairman.

Mr. CANNON. Well, will the gentleman give us, then, the

benefit of an amendment to this bill, making it include all hospital stewards of like service, on the one hand, or will he ascertain the facts as to the man's age and ascertain his expectancy by the Carlisle tables and give him a lump sum rather than make this provision?

Mr. HULL. I will answer the gentleman by stating that I will not make such an amendment to the bill, because I am rather of the opinion that I would oppose a measure of that kind if it were before the House. I wanted simply to rise here for the purpose of letting the House know what the bill was without intending to take a part in the debate for or against it. It is a subject that the committee has reported on, and only one case was before us. The man has had exceptional service; but to my mind it is a very serious question whether any man enlisted for a certain purpose, and who has received the pay that he was entitled to under that enlistment, should expect Congress to give additional pay, no matter what his services may have been.

Mr. CANNON. Has the gentleman investigated far enough to say that there is no hospital steward in the service who has had as meritorious service as this one?

Mr. HULL. Oh, yes; I have investigated far enough to know that I believe this man stands alone for length of service and distinguished service; but I do not know that that will be true. I think it is true to-day.

Mr. CANNON. That is, he has had longer service than the others.

Mr. HULL. He has had longer service, a great deal longer, than any of the others. I think the Medical Department would have been glad to see one hospital steward provided for at a higher rate of compensation without making him an officer of the Army.

Mr. CANNON. Well, now, if my friend will yield to me one moment; and then I think I will have stated what I desired to state, and I would rather not take time myself to do it.

Mr. HULL. I yield to the gentleman. I suppose I have plenty of time.

Mr. CANNON. If my friend will allow me, this class of applicants, I will say to my friend, in the military service and in the civil service that abound in Washington has easy access to Congress. That bare fact enables somebody to put them in when the waters are troubled. Now, then, in giving relief to this class of cases, when you fail to provide for them except in only worthy cases, I submit to the gentleman that wisdom dictates that in giving the relief we should not demoralize the service; and I submit to him that it is a demoralization of the service when, outside of general law, you place a man upon the retired list as a commissioned officer, the others, whether they are equally worthy or not, will feel that they are being discriminated against. Now, I far prefer making a general rule for all worthy hospital stewards to giving this relief, and if we give it, I would rather put it on the higher ground of thirty years' efficient service and give him a lump sum rather than to appoint him on the retired list by special or general act as a commissioned officer, when the man never did and never will perform a single day's service in his life as a commissioned officer.

Mr. HULL. Mr. Chairman, the gentleman from Illinois stated that he wanted to ask me a question; but in place of that he has gone ahead, in his lucid way, to express his own ideas in regard to this matter.

Mr. CANNON. I want to know whether it meets my friend's approval.

Mr. HULL. You did not even ask that. [Laughter.]

Mr. CANNON. That was implied. There was an interrogation point at the end.

Mr. HULL. I will say that this question of hospital stewards has been considered by some of us quite fully and an investigation had to the extent of asking the Surgeon-General as to the necessity of giving hospital stewards rank and as to the difficulty of keeping that branch of the service up to the required efficiency. The Surgeon-General replied that they had no trouble in getting the best of service; that they had more applications than they had positions to fill, and that it was not necessary to give any additional rank or additional pay for this branch of the service. The only question before the House, as I said in the beginning, is whether, in the case of a man serving thirty-five years, you shall single him out and by act of Congress give him something that he did not originally look for, that he had no reason to look for, and for which he had no equitable claim.

Mr. CANNON. Is the gentleman willing to give the committee his opinion upon this question?

Mr. HULL. No; I am not. I yield to the gentleman from Ohio [Mr. FENTON].

Mr. FENTON. Mr. Chairman, I have but one word to say in regard to this bill. Now, the position of the gentleman from Illinois was that if we pass this bill, which is to retire a noncommissioned officer instead of a commissioned officer, it will demoralize the service. Why not say when you have retired a second lieutenant as a first lieutenant that that will also be a demoralization, because it furnishes a precedent for a large class?

Now, that this is a meritorious bill is well attested by the evidence referred to in the report, and it is not necessary for me to touch upon that subject. It is a meritorious bill, and in passing it you will give a slight recognition to a very large class of men all over this country who served in the ranks of the Union Army, and, I might also say, of the army on the other side. They are entitled to recognition for special merit just as much as though they had worn stars. It is the prerogative of this House to judge as to merit, and it has done so in the past. Why not do so now and recognize an enlisted man who has served thirty-five years and who has been recommended by the highest medical authority of this city and of the Army as an expert in his way. The case has been proven clearly before the committee, and I am sorry that the distinguished chairman of the Committee on Military Affairs is not able to decide to-day exactly which side he is on in this matter. [Laughter.]

Pass this bill and you will recognize not only a worthy man, but many thousands or even millions of worthy men who did not all have the honor to wear shoulder straps during the recent unpleasantness. There are thousands, yea, millions of men in this country who left the college, the school, the workshop, the counting room, the farm, to enter the service of their country. They could not all be officers. There was not room for them all to be officers. But they did their duty in their several spheres. Many of them were wounded and stricken down upon the field before they had time or opportunity for promotion. I ask that this bill be passed. I did not intend to say a word upon it, but I have felt it my duty to a class of soldiers of whom I am an humble representative—the men who served in the ranks. I ask for those men recognition at the hands of this House. It is just that they should have it, and I trust that this bill will receive the support of both sides of the House. I have nothing more to say. [Applause.]

Mr. BARTLETT of New York. Mr. Chairman, of course I am aware that we in the minority are powerless, and that all the bills brought up this afternoon will be railroaded through regardless of what the special merit or demerit of any particular measure may be. Listening to the gentleman from Ohio, the exclamation occurred to me, "Oh, patriotism, how many crimes are committed in thy name!" This unworthy appeal on every occasion to the issues of the late civil war in order to pass some unmeritorious bill is something with which I have no sympathy.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. BARTLETT of New York. No, sir; I am trying to talk now. In making that remark, Mr. Chairman, in connection with the measure that is now pending before the committee, I conceive that I do not transcend the limits of proper parliamentary discussion, for I can safely say that few bills of so little merit are ever brought before this body for consideration. This bill has so little to be said for it that even the chairman of the committee which reports it feels bound to rise and apologize and state that he does not believe in the policy of this bill or in the policy of any bill such as this. What does this bill propose to do? Let me call the attention of the committee to the fact that the appointing power is vested by the Constitution in the President of the United States, by and with the advice and consent of the Senate; and while it is true that Congress may vest in the President alone, or in any one of the Departments, the appointing power, still in reference to the appointment of officers in the Army or Navy it has always been held that the President should appoint by and with the advice and consent of the Senate. And yet, sir, in this bill the President alone is given the appointing power and the Senate is deprived of the conjoint executive power contained in its right to confirm appointments made by the Chief Magistrate. That of itself is a somewhat suspicious provision of the bill. I for one do not believe that it is constitutional in any bill to direct that the President shall appoint a particular individual.

Mr. FENTON. Does this bill direct the President?

Mr. BARTLETT of New York. Mr. Chairman, it has always been held, and it has been the uniform construction by the Executive Departments of this Government, that acts such as this are not merely directory, but that when they are passed by the Congress of the United States they become mandatory upon the Executive; and the gentleman from Ohio knows very well that after this bill has once become a law it will be said that the President must appoint, because the Congress of the United States have declared that such is their wish as expressed in their legislation. By this bill you direct the President that he shall appoint Frank M. Marshall—what? Not a second lieutenant of pharmacy, for which, he having been a hospital steward for many years, you might have some show of logic or reason, but a second lieutenant of cavalry. In the name of common sense, why should a hospital steward be appointed a second lieutenant of cavalry? Is not the proposition ridiculous on its face? Are we willing to go on record as saying that we are in favor of appointing hospital stewards, after a certain number years of service, second lieutenants of cavalry? Why not appoint them captains of artillery? Why not appoint them colonels of infantry? Why not appoint them captains in the

Navy? There would be just as much sense in appointing them to these offices as in appointing them second lieutenants of cavalry on the ground that they have served a certain number of years. What relation is there between the functions of a hospital steward and the duties of a second lieutenant of cavalry? Now, what is the object of this bill, Mr. Chairman? It is to give an individual a gratuity, a pension, and I submit to the gentlemen in the omnipotent majority here that it is a wrong thing to do, that it is improper legislation, and that legislation of this kind will come home to plague them in the future.

This man may be a very good man, but because he receives now $37.88 a month, is that any reason, I would ask, why we should increase it to $125 a month? Why, Mr. Chairman, there are thousands and tens of thousands of meritorious citizens in the United States of America to-day who do not receive even $37.88 a month, and have not received it during all of these thirty-five years that this man has been receiving his pay. Why not pension all of them? Why not give away more of the money of the people of the United States wrung from them by taxation? Are we to be guided by such logic as that simply because a member rises in his place on this floor and says this man has been meritorious and has rendered able and efficient services? Why, plenty of people do that. Is that a proper cause of legislation on our part to increase the salaries of men who do perform their duties? Shall we, under such circumstances, pass a bill in defiance of the words of the chairman of the Committee on Military Affairs? Shall we pass this bill because we are told that it would do no harm; because the man would like to have the money; because a distinguished surgeon says he has done a service that was efficient? Is that any reason why we should give him $125 a month?

Mr. FENTON. Will the gentleman allow an interruption?

Mr. BARTLETT of New York. No, sir; not at this time.

I continue, Mr. Chairman, that because a distinguished gentleman says he ought to have $125 a month, because he is a good mechanist and has done good service, has taken good care of the instruments, that he has been a hospital steward, and has been in the service for thirty-five years—I repeat, is that any reason why we should make him a second lieutentant in the cavalry to wear the yellow stripes and yellow shoulder straps and strut up and down with a sword? Why not put him on the active list if he is so important to the service? It is a mere farce to put these people on the retired list and give that as an excuse for increasing their compensation. Such claims as this come up every day in the year.

Do you want to extend the system of gratuities further than we have already extended it? Do you want further to extend the system of making presents of the money of the people? Are you ready to vote away their money in this manner without giving a chance, hardly, to hear the report read; without placing a copy of the bill in the hands of the minority or calling attention to the fact that you do intend to bring such bills before the House for consideration—a bill involving legislation that is condemned by your own leaders—and pass it against our remonstrances?

I tell you, gentlemen, you can not sustain that character of legislation. You may object as much as you please to the remarks that I am making, but the people of this country, when their attention is called to this matter, will speak to you in tones that you can not misunderstand, and tell you that they are not yet prepared for this character of legislation. Stand up like men now, and even if this be fathered by one of your omnipotent majority, for once vote it down and declare against this character of vicious and class legislation.

Mr. GROSVENOR. Mr. Chairman, if one kind word on behalf of any man who ever served in the United States volunteer forces is a crime committed under the guise of patriotism, the gentleman from New York will never be convicted. [Laughter.]

Mr. BARTLETT of New York. Will the gentleman——

Mr. GROSVENOR. No, sir; I will not yield to you. I treat you as you have treated other people. [Laughter and applause on the Republican side.] My colleague, an inexperienced man, in charge of this bill [Mr. FENTON], attempted to explain to the gentleman from New York its features and he brushed him out of his sight repeatedly. Therefore he can reply to me in his own time.

Mr. BARTLETT of New York. I will, sir.

Mr. GROSVENOR. It is no crime to pass this bill. My attention was not attracted to it until the gentleman from New York assailed it. [Laughter.] It always makes a prima facie case stronger when he attacks a bill or opposes it. [Laughter.]

This bill does not direct the President of the United States to put this man on the retired list. On the contrary, the legislative intent is manifested in the amendment reported by the committee. We amend the bill by refusing to direct, and simply confer on the President of the United States the authority.

I do not believe that the President of the United States, either the present one or any other who may come in the future, will do injustice to the country by putting a man on the retired list under a mere authority conferred by law unless he finds him, upon investigation, worthy, and that the case is a proper one to be so acted upon.

Now, in this case the contention is simply this and no more. Here is a man who for more than thirty-five years, more than a generation of the lifetime of the people of the world, has done duty, not the duty of the ordinary enlisted man, but has performed efficient duty for the Government. He has done duty of a high grade, and the commissioned officers in the line to which he belonged so testify. He is now old, broken down, and poor, no longer able to earn even the pittance he has been paid heretofore. And the whole question now that has brought out such attacks is the question whether the Government of the United States, having received these great services from this man through all of these years, now in his old age and poverty, is willing to give him this little pittance. That is all there is of it.

Such a case, probably, would never occur again in the legislation of the country. There are only a hundred of these men anywhere on earth, young and old; and probably not one will ever again attain to any such age as this man has reached. He has been spared to serve through the great struggle of his country, beginning in 1861 and coming down to the present day.

Now, is it worth while that we should reject this claim? Is it not, after all, for a man of the talent—the admitted talent—of the gentleman from New York, a rather unfortunate thing that he should deem it his duty to assail this poor, helpless man in this sort of way? I presume he would vote to give a pension to the widow of a major-general. I presume some of the votes that will be cast against this poor little bill would not be cast to repeal some of the $2,000 pensions that are now being paid to some of the widows of officers of the United States. I do not believe the gentleman from New York would. Why not do the fair thing then—even say it is a generous thing—why not do a generous thing?

Mr. BARTLETT of New York. Will the gentleman allow me one question?

Mr. GROSVENOR. Yes; and I never will knock the gentleman out again while I live. I feel sorry for having done it. I was only pointing out to him how he treated my colleague.

Mr. BARTLETT of New York. I desire only a minute or two. I am much indebted to the gentleman from Ohio [Mr. GROSVENOR] for the compliment which he has paid me in admitting that I have some talent——

Mr. GROSVENOR. Misdirected talent. [Laughter.]

Mr. BARTLETT of New York. But I desire to call the attention of the gentleman from Ohio to the fact that I do not assail this individual, Frank M. Marshall. I never heard of him, thanks to the policy of the majority, until a few moments ago. I did not even know that there was such a bill before this House. I did not know that there was a measure for the relief of Frank M. Marshall on the Private Calendar. We try to keep pretty well posted; but with all the matters of legislation here it is impossible for anyone to be familiar with every bill upon the Private Calendar. Now, my remarks were made with no reference to the individual. I have not a word to say against him; but what I have denounced and what I do object to is the pernicious character of legislation such as this. I believe that it is wrong in the mode and manner of its consideration. If you want to give a gratuity to Frank M. Marshall, then vote it to him. Give him $125 a month. If in the judgment of the majority here, with all their talk about a depleted Treasury, with all their talk about appropriations, they desire to give Frank M. Marshall $125 a month in proper form, I am not certain that I should not vote for such a bill; but I do object to bills of this character, bills which place——

Mr. PICKLER. I rise to a question of order. I thought I would not do it, but the gentleman has occupied so much time that I will. Paragraph 6 of Rule XIV provides that no member shall speak more than once on the same question without leave of the House.

Mr. GROSVENOR. I make the point of order that the gentleman from South Dakota [Mr. PICKLER] is wrong. The gentleman from New York [Mr. BARTLETT] is asking me a question. [Laughter.]

The CHAIRMAN. He is speaking in the time of the gentleman from Ohio.

Mr. PICKLER. The gentleman from Ohio had no time to yield.

Mr. GROSVENOR. I have not yielded the floor. I only sat down to rest, knowing the habit of the gentleman from New York, and that I should have time to rest while he was framing his question. [Laughter.]

Mr. PICKLER. That is simply an evasion of the question.

The CHAIRMAN. The Chair will overrule the point. The gentleman from New York [Mr. BARTLETT] will proceed.

Mr. BARTLETT of New York. I had intended to conclude my remarks and should have finished in a moment or two had it not been for the point of order made by the gentleman from South Dakota. Now, I admit—I will concede for this side of the House—that we have no rights, that we ought to be absolutely silent when any bill comes up reported from the Committee on Invalid Pensions.

Mr. PICKLER. You never support any bills for soldiers.

Mr. BARTLETT of New York. It may be that the gentleman

from South Dakota thinks that I ought to make the same concession in reference to bills coming from the Committee on Military Affairs; and it would have been indeed the height of temerity on my part to have ventured to object to any point of order made by the gentleman from South Dakota if it had been an invalid pension bill; but I hope, in view of the fact that it came from another committee, that he will overlook my offense, that he will pardon me for having interfered for a few moments with his desire to railroad these bills through, and force them through the House.

Mr. PICKLER. That is the most sensible of anything you have said to-day.

Mr. GROSVENOR. I desire to answer the question of the gentleman from New York [Mr. BARTLETT]. [Laughter.]

I think no one on this side desires that that side shall always keep still. I do think that some of us would be greatly obliged to the gentleman from New York if he would sometimes keep still. [Laughter.] That is as far as I would go along that line.

Mr. ALLEN of Utah. Will the gentleman from Ohio allow me to ask him a question?

Mr. GROSVENOR. Certainly. I have not answered the question of the gentleman from New York yet, but it is all right.

Mr. ALLEN of Utah. I got the impression from the gentleman's remarks that this bill gives general authority to the President, when he may see fit, to retire hospital stewards as second lieutenants. Is that correct?

Mr. GROSVENOR. Oh, not at all. It simply gives him the power in this one particular case.

Mr. ALLEN of Utah. It stops there?

Mr. GROSVENOR. Yes; and this is an extraordinary case. Everybody must admit that. There is only this one case, and I do not care whether you put it in the form of a gratuity or what you do. It is a great Government which has taken thirty-five years of this man's life in a grade of service outside of the ordinary service of an enlisted man. The gentleman from New York [Mr. BARTLETT] certainly knows that a hospital steward is not an ordinary enlisted man. He has to be an educated man. In these days of peace he has to be a man of extraordinary education, and by the statement of Dr. O'Reilly, whose word nobody will dispute and whose judgment as a medical man nobody will successfully criticise, it appears that he is a man of unusual education. Now, here is a special case of this character. That is all there is to be said about it. I never heard of Frank Marshall before, either. I stand equal with the gentleman from New York. And I imagine Frank Marshall never heard of the gentleman from Ohio—that is, myself. I suppose he has heard of the gentleman from New York [Mr. BARTLETT]. [Laughter.]

Mr. CANNON. Mr. Chairman, I desire to offer an amendment.

Mr. RICHARDSON. General debate has not been closed, and I make the point of order that it is not in order to offer an amendment at this time.

Mr. CANNON. Then I would be glad to be recognized for a single sentence or two. I am on all fours with the gentleman from Ohio [Mr. GROSVENOR]. I never heard of Mr. Marshall until the last half hour. I have nothing but the most kindly feeling toward him, having heard. He seems to have done long and honorable service for the Government. No doubt he deserves well of his country. Having said that much, I can not be successfully accused, and I think nobody will try to accuse me, of antagonism to this bill from any standpoint except——

Mr. RICHARDSON. I make the point of order that it is impossible for us to hear the gentleman on account of the noise.

The CHAIRMAN. The committee will be in order.

Mr. CANNON (continuing). Except from the standpoint of a proper policy. Our Government does not, except touching certain specified officers who represent the armed force of the Government—the Army and the Navy—give pensions or gratuities after the service ceases.

Mr. SPALDING. And the judiciary.

Mr. CANNON. And the judiciary, as the gentleman says. It is our boast that we have no civil pension list. Now, then, other governments pursue, so far as this retired pay is concerned, perhaps—I was going to say, a more liberal policy than we do; but that would not be true. They have a civil pension list, and we have it not, substantially. But we have so far as retired pay of army and navy officers or of enlisted men is concerned. The Government of the United States pays more than any other government on earth. I do not think it pays too much. When a commissioned officer goes upon the retired list he goes on at three-fourths pay. If an enlisted man goes upon the retired list with a length of service like unto that this man has had, or a much less length of service, he gets three-fourths pay; and if this hospital steward goes out of service, why he goes out with payment, as I have computed, of $57 a month as long as he lives. Now, then, so with every other hospital steward of considerable service. I know it is a hard thing to stand up and oppose the granting of considerable pay to anybody who has performed honorable service. It is so much easier to be courteous and do justice, as it is claimed, than to deny it. We are sometimes swept off our feet. That is all I want to say about that matter.

Now, if he goes on the retired list as second lieutenant of cavalry his pay is $122 a month. That is all. If he goes out of the Government service as a hospital steward his pay as long as he lives is $57 a month.

Mr. HULL. It is three-fourths of $122 a month he would get.

Mr. CANNON. Yes; he would get three-fourths of $122. He would now get $57 a month. Now, what kind of a position does that place us in? A man serves the Government actively for thirty-three years and when he retires you give him twice as much as he was getting while in the service! Well, that is a funny kind of precedent, is it not? It is unique. Now, then, when general debate shall have been exhausted I mean to offer this amendment to this bill in the best of faith, because if it is to be enacted we should make it general. Amend by adding at the end of the bill:

*And it is further enacted*, That hereafter any hospital steward who has served as such in the Army for thirty-three years may be appointed on the retired list as second lieutenant of cavalry.

Mr. GROSVENOR. I will make the point of order on that, that it is not in order.

Mr. CANNON. How is that?

Mr. GROSVENOR. I will make the point of order against that amendment.

Mr. MAHON. The gentleman can not offer as an amendment a provision which would be general on a private bill.

Mr. CANNON. I think so; and I think, considering the number of hospital stewards who have had thirty-three years of honorable service in the Army, I am quite sure that my kind and just friend from Ohio will not make any technical point of order against this act of justice to that class. I know his heart would not permit him to do it; and I only want to do complete justice.

Now, whether that is politic or impolitic, it is right, and it is wrong to make this precedent from a standpoint of public policy. This man goes out of employ in that class and gets $57 after he goes out of the service of the Government until he dies, and the only question is whether he shall get double that amount, substantially, by this legislation.

Mr. RICHARDSON. Mr. Chairman, after what the gentleman from Illinois has so well said as to why this bill should not pass, it is hardly necessary to say anything. I am opposed to it not only for the reason which the gentleman from Illinois has so well stated, but I am opposed to it on principle. Now, I understand that the chairman of the committee himself, in his opening remarks upon this bill, apologized to the committee for its appearance here. There never was anything like it, it seems to me, Mr. Chairman, in all legislation in this House. An effort is made to place a hospital steward upon the retired list as a lieutenant of cavalry.

Now, I can not understand why he should have picked out this position or why he should have selected the position of lieutenant of cavalry. He could have been made a lieutenant of infantry or a lieutenant of artillery. I suppose that for some special reason they selected the position of lieutenant of cavalry and assigned him to a position on the retired list as lieutenant of cavalry. I suppose the object is that he may join that famous band which, it is said, was commanded by Captain Jinks, if I remember the name correctly, who commanded the "Horse Marines." He wants to be in a position to feed his horse in a manner similar to that which the followers of Captain Jinks used. I can not see, Mr. Chairman, why this man should be put into the cavalry service on the retired list.

Mr. CONNOLLY. A cavalry lieutenant gets more pay than a lieutenant of infantry.

Mr. RICHARDSON. Yes; but if you wish to increase his pay you might make him a lieutenant in the artillery service on the retired list, and then I think he would receive still more. Whether that is so or not, I understand that as a lieutenant of cavalry he receives more than he would receive as a lieutenant of infantry, and I suppose that is the reason for putting him in the cavalry. I am opposed to increasing the retired list, unless it may be in a few exceptional cases. But, apart from that, why should you take a man who, so far as I see, never did a day's service in the Army?

Mr. HULICK. You are mistaken.

Mr. PARKER. He served two years.

Mr. RICHARDSON. Ah, as hospital steward; but, from my own observation during more than four years' service in the war, the duties of the hospital stewards were not very dangerous. They did not carry guns; they did not perform any duty where there was danger at the front. This man has had a pleasant position ever since the war, but even if he had not, no reason has been assigned why we should take men who have served as hospital stewards, even after thirty-three years of service, as suggested in the amendment of the gentleman from Illinois [Mr. CANNON], and place them on the retired list as cavalry officers. The Surgeon-General of the Army, Dr. Sternberg, is brought here to

testify in behalf of this man, and he says this is a very dangerous precedent. He says:

I should be glad to see him retired with the rank of a second lieutenant of cavalry, as provided by this bill. The only objection I see to the passage of this act is the fact that it will furnish a precedent for similar applications from other worthy men who have had long service as hospital stewards.

But again, why fix the period of service at thirty-three years? Why not retire these men after thirty years of service as hospital steward? Why not do it after twenty-five years of service?—for that is a long time. What is proposed here is to take a man whom you have worked during the prime of his life, when, doubtless, he rendered efficient service, when, by reason of his years, his experience, and possibly his special fitness, he was enabled to do good work, and then, after thirty-three years of service, to retire him, not by the usual method or on the usual basis of retirement, but with almost double the pay that he received in the days of his efficiency. Ordinarily the object of putting a man on the retired list is that an old war horse may not be displaced entirely or left without means of support. The country, in recognition of his past service, permits him to be put on the retired list, which keeps him still in an honorable position, but always carries a reduction of his pay. His rank is not reduced, but his compensation is. Here the proposition is to pursue the opposite course, to retire this man as an officer of cavalry and to nearly double his pay. A further object of the retired list is to give honorable recognition for past services rendered in the conflicts of war; but how long will that list be regarded as an honorable one if hospital stewards are to be placed upon it and their pay increased far beyond that they earned when in the prime of their life and efficiency?

Now, Mr. Chairman, that is the kind of a bill that we have here presented to this committee. I sought to have bills considered here to-day that had merit in them——

Mr. GROSVENOR. Will the gentleman permit a suggestion?

Mr. RICHARDSON. Yes, sir.

Mr. GROSVENOR. I feel very sure that the gentleman would not state as a fact that which is not a fact.

Mr. RICHARDSON. I certainly would not, and if I have made any such misstatement I shall be glad to have it corrected.

Mr. GROSVENOR. The records of the War Department show that this soldier was enrolled on the 18th of May, 1861, was mustered in on the 23d of May, 1861, in Company C, Fourteenth New York State Militia, which subsequently was the Eighty-fourth New York Infantry, and was discharged on March 13, 1863, two years and a half later, for the purpose of enabling him to enlist as a hospital steward. Now, if my memory serves me, that regiment, and that soldier as a member of it, had a splendid opportunity to see some of the bloodiest events of the war during the period of his service while he was a fighting, marching soldier in the line.

Mr. RICHARDSON. I am much obliged to the gentleman for calling my attention to the record. Perhaps I was inaccurate when I suggested that this man had not seen service at the front. If that regiment did go to the front and serve there, as the gentleman from Ohio seems to say it did, then I was inaccurate and I withdraw that part of my statement. But at the end of two years and a half this man sought a better position. I do not object to that. We all do that. It is a very desirable thing to get out of the ranks, to get rid of carrying a gun and facing the muskets of the enemy, and to march into the position of hospital steward. But let me ask the gentleman from Ohio whether he does not think that this man would have been doing much better and higher service for his country if he had continued as a soldier carrying his gun at the front?

Mr. GROSVENOR rose.

Mr. RICHARDSON. I will yield to the gentleman later. Let me ask him a further question. Suppose this man had done that and had gone through the entire war rendering his services as a private soldier, which I think would have been much more meritorious than the service of a hospital steward—at least, it would have been more dangerous—in that case would the gentleman from Ohio be in favor of setting the precedent of making that man a lieutenant of cavalry on the retired list and increasing his pay? I hardly think my friend from Ohio would be in favor of such a proposition.

Mr. PARKER. Mr. Chairman, I would like, as a member of the committee reporting this bill, to have a few minutes before the Committee of the Whole rises.

Mr. GROSVENOR. Mr. Chairman, I think that if the gentleman from Tennessee will refresh his memory by looking back over a third of a century he will remember that it was very difficult sometimes to get hospital stewards, and that men were selected and often compelled to take that class of service because they were competent to do it, and in that way were cut off from the opportunity of promotion, and yet were doing work not only as valuable, but in a great many instances as dangerous as any other service in the Army. Take as an illustration of the dangers attending this hospital service the battle of Chickamauga, for instance. Would the gentleman like to have been there on the 20th day of September, 1863, when the service was fired upon and many of the men wounded, killed, or taken prisoners?

Mr. RICHARDSON. No; I do not want any more of it. I am well satisfied with my experience and do not want to go through the same thing again.

Mr. PARKER. Will the gentleman give me five minutes?

Mr. RICHARDSON. I will close in a minute or two and the gentleman can take the floor in his own right.

In further answer to the gentleman from Ohio. He says, as I understand it, that the Government was glad to get hospital stewards at that time.

Now, Mr. Chairman, I do not know how that may be; but I can understand how there might have been very little difficulty in securing such service. Indeed, I can not see where the difficulty comes in. They did, no doubt, many of them, render excellent service; and this man, the beneficiary of this bill, the gentleman tells us, and as the report shows, was employed in this work for more than thirty years. Now, if he deserves more pay as a hospital steward for the efficient services he rendered, then bring in a bill and give it to him. If by reason of his long services he has earned more than the pay of a hospital steward, let him have it. Dr. O'Reilly, an eminent man, a surgeon in the United States Army, makes a recommendation in this case that is worthy of consideration. As I understand it, he opposes the placing of this man on the retired list at any rate of compensation. His letter suggests a different remedy to be applied in this case. Here is the letter; it is appended as a part of the report:

I therefore submit to you the propriety of recommending the insertion in the forthcoming Army appropriation bill of a section fixing $125 a month as the pay of one hospital steward, to be designated by the Surgeon-General, and to make the clause operative from the date of the passage of the bill.

I submit, Mr. Chairman, it will be, it seems to me, a little better to adopt this course to do this if you want to give the man an increase of salary—better as a precedent, better if you want to preserve intact the honor of the retired list than that you should fill it up with men who have never seen any cavalry service or any service, as you propose to do here. I think that statement that he never saw cavalry service is true. Of course I do not know the facts; but yet you propose to place this man on the retired list as a commissioned officer.

Mr. PARKER. Mr. Chairman——

Mr. PICKLER. Mr. Chairman, I hope we will now have a vote on this bill.

Mr. PARKER. I will not detain the committee five minutes. I was on the subcommittee that considered the bill and recommended its consideration here, and I do not propose to sit silent and allow the statements which have been made to go uncorrected.

The CHAIRMAN. The gentleman from South Dakota has been recognized. Does he yield the floor?

Mr. PICKLER. How much time does the gentleman wish?

Mr. PARKER. Only five minutes.

Mr. PICKLER. That will take us beyond the time when the committee must rise. I will yield to the gentleman three minutes.

Mr. McRAE. The general debate is not closed. The gentleman can take the floor in his own right.

Mr. PARKER. Mr. Chairman, I am on the committee which presented this bill, and was also on the subcommittee that reported it. I have heard the bill called ridiculous. Even my friend the chairman of the committee on which I serve (who has not seen this man) declares that in his judgment it is the establishment of a bad precedent. If the facts can be placed before us I think we may not concur with this view, but will recognize that it may be a special case, an exception, both as to the man and the circumstances. The man is a brother of Marshall, the artist, a man fitted to associate with officers and gentlemen anywhere, by his manners and evident intelligence and reading, as well as by his long and efficient services to his country and scientific knowledge and skill. I repeat, it is a special case and not a precedent. Why? Because there is no chance for promotion in this corps. If this man had remained in the line as a private in the Army he would, without doubt, have been commissioned as an officer long ago.

Mr. MILES. Why did not he?

Mr. PARKER. Because he did his duty to his country in the hour of his country's need, in the staff, in the field, wherein he was most useful, in the way that he was best educated to perform that duty.

Mr. Chairman, if he had remained in the line he would long ago have won a commission through good service and in the course of the ordinary examinations. We promote officers from the ranks by general law, making them first corporals, then sergeants, and then lieutenants. There is no man who served in the war, certainly who served with the skill of this man, who would not long ago have won his promotion and commission as an officer if he had continued in the line. But his service was needed in other fields. It was a service of equal importance with any other rendered by

our soldiers. He had knowledge and experience in the duties of the position which he assumed, and which he has filled so long and so ably. Any man with the intelligence and ability of this man who served in and since the war could have won a commission for himself. Unfortunately this branch of the service to which he was confined afforded no opportunities for promotion. No man can become a doctor unless he has gone through the various courses and the medical college training required to attain that position. It requires many years of outside study, training, and practice to obtain a commission as a surgeon. The avenues of promotion are closed in this Hospital Corps, in which it seems that this man stands alone, and in which he has served thirty-five years.

There are in that corps only 100 in all, and the question is raised here whether, under all of the circumstances, this man should be made an officer. The corps is so small that a general law seems inapplicable.

Mr. Chairman, the subcommittee considered this matter with care. I deprecate special laws as much as anyone. But we considered that in this case it was our duty to ask the House to determine whether or not it should extend to a member of this branch of the service, in a special case of so much merit, for skill and devotion, the promotion that he so justly deserves, and whether we should make him an officer. There is no general law to apply to the case. This committee may take into consideration that he would probably have been an officer if he had remained in the line, and this House only can do justice, if this measure be just.

Now, that is all I have to say. I have said it hurriedly in the few moments allotted to me. I trust that I have fairly stated the reasons that influenced the committee; and whether the bill be in the best form or not, whether it should be general or special, whether the House on the whole approve it or not, I do not think that there is justice in abusing the Committee on Military Affairs for bringing in a bad bill, or one that does not deserve the full and fair and careful consideration of the House.

[Here the hammer fell.]

Mr. CANNON. I desire to offer——

Mr. RICHARDSON. Mr. Chairman, I submit that general debate has not been closed.

Mr. HEPBURN. Mr. Chairman, I move that the committee do now rise.

Mr. PICKLER. I move that the committee rise and report the several bills as amended with a favorable recommendation.

Mr. RICHARDSON. That motion is not necessary. It has already been ordered on two bills.

The motion of Mr. HEPBURN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House, reported that the committee had had under consideration sundry bills; that they had directed him to report the bill H. R. 951 without amendments and with a favorable recommendation; the bill H. R. 3139 with amendments and with a favorable recommendation, and that they had had under consideration the bill H. R. 4510 and had come to no resolution thereon.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 3139)——

Mr. HEPBURN. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. CANNON. I guess we had better have a division, Mr. Speaker.

The House divided; and there were—ayes 123, noes 25.

Mr. CANNON. I demand tellers, Mr. Speaker.

Tellers were refused, 15 members, not a sufficient number, rising in support of the demand.

Mr. CANNON. By the bye, Mr. Speaker, on mature thought about the matter, it seems to me that it would be quite proper for me to demand the yeas and nays.

The yeas and nays were refused, not a sufficient number rising in support of the demand.

Mr. CANNON. Mr. Speaker——

Mr. HEPBURN. I raise the point of order that debate is not in order.

Mr. CANNON. Well, the gentleman can raise the point of order, and still I suppose——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. CANNON. I think there was not a quorum in the House when we agreed to adjourn over.

Several MEMBERS. Too late.

The SPEAKER. It is too late to make that point.

Mr. CANNON. Well, Mr. Speaker, I think it is 5 o'clock. [Laughter.]

The SPEAKER. The ayes have it, and the House will now take a recess until 8 o'clock. At half past 10, by vote of the House, it will adjourn until Monday at 12 o'clock. The gentleman from Illinois [Mr. HOPKINS] will please perform the duties of the Chair this evening.

## EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with Mr. HOPKINS in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule under which the House is in session this evening.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

### SETH PORTER CHURCH.

Mr. BISHOP. Mr. Speaker, I ask unanimous consent to take from the Calendar of Unfinished Business the bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church. It has passed the Committee of the Whole without objection. I ask unanimous consent for its consideration at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan for the present consideration of the bill?

There was no objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Seth Porter Church, alias Samuel Church, from Battery I, Second United States Artillery, to date August 29, 1848.

The following amendment, reported from the Committee of the Whole, was agreed to:

Insert at the end of the bill the following:

"*Provided*, That the passage of this act shall not entitle such soldier to any pay or allowances prior to the date of such discharge."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the last vote was laid on the table.

### ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of business on the Private Calendar under the special order.

Mr. ERDMAN. Mr. Speaker, a parliamentary inquiry. On what part of the Calendar will the committee begin as soon as the House goes into Committee of the Whole?

Mr. PICKLER. Calendar No. 127, the bill (S. 249) for the relief of Charles E. Jones.

The SPEAKER pro tempore. Senate bill 249 is the first bill to be considered.

The question was taken on the motion of Mr. PICKLER; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. TALBERT. Mr. Speaker, I demand a division, not for the purpose of making the point of no quorum, but just to see how many of us are here to-night.

The House divided, and there were—ayes 58, noes none.

So the motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole on the Private Calendar, Mr. HEPBURN in the chair.

The CHAIRMAN. The Clerk will report the first bill.

### CHARLES E. JONES.

The first business on the Private Calendar was the bill (S. 249) granting a pension to Charles E. Jones.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Jones, late photographer for the Eleventh Pennsylvania Cavalry Volunteers, said pension to be at the rate of $30 per month.

Mr. PICKLER. Mr. Chairman, this bill was discussed and the report read the other evening, and I think we ought to be able to dispose of it without reading the report. I think it is well understood by the committee.

Mr. ERDMAN. Mr. Chairman, I do not think it will hurt to have the report read again.

The CHAIRMAN. Unanimous consent is asked that the report may be read.

Mr. ERDMAN. Mr. Chairman, I ask to have it read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 909) granting a pension of $30 per month to Charles E. Jones, late photographer of the Eleventh Pennsylvania Volunteer Cavalry, for consideration in connection with Senate bill 249, which passed the Senate January 21, 1896, granting a pension of $30 per month to the said Charles E. Jones, having carefully

examined and considered the facts and circumstances in evidence in this case, respectfully attach hereto the report of the Senate Committee on Pensions and adopt it as their report in this case, and adopt Senate bill 249 as a substitute for House bill 909, and earnestly recommend that the same do pass.

[Senate Report No. 21. Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 249) granting a pension to C. E. Jones, have examined the same, and report:

This bill passed the Senate during the Fifty-third Congress.

Claimant was not an enlisted man, and hence not pensionable under the general law. He was employed as a photographer, and in that capacity rendered valuable service to the Union cause. Not only did he faithfully perform his duties as a photographer, but the evidence clearly shows that he performed actual military service, and that while thus engaged he received a gunshot wound which has resulted in almost total blindness.

There seems to be no question as to the incurrence of the disability, the affidavit of Capt. R. B. Ward, herewith appended, being conclusive on that point. Many other affidavits are on file which tend to confirm Captain Ward's statement. Had claimant been an enlisted man there can be no reasonable doubt of his right to pension, and having performed actual military service, and being wounded while thus engaged, the duty of Congress to come to his relief is clear and imperative.

Your committee recommend the passage of the bill.

—

AFFIDAVIT OF CAPT. R. B. WARD.

STATE OF MISSOURI, *County of Jackson, ss:*

In the matter of Charles E. Jones, claimant.

On this 5th day of September, A. D. 1890, personally appeared before me, a notary public in and for said county, duly authorized to administer oaths, Robert B. Ward, age 61 years, a resident of Kansas City, in the county of Jackson and State of Missouri, whose post-office address is Kansas City, Mo., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

"I have known above claimant, Charles E. Jones, since the spring of 1862, when he came to said joined the Eleventh Pennsylvania Cavalry as photographer, I being captain of Company D of said regiment. Said claimant was not an enlisted man, but I know of him being in several engagements under military orders, and in April, 1863, I know of my personal knowledge that the said Charles E. Jones was ordered to take photographic view of Longstreet's fortifications at the siege of Suffolk, in the State of Virginia, and while performing his duty, acting under orders of Gen. John Peck, commanding officer, said claimant, Charles E. Jones, received gunshot wound from Longstreet's sharpshooters in the small of back, across the spine, which affected his eyesight and has caused blindness of both eyes to such an extent that said claimant has to be accompanied with a guide at all times to walk around, rendering him as good as totally blind.

"R. B. WARD."

Subscribed and sworn to before me this 5th day of September, 1890.

[SEAL.] ROBERT S. RODGERS, *Notary Public.*

—

AFFIDAVIT OF W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

In the matter of appeal for pension through special act of Congress by Charles E. Jones, regimental photographer, Eleventh Regiment Pennsylvania Cavalry Volunteers.

On this 29th day of October, A. D. 1894, personally appeared before me, a notary public in and for the said country, duly authorized to administer oaths, W. D. Hoover, aged 60 years, a resident of Paola City, in the county of Miami and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly affirmed, declares in relation to aforesaid case as follows:

"That I have been acquainted with the said Charles E. Jones since 1867, when he first came to Paola, Kans., and that his eyes were diseased then, and that they continued to grow worse until he became totally blind, or nearly so. He can just barely grope his way with the use of his cane. He received a gunshot wound across the small of his back while in the line of duty in the Army during the late war. The ball passed across the back just over the second lumbar vertebra, and has left a scar over one-half an inch across and more than an inch in length. It is a wonder it did not cause paraplegia. His eyes became affected before he recovered from the wound in the back, and I am of the opinion, taking the prostrated condition of his system, especially the nervous system, into consideration, if the wound in the back was not a primary cause of the disease of the eye it certainly was a secondary cause. Said Jones has been a good citizen during his residence here.

"The above is from my personal observation of the case, and is written by myself."

His post-office address is Paola, Kans., and further declares that he has no interest in said case, and is not concerned in its prosecution.

W. D. HOOVER, M. D.

STATE OF KANSAS, *County of Miami, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[L. S.] WARD J. CARPENTER,
*Notary Public.*

(My term expires March 27, 1895.)

Mr. ERDMAN. Mr. Chairman. I thought I was recognized——

Mr. KIRKPATRICK. If the gentleman will allow me just a moment, I desire——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. ERDMAN. Not just yet. There is plenty of time yet.

Mr. KIRKPATRICK. You can make your speech on the next bill. I simply desire to ask——

Mr. ERDMAN. I have not yielded the floor to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is entitled to the floor.

Mr. KIRKPATRICK. I simply desire to make a request that this go over.

Mr. ERDMAN. I thought I recognized this as an old friend of the Fifty-third Congress. I happen to have been a member of the same committee in that Congress. The gentleman from Indiana, Mr. Martin, was its chairman. This bill was considered by the same committee; and I now send up to the desk, for the Clerk to read, the report of that committee of the Fifty-third Congress, so that the House may have the two reports and be able to contrast the views of that Congress with those of this Congress on this bill.

The Clerk read as follows:

The report (by Mr. Martin of Indiana) is as follows:

"The Committee on Invalid Pensions have considered the bill (S. 2351) to pension Charles E. Jones, and submit the following report:

"This bill passed the Senate January 24, 1895, and fixes the rate of pension at $30 per month.

"The petitioner, Charles E. Jones, was not a soldier. He was a civilian, who accompanied the Eleventh Regiment Pennsylvania Cavalry as a photographer. It is shown by the evidence that on one occasion, while taking a photograph of Longstreet's fortifications, under orders of Gen. John Peck, he received a gunshot wound across the small of the back from one of Longstreet's sharpshooters.

"The petitioner has since become almost totally blind, and it is claimed that this is a result of the wound referred to, but it is not shown to the satisfaction of the committee that the present condition is chargeable to said wound.

"The policy of the committee has been well defined in cases of this kind, namely, to report bills to pension civil employees and nonenlisted men only for wounds or injuries received in battle.

"It does not appear that this man was wounded in battle, but the testimony does show that he was acting under orders and received the wound at the hands of the enemy. Your committee therefore favor pensioning him for this gunshot wound and its direct results only, and therefore recommend that the bill do pass after being amended as follows:

"Strike out the words 'of $30 per month,' in line 8, and insert in lieu thereof the words 'proportionate to the degree of disability from gunshot wound of the back and results.'"

Mr. ERDMAN. Mr. Chairman, the policy of this Congress and of this committee is to pension anyone who can get a member to present a bill and demand it, provided it is backed by a few petitions, by a Senatorial request or some other request made upon him. The policy of the Fifty-third Congress, as announced in that report by Mr. Martin, had an entirely different end in view, as shown by what is contained in that report. I now make the same motion that was made by Mr. Martin in the Fifty-third Congress, namely, strike out the words "of thirty dollars per month" and insert the following in line 8: "Proportionate to the degree of disability from gunshot wound of the back and results."

The CHAIRMAN. The Clerk will report the amendment.

Mr. ERDMAN. This amendment I will send up in a minute. This will put him on an equality with other soldiers, with soldiers who have fought, not as an amateur photographer, probably a camp follower, who had a slight wound in the back and who is now sought to be pensioned for blindness, which never in the world resulted from that wound. The policy of the Fifty-third Congress was to establish equality as near as possible. The policy of this Congress seems to be to establish favoritism. I therefore send up the amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, strike out the words "of thirty dollars per month" and insert the following: "Proportionate to the degree of disability from gunshot wound of the back and results."

Mr. PEARSON. Mr. Chairman, I desire to ask the gentleman from Pennsylvania if this amendment should be adopted will he then cease filibustering and vote for the bill?

Mr. ERDMAN. I will say to the gentleman that I have never yet filibustered. [Cries of "Oh!" on the Republican side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. ERDMAN. Mr. Chairman, I have not finished on that subject. I have announced heretofore, as I announce here to-night, that I am in favor of scrutinizing and examining and passing bills with merit; but I am not in favor of demoralizing the whole country with the spectacle that we have been making here with favoritism.

Mr. KIRKPATRICK. Will the gentleman yield for a question?

Mr. ERDMAN. Yes, sir.

Mr. KIRKPATRICK. If this amendment should be adopted, what rate of pension do you understand this soldier would receive?

Mr. ERDMAN. Just the same rate as any other soldier with the same character of wound would receive.

Mr. KIRKPATRICK. Do you understand, if this bill should pass with the amendment you propose, that the soldier would receive anything?

Mr. ERDMAN. If any other soldier in his place would receive anything he would. The fact that he was a photographer, a civilian employee, should not raise him above the honest soldier who served and fought for his country.

Mr. PEARSON. Why, he took the breastworks with his camera!

Mr. KIRKPATRICK. I am speaking of this case. Do you not understand that if this bill should pass with the amendment you propose this man would not receive any pension at all?

Mr. ERDMAN. I think he would if he has a ratable disability, and if he does not have a ratable disability from that wound he is not entitled to it, no more than any other civilian employee is entitled to it.

Now, I am in favor of examining and acting in a judicial way

upon such bills and of passing those that have merit, but I am in favor also of exhibiting sufficient manhood to say to our constituents and to the country when bills are bad that they are bad, without being troubled by the opinions of the few people who may take offense.

Mr. BLUE. Mr. Chairman, I trust that this amendment will be voted down. It would simply send this soldier into the Pension Bureau for such magnanimous and generous treatment as he might expect there under existing circumstances, with no general law behind him. This bill passed both branches of Congress once and failed of signature only because the President had not time to sign it. It has passed the Senate and now awaits only the action of the House, and I trust the amendment will be voted down. [Cries of "Vote!" "Vote!"]

Mr. CONNOLLY. Mr. Chairman, I have sat here every Friday night since the beginning of this Congress and never raised one word of objection to the many, to me, objectionable bills that have been presented here and have passed this committee. Now, I think it is time—for I owe it to myself, and I owe it to the thousands of soldiers all over this country who are without pensions and suffering from the need of them—I think it is time to call a halt and see what we are doing, when, with the hundreds of soldiers' bills that are pending before this Congress, we are relegating them to the rear and bringing the photographers forward first and undertaking to provide pensions for them. I say, sir, that this is an insult to the thousands of soldiers in this country who are still unprovided with pensions and are to-day suffering for the necessaries of life because of disabilities incurred by them in their service to the country.

The beneficiary of this bill has been spoken of here as a civilian employee. He was no such thing. There were no such civilian employees as photographers; at least there were none in the army in which I served in the West. If Pennsylvania and the troops of the East were furnished with photographers to their regiments, it is something that we in the West never knew of. I often heard of the soft bread and the paper collars of the Army of the Potomac, but I never heard of their having photographers until this bill was presented to this House. [Laughter.] Let me add that when some of the Army of the Potomac, a corps or two, came West and joined hands with the men of the West, and when we saw them charge up the face of Lookout Mountain under old Joe Hooker, we never after that laughed at the paper collars and the soft bread of the Army of the Potomac. [Applause.] We struck hands with them as worthy comrades; but they brought no photographers with them. [Laughter.]

Now, sir, I say that this bill is not a fair appeal to those of us who were in the Army. It comes here under the guise of pensioning a civilian employee in the Army, and I can not understand what it is that influences the Committee on Invalid Pensions of this House to hold back and keep in the rear the bills for the pensioning of actual, sure-enough soldiers—men who carried sword and musket.

Mr. PICKLER. Mr. Chairman, I demand that the gentleman's words be taken down.

Mr. CONNOLLY. All right. Take them down.

Mr. MILES. Mr. Chairman, I protest.

Mr. CONNOLLY. This may be treason to the administration of the Invalid Pensions Committee, but if it is it is time that somebody on our side became a traitor. [Applause.]

Mr. PICKLER. I withdraw the demand, Mr. Chairman.

The CHAIRMAN. The demand is withdrawn, and the gentleman from Illinois will proceed.

Mr. CONNOLLY. Mr. Chairman, I say I can not understand what it is that actuates this Committee on Invalid Pensions to neglect the bills that are pending before them for sure-enough soldiers, men who carried sword and musket and stood in the forefront for years, but who can not bring themselves now within the strict letter of the law so as to obtain pensions under the general law.

Their bills are before the committee. They have been sleeping here the whole winter through, and in advance of them these other bills are pushed to the front, apparently with the desire on the part of each member to do something if he can for himself in his own district. That, I submit, is not the spirit that should control us here. We should grant these pensions under special laws, if we grant them at all, in cases where men are manifestly entitled to pensions but can not squarely bring themselves within the general law so as to enable the Pension Office to decide in their favor. As to that class of bills, bills giving pensions to soldiers and to their widows, the sentiment that has inspired the enactment of special laws of that kind has been approved for twenty-five years by the people of this country. We are justified in passing them; but are we justified in letting such claims sleep and bringing to the front bills for teamsters, photographers, camp followers of every grade and kind, and giving them pensions while the soldiers who are really entitled to pensions are one by one dropping into their graves, dying in poorhouses or living upon the crumbs of charity?

I maintain that it is time for some of us to speak out and call a halt in this thing. We have sleeping on the files of this House, and have had for months, a bill to amend the general pension law in such a way as to provide that thousands of these cases that now have to be passed upon by the House may be adjudicated in the Pension Office—the general bill prepared by the Committee on Invalid Pensions, providing modes of proof that will be more just than the rules laid down by the Pension Office. But, sir, we are so busy making Presidents—this Congress is filled up with so many candidates for the Presidency and so many Senatorial candidates—that we have no time to take up or allqw to be taken up and enacted into a law this general bill for the benefit of those who are entitled to pensions.

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. CONNOLLY. Certainly.

Mr. ANDREWS. Will the gentleman kindly put those remarks into a formal statement and submit them to the Committee on Rules, so that this Invalid Pensions Committee may secure consideration of that general bill for which we have petitioned earnestly?

Mr. CONNOLLY. I would be very glad to see any member of that Committee on Rules ever attend these Friday night sessions. [Applause.] We are left here; and of all the gentlemen who have been selected as the engineers of this House—the gentlemen into whose hands the machinery of this House and its leading committees has been put—not one of them ever deigns to show his face here at a Friday night session for the benefit of the old soldier. [Applause.]

When the various candidates for the Presidency are seeking the support of the old soldier they can coddle him and embrace him, but here in this House, when the old soldier and his widow come, feeble and tottering with wounds or age, there is no time to give them a hearing. And it is hard work in this House, with its two hundred or more Republican members, to get Republicans and Democrats enough together at a Friday night session to make 100.

Mr. PICKLER. The trouble is that there is so much speaking it takes up our time.

Mr. CONNOLLY. My dear sir, this is the first time I have troubled you or your committee with any remarks of mine. I have sat here and kept my mouth shut, and permitted you to run as you chose without a protest from this side of the House, and whenever a protest came from the other side I found somebody ready to fling the taunt that it came from a Confederate.

Mr. PICKLER. That is right.

Mr. CONNOLLY. Here is one, sir, that was not a Confederate—one who respects his comrades, one who loves the old soldier and believes that he is entitled to better treatment than he is receiving at the hands of this House in this Congress. We are running wildly——

Mr. GROSVENOR. I think we are not running at all. [Laughter.]

Mr. CONNOLLY. Well, that is true, sir. But, in so far as we can, we are shoving to the front the camp followers and providing pensions for them; but how are the really meritorious cases treated? Look at your files and look at the files of the committee and observe the hundreds of bills that are not touched, that sleep the sleep that knows no waking. Look at that bill providing for a general amendment of the pension laws that will open the doors of the Pension Office to the adjudication of thousands of cases against which the doors are now closed.

Why does that bill sleep? Why is no earnest step taken to have it passed? I will not say that it is because the chairman of the Committee on Invalid Pensions does not desire it; for I know from what I see of him that in his heart he does desire it. But there is a power somewhere in this House that is blocking this thing—holding it back; and I insist that with the numbers we have we break the chains that are binding us on this side of the House and bring up that general bill [applause] that shall open the door of the Pension Office, as the generous people of this great country intend that it shall be opened, to a fair adjudication of all the claims of the old soldiers and their widows that are still unadjudicated, and not force them to come here as beggars bowing down before their respective members of Congress, pledging their votes and support if a special bill can be got through Congress for their relief. Great God! has it come to this—that the men who bore the heat and burden of the day for three or four long years—the men to whom everything was pledged in the days of our nation's trial—shall now come crawling on their knees, suppliants to members of Congress, begging that a bill may be introduced to give them the pittance that the great hearts of the people of this country intend and always intended they shall have?

I insist that in disposing of this Private Calendar we should lay aside all bills proposing to pension camp followers and take up the bills that pension the men who carried the musket, the men who carried the sword, and the bills to pension their widows, who are suffering to-day for want of the necessaries of life. When all those bills have been acted on and no more of that class remain, then take up, if you choose, the cases of the sutlers ,the

photographers, and all the other camp followers, and if you can get anything for them get it. But do not bring them here under the guise of soldiers and force the soldiers to stand back until the camp followers have been provided for.

I hope, Mr. Chairman, in this individual case, if this bill is to pass, instead of sitting here and saying that we will vote this man a pension of $30 a month, let us say that we are willing to put him on the roll precisely the same as a private soldier—an enlisted man—would be if he had been shot in the back. If he had been enlisted and forced to take the chances that the other soldiers had to take, and to apply for his pension under the general law, proving the degree of his disability resulting from that shot wound in the back, on the evidence that he presented the pension would be given to him under the general law—just such pension as he would be entitled to. Now, I say there would be some fairness in that.

Mr. MILES. Will the gentleman allow an interruption?

Mr. CONNOLLY. Certainly.

Mr. MILES. I believe the gentleman is trying to approach this question with a judicial spirit and fairness——

Mr. CONNOLLY. That is entirely immaterial. If the gentleman desires to ask a question——

Mr. MILES (continuing). And I have very much respect for the gentleman as a lawyer.

Mr. CONNOLLY. Never mind the respect. What is the question?

Mr. MILES. Very well. I wanted respectfully to ask if you do not believe that the amendment of my friend from Pennsylvania, Judge ERDMAN, which has been offered to this bill, will have the effect you refer to of putting this soldier upon an equality with those who were enlisted?

Mr. CONNOLLY. My dear sir, I was just about speaking of that when you asked the question. I was about to say that if this man had been a private soldier instead of a mere camp follower, that if he had been an enlisted man and forced to stay there as this man was not forced to stay there; if he had been a man who was obliged to stay in the ranks and take his chances there, and had been compelled to remain with his command in the service, and had received the same kind of a wound—a shot in the back—as this man is claimed to have received, when he got home he would have got a pension under the general law if he had applied for a pension. He would make his proof as to where, how, and when he received the wound; the Pension Office would examine him, evidence would be submitted in support of his claim, and after all the evidence had been carefully considered by the Pension Office, if he had been found entitled to a pension at all he would have received just that pension which the general law allows for such cases. We allow him a pension of so many dollars a month. We allow all men who served in the Army as enlisted men and who were wounded in the same way the same amount of a pension that would be received by him.

But in this case you undertake to increase it by a special act. Now, he would get a certain pension if he were an enlisted man, a man who was forced to take his chances in the Army, who could not leave and go away whenever he wanted to, who could not escape the duty imposed upon him, but must remain and face all of the consequences that confronted him as a soldier. But here is a proposition that a camp follower, a man who could leave when he wanted to, a man who was not an enlisted man, who was not strictly a soldier in any sense of the word, who gets shot in the back, may come to Congress (he does not go to the Pension Office, for he can not, he is not entitled to any pension there), but he comes to Congress and says, "I want a pension; I was wounded in the back; I am nearly blind now from the effects of it. I do not want to take my chances in the Pension Office like a common, enlisted soldier, for I was not that, but I want you gentlemen in Congress, I want my member in Congress, to whom I will give my support and the support of all my friends if he succeeds in getting me a pension, I want him to get Congress to say absolutely that I shall have $30 a month no matter what disability occurred to me by reason of the gunshot wound."

Mr. LACEY. Will the gentleman allow me a suggestion just there?

Mr. CONNOLLY. Certainly.

Mr. LACEY. We put that amendment into the act that passed the Senate, to which reference has been made heretofore.

Mr. CONNOLLY. I understand that.

Now, see the attitude here of gentlemen with reference to this bill. They do not want the camp follower to go down into the crowd of common soldiers and take his chances for a pension the same as if he had been an enlisted man. He did not take his chances with them in the field, and that is exactly what Mr. Jones did not want to do during the war. He did not want to take his chances with the enlisted men, because there was danger there. He does not want to take his chances with them now. He comes to us and asks us to make a special exception.

Let him, Mr. Chairman, if this thing is to be done, if you think he is a "sure enough" soldier and entitled to a pension just the same as the men who went to the front and took all the risks and hardships of the soldier's life, be served as you would serve the enlisted man, namely, put him on the pension roll as an enlisted man and at the same rate. Give him the right to obtain just such a pension as the private soldier would receive and as the general laws entitle him to receive. Is not that fair? Could these gentlemen from Kansas ask any more than that? Lord! what makes this man better than any private soldier or enlisted man in the Eleventh Pennsylvania? That is all these men could get. Why not adopt the amendment and let him have exactly the measure that he would have received had he been an enlisted man? [Applause.]

Mr. PICKLER. Mr. Chairman, I want to say a word in reference to the last remarks of the gentleman from Illinois. Evidently the gentleman from Illinois is not advised as to facts in this case. He shows that by his remarks.

Now, he asks, what are we putting a camp follower on the pension roll for? I deny it. The Committee on Invalid Pensions, from the showing that we have here before the committee, find that this man is totally and wholly incapacitated from performing any manual labor.

Now, any private soldier who was so incapacitated would be entitled to receive $30 a month. This man was wounded in the service, and we have placed him at $30 a month. Now, what does all this talk of the gentleman from Illinois amount to? We have given the very thing he says he wants, and the very thing he says ought to be done. He says, "Place this man on the same plane with the private soldier"; and there is where we have placed him exactly.

Now, the gentleman talks about camp followers, and says he has not taken up the time of the committee before, that he has sat here night after night and listened. Mr. Chairman, if one-half the members on this side of the House should make half-hour speeches condemning the pension legislation of this House, condemning the administration of this House, condemning the leaders of the House, condemning the Committee on Rules and everybody else—I say if one-half the members on this side wanted to consume half an hour each we should never touch a pension case. I confess it with regret—and I never criticise a gentleman's motives—we might just as well look this thing squarely in the face. I regret to say that the pension legislation during this session has been held back, it seems to me, by too much debate. That is the truth about it. It is because of speeches like that with which the gentleman from Illinois has arraigned the committee, which have been made criticising the Pension Committee—it is from that cause that the delay has come.

Now, the gentleman is very conscientious about this bill. Why, the last Democratic House and the last Democratic Committee on Invalid Pensions reported this same bill; and yet the gentleman from Illinois is so extraordinarily conscientious and has much to say for the old soldier and the widow; and probably, as we have found out in the committee, as the evidence comes to us, probably while the gentleman has been talking, two or three of them have died and lost their pensions by the gentleman's consuming time here in this committee.

Mr. LACEY (to Mr. PICKLER). You and I examined this case very carefully in the last Congress.

Mr. PICKLER. Yes.

Mr. LACEY. And you and I arrived at the conclusion——

Mr. GROSVENOR. Mr. Chairman, I rise to a point of order. The gentleman from Iowa is too well schooled in what is proper on this floor to carry on a colloquy in the first and second person between himself and other gentlemen. Let us have this out now in a parliamentary way.

The CHAIRMAN. The point of order is well taken.

Mr. LACEY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Iowa?

Mr. PICKLER. Yes.

Mr. LEWIS. Mr. Chairman, I want to know whether these Friday night meetings are held for the purpose of invalid pension business or for the purpose of turning this House into a schoolhouse debating society? [Applause.]

Mr. LACEY. After having carefully examined all the testimony in that case, did you not believe that justice would be arrived at——

Mr. KEM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. KEM. I rise to a question of order. We can not hear a word that the gentleman is saying.

The CHAIRMAN. The point of order is well taken.

Mr. LACEY. I will address myself to the Chair, and I know if the Chair can hear me the gentleman from Nebraska can. I ask whether or not, after carefully examining the testimony, the gentleman from South Dakota [Mr. PICKLER] does not believe entire justice will be done this soldier by simply authorizing this man

to be pensioned for this wound, and not take up the time in discussing the question as to whether the rate ought to be increased, or in attempting to fix the rate in the House? The House seems to be united substantially upon this question, that we can not rate him for his injury.

Mr. PICKLER. Mr. Chairman, this committee is just as competent to fix the rate that man gets by law when he is totally incapacitated at $30 a month as to send it over to the Pension Office, to be delayed there for probably another six months, and possibly never allowed. Now, one word in regard to what the gentleman from Illinois [Mr. CONNOLLY] says—why can not the Committee on Invalid Pensions go to some of these old soldiers' and widows' bills, and not waste our time in arraigning camp followers. I characterize that as a baseless slander upon the Committee on Invalid Pensions. I do not know whether the gentleman from Illinois knowingly makes it; but it is just as false as if he did know it.

Of the pension bills we have passed this Congress so far there has only been one other case like this. That was the case of a teamster who was wounded, and who is dragging himself around the streets on one leg and a crutch. That is the only other case. These are the only two men whose cases have been reported and passed upon in this House from the committee of this character. Why should the gentleman get up here and heap charges up of that kind, and try to bring the Committee on Invalid Pensions into disrepute? He asserts that which is not the fact in any regard; it is not fair to us; and it comes with ill grace from the gentleman. Does he take the position that a man who presents a bill granting a pension has not a right to be heard on the case? Does he take the position when the bill was presented by the member—I do not remember who introduced it—that that man had not the right to have his bill considered, have it reported to this House, and have it passed upon by it?

The committee passed upon it and bring it in here. It is our duty to bring it here. If you do not think it right, vote against it. You talk about soldiers in your district and the great injustice being done. I never have yet heard, and I come pretty near knowing as many soldiers as most men around here, but I have never yet heard of any soldier complaining of the pitiable pension paid to any man who was shot in the service of the United States. [Applause.] The gentleman from Illinois [Mr. CONNOLLY] is the first man, I believe, that was ever heard to complain. He misstates the facts in this case. Further, this man, as the report shows, was taking these photographs by order of General Peck, commanding. He was ordered to go and take them. I do not know what for, but he was under military orders, and he had to take them.

Mr. PEARSON. Did he take any prisoners along with the breastworks?

Mr. PICKLER. Now, the gentleman can answer that himself. He was wounded while under orders of the general commanding, and that is sufficient for the Committee on Invalid Pensions; he should not be derided by gentlemen if they vote against him. The gentleman from Illinois, Mr. Chairman, criticises this committee for bringing in such a bill as this, when it has always been the custom, in every Congress, if a civilian was wounded in the service that he should receive a pension if it resulted in a disability. Why does he arraign us? Why does he find it necessary to attack the position of the Committee on Invalid Pensions, when we are doing no more than has been done by Democratic Committees on Invalid Pensions for all the years past. It is unfair; it is not right. You are putting a false construction before the country. You are trying to slander the committee of which I have the honor to be the chairman, and I again say it is not fair and not right.

In conclusion, as I said at the start, I regret that pensions are delayed at this session. The gentleman criticises the Committee on Invalid Pensions for following the precedents that have been followed for years. We have been criticised for that, and they have not produced a single instance where we have not followed the precedents of Congress after Congress in what we have done. I say that I regret the course the other side have taken in delaying us this session in this House and criticising the Pension Committee. They are delaying pension legislation; but to have Republicans get up here and attack the Committee on Invalid Pensions and delay the consideration of bills by making speeches is not right nor in the interest of the soldiers and their widows whom the Committee on Invalid Pensions are laboriously and faithfully seeking to pension.

Now, in conclusion, I desire to say that I allow to every gentleman the right to talk when he thinks he ought to. But, Mr. Chairman, this side of the House will be held responsible for the pension legislation of this session, and if we are to take up our time, as has been done on this side, criticising the committee and criticising its cases at the evening sessions when there is no ground for criticism, this House will be held responsible for not passing pension legislation. And it ought to be so held.

The fault is not with the Committee on Invalid Pensions that bills are not passed more rapidly, but with this House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. TALBERT. Mr. Chairman, as I had occasion last Friday night to say something upon this bill, I desire to say, as I was endeavoring to say when we adjourned on that evening, that I shall vote against this bill because it is a bill that has no merit in it. It is undeserving, and one of the points that I was going to make against it was the insufficiency of the evidence.

There is not a scintilla of evidence to show that this photographer was ever ordered to photograph Longstreet's works. There is not an order which can be found showing that any general ever ordered him to go upon the field to do any service. There is not a single bit of evidence to show that he was ever an enlisted man. There is not a bit of evidence to show that that little scratch in the back that he received while he was running away is the cause of the blindness he is suffering from. There is not a single bit of evidence so show anything about it, even to show that there is such a man.

Mr. GROSVENOR. Mr. Chairman, if we are not to pass this bill I at least hope that the man himself will not suffer by being slandered on the floor of this House. The finding of fact is that he was not running when he was shot. He was not shot in that way. The statement is that the ball passed across his back while he was engaged in doing his work. Now, why assert that the man was running when he was shot? Is there any evidence of it?

Mr. TALBERT. Not at all; but I would like to ask the gentleman how you can shoot a man in the back before his face. [Laughter.] He certainly must have been getting away. I admit that it is only a presumption, but it is based on circumstantial evidence.

Mr. GROSVENOR. Did the gentleman from South Carolina ever retreat during the war?

Mr. TALBERT. I sometimes got to the rear [laughter], and I expect the gentleman has done it, too. I did not call it retreating, though. I just got tired fighting and wanted to go back to rest a while, and when I got rested I always came on again. [Laughter.] However, I do not care to enter into any levity with regard to this matter.

Mr. GROSVENOR. There is no levity about it. The gentleman says he sometimes went to the rear. A man has a right at times to leave a battlefield, and he generally has his back to the field when he is going away from it. [Laughter.]

Mr. TALBERT. Just as this man was doing, I suppose. But, Mr. Chairman, I am willing to admit that this photographer had a brave heart, only, like a good many other soldiers, he had a pair of cowardly legs that took him out of the way, and so he was shot in the back. [Laughter.] Furthermore, there is no evidence to show that his blindness was the result of that wound.

Mr. CURTIS of New York. Mr. Chairman, I would like to say a few words on this bill.

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. TALBERT. I always yield to my friend from New York.

Mr. CURTIS of New York. Mr. Chairman, the Eleventh Pennsylvania Cavalry was at Suffolk during the time that General Longstreet was gathering provisions in the Blackwater section in the spring of 1863. I was there at the time and I know something about the situation. I knew General Peck—a man in ill health, who was unable to ride a horse; so that when he went out he went in a carriage. I knew the Eleventh Pennsylvania Cavalry, and I knew something of what has been termed here the works of General Longstreet. Longstreet's force was generally moving, gathering provisions and carrying them away. There was no engagement there except skirmishes between Longstreet's force and detachments that were sent out to defeat his purpose. I have not the slightest doubt, from the testimony in this case, that this man was there with the Eleventh Pennsylvania Cavalry as stated, and that he did go out at the request of General Peck to take a picture of what may be termed General Longstreet's works, although they must have been very meager works, because his troops were moving most of the time, and while this man was taking pictures he undoubtedly got wounded.

Mr. TALBERT. While he was taking a picture?

Mr. CURTIS of New York. Yes.

Mr. TALBERT. Then he could not have been taking Longstreet's picture. There is a conflict of testimony right there. He must have been looking the other way. [Laughter.]

Mr. CURTIS of New York. If my friend from South Carolina will permit me——

Mr. TALBERT. I believe I have the floor, but now the gentleman from New York seems to have taken it away from me. The gentleman asked me to yield for a question.

Mr. CURTIS of New York. No; for a statement.

Mr. TALBERT. Then I misunderstood the gentleman.

Mr. CURTIS of New York. Well, will the gentleman permit me to conclude my statement?

Mr. TALBERT. Go ahead, though I think you are injuring your cause. [Laughter.]

Mr. CURTIS of New York. In doing that work a man might well have got in a position in which he could be shot across the back. I was about to say, however, Mr. Chairman, that I think this House will acquit itself to the satisfaction of everybody, except perhaps those who have special views as to the rate, by accepting the suggestion to put this man on the pensionable list and let the rate be determined at the Pension Office. If he was wounded as stated he will receive a pension such as would be given to a soldier who incurred a like disability in the service. I think that is quite enough. He will get $30 a month if totally disabled; if he requires an assistant a portion of the time he will get $50 a month, and if he can show total disability, requiring constant assistance, he will get $72 a month. I believe if he is given a pensionable status at the Pension Office the case can be adjudicated there in less time than it will take to get this through the Senate.

Mr. PICKLER. It has gone through the Senate. This is a Senate bill. Now, Mr. Chairman, we passed a bill exactly like this for the gentleman from Iowa [Mr. LACEY] in the Fifty-third Congress, but the Commissioner of Pensions refused to issue a certificate and the gentleman from Iowa has had to come into this Congress and introduce another bill.

Mr. LACEY. It was not a case exactly like this. That is the point.

Mr. CURTIS of New York. I think the plan I have suggested would be exceedingly fair to this man. It would place him upon the same status before the Pension Office as any soldier of the Eleventh Pennsylvania Cavalry. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. Mr. Chairman, I think that if that disposition is made of the bill——

Mr. AVERY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. AVERY. I rise in my own right.

The CHAIRMAN. The gentleman from South Carolina [Mr. TALBERT] has the floor.

Mr. TALBERT. Mr. Chairman, I only want to say that if the gentleman from New York will offer such an amendment as he suggests, providing that this man be put on the pension roll, the rating being left to the Pension Bureau, or if there is such an amendment pending, that will dispose of this case and we can go on with other business.

Mr. AVERY. Mr. Chairman, I do not very often trouble this committee, and I want to say just one word on this bill. The disability alleged in this bill is blindness. The wound received by this photographer was a wound in the back, and there is no evidence before this committee, at least none that I have seen, to show that that wound in the back has produced any other disability than this disease of the eyes. He is able to walk about the streets——

Mr. PICKLER. With some one to lead him.

Mr. AVERY. But there is no paralysis; there is no disease of any of his limbs; yet his blindness is attributed to the wound that he received in the back. I say, sir, that no surgeon of the Pension Office, no intelligent surgeon anywhere in this country or any other, will certify that this man's disease of the eyes is the result of that wound in the back. That is the fatal defect in this bill, which, in my judgment, should not have come before this committee. [Cries of "Vote!" "Vote!"]

The question having been put on the amendment of Mr. ERDMAN,

The CHAIRMAN. The ayes seem to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 60, noes 49.

So the amendment was agreed to.

The bill as amended was then laid aside to be reported to the House with a favorable recommendation.

JONATHAN SCOTT.

The next business on the Private Calendar was the bill (H. R. 4526) granting a pension to Jonathan Scott.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Jonathan Scott, submit the following report:

The beneficiary, Jonathan Scott, was a member of Company M, Sixth Regiment Iowa Cavalry, and served for three years, receiving an honorable discharge from the service. He was subsequently pensioned for disease to his eyes contracted in the service, and his pension increased from time to time as the disease progressed, until he lost the sight of his eyes entirely, when the pension was increased to $72 per month. He was drawing this rate of pension up until about November or December, 1895, when he was entirely dropped from the roll, for the alleged reason that his eyes were diseased at the time he entered the service. The testimony filed in the Pension Office is very voluminous, but there can be no question but the great preponderance of the testimony shows that the soldier's eyes when he entered the service were sound and free from disease, and that the injury thereto was occasioned while in the service and in the line of duty.

This case was placed in the hands of a special examiner, who secured the testimony of two or three witnesses at the former residence of the soldier in Missouri, hostile to him, who testified that the soldier's eyes were weak when he entered the service. But in opposition to this is the sworn testimony of many neighbors, who have known the soldier prior to his enlistment for months and who were intimately acquainted with him from his childhood, who state emphatically and positively that his sight was not defective in the least, and that if he had been afflicted with weak eyes they would have known it. Notwithstanding this great preponderance of the evidence in the soldier's favor he was dropped from the roll and is now receiving no pension whatever.

Your committee believe that no unbiased man, on examining this mass of testimony, could reach any conclusion except that this claimant has been unjustly deprived of his pension. The committee therefore report the bill back to the House with the recommendation that it do pass.

Mr. ERDMAN. Mr. Chairman, I should be glad if the gentleman who has this bill in charge would lay before us the same evidence which he must have laid before the gentleman who made this report, but which, according to my recollection, was not laid before the committee. We ought to have some such statement in order that we may be able to judge of the remarkable condition of facts alleged here. If we act merely upon this report, we are asked to determine, without a scrap of evidence, without the citation of what any witness has sworn to, that the Pension Bureau did wrong in dropping a man who was receiving $72 a month. If the gentleman who has the measure in charge, either the gentleman who introduced the bill or the one who prepared this report, will give us some of the evidence upon which the report is based, we shall be able to act upon it more intelligently.

Mr. NORTHWAY. This report shows, does it not, that a former Pension Bureau awarded to this man a pension of $72 a month?

Mr. ERDMAN. The pension awarded him was gradually increased up to $72 a month, the full limit.

Mr. NORTHWAY. Precisely so. Now, is not that pretty strong evidence that the man was entitled to something?

Mr. ERDMAN. But is it not a fact that it was found by this Bureau that the man had this disease before he went into the service?

Mr. NORTHWAY. That was found by some bureau.

Mr. ERDMAN. By the same Bureau that had granted him the $72 a month.

Mr. NORTHWAY. Not the same Commissioner?

Mr. ERDMAN. Well, the same Bureau.

Mr. NORTHWAY. That is another thing.

Mr. ERDMAN. No, sir; it is the same thing.

Mr. NORTHWAY. It was not the same Commissioner.

Mr. ERDMAN. Not the same Commissioner, but the same thing. I refuse to recognize politics in this matter.

Mr. NORTHWAY. It is not the same thing when it is the action of a different Commissioner.

Mr. ERDMAN. Certainly it is.

Mr. NORTHWAY. Oh, no; when one judge of the court of common pleas overrules another judge without any evidence, it is not the same court by any means.

Mr. ERDMAN. Yes; it is the same court.

Mr. KIRKPATRICK. Will the gentleman from Pennsylvania yield to me?

Mr. ERDMAN. Yes, sir.

Mr. KIRKPATRICK. I shall take pleasure in giving the gentleman some information on this subject. If he had desired when this case was presented to the Committee on Invalid Pensions to examine the testimony before the committee from the Pension Office, embraced in 50 or perhaps 100 affidavits, he would have had no difficulty in ascertaining the facts connected with this case. I suppose that the Committee on Invalid Pensions, when it has examined the evidence in a case and reached its conclusions, is not required to bring before the House all the evidence upon which it bases its findings. If that were required, you might as well abolish the committee at once and save time. Now, the facts in this case are stated in the report of the committee and abundantly established by the testimony on file in the Pension Office; and the gentleman can have access to it at any time.

The gentleman from Pennsylvania said a few minutes ago that he wanted an opportunity to vote for the case of a real soldier. I have here the case of a man who enlisted almost before the sound of the first gun had died away, and who continued in the service until 1865—who served all through the war—who never shirked his duty. He received three honorable discharges, which I have now on my desk. He is to-day groping his way around, absolutely blind. That country which he offered his life to save is to him black as Egyptian night. He was placed upon the pension rolls at $72 a month. His loss of sight was progressive, and as it advanced from stage to stage his pension increased until it reached $72 a month. When the present Commissioner of Pensions assumed control, and when numbers of pensions were overhauled,

it was discovered that poor Jonathan Scott was receiving $72 a month. One of these special inspectors was placed upon his trail. This inspector went down to Missouri, the former residence of Jonathan Scott, where he had enlisted, and he found there three individuals who were willing to testify—not in their own language, as required by the rules of the Pension Office—that this man's eyes were weak when he entered the service of his country. Upon these three affidavits that special examiner reported against him and they dropped this claimant from the rolls, notwithstanding the fact that there were at least 40 affidavits of credible witnesses swearing to the contrary.

Mr. BRUMM. I would like to ask my colleague from Pennsylvania [Mr. ERDMAN] a question.

The CHAIRMAN. The gentleman from Kansas still has the floor.

Mr. BRUMM. I beg pardon. I thought the gentleman had yielded.

Mr. KIRKPATRICK. I hold in my hand a statement, Mr. Chairman, signed by men who have seen service, 200 of them, who were well acquainted with Jonathan Scott, and who know the existing conditions, who come before this House and beg the House most respectfully to restore the pension that was taken from him without authority of law.

I am here, sir, to say that I have examined carefully the evidence in the Pension Office in the hands of the Commissioner of Pensions, and I say now, without fear of successful contradiction, that there is not a man on this floor who will examine the testimony in that case and who will not admit that a great wrong and an injustice has been done to this man. No man can reach a different conclusion, 40 inspectors to the contrary notwithstanding.

Go to the office, read the testimony, examine all the papers in connection with this case, and I venture to assert that there is no one here who will not agree with me that a man who gave four years and a half of the best period of his life to the defense of his country, who has been wrongfully deprived of his pension after it had been granted, and who is groping his way in darkness—for to him there are no flowers and no bright light of the day—I say that there is no man who will not agree that his pension should be restored, and that a wrong, a grievous wrong, has been done him. If you only had the time to read the testimony in this case there is not a man here who would not vote to restore the pension to this soldier, who is now 72 years of age, blind, and helpless.

Mr. Chairman, I ask that the pension be restored. [Applause.]

Mr. NORTHWAY. If the gentleman will allow me, ought not we to say that when the Government mustered that man into the service they accepted him on the ground that his sight was good, and should we now plead as a defense against the just claim that is set up for him that his eyesight was not good? [Applause.]

Mr. BRUMM. That is the point I wanted to make to my colleague from Pennsylvania.

Mr. KIRKPATRICK. That is precisely what we say and what the patriotic people of this country say, and what the Committee on Invalid Pensions have said. That is what they propose to say by a general bill if they can ever get the action upon it. [Applause.]

Mr. BRUMM. Mr. Chairman, my friend from Ohio in his inquiry well-nigh covered the point that I desired to raise with my colleague. I wish to ask whether the prima facies are not in favor of this soldier from the fact that he was accepted and mustered into the service? Besides, if his eyes were good enough to enable him to perform five years of hard service for the people of the United States in the cause of the Union, is it not right that he should receive the pension that the law allows him, and should the Commissioner of Pensions have been permitted to deprive him of it? I say no. Besides, it is a violation of the rule established that when a soldier had enlisted we have no right to go back of that fact in order to ascertain whether he was fit to be enlisted at the time, unless, of course, there was fraud in the case. The presumption is all in favor of the soldier.

Mr. ERDMAN. Mr. Chairman, I have listened to a brief and fervent flow of eloquence, but have not been enlightened with reference to this case, nor do I think that anybody else has been.

You are going to put a man on the rolls at $72 a month without any evidence before you whatever. You are going to say that when a man is blind, whether he had the seed of the disease in him when he entered the service or not, he shall be the recipient of charity at your hands, provided he can find a member on this floor who will rise and offer a bill in his behalf and have it referred to the Pensions Committee.

Mr. McCALL of Tennessee. Is not the gentleman from Pennsylvania a member of the committee?

Mr. ERDMAN. I am.

Mr. McCALL of Tennessee. As a member of the committee, did you take the precaution to look at the evidence before this bill was called to the attention of the House?

Mr. ERDMAN. Does the gentleman want me to disclose all that occurred in the committee?

Mr. McCALL of Tennessee. No, sir, not that; but you can answer that question without disclosing what occurred in the committee.

Mr. PEARSON. I hope the gentleman will answer the question.

Mr. ERDMAN. If I do I will have a long story to tell.

Mr. BARHAM. Well, do not answer it, then. [Laughter.]

Mr. ERDMAN. Whether it is right, fair, and just to the people of this country to do what you are about to do here is the only question that concerns us now.

Mr. NORTHWAY. Will the gentleman permit me?

Mr. ERDMAN. Certainly.

Mr. NORTHWAY. It appears that this man was discharged three times from the service, so he must have been enlisted three times. Now, the Government having enlisted him three times, and having accepted his service for four and a half years without complaint, do you not think it a piece of cowardice and a very mean act to undertake at this late hour to set up the claim that his eyesight was defective when he was enlisted? Do you not think it cowardly and disgraceful to go back of this fact, which the evidence discloses in the case, and undertake to set up a different state of things from what must have existed at that time in view of the fact that he was enlisted?

Mr. ERDMAN. If the proof is clear, as in my judgment it must have been, that his eyes were diseased before he went into the service, unless we change the law for the benefit of every soldier you wrong all the rest, you wrong yourself, and you wrong the country by this action.

Mr. NORTHWAY. Well, we will try it anyhow. We will stand the wrong. [Cries of "Vote!" "Vote!"]

The question being taken on the motion that the bill be laid aside with favorable recommendation, it was agreed to.

SOPHIA J. HAMILTON.

The next business on the Private Calendar was the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sophia J. Hamilton, widow of the late Charles S. Hamilton, major-general of volunteers, and pay her a pension of $50 per month.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers, after carefully considering the same, respectfully report:

Maj. Gen. Charles S. Hamilton served with great distinction in the war with Mexico and in the war of the rebellion. His military services, compiled from the records of the Adjutant-General's Office, are as follows:

He graduated at the United States Military Academy in 1843. He joined the Fifth Infantry in July, 1846, and served with it in Mexico in the war with that country, and was severely wounded in the battle of Moline del Rey September 8, 1847. Sick in the City of Mexico from wounds to November, 1847; on duty with his regiment in Mexico to the close of the war.

Besides the battle of Moline del Rey, he participated in the battle of Monterey, siege of Vera Cruz, capture of San Antonio, and battle of Churubusco.

Capt. William Chapman, Fifth Infantry, commanding regiment, says:

"Lieut. C. S. Hamilton, commanding Company I, was severely wounded early in the action while urging his company on, but he raised himself up with assistance and continued cheering and encouraging his men until they were beyond the reach of his voice."

His civil-war record is as follows: He entered the volunteer service as colonel Third Wisconsin Infantry May 11, 1861, and commanded the regiment in Maryland to August 31, 1861. He was appointed brigadier-general of volunteers to rank from May 17, 1861, and major-general September 19, 1862.

He commanded a brigade in General Banks's division, Army of the Potomac, to March 15, 1862; the Third Division, Third Corps, to May 2, 1862, and the left wing, Army of the Mississippi, from June 15 to August, 1862; on leave to September 15, 1862; commanded the Third Division, Army of the Mississippi, to October 26, 1862; the district of Corinth to January 10, 1863; the Sixteenth Army Corps to February 5, 1863; and district of Corinth and Jackson, Miss., to April 13, 1863, upon which date he resigned. He subsequently served as captain and provost-marshal, fourth district of Wisconsin, March 11 to October 15, 1865, when honorably discharged.

General Grant, in his report of the battle of Iuka, October 22, 1862, says:

"It was a part of General Hamilton's command that did the fighting, directed entirely by that bold and deserving officer. I commend him to the President for acknowledgment of his services."

General Rosecrans, in General Order No. 152, dated October 25, 1862, to the Army of the Third Division of the district of the West Tennessee, in regard to the battle of Corinth, says:

"It would be to me a great pleasure for me to signalize in this general order those whose gallant deeds are recorded in the various reports, but their number forbids. I will only say that to General Hamilton * * * and the brigadier and regimental commanders under them I offer my thanks to the gallant and able manner in which they have performed their several duties."

General Hamilton left the service of his country in broken health; his disabilities were progressive until he became practically helpless. Owing to the condition of his health, he lost much of his property, and at the time of his death left his widow in dependent circumstances. The Fiftieth Congress, by special act, pensioned the General at $50 per month in recognition of his eminent services.

His widow is now 71 years old and is greatly in need of the relief provided in the bill. The bill is reported favorably with the recommendation that it do pass.

Mr. KEM. Mr. Chairman, I should like to ask the gentleman who has this bill in charge to explain to the House why this woman should have $50 a month. I should like to ask first how much this woman would be entitled to under the law, if entitled to

anything? How much could she receive under the law, if she could receive anything? If there is any gentleman here who can answer that question, I should like to have it answered.

Mr. LACEY. She would be entitled to $30 a month.

Mr. KEM. The gentleman says she would receive $30 a month. Now, I want some one to explain upon what basis it is proposed to give her this extra $20 a month?

Mr. Chairman, on last Friday night there was a bill passed here, recommended by the committee, granting to the widow of a captain who gave his country no actual service other than three months, perhaps, a pension of $20 a month. Following that was a bill granting a pension to the widow of a private soldier in the ranks who gave his country three years of hard service and was very severely wounded in that service. This committee gave her but $12 per month. Now you come here to-night and are not satisfied with this unjust discrimination—unjust because it is unjustified—and you pension a photographer who saw no service at all, who was simply taking pictures under contract for private gain and private benefit. You follow that now with a bill granting to the widow of an officer $20 per month more than she is entitled to under the law and $38 per month more than the widow of a private soldier could get. Now, Mr. Chairman, I want to say that this sort of legislation does not meet with the approval of the common soldier of this country, and as evidence of that fact I want to send to the Clerk's desk and have read some resolutions passed by a Grand Army of the Republic post on the Pacific Coast covering this very point.

The Clerk read as follows:

Whereas the pension claims of tens of thousands of the soldiers and sailors of the late civil war remain undecided while thousands of the claimants are yearly going to their graves—

Mr. CURTIS of New York. I should like to inquire if this was read the other night?

Mr. CROWTHER. That is the same one.

Mr. CURTIS of New York. Is this read a second time?

Mr. KEM. Not by me.

Mr. CURTIS of New York. I think this was read the other night. If so, it ought to be put down as a part of the variation——

The CHAIRMAN. The gentleman has the right to have it read in his time.

Mr. KEM. I desire to have that read as a part of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And whereas we believe that the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy is an unwarranted and unnecessary continuation of the discrimination of rank in favor of a class who were neither soldiers nor sailors, but only claim through inheritance: Therefore

*Be it resolved by Sedgwick Post, Grand Army of the Republic, Department of California*, That we oppose and condemn the granting of special pensions at high rates to the widows of deceased officers of the Army and Navy as an unjust distinction against ex-soldiers and sailors and their widows, who are limited to pensions of eight or twelve dollars per month, if any, and we demand that the widows of officers shall be pensioned under existing general laws.

*Resolved*, That the adjutant of this post forthwith forward a copy of these resolutions to each member of Congress from the State of California and to the adjutant-general of the Department of California, Grand Army of the Republic.

Adopted at a regular meeting of the post held February 11, 1896.

E. D. COOKE, *Adjutant*.

Mr. KEM. Now, Mr. Chairman, in order to show that this sentiment is not confined to the Pacific Coast or to the Western part of the country, I desire to send to the Clerk's desk and have read some other resolutions.

The Clerk read as follows:

HEADQUARTERS NATHANIEL LYON POST, NO. 2,
DEPARTMENT OF CONNECTICUT,
GRAND ARMY OF THE REPUBLIC,
*Hartford, Conn., February 4.*

Whereas the members of this post in regular session assembled, having heard read the arguments and testimony from the CONGRESSIONAL RECORD of the date of January 14, 1896, pertaining to the bill for pensioning the widow of the late General Cogswell, of Massachusetts, and after a thorough discussion and careful consideration of the subject, desire to place on record the following resolutions:

*Resolved*, That Nathaniel Lyon Post, No. 2, Department of Connecticut, Grand Army of the Republic, regret to find a distinguished soldier and member of this post, in his place in the United States Senate, advocating sentiments and performing acts calculated to discriminate against the widow of the common soldier in favor of the widow of the commissioned officer in the matter of governmental recognition of the claim upon its bounty of one and the other.

*Resolved*, That we are unable to discern from the arguments adduced on what grounds of logic or of equity the case of men holding different grades of rank and receiving unequal compensation for time and services rendered in the cause of their country can at any time apply to relatives or friends of the same, never having rendered or being called to the performance of such service.

*Resolved*, That we most respectfully, yet earnestly, protest against the spirit of discrimination involved in the action of vouchsafing to the widow of the common soldier holding recognition from the Government of the faithful performance of patriotic duty equal to any comrade of any rank—an honorable discharge—the petty sum of $8, $10, and $12 per month, while the widow of another, who did no more than his duty (sometimes not even that), is accorded five, six, eight, and ten times as much.

*Resolved*, That if the larger amount is tendered, as is here claimed, in recognition of the greater service of one to his country, and to honor his memory for the same, the smaller amount must be held as the measure of the service of the other, and the honor therefor, whereas the honored and the beloved head of the nation proclaimed in its moments of crucial agony: "The only debt which we can never pay is the debt of gratitude we owe to our brave soldiers."

*Resolved*, That it is with feelings of deep regret the members of this post find themselves called upon to dissent from the position of the distinguished comrade of their own household, so to speak, in the matter here at issue, and to be obliged to record their indorsement of the sentiments and action of the "stranger," the also distinguished comrade, from Nebraska.

*Resolved*, That the thanks of this post are hereby tendered to the Hon. WILLIAM V. ALLEN, Senator from Nebraska, for the interest and gallantry manifested in the cause of the widow of the common soldier as equal to that of the widow of the commissioned officer, believing such conduct inspired by the same spirit that actuated the fathers of the nation in the immortal declaration that "All men are created equal, endowed by their Creator with the right of life, liberty, and the pursuit of happiness," and of course all that these noble words imply.

*Resolved*, That a copy of these resolutions be forwarded to Senator HAWLEY, one to Senator ALLEN, and one to Congressman HENRY, of the First Congressional district of Connecticut, and that we call on the Grand Army posts of the State and nation to speak out on this most important issue and record their convictions as to whether the veterans of the late civil war, fought on behalf of the perpetuation of free institutions, are worthy of the estimate placed on their patriotic services by the martyred Lincoln, or are more fairly and accurately adjudged by the estimate and action of the majority of our present national lawgivers.

I hereby certify that the foregoing is a correct copy of the resolutions passed as stated.

GEORGE JONES, *Adjutant*.

Mr. KEM. Now, Mr. Chairman, I desire to say that those are only a part of the protests that I have received from different parts of this country against this sort of pension legislation. Here is the Republican party, with 140 majority on this floor, that has posed before the people of this country for years and years as the friend of the common soldier; and I submit, and I want it to go to the people of this country, that the record shows that the Republican party is not the friend of the common soldier. Here you have come night after night, and you have made strenuous and bitter efforts and contests upon this floor to pension the widows of officers of the Army, to pension photographers and teamsters, and that sort of thing. You have been discriminating from time to time in their favor, but you have done comparatively nothing for the common soldier of this country, and I am glad of the fact that at last the common soldiers are waking up to that fact and are beginning to understand it.

I want to submit, Mr. Chairman, that this woman whose case is being considered at the very extreme is only entitled to $30 per month; and that is what she ought to have, and then she has an advantage of $26 a month over the common soldier.

Mr. MAHON. Mr. Chairman, a statement has been made upon the floor of this House that we, as Republicans, can not allow to go to the country with our assent. Of all things, I believe in decency in politics, whether it is with our opponents or among ourselves. I have no objection to any pleasant badinage about gentlemen who are aspiring to the high office of President; but when a serious charge is made that these men, who have been in the Republican party for years, and by their distinguished services to this country have reached that eminence in public life that their friends throughout this country are seriously urging them for the highest office within the gift of our people, for a member of this House to get up and seriously and earnestly try to send the impression out throughout this country that these eminent gentlemen, or either one of them, through their friends, would come into this House and undertake to use the old soldiers of this country as footballs to advance his candidacy, it is not correct. I refer to the remarks made by the gentleman from Illinois [Mr. CONNOLLY]. I am satisfied when he reads those remarks in cold print to-morrow morning that he will not be satisfied with them. No gentleman who is a candidate for that high office will for one moment approve remarks of that kind.

Now, Mr. Chairman, the rules of this House declare that every Friday night shall be set apart for pension business. That rule has been religiously kept, and although the Private Calendar, which contains many meritorious bills for money due to the people from this Government—though our business has not been reached, although we have been in session three and a half months—this House to-day gave way and allowed the day to be taken up in the interest of these men; and I say that when a certain gentleman, whom I need not name, of high standing among the Republicans of this House, and whom we recognize as our leader, is charged with undertaking to suppress legislation in the interest of the old soldiers, I denounce that statement as being without any foundation in fact. [Applause.]

Mr. CONNOLLY. Will the gentleman allow me——

Mr. MAHON. Now, Mr. Chairman, I have noticed since I have been here this session when gentlemen on the floor of this House, of both parties, have approached that gentleman in his private room——

Mr. CONNOLLY. What gentleman?

Mr. MAHON. I will name him after a while, if you want me to—[continuing] and have asked him for recognition that they might have a bill passed through this House in favor of some old soldier, the rest of us who had been asking for recognition for legislation

had to give way, because that gentleman, out of the kindness of his heart and his loyalty to those old soldiers, always gave the preference to gentlemen who had private pension bills. [Loud applause on the Republican side.] This House has consumed fifty-five hours on private pension bills. We have passed 40, or an average of about an hour and a half consumed on each pension bill.

Now, I am not criticising gentlemen for talking about pension bills on either side. That is the absolute and unqualified right of each gentleman under the rules of this House; but, nevertheless, the fact stands out that we have consumed on an average an hour and a half on every pension bill. Now, if gentlemen of the House propose to take up the time in talking, which they have the right to do, then pray do not let them criticise men who are not responsible.

Mr. GROUT. Let them not lay it to the Committee on Rules.

Mr. MAHON. Let them not lay it to the committee. So far as the committee is concerned, I have been before them, and made requests of them, and they have always treated me with the greatest consideration, for which I thank them. But I say I do not want the statement to go out to the country that the gentleman who has presided over this House—do you know who that is?

Mr. ARNOLD of Pennsylvania. TOM REED.

Mr. CONNOLLY. All the time except the Friday night sessions.

Mr. MAHON (continuing). Or his friends are undertaking to advance his interests as a candidate for the Presidency of the United States by trying to suppress pension legislation. [Loud applause.] I do not believe there is another Republican on the floor of this House, except the gentleman from Illinois, and I am sure there is not a Democrat on the floor of this House, who will charge that gentleman with conduct of that kind. [Renewed applause.]

Now, I have said enough on this subject. I simply want it to go out to the country that the man who presides in that chair is as good a friend to the soldiers of the United States as any man that lives in our land. [Applause.] To him everybody who knows anything about it will concede that—Democrats, Republicans, and other Presidential aspirants. That is all I have to say.

Mr. GROSVENOR. Mr. Chairman, I do not want to have any controversy with the gentleman from Illinois [Mr. CONNOLLY], but I think he probably has a tendency when he stands on his feet to say more than he would write in moments of cool, deliberate reflection. [Laughter.] I know him to be a very good friend to the soldier and I know that he was a good soldier. He and I together had the honor of putting down the principal part of the rebellion. [Laughter.] He is a good Republican, too, but I can tell him that before he arraigns the entire Republican party in this House for bad faith toward the soldiers he ought to have more details to go on than he has had thus far.

There is no trouble in this pension question except the defect in the general pension legislation of the country, and that defect has come in the lapse of time. There was a time, since I have been a member of this House, when I was opposed to some legislation that I am now distinctly in favor of. While I am on my feet I want to say that we shall not get rid of these troubles until we pass a uniform general pension law based upon honorable service. [Applause.] There are two incurable evils incident to this whole business. One of them is the accumulation of business in the Pension Office; but the great evil, the one that towers above all the rest, is the political aspect of the pension question.

I have thought a great many years about that; I have observed it, and I have stood here and stated the evil before. It is not an element in the Democratic party alone. Evils of this character will infest all political parties so long as the granting of a pension is a question of what the disability came from, how it was incurred, and how great it is. So long as those questions have to be settled by the report of an examining board and the case has to pass through this pension organization here, we can never have any successful relief from the political aspect of the business. It is a little worse in the Democratic party than it is in the Republican party, for the reason that the Republicans have most of the soldier vote, and the Democrats, from time to time, make piratical incursions into the Republican party by a system of administering and applying the pension laws and pension examinations, and in that way they push the political aspect all the time to the front.

These boards of pension examiners that go in and out with the changes and mutations of politics are not only of no benefit to the soldier, but they are a curse to the country. That is perhaps pretty severe language, but I only state the fact. We have all found it out, and we shall never get rid of the evil until we destroy the political power of the Pension Bureau, with its ramifications extending into every county in the United States, by a distinct law giving to every soldier what the Government can afford to give, based upon honorable service and upon nothing else. [Applause.] When we do that the machinery will be gotten rid of and all these questions will disappear from Congress and members can become something else than mere pension agents.

Now, what about this Invalid Pensions Committee? They have brought in a measure here that, in the main and practically in all respects, is a most valuable step forward in this matter of pensions, and I am not willing to be a member of a House, or a member of a political party, or a member of a committee, and stand by and hear an advantage taken that I know is not a fair advantage and remain silent, even though my doing so might inure to the benefit of some "fugleman," as somebody on this floor has been very politely called to-night—some fugleman of some candidate for the Presidency. I suppose we have a good many fuglemen here. I imagine that the gentleman who made the charge is a sort of a fugleman, possibly not a major-general, possibly only a corporal, but I think he will fugle some before he gets through. [Laughter.]

That measure has been brought into the House. Now, I claim to have some interest in the soldiers of the country. I look after their interests; and I am not a demagogue, either. I do not appeal for votes to the soldiers of my district or boast of anything that I do for them. If at the end of ten or twelve years spent as a Representative in Congress a man has not established a reputation by his action here, it is hardly worth while for him to set up a claim as to what he is doing for the old soldiers. They understand this thing now tolerably well.

I went to the Speaker and talked with him about this very matter, and he is not only willing, but anxious (I say it without qualification) that this bill as reported shall come up and have its fair hearing and shall be passed. He may have some suggestions to make about it. He is a Representative of his Congressional district, and he is a great leader of the Republican party here in this House. [Applause.] By no fair inference can it be said by anybody that he has laid an obstacle of any character in the way of that pension legislation. It is only justice to him that I should say this, inasmuch as I happen personally to know what I am talking about on this particular question. [Applause.]

Now, then, who is undertaking to control this House? The gentleman from Illinois [Mr. CONNOLLY] ought not to send out to the country the statement that there are a few men here (whoever he may have intended to include in that statement) who control this House. It is as much as I can do to control myself; and nobody can control me.

Mr. BOUTELLE. It didn't look very much as if anybody was "controlling the House" to-day.

Mr. GROSVENOR. No; there was not anybody in control here to-day; there is not anybody in control here to-night. The audience is quiet, that is all, but the House will break out again, and it will run as the majority wants it to run.

My friend from Illinois, if you want to do something, make your proposition; come to the front with it and shout. Do not stand around and charge somebody else with not doing that which you are abundantly capable of doing yourself. There are no committees of this House that are in control of it. The rules of the House give to certain committees the right of way, but the House can knock those committees out, as it did to-day. The Appropriations Committee to-day had the right of way. They had it just exactly as you have the right to walk on the street; but if there comes along a runaway team and runs over you, your right of way does not do you very much good. The Appropriations Committee got run over here to-day. [Laughter.] I voted to stand by it; I thought that the best thing to be done; and I will tell you why. Some gentlemen learned here to-day something that I learned ten years ago. I knew when we took up the Private Calendar to-day that we might just as well all have gone fishing. The first bill we struck was the last bill that we touched, as I knew would be the case. In the same time we could have passed, or nearly passed, that great appropriation bill if we had gone right ahead with it.

Now, my friends, that is all I want to say. It is not worth while to send out to the country the statement that there is a conspiracy here against the old soldier. The Republican party of this country has done for the soldier all that has ever been done for him that is worth remembering. [Applause.] And the Republican party of this country is just as faithful to the old soldier to-day as it ever was at any time in its history. The Republican party of this country, through the action of this House of Representatives, will do justice to the old soldier and will compel a recognition of that fact by the American people. [Applause.]

Mr. CONNOLLY. Mr. Chairman, the speech of the gentleman from Pennsylvania [Mr. MAHON] serves to illustrate very well the truth of the suggestion which I made when I was last on the floor, and which has been so kindly criticised by my Santa Claus friend from Ohio. [Laughter.]

Now, the gentleman from Ohio [Mr. GROSVENOR] suggested that when I got on my feet I, in all probability, said things that I would not say in cooler moments, if writing them.

Mr. GROSVENOR. Will the gentleman allow me to make a suggestion in connection with what he was saying, that were it not for circumstances over which he has no control he would probably be as much of a Santa Claus as I am. [Great laughter and applause.]

Mr. CONNOLLY. Now, I was saying that the gentleman from Ohio, Mr. Chairman, suggested that I probably, on my feet, said things that I would not have said had I been sitting down and writing them out. That is probably correct. I would in all likelihood have selected some different words and would have been able to make my suggestion in language more forcible, perhaps more elegant, than I did use when on my feet, called there by the bill under consideration.

But the gentleman seeks to put me in the attitude of attacking the Republican party, as not being the friend of the soldier. He certainly does not do that in sincerity and earnestness. It must be "fugling" when he does that, to use his own term. The general purport of what I said was that we were neglecting the interests of the old soldiers and at the same time pretending that we were giving strict attention to their interests at the Friday night sessions. I said that we had too many candidates for President and their fuglemen at this session of Congress to give very strict attention to the demands of the old soldiers, and in illustration of what I said I remarked that while we have a great big Republican majority on this side of the House, yet we hardly ever get a quorum at these evening sessions.

Now, gentlemen do not want me to say that, because it will go to the public. Is it true? Is it not true? Is not every word of it true, and all that I have said about it? Then, if it be true, why should we be ashamed of speaking of it? If it be true, let it be known that we are engaged too often and too much in the business of making Presidents to give strict attention to the Friday night sessions in behalf of the old soldiers of the country.

I say to the gentleman from Ohio that if I were sitting down writing this out I would probably extend it a little further; but when he and the gentleman from Pennsylvania [Mr. MAHON], the latter especially, come in here like Don Quixote, armed cap-a-pie, to defend the Speaker of the House against the assault they claim that I made upon him, they are fighting a windmill. [Great laughter and applause.] And that term, Mr. Chairman, I use with the full knowledge of the fact. It is no slip of the tongue. Even if I had been sitting down and writing it, as the gentleman suggests, I would have used the term, because that is what his prototype did—fought imaginary enemies.

But, sir, I made no assault on the Speaker of the House. I have always been treated kindly by him, quite as much as my deserts entitle me to, I may state. There is not the slightest reason why I should make an assault upon him, none on earth. But the gentleman thinks I referred to him when I was interrupted by a question in the course of my remarks a few moments ago, and when I said with reference to the Committee on Rules that I would be exceedingly glad to see any member of the committee here at any of the Friday night sessions. Now, the Speaker being ex officio a member of the Committee on Rules, that remark might be construed to include him. But I have no apology to make. There was no intention of referring to him in any discourteous manner whatever.

Mr. GROSVENOR. Will the gentleman allow me to put in a word there?

Mr. CONNOLLY. Certainly.

Mr. GROSVENOR. In the twelve years that I have been a member of this House I have never known any Speaker of the House of any party to be present at these Friday night sessions.

Mr. CONNOLLY. In the four or five months that I have been here my experience has been exactly the same as that of the gentleman of Ohio. [Laughter.] Now, I hope the gentleman will not compel me to put anything more before the public.

Mr. GROSVENOR. Let me complete what I was about to say. That it has been the uniform practice of the House always that these sessions are presided over by a member of the House selected by the Speaker for that purpose.

Mr. CONNOLLY. I have no question of that.

Mr. GROSVENOR. And the Speaker has a very laborious life——

Mr. CONNOLLY. Beyond question.

Mr. GROSVENOR. And it is not expected that he shall come to these evening sessions. Indeed, some of the older members might perhaps stay away with profit not only to themselves, but to the House. [Laughter.]

Mr. CONNOLLY. Well, I notice that they very often take leave of absence from the House without its consent.

Now, I do say, Mr. Chairman, that we are to a certain extent guilty of neglect in this—not so much in the passage of the private pension bills introduced, but because here is a most excellent bill reported from the Committee on Invalid Pensions that covers nine-tenths almost of all of the cases that are forced to be acted upon by special legislation, to which no attention has yet been paid. The Committee on Invalid Pensions introduced the bill, had it placed on the Calendar of the House—the Committee of the Whole House on the state of the Union—on the 11th day of February. That bill has lain there all of that time. I have asked the chairman of the committee—I know he is anxious to get it up whenever he can find a clear way for that purpose—I have asked when it would be taken up. I know that he wants to take it up as soon as possible. That bill ought to be considered, and it will perform more real service for the soldier than all the standing up on this floor we can do in these Friday night sessions—standing here, like the gentleman from Ohio, and protesting what good friends we are of the soldier. We had better by passing that bill prove our faith and earnestness by our work. Let us take up that bill, a bill that will do some good, and put it upon its passage. That is the way to prove our friendship and good will. [Applause.]

Mr. ERDMAN. Mr. Chairman, if the other side have got through determining whether anybody has been hurt or any Presidential toes have been stepped on, it might perhaps be in order to consider what is before the House at this time. But in passing, let me ask you, do you consider it fair, do you consider it just, do you consider it very manly to jump with both feet upon the gentleman from Illinois [Mr. CONNOLLY] because he has had the manhood to assert what he believed to be right with regard to a private pension bill? You admit that what he asserted was right, because you passed the amendment.

Mr. ANDREWS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ANDREWS. I believe that the merits of the bill now under consideration are the proper subject for discussion, and that debate upon other matters is out of order.

The CHAIRMAN. The point of order is well taken.

Mr. MILES. Why was it not raised an hour ago?

Mr. CHICKERING. Because it is raised now. [Laughter.]

Mr. MILES. That is a brilliant remark.

The CHAIRMAN. The committee will be in order. The gentleman from Pennsylvania has the floor.

Mr. ERDMAN. Now, Mr. Chairman, I have no doubt the House thought it relevant a while ago, whether the eminent gentleman who presides over the House was a friend of the soldier or not, and whether the Democratic party was a friend of the old soldier or not.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. ERDMAN. Yes, for a question.

Mr. WATSON of Ohio. Have you ever voted for a pension bill since you have been a member of the House?

Mr. ERDMAN. I have voted for a number of them, and I am going to vote for this bill, and I will tell you why. [Cries of "Vote!" "Vote!"] Mr. Chairman, a while ago I was about to say that it was relevant to this bill to determine whether or not the eminent gentleman who presides here was a friend of the old soldier, and I was delighted to hear the kind tribute that the gentleman from Ohio [Mr. GROSVENOR] paid, as the champion of a rival Presidential candidate; but when he undertook to say that the Democratic party was not liberal toward the old soldier he forgot the amount that Democratic Congresses have voted in every pension appropriation bill passed by them for many years. He forgot the fact that the Fifty-third Congress put more liberal pension legislation upon the statute books than the Fifty-fourth Congress has or ever will.

Mr. OTJEN. Mr. Chairman——

Mr. ERDMAN. Again, Mr. Chairman, it has been said that there is slumbering somewhere upon the Calendar—that last sleep that knows no waking, I believe the gentleman from Illinois terms it—a bill that will do away with Friday night pension legislation. Pass that bill as it is now and it will do away with the necessity for all Friday night pension legislation. It will do away with the necessity for a Pension Bureau at all. All that will be required will be scribes to write on the rolls the names of those who demand to be placed there. That is the purpose of it, and I wonder not that the Speaker stands appalled at the magnitude of the havoc it would wreak upon the Treasury. But that bill, when it is reached in its proper order, which I have no doubt will come some day—provided we do not get away from here by the 2d of May—will be criticised, probably amended, and passed with some good in it, though as it is now, in my judgment, it will never pass this House.

Now, as to the bill under consideration: The gentleman to whose widow it is sought to give a pensionable status had the rank and performed the eminent service, and his widow is dependent. What more should you want? It should entitle her to a pension such as the committee recommend. Therefore I intend to vote for it, and I hope gentlemen on the other side will not

detain the House again as long in making capital for Presidential aspirants as they have been detaining it on this bill. [Cries of "Vote!" "Vote!"]

Mr. OTJEN. Mr. Chairman, I have been trying to get a word in edgewise for some time. I introduced this bill, asking that a pension be granted to Sophia J. Hamilton. The report of the committee, which has just been read, giving the military record of General Hamilton, shows that it is a record of eminent services rendered to his country in two of its great wars.

General Hamilton was a graduate of the United States Military Academy at West Point in 1843. He served in various regiments of the Regular Army until the breaking out of the war with Mexico. He served throughout that entire war, being engaged in five of its great battles. He rendered gallant service at the battle of Molino del Rey, where he was wounded. Captain Chapman, who commanded the Fifth Infantry, in whose command he was, specially commends him for his gallant conduct on the battlefield. His record in the civil war is equally honorable and distinguished.

In May, 1861, when the civil war broke out, he led forth in defense of his country the Third Wisconsin Infantry. He was its colonel. He rose rapidly from one position to another, until in September, 1862, he was made major-general. General Grant specially commends him for his gallant conduct at the battle of Iuka, where his division did the most of the fighting. He commends him as a brave, bold, and deserving officer. Again, at the battle of Corinth, where nearly 6,000 men were killed and wounded, General Rosecrans publicly thanked him for the gallant and able manner in which he performed his duties upon the battlefield.

Now then, Mr. Chairman, when General Hamilton laid down the vocations of peace and entered into the service of his country in 1861 he was a well, strong, and healthy man. When he ceased the service of his country he was in broken health. He carried home with him diseases that were progressive, which gradually reduced him to an invalid.

Through the services he rendered to his country, from hardships and privations endured in the war, through the immense nervous strain of an active war career such as General Hamilton had, he lost his health, and he went home broken in health and gradually was reduced to a helpless invalid. On account of his invalid condition he was not able to attend to business, and thus lost most of his property, so that when he died he left his widow in dependent circumstances.

Now, Mr. Chairman, I think it is no more than just to grant to the widow of General Hamilton, now 71 years old, this pension in recognition of the honorable and distinguished services he rendered to his country; and I hope this Congress will treat the widow of Major-General Hamilton as generously as they have the widow of any other major or brigadier general. [Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK VAN GUILDER.

The next business on the Private Calendar was the bill (H. R. 3046) for the relief of Frederick Van Guilder.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Frederick Van Guilder upon the records of Company K, One hundred and twenty-third New York Volunteers, and to issue to him an honorable discharge, to date July 6, 1863.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The report (by Mr. PARKER) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, have had the same under consideration, and respectfully recommend that the bill do pass without amendment.

This is a bill to remove the charge of desertion and to issue an honorable discharge to date July 6, 1863.

The soldier enlisted September, 1862, was mustered November 5, 1862, and served till July 6, 1863, receiving no pay, because his name was not on the muster rolls, which appear to have been mislaid.

After serving through Gettysburg he surrendered to the provost-marshal to ascertain his status, and was discharged as not mustered in, by the Provost-Marshal-General; went home, and afterwards reenlisted and served faithfully, and was honorably discharged from the last service.

His statement in affidavit on the records of the War Department, and in the ingenuous autograph paper, of which a copy is annexed, is confirmed by these records as to the loss of muster rolls, the service, the want of pay, and that it was decided by the Provost-Marshal-General that he had not been mustered in.

The committee are of opinion that he had good warrant to go home and was not a deserter. Desertion is a question of intent. He is entitled to an honorable discharge, as provided in the bill.

—

*Case of Frederick Van Guilder, Company K, One hundred and twenty-third New York Volunteers.*

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
*January 23, 1896.*

It is shown by the records on file in this office that Frederick Van Guilder was enrolled on September 5, 1862, and that he was mustered into service as a private of Company K, One hundred and twenty-third New York Volunteers, to serve three years, on November 5, 1862, at Albany, N. Y., by a regularly appointed mustering officer of the United States. He is borne as present with his command on all rolls of his company up to and including that for June 30, 1863. The next roll, that for August 31, 1863, reports him as absent without leave since July 6, 1863, and he is reported as absent on all subsequent rolls, except the muster-out roll of his company, which is dated June 8, 1865. On this roll he is reported as having deserted July 6, 1863.

It does not appear that the soldier received any pay from the time he enlisted until he left the service, and it is evident from the official records and from testimony that has been submitted to this Department that the fact of his having been mustered into service on November 5, 1862, was not communicated to his company officers until after he left his command on July 6, 1863.

On February 20, 1865, he enlisted to serve one year in Company A, Eighth Vermont Infantry, in violation of the twenty-second (now fiftieth) article of war, and was honorably discharged from that regiment on June 28, 1865.

In support of an application for removal of the charge of desertion from the One hundred and twenty-third New York Volunteers, Van Guilder has stated under oath that he served for many months without receiving any pay, that payment was refused him on the ground that the rolls did not show that he had been mustered into service, and that both he and his company officers were unaware that he had been mustered into service. This statement is corroborated to a certain extent by the official records and by the testimony of comrades which is on file in this Department; but, unfortunately, the soldier did not remain with his command until his case could have been adjudicated by the proper authorities, but abandoned the service without proper authority and went home, thereby making it necessary that the charge of desertion should be entered against him upon the records when his company officers discovered that he actually was mustered into the military service on November 5, 1862.

In view of the facts of record in this case, which do not conflict in any important particular with the statements made by the applicant and his witnesses, the War Department is unable to afford any relief under the provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
*Colonel, United States Army, Chief Record and Pension Office.*

The SECRETARY OF WAR.

—

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
*Washington City, February 3, 1896.*

SIR: In returning herewith the copy of the statement by Mr. Frederick Van Guilder, received by your reference on the 30th ultimo with the request to be furnished with certain information relative to the muster into service of Frederick Van Guilder, late of Company K, One hundred and twenty-third New York Infantry, and with the affidavits on file in this Department in his case, I am directed by the Secretary of War to inform you as follows:

No record has been found showing that shortly after the battle of Gettysburg this soldier reported to a provost-marshal, as alleged.

Upon a reexamination of the records of the provost-marshal at Baltimore, Md., it has been ascertained that under the name Fred Vangilder he was confined in the Gilmore House July 19, 1863, as an arrested deserter, with remark "not mustered in."

The "Letters Received Book," First Division, Twelfth Army Corps, shows that on June 11, 1863, H. O. Wiley, captain, One hundred and twenty-third New York Infantry, requested that Private Van Guilder be mustered into the United States service, and that on the following day Captain Wiley's communication was forwarded for information. The records of the Twelfth Army Corps furnish no additional information in the case.

There is no muster and descriptive roll in the case on file in this office, the muster roll of his company, dated August 31, 1863, being the basis for the statement that Van Guilder was mustered into service November 5, 1862, at Albany, N. Y.

An exhaustive investigation fails to elicit any further information in regard to the soldier as a member of Company K, One hundred and twenty-third New York Volunteers, additional to that contained in the report on H. R. bill No. 3046, Fifty-first Congress, first session. It appears, however, that on February 20, 1865, he enlisted for one year in Company A, Eighth Vermont Infantry, and was honorably discharged from that regiment on June 28, 1865.

If he was not in the military service as of Company K, One hundred and twenty-third New York Infantry, he could not, of course, be a deserter therefrom, and would not therefore be entitled to the benefits accruing from military service rendered therein, but whatever informality there may have been in the record of this man's muster into service it is evident that he was, at least constructively, mustered in, and was in the military service as a member of that regiment and a technical deserter therefrom.

Following is a synopsis of the testimony on file in the case:

March 27, 1890, the soldier testified that he enlisted as a private in Company K, One hundred and twenty-third New York Infantry, on or about September 5, 1862, at Granville, N. Y., but was not mustered into service until "about the last days of September, 1862, at Albany"; that his muster rolls could not be found, and the paymaster refused to pay him "on the grounds that I had not been mustered in," and said that "he could not muster me unless I enlisted over again, which would have caused me to lose all my pay"; that thinking he had served long enough without pay, he left his command, with his captain's consent, after the battle of Gettysburg; that he surrendered to the provost guard and was taken to the provost-marshal-general at Baltimore, but the latter officer, failing to find his muster-in papers, sent him home; and that not until many years after the war did he (soldier) know that he had been mustered into service.

Cassius G. Waite, aged 43 years, of Granville, N. Y., testified, May 23, 1890, that he was well acquainted with Van Guilder before his enlistment, and served with him in Company K, One hundred and twenty-third New York Infantry; that Van Guilder left the service at the battle of Gettysburg, about July 3, 1863, because his captain (H. O. Wiley) refused to issue him any clothing, and for the further reason that "he was not known on the muster rolls of said company and the Government," and that "he heard Major-General Williams, division commander of Twelfth Corps, tell claimant not to fight unless the Government paid him, and to go home."

George W. Baker, late captain Company K, One hundred and twenty-third New York Infantry, testified September 15, 1890, that he was second lieutenant of the company at the date of Van Guilder's enlistment therein; that Van Guilder enlisted November 5, 1862, was mustered into service November 5, 1862, and left the regiment July 10, 1863; that the captain of the company (Henry O. Wiley) wrote several times to the adjutant-general of the State of New York for the mustering papers of the soldier, but was unable to obtain them, and that he was, therefore, "unable to get his pay or to find out whether he was a soldier or not"; and that on July 25, 1863, he (affiant) was detailed on detached service after drafted men in New York, and that on reaching Albany he obtained from the adjutant-general's office the mustering papers of Van Guilder and of two other members of the command and forwarded them to the regiment.

It is proper to add that a synopsis of the testimony should have been embraced in the report on bill H. R. 3046, Fifty-fourth Congress, first session, but was inadvertently omitted therefrom.

Very respectfully,

F. C. AINSWORTH,
*Colonel, United States Army, Chief Record and Pension Office.*

Hon. R. WAYNE PARKER,
*Chairman Subcommittee B, Committee on Military Affairs,*
*House of Representatives.*

No. 1.

I have been requested to write a statement about my case. I inlisted about the last of September 1862 about three oclock in the after noon, in the one hundred and twenty third Nnew York in the town of Granvill Washington, Co: N. Y. and the rigment was in camp in Saylum about twenty miles away I took the train the next morning and I payed my own fair down to Saylum and the rigment had gon and what to do I did not know and then I and two more comrade payed my own fair back agane and reported to the recurting officer and he said that he would recurt some more and send us on with som more in a little while we had to wait about two weeks and then we was sent to Albany and stayed there about three weeks and I must have been mustured in while I was in Albany and then I was sent on to my rigment they was incamp in lodan valley I was with my rigment about three munts when the pay master com around and the capten said to me you cant draw any pay you have not been mustured into U. S. survis yet and you cant draw any pay but you com and sign thee pay rowl and I will try and get it for you and I thought it would be all right so I kepted right on doing survis and after the battle of chancevell the pay master came around again and the captain came around again and says you ant been mustered in the U. S. survis and he had the lutenent take me and the other two boys over to Gen. williams head quarters to be mustered and we went over three different times and the mustering officer said that he could not muster us in without we would inlist over again

And Gen. Williams said boys dont you fight without uncle Sam pays you and it seemed puty tuff to see the other boys get payed off and we could not get none and a wife and child at home. And it was known all thrugh the rigment that us three boys was not mustered in to United states survis. And we was advised by the other boys and som of the officers to go home. then the captain com to the ordley and said dont you call Fred C. G. and cashus weight nor Irey hall names any more at rowl call and dont draw any more clothing for them and have them turn their Guns and equitments over to you and shortly after that orders came for us to march to Getes Berg and just before we got to Getesberg one of the boys was sick and I took his aguitment and fell into the ranks and I was in the first days fight at Getesberg and then the captain come to me and the other two boys and say if you should get killed here you would not get nothing for it and your family would not get nothing eather and he sent us back to tack care of his horse and send ther man that was taking care of his horse to the rigment but I did hate to leave the boys but I thought of the love ones at home and I thought I better go back and after the battle was over we started after Gen lee Across the patomic and then I went to the captain and I said cap this Is puty tuff the knees was out of my pants and my toes was thrugh my shoes and I toled hm that I was agoig to give my elf up to the prol of guard and see if I was a soldier or a sitizen and he said he could not help it.

And I and one of the other boys started for Getesberg and was taken up by the prol of gard and taken to Getesberg before the prol marchal and was sent from there to baltmore before the prol marchal general and he said boys what are you here for and we told him that we was not mustered in to united states survis, and uncle sam would pay us we went on and told him how we inlisted and he swore out with a noath what kind of a captan we had but he said that he would telegraph to washington and find out whather we had been mustered in or not and the next day he called us up before him agane he said boys we cant find any mustering roles agants you and he said that the government did not want us to work for nothing and he said that if we would stay and do gard duty he would try and get our pay for us or he would give us a pass for home and he said boys you ant got any money how are you going to get home so he give us a pas for home I worked part of my way through and walked part and got home and that fall our lutenent com home a recruting and I see him a number times and he said to me one day fred i wish you could go back with me I told him that I would like to go back with him but I did not like to go back and go through what I did before now that fall he went back to his rigment and he stoped into Albany and fownd my mustering rowles agansted me and he sent them on to the captain but I did not know any thing about this untill about nine years ago I went back east and went and seen lutenent baker and he told me about finding the mustering rolles and sending them on

And he said that the captain put me down as a deserter but he said that he was ofle sorry and he said Fred you was one of our best soldiers and any thing I can do for you I will do it for you ought to have your pay for the time that you served this thing the last nine years has wored me to have them think that I was a dezerter for I was honest in the matter but I inlisted agane in the eight V. T. and staid with them untill the wore was over and got my discharge and now I donot get any pontion nor pay for the time that I did sirve

respectfuly yours FREDICK VAN GUILDER.

Mr. PARKER. Mr. Chairman, may I interrupt the reading? Do gentlemen desire the whole record read in such a case as this? It is a perfectly plain case, which I can state in a moment. We annexed all the affidavits and papers, so that the case should be fully set out. Frederick Van Guilder enlisted in New York in September, 1862, and seems to have been mustered in Albany, just as the regiment was leaving, in November, 1862. The muster rolls got lost. He served all the time until Gettysburg, but got no pay, and had nothing to send home. He had a wife and children at home. When he applied for pay they told him that he was not on any muster roll. He served through Gettysburg, and waited until the Army chased the enemy across the Potomac, and then, as he could get nothing, he wanted to find out his standing, and surrendered to the provost-marshal, and the provost-marshal sent him to the general provost-marshal at Baltimore. The provost-marshal general kept him until he could send to Washington to see whether he was mustered. On doing so, it was found he was not mustered in, and he was told that he could go home. He went home, and about a year afterwards he enlisted again, in another regiment, and served throughout the war.

Now, this is his own story. We have looked it up, and we find that he was mustered, but the muster rolls never did get to the regiment until after the battle of Gettysburg, and then after they arrived he was marked as a deserter. The provost-marshal at Baltimore, opposite the name of Frederick Van Guilder, has in the record the mark, "Not mustered in." He was not really a deserter. He had been told to go home because it appeared that he was not mustered. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Will the gentleman yield to a question?

Mr. PARKER. Certainly. I would like to answer the gentleman any question he desires to ask.

Mr. ERDMAN. That is a satisfactory explanation of the reason why he went home. But what explanation is there for thirty-three years' delay?

Mr. PARKER. This, sir, that Mr. Van Guilder did not find out that he was marked as a deserter until he got quite old and poor and applied for a pension.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH MARSHALL.

The next business on the Private Calendar was the bill (H. R. 1109) granting a pension to Elizabeth Marshall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Marshall, of Bridgman, Mich., widow of Henry L. Marshall, a private in Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteers, and pay her a pension of $12 per month.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1109) granting a pension to Elizabeth Marshall, having carefully considered the same, respectfully report:

Elizabeth Marshall claims as the widow of Henry L. Marshall, who enlisted September 2, 1861, in Company K, Fifty-fifth Pennsylvania Volunteer Infantry, and was discharged for disability December 24, 1862. On March 10, 1864, he enlisted in Company A, One hundred and eighty-fourth Pennsylvania Volunteer Infantry, and died October 23, 1864, at Andersonville, Ga., of scorbutus.

On June 21, 1865, the claimant filed application as widow of the soldier, and on November 16, 1865, Margaret Ann Marshall filed application, claiming as widow also. An investigation was made into the merits of the two claims, and in 1869 Elizabeth's was allowed at $12, to date from the soldier's death. This she continued to draw until 1884.

In 1884 Margaret renewed her claim, and Elizabeth was notified that if she did not produce within sixty days some additional evidence as to the legality of her marriage her name would be dropped from the rolls. At the time the pensioner was sick in Illinois and could do nothing. Her name was accordingly dropped and the pension granted to Margaret.

It appears that in 1853 Marshall and others were at a dance given by some one in the town in which he lived, and a mock marriage was proposed. Marshall and Margaret were willing to participate in the ceremony, and did so, but all parties were drunk, including the justice of the peace who officiated.

In 1858 the soldier married Elizabeth in due form, had four children by her, always recognized her as his wife, lived with her when at home, and sent her his pay while in the service. During all this time the parties resided in the same little town of 300 or 400 inhabitants.

Margaret died in 1889, and no pension is now being paid on account of the death of the soldier. Elizabeth is more than 60 years of age, and in destitute circumstances.

Your committee are of opinion, in view of all the facts, that Elizabeth is the legal widow of the soldier, and more especially so as the question was investigated within a short time after the transactions occurred and thus decided, and remained res judicata for fifteen years.

We therefore respectfully recommend the passage of the bill.

Mr. ERDMAN. I should like to get a little more information with regard to these double widows before we are called to pass upon this question.

Mr. THOMAS. I shall be glad to answer any questions the gentleman desires to ask in regard to the bill.

Mr. ERDMAN. I understand from this report that the mock-marriage widow drew the pension for many years.

Mr. THOMAS. She drew the pension from 1887, I think, for a few years. Elizabeth was drawing the pension prior to that time. She was the real widow, and had four children. The soldier sent his pay during the war to her. Then this other woman came in and proved this marriage at the dance, and thereupon the Bureau required Elizabeth to prove her marriage. She was unable to do it at that time, being away from home and away from where she could secure evidence, so the pension was awarded to the other woman. She has since died, and Elizabeth now asks Congress to give her the pension that she drew for many years.

Mr. ERDMAN. That is, as I understand the report, the real widow drew the pension from 1865 to 1884.

Mr. THOMAS. Yes, sir.

Mr. ERDMAN. And from 1884 to 1889 the mock-marriage widow drew the pension, and now this is a proposition to place the real widow on the pension roll.

Mr. THOMAS. That is the case.

Mr. ERDMAN. You say further in your report that the question was investigated and remained res adjudicata for fifteen years. To what does that refer?

Mr. THOMAS. I do not understand the gentleman's question. Does he want a definition of that term? I understand that they lived together as man and wife for fifteen years prior to the soldier's enlistment.

Mr. ERDMAN. But you say in your report that "the question

was investigated a short time after the transaction occurred and thus decided and remained res adjudicata for fifteen years." Now, what does that refer to?

Mr. THOMAS. It means that it was settled that Elizabeth was the widow.

Mr. ERDMAN. In what judicial proceeding was that determined?

Mr. THOMAS. I do not know about that. [Cries of "Vote!" "Vote!"]

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. ERDMAN. I ask for a division.

The committee divided; and there were—ayes 82, noes 7.

Mr. ERDMAN. I demand tellers.

Tellers were refused, and the bill was laid aside to be reported to the House with the recommendation that it do pass. [Applause.]

Mr. PICKLER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. HEPBURN, from the Committee of the Whole, reported that they had had under consideration sundry private bills, and had directed him to report them to the House with various recommendations.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the previous question be ordered on the bills favorably reported from the Committee of the Whole, to the engrossment, third reading, and passage; and that fifteen minutes' debate be allowed on each side.

Mr. ERDMAN. I object to that.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for this evening, on account of important business.

To Mr. ARNOLD of Rhode Island, for five days, on account of important business.

To Mr. BULL, for twelve days, on account of important business.

To Mr. HUFF, for one week from Monday, on account of important business.

The hour of half past 10 having arrived, the Speaker pro tempore, pursuant to the resolution previously adopted, declared the House adjourned until Monday next at 12 o'clock m.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service for the fiscal year ending June 30, 1896, and for prior years, and for the postal service—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report in reply to joint resolution No. 32, Fifty-fourth Congress, directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of plan and estimate for the improvement of Conneaut Harbor, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 191) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, reported the same without amendment, accompanied by a report (No. 973); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 4703, reported in lieu thereof a bill (H. R. 7665) to establish a life-saving station at or near the mouth of Rogue River, Oregon, accompanied by a report (No. 974); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKS, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution of the House (H. Res. 112) authorizing the employment of a skilled architect to assist the Supervising Architect of the Treasury in preparing the designs, plans, specifications, and other drawings of the mint building at Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 993); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 1345) to amend the military record of Charles Hentz, late private of Company C, Eleventh Regiment Connecticut Infantry Volunteers. (Report No. 968.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 1498) directing the Secretary of War to grant an honorable discharge to William M. Dalzell. (Report No. 969.)

The bill (H. R. 2618) granting honorable discharge to Andrew V. Sende. (Report No. 970.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 6238) for the relief of the estate of Parkes & Ward, of Yell County, Ark. (Report No. 971.)

By Mr. STEPHENSON, from the Committee on the Public Lands: The bill (H. R. 6533) for the relief of A. A. Hosmer. (Report No. 972.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 4625) for the relief of Charles Hurrle. (Report No. 977.)

The bill (H. R. 3771) for the relief of Stratton H. Benscoter. (Report No. 978.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 4620) granting a pension to Samuel McKinsey. (Report No. 979.)

The bill (H. R. 1311) granting an increase of pension to Charles W. Sentman. (Report No. 982.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 637) granting a pension to George M. Brooks. (Report No. 980.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 6233) granting increase of pension to John J. Boatwright. (Report No. 981.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 5320) for the relief of Edwards & Co. (Report No. 983.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 1602) for the relief of A. P. Brown, late postmaster of Le Mars, Iowa. (Report No. 984.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 753) for the relief of the legal representatives of John C. Howe. (Report No. 985.)

By Mr. HUTCHESON, from the Committee on Claims:

The bill (S. 644) to refund certain import duties. (Report No. 986.)

The bill (H. R. 6854) to pay for improving the street in front of the post-office site in the city of Poughkeepsie, State of New York. (Report No. 987.)

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols. (Report No. 989.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7317) to increase the pension of Leroy M. Bethea. (Report No. 990.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 1474) granting a pension to John J. Copley. (Report No. 991.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 1810) directing the Secretary of the Interior to place Sarah E. Comly on the pension roll, etc. (Report No. 992.)

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. WANGER, from the Committee on Interstate and Foreign Commerce:

The bill (H. R. 235) to provide a life-saving station at or near Watsons Pier, on the coast of South Kingston, in the State of Rhode Island. (Report No. 975.)

The bill (H. R. 22) providing for a life-saving station at the entrance to Tillamook Bay, in Oregon, and for life-saving crew, etc. (Report No. 976.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 7666) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

By Mr. GAMBLE: A bill (H. R. 7667) for the relief of homestead settlers upon unsurveyed public lands, and for other purposes—to the Committee on the Public Lands.

By Mr. OTEY: A bill (H. R. 7668) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia—to the Committee on the Judiciary.

By Mr. WALKER of Virginia: A bill (H. R. 7669) to pay certain employees of the United States Government during the civil war wages illegally withheld from them—to the Committee on War Claims.

By Mr. HARDY: A bill (H. R. 7670) to regulate the pay of noncommissioned officers in the Army—to the Committee on Military Affairs.

Also, a bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana—to the Committee on Naval Affairs.

By Mr. COFFIN: A bill (H. R. 7705) for the paving of the streets in the city of Annapolis adjacent to the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. PERKINS: A joint resolution (H. Res. 150) relative to printing of the Annual Report of the Superintendent of the United States Coast and Geodetic Survey—to the Committee on Printing.

By Mr. BARHAM: A joint resolution (H. Res. 151) to authorize the Secretary of War to build military road through Lime Point, California—to the Committee on Military Affairs.

Also, a joint resolution (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school—to the Committee on the Public Lands.

By Mr. SULZER: A joint resolution (H. Res. 153) increasing the limit of cost for erection of the appraisers' warehouse building in the city of New York, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS of Kansas: Resolution (House Res. No. 226) to pay Thomas Adams for services in the document room, House of Representatives—to the Committee on Accounts.

By Mr. KYLE: Memorial of the legislature of Mississippi to grant a township of the United States land in the State of Mississippi for the support and maintenance of a hospital medical college and bureau of vital statistics of the University of Mississippi—to the Committee on the Public Lands.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7435) for the relief of William M. Dotson—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

The bill (H. R. 642) for the relief of James M. Oliver—Committee on Claims discharged, and referred to the Committee on War Claims.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROWN: A bill (H. R. 7672) for relief of Martin V. Brock—to the Committee on Military Affairs.

Also, a bill (H. R. 7673) for relief of Jacob M. Rife, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. BROMWELL: A bill (H. R. 7674) for the relief of the estate of John H. Piatt, deceased—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7675) granting a pension to Sarah Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7676) granting a pension to Emily Hayes—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 7677) for the relief of the Methodist Episcopal Church at Webster, W. Va.—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 7678) for the relief of certain light-house employees of the Sixth light-house district—to the Committee on Claims.

By Mr. FISCHER: A bill (H. R. 7679) for the relief of Mrs. Mary I. Brossman—to the Committee on War Claims.

Also, a bill (H. R. 7680) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 7681) for the relief of William Schrecongost, of Kittanning, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7682) for the relief of George W. Shearer, of Olivet, Pa.—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 7683) to correct the military record of John McCarthy, late of Company B, Eleventh Regiment Connecticut Infantry—to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 7684) to correct the military record of Peter Buckley—to the Committee on Military Affairs.

Also, a bill (H. R. 7685) to correct the military record of William Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 7686) granting a pension to Julia A. Powell—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7687) granting a pension to Eliza Stofer—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 7688) for the relief of John M. Laughlin—to the Committee on Invalid Pensions.

By Mr. LEONARD: A bill (H. R. 7689) to pension Sarah J. Bossert, widow of Henry M. Bossert, as a colonel's widow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7690) for the increase of the pension of John H. Smith, late Company H, Fifty-first Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 7691) granting a pension to Joseph Cater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7692) granting a pension to Clara Matilda Bain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7693) for the relief of Richard Sickner—to the Committee on Military Affairs.

By Mr. MOZLEY: A bill (H. R. 7694) granting a pension to Elizabeth Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7695) granting a pension to Lorenz Hafler—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7696) for the relief of Samuel B. Horne—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7697) for relief of the heirs of Mrs. Nancy Mitchell, of Lincoln County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 7698) to carry out the findings of the Court of Claims in the case of John P. Clark—to the Committee on War Claims.

Also, a bill (H. R. 7699) for the relief of Mrs. Mary Craddock—to the Committee on War Claims.

Also, a bill (H. R. 7700) to carry out the findings of the Court of Claims in the case of James Pasqueth, Robert Brown, J. W. Patton, and others, trustees of the Presbyterian Church at Mexico, Mo.—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 7701) for the relief of John Green, late of Company C, Fourth Regiment Delaware Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WOOMER: A bill (H. R. 7702) granting a pension to Kate E. Keiser—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 7703) to correct the muster roll of the Eighty-first United States Colored Regiment—to the Committee on Military Affairs.

By Mr. STRONG: A bill (H. R. 7704) granting a pension to Frances Coyner—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7706) for the reimbursement of the heirs of James Anderson for transportation and expenses in recruiting troops for service in the Union Army—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred, as follows:

By Mr. ACHESON: Resolutions of Duquesne Council, No. 394, Order United American Mechanics, of Duquesne, Allegheny County, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of A. C. Fenimore and B. C. Stark, of Monongahela, Washington County, Pa., praying that religious publications be given every advantage of the act of Congress of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: Petition of Rev. James Frothingham, pastor of the Presbyterian church, and 11 officers of other religious organizations in Harvey, Ill., representing 915 members, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of residents of Harvey, Ill., asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island, in New York Harbor—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Ten petitions of citizens of Washington, containing a total of 191 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, remonstrance of John Anthony and 48 others, of Arthur, Wis., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of John J. Edson and 1,000 others, residents and taxpayers of the District of Columbia, in favor of House bill No. 4956, to authorize the construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended, eastward—to the Committee on the District of Columbia.

By Mr. BRUMM: Petition of Washington Camp, No. 52, of Tower City, Pa., and of Washington Camp, No. 475, of St. Clair, Pa., Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CONNOLLY: Remonstrance of A. C. Hunter and others, of Concord, Ill., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: Protest of Frank Walker and 35 other citizens of Winnebago County, Wis., against raising the water in Lake Winnebago by placing flushboards on the Menasha Dam—to the Committee on Rivers and Harbors.

By Mr. COUSINS: Resolutions of the board of managers of the Society of the Sons of the Revolution of the State of Iowa, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. CRUMP: Petition of the Grit Publishing Company, of Williamsport, Pa., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Philadelphia Maritime Exchange, regarding Senate bill No. 179, "to remove discriminations against American sailing vessels in the coasting trade"—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Philadelphia Maritime Exchange, regarding Senate bill No. 180, for the licensing of masters and chief mates of sail vessels over 700 tons—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURTIS of Iowa: Resolutions of the board of managers of the Society of the Sons of the Revolution of the State of Iowa, favoring the publication of certain records and papers of the Continental Congress—to the Committee on Printing.

By Mr. DAYTON: Petition of Benjamin Eckles, of Bolivar, Jefferson County, W. Va., praying for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, protest of J. D. Thompson, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. W. Barnes and others, of West Virginia, praying for the passage of House bill No. 5969, providing for an equitable adjustment of the grants of land to the several States of the Union for State normal schools and other purposes—to the Committee on the Public Lands.

By Mr. ELLIS: Petition of Joseph Budd and 23 others, of Gilliam County, Oreg., protesting against any appropriation for sectarian purposes—to the Committee on Appropriations.

By Mr. EVANS: Petition of Henry Gagel and others of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. GAMBLE: Petition of C. H. Freeman and 35 other citizens of Elk Point, S. Dak., to grant aid to the Pacific Short Line Company to enable it to extend its line to a connection with the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. GRIFFIN: Protest of 83 citizens of Pierce County, Wis., against the passage of the joint resolution proposing an amendment to the Constitution of the United States for the recognition of God in the Constitution—to the Committee on the Judiciary.

By Mr. GROUT: Memorial of B. Lonto and 24 others, Spaniards, residing and doing business in New York, praying that the friendship between the United States and Spain shall stay unbroken—to the Committee on Foreign Affairs.

By Mr. HART: Petition of citizens of Bath, Pa., favoring the passage of the Stone Immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolution of the Hartford Board of Trade, concerning the harbor at Block Island—to the Committee on Rivers and Harbors.

By Mr. KEM: Petition of 366 citizens of the counties of Sheridan, Grant, Deuel, Hooker, Thomas, McPherson, Cheney, Boxbutte, Custer, Dawson, and Arthur, Nebr., asking that the country known as the Sand Hills be exempt from the provisions of the bill ceding all public lands in the State of Nebraska to the State for irrigation purposes—to the Committee on the Public Lands.

By Mr. KIEFER: Petition of John Q. Adams, of St. Paul, Minn., against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the Maritime Associations of New York City, Philadelphia, Boston, etc., urging the enactment of House bill No. 2673, abolishing compulsory pilotage on coastwise sailing vessels throughout the United States—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Light-House Keepers' Association of the United States, in favor of a bill to retire and pension employees of the Light-House Establishment—to the Committee on the Merchant Marine and Fisheries.

By Mr. LINTON: Remonstrance and petition of citizens of Buchanan, Mich., respecting the Marquette statue—to the Committee on the Library.

Also, petition of citizens of Chesaning, Mich., asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LITTLE: Resolutions of the Commercial League of Fort Smith, for the improvement and protection of the river front at Fort Smith—to the Committee on Rivers and Harbors.

Also, petition of 50 citizens of Oakland, Ind. T., for the establishment of a Federal court at Oakland, Ind. T.—to the Committee on the Judiciary.

By Mr. LONG: Petition of Joe Hooker Post, No. 17, Grand Army of the Republic, of Hutchinson, Kans., praying for the passage of a joint resolution recognizing the Cubans as belligerents—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of The Carter's Ink Company, of Boston, Mass., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Sixteen petitions of the Liquor Dealers' Associations of Newark, Camden, Paterson, Hackensack, Perth Amboy, Plainfield, Elizabeth, Rahway, Carlstadt, New Brunswick, Passaic, Orange, and the counties of Monmouth and Warren, all in the State of New Jersey, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of John B. Smith and 11 others, of Newark, N. J., praying for the passage of House bill No. 1429, entitled "A bill to adjust the pensions of those who have lost limbs or have been totally disabled in them"—to the Committee on Invalid Pensions.

By Mr. McEWAN: Resolutions of Essex Trades Council, of Newark, N. J., asking passage of House bill No. 184, for the appointment of a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MERCER: Resolutions of the Board of Trade of Corning, Iowa, in favor of the transmississippi exposition at Omaha—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of H. B. Wallace and 17 other Union ex-prisoners of the late war, asking for the passage of House bill No. 306, granting a pension to sailors and soldiers who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Madison County, N. Y., members of Madison Grange, No. 716, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Ways and Means.

Also, memorial of 800 citizens of Syracuse, N. Y., comprising Council No. 12, New York State American Protective Association, protesting against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. ROBINSON of Pennsylvania: Petition of Washington Camp, No. 594, Patriotic Order Sons of America, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Petitions of Order United American Mechanics, General Lyon Council, No. 32, of Putnam; Jonathan Trumbull Council, No. 29, of Willimantic, and Manhanset Council, No. 47, of Mystic, all in the State of Connecticut, favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEELE: Petition of the Kokomo (Ind.) Association of Stationary Engineers, No. 24, by its secretary, John F. Alt, praying

for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. STEPHENSON: Indorsements of 21 leading citizens of Sault Ste. Marie, Mich., of a proposed bill to amend the act of February 26, 1885, known as the alien contract-labor laws—to the Committee on Labor.

By Mr. THOMAS: Petition of Henry C. Rawson, to accompany House bill No. 7304, for the correction of his military record—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: Petition of J. P. Eskildsen and 10 other citizens of Fort Atkinson, Iowa, asking that tracts and other religious matter be given every advantage of the act of July 16, 1894, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Letter of A. O. Kincaid, of Woodward, Okla., in relation to lands in Oklahoma Territory—to the Committee on the Public Lands.

## SENATE.

MONDAY, *March 30, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

### PETITIONS AND MEMORIALS.

Mr. DAVIS presented a petition of the common council of Duluth, Minn., praying for the enactment of more stringent laws regulating immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the common council of Duluth, Minn., remonstrating against the construction of a bridge across the St. Louis River between Duluth, Minn., and Superior, Wis., unless provision is made for the accommodation of all persons traveling in any manner whatsoever; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation granting protection to Americans in Turkey, and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a memorial of Local Union No. 113, United Garment Workers of America, of St. Paul, Minn., remonstrating against the passage of House bill No. 3346, relative to the sweating system; which was referred to the Committee on Finance.

He also presented a memorial of Worden Post, No. 12, Department of North Dakota, Grand Army of the Republic, remonstrating against the transfer of the Fort Pembina Military Reservation, N. Dak., to the Interior Department, and praying that the order be reconsidered; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented a memorial of sundry citizens of Los Angeles, Cal., remonstrating against the passage of the Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

Mr. ALLEN (for Mr. THURSTON) presented a petition of the Corning Board of Trade, of Corning, Iowa, favoring the proposed transmississippi and international exposition to be held at Omaha, Nebr., in 1898; which was ordered to lie on the table.

He also (for Mr. THURSTON) presented a petition of S. A. Douglas Circle, No. 20, Ladies of the Grand Army of the Republic, Department of Nebraska, of North Platte, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. LINDSAY presented a petition of sundry citizens of Stark, Ky., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Louisville, Ky., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

Mr. TURPIE (for Mr. VOORHEES) presented petitions of sundry citizens of Arcadia, Fort Wayne, Jonesboro, Fairmount, and West Indianapolis, all in the State of Indiana; the petition of P. A. Hall, of West Indianapolis, Ind.; the petition of F. W. Marting, of Oriole, Ind., the petition of Charles Jones, jr., of Mount Vernon, Ind., and the petition of Omar B. McCurdy, of Wanamaker, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a petition of the National Association of Agricultural Implement and Vehicle Manufacturers of the United States, praying for the enactment of legislation authorizing the railroads of the United States to give to shippers uniform classification; which was referred to the Committee on Interstate Commerce.

He also (for Mr. VOORHEES) presented a petition of the New York Produce Exchange, praying that a new custom-house be constructed in the city of New York on the old site known as Bowling Green; which was referred to the Committee on Commerce.

He also (for Mr. VOORHEES) presented a petition of the Light Keepers' Association of the United States, praying for the enactment of legislation to retire and pension employees of the Light-House Establishment; which was referred to the Committee on Pensions.

He also (for Mr. VOORHEES) presented resolutions adopted at a meeting of the board of directors of the Boston Merchants' Association, of Boston, Mass., remonstrating against the continuance of the agitation for the free coinage of silver, and favoring the maintenance of a gold standard; which were ordered to lie on the table.

He also (for Mr. VOORHEES) presented the memorial of Mrs. M. E. Whitmore, president of the Woman's Missionary Society of the Reformed Church of the United States, representing 10,000 women, remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a petition of the New York Mercantile Exchange, of New York City, N. Y., praying for the enactment of legislation regulating the sale and manufacture of "filled cheese"; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented a petition of sundry citizens of Indiana, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented a petition of the National Grange, Patrons of Husbandry, praying for the enactment of legislation relative to matters of vital importance to the farmers of the country; which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. VOORHEES) presented sundry petitions of citizens of Columbus, Evansville, Bloomington, Goodman, Indianapolis, Kokomo, Milroy, and Princeton, all in the State of Indiana, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also (for Mr. VOORHEES) presented a petition of sundry citizens of Indiana, praying for the enactment of legislation to regulate and advance the salaries of the officers and privates in the watch force of the Executive Departments of the Government; which was referred to the Committee on Appropriations.

Mr. QUAY presented a memorial of Council No. 70, American Protective Association, of Williamsport, Pa., and a memorial of Council No. 24, American Protective Association, of New Castle, Pa., remonstrating against Federal appropriations for sectarian schools; which were referred to the Committee on Appropriations.

He also presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for the improvement of the Delaware and Schuylkill rivers; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition of the Light Keepers' Association of the United States, praying for the enactment of legislation to retire and pension employees of the Light-House Establishment; which was referred to the Committee on Pensions.

He also presented the petition of Rev. Gilbert C. Mouerdale, pastor, and the congregation of the Methodist Church of Farmington, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Friendship Council, No. 81, Junior Order United American Mechanics, of New Market, N. J., and a petition of Fidelity Council, No. 8, Junior Order United American Mechanics, of Milleville, N. J., praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

Mr. WOLCOTT presented the petition of S. Wilson and sundry other citizens of Canfield, Colo., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented memorials of Council No. 5, of Denver; of Council No. 66, of Leadville; of Council No. 69, of Erie; of Council No. 15, of Grand Junction, and of Council No. 11, of Colorado Springs, all in the State of Colorado, remonstrating against placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented a petition of Waiters' Union, No. 21, American Federation of Labor, of Detroit, Mich, praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

He also presented a petition of the Marine Engineers' Beneficial Association, No. 37, of Bay City, Mich., praying for the passage of Senate bill No. 732, to improve the condition of naval engineers; which was referred to the Committee on Naval Affairs.

He also presented a petition of Detroit Lodge, No. 82, International Association of Machinists, of Detroit, Mich., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of Encampment No. 10, Union Veteran Legion, of New Bedford, Mass., praying for the enactment of legislation granting per diem pensions; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Galesburg Lodge, No. 213, International Association of Machinists, of Galesburg, Ill., praying for an investigation into the treatment of the employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented a petition of 920 citizens of Harvey, Ill., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. VILAS presented the memorial of Elman Dewey and 29 other citizens of Big Bend, Wis., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the Algoma Street Methodist Episcopal Church, of Oshkosh, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a petition of 107 business firms and representatives of sundry industries of Cleveland, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation providing a reform in the postal affairs of the country, and also for the restriction of second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the German Association of Stationary Engineers No. 33, of Cleveland, Ohio, praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Emory A. Saddler, of Columbus, Ohio, and a petition of sundry citizens of Ohio, praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE. On the 26th instant I presented a memorial of the agents of the States of Ohio and Pennsylvania in connection with the claims of those States, under the act of July 27, 1861, as stated in Senate Document No. 75, Fifty-fourth Congress, first session, for the amounts due them for expenses incurred in raising troops, and the memorial was at my request referred to the Committee on Military Affairs. I find that a bill is pending before the Judiciary Committee touching the same subject. I ask that the reference be changed from the Committee on Military Affairs to the Committee on the Judiciary.

The VICE-PRESIDENT. If there be no objection, the change of reference will be made.

Mr. GORDON presented a petition of the faculty and students of Spelman Seminary, Atlanta, Ga., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of 138 citizens of Santa Clara County, Cal., and a petition of sundry citizens of San Francisco, Cal., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

Mr. ALDRICH presented a petition of the Woman's Christian Temperance Union of Rhode Island, praying for the establishment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of 45 citizens of Pawtucket, R. I., praying for the adoption of the proposed amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Saunderstown, R. I., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Elmwood Lodge, No. 17, Order United American Mechanics, of Providence, R. I., and a petition of sundry citizens of Rhode Island, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

## REPORTS OF COMMITTEES.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes, reported it with amendments.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (S. 2017) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1399) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, reported two amendments concerning the Potomac Flats, intended to be proposed to the District appropriation bill, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by the junior Senator from Massachusetts [Mr. LODGE] on the 16th instant, concerning the salary of the superintendent or clerk in charge of stations where any post-office is consolidated with any office so as to become a station or substation of the same, intended to be proposed to the Post-Office appropriation bill, to report it favorably and submit a report thereon. I move that the proposed amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. WOLCOTT. I am directed by the same committee, to whom was referred the bill (S. 2199) to regulate the delivery of short-paid mail matter, to submit an adverse report thereon and recommend its indefinite postponement; but inasmuch as the junior Senator from Massachusetts [Mr. LODGE] introduced the bill, it had perhaps better go on the Calendar and await a motion of indefinite postponement.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2572) to incorporate the Convention of American Instructors of the Deaf in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, to report it with amendments, and to submit a written report, which I ask to have printed.

I give notice that to-morrow, at some convenient hour, interrupting as little as I can the Senator from Arkansas [Mr. BERRY] in the management of his bill, I shall ask for the consideration of the appropriation bill which I have just reported.

Mr. GEORGE. I wish to state to the Senator from Iowa that I have given notice that I shall take the floor to-morrow morning after the morning hour on the Du Pont case.

Mr. ALLISON. I give the Senator absolute assurance that I shall not interrupt him in that case.

The VICE-PRESIDENT. The report will be printed under the rule, and the bill placed on the Calendar.

PUNISHMENT OF INDIANS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted, to report it favorably with amendments. I desire to state that it is a bill similar to a measure which, I believe, passed both Houses of Congress heretofore, but it did not reach the President in season to be signed. The amendment has already passed the Senate within a few days as a separate bill. I ask that the bill may be now put upon its passage.

The VICE-PRESIDENT. The bill will be read for information.

The bill was read.

Mr. VEST. Will the chairman of the Judiciary Committee be kind enough to explain what those sections are? It seems to me, without a reference to them, that the proposed act virtually abolishes capital punishment within the jurisdiction of the United States.

Mr. HOAR. It abolishes capital punishment except in the cases of treason, murder, and rape.

Mr. VEST. If the Senator will permit me, from the reading at the desk I inferred that the jury could recommend imprisonment for life.

Mr. HOAR. No; it is the same act we passed last winter after a full explanation, and in the cases of treason, murder, and rape that capital punishment is retained. In all other cases imprisonment at hard labor for life is inflicted where the cases are now capital. In the cases of treason, murder, and rape the jury may annex to their verdict the words "without capital punishment," and in those cases the punishment is to be imprisonment for life.

Mr. HALE. Does that apply to the three deepest crimes which are named, and so abolish capital punishment?

Mr. HOAR. It does.

Mr. HALE. It does, as the Senator says, abolish capital punishment?

Mr. HOAR. Where the offense of treason is committed and if there is a verdict "without capital punishment," capital punishment is abolished. So of murder, and so of rape.

Mr. HALE. It is left to the jury.

Mr. HOAR. Yes, it is left to the jury, as in a great many States now. Then, as to the added section, the statute passed in 1885 extended the punishment for offenses committed off Indian reservations in certain enumerated cases, and among them rape, to offenses committed on Indian reservations. So the judge has no discretion where the offense of rape is committed on an Indian reservation but to sentence the prisoner to death; and there are several cases now pending where that must happen. One of the judges, a judge from Idaho, Judge Beatty, formerly, I believe, a member of the other House, wrote to me that there are several cases now upon trial before him of boys who did not seem to understand that they had committed any very heinous offense, and admitted the offense readily without any attempt to conceal it whatever, and he has to sentence those poor creatures to death.

Mr. HALE. When was this bill reported?

Mr. HOAR. At the last session of the last Congress.

Mr. HALE. But the present bill?

Mr. HOAR. At this moment. The reason why I ask present consideration is because we have a communication from the Attorney-General stating that it is very important indeed that it shall be passed before the 6th of April, because there are some cases that ought to be brought under it, or otherwise the death penalty must be inflicted.

Let me repeat; this is not new legislation brought in here in haste and asked to be passed through at once. It was passed, on full consideration by both Houses in the last Congress, but failed to reach the President in time.

Mr. HALE. I merely wish to say that I have no desire to delay the matter much. I am in full accord with the committee on their proposition relating to capital punishment. I should like an opportunity to look at the bill, which I have not had, and therefore I ask that it may go over for a day. It need not go to the Calendar.

Mr. COCKRELL. Let it be printed as proposed to be amended, and the Senator from Massachusetts can call it up at any time.

Mr. HOAR. Very well. I will ask leave to make this same request for its consideration at this time to-morrow morning.

Mr. COCKRELL. The bill having been printed in the meantime and laid on the table.

Mr. HOAR. Yes.

Mr. HALE. Let it be printed.

The VICE-PRESIDENT. The order to print will be made.

Mr. HOAR. And I shall ask leave to make this same request to-morrow morning.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HOAR subsequently said: I reported this morning a bill from the Judiciary Committee in regard to the death penalty, and several Senators desired to have it printed and it went over. I had asked for its present consideration. I should like to have the bill recommitted, so that I may report it again in the morning hour to-morrow.

The PRESIDING OFFICER (Mr. BURROWS in the chair). If there be no objection, the bill referred to by the Senator from Massachusetts will be recommitted as requested.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 2657) to retire and pension employees of the Light-House Establishment and Life-Saving Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2658) granting a pension to L. B. Hargrave; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2659) granting a pension to William Sible; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2660) granting a pension to Silas Jordan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2661) granting a pension to Henry Charles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2662) granting a pension to Alfred H. Burr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2663) granting an increase of pension to John Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2664) granting an increase of pension to Lafayette Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2665) granting an increase of pension to James White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2666) to remove charge of desertion from the naval record of Edward Hurley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2667) to remove the charge of desertion from the military record of Engelberth Bensinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2668) to remove the charge of desertion from the military record of Ambrose B. Jeffries, alias Henry O'Connell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2669) to remove the charge of desertion from the record of Andrew J. Dixon, deceased, late a private in Company A, Twenty-sixth Regiment Indiana Volunteers, and to show that he died in said service in line and discharge of duty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2670) to amend section 6 of the act of March 3, 1891, chapter 517, establishing circuit courts of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

Mr. BRICE introduced a bill (S. 2672) granting a pension to John J. Shockey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2673) granting a pension to Eliza Rosenfeldt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2674) granting a pension to Levi R. Long; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GRAY introduced a bill (S. 2675) to punish the false publication of awards for merit and medals to exhibitors at the World's

Columbian Exposition; which was read twice by its title, and referred to the Select Committee on International Expositions.

Mr. ALDRICH introduced a bill (S. 2676) for the relief of Capt. John T. Bruen, of the State of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY (by request) introduced a bill (S. 2677) to provide for the securing of plans and for the erection of the public buildings of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 2678) to provide for the erection of a monument to the memory of James Monroe at Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. QUAY (by request) introduced a joint resolution (S. R. 117) increasing the limit of cost for the erection of the appraisers' warehouse building in the city of New York, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAFFERY submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT ON THE UNIVERSITY OF THE UNITED STATES.

Mr. FRYE. I ask for the adoption of the following order:

*Ordered*, That there be printed for the use of the Senate 5,000 copies of the report of the Committee on the University of the United States on the bill creating such university.

The order does not require to go to the Committee on Printing, owing to the fact that the printing will not cost $500.

The order was agreed to.

ECONOMIC GEOLOGY OF THE MERCUR MINING DISTRICT.

Mr. BROWN submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 copies, in separate form, with paper covers, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations; of which 2,500 copies shall be for the use of the House, 2,000 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 28th instant approved and signed the following acts and joint resolution:

An act (S. 789) for the relief of Kate Winter;

An act (S. 732) to regulate the issue and recording of the commissions of officers in several of the Departments;

An act (S. 990) to amend section 9 of an act entitled "An act to provide for the appointment of a sealer and assistant sealers of weights and measures in the District of Columbia, and for other purposes";

An act (S. 2251) to authorize the construction of a bridge across the Calumet River; and

A joint resolution (S. R. 75) providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter-Day Saints.

OFFICIAL REPORTERS OF DEBATES.

Mr. HALE. Is there not some morning business coming over?

The VICE-PRESIDENT. There is a resolution on the table that the Chair will lay before the Senate. The resolution will be read.

The Secretary read the resolution reported on the 27th instant by Mr. HALE from the Committee on Printing, as follows:

*Resolved*, That Theodore F. Shuey is hereby appointed Official Reporter for reporting the proceedings and debates of the Senate until further order of the Senate, subject to all the duties and obligations of the contract made with D. F. Murphy, deceased, late Reporter of the Senate, and to the supervision and control of the Committee on Printing on behalf of the Senate in all respects therein provided, and to receive payment for such service according to law.

Mr. HALE. I move an amendment to the resolution. After the name "Theodore F. Shuey," strike out the word "is" and insert "and Edward V. Murphy are," and strike out the word "Reporter" and insert "Reporters," so as to read:

*Resolved*, That Theodore F. Shuey and Edward V. Murphy are hereby appointed Official Reporters, etc.

The amendment was agreed to.

The resolution as amended was agreed to.

STEAMER MATTEAWAN.

Mr. HILL. In behalf of my colleague [Mr. MURPHY], who is ill and confined to the house, I ask consent to call up the bill (H. R. 4698) to provide an American register for the steamer *Matteawan*. The bill has passed the other House; the steamer wants to sail, and it will take only a few moments to pass the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPERATORS OF MILITARY TELEGRAPH LINES.

Mr. QUAY. Before proceeding with the current business, I ask the unanimous consent of the Senate to call up the bill (S. 319) for the relief of telegraph operators during the war of the rebellion. It is a bill which has been twice reported favorably in the Senate, and once passed the Senate without opposition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, after the word "served," to insert "not less than ninety days"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to prepare a roll of all persons who served not less than ninety days in the operation of military telegraph lines during the late civil war and to issue to each, upon application, unless it appears that his service was not creditably performed, or to the representatives of those who are dead, suitable certificates of honorable service in the military telegraph corps of the Army of the United States, stating the service rendered, the length of such service, and the dates, as near as may be, between which such service was performed: *Provided*, That this law shall not be construed to entitle the persons herein mentioned to any pay, pension, bounty, or rights not herein specifically provided for.

Mr. PLATT. The object of the bill is simply——

Mr. QUAY. It is simply to give them a military status.

Mr. PLATT. It gives them a certificate of service.

Mr. QUAY. That is all. A similar bill passed the Senate in the last Congress and passed the other House, but did not reach the President in time.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of telegraph operators who served in the war of the rebellion."

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent to proceed to the consideration of the unfinished business, which is Senate bill 502.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CULLOM. Will the Senator from Arkansas yield to me that I may call up a little pension bill?

Mr. BERRY. I will yield to the Senator from Illinois, but I should like to have permission to state to the Senate that I have this day promised me for the consideration of the unfinished business, and I hope that after the bill the Senator from Illinois calls up is considered the unfinished business will be proceeded with.

Mr. CULLOM. This little pension bill will not take a minute.

Mr. WOLCOTT. I ask the Senator from Arkansas if he will also consent to the consideration of a little bill. It is under peculiar circumstances that I want to ask the Senator to yield to me.

Mr. BERRY. Very well.

Mr. WOLCOTT. It is a bill reported by the Committee on Claims respecting a Senate employee who has been crippled for life and seriously injured here in the elevator, and the only chance of getting it through Congress is to take action at once. It will lead to no debate, and I should like to ask unanimous consent for its passage.

Mr. BERRY. After the Senator from Illinois is through I will yield to the Senator from Colorado.

Mr. PLATT. I suggest that the Senate, by unanimous consent, take up the bill to which the Senator from Arkansas refers, and then he will yield to these two matters.

Mr. CULLOM. I understand it is up.

Mr. BERRY. It is up, and I yield to the Senator from Illinois.

Mr. CULLOM. I am much obliged.

The VICE-PRESIDENT. The Chair recognizes the Senator from Illinois for the purpose of calling up a bill.

UZZIEL B. CHURCH.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the bill (H. R. 711) to increase the pension of Uzziel B. Church.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension rolls the name of Uzziel B. Church, late of Company

D, Eleventh Regiment Indiana Volunteer Infantry, and late of Company I, Sixteenth Regiment Indiana Volunteer Infantry, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WILLIAMS.

Mr. WOLCOTT. I ask leave to call up the bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, before the word "dollars," to strike out "three thousand" and insert "one thousand five hundred"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Thomas Williams, who was injured while in the discharge of his duties as an employee of the Senate folding room in the year 1892.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

BENJAMIN F. HOWLAND.

Mr. SHOUP. I ask unanimous consent to call up the bill (S. 1565) granting a pension to Benjamin F. Howland.

Mr. BERRY. I hope the Senator from Idaho will let that go over for the time being. I dislike to refuse consent, but I have only this day for the consideration of the unfinished business. If it is delayed longer this morning it may be impossible to get through with it to-day. However, I will yield to the Senator from Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Benjamin F. Howland, late of the whale ship *Edward*, Mexican war.

Mr. HOAR. What is the title to a pension on which the bill rests?

Mr. SHOUP. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. SHOUP on the 10th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 156b) granting a pension to Benjamin F. Howland, have examined the same and report:

The claimant made application for pension under the Mexican war service pension act of January 29, 1887, alleging that he enlisted in the United States service at St. Joseph, Gulf of California, in 1846, as a sailor on the ship *Edward*, commanded by Capt. John S. Barker. His claim was rejected in the Pension Bureau on the ground that the records fail to show that he was enlisted in the naval or military service of the United States.

The beneficiary is one of the survivors of the crew of the ship *Edward*, several of whom have been pensioned by special act of Congress, notably Charles H. Perry, June 20, 1890, and George James, February 25, 1891; and the widow of Charles Peirce, August 9, 1894.

The following extract from the report of the Committee on Pensions in the House of Representatives, Fifty-first Congress, first session, in the case of Charles H. Perry, above mentioned, contains the data relative to the service rendered the Government by the crew of the ship *Edward*:

"The claimant made application to the Pension Bureau March 24, 1887, for a pension under the Mexican war service act of January 29, 1887, declaring that while serving as fourth mate on the United States whaling ship *Edward*, commanded by Capt. John S. Barker, the ship touched the shores of Mexico at a place called San Joseph, where they were spoken by a trading sloop to go to the rescue of the garrison at said place, which was in the possession of our American troops (28 men), but which was surrounded by several hundred Mexicans, cutting off the water front.

"The whaling ship *Magnolia* dropped anchor near the *Edward*, and at the request of the garrison the forces of the two ships were combined, making a force of about 60 men, who landed, drove the enemy back, and remained there until the U. S. S. *Relief* relieved them. In order to perform the service above named the ships *Edward* and *Magnolia* were left in charge of two men each, and the landing force marched 14 miles to reach the garrison. After relief came the ship *Edward* took dispatches to Commodore Shubrick, who was stationed at Matzland with the squadron. Commodore Shubrick returned thanks in behalf of the Government for the service rendered by the *Edward* on that occasion, and at his request the *Edward* carried fixed ammunition, shells, etc., back to the garrison.

"The official report of the United States Fish Commission for 1875-76 contains at the bottom of page 113 the following statement:

"'The London Mercantile Gazette of October 22, 1852, said: The number of American ships engaged in the Southern whale fisheries alone would of themselves be nearly sufficient to man any ordinary fleet of ships of war which that country might require to send to sea. Instances are not wanting, indeed, where whalemen have undertaken yeoman service for their country. Thus in November, 1846, Captain Simmons, of the *Magnolia*, and Capt. John E. Barker, of the *Edward*, both of New Bedford, hearing that the garrison of San Jose, Lower California, was in imminent danger, landed their crews and marched to its relief,' etc.

"On page 421 of the same volume a table showing returns of whaling vessels sailing from American ports has a marginal note mentioning the fact that Captain Barker, of the *Edward*, marched with his crew to the relief of the garrison of San Jose in 1846.

"Your committee believe, however, that in view of the service rendered by which the garrison of San Jose and the lives of more than a score of men were probably saved to the Government, the claim is an exceptionally meritorious one, and should be so recognized by the passage of the bill."

In a letter from the collector of customs at the port of New Bedford, Mass., he states "upon examination of the original crew list of bark *Edward*, of this port, which cleared July 14, 1845, on a whaling voyage, the name of Benjamin F. Howland appears, and is thus described: "Benjamin F. Howland, born in New Bedford, Mass.; aged 17 years; 5 feet 5 inches in height; light complexion; brown hair."

The claimant is 68 years of age, and from the affidavits of two of his neighbors it appears that he is suffering from rheumatism and disease of the kidneys and bowels.

In view of the precedents established by pensioning the survivors above referred to, and pensioning the widow of a member of the crew, your committee believe that the relief prayed for should be granted, and the passage of the bill is therefore recommended.

Mr. HOAR. I think that——

Mr. BERRY. If the bill leads to discussion I shall be compelled to object.

Mr. HOAR. I have the floor, and it will take but a moment. I suggest that it be amended. I move to amend by inserting after the word "Edward," in the sixth line, the words "for important services rendered in the"; so as to read:

Late of the whaleship *Edward*, for important services rendered in the Mexican war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTMENT OF CLAIMS WITH ARKANSAS.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. BERRY. I ask that the bill be read in full.

Mr. MITCHELL of Oregon. Before that is done I desire to state that I had intended to call up the privileged question, but I shall give way to the Senator from Arkansas for to-day only, as he has been insisting for some time on getting his bill up and it has been the unfinished business. But I give notice that unless he can conclude the bill to-day I shall have to proceed to-morrow with the privileged case.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the compromise and settlement effected February 23, 1895, between the United States and the State of Arkansas by John G. Carlisle, Secretary of the Treasury, and Hoke Smith, Secretary of the Interior, on behalf of the United States, and James P. Clarke, governor of Arkansas, on behalf of that State, which was made under and by virtue of the authority conferred by an act of Congress approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas," and the act of the general assembly of Arkansas approved April 8, 1889, authorizing the governor to act for that State, be, and the same is hereby, approved and given the full force and effect of law.

Mr. BERRY. Mr. President, I am glad to know that the time has come when there is a reasonable probability that a vote can be had upon the pending measure. For more than fifteen years the State of Arkansas, through her legislature, through her governor, and by her delegation in both Houses of Congress, has been striving to get the indebtedness of the State of Arkansas to the United States and the indebtedness of the United States to the State of Arkansas settled, adjusted, and compromised. My predecessor here, Mr. Garland, introduced a bill in, I think, every Congress of which he was a member. My colleague in the House, Mr. MCRAE, has devoted ten years of his public life here in earnest effort to bring about some kind of a settlement of this long-standing claim of the United States and the State of Arkansas, and it was solely due to his energy, his intelligence, his love for his State, and his perseverance that the act of 1894, referred to in the present bill, was passed.

The act of 1894, approved the 4th of August, provided that the Secretary of the Treasury and the Secretary of the Interior on behalf of the United States and the governor of Arkansas on behalf of the State of Arkansas should settle, compromise, and adjust all claims that the Government might have against the State and all claims that the State might make against the Government. In pursuance of that law the then governor of our State came to Washington and had an interview with the Secretary of the Interior and the Secretary of the Treasury, but they were unable, from some cause or other, to consider the matter at that time.

Subsequently, under the authority contained in the act, the Secretary of the Treasury named an expert in the office, who was, I think, the chief of division, Mr. Doyle, and the Secretary of the Interior named a law clerk in his office—his name, I think, was Mr. Ross—to proceed to the State of Arkansas to investigate the State land records, to take testimony in all the claims that Arkansas might present, to examine the public-land laws here in the Land Office and the Treasury Department, and make a full statement of what would be a just, fair compromise and settlement between the United States and the State of Arkansas.

Those experts went to the State of Arkansas, took the testimony of some sixty-five witnesses, thoroughly examined all the records,

and made a report to the Secretary of the Interior and the Secretary of the Treasury, and that report, after being thoroughly considered by them, was adopted, and the present governor of Arkansas. Governor Clarke, accepted the terms laid down in that report and agreed to by the Secretary of the Interior and the Secretary of the Treasury, and Governor Clarke came to Washington and the agreement was signed by those officers thus representing the United States Government, and the governor, representing the State, and it is that agreement which this bill seeks to confirm and ratify.

I want the Senate to understand before I go into the character of these claims that if this bill passes it will forever settle all claims that the Government of the United States may have against the State of Arkansas or that the State may have against the General Government. I want the Senate to understand fully that under this bill the State of Arkansas will relinquish to the United States claims for more than a million acres of swamp lands. It will relinquish all claims for land taken by way of indemnity under the swamp-land act; all claims for money indemnity under the acts of 1855 and 1857; all claims for indemnity for school land; all claims for 5 per cent upon public lands to which the State was entitled by the act of admission as were other public-land States, and, in addition, I wish to say that she will be required to pay into the Treasury of the United States the sum of $160,572. This will be the result if the bill becomes a law.

In regard to the character of the claims that the United States holds against the State of Arkansas there has been much misrepresentation and much misstatement which has gone to the country and which has come to the Senate. Two anonymous pamphlets have been issued and sent here recently. One of those pamphlets, which is copied from a newspaper from beginning to end, is full of misrepresentations in regard to this claim.

This indebtedness of the State of Arkansas to the United States came about in this way: Soon after the admission of Arkansas to the Union, in 1836, she, unfortunately for herself, passed a law by which she authorized the issuance of $2,000,000 of Arkansas bonds to be loaned to a real-estate bank established in that State.

Mr. PLATT. What year was that?

Mr. BERRY. The State was admitted in 1836; the legislative act authorizing the issuance of these bonds, to be guaranteed by the State of Arkansas, was passed in 1837. The bonds were to aid in the establishment of what was known as the Real Estate Bank in the State of Arkansas. The Government of the United States held at that time money which had been received from Mr. Smithson, which had been given by him for the establishment of the Smithsonian Institution. The Secretary of the Treasury invested that money in bonds of several States, including some of the bonds issued by the State of Arkansas to the Real Estate Bank. Five hundred and thirty-eight bonds, each for the sum of $1,000, were purchased with the Smithson money at, I think, 99¼ cents on the dollar. That money was invested by the Secretary of the Treasury in those bonds issued by the State of Arkansas to aid the Real Estate Bank in that State.

In addition to that, the Secretary of the Treasury invested $90,000 of what was known as the Chickasaw national fund and $3,000 more of what was known as the Chickasaw orphan fund in these Arkansas bonds, making a total of $631,000 of bonds, for which the State of Arkansas was liable.

Mr. President, I wish to say here that so far as the State itself is concerned and so far as the great body of its people are concerned, it has never been the beneficiary of a single solitary cent arising from the issuance of these bonds. I do not mention this for the purpose of showing that the State is not liable to the Government for the bonds or for the purpose of showing that the Government was in any way liable for the failure of the Real Estate Bank, from which the State suffered; but I state it in order to meet the false charge which has been made in the anonymous pamphlet to which I have referred, which has been circulated here, that the money all went into the Arkansas State treasury and was for the benefit of the people of that State. I repeat that the State never received one cent of benefit from the money which was invested in these real-estate bonds.

Mr. GEORGE. Who sold the bonds?

Mr. BERRY. The State of Arkansas, or the bank sold them. They were issued to the bank.

Mr. GEORGE. Who got the money?

Mr. BERRY. The bank held the bonds and got the money and failed.

Mr. GEORGE. And never paid?

Mr. BERRY. And never paid.

I repeat, I do not state this for the purpose of showing that the State is not liable for these bonds, but I state it in order to show that she was the unfortunate victim of a bad law passed in the State of Arkansas in 1837.

One other fact, Mr. President, to which I desire to call the especial attention of the Senate. It is alleged in the communication to which I have already referred that, if this bill passes, the Smithsonian Institution and the Chickasaw National Fund will suffer. The Smithsonian Institution and the Chickasaws have not one cent in this fund. The Government of the United States long since paid all the money that they had invested in these bonds over to the Smithsonian Institution and to the Chickasaws. It is a question entirely between the Government of the United States and the State of Arkansas. The Smithsonian fund has been reimbursed; the Chickasaw fund has been provided for, and they are no longer parties in any way to this proposed settlement.

Mr. PLATT. I should like to ask a question right there; that is, whether the United States has actually paid the money to the Chickasaw fund for these bonds, or whether interest is still being paid?

Mr. BERRY. My opinion is that she has actually paid it and turned over the money, and interest is not being paid.

Mr. PLATT. And has reimbursed the fund?

Mr. BERRY. Absolutely. So that it is simply a question between the United States and the State of Arkansas. That is the foundation of the claim of the United States against the State. I repeat, so Senators may fully understand it, that they did purchase $631,000 of these bonds in the first part of the year 1838, I think, when they were issued.

The first objection which has been raised to this settlement and compromise, and one, I understand from a short conversation I had with the Senator from Iowa [Mr. GEAR] on which he insists, is that in making the settlement the Secretary of the Interior and the Secretary of the Treasury did not compute interest on the bonds after they had matured. That statement is true. The reason why interest was not calculated was because of the following opinion, given by the Attorney-General of the United States:

DEPARTMENT OF JUSTICE, *February 14, 1895.*

GENTLEMEN: I have the honor to acknowledge your joint communication of the 12th instant, calling my attention to certain coupon 6 per cent interest-bearing bonds of the State of Arkansas, all dated January 1, 1838, and a portion of which matured October 26, 1861, and another portion January 1, 1868. A copy of one of said bonds is inclosed, and you inquire whether the State of Arkansas is liable for interest on said bonds from and after their maturity.

In my judgment the question must be answered unhesitatingly in the negative. The rule laid down in the case cited by you, United States *vs.* North Carolina (136 U. S., 211), has been explicitly declared to be the law of Arkansas by the highest court of that State; and I find nothing in the terms of the bonds themselves or in any legislation of Arkansas having any tendency to show that the State has consented to pay interest on the principal of these bonds after such principal became payable.

Respectfully, RICHARD OLNEY.

THE SECRETARIES OF THE TREASURY AND OF THE INTERIOR.

It was under that decision, Mr. President, that the officials of the Government acted, that the State by the law was not legally liable for the interest which had accrued after the maturity of the bonds. That is one of the objections which will be raised. I answer that by the opinion delivered by the Attorney-General and by the North Carolina case referred to in that opinion.

The amount found by the Secretary of the Treasury and Secretary of the Interior to be due to the Government by the State of Arkansas, without counting interest on these bonds after maturity, was $1,611,803.61; and they also found that the State was entitled to credits for the sum of $1,451,231.61, leaving a balance due the Government from that State of $160,572. Another objection is made to some of the credits claimed and allowed to the State. In 1850 a law was passed by which the swamp and overflowed lands in all the States of this Union were donated to the respective States in which they were located for the purpose of the reclamation of such lands. Under that law thousands and millions of acres of land have been granted to a number of States. My State was largely swampy in character in its eastern portion, and a large part of those lands were so designated on the maps of the official survey.

I want to state here and now that, under the rulings made by the General Land Office, a State could either select under the official survey and take such lands as were designated as swamp by that survey, or they could take proof as to the swampy character of the lands, and make claim before the General Land Office. My State elected to take under the official survey, and thereby lost thousands of acres that other States obtained by reason of the fact that they had taken another method of making proof.

Subsequent to that act, in 1855 and 1857, Congress passed laws by which it was provided that wherever the Government had sold lands which turned out afterwards to be swamp lands, after the passage of the act of 1850, and sold them for money, the money should be refunded to the respective States in which the lands were located.

It furthermore provided that if the lands were located by scrip location or by military bounty land warrants, the State had a right to select other public lands without regard to their character, provided they were public lands, in lieu of the lands that had been located under the scrip location or the military bounty land warrant location.

A large part of the claim offset against this amount of money due the United States Government by my State comes from swamp

lands to which we are entitled in lieu of lands subject to bounty land warrant and scrip location, and in lieu of the indemnity to which we were entitled by reason of the fact that the Government sold those swamp lands after the passage of the act of 1850 for cash. Under the acts of 1855 and 1857 the money belonged to the State of Arkansas.

I take occasion now, as I see the Senator from Iowa in his seat, to say that I was most profoundly astonished that the principal opposition to this bill should come from the State of Iowa, astonished for the reason that the character of claims we are making as an offset is the same from which that State has probably received more benefit than any other State in the Union.

Mr. President, those acts of 1855 and 1857, whether they were wise or unwise, provided that wherever the Government had sold land which was swamp at the time of the passage of the act of 1850 the money received should be paid to the State. Those acts furthermore provided that where the land was located by military bounty land warrants or scrip locations the State should select other land in lieu.

The State of Iowa, supposed to be a prairie State, high and dry, under these indemnity acts of 1855 and 1857 has drawn out of the United States Treasury in cash $540,173.07. She has certified indemnity lands to the amount of 341,632 acres, and that State yet claims an indemnity of 761,678 acres more. I repeat, that Iowa has already received under these acts of 1855 and 1857 more than $500,000 in cash; she has received indemnity land for more than 300,000 acres, and in addition she is claiming to-day indemnity, cash and land, for more than 700,000 acres.

Now, because we are to receive credit in this settlement for cash indemnity and for indemnity lands, the Senator from Iowa thinks that in the adjustment of this whole claim of ours that is unjust and unfair. If it be just that Iowa should receive this cash indemnity and these other indemnity lands, it seems to me that the rule of equity would apply with equal force to the State of Arkansas.

The main objection, as I understand, to the credit offered on behalf of the State of Arkansas is that which gives the State credit at $5 an acre for certain indemnity lands which she was entitled to select in lieu of military bounty warrant land and scrip land. I want to say in regard to that, that the experts in the Treasury Department took the testimony of 65 witnesses, three-fourths of them members of the legislature. They were as good men as we have in that State, and their testimony was that in the counties, while the average price was $1.25 an acre, yet in every county there was a large portion of the land which the State could take as indemnity which was worth from $5 to $10 an acre. This grew out of the fact that under this selection of lands we would be entitled to select coal lands if we could find such lands open to selection.

In addition to that, in the swamp lands in the Mississippi Valley there are thousands of acres of land which can not be homesteaded to-day because they are subject to overflow, upon which the timber now standing is worth more than $10 an acre, if there were any way of disposing of these lands except under the homestead law. I say, whether it be just or unjust, those 65 men have sworn that the average value of many of the lands outside of these one-dollar-and-twenty-five-cents-an-acre lands is more than $6.50 an acre instead of $5, the portion which we receive as a credit.

Those, I believe, are the two objections upon which these parties oppose the passage of the bill; but, Mr. President, those are not the real objections. I come now to speak of the only objection, the one but for which there never would have been any opposition in this or the other House to the passage of this bill. That objection refers to a clause made in the agreement by and between the Secretary of the Interior and the Secretary of the Treasury, which I shall ask the Secretary to read for me.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Secretary will read as requested.

Mr. PLATT. Before the agreement is read by the Secretary, will the Senator from Arkansas please explain a little more fully to the Senate why it is that the State of Arkansas should be credited with $5 an acre for those lands? They were lands to which she was entitled under some grant and did not get, as I understand, and it would be supposed she was entitled to other lands at the same price, that is, $1.25 an acre. I hope the Senator will explain that.

Mr. BERRY. In answer to the Senator from Connecticut, I will restate what I before stated. Under the indemnity acts of 1855 and 1857 it was provided that wherever land had been located by scrip locations or by bounty land warrants by any State, the State should have the right to select any of the other public lands in lieu of those. We have been trying here for twenty years to get an adjustment in the Interior Department to show how much indemnity lands we were entitled to, and I will state to the Senator why it has not yet been adjusted. I tried to explain to the Senator a while ago that when it was ascertained that we were entitled to indemnity lands we could select any character of land that might be known as public lands in lieu of those which had been otherwise taken.

Now, in order to get the matter settled, in order that this eternal controversy and contention may not go on for fifty years more, the Secretary of the Interior and the Secretary of the Treasury thought that it would be better for Arkansas to quitclaim all claims to indemnity money or to indemnity lands hereafter, and figuring upon the amount of a certain character of indemnity lands—not all of them, but a certain portion of them—they came to the conclusion that the State was entitled to receive credit for whatever lands she might select at the price they might be worth in case an adjustment could be made, and then take those. The testimony of these 65 witnesses, as I have said, was to the effect that $6.25 an acre is the average price of this land now. I ask the Secretary to read the clause of the agreement, which, as I say, contains all the real objections to the passage of this bill.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850; March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

Mr. BERRY. I want to state to the Senate that if the governor of Arkansas had consented to have omitted that provision from the bill, neither this Senate nor this Congress would ever have heard a solitary objection against it. The fight comes from the Iron Mountain Railroad Company in Arkansas, by which they seek to compel us to relinquish a claim that the State has against that company.

I want the especial attention of the Senator from Connecticut [Mr. PLATT]—inasmuch as he has asked me another question—to what I am now going to state. The provision of that agreement does not deprive that railroad company of any right which it has under the law; it puts it in no different condition, if the compromise shall be agreed to, from that in which it stands at present; it takes away from it no rights which it now has; and it gives to the State no greater right to secure money from it than she would have without the passage of the pending bill. But the Iron Mountain Railroad Company, seeing, as they thought, an opportunity to levy blackmail upon the State of Arkansas and compel the governor to agree to provisions which they knew he would never agree to, have come here with their agent, who has been here for weeks and for months lobbying with members of the Senate, to try to compel the State to relinquish a claim which she holds against that railroad company for 273,000 acres of land. That is the foundation of this fight. There is where the difficulty, and the whole difficulty, exists. I say to-day, if this bill took away any rights of the Iron Mountain Railroad Company—any character of rights—if it changed in any way the conditions which exist, then I would not blame them for their action or expect them to do otherwise than to make a contest against this bill; but they have said to us, "Unless you release us from your claim for 273,000 acres of swamp land, then you shall not pass a bill which would be beneficial, it may be, to the United States or to the State of Arkansas." That is the condition of affairs.

Mr. GEORGE. Will the Senator explain how the Iron Mountain Railroad Company has a claim?

Mr. BERRY. I will. The swamp-land act passed in 1850. The courts of the country have decided that it was a grant in præsenti, and if the land was swampy in character the title to the land passed to the State at the time the grant was made. In 1853 the United States granted to the Iron Mountain Railroad Company alternate sections of land amounting to 273,000 acres, which were swampy, running through my State, and which belonged to the State at the time the selection was made, and the railroad company has selected and sold this 273,000 acres of swamp lands which belonged to the State. In making this settlement the governor put in a provision that this should not be held to prejudice the rights of the State either one way or the other, but should leave the Iron Mountain Railroad Company and the State to litigate the question in regard to the 273,000 acres of land.

Mr. GEORGE. Not to interfere on either side?

Mr. BERRY. To have no effect whatever. Now they come here and have the assurance to hold up the Senate and the Congress of the United States, and their agent has stated that "Unless you release your claim for these 273,000 acres of land, your bill shall not pass."

Mr. President, much as I should be glad to have this settlement made, much as I should like to see the old controversy ended, yet if that could be brought about, and even if it should put $500,000

more into the treasury of the State of Arkansas, I would not yield to the demand of this insolent railroad company, who seek by blackmail to interfere with legislation in the Congress of the United States. I regret that the company has taken that view. Its road passes through the entire length of my State from north to south, and it has branches running from Little Rock to Fort Smith, from Little Rock to Memphis, and from Noble to Helena. Each year that has gone by the people of that State have contributed thousands and millions of dollars to this great railroad system in the way of freight rates, carrying out all their products and bringing in nearly all the articles that are imported into the State. It has had every kindness from the people of Arkansas, and yet it has the assurance to come here and, without pretending that this legislation interferes with any right it has, to say to the committee of the House, as it has said again and again, unless you agree to this there can be no settlement.

I do not know who sent out these secret, anonymous pamphlets which have been printed and distributed to each Senator, but I do know that the attorney of that railroad in the closing days of the last Congress filed this objection in writing over his signature to this provision. I do know that Mr. Dean, who is the land agent of that road, has been here for weeks and months lobbying with members of the House and of the Senate against the bill. Therefore, while I do not know it, I have not the shadow of a doubt that it paid for the slanders that are contained in this anonymous report upon the people of a State from whom they have derived such immense benefit. I say I regret that that course has been taken, but I ask the Senate to deal with the question upon its merits. If it believes that it is best that the bill should be defeated, then let it vote it down on its merits; but I appeal to the Senate not to be held up by the great Missouri Pacific system, with all of its immense power in the Western portion of the Union.

Mr. President, much is said in this pamphlet in an attempt to cast obloquy upon and to abuse the people of the State of Arkansas for the failure to pay the indebtedness when it fell due. The first of those bonds fell due in October, 1861. At that time civil war existed throughout the entire length and breadth of this country, and the State of Arkansas had attached herself to another Government for the time being. She could not, under such circumstances, have been expected to have met that obligation. In 1868, when the other bonds fell due, it was absolutely impossible for the State to pay.

When the war closed, in 1865, our State, from the north to the south almost, presented a scene of universal desolation. Throughout the southern and eastern portions of the State, the great cotton-raising section, the slaves had been freed, the stock and farming implements were gone, and there was scarcely a large plantation that did not bear a mortgage—executed prior to the war. Throughout the northern part of the State in which I reside, along the borders of Missouri, war in all its most horrible phases had prevailed for four years. The whole section of country was absolutely desolate. The people had fled North and South. The only evidence almost throughout the entire country that civilization had ever existed were the grass-grown fields and the lone chimneys that marked places which had once been happy and peaceful homes.

That condition existed in 1865. Then came four years of reconstruction, and while it is true that we paid four and five dollars a hundred of taxation on what little property we had, yet the amount received was not sufficient to pay the expenses of the State government, to say nothing of paying those bonds. From the time the people again got into possession of the State until this day we have made an earnest effort to get a settlement of the matter, together with an adjustment to find out how much we owe, with a view to paying it. That has been the object and purpose of the entire delegation. We have had no other object. We do not desire to borrow any money.

Mr. President, we levy taxes sufficient to-day to meet all the expenses of the State government, and the taking off of this matter would not enable us to borrow money. We do not desire to borrow it, but we do desire that this old claim and these claims shall be finally and forever adjusted. The balance of the State debt is not large, and provision will be made and is made to meet it promptly. We would be glad to have this thing removed. The State has shown much progress. To-day she has a free-school system which is equal to any State in this Union when you consider her resources and the number of her population. We appropriate large sums of money each year for the State University, which now has more than 500 pupils. We appropriate large sums each year to pay for the normal school at Pine Bluff, which is for the education of colored teachers, and the State is making every effort within its power to do justice to every creditor.

Now, then, this settlement has been made. Two high officials of the Government, the Secretary of the Interior and the Secretary of the Treasury, say it is a just and fair compromise. If it is approved, we will pay $160,000, and that is the end of it. But I will ask the Senator from Iowa [Mr. GEAR] to tell the Senate, when he comes to speak, what advantage can come to the United States or to any individual if the compromise be rejected. The Senator knows very well that after these high officials have said we owe only $160,000 no legislature in any State in the Union could ever be brought to appropriate one dollar over and above that sum. The Senator knows that there is no way by which the claims can be settled except by compromise and adjustment. He knows that there is no power in the United States Government to enforce payment. Then I ask what benefit can come to any individual by a rejection of the settlement, allowing this old controversy and these old claims to stand. If it is rejected, that is the end of it. Our delegation here will have no hope ever to attempt another settlement. The State will never be induced to appropriate more than the sum of $160,000, which the Federal officials, after mature deliberation, say is a just and fair settlement.

Then I ask what reason there can be or what benefit can come if this settlement is rejected and the old controversy continues. I will admit, if it be of any value to the Senator from Iowa, that if the Government is to deal with one of the States of the Union as a usurer would deal with his debtor and count every dollar of interest, while the United States pays no interest herself, you can make us more largely in debt than the sum of $160,000. I will admit that if the conditions were different perhaps the amount paid for those lands might be a just subject of controversy; but upon the great question of the United States dealing with one of the States of the Union I hope and trust that they will deal in a more liberal spirit.

I should regret to believe that the Senator from Iowa or any other Senator could permit his sectional prejudices to weigh one ounce in the balance in the settlement of a great matter like this. I have said before that the Government has dealt most liberally with States of the Union, and that Iowa has drawn out of the Treasury more than $500,000 and is claiming a million acres of land.

In addition to that, but four years ago the State of Iowa came here by her senior Senator [Mr. ALLISON] in regard to the claims of the Des Moines River settlers, and no man can examine those claims without being forced to the conclusion that the blame rested with the State of Iowa and not with the United States. Yet the Senate in dealing with that State was liberal enough to appropriate in the sundry civil act $220,000 in money to pay the Des Moines settlers, and I am informed that the claim is not yet settled, and they are asking for more.

The Government has never dealt with individuals, and especially with States, as a usurer would deal with his debtor. Upon the contrary, two weeks ago, in the present Congress, the national House of Representatives passed a bill to give to the people of Oklahoma $8,000,000. That measure is now before the Senate committee, and if it passes at all it will be with an amendment applying the provisions of the act to the Indian reservations in South Dakota, in Idaho, in Montana, and various other Western States, and it will be more than $15,000,000 which the Government will give to those settlers if the bill becomes a law.

In view of all these facts, all I ask of the Senate is to treat my State as fairly as it treats others. We beg no favors that are not extended to others, but we ask that we be treated fairly and honestly. The settlement of this matter will do that which we believe will best promote the interests of the people of the United States at large and the people of Arkansas.

Mr. GEORGE. I desire merely to ask the Senator from Arkansas, who has made what I regard as a very lucid explanation of the case, a question on one point of it, so that I may understand it accurately. If I understood him aright, the Senator said that the Iron Mountain Railroad Company had located about 270,000 acres——

Mr. BERRY. Two hundred and seventy-three thousand acres.

Mr. GEORGE. Two hundred and seventy-three thousand acres of land which had been donated to the State of Arkansas under the swamp and overflowed act of 1850. Under that act, as I understand him to say, and as I understand it to be from my own recollection of the decision of the courts on the subject, the grant was made ipso facto by the passage of the act, and vested title in the State of Arkansas. There is no doubt about it so far.

I understand that the settlement which has been made between the State of Arkansas and the United States, now asked to be ratified, leaves the claim of the State of Arkansas to the 273,000 acres of land and the claim of the Iron Mountain Railroad to the same land exactly as they exist now, giving to neither any rights whatever except what they possess at this date. Is that a fact?

Mr. BERRY. That is absolutely correct, and it is so stated in the agreement. It does not affect their rights in one way or another. If the State can recover from them now she can recover after the passage of the bill. If she can not recover now she can not recover then.

Mr. GEORGE. So any opposition that may be offered by the Iron Mountain Railroad to the passage of the pending bill amounts

simply to this: "Unless you surrender a claim to us"—speaking to the State of Arkansas—"in dispute between us, you shall not pass the bill."

Mr. BERRY. That is exactly correct.

Mr. PLATT. Let me ask one other question to see if I understand the matter. The State has a right to select these lands now under some indemnity act which has been passed. The State does not choose to do it. It prefers not to select the land, but to have the value of it credited to the State in this settlement and the value is fixed in the settlement. Is that the situation?

Mr. BERRY. That is not stating the matter as I understand it.

Mr. PLATT. I wish to get at the facts.

Mr. BERRY. The State has been trying for years to select the land. I wish to say furthermore that the swamp-land act did not make it necessary for the State to make the selection, but it required the Secretary of the Interior to make out the lists and furnish them to the State. The State has been trying for years to get those indemnity lands, but there has been no adjustment and settlement.

The Secretary of the Treasury and the Secretary of the Interior, in order that all matters should be settled, put this clause into the agreement. They suggested this compromise. They said it would be fair and just. They said, "We will give you so much credit for this and that." We claimed a credit for 906,000 acres of land, six hundred and seventy-odd thousand acres more than they gave us. Instead of giving us 906,000 acres, to which the State believes she was entitled, they gave us credit for 278,000 acres, about one-fourth of that amount. It was they who put this item into the agreement, and the State said, "In order that this may be finally settled, and that there shall be no hereafter in regard to it, we will give up our claim to the 906,000 acres; we will relinquish it to the Government of the United States. You can keep our 5 per cent money. We will relinquish all claims for indemnity in cash to which we are entitled under the law," while Iowa, as I said, has already drawn $500,000. "We will relinquish all that. You can keep our 5 per cent money, which every land State in this Union received and to which Arkansas was entitled. You can keep the indemnity to which we are entitled for school lands. You say that this is fair and just. We will take you at your word. We will sign the agreement," as our governor did, "and we will pay the $160,000 into the Treasury." We came to their terms and agreed, and I repeat that we did all they asked us to do, and I will state that it is all that ever can be done.

Mr. GEAR. Mr. President, I think the claim of the State of Arkansas and the claims between the State of Arkansas and the United States should be treated with great dignity. The claim of a State or a controversy between the Federal Government and a State should always be so treated. I have been at some pains to investigate the facts in this case. I wish to state them briefly to the Senate. After that, if the Senate is prepared to vote for the claim, all right. But it does not seem to me as a business man that this is a fair and just claim upon the part of the State of Arkansas against the Federal Government.

The Senator from Arkansas [Mr. BERRY] has alluded to my own State, the State of Iowa, as having been a large beneficiary under the so-called swamp-land grant of 1850. He says that the State of Iowa is a high, rolling, prairie State. That is true, to a certain extent. Yet on the eastern and western slopes of the State, along the Mississippi and Missouri rivers, there are vast bodies of so-called and what really are or were swamp lands. The State was justly and honestly entitled to every dollar that the Federal Government paid it by way of indemnity for those lands.

In regard to the Des Moines Valley, I will state that it is a different case. Men whom I know personally went onto the Des Moines Valley land forty years ago. They entered those lands and had the deeds of the Government, signed by Abraham Lincoln, and by a construction of the supreme court of Iowa they were deprived of those lands. They came to Congress and we granted them $220,000. We should have granted them $700,000 to have been just. So much for that matter.

The Senator has said that there is a wheel within a wheel regarding this case—a land-grant case in his own State connected with the Iron Mountain Road. I do not know anything about that. In fact, I learned for the first time to-day that there is a land-grant road in his own State. That has nothing to do with this question. The questions that underlie this matter are simply questions of fact. It is a common principle of law that men who come into court should come with clean hands, and I do not think, with all due deference to the Senator from Arkansas, that Arkansas comes into court in that condition.

What are the facts? This proposed amendment was authorized by an act passed two years ago empowering the Secretary of the Treasury and the Secretary of the Interior and the governor of Arkansas to do certain things. The Secretary of the Treasury and the Secretary of the Interior, respectively, sent a clerk from his Department who went out to the State of Arkansas and took sixty odd affidavits. And what do those affidavits amount to? They simply show the value of certain lands which the Government would be entitled to reimburse the State of Arkansas for at the rate of $1.25. Those affidavits to which the Senator alludes so pathetically simply show that the lands are worth to-day five or six dollars an acre. I do not doubt it. It is a fact, undoubtedly. But it has no bearing, it strikes me, on this case.

Arkansas was admitted a State in the Union under act of Congress approved June 23, 1836. (5 U. S. Stats., 58.)

Under said act said State was granted by Congress as follows, to wit:

1. Section 16 in every township therein, or lands in lieu thereof and equivalent in area thereto, equal to 836,460 acres. (See page 70, Senate Report No. 226, Fifty-fourth Congress, first session.)

2. Twelve salt springs with 6 sections of land to each, or 72 sections (with certain provisos), equal to 46,080 acres.

3. Five per cent of the net proceeds of the sales of all lands, claimed by said State to be 5 per cent of $19,811,641.43, equal to $990,582.07. (See pages 69, 70 of said Senate Report No. 226.)

4. Five sections of land for completing public buildings in addition to the 10 sections granted her as a Territory by act of March 2, 1831 (4 U. S. Stats., 473), and by act of July 4, 1832 (4 U. S. Stats., 563), or 15 sections of land, equal to 9,600 acres.

5. Two townships of land for a seminary, confirming in that regard the act of March 2, 1827 (4 U. S. Stats., 235), or 72 sections, equal to 46,080 acres.

6. Said State when a Territory having been granted for courthouse and jail purposes, under the act of June 15, 1832 (4 U. S. Stats., 531), equal to 1,000 acres.

7. On the same day (June 23, 1836) when the act to admit Arkansas was approved there was also approved another act, entitled "An act to regulate the deposits of the public money" (5 U. S. Stats., 52), under section 13 of which act Arkansas was paid her proportionate share of the $28,101,644.91 deposited with the several States in the Union on January 1, 1837, to wit, the sum of $286,-751.49.

The history of that allotment to Arkansas was that under the tariff of 1824 there had grown to be a large surplus in the Treasury of the United States, and the Congress at that time, thinking it was best, loaned—or perhaps it might be better to say donated, for I believe very little of it has ever been returned—this large sum of which the share of Arkansas was $286,000 in round numbers.

8. Under the act approved September 4, 1841 (5 U. S. Stats., 453), Arkansas was granted for internal improvement purposes 500,000 acres.

9. Under the act approved September 4, 1841 (5 U. S. Stats., 453), in addition to the 5 per cent of the net proceeds of the sales of the public lands theretofore granted her, Arkansas was granted an additional 10 per cent thereof.

10. By the act of September 28, 1850 (9 U. S. Stats., 519), Arkansas was granted all the lands in said State which on that date "were swamp and overflowed, and thereby made unfit for cultivation," and the State authorities of that State have already selected lands alleged by them to be of that class, and now recorded in the General Land Office, an area equal to 8,656,372.39 acres. (See page 300, Report G. L. O., 1895.)

One-fourth, practically, Mr. President, of the whole area of Arkansas. The whole area of her lands amounts to 33,948,000 acres.

11. Said State was entitled to receive indemnity lands in certain cases under the act of March 3, 1855 (10 U. S. Stats., 634), an act entitled "An act for the relief of purchasers and locaters of swamp and overflowed lands."

12. Said State was entitled to receive additional indemnity lands under the act of March 3, 1857 (11 U. S. Stats., 251), an act entitled "An act to confirm to the several States the swamp and overflowed lands under the act of September 28, 1850, and act of March 2, 1849."

13. Said State became entitled to credit for 5 per cent on lands embraced in any Indian reservations in said State under the act of March 3, 1857 (11 U. S. Stats., 200), an act entitled "An act to settle certain accounts between the State of Mississippi and other States."

14. Said State became entitled to credit for 5 per cent on any lands in that State located by Indian scrip under the decision of the Secretary of the Interior (Hon. Jacob Thompson) of March 20, 1858, in construing the meaning and intention of the aforesaid act of March 3, 1857 (11 U. S. Stats., 200), an act entitled "An act to settle certain accounts between the State of Mississippi and other States." (See pages 3 and 4 of said Senate Report No. 226.)

15. Said State received a grant of 150,000 acres of land in the form of 150,000 acres of agricultural college scrip under the act of December 13, 1872 (17 U. S. Stats., 397), which scrip was sold by said State and located on the public lands in other public-land States, subject to private entry therein, at $1.25 per acre.

At the dates of all these acts of Congress continuously to March 1, 1896, the minimum price of the public lands in Arkansas not mineral, when a lesser price had not been established by law, was

fixed by Congress at $1.25 per acre, except the alternate reserved sections inside of the geographical lateral limits of lands granted for railroad purposes, the price for which was fixed at the double minimum per acre.

It is alleged by the State of Arkansas substantially that officers of the Executive Departments of the United States Government, when executing these several grants and acts of Congress in her case, have in some way or other (not very clearly defined or fully specified or made as yet intelligible to Congress) so administered the same as, in the opinion of some persons, not to have done that State full justice, and hence contentions have arisen in the Executive Departments of the United States which constitute the alleged claims or the basis of the alleged claims of said State against the United States, to investigate, compromise, and settle which were the objects sought to be secured by the enactment of the act of Congress approved August 14, 1894, an act entitled "An act to authorize a compromise and settlement with the State of Arkansas."

THE CLAIM OF THE UNITED STATES AGAINST THE STATE OF ARKANSAS.

It is everywhere admitted and nowhere denied that on January 1, 1838, the State of Arkansas borrowed from the "Smithsonian trust fund" the sum of $538,000 from the United States as the trustee of said fund, which was held in trust by the United States, to whom it was generously donated on condition that the principal so donated and the interest earned by a safe and judicious investment of said principal should be sacredly dedicated "to the diffusion of knowledge among mankind."

To secure the full payment of said principal and the prompt payment of said interest when due of said loan from said "Smithsonian trust fund" so then held in trust by the United States for said purpose, the State of Arkansas deposited with the United States 538 of her $1,000 State 6 per cent coupon bonds, by her issued under the act of her legislature, an act entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and the act amendatory thereof, entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837. (State Statutes of Arkansas, 1837, page 51.) Said bonds bore date January 1, 1838, and said coupons were payable on January and July 1 of each year.

Five hundred of said State $1,000 bonds, it is alleged, matured on October 26, 1861, and the remaining 38 thereof, it is alleged, matured on January 1, 1868, and it is also everywhere admitted and can not be anywhere successfully denied that none of said bonds, nor any portion of any of said coupons representing interest so earned by any of said bonds, were ever paid by said State, either on said dates or on any other dates, but, on the contrary, that all of same, principal and interest, remain wholly unpaid by said State up to this date.

It is true that between July 1, 1836, and December 31, 1845, said State earned the sum of $70,047.78 from the 5 per cent of the net proceeds of the sales of the public lands made therein by the United States; but between January 1, 1838, and December 31, 1845, the amount of interest due by said State on said $538,000 at 6 per cent per annum aggregated the sum of $298,240, or more than four times the amount of said earnings from the 5 per cent of the net proceeds of the sales of the public lands in said State, the payment of which 5 per cent earnings was not made to said State, but was withheld by the United States and applied to reduce pro tanto the amount of said unpaid interest due on said unpaid debt, as authorized to be done under the joint resolution of Congress of March 3, 1845 (5 U. S. Stats., 801), which is as follows, to wit:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any State shall have been or may be in default for the payment of interest or principal on investments in its stocks or bonds held by the United States in trust, it shall be the duty of the Secretary of the Treasury to retain the whole, or so much thereof as may be necessary, of the percentage to which said State may be entitled of the proceeds of the sales of the public lands within its limits, and apply the same to the payment of said interest or principal or to the reimbursement of any sums of money expended by the United States for that purpose.

2. In addition thereto the State of Arkansas, on January 1, 1840, borrowed the further sum of $3,000 from the "Chickasaw Indian orphan fund," a fund then held in trust by the United States for the benefit of the orphans of said Indians; and to secure the full payment of said principal and the prompt payment of interest due thereon at maturity said State deposited three of her State $1,000 5 per cent registered bonds, which matured on January 1, 1887, but no one of said bonds and no portion of any interest earned by either thereof were ever paid by said State on said date or on any other date, but all of the same, principal and interest, remain wholly unpaid up to this date.

Mr. PLATT. May I ask the Senator from Iowa a question for information? In this account the State of Arkansas is charged with the bonds which were issued on account of the loan from the Smithsonian fund, $500,000, and to interest on the bonds, but apparently the interest ceases at the maturity of the bonds.

Mr. GEAR. I will come to that in a moment.

Mr. PLATT. In this proposed settlement is interest charged on the bonds from the time they matured until the present?

Mr. GEAR. No; it is not. I shall come to that and state it in a moment.

3. Again, said State on January 1, 1838, borrowed the further sum of $90,000 from the "Chickasaw Indian national trust fund," a fund then held in trust by the United States for the benefit of said Indians. To secure the full payment of the principal and the prompt payment of the interest earned thereon, said State deposited with the United States 90 of her $1,000 State bonds, and which bonds matured on October 26, 1861; but no part of the principal and no part of any of the interest due on any of said bonds was ever paid by said State on that date or on any other date.

Prior to December 13, 1872, the State of Arkansas was a petitioner to the United States for a grant of 150,000 acres of public land under the agricultural college act of July 2, 1862 (12 U. S. Stats., 130), and on December 13, 1872 (17 U. S. Stats., 397), Congress passed an act authorizing an issue to her of 150,000 acres of agricultural college scrip, but with this proviso, to wit:

That no scrip as aforesaid shall be delivered to the authorities of the State of Arkansas until said State shall have made some satisfactory arrangement by which the bonds of said State, principal and interest, now held by the United States as Indian trust funds shall be funded in new bonds authorized to be issued by said State for this purpose.

About or soon after this date said debt of $90,000, with its earned and unpaid interest, aggregated, it is alleged, about the sum of $252,000, more or less. The said State accepted said act of Congress of December 13, 1872, with all its provisions and conditions, and liquidated its said accumulated debt of $90,000, which, with interest, had grown to a sum alleged to be $252,000, and did liquidate the same in the way that debts are sometimes liquidated, by taking up said $90,000 worth of old 6 per cent bonds and certain accumulated unpaid interest due thereon by issuing new 6 per cent coupon bonds in said equal sum of $252,000, and thereafter deposited the same with the United States, to wit, 252 of her $1,000 State 6 per cent coupon bonds of such new issue, bearing interest from January 1, 1874, to secure said debt in that amount of $252,000 then due by her to said "Chickasaw Indian national trust fund," said coupons being payable semiannually.

The statement of that debt puts me in mind of Dickens's character, Micawber, who was always "waiting for something to turn up." He always paid the debts that he owed with a note. So with Arkansas. She paid this original $90,000 debt, which amounted to $250,000 with accrued interest, with a new note, and considered the whole thing adjusted and settled. That is the kind of a settlement that they are here to make.

Said new bonds are alleged to mature on January 1, 1900; but, like said similar issue of said similar obligations to secure the full payment of said original principal and prompt payment of the interest due thereon, no portion of said interest has ever been paid by said State up to this date, except by the withholding in driblets said 5 per cent earnings, and thereby reducing pro tanto said unpaid accumulated interest debt.

This, then, constitutes substantially the claim of the United States against the State of Arkansas.

On the one hand, the claim so made by the United States is fixed in character, and though it may be many years old, yet it is immutable by time, because it is easily determinate, exactly determinable in amount, and concerning which, in equity, there should not be, and in conscience there can not be, any doubt or contention.

The amount of the principal due the United States by the State of Arkansas is mutually and universally admitted, not denied; and the amount of interest now due by said State on said principal has been fixed by said State itself and is easily computed, because of the recitals on the face of her own bonds, copy of No. 1 of which is as follows.

I will publish the bond and not read it. I will simply say that it is a facsimile copy of the bond, in English and French, issued by the State of Arkansas. I will merely say that these bonds were negotiated through the late W. W. Corcoran, and were paid for by the Secretary of the Treasury, and that is the way they became the property of the United States; that is, they were paid for by taking funds from the Smithsonian Institution which the United States held in trust and put into these bonds for security:

ONE THOUSAND DOLLARS. ARKANSAS STATE BOND.

UNITED STATES OF AMERICA,

STATE OF ARKANSAS.

No. 1. A.

£ stg. 225. Fcs. 5,000.

REAL ESTATE BANK OF THE STATE OF ARKANSAS.

SIX PER CENT STOCK.

Under an act of the general assembly of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836.

And an act supplementary thereto entitled "An act to increase the rate of interest on the bonds of the State, issued to the Real Estate Bank of the State of Arkansas," approved 19th December, 1837.

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of

$1,000, which sum the said State of Arkansas promises to pay in current money of the United States, to the order of the president, directors, and company of said bank, on the 26th day of October, 1861, with interest at the rate of 6 per cent per annum, payable half yearly, at the place named in the indorsement hereto, on the 1st day of January and July of each year, until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be fixed thereto at Little Rock this 1st day of January, in the year of our Lord 1838.

[SEAL OF THE STATE OF ARKANSAS.] SAM. C. ROANE, *Governor.*

Countersigned. WM. E. WOODRUFF, *Treasurer.*

ETATS UNIS D'AMÉRIQUE. ETAT D'ARKANSAS.

Banque de Propriétés Foncières de l'Etat d'Arkansas.

Emprunt a 6 pour cent.

No. $1,000. £ stg. 225. Fcs. 5,000.

En vertu d'un acte de l'assemblée générale de l'Etat d'Arkansas, appelé "Acte octroyant l'établissement de la Banque des Propriétés Foncières de l'Etat d'Arkansas," approuvé le 25 Octobre, 1836, et d'un acte supplémentaire, appelé "Acte autorisant l'augmentation de taux d'intérêt sur les obligations de l'Etat, émis en faveur de la Banque des Propriétés Foncières," approuvé le 19 Decembre, 1837.

MILLE PIASTRES.

L'Etat d'Arkansas reconnait par les presentes devoir a la Banque des Propriétés Foncières la somme de mille piastres, laquelle somme le dit Etat d'Arkansas promet de payer en monnaie courante des Etats Unis, a l'ordre du président, des directeurs, et de la Société de la dite banque le vingt-six Octobre, mil huit cent soixante-et-un, avec intérêts, à raison de six pour cent l'an, payable tous les six mois au domicile indiqué au dos, savoir le premier Janvier at le premier Juillet de chaque année, jusqu'au paiement du dit capital.

En témoignage de quoi le gouverneur de l'Etat d'Arkansas a signé et le tresorier de l'Etat a contresigné les presentes, et ils y ont fait oppesée le sceau de l'Etat à Little Rock le premier Janvier de l'an de grace, mil huit cent trente-huit.

(Indorsements.)

*July 1, 1838.*

We hereby assign the within bond to W. W. Corcoran, or order, the principal and interest from this date on the same, payable at the city of New York.

A. H. DAVIES, *President.*
R. D. C. COLLINS, *Cashier.*

I hereby assign the within bond to the Secretary of the Treasury of the United States, for the time being, or his order, under the provisions of the act of Congress of 7th July, 1838. (See 5 U. S. Stats., 267-465.)

W. W. CORCORAN.

CLAIMS OF THE STATE OF ARKANSAS AGAINST THE UNITED STATES.

On the other hand, the claims of the State of Arkansas against the United States have heretofore substantially consisted largely of disputed facts and controverted questions of law, growing out of the official administration and construction in the Interior Department of the laws of Congress relating to certain of the aforesaid Congressional grants, etc., which construction, so applied to Arkansas, has also been ever made equally applicable by that Department to all the other public-land States, under the same or similar laws and grants, to none of which has Congress ever made Arkansas an exception.

Before any of said claims of said State against the United States could possibly be fully understood by Congress they should be specifically and exactly stated by those having a thorough and full knowledge of and mature experience in all matters relating or germane thereto, and be reduced to a fixed money value, if they are to be accepted as proper set-offs or counterclaims to the money debt now due the United States by the State of Arkansas. No one, surely, will attempt to deny that this should be done to enable Congress, when sitting as a tribunal in equity in a controversy between litigants so dignified as the United States and one of the States of the Union, to intelligently and duly investigate and maturely consider the same, in order that such controversy may be finally determined and adjudicated upon principles of mutual fairness, to the end that said controversy and all contention in regard thereto should finally terminate.

It was looking to secure an end not of some but of all these contentions that seemingly justified the enactment of the act of August 4, 1894 (28 U. S. Stats., 299), entitled "An act to authorize a compromise and settlement with the State of Arkansas"; Congress in said act having reserved to itself, however, the right and duty to revise all acts had or done thereunder.

The question therefore to be considered is, Has said act of August 4, 1894, as reported to Congress on February 23, 1895, been carefully, clearly, exhaustively, and equitably executed in the equal and mutual interest of the United States and of that State?

Congress must ever remember that the Government of the United States stands the guardian and trustee, under sacred obligation, to guard and protect the trusts reposed in it, not only for the benefit of the Indians and their orphan children, the nation's wards at home, but in very honor, honesty, and gratitude occupy no less a relation to that generous donor—James Smithson—who, though speaking our language, yet never put foot on American soil, and who, though ever loyal to the land over which the flag of England floats, yet so loved his fellow-men and was so appreciative of the honest purposes and high destiny of our people that he bequeathed to our Government, in trust, the residue of his then large estate, to be honestly expended by us in diffusing knowledge among mankind, and in honor of whose name and high intentions the Smithsonian Institution now stands a monument beneath the very shadow of these legislative halls.

But said monument thus erected was not erected with Smithson's funds, because prior to its erection said funds had been intrusted to the safe and sacred keeping and secure protection of the State of Arkansas, and as to how sacredly and safely said trust funds have been kept, and as to how securely they have been protected by that State, let the records presented to the Senate be the unimpeachable witnesses.

The original attitude of the United States as a trustee only of said "Smithson fund" (5 U. S. Stats., 64, 267, 465) has been radically changed, a change enforced by honor and honesty, so that the United States have been compelled, out of their own Treasury, to make good the default of the State of Arkansas. I wrote a letter to the Secretary of the Treasury asking him when and how this money was reimbursed by Congress to the Smithsonian Institution. Much to my surprise, I was advised that there was no entry to be found upon the books of the Treasury as to when and how this money was reimbursed to the Smithsonian. A letter, however, from the Smithsonian Institution states that by a certain act of Congress, which I have not time to read or refer to, the money was reimbursed, as it should have been, by the United States, the United States being the custodian of that fund, and out of that money the present Smithsonian Institution was created, and out of the annual appropriation, which amounts to 6 per cent on the land originally granted by James Smithson, that institution is carried on and cared for by the Government, an institution which is the admiration not only of Congress but of the people of the whole United States, a people who will ever bear in mind a grateful recollection of the donor of that great fund.

In order, therefore, that Congress might be fully, correctly, and officially advised as to the kind, nature, and amount of the respective claims of the United States and of the State of Arkansas, and the date when and manner in which the same arose, so as to be enabled to compromise and settle the same, Congress on August 14, 1894, passed the act entitled "An act to authorize a compromise and settlement with the State of Arkansas." (28 U. S. Stats., 229.)

On February 23, 1895, the Secretary of the Treasury and the Secretary of the Interior submitted to the Senate a report of their action had thereon, which was printed as Senate Executive Document No. 91, Fifty-third Congress, third session. Action in the Senate and House then and now seems to have been limited to making reports thereon in the Senate and House.

House Report No. 1959, Fifty-third Congress, third session, seeming to contain nearly all the matters theretofore officially stated in reference to said act of August 14, 1894, a copy thereof will be submitted as a part of my remarks.

From this report it is alleged and is made to appear that the State of Arkansas is indebted to the United States only in the sum of $1,611,803.61, appearing more in detail thus:

ACCOUNT.

*The State of Arkansas in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.*

| | |
|---|---|
| (1) To State of Arkansas 6 per cent bonds (Nos. 1 to 500, inclusive), $1,000 each, issued January 1, 1838, and matured October 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired by the United States in their own right | $500,000.00 |
| (2) To interest on 366 of these bonds (Nos. 135-500), at 6 per cent per annum, from July 1, 1842, to October 26, 1861 (nineteen years nine months and twenty-five days) | 425,235.00 |
| (3) To interest on 133 of these bonds (1 to 133), at 6 per cent per annum, from July 1, 1860, to October 26, 1861 (one year three months and twenty-five days) | 10,529.17 |
| (4) To interest on 1 of these bonds (No. 134) at 6 per cent per annum, from July 1, 1852, to October 26, 1861 (nine years three months and twenty-five days), less $19.72, paid on 1 coupon in 1860 | 539.44 |
| (5) To state of Arkansas bonds (6 per cent coupons), of $1,000 each, 38 in number (Nos. 232-294, 369-373, 401-410), issued January 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured January 1, 1868, and now belong to the United States | 38,000.00 |
| (6) To interest thereon, at 6 per cent per annum, from January 1, 1842, to January 1, 1868 (twenty-six years) | 59,280.00 |
| (7) To 3, $1,000 each, State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund by investing the proceeds arising from the sale of two quarter sections of land in the case of Hiram R. Pitchlyn, pursuant to article 8 of treaty stipulations with the Chickasaw Indians, which bonds now belong to the United States | 3,000.00 |
| (8) To interest on these bonds, at 5 per cent per annum, from January 1, 1849, to date of maturity, January 1, 1887 (thirty-eight years) | 5,700.00 |

| | |
|---|---|
| (9) To 252 new 6 per cent coupon bonds of $1,000 each, issued by that State under the adjustment of the Chickasaw national fund on January 1, 1874, in which it was agreed that the 90, $1,000 each, 6 per cent coupon bonds of that State, originally purchased out of that fund, together with the accrued and unpaid interest thereon, should be funded after crediting the State with $7,677.80 on account of care of military prisoners, and these 252 new 6 per cent coupon bonds issued in payment of old bonds and interest | $252,000.00 |
| (10) To accrued and unpaid interest on these bonds from date of issue, January 1, 1874, to date of this settlement, January 1, 1895, at 6 per cent per annum, being $252,000, at 6 per cent, for twenty-one years | 317,520.00 |
| Total amount of bonds and interest | 1,611,803.61 |

It is submitted, however, that said sum of $1,611,803.61 is too small by $1,104,746.67, because the more exact sum should be and is $2,716,550.28, as recited in a table compiled in the Treasury Department accompanying a letter from the Secretary of January 30, 1896, as follows, to wit:

SIR: In compliance with your request of the 25th instant, asking to be furnished with a statement showing the amount that would be due the United States from Arkansas, if all credits due the State be disregarded, and interest on the bonds be computed to January 1, 1896, I have the honor to transmit herewith such a statement, showing in aggregate $2,716,550.28.

Respectfully, yours,

E. S. HAMLIN, *Acting Secretary.*

Hon. GEORGE D. MEIKLEJOHN,
*United States House of Representatives,*
*Washington, D. C.*

*A statement showing the amount of bonds and interest accrued thereon to January 1, 1896, held by the United States against the State of Arkansas, disregarding all credits to which said State may be entitled on any account:*

| | |
|---|---|
| 1. State of Arkansas 6 per cent bonds (Nos. 1 to 500) of $1,000 each, issued January 1, 1838, and matured October 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired and are now held by the United States in their own right | $500,000.00 |
| 2. Interest on 366 of these bonds (Nos. 135–500) at 6 per cent per annum, from July 1, 1842, to January 1, 1896 | 1,174,800.00 |
| 3. Interest on 133 of these bonds (Nos. 1–133) at 6 per cent per annum, from July 1, 1852, to January 1, 1896 | 283,290.00 |
| 4. Interest on 1 of these bonds (No. 134) at 6 per cent per annum, from July 1, 1852, to January 1, 1896, less $19.72 | 2,590.28 |
| 5. Thirty-three State of Arkansas 6 per cent coupon bonds (Nos. 282–294, 359–373, 401–410) of $1,000 each, issued January 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured January 1, 1868, and now belong to the United States in their own right | 33,000.00 |
| 6. Interest thereon from January 1, 1842, to January 1, 1896, at 6 per cent per annum | 123,120.00 |
| 7. Three State of Arkansas 5 per cent registered bonds of $1,000 each, acquired for the Chickasaw orphan fund, and matured January 1, 1887, but now belonging to the United States | 3,000.00 |
| 8. Interest thereon from January 1, 1849, to January 1, 1896 | 7,050.00 |
| 9. Two hundred and fifty-two new State of Arkansas 6 per cent coupon bonds of $1,000 each, issued under the adjustment of 1874, growing out of the $90,000 originally borrowed from the Chickasaw national fund, which bonds belong to the United States | 252,000.00 |
| 10. Interest thereon at 6 per cent per annum from January 1, 1874, to January 1, 1896 | 332,674.00 |
| Total bonds and interest | 2,716,550.28 |

Said lesser sum of $1,611,803.61 relies for exactness of computation upon an opinion of the United States Attorney-General of February 14, 1895, wherein the Attorney-General relied upon the decision of the United States Supreme Court in the North Carolina case (136 U. S. Reports, 211), as follows, to wit:

[A. G., 2076-1895.]

DEPARTMENT OF JUSTICE, *Washington, D. C., February 14, 1895.*

*The honorable the Secretaries of the Treasury and of the Interior.*

GENTLEMEN: I have the honor to acknowledge your joint communication of the 12th instant, calling my attention to certain coupon 6 per cent interest-bearing bonds of the State of Arkansas, all dated January 1, 1838, and a portion of which matured October 26, 1861, and another portion January 1, 1868. A copy of one of said bonds is inclosed, and you inquire whether the State of Arkansas is liable for interest on said bonds from and after their maturity.

In my judgment, the question must be answered unhesitatingly in the negative. The rule laid down in the case cited by you (United States *vs.* North Carolina, 136 U. S., 211) has been explicitly declared to be the law of Arkansas by the highest court of that State.

And I find nothing in the terms of the bonds themselves or in any legislation of Arkansas having any tendency to show that the State has consented to pay interest on the principal of these bonds after such principal became payable.

Respectfully,

RICHARD OLNEY,
*Attorney-General.*

It will be noted that this opinion is based upon the case of the United States *vs.* North Carolina (136 U. S., 211). In this case Chief Justice Grey says:

From the general principle that an obligation of the State to pay interest, whether as interest or as damages, on any debt overdue, can not arise except by the consent and contract of the State, manifested by statute, or in a form authorized by statute, it appears to us to follow as a necessary consequence that no authority to the officers of the State to bind it by such an obligation can be implied from the act of 1852, requiring the certificates or bonds issued under it to be made payable at a day named in them, and to have coupons of interest attached to them, and making no mention whatever of interest after the date at which the principal is payable.

In the light of the provisions of this statute, the agreement in the bonds sued on, that the principal sum shall be "redeemable in good and lawful money" at the place and day therein designated, must be deemed equivalent to an agreement that they shall be payable on that day, and if the further provision by which the interest is payable half-yearly "from the date of this bond and until the principal be paid, on surrendering the proper coupons hereto annexed," could, upon the face of the bonds, and without regard to the law under which they were issued, be construed to include interest after the date at which the principal is payable, and for which interest there were no coupons to be surrendered, it can not be allowed such an effect, because the State of North Carolina has never authorized its officers to incur any such obligations in its behalf.

There was nothing in the statute of North Carolina under which the bonds in question in this case were executed and delivered providing for the payment of interest on the bonds until they were paid, and, as the court holds, the State can not be made liable to pay interest on an overdue debt, except through its consent or on a contract duly authorized by legislative enactment.

While the bonds executed and delivered by the governor of the State of North Carolina and her treasurer contained a provision—

With interest thereon at the rate of 6 per cent per annum, payable half yearly at the said bank on the 1st days of January and July each year, from the date of this bond and until the principal be paid, on surrendering the proper coupons hereto annexed—

The court holds that there was no authority in the statutes under which the bonds were issued for the governor of the State and the treasurer to bind the State to pay interest until the principal was paid.

Mr. President, the bonds of the State of Arkansas involved in this settlement were issued under an act of the State of Arkansas entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and the act amendatory, entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837, by the provisions of which the faith and credit of the State is not only pledged to the payment of the bonds and interest, but the legislature authorized in said act the governor and treasurer of the State to issue bonds in the sum of $2,000,000, a form of which bond is included in the statute, in which form provision is made for payment of interest on said bonds until the payment of the principal.

The following is a copy of the form to be used in the execution and delivery of said bonds, as found in section 10 of the act of October 26, 1836:

One thousand dollars.

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of $1,000, which sum the said State of Arkansas promises to pay in current money of the United States, to the order of the president, directors, and company of said bank, on the ——, with interest at the rate of 5 per cent per annum, payable half yearly at the place named in the indorsement hereto on the 1st day of —— and —— of each year until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed and the treasurer of the State has countersigned these presents, and caused the seal of the State to be affixed thereto, at Little Rock, this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

It will be seen from this that the case of the United States *vs.* North Carolina (136 U. S., 211) is not applicable to the bonds of the State of Arkansas included in the settlement between the State of Arkansas and the United States, as made by the Secretary of the Interior and the Secretary of the Treasury, representing the Government, and Hon. James P. Clark, governor of the State of Arkansas, representing the State of Arkansas, and that the amount due the Government on said bonds, including interest to January 1, 1896, is $2,716,550.28, instead of $1,611,803.61, as found by the Secretary of the Treasury and the Secretary of the Interior.

It is impossible for anyone to now state, and it seems to be almost impossible for anyone to find out as yet, just what the exact money value of all the claims of the State of Arkansas against the United States really is, but the items with which she is credited, so as to offset said $1,611,803.61, are recited in said House Report 1959 as follows, to wit:

ACCOUNT.

*The State of Arkansas in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.*

| | |
|---|---|
| By amounts accrued to the credit of the State under section 3 of the act of June 23, 1836 (5 Stat. U. S., 58), from July 1, 1836, to January 1, 1895, withheld by the United States (for which no interest coupons on the bonds held against the State have been surrendered), now applied as follows (Exhibit A): | |
| On bonds acquired through the Smithsonian fund | $12,822.59 |
| On bonds acquired through the Chickasaw national fund | 40,493.61 |
| On bonds acquired through the Chickasaw orphan fund | 1,800.00 |
| (1) By 125,000 acres of land (Exhibit 3) claimed as swamp land in place, filed under act of September 28, 1850 (9 Stat. U. S., 519), reclaimed to the United States by this settlement, at $1.25 per acre | 156,250.00 |
| (2) By 90,400 acres of land (Exhibit 4) selected and filed as a basis of land indemnity, under acts of March 2, 1855 (10 Stat. U. S., 634), and March 3, 1857 (supra), reclaimed to the United States by this settlement, at $5 per acre | 452,000.00 |
| (3) By 118,760 acres of land (Exhibit 4) claimed as a basis of cash indemnity, under the act of March 3, 1857 (supra), reclaimed to the United States by this settlement, at $1.25 per acre | 148,450.00 |
| (4) By 63,920 acres of land (Exhibit 7), claimed to be swamp under the indemnity acts above named, which have been listed and filed by the State and disposed of by the United States subsequent to the passage of said indemnity acts; now reclaimed to the United States by this settlement at $1.25 per acre | 79,900.00 |

| | | |
|---|---|---|
| (5) By 30,000 acres of land (Exhibit 9) listed by the agent of the State, Thomas G. Riley, as indemnity school lands, and sent to the governor of the State for amendment to comply with certain departmental regulations as to certificates of nonmineral character and not yet adjusted. These selections are believed to be a valid claim, and the lands are reclaimed to the United States by this settlement at $5 per acre | $150,000.00 | |
| (6) By 1,792.85 acres of indemnity school land (Exhibit 8, Table 3), a list of which has been filed and officially reported as "apparently valid," which are reclaimed by this settlement at $5 per acre | 8,964.25 | |
| (7) By 160 acres of land (Exhibit 8, Table 3), being the residue of the grant under act of June 15, 1832 (4 Stat. U. S., 531), entitled "Court-house and jail grant"; reclaimed by this settlement at $5 per acre | 800.00 | |
| (8) By 110.97 acres of land (Exhibit 8, Table 3), granted under act of September 4, 1841 (5 Stat. U. S., 453), for internal improvements; reclaimed by this settlement at $5 per acre | 554.85 | |
| (9) By 6,223.31 acres of seminary lands (Exhibit 8, Table 3), due the State under section 5, act June 23, 1836; reclaimed by this settlement at $5 per acre | $1,116.65 | |
| (10) By 16.01 acres of land (Exhibit 8, Table 3) granted under the act of March 2, 1831 (4 Stat. U. S., 473), for the erection of public building at the seat of government; reclaimed at $5 per acre | 80.05 | |
| (11) By 51.13 acres of land (Exhibit 8, Table 3) granted under section 4, act of June 30, 1836, being the residue of five sections granted under that act for the completion of public buildings; reclaimed at $5 per acre | 255.65 | |
| (12) By 3,840 acres of salt-spring land (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2, act of June 23, 1836; reclaimed to the United States by this settlement at $5 per acre | 19,200.00 | |
| (13) By 278,885.248 acres of land, being about one-fourth of 906,260 acres, claimed as swamp land in place and as a basis of land and cash indemnity, under acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim | 348,544.06 | |
| (14) Leaving 160 of the 252 new 6 per cent coupon bonds of $1,000 each to be protected by the State and redeemed at maturity, January 1, 1900 | 160,000.00 | |
| (15) Leaving a balance, which the State is to pay in cash within thirty days, of | 572.00 | |
| Total credits, bonds, and cash | | 1,611,803.61 |

As I said before, I do not know of any reason why the State of Arkansas should be paid $5 an acre for a claim which never has been allowed to any State by this Government that I am aware of, and more than the other States have been paid under the same conditions, that is, $1.25 an acre.

But these enumerated items of specific claims do not include all the items of all the alleged claims of said State heretofore alleged to exist against the United States, but, such as said enumerated items are, as used as setoffs to cancel said debt even in the sum of $1,611,803.61, it seems to me that the Senate is utterly without proper and full official information as to their merits, or whether they actually existed on February 23, 1895, or even now exist.

The Senate by resolution (adopted March 2, 1896) called upon the Secretary of the Treasury and the Secretary of the Interior to furnish certain specific information, reply to which was made Monday, March 9, 1896, which I have not as yet examined, so as to enable me to know whether or not said reply furnishes data sufficient to enable the Senate to act intelligently in this matter, and until the Senate shall have fully acquainted itself with all the matters in said reply pertinent hereto I can not now clearly see how it can properly reach any final conclusion in these premises.

Mr. FRYE (at 2 o'clock p. m.). I ask the attention of the Senator from Arkansas [Mr. BERRY], and I desire the attention of the Chair too. This bill was made the unfinished business by unanimous consent, and on Friday it was removed from its character of unfinished business by being placed in the morning hour.

Mr. BERRY. No; if the Senator will pardon me, nothing was done on Friday, the last day's session. I simply gave a notice, and this morning, instead of making a motion, I asked unanimous consent that we might take up the unfinished business.

Mr. FRYE. Has the Senator from Arkansas any objection that the special order, which was made an order some time before the pending bill, shall take the place of the unfinished business and that the special order then be temporarily laid aside?

Mr. BERRY. I do not want the bill to lose its place as the unfinished business until it is concluded. After that I shall have no objection. I want it to retain its place. I am certain that we can get through with it to-day, but I do not want it to lose its place as the unfinished business. I do not think that would be right. I do not think the Senator from Maine would want to displace it as the unfinished business now that it is being disposed of.

Mr. GEAR. I will say to the Senator from Maine that I shall probably be through in about thirty-five minutes, and I shall then be ready for a vote. We can reach a vote to-day upon the bill, so far as I am concerned.

Mr. BERRY. I think we shall get through with the bill this evening, but of course it will remain as the unfinished business until it is disposed of. I have worked so long to get its consideration by the Senate that I trust the Senator from Maine will not interpose.

Mr. FRYE. If all that was done by unanimous consent was an agreement that it should be considered as the unfinished business, of course I have no right to ask it.

Mr. BERRY. It was all done by unanimous consent this morning.

Mr. FRYE. The special order does not take the place of the unfinished business, but unless this is disposed of the special order should be laid before the Senate as the unfinished business.

Mr. HOAR. What is the special order?

Mr. FRYE. The Alaska fur-seal bill.

Mr. GEAR. Mr. President, in order to aid the Senate in arriving at the true merits of all the matters alleged to be in controversy between the United States and the State of Arkansas, and in order to fully understand and know upon what basis said adjustment and settlement reported in Senate Executive Document No. 91, Fifty-third Congress, third session, equitably rest, I should like to know, and in my opinion the Senate should officially know, from the Commissioner of the General Land Office, over his signature, brought down to January 1, 1896, sundry matters hereinafter specifically enumerated, as the same now officially appear from his own records, and not otherwise.

This precaution is taken for the reasons following, to wit:

1. Because in said agreement, item 5, a credit of $150,000 is given said State for her claim to 30,000 acres of "indemnity school lands" not of record in the General Land Office at the date of said agreement, but said credit was based exclusively upon the ex parte affidavit of her own State agent, copy of which is as follows, to wit:

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on his oath, being duly sworn, makes the following statement:

I was appointed by the governor of the State of Arkansas in February, 1886, to look after the interests of the State of Arkansas growing out of the swamp-land act of September 28, 1850, and was afterwards directed to look after the claim of said State for indemnity school lands.

Since the date of my appointment I have continuously resided in Washington, D. C., and have had, through the courtesy of the several Commissioners of the General Land Office, access to the tract books of the General Land Office.

To carry out the purposes of my designation as the agent of the State, I have examined said books with a view to determine the amount of cash indemnity and land indemnity due the State under the act of March 3, 1857; also to ascertain from the field notes the residue of swamp lands in place due the State under the act of September 28, 1850.

In addition to these duties as agent of said State I have ascertained the amount of school indemnity due the State by reason of the losses in the granted section (16) on account of fractional townships, and other losses to said section growing out of natural causes, i. e., the existence of rivers, lakes, etc., the meandering of which by the public survey lessened to that extent the amount of school lands allowed by law.

I have filed but one list for indemnity school lands, that of December 10, 1890, for 2,073.85 acres, of which amount 1,792.85 acres are held to be "apparently valid," though not yet approved.

In addition to this list I have prepared, since the year 1890, four other lists of indemnity school lands from bases above described. I am positive the bases of these selections were valid. I took these lists to Division "K" of the General Land Office for the purpose of filing, but was there advised that they could not be accepted by reason of an informality—namely, there were no nonmineral affidavits accompanying said lists. These lists were then returned to the governor of Arkansas for the purpose of securing the requisite affidavits. The lists have not yet been returned for filing. The lands selected in these four lists amounted to 30,000 acres, and the bases for the selections were valid.

THOMAS G. RILEY.

Sworn to and subscribed before me this 16th day of January, 1895.

[SEAL.] WM. H. DE LACY, *Notary Public.*

Upon this item the Commissioner of the General Land Office, in his said report of November 17, 1894, printed on pages 13, 14, and 15 of House Report 1959, Fifty-third Congress, third session, says as follows, to wit:

In regard to the amount of lieu land (sections 16) disposed of by the United States, the only way of ascertaining what fact would be to go through all the tract books, examine the sixteenth sections for any entries that may be shown, and also as to whether the State has selected indemnity for such entries, should any be found. This would be a work of weeks if not months.

There is one list of school indemnity selections by the State of Arkansas on file remaining unadjusted, embracing in the aggregate 2,074.55 acres, which appears to be valid and free from objection, except as to 280 acres, in which the basis has already been satisfied.

2. Because a credit in a lump sum of $348,544.06 in said agreement (item 13) is given said State for her claim to 906,260 acres of land alleged by her to be swamp, and cash indemnity for lands also alleged by her to be swamp, but not then of official record in the General Land Office; but said credit was based exclusively upon another ex parte affidavit of her said agent, wherein it is recited that he believed that 506,000 of said 906,260 acres of land were swamp, and wherein it is also recited that although said agent had not then examined the field notes thereof that he believed that 400,000 of said 906,260 acres are of the same class, and wherein it is also recited that about 50,000 of said 906,260 acres had not even been surveyed, all of which is shown by his affidavit, as follows, to wit:

DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on oath, being duly sworn, makes the following statement:

That he was appointed by the governor of Arkansas, in March, 1886, to examine the records, files, tract books, and plat books of the General Land Office for the purpose of determining therefrom the amount of swamp lands in place

due the State under the act of September 28, 1850; also the indemnity due the State under the acts of March 2, 1855, and March 3, 1857; that in pursuance of these duties he has from time to time filed various lists, which have been in part acted upon by the Commissioner of the General Land Office.

That he has prepared lists embracing 500,000 acres of land not heretofore selected, and which have not been, but are now ready to be, filed in the General Land Office; that from a careful and painstaking examination of the field notes of survey, for each 40-acre tract embraced in said lists, he believes that the greater portion of each 40-acre tract included in said list is swamp and overflowed land within the meaning of the swamp-land act.

That he believes the State entitled to all said lands or indemnity therefor.

That he has not yet finished the examination of the field notes of the State, and it is his opinion, from a careful estimate of the amount and character of the lands in the State, the field notes of which he has not yet examined, that there remains over and above said lists of 500,000 acres other swamp lands to the amount of 400,000 acres. This will include about 50,000 acres of what are known as "sunk lands," heavily timbered and not yet surveyed.

THOS. G. RILEY.

Sworn to and subscribed before me this 15th day of February, 1895.

[SEAL.] WM. H. DE LACY, *Notary Public.*

3. Because credit (items 7, 8, 9, 10, 11, 12) is given said State at the rate of $5 per acre for the alleged residue, respectively, of each of her several grants as named in said items.

One of said credits is based upon a report of the General Land Office, to wit: His annual report for the fiscal year 1850–51, forty-five years ago, while another credit is based upon a letter dated February 28, 1885, concerning all of which said report of said Commissioner of November 17, 1894, recites as follows, to wit:

*Grants in aid of education and for other purposes.*—Statement showing the status of the claim of the State of Arkansas, under its State grants, remaining unsettled on November 8, 1894.

In regard to the grant for internal improvements, the Commissioner's report for the fiscal year 1850-51, page 8, shows the status of the grant at that time to have been as follows:

| | Acres. |
|---|---|
| Amount granted | 500,000.00 |
| Amount approved | 499,889.03 |
| Deficit | 110.97 |

In regard to the seminary grant, by letter to Paul M Cobb, commissioner of State lands, dated February 28, 1885, volume 22, press copy, page 109, it was stated that the State was still entitled to select an amount not exceeding 6,223.31 acres in satisfaction of said grant. It does not appear that any selections have been made, in view of the above statement, and it is probable that the State is still entitled to the above amount under the grant for a seminary.

To verify these statements from the records would, I should say, take the time of an expert accountant for two or three weeks, the records being so faulty.

Considering the deficit in the internal improvement grant of 110.97 acres, deficit in the seminary grant, 6,223.31 acres, and the unadjusted list of school indemnity selections, 2,074.55 acres, the entire amount which the records show the State may claim under the several grants is 8,408.83 acres.

In the absence of a specific statement showing what is claimed by the State, the above is the best statement that can be made without a full review of all the selections under each grant made since the admission of the State into the Union in 1836.

4. Because credit is given said State in cases wherein, as recited in said report of said Commissioner of November 17, 1894, "a number of said tracts of land are in conflict with the claims of individuals, who contest the allegation that the lands are swamp in fact, and wherein said contest had not then been determined"; and in other cases where said State alleged claims to certain land that "the lands to which said State can assert no legitimate claim, and but for said act of August 4, 1894, would be rejected"; and again in other cases, where said State claimed title to still other lands, that "said lands had been approved and certified to said State under other grants, and under the decision of the Interior Department said State can not properly assert a claim to title thereto"; and because in still other cases that "title subsequent to the date of the indemnity laws (March 3, 1857) had passed to individuals, and hence such lands could not, under the law, be patented to said State, and hence also under existing laws said lands in the General Land Office were classified as unadjustable," and all of which more fully appears from said report of said Commissioner, as follows, to wit:

*Claim under the swamp-land laws.*—By the swamp-land grant of September 28, 1850 (9 U. S. Stat., 519), all the swamp lands then existing and not already disposed of in Arkansas were granted to the said State. The quantity granted is indefinite, since no other designation of the lands was given in the law than "swamp and overflowed lands."

By the confirmatory act of March 3, 1857 (11 U. S. Stat., 251), the claim to all lands reported on that date to the General Land Office, under the swamp-land grant, was confirmed to the State as swamp lands, whether they were of such character or not.

By the indemnity sections of the acts of March 2, 1855 (10 U. S. Stats., 634), and March 3, 1857 (11 U. S. Stat., 251), the State was granted cash and land indemnity in lieu of swamp lands granted, but sold to individuals up to the date of the passage of the said acts. No indemnity is authorized by law for swamp lands sold by the United States after the date of the passage of the confirmatory act of March 3, 1857.

There has been selected or claimed for or by the State under the swamp-land grant 8,656,372.50 acres, and of this quantity 7,673,505.16 acres have been patented as swamp lands. (Report of Commissioner General Land Office for 1894.)

There remains unsettled on the selection records of the division of swamp lands of this office a claim representing about 638,100 acres, as shown by a tabulated statement, with descriptive exhibits corresponding with the columns in the statement herewith submitted.

Exhibit No. 1 shows the lands approved to the State and which might be patented at this time but for the passage of the act approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas."

Exhibit No. 2 shows lands reported to the General Land Office prior to March 3, 1857, and which are, therefore, confirmed to the State. But for the act of August 4, 1894, these lands might be approved and patented.

Exhibit No. 3 shows lands reported or selected subsequent to March 3, 1857, and which are subject to adjustment. The claim of the State to a number of the tracts is in conflict with the claims of individuals, who contest the allegation that the lands are swamp lands in fact. The claim of the State to other tracts is not contested. The material question as to whether these lands are swamp lands or not has not as yet been determined.

Exhibit No. 4 shows lands disposed of to individuals, under locations made under the general land laws, between the dates of September 28, 1850, and March 3, 1857. If due proof is made by the State that the lands were in fact swamp lands at the date of the grant, the State will receive certificates authorizing it to locate an equal acreage of agricultural lands in lieu of the swamp land proved to have been lost.

The exhibit also shows the claim of the State for cash indemnity where the lands were entered by individuals under cash purchases.

Exhibit No. 5 shows lands to which the State can assert no legitimate claim, since the lands had already been disposed of at the date of the grant, and were, therefore, excepted from the provisions of the grant. But for the suspension of settlements by reason of the act of August 4, 1894, the improper claim of record might be rejected.

Exhibit No. 6 shows lands claimed by the State as swamp lands and by railroads, claiming under the State, as nonswamp lands. Having been approved and certified to the State under one grant, it can not properly assert a claim to the same lands under another grant. (See State of Arkansas vs. St. Louis, Iron Mountain and Southern Railway Company, 10 L. D., 145.) The claim of the State on the basis of these lands might also be rejected but for the act of August 4, 1894.

Exhibit No. 7 shows lands the title to which passed to individuals subsequent to the indemnity period. The lands being patented to individuals, they can not be also patented to the State; and having been sold after the indemnity period, they can not under the law be made the subject of an indemnity claim. Hence they are classified as "unadjustable" under existing laws.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

Wherefore, for these and other reasons, I should like the Committee on the Public Lands to fully and exactly inform the Senate, and if said committee is not in possession of the data sufficient and necessary to so answer the same, then and in that event I would like the Commissioner of the General Land Office and the Secretary of the Interior to fully and exactly answer the inquiries as follows, to wit:

1. How many acres of land as "swamp land in place" are now due the State of Arkansas?

How many acres are now due her as "indemnity for swamp lands"?

How many acres are due her as "indemnity under her school-land grant"?

How many acres are due her under her "court-house and jail grant"?

How many acres are due her under her "internal-improvement grant"?

How many acres are due her under the act of June 23, 1836, for "seminary purposes"?

How many acres are due her under the act of March 2, 1831, for the "erection of public buildings"?

How many acres are due her under the act of June 23, 1836, for "completing public buildings"?

How many acres are due her under her "salt-spring grant" of June 23, 1836?

2. Were the 125,000 acres of land (item 1 of said credit account) selected by said State prior or subsequent to March 3, 1857?

What part thereof, if any, has been examined and found to be not of the character of lands contemplated by Congress to be granted said State under the swamp-land act of September 28, 1850? (9 U. S. Stats., 519.)

How many acres of these lands are now being contested in the Interior Department by settlers and other persons upon the ground that said lands are not in fact swamp and overflowed?

3. Is not item No. 2 of said account—90,400 acres—for lands disposed of to settlers and others, under the general land laws of the United States? And if so, is not said State entitled to select other lands in lieu of those disposed of, and is it not entitled to cash indemnity therefor? Has said State made due proof, according to the rules and regulations of the General Land Office, that said lands were in fact swamp and overflowed at the date of the swamp-land grant, or has the credit in the sum of $452,000 been allowed said State solely upon the claim made by her therefor, without such due proof? Upon what theory, legal or equitable, can said State be allowed by the United States, a cash indemnity of $452,000, or at the rate of $5 per acre, for such alleged losses which would not and could not be asserted with equal force and justice against the United States by any of the other public-land States which were in the Union on September 28, 1850, which were entitled to all the benefits of the swamp-land grant of that date? Would not such allowance of said sum of $452,000, to enable said State to cancel, pro tanto, its indebtedness to the United States, prove a practical and actual loss to the United States in the sum of $452,000, and because of the present policy of the United States, making said land enterable under the homestead laws?

4. What part of the 118,760 acres (item 3 of said credit account), if any, were entered prior to September 28, 1850? What part thereof was entered subsequent to September 28, 1850, and prior to March 2, 1855? What part thereof was entered between March 2,

1855, and March 3, 1857? What part thereof was entered between March 3, 1857, and the present time? And has the State of Arkansas submitted due proof, showing that said lands were, in fact, swamp on September 28, 1850, and upon what authority has such credit been allowed?

5. Upon what authority was the credit of $79,900 (item 4 of said credit account) allowed said State, said sum being for 63,920 acres of land, at $1.25 per acre, claimed by said State to be swamp, but probably disposed of by the United States subsequent to the act of March 2, 1855 (10 U. S. Stats., 634), or subsequent to the act of March 3, 1857 (11 U. S. Stats., 200)?

6. What induced the allowance to said State of the sum of $348,544.06 (item 13 of said credit account), being a credit for "278,835 acres of land, being about one-fourth of 906,260 acres of land, claimed as swamp land in place, and as a basis of land and cash indemnity under the aforesaid acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim," which appears to have been allowed without any claim thereto theretofore filed in the General Land Office as a basis therefor, but seems to rest solely upon a statement signed Thomas G. Riley as late as February 15, 1895?

The Senate should know whether said claim has yet been filed, and if so, when, and whether any part of the acreage embraced in this item can be approved, certified, and patented to said State under the swamp-land laws and the rules and regulations of the Interior Department?

7. Under what law and upon what principle or theory is it just or expedient for Congress to allow said State in said settlement the rate of $5 per acre for any residue of lands alleged to be due her under her "school," "court-house," "jail," "internal improvement," "seminary," "public buildings," and "salt springs" grants, originally made by Congress without price and at dates when the Government price of the public lands in said State was $1.25 per acre? If so, upon what theory or construction of law could similar claims be denied to the other public-land States?

8. Under what law and upon what principle or theory of law is it expedient for Congress to allow said State in said settlement the rate of $5 per acre upon a mere alleged right of a float, vesting in said State to select indemnity under the aforesaid acts of March 2, 1855, and March 3, 1857? If so, upon what theory or construction of law could similar claims be denied to the other public-land States?

9. Under what law and upon what principle or theory is it just or expedient for Congress to allow said State in said settlement the rate of $1.25 per acre for all lands therein alleged to be, and claimed by said State to be, swamp and overflowed without subjecting said claim to all the ordinary and usual tests to which similar claims of the other public-land States, grantees thereof, are subjected under the rules and regulations of the Interior Department?

10. If the State of Arkansas is legally entitled to receive any residue of any grant alleged to be due her, why has she not already selected the same and acquired legal evidence of title thereto in the usual way and have duly disposed of the same for $1.25 or for $5 or for $10 per acre (the last being their alleged value, as recited in some of the 65 affidavits referred to in Senate Executive Document 91, Fifty-third Congress, third session, and alluded to by the Senator from Arkansas this morning)?

11. Full explanation should be made to the Senate between the seeming discrepancies on the one hand in the report of the General Land Office made January 5, 1888, and recited on pages 74 and 75, Appendix L, Senate Report 236, Fifty-fourth Congress, first session, wherein it was recited that the acreage of land in the State of Arkansas claimed by said State as swamp and overflowed land aggregated, according to the report made January 5, 1888, 8,655,211.10 acres, of which there had been then patented 7,503,196.13 acres, making a difference of acreage of 1,152,013.97 acres, which difference, as recited in said report, embraced as follows, to wit:

> The difference between the amount selected and the amount patented to the State (1,152,013.97 acres) is not the actual amount of land now in dispute. It embraces many duplicate selections; all the lands for which the claim of the State has been rejected; many tracts disposed of both before and after the date of the swamp grant by sales, or locations of warrants and scrip, or under other grants to the State, and numerous tracts covered by claims adverse to the State, yet to be determined, as well as for those for which the question of title between the State and the United States only remains to be decided. Separate records of these different classes have never been made up, so that the amount of land already selected to which the State is entitled can not even be estimated.

The full report so referred to is as follows, to wit:

APPENDIX L.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., January 25, 1888.*

SIR: In reply to your letter of the 24th instant I have the honor to advise you that the lands selected by the State of Arkansas under the swamp grant of September 28, 1850, amount to 8,655,210.10 acres. Notice of these selections was given the local officers for the district in which the lands were situated as soon as practicable after the surveyor-general approved the selection, and the instructions given required that said lands be withheld from sale or entry; but in many cases lands were sold or entered before notice of the State's claim reached the local office, and in a number of other cases the lands selected have been found not to be swamp or overflowed within the meaning of the grant, and the claim of the State rejected and the lands opened to settlement and entry, so that the amount of land now withheld from disposition is not known and could not be ascertained without a detailed examination of the records of both this and the several local offices in the State, which would require several months.

Of the lands selected and reported to this office, 7,659,619.13 acres have been approved by the Secretary of the Interior, and 7,503,196.13 acres have been patented to the State under the grant. The difference between the amount selected and the amount patented to the State (1,152,013.97 acres) is not the actual amount of land now in dispute. It embraces many duplicate selections; all the lands for which the claim of the State has been rejected; many tracts disposed of both before and after the date of the swamp grant by sales, or locations of warrants and scrip, or under other grants to the State, and numerous tracts covered by claims adverse to the State, yet to be determined, as well as for those for which the question of title between the State and United States only remains to be decided. Separate records of these different classes have never been made up, so that the amount of land already selected to which the State is entitled can not even be estimated.

Under date of November 2, 1850, a circular (see Lester's Land Laws, vol. 1, p. 542) setting forth the provisions of the grant of September 20, 1850, with instructions thereunder, and allowing the States to elect which of two methods they would adopt for the purpose of designating the swamp lands, was sent to the governors of the States to which the grant applied. These methods are:

First. The field notes of Government survey to be taken as the basis for selections, and the lands shown by them to be swamp or overflowed within the meaning of the act, which were vacant and unappropriated September 28, 1850, would pass to the State.

Second. The selections to be made by State agents and reported to the United States surveyor-general for the district, with proof of the character of the lands.

By an act approved January 6, 1851, the legislature of the State of Arkansas provided for making selections according to the second method, which has since formed the basis of selections in said State.

Recently the State authorities sought to have the method of adjusting the claims of the State under the swamp-land acts changed, but so far they have not met the requirements of the Department in the matter. (See 4 L. D., 295–297, and 5 Id., 636.)

The regulations governing the adjustment of cases where persons seek to file claims for or enter lands claimed as swamp which have not been approved and certified to the States are contained in the inclosed circular of December 13, 1886. After such approval and certification the State's claim can only be contested upon a showing that the approval was the result of fraud or mistake, unless the applicant alleges some right under the public land laws acquired prior to the approval.

Under the acts of Congress approved March 2, 1855 (10 Stat., 634), and March 3, 1857 (11 Stat., 251), indemnity is allowed for lands entered with cash or located with warrants or scrip between September 28, 1850, and March 3, 1857, upon proof by the State that such lands were swamp or overflowed within the meaning of the grant of 1850. If the land was entered with cash the purchase money is paid over to the State, except in cases where more than $1.25 per acre was received. In such cases the rule is to allow only $1.25 per acre. Where the land was located with warrants or scrip, certificates issue authorizing the location of a like amount of public land, subject to entry at $1.25 per acre, within the limits of the State. In case of those States in which there are no public lands subject to entry at the price aforesaid this office has for a number of years refused to issue such certificates.

There is no authority of law for allowing indemnity for swamp lands sold or located after March 3, 1857, or for lands entered under the homestead or other later laws.

The State of Arkansas has received no indemnity, either in money or land, and has submitted no proof with a view to obtaining indemnity to swamp lands.

Very respectfully,

S. M. STOCKSLAGER,
*Acting Commissioner.*

Hon. THOMAS C. MCRAE,
*House of Representatives.*

On the other hand, in said House Report No. 1959, Fifty-third Congress, third session, it is recited that said State should be allowed by the United States certain credits for the alleged value of certain lands alleged by her to be swamp and for indemnity for certain other lands by her alleged to be swamp as follows, to wit:

| | Acres. |
|---|---|
| $156,250 for her claim to | 125,000 |
| 452,000 for her claim to | 90,400 |
| 148,450 for her claim to | 118,760 |
| 79,900 for her claim to | 63,920 |
| 348,544 for her claim to | 906,260 |
| 1,185,144 for her claim to | 1,304,340 |
| From which acreage deduct | 1,152,013 |
| Being the aforesaid difference, thereby leaving | 152,327 |

in excess of the total acreage of lands selected by said State as swamp lands, as the same appear of official record in the General Land Office on June 30, 1895.

In other words, notwithstanding the said duplicate selections of swamp lands so made by said State, so recorded, and of her claim to alleged swamp land, so officially rejected after being recorded, the State of Arkansas has had patented to her 7,503,196.13 acres of land as swamp lands, and in addition thereto by said agreement is to be paid the sum of $1,185,144 for 1,304,340 acres of other lands alleged by her to be swamp, being 152,325 acres of land, alleged by her to be swamp land, more than said State has ever even selected, and now of official record in the General Land Office.

12. In this same line of claims of said State to lands by her alleged to be swamp under the said swamp-land act of September 28, 1850, and the indemnity swamp-land acts of March 2, 1855, and March 3, 1857, special attention is also called to pages 300–302 of the annual report of the Commissioner of the General Land Office,

dated October 1, 1895, for the fiscal year ending June 30, 1895, wherein it is recited that the total number of

| | |
|---|---|
| Acres patented by Arkansas as swamp lands was | 7,673,005.16 |
| Total number of acres rejected by the United States as swamp lands was | 1,144,612.16 |
| Total number of acres of swamp-land indemnity unadjusted was | 209,160.00 |
| Total aggregate | 9,027,777.32 |
| From which deduct total acreage selected by the State of Arkansas as swamp land and of record officially in the General Land Office on June 30, 1895 | 8,656,373.29 |
| Difference | 371,405.03 |

Showing that there had been patented or rejected, or remain to be adjusted, 371,405.03 acres of land treated as swamp in excess of the total acreage of land selected by said State as swamp lands and of record in the General Land Office on June 30, 1895. Results like these surely should be duly inquired into and clearly and satisfactorily explained to the Senate before it should confirm the agreement recited in Senate Executive Document No. 91, Fifty-third Congress, third session, or now pass Senate bill No. 502.

The official tables from which the foregoing information was obtained, taken from pages 300–302 of said Report of the Commissioner of the General Land Office, are as follows, to wit:

I. SECTION OF SWAMP LANDS.—SWAMP LANDS IN PLACE.

The following tables will show work done in the adjustment of claims for swamp lands in place:

*Statement showing rejections of claims and cancellations of selections under the swamp-land laws during the period from July 1, 1891, to June 30, 1894, and the fiscal year ended June 30, 1895, respectively.*

| State. | 1892–1894. | | | 1895. | | | Recapitulation. |
|---|---|---|---|---|---|---|---|
| | Swamp land in place. | Swamp land indemnity. | Total. | Swamp land in place. | Swamp land indemnity. | Total. | |
| | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* |
| Alabama | 23,200.00 | 9,560.00 | 32,760.00 | 13,800.00 | 620.00 | 14,420.00 | 47,180.00 |
| Arkansas | 536,632.16 | | 536,632.16 | 607,980.00 | | 607,980.00 | 1,144,612.16 |
| California | 1,960.00 | | 1,960.00 | 52,440.00 | | 52,440.00 | 54,400.00 |
| Florida | 303,520.00 | | 303,520.00 | 85,130.00 | | 85,130.00 | 388,650.00 |
| Illinois | 706,160.00 | 287,053.40 | 993,213.40 | 500.00 | 23,520.00 | 24,080.00 | 1,017,293.40 |
| Indiana | | | | 7,200.00 | | 7,200.00 | 7,200.00 |
| Iowa | 94,280.00 | 150,255.56 | 244,535.56 | 640.00 | 54,640.00 | 55,280.00 | 299,815.56 |
| Louisiana | 3,120.00 | | 3,120.00 | 207,120.00 | | 207,120.00 | 210,240.00 |
| Michigan | 930.00 | | 930.00 | 4,320.00 | | 4,320.00 | 5,240.00 |
| Minnesota | 202,580.00 | | 202,580.00 | 260,040.00 | | 260,040.00 | 462,620.00 |
| Mississippi | 1,440.00 | 20,760.00 | 22,200.00 | 106,629.50 | 27,160.00 | 133,789.50 | 155,989.50 |
| Missouri | 280.00 | 39,855.27 | 40,135.27 | 149,040.00 | 3,760.00 | 152,800.00 | 192,935.27 |
| Ohio | | 37,722.79 | 37,722.79 | | | | 37,722.79 |
| Oregon | 30,442.33 | | 30,442.33 | 10,377.94 | | 10,377.94 | 40,820.27 |
| Wisconsin | 4,240.00 | | 4,240.00 | 28,400.00 | | 28,400.00 | 32,640.00 |
| Unclassified | 72,804.29 | | 72,804.29 | | | | 72,804.29 |
| Total | 1,987,578.78 | 545,207.02 | 2,532,785.80 | 1,533,077.44 | 109,700.00 | 1,643,377.44 | 4,176,163.24 |

*Lands selected by the several swamp-land States under the acts of Congress approved March 2, 1849 (9 Stat. L., 352), September 28, 1850 (9 Stat. L., 519; section 2479, Rev. Stat.), and March 12, 1860 (12 Stat. L., 3; section 2490, Rev. Stat.), from the dates of the said acts up to June 30, 1895.*

| State. | 1894. | | 1895. | | Year ended June 30, 1895. | Total since date of grant. |
|---|---|---|---|---|---|---|
| | Third quarter. | Fourth quarter. | First quarter. | Second quarter. | | |
| | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* |
| Alabama | | | | | | 531,355.60 |
| Arkansas | | | | | | 8,656,372.39 |
| California | | | | | | 1,883,555.90 |
| Florida | | 240.00 | 120.00 | | 360.00 | 22,232,276.07 |
| Illinois | | | | | | 3,981,784.10 |
| Indiana | | | | | | 1,377,727.70 |
| Iowa | | | 800.00 | | 800.00 | 4,568,759.33 |
| Louisiana (act of 1849) | | | | | | 11,214,996.32 |
| Louisiana (act of 1850) | | | | | | 554,459.51 |
| Michigan | | | | | | 7,236,159.28 |
| Minnesota | 1,406.72 | 8,286.58 | 65,566.30 | 43,520.57 | 118,780.17 | 4,728,186.95 |
| Mississippi | | | | | | 3,602,963.30 |
| Missouri | | | 52.75 | | 52.75 | 4,843,636.09 |
| Ohio | | | | | | 117,931.28 |
| Oregon | | | | 15,157.96 | 15,157.96 | 434,428.45 |
| Wisconsin | | | | | | 4,569,712.12 |
| Total | 1,406.72 | 8,526.58 | 66,539.05 | 58,678.53 | 135,150.88 | 80,591,304.39 |

*Swamp lands which have been certified or patented to the several States under the acts of Congress approved March 2, 1849 (9 Stat. L., 352), September 28, 1850 (9 Stat. L., 519; section 2480, Rev. Stat.), March 12, 1860 (Stat. L., 3; section 2490, Rev. Stat.), from the dates of said acts up to June 30, 1895.*

| State. | 1894. | | 1895. | | Year ended June 30, 1895. | Total patented since date of grant. |
|---|---|---|---|---|---|---|
| | Third quarter. | Fourth quarter. | First quarter. | Second quarter. | | |
| | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* | *Acres.* |
| Alabama | | 4,296.74 | | | 4,296.74 | 413,487.36 |
| Arkansas | 440.00 | | | | 440.00 | 7,674,005.16 |
| California | 2,036.83 | | 1,239.69 | | 3,276.52 | 1,535,128.37 |
| Florida | | 9,959.00 | 100,064.78 | | 110,023.78 | 16,698,023.77 |
| Illinois | | | | | | 1,463,332.38 |
| Indiana | | | | | | 1,252,982.85 |
| Iowa | 240.00 | | | 880.00 | 1,120.00 | 894,462.26 |
| Louisiana (act of 1849) | | | | | | *8,712,989.36 |
| Louisiana (act of 1850) | | | | | | 273,652.28 |
| Michigan | 413.22 | | 40.00 | | 453.22 | 5,051,011.18 |
| Minnesota | 560.00 | | 101,012.44 | 13,231.22 | 114,803.66 | 3,150,211.00 |
| Mississippi | | | 3,212.32 | 6,333.06 | 9,545.38 | 3,238,768.13 |
| Missouri | 80.00 | | 80.00 | | 160.00 | 3,341,895.42 |
| Ohio | | 15.00 | | | 15.00 | 25,775.71 |
| Oregon | | | 40.00 | | 40.00 | 218,038.29 |
| Wisconsin | | 40.00 | | | 40.00 | 3,242,820.17 |
| Total | 3,770.05 | 14,310.74 | 205,689.23 | 20,444.28 | 244,214.30 | 57,785,553.69 |

*Table showing the cash indemnity paid and the land certified under the swamp-land indemnity acts up to June 30, 1895; also the indemnity lands patented and the cash and land indemnity claims remaining unadjusted.*

| State. | Cash indemnity paid. | Land indemnity certified. | Indemnity lands patented. | Cash and land indemnity remaining unadjusted. |
|---|---|---|---|---|
| | | *Acres.* | *Acres.* | *Acres.* |
| Alabama | $18,505.44 | 20,009.36 | 19,795.16 | 46,693.17 |
| Arkansas | | | | 209,160.00 |
| Florida | 77,045.63 | 94,740.57 | 69,521.28 | |
| Illinois | 442,023.17 | 101,984.90 | 2,309.07 | 944,170.03 |
| Indiana | 39,080.91 | 8,434.84 | 4,880.20 | |
| Iowa | 540,173.07 | 341,632.97 | 321,605.23 | 701,638.46 |
| Louisiana | 49,371.07 | 29,214.25 | 24,368.06 | 36,059.01 |
| Michigan | 15,922.04 | 24,599.43 | 18,983.93 | 4,948.83 |
| Mississippi | 17,786.56 | 47,886.73 | 47,846.88 | 85,871.39 |
| Missouri | 191,241.03 | 81,497.43 | 79,376.60 | 4,779.51 |
| Ohio | 29,027.76 | | | 21,912.52 |
| Wisconsin | 185,278.91 | 106,042.08 | 105,047.99 | |
| Total | 1,605,455.59 | 856,044.56 | 693,164.18 | 2,115,232.92 |

*Under the act of March 2, 1849, which applies to Louisiana only, certified copies of approved lists, having the force and effect of patents, are furnished the State.

13. But a showing as peculiar as this seems to be is not all; for, in addition to the aforesaid claims of said State under said three beneficial and liberal acts of Congress, there are recited in said agreement in Senate Executive Document 91, reservations probably of vast proportions, a recognition certainly of the claim of said State to other and additional acres of lands as swamp, and which reservations are in words as follows, to wit:

The parties hereto agree that the land now patented, approved, or confirmed to the State of Arkansas under the acts of September 28, 1850, March 2, 1855, and March 3, 1857, shall constitute the full measure due the State under the said swamp-land acts, except, however, that the lands described in the following lists shall be patented to the State, namely: List No. 1, containing 12,640 acres, denominated "Approved, but not listed"; and list No. 2, containing 4,960 acres, denominated "Confirmed, but not listed," which lists were transmitted to the Secretary of the Interior on November 17, 1894, by letter "M" of the Commissioner of the General Land Office.

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference

right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

But it is agreed by the party of the second part that any person who has heretofore entered any such patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent receiver's receipt or certificate issued by the United States for such land.

In testimony whereof we have hereunto subscribed our respective names this the day and year first above written.

J. G. CARLISLE,
*Secretary of the Treasury.*
HOKE SMITH,
*Secretary of the Interior.*
JAMES P. CLARKE,
*Governor of Arkansas.*

Not only do the foregoing recitals absolutely confirm to the State of Arkansas an additional acreage of swamp lands, but they open up new, fresh, and it may be large fields of contention for still an additional acreage of swamp lands.

Where or before what tribunal shall said State duly assert and finally establish her title to any land as swamp alleged by her to inure to her under the aforesaid acts of September 28, 1850, March 2, 1855, and March 3, 1857, except before the Secretary of the Interior? The swamp-land laws make said Secretary the sole tribunal to fully hear and finally determine all questions as to whether any lands in Arkansas are swamp or not; and is it intended in this case to change the law in that regard so far as Arkansas is a claimant for swamp lands? And if not, then any defeat of any claimant before him "claiming under a subsequent grant made, or claimed to have been made," is simply to enable the Interior Department to add to the success of that State by passing title to additional acres of land as swamp after this settlement shall have been concluded, all words to the contrary notwithstanding, as recited in said agreement, to wit:

> The scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

In addition thereto, the plain English of the words in said agreement, as follows, to wit—

> But it is agreed by the party of the second part that any person who has heretofore entered any patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent, receiver's receipt, or certificate issued by the United States for such land—

means simply to turn over to the tender mercy of the commissioner of State lands of Arkansas, without supervision or protection by the United States, all United States homestead settlers and other persons in that State to whom have heretofore been issued United States patents, United States receiver's receipts, or United States certificates by the proper United States land officers, for lands declared by them to be public lands of the United States and disposable under the various public land and settlement laws of the United States, under and by which said patents, said receipts, and said certificates so referred to were issued. In view of the fact that section 5 of the admission act of Arkansas, approved June 23, 1836 (5 U. S. Stats., 59), provides that—

> The general assembly of Arkansas shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in said soil to the bona fide purchasers thereof—

it is difficult to see how any such article of agreement as the foregoing finds a proper place therein.

Congress is capable and should protect all claimants to any of the public lands in Arkansas without the leave, permission, or agreement at this date of the State of Arkansas.

So far as the Senate now knows, the language used in the aforesaid reservations may hereafter prove a nettle, if not a nest egg of danger, out of which, sooner or later, may be hatched other and new broods of complications, sufficient it may be to swallow up not only the $160,000, principal and interest, which said State in said agreement promises to protect (page 10 of House Report 1959), but may eventually bring the United States largely in debt to said State, so that an unbefitting sequel hereto may possibly be that after this magnificent donation of millions of acres of land and this donation of millions of dollars of money to said State the United States may again be compelled to go into its public Treasury for additional sums of money to terminate and rid itself of this contention, now half a century old, more or less.

In addition thereto the State of Arkansas has also made claim against the United States for 5 per cent of the value of all lands in that State disposed of by military bounty land warrants and scrip and entered under the homestead laws, or 5 per cent of the fees received from said homestead entries (see House Report No. 1571, Fifty-second Congress, first session, made by Mr. MCRAE of Arkansas).

In that report, made June 3, 1892, it appears that the claim of the State of Arkansas then made, and demand therefor by her insisted upon, was not only for a credit of 5 per cent of the legal value of all lands located in that State with military bounty land warrants and scrip, but also for a credit of 5 per cent of the legal value of all lands entered in that State under the homestead laws of the United States; and, in fact, has insisted upon a credit of 5 per cent of the legal value of all lands undisposed of within her borders in 1836, valued at $1.25 per acre, aggregating a sum of $922,406.91, claimed by her to be then due her by the United States as her 5 per cent fund.

On page 9 of said report Mr. MCRAE recites the claim and demand of the State of Arkansas as to lands located with warrants and scrip and entered under the homestead laws, in words following:

"The State (Arkansas) also insists that, as a matter of common fairness, she ought to be credited with 5 per cent on lands entered under the homestead laws and located with military bounty land warrants and scrip, estimated at the minimum price for Government lands—$1.25 per acre. In 1836, when the State was admitted into the Union, there was no way of disposing of public lands except by cash sale or for warrants and scrip.

"The homestead law was not passed until 1862, and the State, with such a contract as it made, does not think it just that the General Government should be allowed to adopt a policy that will have the effect to diminish the fund upon which she had a right to rely for the payment of the debt in question.

"The greater part of all lands disposed of in Arkansas within the last thirty years have been entered under the homestead law. Up to June 30, 1887, as shown by the letter of the Commissioner, the aggregate of such lands taken as homesteads and with bounty warrants and scrip was 7,795,451.02 acres. (See Appendix J.) For this land the Government received as fees the sum of $502,085. (See Appendix K.) Estimating these lands at the minimum price then and now fixed by law, the State, if her claim should be allowed, would be entitled to the sum of $487,215.65 more than has been allowed on this account—nearly twice as much as she has been allowed on sales under the present rulings. She is certainly entitled at least to 5 per cent of the fees received by the Government for lands disposed of in the State."

—

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., May 9, 1888.*

SIR: I am in receipt of your letter of the 28th ultimo, asking to be informed of the area of lands in Arkansas entered under the homestead laws and located with military bounty land warrants and scrip since the admission of the State into the Union, and in reply you are informed that the areas of public lands thus disposed of to June 30, 1887, are as follows:

| | Acres. |
|---|---|
| Area of original homestead entries | 5,531,344.10 |
| Area of military bounty land warrant locations | 2,263,226.92 |
| Area of scrip locations | 880.00 |
| Total | 7,795,451.02 |

Very respectfully,

T. J. ANDERSON,
*Assistant Commissioner.*

Hon. T. C. MCRAE,
*House of Representatives.*

—

APPENDIX K.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., January 23, 1889.*

SIR: I am in receipt of your letter of the 10th ultimo, requesting to be informed of the amount received as fees upon public lands entered in the State of Arkansas, and in reply thereto you are informed that the amount of money so received to June 30, 1888, is $502,085.

The figures above given are approximately correct.

Very respectfully,

T. J. ANDERSON,
*Assistant Commissioner.*

Hon. T. C. MCRAE,
*House of Representatives.*

Said claims of Arkansas so there recited and insisted upon are in perfect harmony with the act of the legislature of that State approved April 8, 1889, still an existing statute, recited on page 1054, section 4560, of the Digest of the Statutes of Arkansas, by Sandels & Hill, for 1894, which is in these words, to wit:

> SEC. 4560. The governor is authorized and requested to take all necessary steps to secure to the State from the United States the 5 per cent of the proceeds of sales of public lands of the United States provided for in the act of admission, including the value of lands disposed of as homesteads and for military bounty land warrants and scrip; all swamp and overflowed lands granted to the State by the act approved September 28, 1850, or other acts; the proceeds of all swamp and overflowed lands which have been sold by the United States since the grant thereof to this State or which may be hereafter sold for cash; indemnity lands; lands or scrip or cash therefor, in lieu of swamp or overflowed lands which have been or may hereafter be disposed of otherwise than by sale; all other rights, interest, claims, and demands the State may have or be entitled to under existing or future laws and grants from or against the United States, whether in relation to public lands or otherwise.

The claims so clearly enumerated in said section No. 4560 seem to be still live, subsisting claims of said State against the United States, never heretofore expressly waived or specifically abandoned by said State, or if waived at all, must be by virtue of some consideration contemplated to be received therefor under cover of some of the general recitals contained in said agreement (Senate Executive Document 91, Fifty-third Congress, third session).

Have the United States an anxiety to purchase from the State of Arkansas her mere alleged claim or right to select a certain acreage of the public lands situate therein which is so great as to justify Congress to pay $5 or even $1.25 per acre for such claim or right, influenced thereto merely to enable and aid that State

to thereby liquidate a large money debt now due by her to the United States?

Would the United States ever exercise such claim or right, even if so paid for in money; and if so, how and by what machinery and for what purpose would it ever be exercised?

If the United States can legally and properly cancel outright the whole of said money debt now so due by said State, and can legally and properly grant said State and liquidate by payment each and every item of all of her alleged claims against the United States as by her now or heretofore alleged, it were far better then to do so than for Congress to engage in serious legislation by ratifying this so-called "settlement," declared in the minority report of the Committee on Public Lands in the third session of the Fifty-third Congress to be "a one-sided affair, not just to the Government." That was the report of an able minority of the House of Representatives in the Fifty-third Congress, the chairman of which was Maj. JOHN F. LACEY, of my own State, who is perhaps as familiar with the public-land history of this Government as any man in the other branch of Congress.

The State of Arkansas in the past has made haste very slowly in liquidating her obligations due the United States, and while there is, and it is proper that at all times there should be, a desire on the part of Congress to speedily adjust upon the principles of fairness and terminate any matter of controversy and contention between the United States and any of the several States of the Union, yet in this case it would seem that results more satisfactory to the Senate, and not less mutually equitable to the United States and the State of Arkansas, would be secured if additional time were consumed wherein to more fully examine into the details and the merits of all these matters.

Attention is called to the fact that in making said adjustment and agreement the official report of the Commissioner of the General Land Office, addressed to the Secretary of the Interior on November 17, 1894, in response to his own request of October 6, 1894, in reference to "the several claims of the State of Arkansas against the United States then of record and remaining unadjusted," seems to have been either wholly or very largely ignored.

Said report of said Commissioner to said Secretary is printed on pages 13, 14, and 15 of House Report No. 1959, Fifty-third Congress, third session.

In the light of that carefully prepared official report of said Commissioner to said Secretary, devoted exclusively to said subject-matter, and for that purpose made special, it is difficult, if not impossible, to now see how any such agreement was reached as that submitted to the Senate on February 23, 1895, contained in Senate Executive Document 91, Fifty-third Congress, third session, and which Congress is asked to ratify and approve by the passage of Senate bill No. 502.

The findings of fact contained in said report, made by said Commissioner on November 17, 1894, seem so inconsistent with the recitals contained in said agreement in said Executive Document 91, reported to the Senate February 23, 1895, and the recitals in the latter so inconsistent with those contained in said Annual Report of the Commissioner of the General Land Office, made as late as October 1, 1895, render it difficult, if not impossible, to satisfactorily harmonize the same.

If it be true that it is now difficult to finally and satisfactorily determine the merits of the mutual claims of the United States and the State of Arkansas with all the information submitted and all the light thrown thereon by two Secretaries, aided therein by their two representatives, then how much more difficult it must have been for Congress to heretofore satisfactorily determine these controversies without the aid of even said information?

Yet, as a fact, during the closing days of the second session of the Fifty-second Congress, to wit, on March 2–4, 1893 (RECORD, pages 2547, 2548, Fifty-second Congress, second session), the Senate concurred in a conference report finally adjusting not only the whole of the aforesaid Arkansas matter as recited in said agreement contained in Senate Executive Document No. 91, but also and in addition thereto undertook to finally adjust "all the claims and demands of said State against the United States for the 5 per cent fund allowances under the act of June 23, 1836," and which 5 per cent claims and demands do not seem to be specifically named in said agreement in said Senate Executive Document No. 91, but the money value of which claims and demands said State has alleged to be $487,215.65.

The action of said conference committee was prevented from becoming a law in 1893 only because of a point of order having been raised in the House "that the said matter came before the House improperly, by coming before it from a conference committee to which said subject-matter had never been referred for conference either by the Senate or by the House," as will fully appear from the proceedings had in the House under the titles "Settlers' rights and swamp-land grants" and "Settlement of agricultural public lands" (RECORD, pages 2624–2630), copy of which I now submit as a part of my remarks.

For these and other reasons which seem valid, but which I will not now further tax the time of the Senate to discuss, I think that this entire subject-matter should be recommitted to the Committee on Public Lands, and a motion to that effect I now make—

First. For the purpose of having the aforesaid suggestions and inquiries being there and by it fully inquired into, and after mature examination had thereon that the results thereof may be duly reported to the Senate to enable it to more satisfactorily arrive at the true merits of every item of all the mutual claims recited in Senate Executive Document 91, Fifty-third Congress, third session, alleged to exist and now in controversy between the United States and the State of Arkansas; and

Second. For the purpose of securing official and exact information thereon in order that the Senate may conform, as near as Congress can properly do so, with the views and wishes of the State of Arkansas as expressed by her legislature in its act approved April 8, 1889, recited as section 4560 of the "Digest of the statutes of Arkansas for 1894 of Sandells & Hill," said committee, when reporting back the aforesaid matters, shall also report to the Senate at the same time what amount of money would be included in an allowance by Congress to the State of Arkansas for 5 per cent of the value of all public lands in that State disposed of prior to January 1, 1896, for military bounty land warrants and scrip.

In conclusion, Mr. President, I wish to say a word in regard to the interest due on these bonds. It will be seen by an examination of the executive document to which I have already alluded, that the gross claim allowed against the State of Arkansas by the two Secretaries and their respective clerks amounts to sixteen hundred and odd thousand dollars. Eleven hundred and some odd thousand dollars of that is interest, computed simply to the maturity of the bonds. They based that calculation on the opinion of Attorney-General Olney. I do not wish to impute to Attorney-General Olney a lack of knowledge of the law. He is a gentleman of whose abilities I have the highest opinion, but Attorney-General Olney, like other people, may be liable to be mistaken. The great State of Arkansas itself by its legislature acknowledges this debt to amount in round numbers to two million seven hundred and odd thousand dollars. Her auditor of State, by his report to the general assembly of that great State, certifies that the debt due to the Government from that State is two million seven hundred and odd thousand dollars. All parties agree that the law of Arkansas itself, which created and authorized the issuance of these bonds, provided that they should bear interest until paid—not until their maturity. It was different with the case of the bonds of the State of North Carolina. Those bonds simply bore the interest stated on their face, and the Supreme Court said that they were only to pay interest to their maturity. Not so with the State of Arkansas, for the law of the State specifies that they shall bear interest until they are paid in full.

Mr. President, I have no wish to antagonize the State of Arkansas. Whatever claim a great State like that may have against the Government of the United States which is honest and just I would pay her, and I would pay her just as quickly and just as cheerfully as I would vote an allowance to the State that I have the honor in part to represent. There should be equal and even-handed justice between the Government and the State of Arkansas and between the Government and all the other land-grant States.

It should be borne in mind, however, that this settlement runs over about sixty years, and there are many things in it that need careful examination and full explanation. That careful examination should be had, and that explanation should be made, Mr. President, and that is the reason why I move that the bill be recommitted to the committee.

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## APPENDIX A.

[Fifty-third Congress, third session. House of Representatives. Report No. 1959.]

### COMPROMISE AND SETTLEMENT BETWEEN THE UNITED STATES AND THE STATE OF ARKANSAS.

February 28, 1895.—Committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. NEILL, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 8944:

The Committee on Public Lands, to whom was referred the bill (H. R. 8944) "to approve a compromise and settlement between the United States and the State of Arkansas," have had the same under consideration, and report it back with the recommendation that it do pass.

The compromise as agreed upon by the honorable Secretary of the Treasury and the honorable Secretary of the Interior on the part of the United States, and the Hon. James P. Clarke, governor, on the part of the State of Arkansas, is attached hereto, together with the report of the commission appointed by the Secretary of the Treasury and the Secretary of the Interior to investigate and report upon the matters in dispute, all of which is made a part of this report.

CITY OF WASHINGTON, *District of Columbia, ss:*

This indenture, made this 23d day of February, 1895, between John G. Carlisle, Secretary of the Treasury, and Hoke Smith, Secretary of the Interior, under the power and authority conferred by an act of Congress approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas," parties of the first part, and James P. Clarke, governor of the State of Arkansas, acting under the power conferred by the general assembly of the State of Arkansas, approved April 8, 1889, party of the second part, witnesseth:

That for and in consideration of the agreements and acts of the party of

the second part, hereinafter more fully set forth, the parties of the first part by these presents hereby make the following agreement, subject to the approval by Congress:

1. To surrender to the party of the second part for cancellation 500 6 per cent coupon bonds of $1,000 each, numbered from 1 to 500, inclusive, dated January 1, 1838, and matured October 26, 1861, issued by the State of Arkansas to secure a loan from the Smithsonian fund, and now held and owned by the United States.

2. To surrender the coupons attached thereto, representing the unpaid accumulated interest on said bonds, amounting to the sum of $436,303.61.

3. To surrender similar bonds of the State under same date (38 in number) of $1,000 each, numbered 282 to 294, inclusive, 359 to 373, inclusive, and 401 to 410, inclusive, issued to secure a similar loan from the same fund, and matured January 1, 1868, and now owned by the United States.

4. To surrender the coupons attached thereto, representing the unpaid interest thereon to date of maturity, $59,280.

5. To surrender three bonds of $1,000 each, being State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund, with interest thereon from date of default to date of maturity, January 1, 1887, $5,700.

6. To surrender 92 of the 252 new 6 per cent coupon bonds, $1,000 each (Nos. 2099 to 2190, inclusive), issued by the State of Arkansas January 1, 1874, under the adjustment of the Chickasaw national fund, and maturing January 1, 1900, and now owned by the United States; also all coupons attached to said bonds, representing the accrued interest to January 1, 1895 (21 years), and amounting to $115,830.

7. To surrender for cancellation all the unpaid coupons to January 1, 1895, on the remainder of the 252 new 6 per cent ($1,000 each) Arkansas bonds, being 160 in number, and numbered from 2191 to 2350, inclusive, issued January 1, 1874, under the adjustment of the Chickasaw national fund, amounting in unpaid interest to $201,600.

In consideration of the surrender by the parties of the first part to the party of the second part the bonds, coupons, and accumulated amounts of interest herein above set forth, the party of the second part, by virtue of the powers aforesaid conferred upon him, hereby makes the following agreement, conditioned on the approval thereof by Congress, namely:

1. To cause to be paid into the Treasury of the United States the sum of $572 within thirty days after the approval by Congress of this settlement.

2. To cause to be paid, at or before their maturity (January 1, 1900), the remaining Arkansas bonds, being 160 in number, of $1,000 each, and all coupons attached thereto, as they severally come due, all coupons due on such bonds on January 1, 1895, being surrendered for cancellation, under the terms of this agreement, as above set forth. If the State elects to pay such bonds before their maturity, the payment of all interest accrued thereon to that date shall be accepted in full satisfaction of all the coupons, and the same may be surrendered with the bonds.

3. As a further consideration for the surrender of the aforesaid bonds, coupons, etc., the party of the second part hereby relinquishes and quitclaims to the United States all claims or demands, adjusted or unadjusted, growing out of the act of September 28, 1850, known as the swamp-land act; also all land or cash indemnity growing out of the acts of March 2, 1855, and March 3, 1857; also all claims for indemnity school lands; the residue of the salt-spring lands; the residue of the lands under the court-house and jail grant (act June 15, 1832); the residue of lands under act of September 4, 1841, for internal improvements; the residue of the grant under the acts of March 2, 1831, and June 3, 1836, for public buildings, and all other claims or demands of whatever nature or character.

The parties hereto agree that the land now patented, approved, or confirmed to the State of Arkansas under the acts of September 28, 1850, March 2, 1855, and March 3, 1857, shall constitute the full measure due the State under the said swamp-land acts, except, however, that the lands described in the following lists shall be patented to the State, namely: List No. 1, containing 12,640 acres, denominated "Approved, but not listed"; and list No. 2, containing 4,900 acres, denominated "Confirmed, but not listed," which lists were transmitted to the Secretary of the Interior on November 17, 1894, by letter "M" of the Commissioner of the General Land Office.

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested.

But it is agreed by the party of the second part that any person who has heretofore entered any such patented, approved, or confirmed swamp lands under the homestead or other law of the United States shall have the preference right for one year from this date to purchase such land from the State at the minimum price fixed by law for such land, upon exhibiting to the commissioner of State lands the patent, receiver's receipt, or certificate issued by the United States for such land.

In testimony whereof we have hereunto subscribed our respective names this the day and year first above written.

J. G. CARLISLE,
*Secretary of the Treasury.*
HOKE SMITH,
*Secretary of the Interior.*
JAMES P. CLARKE,
*Governor of Arkansas.*

*Report of Burton T. Doyle, representing the Secretary of the Treasury, and George C. Ross, representing the Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,
*Washington, February 18, 1895.*

Hon. J. G. CARLISLE,
*Secretary of the Treasury*, and
Hon. HOKE SMITH,
*Secretary of the Interior.*

GENTLEMEN: In pursuance of your respective designation or appointment of us as your representatives or agents under the act of Congress entitled "An act to authorize a compromise and settlement with the State of Arkansas," approved August 4, 1894, we have the honor herewith to submit our report.

We find that the United States now own, in their own right, bonds of the State of Arkansas in the sum of $763,000, and the interest accrued thereon from the date of default in payment thereof by the State to the maturity of said bonds amounting in the aggregate, bonds and interest, to $1,611,803.61. (Interest on these bonds is not computed from and after the date of their maturity under the authority of the Attorney-General of the United States. See opinion filed herewith, dated February 14, 1895.) And that the State of Arkansas has various claims against the United States under the public-land laws of the United States for lands and indemnity claimed by her, and never allowed by the United States, which she offers as offset or counterclaim. The claims and counterclaims between the two governments are succinctly set forth in the form of a debit and credit account accompanying this report, marked "Account," in which the claims of the Government are given on the debit side of the account and the allowances conceded on the counterclaims made by the State are shown on the credit side of the account; and we desire to call your attention to this account, and make our report in the form of a narrative explanation of the items in it.

Soon after the admission of the State of Arkansas into the Union the legislature thereof authorized the issue of $2,000,000 in 6 per cent interest-bearing coupon bonds of that State to run thirty years; and the United States, as the trustee of the Smithsonian fund, invested $538,000 of that fund in said bonds, getting 538 of such bonds at $1,000 each. The State of Arkansas defaulted in the payment of the interest on these bonds January 1, 1842; but as the State was entitled under the act of June 23, 1836 (5 Stat. U. S., 58), to 5 per cent of the net proceeds of the sale by Congress of lands lying within its borders, the United States withheld these 5 per cent net earnings under the joint resolution of March 3, 1854 (5 Stat. U. S., 801, carried into the Revised Statutes of the United States as section 3481), to be applied to the liquidation of the interest on these bonds which the State had defaulted in paying.

On December 31, 1860, there had been so withheld by the United States $148,279.72, which the Secretary of the Treasury applied to the redemption of overdue interest coupons on 134 of the 538 bonds of the State held for the Smithsonian fund, which coupons were surrendered as follows: Thirty-seven coupons each from bonds numbered 1 to 133, inclusive, each coupon representing $30 (4,921 coupons, amounting to $147,630), which paid the interest on these 133 bonds to January 1, 1860; 21 coupons from bond No. 134 ($630), which paid the interest on that bond to January 1, 1852, and left $19.72 over, which remainder was credited on the next coupon left attached to said bond No. 134. Since that application no moneys so withheld by the United States have been actually applied to the payment of the interest accrued on any of these bonds, leaving accrued interest due on 366 of them from the date of default in payment by the State, January 1, 1842, to the date of their maturity, October 26, 1861; on 38 of them from date of default, January 1, 1842, to January 1, 1868; on 133 of them from the time to which that application paid it, January 1, 1860, to the date of maturity, October 26, 1861; and on 1 of them from the date to which that application paid the interest, January 1, 1852, to the date of maturity, October 26, 1861, less $19.72 credited on one of the retained coupons, making, in the aggregate, accrued and unpaid interest on these 538 bonds, $495,583.61; but there has been withheld and not yet applied $55,116.20, which is entered on the credit side of the account in favor of the State in this adjustment.

The United States, as the trustee of the Chickasaw fund, also invested $90,000 of that fund in the bonds of the State of this same issue; and the State defaulted in the payment of interest and principal; and the Secretary of the Interior, under the authority of the act of December 13, 1872 (17 Stat. U. S., 397), made an adjustment with the State of Arkansas in 1874, in pursuance of which the State of Arkansas funded these bonds and interest accrued thereon and issued, under date of January 1, 1874, 252 new 6 per cent coupon bonds, maturing January 1, 1900, on which no interest has been paid, leaving unpaid interest accrued and overdue on these 252 new bonds from January 1, 1874, to January 1, 1895, amounting to $317,520.

The United States also hold three 5 per cent registered bonds of that State purchased out of the Chickasaw orphan fund, with interest accrued thereon from the date of default to the date of maturity, January 1, 1849, to January 1, 1887, amounting to $5,700, making in all, bonds and interest, the aggregate above named, $1,611,803.61, which completes the debit side of the account.

CREDIT SIDE OF ACCOUNT.

Among other credits insisted on by the State are: 1. Five per cent of 16,676,465.85 acres, being, as alleged, "all the public lands then (1836) undisposed of within her borders," on the ground that the United States promised, on the admission of the State into the Union, "to turn over to the State 5 per cent of the proceeds of all public lands then undisposed of within her borders.

We do not think this contention of the State is tenable. The third section of the act for the admission of the State into the Union (5 Stat., 58) provides for the payment to the State of only "5 per cent of the net proceeds of the sale of lands lying within the State, and which shall be sold by Congress."

The claim, therefore, that the State was promised 5 per cent of the proceeds of "all public lands then undisposed of" is erroneous, for the admission of the State into the Union was upon her express agreement that she "shall never interfere with the primary disposal of the soil within the same by the United States," and we do not think that the agreement to pay to the State 5 per cent of the net proceeds arising from the sale of lands carried with it any obligation, either express or implied, that the United States should not thereafter extend to the citizens of that State the privilege of acquiring free homes upon the public domain within its borders under the beneficent provisions of the homestead act, or the privilege accorded in the location by warrants and scrip.

Again, to admit the justice of this contention would establish a precedent by which other States, similarly organized, could rightfully claim the same considerations.

2. The State claims cash indemnity "for all lands sold by the United States which rightfully belonged to the State under the swamp-land act."

Independently of the fact that there is no law for the allowance of the claim so stated, we do not think the precedent made by its allowance a good one, even on a compromise. To carry out the intention of Congress for a "just and equitable" settlement we have submitted for your approval the following credits, upon the basis of certain land claims adjusted and unadjusted:

UNADJUSTED CLAIMS.

The unadjusted claims are such as have been made by the State as inuring thereto under the swamp-land act and other acts supplemental thereto. In most cases lists of selections have been filed under the claim that the field notes of the public surveys show that the lands included in these lists were swamp and overflowed within the meaning of the act of September 28, 1850, the State having elected to accept the showing made by the field notes. The United States, not having yet verified the claims of the State as to the showing made by these field notes, is not in a position at this time to dispute their justness.

Lists for land indemnity and cash indemnity under the acts of March 2, 1855, and March 3, 1857, being supplementary to the act of September 28, 1850, have also been filed, the justness of which, for like reasons, we are not prepared to dispute.

An allowance of claims for land indemnity under said acts, as also for

school-lands indemnity (hereinafter referred to), gives the State the right ipso facto to select lands of equal acreage from the public domain within the State. In such case the State would have the right to select from the residue of the public lands the most valuable nonmineral lands. From the list aforesaid and other claims for the residue of lands under special acts (below mentioned), the State claims that she has the right to select 132,434.27 acres of land to make up for losses sustained by the State.

The relinquishment of the right to select these lands, leaving the title thereto undisputed in the United States, carries with it an obligation on the part of the United States to give credit to the State for their present actual value. This we have endeavored to do by taking the sworn statements of more than 65 reputable people in various parts of the State, all well informed as to the value of Government lands within their respective counties. Many of the affiants were members of the present general assembly. From these statements it is found that the average valuation of the Government lands within the State is $1.25 per acre, and that the lands subject to selection are worth $5 per acre. Many of the affiants place the last-named lands at $10 per acre. The affidavits taken by us accompany this report.

We accordingly recommend the following credits, upon these facts:

1. The sum of $156,250, being the value of 125,000 acres of land at $1.25 per acre (Exhibit No. 3) listed and filed by the State as inuring thereto under the act of September 28, 1850, and shown by the Government field notes of the public surveys to be swamp and overflowed within the meaning of said act.

2. The sum of $452,000, being the value of 90,400 acres of land (Exhibit No. 4) selected and filed as a basis of land indemnity under acts of March 2, 1855, and March 3, 1857, the claim of which is to be relinquished to the United States at $5 an acre.

4. The sum of $79,900, being the value of 63,920 acres of land (Exhibit No. 7) claimed to be swamp by the evidences of the field notes, and disposed of by the United States subsequent to the passage of the indemnity acts (supra) reclaimed, at $1.25 per acre.

5. The sum of $150,000, the same being for 30,000 acres of indemnity school land, at $5 per acre, to make up for deficiencies to the granted section (16) by reason of fractional townships and natural causes—that is, the existence of rivers, lakes, etc., within the granted section. The basis of this claim is an affidavit (Exhibit No. 9) filed by Thomas G. Riley, agent of the State, showing the reason for the failure to file proper lists. A careful investigation of this claim leads us to believe that it is just. Besides, the State has had only 2,345.37 acres of land of this character heretofore patented. (See also Exhibit No. 8.)

3. The sum of $148,450, the same being for 118,760 acres of land (Exhibit No. 4), listed and filed upon the showing made in the field notes of the public surveys that the land therein described was swamp and overflowed, and therefore passed to the State by the act of September 28, 1850, and thereafter sold by the United States prior to March 3, 1857, thus using the same as a basis for cash indemnity under the act of March 3, 1857, at $1.25 per acre.

13. The sum of $348,544.06, the same being for 278,835.248 acres of swamp lands in place and as a basis of land and cash indemnity at $1.25 per acre. This sum is made up by the allowance of about one-fourth of the amount claimed by the State through its agent, Thomas G. Riley, who has listed 506,200 acres of lands, the same not yet being filed in the swamp division. Mr. Riley states in his affidavit (see Exhibit No. 10) that he has not yet finished the examination of the field notes of the State, and that it is his opinion, from a careful estimate of the amount and character of the lands in the State, the field notes of which he has not yet examined, that there remained, over and above said lists of 506,200 acres, other swamp lands never yet listed or applied for to the amount of 400,000 acres, including about 50,000 acres of what are known as "sunk lands," heavily timbered, and not yet surveyed. This claim of 906,200 acres, not having been formally asked for by filing the lists in the proper division, we are not prepared to admit, as a whole; but, on a careful examination into the merits of the same for the purpose of an equitable adjustment of the whole swamp-land claims of the State; we recommend, as above shown, the allowance of the claim to the extent above mentioned.

LAND CLAIMS ADJUSTED AND ADMITTED.

6. The sum of $8,964.25, the same being for 1,792.85 acres of indemnity school land (Exhibit No. 8) at $5 per acre, a list of which has been filed and officially reported as "apparently valid."

7. The sum of $800, the same being for 160 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the grant under the act of June 15, 1882, entitled "Court-house and jail grant."

8. The sum of $554.85, the same being for 110.97 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the lands granted by the act of September 4, 1841, for internal improvements.

9. The sum of $31,116.55, being for 6,223.31 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of the seminary lands due the State under section 5, act of June 23, 1836.

10. The sum of $80.05, being for 16.01 acres of land at $5 per acre (Exhibit 8, Table 3), the same being the residue of lands due the State under the act of March 2, 1831, for the erection of public buildings.

11. The sum of $255.65, the same being for 51.13 acres of land at $5 per acre (Exhibit 8, Table 3), being the residue of land granted under section 4, act of June 30, 1836, for the completion of public buildings.

12. The sum of $19,200, the same being for 3,840 acres of Salt Spring lands at $5 per acre (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2 of the act of June 23, 1836.

According to the report of the Commissioner of the General Land Office for the year ending June 30, 1894, there have been patented to the State of Arkansas 7,673,565.16 acres of swamp lands.

Arkansas is one of the States which elected to take its swamp lands upon the evidences contained in the field notes of the public survey. A very large part of the State was surveyed prior to the date of the swamp-land grant (September 28, 1850), and without reference thereto; it results therefrom that the surveys do not always accurately indicate the character of the lands, as do the surveys made subsequent to the date of its passage.

Many of the States have received large sums of cash and land indemnity under the acts of March 2, 1855, and March 3, 1857; these sums were paid under the terms of said acts on satisfactory proof being made by the State that the Government had sold lands which passed to the States under the swamp-land act. Illinois and Iowa have each received over $500,000 of such indemnity; other States received smaller sums, but Arkansas has never received any amount either of cash or land indemnity under these acts.

This may be in part accounted for on the ground that the sales and locations of swamp lands in Arkansas prior to March 3, 1857, were less than in other States which received generous amounts of cash and land indemnity. Again, the amount of swamp lands certified to the State, while vastly less than the amount asked for, is still greatly in excess of Illinois, Iowa, and other States receiving large indemnity.

Making these credits against the debit side of the account leaves $160,572 balance due from the State, which we recommend that the State meet by protecting 160 of her 252 new bonds—$1,000 each, and paying $572 within thirty days after the approval of this compromise; and we have prepared and herewith submit an agreement carrying into effect the provisions of this compromise, when duly signed by you and the governor of Arkansas and approved by Congress.

We have faithfully endeavored to arrive at a just and equitable settlement of the long-standing differences between the United States and the State of Arkansas. The time at our disposal was necessarily limited, but we believe the foregoing explanations will serve to make clear the basis of the proposed settlement.

Respectfully submitted.

BURTON T. DOYLE,
*Representing the Secretary of the Treasury.*
GEO. C. ROSS,
*Representing the Secretary of the Interior.*

Approved:
J. G. CARLISLE, *Secretary of the Treasury.*
HOKE SMITH, *Secretary of the Interior.*

ACCOUNT.

*The State of Arkansas, in account with the United States on account of bonds issued by the State, with the interest accrued thereon, the claims of the State arising under the public-land laws of the United States, and the claim of the State for care of military prisoners, adjusted to January 1, 1895.*

| Dr. | | Cr. | |
|---|---|---|---|
| (1) To State of Arkansas 6 per cent bonds (Nos. 1 to 500, inclusive), $1,000 each, issued Jan. 1, 1838, and matured Oct. 26, 1861, to secure a loan from the Smithsonian fund, held in trust by the United States, which bonds were subsequently acquired by the United States in their own right. | $500,000.00 | By amounts accrued to the credit of the State under section 3 of the act of June 23, 1836 (5 Stat. U. S., 58), from July 1, 1836, to Jan. 1, 1895, withheld by the United States (for which no interest coupons on the bonds held against the State have been surrendered), now applied as follows (Exhibit A): | |
| (2) To interest on 366 of these bonds (Nos. 135–500), at 6 per cent per annum, from July 1, 1842, to Oct. 26, 1861 (19 years 9 months and 25 days) | 425,235.00 | On bonds acquired through the Smithsonian fund | $12,822.50 |
| (3) To interest on 133 of these bonds (1 to 133), at 6 per cent per annum, from July 1, 1860, to Oct. 26, 1861 (1 year 3 months and 25 days) | 10,529.17 | On bonds acquired through the Chickasaw national fund | 40,493.61 |
| (4) To interest on one of these bonds (No. 134), at 6 per cent per annum, from July 1, 1852, to Oct. 26, 1861 (9 years 3 months and 25 days), less $19.72, paid on one coupon in 1860 | 532.44 | On bonds acquired through the Chickasaw orphan fund | 1,900.00 |
| (5) To State of Arkansas bonds (6 per cent coupons) of $1,000 each, 38 in number (Nos. 282–294, 350–373, 401–410), issued Jan. 1, 1838, to secure a loan from the Smithsonian fund, which bonds matured Jan. 1, 1868, and now belong to the United States | 38,000.00 | (1) By 125,000 acres of land (Exhibit 3) claimed as swamp land in place, filed under act of Sept. 28, 1850 (9 Stat. U. S., 519), reclaimed to the United States by this settlement at $1.25 per acre | 156,250.00 |
| (6) To interest thereon, at 6 per cent per annum, from Jan. 1, 1842, to Jan. 1, 1868 (26 years) | 59,280.00 | (2) By 90,400 acres of land (Exhibit 4) selected and filed as a basis of land indemnity, under acts of Mar. 2, 1855 (10 Stat. U. S., 634), and Mar. 3, 1857 (supra), reclaimed to the United States by this settlement at $5 per acre | 452,000.00 |
| (7) To three ($1,000 each) State of Arkansas 5 per cent registered bonds, acquired for the Chickasaw orphan fund by investing the proceeds arising from the sale of two quarter sections of land in the case of Hiram R. Pitchlyn, pursuant to article 8 of treaty stipulations with the Chickasaw Indians, which bonds now belong to the United States | 3,000.00 | (3) By 118,760 acres of land (Exhibit 4), claimed as a basis of cash indemnity, under act of Mar. 3, 1857 (supra), reclaimed to the United States by this settlement at $1.25 per acre | 148,450.00 |
| (8) To interest on these bonds, at 5 per cent per annum, from Jan. 1, 1849, to date of maturity, Jan. 1, 1887 (38 years) | 5,700.00 | (4) By 63,920 acres of land (Exhibit 7), claimed to be swamp, under the indemnity acts above named, which have been listed and filed by the State and disposed of by the United States subsequent to the passage of said indemnity acts; now reclaimed to the United States by this settlement at $1.25 per acre | 79,900.00 |
| (9) To 252 new 6 per cent coupon bonds of $1,000 each, issued by that State under the adjustment of the Chickasaw national fund on Jan. 1, 1874, in which it was agreed that the 90 ($1,000 each) 5 per cent coupon bonds of that State, originally purchased out of that fund, together with the accrued and unpaid interest thereon, should be funded after crediting the State with $7,677.80 on account of care of military prisoners, and these 252 new 6 per cent coupon bonds issued in payment of old bonds and interest | 252,000.00 | (5) By 30,000 acres of land (Exhibit 9) listed by the agent of the State, Thomas G. Riley, as indemnity school lands, and sent to the governor of the State for amendment to comply with certain departmental regulations as to certificates of nonmineral character and not yet adjusted. These selections are believed to be a valid claim, and the lands are reclaimed to the United States by this settlement at $5 per acre | 150,000.00 |
| | | (6) By 1,792.85 acres of indemnity school land (Exhibit 8, Table 3), a list of which has been filed and officially reported as "apparently valid," which are reclaimed by this settlement at $5 per acre | 8,964.25 |

*The State of Arkansas, in account with the United States on account of bonds issued by the State, etc.*—Continued.

| DR. | | CR. | |
|---|---|---|---|
| (10) To accrued and unpaid interest on these bonds from date of issue, Jan. 1, 1874, to date of this settlement, Jan. 1, 1895, at 6 per cent per annum, being $252,000 at 6 per cent for twenty-one years | $317,520.00 | (7) By 160 acres of land (Exhibit 8, Table 3), being the residue of the grant under act of June 15, 1832 (4 Stat. U. S., 531), entitled "Court-house and jail grant"; reclaimed by this settlement at $5 per acre | $800.00 |
| | | (8) By 110.97 acres of land (Exhibit 8, Table 3), granted under act of Sept. 4, 1841 (5 Stat. U. S., 453), for internal improvements; reclaimed by this settlement at $5 per acre | 554.85 |
| | | (9) By 6,223.31 acres of seminary lands (Exhibit 8, Table 3), due the State under section 5, act of June 23, 1836; reclaimed by this settlement at $5 per acre | 31,116.65 |
| | | (10) By 16.01 acres of land (Exhibit A, Table 3) granted under the act of Mar. 2, 1831 (4 Stat. U. S., 473), for the erection of public building at the seat of government; reclaimed at $5 per acre | 80.05 |
| | | (11) By 51.13 acres of land (Exhibit 8, Table 3) granted under section 4, act June 30, 1836, being the residue of five sections granted under that act for the completion of public buildings; reclaimed at $5 per acre | 255.65 |
| | | (12) By 3,840 acres of salt-spring land (Exhibit 8, Table 3), being six sections not yet certified to the State under section 2, act of June 23, 1836; reclaimed to the United States by this settlement at $5 per acre | 19,200.00 |
| | | (13) By 278,835.248 acres of land, being about one-fourth of 908,289 acres claimed as swamp land in place and as a basis of land and cash indemnity, under acts of March 2, 1855, and March 3, 1857, at $1.25 per acre, in satisfaction of the whole claim | 348,544.06 |
| | | (14) Leaving 160 of the 252 new 6 per cent coupon bonds of $1,000 each to be protected by the State and redeemed at maturity, January 1, 1900 | 160,000.00 |
| | | (15) Leaving a balance, which the State is to pay in cash within thirty days, of | 572.00 |
| Total amount of bonds and interest | 1,611,809.61 | Total credits, bonds, and cash | 1,611,809.61 |

### VIEWS OF THE MINORITY.

We, the undersigned, members of the Committee on the Public Lands, feel constrained to dissent from the report of the majority of the committee on the bill H. R. 8944. We regret to do this, because we have not had an opportunity nor the time to give the matter such an examination as its importance demands. More than $2,000,000 are involved in the settlement, including the interest, and it requires an investigation of the transactions between the State and General Government from the time of the admission of the State into the Union. It would seem that as important a matter as this should be examined with due care by the committee. Congress only authorized a conditional settlement, which should have no binding effect until approved by Congress.

This reservation was put in the act in order that the proper committees and Congress might give the transaction a suitable and full examination. We have had no time to do this, as the matter was first heard in the committee on the 27th of February, 1895, with only three days remaining of the session of Congress; but from a report of the Secretary of the Treasury and of the Secretary of the Interior and the accompanying statement of certain experts it does seem to us that the settlement is not a just one to the General Government.

The Government held the bonds of Arkansas for large amounts. These bonds were held as trust funds, and must be made good by the United States. In making this settlement the interest is computed upon the bonds only to the date of maturity. A very large number of them matured in 1861. The settlement gives away thirty-four years' interest on these obligations. Under this contract these bonds are to be treated as paid because of the fact that the United States Government has sold land claimed to be swamp lands, which sales were made many years ago at the Government price of $1.25 per acre, and a large part was given to settlers as homesteads for nothing. The contract assumes that the State is now entitled to select other public lands in lieu thereof, and that the said lands should now be worth $5 per acre. Thus, by stopping the interest on the bonds and computing that the value of the lands have increased fourfold the rights of the Government have been cut off both ways.

The report shows that 7,673,565.16 acres of swamp land have all been patented to the State, amounting to nearly 12,000 square miles. The enormous quantity of lands thus patented as swamp lands would indicate that Arkansas has not been unjustly dealt with in the certification of such lands, but owing to the shortness of the time given to consider the matter it is impossible for us to examine the question from the records. The State claims that there are 906,289 acres of additional swamp land listed and unlisted. This claim is lumped off at 278,835 acres at $1.25 per acre. We are not prepared to say that a careful examination of the whole matter might not show that the settlement in some respects would be equitable in view of circumstances not brought to the notice of the committee, but in the light of what has been shown to the committee the settlement is certainly a one-sided affair, in which the interests of the General Government have not been suitably guarded.

This matter has been pending for twenty-five years. The settlement only gives the Government $572 in money and allows it to retain $160,000 of the bonds it now holds against the State. No great harm could befall the State if a settlement of this kind should be left open long enough so that it might be fully examined by committees and Congress. The act authorizing settlement was only tentative, intended as giving facts and figures from which Congress might act. Burton T. Doyle and George C. Ross, experts, seem also to have been very much hurried in making their examinations, and they state in the report that the "time at our disposal was necessarily limited." The committee did not even have an opportunity to confer with these experts. This may be readily understood when we observe that the contract we are asked to railroad through in the expiring hours of the session was only executed on the 23d day of February, 1895.

There should be no disposition to hasten this matter to final action without at least reasonably fair consideration by the committee, which has not been able to give the matter such consideration. It was referred to a subcommittee, but the subcommittee did not have time to make any examination of the matter or make a report. There is another feature in the contract that is somewhat singular, and will no doubt result in a demand of additional legislation in favor of other States. The contract assumes that the sixteenth sections of land given for school purposes have fallen short on account of ponds and streams to the amount estimated roughly at 30,000 acres. This is credited at $5 instead of $1.25 an acre. We are not referred to any precedent for thus estimating shortages in these sixteenth-section grants. The seminary matter of 6,223 acres and the salt-springs item of 3,840 acres, both credited at $5 per acre, have not been explained, and are not understood by the committee.

If the Government buys back these lands at $5 per acre from the State, they will be immediately opened to homestead settlement and given away to settlers. If these lands were improperly sold they certainly ought not to be allowed at more than the Government price of $1.25 an acre.

Mr. MCRAE made the report on H. R. 4903, upon which this settlement is based, December 20, 1893. He uses the following language:

"From the statement of the Commissioner of the General Land Office it appears that the United States have sold 200,750 acres of such land for the sum of $.96,090, and disposed of, for land warrants, scrip, and homestead, 163,080 acres, worth, at $1.25 per acre, the sum of $203,600. The State claims that she should be credited with the sums so received, as of the years in which the sales were made, and allowed $1.25 per acre for such lands as were otherwise disposed of, making a total claim on this account of $399,590."

From this it appears that the State only claimed $1.25 an acre then, instead of $5 an acre as allowed by the Secretary of the Treasury and Secretary of the Interior.

The agreement also is faulty in this, that it may subject the Government to the necessity of making good the titles of land held by third parties which the State reserves the right to assail in the courts. Purchasers of these lands may be subjected to much annoyance, litigation, and loss by reason of this provision of the contract.

The settlement reserves the right of the State to attack the titles of settlers and purchasers of these lands, as will be seen from the following paragraph in the agreement:

"Nothing in this settlement and agreement is intended to or shall in any connection be held to prejudice the right of the State of Arkansas to assert and establish her title to any lands which were granted or confirmed to her by the said acts approved September 28, 1850, March 2, 1855, and March 3, 1857, in so far as the same is disputed by those claiming under any subsequent grant made or claimed to have been made, the scope and purpose of this settlement being hereby declared to be the adjustment of all disputes between the United States and the State of Arkansas, and to leave undisturbed incidental controversies between said State and other parties in which the United States is not beneficially interested."

As to the opinion of the Attorney-General, holding that interest ceases at maturity, no copy was presented to the committee, and we do not know on what grounds he bases it.

Certainly if no interest on the bonds is to be allowed, the Government should not be compelled to pay $5 an acre for land which it gave to homesteaders or sold only at $1.25 an acre.

No action on this bill should be taken without at least reasonable consideration, which is impossible at this late day in the session.

JOHN F. LACEY.
G. B. MEIKLEJOHN.
J. W. MOON.
JOHN DAVIS.
IRVING P. WANGER.
W. R. ELLIS.

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
*Washington, D. C., November 17, 1894.*

SIR: I have the honor to acknowledge the receipt of your letter of 6th ultimo requesting a "statement of the several claims of the State of Arkansas now of record and remaining unadjusted," with view to compromise and settlement under act approved August 4, 1894.

In response thereto I herewith transmit statements showing the status of the several claims, adjusted and unadjusted, in favor of said State of Arkansas, as follows:

*Five per cent fund account.*—There has accrued to the State of Arkansas from July 1, 1839, to June 30, 1895, the sum of $364,553.70 on account of the 5 per cent of the net proceeds of the sales of public land, of which amount the State has been paid $59,770.84 for making canals and roads, $162,902.31 retained by the United States to pay interest on State bonds held in trust for the benefit of the Smithsonian Institution, $40,080.55 to pay interest on bonds held in trust for benefit of Chickasaw Indians, and $1,860 withheld for benefit of Chickasaw orphans, making a total of—

| | |
|---|---|
| Amount paid the State | $59,770.84 |
| Amount withheld by United States | 204,782.86 |
| Total | 264,553.70 |

as fully set forth in exhibit marked A.

There is due the State of Arkansas the sum of $325.74 on account of 5 per

cent of net proceeds of sales of public lands during the fiscal year 1894, statement of which was sent to Treasury Department on 14th instant.

I would respectfully call attention to the adjustment of the account between the United States and the State of Arkansas, made July 1, 1881 (Report No. 32485), for the 5 per cent of the net proceeds of sales of public land from January 1, 1862, to June 30, 1880, which shows a balance due said State of $485.41.

In said adjustment the entire expenses of local land offices, amounting to $75,744.96, together with repayments of purchase money for land erroneously sold and fees and commissions erroneously paid, amounting to $13,823.28 during that period of over eighteen years, were deducted from total cash sales, whereas under the method of adjusting such accounts which has prevailed since that date (July 1, 1881), of prorating the expenses between total cash sales and total receipts from fees and commissions, the State would be entitled to some $2,000 or $2,500 more than found to be due by the above-mentioned Report No. 32485.

*Distribution act, September 4, 1841.*—There was found to be due the State of Arkansas under this act the sums of $4,482.79 and $529.37, making a total of $5,012.16, which amount was withheld by the United States and applied in part payment of interest on $388,000 6 per cent State bonds held in trust by the Treasurer of the United States for the Smithsonian Institution.

*Railroad grants.*—The only grants by Congress to the State of Arkansas this office is charged with the administration of are the grants of lands to aid in the construction of the railroads now known as the St. Louis, Iron Mountain and Southern, the Little Rock and Memphis, and the Little Rock and Fort Smith railroads.

These grants were made by the act of February 9, 1853 (10 Stat., 159), and were revived and extended by the act of July 28, 1866 (14 Stat., 1866). The State conferred said grants upon three different corporations organized under its laws, for the purpose of securing the construction of the roads.

The roads were completed within the time prescribed by the law and the lands granted were thus earned; and it has always been the practice of this office, with the approval of the Department, to certify said lands to the State for the benefit of the company earning them. The companies to which the State transferred the grant are the beneficiaries, and the State is simply the trustee, deriving no benefit from the grants other than that resulting from the increased facilities for transportation.

The act of July 28, 1866, which revived and extended the grant of 1853, expressly declared that "all the lands therein granted which reverted to the United States under the provisions of said act be, and the same are hereby, restored to the same custody, control, and condition, and made subject to the uses and trusts in all respects as they were before and at the time such reversion took effect." The State, therefore, has no pecuniary interest in the lands granted to aid in the construction of these roads.

The grant for the Little Rock and Fort Smith road was reported by this office to the Department on November 12, 1869, as finally adjusted, but the Department has not yet passed upon the matter. The two remaining grants have not been finally adjusted.

*Grants in aid of education and for other purposes.*—Statement showing the status of the claim of the State of Arkansas, under its State grants, remaining unsettled on November 8, 1894.

In regard to the grant for internal improvements, the Commissioner's Report for the fiscal year 1850-51, page 8, shows the status of the grant at that time to have been as follows:

| | Acres. |
|---|---|
| Amount granted | 500,000.00 |
| Amount approved | 499,889.03 |
| Deficit | 110.97 |

In regard to the seminary grant, by letter to Paul M. Cobb, commissioner of State lands, dated February 28, 1885, volume 22, press copy, page 103, it was stated that the State was still entitled to select an amount not exceeding 6,223.31 acres in satisfaction of said grant. It does not appear that any selections have been made in view of the above statement, and it is probable that the State is still entitled to the above amount under the grant for a seminary.

To verify these statements from the records would, I should say, take the time of an expert accountant for two or three weeks, the records being so faulty.

In regard to the amount of lieu land (sections 16) disposed of by the United States, the only way of ascertaining that fact would be to go through all the tract books, examine the sixteenth sections for any entries that may be shown, and also as to whether the State has selected indemnity for such entries, should any be found. This would be a work of weeks, if not months.

There is one list of school indemnity selections by the State of Arkansas on file, remaining unadjusted, embracing in the aggregate 2,074.55 acres, which appears to be valid and free from objection, except as to 280 acres, in which the basis has already been satisfied.

Considering the deficit in the internal-improvement grant of 110.97 acres, deficit in the seminary grant, 6,223.31 acres, and the unadjusted list of school indemnity selections, 2,074.55 acres, the entire amount which the records show the State may claim under the several grants is 8,408.83 acres.

In the absence of a specific statement showing what is claimed by the State, the above is the best statement that can be made without a full review of all the selections under each grant made since the admission of the State into the Union in 1836.

*Claim under the swamp-land laws.*—By the swamp-land grant of September 28, 1850 (9 U. S. Stat., 519), all the swamp lands then existing and not already disposed of in Arkansas were granted to the said State. The quantity granted is indefinite, since no other designation of the lands was given in the law than "swamp and overflowed lands."

By the confirmatory act of March 3, 1857 (11 U. S. Stat., 251), the claim to all lands reported on that date to the General Land Office, under the swamp-land grant, was confirmed to the State as swamp lands, whether they were of such character or not.

By the indemnity sections of the acts of March 2, 1855 (10 U. S. Stat., 634), and March 3, 1857 (11 U. S. Stat., 251), the State was granted cash and land indemnity in lieu of swamp lands granted, but sold to individuals, up to the date of the passage of the said acts. No indemnity is authorized by law for swamp lands sold by the United States after the date of the passage of the confirmatory act of March 3, 1857.

There has been selected or claimed for or by the State under the swamp-land grant 8,656,372.39 acres, and of this quantity 7,673,505.16 acres have been patented as swamp lands. (Report of Commissioner General Land Office for 1894.)

There remains unsettled on the selection records of the division of swamp lands of this office a claim representing about 636,160 acres, as shown by a tabulated statement, with descriptive exhibits corresponding with the columns in the statement herewith submitted.

Exhibit No. 1 shows the lands approved to the State and which might be patented at this time but for the passage of the act approved August 4, 1894, entitled "An act to authorize a compromise and settlement with the State of Arkansas."

Exhibit No. 2 shows lands reported to the General Land Office prior to March 3, 1857, and which are, therefore, confirmed to the State. But for the act of August 4, 1894, these lands might be approved and patented.

Exhibit No. 3 shows lands reported or selected subsequent to March 3, 1857, and which are subject to adjustment. The claim of the State to a number of the tracts is in conflict with the claims of individuals, who contest the allegation that the lands are swamp lands in fact. The claim of the State to other tracts is not contested. The material question as to whether these lands are swamp lands or not has not as yet been determined.

Exhibit No. 4 shows lands disposed of to individuals, under locations made under the general land laws, between the dates of September 28, 1850, and March 3, 1857. If due proof is made by the State that the lands were in fact swamp lands at the date of the grant, the State will receive certificates authorizing it to locate an equal acreage of agricultural lands in lieu of the swamp land proved to have been lost.

The exhibit also shows the claim of the State for cash indemnity, where the lands were entered by individuals under cash purchases.

Exhibit No. 5 shows lands to which the State can assert no legitimate claim, since the lands had already been disposed of at the date of the grant and were, therefore, excepted from the provisions of the grant. But for the suspension of settlements by reason of the act of August 4, 1894, the improper claim of record might be rejected.

Exhibit No. 6 shows lands claimed by the State as swamp lands, and by railroads, claiming under the State, as nonswamp lands. Having been approved and certified to the State under one grant it can not properly assert a claim to the same lands under another grant. (See State of Arkansas *vs.* St. Louis, Iron Mountain and Southern Railway Company, 10 L. D., 165.) The claim of the State on the basis of these lands might also be rejected but for the act of August 4, 1894.

Exhibit No. 7 shows lands the title to which passed to individuals subsequent to the indemnity period. The lands being patented to individuals, they can not be also patented to the State; and having been sold after the indemnity period, they can not under the law be made the subject of an indemnity claim. Hence they are classified as "unadjustable," under existing laws.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on his oath, being duly sworn, makes the following statement:

I was appointed by the governor of the State of Arkansas in February, 1886, to look after the interests of the State of Arkansas growing out of the swamp-land act of September 28, 1850, and was afterwards directed to look after the claim of said State for indemnity school lands.

Since the date of my appointment I have continuously resided in Washington, D. C., and have had, through the courtesy of the several Commissioners of the General Land Office, access to the tract books of the General Land Office.

To carry out the purposes of my designation as the agent of the State, I have examined said books with a view to determine the amount of cash indemnity and land indemnity due the State under the act of March 3, 1857; also to ascertain from the field notes the residue of swamp lands in place due the State under the act of September 28, 1850.

In addition to these duties as agent of said State I have ascertained the amount of school indemnity due the State by reason of the losses in the granted section (16) on account of fractional townships, and other losses to said section growing out of natural causes, i. e., the existence of rivers, lakes, etc., the meandering of which by the public survey lessened to that extent the amount of school lands allowed by law.

I have filed but one list for indemnity school lands, that of December 19, 1890, for 2,073.85 acres, of which amount 1,792.85 acres are held to be "apparently valid," though not yet approved.

In addition to this list I have prepared, since the year 1890, four other lists of indemnity school lands from bases above described. I am positive the bases of these selections were valid. I took these lists to Division "K" of the General Land Office for the purpose of filing, but was there advised that they could not be accepted by reason of an informality—namely, there were no nonmineral affidavits accompanying said lists. These lists were then returned to the governor of Arkansas for the purpose of securing the requisite affidavits. The lists have not yet been returned for filing. The lands selected in these four lists amounted to 30,000 acres, and the bases for the selections were valid.

THOMAS G. RILEY.

Sworn to and subscribed before me this 16th day of January, 1895.

[SEAL.] WM. H. DE LACY, *Notary Public.*

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DISTRICT OF COLUMBIA, *Washington, D. C., ss:*

Thomas G. Riley, on oath, being duly sworn, makes the following statement:

That he was appointed by the governor of Arkansas, in March, 1886, to examine the records, files, tract books, and plat books of the General Land Office for the purpose of determining therefrom the amount of swamp lands in place due the State under the act of September 28, 1850; also the indemnity due the State under the acts of March 2, 1855, and March 3, 1857; that in pursuance of these duties he has from time to time filed various lists, which have been in part acted upon by the Commissioner of the General Land Office.

That he has prepared lists embracing 506,000 acres of land not heretofore selected, and which have not been, but are now ready to be, filed in the General Land Office; that from a careful and painstaking examination of the field notes of survey, for each 40-acre tract embraced in said lists, he believes that the greater portion of each 40-acre tract included in said list is swamp and overflowed land within the meaning of the swamp-land act.

That he believes the State entitled to all said lands or indemnity therefor.

That he has not yet finished the examination of the field notes of the State, and it is his opinion, from a careful ecstimate of the amount and character of the lands in the State, the field notes of which he has not yet examined, that there remains over and above said lists of 506,000 acres, other swamp lands to the amount of 400,000 acres. This will include about 50,000 acres of what are known as "sunk lands," heavily timbered and not yet surveyed.

THOS. G. RILEY.

Sworn to and subscribed before me this 15th day of February, 1895.

[SEAL.] WM. H. DE LACY, *Notary Public.*

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## APPENDIX B.

### SETTLERS' RIGHTS AND SWAMP-LAND GRANTS.

Mr. McRAE. Mr. Speaker, I present a conference report.

The SPEAKER. The Clerk will first report the title of the bill.

The Clerk read as follows:

"A bill (H. R. 7028) to protect settlers' rights where two or more persons

settled upon the same subdivision of agricultural public lands before survey thereof, and for other purposes."

The SPEAKER. The Clerk will now read the statement of the conferees.

The statement was read, as follows:

"1. The effect of the first amendment is to protect the rights of contests under section 1 of this act, initiated prior to its passage, and to allow all qualified persons who have subsisting timber-culture entries, and who have for at least eight years (the period required by that old timber-culture act) in good faith endeavored to comply with the law as to breaking the ground, planting the seeds, and cultivating the trees, to prove up and get title upon the payment of the fees required in homestead entries, without regard to whether the trees have been made to grow or not.

"The provision relating to persons who have in good faith initiated claims upon public lands, which may be afterwards selected and withdrawn for reservoir sites, is not changed by the conference committee. It provides that patent may issue containing a reservation in favor of the United States, reserving the right to use so much of the land as may be necessary for the construction of a reservoir thereon, and also provides for hearings to determine whether or not such lands should be reserved for such purposes. This will afford additional protection to the rights of settlers in good faith upon lands which have been or may be selected for reservoir purposes, and is not inconsistent with the purposes to be subserved by existing laws upon the subject.

"2. The twenty-fourth section of the act of March 3, 1891, authorized the President of the United States to reserve public timber lands from sale and disposal, and to set them aside for forestry purposes.

"About 10,000,000 acres have been preserved, presumably to protect the growth from destruction by fire and ax, and the preservation of forest conditions, upon which water conditions and water flow are said to be dependent. Under the second amendment of the Senate, as amended by the conference report, it is provided that, if, after examination, it shall be found to be better ada ted to agricultural than forest uses, it may be restored to the public domain upon sixty days' notice in two newspapers. The Secretary of the Interior, with the cooperation of the Secretary of War, is required to protect the reservations against fire and depredations, and the Secretary of the Interior is authorized to make rules and regulations for the occupancy and utilization of said reservations. The purpose of this is to make proper provision for the administration and protection of the reservations created and to be hereafter created.

"3. The third amendment provides:

"(1) For the final and complete adjustment of the swamp-land grant upon the basis recommended by the Department of the Interior. It allows indemnity only for swamp land erroneously sold or located by warrant or scrip after relinquishment and waiver in such form as may be prescribed by the Secretary of the Interior. For lands sold the purchase money to the amount of $1.25 per acre is allowed, and for those erroneously located by warrant or scrip the price of the land at the date of location, not exceeding $1.25 per acre. It is in effect an extension of the act of March 2, 1855, as construed by the Department, except that cash indemnity of $1.25 per acre is allowed for lands located by warrants or scrip instead of nonswamp land subject to entry at that price.

"That act was passed before the passage of the homestead law. The change in this respect is in obedience to the policy of the Government to reserve the public lands for actual settlers under the homestead law. This amendment does not confirm the selections heretofore made and reported, as did the said act of March 3, 1857. It excludes all evidence of the character of the lands except the field notes of the Government survey in those States which elected to make them the basis of settlement. The other States are required to deposit in all cases, and to pay in those cases where the claim is rejected, the cost of the investigation into the character of any tract claimed by the State as swamp land. The illegal selections under the old act can be disposed of if the cost is not deposited in ninety days after notice, and no new claims will be examined until such deposit is made. The Secretary is given full power to determine what shall be satisfactory and sufficient evidence as to the character of the land at the time of the grant, and to investigate and reject any fraudulent returns of Government surveys.

"Agents and inspectors of the Department are authorized to administer oaths and take affidavits of witnesses. All claims under this act and prior acts are barred unless presented within one year from the passage of this act. A limitation upon the amount to be paid for lands sold and located since March 3, 1857, is fixed, but no appropriation is made, and no money can be paid to any State until the claim of each State under the swamp-land grant and under this act has been fully adjusted. Counties, parishes, districts, and individuals are not recognized as possessing the right to prosecute claims. This right is restricted to the States to which the original grants were made. It is not probable that the sum fixed will be required for the adjustment of claims since March 3, 1857. The valid claims of nearly all the States prior to that date have been allowed, but the examination of those pending will require a large amount of labor and money under existing law, which will be saved if the pending measure becomes a law.

"(2) The State of Arkansas owes the United States in all the sum of $625,000 principal on bonds past due. In addition to this the Treasurer of the United States holds for the Secretary of the Interior, trustee of the Indian trust fund, $168,000 worth of bonds, redeemable January 1, 1900. The State claims against the United States the sum of $679,548.51, which has accrued from time to time, and nearly a million acres of land selected under the act of March 3, 1857. The Secretary of the Treasury is authorized in his discretion to make a full and final compromise with the State.

"(3) The provision in relation to soldiers' additional homestead entries has been changed by the conference committee so as to make it conform to the recommendation of the Commissioner of the General Land Office. In some cases certificates were erroneously issued by the Department. In such cases the soldier may have entered land and disposed of his right thereto to innocent purchasers, who relied upon the certificates of right issued by the Department. The circular of February 1, 1883, discontinued the practice of certifying to the additional right, but did not apply to applications then pending or that might be filed in the Land Office prior to March 16, 1883. Consequently there were some certificates issued after the latter date. The lands which the outstanding certificates cover it is estimated would approximate 10,000 acres. The Commissioner of the General Land Office in his letter of February 25, 1893, says:

"'It has come to the knowledge of this office that a number of these certificates have been transferred, and locations made thereunder by parties who purchased them in good faith, and I think that this class of purchasers should be protected and that patent should issue to them and for their benefit.'

"4. The provision in relation to contests will change the present law so as to prevent personal contests after final entry, but it does not interfere with the right of the Government to cancel or hold for cancellation any entry for fraud on the part of the entryman. The purpose of this amendment is to protect bona fide settlers from blackmailing and speculative contests.

"THO. C. MCRAE.
"JOHN O. PENDLETON.
"J. A. PICKLER."

Mr. JOHNSON of Indiana. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Arkansas has the floor on a question of the highest privilege—a conference report.

Mr. TRACEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TRACEY. Would it be in order to raise the question of consideration on this report?

Several MEMBERS. It is too late.

Mr. MCRAE. I submit, Mr. Speaker, that it is too late to raise a question of consideration after the House has entered upon the consideration.

The SPEAKER. It is not too late until the papers are read, because the House would not know what it was until they are read.

Mr. TRACEY. I desire to raise the question of consideration.

Mr. HOLMAN. Mr. Speaker, I suggest to gentlemen that, for the purpose of facilitating the adjustment of the other bills, it would be far better to take a recess until 8 o'clock.

Mr. MCRAE. I have no objection to a recess now, if it will be understood that we have entered upon the consideration of this bill, and that it will come up after the recess. [Cries of "Oh, no!"]

The SPEAKER. The Chair understands the gentleman from New York [Mr. Tracey] to raise the question of consideration.

Mr. TRACEY. I did.

Mr. MCRAE. Then, Mr. Speaker, I hope that we will settle that question before we take a recess.

Mr. HOLMAN. I move that we take a recess.

The SPEAKER. The Chair will submit the question. The question is whether the House will——

Mr. BUCHANAN of New Jersey. Will the gentleman from Indiana yield for a moment for a conference report which requires no debate?

The SPEAKER. This is a conference report.

Mr. HOLMAN. I think it is better to take a recess now.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] calls up the conference report which has just been read, the gentleman from New York [Mr. Tracey] raises the question of consideration on the report, and the question for the House to determine is, Will the House proceed to the consideration of this conference report?

Mr. HOLMAN. Is not my motion in order to take a recess?

The SPEAKER. The Chair thinks not, pending this motion.

Mr. MCRAE. As there seems to be a disposition on the part of gentlemen to take a recess, I shall not insist on action upon the question of consideration at this time if it is agreed that all my rights are reserved.

The SPEAKER. The question of consideration is not debatable.

Mr. MCRAE. Then, Mr. Speaker, I have no objection to taking a recess, with the understanding that the status of the bill shall remain as it is now. I do not want to keep members from their dinner.

The SPEAKER. The Chair will state the question. The gentleman from Arkansas [Mr. MCRAE] presents a conference report, and the gentleman from New York [Mr. Tracey] raises the question of consideration upon it. The gentleman from Indiana moves that the House take a recess until 8 o'clock. If the House takes that recess the exact status that now exists as to this matter will obtain then. The question of consideration will be before the House.

Mr. DINGLEY. I desire to reserve all points of order in reference to this report.

Mr. MCRAE. If the House votes to consider the report, that should settle any points of order.

The SPEAKER. The Chair will state the question. The gentleman from Arkansas [Mr. MCRAE] calls up a conference report. The gentleman from New York [Mr. Tracey] raises the question of consideration, and pending that the gentleman from Indiana [Mr. Holman] moves that the House take a recess until 8 o'clock.

Mr. TRACEY. Mr. Speaker, I rise to a question of order. Is it in order to take me off the floor when I have raised the question of consideration?

The SPEAKER. The gentleman is off the floor as soon as he makes the motion, because the question of consideration is not debatable.

Mr. TRACEY. But I understood the Chair to say that the question of consideration must be put. Now, there has been no change in the situation since the Chair made that announcement.

The SPEAKER. The only question is whether, pending a conference report, the House may adjourn or take a recess. The Chair is inclined to think that the House has a right to do that, but will examine the question.

Mr. HOLMAN. I hope there will be no objection to taking a recess now. It will leave the situation unchanged.

The SPEAKER. Whilst the rule accords to gentlemen the right to present conference reports at any time, the Chair sees nothing in the rules that would prevent the Chair from entertaining either a motion to adjourn or a motion to take a recess pending the report. The question, therefore, is on the motion of the gentleman from Indiana, that the House now take a recess until 8 o'clock p. m.

Mr. DOCKERY. Mr. Speaker, pending that, I desire to say on behalf of my colleague on the Committee on Appropriations, Governor SAYERS, that he has been absent during this legislative day on committees of conference, and for that reason I ask that he be excused.

The SPEAKER. The rules excuse the gentleman when he is absent on the business of the House.

The motion of Mr. Holman was agreed to; and the House accordingly (at 5 o'clock and 15 minutes p. m.) took a recess until 8 o'clock p. m.

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## EVENING SESSION.

The recess having expired, the Speaker called the House to order at 8 p. m.

### ORDER OF BUSINESS—PROTECTION OF SETTLEMENT RIGHTS ON PUBLIC LANDS.

Mr. MCRAE. Mr. Speaker, I call up the conference report on the bill (H. R. 7028) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof, and for other purposes.

Mr. TRACEY. Mr. Speaker, I raise the question of consideration.

The SPEAKER. Upon this conference report the gentleman from New York [Mr. Tracey] raises the question of consideration, and the question is, Will the House proceed to consider the report?

The question was taken: and the Speaker declared that the ayes seemed to have it.

Mr. TRACEY. I ask for a division.

The House divided; and there were—ayes 66, noes 11.

Mr. TRACEY. No quorum.

Mr. MCRAE. Mr. Speaker, I ask for the yeas and nays. That is the shortest way of settling this matter. I hope the friends of this measure will stand by it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 59, not voting 139; as follows:

YEAS—131.

| | | | |
|---|---|---|---|
| Alderson, | Cummings, | Jolley, | Post, |
| Amerman, | Curtis, | Kem, | Reilly, |
| Antony, | Daniell, | Kribbs, | Richardson, |
| Arnold, | De Forest, | Kyle, | Robertson, La. |
| Atkinson, | Doan, | Lane, | Rockwell, |
| Bailey, | Durborow, | Lawson, Va. | Rusk, |
| Baker, | Edmunds, | Layton, | Sayers, |
| Bankhead, | Elliott, | Lester, Va. | Scott, |
| Barwig, | Enochs, | Livingston, | Scull, |
| Belknap, | Epes, | Long, | Shell, |
| Blanchard, | Everett, | Lynch, | Shonk, |
| Bowers, | Fithian, | Mallory, | Simpson, |
| Bowman, | Flick, | Mansur, | Snodgrass, |
| Brown, Md. | Gantz, | McClellan, | Snow, |
| Bryan, | Geary, | McKeighan, | Springer, |
| Buchanan, Va. | Gillespie, | McRae, | Stockdale, |
| Busey, | Gorman, | Meredith, | Stone, Ky. |
| Butler, | Grady, | Miller, | Stout, |
| Caminetti, | Greenleaf, | Mitchell, | Terry, |
| Capehart, | Hare, | Moses, | Tillman, |
| Caruth, | Harmer, | Oates, | Townsend, |
| Cate, | Hatch, | O'Ferrall, | Turpin, |
| Chipman, | Haugen, | O'Neill, Pa. | Waugh, |
| Clark, Wyo. | Hayes, Iowa | Outhwaite, | Weadock, |
| Clarke, Ala. | Heard, | Patterson, Tenn. | White, |
| Clover, | Henderson, Iowa | Patton, | Whiting, |
| Cobb, Ala. | Hilborn, | Paynter, | Williams, Ill. |
| Cobb, Mo. | Hitt, | Pearson, | Wilson, Mo. |
| Coburn, | Hooker, N. Y. | Peel, | Winn, |
| Cooper, | Hopkins, Ill. | Pendleton, | Wise, |
| Covert, | Houk, Tenn. | Perkins, | Wolverton, |
| Cox, N. Y. | Johnson, Ind. | Pickler, | Youmans. |
| Cox, Tenn. | Johnson, N. Dak. | Pierce, | |

NAYS—59.

| | | | |
|---|---|---|---|
| Bacon, | Dingley, | Lind, | Stahlnecker, |
| Beltzhoover, | Dockery, | Martin, | Stephenson, |
| Bentley, | Dunphy, | McCreary, | Stone, W. A. |
| Boutelle, | Geissenhainer, | Morse, | Storer, |
| Bretz, | Grout, | Mutchler, | Taylor, Ill. |
| Brosius, | Hall, | O'Donnell, | Taylor, J. D. |
| Brown, Ind. | Halvorson, | Ohliger, | Taylor, V. A. |
| Bunn, | Hamilton, | O'Neil, Mass. | Tracey, |
| Bynum, | Harries, | Otis, | Turner, |
| Coombs, | Harter, | Payne, | Wadsworth, |
| Crosby, | Hopkins, Pa. | Powers, | Walker, |
| Dalzell, | Johnson, Ohio | Quackenbush, | Watson, |
| Davis, | Lawson, Ga. | Raines, | Wilson, Ky. |
| De Armond, | Lester, Ga. | Randall, | Wilson, W. Va. |
| Dickerson, | Lewis, | Ray, | |

NOT VOTING—139.

| | | | |
|---|---|---|---|
| Abbott, | Clancy, | Hooker, Miss. | Rayner, |
| Alexander, | Cockran, | Houk, Ohio | Reed, |
| Allen, | Cogswell, | Huff, | Reyburn, |
| Andrew, | Compton, | Hull, | Rife, |
| Babbitt, | Coolidge, | Johnstone, S. C. | Robinson, Pa. |
| Bartine, | Cowles, | Jones, | Russell, |
| Beeman, | Crain, | Kendall, | Sanford, |
| Belden, | Crawford, | Ketcham, | Seerley, |
| Bergen, | Culberson, | Kilgore, | Shively, |
| Bingham, | Cutting, | Lagan, | Sipe, |
| Bland, | Dixon, | Lanham, | Smith, |
| Blount, | Dolliver, | Lapham, | Sperry, |
| Boatner, | Donovan, | Little, | Stevens, |
| Branch, | Dungan, | Lockwood, | Steward, Ill. |
| Brawley, | Ellis, | Lodge, | Stewart, Tex. |
| Breckinridge, Ark. | English, | Loud, | Stone, C. W. |
| Breckinridge, Ky. | Enloe, | Magner, | Stump, |
| Brickner, | Fellows, | McAleer, | Sweet, |
| Broderick, | Fitch, | McGann, | Tarsney, |
| Brookshire, | Forman, | McKaig, | Taylor, Tenn. |
| Brunner, | Forney, | McKinney, | Taylor, E. B. |
| Buchanan, N. J. | Fowler, | McLaurin, | Tucker, |
| Bullock, | Funston, | McMillin, | Van Horn, |
| Bunting, | Fyan, | Meyer, | Warner, |
| Burrows, | Goodnight, | Milliken, | Washington, |
| Bushnell, | Griswold, | Montgomery, | Wever, |
| Byrns, | Hallowell, | Moore, | Wheeler, Ala. |
| Cable, | Haynes, Ohio | Newberry, | Wheeler, Mich |
| Cadmus, | Hemphill, | Norton, | Wike, |
| Caldwell, | Henderson, N. C. | O'Neill, Mo. | Willcox, |
| Campbell, | Henderson, Ill. | Owens, | Williams, Mass |
| Castle, | Herbert, | Page, | Williams, N. C. |
| Catchings, | Hermann, | Parrett, | Wilson, Wash. |
| Causey, | Hoar, | Pattison, Ohio | Wright. |
| Cheatham, | Holman, | Price, | |

So the House decided to consider the conference report.

The following additional pairs were announced:

Until further notice:

Mr. Tarsney with Mr. Henderson of Illinois.

For the rest of the day:

Mr. Lanham with Mr. Taylor of Tennessee.

Mr. Compton with Mr. Lodge.

Mr. Causey with Mr. Haynes.

Mr. Rayner with Mr. Caldwell.

The result of the vote was announced as above stated.

The SPEAKER. The House has decided to proceed with the consideration of this report.

Mr. TRACEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. Tracey] will suspend a moment until a report can be presented from the Committee on Enrolled Bills.

## SETTLEMENT OF AGRICULTURAL PUBLIC LANDS.

Mr. TRACEY. I wish to reserve points of order on the bill which the House has just decided to consider.

The SPEAKER. The Chair in the confusion has difficulty in hearing the gentleman.

Mr. TRACEY. Mr. Speaker, it is my intention to raise a point of order against portions of this conference report. I wish to state before the report has been read that I reserve all points of order against the report.

The SPEAKER. The report will be read, and then the gentleman can make any point of order that may be proper to be made. The Clerk will read the report.

Mr. TRACEY. If in order, it will very much clear the atmosphere surrounding this rather peculiar conference report to have the bill read and the Senate amendments thereto, so that the House may have a clear understanding of the matter that is about to come before it. I ask to have that done.

The SPEAKER. The Clerk will first read the bill as it passed the House, then the amendments of the Senate, and then the conference report.

Mr. TRACEY. I will ask for order during the reading. I think this is a matter of very considerable importance which members of the House would much desire to hear and understand.

The SPEAKER. The House will be in order.

The bill as passed by the House was read, as follows:

"A bill (H. R. 7028) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof.

"*Be it enacted, etc.*, That where settlements have heretofore or hereafter been made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint cash entry of their lands at the local land office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after patent is issued to him, and after making said contract to make homestead entry in his own name, and prove up and pay for said land; and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sale, occupation, and homestead entry by the applicant: *Provided*, That in no case shall the amount patented under this act exceed 160 acres, nor shall this act apply to lands not subject to homestead entry."

The amendment of the Senate was read, as follows:

"After line 19 insert the following:

"'SEC. 2. That an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended by adding thereto the following provision: "*And provided further*, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has heretofore for a period of eight years in good faith attempted to comply with the provisions of said laws, and who at the time of making the entry was a bona fide resident of the State or Territory in which said land is located, or residing within five miles of the boundary line of such State or Territory, and where there was no pending contest on March 3, 1891, shall be entitled to make final proof thereto and acquire title to the same by payment of the customary fee for final proofs in homestead entries: *Provided*, That any person who has made entry upon any public lands of the United States under the timber-culture laws, and who has for a period of four years in good faith complied with the provisions of said laws, shall be entitled to make final proof thereto and acquire title to the same by the payment of $1.25 per acre for such tract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, and registers and receivers shall be allowed the same fees and compensation for final proofs in timber-culture entries as are now allowed by law in homestead entries."

"'That section 24 of an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, be amended by adding thereto the following words: "And he may, when deemed expedient, vacate any such reservation or any portion thereof, and by like proclamation restore the same to the public domain, subject to disposition under the land laws of the United States."

"'That whenever any person has initiated, in good faith, by settlement or otherwise, a claim to any of the public lands of the United States which shall afterwards be selected and withdrawn as a permanent site for a reservoir under any act of Congress, said person so initiating said claim may nevertheless make final proof and payment for said land and receive a patent therefor: *Provided, however*, That in all such cases the patent issued to such person shall contain a reservation in favor of the United States without any claim for cost or damages of any kind against the United States, its grantees or assigns, reserving the right to use so much of said land as may be found necessary for the purpose of constructing a reservoir or reservoirs thereon.

"'That whenever any settler upon lands which have been selected for reservoir sites under any act of Congress shall file in any United States land office an affidavit, corroborated by at least two witnesses residing in the vicinity of the land, setting forth that the lands so selected as aforesaid are not suitable for reservoir purposes, and can not be used for such purposes practicably, the Commissioner of the General Land Office shall order a hearing to be held to determine whether it is practicable to permanently reserve the said lands for the purposes contemplated by law, which said hearing shall be held as other hearings ordered by the Commissioner are held, and should it be finally determined in favor of the settler the land settled upon shall be held subject to entry by him in accordance with the settlement laws for thirty days from notice of the decision which shall be given him by the land officers for the proper land district.

"'That the agents appointed by the Department of the Interior to investigate claims under the swamp-land act, approved September 28, 1850, shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

"'SEC. 3. That where soldiers' additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land. And nothing herein contained shall prevent the location of soldiers' homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, and patent shall issue therefor in the name of the locator, and issued and transferred in good faith prior to March 16, 1883.'

"Amend title so as to read:

"'To protect settlement rights where two or more persons settled upon the same subdivision of agricultural public lands before survey thereof, and for other purposes.'"

The SPEAKER (before the reading was concluded). The gentleman from Arkansas [Mr. McRAE] will give his attention. The title as it occurs in these amendments does not appear to be the same as the title of the House bill.

Mr. TRACEY. That is one of the points which will appear later on. The title has been materially changed.

The Clerk resumed and concluded the reading of the Senate amendments.

The SPEAKER. The Clerk will now read the conference report.

The Clerk read as follows:

'The committee of conference on the disagreeing votes of the two Houses

on the amendments of the Senate to the bill (H. R. 7028) entitled "An act to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendments of the Senate and agree to the same amended as follows:

"'In line 4 of said Senate amendments, after the word "provision," strike out the words "*And provided further*, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has heretofore for a period of eight years in good faith attempted to comply with the provisions of said laws, and who at the time of making the entry was a bona fide resident of the State or Territory in which said land is located, or residing within 5 miles of the boundary line of such State or Territory, and where there was no pending contest on March 3, 1891, shall be entitled to make final proof thereto and acquire title to the same, by payment of the customary fee for final proofs in homestead entries," and insert—

"'SEC. —. That section 1 shall not be construed so as to interfere with any valid right or contest initiated prior to the passage of this act: *And provided further*, That any person qualified to make entry, and who has a subsisting entry under the timber-culture laws, and who has for at least eight years in good faith attempted to comply with the provisions of said laws, shall be entitled to make final proof, upon the payment of the fees required in homestead entry, and such attempt in good faith to comply with said laws shall be construed to entitle the entry man to all the benefits of said timber-culture laws and amendments thereto, and in computing the time before final proof under said timber-culture laws and acts amendatory thereof the same shall commence at date of entry."

"Strike out lines 27 to 33 inclusive and insert:

"'SEC. —. That any public lands embraced within the limits of any forest reservation made under section 24 of the act approved March 3, 1891, which after the examination shall be found better adapted to agricultural than forest uses, may be restored to the public domain upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' public notice in two newspapers of general circulation in the State where the reservation is situated.

"'SEC. —. That the Secretary of the Interior, with the assistance and cooperation of the Secretary of War, shall make provision for the protection against fire and depredations of the forest reservations, and the Secretary of the Interior shall make such proper rules and regulations for the occupancy and utilization of said reservations as will preserve the forest cover from destruction and insure the objects of the reservations.'

"Strike out lines 62 to 69, inclusive, of the second amendment of the Senate and all of the third amendment of the Senate, and insert in lieu thereof the following:

"'SEC. —. That the proper officers of the Department of the Interior and of the Treasury shall finally adjust and settle the claims of any State against the United States for all lands which have been sold or located by warrant or scrip that were included in any grant of swamp and overflowed lands, and in such settlement and adjustment such State shall, upon filing proper relinquishment and waiver to the land in place, in the manner to be prescribed by the Secretary of the Interior, be allowed, credited, and paid the purchase money to the amount of $1.25 per acre for all such lands situated therein as have been erroneously located by warrant or scrip therein, the amount of indemnity to be limited to the price at which the lands were held at the date of location, but not to exceed $1.25 per acre: *Provided*, That all claims for land or indemnity under any of the swamp-land laws or under this act shall be forever barred for lands now surveyed, unless presented to the Secretary of the Interior within one year from the passage of this act, and for lands unsurveyed, unless presented within one year after the filing in proper local land office of a copy of the officially approved township plat of the survey of the township in which said lands may be situated: *Provided further*, That under no circumstances shall more than $2,000,000 be paid under the provisions of this act for lands sold or located by warrant or scrip since March 3, 1857, and no money shall be paid to any State until the claim of each State under the swamp-land grant and under this act has been adjusted, so far as the surveyed land in each State will permit of such adjustment; and should the claims of the various States amount to more than the said $2,000,000, the claims shall be settled by the payment of said sum pro rata among the States, according to the number of acres each State is found to be entitled to under said adjustment.

"'SEC. —. That in those States which elected to make the field notes of the United States Government survey the basis for determining what lands passed to them under the swamp grant, together with the State of California, the State will not be permitted to offer any other evidence in support of any claim to any tract of land as swamp, but said field notes shall be final in determining the character of the land; and in those States where evidence is to be taken as to the character of the land the Commissioner of the General Land Office shall notify the governor of the State of the amount of estimated cost of the investigation into the character of any tract or, tracts of land claimed by the State as swamp, and request that said amount be deposited in the Treasury of the United States, and after said investigation is concluded, if the claim of the State is allowed, said sum shall be returned to the State; but if the claim of the State is rejected, the balance only, if any, above the cost of the investigation shall be returned, and it shall be the duty of the Secretary of the Treasury to return said money upon an account rendered by the Commissioner of the General Land Office, approved by the Secretary of the Interior; and if any State shall neglect or refuse for a period of ninety days after notice to deposit said sum, the claim of the State to the tract or tracts of land in question shall be considered as abandoned and forever barred without further investigation: *Provided*, That the Secretary of the Interior shall have the power to determine what shall be satisfactory and sufficient evidence as to the character of the land at the date of the swamp grant: *Provided further*, That any agent or inspector appointed by the Department of the Interior to investigate claims under this or prior acts shall have the power to administer oaths and take affidavits of witnesses, both on behalf of the State and the United States, and any witness swearing falsely before such agent or inspector shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law: *Provided further*, That nothing in this act shall deprive the Government of the right to investigate the matter, in any alleged fraudulent returns of Government surveys, and if land is falsely returned as swamp the claim to the same shall be rejected.

"'SEC. —. That upon the relinquishment, release, and quitclaim, in such form as may be approved by the Secretary of the Interior, to the United States by the State of Arkansas of all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the Executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, and under this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not heretofore approved to the State, and all other claims of whatever kind or nature, the Secretary of the Treasury may, in his discretion, cancel or deliver to the proper officer of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the Treasurer of the United States and owned or held in trust by the United States as a full and final compromise and settlement of accounts between the said State and United States.

"'SEC. —. That where soldiers' additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land. And nothing herein contained shall prevent the location of soldiers' homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2306 of the Revised Statutes of the United States, or in pursuance of the decision or instructions of the Secretary of the Interior of date of February 1, 1883, when such certificates have been transferred or sold to purchasers in good faith; and all such transfers or sales shall be treated and considered as valid, and patent upon all such locations shall issue in the name of the transferee.

"'SEC. —. That in all cases arising under the homestead or the late preemption laws, where notice of the intention to make final proof has been or shall be published, as provided by the act of March 3, 1879 (20 Stats., 472), and final entry made thereunder, and where no lawful adverse claim has been or shall be filed with the register or receiver of the proper land office prior to such final entry, no contest shall be thereafter allowed by the Commissioner of the General Land Office or local land office: *Provided*, That nothing herein shall be construed to prevent the canceling or holding for cancellation any entry for fraud on the part of the entryman.'

"Strike out the following: 'To protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands,' and insert the following as the title to the bill: 'To protect settlers, regulate contests, control forest reservations, adjust the swamp-land grants, and for other purposes.'

"That the sections be numbered consecutively.

"And the Senate agreed to the same.

"THO. C. McRAE,
"JOHN C. PENDLETON,
"J. A. PICKLER,
"*Managers on the part of the House.*
"J. N. DOLPH,
"R. F. PETTIGREW,
"JAMES H. BERRY,
"*Managers on the part of the Senate.*"

Mr. TRACEY. Mr. Speaker, I wish to make some points of order against this conference report. I claim, first, that it violates, in my opinion, the rules, practice, and custom of the House which limit the conferees appointed by the House to certain lines of procedure within their jurisdiction when in conference.

In the first place, the conference committee can not change the text of a bill to which both Houses have agreed, as they are limited strictly to the matters in dispute between the two Houses. A conference committee may report a substitute if the Senate present a substitute, but the conferees can not inject any new matter not in dispute between the two Houses into their report for the reason that it presents a new subject not considered by either House.

A conference report can not be received if it contains new matter, which ruling by Mr. Speaker Blaine on the point of order made by the late President Garfield was acquiesced in unanimously by the House. Mr. Speaker, the additions which have been made in conference are not germane to the original subject-matter of the bill as it passed the House nor to any of the Senate amendments.

Now, sir, I will be obliged to in great part rely upon the judgment of the Chair in deciding this matter, without being able to point out to the House in detail the objectionable features of the bill, for the reason, which may be evident to all, that this House bill which has been read was a simple measure regarding the forestry laws, and went to the Senate, where some amendments were added to it; then came back to the House, was submitted to a conference committee, and the conferees have practically brought in a new bill, which is a bill made up of several bills not considered by the House.

It is well known, Mr. Speaker, to the members of this House that for some years past efforts have been made to open up the subject of the swamp lands of the country, to change the existing laws by which adjustments are now being made, and practically to set aside the statute of limitations, so that people who have claims, or pretend to have them, against the Government may come before the Land Office of the Interior Department and secure large amounts of money for them.

In my opinion, Mr. Speaker, the laws which were enacted about 1850 to 1857 gave to the people then the power to present their claims to the Government, and practically a great majority, at all events, I will say, of the just claims were filed at that time, and since that period additional claims have also been filed, and, as is shown by the reports from time to time, bills of this character, sometimes extending over a greater territory than at others, and at other times presented in different forms, have been considered, but so far the resistance has been sufficient to prevent change of existing law on the subject.

The Commissioner of the General Land Office in 1891 in his report recommends strongly against there being any doing away of the present limitations permitting the filing of these claims. We have already in this House had a discussion of this matter. Letters were read from the Commissioner of the General Land Office in which he did not approve of the bill then presented, and the House did not pass it.

Since then I have had some occasion to investigate on my own account, by reason of the allusions made to my interference when I opposed the measure in the House, and I took the precaution, Mr. Speaker, to address a communication to the Secretary of the Interior. He did not recommend the passage of the bill which had been before the House.

Now, Mr. Speaker, I wish to call the attention of the Chair and the House to what is deemed to be the duty of a conference committee appointed in such matters. We know that in the closing hours of Congress, such as we find ourselves in to-night, it is very difficult for members of the House to pay attention and realize everything that is being done on the floor of the House and in conference committees, and hence when conferees are appointed they are in duty bound to pay particular attention to the rules, practice, and precedents and will or wishes of the House, under every and all circumstances not to permit anything to be done which by any possibility could amount to a deception on the House, which has intrusted to them the consideration of matters so delicate to be settled, upon which the House is bound to rely.

Mr. Speaker, with reference to the point of order I have made, I refer the Speaker to the Digest of the second session of the Fifty-first Congress, page 350.

I will read this, Mr. Speaker, where it says:

"Neither is it competent for a conference committee to change the text of a bill to which both Houses have agreed, for it is not in conference and the committee has no jurisdiction of the subject-matter of the text."

And this Digest refers then to a ruling made by Speaker Clay in the first session of the Twelfth Congress, House Journal of 1812. The reference to that I have not with me, but it bears out the general statement I have made.

My claim is that this new matter is out of order, because a conference committee can not report a substitute which has not been proposed in either the Senate or the House and disagreed to by the other body.

In other words, it can not inject or present new matters not in dispute between the two Houses.

And on page 354 of the same Digest it is stated:

"It is in order for a conference committee to report a substitute bill for an original bill, and a substitute therefor proposed by the other House; where two separate bills have thus been referred to a conference committee it is in order to take either, or propose a new bill embracing parts of either.

"The committee has a right to report any bill that is germane to the bills referred to them."

Now, Mr. Speaker, in neither the bill nor the Senate amendments originally made were swamp lands treated, and I have heard enough of the proposed bill to satisfy me that the committee has exceeded its authority, and I make the point of order on this account against the conference report that it is against order, sound parliamentary practice, procedure, and well-established precedents, and on this question I ask for the ruling of the Chair.

Mr. McRAE. Mr. Speaker, I shall try not to discuss the merits of this proposition on the pending point of order, as has been done by the gentleman who has made it.

The only question presented by the point of order, as I understand the rules, is whether the amendment proposed by the conference committee is germane to the Senate amendment. That there is a matter in dispute between the two Houses touching swamp-land claims there can be no doubt.

The amendments first read by the Clerk, three pages of printed matter, relate to contests, to forest reservations, reservoir sites, to swamp-land claims, etc. These were all disagreed to by the House. The Senate asked for a conference. The House agreed to it, and the bill went to a conference committee. The first section of the bill was not amended in the Senate, but to that were added, as amendments, the provisions in question. I call the attention of the Speaker to one paragraph of the Senate amendment. It relates directly and exclusively to swamp-land claims, and is as follows:

"That the agents appointed by the Department of the Interior to investigate claims under the swamp-land act, approved September 28, 1850, shall have power to administer oaths and to compel the attendance of witnesses, both on behalf of the State and of the United States, and the witness swearing falsely shall be punished as in cases of perjury."

That, with the other paragraphs, was disagreed to by the House In lieu of that paragraph the conference committee have submitted a proposition providing, when such agents shall be allowed to investigate swamp-land claims, by limiting them only to such States as have not adopted the field notes as the basis of settlement.

The report of the conference committee makes the field notes of the United States conclusive proof as to the character of the land, and provides for the adjustment of the claims without other testimony in certain States and along lines that have been suggested or approved by the Department of the Interior. This amendment, relating to swamp-land adjustment, was prepared by the Interior Department, and has received the approval of the Commissioner of the General Land Office. It looks to the settlement of the grants in question in other methods than those suggested by the Senate amendment, but adjustment is the ultimate object of both the Senate amendment and conference report.

The Senate amendment authorizes the investigation of the claims of the States under the swamp-land act, and would grant to the agents appointed by the Department for that purpose power to compel the attendance of witnesses. For what, I ask, is this investigation of such claims to be had? Evidently it is to enable the Interior Department to adjust and finally settle them. The conference report deals with the same character of claims, but proposes another method of adjustment for the most of the States. Both look to the adjustment of the same claims.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. McRAE. I will.

Mr. OUTHWAITE. I would like to ask whether this proposition was ever voted upon or considered by either House?

Mr. McRAE. The Senate proposition was.

Mr. OUTHWAITE. By which House?

Mr. McRAE. By both. It was proposed by the Senate as an amendment, and then disagreed to by the House, and sent to conference: and now, in lieu of that, the conference committee have submitted a proposition that has for its object the final, just, legal, and quick closing of this whole swamp-land matter, rather than to sending out agents to take testimony touching the character of the land in 1850, as the Senate proposed.

The question to be investigated is whether the land was swamp and overflowed at the time of the grant. That question the conference report will allow to be determined by the Secretary of the Interior upon the field notes of the Government surveys.

There is a reason for this. This Government has paid within the last twelve years $200,000 to special swamp-land agents for investigations of this character. It is time to stop such extravagance. The conference committee propose that the surveys made by the Government surveyors shall be made the basis of settlement and require those States that will not agree to be bound by them to deposit the estimated costs before examinations are made in the field by agents.

Now, the test, Mr. Speaker, as I understand the rule and practice, is this: Is the amendment proposed by the conference germane to the amendment of the Senate to the House bill; and if so, is it in order, whether it is germane to the original proposition or not? Would anyone insist that with the Senate amendment pending in the House as an independent measure that the proposition of the conference committee could not be substituted for it?

I ask the Clerk to read from the Digest the paragraph which I have marked on page 318.

The Clerk read as follows:

"Although the Senate had amended a bill of the House by striking out all after the enacting clause and inserting a different proposition in some respects, yet having the same object in view, the question presented was not whether the provisions excepted to in the conference report were germane to the original House bill, but whether they were germane to the Senate amendment. In the opinion of the Chair they were clearly germane, for though different from the provision contained in such amendment, they related directly to the same subjects, and under the common parliamentary law and practice might be made, by way of amendment, a substantially different proposition from that originally passed by the House."

Mr. McRAE. In this case, as in the one cited, the propositions are different, but they relate directly to the same subject. Here the amendments both relate to swamp-land contests. The House bill treated of contests between settlers upon unsurveyed lands. The Senate extended it so as to cover those having claims under the timber-culture act, and those on reservoir sites, and to swamp land claims.

The main purpose of the first bill was the settling of contests. That is still the object sought by the conference report. And again, Mr. Speaker, this bill as amended by the Senate is a general land bill, and from beginning to end deals with the methods of the Department touching practice and administration. Such was the general character of the amendments made by the Senate, as well as those proposed by the conference committee. It seems to me there can be no question but that the point of order should be overruled. By a large vote the House has voted to consider the report.

Mr. Speaker, I have but to refer to the bill to which this is an amendment, to wit, the bill of March 3, 1891, passed by the Fifty-first Congress, for a precedent for the action of the committee. That was a bill of one section, I believe, as this was originally. Upon that section a conference committee constructed a general bill of many subjects of twenty-four sections; and that was held to be in order by the Speaker of the last House, and is the law to-day. Nothing is more common in this House except to legislate upon appropriation bills.

Why, Mr. Speaker, half the legislation of Congress is shaped in conference. In the very nature of the case it must be prepared there when the two Houses of Congress disagree. I have nothing to conceal about the course which has been taken in this matter. I regret that by filibustering and misrepresentation the friends of this bill have been denied a vote on it in the House in the usual way, and that we have been driven to the necessity of reaching it in this way; but we have reached it fairly and openly under the rules and without any concealment. There is only one section in this bill which has not been considered by the Committee on Public Lands of this House.

There is not a section in it that does not meet the unqualified indorsement of the Department. It has been unanimously adopted by the Senate, where we have two of the ablest ex-Secretaries of the Interior we have ever had. I mean Senators VILAS and TELLER. The House has always approved it, because it is just and honest. It is an important matter not only to the United States, but to the swamp-land States and settlers as well. I believe that it is as just and honest a measure as was ever presented to the Congress of the United States; I believe the conference report is in accordance with the practice and rules of the House.

Now, Mr. Speaker, I will not refer to other decisions. It seems to me that the one I have cited ought to be conclusive upon the point in issue, and the point of order should be overruled.

I reserve the balance of my time.

[Cries of "Rule!"]

Mr. DINGLEY. Mr. Speaker, I desire to be heard very briefly. This is an exceedingly important matter, involving, as it does, the power of conference committees; it may be not simply for this particular bill, but may be as a precedent for the future. I take it for granted that nothing is better settled by the practice of the House and of all parliamentary bodies than that a conference committee can not touch any portion of a bill that has been committed to them as to which both Houses have agreed, and that it is to points of difference between the two Houses that they are confined, and the particular proposition on which there is a disagreement, otherwise conference committees could proceed outside of that entirely and legislate indiscriminately.

Now, I call attention briefly to one thing that has been done in this conference report, and to that I desire the attention of the Chair and of the House. A bill with reference to some disputed settlers' claims, containing comparatively a few lines, passed this House and was sent to the Senate. The Senate struck out all after the enacting clause and inserted another bill, one provision of which was as follows, this being the provision on which the conference committee seek to obtain jurisdiction:

"The agents appointed by the Department of the Interior to investigate claims under the swamp-lands act of September 28, 1850, shall be authorized to administer oaths."

A simple authority was given by the Senate provision to these agents to administer oaths in the investigation of swamp-land claims. Now, that was the original proposition, as to which this House was in disagreement with the Senate, and which was referred to the committee of conference.

On the basis of a disagreement as to that proposition simply, the committee of conference have included the extensive swamp-land adjustment bill, which has been once defeated in this House, a bill which authorizes the adjustment of these claims to the extent of $2,000,000; a bill of the utmost importance, fastened upon a proposition as to whether the agents appointed to adjust these claims shall be authorized to administer oaths—a proposition on which there was a disagreement which was referred to the committee of conference. Undoubtedly the committee of conference could report any amendment relating to the administering of oaths.

There can be no doubt about that. But they have gone outside of that, and undertaken to fasten the complete swamp-lands adjustment bill, to the extent of $2,000,000, a bill covering pages, a bill which has been rejected in this House. It seems to me, Mr. Speaker, that there can be no question but that the committee of conference have gone entirely beyond their jurisdiction.

Mr. PICKLER. This bill never has been considered in this House.

The SPEAKER. This is a very important question. The Chair is ready to decide it. The decision must be made without as much examination of precedents as the Chair would like, but under existing circumstances further delay must be avoided.

The question for the Chair to determine is whether the amendment which has been agreed to and reported by the conference committee is germane to the amendment of the Senate, or to the original bill. The amendment may not be germane to the original bill, yet if it is germane to the Senate amendment, the conference committee might report it.

The Chair thinks, and has always thought, that the practice of enlarging the powers of conference committees beyond the strict letter of the rule was wrong, that conferees ought to be held to the rule, and that amendments they propose in conference reports shall be germane either to the original text or to the amendment. The portion of the Senate amendment which the gentleman from Arkansas [Mr. McRAE] claims justifies and authorizes the amendment which the conference committee have reported in this case will now be read by the Clerk.

Mr. McRAE. Mr. Speaker, I also insist that, as the original bill related to contests, and as these matters of contest grow out of swamp lands, and as a part of the amendment of the Senate relates to contests, therefore, for that further reason, the amendment is germane.

The SPEAKER. The Clerk will report the part of the Senate amendment marked by the Chair.

The Clerk read as follows:

"That the agents appointed by the Department of the Interior to investigate claims under the swamp-lands act approved September 28, 1850, shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law."

The SPEAKER. The Clerk will now read from the Digest the paragraph which the Chair has marked.

The Clerk read as follows:

"The well-settled rule with respect to the jurisdiction and proceedings of a conference committee is that it is not competent for such committee to consider and report to their respective Houses any new matter, subject, or

proposition not in dispute between the two Houses, for the reason that such new matter, subject, or proposition has not been referred to said conference committee, and in that respect it has no greater authority or jurisdiction than is possessed by a standing or a select committee of either House.

"A conference is always asked and granted upon certain specified amendments, and necessarily must be restricted and confined to them; the exceptions being that additional matter which is germane to any particular amendment or amendments is in order. The practice in this regard has, however, been quite loose and irregular, owing largely to the fact that Congress has been without joint rules since the Forty-third Congress."

The SPEAKER. As stated in the Digest, the practice in this matter has been somewhat loose and irregular; yet the Chair thinks that conference committees ought to be held to a strict construction of the rule. In the opinion of the Chair conference committees should keep strictly within the rule, which is that any original amendment which they may recommend to the two Houses must be germane either to the original bill or to the amendments which are in dispute.

The Chair understands that the subject of this Senate amendment is the administration of oaths by special agents of the Interior Department in the investigation of frauds under the swamp-land act. The Chair understands that the amendment reported by the committee goes beyond any question of the duties of such agents, and provides for the adjustment, under the swamp-land act, between the several States and the United States Government of a large number of claims that are unadjusted.

The Chair, regretting, as he stated at the outset, that he has not more time to consider carefully the text of the bill and the precedents on the question, decides that this conference report goes beyond the power and jurisdiction of a conference committee, and can not be received by the House. [Applause.]

Mr. MCRAE. The Chair quoted the Senate amendments as authorizing simply the investigation of frauds under the swamp-land act. In that respect the Chair did not quote correctly. The Senate amendment provides for the investigation of "claims under the swamp-land act"; that is, claims of the States, the same subject to which the conference report relates.

The SPEAKER. The amendment does use the word "claims." The gentleman is correct.

Mr. MCRAE. In view of this correction, does the Chair hold to the same opinion?

The SPEAKER. The Chair is of the same opinion.

Mr. MCRAE. Then, Mr. Speaker, while regretting to do so, I respectfully appeal from the decision of the Chair.

Mr. BLOUNT. I move that the appeal be laid on the table.

The motion of Mr. Blount was agreed to; and the appeal was accordingly laid on the table.

Mr. PEFFER. Mr. President, I desire to be heard briefly on this bill. The substance of the bill has been before Congress in one form or another for some six or eight years. If my information is correct, in 1888 there was a movement made to inaugurate a compromise, something on the line of the one now before us, and a similar measure was introduced several times afterwards, until finally the act of 1894 authorized the proceeding which has resulted in the compromise which this bill proposes to ratify.

It appears that as far back as 1838 the legislature of Arkansas passed a bill to incorporate a real-estate bank, or a bank resting upon capital secured by mortgages on real estate, with a capital of $2,000,000. The bank was authorized to borrow money to carry on its business, the State guaranteeing the bonds. Out of that act and the proceedings following it came the borrowing by the State of Arkansas from the United States of the money represented by the bonds provided for in this agreement.

The State of Arkansas was admitted in 1836. Some years afterwards several acts of Congress were passed granting to that State, as had been done to other new States, certain swamp lands, different acts of Congress granting the same character of land. Some were for one purpose and some for another. I have a statement here showing what the different land grants were for. One of them was for building court-houses and jails, one of them for public buildings at the capital of the State, one for educational purposes, and so on.

The State of Arkansas has not paid any of the bonds. I have a statement showing the total number of the bonds which the State owes to the United States, amounting in all to $793,000. The bonds were issued at different times. The State has ceased to pay the interest upon them, beginning with the first as far back as 1861. Now the accumulated interest unpaid amounts to $1,878,952.50. The principal being $793,000, it appears that the interest due and unpaid—perhaps Senators will quarrel about the word "due"—but the interest unpaid, at least, amounts to more than twice as much as the principal; and if the principal and accumulated interest were added together they would amount to a total of $2,671,952.50. Then there is an amount due the State of $202,000. Subtracting that leaves a total amount due the United States of $2,469,659.17. The State comes in with a counterclaim, if I may use the expression, and a compromise, a settlement, is asked. The act of Congress of 1894 provided:

That the Secretary of the Treasury and the Secretary of the Interior, acting as agents of the United States, should deal with the governor of the State of Arkansas as the agent of that State, and that they should agree if possible upon a compromise.

Now, we have that compromise included in the report of the Committee on Public Lands, and it is for the purpose of ratifying the compromise so entered into that the pending bill has been prepared. It appears that the first thing agreed upon by the representatives of the United States with the governor of Arkansas is—

To surrender to the party of the second part—

Namely, the State of Arkansas—

for cancellation 500 6 per cent coupon bonds of $1,000 each, numbered from 1 to 500, inclusive, dated January 1, 1838, and matured October 26, 1861, issued by the State of Arkansas to secure a loan from the Smithsonian fund, and now held and owned by the United States.

The second part of the agreement is that the Government shall—

Surrender the coupons attached thereto, representing the unpaid accumulated interest on said bonds, amounting to the sum of $436,309.61.

Then, there are other recitals, 3, 4, 5, 6, and 7, all of the same character, going in groups of two, paragraph 3, for example, reading—

To surrender similar bonds.

And paragraph 4:

To surrender the coupons attached thereto.

And so on with 5, 6, and 7.

Then:

In consideration of the surrender by the parties of the first part to the party of the second part the bonds, coupons, and accumulated amounts of interest hereinabove set forth, the party of the second part, by virtue of the powers aforesaid conferred upon him, hereby makes the following agreement, conditioned on the approval thereof by Congress, namely:

1. To cause to be paid into the Treasury of the United States the sum of $572 within thirty days after the approval by Congress of this settlement.

2. To cause to be paid, at or before their maturity (January 1, 1900), the remaining Arkansas bonds, being 160 in number, of $1,000 each.

And this is all the cash that is proposed to be paid by the State of Arkansas to the United States in consideration of the surrender and cancellation of all of the bonds and all of the accumulated interest thereon in addition. That would make $160,572. Those two items are all that the State proposes to pay.

Again:

As a further consideration for the surrender of the aforesaid bonds, coupons, etc., the party of the second part hereby relinquishes and quitclaims to the United States all claims or demands, adjusted or unadjusted, growing out of the act of September 28, 1850, known as the swamp-land act; also, all land or cash indemnity growing out of the acts of March 2, 1855, and March 3, 1857; also, all claims for indemnity school lands, the residue of the salt-spring lands, the residue of the lands under the court-house and jail grant (act June 15, 1832), the residue of lands under act of September 4, 1841, for internal improvements, the residue of the grant under the acts of March 2, 1831, and June 3, 1836, for public buildings, and all other claims or demands of whatever nature or character.

It is observed here that there are some five or six different classes of land that are proposed to be relinquished to the United States. It does not appear anywhere in the report from the committee to the Senate that any portion of those lands has been passed upon in the Land Office, or by the Secretary of the Interior, or by any person who is authorized to pass upon them. In other words, as far as I am able to gather the history of this case, a large portion of the lands referred to do not belong and never did belong to the State of Arkansas, because, as is shown in a report of the Commissioner of the Land Office which I have before me, a considerable portion of the lands were granted in such way that the land officers are not able to specify the exact quantity of land granted because of the absence of information to show just what lands were actually conveyed.

Then, further, as to some of the lands for which the State claims a cash indemnity under the terms of the grant it is not entitled to a cash indemnity. The State was entitled to lands, to lands in place. Not having selected the lands, not having asked for them, not having received a patent for them, in other words, having done nothing whatever about it, the State now claims a cash indemnity for them.

Still further, I find that the State claims cash indemnity of $5 per acre for land that could not be sold for 12½ cents an acre—land the original price of which was $1.25 an acre—and if they were all swamp lands they never have been worth more than 12½ cents an acre, and probably are not worth more than that now.

In order that I may get before the Senate the point I wish to make, I will read a paragraph from a letter of the General Land Office transmitting some land reports to the Public Lands Committee of the House of Representatives:

The subcommittee request more specific and definite information than is contained in the report which accompanies the articles of agreement; and submit a large number of questions for answer.

Many of the questions propounded are manifestly based on the official action of the Secretary of the Treasury and the Secretary of the Interior, or their representatives, and upon these I shall refrain from expressing any opinion. To the questions that relate to the business of this office, I submit the following observations and answers, namely:

1. By office letter (M) dated November 17, 1894, there was transmitted to your office Tabular Statements 1, 2, and 3, showing the status of the State's claim under the school and internal-improvement grants as deduced from various data in the several divisions of this office, and an additional statement (with seven exhibits) showing the status of the claim under the swamp-land grant, as represented on the selection records of the swamp land division of this office. The seven exhibits above referred to are composed of hundreds of pages of listing paper, upon which are described, by subdivisions, sections, townships, and ranges, about 15,654 tracts—estimated to average 40 acres each and aggregating about 626,160 acres—remaining unsettled on the selection records of the swamp land division.

2. To the questions that relate to the business of this office I answer as follows:

Question 1. "How many acres of swamp lands in place are now due the State?"

Answer. This question can not be answered, for the reason that the swamp-land grant is not a grant of quantity, but is an indefinite grant. The grant is of * * * "the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this act," * * * and as no precise, satisfactory method of determining which are swamp from arable lands has been discovered, and as there is no limit of

time in which the State may assert new claims and no limit to the quantity it may claim and upon which it may demand a settlement by the Land Department, it is utterly impossible at this time to determine the amount due the State under the swamp-land grant.

Senators will see from the reading of the answer which I have just read from the Commissioner of the General Land Office that in one particular class of cases there is great difficulty of determining what particular lands are due the State and what are not due the State.

In connection with that matter I have two or three letters here from citizens of Kansas who are personally interested in those lands. One of the letters is from Atchison, and comes from a firm of lumber dealers who have friends and business associates in the State of Arkansas. The letter, which is directed to me, reads as follows:

We herewith inclose you copy of letter from Mr. F. Pierce, vice-president Arkadelphia Lumber Company, Daleville, Ark., to Hon. GEORGE M. CURTIS, M. C.; also copy of letter from C. C. Henderson to Capt. R. W. Huie, general manager and secretary Arkadelphia Lumber Company and general manager Ultima Thule, Arkadelphia and Mississippi Railway, both of which are self-explanatory. We would ask that you carefully examine the situation as explained in the inclosures, and we are satisfied that you will at once observe the injustice that is about to be attempted on innocent purchasers of these swamp lands.

Before I read further from this letter I will read a clause in the compromise, page 3, second paragraph:

It is also agreed that any person who has heretofore filed a declaration of preemption, resides on, cultivates, or has purchased, under the laws of the State of Arkansas, any selected and unconfirmed swamp land hereby relinquished to the United States, his heirs or assigns, shall have the preference right for one year from this date to purchase such land from the United States at the minimum price for public lands, under such rules and regulations as may be prescribed by the Secretary of the Interior.

It appears from this article that persons who have purchased any of these lands from the State of Arkansas under the laws of that State, such lands being now relinquished to the United States, shall have the right of purchase again from the United States. They may purchase twice. They have already purchased from the State of Arkansas and they have paid for the lands. Now they shall have preference over other persons for one year to purchase the same lands from the United States. There is where my people come in.

Mr. PLATT. Will the Senator allow me? Do I understand they will purchase at $1.25 per acre the lands for which we allow $5?

Mr. PEFFER. I am not certain as to what particular class the lands belong. I will read a little further, and perhaps we will both gather it. I did not think about identifying the particular class. They are swamp lands, I am confident, partly covered with timber. I read further from the letter:

These parties, with several others, and ourselves among the rest, bought and paid their money to the State of Arkansas in good faith for these lands, and certainly should not now be called on to help pay the debt due from the State of Arkansas to the Government of the United States. We paid our money in good faith for these lands and have since paid our taxes on them, which is all that is required by any civilized government dealing in good faith with its loyal citizens. We, with many others that have purchased a portion of these lands, are operating mills in Arkansas, and we hope that the Representatives in Congress from the State of Kansas will see to it that their constituents are not robbed.

You can see from the language used that those gentlemen are not feeling very kindly about it.

Then here is one of the letters referred to by my correspondent. It is dated Daleville, Ark., February 28, 1896, and is directed to Captain Huie, general manager of the Ultima Thule, Arkadelphia and Mississippi Railway, Arkadelphia, Ark. I begin with the second paragraph:

The more I think about the State of Arkansas, or any other State, especially under Democratic administration, which is always presumably above reproach, playing a double-handed game like the State of Arkansas is trying to play with innocent and honest purchasers of land from her, the more I am mortified and astounded. It is true that the State of Arkansas only quitclaims this land; but if I know anything about principle, equity, justice, or law, when I quitclaim a piece of property I part with all my right, title, and interest in said property, and would not have any manner or means or method of adjustment, the moral or legal right to go and resell that piece of property to another person. The State of Arkansas sold this land to us, quitclaimed it, and now it proposes to use it in settling a debt that it owes the United States Government, knowing that, if it succeeds in working this land into this settlement with the Government, it defeats us and destroys our title to said land.

It may be that those gentlemen are all mistaken as to their rights and wrongs in the case, and I feel very confident that the Senators from Arkansas, who are strenuously urging the passage of the bill, would not present to the Senate for ratification a settlement which in their judgment is not in all respects just between the two parties. Nevertheless, while that is true, here are some persons who regard their interests as being jeopardized to a greater or less extent, and we have had so much experience of that kind in the Western country, that when in the distance even, when we smell the battle from afar, we are nervous and fearful lest we shall have to face a long and costly litigation. It is for that reason I think the motion made by the Senator from Iowa [Mr. GEAR] ought to prevail. The bill ought to be recommitted to the committee, with a view of having a little more time to procure the necessary information, in order that Senators may vote upon it intelligently.

I have information that an elaborate report is now in progress of preparation; that, in fact, the records of the Land Office have been ransacked and that every different act of Congress granting lands to the State of Arkansas for any purpose has been overhauled, and all the lands that have been granted or have been claimed or that are in any wise connected with this transaction are identified, and that a full report has been made in writing upon the entire subject involved in this great field of controversy. I think that in a short time, probably this week, as my information is, the report will be ready, so that we could use it here within a few days. If so, it would not only aid us here materially, but it would aid us in satisfying the people who are behind us.

When a similar bill was before the Senate at the last session I asked to have it amended by striking out the third paragraph, on page 3, but the Senators from Arkansas were then of opinion, as they are now, that we must adopt the report in toto or not adopt it at all; we might amend the bill, but we can not amend the report. I have been studying how the bill could be so amended as to cover the point really in controversy. But I do not see how it can be done, and for that reason I suppose we would either have to take the compromise just as it is and adopt it, or reject it as a whole. That is an additional reason why I should like the Senate to have a little more time on it.

Mr. JONES of Arkansas. Mr. President, I hope the Senate will not recommit the bill, for the reason that two years ago the Senate authorized two of the Secretaries, representing the Government, acting in conjunction with the governor of the State of Arkansas, to ascertain the indebtedness on each side and to make a settlement. They have gone over the complicated details of an unsettled account between the Government and the State running for sixty years. Of course there are litigated questions; there are equities on both sides of all those questions, and the very best that possibly could be done would be to make a just and equitable settlement of all these controversies.

I believe sincerely that the settlement made by the Secretaries and the governor yields a large amount of money justly and fairly due to the State, but we have been asking the Government for twenty years to make some sort of a settlement of the long-standing controversy. We are willing to accept this, which we regard as a hard settlement, rather than to have the matter stand open longer. I hope the Senate will now pass the bill and will not recommit it.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa [Mr. GEAR] to recommit the bill to the Committee on Public Lands. [Putting the question.] The noes appear to have it.

Mr. CULLOM. I think we ought to have a yea-and-nay vote on the question. There are very few Senators here.

Mr. FAULKNER. Let the yeas and nays come on the passage of the bill.

Mr. BERRY. I hope the Senator from Illinois will allow the yeas and nays to come on the passage of the bill.

Mr. MORRILL. Let us take them on this question.

Mr. JONES of Arkansas. Let us take a vote on the passage of the bill.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to recommit the bill to the Committee on Public Lands.

The motion was rejected.

The bill was reported to the Senate without amendment.

Mr. MORRILL. I ask for a call of the Senate. There are very few Senators present.

Mr. PEFFER. I was just going to suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allen, | Clark, | Hoar, | Platt, |
| Allison, | Cockrell, | Jones, Ark. | Pritchard, |
| Bacon, | Cullom, | Lindsay, | Proctor, |
| Baker, | Daniel, | McBride, | Quay, |
| Bate, | Davis, | McMillan, | Roach, |
| Berry, | Dubois, | Mantle, | Sewell, |
| Blackburn, | Elkins, | Mills, | Teller, |
| Brown, | Faulkner, | Mitchell, Oreg. | Turpie, |
| Burrows, | Frye, | Morrill, | Vest, |
| Butler, | Gordon, | Peffer, | Walthall, |
| Call, | Gray, | Perkins, | Wetmore, |
| Cannon, | Hill, | Pettigrew, | Wolcott. |

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. PEFFER. On that I call for the yeas and nays.

Mr. MORRILL. I move again that the bill be recommitted to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Vermont moves that the bill be recommitted to the Committee on Public Lands.

Mr. BAKER and Mr. MORRILL called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH]. I do not know how he would vote, and I withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote if he were present.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and not knowing how he would vote, I withhold mine.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I would vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN.] Unless I am advised that he would vote "nay" I shall not vote.

Mr. BERRY. The Senator from Alabama [Mr. MORGAN] would vote "nay" if he were present.

Mr. QUAY. Then I will vote. I vote "nay."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL.] Not knowing how he would vote, I withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE], and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. PLATT (after having voted in the affirmative). My colleague [Mr. HAWLEY] is absent unpaired. I am very sure that he would vote as I have voted, and if any Senator desires to transfer a pair to my colleague he can do so and be enabled to vote.

Mr. MORRILL. I transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Connecticut [Mr. HAWLEY], and I vote "yea."

Mr. DUBOIS (after having voted in the negative). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I understand that he would vote "nay," if present. Therefore I will allow my vote to stand.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from Wisconsin [Mr. VILAS] and vote "nay."

The PRESIDING OFFICER (Mr. BURROWS, after having voted in the affirmative). The present occupant of the chair withdraws his vote, as he observes that the Senator from Louisiana [Mr. CAFFERY], with whom he is paired, is not present.

The result was announced—yeas 14, nays 29; as follows:

YEAS—14.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | McMillan, | Platt, |
| Allison, | Davis, | Morrill, | Wetmore. |
| Baker, | Elkins, | Peffer, | |
| Brown, | Gear, | Perkins, | |

NAYS—29.

| | | | |
|---|---|---|---|
| Allen, | Clark, | Gray, | Quay, |
| Bacon, | Cockrell, | Hill, | Roach, |
| Bate, | Daniel, | Jones, Ark. | Teller, |
| Berry, | Dubois, | Lindsay, | Turpie, |
| Blackburn, | Faulkner, | Mantle, | Vest. |
| Butler, | Frye, | Mitchell, Oreg. | |
| Call, | Gordon, | Pasco, | |
| Cannon, | Gorman, | Pettigrew, | |

NOT VOTING—46.

| | | | |
|---|---|---|---|
| Blanchard, | Hansbrough, | Morgan, | Stewart, |
| Brice, | Harris, | Murphy, | Thurston, |
| Burrows, | Hawley, | Nelson, | Tillman, |
| Caffery, | Hoar, | Palmer, | Vilas, |
| Cameron, | Irby, | Pritchard, | Voorhees, |
| Carter, | Jones, Nev. | Proctor, | Walthall, |
| Chandler, | Kyle, | Pugh, | Warren, |
| Chilton, | Lodge, | Sewell, | White, |
| Gallinger, | McBride, | Sherman, | Wilson, |
| George, | Martin, | Shoup, | Wolcott. |
| Gibson, | Mills, | Smith, | |
| Hale, | Mitchell, Wis. | Squire, | |

Mr. GEAR. I understand that no quorum has voted.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Aldrich, | Clark, | Hill, | Perkins, |
| Allen, | Cockrell, | Hoar, | Platt, |
| Allison, | Daniel, | Jones, Ark. | Pritchard, |
| Bacon, | Davis, | Lindsay, | Proctor, |
| Bate, | Dubois, | McBride, | Roach, |
| Berry, | Elkins, | McMillan, | Sewell, |
| Blackburn, | Faulkner, | Mantle, | Shoup, |
| Brown, | Frye, | Mills, | Teller, |
| Burrows, | Gear, | Mitchell, Oreg. | Vest, |
| Butler, | Gordon, | Morrill, | Walthall, |
| Call, | Gorman, | Pasco, | Wetmore, |
| Cannon, | Gray, | Peffer, | Wolcott. |

The PRESIDING OFFICER. Forty-eight Senators have responded to their names. A quorum of the Senate is present. The question recurs on the motion of the Senator from Vermont [Mr. MORRILL] to recommit the bill to the Committee on Public Lands. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I am informed that if he were present he would vote "nay." Therefore I will vote. I vote "nay."

Mr. HOAR (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote, and therefore I withhold my vote.

Mr. MORRILL (when his name was called). I am paired with the senior Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

Mr. PASCO (when his name was called). I make the same announcement of transfer of my pair as before, and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. SEWELL (when his name was called.) I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. WALTHALL (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Dakota [Mr. KYLE] and vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. CLARK. I desire to state that my colleague [Mr. WARREN] is detained from the Chamber by illness. I do not know how he would vote if present.

Mr. MILLS. I transfer my pair with the Senator from New Hampshire [Mr. GALLINGER] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. PRITCHARD. I transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Nevada [Mr. JONES] and vote "yea."

Mr. MORRILL. I will transfer my pair with the Senator from Tennessee [Mr. HARRIS] to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. WOLCOTT. I have a general pair with the Senator from Ohio [Mr. BRICE], but in order to make a quorum I will vote. I vote "yea."

The result was announced—yeas 18, nays 37; as follows:

YEAS—18.

| | | | |
|---|---|---|---|
| Aldrich, | Cullom, | McMillan, | Proctor, |
| Allison, | Davis, | Morrill, | Wetmore, |
| Baker, | Elkins, | Peffer, | Wolcott. |
| Brown, | Gear, | Platt, | |
| Burrows, | McBride, | Pritchard, | |

NAYS—37.

| | | | |
|---|---|---|---|
| Allen, | Cockrell, | Jones, Ark. | Shoup, |
| Bacon, | Daniel, | Lindsay, | Teller, |
| Bate, | Dubois, | Mantle, | Tillman, |
| Berry, | Faulkner, | Mills, | Turpie, |
| Blackburn, | Frye, | Mitchell, Oreg. | Vest, |
| Butler, | George, | Pasco, | Walthall, |
| Caffery, | Gordon, | Perkins, | White. |
| Call, | Gorman, | Pettigrew, | |
| Cannon, | Gray, | Quay, | |
| Clark, | Hill, | Roach, | |

NOT VOTING—34.

| | | | |
|---|---|---|---|
| Blanchard, | Hansbrough, | Mitchell, Wis. | Squire, |
| Brice, | Harris, | Morgan, | Stewart, |
| Cameron, | Hawley, | Murphy, | Thurston, |
| Carter, | Hoar, | Nelson, | Vilas, |
| Chandler, | Irby, | Palmer, | Voorhees, |
| Chilton, | Jones, Nev. | Pugh, | Warren, |
| Gallinger, | Kyle, | Sewell, | Wilson. |
| Gibson, | Lodge, | Sherman, | |
| Hale, | Martin, | Smith, | |

So the Senate refused to recommit the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. GEAR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I understand that he would vote "yea" if he were present; therefore I will vote. I vote "yea."

Mr. HOAR (when his name was called). I am paired with the junior Senator from Alabama [Mr. PUGH].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER], but I will transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], but I transfer my pair to the junior Senator from Connecticut [Mr. HAWLEY] and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Nevada [Mr. JONES] and vote "nay."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN], but being assured that he would vote for the passage of the bill if present, I will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Nebraska [Mr. THURSTON], but as this is not a political question, I will vote. I vote "yea."

Mr. WALTHALL (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "yea."

The roll call was concluded.

Mr. PASCO. I wish to announce that upon this vote the Senator from Wisconsin [Mr. VILAS] is paired with the Senator from Washington [Mr. WILSON].

The result was announced—yeas 38, nays 14; as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Allen, | Cockrell, | Jones, Ark. | Quay, |
| Bacon, | Daniel, | Kyle, | Roach, |
| Bate, | Dubois, | Lindsay, | Teller, |
| Berry, | Faulkner, | McBride, | Tillman, |
| Blackburn, | Frye, | Mantle, | Turpie, |
| Butler, | George, | Mills, | Vest, |
| Caffery, | Gordon, | Mitchell, Oreg. | Walthall, |
| Call, | Gorman, | Pasco, | White. |
| Cannon, | Gray, | Perkins, | |
| Clark, | Hill, | Pettigrew, | |

NAYS—14.

| | | | |
|---|---|---|---|
| Allison, | Davis, | Peffer, | Wetmore, |
| Baker, | Gear, | Platt, | Wolcott. |
| Brown, | McMillan, | Pritchard, | |
| Callom, | Morrill, | Proctor, | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Mitchell, Wis. | Squire, |
| Blanchard, | Hale, | Morgan, | Stewart, |
| Brice, | Hansbrough, | Murphy, | Thurston, |
| Burrows, | Harris, | Nelson, | Vilas, |
| Cameron, | Hawley, | Palmer, | Voorhees, |
| Carter, | Hoar, | Pugh, | Warren, |
| Chandler, | Irby, | Sewell, | Wilson. |
| Chilton, | Jones, Nev. | Sherman, | |
| Elkins, | Lodge, | Shoup, | |
| Gallinger, | Martin, | Smith, | |

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

The message also requested the Senate to transmit to the House a certified engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher, to replace the original engrossed copy, which had been lost.

The message further announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

The message also announced that the House had passed a bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. PROCTOR. I ask unanimous consent that the bill (S. 1159) to provide for fortifications and other seacoast defenses be made the special order for Thursday afternoon next, April 2, at 2 o'clock. It is an important matter, and should be considered in connection with or about the time of the consideration of the naval appropriation bill.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the bill named by him be made the special order for Thursday next at 2 o'clock. Is there objection?

Mr. CULLOM. I suppose that appropriation bills are always in order, notwithstanding a special order.

Mr. PROCTOR. Certainly.

Mr. MITCHELL of Oregon. I do not wish a special order to interfere with the Du Pont case.

Mr. PLATT. It can not.

Mr. FRYE. I call the attention of the Senator from Vermont to the fact that there is a special order preceding the one which he has just asked to be made.

Mr. PROCTOR. I understand that, and supposed this would be subject to a previous special order.

Mr. FRYE. Very well, then.

Mr. GORMAN. I want to ask, in regard to the special order suggested by the Senator from Vermont, whether it is the intention to press that bill as an addition to the general fortifications appropriation bill?

Mr. PROCTOR. Not being chairman of the committee and not having reported the bill, I am not prepared to answer fully in that regard. I have no plan and I think the committee has no plan to antagonize the appropriation bill or to add this bill to it or to interfere with it in any way. The desire is merely to bring this very important matter fairly before the Senate in some form.

Mr. GORMAN. If that bill proposing to appropriate $100,000,000 is to be pressed at this time, of course it must come up in the ordinary way, and be considered when the Senate is prepared for it. The Senator asks unanimous consent that the bill shall be considered at the time named. If it is understood that there is with the unanimous consent an agreement to do anything more than simply to consider the bill at the convenience of the Senate, I shall object to unanimous consent; in other words, I do not want to give that bill any special preference over the other legislation of this session. I do not object to a mere motion to make the bill a special order, but I do not want to have it understood by any means that unanimous consent is given to consider it to the exclusion of other business.

Mr. PROCTOR. I did not understand that my request carried with it any more than the ordinary consent to make the bill a special order for the time named.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Vermont.

Mr. PLATT. Who made the objection?

The PRESIDING OFFICER. The Chair understood the Senator from Maryland [Mr. GORMAN] to object.

Mr. PLATT. I did not understand that the Senator from Maryland made objection.

The PRESIDING OFFICER. The Chair so understood.

Mr. GORMAN. I did not make an objection to having the bill fixed as a special order for the day named by the Senator from Vermont, provided that by the unanimous consent it is not to be considered that thereafter we shall continue the consideration of that bill. The custom has grown up recently, and only recently I think, that giving unanimous consent makes a continuing special order. I do not want it to be understood that that unanimous consent will compel us to consider that bill to the exclusion of other business. If it is understood that the bill is not given any special privileges, I have no objection.

Mr. MILLS. I will settle this controversy by objecting. Let the bill come up regularly.

Mr. CANNON. I ask that there be laid before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CANNON. I ask unanimous consent that the unfinished business may be temporarily laid aside without prejudice, stating as the reason for the request that the Senator from Wisconsin [Mr. VILAS] was obliged to absent himself from the Senate Chamber to-day, and not supposing that this order of business would be reached so early in the afternoon, he requested that it might go over, as he desires to be heard upon it. I greatly regret the necessity of deferring the measure, because we are anxious to bring it up, but I assented to his desire that it might go over without losing its place.

The PRESIDING OFFICER. The Senator from Utah asks that the unfinished business may be passed over without prejudice. If there be no objection, it will be so ordered.

Mr. CANNON. To be brought up to-morrow?

The PRESIDING OFFICER. The Chair understands that it will come up to-morrow.

Several SENATORS. Let us go to the Calendar.

Mr. FRYE. The bill (H. R. 3203) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes, was assigned as a special order two or three weeks ago. It has been displaced by other questions and by unfinished business. The joint resolution of the Senator from Utah [Mr. CANNON] became the unfinished business when I did not happen to be here, or I should at the time have objected to it, but it has its place as unfinished business. I am not prepared to proceed with the special order to-day, because the Senator from Alabama [Mr. MORGAN] desires to submit a few brief remarks in relation to the bill, and he is not present. Therefore I consent, without any hesitation, that the Calendar be taken up under the five-minute rule.

Mr. PEFFER. I move that the Senate proceed to the consideration——

Mr. CANNON. If the Senator will allow me to interrupt him, do I understand now that the unfinished business of to-day comes up to-morrow at 2 o'clock?

The PRESIDING OFFICER. The Chair so understands.

Mr. PLATT. I suppose always subject to appropriation bills.

Mr. CANNON. Certainly.

Mr. FRYE. Appropriation bills are privileged anyway.

Mr. PEFFER. I move that the Senate proceed to the consideration of the resolution providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. COCKRELL. If we are going to lay aside the regular order, why not go to the Calendar?

Mr. FRYE. The request made was that we should go to the Calendar under the five-minute rule.

Mr. COCKRELL. Let us go to the Calendar, and let everyone take his chances.

Mr. ALLISON. The Senator from Mississippi [Mr. GEORGE] gave notice this morning that at the earliest moment to-morrow he desired to make some observations on the contested-election case. I give notice now that when his remarks shall have been completed I shall move to take up the Post-Office appropriation bill. I do this so that there may be no trouble about what will be done to-morrow as to the unfinished business.

Mr. COCKRELL. Let us proceed with the Calendar.

The PRESIDING OFFICER. The Secretary will state the first bill on the Calendar.

### SUBJECT CATALOGUE OF LAW LIBRARY.

The joint resolution (S. R. 69) authorizing the preparation of a subject catalogue of the books in the law library was announced as first in order on the Calendar.

Mr. COCKRELL. Let that be passed over without losing its place.

Mr. WOLCOTT. I move that that joint resolution be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

Mr. WOLCOTT. On the request of a Senator near me, I withdraw the motion.

Mr. PLATT. Then let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

### LINCOLN'S BIRTHDAY.

The bill (S. 1999) to provide for the observance of the 12th day of February as a national holiday was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOAR. I desire to have that bill go to the Calendar. I do not think it worth while to have it called up every day. It should be put under Rule IX.

The PRESIDING OFFICER. The bill will go over under Rule IX.

### GEORGE H. PLANT.

The bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George H. Plant, of the District of Columbia, $5,216.85, that being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*, on the Potomac River, and to be received by him in full satisfaction of all claims and demands in consequence of said collision.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Claims whether that is a judgment of the Court of Claims, or whether it is a finding under the Bowman Act?

Mr. PASCO. In the absence of the chairman of the committee, I will state that I examined the case as a subcommittee, and these are findings of fact, as the Senator will see by referring to the report.

Mr. PLATT. The Senator is entirely satisfied that the claim ought to be paid?

Mr. PASCO. It has been reported twice, to my knowledge, by the Committee on Claims, and passed the Senate during the last Congress.

Mr. PLATT. All right.

Mr. DANIEL. I beg to inquire if there is any law under which the United States is liable for damages in such cases?

Mr. PASCO. There are a great many precedents, I will say to the Senator from Virginia, where cases of this kind have been acted upon favorably by the Committee on Claims and by the Senate.

This case, as the Senator from Virginia will remember, was considered at great length while he was a member of the committee, and this result was reached, as set out at length in the report, which is the same as that made during the last Congress.

Mr. DANIEL. I ask that the report may be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report, submitted by Mr. PASCO, from the Committee on Claims, February 12, 1896, but before concluding was interrupted by

Mr. COCKRELL. That is a very long report. I think it is equivalent to consuming more than five minutes under the general rule. Let that case be passed over without prejudice, retaining its place on the Calendar.

Mr. PASCO. I hope the Senator from Virginia [Mr. DANIEL] is satisfied from an examination of the report that this bill ought to pass, and that it be acted upon now. It has been waiting its turn in regular order for a good while.

Mr. DANIEL. It seems to me in this case that there is evidence of negligence on the part of the *Lady of the Lake*, with which the claimant was connected. The bill is for the relief of George H. Plant, of the District of Columbia, he being at the time the owner of the steamboat *Lady of the Lake*, which came in collision with the *Gettysburg*, a ship of the United States, and the steamboat was injured. I do not see any answer in the report——

Mr. PASCO. The Senator will see from an examination of the record that the fault was found to be with the Government vessel. The Supreme Court, in the case of the *Siren* (7 Wallace, 152), which is quoted on the fourth page of the report, has laid down the general law that—

> A claim for damages exists against a vessel of the United States guilty of a maritime tort as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

Mr. DANIEL. That the ship was guilty of contributory negligence and the grounds of recovery are not set forth in the report. I do not pretend to be very familiar with this class of cases, and would listen to what might be said by my colleague with very great deference; but the report of Commander John H. Russell, the president of the naval court of inquiry, shows that "the pilot of the *Lady of the Lake*, though technically in the wrong, can not, in the circumstances, be considered as being very censurable." This is not a bill to censure him, but a bill to pay damages. Under those circumstances, even if the Government should be liable in such a case for damages, it does not appear to my mind on what ground the judgment could be justified.

Mr. COCKRELL. Let the bill be passed over.

Mr. PASCO. The Court of Claims found that a United States vessel was responsible for the damages and the United States local inspectors of steamers reached the same conclusion, and that has been the result of an examination of the case twice by the Committee on Claims. With all those findings against the Government vessel in its own courts and by its own officers, it seems to me it is clear that the claim ought to be paid.

Mr. COCKRELL. Let the bill be passed over.

Mr. PASCO. If it is to be passed over, I ask that it be without prejudice.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

Mr. PASCO. I ask that the report, which was partly read by the Secretary, may, by unanimous consent, be printed in full in the RECORD as if read.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears none.

The report submitted by Mr. PASCO February 12, 1896, is as follows:

The Committee on Claims, to whom was referred the bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, have carefully examined the same and submit the following report thereon:

This claim has been before the committee on former occasions, and was originally for a larger amount. It met with favorable consideration, so far as the amount contained in the present bill was concerned, and the bills before the committee were amended in accordance with the recommendation of the committee.

The merits of the case have been fully stated in the former reports of the committee, and the following extract from the report made in the Fifty-second Congress, in which the facts are set forth, is adopted as a part of the present report:

The Committee on Claims, to whom was referred the bill (S. 707) for the relief of George H. Plant, of the District of Columbia, have carefully considered the same and submit the following report thereon:

The claimant in 1874 was the owner of a steamboat named the *Lady of the Lake*, then plying upon the waters of the Potomac River. On the 30th day of May of that year the boat was injured in a collision with the U. S. S. *Gettysburg*. On the 9th day of June the Secretary of the Navy appointed a court of inquiry to investigate all the circumstances relating to the collision, and report its causes, and upon whom the blame, if any, should rest. The findings of the court will be given in full further on in this report. Though some blame was cast upon the officers of the *Lady of the Lake*, the court found the officers of the *Gettysburg* responsible for the collision. Subsequently the Treasury Department ordered an investigation to be made by the supervising inspectors of steam vessels. They reported on the 17th day of July, 1874, that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to the case, and that he was exonerated from all blame in the premises.

But no relief followed these findings of the two Departments, and the claimant found that he could only receive compensation for his damage and loss by legislative action. Accordingly a bill was introduced into the Senate in his behalf in the Forty-sixth Congress, and a similar bill in each successive Congress till the Forty-eighth, when on the 27th day of February, 1884, the claim was referred to the Court of Claims under the act of March 3, 1883.

On June 2, 1890, the court filed its findings of fact, and they were transmitted to the Senate June 6, 1890, and appear in Miscellaneous Document, Fifty-first Congress, first session, No. 159. The report of the case is here given in full:

[Court of Claims. Congressional case No. 32. George H. Plant *vs.* The United States.]

At a Court of Claims held in the city of Washington on the 2d day of June, A. D. 1890, the court filed the following findings of fact, to wit:

FINDINGS OF FACT.

The claim or matter in the above-entitled case was transmitted to the court by the Senate Committee on Claims on the 27th day of February, 1884.

Messrs. Goode & Goode, esqs., appeared for claimant, and the Attorney-General, by Henry M. Foote, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

The case having been brought to a hearing on the 19th of May, 1890, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts to be as follows:

I.

About sundown on May 30, 1874, a collision occurred on the Potomac River, nearly opposite Fort Washington, between the U. S. S. *Gettysburg* and the *Lady of the Lake*, under the following circumstances:

The *Lady of the Lake* had been down the river, with an excursion party from Washington, consisting of about 600 persons, and was on her return trip.

The *Gettysburg*, commanded by Lieutenant McRitchie, was going down.

When first sighted the steamers were about three-fourths of a mile apart. At that time the *Lady of the Lake* was on the Virginia side of the river and the *Gettysburg* on the Maryland side.

By the law of the road each steamer was required to keep to the right in passing, but the law also permitted them, by signal agreement, to keep to the left.

The officers of the *Lady of the Lake* preferred to hold their course on the Virginia side, because by so doing they avoided, to some extent, the rapid current of the ebbing tide. They also supposed the *Gettysburg* would prefer the Maryland side, because the channel there was deepest and the assisting current strongest.

Therefore, when the steamers were about half a mile apart, the pilot of the *Lady of the Lake* gave two blasts of her steam whistle, which was the proper signal to request that the steamers might pass by each keeping to the left. The pilot of the *Gettysburg* immediately responded by two blasts of the whistle, which was the proper signal of assent to the proposal. Each steamer then held her course for about a quarter of a mile. Then the *Gettysburg*, by order of Lieutenant McRitchie, gave one blast of her whistle, which is the proper signal for each vessel to keep to the right; and immediately ported her helm, thus directing her course to the Virginia side of the river. The *Lady of the Lake* immediately responded with two blasts of the whistle, thus indicating her wish to pass on the left, as already agreed, and held her course. A collision was imminent and both steamers reversed their engines, but collision could not then be avoided.

The bow of the *Gettysburg* struck the *Lady of the Lake* on her starboard bow, crushing in the upper and lower decks. No persons were injured.

Both Lieutenant McRitchie and the claimant agree in their testimony that the signals were given and heard by the officers of each steamer as above detailed.

The *Gettysburg*, by porting her helm and directing her course to the Virginia side of the river without timely warning, caused the collision.

II.

The rule established by the Board of Supervising Inspectors, undsecertion 29 of the act of February 28, 1871 (16 Stat., 450), to be observed by steam vessels in passing each other on rivers is as follows:

"RULE 1. When steamers are approaching each other 'head and head,' or nearly so, it shall be the duty of each steamer to pass to the right, or on the port side of the other; and the pilot of either steamer may be first in determining to pursue this course, and thereupon shall give, as a signal of his intention, one short and distinct blast of his steam whistle, which the pilot of the other steamer shall answer promptly by a similar blast of his steam whistle, and thereupon such steamers shall pass to the right, or on the port side of each other. But if the course of such steamers is so far on the starboard of each other as not to be considered by the pilots as meeting 'head and head,' or nearly so, or if the vessels are approaching each other in such a manner that passing to the right (as above directed) is deemed unsafe by the pilot of either vessel, the pilot so first deciding shall immediately give two short and distinct blasts of his steam whistle, which the pilot of the other steamer shall answer promptly by two similar blasts of his steam whistle, and they shall pass to the left, or on the starboard side of each other.

["NOTE.—In the night steamers will be considered meeting 'head and head' so long as both the colored lights of each are in view of the other. In the day a similar position will also be considered 'head and head.'"]

III.

June 9, 1874, the Secretary of the Navy constituted, by the following order, a naval court of inquiry:

To Commander JOHN H. RUSSELL,
*United States Navy, Rockville, Md.:*

By virtue of the authority conferred by the "Act for the better government of the Navy of the United States," approved July 11, 1862, I hereby appoint Commander John H. Russell president, Commander Montgomery Sicard and Lieut. Commander Frederick Rodgers members, and First Lieut. George C. Reid, of the Marine Corps, judge-advocate of a court of inquiry, which is ordered to convene at the navy-yard, Washington, D. C., on Thursday, the 11th day of June, 1874, for the purpose of investigating all the circumstances relating to the collision which took place on the Potomac River, near Fort Washington, on or about the 30th day of May, 1874, between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake*. In performing this duty the court will study closely the "Rules of the Road" and act of Congress relating thereto, and state the cause or causes that brought about the collision, with its opinion as to where the blame, if any, should rest.

Given under my hand at the Navy Department of the United States this 9th day of June, in the year 1874.

GEORGE M. ROBESON,
*Secretary of the Navy.*

June 19, 1874, the court found as follows:

That both the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake* were subject to the act of Congress approved April 29, 1864 (page 158, Naval Laws), for preventing collisions on the water, and in addition to the above the court find that the *Lady of the Lake* was subject to certain rules laid down by the Board of Supervising Inspectors in pursuance of the act of Congress of February 28, 1871.

There is no conflict between these two sets of "rules," but the rules of the Board of Supervisors supplement the naval "Rules of the Road" by certain whistle blasts or signals to be used between vessels, subject to the directions of the Board of Supervising Inspectors.

As regards the facts connected with the collision, the weight of evidence, in the opinion of the court, establishes the point that the vessels, at the time of the exchange of their first whistle signals, must be considered as coming under article 13 of the "rules" for preventing collisions on the water (Naval Laws, page 161), and also under rule 1 of the "Rules issued by the Board of Supervising Inspectors for the government of pilots"; that is, they were meeting end, or nearly so. In this position the law requires that the helms of both vessels be put to port, and inasmuch as this course was not pursued by the *Lady of the Lake*, the court deem that vessel to have acted in violation of law, and find that her pilot committed an error of judgment in putting his helm to starboard.

At the same time, as the wording of the law (article 13), "end on or nearly end on," implies a certain margin for judgment on the part of pilots, the court are of the opinion that the pilot of the *Lady of the Lake*, though technically in the wrong, can not in the circumstances be considered as being very censurable.

As the vessels are considered as coming within the scope of article 13 of the law for preventing collisions on the water, the court find that the *Gettysburg* acted in violation of law in answering the *Lady of the Lake's* two whistles and in putting his helm to starboard; and that the fact of her pilot having done those acts renders her responsible for the collision.

The pilots of the two vessels are, therefore, considered by the court as having been principally to blame for the collision. Lieutenant McRitchie was following "the rule of the road" in putting his helm aport, as the weight of evidence shows that if both vessels had done so from the first signal the collision would in all probability have been avoided.

But when it became evident that the *Lady of the Lake* did not pursue the same course, and that a collision was very probable, he would, in the opinion of the court, have been justified in shifting his helm (in accordance with article 19, page 162, Rules of the Road—Naval Laws).

The evidence shows that after a collision became probable both vessels stopped and reversed their engines, in conformity with article 16, Rules of the Road, page 161, Naval Laws.

JOHN H. RUSSELL,
*Commander, U. S. N., President Naval Court of Inquiry.*

GEORGE C. REID,
*First Lieutenant, U. S. Marine Corps, Judge-Advocate.*

The Treasury Department also authorized an investigation by the supervising inspectors of steam vessels, who made the following report:

OFFICE OF UNITED STATES
LOCAL INSPECTORS OF STEAM VESSELS
*Baltimore, July 17th, 187*

SIR: In compliance with your instructions, we proceeded to Washington, D. C., to take the testimony of witnesses in the collision between the United States steamer *Gettysburg* and steamer *Lady of the Lake*, which occurred on the Potomac River, off Fort Washington, on the evening of 30th of May, 1874, and, after having received said testimony, both on the part of the officers of the *Lady of the Lake*, together with a number of disinterested passengers of said steamer, we find that the pilot in charge of the *Lady of the Lake* complied with all the rules and regulations for the government of pilots applicable to said case, and is therefore exonorated from all blame in the premises.

(They report also their inability to get the officers of the *Gettysburg* to testify.)

JAMES D. LOWRY,
WILLIAM O. SAVILLE,
*United States Local Inspectors of Steamers, Baltimore District.*

JOHN HENSHAW, Esq.,
*Supervising Inspector of Steam Vessels, Third District.*

IV.

May 30, 1874, the claimant was the owner of the *Lady of the Lake*, except a small interest, valued at $2,500, which he had agreed to transfer to ——— Partridge, the captain of the boat. This interest had not been paid for, and claimant arranged with Captain Partridge for it and took it back.

V.

At the time of the collision the *Lady of the Lake* was engaged in the business of carrying freight and passengers between Washington and Norfolk

and taking excursion parties up and down the river. It was the busy season of the year, and her business was large and profitable.

The cost of repairing the boat amounted to $2,216.85. The loss in earnings while undergoing repairs amounted to $3,000.

After resuming her regular trips her earnings, in consequence of the interruption and loss of confidence in her safety, were much diminished. This loss can not be accurately calculated, but may be safely estimated at $1,500.

BY THE COURT.

Filed June 2, 1890.
A true copy.
Test, this 5th day of June, A. D. 1890.
[SEAL.] JOHN RANDOLPH,
*Assistant Clerk Court of Claims.*

No action was taken upon the findings and opinion of the court during the Fifty-first Congress, except to refer the case to this committee with a bill to carry them out. During the time that the matter has been pending in the Senate and this committee and the Court of Claims, various bills have been introduced into the House of Representatives for the claimant's relief, but no final action has ever been there taken.

The Court of Claims came to the same conclusion as to the responsibility for the collision that was reached in the former investigations, and it only remains to be determined whether an appropriation shall be made in favor of the claimant, and if so, in what amount.

It is true that the Government does not hold itself generally responsible for acts of wrong or negligence on the part of its subordinate officers or agents, but this rule has not always been considered as applicable to cases of maritime collisions. It has been decided by the Supreme Court in the case of *The Siren* (7 Wallace, 152) that a claim for damages exists against a vessel of the United States guilty of a maritime tort, as much as if the offending vessel belonged to a private citizen. In ordinary cases, however, such a claim can not be enforced, because, for reasons of public policy, jurisdiction is withheld from the courts.

There has been a growing disposition of late years to give a general recognition to cases of damage from collisions and to treat them as essentially different from ordinary cases of negligence and wrongdoing on the part of Government agents, servants, and officials. This arises in part from the great power and authority which is necessarily given to an officer commanding a vessel, and it is argued, too, that when the Government mingles on terms of equality with others on the high seas and navigable inland waters the security of the citizen requires that the rules laid down for others should be observed by its own officers commanding its own vessels, and that these rules should be enforced against all alike, and that private persons should receive reparation for any injury done by their violation by officers of the United States.

In England the present practice is to file a libel in rem., upon which the court directs a letter to be written to the lords of the admiralty requesting an appearance on behalf of the Crown. This is generally given, and the case proceeds to judgment. It is insisted that the final decrees are little more than awards, so far as the Government is concerned, but the suits are instituted and conducted on the hypothesis that claims are created against the offending vessels by the collision, and it is presumed that the Government will satisfy a decree rendered by its own tribunals in a case in which it has voluntarily appeared.

Many in our own country have favored a general law for the trial of such cases in our courts, when the United States is alleged to be the offending party. Although no such law has ever been passed, the Government has, in many cases, by special laws and in appropriation acts, made provision for paying damages to those who have suffered loss from collisions when the vessel causing the injury belonged to the United States.

It is true that in the present case the findings of the Court of Claims do not have the same force as a judgment; but the claimant presented his case there with the permission of the Senate and in accordance with law. The United States was represented by an assistant of the Attorney-General and the case was duly defended, and a careful review of the findings shows that they are in accordance with the facts of the case so far as the party in fault is concerned.

After the matter has proceeded thus far with the consent of those who represented the Government, and who had authority under the law to act, the committee think that the claimant in this particular case should receive reimbursement for the damage which has resulted directly from the collision, without waiting for the enactment of a general law. The court finds that the cost of repairing the boat was $2,216.85, and that the actual loss in earnings while she was undergoing repairs was $3,000. These sums amount in the aggregate to $5,216.85, and the committee recommend the appropriation of this sum in full satisfaction of the claim.

The bill formerly recommended is in the same form as that now before the committee, and in this form it was passed by the Senate in the Fifty-second Congress, and again in the Fifty-third, and the committee, upon again considering the case, have reached the same conclusions as before, and recommend that the bill do pass.

### ACCOUNT BETWEEN THE UNITED STATES AND FLORIDA.

The bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to settle the mutual account, heretofore stated, between the United States and the State of Florida, under the authority of an act of Congress, according to the mode of stating the same, found near the foot of the third page of the letter of the Secretary submitting his report, dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, by continuing the computation of interest upon the principal on both sides to the date of settlement, and ascertaining the balance due the State, and to surrender to the governor of the State of Florida the bonds of the State held by the United States which are included in such statement, and proposes to appropriate such sum as may be necessary to pay to the State of Florida whatever balance is found due.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### HEIRS OF D. FULFORD.

The bill (S. 1075) for the relief of the heirs of D. Fulford was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in section 1, line 5, before the word "bonds," to strike out "four" and insert "two"; and in line 7, after the word "dollars," to strike out "fifty dollars, and fifty dollars"; so as to make the section read:

That the Secretary of the Treasury be, and is hereby, instructed to redeem, in favor of the heirs at law of D. Fulford, two bonds of the United States, consols of 1867, of the denomination of $500, $100, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds.

The amendment was agreed to.

The next amendment was, at the end of section 2, to add the following proviso:

*Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond numbered 83482, and two five-hundred-dollar coupon bonds numbered 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

So as to make the section read:

SEC. 2. That the said heirs of D. Fulford shall also execute and file with the Secretary of the Treasury a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the penalty of $2,000, conditioned to save harmless the United States from loss or liability on account of said bonds or interest accrued thereon: *Provided*, That as it appears from the records of the Treasury Department that there are now outstanding and unpaid a one-hundred-dollar coupon bond numbered 83482 and two five-hundred-dollar coupon bonds numbered 12792 and 34411, of the loan known as consols of 1867, of which the last coupon bears date of July 1, 1872, the Secretary of the Treasury is hereby authorized and directed to proceed against said bond of indemnity whenever said coupon bonds shall have been redeemed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### LEGAL REPRESENTATIVES OF GEORGE M'DOUGAL.

The bill (S. 621) for the relief of the legal representatives of George McDougal, deceased, was announced as next in order.

Mr. PLATT. I should like some explanation of that bill. It seems to provide for the payment of a claim the same as if it had been affirmed by a judgment of the Supreme Court. I do not know exactly what it means.

Mr. COCKRELL. Let the bill be passed over, the Senator reporting it not being present.

Mr. PLATT. Very well.

The PRESIDING OFFICER. The bill will be passed over.

### SUFFERERS BY EXPLOSION OF AMMUNITION CHEST.

The bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894, was considered as in Committee of the Whole. It appropriates $15,845.23, being the sum found just by a board of officers convened at Chicago July 17, 1894, under Special Orders, No. 72, issued by command of Major-General Miles, of the Department of the Missouri, which sum is recommended by him, with the concurrence of the Major-General Commanding the Army, to pay the awards of the board, according to the following schedule, as set forth in their report, made on November 3, 1894, and published in Senate Executive Document No. 21, third session Fifty-third Congress, to wit: P. J. Ryan, $1,307; Charles R. Cave, $1,840.61; Edward C. Huling, $742.26; Jacob R. Custer, $717.83; Herman Lehman, $829.75; Herman Grossman, $770; Phillip W. Raber, $1,848.99; F. A. Devlin, lessee, $160; Samuel B. Foster, $1,699.50; Amelia H. Dodge, $1,495.84; Frederick A. Howe, $893.06; Hellen Palmer, $946.75; James Wright, $1,313.68; W. H. Godair, $258.04; J. W. Morrison, $47.77; Mrs. J. E. Ellen, $25; W. W. Morrill, $50; Silas H. Finch, $54.39; David Mayer, lessee, $45; Howlin Horgenroth, $125; H. N. Stephens, lessee, $12.55; John W. Byers, $105.33; Edward D. Murray, $100; Arthur W. Allen, $99.15; Emilie J. Smity, trustee, $19; T. A. Keene, $50; Hannah Sullivan, $40; Armory Warehouse Company, $18; W. F. Horn, agent, $25.91; Alice York, $305; total, $15,845.23.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PUBLIC BUILDING AT MERIDEN, CONN.

The bill (S. 492) for the erection of a public building at Meriden, Conn., was considered as in Committee of the Whole. It proposes to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Meriden and State of Connecticut, the cost of the site and building, including

vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $100,000, which is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. JOHN B. READ.

The bill (S. 1491) for the relief of Dr. John B. Read was considered as in Committee of the Whole. It proposes to appropriate $17,000 to pay Dr. John B. Read his claim as royalty on all rifle projectiles with iron sabots furnished to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF UNITED STATES PROPERTY IN THE DISTRICT.

The bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott was considered as in Committee of the Whole.

Mr. HOAR. I notice that the bill proposes that the sales shall be made provided the acquisition of title was not fraudulent. It seems to me it ought to say if the Secretary of War shall so find. There ought to be a finding of the fact; otherwise the title will always be in doubt.

Mr. McMILLAN. The matter has been considered very carefully by the Secretary of War, and Colonel Elliott, who has had charge of it for a great many years, drew up the bill. It is drawn with a great deal of care.

Mr. HOAR. He has made a mistake in it, in my judgment. If the Senator will pardon me, I think I can satisfy him of that fact.

Mr. McMILLAN. There is no objection to making such an amendment.

Mr. COCKRELL. Lines 15, 16, and 17, on page 2, cover the point.

Mr. HOAR. I think it is a mistake, which was made in adding the proviso after the bill was originally drawn. This conveyance is to be made, provided the—

Secretary of War shall be of the opinion that the said sales will in no wise be detrimental to the Washington Aqueduct: *Provided further*, That the encroachments thereon were not fraudulent.

It is not that the Secretary shall be of that opinion also, but it makes the existence of that fact the condition.

At any time, according to the bill, this paper would be open to question by anybody who would raise the doubt. The bill ought to provide that the condition should be that the Secretary of War is of opinion so and so, so that his finding would be conclusive forever of the fact. If we strike out the words "*Provided further*" and insert the word "and," in line 17, it will remove the difficulty.

Mr. McMILLAN. I have no objection to that change.

Mr. HOAR. I think, obviously, the way that happened was that the bill was first drawn without the proviso, and then it was put in without referring the question to the opinion of the Secretary of War, but making it an absolute condition.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 1, line 17, strike out the words "*Provided further*" and insert "and"; so as to make the proviso read:

*Provided*, That the Secretary of War shall be of the opinion that the said sales will in no wise be detrimental to the Washington Aqueduct and that the encroachments thereon were not fraudulent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

Mr. McMILLAN. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. BAKER, and Mr. FAULKNER were appointed.

DISTRICT INSPECTORS OF PLUMBING.

The bill (S. 1707) defining the qualifications of chief inspector and deputy inspectors of plumbing in the District of Columbia was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let that bill go over under Rule IX.

The PRESIDING OFFICER. Objection being interposed, the bill will go over under Rule IX.

LICENSING OF BILLIARD AND POOL TABLES.

The bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendment reported by the Committee on the District of Columbia will be stated.

Mr. BACON. I do not think there is a committee amendment. I think that is an amendment made in the House of Representatives.

Mr. COCKRELL. It could not have been made in the House of Representatives.

Mr. BACON. It must be a mistake in the printing. Here is the report of the committee, which shows that fact. I can not account for it in any way except that the bill has been brought here and printed by the Senate just as it was reported to the House of Representatives by the House committee. I hold in my hand the report of the House committee, in which they speak of that very amendment as the one which they have reported to the bill.

Mr. HOAR. I suggest that the bill be passed over for the present. We can go back to it.

Mr. BACON. Very well. I am satisfied it is not a Senate committee amendment.

The PRESIDING OFFICER. The bill will go over.

LANDS FOR RESERVOIR SITES.

Mr. PETTIGREW. I ask unanimous consent to call up a bill which was passed over some time ago in my absence. It is Senate bill 264.

Mr. PEFFER. I do not like to object, especially in view of the Senator's absence, but I think we had better go on with the Calendar.

Mr. PETTIGREW. I wish to say to the Senator from Kansas that I should not have made the request if it were not a bill which has precedence on the Calendar. It is a bill that was passed over without prejudice, and therefore it has a right to be ahead of the other bills on the Calendar. I am not trying to break into the order of proceeding. It is ahead of these other bills, and it was passed over on account of my absence.

Mr. PEFFER. To-day?

Mr. PETTIGREW. No, sir; some time ago. I have a right to call it up, I suppose, under the rule. I hope the Senator from Kansas will not object under the circumstances.

Mr. PEFFER. Will it lead to any discussion?

Mr. PETTIGREW. I see no reason why it should lead to any debate. It is a brief measure.

Mr. PEFFER. I will withdraw my objection on condition that it leads to no discussion.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 264) providing for the location and purchase of public lands for reservoir sites.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 8, after the word "have," to strike out the words "exclusive possession and"; and in the same line, after the word "reservoir," to insert "under regulations prescribed by the Secretary of the Interior"; and at the end of the section to insert the following proviso:

*Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind;

So as to make the section read:

That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purposes: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

The amendment was agreed to.

The next amendment was, in section 3, in line 13, after the word "therein," to strike out:

Or such person, company, or corporation may enter and purchase the land upon which said reservoir is situated, as aforesaid, in tracts of not to exceed 160 acres, but such person, company, or corporation shall not be allowed to enter or purchase more than 10 tracts of land in any one county under the provisions of this act.

The amendment was agreed to.

The next amendment was to strike out section 4, as follows:

SEC. 4. That before any person, company, or corporation shall be permitted to purchase land under this act a reservoir must have been maintained thereon and water kept therein at the proper season for at least two years prior to the date of final proof, which fact shall be established by at least two witnesses not relatives or employees; it must further be proven to the satisfaction of the register and receiver of the United States land office in which such land is located that such reservoir is constructed in a permanent manner and of the capacity of not less than 100,000 gallons; that the waters therein have been used for the purposes mentioned in this act, and that all the requirements of this act have been complied with. Final proof shall be made

within five years after filing the declaratory statement, and may be made in the same manner and place and upon like notice as is required in case of homestead entries, and upon the payment of the same fee.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That upon completion of such reservoir the person, company, or corporation locating and constructing the same shall cause an accurate survey of such reservoir, and the land upon which the same is located and constructed, to be made and filed in the United States land office in and for the district in which such land is situated, and shall file therewith a statement of the capacity of such reservoir in gallons as constructed, and shall also set forth in what manner and of what material such reservoir has been constructed.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That the entries, in their exterior boundaries, under this act shall conform as nearly as possible to the Government subdivisions, but where that is impracticable in order to include ravines, gulches, draws, or other irregular-shaped natural excavations or basins, the exterior boundary lines of such entry may be located without reference to the Government subdivisions.

The amendment was agreed to.

The next amendment was to insert the following as a new section:

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

The amendment was agreed to.

Mr. COCKRELL. I have not a copy of the bill, and I ask that it now be read as amended.

The PRESIDING OFFICER. The Secretary will read as indicated.

The Secretary read as follows:

*Be it enacted, etc.*, That any person, live-stock company, or transportation corporation engaged in breeding, grazing, driving, or transporting live stock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such live stock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purpose: *Provided*, That such reservoir shall not be fenced and shall be open to the free use of any person desiring to water animals of any kind.

SEC. 2. That any person, live-stock company, or corporation desiring to avail themselves of the provisions of this act shall file a declaratory statement in the United States land office in the district where the land is situated, which statement shall describe the land where such reservoir is to be or has been constructed; shall state what business such corporation is engaged in; specify the capacity of the reservoir in gallons, and whether such company, person, or corporation has filed upon other reservoir sites within the same county; and if so, how many.

SEC. 3. That at any time after the completion of such reservoir or reservoirs which, if not completed at the date of the passage of this act, shall be constructed and completed within two years after filing such declaratory statement, such person, company, or corporation shall have the same accurately surveyed, as hereinafter provided, and shall file in the United States land office in the district in which such reservoir is located a map or plat showing the location of such reservoir, which map or plat shall be transmitted by the register and receiver of said United States land office to the Secretary of the Interior and approved by him, and thereafter such land shall be reserved from sale by the Secretary of the Interior so long as such reservoir is kept in repair and water kept therein.

SEC. 4. That Congress may at any time amend, alter, or repeal this act.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### CROW AND FLATHEAD INDIAN RESERVATIONS.

The bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to add the following as a new section:

SEC. 2. That the agreements made under the provisions of this act shall provide that a certain sum of money shall be deposited in the Treasury of the United States, out of which to pay the taxes upon all inalienable allotments of lands to said Indians during the time said allotments are inalienable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### LANDS IN ALABAMA, MISSISSIPPI, AND ARKANSAS.

The bill (H. R. 1244) to confirm certain cash entries of offered lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### PROPOSED INVESTIGATION OF BOND SALES.

Mr. HILL. I suggest that the next three orders of business, the resolution providing for an investigation into sales of United States bonds in the years 1894, 1895, and 1896, the resolution as to the claimant to a seat in the Senate from the State of Delaware, and the bill (S. 2147) establishing additional regulations concerning immigration to the United States, go over. Each of them will lead to some debate.

Mr. PEFFER. I move, notwithstanding the Senator's objection, that the Senate proceed to the consideration of the resolution submitted by me on the 12th of February, providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896. We had it before the Senate twice on two different days and we had an opportunity then to discuss the resolution. I do not see why we might not as well take it up now, unless we can procure unanimous consent to set a particular time when it may be considered. I would not object to that course.

Mr. COCKRELL. What is the Senator from Kansas asking for? We can not hear him on this side.

Mr. PEFFER. Order of Business 332 was called, and the Senator from New York objected to its present consideration. I move that the Senate proceed to its consideration, notwithstanding the objection.

Mr. HILL. I suggested that the next three measures on the Calendar should go over, as each of them would lead to debate. I thought it would expedite business. It is no use to take up those matters now.

Mr. FRYE. Unanimous consent was given to proceed with the Calendar of unobjected cases under the five-minute rule. I do not think the Senator from Kansas can, under that agreement, make the motion which he proposes to make.

Mr. HOAR. Does that unanimous-consent agreement last forever?

Mr. WOLCOTT. I understand that any Senator can move to take up a measure from the Calendar without violating such a unanimous-consent agreement.

Mr. TELLER. That is done a hundred times.

Mr. WOLCOTT. It is always done.

Mr. COCKRELL. It can be taken up by unanimous consent.

Mr. WOLCOTT. But if objected to, a Senator can move to proceed with its consideration. It has been done repeatedly during the short time I have been in the Senate.

Mr. FRYE. That is done when we proceed with the Calendar under the ordinary rule.

Mr. PEFFER. My motion is to proceed to the consideration of the resolution.

Mr. HILL. I will raise the question whether under the existing status the motion of the Senator from Kansas is in order.

Mr. COCKRELL (to Mr. HILL). Object to the consideration of the resolution.

Mr. HILL. I object, then.

Mr. TELLER. The motion to take up must certainly be in order. There can not be any question about that.

Mr. JONES of Arkansas. My impression about the present status is that unanimous consent was asked that the Senate proceed to the consideration of unobjected cases on the Calendar. A number of Senators have gone away from the Chamber under the impression that that would be the order for the remainder of the day. I came very near going myself, believing that nothing whatever would be done except that cases unobjected to would be taken up. When a unanimous-consent agreement of that sort has been given in the Senate it seems to me that it would be a violation of it for any Senator afterwards to move to proceed to the consideration of any business objected to.

Mr. COCKRELL. This is objected to.

Mr. HOAR. Does the Senator mean that we should spend the whole day on the Calendar? I should like to have the unanimous-consent agreement read.

Mr. JONES of Arkansas. I understood it to be the agreement that we would spend the afternoon on the Calendar.

Mr. TELLER. I should like to say that is a very proper appeal to make to the Senate, but it does not raise the question that we can not move to take up the resolution.

Mr. JONES of Arkansas. I rose for the purpose of asking the Senator from Kansas not to insist on taking it up, as we had agreed to proceed to the consideration of unobjected cases on the Calendar.

Mr. TELLER. That might be persuasive, but the motion can not be held to be out of order.

The PRESIDING OFFICER. The Chair thinks that under the rule a motion to proceed to the consideration of the resolution is in order unless there has been some agreement on the part of the Senate that such a motion shall not be made.

Mr. WOLCOTT. May I make a suggestion to the Senator from Kansas? I suggest that he ask unanimous consent that we proceed to the consideration of this resolution to-morrow. It has had a most remarkable career. We were all apparently in favor of it. The junior Senator from Massachusetts [Mr. LODGE] brought

in a resolution to take its place, which was less drastic than this resolution, and it was defeated by an overwhelming majority. From that day to this neither the Senator from Kansas nor anybody else has been able to get up a resolution inquiring into these bond sales, and finally the Senator from Kansas, with that patience which characterizes him, has waited until finally the business of the Senate has rolled around until it has reached it; and now the Senator from New York objects.

Mr. HILL. It had better keep rolling, then.

Mr. WOLCOTT. In a moment, if the Senator from New York will pardon me. Now it will go over again until some other afternoon, when it will drift along, and when we come to it somebody else will object or it will not come within the unanimous-consent agreement. I ask the Senator from New York if he is not inclined to agree that we shall at least fix upon some time when this measure may be discussed and the Senate will give him an hour? I apprehend the Senator from Kansas is not insistent upon this afternoon.

Mr. HILL. The Senator from Utah had the right of way this afternoon. The Arkansas bill was disposed of more quickly than had been anticipated, and he would have moved that bill, except that unexpectedly the Senator from Wisconsin [Mr. VILAS] was absent, and of course he allowed it to go over. Then we proceeded to take up the Calendar. I have not known any case where we proceeded to the consideration of the Calendar and an objection was raised that we stopped then to enter on a fight upon the question of taking up a bill for consideration. This resolution will lead to considerable debate; in the language of the Senator from Maine, a brief debate. It can not be taken up very well this afternoon, but at any time when the Senate wants to enter upon this subject and we shall not be cut off by the morning hour, as I have been twice, I have no objection to proceeding with it. But I want to know the time a little in advance. I have not my papers here or anything else, and I certainly shall not proceed if I can help it this afternoon.

Mr. TELLER. I should like to ask the Senator from New York if he will agree upon some time to-morrow when the resolution may be called up?

Mr. HILL. The Senator from Oregon [Mr. MITCHELL] has notified us that to-morrow we shall have to proceed with the Du Pont case. Then another Senator notified us that an appropriation bill will be ready for to-morrow. Any time you can set to take it up and proceed with it until it is disposed of will be all right.

Mr. TELLER. I understand that there is a speech or two to be made to-morrow. Will the Senator accept the next day; that is, Wednesday?

Mr. HILL. What hour do you want to fix it for?

Mr. TELLER. Two o'clock. Would that suit the Senator?

Mr. PEFFER. Fifteen minutes after 2.

Mr. TELLER. Or fifteen minutes after 2.

Mr. HILL. I wish to make another suggestion to the Senator. I introduced a resolution some time ago and the Senate passed one requesting the Secretary of the Treasury to transmit to the Senate a list of the bidders and certain facts in connection with the transaction, and I had supposed that it had been answered. I find that it has not. I want a copy of that information. I prefer not to proceed with the debate until that report has been made. I do not know why the delay is that it has not yet been produced. I want that information before we proceed with the discussion.

Mr. TELLER. I suggest to the Senator that he could get that to-morrow without any trouble if we do not take up the resolution until the next day. He can certainly get the information to-morrow.

Mr. HILL. The report has not been made.

Mr. TELLER. A telegram sent to the Department this afternoon will bring it to-morrow, I have not any doubt.

Mr. WOLCOTT. A suggestion was made by my colleague which possibly the Senator from New York did not understand. It is that we fix upon day after to-morrow.

Mr. PEFFER. At half past 2 day after to-morrow.

Mr. WOLCOTT. At any time on that day, so that we can agree to take up the resolution.

Mr. PLATT. I believe I will object to any unanimous-consent arrangement.

Mr. GORMAN. So would I.

Mr. PLATT. Agreements are made here in a thin Senate, and we have a great deal of trouble with them when the Senate is full.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Colorado.

Mr. TELLER. I should like to serve notice upon the Senator from Connecticut that we will take the resolution up, if a majority of the Senate vote for it; and we shall take it up very soon, too, if we do not do so to-day.

Mr. WOLCOTT. If the Senate is not too thin, we will take it up now. I understand that the motion of the Senator from Kansas [Mr. PEFFER] is before the Senate.

Mr. COCKRELL. I hope the Senator will not insist upon that course. It will simply be a waste of time to attempt that now. The Senator well knows the resolution can be taken up at any time; there is no trouble about that; but you do not want it taken up when it would be simply a waste of time and not accomplish anything. That is the point I make. There are plenty of votes here to take up the resolution whenever you want to bring it before the Senate.

Mr. PLATT. I have no objection whatever that a motion should be made now or at any time to take up the resolution. have no objection to the resolution, but I simply desire to exercise a privilege which one Senator has not to make agreements by unanimous consent that we shall proceed at a fixed time to the consideration of a certain measure and find when the time comes that it is very inconvenient.

Mr. FRYE. I desire to say one word before the discussion proceeds any further, because there seems to be a misapprehension certainly on the part of the Senator from New York. The Calendar, under Rule VIII, is the regular order immediately after the routine business every morning. If nothing intervenes the Calendar is taken up after the morning business and you commence with the cases where you left off on the last consideration. Then any motion to proceed to the consideration of a resolution or bill on the Calendar is clearly in order, notwithstanding an objection may be made. But we are proceeding with the Calendar exceptionally to-day, under a unanimous request made that we might proceed to consider the unobjected cases. To-morrow morning, after the routine business is completed, the Calendar is in order, and the first business on it is the resolution of the Senator from Kansas. All that he has then to do is to ask that we proceed or move that we proceed to the consideration of the Calendar, and that resolution comes up; and if anyone makes an objection, a motion can at once be made to proceed to the consideration of the resolution notwithstanding the objection.

Mr. WOLCOTT. The explanation of the Senator from Maine is as lucid as a well, but the misapprehension arises from the fact that there was a unanimous-consent agreement that we should proceed to the consideration of the Calendar. In the minds of many of us here that was not intended to last any specific length of time. It was early in the afternoon when it was agreed to, and many of us have been looking along hoping that when this resolution was reached in due course it would receive consideration. We apprehended, and very naturally, that no Senator would object, and that we would bring it before the Senate. I suggest to the Senator from Kansas that if there is Calendar business to be transacted this afternoon, he give notice that he will move to take up the resolution to-morrow at some time, perhaps after the remarks of the Senator from Mississippi [Mr. GEORGE]. The resolution does not happen to be casually objected to, I do not mean by the Senator from New York, but I mean its progress is not casually objected to. It has been shoved over day after day and day after day, and something has always happened why we should not consider the investigation of the bond measure. In my opinion and in the opinion, I know, of very many Senators the time of the Senate could be just as well taken up in the discussion of the question of the sale of the bonds and of the policy of the Government which led to them as in discussing many of the abstract propositions which have taken the time of the Senate for many days in the past few weeks.

Mr. PEFFER. I think we can obviate all this difficulty by a simple notice. I give notice that to-morrow, immediately after the conclusion of the remarks of the Senator from Mississippi [Mr. GEORGE], I shall ask the Senate to proceed to the consideration of the resolution.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

Mr. JONES of Arkansas. I ask the Senator from Missouri to withhold that motion for one moment. I want to ask unanimous consent of the Senate to call up a bill authorizing the extension of a right of way to build a railroad in the Indian Territory. It will take but a few minutes to dispose of it.

Mr. COCKRELL. Is it a House or a Senate bill?

Mr. JONES of Arkansas. It is a House bill.

Mr. BROWN. I suppose the notice of the Senator from Kansas, that he will move to take up the resolution, will not interfere with the unfinished business which is set for to-morrow.

Mr. FRYE. That comes up at 2 o'clock.

Mr. COCKRELL. No notice can interfere with the regular order.

### INTEROCEANIC RAILWAY COMPANY.

Mr. JONES of Arkansas. I ask unanimous consent to proceed to the consideration of the bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and

operate railway, telegraph, and telephone lines through the Indian Territory.

Mr. COCKRELL. I yield temporarily until that can be disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT INDIANAPOLIS, IND.

Mr. TURPIE. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 2, line 4, after the word "two," to insert "purchase, at a cost not exceeding $200,000, 15,200 square feet of ground adjoining the present site, and to"; and in lines 9 and 10, after the word "buildings," to insert "with the additional ground purchased"; so as to make the section read:

SEC. 2. That if, in the judgment of the Secretary of the Treasury, it shall be deemed in the best interest and economy of the public service, he is hereby authorized and directed, in lieu of the provisions of section 1 of this act, to purchase, at a cost not exceeding $200,000, 15,200 square feet of ground adjoining the present site, and to cause the present United States court-house and post-office and other buildings to be torn down and removed, and to cause to be erected on the site of said buildings, with the additional ground purchased, a new public building for the use and accommodation of the Government offices, upon sketch plans, drawings, and detailed estimates to be prepared and approved as specified in said section 1 of this act, at a cost not exceeding said sum of $2,000,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESTRUCTION OF INCOME-TAX RETURNS.

Mr. ALLISON. I ask unanimous consent to call up the joint resolution (H. Res. 24) providing for the immediate destruction of income-tax returns, and so forth. It is a measure reported by the Finance Committee unanimously, and it will take but a moment for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAURICE RIVER LIGHT-HOUSE, ETC.

Mr. SEWELL. I ask leave to call up the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in line 3, after the word "that," to strike out "a light-house and fog-signal station" and insert "range lights and keeper's quarters"; and in line 4, after the word "near," to strike out "Big Oyster Bed Shoal, mouth of the" and insert "the entrance to"; so as to make the bill read:

*Be it enacted, etc.*, That range lights and keeper's quarters be established at or near the entrance to Maurice River, Delaware Bay, New Jersey: *Provided*, That the same shall not cost more than $4,500.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey."

HOUSE BILL REFERRED.

The bill (H. R. 3292) granting an honorable discharge to Seth Porter Church, alias Samuel Church, was read twice by its title, and referred to the Committee on Military Affairs.

JOSEPH W. FISHER.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives to furnish the House with a certified engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher, to replace the original engrossed copy, which had been lost; and, by unanimous consent, the request was complied with.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 31, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 30, 1896.*

GOVERNOR OF ARIZONA.

Benjamin J. Franklin, of Phœnix, Ariz., to be governor of Arizona, vice Louis C. Hughes, removed.

ASSISTANT APPRAISER OF MERCHANDISE.

John B. Dusenberry, of New Jersey, to be an assistant appraiser of merchandise in the district of New York, in the State of New York, in the place of Henry W. Hart, deceased.

CHIEF ENGINEER, REVENUE-CUTTER SERVICE.

First Asst. Engineer Willits Pedrick, of New Jersey, to be a chief engineer in the Revenue-Cutter Service of the United States, in the place of Stephen Keogh, deceased.

POSTMASTERS.

Ansel E. Chamberlin, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts, in the place of Anson E. Chamberlain, to correct error in name.

Mollie E. Goolsby, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia, in the place of James Carter, whose commission will expire April 8, 1896.

PROMOTIONS IN THE NAVY.

Capt. Allen V. Reed, to be a commodore in the Navy from the 28th of February, 1896 (subject to the examinations required by law), vice Commodore Thomas O. Selfridge, promoted.

Commander Francis A. Cook, to be a captain in the Navy from the 28th of February, 1896, vice Capt. Allen V. Reed, promoted.

Lieut. Commander Charles T. Hutchins, to be a commander in the Navy from the 28th of February, 1896, vice Commander Francis A. Cook, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 30, 1896.*

CONSUL.

Clement J. Dietrich, of Maryland, to be consul of the United States at Nantes, France.

PROMOTIONS IN THE ARMY.

*Infantry arm.*

Lieut. Col. Hugh Albert Theaker, Fourteenth Infantry, to be colonel.

Maj. George Briggs Russell, Fifth Infantry, to be lieutenant-colonel.

Capt. Charles Porter, Eighth Infantry, to be major.

First Lieut. Robert Fisher Ames, Eighth Infantry, to be captain.

Second Lieut. Frederic Homer Sargent, Seventh Infantry, to be first lieutenant.

*Cavalry arm.*

First Lieut. George Horace Morgan, Third Cavalry, to be captain.

Second Lieut. Edwin Moore Suplee, Second Cavalry, to be first lieutenant.

*To be second lieutenant, cavalry arm.*

Candidate Corp. Herman A. Sievert, Company G, Twelfth Infantry.

*To be second lieutenants, infantry arm.*

Candidate Corp. Frederick B. Shaw, Company A, Twenty-first Infantry.

Candidate Corp. Reuben S. Turman, Company G, Sixteenth Infantry.

Candidate Sergt. William B. Cochran, Company B, Fifth Infantry.

Candidate Sergt. Harry F. Rothers, Company A, First Infantry.

*Infantry arm.*

First Lieut. Robert Nelson Getty, Twenty-second Infantry, to be captain.

Second Lieut. Harold Lincoln Jackson, Fifteenth Infantry, to be first lieutenant.

POSTMASTERS.

Charles E. Wills, to be postmaster at Homer, in the county of Cortland and State of New York.

Theodore Smith, to be postmaster at Goshen, in the county of Orange and State of New York.

Patrick J. Ryan, to be postmaster at Durand, in the county of Pepin and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

MONDAY, *March 30, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

### CORRECTION.

Mr. GROSVENOR. Mr. Speaker, I desire to call attention to a matter in connection with the RECORD which places me in rather an awkward position. At the evening session on Friday last, speaking of the Committee on Invalid Pensions, I used language which I now read from the RECORD:

They have brought in a measure here that, in the main and practically in all respects, is a most valuable step forward in this matter of pensions, and I am not willing to be a member of a House, or a member of a political party, or a member of a committee, and stand by and hear an advantage taken that I know is not a fair advantage—

And then I went on to say—

even though my doing so might inure to the benefit of some "fugleman," as somebody on this floor has been very politely called to-night—some fugleman of some candidate for the Presidency. I suppose we have a good many fuglemen here. I imagine that the gentleman who made the charge is a sort of a fugleman, possibly not a major-general, possibly only a corporal, but I think he will fugle some before he gets through. [Laughter.]

Now, if there was nothing to justify or provoke the use of that language, I am placed in the position of using expressions that under ordinary circumstances I should not use. The fact, however, is that the gentleman from Illinois [Mr. CONNOLLY], in his remarks preceding what I said, had used this language:

But, sir, we are so busy making Presidents—this Congress is filled up with so many candidates for the Presidency, so many fuglemen for other candidates.

It was in response to that remark of the gentleman from Illinois that I used the language which I have quoted; but for some reason or other—God only knows what it is—the gentleman's remark does not appear in the printed RECORD, so that I am left in the position of having made a slash at something that does not appear to exist. As the thing stands in the RECORD, it looks as if I had originated this word "fugleman" and was playing upon it and charging it upon the gentleman from Illinois, whereas in fact he first introduced the expression, though his printed remarks do not show that fact.

Mr. CONNOLLY. Mr. Speaker, as the gentleman from Ohio has referred to me and to something that I said at the last Friday night's session, I wish to state that whatever appears in the RECORD as having been said by me is just what the Official Reporters took down. If there is any mistake about it, it is not mine, for I have not changed a word or a letter. I certainly did not presume to charge that the gentleman from Ohio was a "fugleman" for any candidate for the Presidency. That, of course, could not be presumed for one moment from any remark of mine. Whatever appears in the RECORD is just what the Official Reporter took down. I have not been here long enough to learn the trick of changing what I say on the floor with my pencil after I have said it. What I say here I am willing to stand by.

Mr. GROSVENOR. All I can say is that the gentleman did use the words that I have attributed to him.

Mr. CONNOLLY. Then the gentleman should assail the reporter, and not me.

Mr. GROSVENOR. I do not "assail" anybody. I am defending myself for having used language that is senseless, in view of the condition of the RECORD. That is all.

Mr. CONNOLLY. I suppose the apology will be received. [Laughter.]

The SPEAKER. The Chair lays before the House the following public business. [Laughter.]

### DULUTH AND NORTH DAKOTA RAILROAD COMPANY.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota.

Mr. JENKINS. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table,

### JOSEPH W. FISHER.

Mr. ANDREWS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*Resolved*, That the Senate be requested to transmit to the House a certified engrossed copy of the bill (S. 649) entitled "An act to increase the pension of Joseph W. Fisher," to replace the original engrossed copy, which has been lost.

### GOOD FAITH WITH THE INDIANS.

Mr. MONEY. I ask unanimous consent to have printed in the RECORD a memorial of the legislature of the State of Mississippi, which I send to the desk.

The memorial was read in part, when

Mr. DINGLEY said: I think it is unnecessary to have this paper read. I suppose there will be no objection to printing it in the RECORD, as it is a memorial of a State legislature.

The SPEAKER. If there be no objection, the memorial will be printed in the RECORD.

There was no objection.

The memorial is as follows:

Memorial of the legislature of the State of Mississippi to the Congress of the United States.

Whereas the State of Mississippi is composed largely of the lands ceded by the Chickasaw and Choctaw nations of Indians, by solemn treaties made by said Indians with the United States, by which said Indians acquired in exchange therefor the lands on which they now live in the Indian Territory; and

Whereas the Chickasaw Indians ceded all that part of our State from the Tombigbee on the east to the Mississippi River on the west, and the Choctaws ceded all that part of our State from the Alabama line on the east to the Mississippi River on the west and to the Gulf coast on the south; and

Whereas the Five Civilized Tribes, the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles, have ceded vast empires of lands to the Government of the United States, out of which State after State has been carved, and have received in exchange for this vast domain, by solemn treaties and formal letters patent, what is known as the Indian Territory, west of the Mississippi River; and

Whereas there is an effort now being made before your honorable bodies to virtually strip the five nations of Indians of the land thus solemnly conveyed to them, to destroy the autonomy of their respective governments, fashioned, as they all are, on the Constitution and Government of our own States, we respectfully memorialize your respective bodies to keep honorable faith with these weak nations, and in aid of our prayer and memorial beg leave earnestly to call the attention of the Congress of the United States to the terms of the treaties solemnly entered into with these Five Civilized Tribes of Indians.

In the year 1830 the United States Government announced its policy of removing the Indian tribes then located east of the Mississippi River to west of the river by an exchange of lands, and authorized the President, by an act of Congress passed on the 28th day of May, 1830—

"To assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs and successors the country so exchanged with them; and if they prefer it the United States will cause a patent or grant to be made to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon same."

And by treaty made on the 14th day of February, 1833, the Government of the United States, by authorized commission, guaranteed their present home to the Cherokees (and all the other tribes), in the words following:

"ARTICLE 1. The United States agree to possess the Cherokees (and same terms apply to the other tribes), and to guarantee it to them forever, and that guaranty is hereby pledged, of 7,000,000 acres of land, to be bounded as follows (and here land is described), which includes the land now owned and occupied by the Cherokees, and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed."

By treaty of December 29, 1835, the United States confirmed the grant and renewed the pledge of a patent in the following words:

"ART. 3. The United States also agrees that the lands above ceded by the treaty of February 14, 1833, including the 'Outlet' and those ceded by this treaty, the so-called 'neutral' lands, shall all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States, according to the act of May 28, 1830."

This patent was issued December 31, 1839, and conveyed the lands to the Cherokee Nation, their heirs and successors, "to hold forever."

By treaty of August 17, 1846, the United States further declared:

"ART. 1. That the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit."

By the treaty of 1835, sections 5, 6, and 7, all these grants of lands were solemnly confirmed, and so anxious was the Government of the United States to secure these lands lying within the limits of the States of Mississippi, Alabama, Georgia, Florida, and Tennessee, and to remove the Five Civilized Tribes to the west of the Mississippi River, that they agreed by the seventh article of the treaty of 1835 to grant to the Indian tribes, should they desire it, a delegate to the House of Representatives of the United States.

At the close of the war between the States, the Cherokees and Chickasaws having raised regiments and taken sides with the Confederates, it became necessary to make new treaties, to define the relation of the Indian nation to the United States, and by the treaty of 1866, made after the close of the war, it was provided—

"ART. 26. The United States guarantee to the people of the Cherokee Nation (and same provision applied to all the Five Civilized Tribes) the quiet and peaceable possession of their country, and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected from interruption and intrusion from all unauthorized citizens of the United States who may attempt to settle on their land or reside in their territory.

"ART. 27. All persons not in the military service of the United States not citizens of the nation are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent of the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States.

#### TREATY OF 1866.

"ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory; provided, however, such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw nations, respectively.

"ART. 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislature with regard to the Choctaw and Chickasaw nations extending prior to the late rebellion and in force at that time not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulation and acts of legislation from and after the close of the fiscal year ending on the 30th day of June, in the year 1866."

It will thus be seen that by every treaty stipulation between the United States and the Indian tribes from 1830 to 1866 the right to govern themselves and to hold their lands in common was most solemnly guaranteed.

Now it is proposed to do away with these governments, all republican, and closely modeled after the Government of the United States and the State

constitutions and governments, and to force them, against the most solemn treaty stipulations, to hold their lands in severalty.

It must be remembered that these Indians were asked to give up their homes, and the homes of their wives and children, and the graves of their ancestors, and seek new homes in the then wilds of the West. All this they did for the whites. The love and reverence of the Chickasaws for the homes they left behind them is shown by the fact that in naming the counties of the Nation they took the names of the old counties they left behind. They have their Tishomingo, Choctaw, Pontotoc, as we have. The Indians gave up their homes with fear and dread; but when the brave old hero whom they had learned to honor and respect (for he never spoke to them "with a forked tongue") said to them in their own beautiful and figurative language, "This land shall be yours as long as the grass grows and the water flows," they yielded, and sought a new home in the Western wilds, and have become a civilized and prosperous people. Shall our own Government go back on the word of the hero of New Orleans? While our Government is demanding that there shall be no dismembering of the territory of far-distant Venezuela, and proclaiming its advocacy of the far-distant Christians of Armenia and its horror of the Turkish barbarism which oppresses them, shall we go back on our plighted faith to the weak Indian nations in our very midst, who have yielded to the white man an empire of lands, the richest and most fertile on the globe? Shall we tarnish the honor and bright fame of our Government by keeping punic faith with the weak and the helpless?

We ask that you keep faith with these tribes, and break not the solemn treaties by which you have agreed to let them have their own government and conduct their own affairs.

*Be it resolved by the senate (the house concurring)*, That a copy of this memorial, signed by the president of the senate and the speaker of the house, and attested by the secretary of state, with the great seal of the State attached, be forwarded to each of our Senators and each of our Representatives in the Congress of the United States.

Passed the house March 3, 1896.

FRANK A. CRITZ,
*Speaker of the House.*

Passed the senate March 14, 1896.

J. H. JONES,
*President of the Senate.*

A true copy.
[SEAL.]

J. L. POWER, *Secretary of State.*

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6348) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress; in which the concurrence of the House was requested.

## SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2629) to provide for the erection of a public building at Washington, Pa.—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 110) providing for the appointment of a commission, under the direction of the Secretary of War, for the preliminary survey, with plans, specifications, and approximate estimates of cost thereof, for the construction of a ship canal of approved width and depth from the lower shore of Lake Michigan to the Wabash River, and for the further investigation of the practicability of the construction of such waterway—to the Committee on Railways and Canals.

A bill (S. 2546) concerning the court of appeals in the District of Columbia—to the Committee on the Judiciary.

A bill (S. 2346) to prescribe the times and places of holding the district court of the United States in and for the District of Alaska—to the Committee on the Judiciary.

A bill (S. 676) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," approved March 2, 1895—to the Committee on Public Buildings and Grounds.

Joint resolution (S. R. 107) to authorize Prof. Simon Newcomb, United States Navy, and Prof. Asaph Hall, United States Navy, to accept decorations from the Government of the Republic of France—to the Committee on Foreign Affairs.

A bill (S. 1724) authorizing the Kansas City, Watkins and Gulf Railway Company to construct and maintain a bridge across the Black River, in Louisiana—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted for use for light-house purposes—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2609) to amend chapter 341, section 9, of the acts of 1885, so far as the same prescribes the punishment of death for Indians committing the offense of rape—to the Committee on the Judiciary.

Joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume—to the Committee on Printing.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed of the report of the special agent for the protection of the salmon fisheries of Alaska for the year 1894, 6,000 copies; 1,500 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Treasury Department—

To the Committee on Printing.

## FREDERICK B. BETTS.

Mr. PITNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., out of any moneys in the Treasury not otherwise appropriated, the sum of $250, being the amount of Treasury draft No. 5453, on Treasury interior warrant No. 4801, dated March 1, 1861, and drawn upon the assistant treasurer of the United States at New Orleans in favor of Lampson & Hendricks.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I should like to have the gentleman make some explanation. It was almost impossible to understand the bill as read.

Mr. PITNEY. I will explain the bill, or will have the report read, as the gentleman may prefer.

Several MEMBERS. Explain it.

Mr. PITNEY. In 1861, just before the outbreak of the war, a draft was issued by the assistant treasurer of the United States at Washington upon the subtreasury at New Orleans, payable to order of the firm of Sampson & Hendricks, who were merchants in Austin, Tex. It was passed by Sampson & Hendricks to the New York firm of Betts, Nichols & Co., in payment of an obligation previously incurred.

About the time that the draft was sent to New York the war commenced, and mail intercourse was suspended, so that the New York firm could not send the draft to New Orleans for presentation at the subtreasury there. They kept it until the close of the war and then mailed it to the Secretary of the Treasury at Washington, stating that they desired the draft paid, but did not know whether it should be presented at New Orleans, and asking advice from him as to how payment could be obtained. Owing to some oversight the Secretary of the Treasury pigeonholed the draft, and it was kept at the Department from that time until now, the letters in regard to it never having been answered. Thus payment has been prevented until the present time. The claim is a perfectly proper one.

Mr. McMILLIN. Has there been any call upon the Treasury Department for an explanation of the circumstances.

Mr. PITNEY. There has been. And I have submitted to the Committee on Claims the original letters. I have copies here.

Mr. McMILLIN. Will the gentleman kindly have them read? He speaks of letters having been "pigeonholed"; and I think that in connection with such an accusation the defense of the Department ought to come in.

Mr. PITNEY. Well, there are a number of the letters.

Mr. McMILLIN. Have them read, and I will reserve the right to object.

Mr. PITNEY. All right, sir; I ask the Clerk to read the communications which I send to the desk. The report, however, sets out the matter quite fully. I send a copy of it also to the desk.

The Clerk read as follows:

Mr. WOODARD, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., respectfully report:

That they have carefully considered the said bill, and report it back to the House with the recommendation that the bill do pass.

This is a claim for the payment of Treasury draft No. 5453, issued on Treasury Interior warrant No. 4801, dated March 1, 1861, drawn on the subtreasury at New Orleans in favor of Sampson & Hendricks, for $250. The consideration of the draft was the rent of rooms for the United States courts at Austin, Tex., for three months ending December 20, 1860. Shortly after receiving the draft, and on or about April 4, 1861, Sampson & Hendricks transferred it in the ordinary course of business to Messrs. Betts, Nichols & Co., of New York City, in payment of a debt incurred prior to January 1, 1861. The draft was received from Sampson & Hendricks in Austin, Tex., by the collecting agent of the New York firm. It reached the latter firm in New York about May 10, 1861, just after the commencement of the war, when it was too late to send the draft from New York to New Orleans for presentation at the subtreasury there for payment. Messrs. Betts, Nichols & Co. therefore

retained the draft in their possession until after the close of the war, and then (January 2, 1866) sent it to the Secretary of the Treasury at Washington with a letter explaining that by reason of the war they had been unable to present it to the assistant treasurer at New Orleans, the letter closing with these words:

"Not knowing whether there is now an assistant treasurer at New Orleans, we inclose it to you for payment or advice what to do with the same."

This letter, inclosing the draft, was duly received by the Secretary of the Treasury, but no answer was ever made to the letter, and the draft was retained in the Treasury Department from that day to this, and has never been paid.

On May 18, 1866, Betts, Nichols & Co. wrote again to the Secretary of the Treasury on the subject, but received no reply.

On June 13, 1870, they wrote again to the Treasury Department, and were informed by letter from the First Auditor that, as the draft was outstanding prior to April 13, 1861, it would be necessary for the holders to prove—

"That the original owners of the draft, Sampson & Hendricks, and all other persons who have had, or who may now have, any interest in said draft, did not promote, encourage, or in any manner sustain the late rebellion, and were distinctly known during said rebellion to be opposed thereto and in favor of its suppression."

Betts, Nichols & Co. were unable to furnish the required proof with reference to Sampson & Hendricks.

These requirements were imposed by a joint resolution approved March 2, 1867 (Rev. Stat., sec. 3480). No such obstacle stood in the way of the payment of the draft when it was sent to the Treasury in January, 1866, nor did any other legal obstacle then exist.

The joint resolution of 1867 is, in our opinion, unconstitutional and void, at least so far as a claim of this character is concerned. The Constitution prohibits the passage by Congress of any bill of attainder or ex post facto law. Your committee think that the joint resolution in question, in so far as it would operate to deprive Messrs. Betts, Nichols & Co., without a judicial trial, of property worth $250, for alleged offenses committed by a third party previous to the passage of the resolution, is manifestly unconstitutional.

The Treasury draft under consideration was a good and valid obligation of the United States Treasury at the time it was received by Betts, Nichols & Co., and we think it is so still. Consequently, it ought to be paid without further delay.

F. B. Betts is the sole surviving partner of Betts, Nichols & Co., and entitled to collect the assets of the said firm, including this draft.

The claim is an old one, but that is not the fault of the claimant. At frequent intervals since the adverse action of the Treasury Department in 1870 Congress has been petitioned to grant relief in the matter.

A bill directing the Secretary of the Treasury to pay the claim passed the Senate in the Forty-eighth Congress, and again in the Fifty-first and Fifty-second Congresses. In each instance it failed of consideration in the House, although in the Fifty-second Congress it was favorably reported by the House Committee on Claims.

[Copy.]

349 BROADWAY, *New York, January 2, 1866.*

SIR: We hand you the inclosed Treasury warrant, dated Washington, March 1, 1861, payable to and indorsed by Sampson & Henricks, of Austin, Tex., on assistant treasurer United States at New Orleans for $250.

This was taken by our young man in winter of 1861 while in Austin, Tex., and before it reached us the war commenced, and we were unable to get it to present to assistant treasurer at New Orleans.

Not knowing whether there is now an assistant treasurer at New Orleans, we inclose it to you for payment or advice what to do with the same.

Very respectfully, your obedient servants,

BETTS, NICHOLS & CO.

Hon. HUGH MCCULLOCH,
*Secretary of Treasury United States, Washington, D. C.*

—

[Copy.]

Direct post-office box 464.

117 BROADWAY, *New York, June 13, 1870.*

SIR: On the 2d of January, 1866, we addressed a letter to the Hon. Hugh McCulloch, the then Secretary of the Treasury, inclosing Treasury warrant dated Washington, March 1, 1861, payable to and indorsed by Sampson & Henricks, of Austin, Tex., on assistant treasurer United States at New Orleans for $250. This was taken by our young man in winter of 1861 while in Austin, Tex., and before it reached us the war commenced, and we were unable to get it to present to assistant treasurer at New Orleans.

Again we addressed the Department under date of May 18, 1866. To neither of our letters have we ever received a reply. Will you have the goodness to answer, and let us know if we can expect its payment?

Yours, truly,

BETTS, NICHOLS & CO.

Hon. GEORGE S. BOUTWELL,
*Secretary of the Treasury United States, Washington, D. C.*

—

[Copy.]

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
*June 20, 1870.*

GENTLEMEN: Your letter of the 13th instant, addressed to the Secretary of the Treasury, having been referred to this office, I caused a search to be made of the letter of January 2, 1866, therein referred to, and found from the records of the Secretary's Office that it had been referred, with the draft inclosed, to the Comptroller of the Treasury on the 4th of January, 1870, and upon application to that office the letter and draft have been referred to this office for its proper action. As this draft was outstanding and unpaid prior to April 13, 1861, it will be necessary for you to furnish satisfactory proof that the original owners of the draft, Sampson & Hendricks, and all other persons who have had or who may now have any interest in said draft did not promote, encourage, or in any manner sustain the late rebellion, and were distinctly known during said rebellion to be opposed thereto and in favor of its suppression.

Very respectfully, etc.,

T. S. SMITH, *Auditor.*

Messrs. BETTS, NICHOLS & CO.,
*No. 117 Broadway, New York.*

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[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
*Washington, D. C., January 16, 1896.*

SIR: In reply to your verbal request of this date, I have the honor to state that an account was stated in the name of Sampson & Hendricks, per First Auditor's report No. 13216, for rent of rooms for the United States courts at Austin, Tex., for the three months ending December 20, 1860. Treasury warrant No. 4801 was issued, and on this warrant a draft was issued as follows:

No. 5453. Treasury warrant No. 4801.

$250. TREASURY
INTERIOR. OF THE
UNITED STATES.

WASHINGTON, *March 1, 1861.*

At sight, pay to Sampson & Hendricks, or order, two hundred and fifty dollars 00/100.

WM. B. RANDOLPH,
*Acting Treasurer of the United States.*

No. 5453. Registered March 1, 1861. $250.

F. BIGGER, *Register of the Treasury.*

ASSISTANT TREASURER UNITED STATES,
*New Orleans, La.*

(Indorsed): Sampson & Hendricks.

On January 2, 1866, this draft was sent to the Secretary of the Treasury by Betts, Nichols & Co. On June 13, 1870, Betts, Nichols & Co. again wrote to the Secretary in regard to said draft. On June 20, 1870, the First Auditor wrote to Betts, Nichols & Co., stating that it would be necessary to prove the loyalty of the payees and of other persons who had had an interest in the draft, to and including the present holders. On June 21, 1870, Betts, Nichols & Co. wrote to the Auditor setting forth the following facts:

"Our young man, now dead, was in Texas in 1860 and 1861 collecting for us. Sampson & Hendricks, Austin, Tex., bought goods from us, and our young man settled with them for bill of goods sold October 30, 1860, and took from them this Treasury draft in payment.

"This settlement was made on the 4th of April, 1861, and the draft did not reach us until after the 13th of April, 1861, and we then were unable to send it to New Orleans for collection. We do not suppose it is in our power to furnish you satisfactory proof that Sampson & Hendricks were not engaged in the rebellion; we take it for granted they were. Of this we do not know. Now, at this writing, we do not know their residence. The Treasury draft is our sole property, and we are the only party from whom you want information. On this point we can satisfy you and the Department, and as we are the sole owners of the draft and as it came into our hands in the course of legitimate business we presume on your being satisfied about us is all that will be required for its payment."

On June 22, 1870, the First Auditor wrote to Betts, Nichols & Co. that the requirements of his letter of the 20th must be complied with before payment of the draft could be made.

The original draft, of which a copy is given herein, is now on file in my office.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. M. PITNEY, M. C.,
*House of Representatives.*

—

[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
*Washington, D. C., January 20, 1896.*

SIR: In reply to yours of the 18th instant, I inclose herewith copy of letter of Betts, Nichols & Co., to Hon. Hugh McCulloch, dated January 2, 1866, also copy of letter from Betts, Nichols & Co. to Hon. George S. Boutwell, dated June 13, 1870.

In reply to your request for information as to what obstacle existed to the payment of the draft at the time it was presented, I would state that on January 2, 1866, at the time that this draft was forwarded to the Secretary of the Treasury for payment, there was no appropriation available to pay the same. The appropriation for payment of outstanding liabilities was made May 2, 1866 (see sections 306, 307, and 308, Rev. Stat.). From May 3, 1866, to March 2, 1867, the date of the act prohibiting payment of claims of this character, I do not know of any reason why this draft should not have been paid. It was held in the office of the Secretary of the Treasury, however, from January 2, 1866, to June 13, 1870, without any action being taken in regard to the claim, so far as I have any knowledge.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. MAHLON PITNEY, M. C.,
*House of Representatives.*

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[Copy.]

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE TREASURY DEPARTMENT,
*Washington, D. C., January 24, 1896.*

SIR: In reply to your letter of the 23d instant, making further inquiry in regard to the claim of Betts, Nichols & Co., I have the honor to state that the papers on file in this office fail to show that any reply was made by the Secretary of the Treasury to the letter of Betts, Nichols & Co., dated January 2, 1866. On inquiry in the office of the Secretary I can find no record of any communication to Betts, Nichols & Co. in reply to said letter. There is no record in this office or in the Department, so far as I can learn, of the receipt of the letter of Betts, Nichols & Co. of date of May 18, 1866.

In further reply to your inquiry I would state that draft No. 5453 on Treasury warrant No. 4801, dated March 1, 1861, in favor of Sampson & Hendricks for $250, drawn on the assistant treasurer United States, New Orleans, La., and indorsed Sampson & Hendricks, has not been paid.

Respectfully, yours,

R. M. COUSAR, *Acting Auditor.*

Hon. MAHLON PITNEY, M. C.,
*House of Representatives.*

Before the reading of the above was concluded,

Mr. MCMILLIN. Mr. Speaker, I am satisfied with what has been read. I ask that the remaining communications be printed in the RECORD, to accompany the bill. I make no objection to the present consideration of the bill. I believe it to be correct, from what I can gather.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

Mr. PITNEY. Mr. Speaker, I move a formal amendment, to change in the last line of the bill the word "Lampson" to "Sampson." It is a misprint in the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a

third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PITNEY, a motion to reconsider the last vote was laid on the table.

BERNARD R. GREEN.

Mr. QUIGG. Mr. Speaker, I send to the desk Senate joint resolution No. 114, authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress, and ask its present consideration.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection to its consideration.

The joint resolution was read, as follows:

*Resolved, etc.*, That Bernard R. Green be, and is hereby, authorized and directed to assume and exercise all of the duties and powers heretofore conferred by law upon the late Brig. Gen. Thomas L. Casey, in relation to the construction and completion of the Library of Congress, and he shall receive as compensation for his services the sum of $5,000 per annum, payable out of the appropriations for said Library building: *Provided*, That all expenses incurred in the prosecuting of said work, including compensation of employees, shall be paid by the Secretary of the Treasury under such rules and regulations as he may prescribe.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MILES. I would like some explanation before consent is given.

Mr. QUIGG. Mr. Speaker, this resolution simply appoints the successor to General Casey, who has been his chief assistant in the completion of the Library building.

The haste in the passage of the resolution grows out of the fact that we are approaching the end of the month, and it will be very unfortunate for a great many people whose compensation depends on the signature of the superintendent of construction unless we can pass the resolution before the first of the month.

Mr. MILES. Is it not unusual to make an appointment of this character by joint resolution?

Mr. QUIGG. It may be unusual, but we appointed General Casey. This is the Library of Congress, and the appointment is necessary, in order that there may be a superintendent in charge of the work.

Mr. SAYERS. If the gentleman from New York will yield to me for a moment——

Mr. QUIGG. With pleasure.

Mr. SAYERS. I will state to the gentleman from Maryland that a clause was attached, I believe, to the sundry civil appropriation bill, either of the last Congress or the preceding one, continuing General Casey in charge of the work, notwithstanding that he may have been retired.

Mr. QUIGG. Precisely.

Mr. SAYERS. Now General Casey is dead, and it is intended that this gentleman, who is familiar with the progress of the work, shall take his place and superintend the construction.

Mr. QUIGG. That is correct. And the sum of money which is proposed to be paid is the exact amount which has been paid to General Casey for the same work.

Mr. MILES. This amount, as I understand it, General Casey would have received had he lived?

Mr. QUIGG. Precisely.

Mr. LIVINGSTON. In the event that this appointment is not made, would not General Craighill necessarily and naturally take charge?

Mr. QUIGG. Oh, no——

Mr. LIVINGSTON. Then let me ask if General Casey has yet been buried?

Mr. QUIGG. I do not know. But the great Government of the United States must go on.

Mr. MILES. So far as I am concerned, I have no objection to the consideration of the joint resolution.

Mr. McMILLIN. Mr. Speaker, Mr. Green is already drawing a salary under the Government of the United States, and there ought to be a provision, if it is not already inserted in the bill, that this shall be in lieu of the compensation now received by him. I ask to have it again read in order to see whether that point is guarded or not.

The SPEAKER. The joint resolution will be reported, if there be no objection.

The joint resolution was again reported.

Mr. McMILLIN. I am not sure that the point is guarded as it ought to be.

Mr. QUIGG. I am quite sure that it is, if the gentleman will permit me. The salary that this gentleman receives is one that he receives under the rule of the Treasury Department; that is, that he is appointed by the action of his superior and that appointment ends, and his salary ends with the new appointment.

Mr. McMILLIN. With the statement made and that this is in lieu of the salary now received, I will content myself with the explanation given to accompany the passage of the bill.

There being no objection, the joint resolution was considered and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. QUIGG, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill; that the bill be printed, the Senate amendments numbered, and the bill referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Pennsylvania asks that the House take up the legislative bill with the Senate amendments, and that the amendments be printed and numbered, and the bill referred to the Committee on Appropriations. Without objection, it will be so ordered.

There was no objection.

BENJAMIN HARRISON.

Mr. STEELE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 111, to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States.

The joint resolution was read, as follows:

*Resolved, etc.*, That Benjamin Harrison be, and he is hereby, authorized to accept certain medals presented to him by the Governments of Brazil and Spain during the term of his service as President of the United States.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CANNON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

CUBA.

Mr. HITT. Mr. Speaker, before the House proceeds to the consideration of the sundry civil appropriation bill, I desire to give notice that as soon as that bill is disposed of I will present a conference report on the Cuban resolutions.

Mr. BRUMM. Why not present it now?

Mr. HITT. I had proposed to bring it up, but the gentleman from Illinois, my colleague, desired to consider the sundry civil appropriation bill, owing to its great importance; and my colleagues on the Foreign Affairs Committee assenting to it, I agreed with him that the conference report should not be brought up for debate until the disposition of the appropriation bill.

Mr. PICKLER. How long will that probably take?

Mr. HITT. I am assured that the sundry civil bill will be disposed of very shortly.

SUNDRY CIVIL APPROPRIATION BILL.

And then, on motion of Mr. CANNON, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, with Mr. HOPKINS in the chair.

Mr. CANNON. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. CANNON. I will take the floor and briefly explain some of the provisions of this bill.

I will say now that I probably shall want to take fifteen or twenty minutes to make a statement about the bill, and if the gentleman from Texas [Mr. SAYERS] is prepared now to state how much time the minority desire for general debate we might make an agreement upon that subject.

Mr. SAYERS. Mr. Chairman, I have not consulted with the minority as to whether or not any member of the minority desires to discuss this bill, but inasmuch as no one has approached me on the subject, I take it for granted there will be no disposition to delay the House in considering the bill item by item. I shall only want ten or fifteen minutes to reply to the gentleman from Illinois, and my opinion is that that will be the only time that the minority will desire for general debate.

Mr. CANNON. Would the gentleman care about agreeing now that we close general debate on or before the expiration of one hour, on my assurance that he may have at least thirty minutes of that time if he desires it?

Mr. SAYERS. Certainly; I do not object to that.

Mr. CANNON. Very well; I ask, then, unanimous consent that general debate be closed upon this bill on or before the expiration of sixty minutes.

Mr. BINGHAM. Right in that connection I desire to ask the gentleman from Illinois a question. There is a paragraph in this bill with reference to the Bureau of Engraving and Printing. When we reach that paragraph in the bill I desire to ask the gentleman to pass it by, going on with his bill, that we may recur to this paragraph at the close of the bill. When that occurs, should the gentleman concede my request, I desire more than five minutes' time, for the reason that it covers a proposition which I have been looking into with some care and about which I think the House should be informed.

Mr. CANNON. I am perfectly willing when we reach it to adjust the time satisfactorily to the gentleman.

Mr. JOHNSON of North Dakota. Mr. Chairman, I presume that the chairman of the committee has blocked out his own plan for the use of the thirty minutes. Now, unless he has planned to explain an item here on page 45, I should like to make the same reservation with regard to that item.

Mr. CANNON. What is the item?

Mr. JOHNSON of North Dakota. The Alaska seal fisheries. I should like to make the same reservation in regard to that as the gentleman from Pennsylvania [Mr. BINGHAM] made with regard to the other item. I should like to ask a question or two. Possibly it may not take very long.

Mr. CANNON. It will be under the five-minute rule. My recollection is we give the current-law estimates for the fiscal year for the seal fisheries. That is what we recommend.

Mr. JOHNSON of North Dakota. Unless the explanation should be satisfactory, I would like more than five minutes.

Mr. CANNON. There will be no trouble about that. I can yield to the gentleman such time as he may desire. Gentlemen understand that under the five-minute rule in a bill of this kind there is always a little give and take about the time.

The CHAIRMAN. Unanimous consent is asked that general debate upon the bill be limited to sixty minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. Mr. Chairman, if the committee will give me its attention for a very few minutes I think I can give general information about this bill that it may desire to hear. I have no purpose to enter into any lengthly discussion or debate about it. I want what I do say to be practical, and as to the bill in hand. The name of this bill itself to some extent describes it. It is the sundry civil bill. In the main it covers items that the Army, the Post-Office, the naval, the deficiency, the fortifications, and the other twelve or thirteen general appropriation bills do not carry. It has been constructed as heretofore, substantially within the law. In fact, appropriations not authorized by law are subject to points of order; and your committee recognize that as the House in its wisdom has made this rule, that in a great bill of this kind, covering the sundry civil items in the public service, there is but one way to safely construct it, namely, to obey the rules of the House, and recommend for your consideration appropriations within the rules and within the law. I need not say that it is not satisfactory to me as an individual in some instances, and I dare say is not satisfactory as to some item or items to every member of the House; and yet in your wisdom you have made the rules, and we can not have safe appropriations and proper appropriations except as we adhere to the rule. Your committee this session, as in the main in former Congresses, in the preparation of the bill adhered to the rule.

Mr. TERRY. Will the gentleman allow me to ask him a question? Will the gentleman tell us if there are any items in this bill not provided for by existing law?

Mr. CANNON. I do not recollect any. If there be any, I am perfectly willing to call attention to them and let the point of order be made, and I invite the point of order.

Mr. TERRY. I ask the chairman of the committee for this information, as he is necessarily familiar with this bill.

Mr. CANNON. I do not now recollect any, but in so great a bill as this, composed of so many items, there may be something not authorized by law. I say again, I welcome the point of order on anything in this bill that has not law at the back of it.

Mr. RICHARDSON. May I ask the gentleman a question?

Mr. CANNON. Yes.

Mr. RICHARDSON. I want to ask the gentleman if the sundry civil bill has not heretofore carried appropriations for the Garfield Hospital and similar institutions in this city, and to inquire whether they are omitted from this bill.

Mr. CANNON. The names of hospitals are omitted in the bill, but the committee recommends the money for the purpose; and I think the gentleman will find, when we reach the item, that it is a wise provision.

Mr. RICHARDSON. I had my attention attracted to the item, and knew the gentleman was familiar with it.

Mr. CANNON. Attention will be called to it. I do not know that I will call attention to it in my general remarks, because my time is limited; but when we reach the real debate, in the consideration of the bill by items, it will receive attention.

Now, then, the regular estimates submitted by the Executive, upon which this bill is based, will be found in the Book of Estimates for the fiscal year 1897, and those estimates aggregate $40,000,000 in round numbers, and on the basis of those estimates there is a recommendation in the accompanying bill of $29,500,000 in round numbers, being almost $11,000,000 less than the estimates, and in round numbers $17,000,000 less than the law for the current year. This would seem to be a great reduction, yet we care substantially for the public service as well as, and in many instances better than, the law for the current year. It is proper that I should very briefly state to the committee wherein the items of this bill carry almost $17,000,000 less than the sundry civil law for the current year. They are very few. On river and harbor contracts we give $8,408,000, in round numbers, less than the current law calls for. For refund of sugar bounty $5,238,000 was provided in the current law, and there is no provision made this year. In fact, the law has been repealed. For the Library building the current law carried $900,000. The urgent deficiency bill that we passed carries $480,000; and that completes the building. For public buildings we give $1,838,000 less than the current law, which is all that is required for river and harbor work under contract and for public buildings until the sundry civil bill—this same bill—will become a law on the 3d day of March next.

Mr. SAYERS. Mr. Chairman, I hope the gentleman will state in this connection that he appropriates only until the 3d of March for public buildings and to execute river and harbor contracts.

Mr. CANNON. Oh, yes; certainly. Now, these items amount to $16,386,000, and substantially explain how and why this bill that we now report to the House is less than the current law.

Mr. McMILLIN. Will the gentleman state in that connection what the reason is for this extraordinary method of appropriation?

Mr. CANNON. In the first place, let me call attention to the fact that I apprehend the only difference substantially between the gentleman from Texas [Mr. SAYERS] and myself touching this bill lies in the recommendation of the committee in the bill which provides for all contract work touching rivers and harbors and public buildings for eight months of the fiscal year coming, instead of, as he claims, I presume—although he can make the claim himself—that it ought to provide for the whole twelve months.

Mr. SAYERS. I will be candid with the gentleman and with the committee, and will state that with the exception of those two classes of appropriations I have no fault to find with the remainder of the bill. I believe that with those exceptions it is a good bill. It is a clean bill. There are no jobs in it. But, Mr. Chairman, I shall contend when I get the floor that in this respect it is a departure from the custom that has obtained in the House, at least during the eight years that I have been a member of the Committee on Appropriations, to appropriate only for eight months instead of for twelve.

Mr. CANNON. Now, Mr. Chairman, I desire to call attention briefly to the practice of the House touching continuous-contract work. In my judgment the bill, in its recommendations for appropriations of that character, is right. It cares for the public service and cares for it logically and fully, and not only is the bill right upon the merits, but I call the attention of my friend from Texas to the fact that it comes in the line of precedent. The bill appropriates all that the Departments estimate will be required up to March 3, 1897, to meet authorized contracts for constructing public buildings and for river and harbor work. On the 3d of March, 1897, the sundry civil bill to be passed at the next session of Congress will become a law and should, and undoubtedly will, make provision in proper and ample measure for paying for the work under the contracts.

Now, I call the attention of the House to the fact that the appropriations for rivers and harbors and public buildings, like appropriations for fortifications, are available for expenditure as soon as made, and continue available until exhausted. Let me explain. The money appropriated by this bill for all of the public service for which it provides, except the contract work that I have spoken of, becomes available on the 1st day of next July; but for river and harbor contract work and for public buildings the amounts hereby appropriated become available the moment the bill is signed, and remain available through all time until the money is expended. All other appropriations made in the bill do not become available until the beginning of the next fiscal year, and must be expended or contracted for within two years. So it will be seen that there is a well-marked distinction between appropriations for fortifications, for contract work for rivers and harbors, and for public buildings and all other appropriations, and I hope gentlemen comprehend the distinction clearly.

Now, the policy of authorizing contract in advance of appropriation for public buildings and for river and harbor improvements was inaugurated by the Fiftieth Congress on the sundry civil act for 1890. It applied at that time only to the Congressional Library building. That, I believe, was the last Congress of which Mr. Carlisle was Speaker, and the continuous-contract system was at that time made to apply to the Congressional Library

building; that was the commencement of the system. The Fifty-first Congress, in the sundry civil act for 1891, extended the contract system to the Washington City post-office building. The Fifty-third Congress, in the sundry civil act for 1895, when my friend from Texas [Mr. SAYERS] presided over the Committee on Appropriations, further extended the authorization of contracts to the public buildings at Buffalo, Kansas City, Omaha, and St. Paul, the limit of cost on none of which was less than $500,000, and in the sundry civil act for 1896, passed at the last session of Congress, the authority was again extended to a number of unfinished buildings, including one whose total cost was limited to $60,000.

Now, until this continuous-contract system was inaugurated members might well have been anxious about the amount of the appropriations carried in the bills, because it was necessary that the appropriation should be made and should become available before the contract could be made for any given work, and the contract could not exceed the appropriation; but under the continuous-contract system contracts to complete buildings can be made from the time the first spadeful of earth is disturbed to make the foundation until the building is completed to the dome, without reference to the amount that is appropriated; and the same applies to contracts for completing river and harbor work. The contract is made practically in these great works long before the appropriations are made, and the contractor agrees to do the work and take his pay as the appropriations are made. The Fifty-first Congress, in the fortifications act—and I ask the attention of my friend from Texas especially to this—the Fifty-first Congress, in the fortifications acts of 1890 and of February 24, 1891, authorized contracts to the amount of $4,250,000 to be made for steel breech-loading guns for fortifications. That contract is not yet complete. The Fifty-second Congress, in the fortifications acts of 1893 and 1894, also authorized contracts for armament for fortifications amounting to $1,676,000 in excess of the appropriations.

After the first regular session of the Fifty-third Congress, in preparing to meet the contract obligations under the fortifications act, the House Committee on Appropriations, so well presided over by my worthy and able friend from Texas [Mr. SAYERS], provided only sufficient sums to meet the contracts until March 3 of that fiscal year—March 3, 1895. Provision was not made for the whole fiscal year, but precisely such a provision was made as we propose to make here in regard to this contract work.

That action distinctly established the precedent of appropriating at a long session of Congress for contract work only sufficient money to meet maturing contracts until March 3 of the following fiscal year, on which date the appropriation bills passed at a short session must necessarily go into effect. And the gentleman from Texas and his committee did wisely when they so provided for the public service, because the contracts were made, the work was going on, and the appropriations when made were immediately available; they never lapsed. They rested upon an entirely different principle and an entirely different foundation from all the other appropriations. Let me say again, the appropriations for public buildings and rivers and harbors are exactly like those for fortifications. In other words, they are excepted from the operation of the covering-in act of 1874; they are without limitation as to the time of their availability, and without restriction as to the period within which they shall be expended. Under these conditions there is no necessity for measuring according to the requirements of a fiscal year the amounts to be appropriated for either of these three classes of continuous-contract work. On the other hand, it is both reasonable and businesslike to gauge the appropriations by the natural periods within which Congress is called upon to enact money bills.

Mr. McMILLIN. Will my friend allow me a question?

Mr. CANNON. Yes, sir.

Mr. McMILLIN. If I understand the gentleman's explanation, this method of proceeding does not diminish the expenditures of the Government at all——

Mr. CANNON. Oh, no.

Mr. McMILLIN. But simply diminishes the amount that this Congress seems to be charged with as an expenditure.

Mr. CANNON. Oh, that is a matter of argument.

Mr. BINGHAM. The appropriation is made up to the expiration of the Congress.

Mr. McMILLIN. In other words, this bridges over the matter until after the election.

Mr. CANNON. Not at all. The gentleman has listened to me in vain if I have failed to convince him of the propriety of this method of appropriation, its justice to the Government, its justice to the contractor. I repeat that in reference to this class of appropriations we are simply following the precedent made by the last Congress.

Mr. BINGHAM. And unobjected to by the other side.

Mr. CANNON. Yes; unobjected to by the other side, the matter being frankly stated by the gentleman from Georgia [Mr. LIVINGSTON], who was in charge of the fortification bill, and whose words on that occasion I have now before me.

I say again—and I ask the attention of the gentleman from Tennessee—that to appropriate for this class of work by fiscal years (the fiscal year in no way applying to those expenditures) would result in a lapping of appropriations; that is to say, if this bill should make appropriations for these purposes until June 30, 1897, the next sundry civil bill, which must become a law on or before March 3, 1897, would carry provisions which, under the express provisions of the law, would be available on that day. So that you would have the last four months of the next fiscal year provided for by this sundry civil bill and also by the next sundry civil bill.

Mr. McMILLIN. Not necessarily. It strikes me that the rule has been to appropriate from the 30th of June of one year to the 30th of June of another year.

Mr. CANNON. Certainly.

Mr. McMILLIN. Now, here we have an innovation. Allow me to say, with all deference to the gentleman, that all we have to do is to continue the course that has been pursued heretofore, to follow the old rule, and then the country will understand exactly what we are appropriating for each fiscal year. But now you make a showing of economy, while there is no reduction at all. It strikes me that each fiscal year ought to be charged with its own expenditures.

Mr. CANNON. I say again to the gentleman that, instead of looking at the logical way of making appropriations for this continuous work, he comes to the conclusion that there must be some political move. I say to him again that, as to fortifications, as to public buildings, as to river and harbor improvements carried by the sundry civil bill, the moment that bill is signed by the President the appropriations are immediately available; so that if we now provide for these objects of appropriation for the whole of the next fiscal year, then the next sundry civil bill, which must become a law by the 3d of March, 1897, will provide for four months of that same fiscal year. Thus you have four months plastered over by both bills. Such a method is not logical; it is misleading. Instead of making a new precedent we follow the precedent that was so well made in the last Congress touching fortifications.

Mr. McMILLIN. But the gentleman, in order to do so, departs from the precedents of one hundred years.

Mr. CANNON. Oh, no. On the contrary, I follow whatever was good that was inaugurated in the last Congress or the one before. I follow the logical method of recommending appropriations. I follow that method which will adequately care for the public service. I do not want to care for it twice, because it will do no good to have two bills whose appropriations touching these contract works are spread over the last four months of the next fiscal year.

Now, the gentleman from Tennessee refers to what he calls the precedents of a hundred years. But there has been a wide departure touching the care of our public works, commencing with the Fiftieth Congress, followed by the Fifty-first, Fifty-second, Fifty-third, and to be followed in the Fifty-fourth, namely, that, instead of making the appropriations for rivers and harbors and for public buildings, and doing a little at a time on them for years, and thereby paying the highest possible price instead of accomplishing much by contract—that is, under the old system—under the new system contracts are authorized at the beginning, the work is fully let, and the appropriations are made from one period to another, after careful inquiry, to meet the contract. It is estimated in the various Departments that this not only conduces to speedy construction of desirable public works, but also results in the saving of from 25 to 30 per cent in the cost of construction. This policy was begun, as I have said, in the Fifty-first Congress——

Mr. McMILLIN. It is not the contract system of which I complain, but this method of appropriation for existing works. The result of such a mode of making appropriations must be simply to mislead somebody as to the expenditures made by Congress.

The contract system I do not object to, for I will admit that in many instances it has resulted in great saving to the Government.

Mr. DINGLEY. My friend did not think of that in the last Congress, when this same system was adopted.

Mr. CANNON. No; my friend from Tennessee discovers it now, apparently for the first time. Fortunately for the country, let me say to the gentleman that this precedent was followed in the last Congress.

Now, the gentleman from Tennessee will remember that when we were boys and used to play ball, we used to call out "Three times and out." Now, once more, this appropriation for continuing contracts is not an exceptional one. There is not a man who abounds in appropriations anywhere in his bailiwick but wishes they were under a continuous-contract system, and when the money is appropriated as it is earned. That is all that is proposed to be done in this case.

And now, while talking of the continuous-contract system, that was born in the Fifty-first Congress in connection with the Library of Congress building, I want to say that these appropriations are exactly what I have already expressed them to be, exceptional in their nature, and if I can get my way about it, if I am in the next Congress, I shall seek an amendment to the rule that will create another appropriation bill in addition to the thirteen, I believe, that we have now, that would be an appropriation bill, under the rule, to carry appropriations for continuous-contract work; and I repeat that is necessary, because they are exceptional in their nature. Why? asks somebody. Because it is a system that reaches out. Not only has it reached out heretofore, but it is reaching out at this session. Last Congress two battle ships were authorized by law. The contracts were made in January of this year, and the sundry civil bill will have to carry the appropriations in whole or part for armament for these ships until they are completed.

The naval bill for this year authorizes the construction of work which will amount to some $20,000,000: Four great battle ships, their armament, and 15 torpedo boats, the contracts to be made in ninety days. I have no doubt—what amount it may be I do not know—that when the river and harbor bill is reported, as was the case in the Fifty-first Congress, and the Fifty-second and Fifty-third Congresses as well, it will authorize contracts for the improvement of rivers and harbors without carrying the appropriation, and as the years roll around, these contracts being made and the work being done, a careful estimate will come from time to time as to how much money is to be paid on all of these contracts, and the sundry civil bill will have to carry them. It is perfectly evident to me that this kind of contract work for the public service touching these great improvements is right and will not be departed from, but will grow instead of lessening, and if that is the case the appropriations for it are exceptions, as I have said. Unlike any other appropriations they are immediately available, and never lapse. It may well be then, that, being unlike any other appropriation, instead of carrying them in the sundry civil bill, another appropriation bill should be framed, to be an appropriation bill, as I have said, for contract work or continuing contracts. But we can meet that when the time comes.

Now, I have nothing to conceal about the recommendations this committee makes. The recommendations are made deliberately; we believe it to be right, that they are in the line of precedent, that they are what was done touching fortifications in the last Congress, and we believe that there will be no deficiency at the time that this proposes to provide for. When we meet next winter, when the sundry civil bill is enacted into a law a little less than twelve months from this time, it will take up and appropriate for the same objects, the money being immediately available. Why, that is not new to any of us. It is the law. My friend from Texas [Mr. SAYERS], on the sundry civil bill for the current year, wanted to be absolutely certain about it, and not only wanted to enact the law to care for the public service, but wanted to take a bond of fate against the First Comptroller of the Treasury, so that in addition to appropriating for public works, he wrote into the bill what was law, namely, that the funds should be immediately available. It is right and proper in this connection that I should call attention to some of the items that we have increased upon this bill, for the public service.

Mr. DINGLEY. Before my friend passes from this portion of the bill, I desire to say, as long as he has not called attention to a fact which his report shows, that while as a matter of fact this bill is $16,000,000 less, or thereabouts, than the sundry civil appropriation bill of the previous year, as has already been stated, the decrease consists principally of three items, $8,000,000 being in river and harbor contract work.

Mr. CANNON. Yes.

Mr. DINGLEY. And $3,000,000, or thereabouts, in public buildings, and $5,000,000 in the sugar-bounty appropriation.

Mr. CANNON. That is right.

Mr. DINGLEY. Yet, as a matter of fact, if you had appropriated on the items in dispute for the full fiscal year, instead of for eight months, it would have increased this appropriation only $3,831,000.

Mr. CANNON. Yes.

Mr. DINGLEY. That is all there is in dispute, this question of $3,831,000. So far as this bill is less than the other, it arises from the fact that there is less contract river and harbor work and, of course, no appropriation for the sugar bounty?

Mr. CANNON. Oh, certainly. I am not criticising the bill for the current year, passed by the last Congress. So far as it provided for the public service it was well done. If it had sins at all, in my judgment they were sins of omission and not of commission. I will be exactly frank and say that if this bill, which your committee reports for your consideration, has sins at all they are sins of omission rather than of commission. Yet after diligent inquiry we have sought to make sufficient provision for the public service. Let me call your attention to a few items in detail that this bill carries that the law for the current year did not carry.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois to the fact that he has exceeded his time.

Mr. SAYERS. I will ask for an extension, to give the gentleman such time as he wants.

Mr. McMILLIN. This is a pretty important matter, and I think if it is desired on either side of the House, there ought to be a little extension of time. I suppose there will be no objection, and I move that the gentleman proceed without limit.

Mr. CANNON. In a very few minutes I will close. I have no desire to needlessly occupy the time of the committee.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended?

There was no objection.

Mr. HENDERSON. Is my friend going to take up another part of the bill now?

Mr. CANNON. I am going now to show where there are certain items of increase.

Mr. HENDERSON. I see on pages 54 and 55 of the bill you have made a provision for surveys west of the ninety-fifth meridian for permanent monuments.

Mr. CANNON. Yes.

Mr. HENDERSON. But you make no provision for the territory east of that meridian?

Mr. CANNON. That is right.

Mr. HENDERSON. You make provision for the country west of the Missouri practically, but cut out Iowa and all the country east of that?

Mr. CANNON. Yes.

Mr. HENDERSON. There are many of us who believe—whether these monuments should be in as great number as those west of the ninety-fifth meridian or not—that there should at least be permanent monuments in the country east of it. I should be glad to hear an explanation of that. I understand that the Superintendent of the Coast and Geodetic Survey, in a report previously made to Congress, has recommended that monuments be placed all over the country, although not as many in some parts of the country as in others.

Mr. CANNON. I will say to the gentleman that in my judgment this appropriation that he calls attention to is subject to the point of order. I will say to the gentleman from Arkansas [Mr. TERRY] that I did not recollect that at the time he spoke. That is one appropriation which, in my judgment, is subject to a point of order.

Mr. TERRY. And there are appropriations for light-houses, too, which are subject to a point of order, are there not?

Mr. CANNON. No; I think not. The full committee, or a majority of it, however, thought it was proper to report that appropriation for the marking of the topographical surveys, so that the House might adopt it if it desired to. We restricted it to the territory west of the ninety-fifth meridian, for the reason that it was urged strongly that it was necessary in the arid regions and in the mountainous regions, to enable them readily to make the irrigation and other surveys. We so restricted it for the reason that we doubted the necessity for this expensive marking of topographical surveys in Massachusetts, New York, and the country east of the ninety-fifth meridian. I will say, however, that if the item stands it is subject to amendment, and I do not know but that it ought to cover the whole country. That certainly can be considered when we reach it.

Mr. HENDERSON. I have no disposition to antagonize the item, unless we are to be deprived of the right of amendment. I understand it will only cost $250 per 1,000 square miles to make suitable marking in the regions east of the ninety-fifth meridian. If we are going to have markings made, I submit that they ought to be made for the entire country.

Mr. CANNON. I hope my friend, if he does extend it over the East, will put a limitation on it that it shall not cost over $250 for a thousand square miles. I shall be gratified at that, because I think it would cost $2,500, and I am not sure that a much larger amount would cover the cost. We can discuss that when we reach it.

Mr. HENDERSON. That is the estimate of the Superintendent. I say that on the basis of a conversation that the gentleman from West Virginia had with him on the subject; but here is what I want to submit—I may not be here when this matter is reached, and some other gentleman may call attention to it. I submit to the committee, if we are going to have a permanent marking of these lines, that we should have it for the whole country, although the Superintendent claims that it is not as necessary in the East as in the West. So far he agrees with the judgment of the committee.

Mr. CANNON. As to that class of appropriations, they are not best, in my judgment, and for this reason. The rule of this House is wise, in providing that appropriation bills shall not carry

legislation. Why? Because, like this very item, somebody wants to inaugurate a public work and gets his appropriation in. The gentleman gets it inaugurated. Yet, in ninety-nine cases out of a hundred, when it is inaugurated it goes in and grows to be elephantine. Therefore the legislation that enters upon marking 3,000 miles across this continent of the topographical surveys should be reported from the Committee on Public Lands, have its day in the House, and have full consideration and limitation. Now, that is my general objection to that class of amendments. The whole thing can come up, when we reach it, under the five-minute rule.

Mr. PICKLER. I would like to inquire of the gentleman from Illinois, in the line of the inquiry of the gentleman from Iowa [Mr. HENDERSON], how disputes would be determined? Will the Government go into the question of determining the lines?

Mr. CANNON. All these things would come up for consideration if the gentleman from Iowa [Mr. LACEY] reported a bill from the Committee on Public Lands, and we could have it properly matured and guarded.

Now, then, I was going to call attention to certain items wherein we find the public service required something more than it was getting for the current year. Take artificial limbs for soldiers. The increase is $445,000; and the reason for that increase is that every third year they are entitled to a new limb; and the coming year is the third year. Now, public buildings are increasing, and for assistant custodians and janitors, for taking care of public buildings, we make an increase of $35,000, which on inquiry I believe will probably better care for buildings in that respect than they are being cared for now. For the enforcement of the Chinese exclusion act we recommend an increase of $25,000. I am not criticising the amount appropriated this year. I am quite sure that the gentleman in charge of the bill last session recommended what he thought was necessary and sufficient, and perhaps it is; but under the new treaty and under the disposition of Chinese to come in along our northern and southern borders, we can properly limit their coming under the law; and it was the opinion of your committee, I believe unanimously, that this increase of $25,000 should be made to better enforce the law.

Mr. SAYERS. Not unanimously; but the minority were willing that the current appropriation should be carried in the bill.

Mr. CANNON. Well, whether it was unanimous or not, it seemed at least to the majority to be wise. For back pay and bounty allowance the increase is $31,000, because of the increased estimates, and there will probably be that much prepared for payment during the coming year. For fuel, lights, and water for public buildings the increase is $25,000. For the support of Soldiers' Homes in States and Territories the increase is $100,000, to meet the phenomenal increase in the inmates of the Homes under the stress of hard times, I suppose, in part, and increasing age of the inmates this increased appropriation is required.

Mr. SAYERS. In this connection I hope the gentleman from Illinois will state that at the last session the bill passed carried all that was asked for for this purpose by the Department.

Mr. CANNON. Oh, certainly; I am not criticising. I am only showing the growth of the service. I have no criticism to make in this respect of the law for the current year. For Life-Saving Service gentlemen know the increase, which is $49,600, due to the growth of that service. In the Light-House Establishment the increase is $112,000 over the current law, which is necessary to keep pace with the growth of that service, and, if possible, for greater efficiency. For the enlargement of military posts we recommend an increase of $75,000 for the repairs, care, and enlargement of posts. We recommend an increase of $55,000 for the revenue service. So I might go on and speak of similar increases.

Now, I want to say that this bill—and I ask the attention of the committee—was constructed along the line of the following principle: to care for the public service as liberally as the service is being cared for now, with only such additions as are absolutely necessary to render the service efficient where it is not now efficient, from growth of service or otherwise. Let me say again, that in the existing condition of the Treasury the bill provides for appropriations for new objects only where their importance is so great as in the opinion of the committee to absolutely demand the appropriation, and are of such importance that a wise economy demands they should be made, notwithstanding the money to meet them must be borrowed upon interest. Along the line of that general policy this bill is framed, and I think it comes fairly within the policy that I have just stated.

Now, a word in conclusion. I want to speak for a minute about the policy of appropriation and the amount that we shall probably appropriate this year, so far as we can estimate and forecast it from the bills that have passed the House and those that are yet to be enacted, and I want to compare the appropriations that we are liable and likely to make with the appropriations made in the last three Congresses. In the Fifty-first Congress, as shown by the official statement, we appropriated $988,000,000. That includes the permanent indefinite appropriations. That Congress was called "the billion-dollar Congress." It broke the record, and yet, in the main, the appropriations were wisely made, because, as somebody said at the time, this country in its great growth had gotten to be a billion-dollar country. The Fifty-second Congress, with a Democratic House, when the gentleman from Indiana, Mr. Holman, presided over the Committee on Appropriations, made appropriations aggregating, as shown by the official statement, $1,027,000,000, an increase over the appropriations made by the Fifty-first Congress. In the Fifty-third Congress, when my friend from Texas [Mr. SAYERS] presided over the committee, the aggregate of the appropriations, as shown by the official statement, was $989,000,000.

Mr. LIVINGSTON. I wish to ask the gentleman whether there was any impropriety in any of those appropriations? Is it not all a matter of politics?

Mr. CANNON. I was not speaking of them to show impropriety or for politics. I was trying to logically discuss for a moment, for the information and consideration of the House, what the amount of the appropriations to be made by this Congress might reasonably be expected to be, and right in the middle of my sentence the gentleman from Georgia breaks in with his remark, "The gentleman is talking about politics." [Laughter.]

Mr. LIVINGSTON. I desire to repeat the question.

Mr. CANNON. I will answer the question, and if the gentleman will only wait a minute—if he will not anticipate that nobody can open his mouth in this House except for some partisan advantage, and will let me complete my statement of the matter—I think that even the gentleman from Georgia will realize the fact that I am trying to logically discuss this matter of appropriations.

Mr. LIVINGSTON. I did not intend to throw you off your balance at all. [Laughter.]

Mr. CANNON. Oh, I thank the gentleman! If the gentleman had thrown me off my balance, perhaps I should have been for a second where the gentleman appears to be all the time. [Laughter.]

Mr. MEREDITH. We honestly tried in the Fifty-second Congress to carry out the works that had been commenced in the Fifty-first. Everybody concedes that.

Mr. CANNON. Now, Mr. Chairman, I do not speak of these appropriations made by the last three Congresses for the purpose of criticising them. In the main they were necessary for the public service. I call attention to these appropriations in order that I may discuss for a minute what will probably be the appropriations required of this session of Congress for the public service. In my judgment, after careful examination of the matter, saying nothing about authorizations in the naval bill or on the river and harbor bill, the appropriations for this session of Congress, including the permanent appropriations, can not fall below $506,000,000.

Mr. SAYERS. I understand my friend from Illinois, then, to be preparing the way for an appropriation of over $500,000,000 by Congress at this session.

Mr. CANNON. In my judgment, taking into consideration the estimates that have come down and what are to follow for the public service, the aggregate of our appropriations will not be less than $506,000,000, including the permanent indefinite appropriations and deficiencies.

Mr. LIVINGSTON. May I make a suggestion to my colleague on the committee?

Mr. CANNON. Certainly.

Mr. LIVINGSTON. If that amount is reached by the appropriation acts passed by this Congress at this session, then suppose that all the appropriations were made for the full fiscal year, instead of until March next, what would the aggregate be?

Mr. CANNON. If we made full appropriations for twelve months instead of for eight months for contract public buildings and contract river and harbor work, the increased amount in round numbers would be a little more or a little less than $3,000,000, but if we pursued the course that you pursued and avowed and defended (I have your language before me) on the fortifications act, only twelve months ago, we would not appropriate that $3,000,000. Does the gentleman want his recollection revived as to what he did say on that occasion?

Mr. LIVINGSTON. Just as you please about that.

Mr. CANNON. Well, I have it here and will read it if the gentleman wants to hear it. Now, Mr. Chairman, if I have said anything hasty, or seemingly so, to the gentleman from Georgia, if I have manifested that spirit in language or in manner, I withdraw both, because I have no unpleasant feeling toward the gentleman. Of course I can not withdraw the statement of fact that I have made. [Laughter.] Perhaps we are both a little hot-headed at times and not considerate enough. There is nothing in a business bill like this to beget any feeling. I have none. That is all I want to say.

Mr. LIVINGSTON. I bear no malice, I am sure, against the chairman of the committee.

Mr. CANNON. This increase comes from a growth of the public service. It is necessary to meet contracts which were

authorized in the Fifty-second and Fifty-third Congresses in part. It comes under the estimates submitted by a Democratic Administration, and we cut away below the estimates when we keep within the $506,000,000.

Some gentlemen may ask, Why call attention to this matter? I do so for this reason, and this reason only: You can not care for the public service of this country fairly well (without embarking upon new lines of service) for less than $500,000,000 and a little more.

Mr. LIVINGSTON. I may just as well suggest to the gentleman, in all candor and truthfulness, that you can not do it without an increased appropriation every year that this House meets from now for a hundred years to come.

Mr. CANNON. I think very likely that is true. The country grows. But in presenting this great appropriation bill I call attention to the conditions, because many individuals believe that this bill has sins of omission instead of commission; and I have called attention to the manner in which it was constructed so that gentlemen may see that we have been as careful as we could be to care for the public service, but have nowhere entered upon new service or continued old, except as it was absolutely necessary.

Now, there is one other matter to which I wish to call attention. In the Fifty-first Congress we gave the largest appropriations that ever had been given for the public service up to that time. That Congress was called "the billion-dollar Congress." And in the Fifty-second Congress that succeeded, when Mr. Holman presided over the Committee on Appropriations, we had a full Treasury. There was no dollar of the public money paid out to meet our appropriations that was not collected month by month to be paid out, leaving money there after we met all the expenditures. I am not going into the whys or wherefores; I am merely speaking of a fact. Since March 4, 1893, we have continued to make appropriations the same as the prior two Congresses, but we have borrowed $293,000,000, and there has been no month, if I recollect aright, during that whole period—certainly no quarter—in which the outgo was not greater than the income.

In this condition of affairs I appeal to each individual Representative that we be satisfied with caring for the public service—not meanly on the one hand or extravagantly on the other. Do the best we can, this borrowing has got to go on to meet our daily and monthly expenditures; and in this condition no new work should be entered upon, no new expenditures should be made, after we have provided for the absolutely necessary expenditures of the Government, unless there be some expenditure of such overmastering importance as to make us feel that when we come to render an account to our constituents we can say: "We made that expenditure, notwithstanding the money to pay for it had to be borrowed at interest."

I thank the Committee of the Whole for its attention, and beg pardon for having consumed far more time than I supposed I would or could.

Mr. PICKLER. I wish to call attention to one of the matters of "omission" in connection with this bill. On page 51 I find an appropriation of $250,000 for surveys and resurveys of the public lands. I see that the appropriation for this purpose for the present fiscal year was $375,000 and that the estimate for the coming fiscal year was $442,000.

Mr. CANNON. Unless I am mistaken in my recollection, the appropriation for that purpose in this bill is the same as for the current fiscal year.

Mr. PICKLER. I have read the figures from the gentleman's report.

Mr. CANNON. Then I think there must be a mistake in the report. The appropriation for the current year is, I believe, the same as the amount recommended in this bill. As I understand, the appropriation for the current year is $250,000, and we recommend in this bill $250,000 for the same purpose.

Mr. PICKLER. Two hundred and seventy-five thousand dollars in all you recommend.

Mr. CANNON. I believe the gentleman is right. Two hundred and fifty thousand dollars is the amount for surveys and resurveys of the public lands, and then there is an appropriation of $25,000 for survey of private land claims, etc. But if any discussion on that item be desired it can be had under the five-minute rule.

Mr. Chairman, I ask unanimous consent that such time be allowed the other side under the control of the gentleman from Texas [Mr. SAYERS] as he may desire.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas consume as much time as he may choose in the discussion of this bill. Is there objection? The Chair hears none.

Mr. SAYERS. Mr. Chairman, I do not intend to consume as much of the time of the committee (if the members will give me their attention) as has been occupied by the gentleman from Illinois.

It is due to the committee that I should state at the outset that the only objection I have to this bill goes to the fact that a majority of the committee have failed and refused to appropriate a sufficient amount for public buildings under contract, and for river and harbor improvements under contract, until the fiscal year ending June 30, 1897. As to the other items in the bill, I believe they are in the main correct.

There are no jobs in the bill; there are no items in it which have been put upon it for special purposes and not for the public good, and I have no hesitancy in saying that I shall oppose all efforts to increase the size of the bill, although the appropriations for rivers and harbors and for public buildings are confessedly insufficient for the coming fiscal year. I will also say, in reference to the bill that I believe, so far as public buildings and river and harbor contracts are concerned, that there is a sufficiency appropriated for those contracts and for the buildings named until the 1st of March next, and that the sundry civil bill to be passed at the next session, as stated by the gentleman from Illinois, will take up these works at that time and carry them on to the extent of the appropriations then to be made.

But, Mr. Chairman, the pending bill is entitled "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes." The gentleman from Illinois will admit that for these particular classes of appropriations there will be a deficiency for the last four months of the next fiscal year.

Now, let us see how the gentleman from Illinois has proceeded with reference to appropriations. At the beginning of this session he had an eye to the size of this bill. I have served with the gentleman in committee, and have sat around the same table with him for eight years or more, and the gentleman could not help it if he would, and I will go further and in all kindness say I do not believe that he would, if he could, prevent a little bit of politics from entering into the bill.

Mr. Chairman, we had an urgent deficiency bill to pass the House a few week ago. There are two items in it to which I wish to invite attention. I will not delay the committee by reference to others that are equally liable to criticism. One is the appropriation for the building for the Library of Congress. It amounts to $480,000. Not one penny of that sum, as testified to by General Casey, who was before our committee, will be expended during the present fiscal year. It was in no sense of the word a deficiency. This accounts for the fact that there is no appropriation on this bill to complete the Congressional Library building, although the sundry civil bill, which I had the honor to report at the last session of the last Congress, was weighted down in the sum of $900,000 for that purpose.

Mr. CANNON. Will my friend permit me a moment? I know he does not want to misstate me.

Mr. SAYERS. Not at all.

Mr. CANNON. Just at this point, I recollect very well the appropriations that went on the urgent deficiency bill: $480,000, I believe, was the amount for the Library.

Mr. SAYERS. Yes.

Mr. CANNON. And the gentleman from Texas will recollect that General Casey came before our committee——

Mr. SAYERS. He did.

Mr. CANNON. And that appropriation went in there because it was for a class of work that was not included in the original authorization of Congress, and he said that he could not make a contract for it under the general authority of law, and that it was necessary to have the appropriation before he could make the contract.

Mr. SAYERS. Ah, but did he not state at the time that he would not expend a dollar of it during the present fiscal year?

Mr. CANNON. Certainly; but we made the appropriation so that he could make the contract.

Mr. SAYERS. But this bill is $480,000 less than it would be because of the fact that we put the appropriation on the urgent deficiency bill which this bill should have carried. It was in the power of the gentleman from Illinois, if he had desired to do so, to insert a clause in that bill authorizing the officer in charge of the building to make the contract. He did not do it, for the reason, I suspect, that the present sundry bill would be compelled to carry the appropriation. If this had been done the present Congress would be charged with the appropriation, whereas being on the urgent deficiency bill it could be and will be charged as a deficiency to the last Congress. But there is another item in the urgent deficiency bill. The publication of the Agricultural Report was improperly put on that bill also, and amounted to $300,000.

If we examine the sundry civil appropriation act for this year, that is the act that was passed at the last session of the last Congress, we will find an appropriation of $300,000 for the printing of an agricultural report; but the gentleman from Illinois, in order to oblige the members with a second report to come before the usual time, inserts $300,000 in the urgent deficiency bill for that purpose. It, too, will be charged to the last Congress. I could refer to other items, all aggregating nearly a million of dollars, none of which were deficiencies, though they were put on the

urgent deficiency bill. They were not deficiencies in any sense of the word, but they were put on that bill so as to relieve the present Congress of them.

But, Mr. Chairman, reference has been made to the Fifty-first Congress. The records of that Congress show that the appropriations made at its second session and after the election exceeded those made at its first session and before the election by $55,611,747.60.

In the Fifty-third Congress—that is, the last—the case was altogether different. The appropriations made at the last session of that Congress—that is, after the last election—were $8,221,440.69 less than those made at the preceding session and before the election.

The purpose of the Committee on Appropriations in the last Congress was to equalize, as near as could be done, the appropriations of the two sessions, and if possible to pave the way for still greater reductions during the present Congress.

But, sir, let us consider briefly the particular appropriations of which I complain. The gentleman says that the Fifty-second Congress inaugurated this method of making appropriations. Is this true? The estimates for river and harbor contracts for the first session of the Fifty-third or the last Congress—that is, to cover the entire fiscal year ending June 30, 1895—were $8,300,000. How much was appropriated upon those estimates? The sum of $8,400,000, as shown by the records. That was at the first regular session of that Congress. What was the sum total of the estimates for river and harbor work to the second regular or last session of the Fifty-third Congress? It aggregated $11,387,115 as necessary to carry such work through the present fiscal year; that is, until June 30, 1896. How much was appropriated upon those estimates? The sum of $11,547,115. So that the statement made by the gentleman from Illinois, that the Committee on Appropriations of the last Congress at either session had failed to give to the Government all the money that was necessary in order to carry out these contracts during the entire last fiscal year and the entire present fiscal year, falls to the ground. The record wholly disproves it.

I see my good friend from Pennsylvania [Mr. BINGHAM], who is second on the Committee on Appropriations—my genial and chivalric friend. I remember that at the last session of the Fifty-third Congress there was a cool round million dollars estimated for Philadelphia. The gentleman from Pennsylvania [Mr. BINGHAM] and I had a talk about that item. Said I: "Do you insist upon all of this item, General?" "Oh, yes; I must have it." And he looked as fiercely and determinedly as when he rode along the field of Gettysburg amid the carnage of battle, and he got the appropriation. But, lo, when the estimate came up this year for Philadelphia—$850,000—my good friend from Illinois [Mr. CANNON] called the gentleman from Pennsylvania to him, and putting his arm lovingly around his neck said: "Harry, my old boy, can you not get along with an appropriation up to the 1st of March next?" And Harry yielded, and instead of demanding $850,000 he was satisfied with $480,000. A Democrat is not now at the head of the Committee on Appropriations, but a Republican, who is making a record for the coming campaign.

Mr. LOUD. He took it because he had to.

Mr. SAYERS. Has my friend had a sad experience before that committee this session?

Mr. LOUD. Yes; and shed tears, too. [Laughter.]

Mr. SAYERS. Let us consider these particular items somewhat further and see what will be the result. When we meet here on the first Monday in December next this proposition will be presented to the gentleman from Illinois and he can not escape it: Will he appropriate only for one year; that is, until the 4th of March, 1898, for these river and harbor contracts and for these public buildings? If he does, he will make a deficiency for the next Congress to carry. Or will he appropriate for sixteen months instead of twelve months? If he does not appropriate for sixteen months instead of for eight months, as now, he is as certain to have a deficiency which the next Congress will have to meet as this building stands and the people are represented by a Congress. The gentleman will not deny it. He can not avoid it.

Mr. CANNON. I will say to my friend if he desires——

Mr. SAYERS. I will yield to the gentleman.

Mr. CANNON (continuing). That in my judgment the recommendations in this bill will carry all continuous-contract work up to the 1st of March, 1897.

Mr. SAYERS. I think so.

Mr. CANNON. The gentleman says he thinks so.

Mr. SAYERS. Yes.

Mr. CANNON. Perchance there may be some mistake about it. If there is any, when Congress meets in December we will do then just exactly what we did on the urgent deficiency bill, when we put in an item of $300,000 for payment of continuous work that was absolutely needed at Galveston.

Mr. SAYERS. The necessity for an appropriation for Galveston Harbor on the urgent deficiency bill of this session did not proceed from a failure to appropriate at the last session of the Fifty-third Congress up to the full estimate for the present fiscal year. Turning to the Book of Estimates for the present fiscal year we find the estimate for Galveston Harbor to be $1,000,000, every dollar of which was appropriated. The reason why a deficiency occurred in this appropriation was that the work has proceeded much faster at that point than was anticipated by the Chief of Engineers, and not because of the failure of Congress to appropriate up to the estimate.

But, Mr. Chairman, I ask my friend from Illinois to tell the House when the next sundry civil bill comes up for consideration whether he will recommend appropriations for twelve or for sixteen months.

Mr. CANNON. I will state to the gentleman that we will do precisely as you did with the fortification bill a year ago—we will recommend enough money to pay all bills until the next bill shall become law.

Mr. SAYERS. The gentleman speaks of the fortification bill. Every dollar asked for the river and harbor contracts for the present fiscal year was given by the last Congress, and will the gentleman say there is one dollar deficiency asked for the present fiscal year because of the failure of the fortification bill to carry enough?

Mr. CANNON. I am not speaking of deficiency. I am speaking of methods of appropriation; and I will say, as the gentleman appeals to me, in my judgment this bill for this purpose cares for the public service until the next bill becomes law; and in my judgment that is a proper policy to pursue.

Mr. SAYERS. The gentleman has not answered the question. He has not been as frank as he ought to have been. He ought to have told this committee whether it is his intention to recommend an appropriation for twelve months or for sixteen months in the next sundry civil bill. If he recommends an appropriation for twelve months, the next Congress as soon as it meets will have to appropriate in an urgent deficiency bill for the remainder of the fiscal year ending June 30, 1898.

Mr. CANNON. I will say to my friend, if he desires, just at this point, that if the House will follow the recommendation of the committee and make the provisions in the judgment of the committee, there will not be as large a deficiency appropriation as there will be for this session.

Mr. SAYERS. Does not the gentleman know that there will be fewer appropriations for deficiencies at this session than for any session of Congress for eight years past?

Mr. CANNON. I will say to my friend in reply that up to this time there is $11,000,000 in sight.

Mr. SAYERS. Of course, when you put upon the urgent deficiency bills items which the sundry civil bill should carry you will swell deficiencies; but if you will confine deficiencies to such as are truly within the definition you will not have as large a deficiency bill by very many millions as was in the second session of the Fifty-first Congress and in the first session of the Fifty-second. The deficiencies at the second session of the Fifty-first amounted to $38,699,746.96, and at the first session of the Fifty-second Congress to $14,441,121.22.

Mr. CANNON. If my friend will allow me, we have no desire to deceive each other.

Mr. SAYERS. We can not. [Laughter.] You can not deceive me and I can not deceive you as to what occurs around the committee table.

Mr. CANNON. I will ask my friend to indicate any item that has been put on any deficiency bill that ought not to go there.

Mr. SAYERS. I have just indicated——

Mr. CANNON. Which one?

Mr. SAYERS. Four hundred and eighty thousand dollars which went on the urgent deficiency bill for the completion of the Library building.

Mr. CANNON. My friend and I want to be entirely candid, and I will be candid. I ask him again if it is not true that that $480,000 had to be appropriated before contracts could be made for the work, that General Casey said that he had no authority to contract, and that if the building was to be completed by January 1 next that it was absolutely necessary that the appropriation should be made?

Mr. SAYERS. But it was not a deficiency. I am not objecting to the item as an improper appropriation. It was a proper appropriation. My contention is that you have shifted it from the sundry civil bill to a deficiency bill.

Mr. CANNON. The sundry civil bill could not be waited for, because the appropriation was necessary at once.

Mr. SAYERS. The gentleman knows very well that not one dollar of that money will be expended during the present fiscal year.

Mr. CANNON. I know it is all obligated now.

Mr. SAYERS. Of course.

Mr. CANNON. And the obligation could not have been made if the money had not been available.

Mr. SAYERS. It will not do to say that, because we have again and again, in every Congress, since the Fiftieth Congress, authorized contracts in advance of the appropriations.

Mr. CANNON. But my friend knows the character of appropriation. My friend will bear me out that this does not come under the contracting power in that bill.

Mr. SAYERS. It could have been authorized. But instead of doing that, and in order to save the appropriation on the sundry civil bill, the appropriation was made upon the urgent deficiency bill.

Mr. CANNON. The gentleman is not so candid as he ordinarily is.

Mr. SAYERS. I try to be. The difference between the gentleman and myself is that we are going to two different points. He is trying to accomplish one thing and I am trying to accomplish another; so we can not agree.

But, Mr. Chairman, the gentleman from Illinois has invoked the fortification bill as a precedent to sustain him in his method of appropriating in the pending bill for the construction of public buildings and for carrying out the river and harbor contracts. Sir, the two bills are not parallel. They are not on all fours, one with the other. Every sundry civil bill is entitled "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, and for other purposes."

The bill upon its face is intended to cover such expenses for an entire fiscal year, and not for a part of the year.

A fortification bill, however, is entirely different. It is always entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes."

As will be seen, no time is specified and no date is fixed in the fortification bill. It may be for a greater or less period than a year. No deficiencies are incurred under it, and it is solely within the discretion of Congress as to whether appropriations for such purposes are large or small.

I repeat the statement that the two bills are neither parallel nor analogous, and neither can stand as a precedent for the other.

As to the appropriations by the last Congress, at either session, to continue the construction of public buildings that were then authorized, it has not been contended, nor will it be contended, that such appropriations were not entirely sufficient for the entire year for which they were made. Not so in the pending bill. They are only until the 1st of March next—that is, for eight months, and not for twelve months.

As to the public buildings, Mr. Chairman, we find that the pending bill only carries $1,240,364.29, while $2,575,364.29 is demanded by the Department as absolutely necessary; and as to river and harbor contracts it carries $2,878,597 as against an estimate of $4,044,597.

But, sir, it is said in the report accompanying the bill that it carries $17,151,789.81 less than the same bill for the current year. That is true, Mr. Chairman, but it is only so to some extent from the unusual and unprecedented manner in which the bill has been made up. Besides, sir, the law for the current year contains many items which are not to be found in the pending bill, and which more than account for the difference.

I invite attention to a statement which I have prepared and which I will read:

| | |
|---|---|
| Amounts appropriated in last sundry civil act for— | |
| River and harbor contracts | $11,287,115 |
| Ohio River improvement | 150,000 |
| Sugar bounty, refund | 5,238,289 |
| Library building | 900,000 |
| Light-houses, construction | 542,350 |
| Sufferers Ford's Theater disaster | 125,000 |
| Revenue-cutter vessels | 325,000 |
| Public buildings, construction | 3,396,450 |
| Government Printing Office, addition | 100,000 |
| International Monetary Conference | 100,000 |
| Total | 22,164,204 |
| Amounts in this bill for above items: | |
| River and harbor contracts | 2,878,597 |
| Light-houses, construction | 291,700 |
| Revenue-cutter vessels | 125,000 |
| Public buildings, construction | 1,558,074 |
| Total | 4,853,371 |

Notwithstanding these heavy and unusual items which are to be found in the sundry civil bill for the last session of the Fifty-third Congress and which are intended for the present fiscal year, it will be found upon examination that the appropriations at that session were less than those at the former session of that Congress by $8,221,440.69.

It was not so in the Fifty-first Congress, nor will it be so in the present Congress.

Mr. BINGHAM. Mr. Chairman, I ask the gentleman to yield me five minutes.

Mr. SAYERS. With pleasure.

Mr. BINGHAM. Mr. Chairman, of course I am under very great obligations to my distinguished colleague on the committee from Texas [Mr. SAYERS] for his more than kind and courteous reference to myself and to our relations in the past, if not at Gettysburg yet elsewhere, and in connection with those relations he spoke of my fierce martial expression. Certainly, Mr. Chairman, that did not intimidate the gentleman during the civil war——

Mr. SAYERS. I had a gun in my hands at that time. [Laughter.]

Mr. BINGHAM. The gentleman had a gun in his hands, but he had a much stronger gun when we were laboring together in the last Congress on the Appropriations Committee, an intellectual gun, and while mine did not approach it in power it was yet sufficient to convince the gentleman that as a million dollars was necessary to the great harbor in his State, so my great harbor, passing through several States, deserved equal recognition. I am free to say to this committee that no "fierceness" on my part or on the part of anybody else in the deliberations of the committee in the Fifty-second Congress ever troubled the gentleman from Texas in reaching his intellectual and wise conclusions as to giving to the House and to the country a fair bill under which the Government might be carried on. The gentleman calls attention to the fact that the bill under consideration appropriates for the fiscal year ending June 30, 1897, but the gentleman must understand that that wording of the bill applies to everything in the bill other than that which is carried under the contract system, other than that which is carried in contracts for public buildings, other than that which is covered by contracts on river and harbor work. Every other appropriation in the bill terminates with the fiscal year. The appropriations pertaining to those lines of the public service to which I have expressly referred run continuously; hence they are not made for the fiscal year.

The gentleman calls attention to the fact that our Svengali friend from Illinois influenced me to accept his conclusions upon the eight months' appropriation in the bill. I did accept them; but I did not accept them until I saw that full justice was being done to the great harbors and the other important contract work of the Government. I did not accept them until I saw that my own section of this great country had been properly cared for. I discovered that because of the generous action of the gentleman who was in control of this bill in the Fifty-second Congress there was standing to the credit of the contract service in the harbor of Philadelphia on the 1st day of March of the present year $375,000, and that this bill appropriated for the next eight months the full amount that the engineers said could be advantageously expended in that time. I found also that for the gentleman's own section of the country generous provision had been made in this bill. What I looked at was not the question whether there was precedent for this particular form of legislative appropriation. I simply looked at the question whether the contract work of the Government was going to be faithfully and fully performed during the first eight months of the coming fiscal year under the limitations of this bill, and I find that such is the case.

Mr. SAYERS. I do not think there is any doubt about that.

Mr. BINGHAM. One other point. I do not think the criticisms in this debate should be directed to the mere form in which you propose to enact your legislation. Those criticisms, if just, should apply to the necessity of the work proposed to be done, whether it can be well done for the sums proposed, and whether the system under which it is being done is economical and wise.

The gentleman knows that one of the first bills coming before us in every Congress is the urgent deficiency bill. We have had that bill before us in this Congress. Then later there comes the general deficiency bill, averaging, as a rule, from eight to ten million dollars at every session of Congress. That is because the normal appropriations under the statutes are less than the requirements for the service. Every appropriation in this great bill can be exceeded by the Departments. They are not limited to such expenditures as will make the appropriation suffice for the whole fiscal year. They will come into this House at the next session and they will ask for appropriations to meet the deficiencies which have occurred, because the allowances in your appropriation bills have not been sufficiently ample. I make the point that the criticisms indulged in in this House should run to the question whether the appropriations proposed are ample for the good conduct of the Government; they should not be directed to the mere form in which the paragraphs are inserted in the bill.

I believe this bill to be a good one throughout—as good a bill as we can present to this Congress. The gentleman has stated that we shall exceed in the sum total appropriated at this session what we have appropriated in preceding sessions. This is a fair bill. The gentleman's statement is correct. Outside of the criticism as to the contract service and as to the adoption of the eight months' limitation instead of the old limitation of twelve months I do not think there can be any just criticism against this proposed legislation. I am in hearty accord with the proposition that the appropriations for the contract service should run for eight months.

Mr. SAYERS. I yield to the gentleman from Missouri [Mr. DOCKERY] as much time as he may desire.

The CHAIRMAN. Under the order adopted general debate was limited to sixty minutes, which time expired some time ago; but unanimous consent was asked that the gentleman from Texas [Mr. SAYERS] have unlimited time.

Mr. MCMILLIN. I ask unanimous consent that the time for general debate be extended until those who are opposed to the method of appropriation embraced in the bill may have as much time as has been occupied by the gentlemen in favor of those provisions.

Mr. CANNON. That is all right. I suggest that the time of the gentleman from Texas be extended, and that he yield to any other gentlemen who desire to speak.

Mr. MCMILLIN. That is satisfactory.

Mr. SAYERS. That agreement, as I understand, has already been made.

The CHAIRMAN. How much time does the gentleman from Texas yield the gentleman from Missouri?

Mr. SAYERS. As much as he may desire.

Mr. DOCKERY. Mr. Chairman, I desire to occupy only a moment. The position of the minority of the Appropriations Committee has been so fully and clearly explained by the gentleman from Texas [Mr. SAYERS] that it is hardly necessary to make even a single observation. I desire, however, to extend my sympathy to the gentleman from Illinois, the chairman of the committee, in his efforts to secure a proper reduction of the appropriations. I believe he will bear testimony that I have earnestly sought, so far as I could, to limit the appropriations of the Government to the lowest point consistent with an honest, economical administration. I think the majority of the committee will bear witness in the same behalf.

I must say, however, Mr. Chairman, when the gentleman from Illinois declines to make appropriations in the usual way for the fiscal year, I am compelled to refuse to follow his leadership. I am sure that this side of the House during the present session has dealt with the question of public expenditures with as much fairness, as much honesty, and as much economy as when we controlled the organization of the House. Upon examining the official record, Mr. Chairman, I find that the appropriations for the Fifty-first (Reed) Congress amounted to $1,035,680,109.94; that those of the Fifty-second Congress aggregated $1,027,104,547.92, while the appropriations of the last Congress amounted to but $989,239,205.69.

The appropriations for the first session of the Fifty-first Congress—and I desire to call the special attention of the committee to the aggregate, because I concur in the view expressed by the gentleman from Texas that the appropriations of the second session of this Congress will largely exceed the $506,000,000 estimated by the gentleman from Illinois as the aggregate for the present session—the appropriations for the first session of the Fifty-first Congress were $494,456,248.65, while for the second session of the same Congress they were $541,223,861.29, which caused the total of the appropriations for the Congress to exceed the billion-dollar limit. In other words, Mr. Chairman, the appropriations for the first session of the Fifty-first Congress were fairly economical, and substantially in accord with the demands of the public service. It was at the second session of that Congress, however, when the unbridled Republican majority made the enormous appropriations that fixed the aggregate at the stupendous total of $1,035,680,109 for the Congress.

Now, Mr. Chairman, in this connection I desire to acquit the gentleman from Illinois [Mr. CANNON] and also the Speaker of this House [Mr. REED], because they endeavored to restrain the action of the majority in respect to expenditures—I desire to acquit them of having favored these enormously extravagant appropriations. I believe that the gentleman from Illinois and the present Speaker have never been quite content with the record of that Congress in so far as it related to the appropriation of public money. I know that the gentleman from Illinois, in the closing days of that Congress, standing in yonder aisle, over and over again appealed to the Republican side to stay their riotous assaults upon the Treasury. It is known also that the Speaker was not in sympathy with the profligate appropriations then made, and therefore I assume that the gentleman from Illinois, then as now in charge of the Committee on Appropriations, seeks to improve the record of that Congress and escape, if possible, a billion-dollar total.

I have sustained him up to this moment in his efforts to reduce expenditures. As a humble Democrat, I propose to stand by him to the end of the session in all proper efforts in behalf of judicious economy. But, Mr. Chairman, if the reduction of appropriations is to be accomplished in this bill and others that are to follow by the absolute omission of appropriations essential for the public service, I must decline to indorse such false economy. I will support the chairman when he seeks to reduce appropriations to the necessities of an honest, frugal administration, not because I am in political sympathy with the other side of the Chamber, but, being a Democrat, I believe that taxation in whatever form it may be imposed is a burden upon the productive capacity of the people. Whether it be levied by a collector of internal revenue, or through postal receipts, or by customs dues, it is no less a tribute exacted from the taxpayers of the country. Having favored economy in the last Congress, I will not depart from that policy now. In the hour of victory we upheld this doctrine. In defeat let us cling more closely to it.

The great founder of the Democratic party, in his inaugural address of March 4, 1801, concisely enumerated the essential principles of government. He declared, among other things, in favor of "economy in the public expense, that labor may be lightly burdened." It follows, therefore, that the hand of the Federal taxgatherer should be laid upon the resources of the people only to the extent of securing the necessary revenue to support and maintain the Government. I believe in this doctrine. It is essential to the happiness and prosperity of the people. But I challenge the attention of the House and the country to the fact that the majority of the Committee on Appropriations, in defiance of precedents, have refused to appropriate for the public service for the ensuing fiscal year an amount estimated at about $3,000,000. The necessities of the service call for this expenditure, but it is postponed until after the ensuing election. It may be that the aggregate total of this session's appropriations will exceed $500,000,000; but I submit to the House whether it is sound policy, whether it is a wise administration of public affairs, to deliberately refuse to appropriate that which the obligations of the Government demand during the coming fiscal year. It may be good politics, but it is faulty from a business standpoint.

Pursue your policy, gentlemen; we are in a feeble minority, and powerless except to enter our protest; but until the close of this Congress we shall continue to call the attention of the country to inadequate appropriations which may be prompted by partisan considerations. The total appropriations for this Congress doubtless will aggregate more than a billion of dollars, but if they are just, economical appropriations, and required by law the people will not complain.

I had occasion to say at the close of the last Congress that in my judgment the appropriations for that Congress, amounting in round numbers to $989,000,000, could not have been reduced much below $980,000,000 without repealing legislation which made the appropriations necessary. I believe that if we are to accomplish the desirable result of bringing the total of appropriations of the Government much below the billion-dollar mark, we must modify or repeal some of the legislation now on the statute books. But, Mr. Chairman, so long as these laws remain, so long as certain contracts exist to maintain public works, then this Congress should, without evasion and without attempting to mislead the people, make ample provisions for the public service, regardless of supposed party necessities in the approaching campaign.

Mr. SAYERS. I will yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Chairman, there ought to be no concealment, indirection, or deception in legislation. Whatever is done in life, it is well that it be done openly. Whatever is done here ought above all things to be done with perfect candor and perfect openness.

Upon a few points both sides of this House agree. First, it is agreed that the Government of the United States, in pursuance of law, has entered into contracts for the completion of certain public works on rivers and harbors, public buildings, and other things commenced by the Government. It is also agreed that according to those contracts there will be required for the next fiscal year a certain amount of money.

It is agreed also that the amount necessary to comply with the contracts entered into by law is greater by $3,000,000 for the next fiscal year than is carried by this bill.

Therefore, I conclude that there can be no legitimate excuse for the shifting method by which we are proposing to appropriate for a part of a fiscal year instead of a whole fiscal year. The gentleman from Illinois [Mr. CANNON] admits that he is deliberately legislating $3,000,000 less than the contracts of the Government require. He admits that he is appropriating for a part of a fiscal year instead of a whole fiscal year. He admits that the deficiency thus created will reach or exceed $3,000,000. He also admits that this is a departure from the custom of the Government for one hundred years. Against that kind of legislation I desire very briefly to enter my protest.

The gentleman claims that he has warrant for this extraordinary proceeding on his part, and on the part of the great committee over which he presides with such distinguished ability, in the action of a preceding Congress.

If precedents are wise, they are to be followed. If otherwise, they are to be abandoned. I understand that the precedent which he claims justifies this action originated in connection with a fortification bill. It also transpired that the alleged deficiency thus

created has never been appropriated for since, and no demand has ever been made for it, thus showing that the action of the committee was wise and that the case cited as a precedent is no precedent.

Mr. SAYERS. I will say to the gentleman that the fortifications bill is not for any current year. It is just merely an appropriation without reference to current years.

Mr. McMILLIN. Exactly so; and I will supplement the remark of my distinguished friend from Texas by saying that the amount appropriated proved itself amply sufficient for the purposes intended.

Mr. SAYERS. Entirely, and no deficiency followed.

Mr. McMILLIN. No deficiency was created thereby; but here the gentleman from Illinois [Mr. CANNON] admits that he is evading the contract into which the Government has entered; that he is refusing to appropriate money that must be appropriated next year; that he is merely postponing, not defeating, this appropriation. Now, I know that this is a Presidential year, and I know that "stump doctrine" has much to do with Presidential years, and that this is mere "stump doctrine"; but I do insist that it ought not to be sufficiently potent to justify the violation, evasion, or postponement of solemn contracts entered into and work honestly done.

Sir, what has been the custom of the Government in the past? The appropriation bills have been such that at the end of each session of Congress we could foot up the appropriations made and know what the expenditures had been; but here my distinguished friend from Illinois has fallen upon a new method, by which no man in America, by footing up these appropriations, can tell what the expenditures of this Congress have been, for he postpones the appropriations till future years, and will confuse the people thereby.

Now, I do not propose to make any argument against the contract system. Wherever it proves itself more economical it is well to adopt it; but I do insist that when a contract has been entered into the people should know the amount that that contract is costing every year, and there ought not to be a postponement of appropriations or amount of expenditures until after the election. If it is done, let the people know beforehand how much has been postponed. Let them know beforehand for what purpose the postponement has been made. Does the gentleman from Illinois insist that this appropriation is not needed? Far from it. He admits that it is needed. Does he claim that it can be avoided? On the contrary, suits could be brought on the completion and payment forced; and yet he says, "We will not make the appropriation, because we are to come back here next winter"; and while he does not say so, we all know that, the election being over, the bridle can be taken off and the horse whipped down the same old track to the same destructive terminus.

Now, the action of the last Congress is not to be taken justly as a precedent for what is proposed here. What were the continuing appropriations asked for in the first regular session of the last Congress? I do not say the first session, because the first session was an extraordinary one. In the first regular session for this work the appropriations demanded amounted to $8,300,000. The sum of $8,400,000 was given.

At the second session the sum of $11,387,000 was demanded by the estimates, and $11,547,000 was given. Where work was shown to be necessarily more expensive than expected, the appropriation was made; but here we propose to avoid appropriating the money, to reduce the showing that is to be made, for campaign purposes; and I doubt not, as candid as my friend from Illinois is, that he, when he comes to make up the estimates of the appropriations made by this Congress, will be figuring it to the credit of the party that he represents and leaving out these items. My friend from Texas has commented on the fact that certain appropriations have already been shifted from this bill to a general deficiency bill. I insist that that was unjust. In addition to what he has stated, I will point out one or two. He has already shown to you wherein $400,000 that was not legitimately charged upon the deficiency bill, because no law authorized it, has already been appropriated for in a general deficiency bill for the completion of the Library building, although it can not be expended in this year. By that method it can be charged to the last Congress instead of this.

Again, there is an appropriation of $300,000 for the printing of the Agricultural Report. That legitimately goes upon the next appropriation bill and does not belong as a charge upon the last Congress, and yet that has been saddled upon the last Congress. That has been charged to the Democratic Administration instead of this House. What is the necessity for this legislation? Why not boldly come up and tell the people what the last Congress cost the country and what this House is costing it? But these are not all. There was in that urgent deficiency bill an appropriation of $16,000 for the purpose of purchasing a building in Japan, not authorized by law, not contemplated by law; and hence it can not be a deficiency. It was an original appropriation, and although it is made in this Congress, it is charged as a deficiency of the last Congress. By an increase for the navy-yard at Brooklyn, also not chargeable to the last Congress, $50,000 is heaped up against the appropriations of that Congress as a deficiency, when it is not a deficiency. Fifty thousand dollars more in the same way for the increase of the Navy. All of these items, amounting to $898,000, have been put upon a deficiency bill, when they should have been appropriated for on this bill or on the other regular appropriation bills of this Congress.

Now, Mr. Chairman, I was not content that this method of legislation should be entered upon without its being known how it came and to whose charge these expenditures properly belong. Let us go on as we have in the past. Let us make our appropriations for each fiscal year. Let us make them in such a clear and distinct way that when the year is ended every citizen of the United States will know what his Government has cost; and then we will have no trouble concerning these matters. Let us not try to deceive the people. We could not deceive them if we would, and we should not if we could.

Mr. SAYERS. Mr. Chairman, I will say to the gentleman from Illinois that the gentleman from Arkansas [Mr. TERRY] desires ten minutes; and if the gentleman from Illinois will agree that when we reach the paragraph on public buildings he may have an opportunity to offer an amendment and speak for ten minutes, I will agree that general debate be closed now.

Mr. CANNON. I am perfectly willing that the gentleman shall have the ten minutes. I do not want to agree to any amendment.

Mr. SAYERS. I only mean with reference to the time in which he may discuss the amendment.

Mr. CANNON. Oh, certainly.

Mr. SAYERS. Mr. Chairman, I believe that the minority does not desire any further time.

Mr. CANNON. Let the Clerk read.

The Clerk read as follows:

For post-office and court-house at Kansas City, Mo.: For continuation of building under present limit, $50,000.

Mr. PITNEY. Mr. Chairman, I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

On page 2, after line 19, insert the following:

"For custom-house and post-office at Newark, N. J.: For completion of building and for purchase or condemnation of additional land, under present limit, $150,000; and the money remaining unexpended under previous appropriations for the completion of said building shall be available either for that purpose or for the purchase or condemnation of additional land."

Mr. CANNON. I will state, Mr. Chairman, that on examination I find this is authorized by law, and within the limit, and if the estimate had come before the bill was prepared, as it has come since, it would have been in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

Mr. NORTHWAY. I want to ask a question. Has the building been commenced?

Mr. PITNEY. This matter is in progress. The building is substantially totally completed. It is for the purpose of an extension and for additional land and to make the residue of the unexpended appropriation already authorized available for the purchase of additional land.

Mr. CANNON. And within the limit fixed by the law.

The amendment was agreed to.

The Clerk read as follows:

For the appraiser's warehouse at New York City, N. Y.: For continuation of building under present limit, $500,000.

Mr. SHAW. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

For completion of court-house and placing a clock on court-house in Newbern, N. C., $25,000.

Mr. CANNON. I shall have to make a point of order on that amendment. It is not authorized by law.

Mr. SHAW. As I understand the rule, an appropriation is proper to complete a work in course of erection. This court-house is only partially erected. There has been no provision made up to this time for the erection of a tower or for a clock. The people of Newbern have petitioned me time and again to see the Supervising Architect and arrange to have a clock erected on the building. I have written to the Architect, and he informs me that it will take about $25,000 to complete the building with the tower and clock.

Addressing myself, however, to the point of order, as I understand the rule it is that where a building is in course of erection an amendment to complete the work is in order. That is my understanding of the rule.

The CHAIRMAN. What is the law providing for the construction of that building? Has the limit been reached and is this amendment for an additional appropriation?

Mr. SHAW. Yes, sir.

The CHAIRMAN. The appropriation provided for in this amendment is not within the law?

Mr. SHAW. No, sir. This is for an additional appropriation of $20,000.

The CHAIRMAN. In the original appropriation act was the building limited to a certain amount?

Mr. SHAW. I am not sure about that.

Mr. CANNON. I can answer that question from the Supervising Architect's report. The limit was fixed March 3, 1889, at $75,000. By the act of 1890, $25,000 was appropriated, and by the act of March 3, 1891, $50,000 was appropriated; so that the limit was fixed at $75,000, and the whole amount has been appropriated.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TERRY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Add at the end of line 22, page 2, the following: "To supplement the appropriation heretofore made for the improvement and extension of the United States court-house and post-office building at Little Rock, Ark., in accordance with the recommendation of the Secretary of the Treasury, $43,000."

Mr. CANNON. Mr. Chairman, I desire to make the point of order on that amendment that it is not authorized by law, but I will reserve the point if the gentleman from Arkansas desires to be heard.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas [Mr. TERRY] be allowed fifteen minutes in which to present the merits of his amendment.

There was no objection.

Mr. TERRY. Mr. Chairman, I have no general assault to make upon this sundry civil bill. The committee having it in charge doubtless had some sufficient reason for reporting it in the shape in which it appears here, but I desire to call the attention of the committee to a work of public necessity, a work of urgent importance, which the Committee on Appropriations has failed to provide for, and in connection with this subject I wish to ask attention to a statement transmitted to the Speaker of this House by the Secretary of the Treasury in reference to the court-house and post-office building at Little Rock, Ark. I read:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., December 19, 1895.*

SIR: Referring to the United States court-house and post-office at Little Rock, Ark., I have the honor to submit the following statement:

Under date of August 27, 1894, the undermentioned act of Congress was approved:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the following improvements to be made on the building and grounds of the United States court-house and post-office at Little Rock, Ark., and at a cost not to exceed the following, to wit:

"First. To construct an addition to said building for the purpose of creating more room therein, and enlarging the judge's chamber and the offices of the marshal and clerk of the circuit and district courts, at a cost not exceeding $54,000.

"Second. To put an elevator in said building at a cost not exceeding $4,000.

"SEC. 2. That the Secretary of the Treasury shall cause proper plans and estimates to be made for each of the improvements above contemplated, so that no expenditure shall be made or authorized for the full completion of either of them beyond the amount above provided therefor, said amount to be expended under the direction of the Secretary of the Treasury."

Also, under date of March 2, 1895, an item was included in the sundry civil bill for carrying into effect the above act, in amount $58,000.

In pursuance of the above legislation the Supervising Architect of this Department has had a sketch prepared of the proposed extension, and, after careful consideration of the matter, it is found that the sum mentioned in the above bill is inadequate for the purpose required, and that in order to provide an extension to the present building that will give the necessary accommodation to the various Government officials, enlarge the judge's chamber, provide a new court room and a new jury room, and construct the addition so that it will comport architecturally with the present building, which is faced with stone and fireproofed, will require an additional amount of $43,000.

I have, therefore, the honor to recommend that the additional amount of $43,000 be appropriated for the proposed extension.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. Chairman, when I went before the Committee on Appropriations in relation to this matter I was told that a great number of persons were desirous of having provision made for public buildings in their localities, and I stated then to the committee that if there were any that occupied the same position as this work did, if there was a single one that stood on all fours with this, it was the duty of the committee to recommend the appropriation. Here you have a solemn estimate sent in by the Secretary of the Treasury to the Speaker of the House, showing the importance and the necessity of this appropriation. In addition to that, I desire to call the attention of this committee to a statement submitted by the circuit judge of the eighth circuit of the United States, Hon. Henry C. Caldwell. It was written to me when I applied for the first authorization for this work. I asked then for a larger amount, claiming that the sum authorized was not sufficient, and Judge Caldwell wrote me this letter. I ask attention to this letter, and then I desire to submit the question to the judgment and the fairness of this Committee of the Whole and of the gentleman from Illinois himself, who has reserved the point of order, whether he will not permit this necessary appropriation to be made. Judge Caldwell's letter is as follows:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
*Little Rock, March 28, 1892.*

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then—and time has verified the correctness of my judgment—that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room, and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so, except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and costs to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly, HENRY C. CALDWELL,
*Circuit Judge.*

Hon. W. L. TERRY, M. C.,
*Washington, D. C.*

Now, Mr. Chairman, see the position that this Government is left in at Little Rock on account of the want of a sufficient appropriation for this building. Both the judges, the district judge and the circuit judge, are residents of that city, and it often becomes necessary to have both the circuit and the district courts in session at the same time. When that is necessary, you have all the parties that are called to Little Rock in attendance on the courts, jurors who sometimes have to spend weeks there and sometimes months, parties who have to stay there at their own expense, and witnesses in criminal cases and jurors summoned at the expense of the United States. All these are delayed and all this is constantly going on, and the only chance of relief from such situation, that this great Government has to rely upon, is the courtesy of Pulaski County for a room in which to hold one of the courts of these United States.

Now, that is unseemly; and I appeal to the fairness and justice of this House, to its sense of what is due to this great Government, to permit this necessary appropriation to be made. I trust that my friend from Illinois [Mr. CANNON] will not insist on the point of order. In fact, I doubt whether the amendment is subject to the point of order, because this work has been undertaken; one appropriation to do the work has been made; estimates and plans have been prepared; and now, finding the matter in this shape, the Secretary sends to the Speaker of the House this estimate with a recommendation that the appropriation be made. I think, sir, that every consideration of justice, patriotism, and public spirit should induce this Committee of the Whole to grant the appropriation asked for.

Mr. CANNON. Mr. Chairman, without respect to the merits of this proposition, I insist on the point of order that it is not an expenditure authorized by law.

The CHAIRMAN. Is the appropriation beyond the limit?

Mr. CANNON. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After the word "dollars," in line 22, page 2, add:

"For post-office at South Omaha, Nebr.: For construction of building under present limit, $75,000."

Mr. MERCER. Mr. Chairman, with reference to this amendment, I wish to say that the Fifty-third Congress passed a bill providing for the purchase of a site and the construction of a building at South Omaha, Nebr., not to exceed in cost the sum of $100,000, including site and building. Time has elapsed, and thus far not a step has been taken by the Treasury Department even to purchase a site. Mr. Chairman, it does not take a great financier to buy a post-office site and erect a building thereon in one of the cities of the United States; and there is no excuse for it not doing justice to one of the busiest and most prosperous cities in the country by simply executing the law.

I submit, Mr. Chairman, that this amendment is not only not subject to a point of order, but that it comes within the purview of the legislation of this Congress. If we pass the amendment and appropriate this money, we can perhaps force the Treasury Department to purchase a site and erect a building, as should have been done some time ago. I submit to the House that this amendment should be adopted, and I trust that members will see the propriety of such action. For over a year $25,000 has been available,

fifteen thousand of which is to be applied in the purchase of a site. Months and months ago the Department asked for sites and several were offered, all within the amount prescribed by law. I can understand the delay in commencing a public building, but there is no reason whatever for postponing the purchase of a site. I appreciate the position occupied by the distinguished chairman of the Appropriations Committee, and regret that his hands are tied at this time. I will continue to bombard the Treasury Department, in the hope that a site may soon be purchased, and then will ask that a building be erected as rapidly as practicable. A dozen cities are in the same position as South Omaha.

Mr. CANNON. Mr. Chairman, this appropriation that the gentleman from Nebraska asks to have made is wholly unnecessary. It is true that the proposed appropriation is within the limit heretofore fixed, but it is also true that as to this particular building the gentleman is better off than are those interested in most of the public buildings throughout the country. The Secretary of the Treasury now has full authority to contract for that building from cellar to dome.

We examined into this question very fully. There has already been appropriated $25,000—appropriated twelve months ago. Not one cent of that amount has been expended. No site has been bought. And the Supervising Architect says that he can not prior to next winter make even the plans for that building; that he has not yet acquired the site, and that he will not exceed the $25,000 already appropriated within the next twelve months.

Mr. MILLIKEN. Does the Supervising Architect give any reason why he has not made the plans in all this time?

Mr. CANNON. Well, it seems to be the policy of the Treasury Department, under existing conditions, to go slowly. The Agricultural Department would not buy seeds. The Treasury Department in many instances (whether for a good or a bad reason) is proceeding slowly. Now, we can not have administration by legislation. The fact is, as I have stated, that the sum of $25,000 was appropriated twelve months ago, and that there has never been a site bought at South Omaha; that the Supervising Architect, after careful examination, tells us not only that the site has not been bought, but that the plans and specifications will not be made within the next twelve months.

Mr. MILLIKEN. If we can not have administration by legislation, and I concede that statement, and if a Department refuses squarely to carry out the intention of our law, why can it not continue to do so right along forever? If Congress makes an appropriation for anything and the Department refuses to act, what remedy is there on the part of Congress?

Mr. CANNON. Oh, Mr. Chairman, the gentleman knows the answer to that question. If any Administration pursues a policy which, upon the whole, does not meet with public approval, there is but one remedy—an appeal to the people.

Mr. MILLIKEN. We will take that appeal.

Mr. SAYERS. Mr. Chairman, I hardly think the gentleman from Illinois is dealing fairly with the Supervising Architect in this matter. This Administration has pursued the same policy that the former Administration did in regard to the execution of the law as to the construction of public buildings. The trouble has been that up to this date we have allowed that office only $200,000 per annum with which to prepare plans and specifications, advertise for bids, and do all those things of a preliminary character which are necessary before the actual construction of the building is entered upon. At this session this House has voted (and I believe the Senate has done the same) to increase that item of appropriation by the addition of $50,000, so that the Supervising Architect's Office will have after the 30th of June next $250,000 instead of $200,000, as at present, with which to execute the laws with reference to the construction of public buildings.

Mr. CANNON. May I ask my colleague a question there?

Mr. SAYERS. Certainly.

Mr. CANNON. I wish merely to make this suggestion, that I called this to the attention of the Supervising Architect while examining him touching these buildings, this being one of a class, and he said that notwithstanding the increase he could not make the plans until the next coming winter.

Mr. SAYERS. That is so.

Mr. CANNON. And so far as the expenditure is concerned I ask if this appropriation within the coming year is needed?

Mr. SAYERS. I think not. I will be candid with the gentleman.

What I desired, Mr. Chairman, was for the House to understand exactly the condition, and not be impressed with the idea that the delay was because of a policy of the Treasury Department not to proceed toward the construction of these buildings.

Mr. NORTHWAY. If the gentleman will permit me, I have in my district——

The CHAIRMAN. The time for debate has expired.

Mr. NORTHWAY. I move to strike out the last word.

I wish to say that in 1891 a public building was provided for in the town of Akron, in my district, and a year ago I went to the office and made inquiry about it, and they told me that they were anxious to put it up, but they did not have the money to make the plans and specifications.

Mr. SAYERS. That refers to the appropriation of $200,000 heretofore, which has been insufficient.

Mr. NORTHWAY. Yes. Now, this increase of $50,000 will enable them to go on with the work and put up the building.

Mr. SAYERS. Yes. That is the reason that I supported a resolution which passed the House recently allowing an item of $25,000 for the preparation of the plans and specifications for the building at Chicago.

Mr. NORTHWAY. I withdraw the pro forma amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Nebraska [Mr. MERCER].

The amendment was rejected.

The Clerk read as follows:

For post-office at Washington, D. C.: For continuation of building under present limit, $275,000.

Mr. JOHNSON of California. I would like to ask the gentleman from Illinois in charge of this bill a question. Is not that very much lower than the estimate made by the Department for the construction of this building as being absolutely necessary to complete it?

Mr. CANNON. That is sufficient, I would say to the gentleman from California. It is all that is required for the building up to the 1st of March next. That is only a year from this time, and the fund will be sufficient to carry on the work up to that time. There is a desire and recommendation on the part of the Supervising Architect, for various reasons which I will not go into now, to break the limit of the cost on that building, but that will require legislation. We recommend, within the limit, all the money that is necessary for use between now and March 1, 1897.

Mr. JOHNSON of California. Is that all that could be used profitably if appropriated?

Mr. CANNON. There is about $100,000 still within the limit that is not recommended in the appropriation, because it is not necessary.

Mr. JOHNSON of California. If an extra amount was given, would not the work be pushed ahead a little more rapidly?

Mr. CANNON. No. There is power to contract, the gentleman knows, and this building is being carried on under contract now.

Mr. JOHNSON of California. I asked the question because the work seems to be slower now than tar in January. [Laughter.]

Mr. CANNON. All the appropriation that is available for the purpose during the year has been made.

Mr. JOHNSON of California. If the gentleman thinks so, I will not offer the amendment I had intended to offer at this time.

Mr. WELLINGTON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after the sixth line on page 3:
"For court-house and post-office building at Cumberland, Md.: For continuation of building under present limit, $50,000."

Mr. WELLINGTON. Mr. Chairman, I desire to say that I offer this amendment for the reason that during the last Congress there was passed an act authorizing the erection of a public building for a United States court-house and post-office building in the city of Cumberland, Md., and $75,000 was set apart for that purpose. In the appropriation act of that Congress an appropriation of $25,000 was set apart to begin work on this building. The site has not yet been purchased, it is true, but if we purchase the site with the money already appropriated we will not have money enough to carry out that part of the contract, and it seems to me that it is therefore necessary for Congress in some way to provide not only for the purchase of the ground, but for the beginning of the erection of the building, if not its completion.

It may seem a little previous to suggest it at this time, on the ground, it may be alleged, that it is not necessary just now. At the same time, when you take into consideration the conditions existing, it seems appropriate that the amendment should be adopted. I think it is necessary that the $50,000 should be appropriated now, for if the work is to go on at all we should take steps not only to purchase the ground, but to begin the erection of the building at once.

Our people are anxiously looking for it. It is a matter of public necessity. It is the first time in the history of the Government that an appropriation of that kind has been asked by our section of the State. The Department seems to be slow in moving, I suppose because we live up yonder in the mountains, and they think we are not entitled to much consideration. The people are desirous that there shall be a session of the United States court held at Cumberland, and although the authorization has been given, it has not yet been held, because of the fact that there was no court-house in which to hold the court.

Now, we need a court-house and we need a post-office building. The sum of $25,000 has already been set aside. The Department

does not seem to be in a hurry, and one excuse is that there is not enough appropriated to begin the building. Therefore I appeal to Congress now that, in addition to the $25,000 appropriated by the last Congress, you add this $50,000, so that they may purchase ground and begin the erection of this building.

Mr. CANNON. I ask the gentleman's attention. The sum of $25,000 was appropriated a year ago. Not one cent of it has been expended.

Mr. WELLINGTON. Not one.

Mr. CANNON. Not even a site has been purchased. We made diligent inquiry touching this building, and at the end of that inquiry ascertained that there could be no site purchased or plans and specifications made so as to be ready to contract before next winter.

Mr. WELLINGTON. Will the gentleman permit me to interrupt him?

Mr. CANNON. Yes.

Mr. WELLINGTON. I wish to say that I have personal knowledge of the fact that the Treasury Department, more than four months ago, received bids; that they have not seen fit since that time to give satisfaction to anyone as to what they propose to do; and I think that if the Treasury Department do not move, it is the business of Congress at least to put them in such a shape, anyway, that they can not have any further excuse.

Mr. CANNON. My friend will bear me out that they have no excuse now, so far as the means are concerned to begin this work. I call my friend's attention to the fact that the law gives the Secretary of the Treasury power to contract for the completion of this building, the same as all other continuous contracts. He comes and says, through his proper official, that the plans will not be made in any event before almost twelve months from this time. There is already $25,000 available, and the want of appropriation is not what is causing the delay. So that, in harmony with this whole bill, the appropriation need not now be made, and will not hasten the thing one thousandth part of a second if it is made.

Mr. LOUD. Will the gentleman yield for a question?

Mr. CANNON. In a moment.

Mr. WELLINGTON. I wish to ask another question.

Mr. CANNON. Certainly.

Mr. WELLINGTON. Suppose the Treasury Department after having invited these bids and having already allowed four months to pass in which they have not moved a hand or foot or said a word or given a sign by which the people may know what they intend to do—suppose they go on in this way for a year or two? Are we to wait forever before they act upon this matter?

Mr. CANNON. Now I will play Yankee with my friend.

Mr. WELLINGTON. Do not do that.

Mr. CANNON. I will answer his question by asking another. How would the making of this appropriation affect that?

Mr. WELLINGTON. It would affect it in this way: The Treasury Department seems to intimate that the $25,000 may not be enough to purchase this site.

Mr. CANNON. Oh, no; on the contrary——

Mr. WELLINGTON. I want to say, if the gentleman will permit me, that the Treasury Department does not know what this site will cost, and we know something about it.

Mr. CANNON. On the contrary—because I am better advised, I think, than my friend—we went to the bottom of all these public building appropriations and authorizations, and we found that it was not for the want of appropriations, so far as that is concerned. I have been entirely frank with the gentleman. This appropriation of $50,000 which he moves will not hasten the contracting for or the completion of that building a moment.

Mr. WELLINGTON. But will it not do this: Will it not put us in a position to buy this site beyond a peradventure and then begin the erection of this building?

Mr. CANNON. Why, you are in a position now to do it.

Mr. WELLINGTON. We are not in a position to do anything, except to purchase that site, and possibly not that; and if the site is purchased and we have not a dollar more to go forward with, the building can not go forward.

Mr. CANNON. On the contrary—I have failed to make myself understood—the Secretary of the Treasury has the power to contract for this whole building at once.

Mr. WELLINGTON. Yes; but there will not be a dollar of the $25,000 expended.

Mr. CANNON. He has the power to make the contract; and he finds out from the bids on the contract what the building will cost.

Mr. WELLINGTON. If the Secretary has the power to contract up to $75,000, why not appropriate to pay after he makes the contract?

Mr. CANNON. Oh, my friend, occupying the fortunate position that Cumberland does over ninety-nine one-hundredths of the balance of the public service, with full power to contract, she can afford to be content with that, it seems to me, because there is no way, in making these appropriations, to expedite the matter.

Mr. WELLINGTON. I can not see it in the same light.

Mr. CANNON. Oh, well, I am sorry. I am telling my friend the facts.

Mr. WELLINGTON. But there is a difference of opinion.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. SAYERS. I move to strike out the last word. I will say to the gentleman from Maryland that it seems that the policy has been adopted to appropriate only for eight months. That being the policy, the gentleman from Illinois, in my judgment, is quite correct in his statement that an additional appropriation will not be necessary for this building up to the 1st of March. Now, if there has not been a purchase of a site for the building, if I mistake not, if you examine the law you will find that the purchase of the site can not be made until what is called "sketch plans" shall have been prepared, and it shall be the judgment of the Supervising Architect, approved by the Assistant Secretary of the Treasury, that he can afford to pay so much for the site and at the same time complete the building.

Mr. WELLINGTON. Will the gentleman permit a question right there?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. As I understand, the Secretary of the Treasury has already sent out and requested bids for this site. Would not that indicate that that stage of the proceedings had already been reached?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. That has already been done. That stage has been passed. The bids were sent to the Secretary of the Treasury four months ago.

Mr. SAYERS. But the Secretary of the Treasury has not opened the bids for the site. And even after they shall have been opened, if the propositions exceed a certain amount—if they reach an amount which if paid will prevent the construction of the building within the limit prescribed in the bill—then the purchase of the site can not be made.

Mr. WELLINGTON. Then it will be necessary to have an additional appropriation?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. That is just what I am trying to reach by this amendment. I think it may be necessary, in order to purchase a site and make provision for putting up this building, to have an additional appropriation. Now, then, it is true that this can not be done by next March if the present policy of administration is followed, but we do not know but by to-morrow or next week the Secretary of the Treasury may see fit to open these bids and settle the matter, and then we should not be in shape to go on with this building. We have waited up yonder quite a long number of years. We have waited anxiously, and we have gotten to a point where an appropriation has been made for our benefit; and after the law has been passed setting aside a certain sum of money we appeal to Congress now to give us a chance and let us purchase this site. Let us make the plans and go to work and put up this court-house, which we have needed there for a number of years.

Mr. CANNON. Now, if my friend will allow me——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. CANNON. I move to strike out the last word. The trouble is that the gentleman is not bringing the medicine to cure the disease. It is not the fault of appropriation about that building, should the Secretary enter upon it. As a matter of fact, he has not only got the appropriation, but authority to contract. I can tell my friend where the trouble is.

Mr. WELLINGTON. I would like to know where it is.

Mr. CANNON. It is a question of money in the Treasury, and that goes to a general policy that I do not care to discuss now.

Mr. WELLINGTON. We are anxious to know why it is.

Mr. CANNON. It is not a question of appropriation; it is not a question of authority to contract; but it is a question of money in the Treasury of the United States that stands in the way.

Mr. WELLINGTON. Why, the claim is made that there is a surplus in the Treasury of the United States. [Laughter.]

Mr. LIVINGSTON. There is no necessity for an appropriation. If you get the contract, the work will go on under the contract.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. WELLINGTON. I ask for a division.

The committee divided; and before the result of the vote was announced

Mr. WELLINGTON said: I make the point that there is not a quorum in the House.

Mr. CANNON. I ask the Chair to count. There is a hundred present.

The CHAIRMAN (after a count). One hundred and twenty-six members are present. On this question the ayes are 11, noes 49; the noes have it, and the amendment is rejected.

Mr. DOCKERY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 3, after line 6, insert:
"The limit of cost of the public building at Kansas City, Mo., is hereby increased $116,000."

Mr. CANNON. Mr. Chairman, I make the point of order upon that amendment.

Mr. DOCKERY. I concede the point of order to be well taken, but ask the gentleman to reserve it until he hears the letter of the Secretary of the Treasury read, and then, perhaps, he may relent.

Mr. CANNON. If my friend wants to be heard on his amendment I will with great pleasure, out of my love for him, reserve the point of order, but at the end I will make it all the same.

Mr. DOCKERY. Mr. Chairman, I see an unrelenting look in the eye of the gentleman in charge of this bill, so I will simply ask to have printed in the RECORD the letter of the Secretary of the Treasury. In my judgment it conclusively establishes the necessity for this increase of limit.

There was no objection, and it was so ordered.

The estimate is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., March 9, 1896.*

SIR: I have the honor to submit the following statement relative to the United States post-office and court-house building at Kansas City, Mo.

The limit of the cost of the site and building as fixed by act of Congress of January 2, 1891, is $1,200,000, of which amount the cost of the site was $451,578.33, leaving a balance applicable to the construction of the building of $748,421.67.

The cost of the contracts and contingent expenses to date is $508,285.46, leaving a balance for the completion of the building of $240,136.21.

The work yet uncontracted for consists of the dome, roofing, terra-cotta arches, plastering, joiner work, iron stairs, plumbing, heating, electric wiring, elevators, approaches, etc., and the Supervising Architect of this Department estimates that to complete these items the sum of $356,136.21 will be required.

Thus it appears that the additional sum of $116,000, over and above the present limit of the cost of said building as now fixed by Congress, is necessary for the completion of the building, and I therefore have the honor to recommend that the said additional amount be appropriated for that purpose.

The cause leading to the necessity for this additional appropriation is that Llano County (Tex.) granite was used in the construction instead of limestone or sandstone, the materials originally intended in the official estimate, which change incidentally largely increased contingent expenditures also.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, $250,000, of which amount the sum of $30,000 to be used for the marine hospitals and quarantine stations: *Provided*, That of the sum hereby appropriated not exceeding $10,000 may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person $6 per day.

Mr. POWERS. Mr. Chairman, I submit the amendment which I send to the desk.

The amendment was read, as follows:

Line 19, page 34, after the word "stations," insert "and the sum of $70,000, or so much thereof as may be necessary, to be immediately available, to be used in making repairs to the Federal building at St. Albans, Vt., recently partially destroyed by fire."

Mr. CANNON. Mr. Chairman, I shall be compelled to reserve the point of order on that amendment.

Mr. POWERS. Mr. Chairman, I insist that this amendment is not subject to the point of order. The Chair will notice that the appropriation under this paragraph is for the purpose of repairing and preserving "custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, $250,000." Now, the amendment which I propose simply appropriates a portion of this gross sum of $250,000 for the repair of a Federal building coming within the class of buildings named in the paragraph, the public building at St. Albans, Vt., which was recently partially destroyed by fire.

Mr. Chairman, in reference to the merits of the proposition, I have to say that the Government, at a large expense—I forget the amount, but nearly $200,000—constructed a public building for the purposes of a court-house, custom-house, internal-revenue collector's office, and other Federal purposes at St. Albans, which was, to all intents and purposes, completed the day that the fire occurred in that town. The furniture for the building had been contracted for, the doors and windows put in, and within three weeks the building would have been open for the occupancy of the Government officials. A fire came upon that town which, in proportion to the size of the town, was as disastrous as the Chicago fire of 1871 was to the city of Chicago. The business portion of St. Albans was wiped out in two hours, and this public building was very badly damaged. It is built of Vermont marble. Some portions of the walls still remain intact and unharmed, but the Secretary of the Treasury sent an expert there, who has estimated that it will take $70,000 to restore the building to the condition it was in before the fire.

Mr. BINGHAM. What was the date of that fire?

Mr. POWERS. Some time last July.

Mr. BINGHAM. That was prior to the estimates being made.

Mr. POWERS. Very likely. One word more, Mr. Chairman. The Senate has already passed a special bill appropriating $70,000 for the purpose of making these repairs. That bill has come to the House and has been unanimously reported by the Committee on Public Buildings and Grounds, but there is not likely to be action upon it for some time. The circumstances are these: Here is a building with the roof burned off, the inside finish destroyed, some portions of the walls not injured, but a great portion of them so damaged that they must be rebuilt. The Government will not even incur the expense of putting a shed over the building, because the officials say they have no money available for that purpose. Now, I do not ask for a specific appropriation of $70,000, which would increase this bill by so much, but I do ask to have $70,000 of the sum already carried in the bill for the general purpose of repairs applied specially to the repairs of this building at St. Albans.

Why, Mr. Chairman, if the roof of your house should be burned off, would you not, as a prudent man, repair it at once, and thereby preserve the balance of the structure? Just so ought the Government to do in this case. Any man who looks at the circumstances for a single moment must see that good business husbandry demands that this building of the Government be taken in hand at once and speedily put into the condition that is needed for the public business. The Government is now paying heavy rent for the use of offices at that place, St. Albans being the third largest port of entry in this country. This appropriation is absolutely demanded in the interest of business at that point.

Mr. BARTLETT of New York. Allow me to ask the gentleman whether this building which was burned down was insured?

Mr. POWERS. It was not. The Government never insures its public buildings; it declines to do so.

Mr. BARTLETT of New York. Why?

Mr. POWERS. That is a question which I would like to have the gentleman answer. I never could understand the reason.

Mr. BARTLETT of New York. I am not in the Government.

Mr. POWERS. I insist that the amendment is not subject to a point of order. It simply proposes to utilize a portion of the $225,000 that the bill itself carries.

Mr. CANNON. Mr. Chairman, the gentleman from Vermont has presented this matter (as he does every question that he treats) so clearly and so strongly that if a bill to exceed the limit in the construction of this public building were before the House for consideration I think I should vote with him. But as the proposition now comes up on this appropriation bill it is clearly subject to a point of order, because it proposes to legislate. The gentleman substantially gives his case away when he says the Senate has passed a separate bill which is now pending before the Committee on Public Buildings and Grounds of this House. But I am not driven to that argument. I hold in my hand the report of the Supervising Architect, which states that the act of January 26, 1891, limits the cost of the site and building at St. Albans, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, to $60,000, every cent of which has been appropriated. There is the whole story. I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

Mr. POWERS. With all due respect to the Chairman, I ask to take an appeal.

The question being taken, "Shall the decision of the Chair stand as the judgment of the committee?" it was decided in the affirmative.

The Clerk read as follows:

MARINE HOSPITALS.

For marine hospital at Boston, Mass.: For additional for elevator, $1,500; board fence, $350; in all, $1,850.

Mr. WHEELER. Mr. Chairman, early in this session I introduced a bill which was referred to the Committee on Appropriations, a bill which, if it had been acted on, might have placed us in such a position that all the appropriations here asked for could have properly been granted.

The CHAIRMAN. There is no question before the Committee of the Whole.

Mr. WHEELER. I move to amend by striking out the last word.

Mr. Chairman, that bill provided that so long as the gold standard is maintained in this country the salary of all the officials, including Congressmen, be reduced to three-fourths the salaries now provided by law, and that the committees of this House having charge of appropriations be instructed to prepare said bills in conformity with the provisions of this act.

Now, Mr. Chairman, we must either reduce salaries or we must enact the Senate substitute into law, and thus provide for the

coinage of silver. The arguments in favor of the gold standard were little more than the reiteration of the same scarecrow doctrines that were sent here from Wall street to oppose the silver-coinage law of 1878 and which have been reiterated every time a silver-coinage bill has been brought before this body. The arguments were shown to be fallacious then and the history of the last eighteen years has proven them to be utterly without foundation.

A most distinguished member of this body—probably the ablest lawyer from the State which he represents on this floor, and by far the ablest advocate of the gold standard on this side of the House, a gentleman for whom we all entertain profound regard, a gentleman whom I saw in his seat a few moments ago—after the fallacy of those arguments had been exposed, after every principle and theory that he advocated on this question had been refuted, cried out: "Stop all this agitation for the free and unlimited coinage of silver."

Yes, the distinguished gentleman cried, "You must not agitate." That, Mr. Chairman, has been the exclamation of tyrants in all ages—"you must not agitate." [Applause.] When gentlemen resort to this ultimatum they admit that their arguments are fallacies. Nero told the people that they "must not agitate"; Caligula told the people that they "must not agitate." The gold-standard bankers of New York City, who now own substantially all the gold in the United States—so much was shown by the late bids on the bonds—were able to purchase bonds for gold to the amount of $102,448,199.55, while the 20,000,000 people who live south of the Ohio and Potomac rivers were only able to purchase to the amount of $222,086.

These gentlemen of New York insist that "this gold must be the only money of ultimate redemption." They have the farmers of the South and West by the throat, and they say, "You must not agitate. If you do, we will make it worse for you; we control the money of the land; we have a power which you can not resist"; and the distinguished gentlemen who advocate the gold-standard policy cry out, "You must not agitate." "You farmers of the West, you farmers of the South," cry the bankers and monied men, "we have by our methods reduced the value of your products to one-half; we have degraded you to mere toilers; we have elevated ourselves to be money kings and sovereigns; and now we say, 'You must not agitate' [applause]; if you agitate this question we will make matters worse for you."

A few days ago I was cut off in the midst of a sentence while showing the inconsistency of my friend, Mr. PATTERSON, in contending that an excess in silver production made bimetallism impossible.

When Mr. PATTERSON was as ardent a bimetallist as myself silver production was nearly double that of gold and there might then have been a shadow of ground for such a contention.

Now he admits that the production of gold far exceeds that of silver, and certainly if it was right and wise for him to contend for silver coinage then it is ten times as right and wise and there are ten times the reasons for him to contend for it now.

The distinguished gentleman, Mr. PATTERSON, also said:

> By the laws of the United States all the gold in the world can be lawfully brought to the mints of the United States and there coined into money, without charge for mintage, at the rate of 23.22 grains of pure gold to the dollar; it follows necessarily that the commercial value of 23.22 grains of gold is exactly equal to the purchasing power of the dollar into which it is coined.

Now, I ask my friend if he will not admit that silver would have the same dignity and the same power if its treatment were the same as that which he states is accorded to gold?

In all his long speech he did not utter a syllable to refute this. His entire speech was little more than personal assertions and fearful forebodings.

The speeches of these gentlemen are merely a repetition of the exploded theories which the Wall street and Lombard street bankers and brokers sent here in 1877 and 1878 to oppose the silver-coinage law of 1878, and which were reiterated by the same men when they struck the final blows upon silver by the bullion bill of 1890 and purchase-clause repeal of 1893.

Every prediction made by these men has proven to be false, and every prediction made by the friends of silver has proven to be correct and true. They said the silver-coinage act of 1878 would be followed by panic and distress. We denied this and insisted that it would bring prosperity. We were right and the gold-standard bankers were wrong.

And yet the burden of Mr. PATTERSON'S speech is a reiteration of this scarecrow fallacy which the Wall street men have sent here to induce representatives of the people to enact laws which will double the value and power of the money which they possess. In the summer of 1893 they and their friends in this House insisted that the purchase-clause repeal would promptly restore prosperity and a rise in prices; we denied it and said distress and falling prices would follow. The result proves that we were right and they were wrong.

I assert that every material prediction made by the gold-standard advocates has been proved to be fallacious and devoid of truth and that every material prediction made by the opponents of the gold-standard policy has proved to be sound and true.

I beg that Mr. PATTERSON will explain to this House why it is that his predictions that panic would follow a silver-coinage act now have any more basis than the same refuted predictions which were made just before the silver-coinage act of 1878. But they say if the Government should coin and pay out silver, gold would cease to circulate as money and would go to a premium.

I deny this, and in reply state that under the ruinous gold-standard policy gold has ceased to circulate as money and is being hoarded by the bankers and moneyed men to be used in coercing the issuance of more bonds.

So effectually has gold been hoarded that, as indicated by the late bids for bonds, for each $1 of gold per capita south of the Potomac and Ohio rivers there is $5,532 in New York City; and during the last two years the Government has paid, or obligated itself to pay, these bankers and brokers and the Rothschilds a premium on gold to the amount of $244,000,000.

This is for interest alone, saying nothing about the principal we have obligated ourselves to pay.

The gentlemen commit a great error when they say that the opponents of the gold standard insist and will accept nothing but free and unlimited coinage of silver at 16 to 1. This is not true.

The bill I offered and have urged before this House is free from every objection which has been urged against free coinage, and yet the gold-standard men oppose it and oppose even its consideration. The bill is as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby directed to purchase all pure silver bullion and all pure gold bullion which may be tendered to the Government at a price not exceeding the average market price of said gold and silver bullion in the six leading markets of the world, said average price to be determined by the latest reports in the possession of the Secretary of the Treasury.

SEC. 2. That the Secretary of the Treasury shall issue in payment of such purchases of silver and gold bullion Treasury notes of the United States, to be prepared by the Secretary of the Treasury in such form and of such denominations as he may deem most suitable for the use of the people; and such Treasury notes shall be a legal tender in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such notes, when held by any national banking association, may be counted as a part of its lawful reserve.

SEC. 3. That the Secretary of the Treasury shall cause to be coined all of said gold and silver purchased under the provisions of this act, or so much thereof as it is possible to coin by using the fullest capacity of the mints of the United States. But it shall be the duty of the Secretary of the Treasury to, as nearly as practicable, coin the same amount of dollars in silver as is coined in gold, and a sum sufficient to carry out the provisions of this act is hereby appropriated.

SEC. 4. That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of any assistant treasurer of the United States, and when so redeemed may be reissued.

SEC. 5. That it shall be the duty of the Secretary of the Treasury in redeeming the Treasury notes issued under the provisions of this act to redeem them partly in gold and partly in legal tender silver, in that proportion in which the two metals were in the Treasury at the opening of business on the day on which the Treasury notes are presented.

SEC. 6. That all laws or parts of laws inconsistent with this act are repealed.

I also introduced a bill to repeal the unconstitutional tax of 10 per cent upon issues of banks other than national banks.

This would divorce our banking system from the Government Treasury and would restore prosperity to the rural sections, and would break the tyrannical power of the moneyed men of the Northeast, but this bill is opposed by the New York bankers and their friends and champions in this House. It is as follows:

*Be it enacted, etc.*, That all laws or parts of laws that place a tax upon the circulation of banks chartered by States, or in any way restrict banks chartered by States from issuing bills for circulation, be, and the same are hereby, repealed.

In order to do partial justice to the producing classes, and so far as I could induce Congress to consider silver legislation, I introduced the following bill:

Whereas the establishment of the gold standard in this country has reduced prices of products to about half their value under the double standard; and

Whereas the farmers and producing classes, who from their incomes pay the salaries of all Government officials, have by reason of the gold standard suffered a loss of one-half of their incomes:

Therefore, in order to do a measure of justice to the 40,000,000 farmers and producers of our country,

*Be it enacted, etc.*, That so long as the gold standard is maintained in this country the salaries of all officials, including Congressmen, be reduced to three-fourths the salaries as now provided by law.

SEC. 2. That the committees of this House having charge of appropriation bills be instructed to prepare said bills in conformity with the provision of the first section of this act.

I contend that if these bills should be enacted into law it would preserve the honor and dignity of the country and restore the people of the entire land to prosperity and happiness. [Applause.]

The Clerk read as follows.

LIFE-SAVING SERVICE.

For salaries of superintendents for the life-saving stations as follows:
For one superintendent for the coasts of Maine and New Hampshire, $1,000.

Mr. LOUD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question with reference to this part of the bill.

I would like to ask the gentleman in charge of this bill what salary is now allowed by law for the superintendent of the Life-Saving Service for the district of Maine and New Hampshire?

Mr. CANNON. The salary fixed by legislation is $1,800, I will say to the gentleman from California.

Mr. LOUD. Then I would like to ask what object the committee has in cutting down the salary of these men, as in this case, from $1,800 to $1,600—men who perform some of the most important and trying duties connected with any part of the United States service?

Mr. CANNON. I would state to the gentleman that the law for the current year, the appropriation bill providing for the Life-Saving Service, fixes the salary of the superintendent at this point at $1,600——

Mr. LOUD. I understand that.

Mr. CANNON. And I think it was cut down two years ago from $1,800 to that sum in an appropriation bill. I suppose the gentleman desired to ask the question as to the time it was done. Two years ago, I think, when the Democratic party had the House and Senate, they took into consideration the condition of the Treasury and the great decrease in the price of living, and came to the conclusion that $1,600 was enough for these life-saving superintendents, and made the appropriation accordingly. We followed that lead, believing that if for two years past it was enough and the compensation was then adequate, that it is still enough, for there has been no very material advance in the cost of living and no special increase in the duties. And the truth of the matter is that, while there has been a movement all along the line for more salaries in the public service, it occurred to the committee that we would not recommend them or recommend the appropriation for increased amounts at this time. We find it that way, and repeat the recommendation carried in the current appropriation bill. That is all.

Mr. LOUD. Mr. Chairman, I think the gentleman from Illinois will find me as conservative as the average member of this House. But I do not believe that there is a person within the limits of the House, who will for a moment investigate the facts and ascertain the duties performed by the superintendents of the life-saving stations, who will not come honestly to the conclusion with me that, instead of being paid $1,800 a year as their compensation, they should be paid at least $3,000 a year.

Mr. SAYERS. Oh, no!

Mr. LOUD. The gentleman from Texas dissents. Is the gentleman aware of the fact that these men have to give heavy bond? They give a bond of from thirty to fifty thousand dollars each; $30,000 being the minimum.

Take my own case as an illustration—my district. The superintendent of the life-saving service there has a length of 1,200 miles of coast line to supervise, while the number of stations which he is compelled to visit and inspect I am not able to state; but the number is very great.

I remember a number of years ago when I first met him. I supposed, in my simplicity, that the superintendent of the life-saving service, a man who had such important duties to perform, who was intrusted with such a responsible service, ought at least to get a respectable salary; but when I discovered that he got only $1,800 a year, as prescribed by law, it is not too much to say that I was perfectly paralyzed.

Because, Mr. Chairman, when you come to take into consideration the duties they perform, the immense responsibilities that devolve on them, and contemplate that they are not receiving the average salary that is paid to the ordinary clerk in the Departments at Washington, you must agree with me that the effort of law to fix the salary of these men at something commensurate with their services was a lamentable failure.

Of course there is a little history connected with the transaction which brought about the reduction from $1,800 to $1,600. The gentleman from Texas is probably as familiar with that as anybody in the House. Some superintendents were getting fourteen or fifteen hundred dollars a year, and gentlemen representing those districts desired to get them increased. The fact that the law only allows $1,400 or $1,500 was no barrier, for they undertook to make the increase in the appropriation bill. It went to the Senate, and this salary is the result of a compromise in conference. Because one or two gentlemen sought to have the salaries raised to a half-way respectable amount for the superintendents in their districts, as a consequence, by reason of a compromise, all of the salaries were cut down to $1,600.

Now, while I shall make no factious fight on this matter and offer no amendment at this point, I shall, when we come to my district, offer an amendment, and appeal to the sense of justice of the House to support it, to increase the salary, because, permit me to say, the day may come when your life may depend upon the efficient services rendered by these superintendents of the life-saving service. There is not a day passes but that hundreds of the lives of our people are dependent upon their efficiency.

I withdraw the pro forma amendment.

Mr. McCORMICK. Mr. Chairman, I renew the amendment.

The explanation of the gentleman from Illinois, the Chairman of the Committee on Appropriations, is ingenious but not satisfactory. The pay was not $1,800 in the district of Maine and New Hampshire, as the gentleman suggested, but $1,500, and last year it was raised to $1,600 in that and other districts. In order to do that those superintendents who were paid $1,800 were reduced to $1,600. So instead of being a reduction in the districts named, it was a positive increase of $100 in each. Let me state that I represent here one of the largest life-saving districts in the country, with over thirty life-saving stations, including the whole of Long Island and the State of Rhode Island, covering in all 41 life-saving stations, as I understand it. The superintendent was paid $1,800. He gives a $50,000 bond. It is the opinion of the Treasury Department that the salary is wholly inadequate. I have here the last report of the Secretary of the Treasury, and I ask that the Clerk read the extract which I send to the desk.

The Clerk read as follows:

The uniform rate of $1,600 per annum, appropriated by the act making appropriations for sundry civil expenses of the Government for the current fiscal year, as compensation for the superintendents of life-saving districts, is not deemed adequate to the service performed in any of the districts, except one. These officers are charged with duties of great importance and responsibility, and are required to furnish bonds ranging from $10,000 to $50,000. A salary of $1,800 per annum, which was paid to the superintendents of 8 of the 12 districts prior to the present fiscal year, would be no more than fair compensation to any of them, except in the seventh district, where all but two of the stations are houses of refuge, without crews, and the duties are consequently less important than in the other districts, and it is recommended that with this exception the salaries be fixed at that rate.

Mr. McCORMICK. Mr. Chairman, the law is still in existence. We do not change the law by placing the salary back at $1,800. We simply make the appropriation that the law requires.

The Superintendent of the Life-Saving Service, Mr. Kimball, favorably known to us all, speaks very earnestly on this whole question in his last report, an extract from which he has given me in proof sheets. I will make it a part of my remarks. It is as follows:

COMPENSATION OF SUPERINTENDENTS AND SURFMEN.

In the estimates of appropriations required by the Life-Saving Service for the current year, an increase of $300 in the salaries of each of three of the district superintendents was submitted, the reasons for the recommendation being stated in a note appended to the estimates, as follows:

"The salaries of the superintendents of the First, Second, and Fifth districts, for an increase in which, of $300 each, an estimate is submitted, were fixed at the present rates by the act of May 4, 1882. At that time the number of stations in the First district were 7; in the Second, 15; and in the Fifth, 11. The bonds which they were then required to give amounted, respectively, to $20,000, $25,000, and $25,000. Since then the number of stations in these districts has been increased, so that there are now in the First district 12 stations, in the Second, 23, and in the Fifth, 17, and other stations are authorized by law to be established in each. The sums of money which now have to be placed in the hands of these officers for disbursement have made it necessary to exact additional bonds, which now amount, respectively, to $30,000, $50,000, and $40,000. The fact that the First district includes a smaller number of stations than the other two is fully offset by the greater extent of territory which it embraces, and the additional hardships and privations that must be endured on account of the severity of the winters in this latitude in making the required visits to the stations. The wide separation of the stations from each other and their great distance from the superintending office also largely increase the difficulties of exercising proper supervision. The present compensation of the three superintendents above referred to is entirely inadequate to the duties they perform, and the proposed increase would put them more nearly on an equal footing with the superintendents of the other districts."

This estimate was approved by the Secretary of the Treasury and submitted to Congress. The increase recommended would have involved an addition of $900 to the annual expenditures. Congress, however, appropriated a uniform rate of $1,600 per annum as compensation for each of the 12 district superintendents embraced in the service, reducing the salaries of 8 of them $200 each below the rate established by the act of May 4, 1882, and increasing those of 4 $100 each; a net reduction of $1,200 per annum. This action inflicted serious injustice upon 8 deserving officers already underpaid and fell short of doing justice to 3 of the remaining 4, while it extended to the fourth an unsolicited and unnecessary increase.

With the exception of the officer last referred to, who has charge of the Seventh district, in which there are but two stations manned by crews (the remaining nine being merely houses of refuge in charge of keepers only), all the superintendents have duties of a very onerous, responsible, and exacting character. They are charged with the direct control and management of the service in their respective districts, which duties include the selection and nomination of the station keepers, the supervision of the selection of the crews by the keepers (which, under the law, must be made with exclusive reference to fitness), the enforcement of proper discipline, the instruction and drilling of the crews, the ascertainment of the needs of the stations as to appliances, equipments, and supplies, making requisition for what is wanted, etc., and as paymasters of their respective districts they are required to disburse large amounts of public funds on account of which the heavy bonds specified in the above note are exacted.

The mere accounting and clerical work incident to the performance of these duties is sufficient to occupy nearly or quite all of their time, and most of them have to employ clerical assistance at their own expense to enable them to make their required visits to the stations. But it is obvious that the clerical work is of minor importance compared with their other duties, and calls into exercise the least important of their qualifications, the chief of which are necessarily of an exceptional character, involving a technical knowledge of surfmanship and life-saving methods not often found combined with the requisite business training. Furthermore, the possession of good judgment, sound discretion, unswerving integrity, uncompromising moral courage, and a standing in the community that commands respect and confidence are indispensable. To these considerations should be added the fact that these officers,

in their official routine, are exposed to hardships and dangers which do not fall to the lot of ordinary officeholders.

During the active season, which embraces the most inclement portions of the year, they have to make frequent visits to the several stations in their respective districts, in most instances extending hundreds of miles along desolate and inhospitable coasts and distant from railroad facilities, often through storms and drifting snows, sometimes camping out and subsisting upon rough fare, frequently making their way in small boats upon dangerous waters, and always under circumstances as widely at variance as is conceivable with the comforts and luxuries of ordinary travel. They are, moreover, frequently summoned by the keepers to trying scenes of shipwrecks where all efforts at rescue have proved fruitless and inevitable failure seems imminent, and on these occasions they assume command. In several such instances successful issues have resulted. But their heroic struggles are not always so rewarded, nor are the hardships and perils of their calling always encountered with impunity. Out of the small number of these officers two have perished by drowning, one has escaped that fate only by mere chance, after prolonged suffering in the water, and one has died from exposure.

It is submitted that it is neither right nor creditable to a great nation to dole out to men like these a paltry pittance of compensation that hardly affords them a decent livelihood. All of those for whom an increase of pay is herein recommended have the supervision of a large number of men—the keepers and crews of the stations in their respective districts—in one district 328, and an average in the 11 districts in question of 160. To other official positions, involving the supervision of even a smaller force of employees and having no responsibility in the disbursement of public funds, has been attached a compensation of $2,500 or $3,000 per annum, and it would seem that the smaller of these sums, at least, should be accorded to those under consideration.

Mr. Kimball is good authority, and knows the situation thoroughly. He thinks the district superintendents are not paid in proportion to other officers of the Government. They take large responsibilities and perform arduous labor. They are among the most trusted and responsible officers of the Government.

Mr. SAYERS. Did I understand the gentleman to state that the superintendent of the district to which he refers has no assistant?

Mr. McCORMICK. No; I did not mean that. I believe he has an assistant for Rhode Island.

Mr. SAYERS. For that district there is a superintendent, and also an assistant superintendent.

Mr. McCORMICK. According to the statement in this bill, yes.

Mr. NORTHWAY. These superintendents have nothing to do with the life-saving work, have they? They do not venture out upon the water, do they.

Mr. McCORMICK. Yes; often. In case of extremity they are always sent for.

Mr. NORTHWAY. They simply superintend the various stations, do they not?

Mr. McCORMICK. They superintend the stations, and are called out in case of emergency—are frequently called out. There are two instances, I believe, in which superintendents' lives were lost by exposure in rescue work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. I ask unanimous consent that the gentleman from New York have five minutes additional time.

There was no objection.

Mr. McCORMICK. I do not know that I shall want five minutes. I simply wish to add, in conclusion, that it is the general sentiment of the Department having control of this service that these men are inadequately paid and have always been inadequately paid. It is the opinion that the salaries should not have been reduced last year. The complaint may not have reached the ears of the chairman of the Appropriations Committee, but it has reached my ears, and I pledged myself to my constituents that I would endeavor in every way to have these salaries restored. Some of the new members may not know that this is a nonpolitical office. It is political in no sense of the term. Under the law it can not be political. The occupant of the office in my district is not of my party, and has never been in sympathy with me politically. But I recognize that he is a responsible man, performing valuable service, for which he is very poorly paid, and I believe we ought not to follow a bad precedent in this matter; that we ought not to follow what may have been done by a former Congress, but do right and act justly and fairly in behalf of men who rank among the bravest that we have in the public service.

Mr. ALLEN of Utah. May I ask the gentleman from New York a question?

Mr. McCORMICK. Yes.

Mr. ALLEN of Utah. I understood by the question asked by the gentleman from Ohio [Mr. NORTHWAY] that these officers are not subjected to any danger of life in the performance of their duties. I did not hear the gentleman's reply.

Mr. McCORMICK. I answered to the contrary. I answered that they were called to assist the life-saving crews in cases of emergency, and that there was a record at the Treasury Department of the loss of lives of superintendents in the performance of duty in connection with shipwrecks.

Mr. ALLEN of Utah. Just one question. The gentleman said this was not a political office.

Mr. McCORMICK. It is not.

Mr. ALLEN of Utah. Perhaps if it were made a political office the salary would be raised.

Mr. McCORMICK. Perhaps it would. It is a thoroughly nonpolitical office, and, as I have said, the superintendent in my district is not of my party.

The Clerk read as follows:

For one superintendent for the coasts of Maine and New Hampshire, $1,600.

Mr. LOUD. Mr. Chairman, I move to strike out the word "six," in line 20, and insert the word "eight," in order to test this question.

Mr. CANNON. I reserve the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. LOUD. If the gentleman stated the law to me correctly, there is no ground for a point of order. The gentleman told me the salary was $1,800.

Mr. CANNON. In charge of a bill of this kind, calling on my recollection, even when reenforced by a man who rarely makes a mistake—I refer to the clerk of the committee—I am liable to be mistaken now and then. I inquired what they were in the bill before this decrease was made, and his general recollection and mine was that my statement was justified; but when the gentleman from New York [Mr. McCORMICK] rises in his place and challenges the correctness of that statement, I find the enabling act, and if the gentleman wants to know what these salaries are I will read it:

But hereafter all district superintendents of life-saving stations shall be disbursing officers, * * * and the compensation of superintendents of the districts herein named shall be as follows: For the first district, embracing the coasts of Maine and New Hampshire, $1,500.

That is the act of 1882.

Mr. LOUD. I withdraw my amendment.

Mr. JOHNSON of California. I want to introduce the amendment again.

Mr. McCORMICK. I renew the amendment raising it to $1,800 for the coast of the district of Rhode Island and Long Island—striking out $1,600 and inserting $1,800. That is the salary now fixed by law; and that is all I ask.

The CHAIRMAN. The Chair understood the gentleman from New York only to make a pro forma amendment——

Mr. McCORMICK. I move this amendment.

The CHAIRMAN (continuing.) To strike out the last word. The gentleman's amendment will be in order when the committee shall have reached that paragraph. That paragraph to which the gentleman from New York spoke has not yet been reached by the Clerk in the reading. We are now on the paragraph on which the gentleman from California has renewed the amendment.

Mr. JOHNSON of California. I renew the amendment of my colleague from California; and before the Chair rules upon any point of order I would like to inquire of the chairman of the Committee on Appropriations if the law that he read just now as being the law covering this salary is the law that applies.

Mr. CANNON. Oh, yes; I so understand it.

Mr. JOHNSON of California. Well, now, I would like to inquire of the gentleman why it is that he has reduced the salary from $1,800 to $1,600?

Mr. CANNON. I will be very glad if by unanimous consent I can tell the gentleman. My understanding is that this act of 1882 fixed certain salaries at $1,500 and in three or four districts at $1,800 a year. Now, that bred much complaint. The $1,800 men wanted to keep the $1,800, and the $1,500 men stated they were doing just as much service and that they should all receive the same or that these others should come down. Now, my understanding is that the gentleman from Texas [Mr. SAYERS] took this matter up a couple years ago and looked into it and equalized these salaries. He recommended the appropriations, and it was recommended in the appropriation bill and not in a law. It is the law for the last year. Now, for Maine and New Hampshire the appropriation is $1,600. That is more than the law provided by $100. For coast of Massachusetts $1,600. That is $100 more than the law. For one superintendent for the coasts of Rhode Island and Long Island, $1,600. That is $200 less than the law. In other words, he equalized them according to the recommendation of the General Superintendent of the Life-Saving Service.

Mr. McCORMICK. Oh, no; oh, no.

Mr. JOHNSON of California. One other point I wish to——

Mr. CANNON. I withdraw that latter remark; but no doubt it seemed to be just to equalize the pay, and it has been done for two years. Now, that is all I desire to say.

Mr. JOHNSON of California. I would like to inquire, a little further, why, on page 13, line 1, which provides for one assistant, the salary is fixed at $1,200?

Mr. CANNON. That is an assistant superintendent.

Mr. JOHNSON of California. That is the reason?

Mr. CANNON. He is an assistant superintendent.

Mr. JOHNSON of California. Then, as I understand it, these are salaries which are fixed by an appropriation bill and not by law.

Mr. CANNON. Oh, no; they are fixed by a law.

Mr. JOHNSON of California. Mr. Chairman, after the explanation given by the gentleman from Illinois, I fail to see any merit in the point of order. Either we have a right to raise this salary to $1,800 or we have no right to raise it at all. Of course I shall not make any point of order, but the salary is altogether too small.

Mr. McCORMICK. We have a right to raise it to $1,800, because that is the existing law, while there is no law authorizing us to raise it to $1,600.

Mr. CANNON. Mr. Chairman, what is the pending proposition?

The CHAIRMAN. It is the amendment of the gentleman from California increasing this salary from $1,600, as proposed in the bill, to $1,800.

Mr. CANNON. And on that I make the point of order.

The CHAIRMAN. The Chair understands that the point of order is pending.

Mr. JOHNSON of California. Yes, and I am endeavoring to convince the Chair that the point of order is not good. Who shall decide when doctors disagree? I suppose the patient. Here we have two gentlemen of equal learning in these matters; one of them, the gentleman from Illinois, tells us that the salary fixed by law is $1,500, while the other, the gentleman from New York, says it is $1,800.

Mr. BINGHAM. They are referring to different paragraphs in the bill.

Mr. JOHNSON of California. Well, I frankly confess that I do not see anything in the point of order. If the gentleman from New York is correct and the law makes this salary $1,800, why can not we raise the appropriation to that amount?

Mr. McCORMICK. That is the law now.

Mr. CANNON. Mr. Chairman, if the Chair desires to see the law, I will send it up.

The CHAIRMAN. It is not necessary. On the statement of the gentleman in charge of the bill that the salary fixed by law is $1,500, the Chair will hold that the amendment is obnoxious to the point of order.

The Clerk read as follows:

For one superintendent for the coasts of Rhode Island and Long Island, $1,600.

Mr. McCORMICK. Now, Mr. Chairman, I move that that salary be raised to $1,800 in accordance with existing law.

The CHAIRMAN. The Chair will hear the gentleman on the existing law.

Mr. CANNON. The gentleman is correct about it. I hold the existing law in my hand, and it provides $1,500 for Maine, New Hampshire, and Massachusetts, I believe, but provides $1,800 for the Rhode Island and Long Island district.

Mr. McCORMICK. And for Virginia, North Carolina, the Lake Ontario district, Lake Huron——

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. BARTLETT of New York. Mr. Chairman, I desire to say a word on this amendment. I make it a rule to support bills coming from committees of which I have the honor to be a member, and therefore it is with some hesitation that I rise to support the amendment of my colleague from New York [Mr. McCORMICK]. I am somewhat familiar with the coasts of Long Island and of Rhode Island, and there are certain peculiar reasons why the salary of the superintendent of that district should be raised to the old standard of $1,800 instead of being allowed to remain at the lesser sum of $1,600. Gentlemen of the committee will bear in mind that all the great transatlantic liners must pass along the coast of Long Island, and that nearly all the great wrecks of the year are on that coast; so that it is of the greatest importance to the commercial and maritime interests of this country that the men intrusted with life-saving duties along that perilous coast should be adequately paid, and it seems to me that this little increase of $200 asked for those hardy seafaring men who risk their lives through every season of the year is one that should be granted by this committee without any division.

Mr. CANNON. Mr. Chairman, I desire to add only a word. These superintendents of the life-saving service are doubtless very worthy and meritorious officers. The law was passed in 1882, and since that time it has been developed that the best interests of the service require the equalization of the salaries; so the $1,500 men have been put up to $1,600, and one or two or three of the $1,800 men have been put down to $1,600. Now, I make no point of order on the $1,600 people. I could, but I do not. But the gentleman from New York seeks now to come in with an amendment to raise these salaries to $1,800. I am not here to say that the salaries are extravagant, but $1,600 in cool cash is not a bad salary for most men. I worked many a year for one-third of the amount and part of the time for one-quarter of the amount.

Mr. BINGHAM. That was when you were young.

Mr. CANNON. Yes; when I was young, and therefore when I could do twice as much work as I can do now, and it is above the average salary for similar talent throughout the United States. I am not, however, opposed to this salary of $1,600. Now, the superintendent of any one of these life-saving stations is, after all, quite as well paid as are the surfmen, who get but $60 a month, and who, taking their lives in their hands, go out in their boats and actually do the rescuing. Those are the men who save the lives. And, sir, whenever I have voted for the appropriation of $60 a month (the sum fixed by law) for those men, who in case of shipwreck actually do the work of bringing in crew or passengers through the billows, I have always felt that this was tolerably small compensation. I have said all I want to say about this matter.

Mr. WALSH. Will the gentleman vote to raise the salaries of the surfmen?

Mr. CANNON. I am here in charge of an appropriation bill that is presumed to be in pursuance of existing law—a bill upon which the rules will not allow me to cut down extravagant salaries—a bill which, in simple justice to the House and to the committee, I must insist shall conform to the law. If the gentleman from New York [Mr. WALSH] will bring in a bill from the Committee on Commerce to increase the salaries of these surfmen and will ask the House to adopt that bill upon its own merits I will vote for it.

Mr. BINGHAM. The pay of these men was increased two years ago.

Mr. CANNON. Yes; they have been increased somewhat.

Mr. McCORMICK. I have before the House a bill increasing the salaries of these surfmen, and I shall be glad to vote for such increase as an amendment to this bill.

Mr. WANGER. Mr. Chairman, I was authorized by the Committee on Commerce at its last meeting to report to this House a measure fixing the salaries of these superintendents (with the exception of one district) at $2,100 per annum, and to fix the monthly pay of surfmen at $65. That report will be submitted to-morrow. It is based largely on the recommendations of the General Superintendent of the Life-Saving Service, who, in his last annual report (which is accessible to every member), states that upon the basis of the salaries of other public officers these district superintendents ought to receive from $2,500 to $3,000. They have a large number of stations to visit, and they must do this in inclement weather. They are required to pay out of their salaries a considerable amount as clerk hire. When a wreck occurs, if it is of any magnitude, the first thing which the local superintendent or the light-house keeper does is to send word to the district superintendent, who, if it is at all possible, goes to the scene of the wreck and takes charge personally of the relief force. As a matter of example, if for no other reason, he is often required under such circumstances to show the most sublime courage, as is always done when the occasion demands it. Two of these district superintendents have lost their lives in the performance of their duties, and another received such injuries that he subsequently died therefrom.

The distinguished chairman of the Committee on Appropriations says that it has been deemed wise to equalize these salaries. That is perhaps true but the revision has been entirely in the wrong direction. It is such a revision as has never been recommended by the officers having jurisdiction of this branch of the public service. The last bill which was passed by this House, introduced by the distinguished gentleman from Texas, and based upon recommendations of the Treasury Department, fixed the salary of this superintendent at $1,800, and raised the salaries of four others, who were receiving a less amount, to this sum.

That bill having passed the House, the Senate, without debate, and without any recommendation from anybody connected with the service so far as the records disclose, changed the bill so as to appropriate only $1,600 as the amount of these salaries. So far as appears in the RECORD no reason whatever was given for reducing the salaries of these superintendents. Since these salaries were fixed at the figures named by the gentleman from Illinois the number of life-saving stations has largely increased and the amount of money disbursed is far greater than at the time of the passage of the act of 1882. There is every reason why these officers should receive more liberal compensation.

The question being taken on the amendment of Mr. McCORMICK, it was adopted.

The Clerk read as follows:

For one superintendent for the coast of New Jersey, $1,600.

Mr. WANGER. I move to amend the paragraph just read by striking out "six" and inserting "eight"; so as to make the salary of this superintendent $1,800.

Mr. CANNON. If in the case of any one of these officers whose salary is fixed by law at $1,800 the appropriation is increased to that amount, a similar increase ought to be made in every case where the law gives the same amount of pay. Let the vote be taken, unless the gentleman from Pennsylvania [Mr. WANGER] desires to say something.

Mr. WANGER. Nothing except that the New Jersey district is one of the largest in the service.

Mr. BINGHAM. Does the statute fix the salary in this case at $1,800?

Mr. WANGER. Yes, sir.

The amendment was agreed to.

The Clerk read as follows:

For one superintendent for the coasts of Delaware, Maryland, and Virginia, $1,600.

Mr. WANGER. I move to amend this paragraph so as to increase the appropriation to $1,800.

Mr. CANNON. I am not going to move to reduce the appropriation named in the bill nor am I going to make a point of order on the amendment. But the legal salary of this officer is only $1,500.

Mr. WANGER. Then I withdraw the amendment.

Mr. MILES. I desire to ask the chairman of the committee what is the amount fixed by law as the salary of the superintendent for the coasts of Delaware, Maryland, and Virginia?

Mr. CANNON. I am informed that the pay is $1,500 a year.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For one superintendent of the coasts of Virginia and North Carolina, $1,600.

Mr. SHAW. Mr. Chairman, I move to amend, on page 13, line 8, by striking out the word "six" and inserting "eight"; so that it will read "$1,800."

Mr. CANNON. The law seems to fix this at $1,800.

The amendment was adopted.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, $1,600.

Mr. SPALDING. Mr. Chairman, I move to strike out "six," in line 17, on page 13, and make it "eight"; so as to read "$1,800."

The amendment was adopted.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, $1,600.

Mr. CROWLEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After the words "one thousand," in line 13, on page 13, strike out "six" and insert "eight"; so as to read "on the coast of the Gulf of Mexico, $1,800."

Mr. CANNON. Well, the law fixes $1,500 for this salary, just as in those other cases where the law fixes the same salary, and it has been increased to sixteen hundred. No effort has been made to go beyond that. I trust the gentleman will not offer the amendment. I will be compelled to make the point of order upon it.

Mr. CROWLEY. Will the gentleman reserve the point of order for a little while?

Mr. CANNON. Certainly. But what I mean to say to the gentleman is that the others are fixed by law at $1,500, and stand on precisely the same footing. They have been allowed $1,600 in this bill, and if you increase this to $1,800 we will have to go back and put all on the same footing.

Mr. CROWLEY. With all due deference to the farmer from Illinois, who knows more of a bicycle than he does of the Life-Saving Service [laughter], I want to say to him that this particular superintendent does more work than any man in the United States. He has the entire coast district from the Rio Grande River to Florida—the entire Gulf Coast. He is always on duty, always ready and willing to do what is right, and certainly deserves a better salary than the meager compensation allowed to him.

Now, the gentleman from Illinois [Mr. CANNON] jumps up every time an amendment is offered, and, with might and main, makes the point of order. If he had to undergo the examination that this particular superintendent underwent to obtain his position, he would not stand "deuce high." [Laughter.] I will guarantee that there are not ten members on the floor of this House to-day who can stand the examination required for one of these positions of superintendent of the life-saving service. Besides that, they must give a bond running all the way from $10,000 to $50,000.

Now, why should you make fish of one and flesh of the other? Here is a man who does more of this work than any other man in the Service, and the gentleman says the law makes the salary $1,500. If a man in Maryland, or Massachusetts, or New York, or elsewhere gets $1,800 for the same work, what is the matter with the man from Texas obtaining the same amount of money? [Laughter.]

Mr. CANNON. Mr. Chairman, the law of 1882 fixed the salary of these superintendents, dividing them into two grades at $1,800 and certain others at $1,500 a year. The $1,500 salaries are increased, without law, to $1,600, and they are just now putting the $1,800 people back to what they are entitled to under law.

Now, this Galveston keeper is getting, under this appropriation, $100 more than he is entitled to. I am quite sure I am not going to agonize about these appropriations, either $100 more or $100 less; but if this man is increased $200 more than he has been already increased, then, in simple justice, we ought to go back and take all of the others and do the same for them.

I thank my friend from Texas, a superior man, a scientific man, a man who is competent to come to Congress by civil-service examination, and who at the same time could stand the examination which would authorize him to occupy a position in the Life-Saving Service—I thank him for his kindly remarks about me. It does not hurt me, and may elect him. Try it over. [Laughter.]

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. CANNON. I am compelled to do so.

The CHAIRMAN. The Chair sustains the point of order; and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, $1,600.

Mr. SPALDING. Mr. Chairman, I move to strike out "six," in line 20, and insert "eight"; so as to make it read "$1,800."

Mr. CANNON. The law fixes it at $1,800.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, $1,600.

Mr. BISHOP. Mr. Chairman, in line 22 I move to strike out the word "six" and insert the word "eight."

Mr. CANNON. The law fixes that salary at $1,800.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, $1,600; in all, $20,300.

Mr. LOUD. Mr. Speaker, I move to strike out the word "six," in line 1, page 14, and insert the word "eight."

Mr. CANNON. The law fixes that salary at $1,800.

The amendment was agreed to.

Mr. MILES. Mr. Chairman, will it not be necessary to change the total of that paragraph?

Mr. CANNON. I ask that the Clerk may correct the total.

The CHAIRMAN. Unanimous consent is asked that the Clerk may rearrange the total in accordance with the amendments agreed to. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, during the period of actual employment; compensation of volunteers at life-saving and lifeboat stations, for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance, and contingent expenses, including freight, storage, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States, $1,248,200.

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, $40,000.

Mr. McCORMICK. I should like to ask the chairman of the Committee on Appropriations if he is willing now to entertain a motion to increase the salaries of surfmen from $60 to $65—in other words, to put the salaries back to what they formerly were?

Mr. CANNON. What is the salary fixed by law?

Mr. WANGER. If the gentleman will allow me, the pay of surfmen, under a recent provision of the Revised Statutes, is $65 per month, provided their services do not continue longer than nine and a half months. Where they are longer than that, the surfmen are only paid $60 per month, in accordance with a previous act of Congress. The result will be that, by raising the pay of all of them to $65 per month, no matter how long they serve, very little additional money will be required, owing to the fact that most of these stations are not open more than nine months. Only in very rare instances do they reach the full limit of nine and a half months. The effect of the law as it exists at this time is that where the stations are open the entire year, or more than nine and a half months, the men who stay throughout the entire year can only get $60 a month, while men who resign from the force in the summer, and go into private employment and earn $100, $150, or even $250, running fishing parties and sailing their own craft, come back in the fall, and during the time while they are in the Service get $65 per month. The result is a bad feeling among the men, which, in the judgment of the Treasury officials,

is not warranted by the small amount of money involved. My recollection is the General Superintendent of the Life-Saving Service is unable to estimate just how many men are cut off under the present law.

Mr. McCORMICK. Complaint has been made that the pay of these men has not been restored. It has been my purpose from the beginning to ask to have it restored to $65 per month, which is little enough, and I now ask the chairman of the committee whether he will agree that the pay of these life-saving crews shall be so restored? The reduction was the cause of great complaint along the whole coast. The men serve for about eight months in the year. It is not as though they were employed the entire year; and as the gentleman from Pennsylvania has just said, the fact that extra men may be brought on who get $65 per month for a part of the time, while the regular employees get only $60, is a constant aggravation. Some of these men came to me before I came to Washington, asking that this restoration be made at this session as an act of simple justice. Of course we should not restore the pay of superintendents and neglect the crews. I am sure you would not object to this if you knew as I do, and as those who live on the coast do, the danger and hardship to which these brave and faithful men are exposed winter after winter and year after year, often taking their lives in their hands.

Mr. CANNON. What is the amendment?

The CHAIRMAN. There is no question before the committee.

Mr. McCORMICK. I ask the gentleman whether he will agree to this change?

Mr. WANGER. Mr. Chairman, I offer the following amendment:

*Provided*, That the pay of surfmen shall be at the rate of $65 per month, no matter what portion of the year they may be employed.

Mr. CANNON. To that amendment I make the point of order, and upon the point of order I will read the law. I had no recollection about the law, but I inquired of a gentleman who is rarely mistaken about these matters. It was enacted since the provision in the Revised Statutes was enacted. The matter was considered, and the bill was passed last year, in 1895.

Mr. WANGER. I wish to say that when I said Revised Statutes I should have said an appropriation bill.

Mr. SAYERS. No; it was not on an appropriation bill. It was by an independent statute.

Mr. CANNON (reading):

The proviso of section 1 of the act approved August 3, 1894, is hereby amended, so as to read as follows:

"*Provided*, That those surfmen who enlisted for a term including more than eight and a half months in that service and those who have enlisted to fill vacancies caused from the promotion, death, resignation, or dismissal of such surfmen shall receive $60 per month during said period of active service."

Now, this bill provides the money to pay in pursuance of the law, and therefore I make the point of order upon the gentleman's amendment, not that it may not have merit, but it is not the right place to legislate.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. CANNON. I will ask how far the Clerk has read?

The CHAIRMAN. Up to and including line 7, on page 15.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7664, and had come to no resolution thereon.

Mr. CANNON. Mr. Speaker, I move that the House do now adjourn.

The question was taken.

The SPEAKER. Pending the announcement the Chair submits the following requests of members:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STAHLE, for five days, on account of business.

To Mr. CROWTHER, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. TATE to withdraw from the files of the House the proofs in support of the bill (H. R. 3706) of the Fifty-third Congress to increase the pension of Rodney F. McDonald, no adverse report having been made thereon.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Meade Frierson, administrator of W. J. Anderson, deceased, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending the passage of an inclosed amendment to section 5430 of the Revised Statutes of the United States, relating to counterfeiting—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for repairs of the Industrial Christian Home building, Salt Lake City, Utah—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the location of a canal connecting Lake Superior and the Mississippi River—to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CORLISS, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred House joint resolution No. 106, reported in lieu thereof a joint resolution (H. Res. 155) proposing an amendment to the Constitution providing for the election of Senators of the United States, accompanied by a report (No. 994); which said joint resolution and report were referred to the House Calendar.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred House bills Nos. 33, 295, 1208, 1240, 3269, 3632, 3633, and 5910, reported in lieu thereof a bill (H. R. 7708) fixing the times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, accompanied by a report (No. 996); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CROWTHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1694) for the relief of certain State militia, reported the same with amendments, accompanied by a report (No. 1000); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain, reported the same with amendments, accompanied by a report (No. 1013); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 1470) to provide for the securing of plans and for the erection of the public buildings of the United States, reported the same with amendments, accompanied by a report (No. 1014); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 3225) for the relief of John F. Bretz, of Springfield, Ill. (Report No. 995.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 7066) for the relief of John Berrisford. (Report No. 997.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 537) to remove the charge of desertion from the military record of Bernhard Stueber. (Report No. 998.)

The bill (H. R. 2364) for the relief of Joseph H. Johnson. (Report No. 999.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md. (Report No. 1001.)

The bill (H. R. 5388) for the relief of F. E. Alberts & Co., Muskegon, Mich. (Report No. 1002.)

The bill (H. R. 570) to refund to city of Milwaukee money expended by said city in paving Wisconsin street in front of United States Government property. (Report No. 1003.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn. (Report No. 1005.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 4941) to pension Hester A. Bostwick. (Report No. 1006.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 6841) granting a pension to George L. Benner. (Report No. 1007.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 2129) granting an increase of pension to Annie E. Nolan. (Report No. 1008.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1505) granting an increase of pension to Rufus H. Paine. (Report No. 1009.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 878) granting a pension to Jared S. Chamberlain. (Report No. 1010.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4823) for the relief of Margaret O'Donnell, nurse, United States Volunteers. (Report No. 1011.)

The bill (S. 1128) granting a pension to Isabella Morrow. (Report No. 1012.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OTEY: A bill (H. R. 7707) to maintain and protect the integrity of the coins of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. HARDY: A bill (H. R. 7709) to establish a retired list for the men employed in the Life-Saving Service of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: A bill (H. R. 7710) to amend section 4896, Revised Statutes of the United States, to enable guardians of insane persons to apply for letters patent—to the Committee on Patents.

By Mr. BELL of Colorado: A bill (H. R. 7711) to fix times and places of holding terms of district and United States courts—to the Committee on the Judiciary.

By Mr. JOHNSON of California: A bill (H. R. 7712) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park—to the Committee on the Public Lands.

By Mr. WHEELER: A bill (H. R. 7713) to reduce salaries so long as the gold standard is continued—to the Committee on Appropriations.

By Mr. COCKRELL: A bill (H. R. 7714) to validate the judgments of the districts courts of Greer County, and for other purposes—to the Committee on the Judiciary.

By Mr. HERMANN: A bill (H. R. 7715) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

By Mr. CATRON: A bill (H. R. 7716) to amend section 1921 of the Revised Statutes, and for other purposes—to the Committee on the Territories.

By Mr. HEATWOLE: A bill (H. R. 7717) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880 (21 Statutes, page 287)—to the Committee on the Public Lands.

By Mr. COCKRELL: A bill (H. R. 7718) to define the preference right of settlers in Greer County, Okla., and other purposes—to the Committee on the Public Lands.

By Mr. MILLIKEN: A bill (H. R. 7719) to authorize the purchase of a site for the Government Printing Office and to commence the erection of said printing office—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7720) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims—to the Committee on War Claims.

By Mr. JOHNSON of California: A bill (H. R. 7721) to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. LOUD: A bill (H. R. 7722) authorizing the appointment of four additional superintendents of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. MOODY: A bill (H. R. 7769) to incorporate the John A. Winslow Kearsarge Survivors' Association—to the Committee on the Judiciary.

By Mr. STEWART of Wisconsin: A joint resolution (H. Res. 154) providing for an investigation by the Secretary of the Interior of the claims of certain homestead entrymen in the State of Wisconsin for loss occasioned by the subsequent cancellation of their entries, and appropriating a sum of money to pay the expenses thereof—to the Committee on the Public Lands.

By Mr. BELL of Colorado: A joint resolution (H. Res. 156) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of States—to the Committee on Election of President, the Vice-President, and Representatives in Congress.

By Mr. WILLIS: A joint resolution (H. Res. 157) to amend the preamble to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A joint resolution (H. Res. 158) establishing a reciprocity commission—to the Committee on Ways and Means.

By Mr. HILBORN: A resolution (House Res. No. 227) appointing J. C. Boatman clerk to continue Digest of Claims—to the Committee on Accounts.

By Mr. PAYNE: A concurrent resolution (House Con. Res. No. 36) relative to printing 10,000 copies of the Statistical Abstract of the United States for the year 1895—to the Committee on Printing.

By Mr. BELKNAP: A memorial of the Illinois general assembly, praying for the enactment of legislation providing a general system of dock and harbor improvement upon the Great Lakes—to the Committee on Rivers and Harbors.

By Mr. WALKER of Massachusetts: A memorial of the general court of Massachusetts, relative to granting pensions to soldiers and sailors confined in Confederate prisons—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 3692) granting a pension to Mrs. Annie M. Clemens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7535) granting a pension to Anne M. Post—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ABBOTT: A bill (H. R. 7723) for the relief of W. L. Cabell, ex-United States marshal for the northern district of the State of Texas—to the Committee on Claims.

By Mr. ATWOOD: A bill (H. R. 7724) for the relief of Charles Erskine—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 7725) to correct the military record of Capt. D. Mullen, Company E, Ninety-eighth Regiment Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BLUE: A bill (H. R. 7726) for the relief of Charles S. Schellner, of Leavenworth, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7727) granting an honorable discharge, with back pay and bounty, to John Courtney, late private Company D, Sixth Regiment Kansas Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. CHICKERING: A bill (H. R. 7728) for the relief of Samuel B. Whittaker—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7729) granting an increase pension to Aaron Rudy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7730) to pension George W. Champney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7731) granting an increase of pension to Susan R. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7732) granting a pension to George W. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7733) granting a pension to William Lambert, of Latham, Kans.—to the Committee n Invalid Pensions.

Also, a bill (H. R. 7734) granting an increase of pension to R. W. Sill—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7735) for the relief of the heirs of certain seamen lost in the foundering of light vessel No. 37—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 7736) granting a pension to Mrs. Clifford Neff Fyffe—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 7737) granting a pension to Richard Porter, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7738) to increase the pension of John F. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7739) to correct the military record of George Yeager—to the Committee on Military Affairs.

By Mr. HAINER of Nebraska: A bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 7741) for the relief of C. J. J. Martyr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7742) for the relief of William J. Ford—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 7743) granting a pension to Emily J. Lyons, widow of Aaron D. Lyons, late a private in the Third Regiment United States Dragoons, Mexican War—to the Committee on Pensions.

Also, a bill (H. R. 7744) to correct the military record of John Bass, late a private in Company G, Forty-eighth Illinois Volunteers, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 7745) to pay Perry B. Bowser $500 as back pay for recruiting and for expenses borne in the military service of the United States—to the Committee on War Claims.

By Mr. HEINER of Pennsylvania: A bill (H. R. 7746) for the relief of Tobias Stiveson, jr., of Indiana County, Pa.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7747) for the relief of William F. Craile, of Leechburg, Pa.—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 7748) to pension Robinson C. Grable—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 7749) to increase the pension of William H. Hanford, Company B, Thirteenth Connecticut Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7750) to increase the pension of Charles Woods—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7751) granting a pension to Daniel Garber—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg*—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 7753) for the relief of Offner & Laumar—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 7754) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 7755) to remove the charge of desertion from the military record of Emanuel Benton Schamp—to the Committee on Military Affairs.

Also, a bill (H. R. 7756) granting a pension to Elizabeth Culp—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 7757) granting a pension to George De Wolf—to the Committee on Invalid Pensions.

By Mr. UPDEGRAFF: A bill (H. R. 7758) for the relief of Mrs. Cheste Tompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7759) for the relief of Abraham Judd—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 7760) for the relief of Charles M. Neet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7761) for the relief Joseph T. S. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7762) for the relief of John M. Fleming, of Lexington, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 7763) to increase the pension of William A. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7764) to increase the pension of Mary B. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7765) to increase the pension of Thomas Wright—to the Committee on Invalid Pensions.

By Mr. WALKER of Massachusetts: A bill (H. R. 7766) granting a pension to William T. Hill—to the Committee on Invalid Pensions.

By Mr. WHEELER (by request): A bill (H. R. 7767) for the relief of the heirs of Clement A. Peck—to the Committee on Claims.

By Mr. WILLIS: A bill (H. R. 7768) for the relief of certain members of Fifth Delaware Volunteers—to the Committee on Invalid Pensions.

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## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Illinois: Resolutions of the Chicago Board of Trade, favoring the creation of a new executive department, to be known as the Department of Commerce and Manufactures—to the Committee on the Judiciary.

By Mr. ARNOLD of Pennsylvania: Petition of Washington Camp, No. 591, Patriotic Order Sons of America, of Clearfied, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Two petitions of citizens of Washington, D. C., containing 100 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

Also, remonstrance of James A. Whiteley and 57 others, of Reedsburg, Wis., against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

Also, petition of E. J. Kidd and 18 others, of Madison, Wis., in favor of House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. BELKNAP: Resolutions adopted by the Board of Trade of the city of Chicago, recommending the creation of an executive department of the Government, to be known as the Department of Commerce and Manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Petitions of citizens of Crested Butte, Colo., favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROMWELL: Petition of Joseph S. Peebles and others, of Cincinnati, Ohio, favoring House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. CATCHINGS: Papers relating to the claim of Sidney R. Smith and others—to the Committee on War Claims.

By Mr. CHICKERING: Petition of citizens of Oswego, N. Y., in relation to a bridge across Detroit River—to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Parish Grange, No. 575, in favor of export bounty for the protection of agricultural staples—to the Committee on Agriculture.

Also, petition of citizens of Hannibal, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer and spirituous liquors to immigrants landing at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hannibal, N. Y., members of the Woman's Christian Temperance Union, asking legislation prohibiting the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

By Mr. COUSINS: Protest of Prof. E. R. Ristine, Rev. A. K. Knox, and E. W. Jeffries; also protest of Prof. W. S. Ebersole, all of Mount Vernon, Iowa, against the introduction of military instruction in public schools—to the Committee on Education.

By Mr. CURTIS of Kansas: Petition of the members of the Coffee County (Kans.) bar, asking for a division of the State of Kansas into two Federal judicial districts—to the Committee on the Judiciary.

By Mr. CRUMP: Remonstrance and petition of Joseph O. Spencer, E. E. Anderson, and 78 other citizens of Columbia, Mich., against the continuance of the statue of Marquette in Statuary Hall or any public national room, building, or public ground—to the Committee on the Library.

Also, resolutions adopted by the Marine Engineers' Association of Bay City, Mich., praying for the passage of Senate bill No. 1242, relating to engineers in the merchant-marine service—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Memorial of the Philadelphia Maritime Exchange and others, for the removal of discrimination against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Engineering School of the Western University of Pennsylvania, in favor of House bill No. 3618, relating to the personnel of the Navy—to the Committee on Naval Affairs.

Also, resolutions of Philadelphia councils, in favor of appropriations for the improvement of the Delaware and Schuylkill harbors—to the Committee on Appropriations.

By Mr. DOCKERY (by request): Petition of Milton Mann and others, praying for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petitions of citizens of New York, Baltimore, Boston, and Philadelphia, favoring the passage of House bill No. 6577, for the registration of trade-marks in the Patent Office—to the Committee on Patents.

By Mr. EVANS: Petition of W. G. Force and others, of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

Also, petition of Richard Porter, asking for restoration of his pension, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. FOSS: Resolutions of the board of directors of the Chicago Board of Trade, recommending the establishment of a new executive department, to be known as the Department of Commerce and Manufactures—to the Committee on the Judiciary.

By Mr. GRISWOLD: Petition of E. A. Hempstead, editor of the Journal, Meadville, Pa., favoring the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the New York Mercantile Exchange, of New York City, favoring the passage of House bill No. 5213, imposing a tax upon and regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

Also, petitions of Mark J. Sergeant, of South Royalton, Vt., and of F. P. Cheney, of Glover, Vt., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARDY: Petition of citizens of Lawrence County, Ind., praying for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. HARTMAN: Protest of J. F. Davis and others, of Butte, Mont., against any appropriation for sectarian purposes—to the Committee on Appropriations.

Also, protest of publishers of the Helena News, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Paper to accompany House bill for the relief of Perry B. Browser—to the Committee on War Claims.

By Mr. HENDERSON: Resolutions of the Society of the Sons of the Revolution in the State of Iowa, favoring the preservation of the records and papers of the Continental Congress—to the Committee on Appropriations.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7598, for the relief of Thomas Cox—to the Committee on Military Affairs.

By Mr. HILBORN: Petition of J. W. Hudson, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Patriot Publishing Company, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of the Vart Land Publishing Company, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Woman's Christian Temperance Union of Cherry Creek, N. Y., protesting against the sale of beer at military posts on Staten Island—to the Committee on Military Affairs.

Also, petition of Woman's Christian Temperance Union of Cherry Creek, N. Y., protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. HYDE: Resolutions of George H. Thomas Post, Grand Army of the Republic, of Olympia, Wash., favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KULP: Petitions of citizens of Stonington, Seven Points, and vicinity, in the State of Pennsylvania, against sectarian appropriations, and favoring the passage of joint resolution No. 11, to amend the Constitution of the United States, acknowledging the Deity—to the Committee on the Judiciary.

Also, petition of citizens of Limestoneville, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petitions of Washington Camp, No. 660, of Shamokin, Pa.; Camp No. 204, of Newlin, Pa.; Camp No. 106, of Centralia, Pa.; Camp No. 315, of Turbotville, Pa., and Camp No. 672, of Elk Grove, Pa., Patriotic Order Sons of America, asking for the passage of the Stone bill restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of M. E. Moore and others, of Davis County, Iowa, praying for the establishment of a commission on arbitration—to the Committee on Foreign Affairs.

By Mr. LINTON: Protest of citizens of Mahoney City, Pa., against the appropriation of public moneys for sectarian undertakings; also petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

Also, remonstrances and petitions of J. H. Daniel, W. C. Hancock, and 66 others, of Augusta, Ga.; also of citizens of Flatwoods, W. Va., and vicinity, against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. LOUD: Petition of the Koenig Medicine Company, of Chicago, Ill., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL of Massachusetts: Petition of Nathan Appleton and 10 other citizens of Boston, Mass., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. McRAE: Protest of the Nettleton Commercial School, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia (by request): Petition of Rev. John M. Crowe and 75 other citizens of Parkersburg, W. Va., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. MOODY: Petition of George P. Morris, Howard A. Bridgman, and Henry H. Stickney; also of Levi C. McKinstry, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Remonstrance of J. W. Boyd and 36 others, and of John Harder and 95 others, all of the State of Wisconsin, against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

Also, petitions of J. W. Boyd and 33 others, and of R. G. Owens and 54 others, all of the State of Wisconsin, favoring the passage of joint resolution No. 11, proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. OVERSTREET: Papers to accompany House bill No. 5147, for the relief of Gavin Adams—to the Committee on Invalid Pensions.

By Mr. PITNEY: Petition of 21 branches of the Liquor Dealers' Protective League of New Jersey, protesting against the passage of House bill No. 6668, amending an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of the Woman's Christian Temperance Unions of Chatham and Rockaway, N. J., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of William S. Canon and 11 other citizens of Newark, N. J., in favor of a bill to adjust the pensions of those who have lost limbs—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Eaton, N. Y., members of Eaton Grange, No. 811, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. RICHARDSON: Petition of publishers of the Marshall County Sentinel, also of the Colored Cumberland Presbyterian, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Resolutions of the Board of Trade of Hartford, Conn., in favor of Government control of the new harbor at Block Island, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of Hartford, Conn., urging legislation which shall reform our currency system—to the Committee on Banking and Currency.

By Mr. SAUERHERING: Petition of Austin Lines and 24 other citizens of Wisconsin, asking for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. SCRANTON: Resolutions of the select and common councils of Philadelphia, Pa., concerning deepening the channels of the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

Also, petition of Wyoming Valley Veterinary Medical Association, of Pennsylvania, favoring bill fixing pay, allowances, etc., of the veterinary surgeons of the United States Army—to the Committee on Military affairs.

By Mr. SPALDING: Petition of D. A. Patterson and others, of Hudson, Mich., asking that pensioners be granted free use of mails in transmitting vouchers to United States pension agents—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of Seaside Lodge, No. 88, of Madison, Conn., Order United American Mechanics, indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of Excelsior Lodge, No. 2, of Waterbury, Conn.; also of Quinnipiac Council, No. 77, of North Haven, Conn., and of Seaside Lodge, No. 88, of Madison, Conn., Order United American

Mechanics, in behalf of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STAHLE: Petition of Union Veteran Legion, No. 65, of York, Pa., praying for the passage of House bill No. 3727, granting a service pension to all soldiers and sailors who served ninety days or more in the late war—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Indorsements of the Stonecutters' Union; also of the Cigar Makers' Union; also of building mechanics, and E. S. B. Sutton, all of Sault Ste. Marie, Mich., favoring the proposed bill to amend the act of February 26, 1885, known as the "contract-labor laws"—to the Committee on Labor.

By Mr. STRODE of Nebraska: Petition of members of William A. Butler Post, No. 172, Grand Army of the Republic, of Burchard, Nebr., praying for the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. TRACEY: Affidavits in support of bill granting a pension to Isaac Dale, to accompany House bill No. 6920—to the Committee on Invalid Pensions.

Also, affidavits in support of House bill No. 6921, granting a pension to Henry Gross—to the Committee on Invalid Pensions.

By Mr. VAN HORN: Petition of Mary B. Morgan for a pension under special act, to accompany House bill—to the Committee on Invalid Pensions.

By Mr. WALKER of Massachusetts: Resolutions of the Commercial Club of Boston, Mass., Jerome Jones, president, against the free silver coinage measure—to the Committee on Banking and Currency.

Also, resolutions of the Massachusetts Board of Trade, Boston, Mass., Edwid S. Barrett, secretary, in favor of a declaration by Congress that the word "coin" in the bonds and notes of the United States shall be always construed to mean "gold"—to the Committee on Banking and Currency.

By Mr. WELLINGTON: Petition of citizens of Baltimore, Md., protesting against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. WILLIS: Petition of Georgetown Council, No. 12, Order United American Mechanics, of Georgetown, Del., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

## SENATE.

TUESDAY, *March 31, 1896.*

Prayer by the Chaplain, REV. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Nashville, Tenn., remonstrating against a further continuance of the discussions in Congress on international questions, and praying for a wise and careful consideration of our currency and finances; which was referred to the Committee on Finance.

Mr. BURROWS presented a petition of Kalamazoo Lodge, No. 387, International Association of Machinists, of Kalamazoo, Mich., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented the memorial of Charles Flowers and 43 other citizens of Detroit, Mich., remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. DAVIS presented a petition, in the form of resolutions adopted by the Commercial Club of Duluth, Minn., praying that the bill to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota shall provide for the free passage over the bridge of all foot passengers, bicycle riders, wagons, and vehicles of all kinds; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the Grand Army of the Republic of the State of Minnesota, praying for the passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition, in the form of resolutions adopted by the Grand Army of the Republic of the State of Minnesota, praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of Linton Loyal Orange Lodge, No. 315, of Grand Rapids, Mich., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

Mr. MITCHELL of Oregon presented a petition of Highland Grange, No. 261, Patrons of Husbandry, of Oregon, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

Mr. GORMAN presented the petition of Miss Mary Hayne, of Washington, D. C., praying that she be granted a pension on account of services rendered as hospital nurse at the United States Naval Academy at Annapolis, Md., during the late war; which was referred to the Committee on Pensions.

Mr. ELKINS presented the memorial of John M. Crowe and 73 other citizens of West Virginia, remonstrating against the continuance of the statue of Père Marquette in Statuary Hall, and praying that it be immediately removed; which was referred to the Committee on the Library.

Mr. VILAS presented a petition of the Free Methodist Church of Plattsville, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Mrs. F. B. Williams and 35 other citizens of Trim Belle, Wis., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

### REPORT OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 289) for the relief of Ames & Detrick, of San Francisco, in the State of California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1831) for the relief of William J. Bryan, reported it without amendment, and submitted a report thereon.

Mr. BACON, from the Committee on Claims, to whom was referred the bill (S. 1734) for the relief of Mrs. Sarah H. Wood, reported it without amendment, and submitted a report thereon.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the amendment submitted on the 10th instant, proposing to authorize the Secretary of the Navy to contract with The John P. Holland Torpedo Boat Company, of New York, for six submarine torpedo boats of the Holland type, intended to be proposed to the naval appropriation bill, to report a substitute therefor. I ask that the original amendment be indefinitely postponed, and that the amendment reported in lieu of it be referred to the Committee on Appropriations and printed.

The report was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 71) for the relief of the Catholic Church at Macon City, Mo., reported it without amendment.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. TILLMAN, from the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C., reported it without amendment.

### BILLS INTRODUCED.

Mr. MORRILL (by request) introduced a bill (S. 2679) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 2680) granting a pension to Edgar L. Beckwith;

A bill (S. 2681) granting an increase of pension to Charles Wallace;

A bill (S. 2682) granting an increase of pension to Oscar Abbott;

A bill (S. 2683) granting an increase of pension to Felton D. Edson;

A bill (S. 2684) granting a pension to James Smith;

A bill (S. 2685) granting a pension to Mary Picard;

A bill (S. 2686) granting a pension to Charles E. Locke;

A bill (S. 2687) granting an increase of pension to George W. Neely;

A bill (S. 2688) granting a pension to John C. Reed;
A bill (S. 2689) granting an increase of pension to Octavia F. Crews; and
A bill (S. 2690) restoring a pension to Hubbard W. Goodrich.

Mr. MITCHELL of Oregon introduced a bill (S. 2691) for the relief of George E. Zimmerman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2692) to amend the act authorizing the Washington and Marlboro Electric Railway Company of Maryland to extend its lines into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TURPIE introduced a bill (S. 2693) granting jurisdiction to the Court of Claims and the Supreme Court of the United States of certain State claims; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANTLE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

UNSURVEYED PUBLIC LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day, which will be stated.

The SECRETARY. A resolution proposing to direct the Committee on Public Lands to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed lands of the United States from being approved and patented without a survey, etc.

Mr. CALL. I should be very glad to have the resolution go over.

The VICE-PRESIDENT. Without objection, the resolution will go over without prejudice.

SENATOR FROM DELAWARE.

Mr. MITCHELL of Oregon. I call up the privileged question, being the report of the Committee on Privileges and Elections on the claim of Mr. Du Pont.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

*Resolved*, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GEORGE. Mr. President, I wish, before I commence my speech, to acknowledge the courtesy of the Senator from Oregon [Mr. MITCHELL] in allowing the case to be postponed until such time when I hoped my physical condition would be better than it was some days ago. I wish also to say that those Senators who desire to follow me in my remarks would do well to have a pamphlet copy of the constitution of Delaware before them.

This case is one of very great importance, not only to the person who seeks to be seated in this body, but also to the people of Delaware, whose Senator he claims to be, and, I might also add, of very supreme importance to the people of the United States, as in it is involved the determination of a question which seriously affects our institutions in a very material point.

It will help to understand the argument which I shall make, because I shall make nothing but a law argument, if I shall in the beginning clear away somewhat the mist that has been thrown around this case by a reference to and reliance on two principles which have cut a very large figure in the majority report of the committee, and also in the very able, elaborate, and carefully prepared speech of the Senator from Oregon.

Great reliance has been placed upon the common-law rule in relation to the incompatibility of offices. Great reliance has also been placed upon a supposed principle said and claimed to be a fundamental principle of our American system; that is, a necessary division of the powers of government into three distinct and separate and independent departments—executive, judicial, and legislative. It will be seen before I get through, by those who shall honor me by their attention, that whilst the validity of these two principles are not denied by me, their importance has been very much magnified by those who advocate the seating of Mr. Du Pont.

A consideration of those parts of the constitution of Delaware which refer most directly to the case involved will show that in its provisions with relation to the holding of incompatible offices no force is given to the supposed common-law rule of incompatibility. It will be found that provisions are made denying the simultaneous exercise of two offices under the constitution of Delaware. I say provisions are made in reference to that point which have no reference to their supposed incompatibility at common law. It will also be found that in the same provisions there is an utter ignoring, a contemptuous disregard, if I may use the expression, of the supposed great fundamental principle said to arise out of our American system.

It may be as well to state to the Senate in the beginning of the argument that there is no incompatibility at common law between the exercise of legislative and executive powers by the same officer. On the contrary, the union of the two in the same person is more a principle of the common law than the rule of exclusion to which Senators on the other side refer. The King of Great Britain is a part of the legislature of that country. In the enactment of laws the phrase by which the legislature expresses its wish or will to make a law in England is about in these words: "Be it enacted by His Most Excellent Majesty the King, by and with the advice of the lords temporal and spiritual and his commons," so and so.

That is not all, Mr. President. It is a settled part of the common law of Great Britain not only that the King is a part of the legislature, but that the great executive officers of that Empire must be members of the legislature. The prime minister and all the cabinet are members of the legislature. Lord Coke lived in the days of James I. It was a very dark period in the constitutional history of Great Britain. Lord Coke, who had not only distinction as a lawyer, but for those days was somewhat distinguished for his respect for the rights and liberties of the people of England, was a member of Parliament. It was sought to get rid of this adversary to despotic government, and so the King was induced to appoint him a sheriff of one of the counties. By a rule which has existed in England for a long time, an appointment from the King always vacates the seat of a member of Parliament, not because, as I shall show, there is any incompatibility between the duties and office of a member of Parliament and the office to which the appointment is made. The reason for this vacating of the office is wholly different. It is that he who has accepted the high commission from the people of England as a member of Parliament shall not be in such a condition by accepting an office from the King, that he will be the servitor of the King instead of the servant of his constituents. So the appointment of Lord Coke under that rule vacated his seat in Parliament. But, sir, he was immediately returned, as he had a right to be, as a member for his old district, and when the men who counseled the King to stifle the voice, to destroy the influence of Lord Coke as a member of Parliament resisted his seating again, it was held that there was no incompatibility between the office of sheriff and that of a member of Parliament, and he was seated and served his term out.

Right here it will probably aid to understand the argument which I shall make if I read some short extracts from a work of acknowledged authority upon the subject of the incompatibility at common law of various offices, and it will be seen again that there is no incompatibility arising from this supposed American system of the exclusion from all the other departments of an officer in one.

Before I forget it, I may as well remark that the American rule, as it is called, has no reference whatever to the holding of offices. It is a question of a division of powers, the rule being, as far as it has been observed at all, that persons holding or exercising powers in one department shall not exercise powers in the other. It will be well to remember right here (because this goes along through this whole argument) that when that law, or that supposed law, is violated, it does not have the effect of the common-law rule of incompatibility. The common-law rule is always this in its effect: That where a man holds an office and accepts one incompatible with that, it is an election upon his part to take the second office and to resign the first. But no such consequences have ever been applied or can be applied to this rule growing out of what is called the American system. There when a party or an officer in one department assumes powers in another, as was done by the House of Representatives in the case of Kilbourn, I believe, the rule is not that the officer assuming the exercise of these powers vacates his office but that his assumption is a nullity. He holds his office, but he is prohibited from exercising these other powers. That ought to be borne in mind also as we go along.

I read a short extract from the opinion of the supreme court of New York, in which they hold that at common law, without any constitutional inhibition, there is no incompatibility between a legislative and an executive office:

> Nor is the office of a member of the assembly—
>
> The legislature—
>
> in the legal sense of the word, incompatible with that of deputy clerk of the court of sessions of the city of New York.

And here, as a part of this extract, I might read another which overturns the answer which the Senator from Oregon made to a question propounded by me during his very able argument, when he insisted that as one of the tests of the incompatibility of offices there should be a capacity in every instance on the part of the incumbent to exercise both offices. I asked him whether that

meant a physical impossibility or something else. He said physical impossibility.

Mr. MITCHELL of Oregon. I said physical impossibility might be and often was one element constituting incompatibility.

Mr. GEORGE. I give the Senator the benefit of his explanation, and he will see that thus explained it is not sustained by the authorities:

It may be granted that it was physically impossible for the relator to be present in his seat in the assembly chamber in the performance of his duty as a member of that body and at the same time at his desk in the court doing his duty as deputy clerk.

But it is clearly shown by those opinions that physical impossibility is not that incompatibility spoken of or recognized in law.

Mr. MITCHELL of Oregon. What case is the Senator reading from?

Mr. GEORGE. The People *vs.* Green.

Mr. MITCHELL of Oregon. From what book?

Mr. GEORGE. Fifty-eighth New York Reports, opinion by Judge Folger, I will read from another section of this book to show the kind of incompatibility which prevents the union of two offices in the same person:

In England it has been held that a justice of the common bench can not be also a justice of the King's bench, because the King's bench corrects the errors of the common bench. But if the chief justice of the common bench is made keeper of the great seal he continues to be justice, and so a justice of the common bench may be chief baron of the exchequer.

In the first instance he is prohibited from holding two offices on the ground that one exercises a supervision and control over the other. I assert now that without exception in well considered cases there is no incompatibility in the offices except when they arise from the subordination of one office to the other whereby one has the right to control, manage, and direct the other; and that, sir, I believe, is the very language of the supreme court of New York in the case to which I have alluded. I will read it:

A man may not be landlord and tenant of the same premises.

Because the landlord controls and manages the tenant.

He may be, however, landlord of one farm and tenant of another, though he may not at the same hour be able to do—

As my friend insists—

the duty of each position. The offices must subordinate one the other, and they must per se have the right to interfere one with the other before they are incompatible at common law.

Great as the powers are of my distinguished friend from Oregon, I think it will exceed them for him to show that there is any subordination between a member of the legislature of a State and the governor of that State.

Now, sir, I go a little further on to this supposed great principle of the American system. In the first place, I feel warranted in saying that no such principle exists except as the result of a written constitution establishing it. A fact must be borne in mind which sometimes occurred to me when I listened to the very able and ingenious argument of my friend from Oregon, that we are here construing a constitution, not making one. If this was a convention assembled for the purpose of framing a constitution, then it would be quite competent, quite in order, quite the thing for members of the convention to remind the body that there is a propriety in having three distinct departments of the Government and confining the powers of each to a separate magistracy; but when we come to construe a written constitution we must find what that constitution does, not what it ought to do, in order for it to square with our notions of what may be the proper method by which constitutions should be framed.

I desire here to say that this supposed rule of the American system has not been recognized in a single constitution that has ever been framed in the United States of America. It has been ignored, disregarded, from the very beginning until now. I call the attention of the Senator from Oregon and those who agree with him to the very first constitution for the United States of America, the Articles of Confederation. In those articles there were no judicial powers conferred. In those articles the executive and legislative powers were all in the same body, there was no distinction, and if it be true, as my friend from Oregon seems to think, that the freedom and liberty of this people, the perpetuity of our free institutions, were dependent upon the recognition of this principle, I desire to call his attention to the fact that the very first effort made on the American Continent to establish free institutions utterly ignored this. That constitution was not entirely satisfactory, I admit.

Mr. MITCHELL of Oregon. I was about to suggest that.

Mr. GEORGE. It was not entirely satisfactory, but it did not destroy liberty. It was the only governmental agency by which the freedom and independence of this people were secured.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to make a suggestion?

Mr. GEORGE. Of course.

Mr. MITCHELL of Oregon. I wish to call his attention to the fact that even in the first constitution our forefathers made there was not one word upon the subject of the freedom of speech or the freedom of the press.

Mr. GEORGE. No, sir.

Mr. MITCHELL of Oregon. It became necessary to amend the Constitution in order to guard the freedom of speech and the freedom of the press.

Mr. GEORGE. I suppose we have made some improvements, but, sir, in the constitution of the Confederacy—I do not mean to refer to our late government in the Southern States—there was no power granted which could interfere with the freedom of speech or the freedom of the press. They only had express powers; there were no implied powers; and it was unnecessary in that great instrument to deny that which could not be assumed.

Mr. President, coming shortly after that there was another great instrument, the exemplar of free constitutional governments in the States of this Union, called the Ordinance of 1787, by which the magnificent territory which the mother of States and statesmen donated to this Union was governed. In that ordinance, in the first place, who was the legislature? The governor and the judges are constituted the legislature. Was liberty stricken down in that great part of our country by that provision? I admit that was temporary; I have no concealment to make; but, sir, when they come in that same instrument to form a permanent government for the Northwest Territory, what provision did they make? The governor, the council, and the assembly were the legislature, all united, the governor exercising legislative powers just as he did in some other cases to which I shall call the Senator's attention.

So in the two first great grand instruments which were formed in this country for the purpose of establishing free institutions, one for the nation at large and the other for local communities, there was an intermingling and intermixing of legislative, executive, and judicial powers.

I come now to the Constitution of the United States. In the days during which it was being discussed before the American people whether they would accept the Constitution which had been framed by the convention of 1787, there were men, like my friend from Oregon, who had an ideal, who had learned from the Frenchman Montesquieu that there must be, in order to have free institutions, a complete and perfect and absolute separation of the three great departments—the executive, the legislative, and the judicial. Those men, like my friend in his eloquent peroration to his magnificent address to the Senate, thought that if this great principle was violated there was an end to freedom in this country. So they opposed the ratification of the Constitution upon the ground that it utterly ignored, utterly repudiated, this so-called principle of the American system. I think, if I remember correctly, though it has been a long while ago, in these exciting times, since my attention has been called to the fathers of the Republic, but I have a sort of indistinct memory—it may be but the memory of a tradition—that James Madison knew something about how to frame a constitution for a free people. So he, in the forty-seventh number of the Federalist, and in subsequent numbers, written and published to the people of the United States for the purpose of meeting objections to the ratification of the Constitution which had been submitted to them, noticed this objection, and he modifies the statement somewhat as put out by the friends of Montesquieu, and he put it in this way, and as he puts it I accept it as the American principle. He says that this maxim of Montesquieu can not amount to more than this, that the same hand which possessed the whole powers of one department shall not be allowed to exercise the whole powers of another department.

Mr. MITCHELL of Oregon. Will the Senator allow me right there to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. Conceding that to be the correct interpretation of the doctrine—and for the sake of argument I grant it—Mr. Watson while exercising the office of governor, the Senator from Mississippi will admit, of course, exercised the whole power.

Mr. GEORGE. Every bit of it.

Mr. MITCHELL of Oregon. Every bit of it. And when he left the exercise of that office, or rather left the office, and went into the joint assembly on the 9th day of May, 1895, did he not, by his controlling vote, exercise the whole power of that assembly for the purposes of the election of a Senator?

Mr. GRAY. That is very easy to answer.

Mr. GEORGE. Let me answer that question. He exercised the whole power, just as any other man who voted on the same side.

Mr. GRAY. That is it.

Mr. GEORGE. I will go along with Mr. Madison. I do this, Mr. President, because it is easier to bring the short notes of Mr. Madison upon the various State constitutions then existing than to bring bodily here those constitutions and read them and comment on them to the Senate. Mr. Madison, in answer to these

objectors, to these men who saw nothing in these incompatible, as they called them, provisions of the Constitution of the United States but destruction to freedom and to liberty and to independence, called attention to the State constitutions then existing. Referring to the constitution of New Hampshire, he said:

The president—

The governor was then called president in the State of New Hampshire—

who is the head of the executive department, is presiding officer of the senate, and besides an equal vote in all cases, and has a casting vote in the case of a tie.

So, if my friend from Oregon is right in the suggestion that, because Mr. Watson voted, that vote prevented Mr. Du Pont from getting into the United States Senate, here is the case of a governor who voted twice. He not only presided, but on the main proposition, as it went to the body, he voted once, and if that made a tie, then he voted again. Certainly, if the position of my friend from Oregon be correct, liberty had two deathly stabs at the same time and by the same hand under the constitution of New Hampshire.

Mr. MITCHELL of Oregon. I think myself it was a very bad constitution on that point.

Mr. GEORGE. I have no doubt that my friend thinks so. The truth about it is that my friend has been indulging in these fanciful theories, as put out by Montesquieu, about the proper way of framing a constitution, and he can not get himself down to the duty of construing one.

Mr. Madison said again:

In New York the court of errors—

The highest court—

composed of a senate—

A legislative body—

the judges—

Who had a right to be in the court, according to my friend from Oregon—

and the governor.

That is the way those old fathers of ours did in those days, yet I believe we are still a free people.

In New Jersey—

I am quoting now again from Mr. Madison—

the governor is chancellor and ordinary or surrogate of the State, a member of the supreme court of appeals, and president of the senate, with a casting vote in case of a tie.

The men who framed that constitution knew how to unite in the Declaration of Independence, knew how to levy armies, to enlist armies, and to fight for seven long years in order to establish the freedom and independence of this country, and yet, according to the view of the Senator from Oregon, they did not have sense enough to preserve the freedom which they had thus nobly and gallantly won.

Delaware, too, had a constitution in those days—the same State whose fortunes we are now deciding. Says Mr. Madison:

The speakers of the two legislative branches are vice-presidents in the executive department, and the president—

Who is the governor, for they were called "presidents" in those days—

is a member of the supreme court of appeals.

And, says Mr. Madison:

Throughout all the States the members of the legislature were justices of the peace.

Now, Mr. President, going back a little to the Constitution of the United States, I remind Senators that we are creatures of that Constitution. This body is organized under the Constitution of the United States. It has only the powers—I hope my friend from Oregon will not forget that—which the Constitution of the United States has given us, and we to-day, at the very moment I am addressing the Chair, are in direct, open, flagrant disregard of the maxim upon which the Senator thinks the freedom and independence and the liberties of these people are conserved. We are a part of the legislative power, yet now we are performing the functions of judge—judicial powers, the highest judicial power, I might say, in the Union, because on its honest, fair, just, and intelligent exercise depends that provision in the Constitution of the United States which alone, of all others, is embedded in our institutions forever, and can not be amended except by the unanimous consent of every State in the Union—equal suffrage in the Senate. That is the question we are trying. That equal suffrage in the Senate is more flagrantly violated by the seating in this body of a man as Senator from the State of Delaware who never had a commission from that State than when a properly constituted elected member may be excluded. One exclusion of a proper man only silences a legal and proper constitutional voice, while the other turns loose into this Chamber a man who has no authority to speak for the people whose Senator he claims to be. He is a usurper.

Mr. President, right here we are performing now an incompatible function, according to the idea of the Senator from Oregon. We are judging when we pronounce judgment that this is the right or that is the right, and when we legislate we ordain that this shall be or shall not be.

The very first words in the Constitution of the United States after the preamble, which is not a part of it, for it is a mere introduction to it, are:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"All legislative power." What is legislative power? The power that makes laws; and yet, sir, we go to another part of the Constitution, and we find that this Senate and the President of the United States, two-thirds of the Senate concurring, can make treaties. A treaty is not only a compact between the United States and the foreign country with which it is made, but in the language of the Constitution it is "the supreme law of the land." So that is one violation of the maxim. Now, let us take another:

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.

And yet we here to-day are exercising a judicial power. The House of Representatives exercises a judicial power when it prefers articles of impeachment; and this body exercises a judicial power when it tries the impeachment—so high a judicial power, if I do not misstate it, that the Constitution requires that we Senators, after having once been sworn to discharge the duties of the office of Senator upon our induction into office, are required to be again sworn when we come to try an impeachment.

Then as to the legislative power. I have noted one exception to it, but there is another, and a very important one. Though all legislative power is vested in a Congress of the United States consisting of a Senate and House of Representatives, yet no act concurred in by both can be a law without the approval of the President, unless we overrule him by a vote of two-thirds.

That is but a little of the Constitution. Everybody can remember when he looks through it all these various exceptions. Now I wish to say something of the practice of the Government under it.

In the very beginning of our Government—I forget the exact date—a Chief Justice of the United States was taken from his seat and made to perform the executive act of framing a treaty—Chief Justice Jay. Nobody thought that was a destruction of the Government. Coming down to a later time, right under our own observation, and I find that some two or three years ago two members of this body, the Senator from Nevada [Mr. JONES] and the Senator from Iowa [Mr. ALLISON], went, without losing their seats in this body, to the city of Brussels and performed the executive act of entering a conference of representatives from other powers in relation to the monetary system. No objection was made to that.

Let us see what else was done. Only a year or two ago another Senator was taken from this body—the Senator from Alabama [Mr. MORGAN]—and sent to Paris to sit in an international tribunal to decide a controversy between this country and Great Britain. That was certainly not a legislative act. Whether we call it executive, as carrying out the executive policy of the country, or whether we call it judicial, it was equally inhibited to the Senator from Alabama upon the principles which are put forward here by the Senator from Oregon. And if he shall say, "Oh, it had so much of the legislative about it that we ought to excuse him," then what will the Senator say when I tell him that Mr. Justice Harlan, a member of the Supreme Court of the United States, was sent on the same mission? One of them was there wrongfully, if not both, if the principles of the Senator from Oregon be correct.

Mr. LINDSAY. What about the Venezuelan Commission?

Mr. GEORGE. I almost forgot that Mr. Justice Brewer was appointed on the Venezuelan Commission. I am glad the Senator has called my attention to that. What kind of a power is Mr. Justice Brewer exercising in that Commission to-day? Under an appropriation made and sanctioned by us—I suppose that is clearly an executive power—he is trying to find out something upon which the Executive can act. And if my friend should say it is a judicial act because it is a commission to ascertain facts, then I will call his attention to the colleagues of Judge Brewer, none of whom are judges, but citizens taken at large. If there is anything settled in the constitutional jurisprudence of this country it is that the judicial power or any part of it can never be vested in any single human being unless he be appointed for life.

Now we come down to the State of Delaware, and she, just like the United States and just like every other State in the Union, tramples upon, utterly ignores, this pretended or assumed principle of the Senator from Oregon. Now, let us see. I read from section 8 of Article III of the constitution of Delaware:

No member of Congress nor any person holding or exercising any office under the United States shall at the same time hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court,

prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office under this State with a salary by law annexed to it.

So when the constitution of Delaware comes to make its prohibitions about holding the same office it pays no attention either to the incompatibility rule at common law or to the supposed American rule upon which the Senator relies. The great point in the constitution of Delaware is that none of those men shall hold an office under the State who gets a salary. That is not in either of the principles relied upon by the Senator.

I go to another clause, more expressive:

No person concerned in any army or navy contract, no member of Congress, or any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

So, under the constitution of Delaware which I have just read, the attorney-general, who is an executive officer; officers appointed by the courts of justice, who are judicial officers, officers in the militia, who are all executive officers—all of those may be members of the legislature. So they did not follow any rule either of the common law or the supposed American system in their inhibition to double officeholding in the constitution of Delaware.

Then we go to another section, and one to which we are obliged to give a good deal of consideration in this case. It is Article III, section 5. It states that—

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

So when it comes to that there is not the slightest reference either to the common-law rule upon that subject or the supposed rule arising out of the American system. Every officer, executive, judicial, and legislative, is, under that provision of the constitution, taken alone, prohibited from exercising the office of governor in the State of Delaware.

So, Mr. President, I feel authorized in saying that both the common-law rule of incompatibility and the other maxim, or principle, or whatever it may be, arising out of what is called the American system, which prohibits the exercise of powers given one department by a person exercising power in another, are utterly repudiated and ignored in the State of Delaware. It must be noticed—I do not know whether the attention of the Senator from Oregon has been called to it heretofore in the debate—that there is an absence in the constitution of Delaware of the provision found in many of our State constitutions that the powers of government are hereby divided into three distinctive departments, the legislative, executive, judicial, and that a person exercising power in one shall not exercise it over another. There is no such provision in the constitution of Delaware. On the contrary, that principle, or maxim, or whatever you may call it, is utterly ignored and repudiated all through the constitution.

Mr. President, just to show what value courts give to this supposed principle alluded to by the distinguished Senator from Oregon, like that in the State of Delaware, where the constitution transgresses it, I will read a short extract from 2 Cushing's Reports, page 580. Before I read it is well to read a quotation in that opinion from the constitution of Massachusetts to show how very pertinent this is. I read now a quotation from the constitution of Massachusetts:

In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them.

I will now read a phrase that will do my friend's soul good.

To the end—

Says the constitution—

it may be a government of laws and not of men.

With that emphatic declaration in the constitution of Massachusetts, a controversy arose about whether the office of justice of the peace, a judicial office, and the office of constable, an executive office, could be held by the same person, and here is what the court said:

The provisions of this article are general in their terms, expressive only of a principle, and not intended to mark with precision the incompatibility of different offices. The article must have been so understood by the framers of the constitution, as in other parts of that instrument certain offices are enumerated and their incompatibility directly declared.

Exactly what is done in the constitution of Delaware. I think, if I have not been very unfortunate, that the Senate, or those Senators who have done me the honor to listen to me, will find how little, how infinitesimally small these principles so much relied upon by the Senator from Oregon are in this case. In other words, sir, we are remitted, as in good sense and in good logic we ought to acknowledge we are remitted, to the written provisions of the constitution of Delaware itself. What that forbids is forbidden; what that commands must be obeyed. Now let us see what that is. There are three provisions in the constitution of Delaware which are the foundation of all the arguments that have been made. All the balance of the constitution is ancillary thereto. I suppose the Senate understands, for it has been over and over explained here, which I have not done, that the contest here is whether Mr. Watson, having been elected a senator and speaker of the senate in the State of Delaware, upon acceding to the exercise of the office of governor of that State, was in any way disqualified to act as senator. That is the question.

The first provision of the constitution to which I wish to call attention is one which I have already read, but it is right to put it in the RECORD again at this place. Article III, section 5, says:

No member of Congress nor person holding any office under the United States or this State shall exercise the office of governor.

Taking that alone, by itself, it is utterly impossible for any officer, either State or Federal, however high or however low, to exercise the office of governor of the State of Delaware. It is an absolute inhibition against all officers, State and Federal, ever exercising the office of governor of the State of Delaware.

There is another one which I will read, leaving out what my friend will admit has nothing to do with the understanding of the case.

Mr. MITCHELL of Oregon. From what section does the Senator propose to read?

Mr. GEORGE. From section 12, page 27.

No person * * * holding any office under this State, * * * except the attorney-general, officers usually appointed by the courts of justice respectively, attorneys at law, and officers in the militia holding no disqualifying office, shall during his continuance in * * * office be a senator or representative.

I have left out some words which the Senator will admit have nothing to do with the understanding of the case. That is one. With the exception now of these officers specially enumerated, the attorney-general, etc., no officer of the State of Delaware can ever be a member of its legislature, either senator or representative. That is settled.

So we start out with two sections in the constitution of Delaware absolutely interdicting any officer of the United States or the State of Delaware from being governor of the State or from being a senator or representative. If this thing stopped there, there would be some plausibility in Mr. Du Pont's case; but the constitution does not stop there. I will insert here, as it is as good a place as any at which to put it into my remarks, section 14 of Article III of the constitution, which, as I am a little tired, I hope the Senator from Tennessee [Mr. BATE] will read for me.

Mr. BATE read as follows:

SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office *until a governor elected by the people shall be duly qualified.* If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office *until a governor elected by the people shall be duly qualified.* If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person *holding the office* shall continue to exercise it *until a governor shall be elected and duly qualified.* If, upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office *until a governor elected by the people shall be duly qualified.* If a vacancy occur in the office of governor, or if the governor-elect die or become disqualified before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election; in that case, if an election for governor would not have been held at said election without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy. If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

Mr. GEORGE. I am very much obliged to my friend the Senator from Tennessee.

Mr. President, this fight centers around these three sections. It may be well to state right here that I do not care what construction you put upon those sections of the constitution of Delaware; "Mr. Du Pont, you can not sit in a seat in this Chamber without destroying the Constitution of the United States." Let it be what construction you please. But as men are more inclined to adopt and consent to a rule which cuts out an applicant from a seat in this body when they are satisfied that on other grounds the applicant is not entitled, we on this side, conceding and believing that any argument made on that subject is *dehors* the record and unnecessary, go into the argument for the purpose of showing that he is not entitled on the facts of the case without reference to the strict rule which cuts out the Senate from adjudicating upon his title. Of course section 5 of Article III and section 12 of Article II, as I have before stated, taken by themselves prohibit Mr. Watson from exercising the office of governor. I admit that.

Now, the question is, What effect has section 14 of Article III upon that question? The Senator from Oregon made a speech

which was admirable in all things but one—admirable in its ability, admirable in the skill with which he manages a very difficult side, but allow me to say, with due respect to my friend, a speech which did not have in it one single solid constitutional truth taken plain and naked by itself. His reasonings are skillful, logical, but always from false premises, as I shall demonstrate before I get through, not only to my own satisfaction, which is very easy to do, but I am not entirely without hope that I can satisfy my candid and ingennous as well as ingenious friend the Senator from Oregon.

Mr. MITCHELL of Oregon. I am all attention.

Mr. GEORGE. I know the Senator is. The distinguished Senator from Oregon spoke about the inconsistencies and incongruities and all that sort of thing in the constitution upon the idea that we advance, and he thought he had found a key by which all those inconsistencies and incongruities should be solved. That section of the constitution which has been read says in its first clause:

> Upon any vacancy happening in the office of governor by his death, removal, or inability, the speaker of the senate shall exercise the office.

The distinguished Senator argued and seemed to think, and I have no doubt does think, that if we will just interpolate after the word "speaker" the further words "after vacating his office" everything, every incongruity, every inconsistency, in the constitution would be made harmonious. His contention is that the speaker, not as speaker, exercises the office of governor, but that the constitution merely nominates him or declares that he may be governor. He discards the words "exercise the office of governor" and inserts the words "shall be governor," and my distinguished friend thinks that when he has done that he has removed every inconsistency, every incongruity, in the constitution of Delaware; and everything from that point upon his theory goes along smoothly and easily and consistently.

Mr. MITCHELL of Oregon. May I ask the Senator a question at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. How does the Senator from Mississippi think he exercises the office of governor? Does he do it as speaker of the senate?

Mr. GEORGE. I do not quite understand the Senator.

Mr. MITCHELL of Oregon. Does he exercise the office of governor as speaker of the senate ex officio?

Mr. GEORGE. Of course I wish to answer all questions propounded by the Senator at any time, but I will state to the Senator, without going into any argument upon the point now, that I have a full argument written out showing that to be so. I do not want to go into it now. I have not reached that question.

Mr. MITCHELL of Oregon. Then the answer of the Senator is "Yes."

Mr. GEORGE. Yes.

Mr. MITCHELL of Oregon. Then allow me one other question right here, as I believe it will perhaps fill out the argument of the Senator a little better to present both sides. There have been cases in Delaware where the senatorial term of the speaker of the senate who succeeded to the exercise of the office of governor and his term as speaker of the senate expired long before he ceased to exercise the office of governor. In a case of that kind, his term as senator having expired, his term as speaker of the senate having expired and he is still exercising the office of governor, is he doing it as speaker of the senate?

Mr. GEORGE. I have an argument upon that subject which I know will convince the senator.

Mr. MITCHELL of Oregon. I should like to have an answer to that question.

Mr. GEORGE. The constitution of the State of Delaware in that very case prolongs his office as speaker, not as senator, until he fully discharges the commission which the constitution has imposed upon him.

Mr. MITCHELL of Oregon. That is the answer?

Mr. GEORGE. That is the answer I make, and I will make my argument directly. I do not want to make it now.

Mr. MITCHELL of Oregon. I do not think that will do.

Mr. GEORGE. I know the Senator does not.

Mr. GRAY. I suggest to the Senator from Oregon that he wait until he has heard the Senator from Mississippi.

Mr. GEORGE. The Senator from Oregon has not heard my argument. I hope the Senator, when he comes to consider this matter very seriously, will discover that not only is my position true but that the contrary position is absurd.

I was going back to say that the Senator thought he had found a key which solved all these inconsistencies in the constitution of Delaware. If he could just make the speaker governor and vacate the office of speaker, then everything would go on smoothly. Now, let us see how that is. Let us see if the Senator is not involved in more contradictions and inconsistencies under that view of it than under any other that could possibly be presented. The constitution of the State of Delaware declares—I call the attention of the Senator to this matter—that the governor shall hold his office for the term of four years from the third Tuesday in January. The speaker-governor—I call him governor now—holds for a few months only, from the time the vacancy happens until the new governor is qualified. Is not there an inconsistency? The governor of the State holds for four years while the speaker-governor holds for a few months. That is one.

The constitution of Delaware says that the governor shall be at least 30 years of age. The governor they make out of the speaker may be only 24 years of age. How does the Senator reconcile that? The constitution of Delaware says the governor shall have been an inhabitant and citizen of the United States for twelve years, the last six of the State. This new kind of governor they make of the speaker of the house of representatives and of the senate may be an inhabitant of the State only three years. Now, let us go a little further.

The constitution, Article VII, section 12, says:

> No property qualification shall be necessary for the holding of the office of governor.

That is, for holding any office in the State except certain specified ones, and the governor is not specified. Yet this new governor which they make of the speaker of the senate must have 200 acres of land or other property worth $5,000. There seems to be a little inconsistency and incongruity there.

The constitution of Delaware says "the governor shall be chosen by the citizens of the State," the persons qualified to vote, or in case of a tie, one of the two, by joint ballot, of the two houses. That is the way the governor gets in by the constitution. He is to be chosen from all the citizens of the State who possess the requisite qualifications. He is eligible then to the office of governor. Yet this new governor is elected as speaker by the members of one house alone and from the members of that house alone. In the case of the senate there are just nine and only nine persons in the State of Delaware who can be governor, and they are elected by five persons; that is, a majority of the senate. Does the Senator see no inconsistency, no incongruity, between those two provisions of the constitution?

Next, the governor is elected—that is, selected—for the place or office of governor. That is, when the men vote for him they vote for him to be governor. This new governor that they want to make out of the speaker of the senate is elected for some other duties and may never be governor, and if he gets the office at all it is only by a contingency which may or may not happen. The other man goes in just on his election. Now, how are these various provisions of the constitution, repugnant and contradictory as they are, on the theory of Mr. Du Pont's friends, reconciled?

Mr. GRAY. If the Senator will permit me, I will point out another illustration.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. GEORGE. Of course.

Mr. GRAY. By the constitution of Delaware a governor is ineligible for reelection, whereas no one can contend that a speaker of the senate exercising the office of governor may not be nominated for governor while he is thus exercising the office and be elected. That case has actually occurred.

Mr. GEORGE. I believe Governor Saulsbury had it consecutively. That is true. These are the inconsistencies which remain under the view of the Senators on the other side.

Now, our theory reconciles everything. It happens to be a theory which not only reconciles this law, but it is a theory which must be applied to every system of laws, human and divine, which was ever reduced to writing. I will read a well-settled canon of construction from the brief of the counsel, and then I will call the attention of those who are paying any attention to this discussion to the point:

> Where there are words expressive of general intention and of a particular intention incompatible with it the particular must be taken as an exception of the general, and so all parts of the act will stand as a particular proposition. General words in one clause may be restrained by particular words in a subsequent clause of the same statute.

Or constitution, or Bible, or anything else. Sir, the Decalogue can not be construed itself without the application of this principle. "Thou shalt not kill." In other parts of the same great book, there is not only permission but command to kill public enemies and those who assault one's life, and yet the Decalogue says, "Thou shalt not kill." There is not a constitution in the United States which must not resort to this rule to be understood. How can the President of the United States and the Senate exercise the legislative power of making a treaty, so far as it is a law, when all legislative power is vested in the Congress except under this rule? The general words are to be qualified and restrained by the particular words. They are to be construed as the exception. There is no way known to man by which any writing whatever can be construed except in that way. You can not construe a contract, you can not construe a will, you can not construe a law, you can not construe a book upon any scientific or other subject without giving the author the benefit of that rule. A general

statement, a universal statement, in one part of it is to be considered as qualified by the particular instances contrary to it in others.

Now, we go on to that rule, and what do we find out? The two first sections must be construed as meaning "no person" so and so "shall be" so and so "except as hereinafter provided," and it is hereinafter provided that the speaker shall be so and so.

That brings me to consider the meaning of this very important section 14. I will read only the first clause of it now. The whole of it has been read:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor, elected by the people, shall be duly qualified.

The advocates of Mr. Du Pont say this means the speaker shall "be" governor or "become" governor. We on the other side say that it does not mean this; and we say further that if it did mean, as claimed, that the speaker became governor, actual governor, for the time and under the conditions mentioned in the constitution, it would not make out Mr. Du Pont's case. I shall not discuss that part of the case now, that is, whether if he became governor it would help Mr. Du Pont—I will do so hereafter—because, it being essential to the argument on the other side, if I show that the section does not mean "become governor" or "be governor," their case is lost. To state their position fairly, I quote from the speech of the Senator from Oregon and put that in the RECORD. Referring to section 14, the Senator from Oregon, on page 2818, says:

It declares in legal effect to the person who is speaker of the senate: "You, in a certain contingency—that is, in case of the death, removal, resignation, or inability of the governor elected by the people—have a preference right over every other citizen of the State to become governor and exercise that office, a right, however, you can avail yourself of or not at your own option. There is nothing compulsory connected with it."

Then again, proceeding with the declaration, as he quotes it, of the constitution of Delaware to the speaker of the senate—

"You can waive it if you please," says the constitution in legal effect, "and continue to be senator and speaker of the senate, notwithstanding your eligibility to become governor, notwithstanding you hold the preference right over every other citizen of the State of Delaware to become governor; but if you avail yourself of this preference right given you by the constitution, and take the gubernatorial oath, and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then that moment you cease to be senator, your right to exercise the functions of either senator or speaker of the senate is at once gone, or at least held in abeyance and suspended so long as you continue to exercise the office of governor."

That is the position of the Senator from Oregon. Now, we will see how that stands with the constitution. The first and most obvious comment to be made on this extract is that if the framers of the constitution of Delaware meant that the speaker should "become" governor, it was the easiest thing in the world to say so. The word "become" is an ordinary word, in common use in the signification insisted on by the Senator from Oregon. So is the word "be." The constitution might have said "he shall be governor." Its use here would have saved the employment of many other words which appear to have and do have a different signification. It would also have saved the use of all the words in clause 2 of section 14, referring to the speaker's exercise of the office.

The natural and easy way of expressing the idea that these temporary substitutes became governor in the contingency mentioned would have been to declare "on the happening of any vacancy in the office of governor the speaker of the senate shall become governor [or be governor], and on a further vacancy, or if there be no speaker of the senate, the speaker of the house shall become governor [or be governor] until," etc. Why depart from the ordinary language "be governor" used twice in Article I, section 2, page 28?

The framers of the constitution of Delaware were not unacquainted with the mode of expressing the idea of being governor. Let us see what they said, who they really meant should be governor. Article III, section 2, which is in a section providing for the counting of the votes cast for governor at a general election, provides that—

the person having the highest number of votes shall be governor.

There is one place where the framers of the constitution, when they wanted to make a man governor, used the proper language: "He shall be governor." Now, I go on:

But if two or more shall be equal in the highest number of votes the members of the two houses shall by joint ballot choose one of them—

To be what?

to be governor.

When the framers of the constitution of Delaware meant to express the idea that on a certain event a man shall be governor they said so. He shall be governor. They shall proceed to elect a man to be governor. Will the Senator from Oregon explain why in section 14, which we are now considering, if it had been the meaning of the framers of the constitution that on the contingency therein named the speaker of the house shall be governor, they did not say so? Instead of saying that they used a phrase which excluded the idea that he was to be governor, the phrase "shall exercise the office of governor," as I shall show before I get through. Instead of this plain and obvious method the very extraordinary language which, if it was intended to express that idea, is used to which I now call attention. The language is on the happening of a vacancy:

The speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until, etc.

First, it will be noticed that in describing the second or further vacancy which might happen after the speaker of the senate has commenced to exercise the office—and is, under the view of the opposite side, a real constitutional governor, having become such by such exercise—that further vacancy is to occur, not from the death, resignation, etc., of the governor, as they say the "exerciser" of the office is, but from the death, resignation, removal, etc., of the speaker of the senate then exercising the office, who they say does not exist at that time, having ceased to be such when he entered on the exercise of the governor's office.

Mr. President, if men intended to express the idea contended for by the Senators upon the other side, were they not most unfortunate in the language they used? First, they say the speaker of the senate shall exercise the office of governor, and, second, if there be no speaker, or if that speaker shall die or resign, then the speaker of the house of representatives shall exercise the office of governor. This is the grammatical and also the plain and obvious meaning of the clause. I will call your attention to that:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

Whose death? Will the Senator answer?

Mr. MITCHELL of Oregon. Yes, sir. The death of the man who was speaker of the senate and who is then governor.

Mr. GEORGE. It does not say that. Here is what it says——

Mr. MITCHELL of Oregon. But it certainly means that.

Mr. GEORGE. Of course it means that if you are allowed to interpolate and obliterate both at the same time.

Mr. MITCHELL of Oregon. I obliterate nothing and interpolate nothing.

Mr. GRAY. Strike out and insert.

Mr. GEORGE. Strike out and insert, a motion to amend. The Senator speaks all along on a motion to amend the constitution of Delaware.

Mr. MITCHELL of Oregon. Whom does the Senator say it refers to?

Mr. GEORGE. It refers to the speaker.

Mr. GRAY. The constitution says to whom it refers.

Mr. GEORGE. I will read it:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

The death of the speaker of the senate.

Mr. GRAY. The pronoun refers to the noun.

Mr. BURROWS. Will the Senator from Mississippi allow me to ask him a question?

Mr. GEORGE. Of course.

Mr. BURROWS. Does the Senator mean upon the death of the speaker before he enters upon the exercise of the office of governor?

Mr. GEORGE. Oh, no.

Mr. BURROWS. Afterwards.

Mr. GEORGE. Afterwards. The other contingency is taken care of in the phrase "if there be no speaker."

Mr. BURROWS. I merely wanted to understand the Senator.

Mr. MITCHELL of Oregon. Then it means the death of the person exercising the office of governor.

Mr. GEORGE. It means exactly what it says. It means the death of the speaker of the senate.

Mr. BURROWS. After he has entered upon the office.

Mr. GEORGE. After he has entered upon the exercise of the duties of governor.

Mr. MITCHELL of Oregon. That is right.

Mr. GEORGE. "His" must refer to the last antecedent, the speaker of the senate. That is the rule of grammar; it must refer to the last antecedent. It can not refer to the old governor in the first clause, for he is already dead. It does not refer to him. If they intended to refer to him as governor why did they say "speaker" instead of saying "governor." If he became governor, as the Senator contends, upon the devolution upon him of the exercise of the office of governor, why do they continue to call him speaker? Why did they not call him governor if he had become such? If it had been the intent of the framers of the constitution that the speaker of the senate became governor they would have said so in the first clause, and if they had desired to make a new clause for the speaker of the house of representatives the natural and proper way to frame the clause would be to say, "if there be no speaker of the senate." That means, of course everybody will agree, at the time of the death or resignation of the first governor, "or if the office again become vacant by the death or resignation,

etc., of the governor, then the speaker of the house of representatives shall become governor." That is the natural and proper way. If they intended that they committed a fraud upon the English language and upon the people of the State of Delaware by using the language which they did. This is the first trouble our opponents encounter. They will have more as they go along.

It is well to notice now another position taken in the extract from the Senator's speech that I have read. It is claimed that section 14, now being considered, only makes the speaker of the senate "eligible" to become governor, gives him a preference right to become governor, which right he may accept and become governor, or he may refuse and still be speaker of the senate. I admit that this is the necessary and logical result of their position that he becomes governor. My distinguished friend reasons correctly, but always from false premises. When, therefore, I show that this position can not stand with the words of the clause and with other parts of the constitution, I overthrow the whole theory of the other side.

The second clause devolves the right to exercise the office of governor on the speaker of the house of representatives only on two contingencies, and I desire to call the attention of the Senator from Oregon to that. It devolves it only on two contingencies, one of which must happen or the exercise of the office can never come to him. The first is expressed in the words, "if there be no speaker," which, without doubt or possible room for controversy, means if there be no speaker of the senate when the vacancy happens. The Senator will agree with me, I know, about that, for notice that the language is "if there be no speaker of the senate," without adding—and I want to call the Senator's attention to that—what is said in clause 3 of the same section, where provision is made not to fill a vacancy, but to prevent one "or refuse to take the office." I want to call attention to that. Recollect the contingency upon which this thing is to go to the speaker of the senate or the house is if there be no speaker, not, as the Senator claims, if he refuses to take the office. Those who are following me in the constitution will commence at the last word on page 29 and read:

> If a person elected governor shall die or become disqualified before the commencement of his term, or shall refuse to take the same, the person holding the office shall continue to exercise, etc.

So when provision is made for a man for the exercise of the office of governor upon a refusal of somebody, the word "refusal" is used. In this phrase there is no refusal and there can be none.

Mr. MITCHELL of Oregon. I do not wish to interrupt the Senator unless he is willing to be interrupted.

Mr. GEORGE. I am perfectly willing.

Mr. MITCHELL of Oregon. I should like to ask the Senator from Mississippi a question right on the clause which he is discussing now so interestingly. Suppose a governor is elected by the people for the full term and before he takes the oath of office he dies or becomes disqualified.

Mr. GEORGE. Or refuses.

Mr. MITCHELL of Oregon. Or refuses to take the oath. A governor is then in office who had been elected previously by the people. This clause provides that in a case of that kind the governor——

Mr. GEORGE. The old governor.

Mr. MITCHELL of Oregon. The old governor shall continue to exercise it.

Mr. GEORGE. But not continue to be governor.

Mr. MITCHELL of Oregon. Well, I will come to that. It provides that the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. Now, the question I want to put to the Senator from Mississippi is this: Does he, after the regular term has expired, cease to be governor?

Mr. GEORGE. He ceases to be governor in the constitutional sense and becomes a mere exerciser of the office, as I shall show to the Senator before I get through. I have not overlooked that point.

Mr. MITCHELL of Oregon. He is governor, then, of the State of Delaware for four years?

Mr. GEORGE. For four years.

Mr. MITCHELL of Oregon. Until the time when the other man would have taken the oath of office, and after that, until somebody else comes in to take the office, he is not governor.

Mr. GEORGE. He is the exerciser of the office of governor, and not governor. Though the Senator is making me anticipate some part of my argument, I will state that if they had intended him to continue in the office of governor they would have said in that case—they had the best opportunity in the world to say it—"the person holding the office shall continue to hold it." I will show you before I get through that "hold" always refers to the original legal constitutional incumbent for the full term, and "exercise" always refers to a temporary substitute. I will show you before I get through that if it had been intended to prolong the office of governor they had the best opportunity in the world for doing it. The person holding the office shall continue to hold the same. That is exactly what they did in another case when they wanted to prolong the office of sheriff and of coroner. The Senator, however, is making me go ahead of my argument. Then they said, when providing for the term of sheriff and coroner, that the sheriff and the coroner shall hold for two years, and hold until their successors are elected.

The second clause devolves the right to exercise the office of governor on the speaker of the house of representatives only on two contingencies, one of which must happen or the exercise of the office can never come to him. I want the Senator to bear that in mind, because that is crucial. If he can break me down on that I will give up that part of the case.

The sole contingency in this part being, "if there be no speaker of the senate" at the time the vacancy happens, then the speaker of the house shall exercise the office. If the speaker of the senate refuse the office and still remain speaker, as the Senator from Oregon contends logically and correctly from his premises, there remains after his refusal a speaker of the senate, for he is speaker still, as my friend says he is, and that being so, the *casus* of "no speaker" does not exist and the exercise of the office can not go to the speaker of the house, nor can it go to anyone else, as I will show further on.

Now, I should like to ask the Senator a question. You say he may refuse the office of governor and remain speaker. You have got no governor yet. He refuses it. Where are you going to get a governor? You have two contingencies; one is that there be no speaker. That has not happened, because he remains speaker according to your own theory. It does not say—I called the Senator's attention to this a little while ago—in the third clause which I read, if he refuses to accept the office, then it shall go to the speaker of the house of representatives; but it says "if there be no speaker." But you say he is speaker; he remains speaker. How can you jump over the plain language of the constitution of the State of Delaware?

Mr. MITCHELL of Oregon. Does the Senator from Mississippi contend that that clause is compulsory?

Mr. GRAY. Certainly it is.

Mr. MITCHELL of Oregon. And that whether he wills it or not he is compelled to be governor?

Mr. GRAY. Just as much as any other duty belonging to him.

Mr. MITCHELL of Oregon. Does the Senator hold that a constitutional convention can declare that he shall act as governor, either be governor or exercise the office of governor of a State, against his will? Is that the contention?

Mr. GEORGE. I will come to that directly. The Senator keeps getting ahead of me. But just now I will say that if he really vacated the office of senator and became governor, or became acting governor, the Senator is right; but if, as the constitution says, it annexes to the office of speaker the additional duty of exercising the office of governor, he can not refuse to exercise it until he resigns the office of speaker.

Mr. GRAY. And it is compulsory.

Mr. BLACKBURN. That is sound.

Mr. GEORGE. I call that to the Senator's attention. I think I shall get every difficulty in his head removed before I get through.

Mr. MITCHELL of Oregon. Suppose the term of speaker expires——

Mr. GEORGE. I will answer all that later. It can not go to anyone else, nor can it go to the speaker of the house under the second contingency. There are two contingencies, one if there were no speaker at the time of the happening of the vacancy, and the other if a further vacancy happens upon the resignation of the speaker. It can not go to him under that, for there could be no *further* or additional vacancy happening unless it had once been filled by the speaker of the senate, and then only "on his resignation, death," etc.

It is the same, original, and only vacancy that happened when the governor died, resigned, etc., as stated in the first clause of the section.

So, under the construction placed on this section by the opposite side, upon the mere refusal of the speaker of the senate to accept, as they call it, the office of governor, all this carefully devised and arranged section to prevent an interregnum in the government of Delaware falls to the ground, is utterly destroyed by the mere exercise of a plain legal right of the speaker of the senate, as they allege, to refuse to accept the office of governor.

No other provision in the constitution supplies this. If so, point it out.

I will point out the only one that looks like it. Let us see if there is any comfort to the Senator and his friends in that. That is found in the fourth clause of that section:

> If upon a vacancy happening in the office of governor there be no other person who can exercise—

Not who will—

> who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same, etc.

So it does not go to him because there is a person, the speaker of the senate, still *in esse* who can, if he will, exercise the office of governor of the State. If there is any answer to that, I should like to hear it.

Mr. MITCHELL of Oregon. I am not responsible for any omissions in the constitution of Delaware.

Mr. GEORGE. If the Senator had given his attention a little more to construing the constitution of Delaware as it was written, instead of framing one as he thinks it ought to have been written, he would not have fallen into that mistake.

A construction against the plain and clear meaning of the words used, adopted only to meet an objection coming from a fancied theory as to the proper mode of making a constitution, can not be adopted when it involves such absurdities in the construction of a constitution already made—made, too, upon a clear and express disregard of that theory.

In opposition to this view we say that on the happening of the vacancy no office is tendered to anyone, no preference right to fill an office is given; no acceptance or refusal of an office is either contemplated or tolerated; no qualification of an officer is required. The only office named or contemplated is the speaker of the senate. The words used, "the speaker of the senate shall exercise the office of governor," in their plain and obvious sense commands that speaker, that officer, to perform certain official duties which the public good requires to be performed, the officer primarily charged with them—that is, the governor—no longer being in existence. The speaker can not lawfully refuse to perform them any more than he can refuse to perform any other duty imposed on him by the constitution and laws of Delaware. If he refuse to perform these duties he is guilty of a high misdemeanor in his office of speaker, for which he may be impeached or removed from office—removed from the office of speaker, not of governor, because he never held that office. He can resign if he does not like the superadded duties, but if he does he must resign the office of speaker. That relieves him from the exercise of the office of governor. But he can not resign that "exercise" alone; it belongs to his office as speaker; for if he could resign that exercise, he still being speaker, the exercise would immediately come back to him as speaker, or it would be lost forever. It could go nowhere else, as I have shown.

But it is said in opposition to this view that the speaker took an oath to perform the duties of the office of governor, and that showed he was governor. The journal of the senate was read to show that he took such oath. I answer, the oath was purely voluntary. There is no provision of law requiring him to take it. The oath for all officers in Delaware is exactly the same. I will read that. All officers in that State take the same oath:

> Members of the general assembly and all officers, executive and judicial, shall be bound by oath or affirmation to support the constitution of this State and to perform the duties of their respective offices with fidelity.

That is the only oath required by the constitution of Delaware to be taken by any officer of the State, except in two instances, which I shall point out, and neither of them is the speaker of the senate.

If he was sworn again he repeated only an oath he had already taken. An oath once taken is as binding and effectual as if repeated every day or thrice a day.

There is no provision in the constitution of Delaware for any additional oath to any public officer when new duties are imposed not appendant to his office except in two instances.

One instance is the oath required to be taken by senators on trying an impeachment (see Article V, section 1), and the other is that imposed on members of the legislature who are selected to try the case of a contest for governor (see Article III, section 2, last clause). In these two cases extraordinary duties are imposed on the senators and representatives of a judicial nature, and the constitution requires an additional oath. But in these cases the oath did not install them into new offices nor vacate their old ones. They were still senators and representatives, exercising an extraordinary duty imposed on them by the constitution as senators and representatives, and they retain their character as such.

This ought to dispose of the oath voluntarily taken by Speaker Watson, for it is certain that no man can swear himself into an office to which he has not been designated, nor create an office not established by law for him by taking an oath not authorized by law to perform the duties of such nonexistent office. But the advocates of Mr. Du Pont seek to maintain his cause by another equally unwarranted assumption. The Senator from Oregon referred to the third clause of section 14, and I think my friend from Oregon, from the way that he talked about this, put a good deal of stress upon it. That clause is in the following words:

> If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person *holding the office* shall continue to exercise it *until a governor shall be elected and duly qualified.*

And the Senator from Oregon with, as I thought, an air of triumph, claimed that in this clause, in the words "holding the office," there was a distinct recognition and assertion in the constitution that the speaker, exercising the office of governor, was in fact governor and held the office of governor. It is only a hasty and careless reading of section 14 that could have misled the Senator from Oregon. An analysis of that section shows that the third clause, relied on by him, does not and can not refer to the speaker exercising the office of governor. In the first place, this clause does not assume to supply a vacancy in the office of governor, but to prevent one. The speaker's sole connection with the office of governor is to supply or fill a vacancy which has already occurred. He has no right anywhere in the constitution to exercise the office except where a vacancy has first occurred by either the death, removal, resignation, or inability of the governor and by which occurrence he gets his sole power to exercise the office. He gets this power under the first clause of the section, and that clause continues his power to exercise the office, not merely till a governor is elected, but in express terms (I quote literally) "until a governor elected by the people shall be duly qualified." It is the qualification of an elected governor, and nothing else, that terminates his exercise of the office. If an elected governor for any cause, whether by death, resignation, refusal to accept, or by any other means, fails to qualify, then there is no governor elected by the people who has been duly qualified, and until this due qualification takes place the speaker's right and duty to exercise the office are not terminated. So that this third clause can not refer to the speaker exercising the office. To say it refers to him is to attribute to the framers of the constitution pure nonsense and an absurdity, because the commission originally got under the first clause of the section extended all over the period which this third clause was intended to supply.

It does not refer to the speaker. That is clear. Now, to whom does it refer? The framers of the constitution of Delaware, I must suggest to my friend from Oregon, used the English language with somewhat of care as to its force and meaning. It refers to the only person named in the constitution as having the right and power to exercise the office, and whose right to exercise the office would be extended or in the least affected by the clause in question. That person also is the only person who in the constitution of Delaware is ever spoken of as "holding" the office of governor or called governor or declared to be governor. That person is the governor elected by the citizens of the whole State, or in case of a tie, then chosen by the legislature on joint ballot from the two persons having the highest and an equal number of votes. His term of office is four years from the third Tuesday in January of an odd-numbered year. At that last date his successor has been elected and ought to qualify. If he does not qualify—for any cause mentioned or for any cause—if the regularly elected governor be then in office, or, as the clause says, "holding the office," there would be an interregnum but for this clause, for the old governor holds for four years only.

Every substitute holds over the term, until a new governor qualifies. The governor is the only one who stops with the end of his four years. If any substitute provided for in the constitution be then exercising the office, he, whoever he may be, would, by the express provision of the clause which gave him the authority to exercise the office, continue such exercise till the qualification of a newly elected governor, without depending in the least upon this clause of the constitution.

Those provisions of the constitution to which I have just referred contain in themselves an unanswerable demonstration that "holding" the office of governor in this third clause of section 14 does not in any way refer to the speaker of the senate or the speaker of the house of representatives exercising the office of governor. But this third clause does, indeed, in using the words "the person *holding* the office shall continue to *exercise* it until," etc., show unmistakably that the words "hold" and "exercise" have in the constitution of Delaware a distinctly different signification, clearly marked and carefully preserved.

Mr. MITCHELL of Oregon. If the Senator will allow me, he admits that a case might occur, and perhaps has occurred heretofore in Delaware, where the speaker of the senate has succeeded to the exercise of the office of governor and is in the exercise of that office at a time when there has been a failure of the governor-elect to qualify.

Mr. GEORGE. I think so. I think he holds on.

Mr. MITCHELL of Oregon. Then under what clause of the constitution does he hold on?

Mr. GEORGE. I will tell the Senator.

Mr. MITCHELL of Oregon. There is nothing in the clause, it seems to me, which the Senator has just read, which would justify the interpretation that it relates only to the governor who had been elected by the people holding the office.

Mr. GEORGE. Every single substitute or *ad interim* or provisional exerciser of the office of governor under the clause of the constitution from which he gets his power to exercise the office holds it not only until the election of the governor but until the governor-elect qualifies; and so if a new governor-elect should refuse to qualify the *ad interim* officer holds until there is a qualification.

Mr. MITCHELL of Oregon. That may be true; but this clause in a case like that undoubtedly refers to the person then in office as well, it seems to me.

Mr. GEORGE. It can not refer to a person as holding the office who never held it; it can not refer to the exerciser of the office, because he holds it without reference to that clause. That answers the Senator. This distinction is not accidental or casual, but is preserved throughout that instrument. This distinction is that "hold an office" always refers to the original incumbent selected in the mode prescribed in the constitution for a full term, while universally an officer clothed by the constitution with power to perform the duties of another and distinct office, or authorized to perform duties belonging to another office, is always so clothed, so authorized to do so by the use of the words "exercise the office" or "exercise the powers" vested in another officer. In other words, "exercise the office" or "exercise the powers of an office" refers to an officer already holding an office, who, by these words, is made for a limited time, in a particular emergency, the "exerciser" of duties which do not ordinarily attach to him in the office he holds.

In this very third clause this distinction is clearly marked. It is not said that the "person holding the office" shall continue to hold it "until a new governor is qualified." That would have been the natural and obvious way in which to express the idea of a prolongation of the original term of the office. That is the way in which is expressed the prolongation of the terms of the only two officers whose terms are prolonged or extended by the constitution of Delaware. In Article VII, section 3, it is provided that the sheriff and coroner "shall hold their respective offices for two years * * * and until their successors are duly qualified," thus making them full constitutional officers, entitled to their official names, not only for the term of two years, but also for the additional time which might intervene between the expiration of the two years and the qualification of their successors.

That is the only instance in Delaware where there is provision made to prolong the constitutional office of the incumbent. They have adopted that language in one place, and why should they not have adopted it in another if they meant the same thing?

Why this was not done in this third clause is to be accounted for only on the idea that the constitution had already, in Article III, section 3, said "that the governor shall hold his office for four years," and that the framers of the constitution would not prolong it. They meant to use that person so holding the office to prevent an interregnum in the contingency mentioned, but to accomplish this in the same way exactly that they had provided for preventing an interregnum in the same office in other contingencies by other officers, the speakers of the senate and house and secretary of state; so at the expense of changing the phraseology and using some circumlocution they substituted "exercise" for "hold."

I now show how "exercise" and "hold" are used in the constitution of Delaware.

If the Senator from Oregon, or any other Senator who wants to follow this argument closely, will refer to the constitution of Delaware, Article III, section 3, he will find that—

the governor shall hold his office during four years—

Not exercise it, but shall hold it.

Article VI, section 14, provides that—

the chancellor and the judges shall respectively hold their offices during good behavior.

Article VII, section 1:

The sheriff and the coroner shall hold their respective offices for two years.

These are all for original terms.

In filling vacancies in the senate and house, where the new man is elected in the same way as the old, and is necessarily from the nature of his office a full officer, the word *hold* is used. You can not have a provisional ad interim representative or senator. He is a full senator or he is a full representative. So when the constitution comes to speak of filling vacancies in the office of senator or representative, the language is different from that in any other part of the constitution as to filling vacancies, for it is said as to the new man that he shall "hold."

Mr. GRAY. He is to be elected by the people, in the same way as the original man was elected.

Mr. GEORGE. In the same way.

Article II, section 13, provides:

When vacancies happen in either house writs of election shall be issued * * * and the persons chosen shall hold their seats—

Not exercise their office.

Mr. President, I have shown that wherever the constitution of Delaware refers to the occupancy or holding or exercise of the original term, when he is elected and comes in in the regular constitutional way, it always says he holds his office or holds his seat. Now I mean to say that when they refer to an ad interim, a provisional man, they always say "exercise."

Mr. MITCHELL of Oregon. Not always, if the Senator will allow me. I think that if the Senator will turn to section 16, page 27——

Mr. GRAY. Section 16?

Mr. MITCHELL of Oregon. Section 16 of Article II, in regard to the State treasurer. It says:

The State treasurer shall be appointed biennially by the house of representatives, with the concurrence of the senate. In case of vacancy in the office of State treasurer in the recess of the general assembly, either through omission of the general assembly to appoint or by the death, removal out of the State, resignation, or inability of the State treasurer, or his failure to give security, the governor shall fill the vacancy by appointment, to continue until the next meeting of the general assembly.

Mr. GEORGE. It is continuing the appointment. That is all. That is an exception. But everything else is as I have stated. I admit that that is an exception.

Mr. MITCHELL of Oregon. I just happened to see that section.

Mr. GEORGE. Let us come to section 13 of Article VI, and see how this theory of mine runs out, and how the Senator's theory will come, making "exercise" "hold":

Until the general assembly shall otherwise provide, the chancellor shall exercise all the powers which any law of the State vests in the chancellor, besides the general powers of the court of chancery.

That is where extraordinary powers are conferred upon a regular-named officer. Here is another:

And the chief justice and associate judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the supreme court or court of common pleas.

By this constitution the supreme court and the court of common pleas were abolished, so that if the Senator's construction of the exercise of the powers of an office be correct, it had the effect in this case to resurrect two dead offices, which were abolished by the constitution.

The speaker "shall exercise." The secretary of state shall "exercise" in case of vacancy. The person holding the office of governor shall continue to "exercise." If there be no person who can exercise the office, the secretary of state shall exercise it. That is another vacancy. The governor of last year shall exercise. That is a clear case. I have not called the attention of the Senate to that point, but I tell you the constitution is full of refutations, and you can not put your finger down without finding a refutation of the Senator's theory. Let us see. We will get to that directly. I want to call the Senator's attention to it.

"If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor"—that is the time when he has to be installed under the constitution—"the governor of the last year," etc. Now, it names him, instead of as before holding the office, "governor of the last year." He is not to continue to be governor, but he shall continue to exercise the office of governor or the executive authority in that case. This ought to be conclusive. But it is said that the effect of section 14, article III, is only to make the speaker eligible to become governor. That is the distinct position of the committee and of the Senator from Oregon. How eligible, except by dispensing with the conditions which are prescribed in the constitution as qualifications for the office and adopting those prescribed in section 14? That is the only way you can do it. There is no other mode known to man in which eligibility to become governor can be effected by section 14. That eligibility consists in the fact, and in that fact alone, "that he is speaker of the senate," when the vacancy occurs. If there be any other claim I would be glad to have it mentioned here and now. I ask for a statement.

Mr. MITCHELL of Oregon. There is no other claim.

Mr. GEORGE. There is no other claim. That is right.

Then we reach the point that being speaker constitutes the eligibility to become governor. Yet the contention is that as soon as the speaker so made eligible to exercise the office—or, if the other side prefer, to become governor—accedes to the place, his eligibility is lost—gone forever. Or put it more sharply, the fact or condition of being speaker constitutes his sole eligibility to exercise the office or to become governor. As soon as he becomes governor he loses his eligibility, and is therefore no longer eligible to the place. Does this logic need refutation? And yet that is the exact position of the other side.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will state that the exact position of the other side is simply that the constitution makes him eligible to become governor just as a man who may be 30 years of age and who has the other necessary qualifications is eligible to become governor.

Mr. GEORGE. Would it not be singular if then, as soon as he becomes 30 years of age, he loses the qualification?

Mr. MITCHELL of Oregon. Oh, no——

Mr. GRAY. Ceases to be 30 years of age?

Mr. GEORGE. I should like very much to get into the office of governor of Delaware if it would put me back twenty or thirty years, under the construction which the Senator from Oregon puts on this clause.

THE ARGUMENT TO SUSTAIN OUR VIEW.

Up to this point I have been mainly engaged in answering objections of our opponents to our construction of the constitution of Delaware, without stating the argument fully on our side.

I now do this more fully, and in doing so will answer other objections.

We are to construe the constitution by giving force to each word in it in its plain and ordinary signification, unless the context shows that some other specific meaning was intended.

Recalling that the word "hold," without exception, is used in its ordinary sense—the possession of an office by an actual, legal incumbent, selected in the mode prescribed for a full term named in the constitution—and that "exercise" is always used to describe that which a provisional and *ad interim* substitute may do in supplying a vacancy, I proceed with this duty.

Referring to section 14 of Article III, we find that on the happening of a vacancy in the office of governor the provision is that "the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified."

The language is mandatory, not permissive—the speaker "shall exercise" it. He has no option; he must exercise it or incur the condemnation of disobedience to the constitution, which he has sworn to obey. The constitution in this very section avers that there may be "no speaker." The speakership always exists, but there can not be a speaker unless there be a person *in esse* who has been chosen to that office in pursuance of the constitution, and who still, at the very moment spoken of, holds the office. The union or connection between the office and the officer who holds it is indissoluble. The fact that a person actually holds the office is the essential fact to constitute him speaker. When he enters the office he becomes speaker; when he goes out of the office he is no longer speaker. So that speaker always means the officer who, at the time indicated, holds the office. We may conceive of the office without an incumbent; it is then the "speakership." But it is inconceivable that there should be a "speaker" who does not hold the office—that is, who is not an officer filling the speakership.

So that when a duty is imposed on the speaker it is always imposed on the officer who holds the speakership, and when a mandate is laid on the speaker it is laid on the officer, to be obeyed by the officer, and by no one else. Where the mandate is a continuing one, requiring for its observance the doing of a series of acts to be performed during a considerable period of time, when he ceases to be speaker the mandate no longer applies to him, unless his office be continued *pro hac vice* to enable him to obey it, but in that case he is still speaker so far as the execution of the mandate is concerned.

The command in the constitution is that *the speaker*—the officer—shall exercise the office of governor. If we construe this to mean that he shall be speaker at the moment the mandate is laid on him, but from that moment he ceases to be speaker, then it is certain that it is not the speaker but an ex-speaker that exercises the office when the constitution says the speaker shall do it.

In that case we reach this absurd conclusion: That the constitution selects the officer—the speaker—to exercise the office of governor, commands him *eo nomine* to exercise it, and then at the moment he begins the exercise the constitution says he shall no longer be speaker, and he shall exercise the office, not as speaker, as he is commanded to do, but as one who has been but is no longer speaker.

I can not think the great ability of the distinguished Senator from Oregon can make this proposition acceptable to anyone who has not determined beforehand that he will reject no proposition, however absurd, which may be necessary to seat Mr. Du Pont.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I understood the Senator from Mississippi to state at the outset that if there were in the constitution no other provisions bearing upon this subject than section 12 of Article II and section 5 of Article III, there would be ground for holding that Mr. Du Pont is entitled to his seat.

Mr. GEORGE. No; not that. There would be ground not for holding that Mr. Du Pont is entitled to his seat, because there are many other things on which he may be excluded, which I will show the Senator before I get through, but for holding that Mr. Watson was not a proper member of the legislature.

Mr. MITCHELL of Oregon. I wish to ask a question which I will premise by a statement of a word or two. The Senator has been at least an hour in trying to demonstrate the falsity of the argument of the other side by pointing out that the word "hold" is used in the Delaware constitution whenever applied to an original incumbent. I wish to call the attention of the Senator from Mississippi to a fact, and then to ask him if it does not destroy that argument altogether. In the first place, section 5 of Article III and section 12 of Article II, contain these provisions:

No * * * person holding any office under the United States, or this State, etc.

There the word "holding" is used—

No person * * * except officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

There the word "holding" is used.

Then section 5 says:

No member of Congress nor person holding any office * * * shall exercise the office of governor.

The Senator has stated that if those two clauses stood alone and there was no other reason why Mr. Du Pont should not be seated, he thinks he ought to be seated, as I understand him. It refers to the speaker of the senate as holding an office.

Mr. GEORGE. The speaker of the senate does hold an office.

Mr. MITCHELL of Oregon. The speaker of the senate as holding the office of governor.

Mr. GEORGE. No; it does not.

Mr. GRAY. No.

Mr. MITCHELL of Oregon. Certainly.

Mr. GEORGE. Where?

Mr. MITCHELL of Oregon. Or else the Senator's admission is not well grounded.

Mr. GEORGE. Where does it say that the speaker holds the office of governor?

Mr. MITCHELL of Oregon. The Senator must put that construction upon it or else it amounts to nothing.

Mr. GEORGE. There is nothing in that argument. Read the clause where you say it is plainly inferable that the constitution of Delaware says that the speaker of the senate holds the office of governor.

Mr. MITCHELL of Oregon. Both of those clauses in speaking of both members of the legislature and governor speak of them as holding the office.

Mr. GEORGE. Holding the office of what? Not of governor.

Mr. MITCHELL of Oregon. One as holding the office of governor and the other as holding the office of legislator.

Mr. GEORGE. That is what I have said all along. When, however, it speaks of the original incumbent it says "hold." Whenever it speaks of an *ad interim*, a provisional officer to take care of the office during the interim, it says "exercise."

Mr. MITCHELL of Oregon. This applies as well to a person who succeeds to the exercise of the office as to a man who is elected governor.

Mr. GEORGE. I do not see it. I do not understand the Senator's argument.

Mr. GRAY. The Senator from Oregon is begging the question.

Mr. MITCHELL of Oregon. Oh, no.

Mr. GRAY. That is the very question we have been discussing, and the Senator from Oregon says the clause in the constitution to which he refers is as applicable to a person who exercises the office as to one who holds the office.

Mr. GEORGE. I defy the Senator from Oregon, or any other Senator who advocates his side of the question, to put his finger on that clause of the constitution which says anything about the speaker of the senate holding the office of governor under any circumstances whatever. It is not in the constitution. If you get it in there you interpolate it. If you get it in there you not only interpolate it, but you obliterate language which is directly opposed to it.

On this point I will add that "become" governor, as the phrase is in the constitution of Pennsylvania, is altogether an instantaneous operation and can not be repeated. If a man once becomes governor, he is, without any further "becoming," governor till the end of his term. He does not become governor anew every time he performs an official act. On the other hand, the act of "exercising" the office of governor is performed every time an official duty is performed till the end, so that when the constitution commands the speaker, the officer, to exercise the office of governor, it commands that speaker, that officer, not only to perform the first official act as speaker, but every other official act, up to and including the last.

Clear as this reasoning makes out the case against Mr. Du Pont, yet the importance of this matter is such, not only to the people of Delaware but to the friends of constitutional government everywhere, I feel that I ought to adduce a further argument which in my judgment settles this controversy.

THE AMENDED CONSTITUTION.

The present constitution of Delaware, in numerous instances, refers to itself as "the amended constitution," and to changes made by it in the prior constitution of 1792 as "amendments to the constitution." We therefore can, and even must, under a well-recognized rule of construction, refer to the former as a proper aid in construing the later and amended constitution. Doing this, we find a provision in the former constitution (of 1792) which makes it absolutely certain, if certainty already attained can be made more certain, that the command in section 14 of the present constitution, which we are now construing—"the speaker of the senate shall exercise the office" of governor—is addressed to

him in his official character as speaker and not to him as a person. In that constitution of 1792 a provision is made to fill a vacancy in the office of governor happening at a time when there was no speaker of the senate or of the house, and no other officer in whom the framers of the constitution were willing to vest the exercise of the office. They found themselves under a necessity to give this exercise to a person without reference to any official position he then held.

They did this in the following language: "The executive authority shall devolve upon the *person* who was speaker of the council at the next preceding session of the general assembly," and then "on the person who was speaker of the house of assembly at the said next preceding session."

Mr. GRAY. From what does the Senator read?

Mr. GEORGE. I am reading from the old constitution.

Mr. GRAY. What part of it?

Mr. GEORGE. I have not the page here.

Mr. MITCHELL of Oregon. The old constitution?

Mr. GEORGE. The preceding constitution.

Mr. GRAY. The one that was amended.

Mr. MITCHELL of Oregon. The constitution of 1792.

Mr. GEORGE. There can be no mistake about this meaning. This language to designate a person, not an officer, had by this use in the constitution of 1792 become naturalized—if I may use the expression—at all events, had been adopted as the constitutional form of expression for the idea that the devolution was on the person. And so if the framers of the constitution of 1831, having this old constitution before them and amending it, had meant to express the same idea they would have used the old, recognized constitutional language already adopted for that purpose instead of language which meant exactly the contrary.

Another provision in the constitution of 1792 makes the construction we contend for so plain that when it is called to the attention of the Senator from Oregon I indulge the hope, with some confidence, that he will abandon Mr. Du Pont's case and allow the people of Delaware to enjoy and live under their constitution as they made it.

Mr. MITCHELL of Oregon. There is one clause of the constitution on which I should like to hear the Senator, if it will not disturb him.

Mr. GEORGE. If the Senator will call my attention to it, although I will not say I will do it now, I will do so before I get through.

Mr. MITCHELL of Oregon. It is section 1 of Article III. It is very short, containing only 13 words:

> The supreme executive powers of the State shall be vested in a governor.

When the speaker of the senate succeeds to the exercise of the office of governor, I understand the argument on the Senator's side to be that he is not governor. Where are the supreme executive powers of the State vested then during the time he exercises the office of governor?

Mr. GEORGE. The Constitution of the United States says the executive power of the United States shall be vested in the President of the United States, and before the framers of that instrument get through with that section they authorize Congress to provide by law for a person to act as President in case of the resignation, disability, or death of the President and Vice-President. In 1792 Congress, in pursuance of that provision, named as the officer to act as President the President pro tempore of the Senate, and it has never been held or suggested, but on the contrary everybody admits that that man, although he would act as President, would not be President of the United States. He would act as President, and if he acts as President he must exercise the powers of President. If he exercises the powers of President and still remains simply the President pro tempore of the Senate, as is admitted on all hands here, I do not see why it could not be done in the State of Delaware.

There is another answer to that question, and if the Senator will wait until I get through he will see it all answered. The office of governor was vacant. This is a temporary provision to prevent an interregnum by the selection of another officer, not to be governor, but to exercise the powers of governor. While he may exercise the supreme executive power vested in the governor, he is not governor, because the constitution says he is not. That is all there is in that.

Mr. BURROWS. Will it trouble the Senator from Mississippi if I ask him a question?

Mr. GEORGE. Certainly not.

Mr. BURROWS. I understand the Senator to contend that Watson was a senator?

Mr. GEORGE. A senator.

Mr. BURROWS. Holding an office?

Mr. GEORGE. Holding an office.

Mr. BURROWS. And simply exercising the office of governor?

Mr. GEORGE. That is what I contend.

Mr. BURROWS. I was not in when the Senator explained the fifth section of Article III, which says that no person holding any office under the State shall exercise the office of governor. How can he exercise the office of governor if he is holding another office?

Mr. GEORGE. In virtue, as I explained here at great length, of the exception made to that by the positive provisions of section 14.

Right here, since I have been interrupted, it reminds me that I ought to call the attention of the Senators who have taken so much interest in this matter, very much to my gratification, to another provision in the constitution. They have paid some attention to what I was remarking here, and I call their attention to another provision of the constitution of Delaware, which I omitted in the proper place. I think when they get over that they will have some trouble.

Mr. MITCHELL of Oregon. If it is of so much importance the Senator ought not to have forgotten it.

Mr. GEORGE. I did pass it over.

> Each house shall choose its speaker and other officers.

Section 12 of the same article provides that—

> No * * * person holding any office under this State * * * shall be a senator or representative.

When they elected a senator speaker of the senate how do you reconcile it with the positive prohibition in the twelfth section? He is an officer.

Mr. MITCHELL of Oregon. I reconcile it by the fact that as soon as he becomes a governor he ceases to be senator.

Mr. GEORGE. I am not talking about governor. I am talking about the provision which I will read. I have not made myself fully understood.

Mr. MITCHELL of Oregon. Probably not.

Mr. GEORGE. Section 12 provides that—

> No * * * person holding any office under this State * * * shall be a senator or representative.

I have left out a good deal, but that is the substance of it.

Section 5 of the same article says:

> The house shall choose its speaker and other officers.

Now, how can the speaker of the senate, when chosen to that office, be a member without violating section 12, which I have just read? Do you say he is not an officer?

Mr. MITCHELL of Oregon. He is an officer.

Mr. GEORGE. How, then, can the senate of Delaware elect one of the senators to the office of president without violating section 12 of the constitution, which provides that no person holding any office under the State shall be a senator or representative? Does the Senator think he vacates the office of senator when he is elected speaker of the senate?

Mr. MITCHELL of Oregon. My impression is that there is a clause in the constitution which provides that they shall elect one of their own number speaker.

Mr. GEORGE. It is not in there. It only comes in there by virtue of common parliamentary law.

Mr. MITCHELL of Oregon. Then that is a part of the law of the State.

Mr. GEORGE. If that be so, if we can read section 5——

Mr. MITCHELL of Oregon. My impression is there is a direct clause in the constitution.

Mr. GEORGE. There is not.

Mr. MITCHELL of Oregon. Have you examined it carefully?

Mr. GEORGE. Oh, yes. It is not there. Now, then, we are to read section 5 as if it read this way: "Each house shall choose its speaker from its own members and other officers." That is what the Senator means, then?

Mr. MITCHELL of Oregon. While the office of speaker is an office in one sense it is not an office under the State. He is a senator, and simply by virtue of the fact that he is senator and in virtue of parliamentary law he is selected to preside over the senate. That is all there is to it.

Mr. GEORGE. Does the Senator deny that he is an officer under the State of Delaware?

Mr. MITCHELL of Oregon. He is not a distinct officer under the State of Delaware. He is not an officer under the State of Delaware within the meaning of that clause of the constitution, in my judgment.

Mr. GEORGE. That may be so, if you want to put any meaning to it, but he is an officer under the State of Delaware.

Mr. MITCHELL of Oregon. He is a State senator; that is the office he holds, and by virtue of that office and only by virtue of that office and by the consent of his fellows, he is permitted to preside and exercise the duties of speaker.

Mr. GEORGE. Do you deny that the office of the speaker, then, is a distinct office from senator?

Mr. MITCHELL of Oregon. The Senator can designate it as he likes.

Mr. GEORGE. Here is the way it reads: "Each house shall choose its speaker and other officers." What does the phrase "other officers" mean if it does not mean the speaker as an officer?

Mr. MITCHELL of Oregon. Then there is a distinct provision, just as I supposed there was, authorizing them to select one of their number as a speaker.

Mr. GEORGE. If a distinct provision authorizes the senate of Delaware to elect one of its senators to a distinct office under the State of Delaware in contravention of Article XII, section 2, which I have read, why may not section 14 require the same speaker to exercise the office of governor? I should like to have that explained. Here is the constitution of Delaware, which says, "No person holding any office under the State." That is the word used. Let me see if it is not "any":

No person * * * holding any office under this State * * * shall * * * be a senator or representative.

Mr. MITCHELL of Oregon. The trouble with the Senator from Mississippi is that he is now trying to construe the constitution of Delaware by simply taking one clause instead of taking the two clauses of the constitution together.

Mr. GEORGE. I am taking it all together. I am going to show by taking them all together that it lets Mr. Watson in as speaker of the senate as well as it lets him in as a member of the legislature, holding the office of speaker.

Now, if anybody denies that he was speaker, the constitution expressly refers to him as speaker. I call attention to that point. It is not an honorary office. It is an office with certain specified, distinct duties as speaker. He can issue a writ of election. That is a pretty high function for him to perform. I will tell you another thing he can do, and it will help the Senator along a little, I think, in his incongruities of this constitution. I want to call attention to it. In the first place, I want to call attention to the fact that he is called an officer directly.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or, in case of the vacancy of the office of the speaker of the senate—

Then it shall go to somebody else. I want to tell you another great power which the speaker has which seems to be, according to my friend from Oregon, a very incongruous and inconsistent thing. This very same speaker, when there is a tie in the popular vote for governor and that is referred to the legislature, as speaker and as senator votes for one of the two for governor, and when there is a tie there, he votes again for governor.

Mr. LINDSAY. It is New Hampshire over again.

Mr. GRAY. That is a pretty important office.

Mr. GEORGE. A pretty important office.

Mr. MITCHELL of Oregon. The only trouble between the Senator from Mississippi and myself in regard to these two offices, if you choose to call them so—that is, governor and speaker of the senate—is that I insist there is an express provision of the constitution which authorizes the senate of the State of Delaware to choose one of their own number speaker.

Mr. GEORGE. But it is not in there.

Mr. MITCHELL of Oregon. I am stating my claim. I will make my claim and then I will hear the Senator's, and we will see the difference. I insist that there is an express provision in the constitution authorizing that thing to be done, and, therefore, that provision must be taken in connection with the other provision which says that—

No person * * * holding any office under this State * * * shall * * * be a senator.

Mr. GEORGE. The Senator is exactly right about that.

Mr. MITCHELL of Oregon. Then, on the other hand, the Senator from Mississippi claims that there is an express provision, as I understand him, authorizing that same speaker to exercise the office of governor. I admit that, but I contend that the moment he takes the oath of office as governor and enters upon the exercise of that office, then he ceases absolutely to be speaker.

Mr. GEORGE. Why did not the speaker when elected speaker of the senate vacate that office under the same kind of constitutional rule?

Mr. MITCHELL of Oregon. For the simple reason that in one case there is absolute incompatibility, as I think, while in the other case there is complete compatibility.

Mr. GEORGE. Now, Mr. President, I supposed the Senator would land on that. There is no incompatibility between the legislative officer exercising, as I have shown already here in my argument, the executive office. There is none whatever at common law, and none under the constitution, unless there be an express provision to that effect. If the Senator from Oregon, or any other Senator who listens to me who wishes to reply to anything I have said on this subject, will show to me how he understands that there is incompatibility at common law between the exercise of the office of a member of the legislature and an executive officer, I should like to have him do so.

Mr. HOAR. What does the Senator from Mississippi mean by incompatibility?

Mr. GEORGE. I am trying to mean exactly what the Senator from Oregon means, an incompatibility which means he can not hold two offices, a legal incompatibility, such an incompatibility as prevents one man from holding both offices. That is what I mean.

Mr. HOAR. I do not know whether the Senator from Mississippi intended his invitation to any other Senator to accept now.

Mr. GEORGE. You may go on if you desire to do it.

Mr. HOAR. It seems to me the answer to the Senator's proposition is not a difficult one. Of course, nobody expects to take these constitutional provisions with the literal exactness of phrase that you apply to a plea in abatement or to a demonstration in logic. For instance, when the constitution of Delaware says that no person holding any office under the State shall exercise the office of governor, I suppose my honorable friend himself, unless he were driven into a very small corner indeed, would not claim that it meant the person who held the office of governor.

I suppose something is applied between the lines in all constitutions, especially in so excellent a State as Delaware, and words have a little common sense in construing this instrument; otherwise it will not work. When they say that the senate or the house of representatives may choose its own presiding officer, although they say in the same instrument that no person holding any office under the State shall be a senator or a representative, they are speaking of legislative bodies, in which the uniform practice of all mankind that have free governing bodies is that the presiding officer is taken from among the members, and a speaker of the house of representatives or president of the senate is expected as a matter of course to be one of the number, except in the few instances where States have provided the contrary. It would, I suppose, shock the whole sense of the country if we were to choose a President pro tempore of this body who was not a member of the Senate, though there is nothing that I now recall in the Constitution which prevents it. So you construe it. Even the Senator from Mississippi does not claim to construe that provision as prohibiting a Senator from being chosen to the office of presiding officer, or acting as such, whatever particular phraseology has been used.

On the other hand, when you come to take a member of a legislative body and make him governor of a State or President of the United States, you have got two offices in regard to which the universal sense of the country is declared. In all constitutions the universal sense of the people of that generation, as declared in writers whom they followed and studied, like Montesquieu and Sidney, both of whom have very strong statements on this subject, is that the two things shall not go together; that the man who is to make laws shall not execute them. Therefore, when you inquire in regard to these two offices, whether the man who held an executive office should not be a legislator, and the reverse applies to the one or the other, you have got a general proposition where, as a matter of course, the presiding officer of a body is to be taken from the body by the universal understanding of mankind. You have got another where, with the exception which, if I am not trespassing too much on the patience of the Senator, I will state presently—as a matter of course the two men can not do the same thing at once, and therefore, when the question comes whether the exercising the one vacates the other, the general proposition of the constitution applies, and there is no reason why it should not. Applying the general proposition of the constitution to that carries out the universal desire of the American constitutions framed in all the States in the nation and the universal principle which applies to such things.

I do not claim that the two offices are absolutely incompatible in the sense that the two things can not be done, as when you would say that an office to be performed in Washington and an office to be performed in London at the same time are incompatible, but I mean incompatible according to the established policies of the people of that generation in framing governments.

Now, there is one exception to that which I should like to state if I am not abusing my honorable friend's courtesy, and he is very courteous in allowing me to make this statement. He invited it himself. There are certain cases which the people of the United States provided for which you may speak of perhaps as vacancies in the second, or third, or fourth degree. Of course the country or a State can not go on without somebody all the time capable of acting as the chief officer, commanding the troops, seeing that the laws are faithfully executed, and doing all the other numerous functions that are attached to the chief executive office. In general, the people have provided for the case of a vacancy by death or inability by having one man set apart to be ready in the contingency which has happened, I think, four times in our national history, and which has happened in all our States, to step into the office of the chief executive.

In Massachusetts the lieutenant-governor is the president of the council and acts as one of the council of the State. In the United States the Vice-President is President of the Senate and presides over this body. We do not take our Vice-President from the body itself, as was expected. He is kept on hand and set apart from all other things. But you can not go on forever in that way. There might come a pestilence or an invasion by an enemy or a calamity like the explosion of the steamer on the Potomac River that happened years ago, where the President and Vice-President

would both be killed. That might happen, perhaps, once in three or four centuries, as it happened here in one hundred and seven years of this Government. It never happened, I believe, in a single State of the Union that the governor and lieutenant-governor both died at the same time, but still in that most extraordinary and unexpected and unlikely contingency our ancestors did not leave the thing to be without some remedy, and in that case they said, "We must, of course, take some existing officer and let him, whatever may be the inconveniences, add the duties of chief executive to that of his existing office."

That is what they did in the Constitution of the United States. They said that if the President and Vice-President both died Congress should determine what officer should act as President, and, as I stated once before on a very important occasion, in my judgment in that case, however inconvenient it must be by the law providing for the President of the Senate and the Speaker of the House succeeding, while constitutional, of which I express no opinion now, the President of the Senate must have acted as President of the United States, and we could have changed him every morning. They took that risk. The Constitution did not put that officer in. The Constitution simply said that Congress might designate the officer, but the first Congress, owing to the dislike of Mr. Jefferson, who was then Secretary of State, did not want to make the present arrangement that we have, and made the provision for the President of the Senate and the Speaker of the House. That, however, was one of the vacancies which I spoke of just now as vacancies in the second degree; and if he died the Speaker of the House would succeed.

Now, in regard to this Delaware case, it is an original primary vacancy; a common case, which has happened some four or five times in the history of the United States. It has happened, I think, six times in the history of my State. It has happened four or five times, I believe, in the history of Delaware already.

Mr. BURROWS. Nine times.

Mr. HOAR. It has happened nine times, my friend says, in the history of Delaware. Therefore, when we are construing the Delaware constitution we look at what they intended to provide for a common case, and their opinion was that in common cases senators should not be governors and governors should not be senators or representatives. It seems to me that the doctrine which is applicable to this case, as they have stated in so many words, is that when they say "hold the office" and when they say "exercise the office" they mean the same thing. That is clear by looking at this constitution. They say that no man who is a senator shall exercise the office of governor. That they have said in this constitution. Now, then, when you are looking to see whether the particular provision, that the speaker of the senate, as they call him there, shall succeed, is governed by that general rule or no, it seems to me you can find the answer by seeing that all the reasons which could have made them establish that general rule in providing for an original vacancy in the first degree applied to that.

Mr. GEORGE. I am very much obliged to the Senator from Massachusetts for occupying time enough for me to get a little rest for I was very much tired. But the Senator wandered from the point in the very beginning of his remarks. It is when a constitutional and express provision says that no person holding an office under the State of Delaware shall be a senator, and that by construction the president of the senate, who is an officer, is allowed to retain his office as senator, why can not the same express provision of the constitution, which says the speaker of the house of representatives shall exercise the office of speaker without losing his office of senator, apply to that case? The rule, as I pointed it out in the first part of my remarks, is that general provisions in the constitution are always to be modified and limited by particular provisions, and when the general rule was that no officer under the State shall be a senator or representative then the special rule that a speaker provided for in the constitution as senator should also hold the office of senator, is an exception from the other.

Referring now to the old constitution of Delaware of 1792, I proceed. That constitution, as to the section now in controversy—that is, section 14 is the same as this. That constitution, in case of vacancy in the office of governor, commands, as this does, "that the speaker of the senate shall exercise the office." These words mean the same thing in that constitution that they do in this. The constitution of 1792 put a construction on these words utterly repugnant to the construction put on them by the advocates of Mr. Du Pont, in a clause which provides that in case of the death, resignation, or inability, or absence from the State of the governor (there called president), the speaker of the legislative council (and in case of his death, resignation, or absence from the State, the speaker of the house of assembly) shall, respectively, with the privy council, exercise the executive authority of the State "till the third Tuesday in January next."

Under the construction of Mr. Du Pont's advocates this would give to the State of Delaware five actual governors at one time; the privy council, consisting of four, with, in case of the absence of the president and of the speaker of the council, two additional governors *in posse*—quite a number of governors for so small a State as Delaware. The same construction of words as adopted by the Senator from Oregon applied to the constitution of Massachusetts would give that State eight governors to fill a vacancy in that office provided for one only.

If executing the powers of the office of governor makes a man governor, then, under the constitution of Massachusetts, as I have just stated, they would have eight governors. Article VI of chapter 2 of the constitution of Massachusetts says:

ART. VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters, and things as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

If the power to execute the duties of the office of governor makes a man governor as it is insisted in this case that it does, then under the constitution of Massachusetts in case of a vacancy in the office of governor and lieutenant-governor the council does that thing, and, therefore, there would be eight or nine who would all be governors at the same time.

Nor can the other side avoid the force of this by stating that in the clause quoted from the constitution of 1792 the words used are "shall exercise the executive authority," while in the section we are now considering the words are "shall exercise the office of governor" for "exercise the executive authority," and "exercise the office of governor," in whom the executive authority is vested, are exactly of the same force and signification. And this is expressly recognized by the present constitution of Delaware we are now considering, in the last clause of this same section 14, wherein it is declared that in a certain contingency named in it "the governor of the last year, or the speaker of the senate, or of the house of representatives, who may *then* be in the exercise (not of the office of governor, but of its exact equivalent) of the executive authority, shall continue therein," etc.

But strong and conclusive as this is, I have not as yet called attention to the full significance of this last quotation made from this same section 14. I want to read that so that the Senator from Oregon may see the utter want of force in his contention.

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor—

That is the time when the governor's office commences—

the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

This occurs, as has been seen by the mere reading of it, in a clause framed to prevent an interregnum in the executive authority in a contingency which had not before been mentioned in the constitution. It was designed to prolong and recognize the prolongation of the authority of a person to exercise the executive authority in the contingency named.

It provides—

First. That the regular governor, if there be one, shall continue not indeed to hold but to exercise the executive authority.

Second. That the speaker of the senate or of the house who may THEN be in the exercise of executive authority shall continue in it.

Now, in this clause are two distinct and unequivocal assertions of facts, each and both of which destroy Mr. Du Pont's case—destroy it forever without possibility of resurrection.

One is express and the other a necessary implication, each of which and both of which are false assertions made with deliberation in the constitution itself if the position of Mr. Du Pont's advocates be correct.

The first, express, is that on the third Tuesday of January, the ordinary end of the exercise by the speaker of the senate or of the house of the executive authority, he is still at the end speaker exercising that authority. The language is, "The speaker of the senate or house, who may *then* (on the third Tuesday of January) be in the exercise of the executive authority." This is a false assertion if he ceased to be speaker months before on his entry on, at the moment he began, this exercise. There can be no doubt of this proposition. I challenge its contradiction here and now.

The next assertion is made by necessary implication, and is that a speaker exercising the executive authority is not governor; for if he were governor, if he became governor on his entry into the exercise of that office, he so remained as long as he continued that exercise, and hence was governor on the third Tuesday of January, and was named and included in the words "governor of the last year" just as fully as a governor elected by the people is so named. Therefore, on that construction, the addition of the words "speaker of the senate or of the house then exercising the executive authority" was not only unnecessary, but pure and unmitigated and also misleading nonsense. And I now add, with absolute confidence that what I say can not be overthrown, that as the speaker of either house, under clause 1 of this section commanding him to exercise the office till a governor elected by the people

should be duly qualified—this last clause we are now considering—as to him, the speaker, could have no other effect and no other purpose than to put in the constitution a clear and unequivocal expression as to the true construction to be placed on his exercise of the executive authority; that he was not governor, but was, up to the end of such exercise, speaker, and nothing else than speaker. It could not extend or prolong his exercise of the executive authority as it did that of the governor of the last year, for it already extended to the period mentioned—the end of the contest—for there could be no qualification of the newly elected governor till it was ascertained who was elected; and that ascertainment was the determination of the contest.

Constitutions are designed to furnish as the fundamental law a rule of action not only to the people who are governed but for those who govern them. They should be framed so as to be as easily understood as human writings can be. They are not designed to furnish riddles or puzzles or questions to be solved only by the exercise of extraordinary aptitude for clearing up the dark and mysterious. The framers, therefore, of such instruments are under the highest and most solemn obligation to so do their work that the task of ascertaining what is meant in a clear and certain sense shall not be beyond the powers of the ordinarily intelligent. The people ought to be able to understand what all their officers, high or low, are sworn to support.

A careful consideration of the constitution of Delaware impresses me that its framers understood their duty as I have explained it and faithfully performed it.

So, inspired by these sentiments, as I believe they were, when they came to frame this last clause in section 14, in reference to *ad interim* and provisional substitutes for governor, there came an opportunity to remove all doubt as to their meaning on this subject. If they meant that this substitute should be governor—should hold the office of governor—they had then the opportunity and it was their plain duty to stop at the words "the governor of the last year" in designating the instrument to exercise the executive authority till the determination of the contest. That would have removed all doubt and would have included "speaker of the senate or of the house" if the intent and meaning of the former provisions were that these officers should become governor when the executive authority devolved on them. But they did not do this; but acting on this idea, and on that alone—to make clear the meaning of the constitution—they inserted after the words "the governor of last year" the words "or the speaker of the senate or of the house who may *then* be in the exercise of the executive authority." By this they asserted, as I have shown beyond doubt, that the speaker so acceding to the exercise of the office of governor under the first clause of this section acceded to duty and power superadded to his office as speaker, which duty and power he performed and exercised as speaker till the very end.

If there be any answer to this I am unable to see it, and I respectfully ask my friend the distinguished Senator from Oregon to state it.

This last clause upon which I have just commented contains a provision—necessarily involved in its plain meaning and easily perceived when attention is called to it—which I think I ought to call to the attention of the Senate. It answers beyond controversy the objection made by the opposition—that the speaker could not as speaker exercise the office of governor after the termination of his regular official term as speaker. I admit there is plausibility in this objection, but mere plausibility can not overturn the positive commands of the constitution. The constitution says not only that the speaker can but that he "shall" so exercise the executive authority "until a governor elected by the people shall be duly qualified." And I submit that what the constitution commands must be obeyed. In this very clause the power of the governor of the last year—after he had ceased to be governor—is continued beyond his term, and identically the same thing is done in clause 3 of the same section. I have shown beyond controversy that the speaker *eo nomine* in his official character in the beginning of the vacancy exercised the executive authority and that at the end of his service the constitution asserts that he is still speaker at that time in the exercise of that authority.

Mr. MITCHELL of Oregon. Will the Senator allow me just there?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. Suppose in the meantime—which may be the case—a new senate comes in and elects another speaker, then there would be two speakers, would there not?

Mr. GEORGE. That is all provided for. I will answer all of that.

Can the friends of Mr. Du Pont, in construing this very constitution containing this express and unequivocal assertion, deny that the constitution itself is to be heard? They claim that these provisions, construed in their plain and necessary meaning, would give the senate of Delaware, after the legislature met, two speakers, and that would be an altogether incongruous and incompatible arrangement. The Senator will see now, I think, that he is answered.

All provisions to supply a temporary and unlooked-for vacancy in the office of the chief executive of a State are necessarily incongruous and inconsistent with other parts of the constitution, and must be held to be exceptions to general provisions when that officer is elected by the people, as all of them in the United States now are. There must be great delay in having a new election by the people, but the exercise of the powers of the office must constantly go on; there must be no *interregnum;* there must be some person to execute the laws, or to take care that the laws are faithfully executed; there must be no anarchy. So provisions incongruous and inconsistent with other parts of the constitution must necessarily be made. Another officer must be selected for this particular emergency arising outside of the regular, normal administration of the government. In doing this, the selected officer may be transferred to the governor's office and displaced from his old office, or the selected officer may be merely endowed in his official character with the exercise of executive duties. Either and both are inconsistent with the other parts of the constitution. Both are incongruities, but the first is the greater of the two, for in that case an officer elected by one branch of the legislature—it may be the senate, where the votes of five men (in Delaware) would create him, or by some small constituency much less than one-half the State—is deprived of the office to which he was elected and for which he has the constitutional qualifications, and the right of his constituents to his service in that office taken away, and he is transferred to and placed in an office for the whole State, to which he was not chosen, without regard to his want of constitutional qualifications for that office. What greater incongruity than this?

But to return more directly to the objection about two speakers.

It is not certain by any means that the senate of Delaware would have two speakers on the construction of the constitution that we contend for. The permission in the constitution given to elect a speaker *pro tempore* when the speaker exercises the office of governor is limited only by the termination of such exercise. I will read that provision of the constitution of Delaware:

SECTION 5, ARTICLE II.

Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker *pro tempore*.

Read it, ponder it, and you can get no other limitation than that while the speaker is exercising the office of governor the legislative body may have a speaker pro tempore. Such is the construction of the constitution of Pennsylvania of 1838, which is exactly like the constitution of Delaware on this point. Here is a case which I will read from the brief of counsel against Mr. Du Pont:

On July 9, 1848, the general assembly of Pennsylvania not being in session, Governor Shunk resigned, and William F. Johnston, who was chosen as speaker of the senate at the last preceding session, took an oath faithfully to discharge the executive duties, and entered upon the exercise of the office of governor. The general assembly met on January 2, 1849. In the meantime an election for governor had been held, and Mr. Johnston had become governor-elect, but his term as governor did not begin till January 17, 1849. When the general assembly met, George Darsie was chosen by the senate as speaker pro tempore, and Mr. Johnston's name appears in the journal as that of a senator whose term was to continue till 1850.

But still more unequivocal are the following extracts from the senate journal of January 13, 1849, showing what Mr. Johnston, who was then exercising the office of governor, did in anticipation of his inauguration as elective governor on the 17th of the month:

*To the honorable the senate of Pennsylvania:*

SENATORS: I hereby tender my resignation as speaker of the senate of Pennsylvania. * * *

I remain, respectfully, your obedient servant,

WM. F. JOHNSTON.

JANUARY 13, 1849.

He had been in the exercise of the duties of the office of governor, under a provision in the constitution of the State of Pennsylvania exactly like the constitution of Delaware, since July 9, 1848. He resigned the office, and his resignation was accepted on the same day, when he addressed the following letter to the speaker of the senate:

JANUARY 13, 1849.

SIR: Permit me, through your kindness, to present to the senate my resignation as a member of that body.

I am, truly yours,

WM. F. JOHNSTON.

To the Hon. GEORGE DARSIE, *Speaker of the Senate.*

These communications having been disposed of, Mr. Darsie resigned the office of speaker pro tempore and was elected speaker.

But if there were at the same time that the speaker is exercising the executive authority a new speaker—a full speaker is elected—then we would have in Delaware, to meet an emergency for a short time, only what they have in Rhode Island as the regular normal condition, two regular constitutional presiding officers, one with right to preside all the time, and the other with right to preside in the absence of the other. I think I had better read that provision of the constitution of Rhode Island to show that it is not so much of an incongruity after all.

SEC. 2. The governor, and in his absence the lieutenant-governor, shall preside in the senate and in grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

I read that for the purpose of showing that in the State of Rhode Island they have two regular constitutional presiding officers all the time. I read it also to show that it is not altogether such an incongruous, incompatible, and unrepublican provision that the governor of a State should be actually the presiding officer of one body of the legislature.

Mr. MITCHELL of Oregon. May I make a suggestion to the Senator at that point, which has just occurred to me, and which I have not heard suggested by any body else?

Mr. GEORGE. What is the suggestion?

Mr. MITCHELL of Oregon. If the theory of the Senator be correct, that this man can be senator, speaker of the senate, and governor all at one and the same time——

Mr. TURPIE. Nobody claims that.

Mr. MITCHELL of Oregon. The senate of the State of Delaware have certain prerogatives, certain rights that they can exercise, and certain duties which they are compelled to perform under certain circumstances, as, for instance, they can send for and issue writs of arrest for members. Now, the question I wish to put to the Senator from Mississippi is this: Suppose Mr. Watson—Senator Watson, Governor Watson, Speaker Watson—while in his gubernatorial office, exercising the office of governor, refuses to respond to a call of the senate, can the senate of Delaware issue a writ and send the sergeant-at-arms into the gubernatorial office, arrest the governor of the State, and bring him into the senate?

Mr. GEORGE. If he remains senator, he is subject to all the rules and regulations by which other senators are governed.

Mr. MITCHELL of Oregon. He, while exercising the office of governor, is also commander-in-chief of the militia of the State, except in a certain case. Suppose there is an insurrection going on and he is at the head of the militia, or he is commander-in-chief, can the senate then send their writ with their sergeant-at-arms and bring the commander-in-chief of the forces of the State, the governor of the State, into the senate, and compel him to perform senatorial duties?

Mr. GRAY. Will the Senator from Mississippi allow me to ask the Senator from Oregon a question there?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I should like to get an answer to that question.

Mr. GRAY. The Senator will get an answer to it; but in case under the act of 1792 the President *pro tempore* of the Senate had been acting as President, and as such was Commander-in-Chief of the Army and Navy of the United States, while he was on board a ship commanding it, or at the head of the Army, with his cocked hat on his head and his sword by his side, I will ask the Senator from Oregon whether the Senate of the United States could, according to his theory and that of the Senator from Massachusetts, send the sergeant-at-arms and bring him here, for I understand the Senator from Massachusetts has said this afternoon that such a person continued to be a Senator of the United States?

Mr. HOAR. That is the reason why we changed that law.

Mr. GRAY. But that was the effect of the law; and we have not changed the law in Delaware.

Mr. MITCHELL of Oregon. I supposed the Senator from Delaware lived entirely too far south to come back at me in Yankee fashion, answering my question by asking another.

Mr. GEORGE. In the case put by the Senator from Delaware——

Mr. MITCHELL of Oregon. I should like to hear an answer to my question from the Senator from Mississippi.

Mr. GEORGE. I will answer the Senator by saying that an answer to his proposition is not at all necessary to the settlement of this question, and I suppose, if anything of that sort should occur in the State of Delaware, the courts there would settle it.

In Delaware there would be two speakers, one with right to preside over the senate, and that would exclude the speaker exercising the office of governor from the duty of presiding. The duties of the two from the date of the election of the new speaker would be entirely independent and not at all conflicting.

I do not say that is the best way of making a constitution, for we are not now making one; but I do say that it is a way of forming their constitution which the people of Delaware had an undoubted right to adopt, and if they have adopted it no person on earth can set it aside upon the ground that he thinks it is altogether an unheard-of and incongruous proceeding.

But this idea of two officers for a temporary emergency, when there is otherwise only one officer, is not unheard of, nor is it so incongruous as our opponents suppose. The common law, said to be the perfection of human reason, does that thing exactly with reference to the office of sheriff. By the common law, when a writ is directed to the sheriff of a named county and he commences the execution of it (and the rule is the same if there be a dozen or an indefinite number of writs), and after such commencement and before he completes the execution of the writ his term of office expires and a successor is chosen and qualifies, this same old sheriff, whose term has expired, acting in his capacity as sheriff, continues to exercise that office as to that particular writ until execution of it is complete, the other sheriff in the meantime fulfilling his office as to all other matters.

What the common law does with reference to a sheriff may certainly be done by the people of a sovereign State in their constitution with reference to any officer provided for in it. The people of Delaware have declared that the speaker of either house of their legislature, having commenced, under a constitutional mandate, the exercise of the office of governor to supply a vacancy, shall as to that particular duty continue to exercise it till the end—till the vacancy no longer exists—notwithstanding his office as to other duties may have terminated.

The alleged incongruities and inconsistencies, whether real or imaginary, must give way before the commands of the constitution. I have shown beyond doubt that such command has been given.

I will state to the Senator from Illinois [Mr. CULLOM] that if he now desires to go on with any other business, and I can have leave to proceed with my remarks to-morrow at the conclusion of the routine morning business, I shall be glad to give way at this time, as I am exhausted.

Mr. CULLOM. I will accept the suggestion of the Senator from Mississippi, and, by his leave, will ask that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. PASCO. Without displacing the unfinished business?

Mr. CULLOM. Without displacing the unfinished business.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost for further improvement of Providence River and Narragansett Bay, Rhode Island.

The message further announced that the House had passed a bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.; in which it requested the concurrence of the Senate.

## POST-OFFICE APPROPRIATION BILL.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

Mr. PEFFER. Before the bill is proceeded with, will the Senator from Illinois allow me just a moment?

Mr. CULLOM. Let us get the appropriation bill before the Senate.

Mr. PEFFER. Very well.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, which had been reported from the Committee on Appropriations with amendments.

Mr. CULLOM. I now yield to the Senator from Kansas [Mr. PEFFER].

Mr. PEFFER. I will take but a moment. Yesterday I gave notice that to-day, after the remarks of the Senator from Mississippi [Mr. GEORGE], I would ask the Senate to take up a certain resolution. Now that the address is not yet concluded, I give notice that at the conclusion of his remarks to-morrow, if they are then concluded, I shall make the motion indicated.

Mr. GRAY. At the conclusion of the remarks of the Senator from Mississippi without reference to the day.

Mr. BROWN. In arranging the order of business for to-morrow I wish again to ask that the unfinished business, the joint resolution with respect to the Uncompahgre Reservation in Utah, shall have precedence over the resolution, and that nothing shall displace that order of business except appropriation bills.

Mr. CULLOM. That has already been arranged.

Now let us proceed with the appropriation bill. I ask that the first formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading of the bill.

The PRESIDING OFFICER (Mr. KYLE in the chair). Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 1, after the word "dollars," to insert:

*Provided*, That no post-office established at any county seat shall be abolished or discontinued by reason of any consolidation of post-offices made by the Postmaster-General under existing law, and any such post-office at a county seat heretofore consolidated shall be established as a separate post-office at such county seat;

So as to make the clause read:

For compensation to postmasters, $16,250,000: *Provided*, That no post-office established at any county seat, etc.

The amendment was agreed to.

The next amendment was, on page 2, line 8, before the word "thousand," to strike out "three hundred and fifty" and insert "five hundred"; and in line 10, before the word "used," to strike out "may be"; so as to make the clause read:

For compensation to clerks in post-offices, $10,500,000, $900,000 of which shall be available and used in payment of clerk hire in third and fourth class separating post-offices.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out:

For pay of letter carriers, $12,240,300;
For marine free-delivery service, $3,500;
For horse hire allowance, $344,000;
For car fare and bicycle allowance, $170,000;
For street letter boxes, posts, and pedestals, $15,400;
For package boxes, $10,250;
Twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum, $10,800;
Incidental expenses, including repairs, painting, freight, straps, time cards, maps, directories, furniture, etc., $24,000;
In all, $12,748,250,

And insert:

For free-delivery service, including existing experimental free-delivery offices, $12,818,250.

Mr. PLATT. I notice that the amendment increases by about $70,000, I think, the amount of the several items for free-delivery service in the bill as it comes from the other House, which are proposed to be stricken out. It has been suggested to me that it might be possible under this item as it is proposed to amend the bill to pay for an additional number of post-office inspectors. I have not so understood the bill. I should like to inquire of the chairman of the committee whether it would be possible for the Postmaster-General to appoint 40 or 45 additional inspectors and pay them out of this particular appropriation. I find that further along in the bill there is provision made for the payment of post-office inspectors.

Mr. BACON. I raise the point that no quorum is present. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allen, | Cockrell, | Kyle, | Roach, |
| Allison, | Cullom, | Lindsay, | Sewell, |
| Bacon, | Daniel, | Lodge, | Teller, |
| Baker, | Davis, | McMillan, | Tillman, |
| Bate, | Faulkner, | Mantle, | Turpie, |
| Berry, | Frye, | Mills, | Vest, |
| Blackburn, | George, | Mitchell of Oreg. | Vilas, |
| Brice, | Gordon, | Pasco, | Walthall, |
| Brown, | Gorman, | Peffer, | Wetmore, |
| Burrows, | Gray, | Perkins, | White, |
| Call, | Hale, | Pettigrew, | Wolcott. |
| Cannon, | Hawley, | Platt, | |
| Chilton, | Hill, | Proctor, | |
| Clark, | Hoar, | Pugh, | |

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. PLATT. Out of abundant caution, I move to amend the amendment by inserting after the word "dollars," on page 4, line 2, the following proviso:

*Provided*, That no portion of this sum shall be expended for the payment of post-office inspectors.

Mr. ALLISON. In response to the inquiry of the Senator from Connecticut, I will state that in my belief and judgment no portion of this sum can be so used, but out of abundant caution, as he says, I am entirely willing that the amendment to the amendment shall be adopted. The First Assistant Postmaster-General, under whom this money is expended, stated to us distinctly that no part of it would be so used.

Mr. CALL. I should like to know if it should be necessary for the public service to expend some portion of the sum for post-office inspectors why it should not be done?

Mr. ALLISON. I will say to the Senator from Florida that the reason is because this appropriation is for a wholly different purpose. In another part of the bill we have made ample provision for post-office inspectors.

Mr. CALL. If it be true that we have made ample provision, that presents a different case. I happen to know of an instance where there was great necessity that there should be a fund from which an officer could be paid because of the impossibility of rendering service in the delivery of the mail without a person perfectly familiar with some foreign language. There was such an office in New Orleans for some years. The necessity for it occurred last summer in a portion of Florida, and there was no manner in which the Postmaster-General could provide either for the appointment or for the payment of the officer; so a little discretion is very necessary at times, even in reference to what we suppose we have done properly.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut [Mr. PLATT] to the amendment of the committee will be stated.

The SECRETARY. After the word "dollars," in line 2, page 4, it is proposed to insert:

*Provided*, That no portion of said sum shall be expended for the payment of post-office inspectors.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

Mr. WOLCOTT. I am a little at sea as to the progress the bill is making. Did the amendment offered by the Senator from Connecticut to the amendment carry?

The PRESIDING OFFICER. The amendment to the amendment was agreed to.

Mr. WOLCOTT. Providing that no portion of this amount shall be applied to the payment of post-office inspectors?

Mr. PLATT. For the payment of post-office inspectors.

Mr. WOLCOTT. I am a little late, apparently. The matter will come up again on a vote, I take it, however. Does it leave the Postmaster-General without authority to employ post-office inspectors?

Mr. FAULKNER. Oh, no.

Mr. ALLISON. They are provided for.

Mr. WOLCOTT. They are provided for in another portion of the bill?

Mr. PLATT. On the ninth page.

The next amendment of the Committee on Appropriations was, on page 4, line 10, before the word "dollars," to strike out "twenty-seven thousand five hundred" and insert "thirty thousand"; so as to make the clause read:

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, $30,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 16, on page 4.

Mr. ALLEN. I desire for a moment to ask the attention of the Senator in charge of the bill to that part of it which provides for the rent of canceling machines:

For rental of canceling machine, $60,000.

What is the character of those machines, and what objection is there to making provision for their purchase?

Mr. ALLISON. I will state to the Senator from Nebraska that there are three or four patented instruments called canceling machines. Those who invented the machines regard the inventions as very valuable, and they refuse to sell at any reasonable price. The machines have been in use for a number of years in the different post-offices in the larger cities of the United States. They effect a great saving and are of value.

During the last two years the number of machines has been increased and the rental value largely diminished, so that those having authority believe it is wiser to rent machines than to buy them. They are used for canceling letters at the rate of twenty to thirty thousand an hour. They make a large saving in time to the Government, and are regarded as of great value.

Mr. ALLEN. Can not the work be done cheaper by some other method?

Mr. ALLISON. Those who are familiar with the subject practically say that this is the cheapest and best method. The machines did rent at the rate of $400 a year, but I think the present Postmaster-General has brought the rental down to $150. I have the figures here.

Mr. FAULKNER. For some $225 a year is paid, and for others $150.

Mr. ALLISON. I think the Department now utilizes two patented machines. One they rent at $225 a year and the other at $150. The best machines rent at an annual rental of $225. They are used in all of the great cities in the United States, I believe.

Mr. ALLEN. I should like to ask the Senator from Iowa whether the patentees of those machines are employees or officers of the Government?

Mr. ALLISON. I can not give the Senator information upon that subject, but I have no doubt they are not employees of the Government.

Mr. ALLEN. I think it has been held that an employee or officer of the Government can not patent an article which is to be used in the line of his duties and as against the Government charge for its use.

Mr. ALLISON. I can not state positively, but I feel quite certain that no one of the patentees is an employee of the Government.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 9, before the word "thousand," to strike out "twenty-five" and insert "forty-five"; so as to make the clause read:

For mail bags and mail-bag catchers, cord fasteners, label cases, and for labor and material necessary for repairing equipment, $345,000.

The amendment was agreed to.

The next amendment was, on page 5, line 13, before the word "thousand," to strike out "forty" and insert "forty-five"; so as to make the clause read:

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, $45,000.

The amendment was agreed to.

The next amendment was, on page 5, line 24, before the word "million," to strike out "twenty-seven" and insert "twenty-eight"; so as to make the clause read:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $28,500,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, before the word "hundred," to strike out "six" and insert "seven"; so as to make the clause read:

For railway post-office clerks, $7,730,000, of which sum not to exceed $15,000 may be used to pay necessary traveling expenses of chief clerks and railway postal clerks traveling on duty under order of the Postmaster-General.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the words "International Postal Union," to insert:

And not exceeding $10,000 for transferring the foreign mail between the steamship piers in New York City and Jersey City and the post-office and railroad stations.

So as to make the clause read:

For transportation of foreign mails, $1,750,000: *Provided*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding $10,000 for transferring the foreign mail between the steamship piers in New York City and Jersey City and the post-office and railroad stations.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian Colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. I wish simply to inquire upon what basis or for what reason this amendment is proposed?

Mr. ALLISON. The amendment was inserted by the Senate Committee on Appropriations upon letters and statements furnished to us by the Senator from California [Mr. PERKINS], showing that the compensation paid at present for the transportation of those mails is not sufficient to enable the line which is now transporting the mails to continue the transportation in competition with a similar line known as the Canadian line from Victoria. The Canadian line is subsidized, I believe, to the extent of three times the amount now paid by the United States for the transportation of its mails from San Francisco to the points named in the amendment. It must go without saying that the American line can not compete with the Canadian line unless some additional subsidy or allowance is made for carrying the mails.

Mr. WOLCOTT. Is it an American line, I would ask?

Mr. ALLISON. It is an American line, with ships built in the United States, and wholly owned by citizens of the United States.

Mr. WOLCOTT. I ask the Senator what is the present compensation per mile?

Mr. ALLISON. The present compensation for the entire service is $50,000 per annum. This is an addition of $80,000. I will state that the amount authorized by the amendment is within the compensation authorized to be paid to American ships by the act of 1891.

Mr. WOLCOTT. Are we paying as great compensation to any other line; and if so, to what line?

Mr. ALLISON. We are paying much larger compensation to several lines.

Mr. HALE. We are paying to other lines twice as much as this will be with the amendment added.

Mr. WOLCOTT. By special act?

Mr. ALLISON. By the act of 1891, under contracts made with the Postmaster-General.

Mr. HALE. The subsidy act.

Mr. ALLISON. The subsidy act of 1891. The committee, after making such examination as was possible, I think were all of opinion that this additional sum should be allowed for the current year, and then we will see what will follow later on.

Mr. VILAS. Mr. President, I do not suppose there is any prospect of gain to the country in antagonizing any new proposal for an increase of the subsidy. But I wish to remark that I observe the total appropriation in the pending bill for the transportation of foreign mails is $1,750,000. This will add $80,000 more, making $1,830,000. I think there has been gained not a single line, not an hour's expedition, not a particle of advantage to the transportation of the mails by the subsidies which were provided for some years ago, while the increase of charges upon the postal service has been about $1,300,000, as I remember the figures.

I do not believe there has been increase of facilities of transportation, increase of expedition, or any advantage whatever to the mail service by the giving of these subsidies. Of course, the reason for the insertion of this amendment is, as stated by the chairman, not to secure expedition, increased service, but only to assist in maintaining the profitable conduct of a line of steamships.

Mr. ALLISON. It is to secure service and not to increase it.

Mr. VILAS. The same service which will be secured with the addition of this amendment was for years rendered to the Post-Office Department without the expenditure of any subsidy whatever. I believe that between this country and Europe the mail service has rather been diminished than improved by the subsidy which has been paid.

It interests me to point out this fact, because a good many years ago it became incumbent upon me in an official position to consider whether a subsidy which had been appropriated by Congress should be paid or not. For particular reasons, somewhat limited to that case and at that time, it was impossible then to distribute the bounty which had been proposed in any reasonable manner, and the appropriation was not expended. Subsequently Congress adhered to that view until during the Fifty-first Congress, when the large subsidies were added. Now the deficiency in the postal revenues to meet the expenditures of that service approximates, I believe, $10,000,000. It seems to me that with all the burdens there are upon the people of this country, with our gross excess of expenditures and our diminished revenues, it would be wise at least not to add to the burden by increased subsidies for the purpose of maintaining or assisting to maintain the profits of a line of steamers.

Mr. PERKINS. Mr. President, the $80,000 which it is proposed by the committee to add in the form of a subsidy, as the Senator from Wisconsin terms it, is for additional compensation for carrying the mails of this Government to the islands of the Pacific, New Zealand, and Australia. This steamship company has been in operation for some eight or ten years. It has been a successful line of steamers. The ships were built in the United States by American mechanics; they are manned by American seamen, and they have been successfully plying on the Pacific Ocean between San Francisco and the islands of the Pacific, New Zealand, and Australia. They were satisfied, because our Government would do no more, with the meager sum which they received in ocean postage, which amounted to about $55,000 per annum. They were bringing to the United States the trade of the Australian colonies. The line became popularized by our own people, as well as the people of New Zealand, to such an extent that the colonies of New Zealand have yearly aided them by a mail subsidy.

This condition of affairs continued until the completion of the Canadian Pacific Railroad across the continent. The well-known enterprise of our British friends was first manifested by subsidizing a line of steamers between Vancouver, Japan, and China. They gave the line a subsidy which was equivalent to the operation of their steamers and interest upon their investment. They continued that line, taking away a part of the business that was controlled by the Pacific Mail Steamship Company and the Occidental and Oriental Line of steamships; but by the action of the transcontinental railroad in making a through rate from China to New York and other Atlantic ports we have been enabled to keep a part of that business.

Not satisfied with endeavoring to monopolize the trade of the Orient, they have now placed on a line of steamers between Vancouver and Australia and New Zealand. The Canadian line between Vancouver and Australia consists of two steamships with monthly sailing. They receive a subsidy from the Canadian Government of £25,000 per annum, and from the Australian colonies a subsidy of £10,000 per annum, equivalent to $14,533 per voyage. In addition to this, the steamship line is to participate in the subsidy granted by the Imperial Government to the Atlantic connection of the great transcontinental Canadian railroad. At the present time I can not state what that subsidy will amount to, but certainly not less than, and perhaps far in excess of, £10,000 per annum, thus bringing up the entire payment that the line will receive in subsidy from Vancouver to Australia to $18,750 per voyage. In addition to this they have their agents to-day in the

Hawaiian Islands and in the Society Islands asking those Republics and colonies to aid them with a subsidy. Wherever the flag is, the trade follows it, and England, with her well-known maritime and commercial enterprise, is to-day striving for the trade of the Pacific Ocean.

What are we doing for this steamship company? The Oceanic Steamship Company, which is the only successful rival, the only steamship company that flies the American flag south of the equator on the Pacific Ocean, receives from our Government the magnificent sum of $4,615.40 per voyage for carrying the mails of our Government to those colonies, while New Zealand alone gives $5,769 per voyage to this American line of steamers—one-third more than our own Government is paying for this service. I say it is a shame; I say it is a reflection upon American patriotism, when we sit idly by and permit the British to come in and take this trade away from us by subsidizing their ships by mail subsidies, by commercial subsidies, and by a subsidy making them naval auxiliary ships. No private company can compete with such competition. England is reaching out with both hands with an avaricious grip upon the trade of New Zealand and Australia.

Our American steamship company, with their well-known enterprise, would not have asked one farthing increase in the meager sum that they are receiving were it not in a measure to neutralize the effect of our competitors on the north. We are not asking you to give us as much as New Zealand gives an American steamship. The British colony want to stimulate competition, and they ask, "Why do not the people of the United States do something for their own flag, for their own shipping, if they want the trade to follow?" I presented these facts to the Committee on Appropriations and to the Committee on Commerce, and without a dissenting word they said, "We will increase the subsidy to what you ask and certainly be as liberal as the people of New Zealand." I believe it is a religious duty that we owe to the maritime commerce of this country to do something by paying our people for carrying this mail, if it is only one-quarter what the British are paying for similar service. Under the provisions of this proposed act we could perhaps receive this amount if the steamers of the line were faster in speed. They make 16 knots per hour now, and under this subsidy we are giving them about that which would amount under the schedule in the act of 1890 to 2 knots faster. We are paying for coal in San Francisco from $2 to $3 per ton more than our British neighbors are paying in Vancouver. The consular reports from Liverpool show us that we pay from 27 to 33 per cent more wages on American ships. The consular reports show that it costs us 40 cents per day to feed American seamen on American ships, while on the English ships it costs but 29 cents per day; but yet, with all these disadvantages, American pluck, American energy, has said, "We are going to stay with the British until the end if you will only deal half fairly with us."

I will not weary you, because I feel assured that the Senate will almost unanimously adopt the recommendation of the committee.

Mr. WHITE. Mr. President, it appears to me that the real issue with reference to this matter can be expressed in a few words. It is necessary for the Government of the United States to pay for the transportation of mails. That we all concede. We are now making a more liberal appropriation than common. It is true that we are not getting faster service, but it is also true that in providing compensation we should take into consideration the fact that this is an American line of steamers, and that it is better for us to have our business done by an agency to some extent of our own creation. From an investigation which I have made into this subject—and I have tried to make it rather carefully—I do not believe it possible that the service will continue at all unless the compensation is increased.

I think that the competitive features alluded to by my colleague [Mr. PERKINS] show positively that unless we are more liberal in the matter of paying for the transportation of mails over this route we shall have to seek some foreign agencies in the premises. I believe that this steamship company is the only American line going south of the equator, and transporting American merchandise to the ports of Australia and the southern seas. I think, in view of the surroundings of the case, that the compensation is liberal; it may be called a subsidy in one sense; it is a generous compensation—that is, sufficiently so to permit the vessels to operate. If we force the matter by leaving the amount paid as it has been, I do not think the service can continue. Under these circumstances I shall vote for the amendment.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as agreed to.

Mr. VILAS. I should like to have a vote of the Senate on the amendment.

Mr. VEST. It increases the subsidy?

Mr. VILAS. It increases the subsidy.

Mr. ALLISON. I hope the Senator will agree to take a vote on the amendment after the bill gets into the Senate.

Mr. VILAS. What is the objection to taking a vote now?

Mr. TELLER. Let us take it now.

Mr. CULLOM. We would be left without a quorum, I fear.

Mr. VEST. I do not want to vote for an increase of the subsidy.

Mr. MILLS. Let us adjourn.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. ALLISON. I ask the Senator from Wisconsin to agree to take a separate vote on the amendment when the bill is reported to the Senate. I hope there will be no objection to that course. We can then go on with the bill, and it will save time.

Mr. MILLS. I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator from Texas will allow us to go on a few minutes longer.

Mr. MILLS. Oh, no; it is nearly 5 o'clock. Let us adjourn. We can finish the bill in the morning.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 1, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *March 31, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

### IMPROVEMENT OF HARBOR AT PORTLAND, ME.

Mr. HOOKER. Mr. Speaker, I desire to submit a joint resolution for consideration.

The Clerk read as follows:

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor of Portland, Me.

*Resolved, etc.*, That the Secretary of War is hereby directed to prepare and submit estimates for the improvement of the harbor at Portland, Me., with a view of securing a depth of 30 feet at mean low water.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. Without objection, the title will be inserted. [After a pause.] The Chair hears none.

The question was taken; and the joint resolution was passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

### FURTHER IMPROVEMENT OF PROVIDENCE HARBOR AND NARRAGANSETT BAY, RHODE ISLAND.

Mr. HOOKER. I desire to present another resolution.

The Clerk read as follows:

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

*Resolved, etc.*, That the Secretary of War is hereby directed to prepare and submit estimates for the improvement of Providence River and Narragansett Bay, Rhode Island, with a view of securing a ship channel 400 feet in width and of a depth of 25 feet at mean low water from Sassafras Point, in Providence Harbor, through Providence River and Narragansett Bay by the most direct route practicable to the ocean by way of the "western passage," so called.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

### CASCADES OF THE COLUMBIA RIVER.

Mr. HOOKER. Mr. Speaker, I present another resolution.

The Clerk read as follows:

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation.

*Resolved, etc.*, That the Secretary of War be, and is hereby, authorized and directed to expend so much as may be necessary of the unexpended balance of appropriations heretofore made by Congress for construction of the canal and locks at the Cascades of the Columbia River, not to exceed the sum of $20,000, in constructing on the land and river sides of the canal, between the upper lock gate masonry and the upper guard gate masonry, such portions of the walls proposed in the modified project presented by the Board of Engineers in its report of October 18, 1894 (which report was printed in the Annual Report of the Chief of Engineers for the year 1895, part 5, pages 3576 and following), as may be necessary to construct in advance of the opening of the canal to commerce: *Provided*, That the contractor or contractors for completing the construction of the said canal in accordance with the present adopted project shall consent to such use of a portion of the appropriations aforesaid, and shall make no claim of any kind against the United States on account thereof.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DINGLEY. One moment. This is a diversion of an appropriation made for another purpose?

Mr. HOOKER. Yes, sir.

Mr. DINGLEY. Is it a part of the same work?

Mr. HOOKER. It is a part of the same work.

Mr. DINGLEY. It is really to carry on the same work and does not make any further diversion?

Mr. HOOKER. No additional expense is necessary.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On March 13, 1896:

An act (H. R. 2300) to incorporate the Supreme Council of the Thirty-third Degree of Scottish Rite Masonry for the Southern Jurisdiction of the United States;

An act (H. R. 1712) granting to the First Regiment North Carolina State Guard two condemned cannon;

An act (H. R. 162) regulating proof of death in certain pension cases; and

Joint resolution (H. Res. 98) directing the Secretary of War to submit a plan and estimate for the further improvement of Conneaut Harbor, in the State of Ohio.

On March 16, 1896:

An act (H. R. 5359) making appropriations for the support of the Army for the fiscal year ending June 30, 1897; and

An act (H. R. 3964) to reorganize the customs collection district of Alaska.

NOTE.—The following bill was presented to the President March 6, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval:

An act (H. R. 1691) to authorize the St. Louis and Oklahoma City Railroad Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

On March 20, 1896:

An act (H. R. 7137) to provide for printing and binding for the Navy Department;

An act (H. R. 3265) donating one condemned cannon and four pyramids of condemned cannon balls to Stone River Post, No. 74, Grand Army of the Republic, Sedan, Kans., and for other purposes;

Joint resolution (H. Res. 105) for the relief of ex-Naval Cadets John P. J. Ryan, John R. Morris, and Chester Wells; and

Joint resolution (H. Res. 140) directing the Secretary of War to make a survey and submit an estimate for a breakwater in Marquette Bay.

On March 23, 1896:

An act (H. R. 573) for the relief of Frances R. Jack, Elizabeth J. Jack, and Matilda W. Jack;

An act (H. R. 6250) to authorize the construction of a bridge across the Mississippi River in the county of Aitkin, State of Minnesota;

An act (H. R. 2921) to repeal section 6 of an act entitled "An act to define the duties of pension agents, to prescribe the manner of paying pensions, and for other purposes," approved July 8, 1870, and now being section 4784, Revised Statutes of the United States;

An act (H. R. 5229) for the relief of George H. Lott; and

Joint resolution (H. Res. 133) directing the Secretary of War to submit estimates for necessary repairs at Cleveland Harbor.

On March 24, 1896:

Joint resolution (H. Res. 141) directing the Secretary of War to submit plans and estimates for the improvement of Fairport Harbor.

On March 25, 1896:

An act (H. R. 3886) to reimburse W. W. Rockhill for moneys erroneously paid United States.

On March 28, 1896:

An act (H. R. 5382) to authorize the Kansas City, Fort Scott and Memphis Railroad Company to extend its line of railroad into the Indian Territory, and for other purposes;

An act (H. R. 5979) for the right of the Rock Island, Muscatine and Southwestern Railway Company to build a bridge across the Illinois and Mississippi Canal;

An act (H. R. 6304) to authorize the construction of a bridge across the Tennessee River at Knoxville, Tenn.;

An act (H. R. 6936) for the reconstruction of the Rock Island bridge; and

An act (H. R. 1616) to pension Michael E. Bricker, of Edgerton, Ind.

NOTE.—The following bill, having been presented to the President on March 18, 1876, and not having been returned by him to the House of Congress in which it originated within ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 67) authorizing the St. Louis, Oklahoma and Southern Railway Company to construct and operate a railway through the Indian Territory and Oklahoma Territory, and for other purposes.

On March 31, 1896:

An act (H. R. 4463) to grant certain condemned cannon and cannon balls to the Thirteenth and Forty-third Separate Companies, National Guard of State of New York.

CLIFTON R. ANDERSON.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6425) for the relief of Clifton R. Anderson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Clifton R. Anderson, of Danville, Ky., the sum of $46.00, the amount he was required to pay to the United States Government, burglars having, without any fault or negligence of his, broken into his office while he was a stamp deputy in the United States Revenue Service and carried away said amount which belonged to the United States Government.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 319) for the relief of telegraph operators during the war of the rebellion;

A bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892;

A bill (S. 1565) granting a pension to Benjamin F. Howland;

A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas;

A bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894;

A bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes;

A bill (S. 1075) for the relief of the heirs of D. Fulford;

A bill (S. 621) for the relief of the legal representatives of George McDougal, deceased;

A bill (S. 492) for the erection of a public building at Meriden, Conn.;

A bill (S. 1491) for the relief of Dr. John B. Read;

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites;

A bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.; and

A bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana.

The message also announced that the Senate had passed with amendments the bill (H. R. 55) for the establishment of a lighthouse and fog-signal station at or near Big Oyster Bed Shoal, New Jersey; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 6408) "authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott"; had asked a conference with the House on the bill and amendments, and had appointed as the said conferees on the part of the Senate Mr. McMILLAN, Mr. BAKER, and Mr. FAULKNER.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 711) to increase the pension of Uzziel B. Church; and

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to furnish to the House, in compliance with its request, a duplicate engrossed copy of the bill (S. 640) to increase the pension of Joseph W. Fisher.

GEORGE A. ORR.

Mr. BURTON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 60) for the relief of George A. Orr.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury, through the accounting officers of the Treasury Department, is hereby authorized and directed to audit and pay, out of any money in the Treasury not otherwise appropriated, the claim of George A. Orr as acting assistant provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 30, 1864, at the rate of $100 per month for his services and such sum for legitimate expenses during said period as may be shown and found to have been actually expended by him in the lawful discharge of his duties and necessary for the public service.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. OTJEN) was read in part.

Mr. BURTON of Missouri (interrupting the reading). Mr. Speaker, I desire to say to the gentleman that the report consists largely of a statement in chronological order of the orders of the general commanding that department. These services were rendered by the claimant as provost-marshal and his account has never been settled. The Senate has passed this bill once, and it was favorably reported to the House in the Fifty-second Congress, and also in the Fifty-third. The report, as I have said, is largely a statement of the military orders in relation to the matter, and I hope the gentleman will not delay the bill by insisting on the full reading of them, but will permit a vote to be taken.

Mr. BARTLETT of New York. What is the total amount involved?

Mr. BURTON of Missouri. Six months' pay, if it is found that he did the service.

Mr. McMILLIN. What is the reason he was not paid before?

Mr. BURTON of Missouri. The report shows that he never has been paid. He was originally an officer in a Missouri militia regiment, and was detailed by these orders for United States service.

Mr. McMILLIN. But why was he not paid at the time?

Mr. BURTON of Missouri. Because the Treasury Department had never made an accounting with him, upon the theory that there is no authority for it, but the report sets forth the orders, one after another, of the officers in charge of the department.

Mr. McMILLIN. It is a very strange situation that a man should work for six or eight months under military orders and should not be paid, and that it should not be discovered until nearly a third of a century after.

Mr. BURTON of Missouri. It is; but if the gentleman will read the report he will be quite satisfied, I think. If my friend desires fuller information, let the report be read in full.

Mr. McMILLIN. I think it had better be read. No statement has yet been made by the gentleman from Missouri which I think would justify this appropriation.

Mr. BURTON of Missouri. Well, if the Clerk will skip the orders and come to the conclusion of the report it will save time.

The SPEAKER. Without objection, that will be done.

The Clerk read the latter part of the report.

The report in full is as follows:

The Committee on War Claims, to whom was referred the bill (S. 60) for the relief of George A. Orr, having had the same under consideration, respectfully recommend the passage of the bill.

The committee adopt the Senate report made by the Committee on Military Affairs.

[Senate Report No. 30, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 60) for the relief of George A. Orr, have duly considered the same, and submit the following report:

A precisely similar bill was reported favorably and passed in the Senate, and favorably reported in the House in the Fifty-second Congress, and likewise in the Fifty-third Congress.

Senate Report No. 212, Fifty-Second Congress, has been reexamined and is again adopted, and is as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2097) for the relief of George A. Orr, have duly considered the same and submit the following report:

The following order was issued by the War Department:

[General Orders, No. 135.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, September 19, 1862.*

I. By direction of the President the States of Missouri, Arkansas, Kansas, and the bordering Indian Territory will constitute the Department of the Missouri, and will be commanded by Maj. Gen. S. R. Curtis, headquarters at St. Louis.

Alton, Ill., is attached to the Department of the Missouri.

II. Western Virginia is attached to the Department of the Ohio, headquarters at Cincinnati.

By order of the Secretary of War:

E. D. TOWNSEND,
*Assistant Adjutant-General.*

General Curtis issued the following order:

[Special Orders, No. 105.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
*St. Louis, Mo., April 20, 1863.*

[Extract.]

* * * * * * * *

3. Maj. M. L. Stephenson, Tenth Illinois Cavalry Volunteers, is assigned to duty as district provost-marshal, District of Southwest Missouri. He will repair without delay to Springfield, Mo., and report in person to district commander for duty. The quartermaster will furnish transportation for his authorized horses and servants.

By command of Major-General Curtis:

H. Z. CURTIS,
*Assistant Adjutant-General.*

The following order was issued by Major Stephenson:

[Special Orders, No. 41.]

HEADQUARTERS DISTRICT SOUTHWESTERN MISSOURI,
OFFICE PROVOST-MARSHAL,
*Springfield, Mo., May 28, 1863.*

Capt. George A. Orr, Company B, Seventy-sixth Regiment E. M. M., is hereby appointed acting assistant provost-marshal at Mount Vernon, Lawrence County, Mo., and will be respected accordingly.

M. L. STEPHENSON,
*Major and Provost-Marshal, District Southwestern Missouri.*

In pursuance of the above order, Captain Orr entered upon the duties of acting provost-marshal, and continued in the discharge of such duties up to January 30, 1864, and then accounted for and duly turned over to his successor, Lieut. James A. Gibson, and received his receipt for, all property and articles of his office.

The following orders were issued by the War Department touching provost-marshals, their duties, pay, etc.:

[General Orders, No. 140.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, September 24, 1862.*

*Order respecting special provost-marshals, and defining their duties.*

First. There shall be a Provost-Marshal-General of the War Department, whose headquarters will be at Washington, and who will have the immediate supervision, control, and management of the corps.

Second. There will be appointed in each State one or more special provost-marshals, as necessity may require, who will report to and receive instructions and orders from the the Provost-Marshal-General of the War Department.

Third. It will be the duty of the special provost-marshals to arrest all deserters, whether regulars, volunteers, or militia, and send them to the nearest military commander or military post, where they can be cared for and sent to their respective regiments; to arrest upon the warrant of the judge-advocate all disloyal persons subject to arrest under the orders of the War Department; to inquire into and report treasonable practices, seize stolen or embezzled property of the Government, detect spies of the enemy, and perform such other duties as may be enjoined upon them by the War Department, and report all their proceedings promptly to the Provost-Marshal-General.

Fourth. To enable special provost-marshals to discharge their duties efficiently, they are authorized to call on any available military force within their respective districts, or else to employ the assistance of citizens, constables, sheriffs, or police officers, so far as may be necessary, under such regulations as may be prescribed by the Provost-Marshal-General of the War Department, with the approval of the Secretary of War.

Fifth. Necessary expenses incurred in this service will be paid on duplicate bills certified by the special provost-marshals, stating the time and nature of the service, after examination and approval by the Provost-Marshal-General.

Sixth. The compensation of special provost-marshals will be —— dollars per month, and actual traveling expenses and postage will be refunded on bills certified under oath and approved by the Provost-Marshal-General.

Seventh. All appointments in this service will be subject to be revoked at the pleasure of the Secretary of War.

Eighth. All orders heretofore issued by the War Department conferring authority upon other officers to act as provost-marshals (except those who have received special commissions from the War Department) are hereby revoked.

By order of the Secretary of War:

L. THOMAS, *Adjutant-General.*

[Circular, No. 19.]

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
*Washington, D. C., June 8, 1863.*

I. Paragraph 11, page 3, Regulations for the Government of the Bureau of the Provost-Marshal-General of the United States, is hereby amended so as to read as follows:

"Provost-marshals are directed to appoint a deputy provost-marshal for every county in their district, except for the county in which the district headquarters are located. These deputies should be selected with care, and should be men suited for the performance of the duties which will devolve upon them. They should acquaint themselves thoroughly with the county and the people in it, and should be able to secure the arrest of all deserters now in their counties, as well as of those men who may become deserters by failing to answer the summons of the provost-marshal in case of draft. The pay of a deputy provost-marshal shall not exceed $100 per month."

II. Paragraph 12, page 3, of same regulations, is so amended as to read as follows:

"Special officers or agents for detecting and arresting deserters or spies may be employed when necessary; but not more than four shall be employed in a district without the approval of the provost-marshal-general. Their names must be reported, and the amount of compensation proper to be allowed must be recommended. They may be paid," etc. * * *

III. Returns required by Forms Nos. 7, 8, 9, and 10 will hereafter be made quarterly instead of monthly.

A careful study of these and all other "forms" is recommended, as all returns and papers must be in strict accordance therewith. Any failure, even in a slight degree, to conform to them will result in a return for correction of such papers.

IV. Provost-marshals are reminded that parties themselves must sign all receipts, the Government not recognizing the signature of one party for another, unless a power of attorney in each case accompany such signature.

Where employees are not present at the headquarters of a district to sign the receipt rolls (Form 17), their accounts may be made on separate vouchers (Form 18), but no accounts will be paid unless the name of the person be borne on Form No. 4, monthly.

V. Until further orders, boards of enrollment shall not adjourn over a day, except Sunday, without the permission of the acting assistant provost-marshal-general of the State. The business of the enrollment, and that connected with the Invalid Corps, must receive constant attention until completed.

Members of boards of enrollment are forbidden to absent themselves from their duties or their district without leave first obtained from the acting assistant provost-marshal-general of the State, who shall not grant leave of absence for more than five days at one time without the approval of the provost-marshal-general.

JAMES B. FRY,
*Provost-Marshal-General.*

The Seventy-sixth Regiment Enrolled Missouri Militia, of which George A. Orr was a captain, was a State organization, and the official records show that Captain Orr was in service from August 15, 1862, to March 31, 1863, when he was relieved, and was paid by the State of Missouri for such service $487, and said State was reimbursed that amount by the United States; and further shows that Captain Orr was not paid by said State for any service from May 28, 1863, to January 30, 1864, and was never paid anything by the United States for said period for any service. He was paid by the State of Missouri while on duty as such captain in said regiment at the rate of $128.50 per month, and the State of Missouri was reimbursed accordingly by the United States.

General Curtis, while commanding the Department of Missouri, was a United States officer, and so was Major Stephenson while acting as provost-marshal for District Southwest Missouri, and Captain Orr was, while acting as assistant provost-marshal at Mount Vernon, Mo., an acting United States officer, and was not therefore recognized by the State of Missouri as in its service, and was not therefore paid by the State, and no claim by the State made for reimbursement. Mr. Orr presented his claim for pay, etc., to the accounting officers of the Treasury Department, and after a very voluminous correspondence between them and the War Department, copies of all which are before your committee and have been carefully considered, the Second Auditor made the following decision:

"TREASURY DEPARTMENT, *Second Auditor's Office, April 4, 1891.*

"I certify that I have examined the claim of George A. Orr (captain Seventy-sixth Missouri Enrolled Militia) on account of pay for services as provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 1, 1864 (the records of the War Department showing that he served as acting assistant provost-marshal at said place from May 28, 1863, to January 30, 1864, and failing to show any payment therefor), and find that said claim should be disallowed as a charge against any appropriation under the jurisdiction of this office (the Secretary of War having declined to approve it in any amount to be paid from "Contingencies of the Army"), for the reason that the office of assistant or acting assistant provost-marshal was not, at the time of said services, recognized by Army Regulations or statute law, nor was compensation for services under that title authorized by any appropriation made therefor. Claimant's regiment was not in the United States service.

"Said claim and all the vouchers and papers are transmitted, with this certificate, to the Second Comptroller for his decision thereon.

"J. N. PATTERSON, *Auditor.*"

This decision was approved by the Second Comptroller on August 22, 1891.

This decision shows the claim of Orr to be a just one and never paid, and that there is no existing appropriation out of which the same can be paid. Had Captain Orr been on duty as captain of his company in the State organization, then his claim would be against the State of Missouri for such services, but having been relieved from duty on March 31, 1863, he was no longer in the service of the State. When he was appointed acting assistant provost-marshal at Mount Vernon, Mo., by Major Stephenson he was, and so continued to be, until relieved on January 30, 1864, in the service of the United States, under the authority and control of United States officers and amenable to their orders, and is justly entitled to be paid a reasonable compensation for his services as acting assistant provost-marshal, and not as captain of Company B, Seventy-sixth Regiment Enrolled Missouri Militia.

No specific contract as to amount of pay was made, but under the general orders of the War Department $100 was fixed as the maximum pay of a deputy United States marshal in June, 1863, and this bill authorizes the payment of that sum per month during said period, and authorizes the payment of whatever legitimate expenditures he may have made which were necessary for the public service.

Your committee therefore report this bill back to the Senate and recommend its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I desire to make one suggestion: This claim seems to be for services rendered as provost-marshal?

Mr. BURTON of Missouri. Yes, sir.

Mr. DINGLEY. Of course, if this man was appointed by United States authority to do that service he would have been paid at the time.

Mr. BURTON of Missouri. Yes; but at the time he was appointed he was serving in a Missouri militia organization.

Mr. DINGLEY. That is, the Government claimed that the State of Missouri should pay him.

Mr. BURTON of Missouri. That was the ground taken by the accounting officers, but the Senate committee and the House committee have examined the case, and have found that, as a matter of fact, he was acting as a United States officer in rendering these services.

Mr. DINGLEY. The amount involved in this case may not be important, but the question is whether there are not thousands of others in precisely a similar situation, and whether this precedent will not involve the payment of many other such claims.

Mr. BURTON of Missouri. I think not.

Mr. STEELE. The mistake was evidently made by the commanding general in detailing a militia officer instead of an officer in the United States service. That is a very rare occurrence. I never heard of such a case before.

Mr. DINGLEY. The gentleman thinks, then, that there would be no danger in this as a precedent.

Mr. STEELE. I think not.

Mr. LOUD. I will say to the gentleman from Maine that I have had three cases of this very same character pressed upon me for years, but I have never had nerve enough to bring them before Congress. And they are from Missouri, too. [Laughter.]

Mr. BURTON of Missouri. That may be. I do not know anything about the gentleman's cases and I do not want to enter into a contest of nerve. But this is a just claim and ought to be paid. As the gentleman from Indiana [Mr. STEELE] says, it is a peculiar case where, instead of detailing an officer of the Regular Army or of the volunteer force, he detailed an officer in a militia regiment. But the man performed the service; there is no question about it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLUE. Mr. Speaker, I should like to know why this was not paid by the State of Missouri.

Mr. BURTON of Missouri. Because the services were rendered to the United States and not to the State of Missouri.

Mr. BARTLETT of New York. I should like to ask the gentleman whether the provost-marshal had any authority of law to appoint an acting assistant?

Mr. BURTON of Missouri. This man was appointed by general orders of a United States officer.

Mr. BARTLETT of New York. Well, you would not let the orders be read, so that we could not know that.

Mr. BURTON of Missouri. They have been read; they are in the report. One of them is from Major-General Curtis, commanding that department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I must ask that the matter go over. The report was so long that I did not insist on having it read through.

Mr. BURTON of Missouri. I hope the gentleman will withdraw his objection. It will take just as much time on another occasion to dispose of the matter. You have now heard the report. I ask the gentleman to withdraw his objection.

Mr. McMILLIN. I prefer to look into the matter. If the claim should seem satisfactory I shall interpose no objection.

Mr. BURTON of Missouri. Yes; but somebody else will. [Laughter.]

### LIGHT-HOUSE, ETC., NORTH MANITOU ISLAND, LAKE MICHIGAN.

Mr. MAHANY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, was read.

Mr. BURTON of Missouri. I object.

Mr. CANNON. I call for the regular order.

### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. The Committee on Appropriations, to which was referred the amendments of the Senate to the bill (H. R. 6348) making appropriations for the legislative, executive, and judicial expenses of the Government, has directed me to report back the amendments with the recommendation that they be disagreed to and that a conference with the Senate be asked.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] moves that the House nonconcur in the amendments of the Senate to this bill and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BINGHAM, Mr. McCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House.

### SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. HOPKINS in the chair), and resumed the consideration of the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The Clerk resumed the reading of the bill.

When the paragraphs headed "Engraving and printing" were reached,

Mr. BINGHAM said: I ask unanimous consent that the consideration of these paragraphs and any amendments thereto be passed over until we reach the close of the bill.

Mr. CANNON. That will cover the paragraphs under the head of "Engraving and printing," beginning on page 16 of the bill and extending to the heading "Coast and Geodetic Survey," page 17.

The CHAIRMAN. Unanimous consent is asked that the paragraphs relating to printing and engraving, on pages 16 and 17, be passed over, to be considered after the rest of the bill is finished. Is there objection? The Chair hears none.

The Clerk read as follows:

For field expenses: For survey of unfinished portions of the Atlantic coast from Maine to Florida, including Portsmouth Harbor and Piscataqua River; Hudson River to Troy; and for the necessary resurveys, including the coast from Lynn to Cape Ann, the shores of Marthas Vineyard and Nantucket Sound, approaches to New Bedford, Buzzards Bay, Chesapeake Bay and tributaries, and Savannah River Bar, eighteen thousand dollars.

Mr. MILES. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in line 12, page 19, the word "eighteen" and insert "twenty-five"; so as to make the appropriation $25,000.

Mr. MILES. Mr. Chairman, I desire especially to call the attention of the distinguished chairman of the Committee on Appropriations to this amendment. In the first place, I wish to read to the committee a letter addressed to the Secretary of the Treasury by General Duffield, the Superintendent of the Coast and Geodetic Survey, upon the subject of field expenses, which is the subject of the paragraph now under consideration. This letter appears as Appendix Q, on page 314 of the Book of Estimates. I will read it, as I believe I can better intone it for the committee than probably the Clerk would do.

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
*Washington, D. C., September 20, 1895.*

SIR: I have the honor to transmit herewith the estimates of appropriations required for the service of the United States Coast and Geodetic Survey and Office of Construction of Standard Weights and Measures for the fiscal year ending June 30, 1897:

The amount asked for "field expenses" is $169,000, as against $110,500 appropriated for 1895-96, an increase of $58,500. An increase of appropriation under this head is necessary for the rapid and economical prosecution of surveys urgently demanded in the interest of commerce along our coasts and for the advancement of other important field operations of the Survey. With a less amount the parties of the Survey can not be employed to full advantage, as it is possible for them to remain in the field only for a portion of the available working months, while the expense of fitting out and transporting parties to the field and return is the same for a short as for a long season. The vessels engaged in the hydrographic portions of the work should be employed almost continuously to keep pace with the demand for surveys and examinations in various important localities, but this will be impracticable with the amount appropriated for the current year.

Now, here is the particular part of this letter to which I wish to direct the attention of the committee:

The original survey of the Chesapeake Bay was made many years ago, and since then the erosive action of the tides has washed away entire points, eaten into the shore and deposited the material in the channel, so that neither the shore lines nor depths of water shown upon the charts of this bay agree with the true condition of affairs at the present time. These charts are therefore defective and misleading, and hence the necessity of an entire resurvey of Chesapeake Bay.

I have read all of this letter to which I wish specially to direct the attention of the committee at this time. Of course what I am particularly interested in is the resurvey of the Chesapeake Bay. That is not, however, a matter of purely local importance, and to this view of the subject I invite the attention of the Committee of the Whole and particularly the distinguished chairman of the Appropriations Committee.

The Chesapeake Bay, as everybody on this floor understands, is the great thoroughfare into which the Potomac River empties. The Superintendent of the Coast and Geodetic Survey says in this letter that the chart for that bay was made many years ago. I visited the office of the Superintendent this morning, in order to obtain accurate information on this point, and was informed by him that this chart was absolutely made half a century ago.

The chart which guides the mariner upon this great thoroughfare of commerce was made a half century ago, and the last work done upon it——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MILES. Mr. Chairman, I move to strike out the last line. I believe that is a fiction that will permit me to proceed for five minutes.

Mr. CANNON. I ask unanimous consent that the gentleman from Maryland be permitted to occupy five minutes longer.

There was no objection.

Mr. MILES. I am very much obliged to the gentleman from Illinois.

I wanted to call the attention of the committee to these matters and shall hurry through as rapidly as possible. I was proceeding to say that I had been informed by the Superintendent of the Coast and Geodetic Survey that the last important amendment made to the chart in question was made thirty years ago, and I ask the privilege of quoting him on this floor, and in doing so I will go further and say that he assured me that in case this country was suddenly involved in a war and the commander of a war ship would follow the guidance of this chart it would be impossible for him to bring his vessel, for defensive purposes, to the capital through the Chesapeake Bay and up the Potomac without running the risk, ninety-nine in a hundred, that he would put his vessel ashore. That statement, it will be observed, Mr. Chairman, says nothing whatever of the great importance of this question to the commercial interests of the city of Baltimore. The legislature of Maryland has memorialized Congress upon the question and the boards of trade and Chamber of Commerce of the city of Baltimore have done the same.

Now, as to the figures, I will call your attention briefly. The Superintendent of the Coast and Geodetic Survey asks an appropriation of $169,000. One hundred and ten thousand five hundred dollars was carried by the last appropriation bill, so that it will be seen that he asked an increase of $58,000 over the amount of last appropriation bill for the field items alone. The Secretary of the Treasury recommended an appropriation of $114,800. This bill carries on its face $103,800. My amendment asks for an increase in this paragraph of $7,000, so that if the amendment should carry, and I sincerely hope that it will receive the careful consideration of the gentleman in charge of this bill and of the full committee, yet it would still provide for the "field items" an appropriation not greater than the appropriation carried in the last appropriation bill and only equal to what was recommended by the Secretary of the Treasury.

Now, Mr. Chairman, I desire only to say a word to gentlemen on the other side of the House, who have two votes to one on this side of the House, to which I am attached. I am very much in earnest about this matter, but with the brief statement which I have made, from the facts submitted to me by the Superintendent of the Coast and Geodetic Survey, you can see that the subject is one not of local importance but of national importance. I should not have offered the amendment except with the hope of getting some increase in the appropriation. If I had intended merely to make an impression upon the people of my State and particularly of the people of the great city of Baltimore, I should have asked for an increase of $12,000. If I had asked the amount recommended by the Superintendent of the Coast and Geodetic Survey, it would have amounted to nearly twice the increase that my amendment proposes. But I had a conference with the distinguished chairman of the Committee on Appropriations, a leader on the other side of this Chamber, for whose fairness, intelligence, and general patriotism I have the greatest respect, and have yielded $6,000 worth of my own judgment; and so I hope I may have his support and that of the committee to secure the adoption of the amendment. If I can accomplish my wish in this matter, as expressed by the amendment I have offered, I shall feel that I have contributed something to a matter of legislation of national importance, and in the name of the people of the great city of Baltimore shall be ready to thank this House for what it has done in the interest of the commerce and trade of that great city.

Mr. CANNON. Mr. Chairman, this bill recommends the full estimate as submitted by the Secretary of the Treasury for these surveys, not only on the Atlantic coast, but on the Pacific coast. The whole amount is given as recommended.

The gentleman states correctly, however, that the Coast Survey Office, through its Superintendent, did submit that increase of $58,000 for these surveys for field work; and the Secretary of the Treasury, the superior officer of the Superintendent of the Coast Survey, did cut it down, with or without reason I do not know. My friend from Maryland says that it was done without rhyme or reason. Well, I do not know, but my friend is better informed than I am, because I am not in harmony with either the Secretary of the Treasury or the Superintendent of the Coast Survey, and, for that matter, I am not in harmony with the Administration. My friend is, or ought to be, and I suppose is very good authority, and is doubtless orthodox touching the controversy or difference in opinion between a bureau of the Treasury Department and the chief of that Department.

Mr. MILES. I would like to say, if my friend will permit me——

Mr. CANNON. Certainly; I yield to the gentleman.

Mr. MILES. What I wish to say in connection with the statement of the gentleman from Illinois is that the Superintendent of the Coast and Geodetic Survey told me—and I had his permission to use his statement in the House, as well as others with reference to these matters that I had asked him about—that the Secretary of the Treasury was perfectly willing that he should disclose to me and to Congress the fact that he recommended $30,000 and had the figures to exhibit here on the floor. He stated that it was unusual for the Secretary of the Treasury to publish such a letter as he had addressed to the Secretary on this matter.

I do not know. I am inexperienced. I have placed myself at the tender mercy of the distinguished chairman of the Committee on Appropriations.

Mr. CANNON. Oh, no; it is not within my jurisdiction to settle a dispute between the superintendent of a bureau in the Treasury Department and the Secretary of the Treasury.

I want to be entirely frank with the gentleman from Maryland and the Committee of the Whole touching the matter. Within the last three years the most competent Superintendent of the Coast and Geodetic Survey—admitted as such by everybody who had knowledge touching the matter—who ever presided over the Bureau was frozen out. I refer to Dr. Mendenhall. That office never had—and I am not speaking less for others but more for him—so competent a head as Dr. Mendenhall. The present Administration came in and the war commenced upon him. First his salary was arbitrarily attempted to be decreased in appropriation from $6,000, the amount fixed by law, to $5,000. Next he was deprived of power, practically, in his Bureau by the Administration. He was not only a competent man, but able to make a living elsewhere than in that Service. He had manhood, and he said, "I am persona non grata here, and I have ability enough to get

along. I can not do myself or the Service justice," and he stepped down and out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I should like to have five minutes more.

Mr. MILES. I ask unanimous consent that the gentleman's time be extended until his remarks are concluded.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. He stepped down and out, and then the present head of the Coast Survey—and I am not going to speak disrespectfully of him; I know but little of him; he seems to be a gentleman, and he is a gentleman in his demeanor—was discovered somewhere and was appointed to succeed Dr. Mendenhall. Well, he goes on, no doubt, and does the best he can. He submits his estimates to the Secretary of the Treasury and the Secretary of the Treasury arbitrarily reduces them $58,000 for the field work.

Mr. GROSVENOR. Do you not think that the Secretary of the Treasury knew of the incompetency of his own employee?

Mr. CANNON. I do not know. I think he knew of the competency of Dr. Mendenhall; but, anyhow, this discovery, this new man, the creation of the present Administration, submitted his estimates and the Secretary of the Treasury reduced them. Now, I expect the Lord knows, I do not, whether the head of the Coast Survey or the head of the Treasury Department knows most about the necessities of the service. I can not tell.

Mr. MILES. Will the gentleman allow me a suggestion right there?

Mr. CANNON. Certainly, although I want to conclude in five minutes.

Mr. LIVINGSTON. The gentleman's time is not limited.

Mr. MILES. I think you will admit that the reduction was not exceptional in this instance, but that he reduced the estimates submitted to him by all the heads of Departments, did he not?

Mr. CANNON. Oh, no; not of all the heads by any manner of means. As a rule, the estimates submitted were forwarded without change in the various Departments of the public service; but I am speaking now of this particular Department.

Mr. LIVINGSTON. Now, I should like to ask my colleague a question. His time is not limited.

Mr. CANNON. I will need two or three minutes to conclude; but I will yield to the gentleman.

Mr. LIVINGSTON. Do you mean to say that the Secretary of the Treasury cut this estimate because of the inefficiency of the present administration over there in the Coast Survey Office?

Mr. CANNON. No——

Mr. LIVINGSTON. You do not want to leave that impression?

Mr. CANNON. No; I do not know. I do know, however, that by the letter that General Duffield, the Superintendent, forwarded to the Secretary of the Treasury he asked and urged $58,000 more for field work than the Secretary recommends. The Secretary of the Treasury arbitrarily, with or without reason, I do not know which, has reduced the estimate $58,000.

Mr. LIVINGSTON. May I ask my friend this question, if that is unusual: Did not the Secretary of War cut the estimates from the different arms of that service in the same way?

Mr. CANNON. Oh, in some instances, yes, and in other instances, no. In most instances, no.

Mr. LIVINGSTON. Then one more question. The Secretary of the Treasury did not cut this estimate of $30,000 for this specific purpose, did he? That was done in the committee room?

Mr. CANNON. Oh, no; not at all. We literally follow the recommendation of the Secretary of the Treasury, because he is the superior officer, and the law puts the duty on him to bring in the final estimate for his Department. We literally recommend what the Secretary of the Treasury recommended, without a cut of one cent. Now, what happened? Why, the board of trade, the commercial bodies over there at Baltimore, go to work and hold meetings and resolve that the Chesapeake Bay ought to be resurveyed. The chief of the Coast Survey says it has been fifty years since it was surveyed and that the public service requires that it should be resurveyed, that the charts made on the old surveys are unreliable, and that the great commerce upon the Chesapeake requires that this survey shall be made, and the gentleman from Maryland [Mr. MILES] comes in and moves to increase the item for service along the Atlantic coast $7,000, hoping and expecting that the most of it, if not all, will be expended for a resurvey of the Chesapeake.

I am quite sure I do not know just what the necessities in this case are. We recommend the full estimates. I have called the attention of the Committee of the Whole to a brief history of the Coast Survey for the last three years and the history of these estimates. They may or may not be important. If I thought this was important—that the new discovery in the Coast Survey Office was right beyond question, and the Secretary of the Treasury was wrong—then I would be in favor of increasing the appropriation asked for by $7,000; and also, later on, in favor of making an increase of $5,000 to be utilized in the San Francisco Harbor, because the same claim, I apprehend, will be made there that was made here.

Now, having stated how this matter is, I am perfectly content. If the Committee of the Whole House has any more knowledge than I have about it, or any more knowledge than the Secretary of the Treasury has about it, then I am con'ent with the amendment offered by the gentleman from Maryland.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. CANNON. I call for a division.

Mr. MILES. I hope the gentleman will not ask for a division.

Mr. CANNON. It is a division. If the majority is for your amendment I have nothing further to say.

The committee divided; and there were—ayes 55, noes 54.

So the amendment was adopted. [Applause.]

The Clerk read as follows:

To continue the primary triangulation from the vicinity of Montgomery toward Mobile, and for triangulation, topography, and hydrography of unfinished portions of the Gulf Coast, including Lake Pontchartrain and Sabine Lake, and for the necessary resurveys, $7,800.

Mr. ADAMS. I move to strike out the last word.

Mr. Chairman, a statement has gone broadcast through this land that the Manufacturers' Club of the city of Philadelphia, which is composed of the leading industrial establishments of that city, is in favor of the free and unlimited coinage of silver; not only that, but a committee of that club came to Washington and made a compact with the free-silver Senators, in which they agreed to make the compact that if they would support the free and unlimited coinage of silver they would yield to the great American doctrine of protection in order to accomplish that result. Sir, that was a self-constituted committee, and with no authority to act for the club. The first answer that has come to that alleged compact has come from the State of one of the silver Senators, South Dakota, which has utterly repudiated the position which her Senator took on that occasion; and now, in response to that message from the far West, come resolutions of the Manufacturers' Club, passed last night in the city of Philadelphia. Assembled in its hall were 500 members of that club; and, sir, as a member of that association, I desire to have the Clerk read as a part of my remarks the resolutions which were passed almost unanimously—there were only 20 votes against them out of 500.

Mr. LIVINGSTON. I want to ask the gentleman what this has to do with this appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. ADAMS. No, sir.

The CHAIRMAN. The gentleman can not be interrupted.

The Clerk read as follows:

Whereas false and misleading reports have been spread broadcast over the country as to the conference at Washington on March 19, between a number of Philadelphia manufacturers and those free-silver Senators who, though elected as Republicans and avowing themselves protectionists, declined to vote for the Republican revenue measure known as the Dingley bill unless coupled with a free silver coinage amendment; and

Whereas these reports have created the impression that the friends of a protective tariff are willing to compromise the cause of protection by indorsing the free and unlimited coinage of silver at a ratio of 16 to 1 in exchange for additional protection; and

Whereas these statements are not only compromising the integrity and patriotism of our manufacturers as individuals, but especially so as members of the Manufacturers' Club: Therefore

*Be it resolved*, That the Manufacturers' Club, speaking for its members, emphatically denounces as false the statement made by the friends of free silver and echoed by those of free trade, that our Philadelphia manufacturers are willing to barter with the silver Senators for the free coinage of silver in exchange for additional protection.

*Resolved*, That the question of bimetallism can be permanently settled only through an international agreement, and that the Manufacturers' Club declares its unalterable opposition to the free coinage of silver by the United States alone, firmly believing that such a policy would result in disaster at home and dishonor abroad, and would only operate to place this country upon the basis of silver monometallism.

Mr. ADAMS. Mr. Chairman, I withdraw my amendment.

Mr. HARTMAN. I move to strike out the last word.

Mr. Chairman, I have listened to the resolutions read at the instance of the gentleman from Pennsylvania. I am glad that they have been read. It gives me an opportunity to say upon this floor what ought to have been said some days ago. It is true, as has been stated by the gentleman from Pennsylvania, that false and misleading reports have been circulated through the press of this country relative to what transpired at what was familiarly known as the Washington conference. It is true that those reports were false, and that they have been circulated without any regard whatever to the truth. But, Mr. Chairman, it is only due to those men whom it is attempted to malign and stigmatize as being responsible for that false report that I make a plain statement to this House and to the country of what occurred. At the invitation of a representative of the manufacturers, a letter inviting them to come over and see the silver Senators here in Washington and confer was written and sent and the invitation accepted. These

manufacturers came, and about three and a half hours were spent in conference.

Mr. ADAMS. Will the gentleman say it was an official acceptance?

The CHAIRMAN. The gentleman can not be interrupted without his consent.

Mr. HARTMAN. I do not know whether it was or not. I know that 28 of them came; and it strikes me that, after coming here, they had no right, then, to deny the validity of the invitation which they did accept. I do not know whether it was official; I do not care about that; but I want to say, Mr. Chairman, that the report which was given out was prepared by Senators MANTLE and CARTER of Montana, Senator DUBOIS of Idaho, and Senator CANNON of Utah, and by me, and was published in the Post of the following morning; and I ask any member upon this floor who read that if he finds any suggestion of making an agreement between us having been accomplished. It is true we were endeavoring to arrive at some conclusion whereby we might meet upon common ground; but that report specifically disavowed having arrived at any agreement; and then, for the purpose of breaking down and stigmatizing and vilifying and bemeaning in the public mind the men who have had the hardihood to stand up for free silver, the gold-standard press of this country denounced that as a false statement and said that we had put it into circulation.

Mr. Chairman, no more utter falsehood, no more willful and deliberate and malicious lie ever was circulated to the American people. [Applause.] Read it and you will find my statement to be true. Nowhere in that official report we are responsible for was there a suggestion of an agreement. The gold-standard press used that for the purpose, as I said before, of slandering and stigmatizing the men who were engaged in the support of silver; coined the lie, and then attempted to force it down our throats and hold us responsible for it. These are the facts, and I defy any man to read the report that was published in the Post the next morning and discover any suggestion of an agreement.

Mr. CANNON. Mr. Chairman, I think I can settle this whole matter. I accept the amendment of the gentleman from Pennsylvania, and ask that the Clerk proceed with the reading of the bill. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I ask that it be incorporated in the bill.

Mr. CANNON. The gentleman's amendment was to strike out the last word.

Mr. LIVINGSTON. I mean the amendment that was read.

Mr. ADAMS. That was not my amendment; those were my remarks. My amendment was to strike out the last word.

Mr. ALLEN of Utah. Mr. Chairman, I move to strike out the last word. I do not wish to take the time of this committee for idle discussion, but assertions are constantly being made concerning this subject which are, as the gentleman from Montana [Mr. HARTMAN] has said, absolutely and unqualifiedly false. I was one of the gentlemen who were present at that conference. The silver Senators did not ask for that conference, and the statement that they did is the first falsehood which I wish to brand in public. The suggestion was made to them that there should be a conference between them and certain manufacturers of the city of Philadelphia, and the silver Senators, so-called, said that they would gladly meet those gentlemen, and they did meet them. In addition to the Senators there were present the gentleman from Idaho, Mr. WILSON, the gentleman from Montana, Mr. HARTMAN, and myself.

The gentleman from Pennsylvania talks about compacts. No compact was attempted. The silver men made no proposition for a compact to be made between them and the manufacturers. No paper was laid before that assembly of gentlemen expressing the views either of the manufacturers or of the silver men. The discussion was simply for the purpose of finding out whether there was any common ground which the manufacturers of Philadelphia and the silver men of the nation could stand upon; that and nothing more. Why are these falsehoods circulated in the press and by the press of the United States? Is not the cause of gold monometallism able to win this fight without resorting to such tactics? Can not the advocates of gold monometallism win this battle by appealing to the power of reason in the minds of the people of the United States? This is only one of the many rumors of statements that are constantly being set afloat throughout the country by the papers of the United States, as witness the statement concerning Senator PETTIGREW of South Dakota a few days since. It seems to me that a cause which must be bolstered up by such tactics must be inherently bad. It seems to me that the time has come when the people of the United States should have this question openly and fairly discussed before them, as it never has been discussed and as it never will be discussed so long as the men who control the sentiment in favor of gold monometallism in the United States can muzzle the press.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALLEN of Utah. I withdraw the formal amendment.

The Clerk read as follows:

For triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and for necessary resurveys, San Francisco Harbor, triangulation, topography, and hydrography, $15,000.

Mr. LOUD. Mr. Chairman, I move to strike out "fifteen," before the word "thousand," and insert "twenty." In support of that amendment I desire to say that the Superintendent of the Coast Survey put in a separate estimate of $10,000 for the resurvey of San Francisco Harbor. That item was eliminated by the Secretary of the Treasury. Permit me to say in regard to this work that it was started through the able assistance of my generous friend from Texas [Mr. SAYERS], who had incorporated in the sundry civil bill two years ago a provision that the resurvey of the harbor of San Francisco should proceed.

There had been no survey of that harbor for forty-five years. Two years ago the work was undertaken, but it is not progressing as fast as we would wish. We really ought to have $10,000 for that survey work during the coming year, as the Superintendent has estimated, but in view of the stringency in the money market and the lack of funds in the Treasury we are modest and will ask for but $5,000, and I would not ask even for that had I not been informed by the Superintendent of the Coast Survey that under this appropriation as it stands in the bill he could not proceed with the work in San Francisco Harbor, which I suppose might be interpreted to mean that he would not proceed with it. Now, everybody knows that after a survey has been begun it ought to proceed continuously with all practicable speed, and not be spun out so as to cover a long period of years. This survey will cost, on the whole, I understand, about $90,000, and at the rate they have been proceeding it would certainly take ten years to complete it. The survey, as far as it has gone, has made some valuable discoveries in that harbor. All of the hydraulic mining has taken place in the State of California since the previous survey of that harbor, and many shoalings have been discovered in the harbor. I think that the generous chairman of the committee, the gentleman from Illinois, will perhaps concede without very much opposition this modest request for $5,000, which is absolutely necessary in order that this very important work shall proceed.

Mr. CANNON. Mr. Chairman, in view of the action of the Committee of the Whole a few minutes ago increasing the amount of the appropriation for the Atlantic coast $7,000, in harmony with the recommendations of the Superintendent of the Coast Survey and against the recommendation of the Secretary of the Treasury, it seems to me I am not warranted in this instance in interposing opposition. This proposed increase of $5,000 for the Pacific Coast would seem to follow logically the increase of $7,000 made on the Atlantic Coast.

The CHAIRMAN. Unless objection be made, the amendment will be considered as adopted.

There was no objection.

The Clerk read as follows:

Salaries Coast and Geodetic Survey: For Superintendent, $5,000.

Mr. CHARLES W. STONE. I move to amend the paragraph just read by striking out "five" and inserting "six;" so as to appropriate as the salary of this officer $6,000. By section 4689 of the Revised Statutes the salary of the Superintendent of the Coast Survey is fixed at $6,000. It was fixed at that amount in 1853, when the currency was not inflated, when prices were not high; and since that time many salaries, including that of the President of the United States, have been increased, and largely increased. On account of the peculiar qualifications required in this officer the salary was fixed at a liberal amount. It has remained at that amount ever since until one year ago. In the meantime, since the salary was fixed, the duties of the position have been largely increased. The Superintendent of the Coast Survey has been made the superintendent of standard weights and measures; he has been made a member of the boundary commission fixing the lines in the northwestern part of the country; of the commission fixing the boundary line in the northeastern part; of the commission fixing the line between the inner waters of the country and the outer waters—the international lines; of the commission fixing the outer line of the harbor boundary at Brunswick, Ga.; of the Light-House Board—all involving much labor and taking much time. Besides this, various duties of a very important character, involving a good deal of labor, have been imposed upon him. His salary, however, has remained the same.

I think the distinguished chairman of the Appropriations Committee is in error in saying that the former occupant of this position had his salary reduced. I concur most heartily in everything the gentleman has said in relation to the eminent qualifications of the predecessor of the present incumbent, and I concur most thoroughly in what he said as to the injustice of whatever was done to "freeze out," as he expressed it, that gentleman. But I want to say that the present incumbent had nothing to do with that matter. At the time of his appointment he was engaged in scientific labor in behalf of his country; he was not at that time

a newly discovered man. He is a man of scientific eminence, who has served his country in many capacities in war and in peace for nearly fifty years. There is no personal conflict or rivalry between the former incumbent and the present that should affect this question.

So we have presented here the simple question whether we shall now appropriate for this officer the salary fixed by statute forty years ago, since which time extra duties have been imposed; and in determining this question we are to consider the action of this House in going back to the statutory salaries for the superintendents of the Life-Saving Service, for the Indian commissioners, and for other positions of less importance and requiring a lower degree of talent and capacity than this position. I trust that the amendment may be adopted.

Mr. CANNON. Mr. Chairman, I am not in harmony with this amendment. It is well enough to be practical and to realize the existing conditions. It is true that the Revised Statutes did fix the salary of this officer—the Superintendent of the Coast Survey—at $6,000. It is also true that the law fixed the salary of the chief of the Geological Survey at $6,000. Now, the Secretary of the Interior, at the very commencement of this Administration, formally recommended that only $5,000 be appropriated for the chief of the Geological Survey. That position was then occupied by Major Powell (known to many of us); and the office of Superintendent of the Coast Survey was occupied by Professor Mendenhall. The result was that both Major Powell and Professor Mendenhall went out of the service.

Now, I have not a thing to say against the present head of the Geological Survey or the present head of the Coast Survey. But there is the fact—both of these gentlemen, appointees under this Administration, have been receiving a salary of $5,000, fixed in the house of their friends.

Mr. DOCKERY. Do I understand that the gentleman from Pennsylvania [Mr. CHARLES W. STONE] is seeking to increase the salary of this officer?

Mr. CHARLES W. STONE. My amendment simply proposes to appropriate the salary fixed by the Revised Statutes.

Mr. CANNON. The gentleman proposes to increase the appropriation from $5,000 to $6,000.

Mr. DOCKERY. And the present incumbent accepted the office at the present salary?

Mr. CANNON. So I understand.

Mr. CHARLES W. STONE. No, sir.

Mr. DOCKERY. The gentleman from Illinois does not think this a very good time to increase salaries?

Mr. LIVINGSTON. This salary was $6,000 when this man accepted the office?

Mr. CHARLES W. STONE. Certainly.

Mr. CANNON. Now, all I want to say to the House is that Major Powell went out of the Geological Survey and has a successor; Professor Mendenhall went out of the Coast Survey and has a successor. Both of these successors entered office under this Administration; and this Administration, when both the Senate and the House were in harmony, deliberately fixed the salaries by appropriating $5,000 for each place.

Now, I wish to suggest to this side of the House that we are not called upon to undo what was done for these gentlemen in the house of their friends; and I especially am not called upon to do so, because I do not care about quarreling with my friend from Texas [Mr. SAYERS] or my friend from Missouri [Mr. DOCKERY], both of whom were on the Committee on Appropriations when these salaries were appropriated for at $5,000 each. Five thousand dollars is a good deal of money, and whether it is too much or too little, under all of the circumstances I do not think that this side of the House should, and I do not believe that that side of the House is inclined to, increase the appropriation. I hope it will not be done.

Mr. SAYERS. Mr. Chairman, I desire to be heard briefly upon this question.

The CHAIRMAN. The time for debate on the amendment has expired.

Mr. SAYERS. I move to strike out the last word.

I do not know whether the gentleman from Illinois intended to leave the impression on the committee that the Administration had anything to do with the resignation of Major Powell——

Mr. CANNON. Oh, I do not know anything about that.

Mr. SAYERS. The intimation was——

Mr. CANNON. Oh, no.

Mr. SAYERS. Well, the impression was left on the minds of a good many, at least.

Mr. CANNON. No; I did not say that. I have no knowledge of it, and did not make the charge. I did make a statement, based only on public rumor, touching Professor Mendenhall.

Mr. SAYERS. I think the Administration did perfectly right to remove Professor Mendenhall, and my own impression is that he ought to have been removed before. But the Administration had nothing to do with the resignation of Major Powell, and if the gentleman from Illinois will inquire into the facts attending it he will come to the same conclusion with myself.

I withdraw the pro forma amendment.

Mr. CHARLES W. STONE. Mr. Chairman, I desire to call the attention of the committee to two facts: In the first place, the present incumbent accepted the office and resigned another position where he was drawing a good salary on the faith of the legal provision of the Revised Statutes fixing the salary at $6,000 a year. On the strength of that provision of law he accepted the position and resigned another appointment which was of value to him. For the first year he received $6,000 according to the provision in the statutes defining the amount he was entitled to receive. Further, the Superintendent of the Geological Survey, let me state to the gentleman from Illinois, has no salary fixed by the Revised Statutes, but simply a provision inserted in a comparatively recent appropriation bill giving him $6,000 a year; and since that time his duties and responsibilities have not been increased, as has been the case in the Coast Survey. The officer in charge of the Coast Survey has, as I have already stated, had his duties largely increased. So that there is an entirely different condition of affairs presented between the Geological Survey without a fixed salary and the Coast Survey with a fixed salary, which the incumbent has enjoyed for forty years and more.

Now, sir, I am not here advocating any increase of salary, but simply saying that "this side of the House," at least, as the gentleman from Illinois is pleased to term it, on a question of this kind can not afford to ignore the statutes of the United States nor a legal obligation imposed by them. It is enough for them to know that a legal obligation exists, and we can not afford, when a question of this kind arises, to ignore this obligation, particularly when our action affects a man who served his country as faithfully and well as General Duffield has done, a man who was a gallant soldier in two wars, who has carried in his body for fifty years the lead received in fighting the battles of his country, a man who came out of the last war with the brevet rank of major-general for gallant and meritorious services—I repeat, you can not, or at least you should not, make an exception against an old soldier when you make none in the case of a civilian Superintendent of the Life-Saving Service or in the case of Indian agents who have been charged with being simply the private agents of a Cabinet officer.

That is all I desire to say about it.

Mr. CANNON. Is this a proposition to pension General Duffield?

Mr. CHARLES W. STONE. No, sir; but simply to give him the contract price which the Government agreed to give him when he took the position that he now holds. That is all he asks.

Mr. McCREARY of Kentucky. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], in referring to Dr. Mendenhall's resignation, said that the present chief of the Coast and Geodetic Survey, General Duffield, had been "discovered" by the President when he was appointed. I suppose, therefore, the gentleman from Illinois is not informed as to the record of General Duffield. He has a record as a soldier in the Mexican war, as well as in the late war, that has made him conspicuous in this country. He has also been recognized for years as an engineer of great ability, and has a record not only in military but in civil life of which any man may well be proud. I was surprised that my friend from Illinois should not have been familiar with the brilliant services of General Duffield, rendered during the last forty years. When he was appointed Superintendent of the Coast and Geodetic Survey the salary was $6,000 per annum, and it should be fixed at that amount in this bill.

In my time I ask to have read from Appleton's Cyclopedia a brief reference to General Duffield, which may be of interest to the gentleman from Illinois, as well as to the committee.

The Clerk read as follows:

William Ward Duffield, soldier; born in Carlisle, Pa., November 19, 1823; was graduated at Columbia in 1842. He served in the Mexican war; was wounded at Cerro Gordo April 18, 1847, and also at Contreras August 20, 1847, while acting adjutant of the Second Tennessee Infantry and on Gen. Gideon J. Pillow's staff. After the close of the war he became a civil engineer. He was resident engineer of the Hudson River Railroad in 1851; chief engineer of the Oakland and Ottawa Railroad, Michigan, and located that line from Pontiac to Grand Haven; chief engineer of the Central Military Tract Railroad, Illinois, in 1854 (now part of the Chicago, Burlington and Quincy Railroad), and built that line; division engineer of the Grand Trunk Railroad and built the line from Detroit to Port Huron. He served as lieutenant-colonel of the Fourth Michigan Infantry in 1861, and was in the first battle of Bull Run. On September 10, 1861, he was appointed colonel of the Ninth Michigan Infantry. He joined General Sherman at Louisville, Ky., and was sent by him to occupy and fortify the pass through Muldraugh Hill, West Point, Ky., January 22, 1862. He was appointed by General Buell commander of the Twenty-third Brigade, Army of the Cumberland, April 22, 1862, and brigadier-general and president of the examining board under the act of Congress to test the efficiency of volunteer officers May 2, 1862. He overtook the Confederate forces under Col. John Morgan at Lebanon, and captured the place after a sharp fight. He was assigned by General Buell to command all the forces in Kentucky on May 8, 1862, and was relieved of this post on September 10. He rejoined the Fourteenth Corps, Army of the Cumberland, under General Thomas, and served with it until the battle of Murfreesboro, where he was disabled by two severe wounds and captured. Unable to take the field at the time required by the act of Congress, he resigned, and was appointed chief engineer of the

Hudson River Railroad. He was employed in 1869 to survey lands in Colorado; in 1871-72 was chief engineer of the Kentucky Union Railroad and located that line from Paris to Hazard. He was elected to the Michigan State senate in 1880, and in 1882 was employed in surveying Government lands in Dakota. In 1884 he was reappointed chief engineer of the Kentucky Union Railroad. He has published School of Brigade and Evolutions of the Line.

Mr. CANNON. Mr. Chairman, I have no assault to make upon General Duffield. More than a generation ago, from that record, he seems to have been prominent in the Mexican war. He seems to have had a successful life in war and in peace. I do know, without quarreling with my friend from Texas [Mr. SAYERS], that he succeeded as Superintendent of the Coast Survey a man who, in my judgment, was the most competent that ever held that position, as I have before indicated. I do know, further, that his salary, as fixed in the house of his friends, a Democratic House and a Democratic Senate, and appropriated for, was $5,000. I do know that he has held the place from that time to this at a salary of $5,000.

Now, in my judgment, the increase of this appropriation from $5,000 to $6,000, under the changed condition, championed by the gentleman from Pennsylvania [Mr. CHARLES W. STONE], is not called for, first, for the necessities of the service, and second, that this side of the House is not called upon to make it. I was surprised at the gentleman from Kentucky [Mr. MCCREARY]. His clarion voice is now lifted for this increase. He was as silent as the grave in the last Congress when this salary was appropriated for at $5,000.

Now, without making any assault upon General Duffield, who has a splendid record, as read there, I want to say that, wounded as he was in the service, if he is upon the retired list I am willing to let him remain there. If he was wounded and is pensioned, he has the same provision that other worthy soldiers have. And while I deny nothing that can be properly given for the men who were renowned in war, I submit that when gentlemen bring that forward as a makeweight, touching this office that this man holds, to affect this increase of appropriation for salary, I am not much in harmony with it.

Mr. CHARLES W. STONE. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. CHARLES W. STONE. The gentleman alludes to it as an increase of salary. Will the gentleman state to me whether I am correct in the statement that until last year this salary was uniformly $6,000?

Mr. CANNON. I so understand it.

Mr. CHARLES W. STONE. And that last year, without any change of the statute, a less amount was appropriated in the appropriation bill?

Mr. CANNON. I so understand it. And now will the gentleman answer me if General Duffield is not receiving that $5,000, and if it was not fixed in the house of his friends, when the House and the Senate and the President were Democratic, he being an appointee under that Administration?

Mr. CHARLES W. STONE. I will answer the question.

Mr. CANNON. I am asking a very simple question. It can be answered yes or no.

Mr. CHARLES W. STONE. I will answer that it was done in that way; but there are many things done by the Democratic President and Democratic Congress that do not meet with my approval, and when they undertake to ignore the provisions of the statute I am not with them.

Mr. CANNON. Oh, well, what the gentleman's reason for this may be I do not know; but so far as I am concerned I think it is sound economy, and sound politics as well, that we leave this Democratic employee as his Democratic friends fixed him, and that $5,000 is, in my judgment, quite enough.

Mr. WILLIAMS. May I ask the gentleman from Illinois a question before he sits down?

Mr. CANNON. Yes.

Mr. WILLIAMS. Is General Duffield drawing a pension?

Mr. CANNON. I do not know.

Mr. WILLIAMS. I understood you to say so.

Mr. CANNON. Oh, no; I said when his record was read here that I understood from that record that he was wounded while in the Army; that if there was an application to pension him, or if he is on the retired list, I would treat him as a magnificent defender of the Union, just as I would treat his comrades; but that constitutes no argument as to how much salary an official of the Government should get in its civil service. That is all I want to say, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CHARLES W. STONE].

Mr. UNDERWOOD. Let the amendment be read again.

The amendment was again read.

The question being taken, on a division (demanded by Mr. CHARLES W. STONE) there were—ayes 29, noes 54.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Office expenses: For the purchase of new instruments, for materials and supplies required in the instrument shop, carpenter shop, and drawing division, and for books, maps, charts, and subscriptions, $8,000.

Mr. PICKLER. Mr. Chairman, I move to strike out the last word.

There has been a good deal of comment in the committee this morning and in the newspapers of the last few days in regard to the action of the Republican convention in South Dakota last week. It has been referred to two or three times here this morning. I only rise to correct some of these false reports. I want to say that the Republicans of South Dakota are Republicans, and they will remain Republicans.

Now, Mr. Chairman, to apprise the committee, as the matter has been brought up here, and the country as to just what position the Republicans of South Dakota took last Wednesday on the financial question, that it may be known what their official action was, I desire to send to the Clerk's desk the resolution which was adopted by the Republicans of South Dakota in convention in regard to finances.

Mr. HILL. What is their position as to protection?

Mr. PICKLER. We are for protection in every respect.

The Clerk read as follows:

Whereas there is a diversity of opinion among the Republicans of the State upon the financial question; and

Whereas we have perfect confidence in the wisdom and patriotism of the Republican party that shall assemble at St. Louis next June that it will consider and adopt a platform broad and strong enough for every Republican to stand upon: Therefore,

We reaffirm our devotion and loyalty to the platform adopted at Minneapolis in 1892, and adopt it as our platform until the national convention shall give us another.

[Applause on the Republican side.]

Now, Mr. Chairman, as to protection and as to finances and as to every other Republican doctrine, if you want to know our position, for that we refer you to the platform adopted at Minneapolis until the St. Louis Republican platform shall declare another. [Renewed applause on the Republican side.]

Mr. HARTMAN. I wish to ask the gentleman a question if he will yield.

Mr. PICKLER. Yes, sir.

Mr. HARTMAN. Does it not appear to the gentleman, in view of the fact that the views and position of everybody who happens to entertain similar views on the financial question have been falsely represented by the gold-standard press, that that press, while opposed to the free coinage of silver, is unalterably in favor of the free coinage of falsehood? [Laughter.]

Mr. PICKLER. Mr. Chairman, I know there have been a great many misrepresentations in the papers that the gentleman describes, but I only desire to set the Republicans fairly before the country.

Mr. MEREDITH. You take it on faith, do you?

The Clerk read as follows:

Neosho (Mo.) station: Superintendent, $1,500; foreman, $720; one laborer, $600; in all, $2,820.

Mr. BURTON of Missouri. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

Amend by striking out the word "five," in line 23, on page 33, and insert in lieu thereof the word "eight."

Mr. BURTON of Missouri. Mr. Chairman, the direct effect of this amendment is to increase the salary of the superintendent from $1,500 to $1,800. He received——

Mr. CANNON. Well, Mr. Chairman, I did not get my eye on the amendment until this moment. I ask that it be read again. I am not sure that I have it now.

The amendment was again reported.

Mr. CANNON. Mr. Chairman, I think that is subject to the point of order.

Mr. BURTON of Missouri. What is the point of order?

Mr. CANNON. The salary now is $1,500 and there is no law authorizing $1,800, I believe. He gets $1,500.

Mr. BURTON of Missouri. Pardon me. He got $1,800 for a number of years.

Mr. SAYERS. But not for the last two years.

Mr. BURTON of Missouri. The last Congress, or possibly the Fifty-second, reduced it to $1,500. I do not think the gentleman's point of order is well taken; because I do not think the law limits the salary to $1,500. He was originally appointed at $1,500, and after serving a while his salary was increased, upon the recommendation of the Fish Commissioner, for work remarkably well done; and for a series of years he received $1,800 a year. Now, I desire to say that this man has devoted more than eighteen years of his life to this position. He is well qualified, and is an author; and the Fish Commissioner over here is using a work of this man on the Propagation of Black Bass in responding to the queries

that are made of that Department, and they do not pay him one cent for it. And I say that a man of that character, of that experience, who has devoted the number of years he has to it, and who for a number of years received $1,800 a year, ought to receive that amount; and simply because some preceding Congress has reduced, in an appropriation bill, his salary from $1,800 to $1,500 is not a reason why this House should continue to do him wrong. I earnestly hope that this House will give to this man that which he received for a number of years, that which his qualifications and which his service entitle him to.

Mr. CANNON. I do not know, Mr. Chairman, as to whether, strictly speaking, this is subject to a point of order or not. I understand it to be the fact that there is no statute fixing the salary. For the current year he receives $1,500 by an appropriation, and did, as I understand, last year, and some years prior thereto, along with other like officials at the various stations. I suppose that that constitutes the law, if there be any, fixing his salary. The gentleman can not show anything where the law says he shall have $1,800.

Mr. BURTON of Missouri. Then if the appropriation cut it down to $500, it never could be increased.

Mr. CANNON. Well, it is competent to legislate. I am discussing what constitutes the law, in the light of the rule, for these salaries. If it is competent to appropriate $1,800 instead of $1,500, it is competent to appropriate $18,000.

Mr. BURTON of Missouri. There is no legislation.

Mr. CANNON. There is no legislation for $1,800 or $18,000, and there is no legislation for $1,500 except the current law. The salary that he gets at present is $1,500, appropriated for in the sundry civil law for the current year, and has been that for several years. I suppose that, for the purposes of the rule, that would be considered as law.

Mr. SAYERS. Mr. Chairman, I desire to say a word about this appropriation. During the last Congress—I do not remember whether it was at the first or the second regular session—there was an effort made to equalize the stations in this respect, and after careful inquiry the conclusion was reached that the salaries then carried in the appropriation bill were ample for the office. My recollection is—and I speak only from recollection—that at most of these stations the superintendents are supplied with houses in which to live. That being the case, and with the advantage of continual residence at the stations, very light work indeed, and not very great responsibility, it does seem to me that this Congress ought not to undertake to return to the old system of salaries for these superintendents. As they now stand in the bill they are all equalized, but if you return to the salaries that obtained more than two years ago you will have them unequal at the different stations, and there will be a constant effort on the part of those who are receiving the smaller salaries to put themselves on an equality with those who are better paid, and at the same time those receiving the larger salaries will be trying to have them increased. This ought to be permanent law instead of annual law, and the salaries of the superintendents of these stations ought not to be larger at any place than the amount fixed in this bill.

Mr. SMITH of Illinois. Mr. Chairman, on the point of order made by my colleague [Mr. CANNON] I desire to say that I do not think it is well taken. The salary is provided for this position in each annual appropriation bill, and failure to provide the salary in an annual appropriation bill would virtually abolish the office. The appropriation made in the last appropriation bill provides a salary for the present fiscal year. The appropriation bill now under consideration is intended to provide a salary for this officer for the next fiscal year. Hence, under a ruling made a few days ago by the gentleman then in the chair, there is no existing law fixing this salary, and there being no existing law, I am compelled to differ with my colleague as to his point of order being well taken. As to the merits of the case, as to whether this salary should or should not be increased, I have nothing whatever to say. I simply desire to emphasize the point that where a salary is fixed annually in an appropriation bill a point of order will not hold against a proposition to increase that salary for the next fiscal year in an appropriation bill.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CANNON. Well, Mr. Chairman, on the merits I only want to say that all along the line for these superintendents of fish stations estimates were submitted for increase of salaries, but I do not think we want to enter upon that kind of legislation. One thousand five hundred dollars a year for the keeper of a fish station, when he has a house furnished by the Government free of rent and all repairs made, is a good salary, and I do not believe that we want to disturb this happy Democratic family in the salaries fixed for these superintendents under the lead of the eminent gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I trust the gentleman from Illinois will continue to follow the example set by the Democratic Congress in all his appropriations. [Laughter.]

Mr. CANNON. I wish to follow it in this instance, because I think it is good.

Mr. SAYERS. The gentleman will make no mistake if he follows the policy of the last Congress in the matter of appropriations.

Mr. CANNON. I am content to do it in this case.

The amendment was rejected.

Mr. BURTON of Missouri. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out from the paragraph all after the words "six hundred dollars," in line 24, page 33, and insert in lieu thereof the following: "One skilled laborer, $720; in all, $3,540."

Mr. CANNON. Mr. Chairman, I think that is subject to a point of order. I do not know of any law that authorizes the employment of a skilled laborer at this fish station. The Chair is familiar with the law under which laborers, messengers, clerks of class 1, 2, 3, and 4 may be increased, according to the wants of the service—that kind of increase specially authorized in the Revised Statutes—so that that may be either an increasing or a decreasing force, according to the requirements of the service; but skilled laborers do not come within the provision. So far as any general authorization by law is concerned, they stand upon the same ground as a chief of division or any other officer not authorized by the common statutory provision.

Mr. BURTON of Missouri. Mr. Chairman, as to my friend's point of order, if there is anything in the word "skilled" which brings the amendment within the point, or which would justify the Chair in sustaining the point of order, then I ask leave to modify the amendment by striking out that word. Now, as to the merits of the amendment, this fishery is established at the little town of Neosho, a place of some 4,000 people, situated upon a series of hills at the base of which there rush out most magnificent springs of living water. The Government has gone to that town and established a fishery. Originally not only did they allow this superintendent $1,800 a year, not only did they allow labor as they now allow it, but they allowed also what I am pleased to call a skilled laborer, by which I mean a man who can do rough carpenter work, who can do rough painting, who can make flues and boxes and trays, who can build a dam, if necessary. For a number of years that skilled laborer was there in the employ of the station, and when his time was not devoted to the discharge of such duties he was occupied in fish-culture. Eventually he took a civil-service examination and was promoted to be a fish-culturist and was transferred to another station. Since that time his place has never been supplied.

Mr. Chairman, from the day that plant was established until now the business there has constantly increased. To-day it is especially devoting itself to the propagation of rainbow trout and black bass, particularly black bass. There is not now at that point sufficient force to handle the black bass and ship them to meet the demand therefor. Why, Mr. Chairman, I assure this House that last spring when I was there, standing upon the banks of one of those magnificent ponds, the black bass came up and even whined for more laborers that they might be taken out and distributed throughout the country. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURTON of Missouri. Then I modify my amendment and reoffer it with the word "skilled" stricken out.

Mr. CANNON. If the gentleman strikes out the word "skilled," so as to provide simply for a laborer, I presume that a motion to increase the force of laborers is within the rule, because that general class of employees is authorized by the Revised Statutes.

The gentleman has spoken to the merits of the proposition. Mr. Chairman, the Government of the United States in its policy touching the Fish Commission and its work has never been niggardly. It is a magnificent service in the number of its officials and the efficiency of their work. Some people believe that it is not a very important service. Frankly, I think it is. But last year we appropriated $336,240 for the distribution and propagation of fish, and this bill contains an increased appropriation, $339,340. The matter was fully examined in committee and from a friendly standpoint. After the fullest inquiry the committee is satisfied that it has been not only just but liberal toward this service in the appropriations reported. I trust that the recommendations of the committee as reported will stand.

The question being taken on the amendment of Mr. BURTON of Missouri, it was rejected; there being—ayes 14, noes 39.

The Clerk read as follows:

Clackamas (Oreg.) station: Superintendent, $1,500; one laborer, $720; one laborer, $800; in all, $2,820.

Mr. HARTMAN. Before offering the amendment which I have in view I will ask the chairman of the committee a question. Is this matter of the continuation of the fish hatcheries already under construction to be taken care of in this bill or in the general deficiency bill?

Mr. CANNON. At the time this bill was completed we had not received any estimates for that purpose; they would not belong on this bill; they would be considered with the deficiency estimates.

Mr. HARTMAN. Then this matter will come in properly on the general deficiency bill?

Mr. CANNON. The matter has not been examined as yet.

Mr. SAYERS. I think there is a clause in this bill which provides for these hatcheries when they shall have been completed. Is not that so?

Mr. CANNON. That is for the personnel.

Mr. HARTMAN. I will state my reason for this question. In my town in Montana there is now a hatchery in process of construction; it is partially completed.

Mr. CANNON. That will go upon the general deficiency bill.

Mr. HARTMAN. Very well. If that be the case I will not detain the Committee of the Whole at this time by offering an amendment.

Mr. SIMPKINS. Mr. Chairman, having been absent for a few moments, I ask unanimous consent to recur to line 11, page 32, to which I wish to offer an amendment.

The CHAIRMAN. Is there any objection?

Mr. CANNON. The gentleman, as I understand, was not present when that paragraph was read. I suspect that I am not in harmony with his amendment, but I have no disposition to object to giving the gentleman a chance to test the sense of the committee upon the amendment.

There being no objection, the Committee of the Whole recurred to the following paragraph:

Woods Hole (Mass.) station: Superintendent, $1,500; machinist, $960; fish-culturist, $900; pilot and collector, $720; three firemen, at $540 each; two laborers, at $540 each; in all, $6,780.

Mr. SIMPKINS. I move to amend by striking out the words "five hundred and forty," in lines 10 and 11, and substituting the words "seven hundred and twenty;" so that the clause will read:

Three firemen, at $720 each.

Mr. Chairman, the object of this amendment is to make the salaries of the firemen engaged at Woods Hole equal to the salaries of the firemen engaged at the New York station. The work of the firemen in these two places being identical, there is no reason, I believe, why their pay should not be the same. It is conceded by all that the pay of the firemen at the New York station, $720 each, is not too large. I hope, therefore, that my amendment will be adopted.

Mr. CANNON. Mr. Chairman, this appropriation for the station at Woods Hole was written formally in the appropriation bill four years ago, in accordance with the amounts which were then being paid to these employees, there having been full authority on the part of the officers in charge to make what disbursements they chose for this purpose from a lump sum which had been appropriated. Congress thought it wise to make the appropriations for all these stations specific; and the salaries having been fixed at these amounts when those in authority had plenary power in the premises, Congress adopted the roster as we now have it. It seems to me we can not undertake to regulate and change these salaries by amendment in Committee of the Whole. I trust the amendment will not be adopted.

The question being taken, the amendment of Mr. SIMPKINS was rejected, there being—ayes 10, noes 31.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. McCALL of Tennessee. Mr. Chairman, I would like to ask the gentleman in charge of this bill if he will not consent to pass over this paragraph, beginning with line 15, on page 38, and extending to line 24, with permission to return to it after the bill has been concluded?

Mr. CANNON. I am quite content that we should pass over that paragraph and return to it after we read the bill through.

Mr. LINNEY. I want to offer an amendment, Mr. Chairman, to strike out that whole paragraph.

Mr. McCALL of Tennessee. I withdraw the request.

The CHAIRMAN. That will have to be done, the Chair will state, by unanimous consent.

Mr. McCALL of Tennessee. I have withdrawn the request.

Mr. CANNON. Whichever way the gentleman from North Carolina prefers, I have no objection, either to let it be considered now or accept the suggestion of the gentleman from Tennessee and let it be passed over by unanimous consent, to be recurred to hereafter.

Mr. LINNEY. I prefer its consideration now. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, on page 13, by striking out from the bill the paragraph beginning with line 15, down to and including line 24.

Mr. TATE. Mr. Chairman, I offer an amendment to strike out a portion of the paragraph, which I believe has precedence.

The CHAIRMAN. Does the gentleman offer an amendment to the amendment?

Mr. TATE. No, sir; to strike out a part of the paragraph, which amounts to an amendment to perfect the text of the bill.

The CHAIRMAN. The Chair thinks, unless the motion of the gentleman from North Carolina is temporarily withdrawn, that under the circumstances it would be first in order.

Mr. SWANSON. A motion to strike out takes precedence of a motion to perfect the text? As I understand it, Mr. Chairman, a motion to amend would take precedence.

The CHAIRMAN. The Chair will cause the amendment of the gentleman from Georgia to be read, and will then determine whether it has precedence.

The Clerk read as follows:

Amend by striking out, in lines 18 and 19 of the paragraph, the words "including payments for information and detection of such violations."

Mr. TATE. The Chair will see that the purpose of my amendment is to strike out the provision providing for the payment for information or the purchase of information on the part of the Government, and leaves the appropriation as it was made in the bill for the detection and prevention of frauds.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Georgia has precedence.

Mr. TATE. If the gentleman from North Carolina wishes to proceed, I do not want to take the floor from him.

The CHAIRMAN. The Chair has decided that the amendment to perfect the text takes precedence of the amendment to strike out entirely. The gentleman from Georgia has sent up an amendment to perfect the text, which the Chair recognizes as first in order.

Mr. McCALL of Tennessee. Let us have the amendment again reported.

The amendment was again read.

Mr. TATE. Mr. Chairman, this question has been gone over by the House heretofore in discussing the bill to pay district attorneys, marshals, and other United States officials salaries in lieu of fees, and it seems scarcely necessary to discuss it at length now, and I will not undertake to again discuss this question in the short time allowed. The purpose is not to strike out the entire section of the bill nor to prevent the appropriation from being used for the purpose of detecting, arresting, and bringing to trial people who violate the internal-revenue laws. The purpose is to strike out that clause and that provision which allows the purchase of information by the Government and to pay for criminal information against the citizen who may violate the law.

The question of fees, and the manner in which the fees in the Internal-Revenue Department have been made heretofore, by which expenses have been piled up against the Government; the work of the informer, the manner in which he makes his fees and how these detestable spies and informers are used to harass the people and how they are paid for the same, has been gone over very thoroughly, as I said, in the discussion on the fee bill a short time ago. Under no other system of prosecution does the State courts or any other court provide money for the purpose of buying information. I undertake to say that such a proposition would not be tolerated by the State courts for a moment. The appropriation of money by the States for the purpose of buying information in criminal cases has never been done.

Mr. Chairman, I again appeal to this House to break up the business of the professional spy and informer by adopting this amendment. We should not appropriate the people's money to pay a class of people who are generally the greatest criminals to be found.

Mr. EVANS. Mr. Chairman, I feel constrained to differ with the gentleman from Georgia who offers this amendment, as well as with the gentleman from North Carolina [Mr. LINNEY], who proposes to strike out the entire provision. I believe there is no more important provision in this bill than the one now proposed to be stricken out, and I shall urge upon the House not to paralyze the arm of the Commissioner of Internal Revenue by striking out or altering this proposed section of the bill.

This is a very broad country of ours, and the internal-revenue service ramifies the whole of it, and unless the Commissioner has authority, and money to pay for the exercise of that authority in the detection of fraud and in acquiring information concerning fraud, you had as well not undertake to prevent fraud in the internal-revenue service at all. It seems to me to be a most wise provision, not only wise in terms, but wise by the experience of the Internal-Revenue Service, for it is probably a quarter of a century since there was the absence of such a provision in the law as this.

I insist that it should not be stricken out, that the words suggested by the gentleman from Georgia remain in, and that both of the amendments be voted down. I think the House will forget the importance of the provision if we yield to either of the proposed amendments.

Mr. LINNEY. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SAYERS. I move to strike out the last word. I wish to say a few words only, Mr. Chairman. This particular service is not the only one in which the Government makes use of informers. The alien contract labor law, under which the informer is entitled to receive pay for information which leads to the arrest, indictment, and conviction of a person violating that law, and other laws pertaining to other branches of the service, under which informers are also employed and paid, are as susceptible of criticism as the clause under consideration.

Now, I agree with the gentleman who has just taken his seat [Mr. EVANS] that if this appropriation be stricken out the arm of the Commissioner of Internal Revenue will be paralyzed, and that illicit distilleries will spring up in certain parts of the country, and especially in the good old State of Virginia, and in North Carolina and in Georgia. Certain gentlemen, whether Republicans, Democrats, or Populists, must depend for their election to Congress, to some extent at least, upon the votes of those who are engaged in this illicit and unlawful business. I am told, Mr. Chairman—I do not assert it as a fact—that when conventions are held in certain districts by the three parties there is one plank in the platform which is absolutely identical in all. We hear much about the free and unlimited coinage of silver at the ratio of 16 to 1, but in those parts the burning question is, "Freedom to the moonshiners and permission to violate the internal-revenue laws of this country with impunity." Now, this is no exaggeration. Gentlemen may smile when I make the assertion, but it is believed by many to be true. I have before me the official statement of the Commissioner of Internal Revenue as to the manner in which the appropriation of $50,000 made at the last session of the last Congress for the current fiscal year has been expended during the last eight months.

First I will take the State of North Carolina. If gentlemen will turn to their Congressional Directory they will find out who represent the Fifth and Eighth districts of that State. During eight months of the present fiscal year in the Fifth district of North Carolina 160 illicit distilleries were seized and destroyed. The persons operating them were violating the law and making a hell of one of the fairest portions of this country, converting into whisky the corn which should have been used for furnishing bread to their families and food to their stock.

My friend from North Carolina [Mr. LINNEY] may rise in his place and talk most eloquently of the old Flag and the Union, and yet in his very district men are thus violating the laws of his country. The number of fermenters seized and destroyed in his district were 558, and the number of gallons of beer seized and destroyed were 32,550. All this during the past eight months.

But what of the Eighth district of North Carolina? I can not recollect which gentleman represents that district, but I believe he sits on the majority side of this House. We find that in that district during the past eight months 100 illicit distilleries, 755 fermenters, and 78,650 gallons of beer were seized and destroyed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. Mr. Chairman, this is an important item, and gentlemen will assail it most vigorously. I ask unanimous consent for ten minutes longer.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended for ten minutes. Is there objection?

There was no objection.

Mr. SAYERS. During the same time 11,047 gallons of spirits were also seized and destroyed. The report does not show whether it was brandy or whisky. So much for North Carolina. And it is enough. We will now turn to Georgia, represented in part by my good friend [Mr. TATE], who has already spoken and who has offered the pending amendment. Here we find in the Ninth district that 299 illicit distilleries were seized and destroyed during the past eight months.

Mr. ALLEN of Utah. In one district?

Mr. SAYERS. In one district; and also 3,645 gallons of spirits.

Mr. LIVINGSTON. What kind of spirits?

Mr. SAYERS. My friend lives in that State and he knows better than I. There were also seized and destroyed 292,535 gallons of beer. As to Virginia, the good old State, the mother of Presidents, the home of Madison and of Jefferson, so ably represented on this floor by gentlemen of high character and ability, we find that in the Fifth Congressional district alone 83 illicit distilleries, 8,394 gallons of spirits, 600 fermenters, and 75,100 gallons of beer were seized and destroyed. I ask leave, Mr. Chairman, to print the entire statement in the RECORD as a part of my remarks.

*Report of work done by revenue agents and amount expended from "fraud fund" from July 1, 1895, to February 29, 1896, by Congressional districts.*

| State. | Congressional district. | Amount expended from "fraud fund." | Registered distilleries seized. | Illicit distilleries seized and destroyed. | Gallons of spirits seized. | Fermenters seized and destroyed. | Gallons of beer seized and destroyed. | Horses and mules seized. | Wagons seized. | Value of property seized. | Assessments reported. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| California | Fourth | $1,550.10 | | 1 | | | | | | $951.15 | $10,674.09 |
| Do | Second | 31.45 | | | | | | | | | 121.22 |
| Minnesota | Sixth | | | | | | | | | | 7,446.25 |
| Do | Seventh | | | | | | | | | | 300.00 |
| North Dakota | | | | | | | | | | 3,758.00 | 1,585.50 |
| Montana | | | | | | | | | | | 250.00 |
| Nebraska | Fourth | | | | | | | | | | 162.50 |
| Do | Sixth | 18.60 | | 1 | | | | | | | 150.00 |
| Iowa | Third | | | | | | | | | | 100.00 |
| Illinois | First | 251.82 | | | 606 | | | | | 114.87 | 5,727.07 |
| Do | Eighth | | | | | | | | | 47.70 | 1,538.84 |
| Do | Twelfth | | | | | | | | | | 221.88 |
| Do | Fifteenth | | | | | | | | | | 112.50 |
| Do | Seventeenth | | | | | | | | | | 350.00 |
| Do | Twenty-first | | | | | | | | | | 91.67 |
| Do | Twenty-second | | | | | | | | | | 216.67 |
| Wisconsin | First | 50.38 | | | | | | | | | |
| Do | Second | 41.09 | | | 24 | | | | | 4.80 | 212.50 |
| Do | Third | 101.56 | | | | | | | | | 275.00 |
| Do | Fifth | 213.71 | | | | | | | | | 156.25 |
| Do | Sixth | 64.39 | | | | | | | | | 91.67 |
| Do | Seventh | 241.27 | | | | | | | | | 150.00 |
| Do | Eighth | 168.38 | | | | | | | | | 540.64 |
| Do | Ninth | 33.82 | | | | | | | | | 97.50 |
| Do | Tenth | 33.82 | | | | | | | | | 173.75 |
| North Carolina | First | | | | | | | | | | |
| Do | Second | 34.00 | 1 | 3 | 178 | 33 | 2,200 | | | | 3,856.16 |
| Do | Third | 436.00 | 1 | 26 | 85 | 167 | 14,850 | | | | |
| Do | Fourth | 585.00 | 4 | 31 | 1,398 | 189 | 15,000 | | | | 1,294.80 |
| Do | Fifth | 803.30 | 3 | 60 | 5,246 | 559 | 32,550 | 5 | 5 | | 151.95 |
| Do | Sixth | 747.00 | | 3 | 2,450 | 33 | 1,900 | 7 | 4 | | 1,104.84 |
| Do | Seventh | 1,114.90 | 20 | 41 | 9,158 | 314 | 27,500 | 4 | 4 | | 26,458.43 |
| Do | Eighth | 2,196.00 | 11 | 100 | 11,047 | 755 | 78,650 | 7 | 4 | | 22,186.00 |
| Do | Ninth | 1,254.00 | 6 | 51 | 1,868 | 497 | 49,350 | 4 | 2 | | 9,453.38 |
| South Carolina | Third | 732.00 | | 38 | | 420 | 48,000 | | | 2,975.00 | |
| Do | Fourth | 1,991.50 | | 67 | 158 | 760 | 83,250 | 2 | 4 | 5,297.00 | |
| Virginia | Second | | 6 | | 1,320 | | | | | 2,341.00 | |
| Do | Fourth | 88.00 | | 5 | 24 | 46 | 2,880 | | | 335.00 | 239.37 |
| Do | Fifth | 1,995.09 | 45 | 81 | 8,394 | 600 | 75,100 | 6 | 3 | 14,775.85 | 1,140.63 |
| Do | Sixth | 296.07 | 3 | 15 | 570 | 37 | 2,200 | 6 | 4 | 1,873.86 | 2,255.63 |
| Do | Seventh | 860.75 | 27 | | 6,843 | | | | | 4,909.95 | 1,545.00 |
| Do | Eighth | 112.87 | | | 26 | | | | | 29.15 | |
| Do | Ninth | 647.00 | 2 | 35 | 40 | 134 | 9,700 | | | 1,661.75 | 159.37 |
| Do | Tenth | 863.90 | 5 | | 3,597 | | | | | 3,890.41 | 128.13 |
| Tennessee | First | 84.00 | 1 | 4 | 273 | 12 | 1,000 | | | 511.00 | |
| Do | Second | 88.00 | | 3 | 799 | 20 | 2,200 | | | 998.00 | |
| Do | Third | 158.00 | 1 | 6 | 3,567 | 79 | 46,700 | 3 | 1 | 5,682.00 | |
| Do | Fourth | 70.00 | 2 | 3 | 1,409 | 40 | 7,700 | | | 2,285.00 | 105.00 |
| Do | Fifth | 36.00 | 5 | | 2,085 | 78 | 20,200 | | | 3,514.00 | 18.75 |

*Report of work done by revenue agents and amount expended from "fraud fund" from July 1, 1895, to February 29, 1896, by Congressional districts*—Continued.

| State. | Congressional district. | Amount expended from "fraud fund." | Registered distilleries seized. | Illicit distilleries seized and destroyed. | Gallons of spirits seized. | Fermenters seized and destroyed. | Gallons of beer seized and destroyed. | Horses and mules seized. | Wagons seized. | Value of property seized. | Assessments reported. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Tennessee | Sixth | | | | 90 | | | | | $128.00 | $58.33 |
| Do | Seventh | $33.00 | | 3 | | 44 | 200 | | | | |
| Do | Eighth | 119.00 | | 3 | 190 | 21 | 5,000 | 1 | | 466.00 | |
| Arkansas | First | | | | | | | | | | |
| Do | Second | 170.00 | | 5 | | 40 | 3,000 | | | 385.00 | |
| Do | Third | 670.00 | | 18 | 47 | 121 | 12,300 | | | 1,508.00 | |
| Do | Fourth | 160.00 | | 6 | 5 | 41 | 100 | | | 550.00 | |
| Do | Fifth | 10.00 | | 1 | 2 | | 100 | | | 25.00 | |
| Do | Sixth | 26.00 | | 1 | | | 100 | | | 30.00 | |
| Missouri | First | | | | | | | | | | 345.84 |
| Do | Fifth | | | | 162 | | | | | 216.25 | 1,032.50 |
| Do | Tenth, Eleventh | 91.05 | | | 154 | | | | | 142.50 | 22,784.68 |
| Do | Twelfth, Thirteenth | 61.00 | | 6 | 92 | 16 | 640 | | | 164.00 | |
| Iowa | First | | | | | | | | | | 679.17 |
| Do | Sixth | | | | | | | | | | 216.67 |
| Do | Ninth | | | | | | | | | | 450.00 |
| Kansas | First | | | | | | | | | | 150.00 |
| Louisiana | First | 608.00 | | | 47 | | | | | 163.00 | 2,430.05 |
| Do | Fifth | 38.52 | | 2 | | 23 | 3,000 | | | 268.00 | |
| Mississippi | First | 173.15 | 2 | 9 | 180 | 39 | 5,070 | | | 1,208.00 | |
| Do | Second | 57.78 | | 3 | | 12 | 350 | | | 402.00 | |
| Do | Third | | | | 40 | | | | | 100.00 | 250.54 |
| Do | Fourth | 135.03 | | 7 | 175 | 52 | 7,485 | | 1 | 938.00 | |
| Do | Fifth | 38.52 | | 2 | | | | | | 268.00 | 250.54 |
| Texas | First | | | | | | | | | | 62.51 |
| Do | Second | | | | | | | | | | 50.00 |
| Do | Third | | | | | | | | | | 37.50 |
| Do | Sixth | | | | | | | | | | 58.12 |
| Do | Seventh | | | | | | | | | | 28.51 |
| Do | Twelfth | | | | 55 | | | | | 100.00 | 16.67 |
| New Jersey | Sixth | 38.00 | | 1 | 20 | 8 | 250 | 1 | 1 | 4,200.00 | 250.00 |
| Do | Seventh | 58.22 | | 1 | 3 | 4 | 40 | | | 2,250.00 | 50.00 |
| New York | First | 40.00 | | 1 | 222 | 7 | 430 | 2 | 4 | 2,000.00 | |
| Do | Nineteenth | 40.61 | | | | | | | | | 617.00 |
| Do | Twentieth | 104.08 | | | | | | | | | |
| Do | New York City | 1,367.33 | | 1 | 30 | 10 | 400 | | | 100.00 | 751.67 |
| Do | Brooklyn | 583.26 | | 2 | 50 | 27 | 1,015 | 1 | 1 | 4,550.00 | 840.50 |
| Pennsylvania | Philadelphia | 319.52 | | | | | | | | | 1,382.63 |
| Do | Ninth | 12.56 | | | | | | | | | 147.50 |
| Do | Tenth | 6.71 | | | | | | | | | |
| Do | Eleventh | 39.63 | | | | | | | | | 300.02 |
| Do | Thirteenth | 50.24 | | | | | | | | | 30.00 |
| Do | Twentieth | 26.48 | | | | | | | | | |
| Do | Twenty-second | 26.71 | | | | | | | | | 4,063.34 |
| New Jersey | First | 30.57 | | | | | | | | 200.00 | 370.00 |
| Do | Second | 13.36 | | | | | | | | | |
| Maryland | Baltimore | 26.48 | | | | | | | | | 3,570.87 |
| District of Columbia | Washington | 160.60 | | | | | | | | | |
| Kentucky | First | | | | 480 | | | | | | 10.00 |
| Do | Second | | | | | | | | | | 750.00 |
| Do | Third | 10.00 | 4 | 1 | 2,180 | | | | | 1,540.00 | 533.22 |
| Do | Fourth | 67.00 | 1 | 6 | 206 | 28 | 2,850 | | | 625.00 | |
| Do | Fifth | | | | 280 | | | | | | 1,629.02 |
| Do | Sixth | | | | | | | | | | |
| Do | Seventh | 326.41 | | | 1,255 | | | | | 500.00 | 893.25 |
| Do | Eighth | 444.00 | 2 | 10 | 302 | 35 | 1,600 | | | 755.00 | 744.32 |
| Do | Ninth | 328.24 | 3 | 1 | 106 | 3 | 100 | | | 200.00 | 2,055.53 |
| Do | Tenth | 584.00 | 3 | 9 | 252 | 20 | 900 | | | 345.00 | 1,142.98 |
| Do | Eleventh | 636.82 | | 13 | 240 | 91 | 5,150 | | | 1,090.00 | |
| Georgia | First | 6.00 | | 1 | 880 | | 100 | | | 1,582.00 | |
| Do | Second | | | 1 | 43 | 2 | | | | 51.00 | |
| Do | Third | | | | 122 | | | | | 340.00 | |
| Do | Fourth | 79.00 | 3 | 17 | 655 | 144 | 6,650 | | | 1,890.00 | |
| Do | Fifth | 68.00 | 1 | 2 | 474 | 114 | 7,490 | | | 1,269.00 | |
| Do | Sixth | 90.00 | | 17 | 90 | 100 | 5,189 | 1 | 1 | 1,134.00 | |
| Do | Seventh | 1,428.74 | | 66 | 548 | 495 | 44,470 | | | 6,549.00 | |
| Do | Eighth | 806.44 | 1 | 16 | 337 | 130 | 5,615 | | | 1,465.00 | |
| Do | Ninth | 4,552.54 | 4 | 209 | 3,645 | 4,625 | 202,530 | 15 | 6 | 41,055.00 | |
| Do | Tenth | | 1 | | 731 | | | | | 2,590.00 | 173.36 |
| Do | Eleventh | | | | | | | | | | |
| Alabama | First | 15.00 | | | | | | | | | |
| Do | Second | 23.00 | | 3 | 4 | 9 | 50 | | | 85.00 | |
| Do | Third | 10.00 | | 4 | 1 | 7 | 80 | | | 38.00 | |
| Do | Fourth | 633.00 | | 40 | 47 | 266 | 14,690 | 1 | 1 | 4,093.00 | |
| Do | Fifth | 559.00 | | 49 | 153 | 294 | 34,835 | 2 | 1 | 3,750.00 | |
| Do | Sixth | 257.00 | | 28 | 354 | 152 | 8,215 | 2 | 1 | 1,685.00 | |
| Do | Seventh | 105.00 | | 16 | 2 | 84 | 6,895 | | | 805.00 | |
| Do | Eighth | 194.00 | | 20 | 97 | 171 | 13,800 | 2 | 1 | 1,520.00 | |
| Do | Ninth | | | 1 | 8 | 7 | 200 | | | 60.00 | |

In large cities, viz., San Francisco, Chicago, St. Louis, Milwaukee, New York, and Brooklyn, it has been impracticable to separate the items expended from the "fraud fund" according to Congressional districts, owing to the fact that when a man is employed on Form 10 and paid from this fund he may often do work in two or more Congressional districts in the same day, thereby rendering it impossible to give actual data, as above stated.

While this report shows approximately the amount expended from this fund, it does not exhibit the correct results, for the reason that many cases discovered within the time named have either not been reported or are before the courts or pending a settlement by offers in compromise in this office, the aggregate results of which would materially increase the sums reported.

Attention is further called to the fact that the limited time allowed for gathering this data and putting it in its present shape was not sufficient to make the most accurate report possible.

In some districts the reports show violations of law and seizures of property and assessments resulting therefrom, while but little, and in some instances, none of the "fraud fund" was expended. The results reported in such cases are due to the individual work of the agents or the deputies under their direction, and the "fraud fund" is not entitled to the credit for such work.

Five hundred and thirty-two arrests have been made within the time named which it is proper to report as a part of the work resulting from the use of this "fraud fund."

But I do not wish gentlemen who live in the North to think that the violation of the internal-revenue laws is confined to the States that I have mentioned. Let us go to the State of New York. We were told by the Commissioner of Internal Revenue that in the basement of a house standing upon one of the most prominent streets in the city of New York an illicit distillery was being operated and that the illegal act was discovered and the gentlemen—I refer to them thus courteously—who were thus engaged in the willful, premeditated, deliberate, and continual violation of the law, when arrested paid to the Government $12,000 and costs at one time in order to escape further prosecution.

Mr. EVANS. I will remind the gentleman that this appropriation yields to the Government better returns than any other appropriation in any appropriation bill, in my judgment.

Mr. SAYERS. I think so. I agree with the gentleman.

Mr. LIVINGSTON. May I suggest to my colleague, Mr. Chairman, that in recovering this revenue for the Government, private houses, private bureaus, private closets are entered and broken open and searched without warrant, under no legal process whatever? I want to ask my colleague if he indorses that part of this system?

Mr. SAYERS. Mr. Chairman, I do not know that such things are done, and until a case is made and established I will not express an opinion. But I know this, that if the houses of innocent men are broken into and their property destroyed, they have their recourse under the Constitution and laws of the country.

Mr. LIVINGSTON. Now, will my colleague bear with me, because I do not want to make any speech on this subject?

Mr. SAYERS. Certainly.

Mr. LIVINGSTON. Their recourse, Mr. Chairman, is through the courts of the country; and it would cost them more to fee a lawyer in most cases than the damages accruing. It is not the amount of property that they lose so much as the insult and injury that they sustain, being free citizens of a country over whom the flag of the country floats, when their houses and premises are searched without warrant. Now, I want to ask my friend if he would be willing, and if the chairman of this committee will, if this clause is kept in, add an amendment to the clause, "*Provided, however*, That all search and all investigation of private houses and private closets shall be done under legal process of law"?

Mr. SAYERS. Now, Mr. Chairman——

Mr. LIVINGSTON. Are you willing to do that?

Mr. SAYERS. I will answer. If such should be done, Mr. Chairman, it will only advertise to the fellows that the officers are coming [laughter], and there are nine chances out of ten that the officers will never reach the house when the illicit distillery is being operated. The newspapers of the country give us, week by week, accounts in which some one has been shot down at night at his fireside with his family, and when the authorities endeavor to find out who it was that did the assassination, it is found that some man suspected of moonshining has suddenly left the country. This appropriation ought to be made, not only for the purpose of maintaining the majesty of the law, but for the purpose of relieving these sections of the deplorable consequences which always result from the illicit distillation of liquors. The House can do as it pleases. This law does not affect my constituency. Illicit whisky is not distilled there. The duty of this committee is plain; it should sustain this appropriation.

Mr. KIEFER. Will the gentleman allow me to ask him a question?

Mr. SAYERS. I will.

Mr. KIEFER. What does the gentleman understand by the statement, so many thousand gallons of beer have been destroyed?

Mr. SAYERS. I do not know anything other than what is contained in the statement from which I have read. I am not acquainted with the revenue laws.

Mr. CONNOLLY. That is the mash that has not been sufficiently fermented.

Mr. KIEFER. Then it is not the beer, as we understand it, under the term of "lager beer," but is a mash?

Mr. SAYERS. I suppose not; it is the mash.

Now, Mr. Chairman, I will not detain the committee longer. I have said all that I care to say on the subject, and if the committee should strike out the clause and leave the Internal-Revenue Office to the mercy of those who are engaged in the violation of the law it must bear the responsibility. The load will not be on my shoulders.

Mr. LINNEY. Mr. Chairman, I move to strike out the last two words.

The gentleman from Texas has been rather severe on the State of North Carolina, and especially on two districts, the Fifth and the Eighth. I want to call the gentleman's attention to the fact that, if the conditions are similar, his State is vastly more derelict than mine. I see from the report of the Commissioner of Internal Revenue of this year, on page 385, that while North Carolina reports and paid tax on 708,971 gallons per year, the distinguished gentleman's State only reports 4,623 gallons per year. Texas is as large as four or five North Carolinas; she is the greatest corn State of the age, and drinks more brandy than 10,000 Maines, and yet only reports 4,623 gallons per year. Now, Mr. Chairman——

Mr. SAYERS. We feed our corn; we feed it to our horses and our hogs.

Mr. LINNEY. Then where do you get the vast amount of liquor that you enjoy so much in the great State of Texas? [Great laughter.]

Mr. SAYERS. Has the gentleman been in Texas?

Mr. LINNEY. Many a time. I own property in that State.

Mr. SAYERS. Where?

Mr. LINNEY. In Floyd County, where there is no brandy.

Mr. SAYERS. There are not 350 voters in Floyd County.

Mr. LINNEY. You are just 600 citizens behind the times. You know as little about Floyd County as about the liquor of North Carolina. [Laughter.]

Now, let me show, Mr. Chairman, the great iniquity of this appropriation. I maintain before this intelligent body of legislators and statesmen that no fund has ever operated upon the popular mind at any time in the history of the world that has produced as much corruption, save and except that thirty pieces of silver that were connected with the wonderful treachery that we read of in sacred history, as does this $50,000 which provides for the payment of special agents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINNEY. Mr. Chairman, I should like about ten minutes on this subject.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed ten minutes.

There was no objection, and it was so ordered.

Mr. LINNEY. I want to state further, for the benefit of this Committee of the Whole and of the distinguished gentleman from Texas in particular, that while North Carolina pays out annually over $2,000,000 under the internal-revenue system in excess of what she receives by way of pensions, the gentleman's own State does not pay a tithe of that amount, so that to-day my State is feeling the weight of the Government burdens growing out of this internal-revenue system ten times more than the great State of Texas, and therefore this is a matter of ten times more interest to the people of the Eighth district and of the Fifth district of North Carolina than it is to any district in the gentleman's State.

But now, Mr. Chairman, I want to address myself to the proposition which I have already announced, that this $50,000 stands in your appropriation bill, not as a fund for the purpose of enforcing the law, but as a very dangerous corruption fund, and to show that I am correct in that statement I ask the attention of the House to page 20 of the report of the Commissioner of Internal Revenue for the year ended June 30, 1895. I find in that report that one B. B. Bouldin received $12,116.20 last year for his work as a spy, and on another page I find that a man by the name of Pitts received $13,504.29 for his services as a spy. Neither of those men has one-fiftieth part of the brain power which the distinguished gentleman from Texas possesses, and yet for engaging in this disreputable business they receive about four times the salary that the gentleman receives for his valuable public services.

I want to call attention to another fact, to show that this fund acts as a corruption fund. From the reports which these agents have made—not the regular officers, but these spies—it appears that in each of these States they have reported something like 3,000 violations of internal-revenue laws, and yet there have been only about 600 arrests upon the information so received, and I undertake to say that probably not one-tenth of the parties arrested upon the information of these agents are ever prosecuted and convicted. This shows, sir, that there have emanated from these special agents over 3,000 falsehoods, that 3,000 of the citizens of the State of North Carolina have been slandered by them, and that that slander had its origin in this appropriation. It was your appropriation of $50,000 that produced those slanders. It was this $50,000 that constituted the motive, the incentive, which prompted these men to make these 3,000 false and slanderous reports.

Now, sir, I ask this House if it is not infinitely better that we should have a little blockade whisky occasionally than that the Government itself should go in partnership with a force which deals in lies and gets those lies placed upon the records of this country? By encouraging these men the Government of the United States becomes a party to one of the most disreputable enterprises known to mortal man. That is why I oppose this appropriation. It is not that we in North Carolina are not in favor of the enforcement of the internal-revenue laws, because we are in favor it. If the people of North Carolina were opposed to the enforcement of the internal-revenue law you would not see $2,000,000 pouring from the pockets of those people into the Treasury annually in excess of what they receive from the Government, but you would find North Carolina dwindling down in this respect to the condition occupied by the State of the gentleman from Texas, giving a sum so meager that you must have a spyglass to see it at all. [Laughter.]

Mr. Chairman, I am surprised anyway that the distinguished gentleman from Texas should become the champion of the internal-revenue system in the South. [Laughter.] I will venture to say that he never made a speech in Texas in which he did not denounce the internal-revenue system. [Laughter.] If he did, he is about the only Democrat in the South that ever did so. It has been suspected that the Democracy were blowing hot and cold on this question, but they have always denied it so vigorously that

sometimes it has dampened the ardor of some good Republicans in opposition to it.

But, seriously, Mr. Chairman, this appropriation ought to be stricken out. In that way you will save $50,000 a year from a fund that has never yet since it was first appropriated resulted in one good prosecution—not one. It is wrong, also, from another point of view. This matter of employing spies in a republican form of government is wrong, it is odious, it is distasteful to every honest and good citizen. Why, even the Athenians called their informers "sycophants." It has come down to us from ancient times that men whose business it was to lie around their neighbors' houses and catch the conversation going on there and twist and torture it and misuse it so as to make it the basis for a prosecution were engaged in a most disreputable business, and they were described by the disreputable term "sycophant." For one, I shall not join the army of sycophants, but I call upon this House to rise to the importance of the occasion and to strike from our statute books this fund, which simply fosters the most disreputable business that ever was encouraged by a law of the United States. I will not occupy further time.

[Mr. SWANSON addressed the committee. See Appendix.]

Mr. McCALL of Tennessee. Mr. Chairman, I move to strike out the last two words.

I am sure that if the members of this committee could fully understand and appreciate the purpose and manner in which this money is used that this feature will go from the bill. Now, those who are opposed to the appropriation are not opposed to the enforcement of the internal-revenue law, but they are in favor of having it enforced in a high and honorable way, not through a detective agency, but by known officers of the law. The gentleman from Texas [Mr. SAYERS] sanctioned the suggestion by the gentleman from Kentucky, and stated that there was more profit derived to the Government from the expenditure of this money than any other known expenditure made.

I challenge that statement. There is the report of the Attorney-General, in which you will find that of all the convictions in these courts in the States named and elsewhere for infractions of the internal-revenue law, there is not 1 per cent of the fines collected, although the Government pays the expense of the entire proceedings. But, further, the gentleman will find that there is not 25 per cent of those arraigned by means of this appropriation who are ever convicted, and still the Government pays the bills.

The class of men who will get the benefit of this appropriation are leeches on the Government. They are men who come to your home, ingratiate themselves into your confidence, sit at your table, break bread with you, sleep and eat under your roof, and to-morrow, if possible, will scheme to entrap you and drag you to the court or to the prisons of the country. That is the class of men who are affected by this provision.

Why, Mr. Chairman, a few days ago one-half of the membership of this House were on their feet denouncing the inspectors of the Post-Office Department. We heard New York members say that the letter carriers of that city were hounded by men who followed them around and were not known to be Government officers. You heard later the friends of the pensioners telling you how great an outrage it was to employ detectives to go around through the country and bring charges against the pensioners with a view of depriving them of their pensions. You said that it was an outrage that ought not to be tolerated. You said it was a damnable outrage upon the people. We come to you from the South—and two-thirds of this appropriation is spent in the Southern States—we say our good people, our poor people, are hounded down by the Government sleuthhounds, who by means of frivolous prosecutions are enabled to involve our innocent citizens in illimitable trouble and enormous expense; men who know how to take advantage of the confidence of the people, of the illiteracy of many of the people, men whose living depends on their labor, men whose very names mean that we employ them to bring information for use in criminal cases, men who understand that if they do not bring the information their job is lost, while if they do bring information they will be paid for it.

It is "information or no butter." That is what it amounts to, and they will descend to any kind of villainy in order to hold on to the Government jobs that they have, at $100, $200, or $300 a month. I appeal to the members of this House, and I ask them to think well before they continue a detective agency to go up and down the length and breadth of this country for the purpose of enforcing the law. I say to you, when this Government has come to that pass that the law must be enforced through a detective agency, we have come to a bad pass indeed. Let us enforce the revenue law, but let it be done in a high-minded, honorable way, openly and aboveboard, by the known officers of the law, and not by hired spies and detectives, to follow in the tracks of every suspected citizen and drag him from his home into imprisonment and into the courts, and to compel him to incur large expenses in order that they may hold their jobs.

I withdraw my amendment.

Mr. EVANS. Mr. Chairman, I beg to say a few words more upon this subject, chiefly in answer to the very remarkable statement of the gentleman from North Carolina [Mr. LINNEY]. He stated that one reason why this amendment should be adopted was that there was one man, named B. B. Bouldin, who received $12,116.28 last year as salary out of this appropriation. Now, the remarkable part about that statement is that that man did not receive a dollar, except as the mere disbursing officer of the Commissioner of Internal Revenue. The Commissioner is required by this section, and has always been required from the time this clause was first put into an appropriation bill, probably twenty-five years ago—for it was as necessary then as it is now—to make a detailed statement to Congress of how this appropriation, which is usually, and for short, called the "fraud fund," was expended. In his report last year, on page 20, he made a statement pursuant to the provision of law showing in detail how this money was expended. The statement from which the gentleman read was headed—

Amount expended through revenue agents for fiscal year 1895.

One of those revenue agents through whom this fund was thus expended was named B. B. Bouldin. The sum of twelve thousand one hundred and odd dollars was expended through him, though he did not and could not get one dollar of it as his own. Yet the gentleman says that was paid to him in salary, which sum of $12,000 the gentleman thought was enormously more than the distinguished gentleman from Texas could or did earn in the way of salary.

Mr. LINNEY. Will the gentleman allow me?

Mr. EVANS. I will yield for an inquiry.

Mr. LINNEY. What is the meaning of the last item in that column, "C. J. Fleming, $36"?

Mr. EVANS. That means that C. J. Fleming, a revenue agent, was allowed to expend, under the direction of the Commissioner, $36 in that one year for the detection of fraud, and that is all. Now, I say again that this committee will, in my judgment, commit an act of folly if it permits itself to adopt either of these amendments. I say again that no appropriation, in my judgment, yields better returns to the Government than this, not perhaps in dollars and cents coming into the Treasury, but in the prevention of frauds upon the revenue, because those who know the workings of this law know that the services required for the expenditure of this money can not be performed as well by deputy collectors, marshals, and commissioners as by special employees. This money is probably for the most part expended in cities for the detection of frauds upon the revenue; and if it be wise to detect frauds, if it be wise to have these gentlemen who represent constituencies in which there are moonshiners disturbed by their arrest, if that be wise, then we ought to insist upon this expenditure. Some of these gentlemen, I am inclined to think, are disturbed to-day by the fact that perhaps some of the members of the legislature in their districts have, under the operations of this appropriation, been detected within the last forty-eight hours in having five or six barrels of illicit spirits in their own houses. I was so informed by the Commissioner of Internal Revenue this morning.

Mr. LINNEY. If the gentleman will allow me an interruption, I am satisfied that he is wrong. Will the gentleman look at page 19 of the Internal Revenue Commissioner's report? He will there find this:

There has been expended from the appropriation for salaries and expenses of revenue agents the following sums: Salaries of agents, $46,000.

Mr. EVANS. That is a very different thing. That is for the salaries of revenue agents. That has nothing to do with the $50,000 appropriated for the detection of fraud. That sum of $46,000 expended for salaries of revenue agents has nothing more to do with this item than the sum expended for the salaries of deputy collectors. It is a different work, a different service.

Now, gentlemen, I speak with some knowledge and experience upon this subject, and I say that you will, in my judgment, commit a most unwise act, an act of folly, if you sustain either of the amendments of these gentlemen.

I should like to include in my remarks an extract from the last annual report of the Commissioner, and the one the gentleman from North Carolina had before him when he spoke, explanatory of the statements I have made.

Mr. LIVINGSTON. Let it be read.

The statement referred to by Mr. EVANS is found on page 20 of the report, and is as follows:

EXPENDITURES FOR THE DISCOVERY AND PUNISHMENT OF VIOLATORS OF LAW.

In accordance with the provisions of the act making the appropriation, the following detailed statement of expenditures for detecting and bringing to trial and punishment persons guilty of violating internal-revenue laws is submitted.

*Amount expended through revenue agents for fiscal year 1895.*

| Name. | Amount. | Name. | Amount. |
|---|---|---|---|
| A. H. Brooks | $2,942.10 | Wayne Ferguson | $3,439.53 |
| B. B. Bouldin | 12,116.28 | David A. Gates | 480.00 |
| W. H. H. Bowen | 1,117.20 | James W. McGinnis | 1,329.16 |
| W. H. Chapman | 8,578.76 | A. C. McGlachlin | 2,698.10 |
| George B. Clark | 1,085.96 | W. L. Pitts | 13,564.29 |
| B. L. Cromwell | 619.79 | J. M. Tobin | 152.12 |
| T. B. Carson | 372.14 | M. L. Wood | 56.00 |
| H. P. Dunlap | 486.20 | | |
| C. J. Fleming | 36.00 | Total | 40,673.63 |

RECAPITULATION.

| | |
|---|---|
| Amount expended by revenue agents | $40,673.63 |
| Amount expended by collectors | 5.00 |
| Amount expended for rewards | 125.98 |
| Amount expended for miscellaneous expenses | 194.49 |
| Total | 50,000.00 |

The accounts for expenditures under this appropriation are rendered monthly, with an itemized statement, and in all cases supported by proper subvouchers duly sworn to. These accounts pass through all the accounting offices in the Treasury Department and are filed in the Register's Office.

Mr. SKINNER. When I classified myself as a Democrat I was proud to belong to the Randall school as distinguished from the Carlisle school. I never have seen any reason in the many years since Mr. Randall has been removed from the leadership of this House for changing my opinion, either in respect to the abolition of the internal revenue, or what he tried to teach the Democracy of the country, that the internal-revenue system was an infringement upon the individual and natural rights of the individual citizens of this great Government, and through the great doctrine of protection that you could not only have the natural rights of the citizen but the great blessing of American prosperity through the doctrine of protecting and fostering her every interest and industry.

Mr. Chairman, I was brought up in the school of Democracy that led me to believe that when it attained the majority this system of internal revenue, a system of spies and detectives, would be wiped from the statute books. But when it came in power the enforcement of the internal-revenue system was made more odious to the people than it was under prior Republican Administrations. Yet under the general policy of the Government, the great will of the majority, we are willing to submit to the internal-revenue law as a means of collecting revenue to support the Government and to supply the deficiency in the Treasury; but as an honest people, as law-abiding people, as the people of North Carolina have ever and anon proven themselves to be, we appeal to the American people to relieve us of the suspicion that we are dishonest, that we are scoundrels, and that we must have a detective service to enforce this branch of the public service.

If the internal-revenue laws are so odious to the vast majority of the people of this country that it has to employ special detective service to enforce them—a service that is contemptible and despicable, and a stench in the nostrils of honest men and liberty-loving citizens—then the time has come when they should be wiped from the statute books, because we want no law, whether it is in favor of this section or that section of the common country, that can not be executed by the legitimate officers of the Government that are intrusted with the power to execute this branch of the service without special detective agents. I am satisfied that so far as North Carolina is concerned the service is abused; that it is turned to political and partisan purposes for the view of helping the party that happens to have the administration of the office at the time; and besides, Mr. Chairman, you can not name any other coordinate branch of the service where you are called upon to administer the law, except perhaps when you administer pensions, where you treat the individuals and the citizens of the country in such a way as you do the people engaged in distilling—as a people who desire to avoid the execution of the law. So far as North Carolina is concerned, I repel the imputation upon the good name of her citizens. We are opposed to the internal revenue because freedom was born upon our soil and our natural inclination is to rebel against any infringement upon our natural rights, especially so when you accept as a premise that we desire to evade the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I would be glad to have a vote upon this proposition.

The CHAIRMAN. The Chair would state that debate is exhausted on the pending amendment.

Mr. CANNON. The amendment is to strike out the last word.

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from Georgia [Mr. TATE].

Mr. CANNON. Let it be reported.

The CHAIRMAN. To strike out parts of lines 18 and 19.

Mr. CANNON. Let us see. I did not catch what that was.

The amendment was again reported.

Mr. CANNON. Now, a single word, and then, so far as I am concerned, I shall be glad to have a vote. I never have been particularly zealous in advocating appropriations anywhere in the public service for detective work. I have the prejudice against detectives that most people have. But, after all, it does seem, not only in the public service but elsewhere, in the enforcement of law that it takes sometimes a pretty sly man, and, I have sometimes thought, a pretty mean man under some circumstances, to detect people who were evading the law. Now, then, the whole thing is in a nutshell. You can make from 4 to 5 gallons of whisky from a bushel of corn, and the tax upon each gallon is $1.10.

Mr. LIVINGSTON. That is pretty thin whisky. [Laughter.]

Mr. CANNON. I am speaking of the latest improvements—not diluted—from 4 to 5 gallons. It runs as high as 5 in many instances. Now, then, a bushel of corn is worth about 30 cents. The tax upon the product of a bushel of corn is, say, $4 to $5. You can see at once what the temptations are to a man who thinks that his natural rights are being curtailed in what he regards as a legitimate business. The temptation is very strong if he can, and if he is inclined to do so, to make that profit by escaping the tax. Well, for year after year this appropriation has been made. Year after year that great temptation to evade the law leads many to attempt its evasion. Now, I want to say to the gentlemen down South you have no monopoly in moonshining. Perhaps you have more of it down there——

Mr. SAYERS. You call it by another name in your country.

Mr. CANNON (continuing). But not infrequently you find people evading this law elsewhere. In the city of New York there have been seizures this year and elsewhere throughout the country.

Mr. LIVINGSTON. We may have a monopoly of making it down South, but we never have been charged with a monopoly of drinking it. [Laughter.]

Mr. CANNON. Well, as far as my observation has gone as to individuals, I never saw any evidence that you gentlemen were unable to get away with your share. Of course I can not speak for all, but only for the Southern gentlemen that I have had the good fortune to meet. [Laughter.] In my own State of Illinois I suppose that more of this commodity is produced than anywhere else in the United States. From the Peoria district alone I think the internal-revenue returns are up toward $20,000,000, and it is only necessary to consider the great profit there is in the business if the producer can escape taxation to see the necessity that all of the product shall pay the tax if any does. Our internal revenue is about $160,000,000, a large part of which comes from whisky.

Now, I have no doubt that there are instances, perhaps many instances, where hardship is worked and where it looks, perhaps, like oppression rather than like due enforcement of the law, but, after all, that is true all along the line. There is no system of law that does not here and there work hardship in its enforcement, and there is a great necessity, in the interest of justice as well as of revenue, that the internal-revenue laws shall be fully and equally enforced, so that I am inclined to be of the opinion, while I am not in love with this appropriation, that it would not be safe to strike it out, and if I am correct in that, neither would it be safe to adopt this amendment, which virtually strikes out the very meat of the appropriation.

Mr. LAYTON. Mr. Chairman, I move to strike out the last four words.

Mr. CANNON. Before the gentleman proceeds I should like to come to some agreement about closing the debate on this paragraph.

Mr. LAYTON. I want to say only a few words.

Mr. CANNON. Then, Mr. Chairman, I will ask consent that debate on this paragraph close in five minutes, and that the gentleman from Ohio [Mr. LAYTON] have leave to occupy that time.

There was no objection, and it was so ordered.

Mr. LAYTON. Mr. Chairman, I have just come into the Hall, and I understand that there is an amendment pending to strike out the appropriation for the employment of agents for the purpose of detecting violations of the internal-revenue laws, what is known as the secret service, connected with the Bureau of Internal Revenue.

Mr. SWANSON. I will say to the gentleman that the Commissioner is entitled to 20 regular agents, who are paid out of a different fund.

Mr. LAYTON. Oh, yes. Of course the members of the subcommittee, of whom I had the honor to be one, are perfectly familiar with this subject and with all the facts connected with it. This appropriation has no connection with the regular officials to whom the gentleman from Virginia refers. The service for which this appropriation provides is of an entirely different character, and in this connection I want to call the attention of the law-abiding members of this House to certain facts. The testimony which the Commissioner of Internal Revenue gave before the committee was to the effect that the particular business or duties performed by these special agents could not be transacted by the regular officials of the Government. In other words, he stated that every

dollar of this appropriation was necessary and could be usefully and profitably expended, and that by means of it in the past fiscal year he had been enabled to detect and locate from 1,000 to 1,100 illicit moonshine distilleries in the mountain districts of the South. It will be observed, I have no doubt, that the opposition to this appropriation comes especially from the Representatives of the mountain moonshine districts in Tennessee, in North Carolina, in Virginia, and in Georgia. [Laughter.]

Now, the Commissioner of Internal Revenue stated—I repeat it so that every member may know just what is involved here and why he is voting for or against this appropriation—that the Commissioner himself asserted that by means of the agents employed under this appropriation, by means of these detectives, these informers, if you please to call them so, he was enabled to discover, detect, and destroy from one thousand to eleven hundred illicit stills in the States I have mentioned and a few in the Northern States, which would not have been done by the regular officers. It seems to me, Mr. Chairman, that this statement of fact is sufficient to fully meet the objections of gentlemen who represent the moonshiners of the mountain districts of North Carolina, Virginia, Tennessee, and Georgia. The question resolves itself into this: Whether you will permit the gradual but certain destruction of the internal-revenue system, so far as revenue from whisky is concerned by permitting these moonshiners to go on and manufacture and sell this illicit whisky, or whether they shall be suppressed by a proper enforcement of the law.

The Commissioner of Internal Revenue said that in no other way than by such an appropriation as this could the result be successfully achieved. As is well understood by members of the committee and by everyone who has given the matter consideration, the regular officers of the Government to whom the gentleman on my left [Mr. SWANSON] has referred are well known in their respective localities, so that it is utterly impossible for them to detect this illicit business and the persons engaged in it, and hence it is only by employing persons who are not known to those engaged in the business that it can be ferreted out. By means of these special agents, paid from this appropriation, the Department has been enabled to discover and suppress the number of illicit distilleries I have mentioned, and the Commissioner emphatically says that it is only by such means that that work can continue to be done with any large degree of success.

The question being taken on the amendment of Mr. TATE, the Chairman declared that the noes seemed to have it.

Mr. LINNEY. I ask for a division.

The committee divided; and there were—ayes 24, noes 71; so the amendment was rejected.

Mr. LINNEY. Mr. Chairman, I withdraw the amendment that I offered.

The Clerk read as follows:

To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of St. Paul and St. George, Alaska, $19,500.

Mr. JOHNSON of North Dakota. I raise a point of order against the clause just read, being lines 12 to 15, inclusive, on page 45. I raise this point on the ground that the appropriation is not authorized by any existing law. The first appropriation of this kind was passed four years ago; and it has every year since been passed in exactly the same language, but no point of order has been raised upon it heretofore.

Mr. CANNON. Mr. Chairman, it seems to me that this point of order is not well taken. To give the history, so far as I recollect it, of this appropriation will lead me necessarily and incidentally to speak of why it was made and under what authority. Of course the Chair will take notice of the acquisition of Alaska from Russia and will also take notice of the location of these islands—St. Paul and St. George. They are the Seal Islands. The Chair will also take notice of the contract which was made with the American Fur Company, which contract resulted in the employment of the inhabitants resident upon those islands. The public history also is that as the catch decreased the means of support of these Indians diminished, that being all they had to live upon, the employment they received and the product. Perhaps this matter can be stated in fewer words if I read from the hearing of the Assistant Secretary of the Treasury before the committee on this subject. It is short.

By the terms of the modus vivendi the number of seals allowed to be taken on the Seal Islands was reduced greatly, and it became necessary in consequence to provide for the support of the native inhabitants on the Seal Islands. An annual appropriation of $19,500 for this purpose has been made since 1892. Of the appropriation for the fiscal year ended June 30, 1895, $3,325 was used to reimburse the bishop of the Greek Church for moneys collected by him as gratuities from the natives and which were redistributed to the donors by order of the Government agent in charge of the Seal Islands. This action, which was directed by the Congress, reduced the appropriation to $16,175, which was insufficient for the support of the 21 families, comprising 89 persons, on the Island of St. George, and 54 families, comprising 196 persons, on the Island of St. Paul.

I think this is the fourth or fifth annual appropriation which has been made; I believe four have already been made, and made upon information that led Congress to believe that these people would starve if the appropriation were not made. It does seem to me that a fair construction of the rule——

The CHAIRMAN. The Chair would like to ask the gentleman in charge of this bill whether any points of order were reserved against the bill when it was reported to the House?

Mr. CANNON. I do not recollect. The Journal will show.

The CHAIRMAN. The Clerk reports to the Chair that no points of order were reserved. In view of that statement, the Chair would like to hear from the gentleman making the point of order.

Mr. JOHNSON of North Dakota. When this bill was introduced the gentleman from Pennsylvania reserved points of order and an opportunity to discuss certain measures. Following that, when an agreement was about to be made for one hour's debate, I arose, and before consenting to limiting general debate to one hour I inquired of the gentleman in charge of the bill whether he would explain in his thirty minutes this paragraph, and if not I wished to reserve my right to object to the paragraph. A general understanding was had then——

The CHAIRMAN. The question which the Chair is now raising is whether any points of order were reserved against this bill when it was reported to the House by the Committee on Appropriations.

Mr. CANNON. Gentlemen about me say that no points of order were reserved, but I have no recollection on the subject.

The CHAIRMAN. The Clerk says that the Journal shows that no points of order were reserved.

Mr. GROSVENOR. Mr. Chairman, if it should transpire that no points of order were reserved, the question then arising would be a very important one, which ought to be discussed and decided very carefully. In my opinion (in which I think I am supported by the highest parliamentary authority in this House) it does not make a particle of difference, when a bill is reported, whether points of order are reserved or not. The questions arising in connection with the bill come up one by one as the Committee of the Whole considers the particular paragraphs or subjects.

I know it has been customary to reserve points of order on an appropriation bill when reported by the committee, but it has never been held, so far as I know, that the failure to do so waives any point of order upon any given paragraph of the bill. I have no interest in this question except as a matter of parliamentary propriety.

Mr. DOCKERY. The gentleman will allow me to suggest as a fact that the Speaker, at the opening of this session, upon an inquiry of mine, held that it is necessary to reserve points of order when appropriation bills are reported. Subsequently the gentleman from Maine [Mr. DINGLEY] made the same inquiry in the House, and the response of the Speaker on that occasion was to the same effect.

Mr. GROSVENOR. That is not my recollection of the suggestion of the Speaker; my recollection is quite the reverse.

The CHAIRMAN. The Chair will state for the benefit of the gentleman from Ohio, if he desires to discuss the matter, that according to the understanding of the Chair the Speaker has held more than once during this session of Congress that points of order must be reserved when a bill is first reported. The Chair of course desires to make a ruling that will be in accordance with the precedents, and will be very glad to hear from any gentleman who is informed upon the subject.

Mr. GROSVENOR. If the Speaker made that ruling it is, of course, the law of the House, and I would not controvert it. But I can see no philosophy, under my observation of parliamentary law, that bears out such a construction of the rule as that. The House has control over its legislation; this is the first time that it reaches the point or comes to the particular paragraph in question; the question then arises, Is that paragraph within the jurisdiction of the rules of the House? And whether the points of order were reserved upon the bill or not, that question there arises for the first time, and could not have arisen at any other point in the proceedings.

Mr. DOCKERY. I agree very fully with the gentleman from Ohio, but, as a matter of fact, the Speaker did so rule.

Mr. LACEY. Let me ask the Chairman how is a member of the House, or a member of the committee, to have an opportunity to know anything that may be contained in the bill on which he may desire to make the points of order? These bills are handed in sometimes, and very frequently, too, when the House is not full, when the members are absent, sometimes just on the point of adjournment; and in that way, perhaps, when there are not 20 members present, the chairman of the committee submits his bill, which is not read for the information of the House, but is simply ordered to be printed and go upon the Calendar; and for all the information the House has to the contrary it may be loaded down with matters that are objectionable under the rule.

Mr. GROSVENOR. It is simply a vain thing and has no application. For instance, I stand here and say, "I reserve all points

of order upon the bill" when it is reported. Why? Because there is presumably something in the bill that I think is not in harmony with our rules or warranted by the law. But how am I to know, when the chairman of the committee comes in and presents the bill, that anything of that character is contained in it? It sounds almost like an imputation upon him that he will bring in a bill here which contains some illegal legislation; but, acting on that assumption, I say I reserve all points of order, when the chance is that, as a matter of fact, he has done nothing but what the law allows him to do.

Mr. McMILLIN. Mr. Chairman, I do not undertake to say what the ruling has been on this subject. I have a very high regard for the clearness of the rulings of the Speaker of the House, and his ruling on a question of that kind would have very much weight with me. But what the law is in principle I have no doubt; and I have no doubt but that the gentleman from Ohio [Mr. GROSVENOR] is entirely correct as to what the rule should be and is, in principle, taken independently of what may have been the drifting course of the House.

I have frequently myself, and very many other members also, reserved points of order on appropriation bills when reported, because there has been a controversy always as to whether or not it was necessary to reserve the points of order in advance. But I have never seen any foundation or any reason for the claim that it was necessary to reserve points of order against a bill that had never been read, its contents unknown to the House, not at that time to be entered upon for consideration, no possible means by which the membership of the House should know that there was an infraction of the law in the bill, and when, on the contrary, every presumption was that it had been framed in strict accordance with the rules of the House.

I trust, therefore, the Chair will look very carefully into this matter before deciding so important a question. I do not remember that it has ever been decided directly, when the point of order was raised actually upon some provisions of the bill. Opinions have doubtless been given by the Chair at different times, or suggestions thrown out with reference to the matter, and it has been held safer to reserve the points of order. But I think it has been done more from custom and abundant caution that on any fixed principle of parliamentary law which makes it necessary to do so.

Mr. SAYERS. Mr. Chairman, I wish to make a single suggestion with reference to this matter: That the gentleman in charge of the bill will allow this clause to pass over until to-morrow morning, the point of order being reserved, and the Chair can then make inquiry into the law. It is a matter of importance.

Mr. CANNON. That will be entirely satisfactory to me after a minute or two, which I wish to devote to the question of order.

Mr. DALZELL. I would suggest that the same question will arise in a few minutes again.

Mr. CANNON. Very well; I am perfectly willing to have it out now. A single word on this question.

The CHAIRMAN. The Chair will decide on the point of order——

Mr. CANNON. If the Chair does not desire to hear argument——

The CHAIRMAN. The Chair would like very much to hear any gentleman who desires to be heard on the subject, although the Chair has views of his own upon this question.

Mr. CANNON. I have no desire to be heard, or to consume the time of the House for the mere purpose of talking——

The CHAIRMAN. The Chair only meant to say that the Chair had views of his own, to which he will adhere unless he shall see cause to change them by reason of arguments that may be presented. But he is not so set in his views as to be entirely unwilling to be guided by gentlemen who are informed upon the question.

Mr. CANNON. Then, perchance, I had better say a single word now.

I can see a reason for the ruling that points of order must be reserved in the House. This bill is committed by the House to a Committee of the Whole House for consideration in committee, and I suppose it is the duty of the committee to consider it. Therefore if it is to be returned for consideration by the House because points of order have been made, it seems to me that the direction ought to have been given in the House, namely, that the Committee of the Whole should consider the bill and report it to the House, except as to such portions of the bill as may be subject to points of order.

Mr. GROW. Will the Chair allow me a moment?

The regular course of procedure on an appropriation bill would be first to have it read through. Every member would then know what is in the bill; and I can see that there would be propriety in the Chair holding that without that all points not reserved could not be subsequently brought up. But when, by unanimous consent, the first reading of a bill is dispensed with, how is the House to know what is in the bill except as it comes up? The committee reports it at 5 o'clock in the afternoon and calls it up the next morning when the House meets at 12 o'clock. It does not come back from the Printing Office until 12 o'clock; so that, the first reading of the bill being dispensed with, it strikes me that it is proper to make points of order as we proceed, section by section; but if the bill had been read through the first time, as of course the rules require, and no one had made any point, then I think the decision would be right that the point of order was not reserved.

Mr. GROSVENOR. Mr. Chairman, there must be some reason for a ruling such as is sought to be made here, and that reason must be based upon some philosophy of parliamentary procedure.

It may be said, and I think it has been said, that the committee can not reject, as not in order, that which the House has sent to it. That is the ground upon which the proponents of this proposition must stand, and I may say that that was the ground upon which the intimation of the Speaker was based; but I ought also to say in that connection that the present Speaker of the House, than whom there is no better parliamentary authority in the United States, said he would hear argument upon the proposition. And that was said in response to the inquiry by the gentleman from Maine [Mr. DINGLEY].

Now let us see how much there is in that proposition. Has the House sent to the committee anything that is binding upon the action of the committee? And if so, what is it? It is reported from the Committee on Appropriations, and nothing is said about it. It is true that the House makes the reference of the bill.

I will turn aside right here and say that the doctrine of waiver can not apply. Nobody has waived anything, for the very first underlying principle of a waiver, in all relations of life, whether in law or anywhere else, depends upon the knowledge on the part of the party of the existence of the thing which he waives the existence of. So, therefore, the fact that the members of the House have stood by and made no objection can not have any effect. And why not? It is a vain thing to make this reservation. It is made in the House, and not in the committee. The House can not hear it, for the House has no jurisdiction. Suppose when this bill came in a point of order had been made instantly. Suppose some member had risen and said, "Mr. Speaker, I make the point of order that paragraph 1 of section 2 is not in order." That question could not then be heard. There was no tribunal to try it. It was simply an utterance that was idle, because it would have no effect whatever. So nothing has been waived.

Now, what did the House send to the committee? It sent that bill to the committee, and it said: "Take that bill, subject to the rules of the House." What are the rules of the House? Why, in the first place, that we shall not consider that bill except at a time when there is a quorum of the Committee of the Whole present. You must have that as a foundation of your jurisdiction. And next, you take it subject to another rule of the House, which is that there shall be no new legislation upon that appropriation bill. That is one of the rules that is to guide you in the consideration of that bill. Can it be said that the House has, by a mere reference to the committee, purged that bill and given to these proposed enactments a quality that they did not have when they were brought in here by the chairman of the Committee on Appropriations?

This is a matter of very considerable importance. The trouble under which we labor has been very well put by the gentleman from Iowa [Mr. LACEY]. It is this: Just as the House is about to adjourn—as it was in this case—the chairman of the committee asks that the motion to adjourn be withdrawn just to permit him to introduce an appropriation bill. The whole membership of the House is moving to leave the Hall. Is it possible that we are in the midst of a procedure so entirely and wholly technical, that because that consent is given and no objection or reservation is made and no vain thing is done, that therefore we are bound by all the provisions of that bill? We ought to be compelled only to do things that have intelligence about them. We ought not to be compelled to do unintelligent things, and we ought not to be compelled to say there are irregularities in that bill. We ought not to be compelled to say, "I charge that there are things in that bill that violate the rules of the House," when we know nothing about it.

Suppose I should stand up now and reserve all points of order, and the distinguished chairman should turn around and say, "What is the matter with the bill? What is there in this bill subject to the point of order?" Why, I should have to say, "I have no confidence in you. I am afraid you have got something in there which should not be there." See how unintelligent the whole proceeding is. See how unreasoning it is, that because I have not seen a bill, and have had no opportunity to examine it, I must do a vain thing, an abrupt and unparliamentary thing, or else I am estopped afterwards to say that the thing is not in order.

Now, I have said this much, Mr. Chairman, out of my high regard for the propriety of the rulings in the Committee of the Whole House. I have no interest in this paragraph. I do not know what it is. I do not know what is the subject-matter; but I have always held this view and have always stood ready to

occupy the position which I now do in the interest, in my judgment, of sound parliamentary law.

The CHAIRMAN. The Chair is desirous of rendering a decision which shall——

Mr. GROSVENOR. Unless the Chair is abundantly ready to decide the question, I ask whether we might not pass over the paragraph, reserving the point until to-morrow?

The CHAIRMAN. If that is the will of the committee——

Mr. CANNON. I have no objection.

Mr. JOHNSON of North Dakota. I have no objection.

Mr. DALZELL. The same question may come up again.

Mr. GROSVENOR. Well, if it does, we shall have two of them.

The CHAIRMAN. What is the pleasure of the committee?

Mr. CANNON. I ask unanimous consent, if the Chair would prefer, to let the matter go over; but if the Chair is prepared to rule, I would be glad to have a ruling.

The CHAIRMAN. The Chair has stated that if pressed to a decision he is ready to decide the question now, but if there is any member of the committee who desires to be heard, and time be taken up so that this matter can be brought out more clearly, the Chair would be glad to defer the decision.

Mr. GROW. The Chair might as well decide it now, as it may come up in the next section of the bill.

Mr. BARTLETT of New York. Mr. Chairman, I am a member of the Committee on Appropriations, and should like to say a word. I believe that this question is in some doubt. It being res novo, I take it it ought to be decided in favor of the liberty of the member; that is, that the member should not be cut off for his failure to raise the point of order to the items in the bill when the bill is first brought in. Now, I believe that this appropriation should be passed; but I frankly say that I do not think any member of this House or committee ought to be deprived of his inherent right to object to any obnoxious legislation as soon as it is brought to his knowledge; and, as has been stated by the distinguished gentleman from Ohio [Mr. GROSVENOR], it is impossible to take up one of these large appropriation bills and to be fully informed of all it contains without examination, and thus see if there is anything in the bill that is obnoxious to the rule. And unless the Chair feels bound by precedents, I think the decision should be in favor of the liberty of the member and substantial justice.

Mr. LACEY. I would like to make one further suggestion in regard to paragraph 2 of section 21. You will observe that it reads:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law—

Drawing the distinction between an appropriation reported and one not authorized by law—

unless in continuation of an appropriation for such public works and objects as are already in progress—

Now notice the section of the clause—

nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

There are two distinctive propositions. First, that it shall not be reported—that is, any appropriation that is not authorized by existing law. That would be a point of order against reporting the bill. Next, that a provision changing existing law shall not be in order.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa if that language is not identical with the language found in section 3 of Rule XXI of the Forty-eighth Congress?

Mr. LACEY. I do not know how it runs in the Forty-eighth Congress. It is different in some respects to the same rule, Rule XXI, of the last Congress.

The CHAIRMAN. The Chair has the rules of the Forty-eighth Congress before him, and will read a few lines of section 3.

Mr. LACEY. If the Chair will read them I will compare them with the rule I have referred to.

The CHAIRMAN (continuing). It says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Mr. LACEY. This is like it that far. Is that all there is?

The CHAIRMAN. Oh, no.

Mr. LACEY. Now read the balance.

The CHAIRMAN (reading):

Nor shall any provision in any such bill or amendment thereto changing existing law be in order unless such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, etc.

The only difference between that clause of the Forty-eighth Congress and the last Congress is the exception:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

The exception, however, so far as this point is concerned, is immaterial.

Mr. LACEY. So that, having passed the point of reporting, it not being in order to report matter in the bill when you did not make an exception at the time it shall not be in order in the bill itself. Then the point of order can still be made as to its existence in the bill. You can object to it when you come to the point in the bill.

The CHAIRMAN. In determining this question, the Chair thinks it is important to take into consideration the organization and power of the Committee of the Whole, which is simply to transact such business as is referred to it by the House. Now, the House referred the bill under consideration to this committee as an entirety, with directions to consider it. The objection raised by the gentleman from North Dakota would, in effect, cause the Chair to take from the committee the consideration of part of this bill which has been committed to it by the House. The committee has the power to change or modify this bill as the members, in their wisdom, may deem wise and proper; but it is not for the Chairman, where no points of order were reserved in the House against the bill——

Mr. JOHNSON of North Dakota (interposing). Mr. Chairman, may I be allowed now to withdraw the point?

The CHAIRMAN. Not until the Chair gets through. As the Chair was observing, the effect would be, should the Chair sustain the point of order made by the gentleman from North Dakota, to take from the consideration of the Committee of the Whole a part of this bill which has been committed to it by the House without reservation of this right to the chairman. Now, inasmuch as no points of order were made in the House and none were reserved against any of the provisions in the bill when it was committed to this Committee of the Whole, the Chair holds that the point of order of the gentleman from North Dakota should be overruled and the Committee of the Whole should be allowed to consider the bill in its entirety, as was proposed by the House when it committed the bill to the Committee of the Whole. In rendering this decision the Chair thinks he is sustained not only by the views of the present Speaker of the House, as intimated to the House in a recent instance, but also by those of Chairmen of the Committees of the Whole in preceding Congresses. In the Forty-eighth Congress this question was presented when the river and harbor bill was under consideration. In that bill, as the Chair now remembers, there was a provision for the project known as the Hennepin Canal. When the bill was under consideration in Committee of the Whole the point of order was made against that provision. In that case points of order had been reserved in the House when the bill was committed to the Committee of the Whole; but the Chair held that if they had not been reserved he would have overruled the point of order and remitted the question to the committee.

Mr. GROSVENOR. Then let me say, Mr. Chairman, that that case is no authority whatever, because the question was not before the committee. It was simply an obiter dictum of the Chairman, and that is all.

The CHAIRMAN. In the first session of the Forty-eighth Congress this question was directly considered on a parliamentary inquiry made by the gentleman from Indiana, Mr. Holman, and the Chair then said:

The Chair will cause to be read what is said by the compiler of the Digest in regard to the practice in Committee of the Whole House on the state of the Union.

The Clerk read as follows:

"In a case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3 (the language of which is identical with the corresponding rule that governs this body), and committed with a bill, it is not competent for the Committee of the Whole or its Chairman to rule it out of order because the House are presumed to have received, as in order, the report in its entirety. So far as the proposed amendments are concerned, the current of the decisions of the Committee of the Whole House have been to exclude not only an appropriation not previously authorized by law, but also independent legislation, admitting, however, limitations and provisions which are themselves in order."

In accordance with this principle, the Chairman then ruled that, inasmuch as points of order had not been reserved by the House when the bill was committed, he therefore could not entertain the point of order made.

With these precedents in view, and in accordance with the reasons given above, the Chair overrules the point of order.

Mr. JOHNSON of North Dakota. Mr. Chairman, now I move to strike out lines 12, 13, 14, and 15, on page 45, and, in accordance with the agreement as to the closing of general debate, I hope that I may have a reasonable time to discuss the amendment.

Mr. CANNON. How much time does the gentleman desire?

Mr. JOHNSON of North Dakota. I do not think I shall occupy more than fifteen or twenty minutes.

Mr. CANNON. I ask unanimous consent that the gentleman be allowed twenty minutes.

There was no objection, and it was so ordered.

Mr. JOHNSON of North Dakota. Mr. Chairman, the chairman of the Committee on Appropriations states that there are 275 of these Indians residents on the Pribilof Islands. He states that there was a contract of employment with the American Commercial Company. Mind you, the Government of the United States

was not a party to that contract. These Indians are in no sense the employees of the Government. They are in no sense the pensioners of the Government. They have no claim whatever upon the Government for support. They are not, except in a very peculiar sense, natives of those islands. Those islands were uninhabited a hundred years ago. These Indians and their ancestors were brought there as laboring men for the exclusive purpose of killing and skinning fur seals, and they were given a monopoly of that business. They have that monopoly to-day. Your constituents and my constituents have no right to go to those islands and compete with those Indians for employment.

During the twenty years when the Alaska Commercial Company had a lease of the islands these Indians lived on the fat of the land. They were making at that time enormous wages for the time they were employed. According to their contracts they could make twenty or thirty dollars a day each, and did make twenty or thirty dollars a day each at times. As contradistinguished from the other Indians, they were familiarly known throughout the Alaskan and the Aleutian regions as "the rich Aleutians." They were rich. The Alaska Company, under its contract, was authorized to take a hundred thousand seals per year. As nearly as they could compute the number they took about a hundred thousand seals a year for about twenty years, and these natives—there were only a very few of them—got 40 cents apiece for killing and skinning those seals, and it took them but one month to do it. There are only 76 families; there are less than 76 able-bodied laboring men among them. About fifty or sixty men did this work. In some months they would earn and did earn $40,000. When the Alaska Company first took charge of the islands it required three months to do the job, to kill and skin a hundred thousand seals, the maximum that the company was allowed to take annually; but by improvement in methods of living, of education, of instruction, and in the health of the Indians, they were trained and kept in such condition that at the close of the twenty years' lease they could perform this task in one month. That left them eleven months of absolute idleness, during which they lived on the earnings of one month—lived extravagantly as a rule, especially for the first few months after the close of the season.

When we first commenced to appropriate money for food, fuel, and clothing for these natives there was some reason for it. The first bill was passed at the first session of the Fifty-second Congress. Coincident with the expiration of the contract of the Alaska company and when the American company took charge we had difficulty with the Canadian poachers and other robbers; and by order of the Treasury Department these natives were then forbidden to catch more than 7,500 seals per annum. As they received only 40 cents apiece, of course this regulation of the Treasury Department reduced immensely their income. They could not then earn enough in one month to support them in idleness the other eleven months of the year. There was some reason then why we should contribute toward their support, because they were forbidden by the Treasury Department to catch more than 7,500 seals per annum during the modus vivendi according to our treaty relations with the British Government. The Treasury Department forbade them to earn any more than that. But now it is different; now they are earning more. Last year the restriction was removed, and they were allowed to catch as many seals as they could find of the class that it was profitable to catch. They worked last summer for three or four months, and they found 16,000 seals of a marketable grade. Forty cents each on 16,000 skins would amount to something like $6,400—a very fair income for 76 families of Indians.

Those Indians are not destitute; they had a pretty fair income last summer. But even if they did not receive enough to support them in idleness during eleven months of the year, we must ask ourselves the question, When shall the time come when these Indians shall become self-supporting? Will it ever come? In my opinion never, so long as they are dependent exclusively upon that business. But if it be true that this business during the time it continues can not yield enough for the whole support of these Indians, is there any more reason why we should pay the hired men that are working for this company than that we should pay the hired men who go to the pineries in the winter and to the wheat fields of North Dakota in summer?

I am situated in my business in very much the same way that this American Commercial Company is in its business. That company needs a large number of hands for a short time, and finds it cheaper to get the Government to keep these men the year round than to ship laboring men up there during the season when they are required and then ship them back again. My laboring men come to me from the pineries of Minnesota, Michigan, and Wisconsin, and from the Great Lakes or from the railroads. They go into my wheat fields in August and September. I pay them for the time I employ them; and when I discharge them they go elsewhere to find employment. Those men are not allowed to go to the Aleutian Islands, because the contract with this company gives these Indians the exclusive right to that employment, which was very profitable up to 1890. I do not ask you to appropriate money to feed the men that I employ for two months of the year. I pay them good wages for two months in the year, and then when the work is done let them go. I do not ask the Government of the United States to come in year after year and support these men in idleness for ten months in order that they may be on hand when I want them for two months the next year. Yet that is exactly what the Government is doing for this company.

These people on those islands were first taken there by the Russians as slaves; they were to all intents and purposes slaves when we bought Alaska.

Mr. KIEFER. Not slaves, but serfs.

Mr. JOHNSON of North Dakota. Well, serfs is perhaps the better term. Now they are as free to go or come as we are. In my judgment the monopoly which has been maintained in reference to that seal industry should be broken up. American citizens should have a right to visit every foot of soil over which the Stars and Stripes float, and to seek employment there. If my laboring men wish to go to those islands in the Bering Sea to seek employment for two or three months in the year and to earn in a luxurious season $20 or $30 a day for a few days, they should have the right to do so.

Those Indians were brought there simply for the purpose of having their labor during the short season when that labor was necessary. Until the British Government sent a squadron of war ships into the Pacific Ocean for the express purpose of following the seal herd throughout the winter and mapping their course and publishing their charts, and until our Government by submitting to the Paris arbitration stood idly by and saw those charts published, it was possible to preserve those seal herds; but after the report of the Paris Tribunal, and after the British Government published those charts showing exactly where the seal herd is in the broad Pacific every day of the winter, there was scant reason to hope for the permanency of the seal industry.

After we had failed in our contention that the seal herd was our property when 3 leagues, or at a later day 60 miles, beyond the islands, then we could not hope to recover our right of property in that seal herd while on the ocean. Every poacher and every pirate on the broad Pacific now has those charts, prepared under the direction of the British Government, and can stay right by the herd as accurately as you can stay by a flock of sheep in your pasture. The Assistant Secretary of the Treasury, Mr. Hamlin, in giving his testimony this winter before the committee, said: "I can tell you now, within a few miles, the exact spot on the Pacific where that seal herd is in its migration toward Sitka."

Since the British Government published those charts and gave them into the hands of their poachers—since the Paris Tribunal compelled their publication and our Treasury agents reported them, it is as utterly impossible for us ever to save a remnant of that seal herd as it is for you to restore the buffalo herds on the prairies of Kansas and Illinois.

How many of these seals have we left? In 1887 there were six and a half million. Now the evidence of experts, given before the committee this winter, showed that there were only 175,000 of them left, and they doomed to extermination.

The occupation of these Indians is gone. They must sooner or later seek other employment. We have only one thirty-fifth or one thirty-seventh as many seals now as we had in 1887, and the only protection they had, namely, secrecy as to where they lived in the winter, has been removed, and you can no more save the Alaska seal herd from extermination now than you could restore the mastodon, the Irish elk, or the great auk, when God decreed the entire extermination of the species.

How long shall we go on appropriating $19,500 a year to the support of 59 families of Indians in idleness? If you want to support people in idleness, if you propose to expend the money of the Government in that way, then let us select somebody who pays taxes, who bears some of the burdens of Government, or who can bear arms. I do not want it done for my constituents in my district; I do not want it done for the labor that I employ; and I protest against having our public moneys expended in this manner to support these Indians in idleness, when they are better off and happier if they are employed like other Indians making a living—following hunting, shipping, fishing, or whatever other work they can secure.

Mr. CANNON. Mr. Chairman, I have no desire to follow the gentleman from North Dakota in discussing the fate of the seal, except as the fate of the seal, so far as this appropriation is concerned, means either subsistence or starvation, as the case may be, for some 289 people in these two islands.

And I want to say to the gentleman that I do not understand that to be the most luxurious agricultural country in the world. If I have a correct knowledge about it, the two islands are but two rocks in that inhospitable ocean, and the only possible means of subsistence to the inhabitants of these two islands comes from the seal life.

The gentleman says that these people were taken there perhaps

a hundred years ago—long before we acquired Alaska. I do not know about that. I am not informed. It is very likely that it is true, for the gentleman is usually correct in his statement of facts. But at all events these people are there—men, women, and children. They got along fairly well as long as the Alaska company, under contract with the Government, furnished medicines, cared for the sick, and paid them 40 cents for their services for each seal caught. It was not a luxurious subsistence. The gentleman says that it paid good wages for about a month in every year and supported them in idleness for the other eleven months. Now, in the name of all that is good, what else could they do, or find to do, except to be idle under the circumstances?

But, Mr. Chairman, when this company quit killing 100,000 seals a year, when the Government said, "You shall not kill a hundred thousand, but a smaller number," every reduction made in the number killed took away the subsistence of these 289 people. Then, when under the modus the company killed only 7,000 or 7,500 seals it reduced them from the fatness of the land to less fatness, for you do not get much fatness out of 7,500 seals, and the compensation of 40 cents a head for killing them, for 289 people, instead of the compensation that they got at 40 cents a head for a hundred thousand. The gentleman says this year they killed 16,000.

Mr. JOHNSON of North Dakota. They killed 16,000 last year.

Mr. CANNON. Last year. Well, that would be $22 per head, at 40 cents compensation, to support these 289 people. The bare statement shows that it means poverty and simple starvation for the inhabitants of these two islands.

Mr. KIEFER. Can not they be taken away from there?

Mr. CANNON. Likely they could——

Mr. JOHNSON of North Dakota. Is it not the obligation of the people who employed them to pay them and take care of them?

Mr. CANNON. Not at all. My recollection is that the company is required to take care of them, as it pays the compensation fixed by the contract, namely, 40 cents a head for killing the seals. The company is required to furnish also certain fuel under a contract, I think, and once, indeed, I believe, a deficiency appropriation was made to the company for extra amount of fuel and provisions furnished that it was not bound to furnish under the contract, and but for that these people would have starved then; but it has grown worse since the Government has further limited the catch.

Now, I will give you all the information I have, except my general recollection, on the subject. We had this information in 1893. The Secretary of the Treasury, Secretary Carlisle, says in his report:

With reference to the appropriation of $19,500 for food, fuel, and clothing for the native inhabitants of the islands of St. Paul and St. George, Alaska, which has been made annually for two years past, I have to say that while the appropriations have been in excess of the sums actually expended, yet in view of an opinion of the First Comptroller—

The First Comptroller even gets in up there, you see—

to whom this subject was to-day referred, to the effect that the appropriation is not a continuing one, and therefore can be used only for the payment of expenses incurred during the year for which the appropriation is made, the full amount appropriated for the current year would be required for the ensuing fiscal year. The suggestion made to your committee yesterday by Mr Maher, of this Department, that $10,000 would be sufficient, was upon the assumption that such an unexpended balance of the appropriation for the current year as might remain would be available during the ensuing year. It is therefore recommended that $19,500 be appropriated for the purpose stated.

Now, we did not go very fully into this matter at this time. It was looked into as fully as we could look into it when it commenced, if I recollect, in the Fiftieth or Fifty-first Congress.

Mr. JOHNSON of North Dakota. The Fifty-second, I think.

Mr. CANNON. Perhaps it was the Fifty-second. Our action at that time has been followed since, so that we only gave it a casual examination this time. We asked Mr. Hamlin, Assistant Secretary—

As to the next item—

Which is this item—

I suppose it is absolutely necessary, to enable you to procure fuel and clothing for the inhabitants—$19,500?

Mr. Hamlin replied:

That is absolutely necessary. Up to 1892 or 1893 we killed anywhere from 30,000 to 100,000 seals, and the natives were paid 50 cents each. The catch in 1892 was cut down to 7,500, and the natives would starve if it were not for this assistance.

Then we asked him to write us a letter about it, giving the number of these inhabitants, and so on, and he gives the number on one island at 21 families, comprising 80 persons, and on the other, 54 families, comprising 196 persons. Now, I think the gentleman has probably correctly stated that the seals are doomed, and these people are doomed, so long as they remain there with the seals. One proposition is to kill all the seals. The law has been enacted which provides that unless we can get a modus with Great Britain and perhaps other countries—certainly Great Britain, including Canada—which will absolutely limit to the lowest amount the seals that are to be destroyed, that the whole herd is to be killed off, the killing to take place in the open sea or elsewhere. Then, indeed, the occupation of these people will be entirely gone.

My friend asks, "Are we to support them always?" I hope not; but the United States, in dealing with the Indians on this continent elsewhere than Alaska, has always, in the presence of starvation, appropriated money to support the Indians, although they could go anywhere 3,000 miles across this magnificent continent of ours. The Government has done that rather than let them starve; and in other instances are supporting, rather than fight them. Now, there are those poor people. They and their ancestors have been there for a hundred years, and the means of support provided for them has, by the action of this Government and other governments, supplemented, if you please, by accident, disappeared. They can not get away. There is no land for them to plow. There is for them neither seedtime nor harvest." Pending the solution of the question as to what is to be done with them, I shall, for one, vote for this appropriation to keep them from starving.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. JOHNSON].

The amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Lighting the Capitol: For lighting the Capitol, including the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, $16,000.

Mr. CANNON. Mr. Chairman, I submit the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 48, line 20, after the words "pay of," insert "superintendents of meters, lamplighters"—

Mr. CANNON. That should have been reported in that way. It is for current service.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $250,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided*, That in the States of California, Idaho, Montana, Oregon, Arizona, Wyoming, and Washington, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $35 per linear mile for standard and meander lines, $23 for township, and $20 for section lines. And of the sum hereby appropriated not exceeding $15,000 may be expended for resurveys, and not exceeding $40,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent and inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. ALLEN of Utah. Mr. Chairman, I have an amendment which I should like to offer.

The amendment was read, as follows:

On page 52, line 4, strike out "and," after the word "Wyoming," and insert "Colorado and Utah," after "Washington."

Mr. CANNON. Mr. Chairman, the gentleman has offered his amendment. If he yields the floor now, he will be entitled to it in the morning. If he will yield, I will move that the committee rise.

Mr. ALLEN of Utah. Very well, Mr. Chairman.

And then (on motion of Mr. CANNON) the committee rose; and, the Speaker having resumed the chair, Mr. HOPKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 1861) for the relief of James Linskey from the

operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

Joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

Joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

REPRINT OF A BILL.

By unanimous consent, on motion of Mr. HAINER of Nebraska, a reprint of the bill H. R. 306 was ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for the remainder of this week, on account of important business.

To Mr. JOHNSON of California, for five days, on account of illness.

To Mr. BRUMM, for one week, on account of important business.

Mr. KIEFER. Mr. Speaker, my colleague, Mr. EDDY, desires to have his leave of absence prolonged for another ten days, on account of serious illness in his family.

There was no objection.

And then, on motion of Mr. CANNON (at 5 o'clock p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from Col. John M. Wilson, of the Corps of Engineers, requesting authorization to pay the rent of a building occupied by his assistant in the construction of a new building at the Government Printing Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, inclosing a letter from the Acting Chief of Engineers, United States Army, together with a report relative to the cost of broadening and deepening a channel to a width of 150 yards and to a depth of 28 feet from Hampton Roads to the United States navy-yard at Norfolk, Va., and also for improving the Western Branch of Elizabeth River—to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILBUR, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 1221) to make oleomargarine and all other imitation dairy products subject to the laws of the State or Territory into which they are transported, reported the same with amendment, accompanied by a report (No. 1015); which said bill and report were referred to the House Calendar.

Mr. AVERY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7326) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases, reported the same without amendment, accompanied by a report (No. 1016); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WADSWORTH, from the Committee on Agriculture, reported a bill (H. R. 7780) for the establishment of a bureau of animal industry for the inspection of meat products and live stock, suppression and extermination of contagious and infectious diseases among cattle and live stock, to regulate the transportation of cattle and live stock, and prevent the exportation or importation of diseased cattle, live stock, domestic or other animals, and for other purposes, accompanied by a report (No. 1031); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, reported the same without amendment, accompanied by a report (No. 1032); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2757) to fix the compensation of district superintendents and of the crews of life-saving stations, reported the same without amendment, accompanied by a report (No. 1033); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1423) to protect the wages of seamen, reported the same without amendment, accompanied by a report (No. 1034); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WOODARD, from the Committee on Claims: A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, reported in lieu of House bill No. 1130. (Report No. 1004.)

By Mr. AVERY, from the Committee on War Claims:

A bill (H. R. 7774) for the relief of Francis L. Abbott, administrator of the estate of Thomas J. Treadwell, deceased, reported in lieu of House bill No. 69. (Report No. 1017.)

The bill (H. R. 1808) for the relief of Agnes and Maria De Leon. (Report No. 1018.)

By Mr. COOPER of Texas, from the Committee on War Claims:

The bill (H. R. 642) for the relief of James M. Oliver. (Report No. 1019.)

The bill (H. R. 641) for the relief of Charles P. Anderson. (Report No. 1020.)

By Mr. MAHON, from the Committee on War Claims:

The bill (S. 662) for the relief of William S. Grant. (Report No. 1021.)

The bill (S. 753) for the relief of Margaret Kennedy. (Report No. 1022.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 5329) for the relief of Dr. Thomas J. Coward. (Report No. 1023.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 7680) for the relief of the heirs or legal representatives of F. Z. Tucker, deceased. (Report No. 1024.)

The bill (H. R. 7643) for the relief of the legal representatives of David Heustis, deceased. (Report No. 1025.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 792) for the relief of Wells C. McCool. (Report No. 1026.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 3290) for the relief of Goff A. Hall. (Report No. 1027.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 505) for the relief of Rev. Edwin Warriner. (Report No. 1030.)

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 6619) for the relief of Sidney M. Davis, late a private in Company F, Sixth Regiment of Cavalry, Army of the United States. (Report No. 1028.)

By Mr. NEILL, from the Committee on War Claims: The bill (H. R. 5746) for the relief of Benjamin F. Fox. (Report No. 1029.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TOWNE: A bill (H. R. 7770) to provide for the erection of a public building in the city of Brainerd, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. BURTON of Missouri: A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. MOODY (by request): A bill (H. R. 7773) to require common carriers engaged in interstate commerce to provide sleeping berths for certain passengers and to regulate the rate to be charged therefor—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHANY: A bill (H. R. 7775) to appropriate $2,000,000 to widen the locks in the Erie Canal so as to permit the passage of modern torpedo boats for the protection of the lake cities—to the Committee on Railways and Canals.

By Mr. MONEY: A bill (H. R. 7776) to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. BERRY: A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.—to the Committee on Naval Affairs.

By Mr. BARRETT: A bill (H. R. 7778) establishing gas buoys in Linn Harbor, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of New York: A bill (H. R. 7779) to allow the return of certain kinds of mail matter without the prepayment of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: A bill (H. R. 7813) to authorize the extension of the Columbia Railroad eastward from its present terminus, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 7814) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 7815) to amend the charter of the Belt Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHUFORD: A resolution (House Res. No. 228) to investigate bond sales—to the Committee on Ways and Means.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 2011) for the relief of Capt. John T. Bruen, of the State of New York; and the same was referred to the Committee on War Claims.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WHEELER: A bill (H. R. 7772) to increase the pension of Theodore N. Cobia—to the Committee on Pensions.

By Mr. ALDRICH of Alabama: A bill (H. R. 7781) to provide an American register for the barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BINGHAM: A bill (H. R. 7782) to grant a pension to William Nugent, late of Company E, One hundred and eighty-third Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7783) granting a pension to John H. Justice, of Paola, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7784) to correct the military record of John Sullivan, of Lawrence, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 7785) increasing the pension of Charles L. Thomas, of Dwight, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting a veteran bounty to James H. Tullis, of Stanley, Johnson County, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 7787) granting a pension to Angelina Welden, of Media, Kans., as army nurse—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 7788) for the relief of Newton Boughn—to the Committee on Military Affairs.

By Mr. BURTON of Missouri: A bill (H. R. 7789) granting a pension to George R. Grubaugh—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 7790) granting an honorable discharge to Stillman Stotts—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 7791) amending the military record of Louis P. Kleine and granting his widow, Sade P. Kleine, a pension—to the Committee on Military Affairs.

By Mr. FENTON: A bill (H. R. 7792) recognizing the military service of Theodore W. Tallmadge—to the Committee on Military Affairs.

By Mr. GILLET of New York: A bill (H. R. 7793) to increase the pension of Caroline Smith, widow of Captain Smith, of Company F, Twenty-second New York Volunteers—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 7794) for the relief of Frances Delaplane, sister of Joshua Delaplane, Company C, Forty-third Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7795) for the relief of Morgan H. Anway, late of Company K, Forty-ninth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: A bill (H. R. 7796) granting a pension to Dennis O'Shey—to the Committee on Pensions.

By Mr. HYDE: A bill (H. R. 7797) to increase the pension of J. W. Range, of Seattle, Wash.—to the Committee on Pensions.

Also, a bill (H. R. 7798) for the relief of E. Gerry—to the Committee on Claims.

By Mr. KERR: A bill (H. R. 7799) for the relief of John Sheehy—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7800) to increase the pension of William Hall—to the Committee on Pensions.

By Mr. MILLIKEN: A bill (H. R. 7801) to remove the charge of desertion from the record of Daniel W. Morton—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 7802) granting a pension to John P. Clark—to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 7803) granting a pension to Edward Binnix—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 7804) for the relief of Kate Winter—to the Committee on the District of Columbia.

By Mr. WILSON of New York: A bill (H. R. 7805) for the relief of George M. Clapp, of the Washington Iron Works—to the Committee on War Claims.

By Mr. RAY: A bill (H. R. 7806) for the relief of William F. Alger—to the Committee on Military Affairs.

Also, a bill (H. R. 7807) for the relief of Marvin Coman, late Company C, One hundred and seventy-eighth New York—to the Committee on Military Affairs.

Also, a bill (H. R. 7808) granting a pension to Ross W. Titus, late of Company I, Eleventh United States Colored Artillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7809) granting a pension to Charles H. Wickham, late second lieutenant Twenty-ninth United States Colored Troops—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 7810) to remove the charge of desertion against Addison C. Stanton—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 7811) to restore the name of Henry Graves to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7812) to increase the pension of John W. Carter—to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Four petitions of citizens of Washington, D. C., urging the passage of House bill No. 5220 or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARRETT: Petition of Post No. 12, Grand Army of the Republic, Wakefield, Mass., for a revision of the pension laws—to the Committee on Invalid Pensions.

By Mr. BARTLETT of New York: Resolution of the Chamber of Commerce of the State of New York, for a light vessel off Fire Island, and favoring the passage of House bill No. 5293—to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK of New York: Petition of sundry citizens of Bath on Hudson, against the appropriation of public moneys to sectarian institutions—to the Committee on Appropriations.

Also, petition of W. Le Conte Stevens and other citizens of Troy, N. Y., asking for the passage of bill looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BREWSTER: Petition of Moss Mosely, John H. Schmidt, and others, of Rochester, N. Y., asking for the passage of House bill for reclassification of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BROSIUS: Petition of the congregations of United Brethren churches at Brunnersville and Lititz, Lancaster County, Pa., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CODDING: Sixteen petitions of Patriotic Order Sons of America, State of Pennsylvania—Camp No. 400, of Gibson; Camp No. 632, of Forkston; Camp No. 190, of Towanda; Camp No. 638, of Canton; Camp No. 199, of Nicholson; Camp No. 368, of Hollisterville; Camp No. 210, of Aldenville; Camp No. 465, of Waymart; Camp No. 674, of North Towanda; Camp No. 489, of East Lemon; Camp No. 616, of Camptown; Camp No. 422, of South Sterling; Camp No. 340, of Glenwood; Camp No. 197, of Laceyville; Camp No. 632, of Franklindale; and Order United American Mechanics, Council No. 363, of Hamlinton, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOCKERY: Petition of Edgar N. Tesler and others, of Stanberry, Mo., praying for the repeal of postal laws concerning college publications—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of John A. Frey and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. FARIS: Petition and papers to accompany House bill No. 7008, granting a pension to Rhoda L. Day—to the Committee on Invalid Pensions.

Also, petition and papers to accompany House bill No. 2365, to increase the pension of James F. Dickey—to the Committee on Invalid Pensions.

By Mr. GIBSON: Petition of citizens of Harriman, Tenn., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of publishers of the Yellowstone Valley Recorder, of Billings, Mont., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post Roads.

By Mr. HENDERSON: Petition of M. F. Edwards and 38 other citizens of Butler and Grundy counties, Iowa, favoring the passage of House bill No. 3299, in behalf of C. S. Lobdell, of Parkersburg, Iowa—to the Committee on War Claims.

Also, resolution of the sixteenth annual encampment, Department of Minnesota, Grand Army of the Republic, favoring the establishment of a national park at Vicksburg, Miss.—to the Committee on Military Affairs.

Also, paper from Messrs. White & Co., cheese manufacturers, Charles City, Iowa, praying for legislation taxing "filled cheese"—to the Committee on Agriculture.

By Mr. HILL (by request): Petition of Lieut. Charles Smith and others, of South Norwalk, Conn., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of citizens of Middlesex County, N. J., praying for an appropriation for having the channel of South River deepened by removing certain accumulations in said stream—to Committee on Rivers and Harbors.

By Mr. HUTCHESON: Petition of Peter Ramadanovitch, for relief—to the Committee on Foreign Affairs.

By Mr. KIEFER: Petition of the Department of Minnesota, Grand Army of the Republic, favoring the bill establishing a military park at Vicksburg; also in favor of recognizing the belligerent rights of the Cuban people—to the Committee on Military Affairs.

By Mr. LEISENRING (by request): Petition of W. H. Capwell, of Dallas, Pa.; also of Robert Baur & Son, of Wilkesbarre, Pa., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of Washington Camp, No. 623, of Parsons, Pa.; also of Camp No. 234, of Kingston, Pa., Patriotic Order Sons of America, for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LEONARD: Petition of 40 citizens of Glenmoore, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McEWAN: Petition of Typographical Union No. 277, of Missoula, Mont.; also resolution of Women's Populist League of Colorado, asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. McRAE: Petition of A. S. Gibson and 12 other citizens of Duncan, Ind. T., in favor of House bill No. 7476, for the appointment of additional judges in Indian Territory—to the Committee on the Judiciary.

By Mr. MOODY: Petition of 83 citizens and soldiers of Beverly, Mass., praying for the enactment of House bill No. 2859, granting a pension to Harriet F. Herrick, of Beverly, Mass., widow of Moses S. Herrick, late of Company E, Eighth Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. POOLE: Memorial of citizens of Madison County, N. Y., members of Poolville Grange, No. 770, Patrons of Husbandry, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. RAY: Petition of citizens of New Berlin, Chenango County, N. Y., and vicinity, to compel the study of the nonimportation act of the Colonial Congress—to the Committee on Education.

Also, petition of Charles H. Wickham, for a pension—to the Committee on Invalid Pensions.

Also, affidavit of Morris P. Blair, in behalf of the claim of Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of Highland Grange, No. 980, Patrons of Husbandry, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. ROYSE: Petition of Elkart Lodge, International Association of Machinists, in favor of House bill No. 216, in relation to the treatment of employees in the navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. SHERMAN: Petition of the International Association of Machinists of Ilion, N. Y., with reference to navy-yard employees—to the Committee on Naval Affairs.

Also, petition of stationary engineers of Utica, N. Y., favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. SORG: Petition of the International Association of Machinists, of Dayton, Ohio, for an investigation of the treatment of employees in the navy-yards and arsenals—to the Committee on Naval Affairs.

By Mr. STEELE: Petition of the International Association of Machinists, Lodge No. 150, of Huntington, Ind., by its secretary, Mr. T. P. Annan, for an investigation into the treatment of the members of the association employed in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. STOKES: Memorial of citizens of Sumter County, S. C., asking for the erection by the Federal Government of a monument to Gen. Thomas Sumter, in the city of Sumter, S. C.—to the Committee on Appropriations.

By Mr. WANGER: Petition of Middletown Grange, No. 684, Patrons of Husbandry, of Bucks County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, *April 1, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

### CLAIMS FOR BARRACKS AND QUARTERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 12th ultimo directing the Secretary of the Treasury to cause the proper accounting officers of the Treasury to reexamine certain claims reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, transmitting a report by the Comptroller of the Treasury; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

### PETITIONS AND MEMORIALS.

Mr. NELSON presented the memorial of Robert A. Young and sundry other citizens of St. Paul, Minn., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition in the form of resolutions adopted by the Commercial Club of Duluth, Minn., praying that the bill to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota shall provide for the free passage over the bridge of all foot passengers, bicycle riders, wagons, and vehicles of all kinds; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a petition of sundry citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to wholly dispense with the use of horses on all its lines within a fixed time, and to substitute therefor an approved modern system of rapid transit; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of the Central Labor Union of Cleveland, Ohio, praying for the free and unlimited coinage of silver; which was referred to the Committee on Finance.

He also presented the petition of W. D. Miller, of Alton, Ill., praying that soldiers of the late war who lost one eye be allowed a pension of $20 a month; which was referred to the Committee on Pensions.

He also presented a memorial of the Woman's Christian Temperance Union of Troy, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. PROCTOR presented a petition of the Young Men's Christian Association of Washington, D. C., praying that Congress carefully scrutinize the bill to establish a racing commission; which was referred to the Committee on the District of Columbia.

Mr. SEWELL presented the memorial of Rev. William I. Gill and 41 other citizens of Asbury Park, N. J., remonstrating against the introduction of military training in the public schools of the

District of Columbia; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation granting protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented the memorial of Isaac Cooper and 17 other citizens of Trenton, N. J.; and the memorial of Benjamin W. Wilson and 35 other citizens of Camden, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. VEST presented a petition of the St. Louis Association of Stationary Engineers, No. 2, of St. Louis, Mo., praying for the passage of Senate bill No. 735, to reorganize and increase the efficiency of the personnel of the Navy; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Teller bill, relative to the appointment of Indian agents; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Pennsylvania, praying for the erection of an industrial home for habitual drunkards; which was referred to the Committee on Education and Labor.

He also presented a petition of Encampment No. 9, Union Veteran Legion, of Newcastle, Pa., praying for the passage of a per diem pension bill; which was referred to the Committee on Pensions.

He also presented resolutions adopted by Council No. 70, American Protective Association, of Williamsport, Pa., approving the clause in the Indian appropriation bill providing that no public money shall be appropriated for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented a petition of Highland Grange, No. 980, Patrons of Husbandry, of Lenover, Pa., and a petition of Lawrence Grange, Patrons of Husbandry, of Clearfield, Pa., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition, in the form of resolutions adopted by the Trades League of Philadelphia, Pa., praying for the passage of the so-called Frye bill, providing for the creation of a department of commerce; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the select and common councils of Philadelphia, Pa., praying that an appropriation of $500,000 be made for the improvement of the harbor at Philadelphia; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Pennsylvania, remonstrating against the introduction of military training in the public schools of the United States; which were referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the inhabitants of Kittery, Me., praying for the construction of a dry dock at that place; which was referred to the Committee on Naval Affairs.

Mr. ALLEN (for Mr. THURSTON) presented a memorial of Rescue Council, No. 1, American Protective Association, of Omaha, Nebr., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also (for Mr. THURSTON) presented a petition of Omaha Lodge, No. 31, International Association of Machinists, of Omaha, Nebr., praying for an investigation of the treatment of the employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Dallas, Tex., praying for the passage of a bankruptcy law that will be just to both creditor and debtor; which was referred to the Committee on the Judiciary.

Mr. GORMAN presented a petition of the Baltimore Conference of the Methodist Episcopal Church South, in session at Roanoke, Va., praying for the enactment of legislation giving relief to the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. McBRIDE presented a petition of Milwaukie Grange, No. 268, Patrons of Husbandry, of Clackamas County, Oreg., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

### REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 2694) for the relief of the heirs of Lorenzo Andenino, Francisco Rolchietto, and Stanislao Vittone; which was read twice by its title.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. GORDON on the 31st ultimo, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. CHILTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds, reported it with an amendment.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred an amendment submitted by Mr. PETTIGREW on February 12, 1896, the amendment providing for the establishment of fish-culture stations in the Black Hills, in the State of South Dakota, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

### BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 2695) granting an increase of pension to Mrs. Jane V. Davidson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2696) granting arrears of pension to Daniel Lucas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2697) to complete the military record of Stephen Joiner, and granting him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2698) for the relief of David S. Quinn, jr., administrator of David S. Quinn, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAKER introduced a bill (S. 2699) authorizing the Secretary of the Interior to convey a certain lot in the District of Columbia to John H. Gause and others; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 2700) for the relief of the heirs of certain seamen lost in the foundering of light-vessel No. 37; which was read twice by its title and referred to the Committee on Commerce.

Mr. CAFFERY (by request) introduced a bill (S. 2701) for the relief of Whitty S. Miller, administrator of Whitty M. Sasser, deceased, and Jessie W. Pollitt, administrator of Amanda Sasser, deceased, both decedents late of Rapides Parish, La.; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2702) granting an increase of pension to Samuel A. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 2704) to remove the charge of desertion from the military record of Joshua B. Webster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HILL (by request) introduced a bill (S. 2705) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia"; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MITCHELL of Oregon (by request) introduced a bill (S. 2706) to extend New Jersey avenue northwest from Brightwood avenue to Whitney avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2707) to extend Eleventh street northwest from Florida avenue to New Jersey avenue extended; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITE introduced a bill (S. 2708) authorizing the purchase by the United States and the making free of the toll roads passing

over the Yosemite National Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 2709) for the relief of Michael Z. Hammen; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN introduced a joint resolution (S. R. 118) to prohibit the contracting of a liability or obligation on behalf of the United States in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

### EQUALITY OF LEGAL-TENDER MONEY.

Mr. BUTLER. I introduce a bill and ask that it be read in full for information.

The bill (S. 2703) to prevent discrimination between various kinds of legal-tender money of the United States, and to maintain the equal debt-paying and purchasing power thereof, and for other purposes, was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That any note, bill, bond, draft, check, exchange, contract, mortgage, public or private obligation, or pecuniary liability, hereafter made or contracted, which may provide for its payment in a specific kind or kinds of legal-tender money of the United States, may be paid or discharged in any kind of legal-tender money of the United States current at the time of its maturity or collection, at its face value, such stipulation or agreement to the contrary notwithstanding.

Mr. BUTLER. Mr. President, I should like to explain the bill in a few words.

By its title, it will be seen that it is a bill to maintain the equal debt-paying and purchasing power of all the legal-tender currency of the country. I see that the various State conventions which are now being held to elect delegates to the coming Republican national convention are declaring in favor of this policy and pledging their party to give the people such a currency. Both of the old parties declared that it was their policy in their last national platforms, and will probably so declare again this year. In order that we may be able to turn some promises into performances before another campaign, I hope the Committee on Finance will report this bill promptly. We shall then be able to redeem before their next national conventions are held the promises which both of the old parties made, so that they will not have to make the promises over again. The People's Party stands ready to help either party to redeem this promise, and we are ready to do it now.

The bill proposes to put a stop to the gold mortgages and gold notes that are now being taken all over the country. Every day men are forced to make contracts under dire necessity to pay their mortgages and notes in gold. The gold they can not get without buying it at a premium.

Mr. HILL. Will the Senator allow me a moment? Does the bill propose to affect existing contracts at all?

Mr. BUTLER. It does not. The present law allows such gold notes and mortgages to be taken. Contracts have been made under this law. It is a hard bargain which men have been forced to agree to, but this bill does not propose to nullify those contracts. It proposes to make such contracts illegal in the future. The clause in the Bland-Allison Act which allows contracts to be made payable in gold only, known as the "gold exception clause," is the provision to which I refer. It is the law, but it is a bad law, and I believe it was put into that act for the benefit of the bondholder. But the money lender has used it in his private contracts, not only to the oppression of the creditor, but also to advance the price of gold in which his debt must be paid. I think that law should be repealed. Both parties have promised to do it. The opinion of the country by a large majority is opposed to continuing the present policy. The law as it now stands tends to cause a disparity between different kinds of legal-tender money. The law is a discrimination against silver and greenbacks, and also against the debtor class.

Mr. President, we can pass this bill by both Houses, if the committee will report it, and let both parties redeem one of their pledges before they go before the people again. Gold mortgages are plastered over every town and hamlet in this country. In every little town of even a thousand inhabitants every man to-day who borrows money is forced to give a gold mortgage or note. No Government should allow any such discrimination against any of its legal tender and lawful money. It is not only an injustice to the debtor class but it is a suicidal governmental policy. It is wrong. No party can defend it. Both the Democratic and Republican parties say that they are opposed to such a policy, but they have done nothing to correct it. They can correct it by passing this bill. The law as it now stands, instead of maintaining the equal debt-paying power and purchasing power of all lawful money, actually makes gold dearer. How can the Government deliberately legislate to increase the purchasing power of gold, and then insist on paying its own debts in this dear money, and force private debtors to do the same?

The money lender and the bondholder are the only people benefited by the present law; it is to the detriment of everybody else. The bill which I offer will correct this wrong.

I ask that the bill be referred to the Committee on Finance, and hope that they will report it back to the Senate at an early day.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

### ALLEGED ATROCITIES IN CUBA.

Mr. CALL. I introduce a joint resolution, and ask that it be read and lie over under the rule until to-morrow.

The joint resolution (S. R. 119) relative to the putting to death of prisoners of war in Cuba and providing for intervention by the United States, if necessary, was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the continued violations of the usages and rules of war between civilized peoples, the inhuman and brutal outrages on men, women, and children constantly reported on reasonable evidence, either authorized or permitted not only on the Cuban revolutionists, but also on citizens of the United States, in the war now carried on between the Government of Spain and the revolutionary forces organized as the Republic of Cuba, demand the immediate action by the United States of America not only for the protection of the citizens of the United States who have become residents and acquired interests in Cuba under treaties with Spain for their protection, but also under the higher considerations of the rights and interests of a common humanity and of a civilization shamed and imperiled by barbarities and cruelties known only in the darkest, most cruel, and bloody periods of human history.

*Resolved*, That an adequate naval force of the United States shall be immediately sent to Cuba as shall be sufficient to protect by force, if necessary, citizens of the United States from wrong and the violations of treaty obligations between Spain and the United States.

*Resolved*, That the President of the United States communicate to the Government of Spain these resolutions and inform that Government that the United States will forcibly intervene to protect the rights of American citizens and the interests of civilization if there shall be further occurrence of murder and outrage or the shooting or putting to death of prisoners of war in the conflict between Spain and the revolutionary forces in Cuba.

The VICE-PRESIDENT. The joint resolution will lie on the table at the request of the Senator from Florida.

Mr. CALL. I understand that the joint resolution will come up to-morrow morning.

The VICE-PRESIDENT. Under the rule the joint resolution has been read the second time, and will lie upon the table. It can be reached by a motion at any time the Senator desires to move to take it up.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was refefred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted four amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

### TELEGRAPHIC CABLES IN THE PACIFIC OCEAN.

On motion of Mr. SHERMAN, it was

*Ordered*, That the hearings before the Committee on Foreign Relations in regard to the bills S. 1316, to facilitate the construction and maintenance of telegraphic cables in the Pacific Ocean for the use of the Government in its foreign intercourse, represented by Messrs. Z. S. Spalding and Wager Swayne, and S. 876, to provide for telegraphic communication between the United States of America, the Hawaiian Islands, and Japan, and to promote commerce, represented by Messrs. James A. Scrymser and Edmund L. Baylies, be printed for the use of the Senate.

### FRANCIS HALL AND JURIAH HALL.

On motion of Mr. McMILLAN, it was

*Ordered*, That Senate Report No. 581, Fifty-fourth Congress, first session, accompanying the bill (S. 2499) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 436, in the city of Washington, D. C., as laid down on the original plan or plat of said city, be reprinted, together with additional papers.

REPORT ON RACING COMMISSION BILL.

On motion of Mr. McMILLAN, it was

*Ordered*, That Senate Report No. 330, Fifty-fourth Congress, first session, accompanying the bill (S. 1866) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, be reprinted, together with additional papers.

BOOKS FOR THE SENATE LIBRARY.

Mr. CAFFERY. I submit a resolution, and ask unanimous consent for its present consideration.

The resolution was read, as follows:

*Resolved by the Senate*, That the Secretary be directed to purchase for the Senate Library the following books on international law, viz:
Bar's International Law.
Bluntschli's International Law, translated by M. C. Lardy, 1894.
Hall's International Law, 2 copies.
Halleck's International Law.
Lorimer's International Law, 2 volumes.
Wheaton's International Law, Dana's edition.
Wheaton's International Law, Lawrence's edition.
Woolsey's International Law, edition 1890.
And that the same be charged to the contingent fund of the Senate.

Mr. GRAY. Let me ask what the resolution proposes. I did not hear the first part of it.

The VICE-PRESIDENT. The Senator from Louisiana asks unanimous consent for the present consideration of the resolution.

Mr. CAFFERY. I will say to the Senator from Delaware that the very efficient librarian of the Senate library has stated to me that these books are frequently called for.

Mr. GRAY. They are for our library?

Mr. CAFFERY. Yes; and the librarian desires to have them in the library to meet the calls of Senators.

Mr. SHERMAN. My impression is that the law requires the resolution to be referred to the Committee on Contigent Expenses. That reference ought to be made.

Mr. JONES of Arkansas. It has to be made.

Mr. CAFFERY. Very well.

The VICE-PRESIDENT. Under the rule the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on March 31, 1896, approved and signed the act (S. 1179) to repeal section 1218 of the Revised Statutes of the United States as amended by chapter 46 of the laws of 1884, relating to the appointment of officers in the Army and Navy of the United States.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate the action of the other House upon the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist on its amendments, and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

UNSURVEYED PUBLIC LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL], coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 27th ultimo, as follows:

*Resolved*, That the Committee on Public Lands be directed to inquire and report such legislation, by bill or otherwise, as may be necessary to prevent the unsurveyed public lands of the United States from being approved and patented without a survey and examination, and report as to their being swamp and overflowed in the meaning of the act of Congress.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CALL. Mr. President, I hope the resolution will be passed. When I introduced it I accompanied it with a letter from the Commissioner of the General Land Office, stating that the land in the southern part of Florida, near Cape Sable and covering a considerable part of the peninsula, had been patented to the State of Florida, or approved, rather, as swamp and overflowed land and as unsurveyed land. The letter was in reply to persons who had settled or desired to settle as homesteaders on that land. It is quite obvious that under the swamp and overflowed land act of 1850 an examination and report is required before there can be any approval of public lands under that act. This is unsurveyed land, and therefore must be land that has not been examined and has not been reported upon, and that it has been selected without authority of law, to the detriment of homestead settlers who have a right to it for free homes, if it is, as they allege, not swamp and overflowed, but, on the contrary, dry land fit for cultivation.

Mr. HOAR. I have an impression that the resolution is intended and does in some way affect a controversy about land with a railroad of which I believe people from my State are the owners. I do not know anything about the merits of the controversy, at least I do not remember what it is; if I have ever heard of it I have forgotten; but the resolution proposes peremptorily to order the Committee on Public Lands to bring in a bill. Perhaps the Senator from Florida will be content to have the resolution referred to the committee. That will give the committee full jurisdiction over the subject, and if they find it is proper that some action shall be taken they will report a bill. It seems to me it is a little doubtful whether the Senate ought peremptorily to commit itself, however clear may be the doctrine, in advance of an examination by the committee. I therefore suggest that the resolution be referred to the Committee on Public Lands.

Mr. CALL. I should like to have the Senator from Massachusetts give some reason why when it is reported here officially from a Department of the Government that they have patented or propose to patent lands unsurveyed under the swamp and overflowed land grant act——

Mr. HOAR. Does the Senator say that the Department have patented the lands?

Mr. CALL. I understand that they have either approved or patented the land; and when it is evident that it is done without authority of law (because it is a self-evident proposition that no land unsurveyed can be approved under that grant), why should not this action be taken? The grant requires that the field notes of the survey shall be taken, and there being no survey, there can be no rightful approval of the land as swamp and overflowed. Neither can there be any examination or selection of land as swamp and overflowed and unfit for cultivation under an act of Congress that requires the greater part of each 40 acres to be so swamp and overflowed as to be thereby rendered unfit for cultivation.

The resolution proposes to direct the committee to inquire whether that is true or not, and to report by bill or otherwise such legislation as may be necessary. It seems to me that there is no reason, because a railroad company may have some claim to land, why it should not be investigated, and if the claim is not right why that should not be deferred in favor of the homestead settlers. I think there is no reason why the resolution should not be passed.

It is entirely evident that great wrongs have been inflicted on the people of the United States, and especially on the people of Florida, in the nullification of the homestead laws as to the public land, and depriving the people of Florida of their right to free homes, and approving the homesteads of the people to individuals, railroad corporations and their agents, who have grown rich on the labor of the people wrongfully forced from them.

Mr. HOAR. The stronger the reason for having the resolution passed, the stronger the reason, it seems to me, for sending it to the committee without tying their hands. Here is a Department of the Government, as the Senator from Florida says, which has come to the conclusion that it is proper and right and lawful to patent certain lands without a survey and examination. Whether that is true of course I have no information except what I derive from the Senator from Florida; but if they have come to that conclusion there must be some reason for it. Whether it is a good reason or a bad one, there must be some reason for it. Now, it is proposed that the Senate shall come in and commit itself absolutely. If we were to pass a bill it would have three several readings and hearings. It seems to me that as there is no member of the Committee on Public Lands present on our side of the Chamber—the chairman is absent, certainly—the proper course to pursue is to send the resolution to the committee, and if a grievance exists, the stronger the grievance the more absolutely certain the committee will be to act upon and deal with the subject.

Mr. CALL. Does not the resolution send it to the committee?

Mr. HOAR. I do not think the honorable Senator from Arkansas [Mr. BERRY] on the left of the Senator from Florida is likely to be silent or inactive or indifferent if there is anything wrong being done with the public lands of the country. My only suggestion is in favor of orderly proceeding. I do not think that resolutions in the morning hour, which are not expected to be debated, ought to assert principles of legislation and bind and tie up committees in advance.

I have not investigated this matter. I do not know what the

reason is. The Senator says the resolution is to condemn in substance the action of some Department. I do not mean to say that he uses that term, but he says that the Department has done something which is clearly illegal. That I know nothing about. I only suggest to the Senator that, instead of making the Committee on Public Lands absolutely bound to report a bill of a certain character, they be directed to inquire whether such a bill is necessary, and if necessary, then to report it.

Mr. CALL. That is just what the resolution does.

Mr. HOAR. No.

Mr. CALL. It directs them to inquire and report. If they inquire and find there is no reason for it in their opinion, they will so report.

Mr. HOAR. I do not so understand the resolution.

Mr. CALL. That is the resolution.

Mr. HOAR. Very well.

Mr. CALL. It is a self-evident proposition, it seems to me, that if the Interior Department is approving and patenting lands unsurveyed, as to the character of which they can have no proper information, if they are approving land of that description——

Mr. HOAR. Will the Senator pardon me a moment? If he understands the resolution as he states it, and will put in before the words "may" the words "in their judgment," so as to read "report such legislation, by bill or otherwise, as may in their judgment be necessary," I will consent to the resolution.

Mr. CALL. Very well. I have no objection to that, because it does not make a particle of difference in the resolution.

Mr. HOAR. It will save the whole trouble.

Mr. CALL. But I wish to say a word more. A great part of the area of the State of Florida has been taken away from the settlers upon the public lands of the United States who have, by law, a right to them. We should not be so considerate of the claims of the nonresident people in the shape of corporations as to deprive the people who are to live and labor on this land of their right under the law. The Interior Department should not be allowed to approve and patent land that is obviously not within the terms of the act and which they are prohibited from doing. This is a subject which should have the attention of Congress. Nothing can be more oppressive to the people than to allow the public land to be unlawfully approved in great bodies to individuals and land speculators, agents, and corporations.

I have not drawn the resolution with a view of censuring or affecting any corporation, but I have a letter from settlers who in that far region of the South, away down upon the coast near Cape Sable, desire to make a home there, and they are making application for the land and stating that it is high and dry land and suitable for settlement, and they are informed from the Interior Department that without a survey and without examination it has been approved as swamp and overflowed land under the selection of some agent or other. That is the whole of it, and I was further informed by an official letter from the Department some months ago that there was an agreement to approve nearly the whole peninsula of Florida, under the name of the Everglades, by its exterior lines and without an interior survey or examination, to the State, and that would be to railroad corporations and would cover the whole area with a denial of the right to free homes.

Mr. HOAR. If any citizens of the United States, wherever they dwell, or any corporation composed of citizens of the United States, have got hold of, or are trying to get hold of, any land they ought not to get and have not a title to, of course they ought to be stopped, and it is the business of the Department to do it; and if the Department does not do it, it is the business of Congress to see that the proper legislation is enacted. There is no objection to that. What I do object to is the coming in and taking of those things for granted and having the Senate order legislation before the committee have inquired into the facts or into the necessity for it; but if the Senator now consents to the amendment that they shall report such legislation as in their judgment may be necessary, I have not anything further to say.

Mr. CALL. I only wish to say before the subject passes away that I have been protesting year after year against this deprival by the action of the Department of the people of the United States of their right to free homes, secured to them under the acts of Congress. I state that there has been a vast portion of the State of Florida that has been approved under the swamp and overflowed land grant act which is as high and dry as the top of this building, and that under this action of the Interior Department free homes have been and are to-day denied to a large portion of the people who are endeavoring to obtain them, who have a right under the law to have them, and that it has been and is now the imperative duty of Congress to examine into this subject and to see that the Department executes the law as Congress makes it. This is all I have to say on the subject.

Mr. PASCO. Mr. President, I do not know exactly the purpose of the present resolution. I have not been consulted with reference to it, and I did not suppose it would be called up in the absence of the chairman of the Committee on Public Lands, at whose request it went over the day it was first introduced. I can only say that the Committee on Public Lands, of which I am a member, has always been disposed to protect the actual settlers and to see that they have their proper rights upon the public lands. Those who have already settled upon them and those who desire to make entries and establish their homes there have no better friend than myself. Since I have been in the Senate, and even before, I have endeavored to secure fair and just treatment for them, and I have done so as a Senator, as an individual, and as a member of that committee. Their interests are safe in the committee, and if the resolution is referred there for examination it will receive all proper attention and consideration.

I move that the resolution be referred to the Committee on Public Lands.

Mr. CALL. Mr. President, there is but little difference between passing the resolution and referring it to the committee, but I hope that motion will not be agreed to, as the resolution simply proposes, and the Senator from Massachusetts has agreed to it, that the committee shall be directed to inquire and report. After what I have said I hope it will not be referred, but that the Senate will direct this inquiry, because we have an official statement from the Interior Department, upon the application of a settler for a homestead upon the public lands of the United States, that it has been approved under the swamp and overflowed land-grant act, without an examination and without a survey, and that is a sufficient reason for directing the committee to inquire and report. I do not see why there should always be opposition made to resolutions of this kind, which only seek to affirm and protect the right of the people to their free homes on the public lands.

I have no criticism to make upon my colleague or upon the Committee on Public Lands. I state facts which are contained in the records of the Interior Department and of Congress. I state here that the people of Florida and the people of the United States who may emigrate there are to-day deprived of homes upon more than two-thirds of the area of public land, the greater part of which is as high and dry as the roof of this Capitol, under an unlawful selection of the land as swamp and overflowed, each 40 acres of which is required to have the greater part of it so "swamp and overflowed as to be thereby rendered unfit for cultivation, and in the further condition that the land should be sold and the proceeds applied to its reclamation by the construction of the levees and ditches necessary to make it dry and fit for cultivation."

The VICE-PRESIDENT. The question is on the motion of the Senator from Florida [Mr. PASCO] to refer the pending resolution to the Committee on Public Lands.

Mr. CALL. I ask for a yea-and-nay vote on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I transfer my pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], and withhold my vote.

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE], and for the present withhold my vote.

The roll call was concluded.

Mr. MORRILL (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Tennessee [Mr. HARRIS] and not knowing how he would vote.

Mr. BLACKBURN. I am paired with the Senator from Michigan [Mr. MCMILLAN]. Not seeing him in the Chamber, I will withhold my vote for the present.

Mr. MANTLE. I have a general pair on political questions with the Senator from Virginia [Mr. MARTIN]. I will vote on this question. I vote "nay."

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not knowing how he would vote, I withhold my vote.

Mr. MILLS. I am paired with the Senator from New Hampshire [Mr. GALLINGER]. I do not know how he would vote, and therefore withhold my vote.

Mr. GEORGE (after having voted in the negative). I should like to inquire whether the Senator from Oregon [Mr. MCBRIDE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GEORGE. I am paired with that Senator and withdraw my vote.

Mr. GORDON. Has the junior Senator from Iowa [Mr. GEAR] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GORDON. I am paired with that Senator and withhold my vote.

Mr. GEORGE. I have a right to vote to make a quorum. I vote "nay."

Mr. WOLCOTT. I vote "yea."

The result was announced—yeas 28, nays 20; as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Bate, | Daniel, | Hoar, | Sewell, |
| Brown, | Faulkner, | Lodge, | Sherman, |
| Burrows, | Frye, | Mitchell, Oreg. | Vest, |
| Caffery, | Gorman, | Mitchell, Wis. | Vilas, |
| Cameron, | Gray, | Pasco, | Walthall, |
| Carter, | Hale, | Platt, | Wetmore, |
| Cullom, | Hawley, | Proctor, | Wolcott. |

NAYS—20.

| | | | |
|---|---|---|---|
| Allen, | Call, | Mantle, | Roach, |
| Bacon, | Cannon, | Morgan, | Shoup, |
| Baker, | George, | Nelson, | Tillman, |
| Berry, | Jones, Ark. | Peffer, | Turpie, |
| Butler, | Kyle, | Perkins, | White. |

NOT VOTING—41.

| | | | |
|---|---|---|---|
| Aldrich, | Elkins, | McBride, | Smith, |
| Allison, | Gallinger, | McMillan, | Squire, |
| Blackburn, | Gear, | Martin, | Stewart, |
| Blanchard, | Gibson, | Mills, | Teller, |
| Brice, | Gordon, | Morrill, | Thurston, |
| Chandler, | Hansbrough, | Murphy, | Voorhees, |
| Chilton, | Harris, | Palmer, | Warren, |
| Clark, | Hill, | Pettigrew, | Wilson. |
| Cockrell, | Irby, | Pritchard, | |
| Davis, | Jones, Nev. | Pugh, | |
| Dubois, | Lindsay, | Quay, | |

So the resolution was referred to the Committee on Public Lands.

PACIFIC RAILROADS.

Mr. MORGAN. I give notice that on next Tuesday at the conclusion of the routine morning business I shall call up a resolution which I submitted on the 9th of March and which has been lying upon the table, proposing to instruct the Committee on Pacific Railroads. I desire to discuss the proposed instructions on that day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboeler, and John R. Scott.

The message also announced that the House had passed the bill (S. 494) constituting Stamford, Conn., a subport of entry.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 6425) for the relief of Clifton R. Anderson; and

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

The message also announced that the House had passed a concurrent resolution providing for the compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents of the United States from 1789 to March 4, 1897; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 1861) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

A bill (H. R. 4698) to provide an American register for the steamer *Matteawan;*

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey in relation to the construction and completion of the Library of Congress.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

*Resolved*, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. GEORGE. Mr. President, I had reached this point yesterday evening when I surrendered the floor. One of the main points relied upon by the advocates of Mr. Du Pont's right to a seat in the Senate is that the speaker as speaker can not exercise the office of governor after the expiration of his legislative term.

EXPIRATION OF THE LEGISLATIVE OFFICE.

Our opponents make another objection which they seem to think formidable—another incongruity. It is that the office of representative in Delaware always expires and the office of senator may expire before the time when the powers of a speaker exercising the office of governor will terminate.

They argue that as the speaker must be a member of the house over which he presides, that when his membership ceases he must cease to be speaker, and as he *must*, in case of the speaker of the house, always exercise the office of governor after he ceases to be a member, therefore the constitution could not mean what it plainly says—that he "shall" exercise the office of governor all the way through as speaker; and therefore our construction of the constitution must be wrong.

I take the case of the speaker of the house being most favorable to the other side, as his membership in the house always expires before the termination of his exercise of the office of governor, as the basis of the answer I shall make.

The members of the house are elected for two years from the first Tuesday in November of the even-numbered years—as 1892, 1894, 1896. Hence their term of office always expires in two years from that date. This date necessarily precedes the expiration of the governor's term at least two and one-half months, his term only expiring on the third Tuesday of the succeeding January.

I agree that the office of speaker of the senate also terminates at the same time, for that is the end of that legislature.

I make freely on this point all the admissions required by the other side, and they are all required by the constitution of Delaware.

This construction of the constitution of Delaware, admitted on both sides, fixes this situation as the true one and the one before the framers of the constitution of Delaware. That the vacancy in the office of governor, which causes a devolution on either speaker, must occur during the terms of the speakers, viz, prior to the first Tuesday in November in the even-numbered years. If it occurred after that time, and before the first Tuesday in January succeeding, when the legislature meets and elects new speakers, then there would be no speaker of either house during this interim, and under the fourth clause of the said section 14 the exercise of executive authority would go to the secretary of state, there being no other person who under the provisions of the constitution can exercise that office.

So that, and this must be remembered, when the framers of the constitution provided for the devolution of the exercise of the duties of the office of governor on the speaker of either house they knew that the office of speaker of the house would cease in all cases, and might cease in every case as to the speaker of the senate, at least two and one-half months prior to the third Tuesday of January, when such duties must cease. The same thing is true with reference to the membership of those speakers in their respective houses.

When, therefore, they said the speaker shall exercise the office of governor at a time when his office as speaker would otherwise cease, they ordained necessarily that his office should not then cease; otherwise they made a command which could not be obeyed.

I have already shown, and shown conclusively, that during all this time of such exercise that the speaker is and remains speaker, at least as to the exercise of the command of the constitution that the speaker shall exercise the office till a new governor is qualified. I have not made this proof with reference to the office of senator or representative. I admit, if it will gratify the Senator from Oregon, that I can not make it. And I admit further that if it be necessary to make out so much of our case as depends on the construction we place on section 14, that the speaker is not governor, but exercises the office of governor as a superadded power and duty imposed on him, that I show he remains senator or representative after the expiration of his term as such, I have failed on that point. I admit that it is of the essence of a free representative government (and it can not be free unless it be representative) that the periods which the people in their organic law have fixed for the return to them for a new selection of the political power they have granted to their representatives are so essential to free government that these periods can not be changed by mere inference and argument, but only by clear and unmistakable language. We can have substitutes—provisional and *ad interim* selections for executive and judicial officers, but none for senators and representatives. These have been selected by the people to stand for them, to act for them, and under a responsibility that comes from a return of their power at stated periods to the people themselves. They are entitled to representatives chosen by them, who are to stand for them at all times as active, living agents, whose commissions can neither be enlarged nor diminished nor suspended.

I find nothing in the constitution of Delaware which changes or modifies this in the least. But I find in this constitution ample provision to retain the old regular representative system with full senators and representatives all through the time that the speaker of either house is exercising the office of governor.

It must be borne in mind that there is no provision in the constitution of Delaware which requires the speaker of either house to be a member of the body over which he is chosen to preside. Notwithstanding he is an officer under the State of Delaware, and all officers are prohibited from being a senator or representative, I have admitted, and do now admit, that he may be selected from the members. I am also willing to admit that he has always been so selected in Delaware; and except where the constitution has provided a speaker or presiding officer for a legislative house, I admit that he has always been so selected from the members in every State in the Union. But why, when there is no provision in the constitution regarding it? The only answer is, that by the common, unwritten parliamentary law the selection should be made from the members of the house over which he presides. This law, however strong it may be, however binding it may be on each house separately, in electing a speaker is not beyond constitutional or legislative control. This is seen in those States where a lieutenant-governor is made the presiding officer of the senate. This is a total abrogation of that rule as to that branch of the legislature in those States. If the constitution can abrogate the rule wholly, as all must admit it may, it is equally clear it may abrogate it partially, and in any particular instance.

It has been abrogated partially in Delaware by express constitutional provision. The constitution commands that the speaker shall exercise the office of governor, as speaker, as I have shown, beyond his regular term as a senator or representative. This must mean either that the term of the senator or representative is also extended with that of the speaker or that the speaker, as to that duty, that exercise, remains speaker till the exercise is finished, though he may cease to be a member.

I have shown that the first alternative is not allowable. It follows that the second is the true one. A constitution never commands the doing of a thing and at the same time annexes conditions to the doing which renders performance impossible.

This common law parliamentary rule, like every other rule of the common law, may be repealed by legislative action. It would not alter the constitution of that State as expressed in section 14, if in pursuance of an act of the legislature the houses should select as speakers persons not members. The being a member is not a constitutional qualification for being speaker, but a mere common-law regulation, which must yield to the constitution making provisions contrary to it, as in the case of a lieutenant-governor made the presiding officer of a senate.

SPEAKER PRO TEMPORE.

The importance of this contest is such that I feel compelled to add yet another argument, based on another provision of the constitution, to remove the slightest doubt, if any yet remain, as to the true character in which the speaker of the senate, or of the house, acts in exercising the executive authority of the State of Delaware.

The provision of the constitution referred to is section 5 of Article II, and is in these words:

> Each House shall choose its speaker and other officers; and also each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*.

This section, as to the speaker and the other officers, is mandatory. It commands the house to choose a speaker. It ought to have stopped here, as the Constitution of the United States does in case of the Speakership of the House of Representatives, if the framers of the constitution of Delaware were content to leave the power to choose a speaker *pro tempore* where it rests in parliamentary law—namely, in the absence of the speaker, either voluntary, or caused by disability or otherwise, for it is an essential and inherent power in a legislative body authorized to choose its speaker to do these two things—

First. To remove the speaker for just cause, to be judged of by them.

Second. To choose a speaker *pro tempore* in the absence of the speaker, however occasioned.

I suppose I ought to read from authorities on that last point, and I read from Cushing's Parliamentary Law, page 131, chapter 2, as follows:

> The power to choose one of their own members a temporary presiding officer, in case of the absence or other disability of the officer designated, though expressly given in most instances, is a necessary incident to a parliamentary assembly in this country, and would be considered as given unless expressly withheld.

So that it was wholly unnecessary to add this power, as was done by the words, "and also each house whose speaker shall exercise the office of governor *may* choose a speaker *pro tempore*,"—"may" being used simply in the sense of conferring a power upon the house—if the power to elect a *pro tempore* speaker was intended to be given only when the speaker was absent, whatever might be the cause of such absence, whether voluntary or enforced.

Mr. MITCHELL of Oregon. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator states, what we all admit, that even in the absence of any express power given in a constitution this power to elect one of their own number exists under general parliamentary rules. That being so, does it not strike the Senator that the very fact that they inserted such a clause in this constitution indicates that it was the intention of the constitutional convention to make the clause, as I think it is, mandatory?

Mr. GEORGE. I do not.

Mr. MITCHELL of Oregon. And that the word "may" there should be construed as "shall."

Mr. GEORGE. My friend now, as throughout this whole debate, has insisted on using or constructing the English language as employed in the constitution of Delaware in a directly contrary sense from that which it ordinarily has. I will answer the Senator on that point, and it is part of my argument:

But there was no power to elect a speaker *pro tempore*, outside of or without this clause, when other and independent powers not relating to presiding in the house were conferred on the speaker. It existed only in his absence. The power existed to elect a full regular speaker whenever the office was vacant. So this was the situation confronting the framers of the constitution of Delaware. If we make the office of speaker vacant when he exercises the executive authority, then no further authority is needed, for it is already conferred under the first clause, "each house shall elect its speaker." That power is just as full when he vacates it by going into the office of governor as when he vacates it by death or resignation. There is no speaker. The language of the constitution and the power conferred by the constitution is in full operation.

If we intend—I am now speaking of the situation which presented itself to the framers of the constitution of Delaware—that such exercise of executive authority shall not vacate the speaker's office, then further power is needed, unless we intend that there shall be no choosing of a speaker *pro tempore* except when and as often as the speaker shall be absent.

So in this situation, determining, as they did, not only in section 14, on which I have so fully commented, but in this very section, that there shall be no vacancy in the office of speaker when in the exercise of executive authority, they confer this power to elect a speaker *pro tempore* in a new *casus*, wherein it did not exist before—namely, when the speaker was in the exercise of executive authority. This power was conferred so that it may be exerted at any moment after the commencement of such exercise of the executive authority. Whether the speaker was absent or present, it made no difference as to the exercise of the power. When the choosing was made this *pro tempore* speaker presided or not as the regular speaker might be absent or present, just as the President *pro tempore* of this body presides.

This reasoning establishes beyond controversy, as I respectfully submit, that the office of speaker was not vacated by his exercise of the executive authority, and also shows the true reason for the power given—not the duty imposed—to choose a speaker *pro tempore*.

It equally establishes that there was no suspension of the speaker from his office as speaker during such exercise. If the suspension took place at all it continued, as the advocates of Mr. Du Pont contend, till the end of his exercise of the executive power. This is exactly in plain English equivalent to a provision that he shall not exercise the office of speaker or any part of it till the end of his exercise of the executive authority. I have shown already that the speaker's office always ends, without exception, at the very moment of the termination of this exercise of the office of governor. Not one jot or tittle of it either in power or in name ever extends beyond that moment.

So that if on his entry on such exercise he was suspended from the office of speaker, or, in plainer English, he lost the power to fill the office or to exercise the office, he necessarily remained in that condition till the end of his exercise of the executive authority. A suspension from office or its equivalent, a loss of power to exercise an office, which *must* necessarily continue till the end, the full and complete end, of the term of the officer, is neither more nor less than, nor in the slightest degree different from, a full and complete vacancy in the office. Recollect, I admit that the so-called suspension or loss of power to execute the office *must*, not *merely may*, extend through the whole term. If there be a contingent remainder in the exercise of the office, or a possibility that the alleged suspended speaker may, in any event provided for in the constitution, go back to the office and hold it as of his old term, I do not make out suspension to be equivalent to vacating

the office. There is in fact no such remainder, no such possibility.

He can not resign the exercise of the office of governor, because the constitution says: "The speaker of the senate (or of the house) shall exercise it till the elected governor is qualified." As I have demonstrated over and over again in this argument, he exercises this office as speaker and in no other way. He can resign the speakership or be removed from it, as the first clause of section 14 says he may, and thus create a further vacancy in the office of governor; but having so resigned or having been so removed from the speakership, his whole office of speaker is gone; there is left no contingent remainder in it for him.

But I should add a statement to prove what I have already said—that this very section 5 of Article II, providing for the election of a speaker *pro tempore*, asserts in the plainest terms that the speaker exercising the office of governor exercises it in his character as speaker. The language is, "And also each house whose speaker shall exercise the office of governor may choose a speaker *pro tempore*." Here again we have a direct and unequivocal assertion that the speaker, as such, exercises the office of governor. This choosing of a speaker *pro tempore* manifestly can never take place simultaneously with the beginning of such exercise nor prior thereto. It must take place afterwards if at all, and as the legislature is in session but for a small portion of the term of a speaker, the choosing may be many months after the entering of the speaker on such exercise, yet the plain meaning of the section is: That the choosing shall be only *when* the speaker shall exercise the office of governor.

This is but a repetition of all the statements of the constitution on that subject—that it is the speaker and no one else who exercises the executive authority all along through the whole period of such exercise. Recollect, now, we are considering a case of vacating the office or suspending the officer by implication and inference, and not a case of an express declaration that the office shall be vacated, as in the Pennsylvania constitution, nor a case of express suspension of the officer, as in case of the constitution of Maine. Of course, when the constitution says expressly one or the other, the constitution must be obeyed, just as much as when it says the speaker shall exercise the office of governor. But when it is argued, as here, that such must be the result—from provisions of the constitution in relation to the office, arising from an alleged incongruity of such provisions with the idea of a full office—then we may argue, as I have done here, that no such incongruity exists, and that the meaning of the constitution is directly the reverse. And I may add here that it is impossible to conceive that the framers of the constitution meant either total vacation of the office or suspension of the officer, since they refused to say either.

This ends what I have to say on the true meaning of clause 1 in section 14, Article III, of the constitution of Delaware, wherein it is provided that "upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified." I have demonstrated that this speaker, by the plain words used, as above quoted, exercises that office, as he is therein commanded to do, as speaker, in that character alone; that this exercise in that character was imposed on him in the beginning and remained with and on him from that moment to the end of such service, with his powers as speaker unimpaired and unaffected. And further, that his powers as senator were likewise unaffected as long as his term of senator was unexpired, and that as Mr. Watson's term either as speaker or senator had not expired on the 9th day of May, 1895, when he voted for Senator, that such vote was legal and valid in all respects whatsoever.

I add as fully sustaining this view certain authorities, which are conclusive on the subject:

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. In order to test the validity of the Senator's argument, as I think it has a bearing upon the question, I would inquire of the Senator whether, in his judgment, Mr. Watson, while exercising the office of governor, could be impeached as governor? The constitution of Delaware provides that the governor of the State may be impeached for high crimes and misdemeanors, as I believe it reads. Could he, in the event of his being guilty of high crimes and misdemeanors, be impeached by the house of representatives, and could he be tried by the senate of the State of Delaware on that charge?

Mr. GEORGE. The answer is very plain. Under the constitution of Delaware all civil officers are liable to impeachment for high crimes and misdemeanors. The speaker of the senate is a civil officer under the constitution of Delaware, as I demonstrated yesterday. Those executive functions having been annexed to him, imposed on him by the constitution of Delaware, they became his duties and his functions as speaker of the senate, and he could be impeached as speaker of the senate for high crimes and misdemeanors in his office in not discharging those extra duties imposed on him under this clause of the constitution. That is my answer.

Mr. MITCHELL of Oregon. He could not be impeached, then, I understand, as governor, according to the opinion of the Senator from Mississippi?

Mr. GEORGE. If they were to impeach him as governor they would use a misnomer, but they could impeach him as president of the senate exercising the office of governor and allege as the cause for the impeachment that it was a part of the exercise of the office of governor to do so and so, and that he did not do it, or that he did it wrongfully and falsely.

Mr. MITCHELL of Oregon. There is another question. Suppose while exercising the office of governor he commits a high crime and misdemeanor after the time for which his term as speaker would run: can he then be impeached for high crimes and misdemeanors, and would he then be impeached as governor or as speaker of the senate, although his term as speaker had expired?

Mr. GEORGE. I have proven, if any faith can be put in human reasoning, that he remains speaker of the senate notwithstanding the expiration of his term as senator and his original term as speaker of the senate, up to and including the very last moment of the exercise of the executive authority.

Mr. MITCHELL of Oregon. The Senator from Mississippi has charged me pretty distinctly several times in his argument with interpolating and striking out——

Mr. GEORGE. Obliteration and interpolation.

Mr. MITCHELL of Oregon. With obliteration and interpolation. The Senator then is forced to the conclusion which he maintains here by being compelled to insist that this clause of the constitution imposing upon the speaker of the senate the duties of governor extends the term of the speaker?

Mr. GEORGE. I have argued that, and for the very plain and manifest reason that it is impossible, under the constitution of Delaware, for the end of the speaker's service under clause 14 ever to be prior to the qualification of the governor in January. So the framers of the constitution, knowing that his office as senator and speaker would expire in November, commanded him as such officer to exercise those powers until the third Tuesday in January, and they necessarily conferred upon him the power to exercise the duty imposed on him. The constitution says so.

Mr. MITCHELL of Oregon. The Senator's argument compels him to that position, namely, that notwithstanding, in my judgment, there is nothing in the constitution of Delaware to warrant it, the term, the tenure of the office of senator or of speaker of the senate, at least——

Mr. GEORGE. Only of speaker——

Mr. MITCHELL of Oregon. Is extended.

Mr. GRAY. There is nothing in the constitution——

Mr. MITCHELL of Oregon. In other words, it extends the office of speaker beyond the time for which he was elected speaker and after the time of the expiration of his term as senator.

Mr. GEORGE. I am under no compulsion in this case except the compulsion to get at the true meaning of the constitution of Delaware. The answer to all that my friend says is found in the first clause of section 14:

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office *until a governor elected by the people shall be duly qualified.*

That is never before the third Tuesday in January succeeding the November in which he may go out of office, or must go out of office, as speaker.

Mr. MITCHELL of Oregon. I simply wanted to have that position made plain.

Mr. GEORGE. Let it be understood. I am not here, as I fear my friend from Oregon is, to construe this constitution according to an ideal which I have framed in my mind as the proper mode of framing a constitution. I am here to ascertain what the people of Delaware did when they framed their constitution; and if they have put incongruities and inconsistencies into it, it was within their constitutional power to do so.

Mr. President, I said I would read some authorities. The people of Delaware were originally a part of the State of Pennsylvania.

Mr. GRAY. The Senator means that the people of Pennsylvania were originally a part of the State of Delaware.

Mr. GEORGE. Have it that way. They were both under the same government. William Penn gave those three counties in Delaware—Newcastle, Kent, and Sussex, I believe—the privilege of establishing a separate and independent government, with a legislature, which was called "the government of the three counties of Sussex, Kent, and Newcastle." So there was a sort of kinship, a community of ideas and feelings, between the people of the two States, and it is found in the framing of that constitution. I wish to show how they went together. The first thing I will read here is simply to show that the one constitution was copied from

the other, and that the great statesmen of those two States thought in the same channels and in the same words.

Mr. MITCHELL of Oregon. What is the date of the constitution from which the Senator is about to read?

Mr. GEORGE. The constitution of Pennsylvania of 1838, which was seven years after the constitution of Delaware was framed.

Each house shall choose its speaker and other officers; and the senate shall also choose its speaker pro tempore when the speaker shall exercise the office of governor.

They said "shall." There is a little difference. They "shall" choose a speaker pro tempore. The people of Delaware said "may." That shows they were running along in the same language.

Mr. MITCHELL of Oregon. They used a different word which meant the same.

Mr. GEORGE. It is the same language except in that respect, and they reached a different conclusion.

The Pennsylvania people wanted to make their legislature elect their speaker pro tempore, and the people of Delaware did not want to have that thing. They merely gave them the power.

The Senator from Oregon seems to think it such a great outrage, such a great anomaly, for the speaker of the senate of Delaware to exercise the office of governor and at the same time to preside in the senate. How many members compose the senate of Delaware? Not so many as compose some of the committees of the United States Senate. So that his duty in presiding over the senate would not much more interfere with his business than being chairman of one of our committees would interfere with being a Senator in this body. It is a very small body. There are nine members. The legislature of the State ordinarily sits—how long?

Mr. GRAY. Three months.

Mr. GEORGE. Three months every two years, one and one-half months a year.

Then right here, to show that the States have a right to do as they please about it, I will state that the constitution of Rhode Island makes the governor the presiding officer of the senate or council, and then the old constitutions to which I referred yesterday, that is, those quoted from by Mr. Madison in the forty-seventh number of the Federalist, made their governor not only presiding officer of the senate, but one of them also made him judge of the supreme court of the State. All those things are very incongruous. All those things are very much against the idea which my friend from Oregon, the ideal, not the idea, which he has fixed in his own mind as the one by which all constitutions ought to be framed.

Here is another provision. I believe it is in exactly the same words as the constitution of Delaware:

No member of Congress, or person holding any office under the United States or this State, shall exercise the office of governor.

I believe that is verbatim.

Then I come down to section 14. It seems they have the same sections meaning the same thing. Section 5 here is the same as section 5 in the constitution of Delaware. Here is section 14, which is the same as the section we have been commenting on so long, conferring powers upon the speaker:

In case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the office of governor until another governor shall be duly qualified.

It is the same thing exactly, and yet, as I showed to the Senate yesterday, when Governor Johnson, one of the most distinguished men in this country, was speaker of the senate and exercised the office of governor of Pennsylvania, under that clause he felt it his duty to resign his office of senator and his office of speaker of the senate before he took upon himself the newly elected office of governor, never assuming or aspiring to be governor until he took it under the election by the people. The people of Pennsylvania somehow or other did not like the way that thing worked.

Mr. MITCHELL of Oregon. About when did Mr. Johnson resign?

Mr. GEORGE. He was elected in 1848, and served in 1848 as speaker of the house. I remember it very well.

Mr. BROWN. In 1849.

Mr. GEORGE. In 1849.

Mr. MITCHELL of Oregon. Did Mr. Johnston resign his speakership and senatorship prior to the time when he ceased to exercise the office of governor?

Mr. GEORGE. I think he was to go into the office of governor on the 15th.

Mr. BROWN. On the 17th.

Mr. GEORGE. Or the 17th, and he resigned on the 13th.

Mr. MITCHELL of Oregon. What I want to get at is whether, as a matter of fact—my impression is it is a fact—he continued to exercise the office of governor, to which he had succeeded by reason of being speaker of the senate, after he resigned the speakership.

Mr. GEORGE. He might have thought he had a right to do it.

Mr. MITCHELL of Oregon. If he did, that is rather a little antagonistic to the argument of the Senator from Mississippi.

Mr. GEORGE. I do not know about that.

Mr. MITCHELL of Oregon. Because then, according to the concession of the Senator, he could not exercise the office of speaker if he ceased to be speaker.

Mr. GEORGE. He could not resign the office of speaker if he ceased to be speaker either.

Mr. MITCHELL of Oregon. It seems to me it is authority in our favor.

Mr. GEORGE. He could not resign the office of speaker if, as the Senator contends, he had vacated both of them. He would have nothing to resign.

Mr. GRAY. The Senator from Mississippi will allow me. It does not militate from the force of the precedent that the Senator from Mississippi cited yesterday from Pennsylvania that Governor-elect Johnston resigned his position as speaker of the senate and afterwards as senator on the 13th in preparation for his inauguration as governor-elect on January 17, four days prior thereto. The point of that precedent is that undoubtedly within the contemplation of the legislature of Pennsylvania and probably of all its people he continued to be senator, by that showing, and speaker, notwithstanding his exercise of the office of governor. Whether or not by his resignation of the office of speaker and senator there was an interregnum in which there was no governor does not at all affect the argument of the Senator. There may have been.

Mr. BROWN. The Senator from Mississippi will allow me to answer the Senator from Delaware. It affects the question which is the real one we are reaching at as to whether the governorship or the exercise of the office of governor is connected with the speakership in the opinion of Mr. Johnston. He is cited merely as an authority to show that it was one and the same; that they are exercised together. He resigned as speaker on the 13th, which was Saturday, and he resigned as senator on the same day, but continued in the office of governor——

Mr. GRAY. It does not say so.

Mr. BROWN. Exercising that office——

Mr. GRAY. There is nothing to show it.

Mr. BROWN. Until the 17th.

Mr. GRAY. There is nothing to show that he did.

Mr. BROWN. Very well. If the Senator will refer to the authority from which he has clipped that extract, he will see that there is. On the 16th he still remained as governor.

Mr. GEORGE. The answer to that is all very plain. He only tendered his resignation on the day fixed, and it was not complete until it was accepted by the senate, to whom it was addressed.

Mr. BROWN. If the Senator will allow me, I think if he will examine the record of the journal from which that must have been taken, he will see that his resignation was accepted on the 13th. He continued as governor for the other four days.

Mr. GRAY. Then there was no vacancy in the exercise of the office?

Mr. GEORGE. In 1873 the people of Pennsylvania made a new constitution. They were not satisfied with that state of affairs, and this is the way they provided in the same section 14. In the meantime they had provided for a lieutenant-governor who was to succeed to the governorship in case of vacancy, and then here in section 14, which makes provision for vacancy in the office of lieutenant-governor.

In case of a vacancy in the office of lieutenant-governor, or when the lieutenant-governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term or until the disability be removed shall devolve upon the president pro tempore of the senate.

I do not know that that is very different from what the constitution of Delaware says on that subject, and it is not material whether it is or not. But here comes the point:

And the president pro tempore of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor.

They discard the old constitutional language of the constitution of 1838, "He shall exercise the office of governor," and use language which I insisted on yesterday——

Mr. GRAY. Which the Senator from Oregon uses.

Mr. GEORGE. And which the Senator from Oregon uses. They use that as proper language in the constitution. They had a right to strike out, because they were framing a new constitution. They struck out the words "shall exercise the office of governor" and inserted "shall become governor," and when they made him a real governor it became necessary to make some other provision which was not in the constitution of 1838, and that is in the following words:

And the president *pro tempore* of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

That is the way in which constitution makers express the idea which the Senator from Oregon and those who agree with him insist is in the constitution of Delaware. They abandoned the language in their old constitution, which was exactly the same on this point as the constitution of Delaware, and they inserted language which makes their meaning plain.

Mr. President, I have another authority. I read now from the constitution of Maine. The Senator from Oregon called our attention to an opinion given by the supreme judges of Maine, or at least three of them, in relation to the meaning of their constitution. The Senate will do well to note the difference between a decision of the court, made on argument by counsel, where it decides the case, and where it is a mere unargued, unadvised opinion of a judge.

I wish to call the attention of the Senate to section 5. It seems that sections 5 and 14 in these three constitutions are the same.

Mr. MITCHELL of Oregon. It is very singular.

Mr. GEORGE. It is very singular, but it is a fact.

Mr. MITCHELL of Oregon. I noticed that.

Mr. GEORGE. Section 5, of article 5 of the constitution of Maine is in the exact words of section 5 of article 3 of the constitution of Delaware.

No person holding any office or place under the United States, this State, or any other power—

I believe that is added—

shall exercise the office of governor.

That is in the constitution of Maine.

Section 14 is in substance exactly the same as section 14 of the constitution of Delaware, so far as the question before the Senate is concerned:

Whenever the office of governor shall become vacant by death, resignation, removal from office, or otherwise, the president of the senate shall exercise the office of governor until another governor shall be duly qualified.

It does not say until another governor is elected by the people. It says merely another governor. That is about the only difference. The same judge or set of judges who were quoted in seventh Maine were asked their opinion on that subject.

Mr. MITCHELL of Oregon. Seventh Maine?

Mr. GEORGE. Sixth Maine. The Senator quoted from seventh Maine.

Mr. MITCHELL of Oregon. I quoted from Greenleaf.

Mr. GEORGE. Sixth Greenleaf. You can call it Sixth Maine.

Mr. MITCHELL of Oregon. What page?

Mr. GEORGE. Page 508. Somebody asked the judge about how the speaker of the senate exercised the office of governor, and he uses this language:

The fourteenth section of the second article of the constitution provides—

That is the very thing which I have just read, and I want to read it again, and no man who will hear read or read clause 1 of section 14 of the constitution of Delaware will be able to discover the slightest particle of difference between that constitution and this one.

Whenever the office of governor shall become vacant by death, resignation, removal from office or otherwise, the president of the senate shall exercise the office of governor until another governor shall be duly qualified.

That is the quotation. Here is what the judge said:

This office he is to exercise because he is president of the senate and in virtue of his character as such officer at the time of such exercise of the office, and not because he had been president during the year next preceding.

That establishes as the construction of the constitution of Maine the exact construction which we place upon this. I think there is another part of one of the opinions here that also ought to be noticed. Notwithstanding these judges thought that the office of governor was so annexed to the office of president of the senate that when the president of the senate went out of office it went to his successor, they yet were compelled to admit that the interval of two or three or four days occurring between the expiration of the office of speaker of the senate and the date of the inauguration of a new governor—they did not give a very good reason for it, as judges never do who give offhand opinions without argument—they were compelled to admit that from necessity he was constrained to fill up these two or three days by the exercise of executive duties. That would be a horrible incongruity, enough to make the gentlemen who have this high ideal about constitutions blush almost with shame that any American people should ever have framed a constitution with such a provision in it. Now, what does this judge say:

So in case of vacancy in the office of governor, the president of the senate the preceeding political year, whose term of service as senator expires with the year, must from necessity act as governor, and the council of the preceding year continue to act as such, under the like necessity as above stated in qualifying the new legislature. (6 Maine Reports, page 512.)

He must go on from necessity. There was no provision in the constitution of Maine that he should continue the exercise of his office until a new governor elected by the people was qualified. He fell short of that in the opinion of these judges, and yet there was a hiatus, an interregnum, and they filled it by saying it was a matter of necessity that he should continue to exercise the duties of his office until the other one was qualified.

Mr. MITCHELL of Oregon. May I look at the book?

Mr. GEORGE. Yes; I think the Senator ought to read that. It is very useful reading.

Mr. MITCHELL of Oregon. I have read it.

Mr. GEORGE. I know the Senator has. He had better study it and sleep on it.

Mr. MITCHELL of Oregon. I have studied it also.

Mr. GEORGE. Now, I come to the Seventh Maine case.

Mr. GRAY. The Seventh Greenleaf case.

Mr. GEORGE. The Seventh Maine, too, in which my friend from Oregon and a majority of the committee have exercised, I will say, a remarkable ingenuity. Here is the question: They have a way up in Maine, whenever they want a constitution construed—under a provision of their constitution, too—to write a letter to the judges of the supreme court—I believe that is the name of the court, and ask them what they think about it, and frequently, without getting together, as stated in one of these cases and consulting, each one of the judges writes what his views are on the subject. I do not know that it is stated in the constitution anywhere what effect these opinions of the supreme court judges shall have, but I know there is a provision there that they shall give opinions. I suppose they are intended to be given for what they are worth, and if that is the standard by which they are tried in Maine I believe I will state that if they are all like the one I am going now to read in the hearing of the Senate they are worth exactly nothing.

Mr. MITCHELL of Oregon. How about the one you have just read?

Mr. GEORGE. They reason that out. They give some reasons for that. They ask the judge this question:

Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board? (7 Maine Reports, page 488.)

Here is the opinion of the court:

As to the second question—

Not the opinion of the court, but the opinion of one member of it, concurred in by all of the three members of the court—

As to the second question my opinion is that, while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or vote as a member of that body. (7 Maine Reports, page 489.)

Now, if the constitution of Maine on that point had been like the constitution of Delaware there might be, even with this unargued, unconsidered opinion of the judges, some weight attached to it. But my friend from Oregon, the chairman of the committee, has discovered a difference and has made some remarks on this subject. There is a vast difference. He tried to whittle it down to a very small difference, but there is a very vast difference when we come to that part of the case, and that difference will be seen at once by anyone who will give attention to the reading of the following clause:

And whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor, but—

And here is the difference—

his duties as president or speaker shall be suspended.

Mr. MITCHELL of Oregon. But not his power?

Mr. GEORGE. No, it does not say that.

Mr. MITCHELL of Oregon. It says simply duties?

Mr. GEORGE. Simply duties, and I am very glad that my friend has called my attention to the fact, because I was about to forget it, that it only said duties and did not include powers. Since my friend has called my attention to the fact he must deem it as a matter of some importance.

Mr. MITCHELL of Oregon. I do.

Mr. GEORGE. Does he insist, will he state, that a suspension of the duties did not suspend the power of the president of the senate to preside in the senate?

Mr. MITCHELL of Oregon. I think there is very serious question about it.

Mr. GEORGE. The Senator only thinks there is a serious question. I do not think there is any question about it.

Mr. MITCHELL of Oregon. Personally I am frank to say I do not believe the suspension of duties simply in a constitutional provision is a suspension of power, although it may be a debatable question.

Mr. GEORGE. That is all there is to it. Then, if I understood the report of the committee drawn up by the Senator from Oregon, his opinion is that he could, though he was not obliged to do so, preside in the Senate.

Mr. MITCHELL of Oregon. Exactly.

Mr. GEORGE. Now, Mr. President, I am going to make some remarks on this point. I have some already written on this subject, but the easiest way in the world to overturn the Senator on that point is to read the question and the answer. Here is the question, and I want to call my friend's attention to it:

Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board?

"A right." The answer is, as I have read:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or vote as a a member of that body.

Now, I should like to have the Senator tell me, if he has the power to preside over the senate, why he did not have the right to preside over it? The Senator says he had the power, and in his report he says he might exercise it or not, as he saw proper; and yet in this very authority which he brings to the attention of the Senate the judge says he has no right to preside or to vote. The Senator sees it.

Mr. MITCHELL of Oregon. I stated just what the court states.

Mr. GEORGE. No; the court says, or the judge says, he has no right. I am not going to call that a court any more than I would call this body a Senate if they were scattered down here on Pennsylvania avenue talking about the weather or politics. It is not a court. It is the judge. The judge says he has no right.

Mr. GRAY. May I ask the Senator from Oregon a question?

Mr. MITCHELL of Oregon. I am not on the witness stand.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. GEORGE. Certainly.

Mr. GRAY. The Senator from Oregon has made what seemed to me a very attenuated distinction between powers and duties. I should like to call his attention to the language of that clause in the constitution of Maine which the Senator from Mississippi has been discussing. After saying that the duties of the president of the senate, when he exercises the office of governor, shall be suspended (and the Senator from Oregon says there is a difference between duties and powers), the constitution goes on to say:

And the senate or house shall fill the vacancy until his duties as governor shall cease.

What become of the powers, or duties either, if a vacancy has been filled in obedience to that provision of the constitution?

Mr. MITCHELL of Oregon. I did not hear all of the Senator's statement. Will he please repeat it?

Mr. GRAY. The Senator from Oregon made the comment, when this provision of the constitution of Maine was read by the Senator from Mississippi, that there was a difference between powers and duties; that is, in the provision of the constitution that where the president of the senate exercises the office of governor his duties as president or speaker shall be suspended. If only his duties were suspended and his powers remained, which was the suggession of the Senator from Oregon, what shall become of either duties or powers if the following provision of the constitution is carried into effect?

And the senate or house shall fill the vacancy until his duties as governor shall cease.

What shall become of the powers or the duties if that vacancy shall be filled in obedience to that provision of the constitution?

Mr. MITCHELL of Oregon. The Senator from Delaware attracts my attention to the latter clause of section 14, which I admit is an argument on your side of the case, in favor of the suspension of the power as well as the duty. I am frank to admit that it is an argument on your side of the case so far as that is concerned; but I want to call the attention of the Senator from Delaware and the Senator from Mississippi to this feature of the clause.

Mr. GRAY. On what page?

Mr. MITCHELL of Oregon. On page 23 of the report. The opinion of the court—I call it the court—the supreme court of Maine, in responding to the question submitted to it, concedes this:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has *no* right to *preside* over the senate or to *vote as a member of that body.* (Opinion of the justices, 7 Greenleaf, 483.)

The constitution says nothing at all about suspending his right to vote. It simply relates to a suspension of his duties as speaker. Now concede, for the sake of the argument, that suspension of duties carries with it suspension of power. After all, it relates only to his duties and his power as speaker of the senate, and not to his duties and power as a senator, So this opinion of the court, so far as the right to exercise the duties and the power of a senator is concerned, proceeds exactly as though the constitution of Delaware and the constitution of Maine were precisely alike. Is not that a fact?

Mr. GEORGE. I think not. I will answer the Senator's point.

Mr. MITCHELL of Oregon. I think there is no question about that.

Mr. GEORGE. I will show the difference.

Mr. MITCHELL of Oregon. I think so, because the only difference in the two constitutions, as stated by the Senator from Mississippi very correctly, is the fact that the Maine constitution has in it a provision providing that while the presiding officer of the senate exercises the office of governor his duties as speaker of the senate shall be suspended, but it does not suspend either the power or duty of senator. Therefore I contend that this opinion, for whatever it is worth, of the supreme court of Maine is upon a constitution in all respects similar to the constitution of the State of Delaware so far as that point is concerned.

Mr. GEORGE. I have looked through my manuscript, I will say to the Senator from Oregon, and I find that in the course of fifteen or twenty minutes I shall reach a discussion of the very question which he now propounds, which I prepared in answer to the same position which he takes in the report of the committee, and so, to prevent repetition, I hope the Senator will indulge me until I get to that part.

Mr. MITCHELL of Oregon. Certainly; that is all right. I am very anxious to hear the Senator upon that point.

Mr. GEORGE. Now, Mr. President, we have got to the point where the judge in Maine said that under that constitution where is suspended his exercise of the office of vice-president he can not preside or vote. I have corrected, I think, sufficiently the argument of my friend about the distinction between powers and duties by calling his attention to the fact that the judge decided he had no right, and if he did not have any right he did not have any power. If he ever had any power it was suspended, and therefore he had no right. I think that ends that part of it, but the Senator insists that this word "suspended," as used in the constitution of the State of Maine, applies only to his suspension of the duties of the office of president of the senate and not of senator. I am not going into that now. I will go into it further on. As I have just stated, I arranged to discuss the question further on, and so I will postpone it until I reach that part of my argument.

Mr. President, I claim with confidence that the plain words of section 14, Article III, devolve the exercise of the duties of the office of governor on the speaker of the senate or of the house as such, as the judges expressly said those words did in the constitution of Maine and that was their obvious meaning. And I also claim that it not only can not be construed to mean that he became governor, but that the contrary meaning is not only supported by the language of that section, but by all other parts of the constitution which can have any application to the subject. But even if we could legitimately call him governor when in the exercise of the executive authority, it makes no difference as to his exercise of the office of speaker or the office of senator—to his being speaker and senator.

I have shown in the first part of the argument that there is no common-law incompatibility between the exercise simultaneously of an executive and legislative office; that to constitute this incompatibility, to use the language of the supreme court of New York—

The offices must subordinate one the other, and they must *per se* have the right to interfere one with the other.

The same doctrine is announced by Meacham on Public Officers, in section 422, in the same words.

It is equally clear that there is no vacating the first office—I want to call the attention of the Senator to that—where the party has no lawful right to decline the acceptance of the second. for this whole doctrine is founded on the principle that the officer voluntarily chooses to accept the second office. There is a decision which I could bring to the attention of the Senate if I saw proper to enforce that view which says that where a penalty imposed upon a party accepting the second incompatible office if he do not accept it, this rule of incompatibility did not apply.

It is equally clear that there is no vacating the first office where the party has no lawful right to decline the acceptance of the second, for this whole doctrine is founded on the principle that the officer voluntarily chooses to accept the second office and relinquish the first. If the law or the constitution commands an officer to discharge the duties of another office in a certain contingency or for a certain limited time, and such command shall be construed to mean that he shall actually become or be the second officer for the time specified, then without a positive provision, as in the constitution of Pennsylvania, declaring the first office vacant, the officer does not vacate the first office, however incompatible they may be by the common law, for in that case the command of the constitution destroys the incompatibility. The constitution commands "the speaker to exercise the office of governor." Construe that to mean, as my friend from Oregon contends it does mean, "that the speaker shall be governor"; still it is a command, a positive and plain command, of the constitution that the speaker "shall" be governor. It commands nobody else to be governor. The speaker is the officer filling the speakership. He can not be speaker unless he is in the office of speaker. The office and the incumbent of the office are inseparable. Then, when the constitution commands the speaker to be governor, if we attribute that meaning to "shall exercise the office of governor," as it plainly does here, to fill an unexpected vacancy, an emergency which must be met at once, and for a time limited by the emergency, is it possible to conceive that the constitution meant not what it plainly says, but directly the reverse, viz, that the speaker shall not be governor? And that is what the argument of the Senator from Oregon means, because as soon as he

touches the office of governor he ceases to be speaker. Does implicit obedience to the constitution by an officer have the effect to make him not an officer, but an ex-officer? That the constitution means what it plainly says, that the speaker of the senate shall exercise the office, or, under the construction of the other side, "shall" be governor as speaker, is further evident from the fact that if he refuses the office of governor and remains speaker, as our opponents say he would remain if he refused the office, then it would turn out as I demonstrated yesterday, that the office of governor could never go to any other person, for while he is speaker no other person in the world can "exercise the office of governor," as the constitution says, or "be" governor, as the Senator says. I think that answers it exactly.

If the Senators on the other side rely on other provisions of the constitution which prohibit generally other officers from being governor or senator, and claim that these vacate the office of senator when a senator becomes governor under clause 1 of section 14, otherwise these different parts of the constitution are repugnant, then I rely with confidence on the argument I have already made as to these repugnancies—that section 14 must be treated and held as an exception to the general rule laid down in other parts of the constitution. I have shown that these repugnancies are greater on the theory of the other side than on our theory. I call the attention of the Senate to what I said on that subject, without repeating it, except to say that this new governor, as our opponents insist he is, may be without a single qualification required by the constitution for the office of governor, either as to age, citizenship, or residence, or the manner of election, and must necessarily have as a qualification property to the amount of $5,000, which, the constitution says, shall not be required of the governor. What do our opponents say to avoid these manifest repugnancies?

But if it were possible that all the arguments I have heretofore advanced should be by anyone regarded as fallacious, I direct another argument to that person which can not be overturned. It is the same argument on this point presented with such force and ability by the honorable Senator from Indiana [Mr. TURPIE], and to support it I use the same authorities he relied on.

I read sections 477, 478, and 479 of Cushing's Parliamentary Law, the very same sections which were read by the distinguished Senator from Indiana:

477. Whenever a member ceases to possess those qualifications which are in their nature continuing, or which members are expressly required to possess during their continuance in office—as, for example, when a member removes from the State or other local constituency in which he is required to continue to reside whilst in office—the seat of such member is hereby liable to be adjudged vacant, upon the fact of such disqualification being brought to the knowledge of the assembly. To the disqualifications of this kind may be added those which result from the commission of some crime which would render the member ineligible, or from some gross official or other misconduct, in consequence of which he is expelled, or discharged from being a member. In all these cases, unless there is some express provision of law by which the subject is regulated, the fact of disqualification can only be inquired into and decided upon by the assembly itself.

478. The distinction has already been explained between those offices or employments the possession of which at the time of the election renders a person ineligible and those the functions of which are merely incompatible with the functions of a member, the former avoiding the election, the latter only preventing the person elected from exercising the functions of a member until they are removed. When, however, a member has once been duly elected and taken his seat, this distinction no longer exists, the acceptance of disqualifying and incompatible offices being equally effectual to create a vacancy.

479. The only practical question in cases of this kind usually relates to the time when the acceptance of an office takes place. The subject is sometimes regulated by law, but where this is not the case it may be considered as a rule, founded in the reason of the thing and corresponding with the practice, so far as it is known, of all our legislative assemblies, that in order to vacate the seat of a member by the acceptance of a disqualifying or incompatible office the election or appointment thereto alone is not sufficient, but the member must either have signified his acceptance of the office in a formal manner, or have done what is incumbent on him to qualify himself to discharge its duties, or have actually entered upon their discharge. In cases of this kind the existence of the vacancy must be declared by the assembly itself.

If it be required to support so eminent an authority by argument, such support will be found in the following considerations:

Conceding for the present, for the sake of the argument (what I have heretofore shown to be utterly unfounded), that the speaker of the senate becomes governor and that by the constitution of Delaware the act of becoming governor is incompatible with the office of senator, still there is no vacancy in or amotion from that office, as shown by the Senator from Indiana, until the senate of Delaware so adjudges. There is no other tribunal in the world which has jurisdiction—power—to make such judgment. The constitution of Delaware requires the speaker of the senate to issue a writ of election in case of vacancy. He is the only person authorized to issue such writ when the vacancy occurs during the session of the legislature. What he does as speaker, the senate being in session, he does as the organ of the senate and by their direction and order; and yet four or five instances are found in the history of Delaware where, when the speaker of the senate was exercising the office of governor, other vacancies in that body occurred. and there is a direction for the writ, or for the requisition of the writ, for filling the vacancy in everyone of them; and yet, although there have been ten speakers who were exercising the office of governor, and who, under the theory of the advocates of Mr. Du Pont's right to a seat, all ceased to be senators, there is not a single iota on the journals of either house of the legislature of Delaware to show that either body ever considered the offices as vacant. The journals show the writs to fill other vacancies existing at the same time, and yet no notice was taken of these.

Mr. MITCHELL of Oregon. That antagonizes but one branch or theory of our case.

Mr. GEORGE. But one theory.

This necessarily comes from the exclusive right of the senate to judge of the qualifications and election of its own members. Mr. Watson had been admitted as a member possessing all the legal qualifications and thereby adjudged to be qualified. It is now alleged that since that time he has become disqualified, thereby vacating his office by accepting an incompatible office. He denies the incompatibility and asserts his right to be a senator and to act as a senator. Who must judge? Only the senate of Delaware, for they are the exclusive judges of his qualification, or, if you please, his disqualification. No other tribunal in the world can so adjudge, as was shown so clearly and conclusively in the able argument of the Senator from Indiana.

But Senators on the other side say that an incompatible office accepted *ipso facto vacates* the first. That is the language, I believe, of the law books; but still there must be an adjudging as to the incompatibility unless the officer admits it. If he admits it, that is resignation, because the books say that when he accepts the one he resigns the other.

It may be a doubtful question, or it may be, as here, an alleged incompatibility only; in reality no incompatibility at all. When and where and before whom must the question of this incompatibility be tried and determined, and what is the condition of the officer—the senator—pending the trial of this question? These are very important questions. It can be tried by no other tribunal in the world (leaving out now the power of this body to be afterwards considered) but the senate of Delaware. Will Senators favoring Mr. Du Pont say it may be tried before a judicial tribunal in Delaware by quo warranto proceedings? They will not, I am sure, because every authority in the world on such questions says the senate of Delaware has full and exclusive jurisdiction over the matter. Can any such tribunal decide it in any collateral proceeding wherein Mr. Watson is not a party, such as deciding on the validity of any act done by him as senator after the alleged acceptance of the alleged incompatible office?

I ask Senators, any of them on the other side, to answer that question.

There is but one answer, and that is in the negative.

THE IPSO FACTO ARGUMENT.

If I am met again by the assertion that he *ipso facto* by acceptance vacates the office and therefore can no longer act, I answer that if it should be decided that the offices are not incompatible, then there is no *ipso facto* vacating of the office, as they allege. If decided by a competent tribunal—the senate of Delaware—that the offices are incompatible, what is the effect of that judgment as to the acts of Mr. Watson between the acceptance of the office and the judgment—his amotion from his office of senator? This is an important inquiry. Will the Senator from Oregon answer? I hope he will now, or some other Senator on the other side. If not, I will answer from the law books.

Why, Mr. President, in all the many contests about seats in Congress, in either House, and the legislatures of the States of the Union, the judgment of the legislative body turning out of their seats men who had been seated, either for want of qualifications or for not being legally elected, there has never been a question up to this day of the validity of the official acts of the person so ejected, so declared not to have been a rightful member.

The condition of a person occupying a seat in a legislative body who was without the qualifications necessary to entitle him to a seat, or who was never elected to a seat, can not be better as to this fact than that of a person who was properly elected, had the necessary qualifications, but lost them by accepting an incompatible office. In both cases the incumbent is unlawfully and improperly in office, and ought to be ejected, but he is in office until he is turned out.

If the Senators on the other side assert that there is something peculiar, something different, as compared with other cases, in this acceptance of an incompatible office, that in that case the law is that by the very act of acceptance he vacates or is ejected from office, still they do not help Mr. Du Pont's case, for it is settled by the highest authorities that in a case of that kind the incumbent still remaining in office, still recognized as in office, is a *de facto* officer, and that his acts as such are valid as to all the world. These same authorities, too, without an exception, so far as I have observed, assert another principle equally destructive to Mr. Du Pont's case, namely, that the validity of his title to the office can not be inquired into in a collateral proceeding; that it can only be questioned in a direct proceeding instituted by the State

whose officer he claims to be to eject him from the office, or in some cases by an action against the officer himself. I here quote from the case of Woodside *vs.* Wagg, 71 Maine Reports, pages 209 and 210:

> That the two offices, judge of the municipal court and member of the legislature, were incompatible can not be denied. (Constitution of Maine, Article IX, section 2; Commonwealth *vs* Hawkes, 123 Mass., 525.)
>
> That to accept and qualify for one of these offices while holding the other would be a resignation of the one first held, is a rule already adopted by this court. (Stubbs *vs.* Lee, 64 Me., 195.)
>
> It follows that when Judge Humphreys was qualified as a member of the legislature his strictly legal authority to act as judge of the municipal court ceased. He was no longer judge *de jure*. If he continued to exercise the functions of a judge, he might have been ousted by an information in the nature of a *quo warranto*. (Commonwealth *vs.* Hawkes, 123 Mass., 525.)
>
> But the immediate question under consideration is, What was the character of his acts, as to validity or invalidity, during such continuance in the exercise of the duties of his judicial office, after expiration of the legal tenure? They must be void, unless they are to be upheld on the ground that a judge holding over under such circumstances is to be regarded as an officer *de facto*.

Mr. President, I shall read other authorities to sustain that view as to incompatible offices, the same as to every other office. In the first place, I suppose it will help the understandng of the argument which I am making if I shall read from a distinguished court the difinition of a *de facto* officer, so that we may all know with what we are dealing. I read from volume 1 of Allen's Massachusetts Reports, page 557. Say the court:

> The precise definition of an officer *de facto* is, One who comes in by the forms of law—

I think Mr. Watson got in in that way—

> and acts under a commission or election apparently valid, but, in consequence of some illegality, incapacity, or want of qualification, is incapable of lawfully holding the office.

That is what the Senator from Oregon alleges to be the case of Mr. Watson.

> The exact distinction between an usurper or intruder and an officer *de facto* is this: The former has no color of title to the office; the latter has, by virtue of some appointment or election.

Mr. MITCHELL of Oregon. Our claim is that Mr. Watson went in under the form of law and went out under the form of law.

Mr. GEORGE. I understand that, and I am going to show you he had not got out.

I read from 122 Massachusetts Reports, page 446, from an opinion delivered by Mr. Justice Gray, now of the Supreme Court, then chief justice of the supreme court of Massachusetts. In that case a man by the name of Hawkes had been a justice of the peace of the State of Massachusetts and had been elected to a seat in the house of representatives of that State. After he had taken his seat in that house, the offices being incompatible, he issued a judicial warrant. The only question was as to the validity of that warrant. Says Mr. Justice Gray, speaking for the court:

> But if Mr. Hawkes, upon taking his seat in the house of representatives, ceased to be a justice *de jure*, he was, by color of the commission which he still assumed to hold and act under, having the usual signs of judicial office—sitting in the court, using its seal, and attended by its clerk—and no other person having been appointed in his stead, a justice *de facto*.

Then he cites a great many cases to the same effect. I will read another:

> Judicial acts done in a court baron by a steward not duly appointed, or by an understeward who kept court as steward without authority of the lord or high steward, or even by a clerk holding a court without disturbance by the lord, were held good, as done by color of authority, the lawfulness of which the suitors were not compellable to examine or inquire into.

Then several cases from the State of Vermont are quoted. Says the court:

> The constitution of the State of Vermont declares that no person holding any office of profit or trust under the authority of Congress shall "be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this State." In McGregor *vs.* Balch, 14 Vt., 428, a plea to the jurisdiction of a justice of the peace, that at the time of signing the writ, and at the time of the trial, he was a postmaster under the authority of Congress, and as such was ineligible to the office of a justice of the peace, and unauthorized to take cognizance of the action, was adjudged, upon full consideration, to be bad, because he was a justice *de facto*, and the question whether, on the one hand, upon accepting and qualifying as a justice, he resigned the office of postmaster and became a justice *de jure*, or, on the other hand, continued to hold the office of postmaster, and therefore could not legally hold the office of justice also, could not be tried and determined in an action to which he was not a party.

These are all cases about the incompatibility of offices and this *ipso facto* vacating.

In 123 Massachusetts Reports, on page 254, there is another opinion by Justice Gray to the point only that I have just made, that the right of a man who was elected and had accepted an incompatible office could not be determined in a collateral proceeding. The court say:

> As, upon the allegations of the plea, he was at least a judge *de facto*, his jurisdiction could not be controverted upon this ground, nor the question whether the two offices were incompatible be tried, in a proceeding to which he was not a party.

The court also refer to the following cases:

> Milward *vs.* Thatcher, 2 T. R., 81, 87; McGregor *vs.* Balch, 14 Vt., 433; Coolidge *vs.* Brigham, 1 Allen, 333; Sheehan's Case, 122 Mass., 445.

Mr. MITCHELL of Oregon. Does the Senator think that this is in the nature of a collateral proceeding or like unto it?

Mr. GEORGE. I do not know that I can say that it is like a collateral proceeding. It seems to me to be no proceeding at all. Neither the State of Delaware nor anybody else has any notice here. The Senate of the United States are requested by Mr. Du Pont, and that request seems to have met the assent of a majority of the Committee on Privileges and Elections, without any proceeding, without any process, to turn a member out of the legislature of the State of Delaware. If it is any proceeding at all, it is collateral; it is not a direct proceeding against Mr. Watson to vacate his office.

I read now from one of the greatest judges who ever presided in any of the courts of the Union, the old Chief Justice Parsons. The Senator from Oregon will recognize that I am right in describing it in that way. This is as to *de facto* offices generally; the others all relate to persons holding incompatible offices.

> The question which, by the plea before us, we are called on to decide in this action is whether the service of the original writ by Rodney Day was legal.
>
> That Jonathan Smith, jr., is sheriff of the county of Hampden de facto is very certain; but whether he is sheriff de jure is the question made by the defendants.
>
> Mr. Smith is no party to this record, nor can he be legally heard in the discussion of this plea—

Neither can Mr. Watson—

> although our decision would as effectually decide on his title to the office as if he were a party. This would be judging a man unheard, contrary to natural equity and the policy of the law. From considerations like these has arisen the distinction between the holding of an office de facto and de jure.

That is enough. If my friend from Oregon will not believe these witnesses, then, in the language of Holy Writ, he would not "be persuaded though one rose from the dead" to testify.

So, Mr. President, whatever view may be right as to whether Mr. Watson held the office of governor, and if so holding, whether such office was incompatible with the office of senator, still he was at least a de facto officer and his acts valid, and that defeats Mr. Du Pont's pretensions.

This is the law of the Senate as expressly laid down in the case of Clark and Maginnis. All the judges and courts where the English language is spoken, where English liberty is enjoyed, where common right and justice is supposed to be the end of government, are in perfect accord with the idea that Mr. Du Pont can not try the question of the title of Mr. Watson in a case like this; and also upon the further great principle that while he is in office, actually exercising the duties of the office, and before he has been adjudged out of the office, before there has been a judgment of a motion or removal, his acts are valid. Not only all these, but the Senate—this court—has announced the same doctrine. The Senate was asked to adjudicate the title of certain members of the legislature of the State of Montana who actually voted for Senators.

Mr. TURPIE. For United States Senators?

Mr. GEORGE. For United States Senators. Those gentlemen, without the votes of those men in the legislature of Montana, were not entitled to seats in this body. That case was tried before the Committee on Privileges and Elections. I will just read one sentence from the report of the committee, and that will be enough. The committee were asked to adjudicate those men out of office, and they said:

> This adjudication is only operative for the future, and has no retroactive effect whatever.

So Clark and Maginnis did not get their seats in the senate, and the other men remained in the legislature. Will this same court now, on exactly the same facts and principles, undertake to seat Mr. Du Pont, because the Senate may think that one man who voted for him ought not to have been in the legislature when he was? Are they going, contrary to the express doctrine here laid down and sanctioned by the Senate, to give their judgment a retroactive effect, and seat Mr. Du Pont in this body?

But he was not only *de facto*, but also, under the unanswerable argument of the Senator from Indiana, a legal officer—a senator—until the senate of Delaware should otherwise adjudge. I have argued as if he were a *de facto* officer; but under the argument of the Senator from Indiana, which has not been answered and can not be answered, and under the authorities read in support of it, Mr. Watson does not become a *de facto* officer; he still retains his character as a legal senator until the senate adjudges otherwise. I ask my friend, the Senator from Indiana, whether that is not correct?

Mr. TURPIE. Yes, sir.

Mr. GEORGE. This that senate has never done, but on the contrary, as I will hereafter show beyond successful controversy, they have adjudged that he was a rightful officer, and he was recognized as such by the other branch of the legislature.

Mr. President, the argument I have made up to this point seems to dispose finally of the question as to whether Mr. Watson by entering on the exercise of the office of governor vacated his office of senator.

But it may be as well to call the attention of the Senate to the fact that the uniform construction of the constitution of Delaware by the State authorities and the people of that State for one

hundred years has been, without a single break or exception, to the effect that the speaker of the senate or of the house exercising the office of governor under this same section 14 has not vacated his office of legislator, but uniformly returned to his place in the legislature after the end of this exercise.

I will ask the Senator from Delaware [Mr. GRAY] whether he thinks I need refer to the cases. They have been referred to. There are five cases of that sort.

Mr. MITCHELL of Oregon. It is conceded. There is no controversy on that question. In five instances they returned.

Mr. GEORGE. There are five cases of that sort running over nearly a century, I believe.

Mr. MITCHELL of Oregon. But it is also admitted, I suppose, in the same connection, that in not a single instance did any presiding officer, either of the senate or of the house, who succeeded to the exercise of the office of governor, attempt to exercise the office of speaker of either house, or senator or representative while he was exercising the office of governor.

Mr. GEORGE. Exactly. That is the fact. I will dispose of that.

Mr. MITCHELL of Oregon. And we claim that the uniform construction of a hundred years upon this point ought to be good.

Mr. GEORGE. In other words, the Senator claims, as I will show before I get through—I will put it right here, in short, by consent, as is sometimes pleaded in the courts—that five cases of neglect of duty on the part of five separate and distinct officers constitute a revocation of the constitution of Delaware, an annulment of the constitution of Delaware. I will come to that question directly.

As to the binding effect of this construction on this Senate I will discuss hereafter, quoting on this point now only an extract from the report of a committee of this body in the contested election case of Potter *vs.* Robbins, in Taft's Election Cases, on page 94. This is a very important case, Mr. President. I will read from the report of the committee directly, but I want to tell the Senate who composed the committee. If there ever was a committee of this body which had five men on it of equal distinction and ability as lawyers I am not acquainted with it.

Here are those who formed the committee: First, there was George Poindexter, of Mississippi, than whom no greater man except the great trio, Clay, Webster, and Calhoun, ever had a seat in this body, who as a jurist stood in the first rank of his profession. The next man was William C. Rives, of Virginia. I think he has a history in this country as one of the ablest statesmen and lawyers who ever came into the Senate of the United States from the grand old State of Virginia. Here was another, Mr. Frelinghuysen, the gentleman who was so able and so distinguished that he was made the colleague of Mr. Clay in 1844 as a candidate for Vice-President. Here is another, Silas Wright. It is not worth while for me to say anything about Mr. Wright, of New York, though I will state right here that Mr. Wright dissented from the views of the others. But his ability insured that the question and every question before the committee should be fully argued and understood. Then there is another, Mr. Peleg Sprague, of Maine, one of the ablest lawyers who ever came here from that State, and who after his service in this body went on the United States district court bench and won a reputation as a jurist second to but few in this country. They were the committee who made the report. Silas Wright did not agree, but the committee had the benefit of Mr. Wright's talents and his arguments in committee in making up their opinion.

The attempt was made in that case to set aside the election of a Senator upon the ground that one house of the legislature of Rhode Island was a nullity; that they had actually legislated themselves into office. It seems that under the peculiar constitution of the State at that time they had an election every six months, I believe, for representatives and senators, and it required a majority vote to elect. The result was they frequently missed fire, and it became an intolerable evil, having elections and nobody elected. And so this legislature, becoming tired of it, passed a law that when their successors came around to be elected that the old members held over until men were elected by a majority vote. So they put themselves in office for six months, and then they elected a man to the Senate. Then the next legislature met. They thought it was a usurpation that those men should thus have continued themselves in office, and they passed a resolution declaring the election void—that that was no legislature—and elected another man. The contest was between those two. Here is what that distinguished committee say:

> It would seem to your committee a very dangerous assumption of power in one branch of Congress, or even in every department of the General Government combined, to interfere with the internal regulations of the State, and to denounce the body by which these laws and resolutions were passed as a mere assemblage of citizens without any public authority whatever, and not the legislature of the State. Such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States. It is a general principle of national law, applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and public administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution. No government has a right to intrude into the domestic affairs of another State and attempt to influence its deliberations or to control its action. This principle is recognized in the Constitution of the United States, by which the respective States united and formed themselves into a Federal Republic.

That is the doctrine. We are not through with the case yet, or with the report of the committee. It had to come before the Senate. The report was sustained by a vote of 27 yeas for the report to 17 against it. I call the attention of the Senator from Oregon and the Senate generally, if it takes any notice of those things, as to how certain men voted on the report.

The second name I find among the yeas is Mr. Bibb of Kentucky, a man who sat for a long time in the supreme court of that State, and one of the ablest judges who ever lived in this country. The next man is John C. Calhoun. Then comes Henry Clay.

Mr. GRAY. They did not divide politically.

Mr. GEORGE. Then comes John M. Clayton, of Delaware. He was somebody in those days.

Mr. GRAY. We thought so in Delaware.

Mr. GEORGE. Then Thomas Ewing, of Ohio, one of the ablest men who ever was in public life in this country. Then the same Mr. Frelinghuysen who was on the committee. Then passing over many names of great distinction, and all able men, I come to a man whose ability as a lawyer placed him in the front rank of the American bar—Alexander Porter, of Louisiana. All of you—we are nearly all living here in common-law States—may not have read and considered the opinions in the old time of the supreme court of Louisiana, when Alexander Porter and Francis Xavier Martin were on that bench; but all of you have read Story's Conflict of Laws, and when you read that book you will find that Mr. Porter, up to the time that book was written, had done more than any and all other American jurists put together to naturalize in this country private international law. He voted "yea," too.

I pass over a good many and come to the last name, that of Daniel Webster. I think, Mr. President, some years ago Mr. Webster had some standing in this country as an expounder of the Constitution of the United States. That is the way Mr. Calhoun and Mr. Webster and all of the great men whose names I have alluded to expounded the Constitution of the United States on the exact point involved in this controversy.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me right at this point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. The Senator from Mississippi has stated in a very general way what the controversy was up in that State. Then he has read an extract, a very ably written extract, of glittering generalities from the report of the committee. I should like to have him tell the Senate the precise point this body voted on when those great men voted one way and other great men voted the other way.

Mr. GEORGE. They seated the man who was selected by the legislature which I described, who had put themselves in office by their own votes.

Mr. GRAY. Extending their terms.

Mr. GEORGE. Extending their terms. That was the result. They seated the man.

Mr. MITCHELL of Oregon. There was a controversy as to which of the two bodies claiming to be the legislature was the legislature of the State.

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. That was the controversy.

Mr. GEORGE. They had a right to decide it.

Mr. MITCHELL of Oregon. That was all there was in that case.

Mr. GEORGE. And a great deal of it.

Mr. MITCHELL of Oregon. And a great deal of it, certainly. It has always been held by the Senate that where there are two bodies each claiming to be the legislature of the State, it has the right to determine which is the legislature.

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. Because there can be but one legislature of a State. That was all there was to that controversy.

Mr. GEORGE. Yes, sir. As shown by the Senator from Indiana [Mr. TURPIE] the other day, for one hundred years no Senate has ever dared to inquire into the qualifications of a member of a legislature who had cast his vote for a Senator.

Mr. TURPIE. It never has been done.

Mr. GEORGE. Never.

SUSPENSION OF MR. WATSON AS SENATOR AND ABEYANCE IN THE OFFICE.

But the Senator from Oregon contends that if there was no vacancy in the office the office must have been suspended, or at all events the office was in abeyance. I asked him to state which of these was correct, which he would place his case on, but while he stated that as an original question he would say the office was vacant, yet he would not state which of these conditions was

right now. And he never has stated it. Only one of them can possibly be right—vacancy, suspension, or abeyance. If it can not be made out that one of them is right, then it follows that none of them are right. You can not splice them together, because they are incompatible, to use the phrase of my friend. An office can not be in the condition of all of them combined. If it be vacant it has no incumbent and there can be no suspension of an incumbent, for there is none; and if the incumbent be suspended there can be no abeyance of the office. I asked the Senator from Oregon to state one or the other of these to be the true situation. He declined to do it. I give him the opportunity now to do it if he wants to.

Mr. MITCHELL of Oregon. I stated most distinctly in answer to the Senator, when I was addressing the Senate and he interrupted me some days ago, that it is my opinion——

Mr. GEORGE. As an original question we put it.

Mr. MITCHELL of Oregon. Clear and distinct that a proper, fair construction of the constitution of the State of Delaware makes it an absolute vacancy.

I said in the same connection that the fact that four or five of the speakers of the senate and of the house who had succeeded to the exercise of the office of governor had gone back after they had finished their terms as governor and resumed their seats was a construction, so far as they could give a construction to the constitution of the State of Delaware, to the effect that the duties of senator and speaker of the senate were simply held in suspension while exercising the office of governor, because not one of the ten except Mr. Watson ever attempted to exercise any of the duties of senator or speaker of the senate while exercising the office of governor.

Mr. GEORGE. I understood the Senator's position exactly as he states it now.

Mr. MITCHELL of Oregon. There is no controversy about it, then.

Mr. GEORGE. What I am trying to do is to ascertain whether the Senator will say now, and whether he will put Mr. Du Pont's case on it for the committee, that the office was vacant, or leaving out that, that the office was suspended, or leaving out both of the others, will say it was in abeyance?

Mr. MITCHELL of Oregon. If the Senator will allow me, it is not necessary for me to select one branch of a case and abandon another branch of a case, when either branch is good and makes out my case.

Mr. GEORGE. And whether——

Mr. MITCHELL of Oregon. Now, one moment. Then whether the office became absolutely vacant or whether the functions were suspended during his exercise of the office of governor, in either event Mr. Du Pont's case is made out. Why, then, should the Senator from Mississippi insist that I abandon one theory when I have two theories, either one of which is good?

Mr. GEORGE. I would have no right to make the Senator do that——

Mr. MITCHELL of Oregon. And, moreover, is there any inconsistency——

Mr. GEORGE. I was going to state that.

Mr. MITCHELL of Oregon. Is there any inconsistency upon my part and upon the part of those who agree with me in claiming before the Senate and before the world that here is a constitution of a great State which is susceptible of two constructions. It may be susceptible of three constructions. We say it is susceptible of only two, and no matter which one of those two constructions you give it, in either event it seats our man. I insist that we are not inconsistent in making such claim.

I might say further that it is susceptible of three constructions. The Senator from Mississippi puts one construction upon it, and says it is susceptible of that one construction and no other. We upon our side say it is susceptible of two constructions and only two, either one of which, if applied to it, makes our case. If his construction is the correct one, it makes his case out.

Mr. GEORGE. That is very plausible and very incorrect.

Mr. TURPIE. It is absurd.

Mr. GEORGE. I will not say absurd.

Mr. TURPIE. I will.

Mr. GEORGE. No constitution ever said, "I mean this or I mean that."

Mr. MITCHELL of Oregon. Mr. President——

Mr. GEORGE. Let me go on. The Senator has had his time. I must go on now. No constitution ever said that. When you come to apply your intellect to a constitution you may say, "I am unable to determine whether it means this or whether it means that or the other, but it means one."

Mr. GRAY. And only one.

Mr. GEORGE. And only one.

Mr. MITCHELL of Oregon. Will the Senator allow me now?

Mr. GEORGE. No; not now. It means only one and it means one of these, as he points them out, and each one of these as he points them out is inconsistent with the other.

I have just shown if an office is vacant the office can not be suspended, because there is nothing to suspend. If it is in abeyance it can not be suspended or vacant except *sub modo*, as I will show about abeyance directly.

No, the trouble with our friends is that they have tried each of those theories, and neither one of them will work out under the constitution of Delaware. When you come to your claim of vacancy the Senator himself stated the argument by which that was overthrown. The senate of Delaware and the people of Delaware for a hundred years have said it was not vacant. When he comes to suspension, then he has not the benefit of his incompatible common-law rule, that when a man holds two offices he vacates the first one. That is the rule. It never suspends. So you have nothing for that.

Now, when we come to abeyance, that is a very hard word, and I will say something about it hereafter. I will state that I know of but one instance in American law where an office is in abeyance. There may be others; I do not know them all. When a man asserts negatively that nothing can be found he makes a broad assertion. I am not going to do that. I am going to say that, so far as my poor and limited observation has gone, I know of but one instance in American law where it is said that an office is in abeyance. I will allude to that hereafter. That was made so by act of Congress.

The argument is so overwhelming that Mr. Watson's senatorial seat was not vacant that the advocates of Mr. Du Pont's case are driven to assert that though he was in law and in fact a senator he could not act as a senator, his functions as senator being suspended.

I may say at the outset that a suspension in the duties of an officer—he being still a legal and constitutional incumbent—is a status not favored in law, and is never held—I shall not be so broad, for I talked to a good lawyer who will probably vote the other way in this matter, whose name I will not give, and who agreed with me in this assertion—to exist except in pursuance of some positive provision of law authorizing it. If there be such an instance I ask Senators who support this view to bring it forward. There must be some positive provision of law to authorize the suspension of an officer. I am not now speaking of certain prohibitions which may exist against the performance of particular acts, as that a judge shall not sit in his own case, or a sheriff shall not execute a writ for or against himself. In such cases there is always a provision that these prohibited functions shall be discharged by another officer, as by the coroner for the sheriff, or another judge for the interested judge.

These cases are not suspensions of the power and duties of the officer *in toto*, but a restriction in law upon the exercise of his powers in certain cases. Nor am I speaking of a mere omitted or suspended exercise of the duties of an officer, coming from a voluntary neglect on his part to attend at the time and place required by law for the discharge of his official duties—or from his compulsory or enforced absence by sickness, arrest, capture in war, or absence from the State or jurisdiction. In such cases it may, though with no great propriety of language, be said that there is a suspension in *fact* of the exercise of the duties of the office. Though the incumbent is not deprived of his legal right to discharge them, he is by the circumstances placed in that condition where he is physically unable to act.

The suspension claimed in behalf of Mr. Du Pont is a total suspension of Mr. Watson's powers as senator, whereby, though remaining an incumbent—legal and constitutional incumbent, holding the office so as to exclude another incumbent—he can not perform a single official duty. In this sense, and in this sense only, can the alleged suspension of Mr. Watson from his office as senator be of the slightest consequence in this case.

This alleged suspension is claimed to come from the prohibitions in the constitution before referred to, as resulting from the incompatibility of the two offices coming from these interdictions, and the common-law rule that in such cases the acceptance of the last office is necessarily a vacating of the first.

But the answer to that is that in no case does such rule *operate to suspend an officer;* but always, universally, without exception, makes the office vacant, wholly vacant, to be filled by another incumbent. I have found no instance, and I believe no well-considered precedent can be found, where there has been a total suspension of the right of an incumbent to exercise his office, except when such suspension has been brought about by the exercise of a power conferred on another office to make that suspension, or is the result of an express enactment to the effect that in a certain case the powers of the officer shall be suspended. An instance of this last kind is found in the constitution of Maine, Article V, first part, section 14, which provides—

That when the president of the senate or speaker of the house of representatives "shall so exercise said office (of governor) * * * his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy until his duties as governor shall cease."

Now, I will answer what the Senator from Oregon asked me some time ago. It will be noticed that the provision is inserted

in the constitution of Maine, notwithstanding there is a provision in it against senators or representatives holding State offices, exactly the same in substance as in the constitution of Delaware. Yet the framers of the constitution of Maine found it necessary to insert express suspension.

We are referred by the committee to the opinion of the justices of the supreme court of Maine to support the idea that a constitutional provision expressly suspending the president of the senate from the exercise of the duties of president while exercising the office of governor includes also a suspension of this officer from the exercise of his powers as senator.

The provision in the constitution of Maine on which this opinion is based is that which I have just read.

I have also read in the former part of my argument the very able and lucid opinion of the judge who delivered his opinion on that subject, not the opinion of any court. I read all of it. It is a mere *ex cathedra* opinion given by judges, formed without the benefit of argument by counsel and expressed without giving any reason whatever to sustain it. It does not say, however—I want the Senator to bear that in mind—that the office of senator is suspended.

We are left to mere conjecture as to the reasons which governed the judges. The constitution of Maine contains a provision, and a very important provision, on this point not found in the constitution of Delaware.

My friend was mistaken in supposing that there was no other clause of the constitution of Maine which could have the effect to give this judge the right to stumble on the idea that the office of senator could not be exercised than could be found or an equivalent one in the constitution of Delaware. But I will read to the Senate now something which is in the constitution of Maine and is not in the constitution of Delaware, and which has a very important bearing on this subject. I read from Article III:

SEC. 1. The powers of this government shall be divided into three distinct departments, the legislative, executive, and judicial.

SEC. 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except—

Bear that in mind—

except in the cases herein expressly directed or permitted.

That is not the constitution of Delaware; it is in the constitution of Maine. The judge, as I stated, did not give his reasons. It is a mere ex cathedra opinion; "I think," so and so.

If I were to conjecture as to the reasons which influenced the judges, I would say the following probably controlled them. The above extract it will be noted, after dividing the powers of the government into the three departments, legislative, executive, and judicial, expressly prohibits any person "*belonging* to one of these departments from exercising any powers properly belonging to either of the others, except in the cases herein *expressly* directed or permitted," "properly belonging to either of the others, except in the cases herein," not by indirection, not by argument or inference, but "except in the cases expressly directed," authorized "or permitted."

The governor's office is expressly assigned in the constitution of Maine to the executive department. The office of speaker of the senate and the office of senator belong to the legislative department; hence are within the prohibitions, express prohibitions, of the constitution. Neither could exercise the office of governor unless he comes within the exception; that is, "except in the case herein expressly directed or permitted."

In Article V, section 14, the president of the senate is expressly directed to perform the duties of the office of governor in case of a vacancy. That brings him within the exceptions in Article III, which I have just read, as one "expressly directed or permitted" to so act. So he could act and so the judges held he did act as "president."

If the constitution of Maine had in section 14 stopped at commanding the president of the senate to act as governor, then the condition would have been exactly as in the Delaware constitution; he could have exercised the office of governor as president, and in that character, as was held to be the case in Sixth Maine Reports, which I have quoted, and could have exercised and performed the duties of governor and senator at the same time.

But the framers of the constitution of Maine were not content with that situation, and so they added the clause above quoted, in which they provided that when so exercising the office of governor his duties as president shall be *suspended*. No reference is made in this whole section to the office of senator, except so far as it was necessarily included in the office of president; so that considering the incumbent as one person, a suspension of the president was also a suspension of the senator—because you could not suspend half of him; you must consider him as one person. And considering the president as holding two offices now——

Mr. MITCHELL of Oregon. He uses the word "duties."

Mr. GEORGE. I will get to that directly.

And considering the president as holding two offices—one president and the other senator—then it would follow—I call my friend's attention to that—that "a permission or direction" given expressly to him as president would not include him in his other office of senator under that exception which I read in the hearing of the Senate. And the office of senator not being included, that office remained under the general prohibition in said Article III, prohibiting persons having powers under one department from exercising powers in either of the others, and that settles the case.

Whether I conjecture right or not, I can not say. I am only guessing at the reasoning of the judge; the judge gave us no reasons.

But the committee were not satisfied with the ex cathedra opinion of the judge, and so they attempt to show that a suspension of the duties of the president did not include a suspension of his powers. It is true that the committee do not absolutely commit themselves to this position, but leave the matter somewhat in doubt by the suggestion that it is "not so clear," but that this view is the correct one. Yet as this "not-so-clear" position is made a part of the chain of reasoning by which they arrive at the conclusion that this express suspension of the duties of the president did not include a suspension of his powers as senator, it is well to make "it clear" that the committee is wrong on this point. The duties of an office are those acts which the incumbent ought in law to do as such incumbent; that is, whatever the law requires an incumbent to do constitutes the duties of the officer. The powers of an officer are no more and no less than the full power to do these acts which make up the duties of the office or of the officer. Without power to do a thing, as the committee rightly admit, there is no duty as to that thing except to refrain from doing it, as I hope the Senate will refrain from doing the thing which the Senate Committee on Privileges and Elections asks them to do in this case, because they have got no power, as I shall show before I get through.

Duties in an office—what an officer ought to do—include not only the performance of what he ought to perform, but also the nonperformance of everything not committed to him to do. So that powers and duties—legal powers and legal duties—and we can consider no other, when considering an officer, are always correlated, are always coextensive—where the one begins the other begins; where one ends the other necessarily ends. Will the committee, or some member of it, tell the Senate what function, what act, what duty of the officer could be performed when his duties—all of them—were suspended? The committee say the power remains—but without obligation to exercise it. Then where is the suspension of his duties? In that view we must discard the word "suspend" and do what the committee and the Senator from Oregon so often do in this argument, insert other words, insert the words "excused from the duties if he wishes to be so excused." That is what the committee say this thing means—he is not suspended: he is only excused.

Whether I be right in my conjecture or the committee be right in their conjecture as to the grounds of this opinion is after all immaterial, since there is no such provision about suspension in the constitution of Delaware.

The word "suspend" occurs twice in the constitution of Delaware—once prohibiting the suspension of the laws without authority from the legislature, and once prohibiting the suspension of the writ of *habeas corpus*. If the framers of the constitution had intended to effect suspension of the exercise of constitutional offices, they were not unacquainted with the language proper to accomplish it, and their failure to use the word "suspend," or any other word or phrase equivalent to it, makes it clear that they did not mean suspension in the case claimed by the committee, and of course they did not mean excuse.

An instance of the other kind of suspension—that is, by positive enactment authorizing a person to suspend, etc.—is found in the Revised Statutes, section 1768, authorizing the President to suspend an officer in certain cases.

It also must be noticed that in both of these cases provision is made for filling the office *temporarily* during the suspension.

The difference between a removal from an office and a suspension of the right to exercise it is fully explained and pointed out by the New York court of appeals through Judge Peckham in a case wherein the court decided that an express power to remove an officer does not include the power to suspend him.

The court says (113 N. Y. Reports, page 420):

The power to remove is the power to cause a vacancy * * * which may be filled at once, and if the duties are such as to demand it, it should be filled. The power to suspend causes no vacancy and gives no occasion for the exercise of the power to fill one. The result is that there may be an office, an officer, and no vacancy, and yet none to discharge the duties of the office. By suspension the officer is prevented from discharging any duties, and yet there is no power to appoint anyone else to the office, because there is no vacancy.

That is the way the supreme court of New York decided through the eminent judge who now sits on the Supreme Court bench of the United States, that a power to remove did not include the power to suspend.

Mr. MITCHELL of Oregon. The decision simply amounts to this: Where a statute authorized——

Mr. GEORGE. Authorized the removal and undertook to suspend——

Mr. MITCHELL of Oregon. That they could suspend.

Mr. GEORGE. Yes. And the supreme court of New Jersey (see 25 New Jersey Law Reports, on page 544) is equally emphatic in condemning the idea of a suspended officer, saying:

This proceeding amounts to a suspension of the relator from the exercise of his official duties as a member of that body [common council of Jersey City]. It leaves his constituents unrepresented and without a remedy. Expulsion creates a vacancy that can be supplied by a new election. Suspension from the duties of the office creates no vacancy; the seat is filled, but the occupant is silenced.

Mr. MITCHELL of Oregon. Admitting all that to be true, which I do, as good law, does it touch this question?

Mr. GEORGE. If the Senator will wait, I will show that it does touch it.

Mr. MITCHELL of Oregon. The question here is whether there can be, or whether there is in this particular case, a suspension of duties without a suspension of power? That is the question.

Mr. GEORGE. I am not arguing that. I have got through with that point. The point I am arguing now is that there can not be any suspension at all of the senator or representative. I have quit the other.

Mr. MITCHELL of Oregon. Well, go on.

Mr. GEORGE. Suspension is a condition which the law does not favor. You have an office, you have an incumbent, and yet nobody to perform the duties of the office.

Thus it is established that there can be no suspension of an officer by mere implication; never. The common law never creates an office and fills it and then suspends the right of the officer to exercise it. No statute law, so far as I have discovered, ever made a suspension in office without at the same time providing for the discharge of the duties of the office by another person or officer during the period of suspension. When an office is created, especially by a constitution, it is always, without exception, on the idea that the office is necessary; that is, that the discharge of the duties of the office is essential to the public welfare and to the maintenance of the polity established by the constitution.

If we apply these principles to the case of Mr. Du Pont we find that the argument is overwhelmingly against him.

Delaware has had three constitutions—one framed in 1776, one in 1792, and one in 1831.

There are just three counties in the State. In the beginning these three counties, being territories of the province of Pennsylvania, were permitted by William Penn to have a separate legislature. The government was styled "The government of the counties of New Castle, Kent, and Sussex upon Delaware." In 1776, pursuant to a recommendation of the Continental Congress, these three counties formed a State government and called it "Delaware State." In the constitution of 1776 provision was made for each county to have an equal representation in the senate and also in the house of representatives—the same in 1792, and the same in 1831—each county under each constitution having three senators and seven representatives. This apportionment of representation was wholly territorial, taking no account of population or wealth. The scheme was to have equality of political power in each of the three counties. The scheme was so in the beginning, and the scheme is so to-day.

I do not contend that there is any sovereignty in these counties which makes it impossible to destroy this equality of political power. That is not in question here. But I insist that this settled policy of the State fixed in the beginning, disregarding all consideration of population or wealth in the legislative apportionment, so as to have perfect equality in the political power of these counties, is not to be overturned by mere implication and construction. The legislature is small, nine in the senate and twenty-one in the house of representatives, so that any change in the representation, a loss even of one senator, makes a vast difference in the equality of political power thus sedulously preserved. The difference between three-ninths and two-ninths which a loss of one senator to a county would make is vastly greater than the difference between three-thirtieths and two-thirtieths, if the senate had been composed of thirty members, about the usual number in the United States. So, under these circumstances, I may fairly argue, not, I admit, that this policy of equality in the three counties is irreversible, but that it should not be considered as abandoned in any part of the constitution without a clear provision to that effect. And I may further fairly and justly argue that this policy must be considered as potential, even conclusive, in favor of that construction of any particular clause of the constitution which would carry it out if not against the plain meaning of the words used in it.

If we give the meaning to the clauses in question that the incumbent of the office of senator or representative is suspended from the right of exercising his office when he exercises the executive authority provisionally, we destroy this equality of political power so carefully provided for in all the constitutions of Delaware, from 1776 to the present day. We do more than this; we do that which the learned supreme court of New Jersey in the case I have cited and common right and justice declare ought not to be done in any case. We deprive the constituents of the senator or representative thus suspended of their guaranteed right as provided for in their constitution—in all their constitutions from the beginning. We do this, too, I feel free to say, without warrant of constitutional law, by our mere whim and caprice, following an ignis fatuus, an uncertain light, to have a constitution framed according to an ideal which never was realized in the United States or anywhere else.

Leaving out all consideration as to equality of political power in the three counties, we find the argument irresistible that in a free, representative, republican government no construction by inference or mere argument shall prevail to deprive the people of any part of their representation.

Right here, before I go any further, I want to ask the Senator from Indiana if he did not, on investigation, find out and so state to the Senate that in the House of Commons of England, whiel there was a right to suspend, it never extended to the suspension of the right to vote?

Mr. TURPIE. That is correct.

Mr. GEORGE. This suspension, even in a monarchical government, where it may be used to discipline a man, where it may be used to make him feel belittled in the presence of his colleagues, has never been carried to the extent of silencing, in the language of the supreme court of New Jersey, the voice of his constituents.

Mr. GRAY. They might punish him, but not his constituents.

Mr. GEORGE. Not his constituents. Let the man suffer, but preserve the great and sacred right of representation in a free government. This right of representation is, in fact, the foundation stone of republican government. This right is the substitute for the personal presence of the people themselves in an assembly authorized to make laws. This right can exist only where there is a selection of representatives by the people—by the electors whom they have authorized to perform that duty. In American constitutions we have had, and possibly have now, provisions for selecting officers other than by the free choice of the people. But in none has there ever been a provision to select the legislature, or either branch of it, otherwise than by the people, or, as in the single instance of the United States Senate, by persons selected by them and charged with the selection of legislators. So this great right is fundamental—essential even to free government. It may be, and always is, regulated by law; but it exists independent of law as the essence of free government. While the right thus exists it can be exercised only in accordance with law. Who are to be electors, when and where and how they shall vote, and the qualifications of the person they may vote for are all fixed by law. The right is fundamental, even sacred, in a free government, and is beyond the reach of him who would destroy or even impair it in the least degree. The people have it under the law and they have it to the full extent provided by law. It can not be enlarged nor diminished other than by law. As the law they have ordained is, so their right is—neither more nor less. So that when the law gives the right to have a senator or representative, or a certain number of them, they have the right to all of them, and the right to them and each of them as full senators or representatives, with all the powers incident to the office—with power of deliberation, debate, and voting, expressing the voice of their constituents with full legal force. There is no such thing in American constitutional law as a crippled, maimed, or emasculated representative. He is a full, complete representative, the equal of all others, or he is no representative at all. The Constitution of the United States, and, I believe, the constitution of every State in the Union, gives an express power to each branch of the legislature to expel a member; no constitution ever gave a power to suspend one.

ALLEGED GROUND OF THE SUSPENSION.

If what I have said be correct—and I do not think it can be overturned—the alleged suspension has been shown to be a mere figment of the imagination, and nothing further need be added.

But the necessity for a correct decision in this case is such that I fear to leave unpressed any argument which fairly tends to support the position I maintain.

I next inquire into the alleged grounds for the suspension of Mr. Watson's right to act as senator. It can not, as claimed, come from the alleged incompatibility in the office of senator and that of governor, for we have seen that in all cases of incompatibility, where any effect whatever is produced, the result is the full and complete vacating of the office first acquired. But whatever may be alleged in reference to this incompatibility of executive and legislative duties, as belonging to separate and distinct departments of government, that rule can not apply in this case, for if we allow that this incompatibility operates to any extent in suspending the simultaneous exercise of incompatible functions, it can not operate beyond the point where the incompatibility exists, and therefore the officer would be allowed to execute so much of the duties of the suspended office as were entirely consistent and not incompatible with the duties of the office he holds.

The choosing by the legislature of a State of a Senator is an executive act imposed on it by the Constitution of the United States. When a legislature acts in its legislative capacity it makes a law. The language by which it acts is, "Be it enacted," or, "Be it resolved, that the law shall be henceforth as by this act ordained." The result is a new rule of action by which men regulate their conduct.

The language which expresses the action of electing or choosing a United States Senator is, "We select this man, or choose this man, to discharge duties already fixed by the Constitution of the United States."

In the one case the result of the action is to make law; in the other it is to select an agent to carry out law. So the choosing or appointing an officer is in its essence always an executive act. The vote, therefore, of every member of a State legislature for Senator is an executive and not a legislative act. Hence there can be no incompatibility in discharging executive duties, or performing the executive act of voting for a Senator, and hence no suspension from office as to that act. The Constitution of the United States vests in Mr. Watson as the executive of the State the power to appoint a United States Senator to fill a vacancy, recognizing such appointment as an executive act. Would it not be a singular and unexplainable action if the Senate of the United States should refuse to allow Mr. Watson's vote for Senator to stand upon the ground that such vote was incompatible with his exercise of executive authority? The Constitution allows him to make a full Senator by his own act. The Senate of the United States is asked by the majority of the Committee on Privileges and Elections to say that he shall not be one of a State body to help make a Senator.

The alleged suspension can not come from that provision in the constitution which merely prohibits an incumbent in the senatorial office from exercising the executive authority. For it has been shown that this prohibition on the words of the constitution—their true and plain meaning—does not apply to this case, and the settled construction of the constitution for one hundred years has been against that position.

Now, I will come to the point to which the Senator from Oregon was kind enough to call my attention sometime ago. I believe my friend from Indiana interpreted the Senator's remarks as meaning the refraining of Mr. Watson from voting.

Mr. TURPIE. The Senator from Oregon used the word himself.

SUSPENSION BY NONACTION.

Mr. GEORGE. But it is said that it appears that no senator while exercising the office of governor ever did discharge any duty as senator, though some or all of them whose constitutional term of senator had not expired when their executive authority ceased returned to their seats in the senate and filled them to the end of their senatorial terms. It is claimed that this failure to exercise simultaneously executive and senatorial duties constitutes a settled construction on the part of the proper authorities of the State that such senators had no right to exercise senatorial duties while in the exercise of executive authority. This certainly is a most remarkable claim, and shows into what straits the advocates of Mr. Du Pont's alleged rights are driven.

Certainly it has not before this been deliberately asserted that the failure or neglect of an incumbent to perform his official duties operated per se as a legal suspension of his right and duty to perform them. Let us see the exact situation. Under the claim that the speaker of the senate was suspended in the exercise of his senatorial duties we have this admitted fact, that he was, during the whole of the time of his exercise of executive authority, the constitutional and rightful incumbent of the office of senator even up to the expiration of his constitutional term. That is admitted in the claimant's contention. That being so, as I have shown beyond controversy, and as is admitted by asserting this ground of suspension, then he was a full senator with full powers and duties, given not for his own advantage, but for the interests of the people—his constituents—as a result of their plain constitutional right to full and constitutional representation in the legislature of Delaware. Then how can it be maintained that a mere failure of an incumbent, having other constitutional duties to perform, to sit actually in his seat in the senate caused a legal suspension of his right to do so? He by his neglect of duty might have incurred such censure as to have authorized his expulsion or removal; so that the people might have elected another to discharge his official duties; but it could not have effect to deprive the people of their right to full representation. Besides this, the failure of each of these incumbents in the discharge of senatorial duties may properly be attributable to other motives than a conviction that he had no right to discharge them. He may have refrained from acting as senator from motives of personal delicacy—personal convenience—and from a belief that no measure which he opposed would fail to be defeated, and no measure which he approved would fail to be enacted by reason of his absence. That his power to act during his absence from the senate chamber was in fact suspended by want of his personal presence I have shown may be true. But is it to be inferred that an actual absence, operating as a suspension of the discharge of his duties, terminable at his will, is a legal suspension of his right to represent his constituents and, what is more, a suspension of their right to full representation?

It results from this that the voluntary abstention by an incumbent from the exercise of his rights as such has no other effect than his voluntary suspension by his own act of the exercise of the duties of his office—terminable at his will. The repetition by all of the senators exercising executive authority of such abstention can not have the effect of making a legal suspension of the incumbent's right to exercise his senatorial office.

The multiplication of nonentity can not produce substance; the repetition of several acts of negligence and failure can not make that failure and that negligence no negligence and no failure, much less an actual performance of official duty. Yet such must be the conclusion if we adopt the view contended for. It can not justly be argued, as I have shown, that the failure on the part of these incumbents meant that each of them had the view that he could not act, for each may have had other motives for his conduct. Before any conduct can be held to be a construction of law such conduct must amount to an affirmation in actual practice that such is the law, and such affirmation can only come from such unequivocal conduct on the part of the official as would necessarily have been illegal under any other construction of the law. Such was the exact case with the senator who, after the expiration of his exercise of executive authority as speaker, resumed his seat and duties as senator: for such resumption necessarily meant that not only the senator but the senate in which he took his seat construed the constitution to mean that he had a right to do so. If such construction was not right such senator so resuming his seat would have been an intruder, without authority or color of authority to act.

In the case of this voluntary nonattendance of the speaker exercising executive authority, there was no occasion or opportunity for the senate to make any decision or take any action which would involve a construction of the constitution, for the senate had no power to compel his attendance. A minority of the senate, when there was no quorum, had the authority to compel the attendance of absentees; but even in that case a failure of the minority, which had no other power than to adjourn from day to day and compel the attendance of absentees, to send for the person exercising executive authority might, and probably would, have come from a desire not to interfere with the executive authority when such interference was wholly unnecessary to make a quorum, as they had full power to make the quorum by compelling the attendance of other absentees. Besides, a proper courtesy to the executive authority would have prevented his arrest to compel a quorum. It is respectfully submitted that other senates than this body have a right to regulate their proceedings with reference to senatorial courtesy.

CONSTRUCTION BY JOINT ASSEMBLY AND SENATE OF DELAWARE.

That I am right in this view, that the nonexercise of his senatorial powers by each of these speakers acting as governor was not understood in Delaware, and in the legislature of Delaware, as a construction of the constitution impairing in the least his full rights as senator, is conclusively shown by the very proceedings about the election of Senator which have given rise to the controversy.

It is shown even by the proof introduced by Mr. Du Pont that Mr. Watson took the speaker's chair of the senate a few minutes before that body went into the hall of the house of representatives to hold the joint assembly on May 9. Then he actually presided, taking the gavel, the speaker *pro tempore* surrendering it and the chair; that he announced that the senate would proceed in a body to the representative hall, which they did, headed and led by him.

He had communicated his intent to preside to several Republican senators on the floor of the senate. They were, therefore, not taken by surprise when he took the seat of speaker. They did not object when he took his seat. They obeyed his announcement to proceed to the representative hall by following him with all the other senators. When they arrived at the hall, Mr. Watson took his seat as president of the joint assembly without objection from any quarter. He conducted the election. There were many ballots, and there were 28 in which Mr. Du Pont received 15 votes, or just one-half the votes cast *in all*, counting Mr. Watson. At the end of each of these ballots or votes the announcement was made by the presiding officer that Mr. Du Pont had received 15 votes and all others 15; that no person having received a majority another vote would be taken. And in this way and in this exact state of the vote 27 other votes or ballotings were taken in order that the assembly might have the opportunity of casting a majority for some person.

During all this time and when all these announcements were made of "no election" and for proceeding to another vote, not one senator, and they were all present, not one representative, and they were all present, made any objection either to Mr. Watson's presiding or voting. No one claimed that an election had been completed. It was only after this last vote or ballot was taken,

and when the joint assembly was about to adjourn, that one man alone presented a protest denying Mr. Watson's right to sit and vote as a senator, and he did not think enough of his protest to have it put on the journal, and it is not on the journal of either house. Is not that true?

Mr. GRAY. That is true.

Mr. GEORGE. This is strong and conclusive evidence of the construction put on the constitution of Delaware, not by the mere expressing of an opinion, but by the solemn performance of official acts, which could not have been performed except on the construction that Mr. Watson's seat was not vacant nor his power and duties as senator suspended.

I note this only on the question of construction, showing, as it conclusively does, that there was in such action a construction that there was no suspension of the power of Mr. Watson as senator. This should end the controversy. Hereafter I will show that these acts were actual, legal, technical adjudications in favor of Mr. Watson's right to vote.

Mr. ALLISON. Will the Senator from Mississippi yield to me?

Mr. GEORGE. I will, with the understanding, as I have a little more to say on this very interesting case, that I shall be entitled to take the floor to-morrow at the conclusion of the routine morning business and finish, as I think I can then do in a very short time.

### PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. The Senator from Iowa [Mr. ALLISON] kindly yields to me a moment, in order that I may again renew the notice I have given for the last two days, that when the Senator from Mississippi [Mr. GEORGE] concludes his remarks to-morrow, if he does so conclude, I shall then ask the Senate to take up the resolution providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. ALLISON. That is, of course, with the understanding that no appropriation bill will then be ready for the action of the Senate.

### HOUSE BILLS REFERRED.

The bill (H. R. 6425) for the relief of Clifton R. Anderson was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., was read twice by its title, and referred to the Committee on Commerce.

### COMPILATION OF MESSAGES, ETC.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

*Resolved by the House of Representatives (the Senate concurring)*, That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended, so as to strike out of the resolution the words, "to 1894, inclusive," and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $600 heretofore appropriated or set apart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing, in the absence of objection.

Mr. GORMAN. I ask unanimous consent that the resolution may be now considered. I am authorized by the Committee on Printing to make the request.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on concurring in the resolution.

The resolution was concurred in.

### POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I now ask the Senate to resume the consideration of the Post-Office appropriation bill without displacing the unfinished business.

The PRESIDING OFFICER. Before submitting the request of the Senator from Iowa, the Chair will lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all of that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside, and that the Post-Office appropriation bill be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment reported by the Committee on Appropriations, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. Mr. President, yesterday I made the statement that I did not believe there has been an increase in the facilities of transportation, increase of expedition, or any advantage whatever to the mail service by the giving of the subsidies which have followed the legislation enacted by the Fifty-first Congress. I should like the opportunity of pointing out a little more in detail what has been the effect of the course of subsidizing steamships entered upon by that Congress. I begin by renewing the statement after such examination as I have been able to make during the evening and this morning. This appropriation was reported yesterday or the day before. The bill at least was laid upon our desks yesterday, and no opportunity had previously been afforded for its examination, and my attention had not in any wise been called to this proposal for a new subsidy.

The fact is, that the United States has paid and is now called upon—beginning last year with the operation of a contract then taking effect—to pay a sum which will probably be not less than $600,000 or $700,000 more for the transportation of the mails than would otherwise have been necessary to pay, and I think I state it moderately when I say that there has not been gained to the transportation routes upon the sea a single line which adds anything of increased facility. There has not been gained an hour's increase of expedition or any improvement or increase in any wise whatever to the mail service, and none is likely to ensue from any of the contracts which have been made. We have simply paid more to the ships which were employed because they happened to be owned by Americans. Previously to that time American ships had a special preference by which they enjoyed better payment than any other vessels, and better payment than was necessary in order to the carriage of the mails. It was by a practice which took full effect while I was in the Department, and partly due to my order.

Now, I wish to point out a little something upon this subject from the reports. In the year 1887 the total cost of the foreign mail service, not only including all the payments made to vessels for transportation of the mails, but all payments on account of balances to foreign countries and for our share of the expense of the International Bureau, was $480,105.39. The amount proposed by the pending bill to be paid for the transportation of the foreign mails is $1,750,000, besides an appropriation of $120,000 for balances due foreign countries and the $80,000 proposed to be added to the Oceanic Steamship Company, thus making $1,950,000 as the cost of our foreign mail service instead of $480,000.

Some increase, and a large increase, in the cost of the service has arisen by reason of the increased weights of mails which have been transported. In some instances, upon some lines, the increased weight of mails has been considerable.

Mr. WOLCOTT. What year did the Senator from Wisconsin say it was $480,000?

Mr. VILAS. In 1887.

Mr. ALLISON. Does that include the items which are included in this appropriation?

Mr. VILAS. Yes, sir.

Mr. ALLISON. I will be glad if the Senator will read them.

Mr. VILAS. I took that year because I was driven, for want of time, to take statements with which I was familiar. I read from the Postmaster-General's report of 1887, pages 59 and 60, in which the items are stated as follows:

| | |
|---|---|
| For transatlantic service | $314,380.32 |
| For transpacific service (including inward service on certain mails from nonconventional countries) | 38,465.49 |
| For West Indian, Mexican, Canadian, Newfoundland, and Central and South American service | 51,416.44 |
| For the postal agencies at Shanghai and Panama | 2,292.30 |
| For Panama Railway service | 6,018.74 |
| For foreign closed mails | 24,773.86 |
| | 437,447.05 |

From this sum is deducted the amount settled for in payment of balances to foreign countries, $11,628.52, and there is to be added, for I included it all, the expense charged to the appropriation for payment of balances to foreign countries and for our share of the expenses of the International Bureau, $54,286.86, making the total cost of the service as given—that is for the fiscal year ended June 30, 1887.

The Senator from Iowa will perceive that it covers the entire service.

Mr. ALLISON. It does, and I simply call the attention of the Senator to the fact that the amount paid to foreign countries for

the intermediary transit of closed mails of United States origin last year was $236,000 instead of the small sum named, and that in return the amount received was $196,000, showing an enormous increase in the foreign mail service itself.

Mr. VILAS. I had already stated a very large increase in the mail service, but I was next about to call attention to something of what the increase of expense is.

The increase in the transatlantic service was so great that the entire payment for the fiscal year ending June 30, 1895, was $607,698.47. That large increase in the cost of the transatlantic service was due in some part to the fact that the American line—the steamers belonging to the International Steamship Company—received under the order of which I have spoken, an order which discriminates in favor of the American steamship companies, the sum of $220,257.58 for their carriage.

The rule was this—it is the rule of the statute: There can be paid to foreign vessels what is known as, or what was called in the statute, sea postage only. There is no longer any sea postage, and hence for many years the payment to foreign vessels of the amount provided by the term sea postage has been regulated by the allowance made by the International Postal Union of 5 francs per kilogram, which is approximately 50 cents per pound.

Let me just show how much the International Steamship Company gained by the allowance to them of the discriminating rate of sea and inland postage. That company carried in the fiscal year ended June 30, 1895, a total of 281,195,180 grams; of which only about 50,000,000 was the weight of letters, and 230,000,000 the weight of printed matter. The total, in the report of the Superintendent of Foreign Mails, in grams, amounts, when expressed in pounds, to 611,200 or thereabouts, in round numbers, or about 305½ tons. Thus for the transportation of 305½ tons of mail the International Navigation Company received $220,257.68.

Mr. WOLCOTT. That is for the last year?

Mr. VILAS. For the year ended June 30, 1895.

Mr. WOLCOTT. I ask the Senator what page he is reading from?

Mr. VILAS. I read from page 440 of the consolidated report of the Postmaster-General.

Now, take the Cunard Company. I will omit the grams and the computations. The Cunard Company, on the other hand, carried for us 658½ tons, in round numbers, more than twice as much as the International Company carried, and received in payment $144,752.11. In other words, stated briefly, for carrying more than twice the matter they received about two-thirds as much as the International or American Company, such being the effect of the discrimination made by the Post-Office Department between American and foreign vessels, permissible under the statute, between the sea, and sea and inland rate.

On the 12th of October last the contract made in pursuance of the legislation of the Fifty-first Congress took effect, and the International Navigation Company henceforth, for ten years from that date, will enjoy a payment of $4 per mile for their carriage of the mails. The total sum allowed to them and included in the estimates for which this appropriation is to be made is $757,328. Thus it is now contracted for by the United States that they shall pay to the two ships of that company, for I believe there are but two——

Mr. GORMAN. Four.

Mr. VILAS. To the four ships of that company, or whatever the number is, over $150,000 more for such of the mails as they shall carry to Europe than was paid last year for the services of all the ships of all the lines available from this country to Europe.

Mr. President, in the year 1887 there was addressed to the head of the Post-Office Department a letter which was signed—I have a printed copy of it here—by the great importers, merchants, and bankers of New York, Boston, Philadelphia, Baltimore, Chicago, St. Louis, San Francisco, New Orleans, Cincinnati, St. Paul, Buffalo, Louisville, and Charleston, in which they expressed their obligations to the Department for the measure of efficiency which had been secured in the transportation of the foreign mails to Europe, and urged upon the Postmaster-General that he should use his good offices to secure from the Governments of the Old World the adoption of the same system which was prevailing at that time in this country.

Mr. HAWLEY. Will the Senator from Wisconsin allow me?

Mr. VILAS. In one moment, if the Senator please. Let me add that by a curious change in the relation of affairs, the name of the same distinguished gentleman who subsequently, under the legislation of Congress, made these contracts for subsidies was signed to that communication addressed to the Department, the Hon. John Wanamaker.

Mr. HAWLEY. I wished to call the attention of the Senator from Wisconsin when I rose a moment ago to the fact that the mail service is not all. Four at least of the vessels of the International Navigation Company are fitted to carry guns and are convertible into cruisers on demand of the Government.

Mr. VILAS. I suppose there is not a ship that sails across the seas which might not carry guns.

Mr. HAWLEY. Ah! But if the Senator will excuse me——

Mr. VILAS. But with what success they would carry them would depend upon the fleetness with which they could escape.

Mr. HAWLEY. The Senator from Wisconsin will allow me to answer that the *Paris* and *New York*, which were built by the British Government, are heavily built, to carry strong guns, as are the two new ships built under contract with our Government.

Mr. WOLCOTT. The Senator from Connecticut does not mean to say that the *Paris* and *New York* were built by the British Government?

Mr. HAWLEY. I did not mean to say that they were built by the British Government.

Mr. FRYE. Under inspection of the British Government.

Mr. HAWLEY. Under inspection of and contract with the British Government. The two other vessels of the International Navigation Company were built under the same policy and of the same style. There is no question about their carrying guns.

Mr. VILAS. Those vessels may be able to carry guns.

Mr. HAWLEY. They are able.

Mr. VILAS. Undoubtedly they are; but neither one of them would be of any service in war beyond such service as it could render in transportation.

Mr. HAWLEY. Will the Senator permit me——

Mr. VILAS. And will it be suggested by my distinguished friend the Senator from Connecticut that the fact that those vessels were built so that guns might be put upon them is a sufficient consideration to the United States for paying them $500,000 a year extra for carrying the mails?

Mr. HAWLEY. Perhaps the Senator will accept as authority upon questions of that sort the British Government if he will not accept our Government. Great Britain does not make any mistake in what she does about fighting on the water. She has not done so for several hundred years, and she thinks it very profitable indeed to make contracts for these most powerful steamers fitted for carrying guns. She knows she can convert them into other useful service besides transporting cattle and horses and soldiers.

Mr. WOLCOTT. The Senator from Wisconsin did not mean $500,000?

Mr. VILAS. One moment. I wish to make one remark. The example of Great Britain is proffered to us.

Mr. HAWLEY. I commend it to the Senator because he is supposed to be a free trader and Great Britain is his idol sometimes. I commend it to him thinking the example of that great free-trade country would have some influence with him.

Mr. VILAS. I am very willing, I hope, to take instruction by the experience of any country and by the wisdom of any man, but upon this subject I should certainly be very far from expressing my own opinion if I did not say I believe all that has been done by Great Britain has been done from a very different motive than the building up of her navy.

Mr. WOLCOTT. Did the Senator mean to say that $500,000 a year is paid to this line?

Mr. VILAS. The amount which is contracted to be paid will be found stated on page 11 of the report of the Superintendent of Foreign Mails. It is $757,328 a year, more than $500,000 in excess of what was paid to the same line under the discriminating rule which awarded to them a vastly greater share of payment than is awarded to other vessels which carry twice the amount of mail.

Let me say another thing. What is to be the result of making this contract for mail service with the American line of steamships to Great Britain? If the Post-Office Department limited the mail carriage to those vessels there would be a roar from the business men in this country that would be heard here, and consequently the Post-Office Department does not make that contract an exclusive one. They do not propose to withdraw the employment of other vessels. On the contrary, a telegram from the Department to-day informs me, in answer to that inquiry, that—

Mails for Great Britain are sent, in addition to International Line steamers, by vessels of the Cunard, White Star, North German Lloyd, and Hamburg-American lines. The Cunarders take "prints" as well as letters, but the White Star, North German Lloyd, and Hamburg-American take only prints which are "specially addressed." Heretofore all prints as well as letters were sent by the fastest steamer.

The rule has been for a long time established in the Post-Office Department that it should avail itself of that vessel which among those about to sail was sure to reach the destination quickest, and every vessel that thus could carry mail of any one or all of those great lines of steamers was in employment. They were all eager to take it. They all desire that carriage, for there is no freight, if you term mails freight in any sense, there is no carriage which probably pays them so well for the amount of space and trouble and care as the carriage of the mails at sea postage only. Therefore it will become necessary for us, in order to enjoy the advantage of the other vessels, to pay in addition to what is paid the American Steamship Line the sum, so near as I can make the

calculation in a moment, of about $350,000 or $400,000 if they carry the same, thus making the cost for the transportation of the mails to Europe over eleven hundred thousand dollars or thereabouts—perhaps twelve hundred thousand dollars. Now, let me call attention to another illustration.

Mr. GRAY. What was the amount paid last year?

Mr. VILAS. The total cost of the carriage to Europe was $607,000. I can not readily separate those to England alone, which is by far the greater part.

Mr. GRAY. I meant to Europe.

Mr. VILAS. Six hundred and seven thousand six hundred and ninety-eight dollars and forty-six cents, to be exact.

Now, let me draw attention to another case to illustrate the subsidies. There is a route from New York to Mexico, and upon that route during the last fiscal year there were carried 649 pounds of letters and 8,343 pounds of prints, making a carriage during the entire year of 3 tons of mail matter. Let me first state the payment for that mail transportation. There was paid the sum of $130,104—about $43,000 a ton.

Mr. ALLISON. Will the Senator state the amount again? What was the total amount paid?

Mr. VILAS. One hundred and thirty thousand one hundred and four dollars.

Mr. HILL. Will the Senator allow me to ask if the Department was obliged to pay that sum?

Mr. VILAS. These are contracts made in pursuance of the legislation of the Fifty-first Congress, by which a dollar a mile was agreed to be paid to the vessels for sailing on these routes whether they had a newspaper, a letter, or not, so that they were ready to carry what trivial mail was desired to be carried.

Why is the mail small? Because the mail for Mexico is mainly transported over our railroads. The steamship that carries the mails to Vera Cruz touches at two other ports on the Mexican coast, the farthest being Tuxpan, I think. They have to lay down at those ports such mails as are addressed thither, mainly such as relates to their cargoes, but little besides.

Mr. HILL. How long do those contracts continue?

Mr. VILAS. The contract with that company lasts for five years from the 1st day of October, 1892; the others for ten years.

Mr. HOAR. Will the Senator state the number of tons once more?

Mr. VILAS. The number of tons carried by the New York and Cuba Mail Steamship Company during the last fiscal year was about 3 tons.

Mr. ALLISON. The Senator is mistaken, I think. Will he state the number of pounds?

Mr. VILAS. There were 649 pounds of letter mail and 8,343 pounds of prints. Yes, I made a slight mistake. It would be over 4 tons; nearly 4½.

Mr. HOAR. I should like to have the Senator state that that is equivalent to 256,000 ordinary 2-cent letters. I should like to have him state it both ways.

Mr. VILAS. I have not made the computation. At the half-ounce rate for foreign letters it would be about 32 to the pound of letter mail.

Mr. HOAR. Then it would be twice as many.

Mr. VILAS. It would be 32 letters to the pound of letter mail.

Mr. HOAR. Then it would be over 600,000 ordinary 2-cent letters, unless I have made a mistake.

Mr. VILAS. The Senator will make a very much larger computation if he will compute the number of letters to Great Britain. The total number of letters may of course correspond with the weight. If the Senator wishes to make statement of a large number of letters carried, let him make the computation of the mails to Great Britain, where there are carried, perhaps, 50 tons by one line and perhaps 100 tons by another. There is a vast amount of letters carried in our mails; they run into the trillions when you estimate the whole. It takes a great many letters at 2 cents apiece to make $70,000,000, which is in round numbers approximately our postal receipts, the greater share of which comes from letters.

Take another case. The same company by contract carries mail from New York to Habana. The quantity they transport is about the same, about 4½ tons; and they receive under that contract from New York to Habana $73,476.

The Superintendent of Foreign Mails in his report has made a comparison of the cost of the service on those lines under the present method and under the former. Let me give it in a word. By those two routes there were paid under these contracts last year $203,580. The cost for the service rendered, if computed at full sea and inland postage, would have been but $3,832.96; so that the excess of cost on those two routes paid to the Cuban Mail Steamship Company is $199,747.04. I should like to say to the Senator from Connecticut that those vessels do not carry guns and were not made to carry guns. They are the same ships that were in our service when this system was adopted.

Let me add another statement. Except for the International Company, there is not a new ship on the sea in pursuance of these subsidies. They are the same old ships, as the Senator from Missouri [Mr. VEST] aptly says. There were two new ships built by the Oceanic Company which, as it would appear from the remarks yesterday, would not be able to survive if they did not have an increased subsidy. But the keels for those ships were laid before the act of Congress was passed, and when the Department proposed to put an inspector on them with reference to contracting, under the act of the Fifty-first Congress, they declined. They said, "No; these ships are being built on our own account and are not subject to the inspection of the Government." And no contract was made with that company. So those two ships, though new ships in the service, were not built in pursuance of the subsidies, nor does that line receive subsidy, though especially large rate of pay. They were built by enterprising, active business men who wanted to make money by carrying goods upon the seas, and they like to carry the mails, as I said before, because it is the most profitable carriage they enjoy, except possibly (and I am not sure that exception would hold out upon critical examination) jewels and money.

There was another contract which was made, the contract given to the Red D Line, which sails from this country to Venezuela. That line would have received last year $14,783.74 under the allowance of sea and inland postage. It received under its contract $79,030, being an excess over the service rendered at that special rate of $64,246.26.

There are three routes—to Venezuela, to Habana, and to Mexico. The first is necessary to us—that is, transportation by sea is the only way in which we can send our mails to Venezuela. To Mexico and to Habana the sea service is practically of no value. The two companies operating those three routes "struck" in 1885 when the Post-Office Department decided that, under the peculiar terms of the appropriation just then made, it was impossible to award a subsidy, and they refused their services to the Government. In consequence, a service was established to Cuba which shortened the transportation by a day and a half, and gave the same number of trips all the year and half the year an additional trip per week. Yet those lines (identically the same, I think, without a new ship), which then refused their service to the Government in order to compel its submission (it was a mistaken effort), are favored now by these contracts to the extent of being awarded $265,000 for transportation of the mails over and above the amount due under the liberal rule of sea and inland postage always paid to American vessels since 1885.

Mr. President, that illustrates the beauty of the contract subsidy service for carrying the mails. What do we derive from these increased subsidies? No expedition. Let me pause there for a moment. I believe some figures were made since the change of this service for the purpose of showing a gain of time. I inquired into those figures carefully. How was it done? Under the old system they counted from post-office to post-office. Under the contract, which requires them to sail from port to port, they counted from the extreme edge of the port to the extreme edge, from light-house to light-house, and thus made an appearance of expedition in time without an alteration of a minute in actual fact.

Then, inquiring what have we gained, I say no expedition, no increased lines, no additional vessels, no benefit, save only that which the Senator from Connecticut called my attention to, anticipating what I intended to have done myself, the fact that on two of the ships which sail to Europe there was a stipulation in respect to strength of construction, probably quite in accord with the interest of the vessel owners, for such strength as would enable the United States, in case it should at any time seize those ships for its own uses, to put guns upon them. Of course the guns would be of no service if they encountered a vessel of war. They would only be of service in case they encountered a vessel unprepared to contest the supremacy of the sea with them.

Mr. President, having pointed out the character and efficiency of the contract service which we now have, I think it would be wise for Congress, instead of promoting subsidies, to interpose at once in this bill a direction to the Post-Office Department to make no further contracts of a subsidy nature.

But, sir, this bill proposes, and it was to that point I began the argument, to add to the Oceanic Steamship Company the sum of $80,000 a year as further compensation besides what they now enjoy. They now receive $30,000 a year, not by contract, but by an order of the Post-Office Department, esteemed within the law, to estimate the sea and inland postage at a fixed sum. Probably it is a sum in excess of what by a strict computation they would receive, but they get by that order on that estimation a fixed yearly sum of $30,000. Last year there was a deduction of $5,000 from the amount, to compensate five other vessels which made five trips in carrying the mails. Their trips are, I believe, 13 in number during the year. I think they sail a little oftener than once a month. They are well paid. The compensation awarded to them is a generous one. For what reason should we increase it? The Senator from Iowa [Mr. ALLISON] was asked by me to state that reason,

and he said it was because we were in danger of losing that service unless we made this additional subsidy.

Mr. HILL. Are any increased facilities promised?

Mr. VILAS. None whatever.

Mr. HILL. Any increased service of any kind?

Mr. VILAS. None whatever. It is so stated in the bill:

For additional compensation to the Oceanic Steamship Company for transporting the mails, etc.

As I was remarking, the reason, and I believe I state correctly, the only reason, which the Senator from Iowa gave us was that we should lose that service or were in danger of losing that service if we did not make this additional payment.

Mr. ALLISON. And that it is the only line from San Francisco to those points.

Mr. VILAS. Yes.

Mr. ALLISON. I do not know that I stated it, but I understand that to be the fact.

Mr. VILAS. Yes; and therefore you meant to imply that we were in danger of losing the service, because it was said a rival line had been subsidized by the English Government from Vancouver to the Australian colonies. So the Senator interrupted my remarks to add "it is to secure service and not to increase it," which stated exactly his reason, as it appears in the RECORD.

Mr. HILL. Is there a contract now?

Mr. VILAS. I hold in my hand the annual report of the post and telegraph department of New Zealand, the report made last July, in which it is stated that the San Francisco service (between the colonies and San Francisco) has been renewed for three years from November, 1894, in terms of the following resolutions approved by the house of representatives last session:

*Resolved*, 1. That this house empowers the Government to arrange for a renewal of the San Francisco mail service for a period not exceeding three years.

Mr. WOLCOTT. What year was this made?

Mr. VILAS. It was last year.

Mr. ALLISON. In 1894.

Mr. VILAS. The contract began in November, 1894. I shall not stop to read all the provisions, except they add:

2. That the basis of the payment for conveyance of mails from New Zealand shall be a rate of 11 shillings per pound on the net weight of the letters conveyed.

3. That all payments or contributions from Great Britain or other countries shall be receivable by the contractors, the colony's direct liability to be for payment of its outward letters only.

Mr. FRYE. Does that report give the net amount paid by New Zealand to this American line for carrying the mail?

Mr. WHITE. If the Senator from Wisconsin will permit me, I will state the amount paid, as I understand it, by the British Government. It amounts to $5,769 per voyage, while we pay $4,617.

Mr. VILAS. I can not give the exact cost. I could compute it only on the weight of our mails, which I have, but not upon the mails from New Zealand.

Mr. FRYE. I have had an impression that it is about $100,000 a year that New Zealand paid.

Mr. VILAS. Oh, no; I do not think it amounts to so much as that, but if the Senator from California is correct——

Mr. WHITE. I did not hear the statement of the Senator from Maine.

Mr. FRYE. I say I understood that New Zealand paid to this line about $100,000 a year.

Mr. PERKINS. New Zealand is paying the Oceanic Steamship Company five thousand and some odd dollars (my colleague has the exact figures, which I gave to him) for 13 trips per year made by the Oceanic Steamship Company.

Mr. VILAS. That would be about $65,000.

Mr. PERKINS. We are now receiving $60,000 a year from the American Government, while the Canadian Pacific Steamship Company is receiving eighteen thousand and some odd hundred dollars per trip subsidy from the English Government and the Canadian Pacific Railroad, and the New Zealand colonies.

Mr. FRYE. About $65,000, then, New Zealand pays.

Mr. VILAS. Do I understand the Senator from California to have personal knowledge of the matter? He spoke of "we." Is the Senator interested in the company?

Mr. PERKINS. I am interested as an American citizen in fostering American shipping as against English shipping. England, France, and Russia last year gave $18,000,000 in postal subsidies. My friend from Wisconsin would not give one dollar to American shipping, excepting the postage, if he had his way.

Mr. VILAS. Mr. President, it was by my order that we made the full measure of statutory discrimination possible to be made in favor of American vessels at the time when I was in the Department, and awarded sea and inland postage to American vessels as supposed to be within the then expectation of Congress.

Mr. FRYE. What was the pay before the Senator issued that order?

Mr. VILAS. To some sea and inland postage, to others sea postage only.

Mr. FRYE. And the Senator did not issue the order, did he, until Congress had repealed the two statutes which authorized the Post-Office Department to seize any American vessel, detain her at her port, and compel her to take the mails for sea postage?

Mr. VILAS. Yes, sir; without the slightest reference——

Mr. FRYE. It was after that time that the Senator, as Postmaster-General, issued the order.

Mr. VILAS. Before that, because the order was made before Congress assembled—after I went into the Department.

Mr. FRYE. That would be before the Senator became Postmaster-General, would it not?

Mr. VILAS. I think not.

Mr. FRYE. My recollection is that we repealed those statutes before the Senator became Postmaster-General.

Mr. VILAS. The action had not the slightest reference whatever to that, and there never has been a time when an American vessel, being about to sail on its journey, was not desirous of carrying the mails for the compensation which was given, and I always acknowledge the earnestness of its desire to get as much more as it could.

Mr. President, the New Zealand post-office report adds that the London post-office agreed to continue these payments in aid of the service until 1897, and the subsidy of £4,000 a year now paid by the Government of New South Wales is also to be continued, subject to the amount being annually appropriated by Parliament.

Mr. WOLCOTT. To the same steamship company, the Oceanic?

Mr. VILAS. The same steamship company, the Oceanic Company.

Mr. President, let me say with reference to that, in a word, that this entirely disposes of and answers the apprehension that we should at once lose the services of this company if we were to refrain from giving it an additional $80,000 a year. We are giving it, if the Senator from California is correct, about the same sum that New Zealand is giving.

Mr. WHITE. Thirteen thousand pounds a year.

Mr. VILAS. Sixty thousand dollars a year, as against 13 trips at about $5,000 each a year, according to the Senator.

Mr. WHITE. About $65,000.

Mr. FRYE. Has the Senator any idea of the comparison between the mails of New Zealand and those of the United States of America carried on those ships?

Mr. VILAS. I do not know which way the heavier mail is carried, whether from New Zealand or from this country, but the great service which is conducted by those ocean lines between San Francisco and Auckland is to the Australian colonies, because that is the shortest route by which they can communicate with the mother country, England. The closed mails of England are put on our cars in New York and delivered on board of these ships at San Francisco. On the other hand, the closed mails from the Australian colonies are delivered at San Francisco, transported to New York, and put on vessels for England. I have not the figures of the weights of the mails that are transmitted from Australia—perhaps they are obtainable—but, in comparison to the advantage we derive, theirs is almost like communication with the whole foreign world as against an inconsiderable fraction of it to us. Of course, the colonies of Australia, New Zealand, New South Wales, and the others must maintain a mail service with England; they must have an establishment in some way, and it would not, in their case, be a subsidy whatever its necessary cost. If they can not procure it for less money than they actually pay, it is strictly mail pay, the least pay they could procure the mail carried for, in no sense subsidy; and that is precisely what they are continuing. They are not subsidizing; they are hiring. We are not now subsidizing; we are hiring, but we are paying a generous compensation to the laborer who enjoys the hire.

I do not care, Mr. President, to take the time of the Senate any longer. I desired only to point out a few of the reasons which seem to me to stand against our adoption of this amendment.

Mr. WOLCOTT. I simply desire to ask the Senator from Iowa [Mr. ALLISON] a question in connection with the matters which were brought up by the Senator from Wisconsin [Mr. VILAS], having no immediate reference to this amendment.

The Senator from Wisconsin dwelt upon the amount involved in this bill as payments for transatlantic service. I want to ask the Senator from Iowa if the amount appropriated this year for the transatlantic service is in excess of the amount appropriated last year?

Mr. ALLISON. It is in excess of the amount appropriated last year.

Mr. WOLCOTT. Will the Senator give me about the amount of the excess?

Mr. ALLISON. The amount proposed to be appropriated this

year is $1,750,000, and the amount appropriated for the current year was $1,600,000.

Mr. WOLCOTT. Was the attention of the Senator from Iowa and the attention of the Committee on Appropriations called to the fact that the postal business between this country and Europe is less this year than it was last year? In other words, that our mail communication between this country and Europe, both in the form of letters and in the form of parcels, is falling off, not increasing; that in 1894, referring to the report of the Superintendent of Foreign Mails, the aggregate weight was 852,068 pounds, and in 1895, 805,017 pounds; and the amount of other articles carried was within a few pounds of the same in 1894 and in 1895. I ask the Senator if the amounts are increased because the business is less, thus making the receipts from postage less?

Mr. ALLISON. I think the Senator from Wisconsin partially stated the reason for the increase, namely, that the contracts which the Senator named will be paid next year, which of course will increase the cost of this service.

Mr. WOLCOTT. What contracts?

Mr. ALLISON. The contracts to which the Senator from Wisconsin alluded, with the International Steamship Company.

Mr. WOLCOTT. Were not those contracts in force last year?

Mr. ALLISON. I believe not.

Mr. FRYE. Only partially. There were only two ships last year, and now two more have been added.

Mr. ALLISON. Now we have four ships, instead of two.

Mr. WOLCOTT. We pay these ships for carrying the mails $14,564 every trip they make; that is, one ship each week. That is what we paid in 1895. Are we going to pay more than that per trip this year?

Mr. ALLISON. I think not; but we have to pay for the service of four ships instead of two.

Mr. FRYE. Two more have been added.

Mr. WOLCOTT. I find in the report of the Superintendent of Foreign Mails:

Route No. 57, "O. M. S.," New York to Southampton, 52 trips of 3,641 miles = 189,332 statute miles, at $4 ..... $757,328

Mr. ALLISON. That is for the current year?

Mr. WOLCOTT. For last year.

Mr. ALLISON. From what page does the Senator read?

Mr. WOLCOTT. From page 445 of the last report of the Postmaster-General. The $757,328 would amount to $14,564 a trip. Now, do I understand the Senator, because the company have two new ships, that their compensation is to be doubled?

Mr. ALLISON. It will not be doubled if the amount the Senator now states is the correct amount.

Mr. WOLCOTT. I am reading from page 445 of the report of the Postmaster-General. Will the Senator from Iowa kindly tell me how much the increase will be?

Mr. ALLISON. It will not be doubled.

Mr. WOLCOTT. Is the amount increased; and if so, to what extent, because there are two more ships?

Mr. FRYE. It will be increased.

Mr. ALLISON. The figures given by the Senator were made for the current year. If the Senator's statement is correct, the report for 1895 shows a total estimate of $607,698.47 for transatlantic service.

Mr. WOLCOTT. The Senator is correct. I see that the amount of $757,328 is the estimate for the coming year.

Mr. ALLISON. Yes, sir.

Mr. WOLCOTT. And that is proposed to be increased because there are two additional ships?

Mr. ALLISON. Yes, sir; because there are two additional ships.

Mr. WOLCOTT. If I may be enlightened at the expense of the time of the Senate for a moment further, I ask the Senator in what proportion are the payments to be increased because there are two new ships?

Mr. ALLISON. In proportion to the number of ships used.

Mr. WOLCOTT. We now pay for one trip per week, and the line always ran one ship. Are we now to pay for one additional ship per week?

Mr. SEWELL. I will state to the Senator from Colorado that the contract does not go into effect until October, and that makes a difference.

Mr. VILAS. I will state——

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor. Does he yield to the Senator from Wisconsin?

Mr. ALLISON. I do so, that this matter may be thoroughly understood.

Mr. VILAS. I will call the attention of the Senator from Colorado to some figures right under his eye which will relieve him. The current year, for which $1,600,000 was appropriated, is this fiscal year, to end with the coming month of June. During that year for the first time the subsidy contract on the Atlantic became operative. Those vessels began on October 12 last. The compensation paid for the preceding fiscal year the Senator will find stated on page 10 of the Superintendent's report, at a total cost of $1,173,000. So that the appropriation for the current fiscal year, made in the last Congress, took into view the beginning of the contract service at one trip a week for transatlantic service, and inasmuch as it was for only about nine months of the year, the amount appropriated was not as much as will be necessary for the ensuing year.

Let me add right there that the steamship companies were not willing to accept, under their contracts, the claim of the Post-Office Department that the compensation per mile was for a nautical mile; and they have succeeded in obtaining a construction that we are to measure on the sea the statute mile, whereby they increase about one-sixth the compensation which it was supposed would be paid them.

Mr. GORMAN. Who made that construction?

Mr. VILAS. I will not undertake to say, but it is in my mind that it was the Attorney-General of the United States, or some attorney-general in the Department perhaps. I shall not undertake to be specific about it.

Mr. ALLISON. It appears, Mr. President, that this additional appropriation made for the Oceanic Steamship Company has led, and perhaps will lead, to a general discussion respecting the propriety of paying subsidies. Anticipating that some Senator will in a few minutes move to adjourn, in order to facilitate the consideration of this bill I ask that the Secretary go on and read the remainder of the bill, which will take but a little time, and that the pending amendment may be passed over for consideration when the Senate is fuller than it is now. I hope there will be no objection to that request.

Mr. WHITE. I desire to inquire of the Senator from Iowa whether it is designed to press the Oceanic Steamship matter to a vote to-night?

Mr. ALLISON. It is not. I have just asked that it might be passed over; and I wish to state now that I desire that the consideration of the bill shall be concluded to-morrow, and hope that the Senate will then stay in session until it is completed, especially if we are to adjourn over Friday, as I understand is suggested.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa, that the pending amendment be passed over and the remainder of the bill proceeded with? The Chair hears none, and it is so ordered. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed at line 21, on page 7. The next amendment of the Committee on Appropriations was, under the head of "Office of the Third Assistant Postmaster-General," at the top of page 8, to insert:

For rent of office for use of the agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, $600.

The amendment was agreed to.

The next amendment was, under the head of "Office of the Fourth Assistant Postmaster-General," on page 8, after line 22, to strike out:

Mail depredations and post-office inspectors: For pay of post-office inspectors and clerks, $176,093.66.

For per diem allowance to inspectors in the field while actually traveling on business of the Department, at the rate of $3 per day (exclusive of Sundays except in cases of emergency), $90,000.

For incidental expenses, including prosecution of official investigations, office rent, telegrams, etc., $13,000.

For the allowance to post-office inspectors (excepting those receiving salaries of $2,500 per annum) of such items of actual and necessary personal expense incurred in the discharge of their official duties as may be in excess of the per diem of $3 allowed by law, upon presentation and approval of vouchers covering the total expenditure for personal expenses for the dates for which such excess may be claimed; or, if the exigencies of the service render the taking of vouchers impracticable or inexpedient, the sworn statement of the inspector reciting the objects, amounts of and necessity for such expenditures, may be accepted in lieu of vouchers, $17,000; in all, $296,093.66.

And insert:

For mail depredations and post-office inspectors, $300,000: *Provided*, That not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post-Office Department, through the Solicitor of the Treasury, against the sureties on the official bonds of late postmasters, as provided for by section 292, Revised Statutes of the United States.

The amendment was agreed to.

The next amendment was, on page 10, line 9, before the word "thousand," to strike out "thirty-five" and insert "twenty-five"; so as to make the clause read:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, $25,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WOLCOTT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 2, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *April 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

#### LIGHT-HOUSE AND FOG SIGNAL, BIG OYSTER BED SHOAL, NEW JERSEY.

The SPEAKER laid before the House the bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey, with Senate amendments.

The bill and amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

#### SALE OF TITLE OF THE UNITED STATES TO CERTAIN TRACTS OF LAND IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott, with a Senate amendment.

The bill and amendment of the Senate were read.

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. RICHARDSON. I would like to hear the Senate amendment reported.

The SPEAKER. It has just been reported to the House, but the Clerk——

Mr. RICHARDSON. Not the entire amendment. That was not the amendment that the Clerk read, as I understood.

The SPEAKER. The Clerk read the entire bill, and then read the Senate amendment, which will be again reported.

The Senate amendment was again reported.

The amendment of the Senate was concurred in.

#### LIGHT-HOUSE AND FOG SIGNAL ON NORTH MANITOU ISLAND, LAKE MICHIGAN.

Mr. MAHANY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Light-House Board be authorized to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, heretofore appropriated for, and that the aforesaid board be authorized to lease the land necessary for the site of said aid to navigation until a perfect title to said site can be secured by condemnation proceedings.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. I would ask the gentleman in charge of the bill to indicate whether there is a report accompanying this bill?

Mr. MAHANY. The report——

The SPEAKER. One moment. The House will be in order.

Mr. McMILLIN. Let the report be read or a statement made.

Mr. MAHANY. I ask that the Clerk read the report.

The report (by Mr. CORLISS) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5736) entitled "A bill to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan," beg leave to submit the following report, and recommend that said bill do pass.

This is a bill authorizing the Light-House Board, pending the procuration of a perfect title by condemnation proceedings, to lease land necessary for the site for a light-house and fog signal heretofore authorized by Congress.

The interests of navigation demand the immediate construction of the light-house, and the passage of the bill is therefore approved by the Treasury Department, as shown by the accompanying letter:

TREASURY DEPARTMENT,
*Washington, D. C., March 3, 1896.*

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated February 26, 1896, inclosing House bill No. 5736, to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, and to lease land necessary for its site, pending the procuration of a perfect title by condemnation proceedings, with request for suggestions as to the merits of the bill and the propriety of its passage.

This matter was referred to the Light-House Board, which reports that it approves the proposed bill and recommends its passage.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
*House of Representatives.*

Mr. McMILLIN. I will ask the gentleman whether the lease is to be made of land that it is proposed ultimately to condemn, and not to require a double construction?

Mr. MAHANY. Yes; it is.

Mr. McMILLIN. So that the authorization given here would not require any double construction.

Mr. MAHANY. It is the same land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MAHANY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### PRINTING OF VETO MESSAGES, PROCLAMATIONS, AND INAUGURAL ADDRESSES OF PRESIDENTS OF THE UNITED STATES.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended so as to strike out of the resolution the words "to 1894, inclusive" and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $900 heretofore appropriated or set apart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### STAMFORD, CONN., A SUBPORT OF ENTRY.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to take from the Calendar the bill (S. 494) constituting Stamford, Conn., a subport of entry. It is a bill reported from the Committee on Ways and Means.

The bill was read, as follows:

*Be it enacted, etc.*, That Stamford, Conn., be, and is hereby, constituted a subport of entry for the customs collection district of Fairfield, Conn.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ABRAHAM O. WAUCOP.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5127) for the relief of Abraham O. Waucop.

*Be it enacted, etc.*, That the Secretary of War be, and hereby is, directed to correct the military record of Abraham O. Waucop, late captain Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, by removing the charge of absence without leave and dishonorable dismissal from the service, and grant him an honorable discharge as of the date of May 15, 1865: *Provided*, That no pay, bounty, or emoluments shall become due the said Abraham O. Waucop by virtue of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I ask that the report be read.

Mr. TALBERT. I ask if this bill has been considered at the Friday night session?

Mr. LAYTON. I will say to the gentleman from South Carolina that the charge against this man is that he was dismissed for absence without leave, and hence the Friday night session has no jurisdiction over the case. The report, Mr. Speaker, is very full and fair, and I ask careful attention to its reading.

Mr. CANNON. Is it a long report, I will ask the gentleman?

Mr. LAYTON. No, sir; it is not very long.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5127) for the relief of Abraham O. Waucop, having had the same under consideration, would report thereon as follows:

A similar bill was considered by the Committee on Military Affairs, House of Representatives, third session Fifty-third Congress, which committee recommended the passage of such bill.

The soldier's record, as set forth in such report, as found in Senate Report No. 1015, is stated to be as follows:

"It appears from the records of the War Department that the beneficiary, Abraham O. Waucop, was enrolled and mustered in Company F, Fifteenth Regiment Ohio Volunteers (first three months' service), on the 17th day of April, 1861, and was honorably discharged, by reason of the muster out of said company, on the 27th day of August, 1861.

"That on the 10th day of September, 1861, he reenlisted in Company F, Benton Cadets, Missouri Volunteers, and served as such soldier until the 8th day of January, 1863, when he was honorably discharged by reason of the muster out of said company.

"That on the 22d day of August, 1862, he again reenlisted, and was mustered in and appointed first sergeant Company C, One hundred and eighteenth Ohio Volunteers, September 15, 1862. On March 1, 1863, he was promoted to second lieutenant, same company; on May 14, 1864, he was wounded at the battle of Resaca, Ga. On the 4th of March, 1865, he was promoted to captain and assigned to duty with Company F, same regiment.

"It is further noted in the report from the War Department that two days later (March 6) he absented himself from his command without authority, and thereafter his movements or whereabouts do not appear.

"That on the 28th day of March, 1865, his regimental commander reported that he had rendered himself unfit for duty and had been absent without leave since March 6, 1865, and recommended his dismissal from the service.

"That on the 17th day of April, 1865, the case was submitted to General Grant, who recommended that Captain Waucop be dishonorably dismissed from the service for absence without leave, whereupon he was summarily dismissed on the 24th of April, 1865, by Special Order No. 183, War Department, Adjutant-General's Office.

"It appears from the verified statements of two of his comrades, Sergeant Alles and Captain Rhodes, of the same regiment (two reputable gentlemen), and the petition of the survivors of the regiment that at and during the time he is reported as being absent without leave (and for which he was afterwards dismissed from the service) he was actually unable to march with the regiment, and so informed the surgeon at the time. That he voluntarily rejoined his regiment after his recovery in the latter part of April, 1865, at Raleigh, N. C., where he was arrested and charges of absence without leave preferred against him. That at the time a copy of the charges was served on him he was given the alternative of resigning or standing a court-martial.

"That he refused to resign and demanded a trial and remained with the regiment for that purpose until the 15th day of May, 1865, when he was officially notified of his summary dismissal, by special order, as above stated. That no opportunity was ever given him to be heard in answer to said charges, and that he labored under the impression that he would be accorded a trial before a court-martial until the day he received official notice of his dismissal from the service.

"His honorable discharge, as provided in this bill, is also prayed for by substantially all of the surviving officers and members of the One hundred and eighteenth Ohio Volunteer Infantry who served with him in the Army, about 100 in number."

In view of the facts, and especially in view of the fact that Mr. Waucop served his country faithfully and well for nearly four years, and placing special stress upon the manner in which he was summarily dismissed from the service without a hearing, and also that it appears that he never in fact deserted nor intended to desert, your committee feels that it would be but an act of simple justice to remove the stain of dishonor from his record by granting him an honorable discharge, and therefore adopts and approves the former report herein referred to and recommends the passage of the bill.

Mr. LAYTON. Mr. Speaker, I desire to say, in addition to that full report, that a similar bill to this was passed during the last Congress, both through the House and the Senate, but failed to reach the President in time to receive his signature, from the fact that it was only passed on the 2d day of March.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 319) for the relief of telegraph operators during the war of the rebellion—to the Committee on Military Affairs.

A bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892—to the Committee on Claims.

A bill (S. 1565) granting a pension to Benjamin F. Howland—to the Committee on Pensions.

A bill (S. 502) to approve a compromise and settlement between the United States and the State of Arkansas—to the Committee on the Public Lands.

A bill (S. 101) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes—to the Committee on Claims.

A bill (S. 1075) for the relief of the heirs of D. Fulford—to the Committee on Claims.

A bill (S. 492) for the erection of a public building at Meriden, Conn.—to the Committee on Public Buildings and Grounds.

A bill (S. 1491) for the relief of Dr. John B. Read—to the Committee on Claims.

A bill (S. 264) providing for the location and purchase of public lands for reservoir sites—to the Committee on the Public Lands.

A bill (S. 154) to provide for the erection of a public building at Indianapolis, Ind.—to the Committee on Public Buildings and Grounds.

A bill (S. 1935) providing for a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their respective reservations in the State of Montana—to the Committee on Indian Affairs.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

### MARCUS D. BOX.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box.

The bill was read, as follows:

*Be it enacted, etc.*, That the act approved February 8, 1895, be amended so as to read as follows: "That the Secretary of the Interior is hereby authorized and directed to place upon the invalid pension roll the name of Marcus D. Box, late a private of Company D, First Missouri Volunteer Infantry, afterwards First Missouri Artillery, subject to the limitations of the pension laws, at the rate of $25 per month, in lieu of the pension which he is now receiving."

Mr. TALBERT. Mr. Speaker, I will ask the gentleman from Iowa whether this bill has been considered in Committee of the Whole at a pension session?

Mr. LACEY. Mr. Speaker, the object of this bill is simply to correct a bill which was passed by the last Congress. Owing to a mistake of my own there was a proviso inserted in that bill requiring proof of total blindness, my understanding at the time being that the man was totally blind; but instead of that the fact is that while one eyeball has run out, there is a faint glimmer of sight in the other. The effect of that state of facts has been to defeat that act which was passed in the last Congress for the relief of this claimant, and the purpose of this bill is to make that act operative. The man was drawing a pension for a wound in the head, but he has lost his sight.

Mr. TALBERT. The bill then would not necessarily come before a Friday night session for consideration?

Mr. LACEY. Not necessarily. The object of it is merely to amend an act passed in February, 1895.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

### A. P. BROWN.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa.

The bill was read, as follows:

*Be it enacted, etc.*, That the sum of $388.98 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from said post-office on January 9, 1894.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. I think we should have the report read, Mr. Speaker, or else there should be an explanation of the bill.

Mr. PERKINS. I can make a brief explanation, which I think will satisfy the gentleman and the House. The case is simply this: The postmaster at Le Mars, Iowa, in January, 1894, had his office burglarized and robbed of about $500 in money and about $900 in stamps. Subsequently $500 worth of stamps were recovered, and the guilty party was prosecuted, but the Department required the postmaster to settle for the remainder on the ground that he had not confided the combination of his safe to a second person, as he was required to do. The son of the postmaster was his deputy, but the postmaster himself was taken suddenly ill while his son was away, and when night came the clerk in charge, not understanding the combination, locked the safe with a day lock only, and that night burglars came and burglarized the office; their tools were found the next morning.

Mr. LOUD. Is there a report of a post-office inspector in this case?

Mr. PERKINS. The ground upon which the Department required the postmaster to pay for the stamps was negligence. It was charged that he had not confided the combination of the safe to another person; but the evidence in the case shows that that was a mistake, and that, in fact, he had complied with the rule in that respect.

Mr. LOUD. I ask the gentleman if there is any report of a post-office inspector in the case?

Mr. PERKINS. I do not know that there is. I had a conversation with the Postmaster-General in regard to the matter myself, and he stated to me that no doubt it was a case of great personal hardship to this postmaster——

Mr. LOUD. I think it would be better to have a report from an inspector.

Mr. PERKINS. Now, you had better not object to this, Mr. LOUD—— [Laughter.]

Mr. LOUD. Mr. Speaker, I object to the gentleman appealing to me personally in this way in this case. [Laughter.]

Mr. PERKINS. Well, this is a very meritorious case.

Mr. LOUD. It may be, but this House has a right to have a report from the Post-Office officials upon all cases of this character. Perhaps the bill is right. I do not say that it is not; but the case has undoubtedly been investigated by a post-office inspector, and we ought to have his report.

Mr. PERKINS. When this one-legged soldier came to retire from the office the Department said that he must settle his accounts, and he paid over the money. There was nothing else for him to do under the circumstances. In fact, however, there was no ground for the charge of negligence against him, and there is really no suspicion of neglect of duty on his part. But, coming under the regulation of the Department requiring that the combination of the safe should be confided to a second person, it was held that he had been guilty of negligence because he had not done that, when in fact, as the evidence shows, he had done it.

Mr. LOUD. That is just the point I would like to know about, and I should like to hear the report of the post-office inspector who investigated the case.

Mr. PERKINS. The Committee on Claims has thoroughly investigated this matter and you have their report here.

Mr. LOUD. I would rather have the report of the post-office inspector who investigated it. It is very hard, Mr. Speaker, when the gentleman appeals to me personally, as he has done, to object to a bill of this character——

Mr. PERKINS. The gentleman may make a demand upon me that it is perfectly impossible to comply with, but he can not clear himself by doing that.

Mr. LOUD. Well, Mr. Speaker, permit me to say that this case has been investigated by a disinterested person, a post-office inspector, and we ought to have his report.

The SPEAKER. Objection is made.

### ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I must call for the regular order. I move that the House resolve itself into Committee of the Whole for further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

### SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The gentleman from Utah [Mr. ALLEN] is entitled to the floor on his pending amendment.

Mr. CANNON. Before the gentleman from Utah proceeds, I ask unanimous consent that we return for a moment to page 29, line 16, for the purpose of striking out the word "west," which has been inadvertently inserted.

The CHAIRMAN. In the absence of objection, that verbal amendment will be made.

There was no objection.

Mr. ALLEN of Utah. I call for the reading of my amendment.

The Clerk read as follows:

In line 4, page 52, strike out, after the word "Wyoming," the word "and" and insert after the word "Washington" the words "Colorado and Utah"; so as to make the clause read:

"*Provided*, That in the States of California, Idaho, Montana, Oregon, Arizona, Wyoming, Washington, Colorado, and Utah there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township and $20 for section lines."

Mr. ALLEN of Utah. Mr. Chairman, the effect of this amendment is simply to place the State of Colorado and Utah upon the same footing as the States of California, Idaho, Montana, Oregon, Wyoming, and Washington and the Territory of Arizona with respect to extra compensation for certain surveys in mountainous and heavily wooded sections of the country.

Mr. LIVINGSTON. May I ask the gentleman why these two States were not inserted by the Committee on Appropriations?

Mr. ALLEN of Utah. I can not answer that question.

Mr. LIVINGSTON. Then I ask the chairman of the committee [Mr. CANNON] why that was not done?

Mr. CANNON. If the gentleman from Utah will allow me to answer in his time——

Mr. ALLEN of Utah. Certainly.

Mr. CANNON. I will state that some years ago it was found that in the thickly timbered parts of Washington, Oregon, and California contracts for the surveys could not be made at the price fixed in the statute; and therefore the Commissioner of the General Land Office was authorized in his discretion to pay in those States the prices named in the bill. From time to time that provision has been extended to other States. The amendment proposes to extend it to Utah and Colorado. This proposition is now presented for the first time.

Mr. LIVINGSTON. May I ask the chairman of the committee whether the amendment meets his approval?

Mr. CANNON. Well, yes and no, both; that is to say, I have no doubt there are some lands, not great in extent, in Idaho and Colorado where the Department can not get the surveys made for the statutory price. The case is the same with a great portion of the lands in Washington; there is quite a small quantity, I apprehend, of such lands in Utah and Colorado.

But I am not antagonizing the amendment; it can do no harm if there is honest administration. In other words, if the Commissioner of the General Land Office will not contract for the payment of this increased price except where it is necessary the provision is proper; if, on the other hand, there should be bad administration and the Commissioner of the General Land Office should make contracts at this advanced price where it is not necessary to do so, then this legislation would be unfortunate.

Mr. LIVINGSTON. I think the administration will be all right.

Mr. ALLEN of Utah. The criticism of the gentleman from Illinois [Mr. CANNON] would apply to the whole appropriation, would it not?

Mr. CANNON. Well, to a greater or less extent. I do not care to antagonize the amendment.

The question being taken, the amendment was agreed to.

Mr. WILSON of Idaho. I move to amend by striking out, in line 45, page 51, the words "two hundred and fifty thousand" and inserting in lieu thereof the words "three hundred and seventeen thousand four hundred and eighty."

I offer this amendment primarily for the purpose of obtaining information from the chairman of the Committee on Appropriations. The estimate for 1897, under which this bill was doubtless drafted, called for an appropriation of $442,480 for this purpose. I find that the appropriations for the fiscal year ending June 30, 1896, on account of these surveys, were $375,461.21. The appropriations for this purpose under this bill are $275,000. I should like to ascertain what is the cause of this great decrease in these appropriations for a matter which I apprehend is as essential as any other embraced in the bill.

Mr. CANNON. There is no decrease in fact. The appropriation for surveys of the public lands for the current year was $250,000; and in this bill it is the same, although there is an appropriation of $25,000 for the survey of private land claims, making all together $275,000.

Mr. WILSON of Idaho. That I understand.

Mr. CANNON. That amount also was appropriated for the current year. Now, there was an appropriation of $100,000 for the current year for the survey of railroad land grants—an appropriation which has not been expended—and the Department does not ask for any further appropriation of that kind. This is a continuing appropriation. So that for the surveys of the lands proper the appropriation recommended by this bill is precisely the same amount as for the current year.

Mr. SAYERS. I should be glad to have the gentleman from Illinois state that though the appropriation of $100,000 was made for the survey of railroad lands, yet the railroad companies reimburse to the Treasury their proportion of that expenditure.

Mr. CANNON. I so understand.

Mr. WILSON of Idaho. This is a very important matter, and it has not yet been satisfactorily explained. This House ought to know all about it. As I understand, the appropriation of $100,000 is a continuing appropriation under the law.

Mr. CANNON. I so understand.

Mr. WILSON of Idaho. Then it would be carried over to the fiscal year ending June 30, 1897.

Mr. CANNON. It is only $100,000, but it does not lapse. It is a continuing appropriation until expended.

Mr. WILSON of Idaho. How is it expended?

Mr. CANNON. I am quite sure I do not know; but no estimate is submitted in connection with it.

Mr. WILSON of Idaho. Very well, then, notwithstanding that explanation, you have still a discrepancy of $42,480 according to your report.

Mr. CANNON. Oh, I did not catch on to the gentleman's point exactly. Now, touching this $100,000 the provision is:

And any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and the said sum shall remain a continuing appropriation.

So that it can not be used for surveys of the railroad lands without reimbursement by the railroads as soon as expended and the law at once reappropriates it. So it is practically, until repealed, a continuing appropriation of $100,000, and whatever may have been expended out of it, there is just as much as when we commenced by way of reimbursement.

Mr. WILSON of Idaho. Then there still remains the $42,480 less than the amount recommended by the Department.

Mr. CANNON. Less than the amount recommended?
Mr. WILSON of Idaho. Yes.
Mr. CANNON. Oh, it is $150,000 less than the estimate?
Mr. WILSON of Idaho. No; as I understand your report, the estimate is $42,480 more than the total appropriation.
Mr. CANNON. No; the estimate was but $400,000 for surveying the public lands.
Mr. WILSON of Idaho. Well, I am reading from your report, on page 6, which shows that it is $442,480.
Mr. CANNON. There are some other items, the gentleman will find. I have a statement of the amounts here. The estimate for the surveys of the public lands was $400,000, and we recommend of the estimate the sum of $250,000.
Mr. WILSON of Idaho. Then do I understand that the appropriation is the same as last year?
Mr. CANNON. Precisely.
Mr. WILSON of Idaho. I withdraw the amendment.
The CHAIRMAN. The Clerk will proceed with the reading of the bill.
The Clerk read as follows:

For survey of private land claims in the States of Colorado, Nevada, and Wyoming, and in the Territories of Arizona, New Mexico, and Utah, confirmed under the provisions of the act of Congress entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and for the resurvey of such private land claims heretofore confirmed as may be deemed necessary, $20,000.

Mr. SHAFROTH. Mr. Chairman, in behalf of the gentleman from Utah [Mr. ALLEN], who stepped out of the Hall temporarily, I ask to offer the amendment I send to the desk.
The Clerk read as follows:

On page 52, line 24, strike out the word "and," after the word "Nevada," and insert after the word "Wyoming" the words "and Utah." Also, in the twenty-fifth line, strike out the words "and Utah" and insert "and" after "Arizona."

Mr. SHAFROTH. The object of the amendment is simply to have Utah classed as a State instead of a Territory; the object being to place that State among the list of States instead of among the list of Territories.
Mr. CANNON. That is right.
The amendment was adopted.
The Clerk read as follows:

For topographic surveys in various portions of the United States, $150,000, to be immediately available; $35,000 of which shall be expended west of the ninety-seventh meridian in the States of North Dakota, South Dakota, Nebraska, Kansas, Texas, and the Territory of Oklahoma, and at least one-third of the remainder shall be expended west of the one hundred and third meridian: *Provided*, That hereafter in such surveys west of the ninety-fifth meridian elevations above a base level located in each area under survey shall be determined and marked on the ground by iron or stone posts or permanent bench marks, at least two such posts or bench marks to be established in each township or equivalent area, except in the forest-clad and mountain areas, where at least one shall be established, and these shall be placed, whenever practicable, near the township corners of the public-land surveys.

Mr. WHEELER. Mr. Chairman, I offer the amendment I send to the desk.
The Clerk read as follows:

Insert, after the word "surveys," in line 3, page 55, "and in the areas east of the ninety-fifth meridian at least one such post or bench mark shall be similarly established in each area, equivalent to the area of a township of the public-land surveys."

Mr. WHEELER. This will cost but very little money, the purpose being that when elevations shall be determined by a survey they shall be permanently marked. It is strictly in the line of economy——
Mr. CANNON. Will the gentleman allow me to make a suggestion in the shape of a compromise?
Mr. WHEELER. What is it? If fair, I am willing to accept it.
Mr. CANNON. That by unanimous consent we agree to the amendment.
Mr. WHEELER. That is capital. I accept it. [Laughter.]
The amendment was agreed to.
The Clerk read as follows:

For the preparation of the report of the mineral resources of the United States, $18,000.

Mr. JOHNSON of North Dakota. Mr. Chairman——
Mr. BERRY. Mr. Chairman, I offer the amendment I send to the desk.
The Clerk read as follows:

In line 16, page 55, amend by substituting the word "twenty" for the word "eighteen" after the words "mineral resources of the United States"; so as to read:
"For the preparation of the report of the mineral resources of the United States, $20,000."

Mr. CANNON. I will state, Mr. Chairman, that the quickest way to dispose of this, being within the estimate, and as on investigation it seems to be proper, is to ask unanimous consent that it be adopted without discussion.
The amendment was agreed to.
The Clerk read as follows:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections and the preparation of report upon the best methods of utilizing the water resources of said sections, $35,000.

Mr. CANNON. Mr. Chairman, I ask to make a verbal correction in line 2, on page 56. The word "report" should be "reports." I ask that the correction be made.
The CHAIRMAN. Without objection, the modification will be made.
There was no objection.
Mr. SAYERS. I would suggest to the gentleman from Illinois that he ask permission at the same time to authorize the Clerk to amend the totals of the various paragraphs.
Mr. CANNON. I think I have already secured permission to that extent. But in the event that I have not done so, I now ask unanimous consent that the Clerk be permitted to amend the totals of the paragraphs which are modified by the committee, either by increasing or decreasing the amounts.
There was no objection, and it was so ordered.
The Clerk, proceeding with the reading of the bill, read as follows:

For repairs to the buildings of the institution and for the furnishing of the new buildings provided for by act approved March 2, 1895, $3,000.

Mr. EVANS. Mr. Chairman, I offer the following amendment at this point.
The amendment was read, as follows:

Amend by inserting after the word "dollars," in line 3, on page 59, the following:

"HOWARD UNIVERSITY.

"For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, $27,500; for tools, materials, wages of instructors, and other necessary expenses of the industrial department, $3,000; for books for library, law library, bookcases, shelving, and fixtures, $800; for material and apparatus for chemical, physical, and natural history, and laboratory, $200; for improvement of grounds and repairs of buildings, $1,000; in all, $32,500: *Provided*, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion, or to any chaplain in said university."

Mr. EVANS. Mr. Chairman, for many years an appropriation substantially similar to this has been made for the benefit of Howard University. It seems to me that this Congress ought not to withdraw that appropriation. While I do not desire to debate this proposition, I do desire to submit it to the House, feeling perfectly assured that it will not take this appropriation from that university.
The amendment was agreed to.
The Clerk, proceeding with the reading of the bill, read as follows:

REINDEER FOR ALASKA.

For support of the reindeer station at Port Clarence, Alaska, and for the purchase and introduction of reindeer from Siberia for domestic purposes, $5,000.

Mr. PITNEY. I offer the amendment which I send to the Clerk's desk.
The amendment was read, as follows:

Insert in line 11, page 59, after the word "dollars," the following new paragraph:

"UNDER THE DEPARTMENT OF STATE.

"For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, to be appointed by the President, to be immediately available, $2,000."

Mr. PITNEY. Mr. Chairman, I will state that this appropriation is urgently recommended by the Secretary of State, but the letter of transmittal, bearing the documents pertaining to the matter and containing the recommendation, was so late in arriving before Congress that it did not reach the Committee on Appropriations in time to be considered when this bill was being made up. I have in my hand a copy of this letter of transmittal, and if there is any question raised about it I will read the letter. Otherwise I will ask to have it embodied in the RECORD as a part of my remarks.
Mr. CANNON. The statement of the gentleman is correct.
The CHAIRMAN. If there be no objection, the letter referred to by the gentleman from New Jersey will be incorporated in the RECORD.
There was no objection.
The letter is as follows:

DEPARTMENT OF STATE, *Washington, March 21, 1896.*

SIR: I have the honor to lay before you, with a view to its consideration by the Congress, the report of the delegates of the United States to the Fifth International Prison Congress, which was held at Paris, France, in July, 1895.
It presents a comprehensive statement of all that transpired on that occasion, and contains much valuable information that might profitably be considered with a view to the alleviation of certain phases of human misery without sacrificing any of the absolute prerequisites to or guarantees of social order.

In connection with this report Gen. R. Brinkerhoff, president of the American delegation, has submitted to the Department, under date of the 19th instant, a request from the International Prison Commission, which is the executive and permanent arm of the congress, that the Government of the United States be represented by a delegate in its organization. Although this Government suggested and founded the International Prison Congress, it does not contribute anything toward its expense and has never had a representative on the permanent Commission. Even the delegates from this country, who have been commissioned by this Department and who have attended the quinquennial meetings of the congress, have uniformly borne their own expenses, with the single exception of the late Dr. E. C. Wines, for the payment of whose expenses Congress made provision.

The subscription to the International Prison Commission is based upon the population of the countries represented, being $5 per 1,000,000 inhabitants. Assuming the population of the United States to be 65,000,000, the annual subscription would be but $325, or $1,625 for the five years. The money thus received by the International Commission is expended in the publication of monographs, bulletins, reports, and the proceedings of the International Prison Congress, which are sent to the Governments in proportion to their subscriptions.

The Commission holds a meeting every alternate summer in Switzerland, and the appropriation of the United States should properly include the expenses of the delegate from this country. Thus, an annual appropriation of $2,000 would not only defray the subscription of this Government toward the support of the Commission, but also the expenses at home and abroad of the United States commissioner.

It may be observed that the rules of the Commission do not require that any delegate shall commit his Government to any action taken by the Commission; it simply secures the support and cooperation of the different nations represented in the study of the great problems relating to the suppression of crime, the protection of society, the proper treatment of the criminal, the moral rescue of children, the organization of every means for preventing the discharged prisoner from relapsing into the life of crime.

The American delegation feel very strongly the importance of acceding to the request of the International Prison Commission, not merely because the Government of the United States appears to be morally bound to support an international enterprise which it practically inaugurated, but because the American people may reap the greatest benefit from so doing. The International Prison Congress is a great humanitary movement. It is not confined, as its name might suggest, merely to the question of administering prisons, but to the whole subject of the prevention and treatment of crime in all its aspects. In this broad aspect of the case it strongly appeals for sympathy and aid, to the end that the work may be prosecuted under the most favorable and most advantageous conditions.

In view of the considerations herein advanced, of others equally cogent that may be found from a careful reading of the correspondence, of the recommendation of the American delegation, and of the formal request of the International Commission, I strongly urge that the sum of $2,000 annually be appropriated for the subscription to the Commission and for the expenses of the American member thereof.

If possible the appropriation desired should be included in the sundry civil bill or in some other available form.

I have the honor to be, sir, your obedient servant,

RICHARD OLNEY.

Hon. ADLAI E. STEVENSON,
*Vice-President of the United States.*

Mr. HITT. Mr. Chairman, the substance of that amendment was communicated by the Department of State to the Committee on Foreign Affairs with a favorable letter. This is a matter that was initiated by our Government many years ago. The provision is simply to provide for our representation in the International Prison Commission of the International Congress, that congress having been begun and organized by the United States. Dr. Wines, an eminent American citizen, whom I met when he was abroad, engaged in and enthusiastically devoted to that great work, was the earliest inspiring advocate of the cause. For us to abandon it now would seem to be inconsistent. The amendment provides only for the expense incurred by our representation on the Commission and does not give any person any money in the way of salary.

Mr. PITNEY. That is correct, Mr. Chairman; it carries no salary.

The amendment of Mr. PITNEY was agreed to.

Mr. BARTLETT of New York. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 59, after line 11, insert:

"UNDER THE DEPARTMENT OF STATE.

"For copying and preparing for publication the Revolutionary archives, including the papers and records of the Continental Congress, under the direction and control of the Secretary of State, $10,000."

Mr. CANNON. Mr. Chairman, to that amendment I make the point of order that it is not authorized by law, and therefore it is in conflict with the rules.

Mr. BARTLETT of New York. I ask the gentleman from Illinois to reserve his point of order until I can present the matter.

Mr. CANNON. I shall be very glad to do so.

Mr. BARTLETT of New York. And I ask the chairman of the committee to allow me ten or fifteen minutes.

Mr. CANNON. I ask unanimous consent that the gentleman have fifteen minutes.

There was no objection.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, for once I believe I shall advocate a proposition which will receive the approval of nearly every member of this committee, whether he be a Democrat or a Republican, because I come to you on the ground of patriotism and in behalf of the preservation of those historical manuscripts which form our common heritage, coming down to us from the formative period of this Republic. It is now, Mr. Chairman, nearly eight years—that is, on the 12th day of April next it will be eight years—since the President of the United States transmitted to the Congress of the United States a letter recommending that measures be taken for the preservation and publication of the Revolutionary archives. The message sent by the President of the United States transmitted also a letter from the then Secretary of State, Mr. Bayard, and many letters received from various parts of the country, from scholars all over the country, advocating the plan which had been suggested by Mr. Bayard. It was only last year, in 1895, when a second letter was transmitted to Congress by Mr. Gresham, then Secretary of State, advocating the adoption of some consistent plan for the preservation and publication of these manuscripts.

Now, what are they? You will remember that the preliminary period before the entering of the United States Government on its new form under the Constitution of 1787 extended from the 5th day of September, 1774, the day when the delegates of the various provinces or colonies assembled in Carpenter Hall, at Philadelphia, until the 4th day of March, 1789, when the new Government went into being. This formative period may be divided into two subdivisions: The first from September 5, 1774, until the adoption of the Articles of Confederation on the 8th day of July, 1778; and the second term embracing all the years of the Confederation; that is, the whole period in which we were governed by the Articles of Confederation, and ending with the practical coming into operation of the Constitution of 1787.

Mr. WATSON of Ohio. Is there a bill pending before the House embodying your idea?

Mr. BARTLETT of New York. There is an amendment proposed to the sundry civil bill, which has been read by the Clerk, which provides for an initial appropriation of $10,000 for copying and preparing for publication these Revolutionary archives.

Mr. WATSON of Ohio. Well, I am very much in favor of the amendment, but what I ask is, Is there an independent bill before the House?

Mr. BARTLETT of New York. No, sir; this work is to be provided for now.

The Revolutionary archives consist of two classes of papers. The first are the journals of what is termed the Continental Congress—the journals of the Congress of the Colonies or of the United States from 1774 to 1789—and all the records of the various departments of Government, which were then kept under the control of Congress. For you must remember, gentlemen, that the only central authority in our early Government was the Congress of the United States. All central executive power was vested in the Congress and in the various departments of the Government under Congress.

The other papers are the papers of Washington, of Franklin, of Hamilton, of Jefferson, of Madison, and of Monroe, and these papers in all amount to some 50 volumes—that is, the scheme of publication embraces 50 volumes of 800 pages each. The total cost of the work of publication is estimated at $100,000, but all that can be utilized within the present fiscal year will be the sum of $10,000. The first thing to be done is to have the historical manuscripts copied, and the second thing is to have them prepared and edited for publication.

Now, only two objections have been made to this proposition. The first objection is that there is no urgency. That is a mistake. I have the statement of Mr. Gresham that it is most urgent that these papers be preserved at once, and that the only way to preserve them and properly guard them is to copy them. The other objection is that there is a great mass of manuscripts, and certain papers should be selected for publication. It is the opinion, not only of the Secretary of State, but of all historical scholars, that it will not answer to have a fragmentary publication; but that all the documents must be published. In support of that view I call the attention of the committee to the value of the publications of papers which are now being made in Great Britain.

I ask for order, Mr. Chairman.

The CHAIRMAN. The point of the gentleman is well taken. The committee will be in order.

Mr. HEPBURN. Before the gentleman enters upon this branch of the discussion, I want to ask him what is the size of the edition that is contemplated by an expenditure of $100,000; how large?

Mr. BARTLETT of New York. I do not go into the question of publication to-day, but I offer my amendment only because it is important that these papers should be copied. These papers are falling to pieces, and they must be copied, because they were bought for the people of the United States. Every scholar and every student who goes to the State Department has the right of access to and examination of these papers; and in point of fact they are falling to pieces and in danger of absolute obliteration. What I ask for to-day is that we may have enough money appropriated to copy them and let the question of their printing and publication come up in the future; but I will state clearly that my

object is ultimately to secure their publication. This is from the letter of Mr. Gresham in 1895. He says:

There is, it seems to me, an urgent need for adequate provision for this work, for the reason that under present conditions the papers are liable to serious injury and defacement.

Mr. HEPBURN. I understood the gentleman to say that the estimated cost of this work that he proposes to enter upon was $100,000, and that the edition would consist of six volumes. Now, how many copies of each volume does he expect to produce for $100,000?

Mr. BARTLETT of New York. If the distinguished gentleman from Iowa will allow me, I will read the estimate in detail:

Of these the first 1,000 copies, bound in cloth, would cost $100,759. Each additional 1,000 copies would cost $22,750. The rate per volume would be $2,015 for the first 1,000 copies, and $445 per each additional 1,000 copies. The cost of a single copy of a volume of the first edition of 1,000 would therefore be about $2, and for a single copy of the subsequent editions of 1,000 copies each 44½ cents.

Upon this question of expense I want to call the attention of the committee to the fact that we have spent enormous sums for the publication of the records of the Union and the Confederate armies—I believe the appropriation for that purpose in this very bill is $145,000. We are appropriating large sums for the publication of the naval records; we are appropriating enormous sums every year for the preservation of rock and hill and vale, that can not be obliterated, upon all our battlefields. And yet, Mr. Chairman, a point of order is raised here against an appropriation for the preservation of the muniments of our early history, these invaluable historical manuscripts. But before arguing the point of order I want to say one or two more words upon the merits of this proposition. The British Government for many years has been engaged in the publication of several series of original historical manuscripts. They publish a series called the Domestic Series, of which I have a volume on my desk. These volumes include state papers extending as far back as the reign of Edward VI, and the publication has already come down as far as the time of Charles II. There is another series called the Foreign Series; there is another called the Colonial Series; there are one or two volumes of a Scottish series, and there is also a calendar of Irish state papers. Thus far there have been published over 100 volumes of these records. A similar course has been followed by France, and I believe it will be ultimately adopted by every civilized Government. Now, certainly, if anything can be of interest, of importance, and of value to the people of this whole country, it is the preservation of our Revolutionary archives.

A word now as to the point of order. I say that a point of order can not be maintained against this appropriation, for two reasons. In the first place, what does this amendment propose to do? It proposes to appropriate $10,000. For what? For copying and preparing for publication the archives of the Revolution, including the records and papers of the Continental Congress. I submit to the chairman of this Committee of the Whole that under existing provisions of law the Secretary of State, or the Department of State, has full power and authority to copy any records in the custody of that Department, and that such power has existed or subsisted in that Department ever since July 27, 1789. The Chair will recollect that on that day an act was passed by the Congress of the United States transferring all the papers and records then in the custody of the department for foreign affairs to the new Department of State, and in that act it is provided that the custody of all those records shall be in the Department of State, and that for copying the records there shall be allowed a certain fee, to wit, 10 cents per folio.

Now, there can not be a fee for copying fixed by statute unless there be the power to copy the papers for the copying of which the fee is to be exacted. More than that, I say there is an inherent power in every Department of this Government to copy any of the records in its custody, and I insist that the only limitation on that power is the amount of money which can be made available. But more than that, Mr. Chairman, I call attention to the Revised Statutes of the United States, Title V, Department of State. Section 203 provides that the Secretary of State shall have the custody of all these records, and section 213 provides that for making out and authenticating copies of the records in the Department of State a fee of 10 cents for each sheet containing 100 words shall be paid by the person requesting such copy.

But aside from these provisions of the Revised Statutes, and of the act of 1789 incorporated into the Revised Statutes, I say that there are special appropriation bills or items in appropriation bills which demonstrate beyond doubt that this is a public object already in progress and that this appropriation would be merely a continuance of a public work already in progress. What is my authority for that? It is this: In 1789 certain acts were passed giving custody of all the public records to the new Department of State. The next legislation that we find bearing upon the subject is the act of 1834, which appropriated $25,000 for the purchase of the papers of George Washington. That was followed in 1848 by a further appropriation of $20,000. We find various other acts of like tenor and effect. For instance, under the act of May 31, 1848, the papers of James Madison were purchased and the sum of $25,000 was appropriated therefor. Under the act of August 12, 1848, the papers of Thomas Jefferson were purchased for $20,000, and an appropriation of a like sum was made for the purchase of the papers of Alexander Hamilton. Again, as late as August 17, 1882, the papers of Benjamin Franklin were purchased, or an appropriation was made for their purchase, at a cost of $35,000. Other appropriation bills appropriated $14,000 for restoration, mounting, and binding. Thus we find that by previous acts of Congress $157,000 in all has been appropriated for the purchase of these historical manuscripts, and $14,000 for their restoration, mounting, and binding.

In the sundry civil appropriation act of 1894 there was inserted a provision directing the Secretary of State to do what?

To cause the Revolutionary archives, except the military records now deposited, to be carefully examined and to ascertain what portion are of sufficient importance and historical value to publish.

Now, I say that under these various appropriation acts and the other acts referred to we find a system looking to certain ends. What ends? In the first place to secure to the people of the United States the Revolutionary archives. For what purpose? To lock them up in the vaults of the Department of State and to deny to the scholar, the student, or to any citizen the right of access to those documents? Why, sir, the very appropriation of these large sums of money implies the purpose and intent of Congress that these papers should be preserved for the great body of the citizens of the United States. It would be futile to appropriate $157,000 for the purchase of historical manuscripts if the people are to be denied access to those manuscripts.

I call the attention of the Chair and of the distinguished gentleman from Illinois, the chairman of this committee (who I sincerely trust will not press his point of order), to the fact that in one of these appropriation acts to which I have referred there is a specific appropriation made for printing and publishing. The act which makes double provision for the purchase of the papers of Thomas Jefferson and the papers of Hamilton—the act of August 12, 1848—provides "for paying to Thomas Jefferson Randolph, executor of Thomas Jefferson, deceased, the sum of $20,000 for all the papers and manuscripts of said Thomas Jefferson;" then for printing and publishing the said papers and manuscripts the sum of $6,000 is appropriated. Then, again, a like sum is appropriated for purchasing and printing under the same conditions the papers and manuscripts of Alexander Hamilton. So that if the amendment which I now offer should fail, I could introduce an amendment providing for copying, printing, and publishing all the papers of Jefferson and Hamilton; and if my amendment were limited to those, no point of order could be made against it. I ask the distinguished gentleman from Illinois, the leader of my committee and in many respects my leader on all these questions of appropriations, whether, in view of the fact that no point of order would lie against the more restricted amendment—that is, an amendment providing an appropriation for copying, printing, and publishing the works of Jefferson and Hamilton—he will insist on his point of order, and cut off the papers of Washington, Franklin, Monroe, Madison, and the Journals of the Continental Congress itself? [Applause.]

Mr. CANNON. Mr. Chairman, I desire only to say that in my judgment the point of order is well taken. I have listened with great interest to the remarks of my colleague on the committee, the gentleman from New York [Mr. BARTLETT], in his history of the appropriations made by Congress for these various purposes since 1789; but, sir, the rule which we have adopted touching legislation on general appropriation bills is not quite so ancient. It dates back to some time in January or December last—I am not sure which—and it prohibits any legislation on a general appropriation bill, and any appropriation on such a bill, unless it be authorized by law. Now, it is not necessary to multiply words. The language of the amendment itself appropriates this sum for what? For preparing for publication certain documents. I do not think I could make the matter any plainer if I should talk an hour.

The CHAIRMAN. The Chair is in entire sympathy with the amendment of the gentleman from New York; but if the point of order is pressed the Chair feels constrained to sustain it, and must rule the amendment out of order.

Mr. BARTLETT of New York. Then I offer the following amendment:

For copying, printing, and publishing the papers and manuscripts of Thomas Jefferson and Alexander Hamilton, $15,000.

Mr. CANNON. Upon that amendment I make the point of order that such an appropriation is not authorized by law and therefore comes within the inhibition of Rule XXI.

The CHAIRMAN. Does the gentleman from New York [Mr. BARTLETT] desire to be heard further?

Mr. BARTLETT of New York. I wish to be heard for a moment. The act of August 12, 1848, makes a distinct appropriation for printing and publishing the papers of Jefferson and Hamilton. That act at that time became existing law. This amendment is a continuation of an appropriation made in 1848.

Mr. CANNON. Is the work still "in progress"?

Mr. BARTLETT of New York. Yes, sir. I can say that this work is still in progress. I am assured by the State Department that there is now being printed and published a part of these records in the form of bulletins; and I am therefore surprised that my distinguished friend urges the point of order.

Mr. BINGHAM. Where does the Department get the money with which to do that?

Mr. BARTLETT of New York. It uses what little money it has at its disposal. But there is no doubt in the State Department of its power to publish these records.

Mr. BINGHAM. Why, then, does it not go on and do so?

Mr. BARTLETT of New York. The power of the Department is limited only by the money at its disposal for this purpose. I am asking only for an appropriation.

Mr. CANNON. Will the gentleman allow me to say that the State Department, I think, is something like Tennyson's brook: "Men may come and men may go," but it can go on with its work perhaps forever. But I am not yet prepared, even with the statement of the gentleman from New York, to believe that an appropriation made in 1848 (that, if we had the rules we now have in operation, would have been subject to the point of order on an appropriation bill) to publish the works of Thomas Jefferson is a public work still "in progress," in the language of the rule, and as such not subject to the point of order.

That is all I desire to say. I ask the ruling.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Illinois.

The Clerk read as follows:

Buildings and grounds in and around Washington——

Mr. SAYERS. Mr. Chairman, I have an amendment I desire to offer at this point.

The Clerk read as follows:

On page 61, after line 15, insert:

"For the purchase of the house on Tenth street northwest, between E and F streets, in the city of Washington, where Abraham Lincoln died, $30,000, or so much thereof that may be necessary; for repairs of said building after purchase, $1,000; in all, $31,000."

Mr. SAYERS. I ask the adoption of this amendment because——

Mr. CANNON. Will the gentleman from Texas allow me a moment?

I had supposed that any amendment that might be offered to this bill which was subject to a point of order would meet my opposition, and that I would feel compelled, in pursuance of my duty to the committee and to the House, to raise the point of order upon it. But for several years I have myself investigated this matter, and I may say that it has been investigated by the committee at this session of Congress, and after I have called attention to the fact that it is undoubtedly subject to the point of order, still, considering the nature of the amendment offered by the gentleman from Texas, I feel that if I have apparently misstated my action touching points of order in connection with the bill, the committee will deal leniently with me, and therefore, so far as I am concerned, I will not make the point of order against this proposed appropriation.

Mr. SAYERS. Then, Mr. Chairman, I trust the amendment will be adopted.

Mr. BARTLETT of New York. I would like to reserve the point of order, unless I waive it by permitting debate to proceed.

The CHAIRMAN. The Chair will regard the point of order as reserved if the gentleman desires it.

Mr. SAYERS. I wish to state, Mr. Chairman, to the committee that this building in which President Lincoln died is now under the care of an association organized for that purpose in the District of Columbia. That association has been paying rent to the owner of the building for a number of years past.

The gentlemen who now have charge of this building were before the Committee on Appropriations recently, and stated that they had about exhausted their means. They have, however, as I understand, an option on the purchase of the building at what is regarded a fair price; and we were told that the amount stated in the bill was regarded as a fair marketable price for the property. In this building are stored very many articles which were the property of Mr. Lincoln, and it is now being used as a museum, to which the public generally have access.

I hardly think it necessary for me to say anything as to the propriety of making the proposed appropriation. It commends itself to the patriotism of the country. It is not an extravagant appropriation. I have only to say further that no more meritorious appropriation of a similar character has, in my judgment, passed the House since I have been a member of it.

I trust the gentleman from New York will not insist upon the point of order.

Mr. BARTLETT of New York. Mr. Chairman, I do not know whether we have any rules of consistency in the practice before this House or not. When we find the distinguished chairman of the Committee on Appropriations stating that this appropriation is clearly subject to the point of order, but not insisting upon it, and having, but a few moments ago, pressed his point of order against an amendment relating to our common heritage which has come down to us from the Revolutionary epoch, we may well ask ourselves the question whether there is any consistency or not. The gentleman gives way for the purchase proposed by the amendment of the gentleman from Texas—of what? A little brick house on one of the side streets of this city up here.

Now, sir, I yield to no man in my admiration for Abraham Lincoln. I think he was one of the greatest men that ever lived in the United States of America, and second to none, not even to George Washington himself.

A MEMBER. What is before the House?

Mr. BARTLETT of New York. I am speaking to a point of order.

The CHAIRMAN. A point of order has been made on the amendment of the gentleman from Texas by the gentleman from New York.

Mr. BARTLETT of New York. Now, Mr. Chairman, when I was interrupted by the gentleman I was addressing myself to the consideration of the question of order. I understand that it is the rule of the House that no appropriation shall be germane to any appropriation bill or be considered as an amendment to an appropriation bill for a public work or object not already in progress. It may very well be that a bill providing for the purchase of this house in which President Lincoln died would at once pass the House. I have no doubt of that. I for one would support it and vote gladly for such a proposition. But I believe in a uniform system of legislation here. I do not believe in tacking this amendment on an appropriation bill, ruling it to be in order, or at least not making the point of order against it, while amendments of a precisely similar character are objected to on that score by the gentleman in charge of the bill.

I think, therefore, that I should press the point of order, under the circumstances.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. SAYERS. Let me ask the gentleman from New York not to press the point of order.

Mr. BARTLETT of New York. Very well, Mr. Chairman; I will withdraw the point of order.

The question being taken on the amendment of Mr. SAYERS, it was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For electric lights for three hundred and sixty-five nights for 24 posts in Lafayette, Franklin, and Judiciary parks, at 28 cents per light per night, $2,453.80: *Provided*, That all wires shall be placed under ground, and that the conduits, wires, lamp-posts complete, shall be furnished by the electric light company without expense to the United States, and that 28 cents per lamp per night shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in the parks mentioned.

Mr. HEPBURN. Mr. Chairman, I desire to ask the chairman of the committee if this electric-lighting system for the parks named in this paragraph is as cheap as the old system of gas lighting?

Mr. CANNON. I will say to the gentleman that we inquired touching the lighting of the grounds about the Capitol, from here to the Congressional Library and from here to the Avenue, and we found that for the lights provided for in this bill, which will furnish a far better illumination than is now being furnished, the cost, as we are informed, is about $8,000 for the gas, and it will be between $5,000 and $6,000 for the electric lights.

Mr. HEPBURN. Then, Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 65 strike out lines 8, 9, 10, and 11 and the word "cents" in line 12, and insert in lieu thereof the following:

"For electric lights for three hundred and sixty-five nights, for not exceeding 32 posts, in Lafayette, Franklin, Judiciary, and Lincoln parks, at 28 cents per light per night, $3,270.40."

Mr. CANNON. I will say to the gentleman that that is a continuation of the provision which the committee recommends as to Lafayette, Franklin, and Judiciary parks, and extends it to Lincoln Park. It also says "not exceeding 32 posts."

Mr. HEPBURN. Yes.

Mr. CANNON. It may be that that many posts will not be necessary. I think the amendment is wise, and I see no objection to it.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

MILITARY POSTS.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, $300,000.

Mr. HYDE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by adding, after line 19, page 67, the following:

"*Provided*, That of the sum above appropriated, $75,000 shall be expended by and under the direction of the Secretary of War for beginning the construction of permanent buildings providing for sewerage, water supply, roads and other means of communication, and other necessary improvements at the United States Army post at Spokane, in the State of Washington."

Mr. HYDE. Mr. Chairman, I have not taken up much of the time of the committees in the consideration of the various bills which have passed the House, and I now ask unanimous consent that I may have fifteen minutes in which to present this amendment.

Mr. CANNON. That is right.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Washington be allowed fifteen minutes in which to discuss the pending amendment. Is there objection?

There was no objection.

Mr. HYDE. Now, Mr. Chairman and gentlemen of the committee, I desire to say that this is an amendment which does not increase the appropriation. It is an amendment which, so far as I have learned parliamentary law since coming here, I believe to be in entire accord with the system of doing business in the House, and not subject to any point of order. I wish to say to the gentlemen of the committee also that it has never been rejected by the Committee on Appropriations. It was thought best to present the matter here at this time, and I ask of the committee a patient consideration of what little I will say upon the subject.

It appears, Mr. Chairman, that away back in 1882 General Wheaton, as well as Captain Symons before that time, were much impressed with the value of Spokane as a place for a permanent and large military post. They have urged it from time to time in their reports made to the War Department, and finally, in 1894, Congress passed an act authorizing the establishing of a military post at Spokane, if the people of that city would donate to the United States, free of cost, 1,000 acres of ground. The statute reads as follows:

That upon the transfer and conveyance to the United States of a good and sufficient title to not less than 1,000 acres of land without cost to the United States, situated at or near the city of Spokane, in the county of Spokane, in the State of Washington, and on or near a railroad, and constituting an eligible and suitable site for an army post, if approved and accepted by the Secretary of War for that purpose, then and thereupon the Secretary of War is hereby authorized to establish and locate on said land a United States Army post of such character and capacity as the Secretary of War shall direct and approve.

In pursuance of that act the people of Spokane have gone to work and in these hard times have expended more than $20,000 in clean cash to procure a site for that military post. The site is beautifully located. A part of it had been platted into an addition to the city of Spokane, and the raising of this $20,000 was but a small part of the hard work that they performed.

If gentlemen will bear with me for a moment, I will show you the location of the post by reference to this chart, a bird's-eye view of Spokane and surroundings. You will see that the site is a beautiful one, overlooking the city. The Secretary of War, on the last Fourth of July, was there with his aids, and rode over the tract of land which has been donated by the people of Spokane to the United States. He said it was the most beautiful site for a military post there was in the United States, with the possible exception of West Point. He said that after being there and seeing it himself.

Mr. ALLEN of Utah. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Utah?

Mr. HYDE. Certainly, I always yield to the gentleman from Utah.

Mr. ALLEN of Utah. Had the Secretary of War visited Salt Lake when he said that?

Mr. HYDE. Well, he went there afterwards. He had not been there then. [Laughter.] I said, Mr. Chairman, that part of that tract had been platted. It was owned by hundreds of different owners, and yet the title to all that property was secured in exchange for other property and turned over to the Government; and that property has cost the people of Spokane $50,000. There are 1,022 acres of it. It has over 4 miles of river front, and is one of the most beautiful sites in the world. In the very near future that 1,000 acres will be worth $100 an acre, which is $100,000. The city has made a grant to the United States of water for ninety-nine years at $1 per year, which is practically free, and enables it to connect with the city waterworks.

Now, I want to show you something more in regard to where this army post is situated, and to talk to you about another Schomburgk line, one that is far more important, and it is definitely fixed. Here is the city of Spokane, 20 miles from Idaho [illustrating]. Here is a railway [illustrating] that runs up to the British line, which is only about 75 miles to the north. To-day you may go from here [indicating] east or west on the Great Northern Railway, and this post, you will understand, gentlemen, is located at such a point that troops can be sent out on the most northerly line of railroad in the United States. And remember this, gentlemen, that probably not for fifty years will there be another line of railway between the British line and the Great Northern Railway.

This is a great railroad center. Spokane has more lines of railway running into it than any other city west of Denver, Minneapolis, and St. Paul. They reach out in every direction. There are four transcontinental lines centering in Spokane; the Great Northern, the Northern Pacific, the Union Pacific, and the Canadian Pacific are connected here. It is about 75 miles from the British line; near enough, they tell me at the War Department—as near as they would like to have a post. That is the line that I wish to speak of. That line, in my opinion, is a greater menace to the future of this country than all the foreign questions we have discussed in this House during this session. Canada is all very nice with 5,000,000 of people; but, Mr. Chairman, what shall we say when she has 50,000,000 of people, which is coming on to be a great fact in the future? Canada as an independent country would live side by side with the United States to the benefit and glory of both, but as a possession of Great Britain I say it is a menace to the future of this country. It can not stand. We shall have one vast ocean-bound republic or two independent nations.

This post has been established at a place which is both desirable and necessary. Now, I wish to say a few words more. The Secretary of War, in his report, has said of this post that the ground has been accepted. I have the letters here. The title has been approved; the deed has been accepted by the United States and placed on record. It is deposited in the office of the Secretary of War. Everything has been done, Mr. Chairman, except to spend some money in the erection of this post. I have all the correspondence here. I will not take time to read it.

But it may be said, Mr. Chairman, on the other hand, here is a general appropriation of $300,000. Very well. I want to say that General Schofield, in reports which I have here and which I will ask to have printed in the RECORD, has recommended the appropriation. General Otis has recommended it, and his report has been approved by General Schofield. In other words, Mr. Chairman, there is not a dissenting voice anywhere. "Well," they would say, "what is the matter, then?" Well, the War Department asks for an appropriation of $1,000,000, but the committee, in its wisdom, only appropriates $300,000.

Now, then, I say that, the people of Spokane having performed their part of the contract, there is an obligation on the part of the United States to proceed with the work. This committee is the lawmaking power of this House; and it ought not to be left to the ministerial officers of the Government to perhaps divert this money and begin the construction of posts that have been authorized by statutes passed later than the one which authorized this post—passed later and located later, if you please, Mr. Chairman, than the location of this one.

Now, it seems to me there can be no objection; and for that reason I ask that this sum, or, if in the opinion of the chairman of the committee he can not allow the sum of $75,000, why not allow $50,000, showing the good faith of this House? I want to say further that I hold in my hand a letter from the honorable Secretary of War, stating that if the appropriation is made they will expend the sum of $75,000 upon this post this year; and that is why I have fixed the sum at $75,000, the same sum that the Secretary of War has said they could profitably expend during this year.

The following is what is stated in the Annual Report of the Secretary of War for 1895:

The policy of concentrating the Army and abandoning unnecessary posts has not only won the approval of all those acquainted with the lines of progress which conditions have marked out for our Army, but is approved by all thoughful citizens. It has been shown that sufficient bodies of troops can be transported for service to any necessary point in shorter time and at less cost than under the old system, that the area under effective military protection is consequently much larger, and that all elements of expense have been perceptibly reduced.

This policy has also rendered it possible for this Department since March 4, 1893, to turn over to the Department of the Interior 741,000 acres of public land, conveniently situated, for the use of actual settlers. At the present time there are 18 posts whose garrisons exceed a full regiment, while 30 stations are garrisoned by less than a battalion. This policy, with everything to commend it, should be steadily pursued.

Agreeably to the act of Congress the Department has accepted from the citizens of Spokane, State of Washington, a tract of land embracing 1,022 acres for military purposes. Eventually this should be availed of by the erection of barracks and quarters to take the place of some of the posts in that vicinity which, under the conditions following the development of the country, are not well located for present needs.

The following correspondence covers the reports of the officers of the Army in relation to the post:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
*Vancouver Barracks, Wash., July 24, 1894.*

SIR: On the 13th instant I forwarded to your office a report of my recent inspection of the post of Fort Sherman, Idaho, which was in answer to a communication suggesting a removal of department headquarters to the city of Portland, for the purpose of giving additional shelter to troops at Vancouver Barracks, as then appeared to be necessary on account of the supposed destruction of Fort Sherman by the spring floods.

In that report I suggested that, in case Fort Sherman should be discontinued, the city of Spokane offered the greatest advantages of any point within the department for a permanent military station, and remarked that the city "is the strategic point throughout that section and recent experience has clearly demonstrated its importance. While there during the latter part of last month, the citizens expressed a great desire that a post should be located in or contiguous to the city and a willingness to contribute suitable grounds." I stated that I overlooked some of the locations which they informed me might be offered to the Government for such a purpose, and in that connection further remarked as follows: "One such was viewed which was about 3 miles below the center of the city, located on the opposite side of the Spokane River and on the line of the Great Northern Railway. The property is held at a high figure, but the citizens thought that they might obtain and connect it with the city water supply. It might be advantageous to hold this proposition in reserve for future consideration, as I believe when money is available for the construction of a new post within the present department lines Spokane or its near vicinity will be determined on as the place to build it."

In connection with the above subject I have the honor to transmit herewith the proposition of representative citizens of Spokane, accompanied by a railroad map of the section of country tributary to that city, also a blue print showing the manner in which the city has been laid out or plotted. The proposition contains a presentation of the military advantages which would result from the establishment of a permanent post within or in near contact to the place, and so ably discusses the subject that further comment is unnecessary.

The 640 acres mentioned therein embrace the site to which I particularly invited attention in my report of the 13th of the month, from which I have above made quotation, and its location is northwest of the city, or in its northwestern extremity, beyond the Spokane River, and is well represented upon the accompanying blue print. By reference thereto it will be seen that it is situated in the bend of the river and is connected with the city by a single bridge. The river, which here has a deep channel, constitutes one-half of its boundary. I did not make a close inspection of the ground by passing over it, but viewed it from the bridge, which is probably 100 feet above the bed of the stream; and this after I had casually observed other proffered sites, one of which is a stony, barren plain, up the river, about 4 miles from the business center of the city, and between the river and the Northern Pacific Railroad.

This location would be dependent upon the city for water and is deficient in sewerage necessities. Another proffered site is about 6 miles to the northeast of the town and near the outer terminus of the street railway shown on the map. It is on the line of the Great Northern Railroad, has good soil, and some good natural advantages, but is dependent upon springs for its water supply. Another is to the south of and near to the city, three or four hundred feet above it; is reached by a road of very steep ascent, and is also watered by springs. The point would be a desirable one were it not for its elevation, its distance from railway facilities, and the precarious nature of continued sufficient water privileges.

The site which the city now offers has complete water, sewerage, and drainage conditions. The flow of water in the river is abundant and eternal. The pipe line of the city water system can easily be thrown across the bridge to the highest point of the land marked for the Government reserve. The first bench of land skirted by the river is about 50 feet above it and is admirably adapted for quartermaster buildings, corals, and storehouses of the various staff departments. The second bench, some 50 feet above the first, is of sufficient dimensions to contain all the buildings needed for quartering a large garrison. The wooded grounds beyond are easy of ascent and not much elevated, as may be readily supposed from the fact that they are traversed by the Seattle, Lake Shore and Eastern Railway.

All this land has good natural drainage and can be sewered at light expense—the sewage thrown into the river, which is not objectionable, as the point is below the city. The railroad facilities which are presented can not be excelled. The Great Northern road crosses the river at good distance below and out of sight of the bridge connecting the site with the city, and skirts the low land along the river and within the proposed reservation lines. A station within the reserve could be reached by a good wagon road of very easy grade, and as located the railroad would not endanger the buildings of the post by reason of fire. I do not know what facilities the grounds offer for target requirements, but am of opinion that they are adequate and excellent.

A supposed objection to the location might be urged because of its nearness to the business center of Spokane. I look upon that as one of its main advantages, isolated therefrom as it is by its natural features. The city does not extend its growth to that neighborhood, but off to the north and east. To the northeast its development has been rapid and continuous, and it will continue to build in that direction. This isolated 640 acres is, in fact, well removed from city disturbances and more than half of its exterior line is protected from encroachment by its natural barriers. Situated as it is, it would present for officers and enlisted men school, business, and social benefits, and would not inflict any more demoralization upon troops than if located 10 miles beyond the city confines.

This proposition of the citizens of Spokane is extremely liberal. The ground offered has great natural beauty, has been used as a suburban park, and its pecuniary value is estimated at a high figure. In presenting it I am influenced by the recently ascertained knowledge that Fort Sherman must sooner or later be abandoned, because the possible overflow of the Cœur d'Alene Lake at any time renders its tenure very precarious, and further by the great importance of permanently maintaining troops in that section of country. By the establishment of a large military post in the city of Spokane, Forts Sherman, Spokane, and Wallawalla could be abandoned, although the latter, by the recent transactions between the Oregon Railway and Navigation Company and the Great Northern Railroad, has been placed upon one of the main railroad routes of the Northwest. By the establishment of such a post all points in northern Idaho and the State of Washington to the Cascade range of mountains could be quickly furnished with military protection when necessary.

An attempted removal of troops from northern Idaho might be met with opposition from the citizens of that State as endangering the safety of the inhabitants of its mining regions and their railroad connections. In fact, however, a military force at Spokane would hold the key to all their endangered points much better than if stationed at Fort Sherman or at any other place. As regards southern Idaho, the emergencies of the past three months indicate the importance of Boise Barracks, and the impression which has generally prevailed in military circles as to the uselessness of that post must be modified. It is a convenient point for a garrison of four companies, and it could be made to accommodate a force of that strength at a very moderate expenditure. Its water problem appears to be solved through the efforts of the Boise City authorities, who have placed an extended pipe line from certain distant springs to the city, which passes through the military reservation and discharges into the Government reservoir, as reported, 86,000 gallons of water daily.

This project when proposed was remarked on at the headquarters as one which required Congressional action, since it created an easement in the reservation land. I was not aware then that this difficulty had been met by the act of Congress of 1891, and its subsequent amendments, under which commonlaw riparian privileges had been greatly augmented. While at Boise Barracks the party who had proposed to place this pipe line met me with a communication from the Quartermaster-General showing that his proposition had been accepted. He stated that he had laid his pipe to the reservation line, but that the post commander could not permit him to enter it until he had received the requisite authority; that his force was on the ground, and that it would enhance the cost of the labor which he had undertaken should he be obliged to temporarily stop the work.

This was my first intelligence of the interest manifested and of the action taken by the Quartermaster-General in regard to the Boise Reservation, and I was glad to obtain it even through the source which I did. Under the circumstances the party was permitted to enter the reservation at once, with the condition that he would remove from the same with all his property should information not soon be obtained of the due acceptance of his proposition. Proper authority has since been obtained, the pipe line has been finished, and the present flow of water is abundant. I see, therefore, no apparent difficulty in retaining Boise Barracks as a permanent station for troops.

Should the accompanying proposition of the citizens of Spokane be favorably considered by the War Department, and should the Department conclude to request the necessary Congressional action for the establishment of a post at or near that city, I would respectfully suggest that measures be taken in due season to select an appropriate site and to ascertain how great may be the liberal feeling of its citizens with regard to it.

Very respectfully, your obedient servant,

E. S. OTIS,
*Brigadier-General, Commanding.*

ADJUTANT-GENERAL UNITED STATES ARMY,
*Washington, D. C.*

—

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE, *August 3, 1894.*

Respectfully submitted to the Major-General Commanding the Army.

GEO. D. RUGGLES,
*Adjutant-General.*

—

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
*Washington, September 6, 1894.*

Respectfully submitted to the Secretary of War, with the recommendation that the offer of the city of Spokane be accepted of a suitable tract of land, containing not less than 640 acres, as a site for a military post, and that an appropriation of the necessary funds be made for the construction thereon of accommodations for eight companies of infantry and four troops of cavalry, with the corresponding number of field and staff officers, depot buildings, etc. That upon the approval of this proposition and an appropriation of the necessary funds by Congress so rapidly as the new post shall be completed the troops now occupying Fort Sherman, Fort Spokane, and Fort Wallawalla be transferred to that point. The posts above named to be abandoned as no longer needed.

J. M. SCHOFIELD,
*Major-General, Commanding.*

—

[Third indorsement.]

WAR DEPARTMENT, *October 3, 1894.*

Seen by the Secretary of War; file for the present.

By order of the Secretary of War.

JOHN TWEEDALE, *Chief Clerk.*

—

FORT SHERMAN, IDAHO, *December 1, 1894.*

SIR: In compliance with Special Orders No. 179, Headquarters Department of the Columbia, current series, I have the honor to report that on November 7, accompanied by First Lieutenant Leyden, Fourth Infantry, I proceeded to Spokane, Wash., to examine a tract of land tendered to the Government by the citizens of that city for the establishment thereon of a military post. (See inclosure marked A.)

On the morning of the 8th Mr. Lewis F. Clark, representing the citizens by whom the tender was made, accompanied us to indicate the boundaries of the tract in question.

From the accompanying map (No. 1) it will be seen that the plat is located on the banks of the Spokane River, west of and about 2½ miles in a direct line from the center of the city, and that it extends along the river about 4 miles.

The present approach to the tract is by the county road, about 4½ miles from the city; a shorter route, less than 3 miles in length, exists, but will require the reconstruction of a bridge across the river, the old bridge having been destroyed last year.

In total acreage the plots examined aggregate about 1,000 acres. Concerning the suitableness of the tract for military purposes, it was, in some degree, essential to assume a maximum strength of the proposed garrison. Upon the basis that the post should accommodate a regiment of infantry, a squadron of four troops of cavalry, and a battery of light artillery, with a possible strength of twelve to fifteen hundred men, I made a careful examination of the ground, extending over two days of rather unfavorable weather. As a result of that examination my judgment is that the tract is suitable, and in many particulars highly desirable, for the ordinary purposes of a garrison of the strength indicated.

The main and most desirable portion of the tract is a plotted addition called Twickenham. The greater part of this addition, about 253 acres, is a high and approximately level plateau that appears admirably adapted for the site of the post proper and for parade and drill grounds. This main plateau, as shown in the map (No. 2), is about 170 feet above the river; but on the slopes to the river banks there are several benches or terraces of considerable extent, especially toward the bend of the river, that seem adapted for stables, corrals, storehouses, etc. The lowest one of these terraces is from 30 to 50 feet above extreme high water.

Of the remaining portion of the tract the ground is more or less broken, but there exists large plats that seem adapted to the location of smaller or sub posts for cavalry or artillery, should such be considered desirable.

There is no difficulty in locating known-distance target ranges up to 1,000 yards in length, but for skirmish practice some expenditure of money and labor will be required to construct a range to fulfill desirable conditions. Reference is here made to a portion of the map No. 2, marked in blue pencil.

Concerning a water supply, I invite attention to the inclosed proposal of the city authorities (marked B). It is presumed that a hundred gallons a day is a liberal allowance per capita for ordinary drinking and domestic purposes. The water offered is from the city mains, and but small expenditure will be required to connect, near the boundary of the tract, the necessary mains for the post. The location of the tract, being downstream from the city, is such that water from the river could not be used for domestic purposes. For fire, irrigation, flushing tanks, etc., an auxiliary supply could be pumped from the stream.

The drainage of the tract is natural, and the establishment of a sewerage system a very simple matter.

The county road is located on the southern portion of the tract and it would seem to interfere but little with any military use of the ground in question. The Seattle, Lake Shore and Eastern Railroad, now operated by the Great Northern Company, has a right of way through the tract as indicated on map No. 2. The location of the railroad, like the county road, is such as to interfere very little, if any, with military requirements.

Accompanying this report are eight photographic views, lettered to correspond with the points on map No. 2, from which they were taken.

Lieutenant Leyden has given me very valuable assistance in the performance of the duties devolved upon me in this matter.

Very respectfully, your obedient servant,

ROBERT H. HALL,
*Colonel Fourth Infantry.*

The ASSISTANT ADJUTANT-GENERAL,
*Headquarters Department of the Columbia,*
*Vancouver Barracks, Wash.*

—

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
*Vancouver Barracks, Wash., December 8, 1894.*

Respectfully forwarded to the Adjutant-General of the Army.

I consider it of great importance that this tract of land be accepted at once and that an appropriation be sought for the construction of a military post which would accommodate at least a regiment of infantry. My reasons have been fully given in previous reports.

E. S. OTIS,
*Brigadier-General, Commanding.*

—

[Second indorsement.]

ADJUTANT-GENERAL'S OFFICE, *December 8, 1894.*

Respectfully submitted to the Major-General Commanding the Army.

H. C. CORBIN,
*Assistant Adjutant-General.*

—

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
*Washington, December 10, 1894.*

Respectfully submitted to the Secretary of War, recommending favorable action.

J. M. SCHOFIELD,
*Major-General, Commanding.*

—

HEADQUARTERS OF THE ARMY,
*Washington, D. C., January 8, 1894.*

SIR: Referring to the amendment to the Army appropriation bill proposed by Senator SQUIRE, to appropriate $50,000 to commence the construction of barracks and quarters, etc., at the post to be located at Spokane, Wash., I have the honor to submit the following considerations:

It is desirable, in the interest of the public service, that the construction of the new post be commenced as soon as Congress may feel justified in making the necessary appropriation. The garrison of the old post of Fort Spokane should be removed to the new post as soon as practicable, for the reason that the troops are of no use where they are now stationed, and are kept there solely on account of the lack of suitable accommodations elsewhere, and for the reason that the post is so far from the railroad that the troops can not be made quickly available for service in other places. Hence the necessary accommodations should be provided at the new post as soon as practicable.

This is not one of those pressing necessities which demand appropriations without regard to the financial condition of the country. Yet it is one for which an appropriation may well be made as soon as, in the wisdom of Congress, it shall seem justifiable.

Very respectfully,

J. M. SCHOFIELD,
*Major-General, Commanding.*

To the Honorable SECRETARY OF WAR.

—

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
*Vancouver Barracks, Wash., August 15, 1894.*

SIR:

* * * * * * *

VALUE OF PRESENT STATIONS OF TROOPS.

The withdrawal last fall of two of the three companies which composed the Fort Spokane garrison looked to the complete abandonment of that post in the near future, since it was considered to be inconveniently situated, difficult to reach in certain seasons of the year, expensive to maintain, and that it served no practical purpose in the region of country in which it was located. Fort Sherman, the headquarters of the regiment to which the Fort Spokane troops belonged, was deemed to be the proper point to which they should be drawn, and there it was believed that they could be comfortably quartered if comparatively inexpensive barracks could be constructed soon.

Still, this disposition was viewed as of a temporary nature, since neither Fort Sherman nor Fort Spokane was properly located to meet all the conditions which a regimental post should possess, as both were removed from important lines of travel and centers of population. Estimates for the necessary barracks were submitted, but failed to receive the requisite approval. The increase in the Fort Sherman garrison overcrowded the buildings of the post—especially those occupied by the enlisted men—causing much discomfort and annoyance, and in order to give required relief a request was made early in the spring to withdraw part of the troops and regarrison Fort Spokane as formerly, which was favorably considered.

A careful computation of the cost of supplying the last-named post shows that it is not as great as that of supplying most of the others of the department, though greater than that attending Fort Sherman. The frequent calls of the last few months for the employment of troops to assist in maintaining law along the principal railway lines of the Northwest indicate that, with proper telegraphic communication maintained, the troops at Spokane are almost as quickly available for service as those stationed at Sherman. The city of Spokane, though much nearer the latter, must be drawn on for railway transportation whenever required by the garrison of either post, and the time consumed in an overland march of 25 miles might be regarded as the difference of the periods of availability of one over the other.

Fort Sherman, however, is nearer the turbulent mining section of Idaho, where the use of troops has been frequently demanded, and to which they are often sent, and on this account it has the most desirable location. But neither satisfies conditions which should determine permanence; and since the experience of last spring at the last-named post, with the overflowing waters of the Cœur d'Alene Lake, by which it was submerged and its destruction threatened, the claim that it could or should be permanently maintained can not be reasonably supported. The experience of the last few months also demonstrates the wisdom of uniting the garrisons of these two posts at some more convenient point than either of those which they now occupy, in order to obtain quicker response to the demand for active service and to be able to place in the field the largest numerical force possible. The strength of this military department is small, and it has been lately taxed to its full capacity to respond fully to all the calls which have been made upon it. Had the garrisons of these two posts been united at a single station the force available for detached duty would have been greater by at least one-eighth.

Viewing that entire scope of country to ascertain what locality best meets all the important requirements for which a post of our small army under present Government conditions should possess, it is found that none offers the advantages of the city of Spokane. The main railway center of the extreme Northwest, it throws out its lines of speedy transportation in every direction. They reach the international boundary line to the north, extend to the east and west under antagonistic managements which offer competing accommodations for travel, pierce southern Washington, and northern Oregon, connecting with other railway systems, and penetrate the mining sections of Idaho by two routes.

In matter of time required to reach the different places of population in that region of country the city of Spokane is nearer than any other point available for the permanent station of troops. It possesses also the advantages of excellent climate, healthy location, with abundant good water, and the construction there of a large military post and its subsequent maintenance would be attended with a less expenditure of money than one at any other point in the Northwest. Troops quartered there would have under observation the great stretch of northern country from the Cascade range of mountains to the State of Montana and south to the Oregon line, and could be expeditiously placed wherever therein their lawful employment might be demanded. They would also be most conveniently quartered should it become necessary to temporarily detach from them any portion for service in a distant locality.

Since 1866 Government has done very little looking to the protection of the Puget Sound and adjacent United States territory contained within the State of Washington against possible foreign attack; and there, within the last few years, population has greatly increased, and important coast cities, now conducting a considerable international commerce, have been constructed. No one doubts that the time is rapidly approaching when an extensive ocean trade will be carried on between these cities and the Asiatic and some of the European seaports, and a wise precaution must suggest that measures should be taken as soon as practicable to supply these growing communities with the material for land defense. Thus far the full limit of Government assistance extended in that direction has consisted in the selection by expert army officers of various points as sites for defensive fortifications, which in most instances the President has declared shall be reserved for such purposes, and of maintaining one or more companies of troops, primarily sent there to prevent Indian depredations.

During the ten years ending with 1866 33 of these sites, lying along the straits of Juan de Fuca, the waters of Puget Sound, and Bellingham Bay, have been declared military reservations, and 10 since that time. Some of the Executive orders of declaration have been revoked, a few of the reservations have been given up, and many of those still in part existing have been affected by individual claims at date of declaration which have since been perfected, have been much reduced in so far as extent of Government title therein is concerned. Recent improvements in ordnance, with its greatly extended range of fire, have rendered many of these sites of no further practical importance for military uses, and should be abandoned. The United States Fortification Board so found, after an inspection of the boundaries of Puget Sound, made a few weeks ago to determine the best points at which to construct defensive works, and it reported but very few of the many sites still formally retained by Government as suitable. It recommended 11 prominent points as naturally adapted to such purposes, some of which have never been covered by declarations and are owned by individuals, corporations, or Indians, or belong to the State of Washington.

Should its recommendations be approved, it is urged that all locations in the Puget Sound country now held as military reservations, and which the Fortification Board has virtually found not required for defensive works, be turned over to the Interior Department for disposition, and that such as it has reported to be needed therefor be placed under military control, and by proper acquisition if necessary. By these means the way will be opened for the construction of the Government defenses which are generally conceded to be demanded and which undoubtedly will be undertaken as soon as general financial improvement admits of the requisite appropriations.

As regards protection given to the inhabitants of that section through garrison posts, it has been in the nature of police and of benefit only in seasons of Indian hostilities. Fort Townsend, established originally in 1859, still remains and is garrisoned by a single company of infantry. The only advantage to be derived from its retention consists in the fact that it furnishes shelter for troops; for as far as the possibility of employing its small garrison is concerned, in the performance of duty for which the Army is maintained, it might almost as well not exist. True, that a detachment was drawn from it for service at Tacoma in the recent railway disturbances, but that was because of the necessity to concentrate as large a military force as possible to successfully execute the instructions of the War Department. It is only under such pressing exigencies that the Townsend garrison would be summoned from its secure retreat.

In some locality of the northern section of this State, beyond the Cascade Mountains, where now dwell 100,000 people, part of whom are restless, demonstrative, and oftentimes turbulent upon fancied provocation, and a population, too, which is destined to be greatly augmented within a brief period of time, one moderately large garrison should be established and permanently maintained. The vicinity of Seattle offers the most favorable conditions for location, as that is the center of a small territory in which the future use of troops will be demanded, and the place at which exhibitions of lawlessness

beyond the power of the State to control have so frequently manifested themselves.

A short distance beyond the city, extending into the waters of the sound, Magnolia Bluff, one of the most important points selected by the Fortifications Board for defensive works, would appear to be the proper site for the post of an infantry garrison, to be succeeded, as it doubtless would be in a few years, by an artillery command.

There the Fort Townsend garrison should be stationed and be materially increased. A force there of only a single infantry battalion, if no more troops were available, would be of great service. With efficient garrisons at the cities of Spokane and Seattle and with the present Vancouver Barracks' strength kept intact, all localities within this military department, with the exception of southern Oregon and Idaho, could be quickly reached by effective bodies of troops, and as permanently placed would be in position to observe the northern international boundary line. Southern Idaho and a good portion of southern Oregon would be in easy communication with Boise Barracks, in respect to which the long-mooted objection to its indefinite continuance as a military station has been met by a recent abundant supply of water. Should not some such use of the Fort Townsend garrison be made, I would then respectfully recommend its removal to this point and the abandonment of the post.

Fort Canby, at the mouth of the Columbia River, is increasing in importance. The long jetty projecting from Fort Stevens, against which sand, drift, and sediment gradually accumulate, will extend the south bank of the river by constant accretion toward the ocean, and leave the last-named fort considerable distance inland. The river channel has been straightened and its outlet carried farther out to sea, which will bring entering vessels more completely under Fort Canby's guns. These, with the assistance of those which it is contemplated to place, in the distant future possibly, at Stevens and on the military reservation of Scarboro Head, will effectually command the river entrance and connecting harbor, and no other land defenses on the river banks are needed. The Three Tree Point Military Reservation, containing 640 acres of unencumbered land, could with propriety be turned over to the Interior Department for disposition.

* * * * * * *

I am, sir, very respectfully, your obedient servant,

E. S. OTIS,
*Brigadier-General, Commanding.*

To the ADJUTANT-GENERAL UNITED STATES ARMY,
*Washington, D. C.*

The following correspondence has passed between the War Department and members of Congress on the subject:

WAR DEPARTMENT, *Washington, D. C., October 21, 1895.*

SIR: I have the honor to return herewith the deed of the Spokane and Eastern Trust Company to the United States, dated September 16, 1895, which was transmitted, together with abstracts of title and other papers, for the acceptance of the Secretary of War under the act of Congress of February 12, 1895. (Ch. 83, 28 Stat., 657.)

In his report dated October 18, 1895, on the validity of the title to the lands described in said deed, the Attorney-General says:

"On examination of said abstracts, together with the papers accompanying them, I find that said company can convey to the United States a good and sufficient title to the premises referred to for the purposes hereinbefore mentioned, and am of opinion that such title will pass by said deed.

"I observe, however, that said deed purports to be made solely for the consideration of $10,000, whilst the act above cited provides that the conveyance to the Government of the land for the proposed army post shall be 'without cost to the United States.' If, as I understand the case to be, it was the intention of the grantor in said deed to convey the land described therein without cost to the Government for the purpose of an army post, in accordance with the requirements of said act, the consideration expressed in the deed is not the true one and should be omitted. I suggest that it would be better to have a new deed from the company, leaving out that consideration, and after setting forth by way of recital the provision made by Congress for the establishment of an army post near Spokane, the approval by the Secretary of War of the land selected for the site of such post, etc., declaring that in consideration of the premises and of a nominal sum (say $1) the company does thereby grant, etc. This would disclose the real consideration for the transfer, be in harmony with the statute, and at the same time be efficient as a conveyance."

A new deed prepared in the form indicated by the Attorney-General is inclosed herewith, and it is requested that you will have the same properly executed and filed to be recorded in the land records of the county.

The lands described in said new deed are approved and accepted by the Secretary of War as a site for an army post to be situated near the city of Spokane, in the county of Spokane, in the State of Washington, as provided in said act, on condition that said new deed shall be properly executed and filed for record in the land records of the county before November 1, 1895.

Very respectfully,

DANIEL S. LAMONT,
*Secretary of War.*

HENRY L. WILSON, Esq.,
*Chairman Military Post Committee, Spokane, Wash.*

—

WAR DEPARTMENT, *Washington, D. C., November 29, 1895.*

SIR: I have the honor to acknowledge the receipt of your letters of October 31 and November 15, 1895, respectively, as well as the receipt of the deed, executed and recorded, to the military post site, Spokane, Wash.

Very respectfully,

JOSEPH B. DOE,
*Acting Secretary of War.*

Hon. HENRY L. WILSON, *Spokane, Wash.*

—

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., March 2, 1896.*

DEAR SIR: The Secretary of War has requested me to forward to you the inclosed copy of a letter addressed by the War Department to Hon. JOSEPH R. HAWLEY, chairman of the Senate Committee on Military Affairs.

Very sincerely, yours,

JNO. SEAGER, *Private Secretary.*

Hon. S. C. HYDE,
*House of Representatives, Washington, D. C.*

—

[Copy.]

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, February 25, 1896.*

SIR: I have the honor to return herewith the amendment proposed to be offered to the sundry civil bill for the fiscal year ending June 30, 1897, which has for its object the appropriation of $300,000, to be immediately available, for the construction of a military post at Spokane, Wash.

In response to your request for information, etc., I would state that, under a recent authority of Congress, the Government has acquired, by donation of the citizens, a site for a military post near Spokane, having an area of some 1,000 acres. Estimates have been submitted to Congress for the sum of $1,000,000 "for repair and improvements of military posts." Should this sum be granted, it is proposed to apply a portion of it to the commencement of improvements on the site at Spokane, but the Department can not recommend any special appropriation for this particular post.

The first work required on this site would be sewer construction, provision of water supply, roads, and other means of communication, and the beginning of construction of permanent buildings.

If means are placed at the disposal of the Department, the expenditure of about $75,000 would be made during the next fiscal year.

Very respectfully,

DANIEL S. LAMONT,
*Secretary of War.*

Hon. JOSEPH R. HAWLEY,
*Chairman Committee on Military Affairs, United States Senate.*

Mr. DOOLITTLE. Mr. Chairman, I only desire to say a few words by way of supplementing what has been so well said by my colleague from the State of Washington [Mr. HYDE]. Everything that he has said relative to the beauties of this location selected by the Secretary of War at Spokane and also as to the title being clear and complete in the Government is absolutely true. That there is great need for the establishment of this post there can be no question. As my colleague has stated, it is one of the most advantageous positions for a military post in the whole Northwest, and the establishment of a post there would result in lessening the expenses of the Military Establishment by the assembling of troops at a point from which they can be distributed most readily whenever the necessity for using them shall arise. The people of Spokane, after the selection of the ground, in spite of their burdens, in spite of the depression and the hard times under which they have labored, went forward and raised with the utmost difficulty the money required to obtain the title to this ground, believing, of course, that after the location was selected and the title turned over to the Government Congress would at once see to it that the money required for the erection of the buildings and the completion of the post would be appropriated.

Now, Mr. Chairman, I claim that the Department and the people of Spokane having taken this action, it is only fair to the people of that city that this Congress should at once appropriate a sufficient amount of money to carry on the work as it should be carried on, and it seems to me that no point of order ought to be raised against this proposition, nor do I know that the chairman of the committee intends to raise a point of order. At least the sum named in this amendment should be appropriated here and now by this House. The representatives of the American people here assembled should, it seems to me, recognize the fairness of this proposition and should respond by standing with us. The amount of $75,000 is necessary for this purpose as stated by the War Department, and it ought to be appropriated without delay. We know not, any of us, when it may be necessary to make use of this post in a greater way than anybody now anticipates. No one knows what troubles may arise, or what circumstances may make an imperative necessity the occupancy of this post, and buildings should be erected there that the purposes for which the post was selected may be carried out in a liberal and proper way. I trust that this amendment may be adopted, and that if necessary it be left to the Senate to increase the amount of the appropriation in the bill out of which this $75,000 is to be taken. I do not care to say anything further at this time, save to again express to the House my earnest hope that this amendment may be adopted.

Mr. CANNON. Mr. Chairman, this bill recommends as follows:

For the construction of buildings and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $300,000.

It will be observed that this is a general appropriation of a lump sum for all the army posts, those that have been commenced and that are contemplated but have not been commenced, to be expended by the Secretary of War; and when the appropriation is made, in theory if not in practice—and I think substantially in practice—the Secretary of War, having full knowledge in the premises (if he has not, he ought to have), makes inquiry touching this branch of the public service and apportions the money according to his judgment for work on the various posts throughout the United States. For instance, there is a post at Fort Harrison, at Helena, perhaps four-fifths completed and occupied. How much it would take to finish it I do not now recollect.

Mr. HARTMAN. About $60,000.

Mr. CANNON. Sixty thousand dollars, the gentleman from Montana says. Then at Fort Riley there is another important post not completed. There is Sheridan at Chicago, on which much work has been done, a large post, not yet completed. There is a post at Plattsburg, N. Y., and there is a post at Jefferson Barracks, St. Louis, and at Fort Thomas, Omaha, and there is one authorized on the sound.

Mr. DOOLITTLE. That is simply an artillery post.

Mr. CANNON. Yes; but it is a military post. Then there is this one at Spokane, and there is one at Bismarck. In the last

Congress or the Congress before, probably in the last, these three posts, the one on the sound, the one at Spokane, and the one at Bismarck, were authorized. At Spokane the title to the site has been acquired. I think I saw that ground several years ago, a magnificent site, containing some 800 or 900 acres, I believe.

Mr. HYDE. One thousand and twenty-two.

Mr. CANNON. One thousand and twenty-two, the gentleman says. That was bought, I believe, by the citizens of Spokane and donated to the Government. Now, the $300,000 appropriated in this bill will not, of course, complete all of these posts. For several years the appropriation for this purpose has been cut pretty close; but your committee, after inquiry, notwithstanding the present condition of the Treasury, recommend an increase of $75,000. The appropriation for the current year is $225,000, and in the preceding bill I think the amount was the same. We recommend an increase of $75,000, making the total appropriation for this purpose $300,000.

Mr. HARTMAN. How much does the gentleman estimate it would require to complete all of these posts?

Mr. CANNON. I do not know that. The estimate, I will say to the gentleman, is for a million dollars, and even that would not complete them all. The estimate for last year was for a million dollars. I think that is about the current average estimate for this purpose; but, as I have said, for some time past the appropriation has been only $225,000, and we recommend an increase of $75,000.

Mr. HARTMAN. Under the allowance provided for by this bill what will be the amount that each post will receive?

Mr. CANNON. I can not tell that.

Mr. HARTMAN. Is there any way that that can be ascertained?

Mr. CANNON. Only by application to the Secretary of War after the appropriation is made. Under this form of appropriation the apportionment of the money is a matter of administration.

Mr. HARTMAN. Then it is entirely in the Secretary's discretion?

Mr. CANNON. Certainly.

Mr. DINGLEY. Depending upon the exigencies of the service.

Mr. HARTMAN. But the Secretary may devote the whole of this money to one post if he chooses.

Mr. CANNON. It is to be presumed that the Secretary of War will do his duty in the apportionment of this money, taking into account the exigencies of the service. I will say further that it was impossible for your committee, and I think it is impossible for the Committee of the Whole, to administer an appropriation like this by legislation.

Mr. HARTMAN. What was the motive of the committee in reducing the amount from $1,000,000, the sum named in the estimate, to $300,000, which the bill proposes to appropriate?

Mr. CANNON. Considering the condition of the Treasury in connection with the necessities of the public service, the judgment of the committee was that we would not be warranted in recommending an appropriation of a million dollars. But after full inquiry we were of opinion that there ought to be an increase of $75,000; so that the amount, instead of being $225,000, is now $300,000 in all.

Mr. HARTMAN. When the spring issue of Government bonds shall come, as it undoubtedly will, I presume we shall then have sufficient money to build these posts.

Mr. CANNON. That brings us right up to the question of how liberally we should make our appropriations. My position touching this and all other appropriations has been, as I have stated before in this House, that no appropriation looking toward new work should be made unless the importance of the work is so overmastering that a sound public sentiment would say we ought to borrow the money to carry it on.

Mr. HYDE. There was one fact which I forgot to state, that the precedents of the Fifty-second and the Fifty-third Congresses are all in favor of this specific appropriation. The Helena post was built in this same way; there was a specific appropriation. I forgot also to state that this proposition contemplates a reduction, not an increase, of military posts. The post at Fort Spokane (Miles) and that at Cœur d'Alene, Idaho, will be removed to this point. The reports and recommendations from the Army, which I did not trouble the committee to read, all point in that direction.

Mr. CANNON. The policy of Congress and of the Department for many years has looked to the abandonment of posts upon the frontier and in the Indian country. As the building of railroads has proceeded, the older posts have from time to time been abandoned, and new posts established at such points as to enable the Government to utilize its forces for the best interests of the service, taking into consideration transportation and everything of that kind. The gentleman from Washington [Mr. HYDE] is correct in stating that from time to time specific appropriations have been made to construct some of these posts. The gentleman has cited, I believe, precedents in the Fifty-first and Fifty-second Congresses. He might, no doubt, have gone further back and found similar precedents in the Forty-ninth and Fiftieth Congresses. But the gentleman will recollect that when those posts were established we had a very different condition from that now existing. We had a Treasury full and running over, so that we were paying from $100,000,000 to $150,000,000 a year—sometimes $200,000,000—on the public debt, after providing liberal support for the Government.

The committee having made this recommendation in, I think, fairly liberal form, amounting to $300,000—an excess over the corresponding appropriation for the current year—I trust it will be the sense of the Committee of the Whole and the House not to undertake in this case a matter of administration. When the gentleman presents himself to the Secretary of War, I trust that that officer, in the exercise of wise discretion, may make a commencement on this post at Spokane. But I do not believe that we can safely undertake to go into these matters of detail here, because if we commence by saying that a particular portion of this sum shall be used at one designated place, it will necessarily follow that we must adopt similar provisions with reference to other places; and in such a course we should be undertaking to do, without sufficient knowledge, what the Secretary of War ought to do, and I believe will do much better. I am ready for the vote.

Mr. GROSVENOR. I move to amend by striking out the last word. It is greatly to be regretted that it becomes the duty of the chairman of the Appropriations Committee of this House to state constantly to the representatives of the people that there is existing in this country a condition which requires something more and worse than economy in the public expenditures. Economy is one thing—just economy—economical administration of the country. Parsimony is another thing. But worse than either of those is the existence of a public necessity for the expenditure of public money, with an impossibility on the part of the House of Representatives to furnish that money. That is not economy; that is not parsimony; that is an admission of a condition which at the present time is unsurmountable and which we are all compelled to recognize and which we are all bound by.

I stood here in the Fifty-first Congress, when we were making appropriations liberally and generously—not extravagantly. No Appropriations Committee of the House of Representatives ever did its duty more faithfully than did the Appropriations Committee of that Congress. In the two sessions of the Fifty-first Congress we appropriated something like a billion dollars; and our enemies called us, in language intended to be a reproach, "the billion-dollar Congress." That was their watchword and battle cry in the unfortunate campaign in 1892. In passing I desire simply to say that in no single instance were they able to point out where there was a dollar of money appropriated that was not needed for the public service, which was not wisely appropriated. Yet the cry was that we had been extravagant because of the enormous aggregate of appropriations.

Now we find ourselves limited. The question with us now is not, What is the public demand? The public buildings of the country, partly constructed, are wasting and suffering by the lapse of time, and we are unable to make the appropriations for their preservation or maintenance. The public works on the rivers and harbors of the country are wasting by erosion to the extent of more than a million dollars annually, and we are unable to appropriate the necessary money either to push forward the work or to providently protect the work already done. The demands of commerce for greater depth of water in our harbors and rivers have to be met by the declaration of our inability to do anything in that direction.

Now, I want to point out (and I have not quite as much time as I should like) a comparison between two enactments—one a Republican enactment and one a Democratic enactment—through which and by which practically the whole of the revenue of this Government is derived. And I want to show you in figures, figures that nobody will criticise or dispute, just where the fault lies, so that the Committee on Appropriations of this House is to-day compelled, in the execution of a plain duty, to stand here protesting against appropriations that are absolutely needed and ought to be made, in which the representatives of the people are interested, and appropriations which they are in duty bound to insist upon.

During the Fifty-first Congress we had enacted a revenue law, supplementary to a Republican revenue law, based upon the general principle not of revenue but of protection, and yet we had money enough under that law, and I propose to put in contrast now—and I can do it without any great exhaustion of the time of the committee—a few tables compiled for me from the official records of the Treasury Department by Mr. O. P. Austin, an efficient man who has given the subject careful attention and consideration, and who is especially efficient in these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEELE. If I can be recognized, I will yield to the gentleman.

Mr. GROSVENOR. If it is competent, I would like five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. GROSVENOR. Mr. Chairman, these tables, one by one, are as follows: The first I offer is a table of the receipts and expenditures for the first nineteen months of the operation of the Wilson law. I want the country and I want my friends on the other side of the House to realize what it is that they are responsible for, and to ask them to atone for what they have done in the past by a recantation in the present. I give by months the receipts and expenditures of the first nineteen months of the general operation of that law. It will be seen from this table that the total receipts amount during that period to $481,423,509. During the same period the expenditures of the United States for the necessities of the Government amounted to a total of $557,581,385, showing a deficiency between the receipts and expenditures during that period of $76,157,876.

This table, which I append, is in detail as follows:

*Receipts and expenditures, first nineteen months of Wilson law.*

| | Receipts. | Expenditures. |
|---|---|---|
| 1894. | | |
| September | $22,621,238 | $30,323,018 |
| October | 19,139,240 | 32,713,039 |
| November | 19,411,403 | 28,477,188 |
| December | 21,366,136 | 27,135,469 |
| 1895. | | |
| January | 27,804,399 | 34,523,447 |
| February | 22,888,057 | 25,696,035 |
| March | 25,470,575 | 25,716,957 |
| April | 24,247,836 | 32,990,676 |
| May | 25,272,836 | 28,558,213 |
| June | 25,615,474 | 21,683,029 |
| July | 29,069,607 | 38,548,063 |
| August | 28,952,696 | 32,588,184 |
| September | 27,549,678 | 24,320,481 |
| October | 27,901,748 | 34,503,425 |
| November | 25,986,503 | 27,199,283 |
| December | 26,288,937 | 25,814,317 |
| 1896. | | |
| January | 29,207,670 | 32,694,830 |
| February | 26,059,228 | 26,749,956 |
| March | 26,041,148 | 27,344,000 |
| Total | 481,423,509 | 557,581,385 |

Deficiency, $76,157,876.

I give also in this connection the customs receipts for the same period, by months, under the McKinley law as compared with the Wilson tariff law. For the first nineteen months of the McKinley law the total receipts were $302,884,886, while for the same period under the Wilson law the total was $257,069,273.

The table by months is as follows:

*Customs receipts under McKinley and Wilson tariff laws.*

| Month. | Customs receipts first 19 months of McKinley law. | Month. | Customs receipts first 19 months of Wilson law. |
|---|---|---|---|
| 1890. | | 1894. | |
| October | $24,934,114 | September | $15,564,900 |
| November | 15,227,641 | October | 11,962,118 |
| December | 16,104,533 | November | 10,260,692 |
| 1891. | | December | 11,206,049 |
| January | 23,987,953 | 1895. | |
| February | 18,994,189 | January | 17,361,916 |
| March | 15,373,523 | February | 13,334,691 |
| April | 12,591,990 | March | 14,929,789 |
| May | 11,996,141 | April | 12,451,086 |
| June | 14,168,745 | May | 12,474,558 |
| July | 15,408,163 | June | 12,190,443 |
| August | 15,164,674 | July | 14,076,934 |
| September | 14,120,940 | August | 15,620,047 |
| October | 13,980,687 | September | 14,653,907 |
| November | 12,659,029 | October | 13,773,045 |
| December | 13,336,555 | November | 11,455,314 |
| 1892. | | December | 12,169,172 |
| January | 17,459,235 | 1896. | |
| February | 16,782,419 | January | 16,380,796 |
| March | 16,415,312 | February | 13,906,392 |
| April | 13,709,989 | March | 13,344,215 |
| Total | 302,884,886 | Total | 257,069,273 |

I have also a table of the internal-revenue receipts under the McKinley and Wilson laws, to which I ask your attention. For the first nineteen months under the McKinley law the total receipts were $231,222,122, while under the Wilson law the total was $201,069,812. The table by months is as follows:

*Internal-revenue receipts under McKinley and Wilson laws.*

| Month. | Internal-revenue receipts first 19 months of McKinley law. | Month. | Internal-revenue receipts first 19 months of Wilson law. |
|---|---|---|---|
| 1890. | | 1894. | |
| October | $12,840,250 | September | $6,182,149 |
| November | 11,322,047 | October | 6,493,438 |
| December | 12,944,173 | November | 7,774,074 |
| 1891. | | December | 9,934,039 |
| January | 11,253,863 | 1895. | |
| February | 9,489,029 | January | 9,034,964 |
| March | 11,206,723 | February | 8,860,489 |
| April | 11,430,455 | March | 9,854,977 |
| May | 12,232,704 | April | 10,648,880 |
| June | 13,720,652 | May | 10,754,053 |
| July | 14,551,867 | June | 11,810,385 |
| August | 12,301,329 | July | 12,898,405 |
| September | 11,956,331 | August | 12,172,104 |
| October | 13,066,461 | September | 12,200,008 |
| November | 12,480,320 | October | 13,216,563 |
| December | 12,427,046 | November | 13,040,084 |
| 1892. | | December | 12,750,771 |
| January | 11,439,956 | 1896. | |
| February | 12,189,387 | January | 11,041,401 |
| March | 12,133,501 | February | 10,806,662 |
| April | 12,048,622 | March | 11,536,264 |
| Total | 231,222,122 | Total | 201,069,812 |

Now comes a table of the total receipts of the Treasury Department for the first nineteen months under the Wilson law as compared with the first nineteen months, and also the last nineteen months, under the McKinley law. I ask your special attention to this. It shows for the first nineteen months of the McKinley law a total of receipts of $566,919,004, and the total receipts under the same law for the last nineteen months, after the law had been assailed and discredited by the presence of a Democratic majority in the country, of $521,819,675, while under the operations of the Wilson bill for the first nineteen months the total was but $481,423,509. The table showing the total receipts to which I have referred by months, and also a summary giving a comparison of the two laws and the net results of the same, I append here.

*Total Treasury receipts first nineteen months of Wilson law compared with firs nineteen months and last nineteen months of McKinley law.*

| Month. | Receipts, McKinley law first 19 months. | Month. | Receipts, McKinley law last 19 months. | Month. | Receipts, Wilson law first 19 months. |
|---|---|---|---|---|---|
| 1890. | | 1893. | | 1894. | |
| October | $19,222,174 | February | $29,698,142 | September | $22,621,238 |
| November | 28,678,674 | March | 34,115,809 | October | 19,139,240 |
| December | 27,646,515 | April | 28,415,367 | November | 19,411,403 |
| 1891. | | May | 30,928,857 | December | 21,366,136 |
| January | 30,810,283 | June | 30,717,101 | 1895. | |
| February | 29,273,173 | July | 30,905,776 | January | 27,804,399 |
| March | 29,427,455 | August | 23,890,885 | February | 22,888,057 |
| April | 25,465,231 | September | 24,582,750 | March | 25,470,575 |
| May | 27,631,849 | October | 24,553,594 | April | 24,247,836 |
| June | 31,289,205 | November | 23,979,400 | May | 25,272,078 |
| July | 34,158,244 | December | 22,312,027 | June | 25,615,474 |
| August | 28,773,981 | 1894. | | July | 29,069,607 |
| September | 27,595,454 | January | 24,082,738 | August | 28,952,696 |
| October | 28,448,502 | February | 22,269,209 | September | 27,549,678 |
| November | 26,804,887 | March | 24,842,797 | October | 27,901,748 |
| December | 27,646,515 | April | 22,032,364 | November | 25,986,503 |
| 1892. | | May | 23,066,904 | December | 26,288,937 |
| January | 30,363,478 | June | 26,485,125 | 1896. | |
| February | 30,598,944 | July | 34,809,339 | January | 29,207,670 |
| March | 29,836,666 | August | 40,117,605 | February | 26,059,228 |
| April | 26,971,224 | Total | 521,819,675 | March | 26,041,148 |
| Total | 506,919,004 | | | Total | 481,423,509 |

SUMMARY.

*Comparative receipts of two laws.*

| | |
|---|---|
| McKinley law receipts first nineteen months | $566,919,004 |
| McKinley law last nineteen months' receipts | 521,819,675 |
| Wilson law receipts first nineteen months | 481,423,509 |

*Comparative net results of two laws' operation.*

| | |
|---|---|
| McKinley law first nineteen months, surplus | $24,988,221 |
| Wilson law first nineteen months, deficiency | 76,157,876 |

These tables, Mr. Chairman, show simply this, that while we are here clamoring for higher appropriations, and nobody is more in

favor of them than I am, we are met by a condition of the country that compels this economy of administration, or whatever term you may choose to apply to it, and it all comes from the domination in this country of a party—the Democratic party—a party which undertook legislation for revenue only and condemned the principles of the Republican party, repudiating in toto the proposition that we had a right to legislate in favor of the protection of American industries. It has come about in some way, in more ways than one, in fact, but the great way which rises above all the other ways is the fact that it inflicts upon the country a paralysis of business from which we have not yet recovered and from which we never can recover while the existing law presses down upon us as it now does.

People are coming here to-day asking the Republican majority of the Committee on Ways and Means to lift from a great industry of this country—the sugar industry—the incubus put upon us by Democratic legislation, and when we point to them that in the other end of the Capitol there are two representatives of their own State absolutely blocking the way of the very legislation they ask for, they turn in astonishment and say: "Why, we never understood it to be so." A very small matter is asked for in the matter of a change in the tariff law, but we are compelled to say to the representatives from Louisiana: "Go to the other end of the Capitol and tell your two Senators to step out of the way and permit the Dingley law to pass, and we will attach to it the amendment that will give you the relief you seek against the legislation of the German Empire;" and they stand aghast when they learn that the men claiming to represent the interests of the State of Louisiana to-day stand and obstruct the passage of tariff legislation of any kind at the other end of the Capitol. Silence alone on their part and the Dingley bill can come up and we can add this relief to the bill in conference. Will these Democrats do that much for their own local interests?

Mr. TALBERT. If the gentleman will permit me, I would ask if he has made a calculation as to how much the income tax would have brought to the Treasury if that law had been sustained by the Supreme Court, and whether, in his judgment, it would not have met the deficiency of which he speaks?

Mr. GROSVENOR. My dear sir, we might have gone out on the high seas as pirates and seized the ships of foreign nations and robbed them and put the proceeds into our Treasury. [Applause and laughter.] One would have been piracy——

Mr. TALBERT. Was the income tax of 1867 a robbery?

Mr. GROSVENOR (continuing). One would have been piracy, and the other was a violation of the Constitution.

Mr. TALBERT. Was the other income tax that was passed before a violation of the Constitution?

Mr. GROSVENOR. I turn you over to the Supreme Court of the United States. [Laughter.]

Mr. TALBERT. I think I should be in very bad hands. I should rather stay in your hands, bad as you are, than to go to the Supreme Court.

Mr. GROSVENOR. Is that the idea? The Democratic party have depleted the Treasury. They have left it bankrupt, and now their idea is, "What is the Constitution among friends"? when it comes to a matter of that sort. [Laughter.]

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. HYDE].

The question being taken, on a division (demanded by Mr. CANNON), there were—ayes 64, noes 37.

Mr. CANNON. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. HYDE.

Mr. BRODERICK. Can we have the amendment again read?

The amendment was again read.

The committee divided; and the tellers reported—ayes 58, noes 53.

Accordingly, the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I want to give notice now, so that gentlemen can govern themselves accordingly, that if I can get one-fifth of those present to second my demand I will call the yeas and nays upon this amendment in the House. I want to do it out of fairness to the membership.

The Clerk, proceeding with the reading of the bill, read as follows:

Chickamauga and Chattanooga National Park: For compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses. For foundations for State monuments, wire fencing, cutting out underbrush and mowing; historical tablets and iron gun carriages, for roads and their maintenance, and for the purchase of land already authorized by law; in all, $75,000.

Mr. SAYERS. Mr. Chairman, I move to strike out the last word, and do so only for the purpose of asking permission to have inserted in the RECORD a memorandum handed me by General Boynton, which will give the House thorough and accurate information as to the status of this park. It may be relied upon. I make it a part of my remarks.

The CHAIRMAN. Leave will be granted to print this memorandum in the RECORD, unless there is objection.

There was no objection.

The memorandum is as follows:

MEMORANDUM—CHICKAMAUGA PARK.

The portion of the Chickamauga battlefield already purchased covers 5,008 acres. This has been obtained at an average price of $39 per acre. With the exception of a few small strips containing in the aggregate not over 12 acres, all being inexpensive lands, this comprises all that there is present purpose of obtaining to complete that portion of the park.

At the Chattanooga end of the park there remains to be consummated a purchase of land already authorized by Congress upon the northern slope of Lookout Mountain, and it is the purpose to apply whatever can be made available of the present appropriation in that direction. It is the opinion of the Commission that $25,000 could be applied toward that portion of the battlefields of Generals Hooker and Walthall, which, by authority of Congress, have been heretofore made a part of the park plan.

The Chattanooga portion of the park consists chiefly of roads ceded by the State of Tennessee along the crest of Missionary Ridge, following the lines of battle of General Bragg's army. Orchard Knob is also owned by the Government, and at the north end of Missionary Ridge 50 acres belong to the park, covering the ground of General Hardee's defense and of General Sherman's assault. It is 20 miles from these northern portions of the park at Chattanooga to the southern portions of the Chickamauga Park, and the roads already completed between these points and throughout the several battlefields are some 50 miles in length. There remain about 10 miles of road to construct to complete this work of the park according to the plans which have been adopted.

There is no official or employee not fully engaged in the work of establishing it. Whenever any department of the work decreases in extent the force has always been decreased in corresponding ratio, and at present is at a minimum. Aside from the Commission the park force consists of one engineer and his assistant, one assistant superintendent, one bookkeeper, one clerk, and one messenger, four guardians for the 10 square miles embraced in the Chickamauga portion of the park, and two guardians for the whole extent of the Chattanooga portion, one driver, and one stableman. The engineer has charge of the park office in the custom-house building at Chattanooga, and has neither messenger, clerk, nor shorthand writer. The park headquarters upon the Chickamauga field is in charge of the assistant superintendent, who has neither clerk, messenger, nor shorthand writer; and the main office in the War Department, in which work continues the year round, has but one clerk and a messenger, and no other assistants of any kind. The historical work of the park is conducted by two assistants, one specially charged with preparing the Confederate history of the six days' battle operations in and about the park.

No item estimated for has been padded, and the entire sum contained in the bill can be well used in prosecuting and will well-nigh complete all of the heavier work of finishing the park according to the present plan.

None of the money appropriated by Congress passes through the hands of either the Commission or any of its employees. All money is expended upon recommendations submitted to the Secretary of War and first approved by him, and subsequently each item is paid upon vouchers which receive his approval, and are audited by the accounting officers of the Treasury Department and paid directly to those interested by the disbursing clerk of the War Department.

It is proposed to use the present sum as follows:

| | | |
|---|---|---|
| For Lookout Mountain land | | $25,000 |
| Salaries of Commission, employees, and office expenses | | 25,000 |
| Foundations for State monuments | $1,500 | |
| 100 historical tablets | 2,080 | |
| Finishing the clearing out of the field | 2,500 | |
| Gun carriages | 2,100 | |
| Maps contracted for | 4,500 | |
| Two iron bridges | 4,000 | |
| Road construction, care of roads, labor of quarrying for foundations for monuments | 8,000 | |
| | | 24,680 |
| Total | | 74,680 |

An officer of the War Department sent by the Secretary of War to examine the plan upon which the park work was proceeding, to inquire into the efficiency of the force and the character of the work thus far accomplished, expressed the opinion upon his return that the park force was a minimum; that everyone in it seemed to understand his full duties and to perform them efficiently, and that the Government was receiving full return under economical expenditures for all money used.

Twenty-six State commissions are now engaged with the National Commission in locating lines of battle and other historical points connected with the operations of the troops of their several States within the limits of the park and along its approaches. It will be readily seen that this portion of the work alone is of a very extended character.

H. V. BOYNTON.

MARCH 27, 1896.

Mr. SAYERS. I withdraw the formal amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

Shiloh National Military Park: And the Secretary of War and the Secretary of the Navy are hereby authorized to deliver to the Commissioners of the Shiloh National Military Park at the park, upon the requisition of said Commissioners, such condemned cannon, cannon balls, and shells as may be needed for the purposes of the park.

Mr. McCALL of Tennessee. Mr. Chairman, I move to strike out the last word.

At the last session of the Fifty-third Congress there was an act passed creating the Shiloh National Military Park. The sum of $75,000 was appropriated for the purpose of acquiring the land and opening up such roads as may be necessary, and so forth. In the estimates submitted by the War Department I am informed there was an item of $75,000 for this park. I see it has been left out of the bill, and my purpose in rising is to ask the chairman of the committee to state why the appropriation as submitted by the Department is not carried in the bill?

Mr. CANNON. I will state to the gentleman that we made very full inquiry touching the improvement of the Shiloh battle ground. There is yet a considerable sum unexpended. Of the

$75,000 appropriated the sum of $50,000 remains unexpended. There is authority to purchase and condemn land. The original act bounded the territory that must be purchased. We had before us the chairman of the Commission and inquired very fully about the matter. We find that they have not yet purchased the ground, except that they have succeeded in condemning about 200 acres. Until the ground is purchased they can not enter upon the improvement.

Mr. GROSVENOR. The work of acquiring the land and the laying out of these parks necessarily goes on very slowly, and in the early years of these improvements not very much money can be profitably expended, because the improvement of the park can only keep pace with the acquirement of title to the land.

Mr. CANNON. I will state further that the chairman of the Commission expressed entire satisfaction touching this matter when we called his attention to the fact that he had $50,000 yet unexpended.

Mr. McCALL of Tennessee. If I understand, then, the chairman of the Shiloh National Military Park Commission is satisfied that with the remaining $50,000 unexpended in his hands he will have sufficient funds to carry on the work during the coming year?

Mr. CANNON. That is correct.

Mr. McCALL of Tennessee. I withdraw my formal amendment.

The Clerk read as follows:

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $150,000.

Mr. BARHAM. Mr. Chairman, I would like to make an inquiry of the chairman of the committee, as we have reached Humboldt Harbor. The sum of money recommended by the engineer in charge of this improvement was $475,000. I understand why there have been great decreases in this appropriation. I understand, also, that at the rate named by the War Department the sum named by the committee will not be sufficient to continue the improvement until the 1st of March next at the rate of $30,000 per month.

Mr. CANNON. I will state to the gentleman that we found on inquiry that is quite sufficient. I will read from the hearing of the Chief of Engineers or his representatives:

The CHAIRMAN. Improv'ng harbor at Humboldt, Cal. What did you have on hand on the 1st of July last?
Captain MACKENZIE. The balance unexpended June 30 was $442,000.
The CHAIRMAN. What has been expended since?
General CRAIGHILL. The balance February 1 was $231,000.
The CHAIRMAN. It will run about that way, as near as you can estimate?
General CRAIGHILL. Yes, sir.
The act of July 13, 1892, authorized contracts to be entered into for the whole work, to be paid for as appropriations may be made from time to time by Congress.

| | |
|---|---|
| Amount of contract authorized | $1,715,115 |
| Beginning with the act of July 13, 1892, there has been appropriated to date (in three acts) | 897,000 |
| Average annual appropriation | 224,250 |
| Amount necessary to complete the project (according to the original estimate) | 818,115 |
| Amount estimated for next fiscal year | 375,000 |

A contract was entered into December 16, 1892, covering the completion of the whole work. Under the terms of the contract, work, including the delivery of material in place, must be vigorously pushed at such rate that the contractor shall earn not less than $300,000 per year, if appropriations to that extent or at that rate are made by Congress. Should a less appropriation be made at any one time the contractor must perform work under it and to the extent it admits within a proportionately less time.

| | |
|---|---|
| During the fiscal year ended June 30, 1895, there was expended | 300,244 |
| Average monthly expenditure during the year ended June 30, 1895 | 25,020 |
| Balance unexpended June 30, 1895, was | 442,772 |
| Balance unexpended February 1, 1896 | 231,912 |
| Amount expended since June 30, 1895 | 210,860 |
| Average monthly expenditure since June 30, 1895 | 30,122 |
| Balance available February 1, 1896 | 0 |

Now, I will say to the gentleman, taking the amount unexpended and adding to it the amount we recommend, there is ample to run that work up to the 3d of March, 1897.

Mr. BARHAM. I understand, Mr. Chairman, that there is now, on the 1st of April—that is, to-day—$150,000 only, and that it will lack $30,000 to carry on the improvement until the 3d day of March. If the gentleman is satisfied that that statement is not true, and we have sufficient to continue this improvement at the rate of $30,000 per month, I have no objection to the appropriation as it stands; but I would not like to have this work stopped for a month after expending a million of dollars. We have got to a point in the construction of the jetties where it is of great importance to continue this work. This is simply for an appropriation of $30,000, and I hope, if the gentleman is not entirely satisfied, that $180,000 will be appropriated instead of $150,000.

Mr. CANNON. I will say to the gentleman there is no difficulty about it. The whole work is under contract. It is exceptionally situated for completion. The contract has been made, and we not only asked the Chief of Engineers about it, but we had him take time; and after days had passed by and investigation was had he brings us the data which I have read to the gentleman.

The CHAIRMAN. The Chair will state that there is no motion before the committee.

Mr. BARHAM. No, sir; it is only a matter of inquiry.

Mr. CANNON. There is no trouble about it.

Mr. BARHAM. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERIES.

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employees, purchase of tools and materials, $100,000.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee in reference to these contracts for river and harbor improvements. We have just passed over them. I had not noticed until now. Is the authorization such, and are the contracts such, that the Government is obliged to have this work go on and to make payments from the Treasury as rapidly as the contractor may hurry up his work? In other words, does the contractor control the rapidity by which the appropriation is to be made or does Congress?

Mr. CANNON. Well, my understanding is that there is a minimum amount of work that the contractor must do.

Mr. DINGLEY. In the contract?

Mr. CANNON. Yes.

Mr. DINGLEY. Is there anything in the law of that kind?

Mr. CANNON. My recollection is that the law is a general authorization to the Secretary of War to make contracts.

Mr. DINGLEY. I think the phrase is used, Mr. Chairman, in the original authorization of this contract work, that it is to be paid as the appropriations may be made by Congress. Now, it is exceedingly important—of course this section is passed, but contracts are quite likely to be authorized in the future—it is exceedingly important that the Government, particularly the Treasury, should have some control of the amount that is to be paid on these river and harbor contracts, because if we are going to authorize, as we possibly may in this Congress, a large amount of contracts on river and harbor improvement work, the contractor practically has control as to how fast he will carry on that work. In other words, if he compels the Government to appropriate and pay out in a given fiscal year any amount he may perform of this work, then we are at the mercy of the contractors.

Mr. BINGHAM. The gentleman is wrong.

Mr. DINGLEY. I think I have heard the argument made here that we must appropriate because the work will be so much.

Mr. BINGHAM. If the gentleman will allow me, I have here a copy. These improvements run in this way: Under the terms of the contract the work must be prosecuted as rapidly as the Engineer officer may indicate, "provided funds are available in payment thereof." That is a qualification put upon the Engineer officer. Now, I will go a step further. The contractor will not be required to dredge more than so many cubic yards in any one month. There are two limitations. One upon the engineer, that is the qualification as to the funds being available, and then as to the maximum amount of work which he may require the contractor to do. Therefore the matter is always within your control.

Mr. DINGLEY. Is that so?

Mr. BINGHAM. That runs in all the contracts.

Mr. DINGLEY. But is it true, for example, in the contracts for the next fiscal year?

Mr. BINGHAM. I do not know about the new contracts. What I have said applies to the old contracts.

Mr. DINGLEY. Well, is it true under the old form of contract, if we should follow that form? Suppose this deficiency in the Treasury should go on; we are borrowing money for whatever expenditures we are making for this extraordinary work. Now, are we tied up under this contract system so that we must go on borrowing money for the purpose of doing the work, or can we suspend the work for the time being?

Mr. BINGHAM. Your engineer officer always has the matter under his control, being governed by the available funds that Congress appropriates; and the contractor is protected by the fact that he can not be called upon to do more than so much work each month: so that the Government is protected and the contractor is protected.

Mr. DINGLEY. Then it is in the power of the Government to suspend this work?

Mr. BINGHAM. Certainly. The matter is regulated by the funds that are appropriated.

Mr. DINGLEY. I have frequently heard the argument made in respect to these works that the contractor will do a certain amount of work, and that therefore the appropriation must be made. I had supposed that we had fixed these contracts so that we could appropriate just as fast or just as slowly as we chose, and not be controlled by the contractors. If that is not so, I think the matter ought to be regulated so as to have it understood that

the Government has control of the rate of speed at which the work shall be prosecuted, and not the contractor.

Mr. GROSVENOR. I suggest to the gentleman from Maine that the real object of letting these works under contract is to get the benefit of the cheapening of the operations by reason of contracting for a certain amount; and therefore, if the Government stops the work of construction, it will be at the expense of the Government, and the cost of completing the work will be practically what it would be under the old system. For that reason it is necessary to go forward continuously in order to get the benefit of the contract system.

Mr. PATTERSON. Mr. Chairman, I move to strike out the last word. I have always deprecated the injection of matters political when an appropriation bill is under consideration, and I would not now notice the remarks made a few moments ago by my friend from Ohio [Mr. GROSVENOR] if it were not for the fact that he appears here as the advance agent of the McKinley boom. [Applause on the Republican side.]

Mr. Chairman, from my standpoint I desire for a few moments to state some facts. When Grover Cleveland retired from the Presidency on the 4th day of March, 1889, the credit of this Government was unquestioned by the commercial world. On the 14th of July, 1890, during a Republican Administration, when the Republican party had control of this Government, what was known as the Sherman law was passed. At that time 90 per cent of the money that came into the Treasury of the United States from the custom-houses was being paid in gold. From that hour the commercial world took alarm, and during the remainder of that Republican Administration there was increasing and augmenting evidences of financial distress. On the 1st day of January, 1891, the gold receipts had fallen from 90 to 75 per cent. By the 1st day of January, 1892, they had fallen to 40 per cent. By the 1st day of January, 1893, they had fallen to 8 per cent. The day that Grover Cleveland was inaugurated President of the United States a second time they had fallen to 4 per cent. By the 1st day of April, 1893, they had fallen to 2 per cent, and when he called Congress in extra session in August, 1893, not one grain of gold was finding its way into the Treasury of the United States through the channel of the custom-houses. At that time this great Republic was reeling and rocking in the throes of a great financial panic. From that day until this, this Government of ours has been in financial distress. The whole commercial world recognizes it. The whole business world knows it.

What effect has that had upon our revenue receipts? What effect has it had upon the receipts of our custom-houses? What effect has it had upon the receipts in our Internal-Revenue Bureau? And yet the gentleman from Ohio [Mr. GROSVENOR] takes that period of distress as his standard of comparison to show that there has been a falling off in the revenues, and holds up the McKinley law as a guide out of the difficulty.

Mr. Chairman, this logic will not do. The responsibility for that condition of affairs is on the Republican party, and it is on the gentleman's champion, William McKinley. [Applause on the Democratic side.] The gentleman's proposition is that the way out of this difficulty is to filch money from the pockets of the people by means of class legislation. I for one stand here to say that the Wilson bill, but for the conditions imposed upon the country by the Sherman law and by the financial distress which followed it, would have yielded money enough to support the Government, and that the deficiency which the gentleman has pointed out——

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, the time of Mr. PATTERSON was extended for five minutes.

Mr. PATTERSON. Mr. Chairman, I maintain that, aside from the income-tax feature of the Wilson bill, if this country had not been burdened with the conditions to which I have referred the Wilson law would have yielded enough revenue to support this Government—aye, it would have yielded more than the McKinley law!

Mr. Chairman, the gentleman whom my friend from Ohio champions as a candidate for the Presidency represents the idea of practically relegating the financial question to the rear. In Ohio they have straddled the question. They have declared for a gold and a silver standard. They dodged the question there, and after having dodged it they come before the country and hold up as the sole remedy, the sole relief from existing conditions, the further taxation of the people.

Make the country prosperous by taxing the people! Make the country prosperous by taking the money out of the pocket of A and transferring it to the pocket of B! That is the doctrine. I wish to say to my friend from Ohio that he can not escape the main issue. The whole commercial world, the entire business community of the United States, knows where the disease lies—knows where the trouble is; and there is no escaping the issue. I predict to-day that if the Republican party follows the Ohio platform and nominates William McKinley upon the idea that there is no salvation for this country except in a high protective tariff, it is doomed to defeat, as it was in 1892. Oh, if I could have my fellow-Democrats to see this thing as I see it. [Laughter.] If we could bring the great Democratic party up to the standard which I am advocating. [Laughter.] Gentlemen may laugh; but if the Democratic party stood for the liberty of the citizen; if it stood for the liberty of the State; if it stood for the liberty of commerce; if it stood for tariff reform and sound money, there is no escape from it. It would regain the confidence of the people; it would retain the control of the administration of this Government.

Mr. LIVINGSTON. As the gentleman appealed to his Democratic colleagues, I should like to ask him this question: Did he not say in 1893 that if we would repeal the silver-purchasing clause of the Sherman law all these good things would follow?

Mr. PATTERSON. I did not. I was dealing with my Republican friend from Ohio——

Mr. LIVINGSTON. You turned to us.

Mr. PATTERSON. But as long as the gentleman has asked me the question, I will briefly answer it. Yes, I believed that the repeal of the purchasing clause of the Sherman law would have a great tendency, as it did have, to restore public confidence, to restore public credit, and bring about a better condition of affairs. The fact is that within less than a month after the repealing act was passed the receipts of gold in the custom-houses went up to nearly 50 per cent. But Congress convened again, the Democratic party having control of all the departments of the Government. We clamored for the free coinage of silver, and we never tired in keeping the country in a state of distress and doubt and anxiety in respect to the stability of our currency. I freely admit that the conduct of the Fifty-third Congress perpetuated that condition of affairs which the called session of that Congress found existing in August, 1893—in a modified form, however. But I will not discusses that question further.

Mr. SHAW. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PATTERSON] has expired.

Mr. GROSVENOR. Mr. Chairman, one of the first demands made upon an ambassador coming from a foreign country and purporting to represent a sovereignty is that he shall present his credentials and make known whom he represents. Mr. Chairman, I did not speak——

Mr. PATTERSON. If the gentleman wants to know whom I represent in what I say, my reply is, I represent, so far as I can, and in a very modest way, a Democratic Administration. [Laughter and applause.]

Mr. GROSVENOR. In the few remarks which I made a short time ago, and which were mainly made up of figures——

Mr. BAILEY. Does the gentleman from Ohio accept the statement of the gentleman from Tennessee as a presentation of his credentials?

Mr. GROUT. I supposed that the gentleman represented a Congressional district in Tennessee.

Mr. GROSVENOR. I think I can make the matter plain if I can have the opportunity for a few moments.

In what I said, Mr. Chairman, I undertook to represent the general trend of the political party to which I belong. I did not speak on behalf of any particular individual; I did not say anything about any one person. But the gentleman has the misfortune just at this time to represent nobody on God's earth unless it be himself; and I think he has had a struggle with himself. [Laughter and applause.] I read the other day that the leaders of his State—the Senators, and most of the Representatives on this floor—held a convention or a gathering down in Tennessee; and it was announced in the public press that the State of Tennessee in the Chicago convention would be overwhelmingly in favor of the free and unlimited coinage of silver. [Applause on the Democratic side.]

I read that the gentleman had wrapped "the drapery of his couch about him" and did not lie "down to pleasant dreams," but fled away to the wilds of Missouri, and entered upon a pilgrimage of education of the benighted denizens of that magnificent State. And I learned with a good deal of interest, through the public press of both parties, that on his return to St. Louis, on his way here, it was announced officially by the Democratic party there that in the Chicago convention that State would be overwhelmingly in favor of the free and unlimited coinage of silver. [Applause on the Democratic side.]

Now, I respectfully submit, Mr. Chairman, that my friend, able as he is, distinguished as he is, comes here without credentials. He is a political guerrilla. [Laughter.] He does not belong to any political party.

Mr. BINGHAM. In nautical language he is a "tramp."

Mr. GROSVENOR. Yes; he is what they call in the merchant marine a "tramp." He goes from port to port. [Laughter.] He talks about somebody on this side representing some candidate. I do not know anything about that. But whom does he represent?

Several MEMBERS. Cleveland.

Mr. GROSVENOR. Cleveland! Why, Mr. Chairman, from

the day the Fifty-third Congress was organized down to to-day Mr. Cleveland has not been able to rally a majority of the Democrats in either body of this legislative organization. He has been an Ishmaelite in politics, with his hand against every Democratic organization and every Democratic organization against him.

I do not care to discuss who was right and who was wrong. The presumption is that anybody who is against the great body of the Democratic party is always right. [Laughter and applause.] I was talking about the effect on the country of the change of Administration, and the gentleman answered by getting into a controversy with his own party. [Laughter.] I was talking of the effect of the diminution of our revenues and the paralysis of our business, and am answered by the gentleman saying that the Democrats of the Fifty-third Congress did not behave themselves. Certainly not; they never do. [Laughter.] But what right has the gentleman who differs with me to read a lecture to the Democrats?

I submit my figures must stand, and the condition of the public Treasury must stand, the paralysis of public business everywhere throughout the country must stand, until that party, not under the leadership of any one man, but under the inspiration of the great principles which it indorses, comes back into power and sets right that which went wrong in 1892. [Prolonged applause on the Republican side.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For superintendents of national cemeteries: For pay of 75 superintendents of national cemeteries, $61,380.

[The reading of the above was greeted with laughter and applause.]

Mr. MEREDITH. I wish to say to our friends on this side of the House that we can not be buried in the national cemeteries, so we have no interest in the matter.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Road to national cemetery, Presidio of San Francisco, Cal.: For continuing the work of improving the reservation at the Presidio of San Francisco, Cal., by developing and perfecting the water supply, the reclaiming of sand dunes, the planting of trees and shrubs, and construction of new roads, the erection of a permanent fence or wall on the south and east lines of the reservation, the erection of permanent gateways, the reclamation of the marsh, and other general and much-needed improvements, $10,000.

Mr. SMITH of Illinois. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 72, after the word "dollars," in line 22, insert the following, namely:

"For the construction of a graveled road starting at a point on the north side of Cache River, in Pulaski County, Ill., where the present county graveled road from Cairo, in Alexander County, Ill., and the bridge across said Cache River terminates, and running thence to a point connecting with the present national graveled road from Mound City, in said Pulaski County, with the Illinois Central Railroad in said county, at a point on said national graveled road at or near the national cemetery in Pulaski County, the sum of $15,000.

"Said road to be constructed above high-water mark; to be 18 feet in width on top surface, graveled similar to present national road to said cemetery, same to be in continuation of graveled road to said national cemetery."

Mr. CANNON. Notwithstanding, Mr. Chairman, that this is to be expended in my State, I am compelled to make the point of order upon it.

Mr. SMITH of Illinois. Mr. Chairman, if the chairman of the Committee on Appropriations will kindly give me his attention for a moment—and I believe I have not occupied the time of the House very long—I would like to be permitted to explain this amendment and submit the facts in connection with it to the House, after which the question will be for the gentleman himself to determine whether he will care to make the point of order.

Mr. CANNON. I reserve the point of order. I have no desire to cut my colleague out of an explanation of the amendment.

Mr. SMITH of Illinois. Mr. Chairman, I desire to say, with reference to the amendment, that it is asked and offered in perfect good faith, and to meet a public necessity at this time. It is not for the purpose of subserving personal ends in the county in which the road is asked to be built. But in the county of Pulaski, in the State of Illinois, there is located what I believe is the third largest national cemetery in the United States. There—on the border of what was the North and the South, the armies contending within a few miles of that place during the war—were brought to this point where this cemetery is located thousands and thousands of those who had fallen in defense of their country, as well as many of those who had fallen in defense of the Lost Cause. They were buried in what was then a swamp, but since that time—since the close of the war—the Government has built along that national cemetery a levee which is from 14 to 15 feet in width to protect the graves of those who fell in that struggle, both North and South, and were buried there, from being covered with the waters of that swampy country.

In the Fifty-first Congress I asked an appropriation of $25,000 to build a graveled road to this national cemetery, starting at the point, mentioned in the amendment, leading to the cemetery, and from there to the Illinois Central Railroad. I asked it for the purpose of furnishing to those who desired to place flowers on the graves of fallen comrades and friends on each 30th of May an opportunity of being able to travel to the cemetery without having to go in dugouts at that time. Congress failed to give the $25,000, but did give an appropriation of $10,000. That was not sufficient to construct the road in the manner that it was necessary to construct it to the cemetery from the point mentioned in the amendment; but I was grateful for this small amount, and believed that I would be doing the people and the country a service to accept it, and then go to the people of that section, poor though they are, and ask them to contribute of their means to assist a great Government like this in building a highway to one of its own national cemeteries. I received the $10,000, and my people raised $8,000 themselves to assist the Government in building that piece of road. They built it as well as they could, and they have built a good one, as far as the means allowed; but there is yet 1¼ miles that is necessary to complete the entire work, and for that purpose I desire to have this money appropriated to construct and complete the road and all the roads that the Government needs to the national cemetery there. It is but a small amount.

I will say, Mr. Chairman, that it may be that under the rules of the House the point of order might be raised against this appropriation; but less than two hours ago this House voted an appropriation, which was subject to the point of order, to purchase a two-story brick building in this city, where Lincoln died. I think the House performed a patriotic duty, and that the chairman of the committee and members of the House did themselves credit and justice by not raising the point of order and by making the appropriation. Without a dissenting voice on either side, we voted to buy that house, and now I am asking a less sum to build a road to a silent city where thousands of the nation's dead lie sleeping. Will the chairman, patriotic as he is, will any one refuse this small amount, which I assure the House is all we will ever ask? And we shall have to raise money out of our own pockets to complete this road, even with this amount which I do ask.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Illinois. I should like about a minute longer.

Mr. CANNON. I ask that the gentleman have his minute.

The CHAIRMAN. Unanimous consent is asked that the gentleman be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. SMITH of Illinois. Then, Mr. Chairman, in conclusion I simply desire to say that I trust the chairman of the Committee on Appropriations will not press his point of order to this small amount asked for national purposes and for the benefit of the people of this country.

A MEMBER. What is the amount?

Mr. SMITH of Illinois. Fifteen thousand dollars. Within that cemetery there are 26 States of this Union represented. In that silent city sleep citizens from 26 States of this Union, and their friends desire to have proper facilities for visiting their resting place on the 30th of May. I trust the gentleman will withdraw his point of order.

Mr. CANNON. Mr. Chairman, I desire to ask my colleague a question.

Mr. SMITH of Illinois. Certainly.

Mr. CANNON. How much road is it desired to complete?

Mr. SMITH of Illinois. About one mile and a quarter.

Mr. CANNON. Is it inside the cemetery or outside of the cemetery?

Mr. SMITH of Illinois. The road is outside of the cemetery of course.

Mr. CANNON. And about how far from the cemetery?

Mr. SMITH of Illinois. This road that I ask to have built is about a mile and a quarter from the cemetery. I have here a map, which I will show to the gentleman, and which will explain the location. Here is the cemetery; here is the present national road out to the Illinois Central Railroad; here is the river which has been referred to; here is the gravel road, which has been built by private means, from Cairo, Ill., out to this river. They have built a bridge across. The distance from the national cemetery to this point would be a mile and a quarter. There are some points where the distance would be less than a mile and a quarter, and we care not whether the road is built to one point or the other, but on a straight line it would cost less.

Mr. CANNON. How far is it from Cairo out to this cemetery?

Mr. SMITH of Illinois. Seven miles.

Mr. CANNON. I want to get at the facts, because I do not know.

Mr. SMITH of Illinois. Certainly; I will give the gentleman any information I can.

Mr. CANNON. From Cairo to the cemetery it is 7 miles?

Mr. SMITH of Illinois. Yes.

Mr. CANNON. Now, there is a gap of a mile and a quarter?

Mr. SMITH of Illinois. Yes.

Mr. CANNON. As I understand, there is a mile and a quarter built from the cemetery toward Cairo, and probably about 4 miles, or in that neighborhood, from Cairo toward the cemetery?

Mr. SMITH of Illinois. No; my friend is in error there. A gravel road has been built from Cairo here clear out 6 miles to this river, and the gap is from the river out to the cemetery.

Mr. CANNON. Is that a county road or a State road now?

Mr. SMITH of Illinois. It is a public road, that was built by the county and by private subscription.

Mr. CANNON. It is outside of the cemetery. The Government does not own it?

Mr. SMITH of Illinois. Why, of course not; but we will give the Government the land over which to build it, as we did over there.

Mr. CANNON. Is it a county or State road that is proposed to be improved?

Mr. SMITH of Illinois. Oh, not at all. There is no road there. I am asking to have the road built. It is now under water, and you will have to go in a dugout to cross there.

Mr. CANNON. Does the land belong to private parties or to the United States where the gentleman proposes to construct the road?

Mr. SMITH of Illinois. To private individuals, of course.

Mr. CANNON. Mr. Chairman, I am reluctantly compelled to make the point of order, in view not only of this amendment, but in view of the fact that many members have come to me asking that I would not make a point of order against amendments to build roads to cemeteries. It is ungracious, I know, to make the point of order, and I would not do it if it were not for the fact——

Mr. SMITH of Illinois. If it were not a necessity I would not urge it upon the gentleman.

Mr. CANNON. The bare statement of the proposition and the bare statement that I am pressed on all sides to withhold points of order for similar amendments——

Mr. SMITH of Illinois. Will you permit me a word here?

The CHAIRMAN. The gentleman can not be interrupted.

Mr. SMITH of Illinois. Well, if he does not yield——

Mr. CANNON. Certainly; I always yield to my colleague.

Mr. SMITH of Illinois. I should have added a point. I have petitions of many thousand people from that and other States to allow this little thing to be done.

Mr. CANNON. Now, then, this appropriation is not authorized by law. I am inclined to think, from the statement of the gentleman from Illinois, if the Military Committee will report a bill here that I would vote for it; but on this appropriation bill it is clearly within the purview of the rule, and I am compelled to make the point of order.

The CHAIRMAN. The Chair will sustain the point of order unless the gentleman desires to be heard further on the point of order.

Mr. SMITH of Illinois. I was going to add just a word on the point of order. It is stated in one clause of the amendment that it is a continuation of work already begun. It is part of the work contemplated originally, and which has not yet been provided for. It is a part of the original work I asked an appropriation for, and I have stated in my amendment that it is a continuation of a work already begun. That is all I care to add.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. SMITH of Illinois. Then I will ask unanimous consent, Mr. Chairman, for the consideration of the amendment.

The CHAIRMAN. Unanimous consent is asked for the consideration of the amendment.

Mr. CANNON. That is equivalent to not making the point of order. It is ungracious, I know, to stand up here and resist an amendment of a colleague; but if I did not do it here I can not do it as to any other amendment, and there are a good many of them of a similar nature.

The CHAIRMAN. Objection is made.

Mr. SMITH of Illinois. I believe my colleague has always objected to everything I have asked.

Mr. CANNON. That is unkind and farfetched.

Mr. SMITH of Illinois. It is true, nevertheless.

Mr. CANNON. I move to strike out the last word. My colleague has served long enough in this House not to plead that he does not know the rules of the House, and I do not now recollect what other matter he ever did ask for that I objected to. I hope I have his attention, and I will wait until I get it.

Mr. SMITH of Illinois. How is that?

Mr. CANNON. I hope I have my colleague's attention.

Mr. SMITH of Illinois. Certainly.

Mr. CANNON. He has served long enough here to know what the rules of the House are, and to understand that, standing as I do, charged with the care of this bill, that I may have at times to make points of order that run across the desires of individual members and of colleagues. The House has made the rule, and, occupying this situation, I make the point of order; and when my colleague travels out of his way, as it seems to me he has, in a manner not usual with him, petulantly to say that I lay awake at nights to object to something he wants, I think it is not just to himself; I know it is not just to me.

Mr. SMITH of Illinois. I will answer to myself, and care nothing for the balance.

Mr. CANNON. Ah——

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Publication of Official Records of the War of the Rebellion: For continuing the publication of the official records of the Union and Confederate armies, including the atlas of maps and plans, in accordance with the plan approved by the Secretary of War August 3, 1889, and for the compensation of the civilian members or the board of publication, appointed in accordance with the act of March 2, 1889, and for the compensation of such temporary expert services in connection with the preparation, publication, and distribution of said records as may be deemed necessary by the Secretary of War, and for the purchase of stationery and for additional rent, not exceeding $1,600, and for traveling expenses of the agent for collection of records, to be disbursed under such regulations as the Secretary of War may prescribe, not exceeding $500, $145,000: *Provided*, That no part of this appropriation shall be expended for the compensation of any person not actually and necessarily employed in the said work of preparation, publication, and distribution.

Mr. SAYERS. I call the attention of the gentleman in charge of the bill to a motion which I propose to make, to strike out all after the word "dollars," in line 16 of page 75, down to and including the word "distribution," in line 20. I will state that the proviso was put on by the committee, and I think it is hardly advisable that it should remain.

Mr. CANNON. What is it the gentleman proposes to strike out?

Mr. SAYERS. The proviso; that is, all after the word "dollars," in line 16.

Mr. HENRY of Indiana. What is the page?

Mr. SAYERS. Page 75.

Mr. CANNON. I will say to the gentleman, if no other member of the committee objects, I shall not object to striking out the proviso.

The CHAIRMAN. Does the gentleman from Texas make a motion to that effect?

Mr. SAYERS. I do.

The CHAIRMAN. The amendment will be agreed to unless there is objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

Artillery school at Fort Monroe, Va.: To provide for means of instruction, such as text-books, instruments, drawing materials, and stationery required in the courses of artillery, engineering, law, and the art and science of war, and for other necessary expenses of the school, $5,000.

Mr. BOWERS. I move to strike out the last three words of the paragraph. Mr. Chairman, there is a seeming difference in the platforms in Ohio, in Massachusetts, and in New Hampshire, but I am satisfied that the difference is only apparent, and that at St. Louis everything will be settled, and we shall have only one good Republican platform.

Mr. RAY. That will be the Morton platform. [Laughter.]

Mr. BOWERS. That will be the Republican platform. But I want to call attention to a matter on which I think we ought to take some action. Our attention was called yesterday by the gentleman from Pennsylvania [Mr. ADAMS] to some dangerous practices that were being indulged in by members of this House. You can find in the RECORD a report of the matter, from which it will be seen that these "silver cranks" here attempted to fool and deceive the manufacturers of this country.

Now, Mr. Chairman, I think we ought to take some position upon this question. It is one that must be settled, and the House ought to express its judgment in regard to it. I have therefore drawn up some brief resolutions, which perhaps the House may not desire to adopt at this time, but which I think reflect the general sentiment. I will read them in my own time. They are as follows:

*Resolved*, That in the judgment of this House the so-called silver members of this body are dangerous cranks, threatening the prosperity and perpetuity of the business interests of the nation, and therefore ought to be expelled.

[Cries of "Vote!" "Vote!"]

Mr. BOWERS. We will vote on the resolutions together. The next is:

*Resolved*, That in the judgment of this House no member can be a good Republican or a good Democrat who does not get onto the platform, and stay on the platform, invented, constructed, and patented by Grover Cleveland, and to which it appears the Republican party has secured a reversionary interest.

[Laughter.]

*Resolved*, That while we consider the silver members, owners, or representatives of silver mines who come among us seeking to benefit their mining industry through legislation as dangerous and a menace to the country, we at the same time welcome the presidents, directors, stockholders, and representatives of national banks who come here as members to protect and benefit their business; and we pledge them our earnest support in their efforts to establish an elastic currency which may be increased or diminished in amount as the interests of the bankers may seem to require; and also in their efforts to be authorized to issue more currency on less security, to the end that a system of "sound currency" may be established, every dollar of which shall be redeemed in gold purchased by the sale of United States bonds in accordance with the new system of "sound finance."

Mr. BARHAM. Mr. Chairman, I join my colleague in asking unanimous consent for the present consideration of those resolutions.

Mr. BOWERS. The resolutions are before the House.

Mr. GROSVENOR. The gentleman from California better look out, or he may be taken in earnest. He may have some constituents who will not understand the sarcasm of those resolutions of his. [Laughter.]

Mr. BOWERS. Well, Mr. Chairman, I will take the chances with my constituents. I always did. My constituents understand that the miner and the silver member have as good a right to come here and work for the interest of the men who dig the gold and the silver out of the hills as the banker has to come here and work to protect his banking interests. There are two sides to this question, and I have got a little tired of this talk about "silver cranks" as men who "threaten the business interests of the country." You have not got any business interests. They went to the devil long ago under your "sound-money" system. [Laughter.]

Mr. HARDY. Then, if I understand the gentleman, he recommends legislation here solely in the interest of silver-mine owners.

Mr. BOWERS. The Chairman has been making so much noise with his mallet that I have been unable to hear the gentleman's question. [Laughter.]

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee for a moment, after the storm and the lightning and the wind [laughter], I shall be glad, if it is the will of the committee, to complete the pending bill this evening, and we can very well do it if we get down to business for the next hour. [Cries of "Read!" "Read!"]

The Clerk read as follows:

For pay of inspectors and deputy inspectors, office force, and expenses of office, $10,260;
For pay of crews and maintenance of 4 steam tugs and 3 launches, $48,740.
In all, $59,000.

Mr. WALSH. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out "ten," in line 11, and insert "thirteen"; strike out "fifty-nine," in line 16, and insert "sixty-two."

Mr. CANNON. I believe we have passed that paragraph, Mr. Chairman.

The CHAIRMAN. The Clerk informs the Chair that the two paragraphs following the one to which this amendment is offered have been read.

Mr. WALSH. I understood that the Clerk had just read the paragraph.

Mr. CANNON. I will say to my friend that we have recommended the full amount of the estimate.

Mr. WALSH. No, sir; the appropriation is $3,000 short. The estimate is $62,000, and the appropriation recommended in the bill is $59,000.

Mr. BARTLETT of New York. Allow me to state, in answer to my colleague [Mr. WALSH], that Lieutenant-Commander Delehanty, who has charge of this work, assented to this reduction from $62,000 to $59,000.

Mr. WALSH. I think that this is a matter that goes beyond the individual opinion of any single officer. I think, Mr. Chairman, this is a very important matter. The question of disposing of the refuse from the large cities adjacent to New York Harbor has been a perplexing one to every administration of affairs in those cities. This is especially true of the city of New York. I need not dwell on two prominent facts; their statement will be sufficient for my purpose: First, the importance of that city as a manufacturing center; second, its importance as the gateway of our commerce. One necessitates the wisest legislation in favor of the health and comfort of the producers, and the other argues for its own protection better than anything I could say. Two things must be preserved at any cost—the sanitary welfare of the manufacturing thousands, the prevention of contagion in anything we send to the States or abroad, and, besides, that condition of the harbor channels which will permit the giant carriers of commerce to enter and go from our ports over an unobstructed waterway.

The evils that are evident can be prevented by reasonable vigilance exercised in the harbor of New York. Yet I submit the present force is not adequate to perform that task. The usual mode of disposing of the city garbage is to gather it on the scows at the New York docks, tow it seaward, and there unload the scows. But, whether the subordinates have willfully disobeyed instructions, or contractors having the disposition of these scow loads of refuse have winked at it, the refuse is very often dumped very near and perhaps in the channel line of the harbor, and is a menace to the health and the commerce of the country—part of it by floating back to the popular resorts surrounding our cities, and most of it by sinking and making more shallow our already shallow channel.

You can see that this is not entirely a local matter; it affects every community having business relations with New York, and unless you desire to divert the lines of trade from New York, unless you think there are better harbors for our commerce than the grand harbor of New York, unless you think there are fairer-dealing merchants and manufacturers elsewhere, and desire to strike a blow at her well-earned commercial and manufacturing supremacy, you should pass this amendment. The members from the city of New York have from their experience about made up their minds not to ask Congress for anything for purely local reasons. But we do think that we are entitled to some sort of relief if we can accompany a local complaint with a demonstration of a plain menace to the health and commerce of the whole Union.

Mr. CANNON. I ask for the reading of the letter which I send to the desk.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE SUPERVISOR OF THE HARBOR OF NEW YORK,
*New York, March 23, 1896.*

SIR: Acting on your suggestion, I would respectfully submit that the estimate of appropriation required for this office for the fiscal year commencing July 1, 1896, might be reduced $3,000 by appropriating a lump sum for the pay of crews and maintenance of all the boats, instead of a limited sum for each boat. This would enable me to provide a certain sum for contingencies, such as unexpected repairs, which might be applied to any one of the boats, instead of making an estimate for such repairs for each boat.

The estimate of appropriation required for fiscal year ending June 30, 1897, would therefore be as follows:

| | |
|---|---|
| For pay of inspectors, deputy inspectors, office force, and expenses of office | $10,260 |
| For pay of crews and maintenance of 4 steam tugs and 3 launches | 48,740 |
| Total | 59,000 |

Very respectfully,

DANIEL DELEHANTY,
*Lieutenant-Commander, U. S. N., Supervisor.*

Hon. JOSEPH G. CANNON,
*Chairman Committee on Appropriations,*
*House of Representatives, Washington, D. C.*

Mr. CANNON. It will be seen that in this bill, following the recommendation of the officer in charge of this work, we have given a consolidated instead of an itemized appropriation, and in doing so we have thoroughly cared for the work.

Mr. WALSH. I will say to my friend from Illinois that some injustice must be done to somebody by this reduction of $3,000. The original estimate, as I understand, was $62,000.

Mr. CANNON. I can explain the matter to my friend in a moment. The current law makes a specific appropriation for each vessel and its crew, there being four steam tugs and three launches engaged in this service. Under specific appropriations, if there should be expended for one of these vessels $100 or $500 less than was appropriated, the difference would go back into the Treasury, although some other vessel might be short $100 or $500. The officer in charge said that by making a lump appropriation the amount could be reduced $3,000 and that the work would be better cared for than heretofore.

Mr. WALSH. I suggest to the chairman of the committee whether it would not be just as well to give the $3,000 and allow this officer to employ three additional inspectors? Those are what we want there—not so much the tugs and their crews as the inspectors.

Mr. CANNON. Lieutenant-Commander Delehanty, in charge of this work, appeared before the committee and made his request. I asked him to put it in writing, and he did so. His letter has been read. It might be very desirable that three additional inspectors should be appointed there, if the gentleman would let me furnish them from my district. [Laughter.]

Mr. WALSH. I will see that the gentleman gets his share if I have anything to do with it. [Laughter.]

Mr. CANNON. I am ready for a vote.

The question being taken on the amendment of Mr. WALSH, it was rejected.

The Clerk read as follows:

That hereafter the Medical Department of the Army is authorized to sell medical and hospital supplies at its contract prices to the National Home for Disabled Volunteer Soldiers.

Mr. STEELE. I move to amend this paragraph by inserting after the word "hereafter" the words "upon proper application therefor."

Mr. CANNON. In my judgment this amendment does not change the proposition as recommended. I have no objection.

The amendment was adopted.

The Clerk read the following under the heading "National Home for Disabled Volunteer Soldiers":

For farm, garden, and dairy: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials required for farm, garden, and dairy work; for grain, hay, straw, dressing seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; and for repairs not done by the Home, $15,000.

Mr. CANNON. I move to amend by inserting a comma after the word "dressing," in line 11 of this paragraph.

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $15,000.

Mr. CANNON. I move to amend by making the amount of this appropriation $17,500, instead of $15,000.

The amendment was agreed to.

Mr. STEELE. Mr. Chairman, under the head of "For farm," in the item for this Home, I ask that the Clerk read that provision again.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $6,000.

Mr. STEELE. Now, Mr. Chairman, I move to strike out "six thousand," and insert "seven thousand five hundred." There is a cut of $3,000 on the farm. If we can get fifteen hundred dollars more we can get along, although we have roads to build and few trees planted as yet.

Mr. CANNON. Well, I would say to the gentleman that for the current year you have only four thousand five hundred.

Mr. STEELE. But that is not enough.

Mr. CANNON. And we recommend a good deal more in this bill.

Mr. STEELE. The appropriations of last year resulted in forcing the selling off of a great deal of stock that was absolutely necessary. We could not keep it because the appropriation was not sufficient to care for it. We are trying to make the Home what it ought to be.

This appropriation, if increased as proposed by the amendment, would enable us to keep going until we can get on our feet out there. This is a new Home, and we will need all we can get to put the farm in good shape. We need roads and other facilities on the farm that will require this additional appropriation.

Mr. CANNON. I suggest that we have appropriated quite a large sum for that Home. We appropriate, for instance, $66,000 for additional barracks, $2,500 for boiler house, $5,000 for gas well, $1,300 for leasing additional ground, and a great many other items are also carried by the bill. We also include $6,000 for the farm, including the same objects specified under the Central Branch Home. The amount appropriated here is an increase of $1,500 over the current year.

Now, the gentleman says that they have no roads——

Mr. STEELE. No, we have not sufficient roads yet. There are quite large expenditures involved in the farming business. Farm hands are needed, gardeners, hostlers, stable men, laborers, dairymen, herders, and a large amount of the appropriation will be absolutely necessary in the construction of roads and the hauling of material.

Mr. CANNON. Now, seriously, let me say to the gentleman from Indiana, as I have said before, that the full estimate is given to keep the Home in this case. Every dollar has been given that was necessary for that purpose. We are trying as a matter of policy to keep the various items of these appropriations within reasonable limits.

I want to say to my friend that I have a suspicion, that almost amounts to actual knowledge, that under the head of "farms," at these various Homes, the appropriation is used largely in the matter of beautifying the grounds rather than for farming purposes.

Mr. STEELE. And largely for building roads, let me say to the gentleman.

Mr. CANNON. Undoubtedly some for building the roads. But the appropriation is largely used to beautify the parks, and is expended for the benefit of people who do not occupy the Homes rather more than for those who do occupy them, I suspect.

Mr. STEELE. I plead guilty of trying to make the Homes attractive.

Mr. CANNON. Well, we have given large appropriations in this case, and I think we had better let the farm item stand as it is.

The CHAIRMAN. Does the gentleman from Indiana insist upon his amendment?

Mr. STEELE. I would like to have a vote on the amendment.

The amendment was rejected.

The Clerk read as follows:

For president of the Board of Managers, $4,000; secretary of the Board of Managers, $2,000; one general treasurer, who shall not be a member of the Board of Managers, $3,000; one inspector-general, $2,500; one assistant inspector-general, $2,000; clerical services for the offices of the president and general treasurer, $5,500; messenger service for president's office, $144; messenger service for secretary's office, $52; clerical services for managers, $1,500; agents, $2,400; for traveling expenses of the Board of Managers, their officers and employees, $11,500; for outdoor relief, $1,750; for rent, medical examinations, stationery, printing of blanks at depot and necessary materials therefor, telegrams, and other incidental expenses, $2,500; in all, $38,846.

Mr. STEELE. Mr. Chairman, I move to strike out the words "three thousand," as compensation for the general treasurer, and insert "three thousand five hundred."

Mr. CANNON. Let us have the amendment reported from the desk.

The Clerk read as follows:

On page 86, line 9, after the word "thousand," insert "five hundred"; so that it will read "$3,500."

Mr. CANNON. I am compelled to make the point of order on the amendment. It is not authorized by law.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. STEELE. I do not think it comes within the point of order. The law provides that these men shall have such compensation as is fixed by the Board of Managers. The compensation of this officer has been $3,000 for a number of years past, but under a new system inaugurated at the last Congress it was provided that the treasurer of the National Home should give a satisfactory bond to the War Department. The Secretary has provided that the bond shall be in a trust company; that personal security that has heretofore gone on bonds will not be accepted, and under the ruling—having to give a bond of $100,000—this officer is compelled to pay $500 for the bond; and the salary has been reduced by that amount. It seems unfair to him to specify that he shall pay for that bond, and that the payment shall come out of his own salary, which is small enough anyway.

Mr. BLUE. Will the gentleman permit me to interrupt him just there?

Mr. STEELE. Certainly.

Mr. BLUE. I would like to know in what company that gentleman gets his bond, and also whether or not any member of the Board of Managers is interested in the company?

Mr. STEELE. Mr. Chairman, that is an implication that I would not deign to answer if it did not come from the gentleman from Kansas. I desire to say that there is no member of the Board of General Managers who is interested in anything excepting in the welfare of the Home. They are not interested in any surety company of which he talks, directly or indirectly, so far as my information goes, and so far as I am personally concerned I know I am not, and I do not think that any other member is. The company was selected by the treasurer of the Home.

Mr. BLUE. I should like to ask the gentleman a further question. I have understood that it is now required of the several treasurers of the different Homes that they, too, shall give bonds in this same company?

Mr. STEELE. The gentleman's information is not correct in that respect.

Mr. BLUE. I want to find out whether it is or not, if the gentleman will permit me. I have understood that they have recently been required to give bonds in the same company, at a large expense, while heretofore they have been allowed to give their bonds in the ordinary way, signed by persons who know them, in the communities where they reside. I wish to know authoritatively whether that is so or not?

Mr. STEELE. Certainly not. By a regulation of law provided by the Committee on Appropriations, at the instance of the Inspector-General's Department, I think, returns are now made to the War Department instead of to the proper accounting officers of the Treasury Department as heretofore. Another condition is that the bond shall be made to the satisfaction of the Secretary of War; but one of the officers—I am not prepared on the instant to say which one, not the Board of Managers—prescribes where this bond shall be given. He is an officer over whom the Board of Managers have no control whatever, who provides the kind of bond that shall be given.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. STEELE. Yes.

Mr. WILLIAM A. STONE. Is the gentleman not aware of the fact that the Fifty-third Congress passed a law giving permission to any person who had to give a bond under any law of the United States to give as surety a company organized under any State law, but expressly provided that in no instance should any officer of the Government require a bond to be given by such company provided the person of whom the bond was required should furnish individual sureties, as heretofore? If what the gentleman states is true, it is being done directly in the teeth of an act of Congress passed within the last two years.

Mr. STEELE. I have not seen that law, and I do not understand that to be the law. If it is the law, I should like to see it. I am not saying that it is not the law.

Mr. WILLIAM A. STONE. I think I can very soon find it.

Mr. STEELE. I think the officer who prescribes the character of the bond—I am sorry I can not give his designation or name—is not satisfied with personal bonds, and the law provides that the bond shall be satisfactory to this officer or the Secretary of War. He insists that it shall be one of these trust or fidelity company bonds.

Mr. BLUE. Will the gentleman permit me to ask him another question?

Mr. STEELE. Certainly.

Mr. BLUE. Now, Mr. Chairman, I ask that question in good faith, and I say here, so that the gentleman may have an oppor-

tunity to look it up, that it comes to me from a source that I believe to be reliable that it is required by somebody in the management of this Home or somebody under the control of the Managers, without authority of law—it is required that these different treasurers shall give their bonds in the same company, and that this general treasurer gives his bond through that company, and, it is claimed, at an expense of $500. I say to you that it comes in such a way that it smacks, to my mind, of speculation somewhere. And if the gentleman does not know positively about this, I hope he will confine himself to what he does know. If he is not informed, I wish he would obtain the necessary information as soon as possible.

Mr. STEELE. I do know that the Board of Managers have nothing to do with any company. I do know that this man is required to give his bond, not by the Board of Managers, but by an officer of the War Department, to whom he reports and makes returns, who prescribes what kind of a bond it shall be, and that the Board of Managers have not sought to have the bond made in any particular company; and I do not believe that any officer or any manager has any interest in any company, or that they have prescribed any particular company. I know that the Board has not done so, and I do not believe any officer has.

Mr. BLUE. Now, Mr. Chairman, I want to make another suggestion to the gentleman, if he will permit me.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. BLUE. No, Mr. Chairman, there is a point of order pending, and for that reason I want to ask the gentleman the question. I take the remarks of the gentleman kindly, but he has, in an expressive way, given to my question the force of an imputation upon somebody. Now, in order that he may understand that I am making the statement in good faith and that I mean what I say, I will state further to him that I have been informed that, in violation of the practices of this Government, this Board of Managers are in the habit of insuring the post buildings, built out of the post funds, upon the Government grounds, in a company at Hartford, Conn., of which General Franklin is an officer. Is that so?

Mr. STEELE. I do not know. I do not know of any building belonging to the Government that is insured. I do not believe there is a single building belonging to the Government that is insured. I do know that while I was at home a few days ago I inquired about the hall at Marion, known as the Stimson Memorial Hall, which was erected out of money that came out of the post fund and out of a charitable donation; a very large per cent from the latter. I asked the governor of the Home if it was insured, and told him it ought to be if it was not. He said that it was insured. I do not know in what company. That is the only building that I know of at any of the Homes that is insured. The Government buildings or those erected by it are not insured.

Mr. BLUE. I will ask the gentleman if it is not a fact that all the buildings that are built out of the post funds at these various homes—I mean by that the funds that are raised by the inmates themselves—are insured by direction of the managers in this company at Hartford, Conn.

Mr. STEELE. It may be. I am not prepared to say if they are all insured or not. If they are not, they ought to be. But they are not insured by the order of the Board in any particular company, being in a sense buildings owned in common by the Government and members of the various Homes.

Mr. BLUE. No, sir; they are a part of the Government grounds.

Mr. STEELE. But suppose that memorial hall at Marion should be burned up; we can not come to Congress to get an appropriation to build it. By charity we got the money out of which to build that hall largely, and we ought to preserve it; and if we do, we ought not to take chances on having it burned down and lost. That would destroy the charity—wipe it out. Therefore I think it the part of wisdom, especially where they are for amusement—halls and churches erected by charitable appropriations—to preserve them.

Mr. TRACEY. I would like to ask the gentleman a question if he will permit me.

Mr. STEELE. Certainly.

Mr. TRACEY. Will you be kind enough to state how often the Board of Managers meet and what is the extent of their examination of the affairs of the Home when they do meet?

Mr. STEELE. The Board of Managers meet at least four times each year, and oftener when occasion requires. It is the intention that they should make the necessary estimates of what will be required by the various Homes, to go through the routine business, and to hear complaints. Men are turned out for one cause or another; and sometimes incorrigible men are turned out and want to return. We look into all matters pertaining to the discipline and welfare of the Homes. We try to visit each one of the Homes once a year; and when we do visit a Home we make a very careful inspection, not only of the books, but of the Home. The men are all invited to appear if they have any complaints to make. We examine carefully the rations, how they are cooked, as to the cleanliness, as to the sanitary condition of the Home, and, in fact, make a thorough inspection.

Mr. TRACEY. One other question. Are these questions made a part of the examination by the Board—that is, are the bonds given by the different treasurers looked after and examined?

Mr. STEELE. Oh, yes. This has been a departure not of the seeking of the officers of the Homes or the Managers at all. It is a departure made at the last session of Congress, entirely different from what has heretofore been the custom.

Mr. WILLIAM A. STONE. If the gentleman will allow me, I will furnish him the law now.

Mr. STEELE. Excuse me for a moment. These bonds have been called for by the War Department and to be made in a security company by the treasurer and general treasurer. The bonds are not made to the Managers, and the Branch treasurers' bonds are made to the general treasurer, who is responsible for them.

Mr. TRACEY. Is the matter of the insurance of the post buildings gone into at these quarterly examinations?

Mr. STEELE. All matters pertaining to the Homes are gone into. I think I have seen something about insurance. Generally I have been one of a subboard who audit the accounts, and I do not remember to have been on an inspection of the buildings not in use by the members or those which are used for amusements. [Cries of "Vote!"]

Mr. WILLIAM A. STONE. Now, Mr. Chairman, the point I wish to make is that no Government officer has any right to insist on a bond or any surety being a corporation. There it is. There are a number of companies organized under State laws as surety companies. This act of Congress was passed at the last session, entitled "An act relative to recognizances, stipulations, bonds," etc. It was approved August 13, 1894; and it expressly provided:

But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company.

So that if the case is as presented by the gentleman from Indiana—if any officer, whether it be in the War Department or Department of Justice, insists on any person furnishing a surety on a bond, the surety to be one of those guaranty companies, he violates the plain provision of that law, because under that law, and only under that law, would he have any right to receive any bond given by a surety company; and that very law provides that he shall not insist on it, but simply permits the person required to give surety to give a surety company if he wants to; and that is all there is of it. [Cries of "Vote!" "Vote!"]

Mr. STEELE. But the statute also says:

*Provided*, That such recognizance, stipulation, bond, or undertaking be approved by the head of Department, court, judge, officer, board, or body, executive, legislative, or judicial, required to approve or accept the same.

Now, suppose that officer does not approve the bond.

Mr. WILLIAM A. STONE. The idea of an officer refusing to approve a good bond because he insists on the bond of a security company would be absurd.

Mr. STEELE. But that is what has been done.

Mr. WILLIAM A. STONE. Well, it is all wrong.

Mr. STEELE. I think so; but that does not relieve this treasurer from having to pay against his will $500 for his bond.

Mr. WILLIAM A. STONE. But he can still have individual sureties on his bond. They can not refuse them.

Mr. STEELE. But they do it.

Mr. DOCKERY. Has he made any effort to give individual security?

Mr. STEELE. He was notified that he must give the security company bond.

Mr. WILLIAM A. STONE. Who notified him of that?

Mr. STEELE. The regular officer. I am sorry that I can not give his name or title.

Mr. WILLIAM A. STONE. In what Department is he?

Mr. STEELE. In the Treasury Department, I think. On reflection, however, I do not know whether he is in the Treasury Department or in the War Department.

Mr. WILLIAM A. STONE. The Treasury Department has been accepting these security bonds ever since this act was passed, but in no instance has the Department required such a bond. The statute was only an enabling act, authorizing the Department to accept such bonds, but not authorizing it to require them.

Mr. CANNON. As to requiring such a bond this provision of the statute settles it:

But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular company.

Mr. WILLIAM A. STONE. That is what I read a while ago.

Mr. CANNON. I did not know that the gentleman had read it.

The question being taken on the amendment of Mr. STEELE, it was rejected.

Mr. HAINER of Nebraska. Mr. Chairman, I move to strike out the last word. I desire to submit a few observations on an amendment which is already passed. I shall probably require an extension of time, and I should like to arrange for it now, as I wish to deliver my observations in a somewhat orderly way.

Mr. CANNON. I will ask the gentleman whether he would rather have the time now or in the morning? But first I will ask him how much time he requires?

Mr. HAINER of Nebraska. I think I shall want about half an hour.

Mr. CANNON. Would the gentleman rather have the time now, before we complete the bill, or would he prefer to let the bill be read through this evening and then an adjournment be taken, the gentleman having thirty minutes in the morning before I move the previous question on the passage of the bill?

Mr. HAINER of Nebraska. I would prefer to take the time in the morning, if such an arrangement can be made.

Mr. CANNON. I will say to the gentleman that I think I shall have it in my power to give him the time. If I can not get unanimous consent of the House that he shall have thirty minutes, I can refrain from moving the previous question for that length of time.

Mr. HAINER of Nebraska. If I can have the gentleman's assurance of his cooperation in securing me the time, I shall be quite content, but of course I can not depend upon getting unanimous consent.

Mr. BARTLETT of New York. Mr. Chairman, I wish to ask the gentleman in charge of the bill whether there will be any provision made for the other side if this should turn out to be, as I anticipate, a religious debate. [Laughter.]

Mr. CANNON. As it is late, I would suggest to the gentleman from Nebraska that the safer way would be to finish the reading of the bill to-night, and when the last paragraph is read I will move that the committee rise. Then an amendment, formal or otherwise, would be in order when the committee reassembles to-morrow.

Mr. McMILLIN. Then the gentleman would permit this paragraph to go over without final disposition.

Mr. HAINER of Nebraska. That would leave only one paragraph, which would hardly admit of sufficient amendment.

Mr. CANNON. Then, Mr. Chairman, I will now ask unanimous consent that my colleague on the committee, the gentleman from Nebraska [Mr. HAINER], shall have thirty minutes, at the conclusion of the bill, to address the committee.

Mr. BARTLETT of New York. I have no objection to that, Mr. Chairman, provided some provision is made for those who may desire to reply to the gentleman from Nebraska.

Mr. CANNON. How much time will the gentleman from New York want?

Mr. BARTLETT of New York. I may want fifteen minutes.

Mr. CANNON. Then, Mr. Chairman, I ask unanimous consent that after the conclusion of the reading of the bill in Committee of the Whole one hour be allowed for debate, thirty minutes to be controlled by the gentleman from Nebraska and thirty minutes by the gentleman from Kentucky [Mr. EVANS].

There was no objection, and it was so ordered.

The Clerk read as follows:

For advertising in newspapers, including proposals for supplies and other necessary advertisements, $100.

Mr. STEELE. I move to strike out the last word. I send to the Clerk to be read the provision of the statute in regard to the bonds to be given by the general treasurer and the local treasurers of these Soldiers' Homes.

The Clerk read as follows:

The general treasurer shall give good and sufficient bond to the United States in a sum not less than $100,000, as the Secretary of War may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive, and the treasurers of the several Branch Homes shall give good and sufficient bonds to the general treasurer in such sums as he may require, and to be approved by him, faithfully to account for all public moneys and property which they may receive.

Mr. STEELE. I withdraw the pro forma amendment.

The Clerk read as follows:

For the Department of Agriculture, including $10,000 for the Weather Bureau, $85,000.

Mr. RICHARDSON. I move, pro forma, to strike out the last word. I wish to inquire of the chairman of the Committee on Appropriations whether this $10,000 for the Weather Bureau is included in the amount set apart in the beginning for the public printing and binding. As I understand, the printing done at the Weather Bureau is not under the direction of the Public Printer, and therefore this $10,000 should not be included in the amount set apart for public printing and binding. It is not used by the Public Printer.

Mr. CANNON. The gentleman asks me whether or not it is necessary to say "including $10,000 for the Weather Bureau." Is that the gentleman's query?

Mr. RICHARDSON. Not exactly that. My inquiry is whether this $10,000 is intended to be charged as part of the appropriation for public printing and binding. It ought not to be so charged, because the amount is not disbursed at all by the Public Printer.

Mr. CANNON. This is the usual appropriation for the Department of Agriculture in this allotment of the printing for the different Departments.

Mr. RICHADSON. The only point is this: The printing officer in the Weather Bureau is not under the jurisdiction of the Public Printer; and the question in my mind was whether this $10,000 would be charged to public printing and binding, when really it is not chargeable at all to the Public Printer.

Mr. CANNON. I understand this appropriation is in the usual form.

The CHAIRMAN. In the absence of objection, the pro forma amendment will be regarded as withdrawn.

The Clerk read as follows:

That paragraph 46, section 73, of an act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, be, and the same hereby is, amended by striking out the following words: "Of which number 8 copies shall be sent by the superintendent of documents, one each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress."

Mr. RICHARDSON. As I understand it, this provision will change the public printing act of the last Congress in respect to the 8 copies of the CONGRESSIONAL RECORD which members are allowed to have sent to libraries in their districts. Is that all the change that is intended? Does the provision take away from the member those 8 copies, or does it simply change the law requiring that they be sent to libraries designated by the member? Is there any reduction of the quota of members?

Mr. CANNON. I know what was intended by the provision. It was intended to increase the quota of each member to the extent of 8 copies, by repealing the provision of law requiring 8 copies of each member's quota to be sent to designated libraries.

Mr. RICHARDSON. I am in perfect sympathy with the gentleman on that proposition; but I am inclined to think the language used here would cut off the 8 copies.

Mr. CANNON. I think not. We strike out that provision of the existing law which requires those 8 copies to be sent to libraries designated by the Representative or Delegate.

Mr. RICHARDSON. I have in my hand the printing law, but I have not yet been able to turn to the provision here referred to.

Mr. CANNON. I have the law and will read the language:

To the Secretary and Sergeant-at-Arms of the Senate, 20 copies; to the Secretary, for office use, 10 copies; to each Representative and Delegate, 30 copies, of which number 8 copies shall be sent, etc.

The provision for 30 copies for each Representative and Delegate is allowed to stand, and we simply strike out the requirement that 8 copies of those 30 shall be sent to designated libraries.

Mr. RICHARDSON. The gentleman's explanation is satisfactory.

The Clerk resumed and concluded the reading of the bill.

Mr. CANNON. Now, Mr. Chairman, there is one section of the bill incomplete, under the head of "Engraving and printing."

The CHAIRMAN. On page 16 of the bill.

Mr. CANNON. The gentleman from Pennsylvania [Mr. BINGHAM] desires to occupy some time upon that. I would ask the gentleman if he would prefer to proceed to-night?

Mr. BINGHAM. No; I prefer to go on in the morning. I shall take some time probably, and perhaps I shall bring out, by what I may have to say, some discussion upon the provision.

Mr. SAYERS. I would ask the gentleman if he proposes to move to strike out any portion of it?

Mr. BINGHAM. I will move to amend one of the paragraphs. I have no antagonism to the appropriation for the Bureau in any respect.

Mr. CANNON. I move that the committee do now rise.

The motion was agreed to.

The Speaker accordingly resumed the chair; and Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

## ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 711) to increase the pension of Uzziel B. Church;

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.;

Joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island; and

Joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of a canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation.

REPRINTING OF CERTAIN REPORTS.

By unanimous consent, on motion of Mr. CHARLES W. STONE, a reprint was ordered of House Report No. 795, Fifty-fourth Congress, first session, on metric weights and measures, to accompany H. R. 7251, the supply of the same having been exhausted.

Also, on motion of Mr. PAYNE, a reprint of Report No. 848 was ordered, the original number having been exhausted.

ORDER OF BUSINESS.

The SPEAKER. The bill (H. R. 880) designating Stamford as a subport of entry will be laid upon the table, in the absence of objection, the Senate bill on the same subject having been passed by the House.

There was no objection, and it was so ordered.

And then, on motion of Mr. LOUD (at 5 o'clock and 10 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for support of Sioux of different tribes, subsistence and civilization, 1893 and prior years; to pay for the rent of a warehouse at Rushville, Nebr.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of State, requesting an appropriation to enable the Government to take part in the international exposition at Brussels in 1897—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an estimate of an appropriation for repairs and preservation of public buildings in the custody of the United States marshal for the district of Alaska, and for building the necessary vaults therein—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOPKINS, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 1767) to provide for subports of entry and delivery in the State of Florida, reported the same without amendment, accompanied by a report (No. 1035); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OWENS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, with certain amendments of the Senate thereto, reported the same with the recommendation that Senate amendment No. 1 be concurred in; that amendment No. 3 be nonconcurred in; and that amendment No. 2 be concurred in with an amendment, accompanied by a report (No. 1036); which said bill and report were referred to the House Calendar.

Mr. BARNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company, reported the same without amendment, accompanied by a report (No. 1037); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880, reported the same with amendment, accompanied by a report (No. 1038); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3124) to amend section 34 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 1039); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PHILLIPS, from the Committee on Labor, to which was referred the bill of the House (H. R. 268) concerning carriers engaged in interstate commerce and their employees, reported the same with amendments, accompanied by a report (No. 1058); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, reported a joint resolution of the House (H. Res. 160) to appoint four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, accompanied by a report (No. 1056); which said joint resolution and report were referred to the House Calendar.

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 1063); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ERDMAN, from the Committee on Invalid Pensions: The bill (S. 1682) granting an increase of pension to Mrs. Sarah B. Leet. (Report No. 1040.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: A bill (H. R. 7821) granting a pension to Annie Schifirli, reported in lieu of H. R. 4496. (Report No. 1041.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 2257) to increase the pension of Charles H. Twomey. (Report No. 1042.)

The bill (H. R. 2725) granting increase of pension to Henry Slaughter. (Report No. 1043.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5068) to grant a pension to Jane Cunningham, widow of James Cunningham. (Report No. 1044.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7349) to pension Lewellyn D. King. (Report No. 1045.)

The bill (S. 646) for the relief of Francis Brown. (Report No. 1046.)

The bill (H. R. 1323) for the relief of Ira H. Sweatt. (Report No. 1047.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (H. R. 4629) granting a pension to William R. Harless. (Report No. 1048.)

The bill (H. R. 6234) to restore the name of James R. Pack to the pension roll. (Report No. 1049.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney. (Report No. 1050.)

The bill (H. R. 7115) granting a pension to Joseph Warbrook. (Report No. 1051.)

The bill (H. R. 6539) granting a pension to Richard C. Enright. (Report No. 1052.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 5620) to pension George E. Reid. (Report No. 1053.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States. (Report No. 1062.)

By Mr. HULL, from the Committee on Military Affairs:

The bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex. (Report No. 1064.)

The bill (H. R. 3772) to correct the muster roll of Company I of the Seventh Iowa Infantry Volunteers. (Report No. 1055.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 2259) for the relief of William B. Ellis. (Report No. 1057.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 350) granting an increase of pension to George C. Abbey. (Report No. 1059.)

The bill (S. 1888) granting an increase of pension to William T. Walker. (Report No. 1060.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mails. (Report No. 1061.)

## ADVERSE REPORTS.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1054) the bill (H. R. 3952) granting to the State of Minnesota in perpetuity the old buildings and the ground upon which they stand, which constitute the old and original Fort Snelling, in the State of Minnesota; which said bill and report were laid on the table

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 7817) for the protection of persons who may be considered insane—to the Committee on the Judiciary.

By Mr. LOW: A bill (H. R. 7818) to establish Appomattox Park in the State of Virginia—to the Committee on Military Affairs.

By Mr. TURNER of Virginia: A bill (H. R. 7819) to preserve the grave of Gen. Daniel Morgan and erect a monument over the same—to the Committee on the Library.

By Mr. TYLER: A bill (H. R. 7820) to provide for the erection of a post-office building at Fortress Monroe, Va.—to the Committee on Public Buildings and Grounds.

By Mr. POWERS: A bill (H. R. 7822) to amend section 747 of the Revised Statutes, relating to admission of attorneys and counselors—to the Committee on the Judiciary.

By Mr. MEIKLEJOHN: A bill (H. R. 7823) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Northeastern Nebraska Reunion of the Grand Army of the Republic—to the Committee on Naval Affairs.

Also, a bill (H. R. 7824) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Soldiers' Home at Grand Island, Nebr.—to the Committee on Naval Affairs.

By Mr. WANGER: A bill (H. R. 7825) to amend certain sections of Title LII of the Revised Statutes, relating to steam vessels, and to codify therein all existing amendments to the same enacted by Congress since the close of the Forty-fourth Congress—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAINER of Nebraska: A bill (H. R. 7856) granting pensions to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. WILBER: A bill (H. R. 7857) to amend section 3339 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HARRIS: A bill (H. R. 7858) to regulate actions for infringements of patents—to the Committee on Patents.

By Mr. GRAFF: A resolution (House Res. No. 230) to pay out of the contingent fund $150 to J. A. Miller, assistant clerk of the Committee on Claims—to the Committee on Accounts.

By Mr. DAYTON: A resolution (House Res. No. 231) for the appointment of an assistant clerk in the document room—to the Committee on Accounts.

By Mr. AVERY: A resolution (House Res. No. 232) to authorize the Clerk to appoint an additional clerk for service about the Clerk's desk—to the Committee on Accounts.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6268) to increase the pension of William N. Wells—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Resolutions of the Military Order Loyal Legion of the United States, Milwaukee, Wis., to grant a pension to the widow of Gen. John Gibbon—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Memorial praying the allowance of accrued pension to John L. Springston—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WHEELER: A bill (H. R. 7772) to increase the pension of Theodore N. Cobia—to the Committee on Pensions.

By Mr. AITKEN: A bill (H. R. 7826) to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

By Mr. BENNETT: A bill (H. R. 7827) granting a pension to Joseph Buckle—to the Committee on Invalid Pensions.

By Mr. BISHOP: A bill (H. R. 7828) granting an increase of pension to Alexander O. Campbell—to the Committee on Invalid Pensions.

By Mr. McDEARMON: A bill (H. R. 7829) for the relief of the estate of Thomas Brooks, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 7830) to increase the pension of William H. Arbuckle—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 7831) to remove the charge of desertion from the record of Friedrich Bertram—to the Committee on Military Affairs.

By Mr. LIVINGSTON (by request): A bill (H. R. 7832) for the relief of James Condon—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 7833) for the relief of Adelbert D. Lee—to the Committee on Military Affairs.

Also, a bill (H. R. 7834) for the relief of William L. Rose—to the Committee on Military Affairs.

By Mr. MEIKLEJOHN: A bill (H. R. 7835) for the relief of Peter Coyle—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 7836) for the relief of Charles H. Stunkle—to the Committee on War Claims.

Also, a bill (H. R. 7837) for the relief of John W. Beckley and others—to the Committee on War Claims.

Also, a bill (H. R. 7838) for the relief of Paris Simms and others—to the Committee on War Claims.

Also, a bill (H. R. 7839) for the relief of Malvina Maxwell, administratrix of John Churchman—to the Committee on War Claims.

Also, a bill (H. R. 7840) for the relief of Robert E. Adams—to the Committee on War Claims.

By Mr. MOZLEY: A bill (H. R. 7841) granting a pension to William Thompson—to the Committee on Invalid Pensions.

By Mr. MURPHY of Arizona: A bill (H. R. 7842) authorizing payment to Dr. Warren E. Day for professional services rendered and drugs furnished the Hualapai Indians—to the Committee on Indian Affairs.

By Mr. PUGH: A bill (H. R. 7843) removing the charge of desertion against Harrison Riddell—to the Committee on Military Affairs.

Also, a bill (H. R. 7844) removing the charge of desertion in military record of Hiram Pierce—to the Committee on Military Affairs.

Also, a bill (H. R. 7845) for the relief of Oliver Miller—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 7846) for the relief of the crew of the U. S. S. *Wyoming*—to the Committee on War Claims.

Also, a bill (H. R. 7847) granting a pension to Laura V. Swearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7848) for the relief of Michael Z. Hammen—to the Committee on Claims.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7849) granting a pension to L. Electa Brown—to the Committee on Pensions.

Also, a bill (H. R. 7850) granting an honorable discharge to Charles A. Geer—to the Committee on Military Affairs.

By Mr. SPENCER: A bill (H. R. 7851) for the relief of the estate of Thomas Owens, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 7852) for the relief of B. F. Richardson—to the Committee on War Claims.

By Mr. TUCKER: A bill (H. R. 7853) for the relief of William Wheeler Hubbell—to the Committee on Naval Affairs.

Also, a bill (H. R. 7854) to pay just compensation to William Wheeler Hubbell for his invention of high-power steel guns and improvements in other guns, made and adopted by the United States for its military service and Navy at the present time—to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 7855) for the relief of Bettie Linder, administratrix of B. Franks, deceased, of Lauderdale County, Ala.—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of the Philadelphia Maritime Exchange, in favor of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Union Veteran Legion, favoring a per diem pension bill—to the Committee on Invalid Pensions.

By Mr. AITKEN: Petition of William Henry Le Roy and 18 other ex-soldiers of the Union Army, asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of W. H. Weitheiser & Sons, asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany a bill to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

By Mr. BELL of Colorado: Three petitions of citizens of Colorado, favoring the passage of joint resolution No. 11 proposing an amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petitions of James Lyttle, F. P. Murray, E. M. Hawkins, J. S. Swan, and Evan Williams, publishers, praying for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT: Papers to accompany House bill granting a pension to Joseph Buckle—to the Committee on Invalid Pensions.

By Mr. CRUMP: Copy of letter from shipowners of Bay City, Mich., asking for the passage of House bill No. 7546, and showing the necessity of a fog whistle at Ottawa Point, Lake Huron, by giving list of vessels and lives lost at this place from 1870 to the present time—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Hilltop Lodge, No. 88, Junior Order United American Mechanics, of Pittsburg, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Pittsburg, Pa., asking for the passage of bill looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Philadelphia Maritime Exchange, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. DINSMORE: Petition of sundry citizens of various States, asking for an appropriation for the establishment of a home for aged and disabled soldiers of the rebellion of the Union and Confederate armies at Eureka Springs, Ark.—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: Resolutions adopted by the Nuttall Ornithological Club of Cambridge, Mass., in favor of establishing the office of director-in-chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

By Mr. GRAFF: Petition of citizens of Peoria, Ill., to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Petition of citizens of Council Bluffs, Atlantic, and Honey Creek, Iowa, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, protests of J. B. Stewart, of Bayard, Iowa, and H. C. Ford, of Woodbine, Iowa, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of citizens of Fillmore, Allegany County, N. Y., praying for legislation taxing "filled cheese"—to the Committee on Agriculture.

By Mr. HITT: Petition of R. J. Haight, publisher, of Chicago, Ill., for the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of the Oberlin Temperance Alliance, of Oberlin, Ohio, with a membership of 400 voters, for the appointment of a national commission of inquiry to investigate and report upon the alcoholic liquor traffic and its relations to crime, pauperism, and the public welfare—to the Committee on Alcoholic Liquor Traffic.

By Mr. LINTON: Remonstrance and petition of James Rath and 18 others, of Utica, N. Y.; also of J. H. Johnson, William T. Dougherty, and 142 others, of Buffalo, N. Y., against the continuance of the statute of Marquette in Statuary Hall—to the Committee on the Library.

Also, remonstrance of S. D. Andrews and others, of Pittsburg, Pa., against the appropriation of public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. LIVINGSTON (by request): Petition of Eugene A. Johnson and others, of Washington, D. C., asking for the appointment of a commission to investigate the administration of the Howard University—to the Committee on Appropriations.

Also (by request), affidavit of the services of James Condon, to accompany House bill for his relief—to the Committee on Claims.

By Mr. LOUD: Petition of Felton, Sibley & Co., Philadelphia, asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Benjamin W. Wilson and 35 other citizens of Camden, N. J., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of the Liquor Dealers' Protective League of New Jersey, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL of Massachusetts: Resolutions of the Nuttall Ornithological Club, of Cambridge, Mass., favoring the creation of a new bureau in the Department of Agriculture—to the Committee on Agriculture.

By Mr. McCLEARY of Minnesota: Petition of Bert R. Beymer and 49 other citizens of Minnesota, favoring the passage of House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. McEWAN: Resolution of Detroit Typographical Union, No. 18, asking for the passage of House bill No. 184, for appointing a committee of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

Also, resolutions from the New Jersey Liquor Dealers' Protective League, and from the following branches: Newark, Orange, Passaic, Town of Union, Rahway, New Brunswick, Coverstadt, Hoboken, South Amboy, Phillipsburg, and the counties of Monmouth, Huntington, and Hudson, State of New Jersey, protesting against the passage of House bill No. 6668, amending an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McRAE: Petition of R. C. Wigand and 17 other citizens of Colbert, Ind. T., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MEREDITH: Paper to accompany House bill for the relief of Robert E. Adams—to the Committee on War Claims.

By Mr. MEIKLEJOHN: Six petitions of citizens of Duff, Plainview, Emporia, Brewster, Dunning, and Butka, of the State of Nebraska, asking for the construction of a railroad from Sioux City, connecting with the main line of the Union Pacific at or near North Platte, Nebr.—to the Committee on Pacific Railroads.

Also, statement of George E. Wilson, of Royalton, Minn., relative to the "relief bill" for settlers of the Northern Pacific Railroad lands—to the Committee on the Public Lands.

Also, petition of B. W. Clark and others, of Nebraska, asking for the passage of the bill promoting Gen. Nelson A. Miles to Lieutenant-General of the United States Army—to the Committee on Military Affairs.

By Mr. MILLER of West Virginia: Evidence in support of House bill No. 7299, for the relief of Jackson Lykins—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of James H. Burke, of Essex, Vt., asking for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PUGH: Petition of the officers and members of George H. Taylor Post, No. 160, Grand Army of the Republic, of the Department of Kentucky, favoring service-pension legislation at the rate of $12 per month for all pensionable soldiers of the war of the rebellion—to the Committee on Invalid Pensions.

Also, papers to accompany House bill removing the charge of desertion in the military record of Hiram Pierce—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion against Harrison Riddell—to the Committee on Military Affairs.

By Mr. REYBURN: Three petitions of citizens of Philadelphia, Pa., in favor of a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSK: Petition of Annie Delaney, for her relief—to the Committee on Invalid Pensions.

By Mr. SIMPKINS: Petition of Light-Keepers' Association, through Joseph G. Remsen, Nantucket, Mass., to retire and pension employees of the Light-House Establishment of the United States—to the Committee on Pensions.

Also, resolutions of the Nuttall Ornithological Club, of Cambridge, Mass., in favor of creating the office of director-in-chief of scientific divisions of the Department of Agriculture—to the Committee on Agriculture.

By Mr. STEELE: Petition of Encampment No. 90, Union Veteran Legion, of the National Military Home, Indiana, by its colonel, F. C. Palmer, asking that a per diem pension bill be passed—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Indorsement by local Ore Trimmers' Union, No. 48, of Sault Ste. Marie, Mich., of proposed bill to amend act of February 26, 1885, known as alien-labor laws—to the Committee on Labor.

By Mr. STEWART of Wisconsin: Protest of C. N. Johnson; also of publishers of the Iron County Republican, of Hurley, Wis., against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. D. Pergoli, of Peshtigo, Wis., favoring the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the business men of the Fox River Valley, Wisconsin, to secure remedial plans to overcome a low stage of water in Lake Winnebago and the lower Fox River, Wisconsin—to the Committee on Rivers and Harbors.

By Mr. CHARLES W. STONE: Resolutions of the Board of

Trade of Bradford, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill granting a pension to Emily Hutchins—to the Committee on Invalid Pensions.

By Mr. TYLER (by request): Petition of citizens of Newport News, Va., asking for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. WALKER of Massachusetts: Resolutions of the Nuttall Ornithological Club of Cambridge, Mass., favoring the creation of the office of director-in-chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

By Mr. WANGER: Petition of Pomona Grange, No. 22, Patrons of Husbandry, of Bucks and Philadelphia counties, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. WHEELER: Letter of Frank P. Blair, of Chicago, Ill., to accompany House bill No. 7351, concerning the retirement of B. F. Handforth—to the Committee on Military Affairs.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, Ill., in favor of uniform freight classification throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the estate of Elizabeth Dillard, of Jackson County, Ala., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

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## SENATE.

THURSDAY, *April 2, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

ADJOURNMENT TO MONDAY.

Mr. HOAR. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

CREDENTIALS.

Mr. GORMAN presented the credentials of George L. Wellington, chosen by the legislature of the State of Maryland a Senator from that State for the term commencing March 4, 1897; which were read, and ordered to be placed on file.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the delegates of the Oklahoma Sac and Fox tribes of Indians, wherein they disclaim having withdrawn their protest to the finding against their branch of the tribe or of their intention to do so, and requesting that Congress be informed of the facts, and asserting that a mistake had been made by the Department in this respect; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 5127) for the relief of Abraham O. Waucop; and

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of a light-house and fog signal on North Manitou Island, Lake Michigan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. 711) to increase the pension of Uzziel B. Church;

A bill (H. R. 1244) to confirm certain cash entries of offered lands;

A bill (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory;

A joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.;

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations heretofore made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Association of Railway Superintendents of Bridges, of Concord, N. H., praying that a liberal appropriation be made for the continuance of the investigation and tests of timber under the direction of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented a petition of the Carter's Ink Company, of Boston, Mass., praying for the enactment of legislation providing 1-cent letter postage per half ounce, and also to amend the postal laws relative to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Commander Post, No. 12, Department of Massachusetts, Grand Army of the Republic, remonstrating against the excessive rates of pensions created by special legislation to widows of officers, and praying for the adoption of a uniform system of pensions to be granted to the widows of deceased soldiers; which was referred to the Committee on Pensions.

He also presented a petition of the Nuttall Ornithological Club of Cambridge, Mass., praying for the creation of the office of director in chief of the scientific division in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., and a petition of the Commercial Club of Boston, Mass., praying for the maintenance of the gold standard; which was referred to the Committee on Finance.

Mr. SHERMAN presented a petition of the Drill Press and Milling Machine Union, No. 6505, American Federation of Labor, of Toledo, Ohio, praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

Mr. BACON presented a petition of sundry citizens of Hart County, Ga., praying for the enactment of legislation prohibiting the licensing of distilleries by the Government in States and counties where the liquor traffic is prohibited; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of sundry citizens of North Indianapolis, Ind., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bimetallic Union No. 599, of Rockfield, Ind., praying for the adoption of an amendment to the Constitution of the United States, relative to the election of United States Senators by a direct vote of the people; which was ordered to lie on the table.

Mr. VILAS presented a petition of the State Epworth League, of Madison, Wis., praying for the repeal of the ninety-day divorce law of Oklahoma Territory and other laws of the Territories; which was referred to the Committee on Territories.

He also presented sundry petitions of the State Epworth League, of Madison, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation raising the age of consent in the District of Columbia and all the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation providing for the enforcement of the child-labor law and for compulsory education; which was referred to the Committee on Education and Labor.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the appointment of an impartial commission to investigate the labor problem; which was referred to the Committee on Education and Labor.

He also presented a petition of the State Epworth League, of Madison, Wis., praying for the enactment of legislation to substitute voluntary arbitration for railroad strikes; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented sundry petitions of citizens of Pennsylvania, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of Washington Camp, No. 507, Patriotic Order Sons of America, of Rehrersburg, Pa., and a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition, in the form of resolutions adopted by the Republican county committee of Cameron County, Pa., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of Encampment No. 2, Union Veteran Legion, of Philadelphia, Pa., praying for enactment of a per diem pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christiam Temperance Union, of Troy, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by Welcome Council, No. 134, Junior Order United American Mechanics, of Pittsburg, Pa., approving the clause in the Indian appropriation bill providing that no public money shall be appropriated for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Central Labor Union, of Scranton, Pa., favoring the free and unlimited coinage of silver at the ratio of 16 to 1; which were ordered to lie on the table.

He also presented the memorial of L. S. Shinnwell, of Harrisburg, Pa., remonstrating against the introduction of military education in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of the Maritime Exchange, of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the United Labor League, of Philadelphia, Pa., remonstrating against any change being made in the law of February 18, 1895, relating to seamen; which was referred to the Committee on Commerce.

He also presented sundry petitions of citizens of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Pennsylvania, praying for the passage of House bill No. 2626, to protect agricultural staples by an export bounty; which were referred to the Committee on Agriculture and Forestry.

### REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. HOAR on the 18th ultimo, concerning the fog bell near Castle Hill, Newport, R. I., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and submitted a report, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2549) for the establishment of a light-house on Swan Island, belonging to the United States, in the Caribbean Sea, reported it with an amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. TURPIE on the 25th ultimo, in relation to traveling expenses of justices or judges attending circuit or district courts, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANTLE, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 31st ultimo, in relation to the appointment of a commission to negotiate with the Crow and Flathead Indians for the cession of portions of their reservations, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2334) construing the acts of Congress in relation to the award of life-saving medals, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2120) to release and quitclaim to the commissioners of Lincoln Park, in the county of Cook and State of Illinois, certain littoral or riparian rights belonging to the United States, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 100) granting a life-saving medal to Daniel E. Lynn, of Port Huron, Mich., reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments and to submit a report thereon.

I give notice at this time that I shall call up the bill on Monday for action on the part of the Senate.

The VICE-PRESIDENT. The bill will be printed and placed on the Calendar.

Mr. ALLEN. On the 20th of March there was reported from the Committee on Indian Affairs by the Senator from South Dakota [Mr. PETTIGREW] an amendment intended to be proposed to the Indian appropriation bill. I am directed by the Committee on Indian Affairs to report an amendment to that amendment, so as to include the Santee Sioux Indians of Nebraska. I move that the amendment be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. ALLEN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill in reference to the Santee Sioux Indians of Nebraska, and moved that it be referred to the Committee on Appropriations; which was agreed to.

### RIGHT OF WAY OVER INDIAN LANDS IN KANSAS AND NEBRASKA.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska, to report it favorably without amendment. I desire to state in this connection, that early in the session a bill in almost the same language was passed by the Senate and sent to the House of Representatives, but a copy of the bill having been introduced in the other House at the same time, it met with some slight verbal amendment and was passed. I ask unanimous consent to put the House bill on its passage, concurring with the amendments inserted in the House, and then I shall ask for an order recalling the Senate bill which passed the Senate and was sent to the other House.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill.

Mr. SHERMAN. Has the bill been referred to a committee?

Mr. ALLEN. If the Senator from Ohio will permit me, I will state that on the 16th day of December I introduced this bill in the Senate as Senate bill 941. A copy of the bill was introduced a few days later in the House of Representatives.

Mr. SHERMAN. Has the bill been referred to a committee in this body?

Mr. ALLEN. Oh, yes, sir.

Mr. SHERMAN. What committee acted upon it?

Mr. ALLEN. The Committee on Indian Affairs.

Mr. SHERMAN. If this bill is reported from the Committee on Indian Affairs it seems to me they have given most drastic and extreme power to these two corporations to gain land and to hold land in that region, not only to buy land for right of way, but to take it in unusual width. It appears to me that it is a bad bill, but as it is reported from the Committee on Indian Affairs I do not propose to interpose my objection to its passage.

Mr. ALLEN. I can explain in a very few words the history of the bill. Senate bill 941 was introduced here and passed. A few days later a copy of Senate bill 941 was introduced in the House. Senate bill 941 went to the Senate Committee on Indian Affairs and was reported back favorably and passed by the Senate. In the meantime the House bill, which is the bill I have now reported, had been sent by the Committee on Indian Affairs of the House of Representatives to the Secretary of the Interior and it came back with certain amendments, which are the provisos to the first and second sections of the bill, and as amended it passed the House of Representatives.

Mr. PLATT. We passed the Senate bill. Now the House has passed the House bill with some unimportant amendments.

Mr. ALLEN. With two provisos.

Mr. PLATT. What the Senator from Nebraska desires is to have the House bill passed.

Mr. ALLEN. I want to have the House bill passed, and then have an order recalling Senate bill 941.

Mr. SHERMAN. If the measure has been acted upon by the Committee on Indian Affairs I do not object.

Mr. ALLEN. Yes, sir; it has the approval of the committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLEN. I ask for an order recalling Senate bill 941 from the House of Representatives.

The VICE-PRESIDENT. It will be so ordered, without objection.

JUDICIAL DISTRICTS IN TENNESSEE.

Mr. BATE. I ask consent to call up the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States. It is a mere local bill.

Mr. HOAR. Is morning business over?

Mr. BATE. It will take only a moment, and it is necessary for it to be passed soon.

The VICE-PRESIDENT. The Chair will state, in response to the inquiry of the Senator from Massachusetts, that morning business has not been concluded. At the conclusion of the morning business the Chair will recognize the Senator from Tennessee.

Mr. BATE. I shall ask for the consideration of the bill at the conclusion of the morning business.

ECONOMIC GEOLOGY OF THE MERCUR MINING DISTRICT.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. BROWN on the 30th ultimo, reported a substitute therefor; and the substitute was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations; of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

WOMAN SUFFRAGE HEARING.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. CALL on the 23d ultimo, reported a substitute therefor; and the substitute was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 23, 1896; 2,000 copies for the Senate and 3,000 copies for the House of Representatives.

BILLS INTRODUCED.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2710) to remove the charge of desertion from the record of Daniel O'Connell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2711) granting a pension to Ira Harris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2712) to relieve the heirs of John H. Waring, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2713) granting a pension to Miss Mary Hayne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 2714) to equalize the postage on monthly publications when admitted to be carried as second-class matter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN introduced a bill (S. 2715) authorizing and directing certain extensions of street-railway routes within the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 2716) for the relief of Harlow L. Street; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2717) to regulate the use of a uniform flag in the Army and Navy, its proportions, and the location of the stars in the union or blue field; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2718) granting an increase of pension to Clarinda S. Hillman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2719) granting an increase of pension to J. N. Brundage; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2720) for the relief of Samuel B. Horne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 2721) for relief of owners or legal representatives of canal boats *Swan* and *Lewis and Butler*; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2722) granting a pension to Mrs. May Z. Eckels; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2723) to remove the charge of desertion from the military record of Michael Neidinger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PEFFER introduced a bill (S. 2724) providing for the relinquishment of the title of the United States to certain lands in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ADJUSTMENT OF STATE CLAIMS.

Mr. MITCHELL of Oregon submitted an amendment in the nature of a substitute for the bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims; which was referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL PRISON CONGRESS.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Printing:

*Resolved by the Senate*, That there be printed 3,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895, for distribution under the direction of the Secretary of State.

CLAIMS FOR BARRACKS AND QUARTERS.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to cause the proper accounting officers of the Treasury to reexamine Treasury settlement No. 133, being claims for barracks and quarters certified for appropriation in House Executive Document No. 234, Fifty-third Congress, third session, for the payment of which no appropriation has been made; and if found correct to report the same to Congress at as early a day as practicable at the present session.

FREDERICK B. BETTS.

The VICE-PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., was read twice by its title.

Mr. TELLER. That is a little bill, appropriating only $250. A similar bill has passed the Senate three times. I have examined it; it is a proper bill, and I ask that it may be put on its passage.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co., out of any moneys in the Treasury not otherwise appropriated, the sum of $250, being the amount of Treasury draft No. 5453 on Treasury interior warrant No. 4801, dated March 1, 1861, and drawn upon the assistant treasurer of the United States at New Orleans in favor of Lampson & Hendricks.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5127) for the relief of Abraham O. Waucop, was read twice by its title, and referred to the Committee on Military Affairs.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

*Resolved*, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

THE OFFICE IN ABEYANCE.

Mr. GEORGE. Mr. President, I do not know precisely what the Senator from Oregon means by asserting as a third alternative that the office of senator is in abeyance. He has not defined what he means by this expression, nor has he pointed us to any legal work which explains it.

As I understand, a right to an estate may be, or is said to be, in abeyance where there is no person in esse, or in actual existence, in whom it can vest, but there is a legal possibility of such person coming into existence. One of the most eminent of our legal writers, Mr. Fearne, in his work on Contingent Remainders, asserted that abeyance was a condition in which no estate could ever be; that there must be always some person in which a title could vest; it could not be *in nubibus*. Where an office is hereditary and appendant to an estate there is a possibility that the office might, like the estate to which it is appurtenant, be in the condition called abeyance if the estate itself was in that condition. But as there are no hereditary public offices in the United States, and can be none under a republican form of government, I can not see how a public office can ever be in abeyance in the sense in which an estate may be.

I know of no instance in which an office is declared to be in abeyance except that one provided for in the statute of Congress, Revised Statutes, section 1769, which is as follows:

The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death, resignation, or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in *abeyance* without any salary, fees, or emoluments attached thereto until it is filled by appointment thereto, by and with the advice and consent of the Senate; and during such time the powers and duties belonging to such office shall be exercised by such other officer as may, by law, exercise such powers and duties in case of a vacancy in such office.

According to this definition of abeyance, the following is the situation:

First. The office is vacant.

Second. It can not be filled without the advice and consent of the Senate.

Third. Until so filled it remains in abeyance.

Which is described to be without salary, fees, or emoluments; but its duties and powers are to be exercised by that person authorized by law to exercise such powers in case the office is vacant.

This means, when expressed in plain English, that there is an office vacant which the appointing power is prohibited from filling except by consent of another power, and until that is gotten the office remains vacant without salary or emolument, but the duties thereof shall be discharged by another officer as in case of a vacancy.

If that be abeyance, and I know of nothing else that can be called abeyance, then the office is vacant of a legal incumbent until filled in the mode prescribed and another officer discharges the duties thereof.

That can never be applied to the office of senator in the State of Delaware, for whenever that office is vacant, there is a peremptory constitutional command that it be filled at once by a new election, and no substitute, no other officer is ever allowed to fill it. It can only be filled by a regularly elected senator.

This is sufficient on the "abeyance," it being shown that the office of senator in Delaware was not in that condition and in fact could never be.

THE JOINT ASSEMBLY.

Mr. President, I have shown by reasoning which I believe to be clear and conclusive that Mr. Watson's office as senator was not, during his exercise of executive authority, vacant or in abeyance, nor was he suspended from its exercise. I have shown also that his right to vote as a senator during that term was recognized by the State authorities and people of Delaware in a construction put by them on their constitution for a century. I have further shown that the senate of Delaware and the joint assembly of the general assembly of that State fully recognized Mr. Watson's right as I have stated it, and thus concurred in and repeated the construction of the constitution of Delaware which recognized Mr. Watson's right.

I proceed now to show that the senate of Delaware, acting in and as a part of this joint assembly, and this joint assembly itself, in the most solemn and unequivocal manner, actually adjudged that Mr. Watson, on May 9, 1895, was a senator legally and constitutionally in his office and that he had a right to vote for United States Senator on that day.

The constitution of Delaware makes each house of its legislature the judge of the election and qualifications and returns of its members. In Mr. Watson's case there is no dispute as to the election or returns. He has been sworn in and acted without dispute or controversy as a senator. This is the judgment of the senate of Delaware as to both, and also as to his qualifications, up to the point where this controversy begins.

No one pretends we can go behind the action of the State senate in accepting Mr. Watson at first as a legally qualified and elected senator. The controversy is that, conceding these in the first instance as finally settled and determined, has he become disqualified since, so that he could not, under the constitution and laws of Delaware, on the 9th of May, 1895, cast his vote for United States Senator, and can we so adjudge—have we that power?

It is alleged that there has been no judging by the senate of Delaware on this point. The senate, it is claimed, has not acted on it. If it be the meaning of this contention on the other side that, in order to prevent this Senate from reversing the action of the senate of Delaware on its judgment as to the qualifications of its members, there must have been an actual contest made and that case tried and determined, then any rule prohibiting us from reversing the action of a State body on this subject is utterly worthless. For in nearly every instance there has not been, and never will be, such a case made and tried, as there are rarely contests of this sort. And, under that view, we are at liberty to try in every case the qualifications of a member of the State legislature, when such trial may be asked for, in a contest for a seat in this body.

I take it that no such rule will be seriously contended for.

Then, when is there such a judgment as will conclude us, if in truth any judgment is necessary?

My answer is that the mere fact that a State legislative body accepts a man as qualified and elected and permits him to exercise his duties as such, whether there has been a dispute or contest about it or not, constitutes an adjudication of his right. That there has been no dispute or controversy makes the case stronger, for in that case it is certain that every member assents to his qualifications and election.

But it is alleged that Mr. Watson took his seat so near the time of the departure of the senate for the joint assembly that there was no time for such trial. But there was time for objection. Mr. Watson performed several duties as presiding officer of the senate, and one an essential duty, in announcing that the senate proceed to the house of representatives. No one objected to the announcement, but every member assented to his authority to make it by obeying it. Did not failure to object, as there was time for that, imply an assent on the part of every member that Mr. Watson was rightfully exercising his office as senator? That was an adjudication expressly affirming that right.

THE JOINT ASSEMBLY WAS THE LEGISLATURE.

But, moreover, the joint assembly was the legislature of Delaware, or else it had no power to choose a Senator. The Constitution of the United States provides for two Senators from each State, "chosen by the legislature thereof." No other body, official or otherwise, has power to choose a Senator (for a full term). Such action must be by the legislature, and by the legislature alone. Whether as an original question the legislature can, by act of Congress, be authorized and compelled to act except as provided for by the State law, each house acting separately, I will not inquire at this day, as it is settled that such legislature may—even must—act (after a failure of the two houses to agree) in joint assembly in pursuance of the act of Congress. But whether the choosing comes from the concurrent action of the two houses or from the single action of the joint assembly of the two houses, such choosing is by *the legislature*, or else it is not a constitutional choosing, and Mr. Du Pont's case fails on that ground. The constitution of Delaware declares "that the legislative power shall be vested in a general assembly, which shall consist of a senate and house of representatives"—two bodies. The act of Congress requires these two bodies to act together in a joint assembly in choosing a Senator. Still it is the legislature which acts, and nothing but the legislature, and that consists of the two houses. The two houses are in a constitutional and legal sense present and acting in the joint assembly, or else that assembly is not a legislature and therefore not competent to elect a Senator.

In this case they were not only constitutionally present but actually present, every senator and every representative being in attendance and participating in the proceedings.

What could this legislature, thus assembled under the statute of Congress and under the Constitution do, and what was it bound to do in order, in the language of the statute, "to choose by the viva voce vote of each member present a person for Senator"? That was its constitutional and legal duty—keep that in mind—and being its duty it had full power to do all things necessary to the effectual and legal performance of that duty. Among those essential powers were these:

First. To choose a presiding officer to conduct the proceedings, and a clerk or secretary to record them, unless such officials had already been provided by law and were present and acting. And if they were so provided by law the joint assembly had power to

determine whether the persons presenting themselves as such were the identical persons so authorized by law to act.

Second. To determine who had a right to participate in the proceedings—that is, who were members of the two houses—and to so order that each member present should have the right to cast his vote, and also to take care that none but members should vote, which is again but a determination of the question of who were members and entitled to vote.

Third. To ascertain the result by ascertaining whether or not any person had received a majority of the votes of the members, and on that determination to declare a completed election, or that the election was not complete, and then to take further action from day to day to secure a proper result—that is, an election.

These are duties, some expressly enjoined and all clearly and necessarily implied, imposed by law on this joint assembly. Among them, it will be noticed, are the necessary powers and the plain duty to determine whether Mr. Watson was a member—full member—of the legislature and entitled to vote.

It is an unthinkable proposition that a law directing the assembling in one body of certain persons occupying certain official and legal relations as members of two other named bodies for the performance of a legal duty did not empower the assemblage to decide who were entitled to sit in it—who occupied the legal relation of membership in each of the bodies—and to exclude all who were intruders, or vest this essential power in some other judicatory then and there present and acting. Without such power present and acting the assembly could never meet. That in reaching this determination the joint assembly is bound by law to admit all who had been expressly or by implication adjudged by each of the two houses to be its own members and to exclude all who had been thus determined not to be members, makes no difference. For in that case the assembly still had authority to adjudicate and to determine as to the only material fact relating to the membership, namely, what action had been taken by either house as to persons claiming to be members.

It is true that the fact that a person had been recognized, and was then recognized, as a member by the body of which he claimed to be a member was conclusive on the joint assembly. This is only on the ground that such recognition is in fact and in law an adjudication which is binding on all the world. Nevertheless, the permitting by the joint assembly of a person so recognized by one of the houses as one of its members to sit in it and participate in its proceedings is a conclusive adjudication of his right to so participate in the proceedings of the joint assembly, and the exclusion by the joint assembly of one who had been thus excluded by one of the houses is a conclusive adjudication as to his rightful exclusion.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question at that point, though I do not like to interrupt him?

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. The Senator argues that the joint assembly has not only the right, but the power to adjudicate as to the right of a senator to sit in that assembly and vote for Senator. In order to test the validity of that argument, I ask the Senator this question: The legislature of Delaware is composed of 9 senators and 21 members of the house. Suppose the senate should have declared that a certain person, Mr. Watson, for instance, was not entitled to a seat in the senate, but yet that person, knowing that he would have a majority vote in the joint assembly because the house could outvote the senate two or three times, takes his case into the joint assembly, and by a majority vote of a few senators and all the members of the house it is adjudicated by a two-thirds vote of that joint assembly that he has a right to sit there and vote, would that be an adjudication that would be good and that would bind the Senate of the United States? In other words, would it be an adjudication at all as to the right of that person to hold a seat in the senate?

Mr. GEORGE. Mr. President, the answer to that question is contained in what I have already stated to the Senate; and if the Senator had paid close attention to my remarks, he would have found the answer.

Mr. MITCHELL of Oregon. I heard everything the Senator said on that subject.

Mr. GEORGE. I will state it again, and see if the Senator does not understand it better this time.

Mr. MITCHELL of Oregon. I should like a direct answer to the question.

Mr. GEORGE. Of course it would not.

Mr. MITCHELL of Oregon. That is all I want.

Mr. GEORGE. I will repeat my statement.

Nevertheless, the permitting by the joint assembly of a person so recognized by one of the houses as one of its members to sit in it and participate in its proceedings is a conclusive adjudication of his right to so participate in the proceedings of the joint assembly. I reckon the Senator will agree to that. If this be not so the result is absurd.

The joint assembly was empowered and directed by the law of Congress which gave it existence to choose a Senator by a majority of all votes cast by members of the legislature, and to continue its session from day to day till such a result should be reached, and to determine when that result had been reached, or else they would never have known how to stop, and when it had not been reached, because then they could not have determined that they would meet again the next day, so that they might in the one case continue their proceedings and in the other cease from further voting. And if it was not an incidental and necessary power to determine that a person recognized as a member of one house and actually participating in the proceedings when such voting by the member actually affected the result, as in this case, was validly or invalidly so acting, but this power could only be exercised by the Senate of the United States, we reach this absurd result, that the law of Congress enacted especially to regulate the proceedings of the joint assembly and empowering and directing it to continue to act until some person had received a majority of its votes and had been duly elected a Senator is impotent for the very purpose of its enactment. By that construction the law requires a thing to be done and withholds the power to do it. More than this, if this Senate possess this power and it is denied to the joint assembly, then the Senate possesses a power to supervise and regulate these elections in a matter other than and distinct from the mere power to adjudge whether the election has been conducted in accordance with the law. We may annul an election conducted in all respects by the State authorities in pursuance of the law which we ourselves have prescribed, and we may affirm an election not conducted in accordance with that law. Or, to state the matter more clearly, we have enacted that a joint assembly shall choose a Senator according to terms prescribed by us. And if they have not the power to exclude an intruder, and an intruder comes in and they let him vote, then they are acting according to the law we prescribe. They have followed strictly the law we have prescribed, with the result that there is no election according to that law. We then say—not that the assembly violated the law, but concede that they followed it, and hold that because we did not give them the power to do a thing which ought to be done, and which was necessary to be done in order to perform the duty we imposed on them—we may proceed to do that thing and declare a valid election. This conclusion, I confidently believe, will not be adopted by the Senate.

SENATE OF DELAWARE PRESENT AND COMPETENT TO ACT.

If it be objected that the constitution of the State of Delaware vested the power of judging of the election and qualifications of members in that house only to which the member belongs, or claims to belong, and not in a joint assembly of the two houses, the answer, so far as Mr. Du Pont's title is concerned, is conclusive.

The two houses were present, constitutionally and actually present, in the joint assembly. It was the presence of the two houses which made that assembly the joint assembly of the legislature of Delaware; and if the power to determine who were entitled to vote in the assembly did not vest in the assembly as one body, it must have remained in each house thus assembled to determine who were its own members—or else the power to determine this essential point vested in each house by the constitution of Delaware was lost or suspended at the very moment when its excercise was essential to the proper performance of a high constitutional duty. That power can never be suspended nor lost, because its continuous existence is essential to the constitutional organization and action of the legislature. Being then in full existence, it was competent for any senator who denied the right of Mr. Watson to preside over the joint assembly and to vote to make his objection. And on that it was in the power of the senate then and there to decide it, or to withdraw from the joint assembly to its chamber, and there decide it. The senate of Delaware was there—constitutionally there and actually there—every senator being present. Then, having this clear power and the undoubted right to object existing, the failure of every member of that senate, all of them being present, to make the objection, and the action of that senate in proceeding with the election and allowing Mr. Watson to vote and his vote to be counted was a clear recognition of his membership and of his right, and is as solemn and as conclusive an adjudication on that point as was its recognition of the right of every other member of the senate then present to take part in the proceedings.

Suppose when each house, on the second Tuesday after the organization of the legislature, acting under this same law of Congress, voted for a Senator and the vote had stood in the senate a tie, Mr. Watson, having acceded to the exercise of the executive authority, presiding and voting against Mr. Du Pont, whereby if Mr. Watson had not voted Mr. Du Pont would have received a majority of both houses and would have been elected Senator. That is a reasonable supposition. It might have happened. And suppose further, that after this proceeding whereby Mr. Du Pont was defeated, or appeared to be defeated, the two houses had met in joint convention and had elected some other person, Mr. Watson not voting, or notwithstanding his vote, or

had failed for the whole session to make an election, could Mr. Du Pont successfully assert his right to a seat here upon the ground that he was duly elected on said second Tuesday, he receiving a majority of the legal votes in each house if Mr. Watson had no right to vote? If we assert that he could do this thing, then we assert that the senate of Delaware, acting in its separate and constitutional character, was not constitutionally competent to decide upon the election and qualifications of its members; a proposition never yet asserted. If we concede, as we are bound to do, that Mr. Du Pont could not take his seat under that proceeding because we would be concluded by the action of the senate of Delaware, and we then say that we are not concluded by the same action of the senate in the joint assembly, then we affirm that the law of Congress, in requiring the meeting of the two houses in joint assembly, deprived them of their constitutional right to judge of the election and qualification of their members.

But, sir, we even do more than this; that is bad enough; we reach the conclusion that Congress, in exercising a power to regulate merely the manner in which a State legislature shall choose a Senator, may so provide that not only a necessary function and a high constitutional right of that legislature shall be destroyed or suspended, but that this suspended or destroyed function shall, in virtue of such destruction or suspension, caused by our own act, be usurped and exercised by the Senate of the United States.

Mr. President, I have to be a little elementary here. I have to go back to first principles. Everything that I have ever recognized as settled in the constitutional law of this body has been disputed from the very beginning of this controversy; and hence the necessity of a more particular examination into the power of a legislative body under our system to judge as to the election and qualification of its own members, that is, to determine what persons are its members. That power is never in abeyance, never asleep, never suspended. It remains in full force and vigor at every moment of its existence, and is exercised, though sometimes silently, yet always effectively, at every one of its sessions. At every roll call, on every division, every time a motion is made, the question of membership is raised and settled. Should an intruder invade the chamber in which the body sits and make a motion or attempt to cast a vote he would be instantly expelled as a disorderly person.

The permitting a person to make a motion or to cast a vote and counting that vote is a clear recognition of that person's right as a member. Such a power to determine, at every moment of its existence as an organized body actually engaged in the discharge of its duties, as to who has a right to participate in its proceedings is essential to its very existence, essential to prevent its becoming a mob of unauthorized and disorderly persons. It is this power which makes the assembly a legislative body and not a mass meeting with membership in all who may choose to attend. Deprive a legislative body of this power, or even suspend it, and its legal death ensues with as much certainty as a natural death would ensue from depriving a living, organized being of that organ which circulates its lifeblood.

If a legislative body were voluntarily to surrender this power it would be *felo de se*. The same result would happen if its members, instead of judging who were entitled to fill the seats ordained by the constitution to be filled, should invite a company of militia or a town council to sit with them and participate in their proceedings. Such action would not be a judging of the election and qualifications of its members, but a revolution, an overthrow of the government as organized by their constitution. And in such a case it would be the duty of this Senate, in exercising its power to judge of the election of its members, to say that no legal legislature existed competent to elect a Senator, and to refuse admission to anyone such a body might assume to elect.

Mr. GRAY. May I ask the Senator a question just there in the line of the argument he is making?

Mr. GEORGE. Certainly.

Mr. GRAY. The contention of the Senator from Oregon and those who agree with him is based mainly on section 12 of Article II of the constitution of Delaware, which reads as follows:

> No person concerned in any army or navy contracts, nor members of Congress, nor any person holding any office under this State or the United States * * * shall, during his continuance in Congress or in office, be a senator or representative.

Their contention, as I understand it, and as I suppose the Senator from Mississippi understands it, is based largely upon that prohibition of the constitution of Delaware. Now, the disqualification of holding an office under the State, which they claim that Mr. Watson did when he exercised the office of governor, under the constitutional provision is a disqualification that is enumerated along with other disqualifications, such as that no person concerned in any army or navy contract shall be a senator or representative, no Member of Congress, no person holding any office under the United States, and so on; that is, the holding of such an office as they claim Mr. Watson held is one of the disqualifications enumerated in that section; and they say the prohibition of that section operates upon him and prevents his being a senator.

I would ask the Senator from Mississippi, suppose there was a person voting that day for United States Senator in the joint assembly, a State senator, who was interested in a navy contract, or affected by some other of the disqualifications enumerated in the constitution other than this of exercising the office of governor, and his vote in the joint assembly, as well as in the Senate, had been acquiesced in without protest or objection, much less without any judgment of ouster by the senate, can it be claimed that the Senate of the United States can adjudicate his right to act as senator and practically pronounce a judgment of ouster against him on the ground that he was interested, for instance, in a navy contract?

Mr. GEORGE. Mr. President, that is a very plain question, and a very plain answer can be made to it.

Mr. GRAY. And does it differ at all in principle from the disqualification urged of exercising the office of governor?

Mr. GEORGE. I was going to say that nobody in the world—that is, I would have supposed some time ago that nobody in the world—would have asserted that the man was not a senator under the circumstances mentioned by the Senator from Delaware; but inasmuch as the case is exactly parallel and the same thing as the one now before the Senate, I must confess that I have made a discovery on that point.

Mr. MITCHELL of Oregon. Will the Senator allow me a moment?

Mr. GEORGE. I would prefer to go on; but I will hear the Senator.

Mr. GRAY. Oh, yes, let us hear the Senator from Oregon.

Mr. MITCHELL of Oregon. I should be glad to ask the Senator from Delaware whether he thinks that precisely the same inhibition applies to a person holding an army or navy contract as is applied to a person who holds an office by this section 12 of Article II?

Mr. GRAY. I have just read the language of the inhibition. I do not see how there can be any difference. They are both inhibited from being senators or representatives. A man who holds an army or navy contract and a man who holds an office under the United States or the State shall not be a senator or a representative.

Mr. MITCHELL of Oregon. I think if the Senator will examine the clause more critically he will find that there is a wide difference, and for this reason. I read:

> No person concerned in any army or navy contracts, nor members of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress, or in office, be a senator or representative.

It does not state during his continuance to hold the contract as well. Undoubtedly this clause declares the office vacant absolutely, without any question, in the case of a person holding an army or navy contract, while as to a person holding an office, it may be open to question as to whether the office is absolutely vacant or not. In other words, that the Senator may understand exactly what I am driving at, if it had been intended to apply the same disqualification to a person holding an army or navy contract which is applied to a person holding an office, then, in addition to stating "during his continuance in Congress or in office," it would have said "during the time of his holding such contract."

As it does not apply those words to a person holding an army or navy contract, it is perfectly clear to my mind that the disqualification applied to the one, namely, the office holder, is not the kind of disqualification applied to the other, namely, the person holding an army or navy contract.

Mr. GRAY. If the Senator from Mississippi will indulge me a moment, apart from the obvious criticism that can be made, a verbal criticism, I admit that the words "during his continuance in Congress or in office" are words of supererogation so far as the question we are now concerned in goes. If we leave out all the intervening words between "no person concerned in any army or navy contracts" and the prohibition, which we can do for the purposes of this inquiry, so as to read, "no person concerned in any army or navy contract shall be a Senator or Representative," then my question is, suppose, as a matter of fact, it is believed or proved in some way to the Senate of the United States that A B, a person elected a senator and actually seated as a senator, whose participation in the office of senator is acquiesced in, against whom no judgment of ouster has been made by the senate of Delaware, should participate in the election of a United States Senator. Can the Senate of the United States pronounce a judgment of ouster——

Mr. HOAR. Allow me.

Mr. GEORGE. I shall object to any further debate.

Mr. GRAY. And say it was void?

Mr. MITCHELL of Oregon. That is a different question.

Mr. HOAR. I hope the Senator from Mississippi will allow me to say one word. I shall be very much obliged if he will.

Mr. GEORGE. I never in the world will get through with my speech if I allow this debate to proceed.

Mr. GRAY. I hope the Senator from Mississippi will allow the Senator from Massachusetts to proceed.

Mr. GEORGE. Will the Senator from Massachusetts indicate how much time he desires?

Mr. HOAR. The Senator from Mississippi has allowed one side to be heard.

Mr. GEORGE. I have allowed the other side, the Senator from Oregon [Mr. MITCHELL]. How much time does the Senator from Massachusetts want?

Mr. HOAR. Two minutes.

Mr. GEORGE. Very well; take it.

Mr. HOAR. In answer to the Senator from Delaware, I will state that the distinction is between an official incompatibility, which is the case of the governor and senator, and a personal disqualification.

Suppose the Chief Justice of the United States had sympathized with the eager majority who desired to convict Andrew Johnson and turn him out of office, and they had said, "In order to get a two-thirds vote, we will add the Chief Justice of the United States to the Senate, and let him vote, and thus count a two-thirds." Would that have been binding on anybody else under the sun? Is that the same thing as if the question had been whether some senator was interested in a contract? There is the broad distinction between those two cases. The majority in the senate under this great temptation said they would add to the senate the governor of the State, a man who had gone out of the senate, in order to defeat the choice of the people of Delaware. That is the difference.

Mr. GEORGE. Of course I desire to be as liberal as any man in the world to interruptions, as I have been, but it will prolong my remarks indefinitely if I allow debates to occur between Senators during the time I ought to be engaging the attention of the Senate. As I am making, as I think, an argument which is very concise, although it is of some length and requires some attention, interruptions make a break in my argument.

The requirement of the Constitution that Senators shall be chosen by the legislatures of the States necessarily imposes a duty on this Senate in admitting a person claiming to be a Senator of deciding that the body which elected him was the legislature of the State. How far this body can go in that direction it is not necessary now to discuss. Perhaps it would be difficult to draw a line which would always and under all circumstances mark the boundary of our power in that respect.

It may be that, in the language of Chief Justice Marshall—

> The power and the restriction on it, though quite distinguishable when they do not approach each other, may yet, like the intervening colors between white and black, approach so nearly as to perplex the understanding as colors perplex the vision in marking the distinction between them.

[See Brown *vs.* Maryland, 12 Wheaton, page 441.]

We have no need to define the demarcation in this case. The validity and legality of the legislature of Delaware are not denied, but affirmed on all sides. The constitution of Delaware is plain, fixing the number of senators at 9 and of representatives at 21. The constitution is plain also in its mandates, that all these 9 and all these 21 shall be elected and shall qualify and take their seats. The constitution is also plain in requiring all vacancies in any of these seats to be filled, and that the total membership shall be kept always full.

The fact is also plain and undisputed that all the 30 members of both houses had been duly elected and were duly qualified and took their seats in their respective houses. The fact is also plain and undisputed that all these identical 30 members took their seats in the joint assembly of the legislature on May 9 last, and every one of them, without objection from any quarter whatever, voted twenty-eight times for Senator, each voting resulting exactly alike. If the contention of Mr. Du Pont that he was elected on the first of these votings or ballots be sustained, then the further fact is plain that the general assembly in proceeding to have twenty-seven other distinct votes or ballots for Senator did that which they had no right to do, because their business was completed. These twenty-seven votings were had by the unanimous consent and approval of every representative and senator of the legislature of the State, all being present and actually voting every time of the twenty-seven.

Here were twenty-seven distinct and unequivocal affirmations and adjudications, as shown by the Senator from Indiana [Mr. TURPIE], not only of the general assembly, but of the senate then present and agreeing thereto, that Mr. Watson's vote was a lawful vote.

I wish Senators to bear in mind that if Mr. Watson's was not a lawful vote, then Mr. Du Pont was elected on the first ballot, and when the senate of Delaware and the house of representatives of Delaware, both being then present actually, upon a proper motion, proceeded to vote again, they decided what? They decided that Mr. Watson's vote was legal and proper.

There is a little more on this subject which I want to bring out. It was omitted by my friend, the Senator from Indiana [Mr. TURPIE]. Let the Senators bear in mind that Mr. Watson's vote being out, there was an election on every ballot, and that when the joint assembly or when the house of representatives and the senate proceeded to another ballot they necessarily determined that Mr. Watson's vote was a good one and that there was no election. They did some other things, too, which emphasized this, which were not noticed by my friend from Indiana. After the fourth ballot, after they had voted four times, each one resulting exactly alike, a member of the joint assembly, a member of the senate, I suppose thought they had been wasting time there long enough, and he made the following motion:

> Mr. Fenimore, of the senate, moved that the two houses separate.

It was their business to have separated immediately on the taking of the first ballot if Mr. Du Pont had been elected. They had no power to stay there after that. The joint assembly was a tribunal with only a special and limited jurisdiction, and that was to perform the duty of electing a Senator, and when that duty was performed they had no other power. Mr. Fenimore, who had been voting all along against Mr. Du Pont, supposing that, as the law of Congress only required them to take one vote, it was about time to separate, moved to separate. The yeas and nays being called for, the speaker of the senate, this same man Watson, then and there presiding, directed the clerk to call the rolls of the respective houses, and the members having answered as their names were called, the result was as follows: Ten for separating, 20; including every man who voted for Mr. Du Pont, against separating. What did that mean? It was a solemn affirmation on the part of the joint assembly that their business had not been concluded; that they had business on hand, and that business was to elect a Senator. If the Senator had been elected, it was their duty to separate. That same motion was made, as will be seen on pages 11 and 12 and others, five or six times, and every time it was voted down by the joint assembly.

But the committee undertake to meet this solemn adjudication of the senate of Delaware by asserting a proposition of law which I undertake to say was never before heard of, and which is certainly without foundation in our Constitution.

They assert that the senate of Delaware, if it made a judgment in this case, could not make it final and conclusive as to the law. The committee says:

> What the senate—
>
> Of Delaware—
>
> has a constitutional right to do is to judge whether a particular person is possessed of the qualifications which the constitution and the statutes have prescribed.

In another place they say:

> While it is the constitutional right of the senate of Delaware to judge as to the qualifications of a senator, this does not include the right to determine the kind or number of qualifications. * * * These are determined by the constitution.

If this only means that the senate of Delaware has no right to add to or to take from the qualifications prescribed by the constitution, then the committee has asserted a truism which nobody disputes and which is of no earthly value in this case. If they mean, however, as they evidently do, that in judging of the qualification of a senator as prescribed by the constitution, the State senate can not ascertain what qualifications the constitution of Delaware prescribes, then the committee asserts an absurdity and a contradiction. For how can the State senate judge as to what qualifications the constitution prescribes unless they can first ascertain and judge what qualifications are prescribed by the constitution? And how can they do this without considering the language of the constitution and ascertaining what that language means? What is that ascertainment but a judging as to the law which they are administering? There can be no answer to these questions which does not admit the fact that the senate of Delaware is full judge of the law as well as of the facts in this case.

If the senate of Delaware mistake as to the law or as to the facts, who can correct it? There is no tribunal, State or Federal, which has a revisory power. If the Senate of the United States undertakes to do this thing, then they usurp a power not granted to them. They possess the power to judge of the qualifications of their own members, both as to law and as to fact. They have this power by virtue of a grant of jurisdiction to them in the same language exactly as is the grant to the senate of Delaware—

> Each house shall judge of the election and qualifications of its own members.

In our case that language is understood to mean to be the absolute judges of the fact as well as the law, with no revisory power whatever, and in the case of the State of Delaware in their constitution it is held to mean something else.

This Senate has solemnly decided, whenever the question has been presented, that it has no power to revise or reverse the judgment of a State legislature as to the qualifications of its own members. The contention of the committee overrules this settled doctrine and makes this strange anomaly in constitutional law: that it requires both the State senate and the United States Senate to judge finally of the qualifications of a State senator—the one possessing full power as to the facts and the other as to the law. This

is but holding that it requires both senates, State and Federal, to make a legal tribunal competent to decide on the qualifications of a State senator—the one body acting as judge to expound the law and the other as jury to ascertain the facts. Under this view the judgment of a State senate as to the qualifications of one of its own members is no more than a special verdict found by a jury—ascertaining the facts upon which the Senate of the United States shall render final judgment. It is impossible that the Senate shall yield assent to that view.

THIS SENATE HAS NO POWER, EVEN IF THERE WAS NO DECISION BY THE STATE SENATE.

But, Mr. President, I have been discussing at very great length a question which this Senate has no right to decide—no power to decide. My apology for this is that these questions have been raised in support of Mr. Du Pont's claim and urged with great zeal and distinguished ability, and though I feel assured that his claim must fail upon another ground independent of the considerations which I have pressed, I could not foresee that this ground would be accepted as good and valid by the Senate.

The Senate has ruled that way during its whole existence. It might, however, being somewhat of a partisan body, do what the Supreme Court has recently done, go back on its decisions for half a century and rule another way.

I now proceed to discuss this ground of objection to Mr. Du Pont's claim.

It is that the Senate of the United States have no power to deny the right of any person acknowledged and recognized by the legislature of Delaware as a member thereof. Our duty and our power extend only to this point, Was there a legislature of the State of Delaware, and did that legislature, in pursuance of law, elect Mr. Du Pont? We have no power whatever to inquire into and decide as to the qualifications and right of any member sitting in that body. Our power and duty begins and ends in the inquiry, What did that legislature do?

This ground is stated very clearly and forcibly in the case of Mr. TURPIE, decided in 1888. The report of the committee says:

> This body (the Senate of the United States) is made by the Constitution the judge of elections, qualifications, and returns of its own members. The senate of Indiana is likewise the judge of the election and qualification and returns of its own members. We must determine all questions arising out of the proceedings of the electors. But who sustain the character of electors is to be determined by the legislative body of that State.

This is the solemn decision of this body by one of the ablest committees that ever had a trust committed to it by the Senate, assented to by the Senate by an almost unanimous vote in seating Mr. TURPIE upon that report. The judgment is, we deal with the proceedings of the legislature, "but who sustain the character of electors"—that is, members of the legislature—"is to be determined by the legislative body of that State." That is exactly what they are trying to do here, neither more nor less, as everybody who has listened to the debate up to this point knows.

And as to the force of a mere recognition without an actual case made and a direct adjudication I quote from the same report, as follows:

> It seems to us that, without entering upon the question whether there was a vacancy in the office of lieutenant-governor (the presiding officer of the senate), which Mr. Robertson was duly elected to fill, the recognition of Mr. Smith (the person actually presiding) by a majority of the senate as its lawful presiding officer, and the recognition of the senate as a lawfully organized body by the other house as well as by its own members who remained and took part in the legislative proceedings, and by the executive department, require us to consider it as a lawful senate, lawfully organized so far as to be entitled to take part in the joint convention which elected a Senator of the United States.

Where is recognition here? Everywhere. The recognition by the executive department of Delaware, recognition by the senate of Delaware, in joint assembly; recognition by the house of representatives of Delaware in the same joint assembly, 27 times recorded on the journals, besides five other instances, to which I called the attention of the Senate, in relation to motions to adjourn and to take a recess.

The Senator from Colorado [Mr. TELLER]—who I believe was at that time a member of the Committee on Privileges and Elections, was he not?

Mr. PUGH. He was.

Mr. GEORGE. The Senator from Colorado made use of language which I want to read, not only on account of the high character of the Senator who uttered it, but also for the great truths it expresses in terse and unmistakable language:

> It does not lie in the power of the Senate of the United States when it comes to a question of this kind to reverse the decision [the decision of the senate of Indiana], and no matter where it may take us, no matter where it may land us, with reference to the misconduct of State legislatures, it never was intended by the framers of this Government that that question of the right of members of the Indiana State legislature to sit in each body there would ever be a subject of discussion in this body. We must accept [as] the legislature of Indiana that which the people of Indiana in all departments of its State government recognized as their legislature.

That is the decision of the Senate. From the foundation of the Government up to this time not only has there been no decision against it, but there has been no serious claim made by anybody that that was not the law. The eminent Senator from Massachusetts [Mr. HOAR], who was the author of the report which I have just read, in defending the report, said further:

> The objection of the remonstrants, the gentlemen who contest Mr. TURPIE'S title, was to the recognition of both these men—Branahan on the ground that he was unlawfully put in his place by the exclusion of the Republican McDonald, and the Democratic McDonald on the ground that he had no right to sit there, he being *ineligible*.

That is, not possessing the qualifications required by the constitution of the State. That was the contention. That was the proposition which the remonstrants made to the Senate of the United States, and asked to be admitted to test Mr. TURPIE'S seat.

Mr. PUGH. To show that he was an intruder.

Mr. GEORGE. To show that he was an intruder. They asked the Senate to permit them to prove those facts in order to unseat Mr. TURPIE; and what did the committee do? The committee said, "Taking all you say to be true, taking every word of your claim, as you have put it out here, to be true, we will not inquire into it. You have not said enough to bring the title of Mr. TURPIE into disrepute or into question."

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to say a word right here?

Mr. GEORGE. I am not through with this point. I shall have to go back and read again the language of the report, as I have been interrupted.

> The objection of the remonstrants * * * was to the recognition of both these men—Branahan on the ground that he was unlawfully put in his place by the exclusion of the Republican, McDonald.

The charge was there that a Republican was actually turned out of the seat to which he was elected and another man put in his place who was not elected. That was a pretty serious charge. The committee said, "we will not look into that." Another charge was that the Democrat, McDonald, was ineligible, I believe, because he held the office of postmaster of the United States.

Mr. TURPIE. He was a postmaster.

Mr. GEORGE. And under the constitution of Indiana persons holding offices of that sort were supposed to be excluded from holding a State office. That was the claim made. That was the ground of ineligibility there, and Mr. HOAR, in defending this report, says:

> And in regard to both of which—

The man who had been put in, who was not elected, and the man who had not been turned out, who was ineligible—

> the Committee on Privileges and Elections are of the opinion that the judgment of the senate of Indiana is final.

Mr. MITCHELL of Oregon. May I say a word?

Mr. GEORGE. Yes; you may ask me a question.

Mr. MITCHELL of Oregon. I would not wish the Senator from Mississippi or the Senate or anybody to understand for one moment that I deny the doctrine asserted in that report. I agree to every word of it. The case of Mr. TURPIE in Indiana was simply this: There were two persons in the Indiana legislature who were seated on their certificates. They claimed they had a right to be there. Two other persons on the outside claimed that they were the lawfully elected men to those two seats, and that they ought to have the seats. Contests were inaugurated, and the Indiana senate decided that the two men who were in had no right to be there and they put them out and put in the two contestants. That was a case pure and simple of passing upon the qualifications of persons to those two seats. The senate of Indiana had the right, and the exclusive right, to pass upon the facts that were raised in those two cases. They did pass upon them, and that was the end of it, and the Senate of the United States so decided, and decided correctly.

I will state what I understand to be the difference in the cases, for the question here is entirely different, as I contend. The question here is not as to the qualifications of this man Watson to a seat in the senate, but the question is whether there was a seat in the senate to be filled.

Mr. GEORGE. I will answer that now. That is enough.

Mr. MITCHELL of Oregon. The question is whether there was a seat in the Delaware senate to be filled; whether during the time of the exercise of the office of governor by Mr. Watson the senate of the State of Delaware was to be composed of nine members or of but eight members. I contend, and those who agree with me contend, that under the constitution of the State of Delaware during that time the senate of the State of Delaware was to be composed, in one theory of the case, of but eight members, and therefore there was no seat to be filled.

Mr. GEORGE (to Mr. GRAY). Give me the constitution of Delaware.

Mr. MITCHELL of Oregon. You can read it all, but do not read simply one clause.

Mr. GEORGE. I am going to read just exactly enough to refute everything the Senator from Oregon has said. That is enough. There is no use of beating a man after you have ruined him and struck him down.

Mr. MITCHELL of Oregon. That is the reason why I do not wish to say anything more now.

Mr. GEORGE. The Senator from Oregon says the senate of Delaware by the constitution of Delaware was to have only eight members.

Mr. MITCHELL of Oregon. During the time that the speaker exercised the office of governor.

Mr. GEORGE. Now, I am going to read what the constitution says. If you can find the words "during the time he was governor" in the constitution you can read that.

There shall be seven representatives chosen in each county.

Three times seven are twenty-one. Twenty-one representatives were here in this joint assembly acting and voting.

There shall be three senators chosen in each county.

There are three counties in the State of Delaware. Three times three are nine. The Senator from Oregon says three times three are eight. [Laughter.] That is all of it.

Mr. MITCHELL of Oregon. I am afraid that is begging the question a little.

Mr. GEORGE. Everything is begging the question with my distinguished friend except when he is allowed to interpolate in the constitution of Delaware words which are not there and to erase from that constitution important words which are there. That settles that point.

With this eminent and conclusive authority, sustained by the Senate of the United States, by seating Mr. TURPIE, it would seem that no further argument is needed. Yet the fact exists that a majority of the Committee on Privileges and Elections now report that we can go behind the action of the senate and legislature of Delaware, and by casting out a vote which they recognized and received as being cast by a lawful senator, determine that a choosing of a Senator has been made, when both branches of the legislature had decided to the contrary. This position of the majority of that committee imposes on me the duty of inquiring into the foundation upon which rests the rule of law stated by that same committee and sanctioned by the Senate in Mr. TURPIE's case, and also sanctioned by the Senator from Oregon in the remarks which he has just now made.

Mr. MITCHELL of Oregon. Yes, I agree to it; it is good law.

Mr. GEORGE. I hope the Senator will not think while I am reading this that I am putting in Confederate politics here, because I will prove by the best authority in the world that I am only quoting from official language of the highest character. Each State is sovereign in respect to all powers not delegated to the United States nor prohibited to it by the Constitution. The United States are sovereign in respect to all powers delegated to them by the Constitution. This principle is stated by Chief Justice Marshall in McCulloch *vs.* The State of Maryland, 4 Wheaton's Reports, on page 410, in these words:

In America—

The United States—

the powers of sovereignty are divided between the Government of the Union and those of the States. They are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other.

That is John Marshall in the Supreme Court of the United States in one of the greatest judgments that was ever pronounced in that court.

That the United States in some one of the organisms provided in the Constitution have the power to judge finally as to the extent of the powers delegated, as well as of the powers reserved (that is an admission I make since the war), does not absolve them from the great duty of marking this extent rightly, giving to the United States only such powers as are granted and denying to the States no power reserved. On the contrary, it increases this duty to judge carefully and rightfully, in a case of disputed powers, that the right of final judgment rests with one of the claimants. I invoke the observance of this obvious duty in deciding this case.

The Government of the United States is partly Federal and partly national in its organization. These two principles are intermingled throughout the system. This double nature is not the result of accident, but was impressed on the Constitution of the United States in indelible characters in order to give the Government that shape and operation which our forefathers deemed essential to carry out the objects of its establishment as expressed in the preamble to that instrument:

To form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity.

This double nature has always been considered as potential in construing different parts of the Constitution. In relation to the election of a President, the power of each State in the Electoral College is based partly on a Federal and partly on a national basis. Two votes represent the Senators and then each Representative represents an elector. But in the process of making the election the provision is wholly Federal. The Constitution gives to each State the power to appoint electors for President in such manner as its legislature may direct. Hence it is held that the power of appointment includes within it the power to determine finally and conclusively who are appointed. The apportionment of Representatives is almost wholly national, being made according to the population in each State; yet it is also partly Federal, in that the apportionment is among the several States, and each State "is entitled" to at least one Representative, however small its population may be.

The election, however, of Representatives is wholly national, the qualification of the electors being prescribed in the Constitution, and the manner, time, and place of elections being subject to the authority of Congress.

That the Constitution declares that the electors for Representatives shall have the qualifications of electors for the most numerous branch of the legislature of the State in which the Representative is chosen does not contravene the idea that the qualifications are fixed by the Constitution of the United States. The Constitution, it is true, does not particularize what these qualifications shall be, but it adopts as qualifications those which the State has fixed for electors for the most numerous branch of its legislature. It is not in the power of a State to fix other and different qualifications for a Representative than it has fixed for electors of the most numerous branch of its legislature. In fact, a State can not directly fix the qualifications for Representative at all. It can, in virtue of its reserved power, fix the qualifications of electors of the most numerous branch of its legislature, and that is all the State can do as to this point. When it has done this, the Constitution of the United States adopts these qualifications for Representative from that State. The State law thus adopted by the Constitution of the United States becomes in effect, as to qualifications for Representatives, a national law. So that it results naturally and logically that the power given to the House of Representatives to judge of the elections, qualifications, and returns of its members carries with it the power to determine in each case whether a claimant or the sitting member has received the greater number of qualified electors, and in determining this the House may judge as to the qualifications of every elector voting in the election. But when we consider the Senate we find the whole matter changed. The members of the House are elected, as expressed in the very language of the Constitution, "by the people of the several States." The Senate, on the other hand, is "composed of two Senators from each State, chosen by the legislature thereof."

The language is, "chosen by the legislature thereof," and not by the members of the legislature.

There are no electors for the Senate named in or contemplated by the Constitution.

The report in the TURPIE case said, as to these electors, who they are, who they may be, we have no authority to decide.

The choosing is the act of a body organized under and by virtue of the constitution of the State and endowed with the power and duty of making the laws of the State. Where the power to make the laws of the State is, there also rests the power to choose a United States Senator, and when you say that here is a body which may make the laws of a State as organized, and that that body can not elect a Senator as thus organized, or defeat one, then you destroy the Constitution as it is plainly written.

The Constitution of the United States takes no notice whatever of the manner in which this organism is created, nor of the persons who compose this body; nor of their qualifications; nor as to who shall have the right to vote for them; nor of the length of their official terms; nor of the powers vested in them, except only it shall have the power to make laws for the State. It says nothing and means nothing as to the number of persons who shall constitute a *quorum*. If the constitution of a State provides—as the English constitution does—that a small number, less than one-tenth of the whole number, shall constitute a *quorum*, then such constitutional number being present in both houses during a sitting constitutes the legislature, capable of doing any act whatever which the legislature of the State may lawfully do. And when—note now—any official act is performed it is the act, not of the individual members of the legislature, but of the State organism endowed with legislative powers.

It is just like the acts of Congress. I had a curiosity the other day to see how the very first statute ever passed by Congress claimed to be passed. It did not say, "be it enacted by the Senators and the Representatives of the several States in Congress assembled." It said "be it enacted by the Senate and House of Representatives of the United States in Congress assembled," that such and such shall be the law; and every act passed from that first one on the 1st day of June, 1789, and approved by George Washington, down to the present time has contained that same formula.

No man has ever seen an act passed by any legislature in this Union that did not express in its enacting part the idea of enactment in either one of these two ways, "Be it enacted by the legislature of the State" (I believe that is the rule in Mississippi), or "Be it enacted by the senate and the house of representatives of

the State in general assembly convened." Not one of them ever said or could say, "Be it enacted by the senators and representatives" that such is the law.

Mr. MITCHELL of Oregon. I quite agree with the Senator, but I should like to ask him one question just to get his opinion on a certain point.

Mr. GEORGE. Very well.

Mr. MITCHELL of Oregon. I have been very much interested and entertained by what the Senator has been saying recently.

Mr. GEORGE. I hope you have been instructed.

Mr. MITCHELL of Oregon. And instructed. I should like to have the opinion of the Senator from Mississippi on one point. I do not know that it has any bearing on this case particularly.

Mr. GEORGE. Please do not ask me anything outside of this case.

Mr. MITCHELL of Oregon. But it has occurred to me just now, and it is a very interesting question. The Senator is arguing that it is the legislature of the State that must elect the Senator, to which I agree. The act of Congress passed in pursuance of that constitutional provision speaks of the members of the legislature who shall meet in joint assembly. I suppose the Senator would agree that in this case, for instance—take a legislature that has 21 members of the house and 9 members of the senate, if there is a majority of the whole number present in the assembly, although not a majority——

Mr. GEORGE. In either house.

Mr. MITCHELL of Oregon. Although not a majority of both houses.

Mr. GEORGE. Of both houses.

Mr. MITCHELL of Oregon. I suppose the Senator would agree that that would be the legislature of the State within the meaning of the Constitution of the United States, and that such a joint assembly could elect a Senator.

Mr. GEORGE. I have just gone over that. If the Senator had given me his attention he would have seen what my views are upon that subject. I say that when this joint assembly meets it is the joint assembly of the two houses of the legislature. The constitution of Delaware says there shall be two houses, and unless in a constitutional sense the two houses are present it is not the legislature and can not elect a Senator. But in this case (and I am not going outside of this case) they were every one of them present, and on that we are trying this case. Every one of them was present.

Mr. MITCHELL of Oregon. The Senate has held several times, as I understand it, that it is not necessary that there should be a majority of the members of both houses present. It does not bear on this case, I admit.

Mr. GEORGE. Do you mean to say that the joint assembly is not a legislature?

Mr. MITCHELL of Oregon. Oh, no; I do not mean to say that.

Mr. GEORGE. That is enough.

Mr. MITCHELL of Oregon. But I do mean to say that the joint assembly may be composed of a majority of all the members of the two houses, and yet a majority of each house may not be present.

Mr. GEORGE. That may be true or it may not be true, but it is not a question in this case.

Mr. MITCHELL of Oregon. It does not affect this case, I admit.

Mr. GEORGE. Because every member of each house was present.

Mr. MITCHELL of Oregon. Certainly.

Mr. GEORGE. Actually present and voted.

Mr. MITCHELL of Oregon. Undoubtedly.

Mr. GEORGE. I want to call my friend's attention to what I shall read, because I took some pains in drawing it up so as to express my ideas correctly.

The members, or rather the persons claiming to be elected members, do not of themselves constitute the legislature, and can do no official act as persons or individuals. It is only after organization—that is, after the members elected meet together in the place fixed by law and at the time prescribed by law, and ascertain, *prima facie* at least, who are elected, and then proceed to take the oath prescribed by law, and then elect a presiding officer (if none has been furnished by law, as a lieutenant-governor for the senate in some States)—that a legislature is constituted or organized, and can be said to be the legislature or lawmaking power of the State. And when this is done, then no member of the legislature—recollect that—can do or perform a legislative act, except in and as a part of this organized body. Before that there is no legislature; nothing but a number of men authorized by law to become a legislature.

To illustrate: As soon as the Senator from Oregon, or any other Senator, steps outside of this Hall, he can not perform a legislative act until he gets back in here. Now, Mr. President, I want to emphasize that idea, because it has a good deal to do with making still more and more plain the utter absurdity of the claim of Mr. Du Pont.

In 1839 a very remarkable contest occurred in the House of Representatives. There were five members elected from the State of New Jersey, who held certificates from the governor of the State. There were five others who held certificates from somebody else—I believe from the secretary of state. It just so happened that if the five on either side were seated (they were all Whigs on one side and all Democrats on the other) that side would have the control of the House of Representatives. Of course there was intense interest there. The House was many days organizing. The old Clerk of the House for awhile tried to regulate the proceedings of the meeting. Finally he could not do it, and after some days Mr. Rhett of South Carolina offered a resolution:

Mr. Rhett then offered a resolution that Lewis Williams, the oldest Member of the House, be appointed chairman of this meeting until the House should be organized.

Not Speaker pro tempore of the House, but "chairman of this meeting." He soon afterwards changed it:

Mr. Rhett then varied his motion so as to bring Mr. Adams to the chair instead of Mr. Williams, and putting the question himself to the meeting—

Not to the House—

it was carried, and Mr. Adams took the chair.

There was a great deal of excitement and debate, and I remember in reading over the proceedings that Mr. Adams before he had been made chairman in addressing that body of men addressed them as "Fellow-citizens." This shows what I have stated here, that the Members are nothing per se; that it is only when they have been organized into a House and acting as a House that they possess any powers whatever.

This view is plainly recognized in the statute of Congress regulating the election of Senators. Does that statute say that the legislature shall proceed to elect a Senator on the second Tuesday after the date fixed by the constitution for its meeting? No. On any other date? No; except this one date:

The legislature shall proceed to elect a Senator (only) on the second Tuesday after its organization.

Recognizing plainly that until there was organization there was no legislature.

Before organization the persons elected can do nothing but proceed to organize. This reasoning establishes beyond controversy the proposition that the act of a State legislature in choosing a Senator, when accomplished lawfully and constitutionally, is the official and corporate act of a State organism authorized and formed under the laws of that State, with membership powers and faculties fixed by those laws. The sole question we can consider in this case is, Was there a legislature of the State of Delaware on May 9 last, and did that body as then organized proceed according to law in electing a Senator? What was the result of that proceeding? In fact we have but one question, for Mr. Du Pont's claim eliminates the first question. Since if there were no legislature, no valid and legal legislature as organized at the time, he has no claims here.

He necessarily asserts the existence of a valid and constitutional and duly organized legislature in asserting his right to a seat here. He asserts that there was such a legislature, which did in law elect him; yet, strange as it may seem, he also asserts that the actual voting in the legislature did not elect him.

We are asked to affirm that the legislature of Delaware on May 9, 1895, was a valid, constitutional, and duly organized body—organized as required by law and capable of electing a Senator. Then we are asked to affirm that notwithstanding the action of the legislature as organized resulted in no election, yet Mr. Du Pont was duly and constitutionally elected and should be seated.

In other words, we are asked to affirm that the lawful and constitutional legislature was so organized and constituted at that time, contrary to law, that it could not express its will by a vote of all the members—recognized members present and voting—but did express its will validly and constitutionally if only the Senate of the United States, ten months thereafter, will eliminate one name from the roll of its membership as it actually existed on May 9, 1895. In Mr. TURPIE'S case it will be noticed there was no attempt to seat his opponent. They had not advanced then up to the point to which our friends have advanced here. They undertook only to invalidate the proceedings of the legislature in making any election at all. In this case the attempt is to invalidate what the legislature actually did and to set up as valid something that the legislature did not do.

These inconsistencies, not to say absurdities, are the necessary condition into which Mr. Du Pont's claim has placed his advocates.

It is admitted in the report in Mr. TURPIE'S case that the senate of a State is the judge of the election and qualifications of its members as much so as the Senate of the United States is the judge of the election and qualifications of its members. It is also admitted in that report that this Senate in exercising its power to judge of the election and qualifications of its members has no right to revise and reverse the action of the State senate; that in the exercise of this power of judging vested in this body we must

accept as settled and beyond our jurisdiction to disturb the action of the senate of Indiana. We are asked now to disregard, to trample upon, to spit upon, the action of the senate of the State of Delaware. It seems manifest that this admission is conclusive in this case, unless we hold that there is no judgment or determination of the question as to Senator Watson's membership by the State senate, and, further, that such judgment is necessary to prevent our acquiring jurisdiction.

I have sufficiently discussed the question of the judgment of the Delaware senate and have proved that such judgment was rendered in every constitutional sense in this case.

But since it is disputed I go further. I am authorized, even required, by a due fidelity to the Constitution of the United States to go further and to affirm that even if there was no technical judgment rendered at all by the senate of Delaware, there is no power in this Senate to judge of the qualifications of Mr. Watson as a member of the senate of Delaware. Whether he were qualified to act on May 9 last is not a question submitted to our judgment by the Constitution of the United States.

The power to judge of the elections and qualifications of members of this Senate has been assigned by the Constitution of the United States to us. The power to form a legislature or law-making body for a State is a reserved power to each State. This power in all its amplitude, in whatever form it may be necessary to exercise it, is a State power, and a State power alone. It happens to be one of the few powers reserved to the States which is expressly recognized in the Constitution to be a State power. There is no limit or restriction placed on this State power—to form and organize a legislature—except that it shall be republican in form, that is, elected by the people and not hereditary.

The provision in the constitution of Delaware (and in every State) making each house of its legislature the judge of the election, qualifications, and returns of its own members is not in any respect the source from which the State gets this power. That is a mere provision for the exercise of the undoubted reserved power which belongs to each State, which may be exercised by such agencies and in such manner as the State may ordain. The State might, if it saw proper, give the power to the supreme court of the State. The failure of a house of a State legislature to exercise this power might possibly result in a total failure to organize the house as a legislative body, whereby it would not be competent to concur in making a law or to do any other act imposed on it as a part of the legislature; but such failure could not have the effect to transfer or, what is possibly a better word, to delegate that power to the United States to be exercised by this Senate or by any other Federal organism. Every power possessed by the Government of the United States or any department or officer thereof is a power delegated by the Constitution of the United States, either expressly or by implication, as proper and necessary to carry into effect an expressly granted power. No provision is made for the Government of the United States to acquire a new power or, which is the same thing, to enlarge a granted power by any lapse or failure in any State to exercise a reserved power. A new Federal or national power can come only from an amendment to the Constitution of the United States.

The Senate of the United States is as much bound by the Constitution of the United States and as much bound to observe the line of demarcation between granted and reserved powers as any other department or officer of the Government. This duty to obey the Constitution is as binding on the Senate when it exercises one of its granted powers as when it exercises another; as much binding in the judging of the elections and qualifications of its members as in enacting a statute. We can not, in judging as to the election of our members, invade the domain of the reserved powers of the States and determine for the State the qualifications of the members of its legislature.

Clear and unanswerable as I believe the argument to be that we have no power to judge of the qualifications of a member of a State legislature, yet I deem this matter of such moment as to authorize and even require me to go further. If we usurp the power we are incompetent to exercise it wisely and properly, and especially in a case like this, when the contention is that a member once duly qualified has become disqualified during his term, and the effort is, as here, to remove or suspend him from the exercise of the duties and powers of his office.

Calling attention again to what has been said about the undisputed right of Mr. Watson to act as a duly elected and qualified senator up to the 9th of May, 1895, and to the argument showing that only the senate of Delaware could determine whether he had vacated or become disqualified for his office as senator by exercising under constitutional mandate the office of governor, and to the authority from Cushing's Parliamentary Law read to support that argument; and proving that he is in fact and in law a senator, whatever disqualifications may have ensued after his first seating as a senator until that body has adjudged otherwise—under these circumstances, the true and legal circumstances of this case, the seating of Mr. Du Pont by adjudging that Mr. Watson had either vacated his seat or was suspended from its exercise is neither more nor less than a judgment of amotion of Mr. Watson from office.

It is well to bear in mind what we are asked to do in determining whether we will usurp or, if that word be preferred, assume the power to do it. It is also well to bear in mind that what we do here in this case will be a precedent for the future, to be avoided, not followed, will be—if we use the power needed to seat Mr. Du Pont—a solemn adjudication of this body that in all cases hereafter when a question is made as to the vacating or suspension of a member of a State legislature from his office in order to judge who has been elected a Senator by that legislature, that we have the power to do that thing.

Let us see what difficulties impossible of removal we will encounter in the performance of this assumed task.

The constitution of New Hampshire, in part 2, section 14, reads as follows:

Every member of the house of representatives shall be chosen by ballot, and for two years at least preceding his election shall have been an inhabitant of this State *[shall have an estate within the district which he may be chosen to represent of the value of 100 pounds, one-half of which is to be a freehold whereof he is seized in his own right]*—

The words in brackets were stricken out in 1852—

shall be at the time of his election an inhabitant of the town, parish, or place he may be chosen to represent; *shall be of the Protestant religion*—

These words were stricken out in 1877—

and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

That turns him out, and in express terms, as soon as he ceases to be a Protestant, and as soon as he ceases to be a resident of the town or parish in which he lived at the time of his election then he is out, and ceases to be a member. If we go into the business of determining whether a member of a State legislature has ceased to be qualified by changing his religion or by removing from one district to another, where will this thing end?

Mr. GRAY. To the constitution of what State does the Senator refer?

Mr. GEORGE. The constitution of New Hampshire.

There are at least seven States which provide expressly for vacating the office of a legislator by his removal from the district in which he was elected. Rhode Island provides that "if a senator or representative, after his election and engagement, accept any appointment under any other government his office under this shall be vacated."

So it is seen what questions are to be decided by this Senate within the rule sought to be established in this case. In New Hampshire prior to 1852 it would have been our duty to inquire whether the representative still owned his estate to the value mentioned in their constitution, and prior to 1877 it would have been a proper question for us to decide whether such a representative had ceased to be of the Protestant religion. And in reference to that State now, and at least six others, it would be necessary to decide whether a legislator had moved from the district in which he was elected.

Rhode Island would furnish us with the question whether a senator or representative, after his election, had accepted an appointment from any other government.

In all these cases there is an express provision for the immediate vacating of the office. There is none such in the constitution of Delaware.

Mr. President, I am very nearly through, and I feel that kind of joy which the weary traveler who has been for many days working his way homeward under troubles and difficulties feels when he comes in sight of the old homestead. There is but one other absurdity, allow me to say, with due deference to my distinguished friend from Oregon, which needs to be exposed, and which can be exposed in a few words.

SEAT NOT SUBJECT TO OCCUPATION.

The report of the committee discloses a new invention to avoid the irresistible argument that this Senate can not judge of the election and qualifications of a member of a State legislature. The committee asserts that the question here is not as to the qualifications of Mr. Watson to be a senator, but whether the senate of Delaware can fill a seat which under the constitution of Delaware is not subject to occupation, whatever that may be. The answer to that is plain and easy. That seems to be the last ditch into which our friends have been driven, and in which they propose to die. The Senator from Oregon a few moments ago would not allow me to get to this part of the argument without reiterating to the Senate that while the constitution of Delaware provided for nine senators, it also provided that the State should only have eight. Now we will see what few words will expose that fallacy:

First. The constitution of Delaware, as I have shown, does not vacate the office of senator held by the president of the senate when he exercises the office of governor, nor does it suspend the senator from his office. That has been made so clear that the Senator from Oregon, and no other Senator, will say that either

one or the other is true. He will say that one of those must be true, but he will not say which.

Second. There are nine seats in the senate of Delaware, every one of which is expressly required by that constitution to be filled at the general elections, and to be kept filled should a vacancy occur in it.

There never was a constitution in the world framed so carefully and with so many provisions to fill vacancies in the legislature as the constitution of Delaware. Let me mention some of them. I can do it without reading. In the first place, the speaker of either house shall issue writs of election whenever a vacancy may occur. Then the constitution says, in addition to that, any other person authorized by law shall issue such writs. Whether they have ever passed a law of that kind in Delaware I do not know; but the constitution was so careful that vacancies should be filled, that the power was vested not only in the speakers of the respective houses, but in any other person who might be designated by law. They were not satisfied with that, and in vacation they authorize the governor of the State to issue writs. If the Senator from Delaware will put his finger upon that clause of the constitution where provision is made for the filling of vacancies I shall be glad to read it.

Mr. GRAY. Section 3, on page 26.

Mr. GEORGE. The language of the constitution is as follows:

> If the office of representative or the office of senator become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.
>
> When there is a vacancy in either house of the general assembly, and the general assembly is not in session, the governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by a speaker of either house in case of vacancy.

I do not know any way the Senator from Oregon can get out of that, unless he reverses in one respect and follows exactly in another the performance of electing a president *pro tempore*. There the constitution said either house may elect a president *pro tempore*. The Senator said that meant "shall." Now, when we come to this clause, the Senator finds himself in a difficulty about "shall," and he will have to change that into "may." There never was in any constitution such particular provisions for the purpose of keeping every one of the nine senators' seats and every one of the twenty-one representatives' seats full, not only during the session of the legislature, but in vacation, for the governor is authorized to issue the writ when the legislature is not in session.

With that provision of the constitution, the Committee on Privileges and Elections and the Senator from Oregon assert to the Senate that there is a seat, one of the nine seats in the senate of Delaware, which is not subject to occupation, which I suppose means—I do not know what it means unless it means this—is not subject to have an incumbent in it.

Mr. GRAY. That it is vacant and can not be filled.

Mr. GEORGE. That it is vacant and can not be filled, when the constitution says it shall be filled.

Third. There are nine seats—and all required to be filled. The contention is that Mr. Watson could not further occupy the seat to which he was elected and in which he was duly installed, and the trouble is not that the seat could not be occupied at all, but could not be occupied by Mr. Watson after the 9th of April, he becoming on that day, according to the contention of the committee, disqualified to fill it. There is no provision there, and the Senator does not even argue that there is, that there shall be a vacant seat, but he says, admitting that there are nine seats there, Mr. Watson could not occupy one of them. That is the whole contention on the other side.

Mr. GRAY. The Senator from Oregon just now contended that there were only eight seats.

Mr. GEORGE. Yes, sir; eight. Where is the provision of the constitution of Delaware which says, under any circumstances, that the constitutional number of seats in the senate—nine—shall be reduced to eight? This whole debate on the other side, and nearly all of it on this side, has been conducted on the idea on one side that Mr. Watson could not fill the seat and on the other that he was in the seat; and that is all there is in it. If he was qualified under the constitution to fill it, then he could fill it. The contention is that he could not fill it because on that day he became disqualified. Whether he was so disqualified or not was in effect the same thing exactly as whether he was qualified or not, and this is the sole question in this case. It is not denied but admitted that the senate of Delaware is the judge and the sole judge of his qualifications. Is not the same senate the sole judge of the disqualifications? The Senate of the United States has not the slightest jurisdiction over that question, as has been held for a hundred years and never disputed until this case came up.

Mr. GRAY. Is not the meaning of "qualification" the absence of disqualification?

Mr. GEORGE. Certainly it is. One is put in the affirmative and the other in the negative; and that is all there is in it. It is just the same as the proposition that all men are mortal, or no man is immortal. That kind of Jesuitical hair-splitting will not do for the judgment of the United States Senate in seating a man in this body who has never been elected to it.

My friend got up to-day an eighth-member theory. In the committee and in the argument heretofore he thought it was better to go for a tenth member. We were to have ten members. Then he supposed the case of the tenth member of the senate; he put the supposition of Grover Cleveland, the President of the United States, being a member of the senate of Delaware, and asked what we were going to do then? Then a case from Kansas was brought up, upon which all this sophistical reasoning is based, in which the supreme court of that State decided that for four men who voted for a public printer, or something of that kind, there were no seats, not that there were seats there not subject to occupation, but that by the law of Kansas there were no seats for those four men. It is all based on that. Here is a seat; here is the ninth seat; and the constitution of Delaware says it shall be filled, and points out the mode in which it shall be filled.

Mr. ALLEN. And the man who shall fill it.

Mr. GEORGE. And the man who shall fill it. Now, they say if Mr. Watson was not exercising the office of governor they will admit that he could fill the seat in the senate. The Senator from Oregon admitted some time ago that the decision of the senate of Delaware for many years had been that the man exercising the office of governor did not lose his seat in the senate, but had come back to it; and he is bound to admit, under that argument, that if Mr. Watson on the morning of the 9th day of May had resigned what my friend calls the office of governor, which he says Mr. Watson could resign, he would then be a senator and in his seat. What is that but saying, not that there is no seat there subject to occupation, but that there is no man there who is authorized and qualified under the constitution to occupy it? That seems to me, sir, to answer the question.

Mr. MITCHELL of Oregon. I say it is not subject to occupation only during his continuance in the office of governor. That is the answer.

Mr. GEORGE. Mr. President, I have now performed my duty as I understand it in reference to this case. I have discussed at some length, probably more than I ought to have done, the various phases of this question. In conclusion I only desire to say this, and no more than this, that after a very careful examination of the case I can reach but one conclusion, and that is that if Mr. Du Pont is seated in the Senate of the United States the Senate will perform no act different for Mr. Du Pont than electing him to a place to which the legislature of his State failed to elect him.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi allow me to ask him two questions before he takes his seat?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. I have listened with a great deal of interest to the lengthy and interesting speech of the Senator from Mississippi, and I simply wish to ask him two questions. The first question is in reference to the matter discussed last by the Senator. The constitution of the State of Delaware provides that a person to be entitled to a seat in the senate of the State of Delaware shall have certain specific qualifications, namely, he shall be of a certain age; he shall have a certain amount or kind of property; he shall have lived in a certain county a certain length of time, etc. Does the Senator from Mississippi hold that the right of the senate of Delaware to pass upon the qualification of a senator in the senate of Delaware extends beyond those specific qualifications enumerated in the constitution of Delaware, or is it confined to them? That is the first question.

Mr. GEORGE. I will answer the question. I have already stated very fully to the Senate that at every moment of the existence of the senate of Delaware it had before it the question of the right, the power, of any man who assumed to be a member of that body, and it had the right to decide on the question.

Mr. MITCHELL of Oregon. I admit that, but——

Mr. GEORGE. And they decide it. They first ascertain what the qualifications are, and then they decide whether the man possesses them; but whether they decide right or wrong it is not subject to review in the Senate of the United States.

Mr. MITCHELL of Oregon. That is not an answer to the question.

Mr. GEORGE. That is an answer.

Mr. MITCHELL of Oregon. That is not an answer to the question, as I think, with all due respect to the Senator. My question was whether the right of the senate of Delaware to pass upon the qualifications of its own members extends to the question of passing upon some other matter than the specific qualifications of the constitution. That is the question. Of course, the answer would mean, although it was not specific, that it does extend beyond that. I deny that as a legal proposition.

Mr. GEORGE. My answer is that they have a right to determine whether A, who presents himself as a member of the senate, is entitled to a seat. That includes all qualifications and all disqualifications, because there are disqualifications put in the constitution of Delaware, which they could decide upon.

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

They can pass upon all of those disqualifications and every one of them, and it is absolute, final judgment.

Mr. MITCHELL of Oregon. I understand the position of the Senator from Mississippi, and I do not agree with him. There is one other question——

Mr. GRAY. I should like to ask——

Mr. MITCHELL of Oregon. There is one other question I desire to ask the Senator from Mississippi. I said I would ask two questions, and I shall confine myself to those two. The other question relates to another branch of the subject. The Senator, in his speech, has contended very vigorously that the speaker of the senate, when he succeeds to the exercise of the office of governor, exercises such office not in his own right, but *as speaker*, and that the speaker of the senate can not, in the event of the death of the governor, resign the right to exercise the office of governor, but that the only way he can get out of exercising the office of governor is to resign as speaker of the senate.

Mr. GEORGE. That is my view.

Mr. MITCHELL of Oregon. That is the Senator's view. The question I wish to ask the Senator is this: Suppose, after the speaker of the senate, Mr. Watson, had entered upon the exercise of the office of governor, the senate of the State of Delaware had expelled Senator Watson for some good reason, and whether it was a good reason or not, had actually done so, because he is still senator, according to the theory of the Senator from Mississippi——

Mr. GEORGE. Yes, sir.

Mr. MITCHELL of Oregon. He is still speaker of the senate, according to the Senator's theory.

Mr. GEORGE. And according to the theory of the Senator from Oregon.

Mr. MITCHELL of Oregon. Suppose the senate of Delaware had expelled Senator Watson from the senate, which, of course, would have dragged down the speakership as well, he would have been expelled not only as senator, but as speaker of the senate.

Now, what I wish to know is, whether, after that is done, is he still governor—the constitution says he is, or at least that he shall continue to exercise such office until a governor elected by the people is duly qualified—and if so, is he still governor *as speaker*, or in his own right—how is he governor? Can he exercise the office of governor after that? And if so, does he exercise it in his own right, or as speaker of the senate, although he is no longer speaker?

Mr. TURPIE. That is an inability provided for in the constitution of Delaware.

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi.

Mr. TURPIE. That is an inability——

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi. I wish to have the question answered by that Senator, as I think it thoroughly tests the validity of the whole argument of the Senator from Mississippi.

Mr. TURPIE. It does not test any argument.

Mr. MITCHELL of Oregon. I am asking the Senator from Mississippi.

Mr. GEORGE. I shall be very glad to answer all the conundrums which my distinguished friend——

Mr. MITCHELL of Oregon. I have no conundrums, only that plain and very pertinent question, and I should like to have it answered.

Mr. GEORGE. I shall be very glad to answer all the conundrums which my distinguished friend may see proper to put to me. But there is no case before the Senate which involves any question of that sort. I have thought of it a good deal. Either one of two things is true. One plausible view is that in virtue of that provision of the constitution which says that the speaker shall exercise the office of governor until a certain time, he is kept in there, except he be impeached. The other is the one suggested by the Senator, that being a senator and speaker, independent of and contrary to the express command of the constitution, he may be removed. There are two ways to get rid of him. He may be removed by a majority vote from the office of speaker or he may be expelled by a two-thirds vote. Unless that provision of the constitution to which I have alluded makes it absolutely impossible for the senate to proceed in that way, he could neither be expelled nor removed. My own idea would be that he could be removed from the office of speaker by a majority vote of the legislature, and then he would not any longer be the governor.

Mr. GRAY. He would no longer exercise the office of governor.

Mr. GEORGE. He would no longer exercise the office of governor.

Mr. GRAY. Words are things now.

Mr. MITCHELL of Oregon. These are all of the questions I wish to have answered.

Mr. GRAY. I want to ask the Senator from Oregon a question.

Mr. MITCHELL of Oregon. I am not on the witness stand.

Mr. GRAY. I wish to put the Senator there. This matter is before the Senate, and it is a privileged question. When the Senator from Mississippi yields the floor I propose to take it. Let me ask the Senator from Oregon a question.

Mr. GEORGE. I wish to try to find something. Here it is:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Whether or not that would continue him against the removal by the legislature I am not prepared to say. I am inclined to think it would not.

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives, etc.

That seems to go to sustain the idea that he could be removed, not only by impeachment, but by the action of the legislature.

But that is not in this case.

Mr. GRAY. I should like to ask the Senator from Oregon, if he will so far indulge me, to make a little more clear to my mind at least his position in regard to the extent of the jurisdiction of the senate of Delaware to judge of the qualifications of its members. I understood him to say—and if I misunderstood him I hope he will correct me—that that jurisdiction extended only to those qualifications which are enumerated in section 3 of the constitution, to wit:

No person shall be a senator who shall not have attained to the age of 27 years, and have, in the county in which he shall be chosen, a freehold estate in 200 acres of land, or an estate in real or personal property, or in either, of the value of £1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this State.

Will the Senator so far indulge me as to say whether I am correct in the assumption that he contends that the jurisdiction extends only to those qualifications enumerated in that section?

Mr. MITCHELL of Oregon. I simply desired to get the opinion of the Senator from Mississippi [Mr. GEORGE] on that point, as to whether he holds that the right of the senate of Delaware extends to questions beyond those specified in the constitution.

Mr. GRAY. I understood the Senator from Oregon to say that in his opinion it did not extend. Am I right in that respect?

Mr. MITCHELL of Oregon. I think it is very doubtful whether it does.

Mr. GRAY. Very doubtful?

Mr. MITCHELL of Oregon. Yes; very doubtful, at least.

Mr. GRAY. Then the Senator's opinion is that it does not extend to the disqualifications mentioned in the same article which I will not take up the time of the Senate by repeating, but which are very familiar to the Senator. Perhaps I had better enumerate them. It says:

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States—

With certain exceptions—

shall during his continuance in Congress or in office be a senator or representative.

Does the Senator think the jurisdiction of the Senate to judge of the qualifications of its members does not extend to the matters enumerated in that section? Is that his view?

Mr. MITCHELL of Oregon. I was calling upon the Senator from Mississippi to define his opinion of it.

Mr. GRAY. I beg the Senator's pardon. I understood him to say that he differed with the Senator from Mississippi.

Mr. MITCHELL of Oregon. I do. I certainly differ so far as this question is concerned. Here is a constitutional provision which states that in a certain contingency the speaker of the senate shall become the governor or shall exercise the office of governor.

So far as that question is concerned, which involves a construction of the constitution of the State, as to the status of this person, after he succeeds to the exercise of the office of governor, I do undertake to say in the most positive terms that in my judgment it is a disqualification, if you so please to call it, or, to be more accurate, it places the seat of that person in a certain state as to its being subject to occupation or nonoccupation, and thus presents a question upon which the senate of Delaware can not, under its power to judge of the qualification of its own members, act so as to bind the Senate of the United States. That is my opinion.

Mr. GRAY. Is it the Senator's view that the jurisdiction of the senate of Delaware, while it extends to those qualifications mentioned in section 3, does not, so far as being conclusive upon the Senate of the United States is concerned, extend to the matters mentioned in section 12?

Mr. MITCHELL of Oregon. It certainly does not, in my judgment, extend to any question which involves a construction of the constitution of the State of Delaware. I am not prepared to state positively that they would not have the power to pass upon the question as to army and navy contracts, because that is a plain provision not open to construction. There is no constitutional

question whatever involved. But the other matter involves the construction of the constitution of the State of Delaware, and upon that question I do undertake to say, and have said from the first, and I insist upon it, that the decision of the senate of the State of Delaware is not binding.

Mr. GRAY. Then, in other words, if I understand the Senator, the jurisdiction of the senate to judge of the qualifications of its members extends to every case enumerated in the constitution, both of qualification and disqualification, except as to that matter which concerns the decision of this case?

Mr. MITCHELL of Oregon. Oh, Mr. President, that is not a fair comment upon what I have said.

Mr. GRAY. That is exactly what the Senator has said.

Mr. MITCHELL of Oregon. I have not said so by any manner of means. In one case there is a plain, specific, statutory provision that a person holding an army or navy contract shall not be a Senator, while in the other case——

Mr. HILL. What does the Senator from Oregon mean by a statutory provision?

Mr. MITCHELL of Oregon. I stand corrected. I did not mean to say statutory, but a plain, specific, constitutional provision, not open to construction.

Mr. ALLISON. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Iowa will state his point of order.

Mr. ALLISON. What is the pending question?

Mr. GRAY. The pending question is the privileged matter of the Senatorship from Delaware, which I am discussing and upon which I have the floor.

Mr. ALLISON. I do not so understand it.

Mr. GRAY. I understand it is a privileged question at all times.

Mr. ALLISON. I had the floor three days ago and yielded to the Senator from Mississippi [Mr. GEORGE], who desired to make a speech. Of course I do not wish to interfere with proper debate of the privileged question.

Mr. GRAY. I am not going to interfere with the Senator from Iowa longer, but I do not care to be taken off the floor in a summary way.

Mr. ALLISON. Mr. President——

Mr. GRAY. I am here discussing a privileged question, as I understand it——

Mr. ALLISON. I understand——

Mr. GRAY. To wit, the right of a claimant to a seat in this body.

The VICE-PRESIDENT. The Chair will hear one Senator at a time.

Mr. ALLISON. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Iowa will state the point of order.

Mr. ALLISON. I have a right to make it——

Mr. GRAY. I am discussing the point of order.

Mr. ALLISON. Without having the Senator from Delaware intimate that I am taking him from the floor. I yielded to the Senator from Mississippi to make a speech upon the privileged question, and for that purpose only. I did not know that the debate was to last three or four days. If it is the purpose of Senators to complete the privileged question, I of course yield the floor and will make no further objection.

Mr. GRAY. I did not suppose that I was trespassing upon anybody's time or anybody's rights. I merely rose to add something to what had been said in regard to the privileged question before the Senate. I did not propose and I do not now propose to occupy the time of the Senate further. But I merely wish to assert in regard to the point of order that I believe under the rules of the Senate I was occupying the floor in my own right, and that I am not amenable to the point of order made by the Senator from Iowa.

Mr. WOLCOTT. The Senator from Delaware was in the middle of a question which he was asking the Senator from Oregon [Mr. MITCHELL]. I hope we may have the question completed, so that we may also have the answer.

Mr. GRAY. The Senator from Oregon was in the middle of an answer to the question.

Mr. WOLCOTT. I knew it was one or the other. We on this side could not tell which it was.

### LEVI STOLTZ.

Mr. ALLISON. I ask that the Post-Office appropriation bill may be laid before the Senate.

Mr. SHERMAN. I hope the Senator from Iowa will allow me to call up a private bill. It will take but a few moments to read it. If the bill excites any opposition at all I will yield at once.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent for the present consideration of a bill which will be stated by title.

The SECRETARY. A bill (S. 1546) for the relief of Levi Stoltz.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALLISON. I yield if the bill does not lead to debate.

Mr. SHERMAN. If it leads to discussion I shall not ask for its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 4, after the word "directed," to insert "any statute of limitation to the contrary notwithstanding"; in line 7, after the name "Ohio," to insert "in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts"; in line 10, after the word "him," to insert "prior to January 1, 1874"; in line 14, after the word "amount," to insert "of taxes"; and in line 15, after the word "overcharged," to insert "or allowable on account of accident"; so as to make the bill read:

*Be it enacted, etc.*, That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed, any statute of limitation to the contrary notwithstanding, to consider and adjust the claim of Levi Stoltz, a citizen of Greenville, Darke County, in the State of Ohio, in accordance with the provisions of section 6, act of March 1, 1879, as amended by subsequent acts, for excess of taxes and assessments charged by the United States against him prior to January 1, 1874, on the Greenville Distillery, owned and operated by him, said excess of assessments caused by accidental bursting of the stills, necessary changes in the still tubs by errors in surveys, and to refund the amount of taxes that may be found to have been thus overcharged, or allowable on account of accident: *Provided*, That the whole sum allowed shall not exceed the sum of $1,153.56.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. With the consent of the Senator from Iowa, I ask unanimous consent of the Senate that upon the conclusion of the Post-Office appropriation bill the Senate will proceed to the consideration of the resolution proposing an investigation into recent sales of bonds, not, of course, to displace the unfinished business.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HILL. As it is impossible to state how long the consideration of the Post-Office bill will take, I must interpose an objection. Twice I have proceeded to discuss the question involved in the resolution, and twice have I been cut off, when it could not be prevented. I want the resolution brought up some time when it can be taken up like any other order of business and continued until disposed of. What has become of the unfinished business, the Utah joint resolution? Whenever the resolution of the Senator from Kansas can be taken up to be continued to the end, not only so that I can express my views upon it, but that other Senators may do so, will be ample time to call it up.

Mr. ALLISON. The Utah joint resolution, I understand, is the regular business.

The VICE-PRESIDENT. It is the regular order.

Mr. CULLOM. I desire to state that the Senator from Utah [Mr. CANNON] is attending a funeral at this hour, but he probably will be in his seat before the Post-Office appropriation bill is disposed of. If so, he will be glad to proceed with the consideration of the unfinished business.

The VICE-PRESIDENT. The Chair will then lay the unfinished business before the Senate.

### POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I hope we can now proceed with the Post-Office appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment reported by the Committee on Appropriations, on page 7, after line 8, to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum with the sum now paid shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. HILL. I understood last night that the Senator from Iowa [Mr. ALLISON] took the floor to explain to the Senate more particularly in regard to the question involved in the amendment. Did not the Senator intend to answer the Senator from Wisconsin [Mr. VILAS]?

Mr. ALLISON. I am not aware that there was any specific question to which I was to make answer.

Mr. WOLCOTT. Will the Senator from Iowa allow me to interrupt him for a moment?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. I ask the Senator from Iowa whether he is ready at this time to have extraneous amendments offered?

Mr. CULLOM. Not until this amendment is disposed of.

Mr. ALLISON. There is an amendment pending.

Mr. WOLCOTT. As to the Oceanic Steamship Company?

Mr. ALLISON. Yes.

Mr. WOLCOTT. I understood the Senator to ask that the bill be proceeded with for the present, and that this matter should be passed over. I do not understand whether he wanted it passed over only until the reading of the bill was completed.

Mr. ALLISON. I am perfectly willing that other amendments shall be offered, allowing this amendment to be passed over until other amendments are disposed of.

Mr. WOLCOTT. Just as suits the convenience of the Senate. It is unimportant to me. I have an amendment which I shall be glad to offer now if it is agreeable to the Senate and the Senator from Iowa.

Mr. ALLISON. I have no objection.

Mr. WOLCOTT. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado will be stated.

The SECRETARY. On page 2, line 1, after the word "dollars," it is proposed to insert the following additional proviso:

*Provided, however*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation; not, however, to exceed the amount of the salary previously paid to the postmaster of the office which has become such station or substation.

Mr. WOLCOTT. Mr. President, the amendment just read was reported unanimously by the Committee on Post-Offices and Post-Roads and was referred for action to the Committee on Appropriations. Not only was the action of the Committee on Post-Offices and Post-Roads unanimous, but each member of the committee, and I imagine very many members of the Senate, have received during the last week or two repeated letters and telegrams and inquiries from citizens all over the country having no interest in this matter except that interest which every good citizen feels in the economical and wise administration of the law, urging that the amendment be brought to the favorable consideration of the Senate. I have referred to the Committee on Appropriations from the Committee on Post-Offices and Post-Roads resolutions passed by the Democratic State committee of Massachusetts, and various resolutions passed by other organizations of both political parties throughout the United States.

The reason for the amendment is very easily understood if a word of explanation is given concerning it. It has for some years been the belief of many incumbents of the office of Postmaster-General that the present organization of the Department was unfortunate so far as concerns the securing of economy and safety and celerity in the transacton of the business of the Department. There are something more than 68,000 fourth-class post-offices, all the postmasters of which report directly to Washington. They are like an army of privates with no intermediate officers. When each one of them desires stationery, or stamps, or supplies of any character, he communicates with the home office at Washington. Whatever supervision is extended over him reaches from Washington to the possibly remote place where he may be filling the little office of postmaster in some small community.

The Postmaster-General under the Administration of Mr. Harrison made an earnest representation to Congress in favor of the distribution of the United States into 100 post-office districts. He suggested that there should be appointed to each of these districts, under the title of supervisor or superintendent, or whatever you like, some person whose business it should be to gather together the affairs of the fourth-class post-offices within that district; that he should instruct new appointees in their duties; that they should apply to that supervisor for such supplies as they might need, for such instructions as might be needed; that he should generally oversee them in the conduct of their business, and that if there was inspection to be made of their offices the inspection should be made through one of these 100 supervisors. He showed, and showed with quite an array of facts, the utter lack of economy in the present methods of conducting the business of the office and the utter inability of the Department properly to investigate the conduct of the offices by the fourth-class postmasters.

The recommendation of that Postmaster-General was followed by Postmaster-General Bissell, who in a very strong communication to Congress adopted the suggestion of his predecessor and urged that the country be divided into districts. He was in doubt as to the wisdom of dividing it into 100 districts, but he suggested that there should be a district perhaps for each State, with the larger States perhaps divided into additional districts, and that the supervision should come through those districts. He showed, I think, with much conclusiveness that such a division would add greatly to the good conduct and the economical administration of the office.

But Congress has not acted. Under existing law the Postmaster-General may establish and may vacate such offices as he shall see fit. Under this construction of the law the Postmaster-General from time to time has been disestablishing or closing smaller offices near large cities, and has been gathering them in as a part of the metropolitan district of those cities. The result has been that he closes the office and that the person in charge ceases to be an appointive officer by the Postmaster-General, coming under the Assistant Postmaster-General, but the office is then administered by a clerk of the Post-Office Department at a certain salary which is regulated by law. Under the existing provisions of law that salary may be from $300 to $1,000 at the option of the Postmaster-General of the United States, the salary being paid in accordance with the service rendered. The effect of that has been not to obliterate the office. It keeps its name.

For instance, at Chicago there are countless small offices, Presidential offices, second-class, third-class, and fourth-class offices, which have from time to time been gathered into the administration of the office at Chicago. They keep their names. There are Englewood and Lake View and a number of different towns all embraced in the same district. They keep their autonomy. Except that the public gets better and more economical and quicker service, the public rarely knows that the change has been made, and yet it is true that those offices have ceased to be appointive offices and come under the administration of the postmaster of the metropolis of the district. At Cambridge, another large city in immediate communication with the city of Boston, this same extension has been had, and in Brooklyn an order was recently made attaching several districts. The Postmaster-General in a report which he has made, and which is published with the report upon this amendment (it has been upon the desks of Senators, and I have no doubt they have read it), recites that in Brooklyn a few offices have been attached, and that with great economy and wisdom all of Long Island could be attached to the city of Brooklyn, and if it should be so attached the mails could be carried much cheaper and much better than they are at present carried.

There is nothing political in this, Mr. President. It does not savor in the slightest degree of politics. As I have said, there are now 68,000 fourth-class offices. Between now and the close of the present Administration there could not be a thousand offices changed if they worked night and day. The change must be gradual. It is not for the aggrandizement of either political party; it is solely for the benefit of the public service.

It is true, and we must face the fact, that this is doing by indirection what Postmasters-General have asked in vain of Congress. They have suggested a division into districts. They have suggested that Congress find some way for gathering together these offices so that they may be administered from a few heads. We have failed to do it. Postmasters-General, relying upon the general provisions of law, have gone to work themselves and have gradually reached out and gathered the offices in. You must leave it to their discretion.

I looked for some time to see if we could not suggest in this bill some amendment that should make it connect, for instance, with the extension of trolley service or of other communications where there should be some natural limit which we could prescribe to it. You can not with safety do it. There are often offices which are disconnected by any quick method of travel and yet which in the conduct of the business of the Department should be associated and connected with metropolitan offices.

I am free to say that the amendment which has been adopted tentatively as we have gone along—the amendment which immediately follows the amendment which I have offered on page 2, an amendment to the effect that no office shall be discontinued at any county seat—is not in accordance with the principles which I am here declaring. It is not necessarily fatal to them, but it is not in the line of the suggestions I have made. I understand probably why the amendment has been interposed, or perhaps one of the controlling reasons. I am advised that the Postmaster-General, in one of the States in this Union, in the State of Maryland, reached out some 14 miles and took the post-office at Ellicott City, a second-class post-office, a Presidential office, closed it, discontinued it, and attached it to the post-office administration of the city of Baltimore. This would have been all right provided it was in the line of a legitimate extension of the business of the office, but I am advised that in doing this he reached over and skipped office after office, leaving a great lot of them between Baltimore and Ellicott City, and seized upon that particular office. Without some explanation, which I have not yet been able to receive, such a proceeding is destructive of the very principle which this amendment seeks to establish and which is itself recommended by the Postmaster-General.

It may be that he has some adequate explanation for it; I do not know what it is, but I do say that even if it shall have been in one instance abused it is in the line of good service and economical administration, and that all of us should look forward to the time when these post-offices will be administered principally from the larger cities, where the new appointees in the little offices may

receive the benefit of the counsel and advice and suggestion of the postmasters in the cities; that they may receive the benefit of close proximity to some head, who shall guide them in the discharge of their duties and be able to ascertain if they are fulfilling them.

The Postmaster-General says that as a rule this service is so scattered, with so few facilities for investigation, that there is practically never an investigation made of a post-office until there comes a complaint. There ought to be some head near by to whom these men can look up, to whom they can report.

As far as the expense of it goes, it is a very great saving. The report shows how great is the saving. It is a saving in a thousand offices of more than a half million dollars a year. Of course, the amount of the saving varies in different offices, but you get better service and you get it for less money.

Under the present condition of affairs the payment of fourth-class offices depends upon the business transacted. The fourth-class postmaster gets all the proceeds of the cancellation of stamps up to a certain amount, and then it is graded up to a certain other amount, until his pay becomes $1,000, and as soon as his pay becomes $1,000 then at once it becomes a third-class office and he is appointed. In addition to that, the Postmaster-General in his option may make certain further allowances to the fourth-class postmaster. If he is on a line where a route starts off from some other place and where there may be letters to be assorted and counted and stamped, he may make certain allowances for clerk hire. All this will be brushed away. There will be a simple, direct administration of the office, out of politics, by some competent clerk who is able to take the position for less remuneration, as a rule, than the cost of the administration of the office, with very possibly a larger individual salary to the person conducting it than has heretofore been received.

Mr. President, I trust that the Senate will see, as the committee has seen, the wisdom of adopting this amendment. In my opinion there should, perhaps, be from the amendment as it has been reported by the committee the elimination of all the words in the amendment after the word "appropriation," and for the reasons which I shall give. As the amendment was proposed, it is as follows:

That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

Then comes the clause—

Not, however, to exceed the amount of the salary previously paid to the postmaster of the office which has become such station or substation.

The inequality of that is evident. It is difficult to determine it. Not only may it be different last year from what it was year before last, but it may differ in different quarters of the year, and it may be difficult for the Postmaster-General to determine it.

Then, also, it would be so permanently fixed that it would require an express provision of law to change the remuneration of it. As these communities near the larger cities grow larger, the pay should increase. The Postmaster-General under existing law may make his allowances not less than $300, and up to $800, and it is not necessary that this provision should remain upon the statute. So, with the permission of the committee which reported the amendment, I will strike out from it all after the word "appropriation" in the fifth line, so that the amendment will read as I have suggested.

Mr. ALLISON. I call the attention of the Senator from Colorado to the fact that the proposed amendment, if inserted at all, should be inserted at the end of line 11, rather than after the word "dollars," in line 1, page 2.

Mr. WOLCOTT. Very well, I accept that. I agree to anything that will make the bill symmetrical.

Mr. ALLISON. The compensation to postmasters provided for in the bill, $15,250,000, is a specific appropriation for their compensation, and the amendment is a proposition to compensate clerks of post-offices. So it should be added to the provision for clerks.

Mr. WOLCOTT. I accept the suggestion.

Mr. ALLISON. I have no objection to the amendment, if it is thought necessary, except that I think by implication even we should not provide for superintendence. That is an office not now known to the law, so far as I am aware.

Mr. WOLCOTT. Right at the inception of the Senator's remarks I should like to suggest that nowhere is that intended.

Mr. ALLISON. Will the Senator from Colorado look at line 3? It reads, "Salary of the superintendent or clerk." I think we might strike out the words "superintendent or"; so that it would read:

The salary of the clerk in charge of such station.

Mr. WOLCOTT. Very well.

Mr. ALLISON. They are, then, to be paid out of the appropriation. With those modifications, the one suggested by the Senator himself and the one now suggested by me, I have no objection to the amendment. I think, however, that it is unnecessary, and the First Assistant Postmaster-General so stated to the Committee on Appropriations. The only difficulty as respects the payment of clerk hire was in the fact that the appropriation was too small, and therefore, in order to meet this condition, as also one or two other conditions, the Committee on Appropriations increased the item for clerk hire from $10,350,000 to $10,500,000. The First Assistant Postmaster-General, or perhaps one of the subordinates under him—I am not certain on that point—stated to us that with this increase of appropriation they could deal and would deal with this entire question.

As respects the consolidation of offices in the neighborhood of cities, the power is clearly given now by statute for the Postmaster-General to accomplish this end. Whether he is authorized to skip over half a dozen post-offices in order to reach a county seat and abolish a post-office there, I am not quite so clear; but it is certainly within the power of the Postmaster-General to establish post-offices and to abate offices or discontinue offices.

Mr. WOLCOTT. May I interrupt the Senator from Iowa for a moment? I beg pardon if I interrupt him untimely. I do not mean to do so.

Mr. ALLISON. Certainly; I yield to the Senator.

Mr. WOLCOTT. I think the First Assistant Postmaster-General would feel very badly to be quoted as the Senator from Iowa has quoted him, I am certain under some misapprehension. The Senator and I talked this over the other day and I was aware of the understanding with the Senator that the First Assistant Postmaster-General looked upon this as a matter of appropriation. Since that time I have talked with him. It was only the latter part of the clause, which is stricken out, that he thought doubtful, and he expressed himself to me as feeling deeply the importance of the first portion of the clause. So there is a bare possibility, and I want to do him that justice——

Mr. ALLISON. I may possibly be mistaken in my impression of what the Postmaster-General said.

Mr. WOLCOTT. The Postmaster-General himself reported this amendment in its very phraseology——

Mr. ALLISON. The First Assistant Postmaster-General?

Mr. WOLCOTT. No, the Postmaster-General; and I should not like to see the First Assistant Postmaster-General quoted as against his chief if he did not intend to be so quoted.

Mr. ALLISON. Neither would I. I am very certain the First Assistant Postmaster-General suggested that latter clause of the amendment was not only an unwise one, but that it would interfere with the proper success of the enterprise of consolidating offices. But if there is any doubt about the power of the First Assistant Postmaster-General to execute the proposed reform, I am perfectly willing that the amendment as modified shall be added to the provision. I do not understand that it changes existing law or affects existing conditions.

Mr. LODGE. As I introduced the amendment which has been reported and approved by the Committee on Post-Offices and Post-Roads, I merely desire to say that it certainly has the cordial approval of the Postmaster-General, from whom I have a letter here, as the Senator from Colorado has already stated, and, with the lines omitted which have been stricken out, it has also certainly the very hearty approval of the First Assistant Postmaster-General, whom I saw this morning.

In my State, where the population, especially in the eastern part, is very dense and the cities and towns are large and near together, the consolidation of offices has taken place to a considerable extent. In every case it has made an improvement of the service. More persons have been able to be served by the carriers than before and better service has been given to the public in every way. I know that in my own State, where it has been so largely tried, there will be great objection to giving up that consolidated service at the large metropolitan offices. Also, as the Senator from Colorado has pointed out, it will make a great saving of money to the United States. Probably $500,000 will be saved the first year. When we can get such a vast improvement in the service as this amendment will permit, and also at a reduction in expense, it seems to me that there is no serious argument to be made against it. I have no objection to the amendment, which I think has already been adopted, at the top of the page, in regard to county seats; but I should like to add at the end of the amendment:

*Provided, however*, That this shall not apply to the city of Cambridge, in the State of Massachusetts.

The city of Cambridge has been for a long time consolidated with the metropolitan system of Boston. Although there are two cities and two municipal organizations, the community is the same practically, and all the service is conducted through carriers and local lines of street cars. It would entirely break up the present system if Cambridge could not be excepted from the amendment. Cambridge happens to be a county seat, one of the county seats of Middlesex County, and I should like, if there is no objection on the part of those who are interested in the amendment, to except the city of Cambridge from the operation of the amendment by the

words which I have proposed, which I ask to be inserted at the end of line 6 on page 2.

The VICE-PRESIDENT. The amendment submitted by the Senator from Massachusetts will be stated.

The SECRETARY. Add at the end of line 6, page 2, the following proviso:

*Provided, however*, That this provision shall not apply to the city of Cambridge, Mass.

The VICE-PRESIDENT. Without objection, the amendment is agreed to. The question is on the amendment of the Senator from Colorado [Mr. WOLCOTT].

Mr. GORMAN. Let the amendment be read as modified.

The VICE-PRESIDENT. The amendment as modified will be read.

The SECRETARY. Insert after the word "post-offices," line 11, page 2:

*Provided, however*——

Mr. ALLISON. Strike out "*however*" after "*Provided.*"

The Secretary read as follows:

*Provided*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the clerk in charge of such station or substation may then be paid out of the appropriation.

Mr. WHITE. I should like to inquire of the Senator from Colorado whether he understands that the effect of the amendment, if adopted, would be that the Post-Office Department may create any number of substations with reference to the main office? Is there to be any limitation on the power of the Postmaster-General?

Mr. WOLCOTT. No; the Department may do that now. They may extend the system as they see fit.

Mr. WHITE. In cases where the substation system is extended the salary system now prevailing will be changed, I presume.

Mr. WOLCOTT. It does away entirely with the present system of payment, which depends on the cancellation of stamps.

Mr. WHITE. I understand that is the law now.

Mr. WOLCOTT. It does away entirely with that system, and a salary of from $300 to $800 per annum is paid under existing law, at the option of the Postmaster-General.

Mr. WHITE. Then in those cases where postmasters of the fourth class now receive smaller salaries of course the bill will inure to their advantage.

Mr. WOLCOTT. Oh, yes; generally speaking, the bill inures to their advantage, because they get more. Additional service is cut off, because additional expense is not incurred in transportation in reaching the different places. It is all done through fewer hands and more directly.

Mr. GORMAN. Mr. President, the amendment, if adopted, will, I understand, be the first direct approval by Congress of the system which has been entered upon of the consolidation of any number of small, fourth-class post-offices with the large post-offices of the cities. It is a reversal of the practice of the Department from the beginning. It is in accord with the general tendency of all the business affairs of the world to wipe out all of the small offices and concentrate the power in the hands of a few men.

Under the statute the Postmaster-General, having the unquestioned right, has taken quite a number of the large cities in the Union and abolished the independent offices in the little country places entirely outside, in the villages, the ordinary country post-offices, and has placed such office in charge of a clerk who is an appointee or under the control of a postmaster 10½ miles distant. To illustrate, the city of Baltimore, with 500,000 inhabitants, has a post-office, but they are not content with serving the people in that community who are engaged in business enterprises and who want frequent deliveries of mails, where such a system has become a necessity for them, but by an order of the Department a circle of 10 miles is thrown around that city. It embraces the farming section and fifteen or twenty little post-offices outside of the city, where there is no necessity for daily delivery or delivery by carriers, and where the people in those communities prefer to assemble at the local post-offices, and get their mail once or twice a day. This provision must of necessity increase the expenses of the office. It can not be otherwise. It is a hardship upon the people who use the small post-offices. The man in charge of a little post-office is the neighbor and the friend of those residing in the community. The mere fact that there is a change of power from one political party to another amounts to nothing. These postmasters remain, no matter what party is in power. But these people want the post-offices near their own homes. They communicate through the local postmaster with the Postmaster-General at Washington. To communicate with the postmaster at Baltimore is no convenience to them; on the contrary, it would be a hardship, and there is no desire for such a change.

It is said that this system is to be adopted so that the people will get more frequent deliveries, and all the small post-offices be brought within the supervision of a single man. That may be, Mr. President, but, at the same time, it will be taking from the people that to which they have been accustomed, and I do not believe they will long submit to it.

Take the case of the abolishment of the Presidential post-office in the community in which I reside—not within the county of Baltimore, not a part of the Baltimore post-office, and having no connection with it—an office as old as that in the city of Baltimore. It is the distributing office for the country back of it for 20 miles, and was by this order consolidated with the city of Baltimore. There is no way to reach Baltimore from it except by a winding road around the Patapsco, and then into Baltimore, 14 miles distant. I know the people of that community. They denounce the act; they know it is an inconvenience to them; they know that under this system which is being entered upon, if it is unlimited, as is proposed, the whole post-office business of the State will be centered in the hands of one postmaster.

Mr. ALLEN. For political purposes?

Mr. GORMAN. Yes, sir; of course, for political purposes. I do not care, however, to speak of that. I am against the principle which enables the Postmaster-General to abolish all the small offices at his will. It is not only undemocratic and unrepublican, but it is un-American, as we have understood the meaning of the term American. The people have looked to the small post-offices as the only places through which they come in contact with the officers of the Government. They care nothing about your custom-houses. It is not the office or the salary of the office, but it is the fact that as American citizens they should have a place near their door where they may go and tell their postmaster what they desire, and let him communicate directly with the Postmaster-General, or the President, it may be, but the Postmaster-General as a rule.

Mr. President, I can go from here to the city of Philadelphia in less time than the Baltimore city post-office could be reached from one of these substations, and the postmaster at Baltimore would be as foreign to those agricultural people as the postmaster at New York.

I see that there is a provision in this bill for the purchase of bicycles, horses, and wagons. We will see a man wearing a uniform start from the city of Baltimore on a bicycle, with a small mail bag on his back, riding up into these communities and delivering mail to them. If they wanted to make complaint they could not catch the mail carrier, because the riders are usually expert.

I agree that around cities like Baltimore, Philadelphia, Brooklyn, New York, or Boston, where the street-railroad cars operated by electricity have penetrated, communication is easy and swift, and better mail service can be established. Consolidation would be a great benefit to communities so situated, but it ought to be done with discretion. It ought not to include the agricultural portions of the various States. No such lines as have been drawn around Brooklyn and Baltimore for from 15 to 20 miles ought to be permitted.

I think the present Postmaster-General or the First Assistant Postmaster-General, who is a very capable and bright man, and, I think, one of the best we have ever had in the Department, has made the suggestion, though it did not originate with him, but he has emphasized it, that he ought to have a hundred districts in the country, with the Assistant Postmaster-General, if you please, or some important officer, to supervise the system within each district, to examine its workings, and to report upon it. It may be all right and it may be a wise provision, but I am opposed to abolishing these offices for the purpose of putting them under the civil service. That is all there is in it; that is the incentive and the motive—to get these small offices within the classified service.

Mr. FRYE. Will the Senator allow me?

Mr. GORMAN. Certainly.

Mr. FRYE. I understood the Senator from Colorado to say that under existing law these consolidations were now being made, and I understood the Senator from Maryland to say that a town in his own county, 14 miles off, had been consolidated with the post-office at Baltimore. Will the Senator be kind enough to explain to me how this amendment affects that, and how that consolidation is to be prevented, or is to be aided, by this amendment in any way?

Mr. GORMAN. It does not prevent the consolidation. The Postmaster-General has construed the present laws to give him this authority; and I rather think he is right about it, although there may be some doubt concerning it, but he finds this trouble in extending the system. He can not find the money to compensate the agents; he can not any longer use the amount of compensation which the postmasters at the small offices have received of forty, fifty, or one hundred dollars to pay the clerks. This provision opens the door so that he can go to the general fund and use that, as I suppose has been done, to compensate those clerks.

Mr. FRYE. Then, to carry out the Senator's proposition and prevent this undemocratic and, as he says, unrepublican method

of doing business, why is it not necessary to amend the bill and forbid the Postmaster-General from making any such consolidation?

Mr. GORMAN. I should be delighted to do it within reasonable bounds, as I said a moment ago. Take the large towns around a great city like Baltimore, or Philadelphia, or Boston. In the instance given by the Senator from Massachusetts of Boston and Cambridge and New York and Brooklyn there ought to be discretion, in my judgment, in the Postmaster-General to permit such consolidation; for in those cases the community is homogeneous, consisting of business people, and in all such cases there ought to be discretion, but the provision regarding it should be carefully drawn.

Mr. FRYE. Will the Senator allow me again?

Mr. GORMAN. Certainly.

Mr. FRYE. Why is not the amendment offered by the Senator from Colorado a necessary auxiliary to the existing power of the Postmaster-General if he may now consolidate, and why should he not have, as provided in this amendment, the power of paying for the offices in the consolidated district?

Mr. GORMAN. He has that power now, but if this amendment be adopted it will give him additional power to extend the system to any places he pleases, not only for 10 miles from the center of a city, but for 100 miles. At present he is limited in the territory to which the extension can be applied because of the want of sufficient legislation to allow him the money to pay his clerks. This amendment proposes an enlargement of his power.

Mr. HILL. I ask the Senator, under the bill as it now stands and under the amendment should it be adopted, if the only limitation is as to county seats?

Mr. GORMAN. A provision has been already adopted as to county seats; but now the Senator from Colorado, the chairman of the Committee on Post-Offices and Post-Roads, brings in another proviso, which enables the Postmaster-General to draw from the general fund a sufficient amount to pay all the men who may be employed in the substations. In other words, it gives him sufficient money for the first time to enlarge the scope of the operation of this theory of his, which he can not do now because of the want of money.

Mr. ALLEN. I should like to ask the Senator how far can the Postmaster-General, through the postmaster, for instance, in Baltimore, extend these substations?

Mr. GORMAN. I have no doubt he may embrace the whole State of Maryland.

Mr. ALLEN. Over a hundred miles?

Mr. GORMAN. There is no limit except the amount of money at his disposal.

Mr. ALLEN. Then the postmaster at Baltimore would be practically the postmaster of Maryland?

Mr. GORMAN. He would be, and it would be the same in any other State. There is absolutely no limit except as to the amount of money.

Mr. BATE. How about the postmasters at county towns?

Mr. GORMAN. As to the postmasters of county towns, the amendment has been adopted. As I said to the Senate before, in quite a number of these cases, two, I think, in my own State—I do not know how many in others, but there are quite a number—the office at the county seat, being a Presidential office, has been abolished and subagents appointed to fill the office.

Mr. BATE. How can that be done?

Mr. GORMAN. By the order of the Postmaster-General, as Senators will find if they read the report which the Senator from Colorado has made, Report No. 592, which was placed on our desks yesterday.

Mr. WHITE. If the Senator from Maryland will permit me a question in reference to this matter, I will say that I notice on page 5 of the report to which the Senator refers that there is a recommendation that the sum of "$2,000,000 be taken from the appropriations for the salaries of postmasters, and that in place of this an increase of $1,500,000 be added to the appropriation for clerk hire." Has that been done in this bill?

Mr. GORMAN. The amendment now pending, reported by the Senator from Colorado, enables the Postmaster-General to take any amount of this money. There is no limit to it, as I understand. I ask the Senator from Colorado if I am correct in that?

Mr. WOLCOTT. Mr. President, my understanding, unfortunately, is that the effect of this amendment is not to enlarge the power of the Postmaster-General in the application of the fund. I should be very glad if it did. I understand—I should be glad to have the chairman of the Committee on Appropriations correct me if I am wrong, as I am very apt to be [laughter]—that the effect of this amendment is simply to declare the opinion of Congress that it recognizes the right of the Postmaster-General to so distribute, coalesce, and consolidate these offices as the public business shall require. The necessary effect will be at a subsequent Congress that the necessary appropriations will be changed from such sums as are applicable to fourth-class postmasters, so that they will be gradually applied, as necessity may require, to the payment of clerks. I take it that that will be so. I should be very glad if this amendment did enlarge the powers of the Postmaster-General; but I do not see that it does, and I ask the chairman of the Committee on Appropriations to tell me if it does.

Mr. ALLISON. Will the Senator from Maryland allow me a moment?

Mr. GORMAN. Certainly.

Mr. ALLISON. If the pending provision shall be added to the appropriation for clerk hire it will place the clerks at the substations in the city post-offices upon the same plane as the clerks in the post-offices themselves; they will be paid out of the same appropriation, and will be employed, as now, practically by the Postmaster-General under one of the divisions of the Post-Office Department.

As to the appropriations for postmasters, if the Senator from Maryland will allow me a moment further in answer to the suggestion of the Senator from California [Mr. WHITE], we have appropriated here $16,250,000 for the salaries of postmasters, the Postmaster-General saying that the amount needed is $17,000,000. So we have appropriated in this bill $750,000 less than the Post-Office Department says is necessary for the payment of the salaries of postmasters; and those salaries, being fixed by law, must be paid through a deficiency bill to the extent of the deficiency in this bill.

Mr. WHITE. I should like to ask the Senator from Iowa if the $750,000 is necessary why it is not appropriated?

Mr. ALLISON. According to the statement just made by the Senator from California, if this new system is applied to the whole country it will reduce $2,000,000 on postmasters and increase a million and a half on clerks, and thus save a half million dollars. So we have gone at least part way in this bill thus far, by reducing the compensation of postmasters from the estimate to the extent of $750,000.

Mr. GORMAN. I want to ask the chairman of the Committee on Appropriations what is the necessity for this amendment, if it does not enlarge the powers of the Postmaster-General or empower him to pay these clerks? I want to call his attention to the provision contained in the bill. It reads:

For compensation to clerks in post-offices, $10,500,000; $900,000 of which shall be available and used in payment of clerk hire in third and fourth class separating post-offices.

If the Senator is correct that the amendment offered by the Senator from Colorado does not enlarge that, I do not understand it. Let me read the proposed amendment as it now stands:

*Provided, however*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the clerk in charge of such station or substation may then be paid out of the appropriation.

I say that is an enlargement of the powers of the Postmaster-General. To-day he has not the power to pay the clerks out of that fund to the extent which is necessary for him to conduct his scheme of consolidation.

Mr. ALLISON. Mr. President, I am glad to have the Senator from Maryland state that he does not think this power exists now. I am not absolutely familiar with the details of the administration of the postal laws as to compensation to clerks. I will illustrate by taking the city of Chicago, where there are a dozen substations. The cost of maintaining those substations is paid out of the compensation and allowances to the postmaster at Chicago. If he fixes a salary for a substation he can, as I understand, assign any one of the clerks in that post-office to the substation. If the clerk has a salary of $300 or $600 or $900, or any other sum, he will earn it in that substation. If that be true, this consolidation, so called, is nothing more than the abolition or discontinuance of certain post-offices, and the people who are supplied from the post-office are drawn into the substations of the city post-office. If that be so the substations come under the general provision. That is my idea. I believe that is the law now. If that is to be enlarged so as to take $2,000,000 or $1,000,000, by gathering in all the post-offices in a community, I can quite understand that it would be necessary to wholly change the present system as to the delivery of mails to those offices and the payment of those who are charged with the duty of delivering letters. But I do not understand that that is the project here; at least it is not so disclosed so far as I have seen.

The intention is simply to gather around the large cities the small offices, and make them substations or branch offices to the main office. That power may be abused, but I am surprised to hear an intimation here that it has been abused. I hope that will turn out not to be true, but it seems to me that it is a reasonable thing to trust the Postmaster-General not to abuse this power as against the wish and will of the community which receives its mail at these little or great offices. I know of nothing about which the people of a locality are more sensitive than having a post-office taken away from them or having any of the privileges

as to the prompt delivery of mail taken away from them at any time. Therefore I had supposed, and still suppose, that if we should agree to this amendment there would be some sense and discrimination in the exercise of the powers already in the law and only recognized by this amendment.

If it be true that the Postmaster-General has not now the power to fix the compensation of the clerks at substations, of course that power ought to be given him, and I suppose it is given in this amendment. My impression was that the power existed now without the amendment; but the Senator from Maryland has examined the law upon that subject and thinks the power does not exist, while I have not made any special examination on that point.

Mr. CULLOM. The power has been exercised, has it not?

Mr. GORMAN. No, sir.

Mr. CULLOM. I supposed it had been.

Mr. GORMAN. That is the object of the amendment. I will illustrate it by the offices right here under our eyes. The law fixes the compensation of a postmaster to-day by the receipts of his office from the sales of stamps. The postmasters at small offices get from $30 up to two or three hundred dollars; the salaries of the Presidential offices are fixed according to their receipts. When the consolidation took place in the office at the county seat of the county in which I reside, where the postmaster's compensation was fixed by the receipts of the office—twelve or fourteen hundred dollars—he was appointed as a clerk or a keeper of a substation, and his compensation was fixed at one-half, we will say, of what his compensation was as postmaster. The salary of the postmaster of adjoining post-office, which was consolidated, was only $25. No substation man could be employed there for that sum. Owing to the expense of the letter carrier on his bicycle running out 10 or 12 miles from Baltimore on the turnpike road, the delivery could not be had at any such amount. So the Postmaster-General found he was embarrassed under the present law in paying for the number of clerks it was necessary to employ, instead of the small postmasters appointed under the general law. Hence the enlargement of that provision becomes necessary if this scheme is to be extended.

Mr. ALLISON. Then, if I understand the Senator from Maryland, the effect of this scheme would be to increase to a certain degree the expenditures rather than to diminish them, because these men would not take care of the substations as they now do for the letter postage.

Mr. GORMAN. The Postmaster-General's statement and his belief is, I have no doubt, that in the end he will probably save a large amount; at all events, that is his assertion. This plan has not yet gone far enough to test it; it is a mere speculation. The estimate of its cost is as wild, I think, as the estimates of the amount of revenue to be derived from the revenue bill which we passed several years ago, and also of the revenue to be derived from the last bill. Nobody to-day knows just how it will work out, but the Postmaster-General can not carry it out to the extent he desires without some such provision as that now pending. It must go on, then, if we can not prohibit it, as I should like to do, outside of the corporate limits of the great cities, with a few exceptions I have named. I want to limit it by the amount of money he can use. Let the law remain as it is; let the experiment which is going on in several of our great cities be tried for a year or two until we can ascertain what will be its effect.

I am loath to have the Post-Office Department enter upon a scheme which will remove the post-offices from the people. The whole tendency of legislation, the whole thought of the country, it seems, at this time, if we are to believe the press, is that you are to discredit the people, to take away from them all power under the Government, to remove from the people of the communities any power to determine who are to be their public servants.

Good as civil service may be for the great Departments of the Government, I do not believe in it when it comes to these small offices, which belong to the people and which are of them.

I believe, Mr. President, that this Government will be a failure if we are to have guardians appointed for the people, if we are to have a permanent tenure in all these small offices which are scattered through the country. When changes are made in such offices they are denounced as part of the spoils system. Nobody cares for the small post-offices so far as political power is concerned. There is no political power in the small post-offices in the country districts so long as they are scattered, so long as the postmasters are the servants of the people, selected by the residents of the neighborhood without regard to politics, or with regard to politics, if you please. I do not want to see a system inaugurated which will take the men of the counties of the State in which I reside to the city of Baltimore to consult with a postmaster to be selected by and from that city, who has no interest in their small affairs. I want to see those people continue now, as they have for a hundred years, to feel that they have a right to go directly to the Postmaster-General or to his agent in their neighborhood, the man whom they have selected. I am against this consolidation in everything wherever it can be prevented by legislation. With all we can do it is impossible to restrain it.

I have seen, Mr. President, under the guise of civil-service reform, men who shouted loudest in my own party use this very system, which is now attempted to be broadened and enlarged, as a powerful political machine to bring about results while they were clamoring and crying for civil-service reform and protesting that they were the only honest men. I take the case of the Baltimore post-office, enlarged as it has been. It embraces two entire Congressional districts, and reaches now, with this enlargement, to two more districts, not the entire districts, but within the districts, making it in touch with four of the six Congressional districts in the State of Maryland. From headquarters came the order to this man with enlarged power to select the men who should be sent to the Congress of the United States, and at least one of them came. I would limit the power by keeping those offices spread throughout the country in the hands of the people. I am sorry to say—and I do it without any disrespect—that we have been following too closely on the line we have charged has been the practice on the other side.

Mr. President, I trust the amendment will not be adopted. Let the law remain as it is. Let the experiment which has been inaugurated be tried in Boston and Brooklyn and Baltimore and Chicago and the other large cities; permit the consolidation of the offices within the corporate limits of those cities or within given territory, but do not extend the system, for it will be abused, as it has been abused.

Mr. VILAS. Mr. President, I desire to say but a very few words in reference to this subject; and I am sorry that, with respect to it, I am obliged to disagree to some extent with the distinguished Senator from Maryland [Mr. GORMAN]. I think the amendment ought to be adopted, and the reason for its adoption, in my opinion, which controls my judgment more than almost any other, is twofold. First, that perhaps there will be some improvement in the service; and I think there must be some improvement in the service resulting from its adoption. But the second one is that I think it will prove a step in the gradual extension of the principles of civil-service reform, as it is called, over the post-office system of the United States. There has been so much exploitation of civil-service reform by those who use the subject only to talk about it and to attract attention to themselves in regard to it that I do not care to spend any time arraying myself among the class of those who favor the principle for any other reason than because I believe it is the true principle for the maintenance of democratic institutions in the country. I do not use the term "democratic" in a political sense or with reference to any division of party. I use it in the sense of the principles which I profess as necessary to the maintenance of the system of republican government which we enjoy.

Mr. FRYE. No one suspected the distinguished Senator of such a use of the word, because everyone now understands that it would not have commended the amendment to the American people.

Mr. VILAS. I must decline to make a trivial jest with my distinguished friend the Senator from Maine when we are discussing something which I would prefer should be quite removed from partisan politics, and to discuss it upon the basis of a larger view.

Mr. FRYE. I am glad the Senator recognizes it as a jest.

Mr. VILAS. Perhaps something might be said on that subject in view of some recent developments which may lead us to hope that the American people are not quite ready to be sold or bought.

Mr. FRYE. The Senator is taking me altogether too seriously.

Mr. VILAS. Ah!

Mr. FRYE. Altogether too seriously.

Mr. VILAS. For a great many years there have been gradual, moderate efforts to improve the postal service of this country. It has grown and developed with enormous rapidity. Within ten years 20,000 new post-offices have been added. There is no country in the world which possesses anything like the number of post-offices that the United States affords to its people. Its use of railroads for the transportation of the mails is so great that almost as many miles of railroad are in the employ of the United States postal service as in all the rest of the globe combined.

The laws which control the system were devised at a very early day, when the post-office was placed in the hands of the Postmaster-General, and he himself in the first place declined to accept the appropriation which Congress made for an assistant, because he said he found himself able to do all the work of the office himself. But without much change in the system there has been a tremendous spread of its extension until the number of people employed in the Department now is probably not less than 150,000. It is necessary in such a vast force of men that there should be some division and separation, some orders established, as it were, in the arrangement of the force.

I do not understand, when we come to the particular subject of the post-offices, that anything very extraordinary is to be done

with the post-offices as they exist under the policy which the Postmaster-General proposes to try to a certain extent. Small post-offices lying within a district of country which may be better governed by one postmaster will be discontinued. In their place a station will be established. The clerk in charge of that station takes the place of the postmaster who was there. He will conduct the office substantially as the postmaster did. He can supply every convenience and advantage which the postmaster could supply to that community. He is just as much the servant of that community, he is just as much to belong to them, he is to be their man, to live with them, as he would be under the present system. The postmaster is appointed at Washington.

Mr. HILL. The Senator from Wisconsin will allow me for a moment. Is there any law requiring actual residence in the town where the post-office is located?

Mr. VILAS. The statute requires the postmaster to live in the town.

Mr. HILL. The clerk, however, can live in the city and be sent out into the rural district?

Mr. VILAS. It can be very easily corrected, if it is necessary.

Mr. HILL. It is a fact that he can be sent there? There is no law to the contrary?

Mr. VILAS. Perhaps the law does not explicitly say that a clerk shall live in the district where he serves.

Mr. HILL. If that be true, the clerk has not the same relations to the locality as has the postmaster who lives among the people and is a resident of the community.

Mr. VILAS. So far as the legal provision is concerned, there may be a slight difference. So far as the practical result is concerned, there can be none, in all probability.

The Postmaster-General now possesses the power to establish an office, to discontinue an office, to define the districts of country over which the authority of the office shall extend, to appoint the clerks, to assign them their compensation. I should prefer that the word "salary" in the amendment should be changed to "compensation," because we do not fix salaries for the clerks. The phrase generally employed, I believe, is "compensation." I merely mention that and call attention to it in passing. The Postmaster-General does not, as I understand it, intend to sweep away the system of post-offices in this country. It may have happened that in some particular instance an injury has been sustained or some wrong thing has been done. It would be a wonder if something of the kind did not happen in the administration of a system so vast. But if there be any fault of that kind, it is ordinarily immediately corrected when the facts are represented to that officer. It may be expected that a mistake of the kind will always be promptly corrected. If not, there is the same authority to correct the abuse of power which is intrusted to him that exists now.

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question or two which I regard as very important. Do I understand that as the law exists now and as it is proposed to perfect it, the Postmaster-General may, for instance, say that a post-office 50 miles from the city of Omaha in the country shall be a subpost-office of Omaha?

Mr. VILAS. The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Mr. ALLEN. Then I understand the Senator to assert this——

Mr. VILAS. But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that the power to establish or abolish a post-office exists, but what I want to know of the Senator——

Mr. VILAS. It has existed since the system was begun.

Mr. ALLEN. What I want to know of the Senator is how long there has been a law upon our statute books that would authorize the postmaster of the city of Baltimore, for instance, to create subpost-offices beyond the corporate limits of that city?

Mr. VILAS. I think since the system was originally devised.

Mr. ALLEN. Since the system was originally devised?

Mr. VILAS. Yes. The law now directs, and always has directed, everything within the postal service to be done by the Postmaster-General. The law says the Postmaster-General shall stamp and back stamp letters. The Postmaster-General carries the mail. The Postmaster-General does everything. Congress simply provides him with authority to employ means to do it. Originally postmasters were known as and called deputy postmasters, because they were the deputies only of the Postmaster-General. The phrase "deputy" was afterwards dropped.

Mr. ALLEN. The question I put to the Senator, which he does not answer—at least I have not heard his answer—is, how long has the Postmaster-General had the right, for instance, to create a subpost-office to the main post-office of the city of Baltimore beyond the corporate limits of the city of Baltimore?

Mr. LODGE. He has always had it.

Mr. VILAS. I think he has enjoyed the same right that he now has since the Government of the United States was instituted and the Post-Office Department was established, if I am not mistaken.

Mr. LODGE. He has always had it.

Mr. VILAS. He has always had it.

Mr. ALLEN. How long has the system of substations been in existence?

Mr. VILAS. A very great many years. I can not undertake to tell the Senator when the first substation was established. Probably it was in the city of New York. But it must be understood that there is a vast difference in the character and classes of substations. The Postmaster-General now has in the city of New York probably a hundred stations where nothing is permitted but the sale of stamps, others where letters are received and transmitted, others where money orders may be issued, others where various different descriptions of business may be done, so as to accommodate, by all the various agencies that he can provide, the community which is to be served.

This system is nothing new. It is merely to do for a community at large just what has been done ever since there was a necessity for it by the growth of population in localities.

Mr. ALLEN. If the position of the Senator from Wisconsin is correct, what is there to prevent the Postmaster-General from making, for instance, a post-office 400 miles across the entire width of the State of Nebraska a substation of the post-office at Omaha?

Mr. VILAS. We do not as a rule have Postmasters-General made of that stuff.

Mr. ALLEN. I ask what is there in the laws to prevent it?

Mr. VILAS. There is nothing in the law to prevent it. What is there in the law to prevent the Chief Justice of the United States from doing something unbecoming his station and abusing the lofty trust which is reposed in him?

Mr. ALLEN. There is the power of impeachment.

Mr. VILAS. The power of impeachment rests with Congress as regards the Postmaster-General equally as with respect to the Chief Justice.

Mr. ALLEN. Very well. If under existing law the Postmaster-General may—I am not saying certain whether or not he will—establish a subpost-office 400 miles from the city of Omaha, then the Postmaster-General may make the postmaster at Omaha the postmaster-general of the State of Nebraska, with every office under his control, and he may send from that city or from any other place a citizen, 400 miles from where he lives, to act as agent or postmaster in a given community. Is not that true?

Mr. WOLCOTT. I suggest that some of the railway mail clerks are much farther from home than that.

Mr. VILAS. I know; and Congress last year, when it was suggested——

Mr. ALLEN. I hope the Senator from Wisconsin will not undertake to avoid the question.

Mr. VILAS. I have not. I think I have answered it fully.

Mr. ALLEN. The Postmaster-General has the power, then, if he sees fit to exercise it, and we have to trust to his honesty or knowledge of the fitness of things as to whether he will exercise it.

Mr. VILAS. I think the Postmaster-General has almost a plenary, despotic power over the postal service.

Mr. ALLEN. He has the power to send into the community where I reside a man from a place 400 miles distant, who is to act as postmaster and distribute the mails to my people.

Mr. VILAS. Let me say——

Mr. ALLEN. Has he that power?

Mr. VILAS. Let me say to the Senator that he has the power to appoint a postmaster for the city in which the Senator resides, subject, perhaps, in that case, to confirmation by the Senate, from any place, and all that the law requires is that he shall be a resident of that city while he is postmaster.

Mr. ALLEN. That does not answer the question.

Mr. VILAS. It shows what great power——

Mr. ALLEN. The question is, has he the power to send a man from a point 300 or 400 miles distant from where those people live to administer the affairs of their office?

Mr. VILAS. I suppose he has power now to send one a thousand miles.

Mr. ALLEN. Yes; and the Senator wants to increase that power.

Mr. VILAS. Not at all. I do not propose to interfere with that power. I am simply proposing to regulate its exercise.

Mr. ALLEN. Does not the Senator think that the power should be curtailed and that the Postmaster-General should be confined in the creation of substations to the corporate limits within which the main office is situated?

Mr. VILAS. I do not. I think the power should be left substantially as it is.

Mr. ALLEN. Then I understand the Senator wants to take the power out of the hands of the people in their own community and centralize it in the hands of some one man in the State or in the hands of the Postmaster-General.

Mr. VILAS. Oh, Mr. President, the Senator from Nebraska is very far off. What power have the people now over a postmaster?

Mr. ALLEN. They have this power: By the established custom of the country, which has become a law, the postmaster must come from the community where the post-office is situated. He must be a member of that community whom the people approve—that is, whom they know and who can be answerable to them while he administers the affairs of the office, and not only at that time, but in his social, his business, and his political relations for all time.

Mr. VILAS. I should like to ask the Senator if he has not known of a great many instances—and if he has not, I presume other Senators have—where postmasters have been imported from a considerable distance to localities they afterwards served as postmasters? Does he not know also that in a great many instances postmasters have been appointed whose appointments were by no means in accordance with the desires and wishes of the communities they served?

Mr. ALLEN. I have known of the latter, but I have never known of the former.

Mr. VILAS. There have been instances of the former.

Mr. ALLEN. I do not think the American people would tolerate the importing of a man from one State or section of a State into another section of it to act as postmaster for them. There may be some instances——

Mr. VILAS. I agree entirely with the Senator from Nebraska that there is a force of public opinion which no officer of the Government would wantonly disregard, but it would be just as efficacious in respect to the appointment of clerks at stations where those post-offices were as it is now with respect to the appointment of the little postmasters, so called, who serve them.

Mr. GORMAN. Will the Senator from Wisconsin permit me for a moment?

Mr. VILAS. With pleasure.

Mr. GORMAN. Does not the Senator know the fact that the moment the offices are consolidated they go into the classified service? The moment that occurs the appointment of the substation agent or clerk must come from the classified civil-service list, and it will not be within the power of the Postmaster-General to select a resident of the neighborhood. He will have to take the first on the civil-service list, and he may be a resident of a place 200 miles distant. If the consolidation takes place there is no help for it. It destroys the right of the people in this respect.

Mr. VILAS. Let me answer the question first in this way. The first superintendent is the man now there.

Mr. GORMAN. That depends upon circumstances.

Mr. VILAS. The Postmaster-General's universal rule would be necessarily so. He makes the postmaster in charge of the office the clerk in charge of the station.

Mr. PLATT. He may not wish to remain as such, though.

Mr. VILAS. No, he may not; and then the civil-service rules, I understand, require that the eligible list from which clerks are chosen shall be made up of residents of the locality.

Mr. ALLEN. I wish to call the attention of the Senator from Wisconsin to this fact. I had occasion to investigate it a short time ago as respects a citizen of my own State. The Senator from Maryland is wrong in his statement that the Postmaster-General must take the first person on the classified list. He may go down to the very bottom of the list. A man may pass a perfect examination under the civil-service rule and may be eligible and remain upon the list for years and never receive an appointment, while some other man who has taken the examination is selected for an office. I know it from the fact that I investigated the matter some time ago with reference to a citizen of my State.

Mr. VILAS. I have no doubt at all that there have been many abuses and gross mistakes made in the administration of that law, as there may be in the administration of any new law.

Mr. ALLEN. One question more. Suppose a man living in the community where the post-office substation is located should pass an examination and be placed upon the classified list. What is to prevent the Postmaster-General from selecting some one from some other community, to pay a political debt possibly or a personal obligation, and sending him to that community to administer the affairs of the office?

Mr. VILAS. I think the rules of the civil service governing the mode of choice sufficiently provide to prevent the exercise of any such capricious or malicious authority.

Mr. BATE. Is not the Postmaster-General absolutely denied the right to appoint to one of those substations anybody outside of the civil service, although those on the eligible list may live ever so far away?

Mr. VILAS. I suppose he would be obliged, except in the first instance, to make the appointment, when the office is brought within the classified service, on the same principle upon which clerks are appointed in other offices now.

Mr. BATE. Has it not now gone so far in the classified service as to deny to the Postmaster-General the power to appoint anyone who may be a favorite in the neighborhood or anyone outside of the classified service, though there may be no one living in the community who is on the eligible list? Is he not denied that right now?

Mr. LODGE. Will the Senator from Wisconsin allow me on this point?

Mr. VILAS. I will. The Senator from Massachusetts wanted to interrupt me a few moments ago.

Mr. LODGE. I merely wish to say that the appointments in the classified service to local offices are made from the locality. They can not be made from elsewhere.

Mr. GORMAN. They are made from the States.

Mr. LODGE. I think they are made from the locality.

Mr. GORMAN. No; from the State.

Mr. LODGE. No. For instance, take the custom-house at Boston or Baltimore. A man can not be sent from Washington and put into the post-office or the custom-house at Baltimore or Boston.

Mr. GORMAN. But any——

Mr. LODGE. If the Senator from Maryland will allow me, in the substations the clerks of course are simply detailed from the force of the office. They are all, as a matter of fact, citizens of Boston or of Baltimore, within the Baltimore and Boston districts. I wish before I sit down to ask the Senator a question which I have been trying to ask him. The Senator from Maryland gave the impression that this is a new movement. Am I not right in saying that this consolidation in the metropolitan districts has extended over some years? Certainly it has been going on in Boston for ten or fifteen years.

Mr. VILAS. It has been gradually going on for a great many years. When I was in the Department I contemplated pushing the very system of extending the consolidation of offices with a view to the improvement of the service. But there were so many difficulties pressing at the time and there were so many other directions in which preparation was necessary for changes gradually coming over the Department that it was impossible to undertake this improvement, or it was thought inexpedient then to undertake it. I believe it will prove a great benefit and a great advantage to every community where one of these stations is located, and that instead of resulting in being poorly served they will enjoy a great deal more facility in respect to the use of the postal service.

Mr. BATE. As a matter of fact, the Senator from Wisconsin has not answered my question, if I understand him.

Mr. VILAS. I perhaps did not hear the Senator from Tennessee.

Mr. BATE. Has the Postmaster-General——

Mr. VILAS. I yielded to the Senator from Massachusetts [Mr. LODGE].

Mr. BATE. The Senator from Wisconsin yielded to the author of the amendment. Does the right now exist in the Postmaster-General to appoint to one of the substations anyone outside of the civil service, no matter how far those on the eligible list may reside from the city or the locality where the service is to be performed?

Mr. VILAS. Except in the first instance, I understand not.

Mr. BATE. Then my question went further. Suppose there is no one in that district, or around anywhere near the city, who belongs to the civil service, are they not going to import a man who may be objectionable to the people, and have they the right to do that under the law?

Mr. VILAS. As I understand it, all the eligibles for appointment to a post-office within a certain district must be made up from citizens within that post-office district.

Mr. GORMAN. No, no, Mr. President.

Mr. VILAS. I may be mistaken. I do not profess a particular knowledge of the rules of the Civil Service Commission.

Mr. GORMAN. The law is and the rule is that for a position in the custom-house in the city of Baltimore a resident of Maryland may apply, and so with regard to the post-office at Baltimore. So no matter in what part of the State a person may reside he is eligible to an examination, and if he passes it he is entitled to appointment when his name is reached. It embraces the whole State.

Mr. VILAS. I am under the impression that the Senator from Maryland is mistaken in regard to post-offices like the post-office in Baltimore. I think the rules do not admit the authority of the postmaster at Baltimore to appoint except from an eligible list

made up from citizens of Baltimore or of the district which is comprised within the Baltimore post-office.

Mr. WOLCOTT. I do not think perhaps the Senator from Wisconsin correctly understood the Senator from Tennessee [Mr. BATE]. I understood the Senator from Tennessee to ask if there was no one fitted to fill the office or to pass the examination in the locality where the post-office was, what would happen? I understand that under the rules of the Civil Service Commission, if there is nobody in the community who cares to act or who is intelligent enough to act, then the law permits the postmaster to go somewhere else and find a man who will act.

Mr. VILAS. I did not understand that to be the question of the Senator from Tennessee.

Mr. BATE. I ask if the postmaster is not denied the right of appointing anyone unless he belongs to the civil service in that community? I do not care how many there may be there who are capable and who might desire it, or might be popular with the people, and they might ask for their appointment, yet he is confined to the rule of the civil service in appointing some one who belongs to the district.

Mr. WOLCOTT. The Senator from Tennessee talks as if belonging to the civil service was like belonging to a fire company. Anyone who is 21 years of age and sound in health can present himself for examination. Four times a year or oftener there are examinations held, and anybody in a community is eligible to be examined. The civil service board go around and make as many stations as possible to receive applicants for examination, and the members of each community have a chance to be examined. If a vacancy occurs there is an examination, and anybody in the community may be examined.

Mr. BATE. I suppose, then, the man will have to wait after he has been examined. I have had something to do with the rule in trying to get appointments. In making the selection, they begin at the top, and the first three have to be chosen, I understand, and you can not go beyond that. I understand that they must make the selection in that way.

Mr. WOLCOTT. But giving preference to the locality.

Mr. LODGE. The entire three may be rejected by the appointing officers.

Mr. VILAS. Mr. President, I do not propose to spend much time in discussing the rules of the Civil Service Commission or the method by which they make their appointments. I only desire to say if these rules require amendment in order to perfect that system, let us amend them and perfect them. That is not the question I am now debating. I am merely insisting now that we shall get a far better service and that we shall very much relieve the country by the regulation of the system of post-offices so that we shall not have a vast number of independent post-offices scattered through the country to the extent that now prevails under no local supervision or control.

When I was in the Department, I asked Congress to give $100,000 extra for the inspection force one year in order that we might inspect the post-offices of the country. Congress made the appropriation for a particular inspection, and the post-offices were inspected by a systematic examination such as had never before taken place in the country. It was found that in these little local post-offices in remote quarters of the country gross abuses were perpetrated upon the service; that men obtained for themselves as much as $1,000 a year for salary when there was not in reality $50 of legitimate business in the office.

Mr. BATE. Will the Senator pardon me? He has had more experience than any other Senator, having been Postmaster-General. Was this system of substations in vogue when he was Postmaster-General, and did he ever make an appointment outside of a corporation?

Mr. VILAS. Substations were in existence long before I was Postmaster-General. There were many substations established by my order, and the postmaster in every case made the appointment at those substations.

Mr. BATE. But did he make the appointment from a list of eligibles after a civil-service examination?

Mr. VILAS. If the post-office was in the classified service, he did; if it was not within the classified service, he did not. The practice is simply this, let me say, so far as the Postmaster-General is concerned: He considers the service at a particular locality, sometimes upon reports of inspectors, sometimes he depends upon the report of the postmaster, and at other times sends out a commission for a special inquiry. Then he awards to that post-office so many clerks at such a salary; so many at such other salaries; so many in charge of stations; so many as assistants at stations; so many for a minor station where it is allowed, perhaps, $25 a year. Then the postmaster makes the appointments.

Mr. BATE. Have they a right to go to all ages? Are they not required to take persons between 40 years and 20 years, and does not that rule disfranchise two-thirds of the population?

Mr. VILAS. Whenever the office is within the classified service, they must comply with the rules fixed by the President for the guidance of the Civil Service Commission, but when it is not, the postmaster exercises his own discretion, subject to the review of the Postmaster-General.

Mr. BATE. He is confined to those ages, is he not?

Mr. VILAS. Not in the latter case. There are a great many—probably thousands—clerks in post-offices who are under the age of 20 years, and I suppose that will always be permitted; I presume in many of the cities persons under that age may now be employed. I am not quite certain in respect to that fact, however.

Mr. BATE. Pardon me; are those rules established by an act of legislation or is it done simply by a regulation of the Post-Office Department?

Mr. VILAS. The rules of the Civil Service Commission are prescribed by the President under the authority given to him by the act establishing the Civil Service Commission. They are, of course, in the first instance, prepared by the Civil Service Commission after a long study and examination into the nature of the case for which they are devised, but none of them have force until they receive approval, and thus may be said to receive the enacting force of the President, to whom Congress has committed the authority. It is just so with the regulations of the Army and the regulations of the Navy. The President is delegated with the authority.

Mr. BATE. One is a military and the other a civil department. I think there is a great difference.

Mr. VILAS. Certainly there is a great difference between them. There is great difference in the methods. But I want to add another thing.

I was about to explain that by reason of a very careful inspection of the post-offices which took place, and systematically, so that one section after another was swept with the examination as with a broom, no office being omitted from it, it was found that so many offices ought to be discontinued and so much saving was actually effected in the obliteration of abuses that the cost of the inspection was very much more than repaid by the immediate saving effected as its result.

This simply shows that what the Postmaster-General says in his letter is true, that there is needed some more immediate and direct inspection of the various local post-offices. How is it possible for the Postmaster-General or either of his four assistants to make an inspection of the offices even with the aid of the force of inspectors, who are generally very useful men and very effective men? I want to say right here that I am obliged to the Committee on Appropriations for one thing they have done in this bill. They have amended the provision which the House inserted that would change the rate of expense for an inspector from $4 a day to $3 a day. If we are going to effect savings in the expenses of this country I trust they will not be of that nature.

There is another consideration. Aside from the mere abuses which may be put upon the Department by these scattered postmasters without any local supervision and control, there is great risk of loss. Perhaps it is not known to the extent to which it is worth while it should be known that there is in this country a system of thieves whose business it is to rob post-offices. It is well known by the inspecting force that there is a well established and organized gang of thieves who devote their attention to post-offices. They particularly fall upon the little isolated post-offices. There the postmaster is obliged to get his stamps from the Department in order to supply the office, and almost invariably he carries a considerable amount in value of stamps. It is a very simple thing to rob such post-offices. The post-offices are often in stores, and often when they are in separate buildings there are a great many ways by which burglars can effect entrance to the post-offices. If we had a system like this, we ought to save a great deal in the mere matter of the burglaries which take place as well as in the losses by fire.

Mr. WHITE. Can the Senator from Wisconsin state how much was lost during the last year by burglaries in the postal service of the United States?

Mr. VILAS. I presume I could by referring to the figures.

Mr. WHITE. If the Senator has not the figures at hand he need not spend the time.

Mr. WOLCOTT. I can refer to it.

Mr. VILAS. It will be found in the report which lies on my table. It is usually a great many thousand dollars every year.

Mr. ALLEN. Does the Senator from Wisconsin know whether the postmasters at the small offices are more dishonest than those at the larger ones? Does he mean to assert that the percentage of dishonesty is greater among them?

Mr. VILAS. Not in the least. I am not speaking of the question of the honesty of postmasters in that respect. I am speaking of the exposure to thieves to which they are necessarily subjected.

Mr. WOLCOTT. I dislike to interrupt the Senator from Wisconsin unless he wants me to do so, but I have looked up the

figures on his behalf, and can answer the Senator from California if he desires.

Mr. VILAS. I will thank the Senator to do so.

Mr. WOLCOTT. The Department lost last year $138,000 and upward for burglaries committed, outside of the bills which Congress passed. The Department can only settle claims of $2,000 and under.

Mr. MILLS. What was the amount of revenue paid in by all the post-offices of the United States?

Mr. WOLCOTT. I do not know. The Senator can easily look it up.

Mr. ALLISON. About $85,000,000.

Mr. WOLCOTT. This $138,000 was a part of it; that was taken in, if that is what the Senator from Texas desires to know.

Mr. VILAS. Mr. President, I will not engage the attention of the Senate further in this matter. I have said a great deal more than I expected to say. I merely wish to say in general that as the result of such experience as I have been able to have I think this is one of those steps which with care, with prudence, with good common sense, with gentle and reasonable effort ought to be gradually pressed forward as a step in advance in the postal service and in the reformation of the business of the country.

Mr. HAWLEY. Mr. President, so far as I can discover the thing aimed at here is something I am not friendly to. Some one says, and everybody knows it, that the Postmaster-General has always had the power to discontinue a post-office, to consolidate one, or to establish a branch of a post-office. Certainly that was true a hundred years ago. We all know how it was exercised. But I deny that the law to that effect had in view anything whatever of the system that is now submitted for our consideration. I do not like it. I prefer the old-fashioned post-office in the country districts and suburban villages. One must confess that in a place like Boston and the neighborhood around there, where there are half a dozen municipalities, all practically one now, where the means of communication are exceedingly facile and easy, it is quite proper perhaps to make branch stations of the general office, as we have here in Washington and elsewhere. But that is a different thing from reaching out 5, 10, or 15 miles in the country and taking the old-fashioned rural post-office, which is an institution in the affections and traditions and feeling of the people.

Now, going out of my own town, I can imagine places you would not know anything about if I did name them, and you will find in some suburban village or country settlement one country store where by general consent the post-office has been kept for a generation. Very likely it is a place of resort; it is a fountain of news; it answers the purpose of a clubhouse, in a certain way, for the people of that neighborhood. The postmaster and his father before him knew everybody in the town. If he saw a country wagon moving along he would go to the door and hail the man to know if he was going by Oak Lane. "Yes." "Well, take along a weekly or religious newspaper or some letters to an old widow who lives out there. She has not been downtown this week." A hundred things of that sort occur to every man who has had the pleasure of living in one of those simple regions.

Now, there is to come to that little place some young gentleman who has happily passed a civil-service examination in the city 20 miles off. He does not know anybody there, he does not own a house, he has not a wife, he has not a shop at all, he has no place to put his post-office in, and the old postmaster does not look upon him with friendship and will not let him have a corner of the country store. What is he going to do? Who wants him, anyhow?

As the old concern goes on now, when the citizens get uneasy about some management of the post-office they make trouble for the postmaster certainly, and when he is their friend he is the only intermediary between them and the great fountain of power here in Washington. Under your system they may make complaint to this civil-service clerk, and he will give his own impression of it to a certain postmaster, and then it will, perhaps, go on to Washington or be entirely overruled in the beginning of it.

It is impossible to say that the postmaster—I beg pardon, the clerk—under the new system shall be a resident of his country post-office. It possibly might be the case, but he will more likely be a foreign element injected there. I dislike this thing because in a certain way it comes out of a tendency common to human nature, and, as the Senator from Alabama said, human nature is a thing not confined to a few persons; it is pretty generally diffused. It comes out of a tendency to think that you can boss other people and do their business better than they can do it, and a tendency to put everything on earth in the form of a machine.

I am a civil-service man. I was chairman of the committee that reported the bill, and I worked for it with all my power for months, but there is a possibility of carrying it to the ridiculous. If you carry out these forms and these ideas of minute organization and centralization of power, taking it away from the locality, you will not find in the end, in my judgment, that you have made any special improvement in the morals or in the business of the community. It is making a sort of military organization of it, gathering them into one shop like the hands in a factory or the soldiers in a company, to be under a central discipline. The central postmaster will have 50 or 100 postmasters in his district, and he will have, if he chooses to exercise it, obviously a great deal more political power than he has now. Inevitably the men he has under him will be more his slaves than anybody in the old-fashioned post-office, and it will be done under a machine known as the Civil Service Commission, carried to an extreme.

I do not like it. It is against the feeling, the old-fashioned feeling, of what the post-office ought to be. The postmaster, as a rule, is a respectable and capable man. As a rule the people collect the $85,000,000, and throughout the great body of the country the postmasters are practically chosen by the neighborhood. I had some experience as a member of the House, where I was supposed to select the postmasters over two counties. I do not think that I ever selected one. My practice was to write to one or two leading citizens in the locality when I found there was to be a resignation or heard there was a death and say, "Put half a dozen or ten names of your best men to an application for the man you think ought to be postmaster." Then I looked it over and said, "I know these men; that is all right. Whatever they say is just what the neighborhood wants." I simply viséd or indorsed it and sent it on here. That is the way I appointed postmasters. I give you my word I never appointed one because he was my political henchman; never. Now, I would a great deal rather be that kind of a postmaster, selected instinctively, as they are ninety-nine times out of a hundred, by the people whom the postmaster is to serve, and whom they knew beforehand, than to have a boy sent down because he has passed a civil-service examination.

Mr. ELKINS. I wish to ask the indulgence of the Senate to allow me to make a few observations on the amendment that is really pending, which is the subsidy to the Oceanic Mail Steamship Company, as I shall not be in the city on Monday. I shall not take more than ten or twenty minutes, if the Senate will allow me.

The VICE-PRESIDENT. The Senator from West Virginia will proceed.

Mr. ELKINS. Mr. President, I favor the amendment reported by the committee. The Oceanic Line is one of our American lines on the Pacific Ocean, and I think it is now in great peril owing to British competition. It needs this aid, but I doubt whether, when it gets it, it will be able to sustain itself.

In the able report of the Commissioner of Navigation for 1892 I find that he anticipated the difficulties this line would have to encounter in trying to sustain itself and continue business on the Pacific Ocean. I will read from the report what the Commissioner says in relation to the Oceanic Line. It will be found on page 13.

In this connection I would allude to the difficulties which just now threaten the Oceanic Steamship Company (American), which for years, under great difficulties, has maintained a monthly line between San Francisco and Australia. This line is composed of three American-built ships and one foreign-built ship. Upon the passage of the subsidy act of March 3, 1891, the Oceanic Company decided, upon purely business considerations, that it could not afford to tender for the carriage of the mails under the provisions of that act. It is, therefore, receiving from the United States the postage on the mails carried by it, which amount to about $5,000 per trip. Besides, it receives a subsidy from the Government of New Zealand, the Australian colonies having withdrawn the subsidies formerly paid by them. Just at this juncture the Canadian Pacific is scheming in Australasia and New Zealand and openly declares its intention of putting on a line of steamers heavily subsidized by the British and Canadian Governments. That, in the absence of some energetic action by the Government of the United States, would mean the destruction of a trade which has grown as follows:

*Merchandise value of imports and exports.*

| Year. | Exports. | Imports. |
|---|---|---|
| 1890 | $4,748,590 | $2,920,812 |
| 1891 | 13,017,132 | 6,230,021 |
| 1892 | 11,386,677 | 8,492,306 |

Mr. President, the anticipation of the Commissioner as to the establishment of a rival line by the Canadian Pacific has come about. The British and Canadian Governments have established a line on the Pacific Ocean in competition with the Oceanic Line, and it is running to-day from Vancouver to Australia. The amendment brought forward by the Committee on Appropriations is to save, if possible, this American line from being driven off the ocean by British competition.

In 1895 we paid for carrying foreign mails $1,173,561. Of this sum there was paid to American ships for carrying the mails $633,350. This is the only compensation that American ships got during that year. In the same year England paid for carrying the mails about $3,885,000, and suffered an actual loss in this

branch of her service of $2,225,000; that is to say, the mail service cost England $2,225,000 more than she received.

American citizens have only two steamship lines on the Pacific Ocean. One is the Pacific Mail, running from San Francisco to China and Japan, which receives a subsidy of $6,384 per trip; the other, the Oceanic Mail Steamship Company, the one which is under consideration and named in the amendment, receives about $5,000 per trip from the United States, according to the report of the Commissioner of Navigation, and received $4,400 a trip last year, as suggested to me by the Senator from California [Mr. PERKINS].

Now, let us see what British ships get in those waters in competition with the Oceanic and the Pacific Mail steamship lines. The British and Canadian lines on the Pacific Ocean to China and Japan from Vancouver get $400,000 a year from England and Canada, or $30,767 a trip.

How is the Pacific Mail Steamship Company to survive this sort of competition? The Pacific Mail Steamship Company gets $6,384 per trip, while one of the British steamship companies gets $30,767 per trip for like service, and the other, to Australia, gets about $175,000 per year.

How can the American lines survive this competition? How can they successfully compete against such odds? How can they stand out and hope to do business upon any profitable basis? It is simply impossible.

Only the other day it was decided to establish a fast steamship line from Halifax to Queenstown, and tenders have been invited to build this line, which is to consist of four first-class ships, as good as the *Teutonic*, to run 20 knots per hour, of 8,500 tons burden, and to make the trip in five and one-half days. Now listen to the subventions, or subsidies, if you please, which this line is going to get, making it the rival of any line out of New York City. It is to get from the Canadian Government a subsidy of $750,000 and from England $350,000 a year, making a total of $1,100,000 a year from those two Governments; nearly twice as much as all the American ships get for all the mails they carry.

Mr. PLATT. Is that the Montreal line?

Mr. ELKINS. It is the new line from Halifax to Queenstown. This fast line is to connect at Halifax with the Canadian Pacific Railroad, and at Vancouver the railroad is to connect with the Canadian Pacific Steamship Line to China and Japan and the other Canadian Pacific line to Australia. This is a vast scheme reaching halfway around the world, the Canadian Pacific Railroad forming the link on land. It is both a railroad and a shipping enterprise, and threatens the interest of the United States. The subsidies for these two steamship lines, one on the Pacific and the other on the Atlantic, amount in the aggregate to $1,500,000 per annum.

In connection with the efforts being made to destroy our shipping, particularly on the Pacific, I wish to read from the report of Gen. E. C. O'Brien, Commissioner of Navigation, for 1892, pages 11 and 12:

> The Canadian Pacific Railway was constructed almost entirely by gifts of money, gifts of constructed railroad, gifts of land, the guaranty of bonds and of stocks and franchises, exemptions from taxations, and exclusive privileges conferred upon the Canadian Pacific Railway Company by the Canadian Government. These gifts and subventions of various sorts amount to a donated capitalisation of about $210,000,000, a sum considerably in excess of the officially reputed cost of the entire Canadian Pacific Railway.
>
> The Canadian Pacific Railway Company has besides established a steamer line between the western terminus of its road and China and Japan. This line, started in the year 1886, is also heavily subsidized by the Canadian Government and by the British Government. The combined subventions and largesses to this transcontinental railroad and associated steamer line, with exemption from taxation, amount to a discriminating annual subvention of at least $10,000,000 over and above the aids extended to any transcontinental railroad in the United States, even in connection with the aids extended to any American steamer line plying between San Francisco and China and Japan. This powerful Canadian and British combination was inaugurated and consummated with the openly-avowed object in view of securing the control of the commerce of the United States with Asia and of diverting from American internal transportation lines and from American trade centers as large a portion as possible of our own domestic commerce. In all the wondrous history of British commercial aggression there is nothing so audacious or so potential. The whole enterprise seems to be predicated upon the long-continued failure of the United States to protect its own foreign commerce.

Mr. President, in view of this official statement—and I think it is borne out by the facts—how can the United States hope to meet and resist this vast combination? It is the greatest combination in the interest of trade and commerce ever formed on sea and land, and is backed by the treasuries of two governments.

Then, again, we are threatened on the south by another British line across the continent. It is stated upon good authority that English capital has brought about an arrangement by which she is to secure a railroad through Mexico, connecting the Gulf of Mexico and the Pacific Ocean. She already has a great line on the north, and will soon have one on the south; and our people sit idly by and make no attempt to meet this aggression and invasion of our commerce and our trade.

The Canadian Pacific Railroad, Mr. President, has been styled the Canadian Government on wheels, oiled and pushed by England. I make no such statement. But I do say it is the natural enemy of the transportation interests of the United States, and it stands to-day as our greatest commercial antagonist. It violates our interstate-commerce law with complacent indifference; it cuts rates, and it takes freights from our Pacific railroads, in which the United States has a direct interest. It hauls more cheaply from St. Louis and other interior points in our country, by way of Canada to Oregon and San Francisco, than the Pacific roads can do, though the distance is much shorter. It is a sharp competitor now for business with all the Pacific roads from and to California. For 2,000 miles the Canadian Pacific traverses a nonproductive country, one not able to support a railroad. It lives off its subventions and the business it takes from the railroads of the United States.

The agents of the Canadian Pacific Railroad Company, I am told, are now in Washington about this Capitol. I suppose they are here to make cut rates to Halifax, Vancouver, Hongkong, and Shanghai, and working against any aid being given to American steamship lines. This cutting of rates, this violation of our interstate commerce law, this invasion of our trade, should be stopped, and we can do it; we have the remedy in our own hands. All we have to do is simply to discontinue the bonding privilege, under which they carry goods in bond, starting from Vancouver, to Europe and points in the United States. I would suggest that we stop every car and break every consular seal at our frontiers beyond Chicago and the Soo. This would throw the trade from Asia to San Francisco and pass it over the Pacific Railroad lines. It would break up in part, or largely, the violation of the interstate-commerce law and stop the giving of rebates and the cutting of rates.

It is claimed that this bonding privilege, under which the Canadian Pacific Railroad Company is able to live and do business, is authorized under the twenty-ninth article of the treaty of Washington, which was entered into and ratified in 1871. At that time these privileges were confined exclusively to the Eastern roads and water routes. The Canadian Pacific never had been dreamed of at that time, and its construction took place long afterwards.

Under a fair construction of that treaty, the Canadian Pacific Railroad would have no right to pass its cars into the United States at points in the far West; and we have it in our power, by a rule or regulation of the Treasury Department, to open each car and examine the contents thereof. If that were done it would stop this invasion of our commerce, the taking of our trade, and the violation of the interstate-commerce act.

To oppose this active, open, and oppressive hostility to American trade, American steamships, and American railroads by England and Canada is the kind of Monroe doctrine I favor. And I am sure it will have better results to our people and their interests than a dispute with England over an obscure boundary in a foreign country 3,000 miles away. The United States, in my opinion, should at once withdraw this bonding privilege to the Canadian Pacific.

In twenty-six years we have collected from the tariff $4,300,000,000. That is an appalling sum. Our people have paid out to foreigners for foreign shipping about $4,100,000,000. The larger part of this vast sum of money could have been paid to our own people. It should have been kept in our own country, and would have been if we had extended the proper protection to American shipping.

From 1848 to 1891 Great Britain paid in the way of subsidies and mail pay to her steamers $197,027,789, while the United States paid in the way of mail payments and help only $25,546,330; that is to say, $8 to our $1 to support her shipping. We can not cope with England by subsidies at this late day. She is too strongly intrenched and established on the seas. It would take fifty years, if we should match our Treasury against England's, to even catch up or be on an equal footing with her in shipping and as a maritime power.

Mr. Chamberlain, in his speech of March 25 before the Canada Club in London, said:

> The greatest obligation is the imperial defense, the greatest interest the imperial trade. The former must be reached through the latter.

Why can not we learn a lesson from these utterances? This is the policy of England and this has made her the mistress of the sea, controlling the commerce of the world. If we were to adopt such a policy and protect our own interests, then we would be a great maritime and a naval power, the equal of England, our flag known and respected all over the world.

Mr. President, the question is how to bring this about. The Senator from Wisconsin [Mr. VILAS] in his speech yesterday opposed this amendment; he opposed subsidies. I take it this is so. I heard his speech and I take it he means that it is the duty of our Government to secure the transportation of the mails for the least amount of money, and therefore, if British ships will carry them cheaper, let the British ships have the business and the American ships go out of business. That is the way I interpret the Senator's speech. But, Mr. President, that would leave

us at the mercy of England without any shipping or without any pretension to being a maritime power.

The best plan that suggests itself to my mind is that we should go back to the teachings of our fathers, and that we should restore the old discriminating duties; that we should impose a tax of 10 per cent ad valorem, in addition to whatever tax is imposed by law, on all goods, wares, and merchandise imported into the United States in vessels not of the United States. It seems to me that this would settle the question upon the best possible basis and in time revive and restore our shipping.

Our first Congress, upon the recommendation of Washington, Madison, and Hamilton, passed just such a law as I suggest, which lasted more than twenty-six years; and under the operation of which, in 1807, we were equal to England in the shipping and carrying trade of the world. Such an act would take no money out of the Treasury. It would not be open to the objection that a subsidy is open to, and that our people so persistently fight and have fought. It would, on the contrary, put money into the Treasury, and at the same time give shipping a new life. If we would enact such a law, within two years we would find money coming into the Treasury and American ships in every port of the world. Under such a law our shipping would prosper at once.

We began our Government with protection to American manufacturers and likewise with protection to our shipping interests. We have continued, under constant assaults, however, protection to our manufactures, and the result is that we are the leading manufacturing nation of the world. At the end of twenty-six years of protection to shipping, by the persuasion of England we abandoned it. What is the condition now? Had we continued throwing around our shipping the same protection we afforded to our manufactures, our shipping interests would be in just the same condition that our manufacturing interests are, and we should be leading the world in shipping.

After seventy years of abandonment of protection to American shipping, the result is that to-day American ships are carrying but 11 per cent of our foreign trade, and we are getting worse off in that direction every year. It is very significant, however, and also gratifying, that this subject is engaging the attention of the country. I beg the indulgence of the Senate while I read from the platform adopted by the Republican convention of Massachusetts last week bearing on this subject.

> We have always given protection to our shipbuilders. In late years we have neglected to protect our shipowners. We believe the time has come to return to the policy of Washington and Hamilton, which by discriminating duties in favor of American bottoms secured 90 per cent of our carrying trade to American ships, and which, if now restored, would again revive our shipping and cause American freights to be paid to Americans.

That I believe to be sound doctrine. Listen to what Jefferson said on the same subject in 1791:

> If particular nations grasp at undue shares of our commerce, and more especially if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protective measures become necessary on the part of the nations whose marine sources are thus invaded, or it will be disarmed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce.—*Jefferson's Works*, volume 7, page 643.

Mr. President, what is the position of the United States? It has to-day the best business stand on this planet. On one side of us are 800,000,000 people, and on the other side 400,000,000 consumers. We are located between these vast populations; we have the longest seacoast line of any country in the world; we are the richest nation; we consume more and produce more than any other nation in the world. With these advantages and with a proper policy, we should be and we will be the greatest shipping and maritime power on earth.

But what is our present condition? As I have said, we carry only 11 per cent of our foreign trade, and this percentage is growing less every year. This is humiliating to Americans. Our flag is almost a myth and not known or seen in many important cities of the world. Notwithstanding our greatness, we are in some parts of the world almost an unknown people. Think of it! In 1895 only two American sailing vessels visited Liverpool, and during the same year not a single American vessel touched at the great cities of Glasgow, Hull, Cardiff, Belfast, Dublin, Stockholm, Portsmouth, Genoa, Naples, or Rotterdam. The United States flag was not seen on a ship in any one of those great cities of the world in 1895. In Barcelona only two American sailing vessels were seen last year. No wonder the Spaniards were willing to assault and insult our consul. What reason had they to believe that we had any flag, or a people capable of defending it? They scarcely ever see the flag of the United States in their waters.

In Bergen, the second largest city in Norway—and Norway is one of the largest shipping countries in the world, ranking next to Germany—the United States consul overcharged some person 25 cents in connection with a bill of lading. He was reported to the State Department, and on being called on for an explanation his answer was: "I am not familiar with the regulations, I confess. This is the first American ship that has come to this port in twenty-five years; and it is the first time I have had to look up the regulations."

Mr. President, I shall at some later day discuss further the question of discriminating duties. But in view of the circumstances surrounding this very steamship line, which needs this help, I state frankly that I do not believe that with the $80,000 with which we are trying to bolster it up it will be possible to save it for more than two or three years against Canadian and English opposition.

Mr. PASCO. I send to the desk an amendment which I intend to offer, and give notice of it now.

Mr. PLATT. Let it be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Florida will be read.

The SECRETARY. At the end of the pending amendment it is proposed to add:

> *Provided*, That nothing herein contained shall authorize the establishment of any substation or branch office beyond the limits of any city or town in which the principal office is established.

Mr. PASCO. I shall desire to say a few words in support of the amendment at some time on the next legislative day. I understand the bill is not to be further considered to-day.

Mr. ALLISON. If the Senator from Florida will yield to me, I will say that I do not expect to conclude the bill to-night, but hope to take it up on the next legislative day immediately after the routine morning business is disposed of. I have promised to yield to the Senator from Maine [Mr. FRYE] that he may ask for the consideration of a bill which he has in charge.

### HARBOR IMPROVEMENT AT PORTLAND, ME.

Mr. FRYE. I report at this time, from the Committee on Commerce, without amendment, a joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me., and ask unanimous consent for its immediate consideration, as it is important to get the information.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 494) constituting Stamford, Conn., a subport of entry;

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

### NORTH MANITOU LIGHT-HOUSE AND FOG SIGNAL.

Mr. HILL. I ask unanimous consent to have laid before the Senate House bill 3736, which came over from the House of Representatives this afternoon, so as to have it considered at this time.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan; which was read the first time by its title, and the second time at length, as follows:

> *Be it enacted, etc.*, That the Light-House Board be authorized to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan, heretofore appropriated for, and that the aforesaid board be authorized to lease the land necessary for the site of said aid to navigation until a perfect title to said site can be secured by condemnation proceedings.

Mr. HILL. This bill has been passed by the House of Representatives, and I am authorized by the Committee on Commerce to say that they have approved the bill informally and recommend its passage. I will state that it is also recommended by the Light-House Board, and it is important that it be passed immediately. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ROBERT M'GEE.

Mr. VEST. I ask the Senate to consider the bill (S. 229) for the relief of Robert McGee.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. If the Senator from Missouri will reduce the amount to $5,000 I shall not object; otherwise I shall object.

Mr. VEST. That is the report of the committee.

Mr. PETTIGREW. Ten thousand dollars is a very large sum in these times especially, and $5,000 is certainly more than enough. It comes out of the Indians of my State. I have heretofore objected to the passage of the bill.

Mr. VEST. I have simply to say in regard to this case that it is the most atrocious that has ever come within my observation even among Indian depredations. Mr. McGee was utterly incapacitated, by reason of the great outrages by this tribe, for any business whatever. The whole top of his head was absolutely removed by the tomahawk and the scalping knife, and to-day and since that time his living at all is almost a miracle. I have seen him. There is only a membrane, and you can see the pulsation of the brain.

In addition to that he has, as the report shows, some twenty-odd wounds, inflicted by lances and knives, and the surgeon of the United States Army who attended him, and who made the report upon the case, says that he can not explain how the man survived those injuries at all. He is an object of charity now and has been ever since. Ten thousand dollars is a mere pittance, if the Indians can ever be made to pay the money. I do not know——

Mr. PETTIGREW. I should like to ask the Senator from Missouri what committee reported the bill?

Mr. VEST. The bill was reported by the Committee on Indian Depredations. The report was made by the Senator's colleague [Mr. KYLE], and is filed with the bill.

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection being interposed, the bill goes over.

Mr. VEST. Then I shall ask the Senate to pass the bill when it is reached by the Senate on the Calendar, notwithstanding the objection of the Senator from South Dakota.

GEORGE H. TICE.

Mr. SEWELL. I ask unanimous consent to call up the bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 6, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 2, 1896.*

ASSISTANT ATTORNEY-GENERAL.

William A. Little, of Georgia, to be Assistant Attorney-General, vice John I. Hall, resigned, to take effect May 1, 1896.

POSTMASTERS.

Richard P. Nelson, to be postmaster at Juneau, in the Territory of Alaska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

I. B. Barnes, to be postmaster at Ferndale, in the county of Humboldt and State of California, in the place of Garland W. Dungan, resigned.

Mary Hansborough, to be postmaster at University, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Thomas M. Greene, to be postmaster at Tifton, in the county of Berrien and State of Georgia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Frederick Holtz, to be postmaster at Williamsport, in the county of Warren and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Herman A. Kohnke, to be postmaster at Hammond, in the county of Tangipahoa and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Simon B. Guthrie, to be postmaster at Gorham, in the county of Cumberland and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

James Hudson, to be postmaster at Guilford, in the county of Piscataquis and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Cheney E. Parker, to be postmaster at Phillips, in the county of Franklin and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles Kernan, to be postmaster at Newaygo, in the county of Newaygo and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

William O. Wallace, to be postmaster at Glenwood, in the county of Pope and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Catherine E. McInnis, to be postmaster at Mosspoint, in the county of Jackson and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles S. Millen, to be postmaster at King City, in the county of Gentry and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Alfred G. Rodgers, to be postmaster at Wymore, in the county of Gage and State of Nebraska, in the place of William H. Dolan, resigned.

William Morgan, to be postmaster at South River, in the county of Middlesex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles M. Goodspeed, to be postmaster at Shamrock, in the county of Onondaga and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

J. Crawford Hoag, to be postmaster at Akron, in the county of Erie and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

John Leonard, to be postmaster at Port Chester, in the county of Westchester and State of New York, in the place of William H. Hyler, whose commission will expire April 8, 1896.

Bernard Indlekofer, to be postmaster at Weston, in the county of Wood and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Frank Verrier, to be postmaster at Fayette, in the county of Fulton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Alexander J. Myers, to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Jay R. Worst, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Charles Quinn, to be postmaster at Riverpoint, in the county of Kent and State of Rhode Island, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Landrum Padgett, to be postmaster at Pelzer, in the county of Anderson and State of South Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Daniel Rice, to be postmaster at Tennessee City, in the county of Dickson and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Isaac O. Epes, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Mathias Melchior, to be postmaster at Ahnapee, in the county of Kewaunee and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

Louis Schuknecht, to be postmaster at Mayville, in the county of Dodge and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1896.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 2, 1896.*

UNITED STATES ATTORNEY.

Charles W. Comstock, of Connecticut, to be attorney of the United States for the district of Connecticut.

ASSISTANT APPRAISER OF MERCHANDISE.

John B. Dusenberry, of New Jersey, to be an assistant appraiser of merchandise in the district of New York, in the State of New York.

POSTMASTERS.

Albert Snyder, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania.

Jesse M. Ballard, to be postmaster at Marion, in the county of Grant and State of Indiana.

T. G. Boyer, to be postmaster at Altamont, in the county of Effingham and State of Illinois.

Thomas A. Weger, to be postmaster at Delphos, in the county of Allen and State of Ohio.

Joseph N. Wheatley, to be postmaster at Chestertown, in the county of Kent and State of Maryland.

E. C. McKay, to be postmaster at Conneautville, in the county of Crawford and State of Pennsylvania.

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## HOUSE OF REPRESENTATIVES.

### THURSDAY, *April 2, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

A. P. BROWN.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the sum of $388.08 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing A. P. Brown, late postmaster at Le Mars, Iowa, for loss sustained by reason of burglary of postage stamps and money from said post-office on January 9, 1894.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES P. ANDERSON.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 641) for the relief of Charles P. Anderson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury pay to Charles P. Anderson, late first lieutenant of Company B, Second Regiment Arkansas Infantry Volunteers, out of any moneys in the Treasury not otherwise appropriated, a sum equal to the pay of a first lieutenant for the period beginning on the 10th day of September, 1863, and ending on the 16th day of February, A. D. 1864: *Provided*, That the Secretary of the Treasury shall deduct from the sum so paid claimant any sums which have been heretofore paid him by the United States for his services in any military or other capacity from September 10, 1863, to February 16, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. I would like to have some explanation as to this bill; why, at this late date, you want this officer paid? This has been running over a period of some thirty years.

Mr. TERRY. Mr. Speaker, I ask that the report of the Committee on War Claims be read, which will answer fully the inquiry of the gentleman from Texas.

The report (by Mr. COOPER of Texas) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 641) entitled "A bill for the relief of Charles P. Anderson," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-third Congress, hereto attached and made a part of this report:

[House Report No. 350, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 2560) for the relief of Charles P. Anderson, submit the following report:

A bill, in all respects like the present one, for the relief of this claimant was investigated by this committee in the first session of the Fifty-second Congress, upon which the following report was submitted by Mr. CONN of Missouri:

"The Committee on War Claims, to whom was referred the bill (H. R. 3827) for the relief of Charles P. Anderson, submit the following report:

"This is a claim for pay for services rendered prior to muster by Charles P. Anderson, formerly first lieutenant Company B, Second Regiment Arkansas Infantry Volunteers.

"It appears from the petition and evidence filed in support thereof that Charles P. Anderson was appointed first lieutenant of said company and regiment on September 10, 1863. He was mustered into service as first lieutenant Company B, Second Arkansas Infantry Volunteers, to date from February 16, 1864, to fill an original vacancy. He tendered his resignation as such September 14, 1864, which was accepted September 19, 1864.

"By the act of Congress approved June 3, 1884, it was intended by a general bill to give relief in this class of claims, and it appears that Mr. Anderson presented his case to the War Department under the act, and that his case has been decided adversely, because 'there is no record of a commission or appointment having been issued for him as of the grade and organization named; there was then no governor of Arkansas.'

"In the latter part of the summer of 1863 the Secretary of War transmitted to Maj. Gen. John M. Schofield, then commanding the Department of the Missouri, authority to organize and equip Union soldiers from citizens of Arkansas. In conformity with that authority General Schofield, in paragraph 5 of Special Orders, No. 238, dated at St. Louis, Mo., September 1, 1863, put Brig. Gen. John McNeil, commanding the District of Southwest Missouri, in charge of the organization of the troops. General McNeil was also instructed to appoint some officers to take immediate charge of organizing the troops. The officer thus appointed was authorized to recommend, with the concurrence of General McNeil, competent and efficient men to fill the positions of company officers in the various companies raised, such officers to be taken as far as practicable from citizens of Arkansas, the recommendation so made to be forwarded to department headquarters for reference to the Secretary of War.

"In pursuance of these orders M. L. Stephenson was appointed by General McNeil to take immediate supervision of the organization of the Second Arkansas Infantry by paragraph 7, Special Orders, No. 170, dated at headquarters, District of Southwest Missouri, Springfield, Mo., August 31, 1863. Charles P. Anderson was appointed first lieutenant of Company B, Second Regiment of Arkansas Infantry, under this authority on the 10th of September, 1863.

"While the decision of the War Department may be in accordance with the law, the fact remains that from September 10, 1863, to February 16, 1864, Anderson was on duty and recognized as first lieutenant; that his services as such were accepted by the Government. Having obtained the benefit of Anderson's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor, and your committee is of opinion that payment should be made Mr. Anderson."

In the conclusion reached and stated in said report the present committee concur, except in one particular.

It is obvious that if the claimant was paid by the United States in any other capacity than as first lieutenant for the period between September 10, 1863, and February 16, 1864, the sums so paid ought to be deducted from the payment authorized by this bill.

The committee therefore recommend that the bill be amended by adding this clause:

"*Provided*, That the Secretary of the Treasury shall deduct from the sum so paid claimant any sums which have been heretofore paid him by the United States for his services in any military or other capacity from September 10, 1863, to February 16, 1864."

The committee also recommend the following amendment to correct an error in drafting the bill:

In line 7 strike out "second lieutenant" and insert "first lieutenant."

And the committee recommend to the House that when so amended the bill do pass.

Mr. HULL. Mr. Speaker, reserving the right to object, inasmuch as I could not hear all of the report read owing to the confusion on the floor, I would like to ask the gentleman in charge of this bill if the command to which this man was attached was ever mustered?

Mr. TERRY. No, sir. The facts are these, I will state to the gentleman and to the House, so that there can be no misapprehension in reference to the matter:

This man went into the service on the 10th day of September, 1863, but a point was raised that there was no governor of the State of Arkansas at that time to commission him, and he was not duly mustered until February, 1864. The report shows, and the facts are, that he was doing duty and served as a first lieutenant in the Army of the United States from the date he entered the service—that is, September, 1863, and there was a general bill passed in 1884 which it was supposed would give relief in this and similar cases. But the point was made that he was not duly mustered in at that time, and it was answered there was no governor to grant commissions. We did have a governor, it is true, but he was on the other side of that business. Mr. Anderson was mustered under authority of the Secretary of War, transmitted to General Schofield, who placed General McNeil in command of the troops authorized to be raised in Arkansas.

Mr. HULL. Do the records of the War Department show that this man was on the rolls at that time?

Mr. TERRY. I suppose the roll that went to the Department would be the roll that was made up after he was mustered, but the report of the committee shows that he performed the service as first lieutenant, that he was recognized as such, although he did not receive pay from the 10th of September, 1863, until the date specified in the bill. The bill was fully considered and unanimously reported by the Committee on War Claims, and if there is any objection to the relief asked, I have no knowledge of it. Mr. Anderson is a very worthy man.

Mr. HULL. Mr. Speaker, it seems to me that these bills ought to be investigated as to the remuster. We have before the Military Committee probably 300 bills or more of this character.

Mr. GROSVENOR. There is another very important question,

and that is, whether the command was of a size that authorized the muster in.

Mr. HULL. I was going to refer to that. We have a large number of Tennessee cases especially. The law of 1863 provided that a man, even if he was regularly commissioned, could not be mustered unless he had a command of sufficient size to justify mustering a commissioned officer. In other words, under the law of 1863, in a large number of these cases there was no vacancy for a man to be mustered in even if he had been commissioned.

Mr. TERRY. This was a full regiment, as I understand, and I will call the attention of the gentleman to this part of the report——

Mr. HULL. I object, because I think the matter ought to be investigated. I hope the gentleman will withdraw the bill and let it go over until to-morrow, until I can tell whether I will object or not.

The SPEAKER. Objection is made.

T. J. PITZER.

Mr. COLSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4842) for the relief of T. J. Pitzer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he hereby is, directed to pay to T. J. Pitzer, of Barbourville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of $400 for mules taken from him and used for the public service during the late civil war.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4842) for the relief of T. J. Pitzer, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Forty-ninth Congress, a copy of which is hereto appended and made a part of this report.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 1625, Forty-ninth Congress, first session.]

The claimant, Thomas J. Pitzer, of Knox County, Ky., brings this claim for $400, the price of two good mules taken from him in 1864, at or near Barbourville, Ky. The proof is conclusive that claimant was a loyal citizen, and it is equally as well shown that the two mules were taken and used by the Army of the United States. The witnesses differ a little as to the value of the mules, one witness fixing the value at $150 each, and the other at $200 each. The committee fix the value at the sum of $200 each, making $400 for the two, and this sum they recommend be paid claimant. The committee think there is nothing in the statement of the agent of the Quartermaster-General that claimant purchased these mules from some men residing in a State in insurrection, there being absolutely nothing in the record to show any collusion or bad faith in any part of the transaction.

The committee are of opinion that the claim should be allowed, and therefore recommend that the bill do pass.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the chairman of the Committee on War Claims, or any member of that committee if any member be present, what is the aggregate of the claims for mules taken in the war by our forces? How many bills are now pending?

Mr. DOCKERY. And for horses also?

Mr. BARTLETT of New York. And I should like to ask further why these claims should not take the same course that is taken by other claims for supplies? Is there any difference in law between a claim for a mule and a claim for corn or oats or hay?

Mr. COLSON. Mr. Speaker, I am not on the Committee on War Claims, but this bill has come through the proper channel. It is a meritorious claim, it was early established, and this money should have been paid years ago. This man is entitled to the value of his mules, which were taken and used by the Government, as shown by the testimony on file in the committee room. I hope there will be no objection to the consideration of the bill.

Mr. BARTLETT of New York. I should like to ask if this claim has been considered by the Court of Claims?

Mr. COLSON. It has not, and it is not such a claim as should properly go to the Court of Claims.

Mr. BARTLETT of New York. I should like to ask whether the claimant, the alleged owner of the mules, was a loyal man or not?

Mr. COLSON. His loyalty is shown by the testimony on file in the committee.

Mr. BARTLETT of New York. Was he loyal throughout the war?

Mr. COLSON. Loyal throughout the war, as shown by the testimony.

Mr. LOUD. How many mules are provided for in this bill?

Mr. COLSON. Two.

Mr. LOUD. And $400 is asked?

Mr. COLSON. Two hundred dollars each. They are shown by the testimony to have been worth that, and this man has been kept out of his money for a long time.

Mr. BARTLETT of New York. Mr. Speaker, I should like to state that I understand there is another mule bill to be brought up for consideration after this one, and the price of the mules in that bill is $150 each.

Mr. COLSON. Mr. Speaker, these were Kentucky mules. [Laughter.]

Mr. BARTLETT of New York. I move that the bill be amended by substituting $300 for $400. Will that amendment be accepted?

Mr. COLSON. No; I do not accept that amendment.

The SPEAKER. The amendment is not in order until consent is given for the consideration of the bill. Is there objection to the present consideration of the bill?

Mr. LOUD. I object, Mr. Speaker.

BONDS OF THE TERRITORY OF NEW MEXICO.

Mr. LOW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory.

The bill was read.

The SPEAKER. The bill which has been read has passed the House.

Mr. LOW. There is a Senate amendment to this bill.

Mr. LACEY. There is a Senate amendment and a House amendment to the Senate amendment.

The SPEAKER. The Chair has the engrossed copy——

Mr. DOCKERY. Just a word——

The SPEAKER (continuing). Which will be read to the House. This is a House bill with Senate amendments. The House bill will be read first, and then the amendments offered by the Senate.

Mr. DOCKERY. And it is a request for unanimous consent.

The SPEAKER. The Chair understands it is a request for unanimous consent.

Mr. OWENS. I believe in addition to the Senate amendments the bill was reported back from the Committee on Territories with the recommendation that the House concur in the Senate amendments with an amendment.

The SPEAKER. The Chair will see that the Clerk reports the bill so that the House can understand it. The Clerk will first report the House bill.

The House bill was read.

The SPEAKER. The Clerk will now report the amendments of the Senate.

The Senate amendments were read.

The SPEAKER. The Clerk will now read the recommendation of the committee. The gentleman from New York will state what the action of the committee was.

Mr. LOW. The committee reported favorably on the bill and amendments.

The SPEAKER. What amendment?

Mr. LOW. The Senate amendment and the amendment made in the committee.

Mr. COOPER of Texas. Mr. Speaker, this is a bill that involves an important question of law as well as of fact, and was only reported yesterday, and therefore I will have to object to its present consideration.

The SPEAKER. Objection is made.

FREDERICK VAN GUILDER.

Mr. HEATWOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3046) for the relief of Frederick Van Guilder.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Frederick Van Guilder upon the records of Company K, One hundred and twenty-third New York Volunteers, and to issue to him an honorable discharge, to date July 6, 1863.

SEC. 2. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if that bill was considered at a Friday night session?

Mr. HEATWOLE. It was favorably considered last Friday evening and recommended to pass.

Mr. BARTLETT of New York. I would like to have an explanation of the bill.

Mr. HEATWOLE. Mr. Speaker, the gentleman named in this bill enlisted in a New York regiment, and the muster rolls were mislaid and not sent to the proper officers. Mr. Van Guilder served about eleven months with the regiment without pay, and it was also refused to issue clothing to him. After the fight at Gettysburg, in which he participated the first day, he surrendered to the provost-marshal at Baltimore, who sent to Washington to find whether this man had been mustered in. The records did not show that he had been mustered, and the provost-marshal then gave him a pass to New York and discharged him. Afterwards the muster rolls were found at Albany and sent to Washington, and then this man was marked as a deserter. He afterwards enlisted in a Vermont regiment, and served throughout the war and was honorably discharged. The bill passed through the Committee of the Whole last Friday night without objection.

This bill has been favorably considered by Colonel Ainsworth, of the War Department.

Mr. BARTLETT of New York. What is the object—to give him a pension?

Mr. HEATWOLE. He did not know until a few years ago that this charge was against him. He is in every way an honorable man. I am personally acquainted with him, and can vouch for him.

Mr. TALBERT. I would like to state that this bill came up at the last Friday night session and there was no objection.

Mr. BARTLETT of New York. But the gentleman from South Carolina agrees to a number of bills I can not. For instance, the other day he advocated ducling, notwithstanding——

Mr. TALBERT. Oh, no.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEATWOLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL BURRELL.

Mr. BURRELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2320) for the relief of Samuel Burrell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Samuel Burrell, late first lieutenant of Company M, Fifth Illinois Cavalry Volunteers, and grant him an honorable discharge, to date from November 26, 1862.

Mr. BARTLETT of New York. I should like to ask if this bill has been considered at a Friday night session?

Mr. BURRELL. It has been through both committees some time back.

Mr. BARTLETT of New York. Has it been considered at the Friday night sessions?

Mr. BURRELL. Last Friday night?

Mr. BARTLETT of New York. Any Friday night?

Mr. BURRELL. Yes, sir.

Mr. BARTLETT of New York. I should like an explanation of the bill.

Mr. BURRELL. If the gentleman insists I will ask for the reading of the report. The bill passed in the Fifty-first, Fifty-second, and the Fifty-third Congresses, and there was no objection to it. It is simply to correct an error in the record.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee are as follows:

Strike out all of line 8 and insert in lieu thereof the words "April 13, 1863"; also by adding thereto the following: "*Provided*, That he shall receive no pay or allowance by virtue of this act."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURRELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska; and

A bill (H. R. 4632) for the relief of Frederick B. Betts, Nichols & Co.

The message also announced that the Senate had passed without amendment the following resolution:

*Resolved by the House of Representatives (the Senate concurring)*, That the concurrent resolution passed by Congress on the 27th day of July, 1894, authorizing and providing for the Compilation of all the Annual, Special, and Veto Messages, Proclamations, and Inaugural Addresses of the Presidents of the United States from 1789 to 1894, inclusive, be, and the same is hereby, amended, so as to strike out of the resolution the words "to 1894, inclusive," and insert in lieu thereof the words "to March 4, 1897," so as to require said compilation to be brought down to the ending of the present Administration; and the Public Printer is hereby authorized and directed to apply so much of the money appropriated for public printing and binding for the current year, in addition to the $300 heretofore appropriated or set apart for that purpose, as may be found necessary to complete the copying of the said messages and other documents for printing.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations, of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

Also:

*Resolved by the Senate (the House of Representatives concurring)*. That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1893; 2,000 copies for the Senate and 3,000 copies for the House of Representatives.

Also:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 941) granting to the Atchison and Nebraska Railroad Company, and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the following Senate bill was taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1205) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894—to the Committee on Military Affairs.

VENEZUELA.

Mr. HITT. Mr. Speaker, I submit a report on a privileged question from the Committee on Foreign Affairs.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred House resolution No. 225, respectfully report the same back and recommend its adoption.

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the House of Representatives copies of all dispatches, notes, and cablegrams in the Department of State, from and after the 1st day of December, 1895, until the present time, that relate to mediation or intervention by the United States in the affairs of Venezuela, together with all correspondence with foreign governments relating to the same topic.

Mr. HITT. Mr. Speaker, the resolution is guarded as in case of resolutions of inquiry ordinarily. It has received the assent of all the members of the Committee on Foreign Affairs who are at present in the city, and I hope it will be passed without objection.

The resolution was adopted.

CORRECTION.

Mr. STEELE. Mr. Speaker, I desire to correct a statement which I made on the floor yesterday. I stated that the general treasurer of the Soldiers' Home was compelled to give a security company bond by some officer of the Government, presumably by the Secretary of War, as he was the officer to whom the bond was made. My information was incorrect as to the treasurer having been compelled to give such a bond. What seemed to force the action of the treasurer in securing the bond was the fact that the Homes had been without funds for about three months and that he could more readily and promptly secure a bond from the security company than a personal bond. That was what induced him to give the security company bond, and not any requirement by the Secretary of War.

Mr. BLUE. Will the gentleman let me ask him a question?

Mr. STEELE. Yes, sir.

Mr. BLUE. Is it not a fact that you have appointed a man as general treasurer of the Home who can not give any other kind of bond?

Mr. STEELE. It is not a fact.

Mr. BLUE. Are you sure of that?

Mr. STEELE. I am.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker——

Mr. CANNON. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. CANNON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the sundry civil appropriation bill.

DEPARTMENT OF JUSTICE.

Mr. BINGHAM. Mr. Speaker, pending that motion, with the permission of the gentleman and of the House, I will say that there is a very decided contention between the House and the Senate upon the legislative, executive, and judicial appropriation bill with reference to the compensation of the subordinates of the Department of Justice, and I desire to have printed in the RECORD, for the information of the House in the future, a letter from the late district attorney for the eastern district of Pennsylvania, Mr. Ingham, who went out of office yesterday and whose successor comes in to-day. I desire to have that letter put into the RECORD for future use by members of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, to have printed in the RECORD the letter described by him?

Mr. RICHARDSON. I will ask the gentleman whether there is anything political in the letter?

Mr. BINGHAM. Nothing whatever. It simply relates to the question of fees as against other methods of compensation.

There was no objection.

The letter is as follows:

PHILADELPHIA, *March 31, 1896.*

MY DEAR SIR: Referring to the bill fixing the salaries of United States attorneys, in which Philadelphia is placed at $5,000, and at a lower rate than Chicago, Boston, and several other districts, notably several in the Western and Southern States, I desire to again call to your attention the large amount of important litigation which is transacted in this district and causes it to rank second in the country in the number and importance of the cases tried.

In the first place, the business in the criminal court here is large and would be much larger if many trivial cases were prosecuted. There never has been a year for many years when the United States attorney could not earn his maximum in criminal cases alone had the office been conducted with that object in view, but to the credit of the several gentlemen who have held the position it has been the uniform practice to issue warrants only when a prima facie case was made out and the offense a proper one to prosecute.

The criminal cases which I have in mind which required careful preparation (in some of them weeks and months) during my term of office, are—

United States *vs.* Evans, director Spring Garden National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* Young, director Spring Garden National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* H. H. Yard. Indicted for aiding and abetting officers of the Keystone National Bank. Acquitted.

United States *vs.* C. W. and E. M. Raymond, directors Middletown National Bank. Convicted under section 5209, Revised Statutes.

United States *vs.* Hunter, cashier Phœnixville National Bank. Convicted.

United States *vs.* Grady, cashier Marietta National Bank. Convicted.

United States *vs.* Baker, teller Consolidation National Bank. Convicted.

United States *vs.* Halterman, teller Columbia National Bank. Convicted.

United States *vs.* ——, cashier Ellenville National Bank. Convicted.

United States *vs.* Cochran. Robbing the United States Mint of $110,000. Convicted.

United States *vs.* Garfinkle et al. Organized band of counterfeiters. Convicted.

United States *vs.* Rosengarten et al. Organized band of counterfeiters. Convicted.

United States *vs.* Wibourg et al. Aiding a military expedition against Spain and landing force on the Island of Cuba. Convicted.

United States *vs.* Durland et al. and United States *vs.* Chambers et al. Schemes to defraud by means of investment companies. Convicted.

In the district court there are also a large number of civil cases. These are suits on official bonds; suits to recover duties, and various other cases. Among those I now think of as being more difficult of preparation than ordinary are—

United States *vs.* E. C. Knight et al. This was the sugar-trust case, involving the validity of the sale of four sugar refineries in Philadelphia to the sugar trust at a price of over $20,000,000. It occupied much of my time in the years 1892 and 1893; was argued in the district court and in the circuit court of appeals. I was never allowed any compensation for this, but would, I presume, be entitled to a docket fee of $20.

United States *vs.* Queen et al. A suit to recover duties on certain lenses. The case was tried twice, and involved a large sum of money, and established a new principle of law in favor of the Government.

United States *vs.* Snowden et al. Suit on official bond of H. S. Cochran, convicted of robbing the mint.

United States *vs.* Bosbyshell et al. Suit on official bond on account of defalcation of H. S. Cochran.

United States *vs.* Lees, United States *vs.* Wanamaker, and several other cases, for importing alien laborers under contract.

United States *vs.* Kenworthy. A suit for duties. Tried twice in the district court and once in the circuit court of appeals.

This list could be prolonged indefinitely, but is sufficient to show the character of the civil business in the district court. In addition to this there were a number of cases in admiralty—actions by the United States for penalties and forfeitures, and actions against the United States for salvage.

In the circuit court all the customs cases are tried. The United States attorney receives compensation for his services in these cases, which does not appear in his emolument account. Under the new act he must perform this service without any compensation. The cases are of vast importance to the Government. To be well tried they must be prepared thoroughly, and no class of cases are harder to understand and intelligently prepare. It is a distinct branch of the law, as much so as patent cases, and to do good work the United States attorney must spend much time and thought in the preparation of his cases. To convince one of the necessity of good legal ability in this class of cases it is only necessary to refer to the Hat Trimming Cases, several of which were tried in Philadelphia. These cases involve $25,000,000, and the ablest customs lawyers in the country are employed by the plaintiffs. The customs cases are very numerous; hundreds of them are still pending in Philadelphia; and the new cases under the act of June 10, 1890, are also numerous. During my term of office I disposed of a great many of these cases. The more important ones were those known as the Tile Cases. The winning of this case saved the United States in Philadelphia $20,000, and in New York I am informed more than $100,000. I also tried and won the Wool Waste Case, which involved quite as much money; the Yarn Case, which involved a large sum of money, and many others. The importance of properly trying these cases is not alone for the amount actually involved in the case, but because the Treasury Department follows the decisions and applies them to all other cases of a like nature wherever pending.

There is no district in the country where more favorable results to the Government have been obtained than in Philadelphia, and this has been largely owing to the fact that the cases were thoroughly prepared and the facts completely digested before going into court. The bulk of these cases are tried in New York, Philadelphia, Boston, Chicago, Baltimore, and New Orleans.

It certainly seems a short-sighted policy to ask a lawyer in addition to trying all the criminal and civil cases in the district court to go into the circuit court and try the customs cases as they should be tried all on a salary of $5,000, when his predecessors have all earned from $8,000 to $15,000 per annum for like services.

But in addition to the customs cases in the circuit court there are also condemnation proceedings and other cases; for example, the Interstate Commerce Commission *vs.* the Lehigh Valley Railroad, which has just been argued, but which has required attention in taking testimony, etc., for several years.

In condemnation proceedings during my term of office I have had several very important and difficult cases. The site for a new mint at Sixth and Walnut streets required months of the severest labor. There were 140 different defendants. Each case had to be separately prepared. Experts had to be employed, and as the Treasury Department requested quick work, it kept the office busy almost day and night. The owners claimed $1,600,000 and were allowed $800,000. The site not being approved, I brought new proceedings against the site at Broad and Race streets. The defendants were not so numerous, but the work was severe. The owners asked $1,200,000 and were awarded $550,000. Appeals were taken and cases tried in the circuit court before a jury of twelve.

Also I have had several proceedings for condemnation of land on the Gettysburg battlefield. The ground was owned by an electric railway company, which made the most bitter opposition. My work here was made lighter by the intelligent and valuable aid of the Battlefield Commission, but there was a great deal of work still left for the United States attorney. The case was appealed to the circuit court and finally to the Supreme Court of the United States. A favorable decision there will enable the Commission to go ahead with the cases to a final determination.

For all this work in condemnation proceedings not one dollar is allowed. The United States attorney performs it, according to the Comptroller's decision, as part of his duty under the salary of $200 per annum. My term of office was not an unusual one. My predecessor, Mr. Read, had as much or more to do, and the present United States attorney will have the same experience. In my judgment nothing less than $6,000 is a fair compensation, and Congress will simply make a blunder if the salary is cut down to a point where the best lawyers will be unwilling to take it.

Certainly, Philadelphia is entitled to as great compensation as any city except New York, and it will be a mistaken policy to cripple the service at this important point.

Trusting you may be able to get for Philadelphia at least as much consideration as is accorded to Chicago or Boston,

I am yours, very truly,

ELLERY P. INGHAM.

P. S.—I am informed by my assistant, Mr. Newitt, that my emolument account for the last quarter, which does not include customs cases, will amount for the quarter to $4,500.

E. P. I.

Hon. H. H. BINGHAM.

## SUNDRY CIVIL APPROPRIATION BILL.

The motion of Mr. CANNON was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the sundry civil appropriation bill.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to return to pages 76, 77, and 86 to make what are substantially two or three verbal corrections.

There was no objection.

On motion of Mr. CANNON, by unanimous consent, the following changes were made:

Page 76, line 23, after the word "home," the words "clerks and orderlies" were inserted.

Page 77, line 20, after the word "bedding," the words "bedding material" were inserted.

Page 86, lines 21 and 22, the words "printing of blanks at depot and necessary materials therefor" were stricken out.

The CHAIRMAN. The Clerk will now read that portion of the bill, beginning on page 16, which has not been considered by the committee.

The Clerk read as follows:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, $420,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at $1.25 a day each when employed, $516,360, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

For engravers, printers, and other materials, except distinctive paper and for miscellaneous expenses, $166,650: *Provided*, That the appropriation herein made shall be used for all expenditures of the Bureau of Engraving and Printing in the manner in which appropriations for said Bureau have heretofore been used, and no part of said appropriation shall be held to be contingent expenses of the Treasury Department, nor be subject to the provisions of sections 240 and 3683 of the Revised Statutes: *And provided further*, That all the business of the Bureau of Engraving and Printing shall be under the immediate control of the director of said Bureau, subject to the direction of the Secretary of the Treasury, and the director of said Bureau shall report to and be responsible directly to the Secretary of the Treasury.

For rent of office for agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, $900.

Mr. BINGHAM. Mr. Chairman, by unanimous consent, the paragraph just read was passed over when regularly reached in the consideration of the bill. I very much prefer that the gentleman from Nebraska [Mr. HAINER], who desires to be heard with reference to the appropriation for the Howard University, should go on now (as I understand he is ready) and that this question which I desire to bring to the attention of the Committee of the Whole should come up immediately after the discussion with reference to the Howard University has closed.

Mr. CANNON. If the gentlemen concerned are agreed in reference to this order of proceeding, it is satisfactory to me.

The CHAIRMAN. If there be no objection, the amendment of the gentleman from Pennsylvania [Mr. BINGHAM] will be withheld for the present; and the Chair will recognize the gentleman from Nebraska [Mr. HAINER].

There was no objection.

Mr. HAINER of Nebraska. Mr. Chairman, on yesterday, while I was momentarily absent from the Chamber, an amendment relating to the Howard University was offered and, without discussion, was adopted by the Committee of the Whole House. The circumstances attending the offering of that amendment, the utter absence of any objection on the part of anyone, including the gentleman in charge, whose duty it was to protect the bill as reported, the very significant action of sundry members of the Appropriations Committee, left an impression upon many members of the House that as a matter of fact the amendment which was proposed was satisfactory to everyone; it was passed pro forma, as I understand, not exceeding half a dozen members voting for it. I apprehend the Committee of the Whole little understood the nature and far-reaching effect of that amendment; and in order that we may intelligently discuss it now under the arrangement which has been made, I ask the Clerk to read the amendment as it appears on page 3444 of the RECORD.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 8, on page 59, the following:

"HOWARD UNIVERSITY.

"For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, $27,500; for tools, materials, wages of instructors, and other necessary expenses of the industrial department, $3,000; for books for library, law library, bookcases, shelving, and fixtures, $900; for material and apparatus for chemical, physical, and natural history and laboratory, $200; for improvement of grounds and repairs of buildings, $1,000; in all, $32,600: *Provided*, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion, or to any chaplain in said university."

Mr. HAINER of Nebraska. Mr. Chairman, I think it will be admitted on all hands that the Howard University is an institution situated in the District of Columbia; that it is a private institution; and I think, beyond all question, every candid person must admit that it is also a sectarian institution. The House will readily understand what is involved in this amendment. Already on two different occasions this House, after full debate—debate of a character calculated to bring out the real judgment and sense of the House—has placed itself emphatically upon the ground that it will not appropriate a single dollar to any sectarian institution. I think it may also be fairly argued from the action already had that this House goes further, and that it is not in favor of appropriating money for any private purposes.

Let me first address myself to the character of this institution. I hold in my hand its official catalogue, the last one issued, covering the period from March, 1894, to March, 1895. That catalogue tells me—I read from page 66:

This institution is always emphatically Christian. Its instructors believe in Christianity as the only basis of true culture. But pupils here are given no denominational bias. The Bible is one of the regular text-books.

Referring to the first pages of this same catalogue, I find that its first department, the one to which greatest prominence is given, is the department of theology, of which the president is dean. I find that it has a department of medicine, a dental college, a pharmaceutical college, a department of law, a college department, a preparatory department, a normal department, a department of music, and an industrial department. It will therefore be observed that this institution is endeavoring to do not only preparatory work but work of a high grade, such work as is usually done by a university as contradistinguished from a college.

Theological students attend classes in other departments. I think it will be admitted that at no time has the Congress of the United States ever gone so far as to commit itself to a national university. Ever since the days of Washington various Presidents have recommended the chartering of such an institution. Petitions in favor of such a project have come in from all parts of the Union. Educators all over this land have strenuously advocated it. But never to this day has the Congress of the United States set apart a single dollar for university education of the youth of our land, except as small tracts of land have been set apart for the use of State universities, and in this regard the several States have fairly shared. We have in the main thus far limited our appropriations and all governmental agencies to such education as is deemed on all hands necessary to qualify a person for the ordinary duties of citizenship. With the common-school education we have stopped, save and except only the aid which has been granted the industrial colleges and State universities of the land. I do not now refer to the class of appropriations by way of subsidies, and which appropriations I am attacking.

This Howard University is an institution for colored people, primarily and principally. Generally speaking, there are no white students there. I want to know on what principle of equity, on what principle of right or of equality, gentlemen will vote for the so-called higher education of the colored race money which they withhold from their own race—from their own children. What excuse can you give—those of you who live in New York or in Georgia, in Nebraska or in Kansas—for appropriating money for the so-called higher education here in the District of Columbia of a certain race, when you deny such appropriations to your own people? If you must appropriate for the institution, why not do so out of District of Columbia funds? You support your State schools by State taxation.

Mr. Chairman, I am in favor of the broadest and the most liberal education. But one of the first essentials of the right kind of education is equality in education as well as before the law. You have no right to make preferences. You have no right to single out one race, one nationality, one creed, or one social class, and confer upon that race, nationality, creed or class benefits which you deny to others. There is absolutely no excuse or justification for taking one dollar by taxation from the masses and bestowing it upon the few. Favoritism has no place whatever in an intelligent republic. Here is this institution, which is admittedly private, taking care of the few; but we are doing it in a way in which we have never taken care of any other class when we have known what we were doing.

I said this is a sectarian institution. Let us see. This catalogue says:

The students conduct with enthusiasm literary and missionary societies. Africa is regarded with prayerful attention as a missionary field.

So we are educating these missionaries for Africa. I submit the time is now and here when the colored people of this country need, and the white people need, missionaries at home, not abroad; men and women who can rise to the plane of good citizenship here and not undertake to work out, at the public expense, a system of evangelizing the people in Africa.

But further, Mr. Chairman, we are informed here in this same catalogue to which I have already referred "that the students preach sermons and conduct pulpit exercises in the presence of one another and of the faculty, who kindly criticise them."

And I may say for the edification of the members of the House who have been given some extraordinary exhibitions of delsartean oratory here from time to time that, so the catalogue says, "much attention is devoted to pulpit elocution, with a large application of delsartean principles." And yet you propose for that purpose to take and expend the public money.

But it is insisted that the amendment provides that no part of the money appropriated shall be paid for theological or religious teachings. Not so. Gentlemen, we can not afford to attempt to deceive each other by any such subterfuges in order to get in an appropriation of money. We owe it to ourselves to be reasonably candid, at least. We can not deceive the people of the United States. You may cover it up here under a form of words in the excitement of the moment, but in the calmer moments which come to the people out yonder by their firesides—the people whose representatives you are will read what you have done here. They will not be deceived. They will discover the true nature of this amendment. They will see its pernicious doctrine and pronounce their righteous judgment on such actions. But what does this amendment provide? After making the appropriation of $32,600, it proceeds with a sham effort at self-disinfection:

*Provided*, That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion or to any chaplain in said university.

I ask you in all candor what practical effect has that? Are there no other expenses of the university than those involved in teaching theology? Is there no other income than that which you propose to appropriate here for this establishment? Why, gentlemen, I find in the report of this institution for 1895 that the income of the institution itself was $57,640.55, of which the Government of the United States appropriated $29,500. In other words, only about one-half of the money came from the United States, and that the balance for the support of the establishment came from other sources. Now, I ask, if that is the condition of affairs, what is the practical effect of the proviso which is added to this amendment, and which was thrown in for the purpose of catching the House on yesterday? What is its practical effect? Can not the institution take the $29,000 received from other sources and use that for religious instruction, and use the other $29,000 or $30,000 that the Government of the United States appropriates for other purposes?

Suppose you would provide in express terms that the expense of the theological department should be paid out of this appropriation. What difference would it make? To ask the question is to show that the proviso is inoperative. Not a dollar of the money appropriated by the Government need be used for that purpose, and yet every dollar that is appropriated is simply that much in addition to the sum to be applied for theological teaching. What difference does it make, practically speaking, then, whether that proviso is inserted or not. If we make the appropriation in any form they will continue to use their other funds for theological

purposes. If we do not, they will have less money to use for their departments of law and theology. When the gentleman, Mr. Chairman, who introduced the proviso comes to speak, I ask him, in all fairness, in the name of common honesty, to explain what he meant by the proviso? If he had an honest purpose, it is so skillfully concealed that the average mind is unable to discover it. I repeat, it has no practical effect, and you may as well give the $32,600 without any proviso whatever.

But it may be insisted, Mr. Chairman, that this institution has received other funds with which it supports the theological chair. There is some foundation, I will admit, for that claim. For in their report we find they receive from the Board of American Missions, in addition to the Stone endowment, a total fund for this purpose of $4,475, and that fund is paid, I find, to the officer who lectures in the department of theology. Upon another page of the same report I find the president receives out of this fund, as a part of his salary of $4,000, $2,800, and the Government appropriates the other $1,200 from the amount set apart for the theological department.

In order that the committee and the House may clearly see the method of disbursement, and also the sources of income, I make as part of my remarks extracts from the last annual report of this institution to the Secretary of the Interior:

The amount appropriated by Congress for the coming year, including $3,200 for the law department, is $34,500. The trustees would earnestly request the same amount for the next year, which, with the $1,000 for the library fixtures in the new chapel building, will make $35,500.

| | |
|---|---|
| The president of the university, who receives $4,000 per year, with the use of a house, was paid from the appropriation | $2,800.00 |
| The secretary, treasurer, and business manager, whose annual salary is $2,000, received from the appropriation | 1,800.00 |
| Seven professors in the college, preparatory and normal departments, who receive $1,500 per year each, with use of house, were paid from the appropriation, each, $1,350 | 9,450.00 |
| Three teachers, who receive $800 per year each, were paid from the appropriation, each, $720 | 2,160.00 |
| One lady teacher, who is paid $900 per year, received from the appropriation | 810.00 |
| One lady teacher, who is paid $1,000 per year, received from the appropriation | 900.00 |
| One lady teacher, who receives $600 per year, was paid from the appropriation | 480.00 |
| One teacher, who is paid $700 per year, received from the appropriation | 630.00 |
| One matron, whose annual salary is $600, was paid from the appropriation | 540.00 |
| Four assistant teachers, whose salaries are $500 each per year, were paid from the appropriation an aggregate of | 730.00 |
| Four professors in the law department were each paid from the appropriation $800 | 3,200.00 |
| Total for salaries | 23,500.00 |

The sum of $3,000 appropriated for the manual-training school (industrial department) was expended as follows:

| | |
|---|---|
| For instruction | $2,420.66 |
| For material | 350.59 |
| For fuel | 121.75 |
| For janitor and fireman | 127.00 |
| Total | 3,000.00 |

The sum of $1,000 appropriated for the repairs of buildings was mostly expended in the repair of tin roofs and decayed woodwork under the same. To this sum there was added $1,564.29, which was used in general repairs where most needed.

The sum of $500 appropriated for the improvement of grounds was used in the construction of a substantial fence along the west side of the campus, on Sixth street.

The sum of $300 appropriated for library books, the $1,000 appropriated for law library, and $200 appropriated for the laboratories of the university, chemicals, apparatus, etc., were used for the purposes indicated.

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*Treasurer's statement of receipts and disbursements from July 1, 1895, to June 30, 1895, pertaining to current expenses.*

RECEIPTS.

| | | |
|---|---|---|
| Balance on hand July 1, 1894 | | $112.90 |
| From United States: | | |
| For salaries | 23,500.00 | |
| For industrial department | 3,000.00 | |
| For chemical apparatus | 200.00 | |
| For library books | 300.00 | |
| For law library | 1,000.00 | |
| For repairs | 1,000.00 | |
| For grounds | 500.00 | |
| From rents | 5,167.18 | |
| From income from invested fund | 8,492.68 | |
| From American Missionary Association (including Stone endowment) for theological department | 4,475.00 | |
| From donations for prizes | 81.00 | |
| From room rents | 1,364.50 | |
| From miscellaneous sources | 301.83 | |
| From industrial department, proceeds of shops | 158.21 | |
| From medical department, income and tuition, including $137.75 interest on Stevens fund | 6,771.25 | |
| From law department, tuition | 1,216.00 | |
| Total | | 57,640.55 |

EXPENSES.

| | | |
|---|---|---|
| Paid officers, professors, and instructors in academic branches | $25,134.75 | |
| Paid officers and lecturers in theological department, from donations | 4,475.00 | |
| Paid professors and instructors in medical department | $5,855.00 | |
| Paid other expenses of the department | 1,808.50 | |
| | | $7,663.50 |
| Paid professors and instructors in law department | 4,968.15 | |
| Paid other expenses of the department | 347.85 | |
| | | 5,316.00 |
| Paid instructors of the industrial department | 2,420.66 | |
| Paid for material, industrial department | 350.59 | |
| Paid for fuel, industrial department | 121.75 | |
| Paid for janitor and fireman, industrial department | 127.00 | |
| Paid for material, presswork, composition, etc., from proceeds of shops | 140.94 | |
| | | 3,140.94 |
| Paid chemical apparatus | | 200.00 |
| Paid library books | | 300.45 |
| Paid law library | | 1,000.00 |
| Paid repairs of buildings | | 2,564.29 |
| Paid improvement of grounds | | 781.01 |
| Paid fuel and gas | | 1,363.69 |
| Paid janitors and firemen | | 1,670.92 |
| Paid insurance | | 1,006.73 |
| Paid interest on $13,000 transferred to aid fund | | 780.00 |
| Paid miscellaneous expenses, including postage, advertising, telephone, stationery, furniture, stoves, diplomas, prizes, and other expenses of a general character | | 2,043.16 |
| Balance, June 30, 1895 | | 140.11 |
| Total | | 57,640.55 |

Gentlemen will bear in mind there are other expenses in the theological department than the pay of the lecturers; for instance, the maintenance of the building, the use of the class room, heating, lighting, repairs, incidental expenses, text-books, and so on, which are all paid out of other funds. Only a few days ago the House, as I said, after a full discussion, ingrafted into the Indian appropriation bill a provision that no money should be paid to any institution in whole or in part under sectarian or ecclesiastical control. That was adopted after discussion as the deliberate judgment of the House. It was placed in that bill well knowing that the principal society order to be affected by the provision would be Catholic. I ask, in all earnestness, on what possible principle of right could you do that and still appropriate to this institution, which is in part admittedly maintained by the American Missionary Society, a wellk-nown Congregational society, a fact which is stated in the report from which I have already quoted? Is the House prepared to say that they will not make an appropriation for an institution that is controlled in whole or in part by a Catholic society, but will make an appropriation to one that is supported in whole or in part by the Congregational society? Is that the judgment of the members of this body? Is that its sense of fairness and right?

Gentlemen, it is folly and inexcusable cowardice to attempt to evade the issue.

You must meet it fairly and squarely like men. Do not believe for a moment that the generous people of the United States will tolerate any such favoritism as that. When I addressed myself to this proposition in the Indian bill I disclaimed, as I felt in my heart that I had a right to do, any opposition to the Catholic Church as a church. I say to you here now that if there is to be a dollar of appropriation for any sectarian institution, you have no right to withhold like aid to a Catholic institution. Do you say that this institution does good work? I grant it for the sake of argument. Will any man say that excluded Catholic institutions do not also do good work? If he does, he speaks without understanding, for many of them do most excellent work. We voted against aid to Catholic institutions, not because they were not doing good work, but because we recognized it as a fundamental principle of government that we have no right whatever to vote one dollar of money for sectarian purposes.

Ah, gentlemen, I know how easy it is for this insidious process to effect your real purpose. This is truly "the nose of the camel entering the tent." The Catholics, with a craft which excels that of Talleyrand, usually accomplish their purpose by the exercise of brains, and there are not wanting Protestants who, with a lack of perception which is akin to idiocy, allow themselves to be lured by a small bait, as in this instance, to commit themselves to a principle which has in the past taken multiplied millions out of the Treasury of the United States and placed them in the coffers of sectarian institutions.

No, gentlemen, you must place yourselves upon principle. This Howard University was founded about the close of the war. For about sixteen years it prospered. It rested in the bosom and on the heart of the great people of this country, who are quick and zealous to respond to all good work. It prospered until 1880 as it has never prospered since. There had been no thought of Government aid. In 1880, long after the war and after the colored people were already getting on their feet, there came first the appropriation of $10,000. From that small item the appropriation has grown gradually, until this year they receive $34,500. In the aggregate they have received $401,600 since 1880.

I offer as part of my remarks a table furnished me by the president of this university, which gives the details.

*Appropriations by Congress for Howard University from July 1, 1879, to June 30, 1896, inclusive.*

| Year ending— | Salaries. | Repairs of building. | Industrial department. | Library and fixtures. | Chemicals, etc., for laboratory. | Improvement of grounds. | Law library. | Total. |
|---|---|---|---|---|---|---|---|---|
| June 30, 1880 | $10,000 | | | | | | | $10,000 |
| June 30, 1881 | 10,000 | | | | | | | 10,000 |
| June 30, 1882 | 10,000 | | | | | | | 10,000 |
| June 30, 1883 | 15,000 | $10,000 | | | | | | 25,000 |
| June 30, 1884 * | 15,000 | | | | | | | 15,000 |
| June 30, 1885 | 18,500 | 4,000 | | | | | | 22,500 |
| June 30, 1886 | 18,500 | 4,000 | | $2,000 | | | | 24,500 |
| June 30, 1887 | 18,500 | 5,000 | | 2,000 | | | | 25,500 |
| June 30, 1888 * | 18,500 | 4,000 | | | | | | 22,500 |
| June 30, 1889 † | 18,500 | 3,000 | $1,500 | | | | | 23,000 |
| June 30, 1890 | 18,500 | 3,000 | 1,500 | | | | | 23,000 |
| June 30, 1891 | 20,300 | 2,400 | 4,000 | 1,000 | $300 | $1,000 | | 29,200 |
| June 30, 1892 | 24,300 | 2,400 | 4,000 | 1,000 | 500 | 1,000 | | 35,800 |
| June 30, 1893 | 23,500 | 1,500 | 3,000 | 500 | 500 | 500 | | 29,500 |
| June 30, 1894 | 23,500 | 1,000 | 3,000 | 300 | 500 | 500 | | 28,500 |
| June 30, 1895 | 23,500 | 1,000 | 3,000 | 300 | 200 | 500 | $1,000 | 29,500 |
| June 30, 1896 | 28,500 | 1,000 | 3,000 | 300 | 200 | 500 | 1,000 | 34,500 |
| Total | | | | | | | | 401,600 |

* Water supply—$3,500 in 1884; $2,000 in 1888. † Fire escapes—$400 in 1889.

From $10,000 it gradually grew until it reached, for the current year, the sum of $34,500, of which over $8,000 went to support a college of the law. Is it claimed, can it be truthfully claimed, there is a pressing necessity for this? What special humanitarian, sentimental need is there in this country for colored lawyers, preachers, doctors, or music teachers? All over this land of ours the schools are as open to the colored boy and the colored girl as they are to the white. In my own town I have seen graduate from our high school and pass on to the university a colored boy by the side of whites in the same class. They can enter any school in all the Northland, and many of the schools of the South. The agricultural colleges are open to them; and only day before yesterday I was informed by one of the trustees of Howard University (Mr. Cook) that his son graduated from the public schools of Washington and entered Yale direct without any further preparation. Do not tell me, then, there has not been fair provision made for the colored boy and the colored girl. Do not tell me that there is any pressing need for high-toned education, free of charge, for these people, when you deny like facilities to your own sisters and your own brothers.

What has been the result of this policy which we have inaugurated? I have in my hand a detailed list of the appropriations by the United States to private sectarian, charitable, and reformatory institutions in the District of Columbia alone, from July 1, 1871, to June 30, 1896. I will make it a part of my remarks.

It illustrates the length to which we have gone in appropriating without authority, and too often without the knowlege, of the people.

*Appropriations by the United States to private and sectarian charitable and reformatory institutions in the District of Columbia from July 1, 1871, to June 30, 1896, as per United States Statutes at Large.*

| | 1895-96. | 1894-95. | 1893-94. | 1892-93. | 1891-92. | 1890-91. | 1889-90. | 1888-89. | 1887-88. | 1886-87. | 1885-86. | 1884-85. | 1883-84. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Municipal Lodging House | $4,000 | $4,000 | $4,000 | $4,400 | | | | $2,500 | | | | | |
| Ex-Union soldiers and sailors, Grand Army of the Republic | 2,500 | 2,500 | 2,500 | 2,500 | $2,500 | $1,000 | | | | | | | |
| Women's Christian Association | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 | $4,000 | 4,000 | $4,000 | $4,000 | $5,000 | $5,000 | $5,000 |
| Central Dispensary and Emergency Hospital | 12,000 | 15,000 | 9,000 | 4,500 | 30,000 | 20,000 | 12,250 | 12,250 | | | | | |
| Columbia Hospital for Women | 30,000 | 25,000 | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 | 26,300 | | | | | |
| Children's Hospital | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| National Homeopathic Hospital | 8,000 | 8,500 | 7,000 | 7,000 | 9,000 | 12,000 | 5,000 | 6,500 | | | | | |
| Freedman's Hospital | 53,025 | 54,025 | 53,025 | 53,025 | 52,500 | 54,025 | 54,025 | 54,575 | 51,140 | 52,575 | 49,900 | 50,000 | 50,000 |
| Reform School for Girls | 9,425 | 23,050 | 20,128 | 35,000 | | | | | | | | | |
| Washington Hospital for Foundlings | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 | 7,000 | 6,000 | 12,000 | | | | | |
| Church Orphanage, St. John's Parish | 1,800 | 1,800 | 1,181 | 2,000 | 2,000 | 1,500 | 1,500 | 5,500 | | | | | |
| German Orphan Asylum | 1,800 | 1,800 | 1,181 | 2,000 | 6,000 | 6,000 | 10,000 | | | | | | |
| Destitute colored women and children | 9,900 | 9,900 | 7,080 | 13,000 | 12,000 | 12,000 | 27,000 | 10,000 | | | | | |
| St. Ann's Infant Asylum | 5,400 | 5,400 | 3,840 | 6,500 | 6,500 | 6,500 | 6,000 | 6,000 | 6,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| St. Joseph's Asylum | 1,800 | 1,800 | 1,181 | 2,000 | | | | | | | | | |
| Association for Works of Mercy | 1,800 | 1,800 | 1,181 | 2,000 | 3,000 | 6,042 | 5,500 | 5,000 | 3,000 | 5,000 | | | |
| House of Good Shepherd | 2,700 | 2,700 | 3,000 | 3,000 | 3,000 | 3,000 | 15,000 | | | | | | |
| Industrial Home School | 9,900 | 9,900 | 7,080 | 13,000 | 11,500 | 14,000 | 17,200 | 11,500 | 10,000 | 10,000 | 13,000 | 5,000 | 10,000 |
| St. Rose's Industrial School | 4,500 | 4,500 | 2,953 | 5,000 | 2,500 | 2,500 | 5,000 | 5,000 | | | | | |
| Board of children's guardians | 17,000 | 4,000 | 24,200 | | | | | | | | | | |
| Deaf and Dumb Asylum | 64,000 | 94,000 | 64,000 | 52,500 | 13,900 | 10,500 | 60,000 | 249,015 | 52,500 | 52,500 | 52,500 | 72,000 | 55,000 |
| Government Hospital for the Insane * | 96,480 | 304,700 | 342,286 | 200,300 | 318,130 | 207,000 | 246,400 | 79,185 | 75,132 | 75,132 | 256,236 | 226,300 | 232,000 |
| Garfield Memorial Hospital | 10,000 | 10,000 | 12,500 | 15,000 | 15,000 | 15,000 | 12,500 | 10,000 | | | | | |
| Providence Hospital * | 19,000 | 19,000 | 19,000 | 19,000 | 19,000 | 19,000 | 17,000 | 17,000 | 17,000 | 15,000 | 15,000 | 15,000 | 15,000 |
| Reform School, District of Columbia | 50,952 | 44,402 | 62,452 | 40,252 | 45,652 | 39,096 | 51,596 | 52,726 | 40,616 | 51,176 | 37,966 | 32,916 | 31,950 |
| Washington Asylum Hospital | 62,415 | 62,915 | 62,195 | 62,345 | 116,377 | 18,742 | 94,311 | 105,561 | | | | | |
| Women's Union Christian Association | | 150 | | 250 | | | | | | | | | |
| Young Women's Christian Home | | | | 1,000 | 1,000 | 1,000 | 1,000 | | | | | | |
| Hope and Help Mission | | | | 1,000 | 1,000 | 1,000 | | | | | | | |
| National Temperance Home | | | | 2,000 | 2,000 | 2,500 | 2,500 | 2,500 | | | | | |
| Woman's Christian Home | | | | | | 5,400 | | | | | | | |
| Total | 507,207 | 739,842 | 752,163 | 779,572 | 712,559 | 601,409 | 678,782 | 677,112 | 264,438 | 275,383 | 426,604 | 416,216 | 408,950 |

| | 1882-83. | 1881-82. | 1880-81. | 1879-80. | 1878-79. | 1877-78. | 1876-77. | 1875-76. | 1874-75. | 1873-74. | 1872-73. | 1871-72. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Municipal Lodging House | | | | | | | | | | | | | $18,900 |
| Ex-Union soldiers and sailors, Grand Army of the Republic | | | | | | | | | | | | | 13,500 |
| Women's Christian Association | $5,000 | $5,000 | $5,000 | | | | | $25,000 | | | | | 95,000 |
| Central Dispensary and Emergency Hospital | | | | | | | | | | | | | 125,000 |
| Columbia Hospital for Women | | | | | | | | | | | | | 181,300 |
| Children's Hospital | 5,000 | 5,000 | 5,000 | $5,000 | $5,000 | $5,000 | $5,000 | 5,000 | $5,000 | $5,000 | | | 145,500 |
| National Homeopathic Hospital | | | | | | | | | | | | | 63,000 |
| Freedman's Hospital | 53,000 | 41,800 | 41,800 | 41,800 | 41,738 | 42,500 | 45,000 | 45,000 | 50,000 | 60,000 | $74,000 | | 2,218,476 |
| Reform School for Girls | | | | | | | | | | | | | 87,093 |
| Washington Hospital for Foundlings | | | | | | | | | | | | | 55,000 |
| Church Orphanage, St. John's Parish | | | | | | | | | | | | | 17,281 |
| German Orphan Asylum | | | | | | | | | | | | | 28,781 |
| Destitute colored women and children | | | | | | | | | | | | | 101,480 |
| St. Ann's Infant Asylum | 5,000 | 5,000 | 5,000 | 5,000 | 5,000 | | | | | | | | 97,140 |

*Appropriations by the United States to private and sectarian charitable and reformatory institutions in the District of Columbia*—Continued.

| | 1882-83. | 1881-82. | 1880-81. | 1879-80. | 1878-79. | 1877-78. | 1876-77. | 1875-76. | 1874-75. | 1873-74. | 1872-73. | 1871-72. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| St. Joseph's Asylum | | | | | | | | | | | | | $8,781 |
| Association for Works of Mercy | | | | | | | | | | | | | 35,323 |
| House of Good Shepherd | | | | | | | | | | | | | 22,400 |
| Industrial Home School | $5,000 | $10,000 | $10,000 | $5,000 | $5,000 | | | | | | | | 176,680 |
| St. Rose's Industrial School | | | | | | | | | | | | | 31,953 |
| Board of children's guardians | | | | | | | | | | | | | 45,200 |
| Deaf and Dumb Asylum | 55,000 | 63,742 | 61,000 | 50,000 | 58,500 | $48,000 | $117,524 | $88,000 | $77,000 | $48,000 | | | 1,559,181 |
| Government Hospital for the Insane* | 202,500 | 165,000 | 173,000 | 160,000 | 150,583 | 150,000 | 160,000 | 215,107 | 203,751 | 171,700 | $178,800 | $153,000 | 5,021,724 |
| Garfield Memorial Hospital | | | | | | | | | | | | | 118,000 |
| Providence Hospital* | 15,000 | 15,000 | 15,000 | 15,000 | 15,000 | | 15,000 | | 15,000 | | | | 330,000 |
| Reform School, District of Columbia | 37,950 | 31,000 | 31,000 | 20,000 | 10,000 | 15,000 | 10,000 | 11,000 | 20,750 | 24,760 | 110,000 | 12,000 | 916,442 |
| Washington Asylum Hospital | | | | | | | | | | | | | 565,861 |
| Women's Union Christian Association | | | | | | | | | | | | | 400 |
| Young Women's Christian Home | | | | | | | | | | | | | 4,000 |
| Hope and Help Mission | | | | | | | | | | | | | 2,000 |
| National Temperance Home | | | | | | | | | | | | | 11,500 |
| Woman's Christian Home | | | | | | | | | | | | | 5,400 |
| Total | 313,450 | 342,142 | 346,800 | 301,800 | 299,819 | 200,500 | 352,524 | 389,107 | 371,501 | 309,460 | 302,800 | 165,000 | 12,122,306 |
| Little Sisters of the Poor | | | | | | | | | | | | | 30,000 |

*Appropriations for Providence Hospital, 1868 to 1870, and for the Government Hospital for the Insane, 1862 to 1870, are contained in the following table:

| | 1870-71. | 1869-70. | 1868-69. | 1867-68. | 1866-67. | 1865-66. | 1864-65. | 1863-64. | 1862-63. |
|---|---|---|---|---|---|---|---|---|---|
| Providence Hospital | $5,000 | | $30,000 | | $30,000 | | | | |
| Government Hospital for the Insane | 175,482 | $113,500 | 97,500 | $113,500 | 111,500 | $116,500 | $78,000 | $67,500 | $47,500 |

| | |
|---|---|
| Total for Providence Hospital from 1866 to 1896 | $336,000 |
| Total for Government Hospital for the Insane from 1862 to 1896 | 5,942,706 |

In this list alone you find $12,122,306, not including the appropriation of $30,000 made to the Little Sisters of the Poor, and not including one cent which has been appropriated to Howard University. It therefore follows that about $13,000,000 has already, in that comparatively brief time, been appropriated in the District of Columbia alone to institutions of the character named. Add the appropriations for sectarian Indian schools, which amount to fully as much, and you have an aggregate of $25,000,000 or $26,000,000 for such purposes. Take the list from year to year and see how they grow, how they swell. There is not a man who ever studied this question for one moment but knows that if you want to dispense that kind of charity you can have all of it that you can pay for. Just say to the people of the United States, "By a considerable use of the teasing process you can obtain money from the public Treasury," and where will you stop? If you say that any person who does good work shall have access to the public Treasury, where will you draw the line? There is absolutely no stopping place. Talk about your sectarian appropriations, you can not draw the line there. There is no real definition of the word sectarian. The word sect applies to a denomination or a school of science, philosophy, politics, or what not. There are a thousand and one different schools. Again, how easy it is, by a skillful use of the incorporation laws, to found societies which, by their charters and by-laws, are absolutely silent on any question of sectarianism. You can do that very easily, and in a roundabout way draw money out of the public Treasury.

Suppose you were to apply that same doctrine to our other public works and were to allow a person or company to light one of these streets in the city of Washington and, if it did good work, appropriate for it, subsidize it. Suppose you allow any person to pave a street, and, if he does a good job of paving, if he suits the people, make him an appropriation to cover the expense of paving. Would you tolerate that for one moment? If you would not tolerate that, tell me what excuse is there for it in any of these educational societies, and especially where they undertake to teach religion. Will anyone say that the president of this institution, who, until he assumed the duties of that office, was a Congregational minister in this city, can teach the Bible as a regular text-book without giving it a Congregational bias?

Here is an institution which is presided over by a lifelong Congregationalist.

The principal professors are Congregationalists. They maintain a theological department, in which the president and principal professors spend a large part of their time.

Special attention is paid to theology.

The institution has for its largest and most liberal patron, excepting only the Government, a Congregational society whose only object is to spread Congregationalism. It is a missionary society.

Missionary work for what? For the Congregational Church. Certainly not for any other church. You may depend on that. It is to the Congregational Church precisely what the Jesuit order is to the Catholic Church. Will any gentleman who values his word deny this? Will you bolt at the name of Jesuit and embrace a Congregational missionary society? If so, what becomes of your opposition to sectarian appropriations? If you oppose aiding an institution in which proselyting is done for a Protestant church, what objection have you to a Catholic priest or the sworn devotee of some Catholic order doing exactly the same thing for that church. There is only one safe ground, and that is to make no appropriations whatever for private institutions.

Now, Mr. Chairman, let me briefly recount some of the reasons why subsidies should never be tolerated. I think it will be conceded that every objection which can be made to the principle of subsidy as a general one applies with peculiar force wherever religious or political passions or prejudices of the people may be involved. No man can teach politics—should you establish a chair of politics—if he were a Republican, without teaching his pupils Republican doctrines; if he were a Democrat, he would teach the doctrine of the Democracy, and if he were a Populist, he would probably teach that all property, and especially prosperity, is a crime against the laws of God and of man. I oppose subsidies to schools and charitable institutions for many other reasons.

First, because it promotes pauperism by disguising it. Many will go into one of these subsidized institutions and accept aid from the Government, deeming it a matter of right and not a gratuity. They would help themselves rather than accept charity, but will accept a benefit which is offered as a right rather than gain it by work. You should not place a premium upon pauperism. Charity should have a twofold purpose. First, to relieve those who are deserving and really in want; and second, to better the condition of the people and make want less and less in the land. So, I say, whatever disguises pauperism, whatever tends to make it respectable tends as a matter of fact to make people throw themselves prone upon society to take care of them. Whatever teaches the doctrine that the world owes a person a living, owes him an education, owes him medical treatment or care, demoralizes society and works evil. You ought to teach that every man should, by his own unaided force if possible, take care of his own wants. It is true that St. Paul, in one of his epistles, said that each man should bear the burdens of his neighbor, but in the same——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Would the gentleman like some additional time?

Mr. HAINER of Nebraska. Yes; I would like about fifteen minutes.

Mr. EVANS. I have no objection, if the same is granted to the other side.

Mr. CANNON. I ask unanimous consent that debate may be extended to thirty minutes, fifteen minutes to be occupied by the gentleman from Nebraska, and fifteen minutes under the control of the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that the time for closing this debate be extended thirty minutes, to be equally divided between the gentleman now on the floor and the gentleman from Kentucky [Mr. EVANS]. Is there objection? [After a pause.] The Chair hears none.

Mr. HAINER of Nebraska. I was just stating that St. Paul's doctrine was that we should bear each other's burdens; but side by side with that, and as a part of the same text, he added that each man shall bear his own burden. In that teaching is the true philosophy of all work which is truly charitable. When you place men on their feet and make them do for themselves as much as possible, you elevate them, you make them manly men, you encourage true nobility, you do abiding good. Another bad effect of subsidies is that they produce a duplication of institutions. Once enter upon the policy and it is hard to draw the line. No institution willingly relinquishes it. Suppose you make an appropriation here for this institution, largely because of race; another institution comes up and it claims it on the score of nationality.

We had a heated discussion in this House on the proposition that we should make an appropriation for an institution because it was German. If you make appropriation on that ground, then you will be required to make it in the case of the Scandinavians, in the case of the Italians, and in the case of the Bohemians. There may be among some constituencies voters who may be caught with that kind of chaff, but I trust they are few indeed. I know there are gentlemen in this House who make use of such arguments, and one gentleman who is active in urging this amendment stated in my hearing that in his district there were many colored voters, and this was absolutely necessary for the purpose of cajoling them into his support. I want to say to those gentlemen they place a low estimate upon the colored race, that race which gave to the United States a Frederick Douglass; that race which placed in the halls of this Congress a man during the last session who ought to occupy the same seat now; that race which gave to the present generation a Booker Washington. That race, Mr. Chairman, does not need any cajoling. They do not need coddling. They want their rights, and their rights alone. They want to be treated as men and women, because they are men and women. They ask not the hand of charity. You insult them when you extend it; you depress them when you give it. You seek by that method to retain them in the position in which they were so many years—a servile position; you seek to educate them into barbers, waiters, and bootblacks, a servient instead of a self-asserting people. He is no good friend of the colored race who asks charity at your hands for them.

Another thing. These subsidies should never be tolerated, because in voting against them you are obliged to resist special pressure. If it were proper for me to relate what has occurred in our committee room, I could tell you of men of high position in the United States who, forgetting the places which they occupy, regardless of the duties which they owe to the country, came there as truckling mendicants for the purpose of obtaining little appropriations, because, forsooth, their wives happen to be presidents of some of these institutions, or they themselves happen to be occupying some honorary position with respect to other institutions. It pleases them to occupy the positions, and in turn they use their social and official prestige to secure appropriations. Anything that leads to practices of that kind is vicious and only vicious, and should be cut up by the roots. There ought not to be any favoritism in this House, and when a man comes to a committee, whether it be to the Ways and Means, the Appropriations, or any other, for the purpose of asking a favor at their hands and a discrimination in his own favor, or in favor of some pet institution of his, against the great body of the people, he ought to be shown the door; and I hope the time will come when the American Congress will rise to such a plane as will make such demands upon it impossible.

The habit of appropriating for these institutions does another thing—it dries up the sources of private charity. Take the history of any of these institutions, and you will find that when they are supported by public subsidies private contributions fail. The report from which I have quoted shows that in 1895 this institution which we are considering received but $30 from private sources. An institution which sustained itself prior to 1880 exclusively by private contributions received only $30 in 1895. The same is true in every State and in every community where this practice has prevailed, and in my remarks, with the permission of the House, I will quote from the experience of Pennsylvania and New York on this point.

Mrs. Lowell, prominent in charity work in New York, states that of the 18,900 children supported by charity in New York City 2,700, or one-seventh, are supported in private institutions at private expense (14 per cent of the total expenditure), and that 1,200 are supported at public expense in public institutions. Of the total expenses for all purposes of the 23 institutions caring for the remaining 15,000, 8.8 per cent is contributed by private benevolence. From this it appears that 21 per cent of the expense of caring for dependent children is borne by private benevolence, while 79 per cent is borne by the city.

In Philadelphia, under a different system, the proportion borne by private benevolence is 97 per cent. In New York one institution that received in 1892 $250,000 from the city received from private sources less than $500, and in case of 12 institutions the receipts from private sources were less than 5 per cent of the total expenditure.

Commissioner Bolles, of Pennsylvania, says:

> The State by appropriating so generally is drying up the interest of individuals in organized charities. Our people have acquired great wealth, and their sympathies should be cultivated in every possible manner. The State can never do through its long perfunctory arm acts of mercy with the same degree of kindly interest as individuals who live nearer the scene of relief and who have a more distinct interest in the sufferers.

What is true of these dependents is true of every other branch of charitable relief. It applies with equal force to the support of schools by subsidies. Divided responsibility means no responsibility.

Another thing, Mr. Chairman, it destroys usefulness by hampering the institution itself, and reducing it from the high position which every educational and charitable institution ought to maintain, and bringing it down to the low level of partisan politics and traffic with members of legislatures and of Congress for their support.

Every request for subsidy is treated with reference to its probable political effect, or at best as a matter of administrative detail, involving no principle and having no significance as a precedent.

A legislative committee can not investigate; it has no knowledge of the practical workings of the institution. It has neither time nor opportunity to attend to those. It must rely on reports which are largely perfunctory. It is nobody's business to look after or scrutinize the expenditures. Everything is left to those who are interested in a continuance of the appropriations. If we are to appropriate on the score of indigency, then I submit there ought to be some ascertained and certain gauge of indigency and some assurance that the gauge is used. We have nothing.

Mr. Chairman, I see that my time is fast fleeting, and I know of no better way to close my remarks, although I must leave much unsaid which I would gladly say, than to send to the desk and have read an extract from an address made by that splendid man and soldier, General Grant, at a reunion of the Army of the Tennessee, held in Des Moines, Iowa, in 1875.

The extract was read as follows:

> If we are to have another contest in the near future of our national existence, I predict that the dividing line will not be Mason and Dixon's, but between patriotism and intelligence on the one side and superstition, ambition, and ignorance on the other. Now, in the centennial year of our national existence, I believe, is a good time to begin the work of strengthening the foundations of the structure commenced by our patriotic forefathers one hundred years ago at Lexington. Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color, or religion. Encourage free schools, and resolve that not one dollar appropriated to their support shall be appropriated to the support of any sectarian schools. Resolve that neither the State nor the nation, nor both combined, shall support institutions of learning other than those sufficient to afford to every child growing up in the land the opportunity of a good common-school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family altar, the church, and the private schools supported entirely by private contributions. Keep the church and the state forever separate.

Mr. HAINER of Nebraska. Mr. Chairman, I shall at the close of this debate ask consent to return to this section and move to strike out the paragraph making this appropriation. If that should meet with objection, I give notice now that I will in the House demand the yeas and nays on the amendment, to the end that the country shall understand exactly by what vote it is sought to reverse the action which has been had in this House on a previous occasion. I feel that I owe that to myself, I owe it to my constituency, I owe it to every gentleman who has participated in the gallant fight that has been made heretofore to place the House of Representatives on the footing of principle and to square our action with our professions.

Public funds should be sacredly devoted to public uses.

We are the trustees of those funds. Let us discharge our duty now as we would require at the hands of one to whom we had confided our private fortunes intended for our own children.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, I will say to him that this bill as reported does not carry the item which the sundry civil bill for many years has carried for Howard University. The gentleman from Kentucky [Mr. EVANS] moved an amendment yesterday inserting this item with a proviso, which gentlemen will recollect. So that as it stands now, if there can be no reconsideration of this item in Committee of the Whole, it will be reported to the House as an amendment to the bill with a favoralbe recommendation; and it seems to me that is perhaps as good a shape as the item can be in, because it is a proposition that can be disposed of by the House, or will have to be disposed of by the House, under the rules, and one on which the yeas and nays

can be called, and I think perhaps it will be better to have the House deal with it than to try to do something which is not within parliamentary rules.

Mr. EVANS. Mr. Chairman, before the gentleman from New York [Mr. BARTLETT], to whom I shall yield fifteen minutes, begins his remarks, I think it well that the amendment should be again reported.

The amendment was again read as above.

Mr. EVANS. I yield fifteen minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. Mr. Chairman, the gentleman from Nebraska [Mr. HAINER], not satisfied with having by his previous course of action defeated one appropriation bill, being mindful of the grave responsibility placed upon him by the people of the United States, and finding that this appropriation for the Howard University had been slipped through during his absence, rushed in yesterday afternoon and obtained, by the indulgence of the distinguished chairman of the Committee on Appropriations, an opportunity to make his speech this morning. It is, sir, somewhat unfortunate that our regular proceedings are interrupted week after week by these discussions of a semireligious character. But as a Democrat, I deem it my duty to raise a voice of protest against the principles enunciated by the gentleman from Nebraska in opposition to education on the one hand and to charity on the other hand.

Let us see what is the proposition of the gentleman from Nebraska. That, in the first place, we should make no appropriations for private institutions or in aid of any private institution of learning or of charity; in the second place, that no appropriation should be made by the Congress of the United States in aid of any institution where the Christian religion is taught in any form, or where the inmates are instructed in any of the tenets of Christianity. This is, indeed, sir, a fin de siècle period when we come here not to listen to an apostle of Christianity, but to listen to an advocate for the proscription of every form of the Christian religion. Dominated to a certain extent by his feeling toward the Roman Catholic Church, the gentleman feels bound to-day to attack the cause of the education of that unfortunate race which was liberated and emancipated by the great Lincoln, in whose honor yesterday we appropriated $30,000 for the purchase of the house in which he died. Is that consistency? Is this a consistent theory for the Republican party here, which supported that appropriation which was passed yesterday without a voice of dissent? Having myself objected on the ground of principle to the appropriation of $30,000, I withdrew my objection because I did not want to be placed in an unpatriotic light. Is it consistent, gentlemen, after making that appropriation yesterday, to refuse an appropriation of the sum of $32,000 for the cause of the education of the colored people of this District and the colored people of the United States?

Mr. HAINER of Nebraska. Is it not true that you are personally responsible by your vote for the action of the Appropriations Committee in striking out the appropriation for the Howard University?

Mr. BARTLETT of New York. Responsible for what?

Mr. HAINER of Nebraska. By your vote—by your direct affirmative vote?

Mr. WILLIAM A. STONE. I make the point that anything which occurred in the committee ought not to be referred to here.

Mr. BARTLETT of New York. The gentleman from Nebraska has made various statements in regard to what took place in the committee room. He has gone so far as to tell you that gentlemen appeared before that committee who were influenced by improper motives. Now, sir, I have never seen anyone before the Committee on Appropriations whom I should venture to accuse of such an offense. As to my vote at any time in any body, I am responsible for it; but I do not feel that I am at liberty in this Committee of the Whole to reveal the secret deliberations of a committee of the House of which I am a member.

Mr. Chairman, I am not a member of the Roman Catholic Church. I am a Protestant, and in my veins courses no Catholic blood, save that Catholic blood which comes down to all of us, for we must all have been Catholics before the era of the Reformation. So, sir, I am absolutely unbiased. But I plead in behalf of each and every Christian denomination. I do not believe in attacking any Protestant denomination or the Roman Catholic Church, or any Christian creed whatsoever.

Some gentlemen of this House seem to have an idea that no money should be given, that no appropriation should be made to any denominational institution; and they refer vaguely to the Constitution of the United States. Why, sir, the only provision in the Federal Constitution on this subject is that found in the first amendment, which provides—what? Not that you shall not give a dollar of money to an institution because some Christian creed may be taught in it, because some prayer may be offered under the roof of the institution to which the appropriation is made, but that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Now, gentlemen of the committee, in all such speeches as those which have been uttered by the able gentleman from Nebraska what is the dominant spirit? It is against creed; it is against religion; it tends to prohibit the free exercise of religion—to declare that not one dollar shall be given to an institution, however deserving, if any tenet of the Christian religion, be it Protestant or Catholic doctrine, be uttered within the walls of that building. In other words, we are asked here now, at the end of the nineteenth century, to proscribe and denounce Christianity, to couple with each appropriation made a condition precedent that not one dollar of the appropriation shall be available unless Christianity is expelled from the institution. Why, sir, what a terrible doctrine; what a monstrous doctrine for the people of the United States!

But aside from this question, sir, of Christianity and of religion, why should we start out with a proposition that we can give no money to advance the cause of education or the cause of charity? The gentleman from Nebraska takes high ground. He says that in the first place the public money should not be used for a private institution. Let me call the attention of this committee to the fact that day after day, hour after hour, the Congress of the United States appropriates public moneys for private uses—for the benefit of private individuals. Let me call attention, aside from the various pension bills introduced by the gentleman from Nebraska, to the bills introduced by him for the benefit of the militia of Nebraska; that is, a specific appropriation is to be made by the Congress of the United States for the special benefit of the militia of the State—why? Because one of the leaders of our House and the leader of the crusade against religion and education and charity happens to be a distinguished representative here from that State. Let me call attention to this bill.

Mr. HAINER of Nebraska. I hope the gentleman does not mean to misrepresent me.

Mr. BARTLETT of New York. I never intend to misrepresent anyone; and I do not think the gentleman will accuse me of any such intention. I will allow the gentleman to interrupt me.

Mr. HAINER of Nebraska. The gentleman certainly is mistaken.

Mr. BARTLETT of New York. In what?

Mr. HAINER of Nebraska. That bill which I introduced was to restore arms and munitions which were destroyed by fire, and which had been used by the National Guard, a part of the militia of the United States.

Mr. BARTLETT of New York. That is all right. I speak whereof I know—that is, that the same ground of objection applies to the measures you did introduce, and I wish to call attention to some of these bills for the purpose of demonstrating the point. The first is a bill providing for the extension of the dependent pension act of June 27, 1890, to—what? To the militia of the State of Nebraska.

Mr. HAINER of Nebraska. Well, they rendered a public service. They fought against the enemy.

Mr. BARTLETT of New York. Well, let us see whether you have not got your bills a little mixed up.

Mr. HAINER of Nebraska. Oh, no. The gentleman from New York, in not observing the Raines law, is doubtless somewhat mixed himself.

Mr. BARTLETT of New York. Well, I do not know what the gentleman from Nebraska means by that. If he means to imply by that reference that I have not observed the Raines law, I will be compelled to have his words taken down. I will not allow the gentleman to make such a remark about me, or such an intimation.

Now I ask if the gentleman from Nebraska meant to intimate that I was under the influence of any spiritual intoxicant except the influence of his spiritual speeches? [Laughter.]

Mr. HAINER of Nebraska. Well, I did not know what actuated the gentleman. But if he means to ask me the sober question, whether in my judgment he is intoxicated or not, then, of course, I would have to frankly say no.

Mr. BARTLETT of New York. What, then, did the gentleman mean?

Mr. HAINER of Nebraska. Simply that the gentleman was badly mixed in his statement of facts.

Mr. BARTLETT of New York. And that was intended to be humorous, I suppose. [Laughter.]

Mr. HAINER of Nebraska. I presume so.

Mr. BARTLETT of New York. Now, Mr. Chairman, the first of the bills to which I have referred I will call your attention to, and let us see whether I am accurate or not in that statement. I refer to House bill No. 6722; that is a provision for the extension of the dependent act of 1890 to the officers and privates of the Nebraska militia. In other words, it gives all of them a pension to which they are not entitled under the general law. Is that appropriating the money of the United States for the use of your

State? Is that appropriating the money of the United States for a public rather than for a private purpose?

Next we find a bill to reimburse the State of Nebraska for expenses incurred in repelling a threatened invasion by the Sioux Indians in 1890-91. There is a bill that covers some $42,000, to be taken from the Treasury of the United States for the benefit of the gentlemen in Nebraska.

Then the next bill is one to reimburse the State of Nebraska for what? Why, for some stores that were destroyed by fire, belonging to the State militia. Is that a Federal purpose? Does that belong to the Congress of the United States?

Of course, Mr. Chairman, I have drawn attention to these several bills; but the bills themselves are now before me on my desk and will verify the correctness of my remarks. The mere titles that I have read indicate their substance. There are many other such bills. I do not know how many of them there are, but the general purpose is to take the public money for private individuals by the gentleman from Nebraska. I am aware, in reference to these matters of appropriation, that he believes in the extension of paternalism and the extension of that form of socialism known as centralization.

He believes we ought to have a national university, I presume, in Washington, but he does not believe in aiding what is practically a national university for the benefit of the colored race, and an institution now existing here. There are special reasons why these people should be treated fairly. They are in a peculiarly helpless condition; the fact that a large number of colored people, amounting to somewhere between 70,000 and 90,000, are in this city should be considered, and the further fact that there is no other institution of knowledge, or university, devoted mainly to the education of the colored race——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. Mr. Chairman, I ask an extension of five minutes longer.

Mr. EVANS. Mr. Chairman, I can not yield any of the time allotted to me, as I shall require it all.

Mr. CANNON. I will ask, with great pleasure, that there shall be a further extension of fifteen minutes on a side.

Mr. McRAE. I would like to know something as to how that time is going to be divided. I want five or ten minutes myself.

Mr. CANNON. If there is an extension of fifteen minutes on a side there will be no difficulty, I am sure, of the gentleman getting five minutes.

Mr. McRAE. Can I have five minutes of the time if extended?

Mr. CANNON. Well, I do not control it, but I have no objection.

Mr. McMILLIN. I suggest to the gentleman from Illinois that he ask an extension of twenty minutes on a side, and the gentleman from Arkansas will then be able to secure five minutes of it.

Mr. CANNON. I have no objection. I would like myself to have ten or fifteen minutes on this question.

But I will make the request, Mr. Chairman, and if granted I can accommodate the gentleman with five minutes out of the time, that it be extended for twenty minutes longer on a side, and that I have control of twenty minutes and the gentleman from Texas [Mr. SAYERS] have control of the other twenty minutes.

Mr. EVANS. I have no objection to the extension of the time, but I think the control of it had better be left as the first hour was controlled.

Mr. CANNON. Very well; let it be twenty minutes on a side, to be controlled by the gentleman from Kentucky and the gentleman from Nebraska.

Mr. McRAE. I will not consent unless it is understood that I am to have five minutes.

Mr. EVANS. You may have it. I yield five minutes to the gentleman from New York.

Mr. BARTLETT of New York. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from New York has expired, and objection has been made to the extension.

Mr. McRAE. With the assurance that the gentleman from Kentucky will give me five minutes I withdraw the objection.

Mr. ANDREWS. Will the gentleman from New York yield for a question which I desire to ask for information?

Mr. BARTLETT of New York. Certainly.

Mr. ANDREWS. Does the Federal Government own the property of this university?

The CHAIRMAN. One moment. The Chair would like to inquire of the gentleman from Kentucky [Mr. EVANS] how much time he yields to the gentleman from New York [Mr. BARTLETT].

Mr. EVANS. I will yield to the gentleman from New York what he asks, five minutes more. That will be all that I can spare.

Mr. BARTLETT of New York. In answer to the gentleman from Nebraska [Mr. ANDREWS] I will say that I understand that these buildings are now the property of the Federal Government.

Mr. ANDREWS. The Federal Government, then, owns the property of this university?

Mr. BARTLETT of New York. So I understand, but I am not a trustee of the institution.

Mr. ANDREWS. Does it have legal control over the university to the extent——

Mr. BARTLETT of New York. I do not know; but I will refer the gentleman to the chairman of the Committee on Appropriations.

Now, Mr. Chairman and gentlemen, of course the position of the gentleman from Nebraska [Mr. HAINER] is sound, in so far as the proviso is concerned, that this money shall not——

Mr. CANNON. If the gentleman from New York will allow me, my attention has been called to the fact that he was under the impression that the Government owned the buildings of Howard University. I will say that it does not.

Mr. BARTLETT of New York. Very well. That is neither here nor there.

Mr. Chairman, I was about to remark, when interrupted by the distinguished chairman of the committee, that the gentleman from Nebraska [Mr. HAINER] is right in so far as his contention goes that the limitation, that this money shall not be spent by Howard University for any theological instruction, amounts to nothing. All the moneys given to charitable and educational institutions necessarily go into a common fund. They go into a general bank account, and each and every dollar of the money given is appropriated pro rata among all the items of expenditure, in the eye of the law. So of course that proviso is nugatory. It amounts to nothing; but I take the position that it is within our gift and power that we can give the moneys of the United States to any extent and in any form we see fit for the benefit either of education or of charity, and that such are appropriate and wise public uses.

Now, let me direct the attention of the committee to what we did yesterday, and to another item of the sundry civil bill which has escaped the observation of the distinguished gentleman from Nebraska [Mr. HAINER] who leads this anti-Christian raid. What is it? In the item for the National Home for Disabled Volunteer Soldiers at the Central Branch at Dayton, Ohio, a specific appropriation is made for the chaplain and for religious instruction. Does that meet with the views of the gentleman from Nebraska? Is not that making a specific appropriation of the moneys of the United States for teaching the tenets of some special Christian denomination? Because you all know that the chaplains of the National Homes belong to one of the Protestant sects and that the religious instruction which they give in the National Homes is the doctrine of the Protestant Church.

Now, I do not object to that. I say that is all right. I say that is a proper use of the public funds; but let us have fair play all around. Let us be just as fair to the Roman Catholic Church as we are to the Protestant Church, and do not let us unanimously pass a bill such as this, making specific appropriations for paying a chaplain and for religious instruction by a Protestant chaplain in the National Home for Soldiers at Dayton, Ohio, and then come in and in the same breath say you must not give one dollar or one penny to any Roman Catholic charitable or educational institution, either within the District of Columbia or anywhere within the United States.

Now, if a proviso were inserted with reference to these institutions to which I now refer, that is, the institutions controlled by Roman Catholic sisterhoods, or by Roman Catholic authorities, a proviso similar to that inserted in reference to the Howard University, that not one dollar should be used for the payment of religious instruction, that would be gladly accepted, because those who teach and those who devote their lives, their time throughout the whole year, to these institutions receive no pay, because they ask no salary. For that reason these Roman Catholic institutions are better able to give the same amount of care, attendance, and maintenance for the least possible sum, and for a lesser sum than that for which it can be given by any other institution.

[Here the hammer fell.]

Mr. EVANS. Mr. Chairman, I will yield five minutes to the gentleman from Texas [Mr. SAYERS], if he is ready to proceed, or to the gentleman from Arkansas [Mr. McRAE], if he is ready to proceed.

Mr. McRAE. Perhaps I ought to say to the gentleman from Kentucky that I do not favor the amendment, and it would be more proper for me to accept time from the other side.

Mr. EVANS. All right. I thought the gentleman favored the amendment. If the gentleman from Texas is not ready to proceed, I will yield ten minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee I will try to talk directly to the point in my ten minutes. Howard University was incorporated many years ago. About the year 1880, it being then a full-fledged university and substantially engaged in the education of colored people, situated here in Washington, Congress then, for the first time, under the

lead of Representative Monroe of Ohio, appropriated $10,000 to assist that university in its work. From year to year that appropriation has been contributed until the present time, and grown, until this year it is $34,500. It is a complete university, and while white people are not barred out, it is substantially a university for the instruction of colored people. It has a medical, a law, a dental, a literary, a scientific, and a theological chair. When I say university, I mean it is a university in the broad sense.

Mr. WATSON of Ohio. May I ask the gentleman a question?

Mr. CANNON. Yes, sir.

Mr. WATSON of Ohio. Has the university a preparatory department?

Mr. HAINER of Nebraska. It has.

Mr. CANNON. Yes; it has a preparatory department. I had just as well be square—all of us have to be square with each other in this and all other questions. Being a university, it has that which some gentlemen object to (and I may say I would rather it did not have if it has public money to support it), a theological chair, in which theology is taught from the Protestant standpoint.

Mr. ANDREWS. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. ANDREWS. As I understand, the Government does not own any portion of the property of this university; then what legal control, if any, has the Government over the institution?

Mr. CANNON. If the gentleman will allow me to proceed in my own way I think I will answer his question. I have only ten minutes' time.

Now, then, it is stated, and I think no doubt truly stated, in the prospectus here that the expense of the theological chair is contributed substantially by the American Missionary Society. That is substantially true. I read from the prospectus and verified it later as to the theological chair. It says it is wholly supported by the funds of a single religious society.

Now, the president of Howard University gets a salary of $4,000 a year. Twenty-eight hundred of that $4,000, he having the supervision over the whole university, is paid from the appropriations made by Congress. A portion of this fund, $6,000, is for repairs of the buildings of the Howard University. So that it may be said in part that the Government appropriates and keeps up the institution, paying the largest part of its funds, although the salaries of those who teach in the theological department are paid from the funds that I spoke of, contributed by the American Missionary Society.

Now, before I speak of the general object of this institution, or of the amendment of the gentleman from Kentucky, I will say that the Committee on Appropriations, by a majority vote, dropped this appropriation, some thinking it was a private institution, and that it ought not to receive Government aid, others objecting from the fact that there was a shadow of aid to the teaching of theology, and thereby joining church and state. Anyhow, the appropriation was not recommended in the bill by the Committee on Appropriations in their report. The gentleman from Kentucky [Mr. EVANS] moves an amendment to appropriate thirty-two thousand and some odd hundred dollars, and it is with a proviso that seems to me might well be enlarged, possibly later on in the House, when the House may have a chance to enlarge it, so as to absolutely prohibit the use of any money, in the event the House concurs in the appropriation, for the support of a theological institution or theological instruction. In other words, before the university could utilize the money that might be appropriated they would have to so divorce the theological school that it could not be supported from the public appropriations. It seems to me, if we make this appropriation, that is but just and proper.

Now, then, I am in favor, temporarily, and have been up to this time, and probably shall be for some years, of continuing aid from the national Treasury to Howard University; and for this reason——

Mr. Chairman, there is so much noise around me that I can hardly hear myself talk, and my throat is a little sore.

The CHAIRMAN. The committee will be in order. Gentlemen will cease conversation. Gentlemen in the rear of the seats will retire to the cloakroom or cease conversation.

Mr. CANNON. It is a matter of some importance that we consider.

The CHAIRMAN. Gentlemen in the rear of the seats will please cease conversation.

Mr. CANNON. Our Government is of the people, therefore the people are sovereign and must have both character and knowledge, and therefore we have the common school system, that I believe in.

That is entirely defensible. I will not go further into the argument; gentlemen know upon what ground those institutions stand. In addition to that the new States, when they are organized, receive grants of land for the support of common schools and the founding of universities. I believe in that also. Universities have also been founded in the older States through grants of land made within the last thirty-five years. Now, it has seemed to me that in this capital city of the nation, under the peculiar conditions that prevail here, we might well afford to take this university and assist it from the public Treasury in the education of the colored people of the country. Somebody says, "Why the colored people?"

The CHAIRMAN. The time of the gentleman has expired.

On motion of Mr. McMILLIN, by unanimous consent, the time for debate on the pending paragraph was extended twenty minutes; ten minutes on each side.

Mr. CANNON. Gentlemen know the history of the country. A great block of people who are now clothed with sovereign power but a short time ago were slaves, having practically no rights under the law. In the twinkling of an eye their fetters were stricken off, and, without serving a probationary period of a generation or two, they were clothed with full citizenship, with sovereign power. The great mass of them were not competent to its exercise by education, by training, or by practice. They have made progress and they are making progress, and let me say that, in the nature of things, it would be impossible for a servile race suddenly to acquire a full equal status in fact with the race that had dominated it. That must be a matter of growth.

Now, from the standpoint of self-defense on the part of the people who are not colored, when we took in this great block of slaves and made them citizens it was necessary that we should do what we aptly could to make them worthy of citizenship, and the appropriation for this university was originally made to help support this institution, so that the colored people who attended it should receive instruction in the preparatory department, should receive instruction in the law, in the medical, and in the dental departments—should receive a little better instruction than they could get at their homes scattered through the North and the South, where, in many localities, great facilities for instruction do not exist—the appropriation, I say, was made to help this institution, to give those people instruction, so as to enable them to become in their turn instructors. It is the mission of this university to instruct these colored people and make them competent to go out as teachers among the people of their color. It has already, as I understand, borne much good fruit, and I believe that in the future it will bear more good fruit. I do not know whether Booker Washington, of Alabama, ever had training in this university or in any university like unto it, but the function of the university is to train men to do such work as he is doing for his race. One colored man well balanced, well instructed, well intentioned, going out among his fellows, can, by precept, by example, and by association do more to elevate them than 20 white men similarly equipped.

Now, Mr. Chairman, it is from that standpoint that I have felt that we ought not to withdraw support from this institution, which has 500 colored people under its guidance and instruction, giving them the training which will make them in turn competent to go out among the 7,000,000 of their race and help to raise them up to the common civilization. But it is said this is a private institution. So it is, and on the broad principle I agree with my friend from Nebraska [Mr. HAINER] that the permanent policy of assisting private institutions from the public Treasury ought not to be continued. But here is a private institution already organized which is doing its work well. We have not seen proper here in the capital of the nation to buy the necessary ground and erect a great university and officer it with men employed by the Government. That would be an immensely more expensive way of doing the work, though perhaps it would be the better way; but, pending the determination of that question, in my judgment, the greatest good to the greatest number of the people, black and white, is to be found along the line of letting this university continue its work.

"But," says somebody, "they have got a theological chair, and that is objectionable. You can not sacrifice principle." That is true. They have a theological chair, supported, in fact, by the contributions of the missionary society; but housed in that building which we repair, and presided over, if you please, by Dr. Rankin, the president of the university, whom we, in part, pay. For one, for the reasons I have stated, I am not willing to withhold this appropriation from this institution; but I do stand ready to say that no part of this public money shall be used for the purposes of the theological department of the institution. "But," says somebody, "are you not against religion"? No; I am not against religion; but I am against supporting religion from the public Treasury. That is all; and let me say here, measuring my words, after all the talk about sectarian appropriations out of the public Treasury, after careful examination, so far as I know, this is the only substantially sectarian institution here that has received the public aid. Speaking, in my judgment, advisedly, I make that assertion. So, Mr. Chairman, I believe for the present——

Mr. HAINER of Nebraska. I understand the gentleman to admit that this is a sectarian institution.

Mr. CANNON. I have admitted broadly that they have a theological chair there; that they teach theology in that university; and I say that, for that and perhaps other reasons, the item was

not reported by the Committee on Appropriations in this bill; but when the gentleman from Kentucky [Mr. EVANS] comes—and if he had not come somebody else would have come—and moves to restore the appropriation and puts in the proviso that this public money shall not be used directly or indirectly to support in the least degree the theological department of the university, then it is free, in my judgment, from the criticism which is made upon it from that point of view.

Mr. HAINER of Nebraska. Is it not true that even with the proviso to which the gentleman refers this appropriation would simply release other funds from pressure in other directions, and would practically allow the institution more money for theological purposes than it would have without this appropriation? In other words, are we not by the proviso simply beating about the bush?

Mr. CANNON. I will answer the gentleman's question. I have no objection to any honest religious opinion held or maintained by any Christian that draws the breath of life.

Mr. HAINER of Nebraska again rose.

Mr. CANNON. Let me answer your question. I will do so fairly. Mr. Chairman, I have no war—and I know that my friend has not—with any religion (I care not what you call it) that anybody honestly entertains and which makes him better or satisfies his conscience. But I want to be equally frank on another point and say that there is no man anywhere that in his private and his public action has been more consistent than I have in doing whatever was practicable toward keeping apart church and state; and in so far as any support which may be given this institution from the public Treasury can be tortured into support of the theological branch of the institution, I will not vote one cent until by apt provision we have negatived, if you please, the power to apply any part of this money to promoting theological instruction. I think the amendment offered by the gentleman from Kentucky [Mr. EVANS] substantially does this; but if there be any doubt on this point I will see that an amendment is moved in the House that will place the matter beyond all possible doubt.

Mr. HAINER of Nebraska. My friend misapprehended me. If he will notice the statement which he holds in his hand, he will find that the income of this institution is about $57,000——

Mr. CANNON. Yes.

Mr. HAINER of Nebraska. Half of which comes from the Government.

Mr. CANNON. Oh, yes.

Mr. HAINER of Nebraska. Now, as the expenses of the theological department do not amount to $29,000, is it not true that the proviso to which the gentleman refers can cut no figure, can have no practical force whatever, because the appropriation simply relieves the stress upon other funds?

Mr. CANNON. I will say to my friend, so far as that is concerned, that, in my judgment, the withholding of this $32,000 from an income which, with the $32,000, amounts to only $57,000, will practically cripple and destroy the institution.

I have no objection to religion being taught to any of God's creatures. Howard University may teach religion if it wants to. My objection is to the teaching of religion—Protestant or Catholic or pagan—in a theological department at the public expense, and I will see to it before I vote for this appropriation that the amendment is put in such a form that not one cent of the public money thus appropriated can be directly or indirectly used to support a theological school or department in any institution.

Having said that much, I will conclude in a few words. From a standpoint of broad patriotism, in my judgment these 7,000,000 people who are part and parcel of the sovereign power of this country—who were slaves and are now free—many of whom are still ignorant, but who are in process of education, must be helped where help will make them progress. From the standpoint of self-defense for them, and in a far greater degree for the white people of this country, these people are to be encouraged in every effort that leads to industry and true education. I believe that this institution, by thoroughly equipping black men to go forth educated fairly well to instruct other black men in the country who are without instruction and who meet them as social equals, should not be hampered in its work. [Applause.]

Mr. EVANS. I had proposed to yield five minutes to the gentleman from Texas [Mr. SAYERS], whom I do not now see in the Hall. Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirty-five minutes.

Mr. EVANS. I will yield three minutes to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. I do not care to occupy the time.

Mr. EVANS. I yield now to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I did not expect to take part in this debate, but I have no hesitancy in expressing an opinion as to what the committee should do touching this appropriation. I shall vote for it, coupled with the amendment that will be proposed by the gentleman from Kentucky [Mr. EVANS], which is as follows:

*Provided*, That no part of this appropriation shall be used directly or indirectly for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under this appropriation.

This proviso, Mr. Chairman, will not only entirely and successfully prevent the use of a single dollar of the appropriation for sectarian, denominational, or theological instruction, but it goes further. It puts the instruction under the direct supervision and control, so far as the expenditure of the appropriation is concerned, of the Secretary of the Interior.

Sir, this appropriation has been placed on this bill at each recurring session of Congress since 1880; but to-day and for the first time in its history an objection has been raised against its allowance. Heretofore the appropriation has been in a much more liberal and unrestricted form, but no one—Democrat, Republican, Greenbacker, Populist, or Independent—has ever been heard in the committee room or on this floor, or in the Senate, by speech or by vote, in opposition to it until now. Session after session, for the past sixteen years, this item has appeared, as I have already said, on the sundry civil bill, and it has been read from the Clerk's desk and in the actual presence of members and in the open House, and has been considered in the Committee of the Whole separately and distinctly from every other item in the bill, and has always passed the committees of both Houses, and also both Houses themselves, without a single dissenting voice. And, if I mistake not, the gentleman from Nebraska [Mr. HAINER], the leader of the opposition to the appropriation, sat in his seat during both sessions of the last Congress while the item was under consideration and was not heard at any time to raise the slightest objection to its passage. Why this sudden change now? Have members been sitting in their seats all these years with their eyes closed and their ears stopped? Have they—those here at this time, and all of those who have gone out of this House since 1880—been so blind that they could not read this particular item of appropriation, which since that year has always appeared on every sundry civil appropriation bill, and that, too, at the very same place in every bill? Or have they been so deaf that they have not been able to hear the item when read from the Clerk's desk in distinct and audible tones in the Committee of the Whole House as the bill was under consideration? Or have all these Representatives, able, careful, and patriotic as they were, been so dumb that they were not able to make known their objections, if any they had, by voice or by vote? Or, finally, have they been too cowardly to criticise and to denounce such an appropriation, supposing they may have deemed it improper? The RECORD, I repeat, signally fails to show that at any time and on any occasion during sixteen years past any member of either branch of Congress has, until now, in any way criticised or condemned it.

And yet, sir, the gentleman from Nebraska [Mr. HAINER], who has suddenly sprung to the front as the strongest and most prominent objector to this particular appropriation, was a member of the last Congress. If it would be wrong to make this provision now, it was quite as wrong to have made it at each regular session of that Congress, for the institution itself has in nowise changed; and yet not a word of objection or of protest was heard to fall from the lips of the gentleman at either session of the last Congress when this item was considered and when he was present, as he is to-day, though certainly in a different frame of mind.

Sir, I do not claim to be the especial champion of the colored people beyond other gentlemen on this floor, but I can fairly claim to possess a somewhat accurate acquaintance with their present condition, and also with their present necessities. I believe that what they most need in the South is good teachers—teachers who possess a thorough knowledge of the elementary and higher branches of education, and who have been so taught as to be able to properly and successfully instruct the children of their race. There are seven millions, or thereabouts, of these people in our country. They are endowed with the rights of citizenship and of suffrage. We appropriate annually large sums of money for the support and maintenance of the military and naval academies, including chaplains therein, to say nothing of the chaplains in the Army and Navy, and the chaplains for the two Houses of Congress; we appropriate also large sums annually for the education of Indian children, for the education of children in Alaska, irrespective of race, and for the higher education in this city of deaf and dumb unfortunates who are to become teachers in deaf and dumb institutions generally throughout the country. Shall we now draw the line on the preparatory education of colored youths which fits them for teaching the children of their own race, simply on the pretext that the rudiments of religion and theology are taught incidentally in connection with the regular

branches of scholastic instruction, the funds for the purpose accruing through private contribution? Congress appropriates each year for religious instruction to the Army and to the Navy, and to the two academies and to itself; yet one of the two reasons assigned for the rejection of this item is that the Howard University has a theological chair, which is not in any way, or to any extent, supported by Governmental appropriation, but solely and entirely from private sources and personal contributions. Are not gentlemen straining at a gnat and swallowing a camel? It is no answer to say that our Naval and Military Academies are legally open alike to the white and the colored. Practically they are not, and the whites are the only recipients of instruction in those institutions. Furthermore, we have an agricultural and mechanical college in almost every state, largely endowed through the bounty of the Federal Government, and receiving increasing permanent appropriations every year from the Federal Treasury, in pursuance to the enactment of Congress. These agricultural and mechanical colleges, moreover, are supplied at the Government expense with military instructors detailed from the officers of the Army. Their salaries are paid from appropriations made by Congress. And finally, in addition to these instances of appropriation for education, we annually grant large sums, not only for the education of the Indian, but for the importation and purchase of reindeer for the Alaskan Indians; and this year an appropriation is made, as has been done for several years past, for the physical support and subsistence of the Aleutian Indians on the islands of St. Paul and St. George, in Bering Sea.

Ah, Mr. Chairman, Congress has gone so far as to appropriate largely every year even for the maintenance of a magnificent park in the suburbs of this city for the preservation of the animal species indigenous to this country, and for the indirect education of the people. Congress appropriates likewise every year for the support of the National Museum and for the support of an organized Bureau of Education, all doubtless on the sound philosophy that education in a broad sense is a legitimate object of the concern of a Republic, a proper object of appropriation by the National Legislature, within certain obvious restrictions. With these, and many other educational objects of a kindred character that have received Congressional sanction and support, why should the committee hesitate to adopt this item as heretofore and pass this appropriation? The institution known as Howard University rests upon a corporate existence created by an act of Congress, and it is not under the auspices or control of any religious denomination whatever; and it has practically been for years a part of the school system of the District of Columbia, for whose support annual appropriations are made elsewhere. Since these appropriations began, in 1880, tuition has been free to all who came. Under these circumstances, to my mind, only an extreme and unreasonable hypercriticism can justify or seek to justify an objection to this appropriation of $32,000 toward the maintenance of this institution. Guarded, as the appropriation will be, by the proviso to be submitted by the gentleman from Kentucky [Mr. EVANS], the money can not be used for sectarian or church purposes, and, to the extent of the expenditure, it is under complete governmental control. It is open to the colored youth of every State and Territory in the Union; and I am told that there are now twenty students from the State of Texas, though she is among the most distant States from the Federal capital.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. I would like ten minutes longer.

Mr. Chairman, this appropriation was inaugurated by the Forty-sixth Congress, by a Democratic House, on the report of a Democratic Committee on Appropriations, of which Gen. J. D. C. Atkins, of Tennessee, was the chairman. This, as I have already said, was in the year 1880, and the appropriation has been continued without interruption or objection from any quarter whatever until this date. I do not think it should be discontinued as long as the institution is properly conducted and no scandal arises in its administration. I have heretofore voted for the appropriation, and during the last Congress, when I had the honor to be chairman of the Committee on Appropriations, this bill was in my especial charge. I believed the appropriation to be a proper one then, and I believe it to be a proper one now. It has not been abused in the past, and the gentleman from Nebraska [Mr. HAINER] will not urge upon this floor to the contrary. He will not say that a single dollar of the appropriations heretofore made by Congress to assist this institution has been used for the payment of professors for teaching theology. He can not do so. There will be found in the catalogue of the institution a chair of theology——

Mr. HAINER of Nebraska. Will the gentleman allow me——

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. I know my friend wants to be entirely fair.

Mr. SAYERS. Entirely so.

Mr. HAINER of Nebraska. The examination of the report of the institution shows that the whole amount of the appropriation is covered into the treasury, and there is no segregation of it at all.

Mr. SAYERS. Certainly not.

Mr. HAINER of Nebraska. Then how can the gentleman state that no professor of theology has been paid out of this appropriation?

Mr. SAYERS. But the report shows, as I understand it from the reading by the gentleman from Illinois [Mr. CANNON], that the appropriation for the support of the theological chair, or, more properly speaking, the money for its support, comes from an appropriation or donation by some charitable association or society.

Mr. HAINER of Nebraska. I had read to the gentleman already a statement to the effect that there is an equal amount contributed to the college from other sources, and that out of the whole amount there are paid the salaries of the professors of theology. But the gentleman must not forget that the same professors teach other branches.

Mr. SAYERS. Oh, that may be, but the amendment which the gentleman from Kentucky [Mr. EVANS] will offer will exclude the payment of a single dollar for any theological professor whomsoever, will it not?

Mr. HAINER of Nebraska. Not practically; no. It is covered into their treasury, and a portion of it is used for one purpose and a portion of it for another. We had better be honest about this.

Mr. SAYERS. My understanding is that the gentleman from Nebraska bases his opposition to this appropriation solely upon the fact that it is a private institution?

Mr. HAINER of Nebraska. That includes it all. Of course I base it on the dual fact that it is a private institution, and that it is sectarian. Nobody disputes the proposition that it is sectarian, and that it is private.

Mr. SAYERS. The amendment offered by the gentleman from Kentucky [Mr. EVANS] prohibits the use of the appropriation for teaching any sectarian doctrine.

Mr. HAINER of Nebraska. The gentleman must know, as a practical man, that he is mistaken about that.

Mr. SAYERS. No; my construction of the amendment is that no portion of the appropriation can be used for the purpose.

Mr. HAINER of Nebraska. But it releases an equal amount of other moneys and will do it indirectly.

Mr. WILLIAMS. That is, with other money, which is not public money, they will teach theology.

Mr. SAYERS. If they should wish so to use the money that comes from private sources, let them do so.

Mr. HEPBURN. I should like to ask the gentleman from Texas is there any change in the situation now from a few days ago, when the committee, as I understand, by a unanimous vote, excluded this proposition from the bill? Why was it proper, by a unanimous vote in the secrecy of the committee room, to exclude this item, and here in the House now to be so eloquent in its advocacy?

Mr. SAYERS. It was not done by a unanimous vote. It was not done by my vote. I have no hesitancy in saying that. [Applause.] I will not do in the committee room what I hesitate to do in the House. Other gentlemen can speak for themselves as to that matter. As for myself, I voted for the appropriation in the committee room, and it was not stricken out from the sundry civil bill by my vote.

Mr. GROUT. It was by a bare majority that the item was stricken out in the committee.

Mr. SAYERS. I stood by the appropriation in the last Congress; and merely because this House is Republican, I shall not now condemn that which I then did, and admit that I did wrong when I was chairman of the Committee on Appropriations. [Applause.] If it is wrong to make this appropriation to-day, it was wrong two years ago and one year ago, and it was wrong all the time previous.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TRACEY. I should like to ask the gentleman from Texas a question, and I ask unanimous consent that his time be extended five minutes.

Mr. CANNON. I ask that the gentleman's time be extended ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TRACEY. The question I want to ask is this, and I ask it because I believe the gentleman can give me the information I want——

Mr. SAYERS. I will give it if I can. I will answer the gentleman honestly.

Mr. TRACEY. This being admittedly a private institution in every sense of the word, why should it be singled out for an appropriation of public money in preference to other private institutions doing the same sort of work?

Mr. SAYERS. Well, my friend, I will answer the question.

It is a fair question, and I can answer it at leasats tisfactorily to myself. My answer is, that because of the peculiar condition of the colored people, and their peculiar relation toward the entire country—because they have not the same advantages as the white people [applause], because this institution has been to a great extent, or at least to some extent, supported by the Government ever since 1880, and has become accustomed to rely upon it, and in consequence has opened its doors to all and made its tuition free to all, I do not think it should be stricken down without a moment's warning.

Mr. HAINER of Nebraska. Will the gentleman allow me?

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. Will the gentleman explain to this House why his reason applies to this institution rather than to the university at Atlanta, which is a colored institution doing the same kind of work and as high grade, or to the Indian schools, which give education to the Indians, who certainly present as equitable considerations as any other class?

Mr. SAYERS. We spend large sums of money for educating the Indians, and is not a colored man as good as an Indian? [Applause.]

Mr. HAINER of Nebraska. Certainly; but is it not true that this House has refused appropriations for sectarian schools for the Indians?

Several MEMBERS. Oh, no.

Mr. SAYERS. The gentleman pretends to be the especial friend of the colored race, and I have no doubt, again and again, when he is stumping his district in the State of Nebraska, one of the main points in his argument against the Democratic party was that it did not permit the colored people of the South to have a fair chance. Now let him give them a fair chance here. [Applause.]

Mr. HAINER of Nebraska. I want to say to my friend, whatever may be the practice which prevails in Texas, I do not play the demagogue when I am at home, and neither do I here.

Mr. SAYERS. Of course not.

Mr. HAINER of Nebraska. But I have branded the Democratic party and denounced them because they have robbed the colored man of his rights as a man; and I would be worse than an enemy to them if I undertook to repay by extending charity to them.

Mr. SAYERS. Mr. Chairman, I denounce what the gentleman from Nebraska has said in respect to the treatment of the colored people by the South as untrue. [Applause on the floor and in the galleries.] Let me inform him as to the manner in which the colored people are treated in my own State. For every dollar that goes out of our State treasury for the education of a white child in our common schools, another dollar goes to a colored child.

Mr. TUCKER. The same in Virginia.

Mr. SAYERS (continuing). We have a princely domain set apart in our State for the support of our common free schools, and also a very large investment in interest-bearing bonds. And in addition to these sources of revenue we subject ourselves to an ad valorem tax for the same purpose. To the amount accruing from this tax the colored people contribute but a very small proportion indeed, yet the colored child receives of this fund just as much as the white child—no more and no less.

But this is not all in the matter of education. In very many, if not all, of our incorporated towns and cities we have a system of graded schools, to support which our people subject themselves to an additional tax, and the proceeds of this tax—an ad valorem one—are applied in the fairest possible manner to the education of the children of both races, though the colored people contribute but very little to this tax. For the preparation of young colored men and women for teaching we have a splendid college, supported and maintained by the State. It is true that we do not have mixed schools. To attempt such a policy would be disastrous in the extreme. Sound policy, as well as common humanity, requires that the races, as regards education, should be kept apart; and they will be kept apart, however distasteful that policy may be to those who live elsewhere and know nothing of our peculiar conditions.

Mr. TRACEY. I would like to ask one more question.

Mr. SAYERS. I will answer it. But before doing so I wish to say that every charge made here or elsewhere against the people of the South in regard to the manner of their treatment of the colored people—that they do not afford them all the advantages to better their condition in life—is false, in whole or in part.

Mr. HAINER of Nebraska. Mr. Chairman——

Mr. SAYERS. Not now. I am not yet through with what I desire to say.

Mr. Chairman, in Texas every avocation and trade is open as well to the colored man as to the white man. In the district which I have the honor to represent we have colored ministers and teachers, colored lawyers and physicians; and in the various trades and handicrafts the colored race has its representatives. Colored mechanics find constant and lucrative employment, not only at the hands of their own people, but also by the white people, and in a much larger degree. There is no discrimination whatever against them because of their color. The only question as to a colored workman is, "Can he do, and will he do good work?" If so, he will be employed, and for his labor he will receive good wages. Sir, it is no unusual thing to see the white man and the colored man, side by side, nailing shingles on the same roof or standing together at the same forge. Nowhere in this country does the colored man possess such facilities for intellectual and material advancement as in Texas. Economy, integrity, and industry there, on his part, will insure to him wealth and independence commensurate with his efforts.

Mr. Chairman, the South is the colored man's home; and whatever may be said to the contrary, he knows and feels that the Southern people are his best and his truest friends. If this be not so, why has he not gone elsewhere? Why does he continue to abide among the scenes and memories of his former slavery? He has been free for more than thirty years, and during that time the opportunity for migration to the Western States and Territories has been open to him. Why has he not availed himself of the opportunity? If he has been so robbed by the Southern people as has been alleged by the gentleman from Nebraska [Mr. HAINER], why has he continued and remained among his despoilers and oppressors for so many years, when he need travel but a short distance to find a home among those who freed him and who profess to be his best and his truest friends? Why has he not secured for himself a dwelling place in the West or in the Northwest, under the beneficent land system of the General Government? Why has he not hied himself to Nebraska, or to some other new Northwestern State? You, gentlemen, who live in those States, can perhaps answer the question.

Some months before his death, Frederick Douglass was before the Committee on Appropriations of the House asking that provision be made for workshops in Howard University, so that young men might be taught the mechanical arts. He said before the committee that he had but lately returned from Georgia and other Southern States, where he had seen colored carpenters, blacksmiths, and mechanics of every kind doing well whenever they were industrious and economical. He was asked how it was with respect to his race in such avocations in the North. The venerable man bowed his head and replied, in despondent tones, that colored men had but little opportunity to engage in such pursuits in the North. Is this true, gentlemen? Was he, the most famous man of his race on this continent, mistaken, or was he correct? He said that the rules and regulations established and enforced among the trades unions kept the colored man in the background. I know nothing about such matters, and will not assume to speak upon them. Gentlemen who represent Northern constituencies know whether this be true or not. I do not, and therefore do not make the charge.

Mr. HAINER of Nebraska. Mr. Chairman, if the gentleman will allow me——

Mr. SAYERS. Now, the gentleman knows whether that to which I have referred be true or not [laughter]; and if there is a member of this House who will say that it is not true, I would like for him to arise from his seat and deny it.

Mr. HAINER of Nebraska. I do not care to follow you in any excursion in respect to alleged facts as to unions.

Mr. SAYERS. Of course not.

Mr. HAINER of Nebraska. I call your attention to the fact that you based your former argument on the fact that these people had not received fair treatment.

Mr. SAYERS. I say that in the North they do not receive as fair treatment as in the South. We see colored waiters and colored barbers, but not any colored Representatives on this floor from the North.

Mr. HAINER of Nebraska. You count them out. Mr. Chairman, I call the gentleman's attention to the fact that he predicated his argument on the fact that the colored people had not been received on an equal footing, that they had been held down, and, therefore, they should have this school. He now makes the argument that in the South, where they live, that they receive equal aid and facilities in acquiring education.

Mr. SAYERS. Certainly.

Mr. HAINER of Nebraska. Then, if they do, what is the necessity of giving them this undue advantage, which you do not extend to the whites?

Mr. SAYERS. Does the gentleman call this an undue advantage?

Mr. HAINER of Nebraska. It is an unequal advantage. I understand you to say that the colored children have the same advantages in your State as the white children have?

Mr. SAYERS. Yes; they have exactly the same as to common free schools. Will the gentleman answer this question?

Mr. HAINER of Nebraska. Yes, sir.

Mr. SAYERS. Has a colored boy ever been nominated to the Military or Naval Academy from Nebraska?

Mr. HAINER of Nebraska. Yes, sir; I will. I want to say that in every district in my State appointments to West Point or Annapolis have been determined by competitive examination, where there has been absolutely no distinction made with respect to the color of any competitor. Now, did you ever nominate or appoint a colored boy to one of those institutions?

Mr. SAYERS. Certainly not. I never have.

Mr. HAINER of Nebraska. Did you ever know of a Democrat who did?

Mr. SAYERS. I have not done so.

Mr. HAINER of Nebraska. Why not? You claim to be the friend of the colored people.

Mr. SAYERS. I will answer the question; because I believe the white race to be the superior race, and that an appointment to either of the academies would be of no value whatever to a young colored man. Appointments to the Academies should be given only to those who are fitted to accomplish the course successfully and make good officers. So far, whenever attempted, trouble has resulted and no good whatever has accrued to the colored student. It is said that the cadets at these academies would not and did not receive them on equal terms, and therefore their lives there were very unpleasant.

Mr. HAINER of Nebraska. And yet you say you are the friend of the colored man.

Mr. SAYERS. Yes; I claim to be. I am certainly as good a friend to him as is the gentleman from Nebraska. Why should I not be? I have known him and been with him all the years of my life.

Mr. TRACEY. Now, I would like to ask the question I started to ask a few moments ago. Have I the gentleman's permission?

Mr. SAYERS. The gentleman has.

Mr. TRACEY. I wish to ask the gentleman a question for information. I do not know very much about this university, having had no opportunity to investigate it. Will the gentleman be kind enough to tell us of some of the beneficial results that have come to the colored people, as a practical matter, from the operations of the university and the appropriations heretofore made for it?

Mr. SAYERS. Will the gentleman admit that every young man or young woman who is educated at this university and goes out among his or her people to instruct them, and does properly instruct them, is a benefit to the community?

Mr. TRACEY. Certainly; and that is what I want to know about—what the university has done in that way.

Mr. SAYERS. Well, it has instructed many such people and qualified them to go out as teachers.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SAYERS. I would like to have a little more time.

Mr. HAINER of Nebraska. Mr. Chairman, I suppose it is understood that any extension of time that may be given will apply equally to both sides.

Mr. SMITH of Illinois. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas be extended ten minutes.

Mr. EVANS. How will that leave the general question of time, Mr. Chairman?

The CHAIRMAN. As the Chair understands, this is a request for a special extension of ten minutes for the gentleman from Texas, which would leave the general arrangement for time as it was before.

Mr. HAINER of Nebraska. Mr. Chairman, I hope that fairness will be observed in this matter of extending the time, and that both sides will be treated equally.

Mr. SAYERS (to Mr. HAINER). You can have as much time as you desire. I don't think your cause is advanced by discussion. [Laughter.]

Mr. HAINER of Nebraska. I thank the gentleman for his courtesy, but if he is correct he ought not to object to my having more time. Mr. Chairman, I desire to modify the request so as to provide that the additional time shall be divided equally between the two sides.

Mr. SAYERS. I have no objection to such an arrangement.

The CHAIRMAN. Unanimous consent is asked that the time for discussion of this question be extended twenty minutes, ten minutes to be controlled by the gentleman from Texas and the other ten by the gentleman from Nebraska. Is there objection?

Mr. SHERMAN. I object.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. SAYERS] be allowed five minutes more.

There was no objection and it was so ordered.

Mr. SAYERS. Mr. Chairman, much that is irrelevant and somewhat unpleasant has crept into this debate. This I deeply regret. As to the colored race, I have only to say, further, that the section most favorable to their happiness, prosperity, and advancement is the South. He has tried Mexico, and his efforts in that direction have resulted most disastrously to him. He has tried Oklahoma and other portions of the West, and there he has been equally unfortunate. It is in Dixie that he must live and die, and upon the Southern people will devolve the proper solution of this, the greatest problem that confronts the country. The South, and the South alone—if it can be done at all—can and will successfully meet the issue; and this she is attempting to do. Of necessity the process of solution must be slow. But I sincerely believe that, if let alone and uninterfered with by well-meaning but altogether incompetent influences from without, the South will pursue a policy that will be mutually beneficial to the white and colored races.

Speaking for my own State, Mr. Chairman, I can truthfully say that there is not the slightest disposition among her people to do the colored man injustice. They have been willing, and they are now willing, and, in my opinion, they will always be willing, to accord to him every civil right and every political right consistent with his capacity, and at no time will they refuse to him that just recognition which every human being is entitled to have, for every virtue that he may possess. Whenever and wherever and however he may show himself to be economical, industrious, honest, and law abiding, he will be permitted to reap the full reward of such qualities. Every trade, avocation, and profession is open to him in our State under the law, and there is no under-running current of public opinion that will prevent his hopefully entering upon any pursuit which he may desire to follow. In my judgment, safety to both races imperatively demands that the two should, in all matters affecting domestic, educational, and social life, be kept rigidly apart and distinct. This our people are firmly resolved to do. In matters of business the situation should be, and is, different; and along that channel they can and do move together harmoniously and to the mutual benefit of them both. With the right of suffrage equally accorded to both and respected alike by both; in the equal enjoyment of our magnificent common-school system; with the right to adjudicate differences and to redress wrongs upon appeal to the courts equally shared by both, and with the right to sit on juries, when qualified, under a law that is absolutely impartial—under these conditions, I say, the way to further and continued advancement, intellectual, moral, and material, is open and clear to the colored man. Such, Mr. Chairman, is the policy of our State, as determined by her constitution and her laws, sanctioned by the approval of the entire people. Under the operation of such a policy I can not doubt that the colored man can, if he but will, realize the full fruition of his industry, honesty, energy, and economy.

But, Mr. Chairman, returning to the question directly under consideration, I venture to express the opinion that this committee will not be driven by the opposition of the gentleman from Nebraska [Mr. HAINER], and of those who concur with him, to refuse this appropriation, which has been annually made with the consent of every Senator and Member present when it has been under consideration in the two Houses of Congress since the year 1880, and thus deprive, without warning, this institution of the customary assistance which has thus far for so many years been given it.

Mr. BAILEY. May I ask my colleague a question?

Mr. SAYERS. Certainly.

Mr. BAILEY. I desire to know whether there are public schools provided for the education of the negro children in the District of Columbia?

Mr. SAYERS. There are such schools.

Mr. BAILEY. But I understand that this is a private institution?

Mr. SAYERS. It may have been a private institution, incorporated as such; but since governmental assistance was first rendered to it in 1880 it has become in a manner public—that is, its tuition has been and now is free to all; and it is required by its act of incorporation to make an annual report to the Secretary of the Interior, exhibiting the several items of expenditure and the objects thereof, and generally the work accomplished by said institution—all of which has heretofore been done, year by year. The effect of the amendment to be offered by the gentleman from Kentucky [Mr. EVANS] will be to give to it an additional public character and to make it more responsible to the Government. Whether my contention in this respect be true or not may be seen from the portion of the amendment which I will read:

No part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or his designated agent or agents, authority to visit and inspect such university, and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Mr. BAILEY. I agree with my colleague that it is proper to provide educational facilities for the children of the District; but if educational facilities are already provided at the public schools, then it occurs to me that it may be a valid objection against this appropriation that it goes to a private institution.

Mr. SAYERS. I can only say further, Mr. Chairman, in reply to what has been said by my colleague, that in the city of Washington, and the District of Columbia, and by Congress, this institution has for sixteen years been regarded as a part of the school

system of this city and District. It has been regularly appropriated for since 1880, and in consequence of such appropriations its tuition has been made free to the colored youth, not only of this city and District, but also of the States and Territories. By virtue of the amendment to be offered by the gentleman from Kentucky [Mr. EVANS], it will be impossible to use a single dollar of the appropriation for sectarian or religious instruction; and further, it will be put under the immediate and direct control of the Secretary of the Interior, to the extent of the aid furnished by the Government. These provisions, it seems to me, should be satisfactory to all who favor appropriations for the education of colored children in the District. I have heard no one object to such appropriations.

Mr. Chairman, I do not care to consume further time. I am, indeed, obliged to the committee for its indulgence and attention. [Applause.]

Mr. HEPBURN. Mr. Chairman, I had no desire or intention to participate in this debate until I heard some of the astonishing theories of the gentleman from Texas [Mr. SAYERS]. The gentleman from Texas now appears here as a special champion of the colored race. He favors this proposition in order that the colored people may have proper educational advantages. I would like to ask the gentleman if in his own State, in the University of Texas or in the Agricultural College of Texas, colored men born in that State are eligible for membership?

Mr. SAYERS. I will answer that question. I reply frankly no; but the State of Texas supports other institutions for the education of the colored race.

Mr. HEPBURN. Ah, the State of Texas supports other institutions, but institutions of this class, about which the gentleman is so solicitous now, and of which he now appears to assume the championship—such institutions in his own State, as in every other State of the South, exclude colored youth from their benefits. The gentleman tells us here that there is a preeminent necessity for institutions of this kind; that the colored youth receiving higher education should be sent as missionaries among their own people, where one of them would be the equal of many whites in extending the great advantages of education. But in his own State, where he and his party have the power—in other States where they have the power—they refuse to give the colored people these advantages and reserve all efforts of that kind to public debate here, where they can secure the applause of the galleries.

The gentleman indulges in the other extraordinary statement that the people of the South are better friends of the colored people——

Mr. MILES. Will the gentleman allow me a moment?

Mr. HEPBURN. Though it may seem discourteous, I must decline, as I have but ten minutes. The gentleman has forgotten some scenes in this House and some evidences that have been brought before the House bearing on this question—this House, I mean. The people of the South are the better friends of the colored people in securing them their rights! What wrong, then, has been done you if that is true? Let me refer to the proofs in the election cases that have been presented here, where it appeared that you had not only refused education of the better kind to the colored people, but where it was shown that you had robbed them of their civil rights, had refused them the right of suffrage, and, not content with stripping them of their rights, had used the stolen power thus given you here in this House of Representatives. Is it not true that it was shown in an election case here recently that many thousands of the colored people in one of the Alabama districts who had refused to vote, who had refused to be registered, who knew that their power would be rifled from them and prostituted to uses that they did not choose—that those people were registered without their knowledge or consent, that they were seemingly voted without their knowledge and consent, and that those votes were counted in order to give a fraudulent certificate to a man who presented it and added his vote to the political strength of the minority of this House?

Mr. Chairman, I could go on with one proof after another if it were necessary. Sir, another State, illustrating its great solicitude for the colored youth, has recently adopted a constitution—a deliberate act, an act intended not for the day, not for this year, but for time. I find among the provisions of that constitution this:

> Separate schools shall be provided for children of the white and colored races; and no child of either race shall ever be permitted to attend a school of the other race.

There is not, I am told, a single educational institution of the higher class in the South at which the brightest colored youth in all the land is eligible for membership.

Mr. SAYERS, Mr. ELLIOTT of South Carolina, and others. That is not true.

Mr. HEPBURN. If I am in error I am willing to be corrected.

Mr. OWENS. The State of Kentucky has her normal college for the education of colored youth.

Mr. HEPBURN. With the whites?

Mr. OWENS. No, sir; by themselves.

Mr. HEPBURN. Oh, yes; you establish beggarly, "measly" institutions, to which you send persons of the colored race, but your institutions of the better class close their doors to them.

Mr. SAYERS. That is not so.

The CHAIRMAN. The gentleman from Iowa must not be interrupted without his consent.

Mr. HEPBURN. In the North, at Harvard, at Yale, at the Michigan University, at the Iowa University, and other institutions, all the doors are thrown wide open and colored people are invited to enter. Yet you tell us that you are the friends of the colored people; that you are their peculiar champions; that you of all men are those who best know what is for their good and are most solicitous to accomplish it.

Mr. LIVINGSTON. Will the gentleman allow me to correct him?

Mr. HEPBURN. I shall be glad to be corrected.

Mr. LIVINGSTON. I call the gentleman's attention to Clark University, Georgia, for colored people——

Mr. HEPBURN. For colored people!

Mr. LIVINGSTON. Sustained equally, by taxation on the whole people, with the State university for the whites. There is no better institution of learning in the United States than the Clark University, supported under the legislation of the State by the common taxes of the people of Georgia. [Applause on the Democratic side.]

Mr. OWENS. The gentleman from Iowa will allow me to say that Berea College, in Kentucky, is open to both whites and blacks.

Mr. HEPBURN. Is it sustained by the State?

Mr. OWENS. No, sir; there are only two institutions sustained by the State, one for the whites and one for the colored people.

Mr. ALLEN of Utah. Was not Berea College founded by the abolitionists? [Laughter and applause.]

Mr. HEPBURN. "I thank thee, Jew, for teaching me that word."

Mr. OWENS. What was the gentleman's remark? I did not catch it.

Mr. HEPBURN. This is the first time that I have ever seen gentlemen on the other side assuming to be the champions of the colored race or the champions of Howard University. I commend them, however, for this new departure. I am glad to see that at last their eyes are beginning to be opened and that they see it is necessary for them to do something for this race. Gentlemen tell us that they have, by taxation——

Mr. OWENS. Will the gentleman permit me?

Mr. HEPBURN. I must decline respectfully to be interrupted now.

Mr. OWENS. I am only trying to get on your side of the question, if I can find out what side you are on.

Mr. HEPBURN. Well, I am not seeking support in that direction, at the expense of my time. [Laughter,]

Gentlemen tell us that they are entitled to special credit because in these Southern States, especially Texas, the white people pay nine-tenths of the taxes. Why, they do not pay it. Your taxation is levied on the property. The property pays it, and you have seen to it that the colored people have not very much chance of getting rich.

Mr. SAYERS. That is not true; not a word of truth in it. You have not been down there. I dispute the statement. What do you know of Texas? [Laughter.] Why such people as my friend do not live in Texas——

Mr. HEPBURN. Well, "I appeal from Philip drunk to Philip sober." A little while ago we were told by the gentleman that the white people of the State paid nine-tenths of the taxes——

Mr. SAYERS. Now, if the gentleman will allow me——

The CHAIRMAN. The Chair must remind gentlemen that the speaker can not be interrupted without his permission and consent. I am sure that the members here who are experienced in parliamentary affairs will appreciate the importance of adhering to that rule.

Mr. SAYERS. Just a moment, if the gentleman will permit me. If the gentleman will confine himself exactly within the limits of parliamentary debate of course he will not be interrupted.

The CHAIRMAN. The Chair trusts that gentlemen will observe the rule and not interrupt without consent.

Mr. SAYERS. Certainly not.

Mr. HEPBURN. Is the gentleman from Texas through? [Laughter.]

Mr. SAYERS. Go on.

Mr. HEPBURN. If I indulged in error it was because of the statement of the gentleman himself. I learned from him this morning that the whites of Texas paid nine-tenths of the taxes, and I assume that that taxation is based on the property in the State as it is everywhere else. But, Mr. Chairman, when it comes to the head tax, the poll tax, the per capita tax, I ask if the colored man does not pay just as much as my friend from Texas—just the same amount?

Mr. SAYERS. Certainly, and he should do it.

Mr. HEPBURN. Undoubtedly; I am not quarreling with that; I am only seeking for information. [Laughter.]

Mr. SAYERS. The objection I have to my friend is this: That all he wants with the colored man is to get his vote and have him attend political conventions.

Mr. HEPBURN. Well, the objection I have to the gentleman from Texas is that he insists on occupying all of my time. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. [Laughter and applause.]

Mr. HAINER of Nebraska. I yield five minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, Oliver Wendell Holmes, the poet of Massachusetts, told the people that they could order up their ascension robes and prepare for the millennium when certain things would occur. I am of the opinion now that every man, woman, and child in the United States of America, particularly those of the colored race, can order up their ascension robes for use on the day of the millennium, which is certainly near at hand. [Laughter.]

According to the statement of my learned friend from Texas [Mr. SAYERS], the only decent place, the only paradise for the colored people is in the South. It is their paradise; it is their home; the only friends they have in the United States are the Southern people; the only advocates that they have on the floor of this House are the Southern Representatives, elected as Democrats and unjustly accused of depriving black men of their votes. In view of these statements, so earnestly and apparently sincerely made, I am convinced now that the end of the world is near at hand, and we all ought to be ready to put off things earthly and take upon us things spiritual in the unknown land beyond the dark river of death. The day has come when the lion and the lamb shall lie down, nay, have laid down, together in the South, although, privately, I may say I am confident if we had the X rays turned onto the lion we would find that the lamb was inside of the lion, and not pleasantly sleeping by his side. [Loud laughter.]

But what has it to do with the question now before the committee whether or not the Southern people make a "little tin god" of the colored man, or whether or not it is a passport to society in the South or a sure ticket of admission to the best Southern institutions of learning to be a colored man. Why, sir, I had no doubt when listening to the eloquent efforts and the rhetorical periods of my friend from Texas, so fervently were they pressed upon us, that all I needed to-day to obtain entry into the most fashionable and exclusive society of the South, especially in Texas, was to black my face, go down there, and say, "I am Sambo Johnson, from the plantation fields of old Virginia," and all doors would fly open to receive a colored man. [Laughter.]

Mr. SAYERS. The gentleman misapprehended me. He would not be likely to get into the most exclusive society in Texas.

Mr. JOHNSON of California. Mr. Chairman, I have not been very well for some time past, and am filled up with medicine, and so did not hear what the gentleman from Texas said, but no doubt it was a good thing, for everything that he says is good.

I have no doubt that from now on when the colored man comes to a Representative here or elsewhere and asks for a home for himself and for his family, and when he in addition says that he seeks education for himself or for his children; when he says, as many of them have said and many more will say, "I was a slave, I have felt upon my back the lash of my master, I feel now the degradation of my position, but, thanks to God, to Lincoln, and the American people, I am free, and I want my children to taste the blessings of that freedom I received so late in life and to obtain that education which every child upon this continent has a right to enjoy"—I have no doubt that we will all unite in one grand acclaim in singing the old plantation song and advising him to leave the cold and snowy fields of the North and go into the rich cotton fields of the South, where only he can find true friends of his race. Then we will further tell him that, thanks to the gentleman from Texas, you and your children will be educated in the best colleges the State of Georgia or the State of Texas can afford. [Applause and laughter.]

Does any one of us believe that? Does the gentleman from Texas or any other gentleman from the South believe that? If they do, then the day of the millennium has come and gone, and we are now living in a different atmosphere from that of humanity or even that of spirits. [Laughter.] No man has any right to expect us to believe it or to accept the roseate-hued picture painted by the gentleman from Texas of the kind and loving care taken of the colored man and his education by the Southern States as being as lovely as it is painted. No man has any right to expect us to believe anything except the facts as we know them, and from a study of them we feel constrained to differ from the verbal sketch of Southern white and black man that has been presented to us. But what has this to do really with the question before us? The question before us is, Shall we appropriate money for a sectarian institution? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILES. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to get to the question.

Mr. KEM. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

Mr. HAINER of Nebraska. Mr. Chairman, the time of the gentleman from Texas has been repeatedly extended, and I ask unanimous consent that the time of the gentleman from California be extended five minutes.

Mr. WOODMAN. I should like to know how long this discussion is to go on.

The CHAIRMAN. That is entirely under the control of the committee. This debate is proceeding by unanimous consent.

Mr. WOODMAN. I want to call the attention of the House to one thing——

The CHAIRMAN. Debate on this request for unanimous consent is not in order.

Mr. WOODMAN. It is to explain my position.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from California [Mr. JOHNSON] be extended five minutes?

There was no objection.

Mr. JOHNSON of California. The question before the House, as I understand it, is whether we shall vote money for sectarian institutions or not, and that is all the question.

I understand, and such was my understanding of his remarks, that my genial friend from Illinois [Mr. CANNON], the chairman of the Committee on Appropriations, has admitted squarely and frankly, as he always does when he admits anything, that this is a sectarian institution, and that we therefore are appropriating money for a sectarian institution when we pass this amendment. Hence there is no escape from the sole and only issue of whether we shall appropriate money for the support of a sectarian institution.

Mr. WILLIAM A. STONE. I wish to correct the gentleman in this. I was not present when the chairman of the committee made the admission, if he made it, but as a member of that committee, and having some knowledge of this institution, I do not admit that it is a sectarian institution.

Mr. JOHNSON of California. I am taking the statement of the chairman of the committee, and I am taking in addition a very little of my own knowledge of the matter, and therefore I reiterate that when the chairman of the Committee on Appropriations makes such an admission we must face the matter squarely as being a sectarian appropriation. It looks to me as though we were getting aside entirely from the question when we discuss, as we have been doing for some time, the relations of the South and North to the colored race and spend many minutes in friendly rivalry as to who is and has been their best friend. Let us reserve that for other days and other subjects. I will go as far as any man—I will take my friend from Texas [Mr. SAYERS], who during the twelve years that he has been a member of this House has been known to be always liberal, even to prodigality, with the people's money [laughter]—and I will go as far as he will in spending the money of the people to take care of the colored race, but I will not vote one dollar for any sectarian institution, I do not care what denomination it is, whether it is this, that, or the other. [Applause.] I voted with the majority of this House, some weeks ago, in favor of striking out sectarian appropriations, not because I was opposed to any particular religion, for I am not, nor because I belong to any political society, for I do not, but because I believe in the complete divorcement of church and state. I regard an appropriation to one religious association as equally wrong with any other, and shall and will consistently so vote.

I am opposed to all sectarian appropriations now, just as I was then. The question before us is not whether the colored race are entitled to support at our hands, nor whether the North or the South takes the better care of the colored people, or is more entitled to their support and friendship; but the question is, Shall we appropriate money to carry on a sectarian institution and excuse ourselves for so doing because it is one designed to better the condition by increasing the educational facilities of the colored race? If the question was squarely presented as to whether we should appropriate money to take care of a Government institution for the colored people alone, wherein they could acquire a higher education, I believe it would be carried unanimously. We would all like to favor this amendment; but you ought to take the religious question out of it. You ought not to appropriate money for a colored people's university and permit it to be used for sectarian purposes. The color of the students does not cure the sectarian character of the college.

The proviso in the amendment does not in my judgment cure the evil. It still leaves it a sectarian institution. It still leaves the money liable to be expended for sectarian purposes. It indirectly at least appropriates the money for sectarian purposes. It simply puts it into one fund to be used in one manner; but the character of the university is not changed by the verbiage of the amendment creating the fund.

I care not what religion is taught, I am unalterably opposed to the appropriation of any public money to any sectarian institution.

I do not follow those who make war on only one religion and except all others. They are not true to the noble American doctrine that church and state must be forever divorced in our country; they are mischief makers. The only salutary rule is to oppose giving public money to any and all sectarian institutions. I believe in the doctrine laid down in the constitution of my own State of California, that no public money shall be appropriated for sectarian institutions.

Section 22 of Article IV, constitution of California, contains these words, namely:

And no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State. * * *

And section 30 of the same Article IV of the constitution of California contains the following words, namely:

Neither the legislature nor any county, city, and county township, school district, or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever. * * *

The State reserves the right to grant aid to institutions "for the support and maintenance of minor orphans or half orphans, or abandoned children, or aged persons in indigent circumstances," with the condition that the State has the right to inquire at any time into the management of such institutions and that reports shall be made to the legislature and published with the laws at each session.

These are noble words; they express the true doctrine; they voice the sentiment of the people of California. They should be adopted by the people of every State in the Union. They act as a safeguard to the Treasury and a protection from religious zeal, which often runs to bigotry.

We had a long and a hard fight to get that incorporated into our constitution. We carried it by a large majority. We are in favor of it now, and I believe I echo the voice of the people of my State when I say, regardless of the question whether the people of the North employ colored carpenters and the people of the South do not, or vice versa, or whether there is a good school for the colored people in the South or a good school for the colored people in the North—regardless of any and all such facts, I voice the feeling of Californians when I say that they are opposed to sectarian appropriations, and that it makes no difference to them whether you say it is a colored man's religion or a white man's religion you are encouraging, they are both amenable to the objection. [Applause.] It may be that the gentleman from Texas [Mr. SAYERS] thinks this university is like Parson Brownlow said his paper was. I heard Parson Brownlow say that before the war he published the only religious journal that was published south of Mason and Dixon's line, "and God knows," he said, "that it was not pious enough to hurt." [Laughter.] So it may be with the religion of this institution, that it is not enough to hurt; but if it is sectarian at all I am opposed to it, and opposed to the appropriation upon that ground. [Applause.]

[Here the hammer fell.]

Mr. HAINER of Nebraska. I yield ten minutes to the gentleman from Arkansas [Mr. MCRAE].

[Mr. MCRAE addressed the committee. See Appendix.]

Mr. HAINER of Nebraska. I yield three minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I send to the Clerk's desk and ask to have read a petition signed by every prominent colored pastor and elder in this city, asking Congress to investigate the disbursements of the funds appropriated for Howard University, and charging not only irregularity, but grave offenses against the management of that institution.

Now, if an appropriation for that university is to be made in this bill, I trust that it will not be made available until after this investigation shall have been concluded, so that Congress may have an opportunity to know whether these charges are true or false. I ask that the Clerk read the petition.

The petition was read, as follows:

WASHINGTON, D. C., *February 24, 1896.*

*To the Senate and House of Representatives of the United States in Congress assembled:*

The undersigned, citizens of the United States and residents of the District of Columbia, very respectfully represent to your honorable body:

That in view of the frequent statements and charges made to the public to the effect that the administration of affairs at Howard University has been marked in recent years by unjust discriminations, irregularities, and questionable methods in using the funds of said university, to wit:

By unjust methods in dismissing earnest, efficient, and honest members of the faculty for personal reasons;

By improper use of the student's aid fund to debase so-called beneficiaries;

By unwarrantable and extravagant use of university funds in building an additional and unnecessary residence for the president thereof, at a cost of $22,000;

By building an additional and unnecessary chapel at a cost of several thousand dollars at a time when buildings of the university already constructed were in need of repairs, and at a time when the funds for the university demanded the strictest economy in their use;

By the defective methods of instructing and graduating students of the normal and college departments; and

Whereas all these statements and charges were presented in writing to the board of trustees of said university at their semiannual meeting held on January 29, 1896, with a respectful request to them to make an immediate investigation and remedy of the same, all of which they have failed in doing; and the presiding officer, through the public press of January 30, has declared such investigation to be impossible:

Therefore the undersigned most respectfully petition your honorable body to appoint a committee to investigate the present administration of Howard University as to those statements and charges and to recommend such changes in the same, to improve the present conduct of its affairs, and restore to this institution the moral and educational facilities and the material interests and purposes for the benefit of those for whom this institution was originally established, and your petitioners will ever pray.

Eugene A. Johnson, Lincoln Memorial Congregational Church; John H. Collett, presiding elder of the Potomac district African Methodist Episcopal Church; Collin B. Curson, 245 B street northwest; H. Feb. Doyle, Israel Metropolitan Church, corner First and B streets southwest; J. J. W. Navin, pastor of Saint Paul African Methodist Episcopal Church; James E. Hunt, 2013 Vermont avenue; D. P. Seaton, pastor of Ebenezer African Methodist Episcopal Church, O street; W. H. Chambers, pastor Galbraith African Methodist Episcopal Zion Church; S. A. Lewis, pastor Mount Zion Methodist Episcopal Church, 1412 Twenty-eighth street northwest; R. A. Fisher, pastor; John Wesley, residence 719 Second street northwest; F. G. Barbadoes, 1324 Eleventh street northwest; W. C. Payne, 1521 Twenty-seventh street northwest, secretary E. R. Council; W. Bishop Johnson, pastor Second Baptist Church; J. A. Taylor, pastor Shiloh Baptist Church; George W. Lee, pastor Vermont Avenue Baptist Church; I. V. Bryant, pastor Walker Memorial Baptist Church; James H. Lee, pastor of the Third Baptist Church, northwest; Guy H. Berkley, pastor Mount Bethel Baptist Church of Howardtown, D. C.; Sandy Alexander, pastor First Baptist Church, West Washington, D. C.; William P. Gibbons, pastor Mount Carmel Baptist Church; Rev. Junius I. Loving, 1511 Fourth street northwest; Rev. Edward Hillis, Liberty Baptist Church.

During the reading of the petition the following took place:

Mr. HEPBURN. Mr. Chairman, how does this come before the House?

The CHAIRMAN. It is sent up by the gentleman from Georgia [Mr. LIVINGSTON], who desires to have it read.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. I desire to know whether this comes from the Committee on Appropriations or from the gentleman from Georgia as an individual?

Mr. LIVINGSTON. I introduced the petition into the House by request, and I am now having it read as a part of my remarks.

Mr. BARTLETT of New York. It does not come from the committee, then?

Mr. LIVINGSTON. No; I am responsible for it.

The CHAIRMAN (before the reading of the names attached to the petition had been concluded). The time of the gentleman from Georgia [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. I ask that my time be extended until those names can be read. That paper is signed by the pastors of twenty different churches of this city, including a number of presiding elders. Among the signers are Baptist ministers, Congregational ministers, and many other ministers of this city.

Mr. SAYERS. Allow me to ask the gentleman from Georgia a question. Why did he not submit that paper to the Committee on Appropriations when we had this matter under consideration?

Mr. LIVINGSTON. I will answer the gentleman. This petition was only handed to me yesterday afternoon. I was asked to introduce it, and I did so, by request. I had it referred to the Committee on Appropriations. There has been no meeting of the committee since. I will see that the gentleman has ample opportunity to correct any of those statements, if he wants to do so, in the committee room.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HAINER of Nebraska. I ask unanimous consent that the names attached to that petition be read for the information of the House.

Mr. BARTLETT of New York. I object.

Mr. SAYERS. Oh, let them be read.

Mr. LIVINGSTON. I ask consent that the names be all printed in the RECORD.

Mr. BARTLETT of New York. I withdraw my objection to the reading. I prefer that the names should be read rather than that they should be printed in the RECORD without reading.

The Clerk resumed and concluded the reading of the names attached to the petition as already given.

Mr. HAINER of Nebraska. I yield the remainder of my time to my colleague [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, the sectarian bias given to these discussions should not detract our attention from the central point in the problem. No question which has come before us in connection with this appropriation bill has appealed to my sympathies more strongly and distinctly than the proposition now under consideration. Believing as I do that this modern civilization of ours is very largely the result of Christian culture and

higher education, I would turn with pleasure to the support of any constitutional measure that would enlarge the influences that have brought about the benefits that we now realize from the operation of these forces during the centuries of the past. But this is not a question of sentiment. While the proposition appeals to me on the ground of high morals, while it appeals to me on the ground of high intellectual development, I come face to face with the question of public duty and responsibility: Should public funds be appropriated and expended otherwise than for public purposes and through public channels?

It has been conceded in these debates that this institution is distinctively a private institution so far as the Government is concerned. It has been conceded by the chairman of the Committee on Appropriations that the Government does not own any part of the property of the institution. It is also conceded that the Government does not exercise any direct legal control over the institution. Then we are called to pass upon the question of appropriating money out of the public Treasury for an institution which, so far as the Government is concerned, is a private institution. Believing firmly as I do that we are not justified in making appropriations of public money for private purposes, after those funds have been secured by public taxation upon all the people of this country, I do not see my way clear to support this amendment, however strongly it appeals to my sympathies. I gladly note the fact that higher education has always inspired the intellectual activity of the race and has borne the torch of knowledge from Greece to Italy, from Italy to the Continent, from the Continent to the British Island, and from the British Island to the land of American freedom, where it completed the splendid work of the intellectual emancipation of the people.

I also recognize the equally significant fact that Christianity has been the polar star of conscience during the heroic voyage of the race from realms of monarchy and intolerance across the storm-tossed ocean of human passion into the joyful harbor of American freedom.

Together they waged the warfare of popular rights and crowned their victories with civil and religious liberty. Neither could have won without the aid of the other. But, united, they laid here in this, "the land of the free and the home of the brave," the foundation of the American Constitution, reared upon it the best type of civil government the world has ever known. Of course such themes should appeal not simply to our sympathies but also to our highest admiration, to the highest and noblest manhood.

Nevertheless, the proposed appropriation involves merely the question of sworn duty and official responsibility. Then, dismissing the questions of education and religion and their sectarian bearings, and bidding godspeed to every denomination that is unfolding good influences for the elevation of our people in all the different walks and stations of life, are we justified as the representatives of the American people in voting public funds to an institution over which the Government has no control, in which it has no ownership, and for which funds we have no legal right to demand a clear accounting under the shadow of the law and the control of the officers of the Government?

Hence, Mr. Chairman, unless it shall be made plain by those who shall follow in support of this amendment that we are realizing some public benefit which the people who pay the public taxes will admit as a public benefit, I can not support this measure, however strongly I may sympathize with the enterprise, and however commendable the work may be that this institution or like institutions are doing in this country.

Mr. Chairman, I yield back the residue of the time to my colleague [Mr. HAINER].

The CHAIRMAN. The gentleman from Nebraska has three minutes remaining.

Mr. HAINER of Nebraska. I would like to have the other side exhaust at least a portion of their time.

Mr. EVANS. As I expect to use all the remaining time on this side, I would rather that gentlemen on the other side should get through before I begin.

Mr. HAINER of Nebraska. I think, Mr. Chairman, I have the right to close the debate.

Mr. EVANS. It is my amendment that is under discussion.

Mr. HAINER of Nebraska. We are not discussing the amendment.

Mr. EVANS. Oh, yes; nothing else. I admit that some gentlemen have not done so. [Cries of "Vote!" "Vote!"]

Mr. HAINER of Nebraska. Mr. Chairman, I rise to a parliamentary inquiry. In the present status, who has the right to close the debate?

The CHAIRMAN. The impression of the Chair is that the gentleman from Nebraska, who opened the debate, has the right to close it.

Mr. HAINER of Nebraska. Then I ask that the gentleman from Kentucky [Mr. EVANS] now proceed.

Mr. SAYERS. Before the gentleman from Kentucky begins, I wish to ask unanimous consent to extend my remarks in the RECORD. I entered into the debate without any previous expectation of doing so.

Mr. LIVINGSTON. I ask that other gentlemen who have addressed the House may have the same privilege.

The CHAIRMAN. Unanimous consent is asked that all gentlemen who have addressed the Committee of the Whole on this subject may have the privilege of extending their remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. BOUTELLE. Before the gentleman from Kentucky proceeds, while I have no doubt he is thoroughly familiar with the whole subject and will very likely call attention to the point I have in view, yet I beg to ask the attention of the committee and his attention to the statement, in the remarks of the gentleman who recently addressed the House, that this institution is not of a public character. I hope he will direct the attention of the committee to the fact that the president of this institution is recognized as the president of a public institution, in so far as the printing of his reports by the Government is concerned—the report he makes to the Secretary of the Interior—and further, in regard to its being a matter of common knowledge on the part of the House that as to the appropriations for this institution the report submitted shows that he is required to make and does make specific statements of the expenditure of the funds appropriated by the Government.

Mr. ANDREWS. Let me ask the gentleman how the president of this institution is appointed?

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. BOUTELLE. The gentleman from Kentucky will undoubtedly call attention to the official reports of the establishment, and at the same time answer the inquiry of the gentleman from Nebraska.

Mr. EVANS. Mr. Chairman, had I dreamed that the very innocent amendment—as I supposed it to be—which I had the honor—and I esteem it an honor—to submit to the House on yesterday to the pending bill would have raised such a breeze, I do not know but that I should have sought the assistance of some of the older and abler members rather than to have taken upon myself the burden of its support. I had no idea that the hubbub which has been created would have arisen in connection with the amendment. But I am here to defend every word of it, and I may further say that I do not fear the call of the yeas and nays, threatened by the gentleman from Nebraska [Mr. HAINER], because I for one would have insisted, if the opportunity offered, that every member of the House should put himself on record upon the question, and state fairly, fully, and distinctly whether or not he is willing for this House, with its hundred and odd Republican majority, to strike down an appropriation which the Fifty-second and the Fifty-third Congresses, and indeed many previous Congresses, made without hesitation for this institution. [Applause.]

So far from the yeas and nays having any terrors for me, I tell the gentleman that if I can get the requisite assistance of one-fifth of the members of the House, there shall be no escape from the yea-and-nay vote on the question, for I want to know if this appropriation is to be stricken down in the House on a false clamor that it is the extension of Government aid to a sectarian institution. For, Mr. Chairman, that clamor and that statement have no foundation in fact, and I want also to speak in the most emphatic manner on another proposition before I go further into the argument.

There is not a man within the sound of my voice who more earnestly condemns, or who would more earnestly condemn, an appropriation of the public money for sectarian purposes than would myself. I have never voted for such an appropriation, although I understand that some of those who are now opposing the amendment have heretofore done so. For one, Mr. Chairman, I repeat that I have never voted for the appropriation of a single dollar of the public money to a sectarian purpose, and so long as I have the right to vote here or elsewhere I shall never do it. Furthermore, I wish to say that I am willing to go still further on that line, and am prepared to vote—if I can not secure it in any other way—for an amendment to the Constitution of the United States that will forever forbid such a use of the public funds by Congress; and will go still further and settle the question by forbidding that right to any State or Territory.

Mr. FAIRCHILD. Do I understand the gentleman to claim that this university is not under sectarian control?

Mr. EVANS. I do most emphatically. I claim that it is not a sectarian institution in any just sense of the word, so far as this appropriation goes or can go.

Mr. WATSON of Ohio. That is right.

Mr. EVANS. Undoubtedly it is right. The opposition to this appropriation, under all the circumstances, is the exaggeration of sensitiveness upon the subject. We ought to discriminate justly and fairly in such cases and not jump to indefensible conclusions.

I repeat, Mr. Chairman, that no man can be more opposed to the appropriation of moneys for sectarian purposes than I am, and I will state the history of the introduction of this amendment. I have no connection whatever with the Committee on Appropriations. If I were asked to do so, I could not probably name five members of this House who are members of that committee. I know nothing of its business or proceedings except as they are developed in their reports to the House and in the discussions on this floor. But I happened to see in a newspaper that the appropriation for the Howard University was left out of the bill. I at once went, while the bill was under discussion, and got the twenty-eighth volume of the Statutes at Large to see in what part of the bill this appropriation had ordinarily been placed, and I found it just after the clause providing for the Columbian Institution for the Deaf and Dumb.

I prepared an amendment specifically appropriating, and in nearly the same terms as was usual, the amount now in the bill, and I went to the Chairman of the Committee of the Whole and told him of my purpose, and up to the time that the amendment was offered no other member had the slightest idea or knowledge that it was to be offered or that there was any suggestion of such an amendment excepting the Chairman of the Committee of the Whole House. I had not time or perhaps inclination to call attention to it. There was no special reason why I should do so, or why I should not have done so; but, at all events, nobody knew it; and when the time came and we had read the bill up to the proper point the amendment was offered and read.

A little manifestation of objection was made, not amounting to a great deal, but evidently there was no need to discuss it—and I never wish to detain the House in discussion if I can help it—and when the time came for a vote it was carried, and I supposed it was satisfactory to everybody. But it did chance that in passing one of the members of the Committee on Appropriations I incidentally said to him, without his having the slightest idea of my object, "Why did you leave out the appropriation for Howard University?" He said, "Oh, there was some objection to it on account of religion," and I at once went and prepared the proviso which appears in the amendment adopted, which I thought was ample to protect the fund appropriated against use by any sort of sectarian or religious agency or for any sort of sectarian or religious purpose.

But if that proviso is not sufficient, if it is inadequate for that purpose, I want it strengthened, so there can be no doubt about its being certain that no part of this money can be devoted in any way, directly or indirectly, to sectarian purposes. With the permission of the House, when an amendment shall be in order, I shall propose this substitute for the proviso:

*Provided*, That no part of this appropriation shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university, and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Now, Mr. Chairman, I did not detect, and do not now detect, anything sectarian that can possibly be supported or encouraged by this appropriation. So far from that, permit me to say that I looked entirely to other objects and purposes when I was considering this amendment. I considered alone the colored people. If I may so state, the chords of memory, stretching back to the playgrounds of my earliest years and back to the time when, departing from the playground, I, too, much to my benefit in many ways, had to work in the field with 25 or 30 of them, I learned to be an abolitionist, learned then to hate and abhor slavery and all its concomitants so much that the first time I had the right to vote I voted for Abraham Lincoln, although living as I did in the heart of the slave region on the southern border of Kentucky. [Applause.] The second time I had the opportunity to vote I did not prate about my friendship for the colored man and do nothing for him, but I went to the polls and voted to give him the inestimable right of freedom, so far as by my vote I could do it. [Applause.] I say my memory went back to those days when I, living in a slaveholding family as I did, became an abolitionist. And it has always been my idea, not merely to talk on one side or the other, but to endeavor to do something for the colored man.

I remember, too, that this race has been a useful one, that though servile, though once enslaved, it has been most useful in a humble way and place in the development of this country. I remember that it has worked our fields for centuries. I remember that, though humble, it performs a most important function to-day. I remember that in the time of rebellion the slave, with his patient disposition, the counterpart of which has never been seen in this or any other age, found an army fighting to keep him in bondage, and actually labored peacefully at home to support that army; and I have thought when the Southern people were talking of pensioning anybody in the South that they should at least have granted a form of pension certificate to the colored people in their midst, which would have given to them the free right to vote, and entire exemption from Kuklux or anything of that sort. [Applause.]

I am not saying here that the South mistreats the colored man to-day. I hope his rights are accorded to him. Nor do I say with some of our friends from the South that we are doing everything for the colored man there, but will not do anything for him in the nation at large. I am not here to speak from the political standpoint or to twit the South with this, that, or the other thing in reference to the colored race, and still get up and say that I am afraid to vote away a little public money for the benefit of this race. On the contrary, Mr. Chairman, it seems to me that this is a remarkable and exceptional case in every point of view. Hundreds of years ago the slave, against his will, was brought to this country from Africa. By brute force he was compelled for centuries to labor for his master. In the moment of rebellion he was made free. He had labored for centuries; and let me call the attention of my oversensitive friends who fear to make a little appropriation for this school to the fact that, notwithstanding the enthrallment of the colored man, when he came from Africa, notwithstanding his years of lowly useful toil without recompense, when he was made free you turned him loose; and now this little appropriation, doled out from year to year by Congress to this little university, is the only thing that this Government has ever given, as a Government, to the colored race as such for its hundreds of years of unrequited toil. [Applause.]

It is an exceptional instance, and I say if there were nothing else in this case the people of this country owe to the 7,000,000 of the colored race at least this much—that they shall not take from that race the only place, the only thing whereby they get the smallest amount of sustenance from the Federal Government for a most useful public purpose. If expenditures of public money for educational purposes; if the $75,000,000 or more which are annually spent in this country for public schools is justifiable, then there can be no just cause of objection to this, because it all rests on the same principle.

Is there any other 7,000,000 of people belonging to any other class of our community who get and who demand so little from the public Treasury as the colored race? Is there any other race who asks so little, even those who have only gotten here from abroad within a few months and want education or other advantages?

If you take the foreigners who come and who are gladly welcomed to this country, within a few months after that class of men reach here they get more from the Government of the United States than the whole negro population of this country. [Applause.] I say it would be an outrage, in my judgment, if this Republican House in this exceptional instance should strike down this little institution, which can not live without this appropriation, and which has done great good as a means of education for the colored race. I have here a letter from one of the professors of the university addressed to another member of the House, from which I will read only one sentence:

Howard University was established thirty years ago by the National Government especially for the education of colored youth. It is a national institution, 42 States being represented by the students now in attendance. Thirteen hundred have been graduated from all departments; between 500 and 600 students attend annually, and they represent all shades of belief and denominations.

Now, it is for this House to decide. You have as much interest in it as I have. It is not the act of a politician with me; but I speak from the heart when I say that so long as I have known the colored man so long have I known him to be a fairly good citizen with the best lights before him. I am willing that the Government of the United States should dole out this little appropriation of some $30,000 for the benefit, not of any church or creed, but of 7,000,000 of our population whom we held in bondage for a hundred years or more, and to whom we have given as a nation very little return for what benefit they did this country as laborers during that period, and who now, at least, should be accorded this much educational opportunity. It is something unexampled in history for 7,000,000 of negro slaves to be set free without education, helpless as babes politically, to be turned loose, and then to be refused this little appropriation upon the miserable pretext that it is for sectarian advancement, and upon that ground gentlemen would take away from these people that little pittance. If I thought this House would do that, I would go home a sadder man than I expect to be when we adjourn. If I thought this House would do such an injustice, or would be misled into supposing that a principle with the abstract justice of which I fully agree applied to this institution, I say I should be greatly shocked.

What is this amendment? I find that for sixteen years appropriations in some form or another have been made for this institution. The items making up the aggregate sum are separated. The first is:

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other employees of the

university, the balance of which will be paid from the donations and other sources, $27,500.

For tools, materials, wages of instructors, and other necessary expenses of industrial department, $3,000.

And yet I am afraid some gentlemen may find something sectarian in that item!

For books for library, law library, bookcases, shelving, and fixtures, $900.

There is nothing sectarian in that. And then, after the other items, comes the proviso:

That no part of the money hereby appropriated shall be paid to any teacher or professor of theology or religion or to any chaplain in said university.

I believe the proviso is in apt language to prevent any perversion of this fund to sectarian uses. If it is not, I am willing to make it stronger. • I am willing that this House shall make it as strong as the most strenuous opponent of sectarian appropriations (and I am one) could desire. Let us not reject the amendment upon the misconception that it is sectarian; but let us leave it for the purpose we have in view, of doing something for this institution. It has been assisted in this way for sixteen years, upon the faith that this would continue. Nearly 500 pupils are now there. If we think the time is approaching to stop the custom of making this appropriation, let us give timely notice a few years in advance, and see if by extraordinary exertions the benevolently inclined can supply the deficit. [Loud applause].

Mr. HAINER of Nebraska. Mr. Chairman, the discussion of this question has taken a wide range. The advocates of this appropriation have ingeniously sought an appeal to sentiment rather than principle. The practical facts involved have almost, I am afraid, been lost sight of. I wish, therefore, in closing to recall the attention of the committee to them. Thus far no person has disputed any proposition of fact which I laid down. This is a private institution. Its property is owned exclusively by the corporation, which was founded more than thirty years ago. The Government has absolutely no right to determine who shall enter that institution, how long a student or professor shall remain there, or when he shall be dismissed. The Government has absolutely no right whatever to control that institution in its operations. Its entire control is vested in the faculty and the board of trustees.

It is, therefore, a private institution. In fact, it was admitted by the president of the institution itself, in the hearing before the committee, that the Government has absolutely nothing to do with it except to make this appropriation. It is also a sectarian institution, for reasons which I have explained, and that is not denied. Even the chairman of the committee practically admits it. It is absolutely impossible for any person belonging to a particular church to teach theology without teaching the doctrines of that particular church. It is not worth while to mince matters. The facts are as they are. If this is not a sectarian institution none can be found. The gentleman who has just concluded urges this as an exceptional case; that we should give exceptional benefits to this class because they have so long been downtrodden. No other reason has been suggested. These people do not need any exceptional treatment; and they ought not to have it. They have no right to insist upon it. What they need, what justice demands, and what the cause of education demands, is that in all parts of this Union, North and South, and East and West, they shall be put upon the same platform and the same standing as any others. They are human beings, brothers and sisters of the gentleman from Texas and myself, and they should be treated as such. Give to them the same advantages and the same benefits that you ask for yourselves and your children, and then all will be well. But do not deal out charity to them instead of justice.

Mr. LEWIS. Will the gentleman permit me to ask him a question?

Mr. HAINER of Nebraska. I decline to yield.

Mr. Chairman, from the beginning of the consideration of this bill until its conclusion the chairman of the Committee on Appropriations at every step has felt bound to oppose appropriations for useful, beneficial, and proper objects, for the sole reason that there was no money in the Treasury out of which to pay such appropriations. Let gentlemen who propose to vote for this appropriation go home and say to their constituents, "We could not have those things which are legitimately demanded by the public interest; we could not take care of the maimed soldier; we could not establish a national university for all the people; we had no money for that; but we could vote an appropriation for the higher education, as it is technically called, of a favored few in the District of Columbia."

[Here the hammer fell.]

Mr. LEWIS. The question I wanted to ask the gentleman from Nebraska was whether he would be willing to go into slavery for two hundred years and then take his chance afterward of catching up and getting even?

The CHAIRMAN. The time limited for this debate has expired.

Mr. CANNON. As the amendment of the gentleman from Kentucky [Mr. EVANS] was adopted by the Committee of the Whole, there will be, of course, a vote on it in the House in a few minutes. But before I move that the committee rise I wish to ask unanimous con——

Mr. SAYERS. Before that is done allow me a single word. During this debate a paper was read, which will appear in the RECORD, reflecting upon the character of the institution which has been under discussion. This is the first time I ever heard of that paper. One of the pages has just brought me a communication on the subject, which I ask to have read, so that it may appear in the RECORD along with the statement already read.

The CHAIRMAN. The gentleman from Texas asks the privilege of having read a communication which he sends to the desk. Is there objection?

Mr. SAYERS. I have just received it. I know nothing about it.

The CHAIRMAN. The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

LIBRARY OF CONGRESS.

Governor SAYERS:

The paper presented by Mr. LIVINGSTON of Georgia was inspired by one Prof. James M. Gregory, who was dismissed from the university for borrowing money from the students and others and refusing to pay the same. The same individual was several years ago appointed a trustee of the public schools of the District of Columbia, and was dismissed by the District Commissioners for selling teacherships in the public colored schools. I myself aided in bringing this dishonest practice to the attention of the Commissioners.

DANIEL MURRAY.

Mr. CANNON. I ask unanimous consent to return to page 67 of the bill for the purpose of offering the amendment which I ask the Clerk to read.

The Clerk read as follows:

In lieu of the amendment offered by Mr. HYDE, insert, after line 19, page 67, as a separate paragraph, the following:

"For beginning the construction of permanent buildings, providing for sewerage, water supply, roads, and other means of communication and other necessary improvements, at the military post at Spokane, Wash., to be expended under the direction of the Secretary of War, $50,000.

"To continue construction of buildings at the Fort Riley (Kans.) military post, to be expended under the direction of the Secretary of War, $50,000."

The CHAIRMAN. Unanimous consent is asked that the amendment just read be adopted in lieu of the amendment offered yesterday by the gentleman from Washington [Mr. HYDE] and adopted in Committee of the Whole.

Mr. TERRY. What is the total amount which this amendment proposes to give to the Secretary of War for these purposes?

Mr. CANNON. This leaves the amount for general purposes the same as in the bill—$300,000 for the construction of buildings and enlarging military posts.

Mr. TERRY. Do you take $100,000 off that and give it to the two places named?

Mr. CANNON. No. I think the $300,000 should not be disturbed. But yesterday an amendment was adopted taking $75,000 of that amount for the construction of a new post at Spokane.

Mr. TERRY. This does not break in on the $300,000?

Mr. CANNON. No, sir. This inserts the two $50,000 items, and it leaves the general appropriation intact.

There being no objection, the amendment offered by Mr. CANNON was adopted.

Mr. CANNON. There is one other matter in connection with this bill which has been left undisposed of—the paragraphs relating to the Bureau of Engraving and Printing. The gentleman from Pennsylvania [Mr. BINGHAM], I believe, desires to move an amendment to those provisions.

Mr. BINGHAM. If I am in order, I submit the amendment which I send to the desk.

The Clerk read as follows:

After the words "Revised Statutes," line 13, page 17, insert:

"*Provided*, That on and after the 1st day of January, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing; but said stamps shall be procured by the Post-Office Department as formerly, under the provisions of section 3709 of the Revised Statutes of the United States, requiring such work to be given out upon competitive bidding, after public advertisement for proposals."

Mr. SAYERS. Mr. Chairman, I reserve the point of order on the amendment. It is new legislation; and were it not, that it should appear on the Post-Office appropriation instead of the sundry civil bill.

Mr. BINGHAM. The gentleman from Texas makes the point of order?

Mr. SAYERS. I am perfectly willing to reserve the point of order.

Mr. CANNON. Mr. Chairman, I will ask the gentleman from Pennsylvania whether we had better settle the point of order now or does he prefer to have it reserved?

Mr. BINGHAM. I am perfectly willing that it shall be reserved until I have made a statement to the committee in connection with the amendment, to which I wish to call their special attention.

Mr. SAYERS I shall agree, Mr. Chairman, that the point of

order be allowed to stand until the gentleman from Pennsylvania gets through with his remarks.

Mr. BINGHAM. Mr. Chairman, in October, 1893, when the then pending contract for the supply of adhesive postage stamps was about to expire, the Postmaster-General, in compliance with law (section 3709, Revised Statutes of the United States), published an advertisement inviting sealed proposals for furnishing stamps, such proposals to be received on or before November 15, 1893, and upon the receipt and opening of the proposals the bidders and the amounts of their respective bids, based upon the actual issue of postage stamps for the year ended June 30, 1893, were found to be as follows:

First. The Hamilton Bank Note Company, of New York, $179,294.

Second. The American Bank Note Company, of New York, $162,401.51.

Third. Charles F. Steele, of Philadelphia, Pa., $146,454.71.

On the 20th of November, 1893, five days after the receipt and public opening of the foregoing bids, submitted in compliance with law, the Chief of the Bureau of Engraving and Printing submitted to the Postmaster-General an offer to furnish the stamps called for by the advertisement for the sum of $139,487.52. The bid of the Bureau, it will be observed, was at only a comparatively small figure below that of Mr. Steele, of Philadelphia, who is my constituent.

Protests were made by the other bidders against the acceptance of the Bureau bid, on the ground that it was in violation of law; that it was unjust to private bidders, who had already exposed their figures; that it was contrary to the established policy of the Government to do work which could be as well if not better done by private enterprise, and that it would be found that the stamps, if produced by the Government, would cost much more than if furnished under the offers of the private bidders. These protests were disregarded upon no higher authority, upon the legal question involved, than that of the Solicitor of the Treasury, the Postmaster-General and the Secretary of the Treasury having refused the request of the private bidders to have the question appealed to the Attorney-General of the United States for opinion, and the contract was awarded to the Bureau by the Postmaster-General.

The claim of the Bureau was that its offer would fully cover the entire cost of producing the stamps, and that it would entail no additional expense upon the Government for furnishing the same. The Bureau also claimed to have abundant facilities for doing the work, and to be able to do it as well as it was then being done under existing contract.

The offer of the Bureau to undertake this additional work was made, as above stated, on the 20th of November, 1893, and the Commissioner of Internal Revenue, in his annual report for the fiscal year ended June 30, 1893, submitted under date of November 1, 1893, twenty days previous to the date of the Bureau bid for postage stamps, made the following statement with regard to the inability of the Bureau of Engraving and Printing to comply with the requirements of the Internal Revenue Bureau, namely:

STOCK OF STAMPS IN VAULT.

The present stock of stamps in the vaults of this Bureau does not come up to the requirements of the statute, and is inadequate to meet the demands of the service. It is estimated that the three months' supply which the statute requires to be in the vault should be 263,208,000 stamps of the various classes and denominations. The stock on hand in the vault at the present time is only 108,704,844 stamps of all denominations. The inability to maintain the stock at the statutory requirement is due to the failure of the Bureau of Engraving and Printing to fill the orders from this Bureau as called for. There are now due from the Bureau of Engraving and Printing on past orders 106,370,100 stamps, and orders for the November delivery amount to 75,940,000 stamps.

It may be well to add here that statements similar to the foregoing were made by the Commissioner of Internal Revenue in his subsequent reports for the fiscal years 1894 and 1895. Thus it would appear that the Bureau at the time of bidding for the contract for furnishing postage stamps was not able to do the work without detriment to its regular business, and that it has continued up to the present time to furnish the stamps at the expense of its regular work.

The prices to be paid to the Bureau by the Post-Office Department for furnishing the stamps were as follows:

First. For ordinary postage stamps, 5 cents per 1,000.
Second. Newspaper and periodical stamps, 11.40 cents per 1,000.
Third. Postage due stamps, 6.05 cents per 1,000.
Fourth. Special-delivery stamps, 11.40 cents per 1,000.

In his report for 1894 the Chief of the Bureau in referring to the manufacture by his Bureau of postage stamps stated that—

As the estimates of this (his) Bureau for the first year of this contract included the cost of new machinery amounting to something over $40,000, an item of expense connected with the work which will not appear in subsequent years, it is safe to predict an annual saving to the Government of over $20,000.

How absurd this claim was will appear hereafter in the light of actual results for the first year of the contract.

The Bureau contract was to begin on the 1st of July, 1894, but not being ready at that time to comply with its agreement about 650,000,000 stamps, equal to about three months' supply, were purchased by the Post-Office Department from the old contractors and paid for out of the appropriation for the year ended June 30, 1894. These stamps were turned over to the Bureau for issue to postmasters on and after July 1, 1894.

The following statistics, compiled from the official records, will show how far the Chief of the Bureau has failed to carry out his agreement to produce postage stamps at the price at which he agreed to furnish them to the Post-Office Department.

EXHIBITS OF BUREAU OF ENGRAVING AND PRINTING FOR 1894 AND 1895.

At the last session of the Fifty-third Congress the Chief of the Bureau was called upon to show the results of his work in connection with the production of postage stamps up to and inclusive of December 31, 1894. The exhibits made were in short as follows (see CONGRESSIONAL RECORD of January 25, 1895, pages 1505 to 1517), namely:

| | |
|---|---|
| 1. Number of stamps originally printed to December 31, 1894 | 1,488,886,200 |
| 2. Number of stamps originally printed but unfit for use | 733,615,037 |
| Balance acceptable stamps produced | 755,271,163 |
| | Per cent. |
| Proportion of spoiled work | 42.5 |
| Proportion of acceptable work | 57.5 |
| Cost of above as given by Chief of Bureau, namely: | |
| Wetting | $1,070.62 |
| Plate printing | 35,318.24 |
| Examining | 4,404.82 |
| Gumming and perforating | 22,805.94 |
| Packing and issuing | 4,860.20 |
| Running machinery | 2,877.18 |
| Miscellaneous expenses | 1,213.72 |
| Total cost | 72,610.72 |

This amount is equal to about 9⅔ cents per thousand for the 755,271,163 acceptable stamps produced to December 31, 1894. The foregoing statement, it will be observed, does not include the cost of the plant nor of the material entering into the manufacture of the stamps. It also allows nothing for the use of the building, heat, light, etc. The price paid by the Post-Office Department for the stamps was 5 cents per thousand for the acceptable stamps and nothing for the spoiled stamps.

The so-called acceptable stamps were really not fit for use, and they were used only under the spur of necessity. Their bad quality was freely commented upon by the public press throughout the entire country, and generally by people who were compelled to purchase and use them in payment of postages.

In face of the foregoing exhibits the Chief of the Bureau, in December, 1894, insisted over and over again before the subcommittee of the House Committee on Appropriations (see pages 35 to 42 of Hearings before subcommittee of House Committee on Appropriations in charge of sundry civil appropriation bill for 1896) that the money to be received from the Post-Office Department for the stamps to be furnished during the year ended June 30, 1895, would fully cover not only the cost of manufacturing the same, but also the cost of the plant to produce stamps, then estimated at about $50,000.

STAMPS FURNISHED BY BUREAU, YEAR ENDED JUNE 30, 1895.

| | |
|---|---|
| Total number of stamps of Bureau manufacture delivered to Post-Office Department, year ended June 30, 1895, as shown by report of Chief of Bureau for that year (Tables Nos. 4 and 5, page 13, Report of Chief of Bureau of Engraving and Printing for fiscal year ended June 30, 1895) | 2,180,229,948 |
| Number of acceptable stamps produced to December 31, 1894, as previously shown | 755,271,163 |
| Balance to complete deliveries from January 1 to June 30, 1895 | 1,424,958,785 |
| Amount finally received from Post-Office Department for 2,180,229,948 stamps delivered year ended June 30, 1895 | $107,699.78 |
| Expended to December 31, 1894, for 755,271,163 acceptable stamps produced to that date | 72,610.72 |
| Balance remaining to cover cost of manufacture of 1,414,958,755 stamps required from January 1 to June 30, 1895, and to pay cost of plant, finally given by Chief of Bureau at $56,243 | 35,089.06 |

What an absurd claim to make to the Committee on Appropriations of the House of Representatives in the light of such results!

The Chief of the Bureau was called upon early in January, 1896, by letter from myself, as chairman of the Committee on Expenditures of the Post-Office Department, to furnish a statement of the number and cost of the stamps produced for the year ended June 30, 1895, in detail of items as above; but up to the present time he has made no reply to that letter, although requested by me to do so, both orally and in writing.

It is only proper to call attention here to the fact that there is a very serious discrepancy between the number of postage stamps

issued during the year ended June 30, 1895, as reported by the Chief of the Bureau of Engraving and Printing and as reported by the Post-Office Department, the number shown in the Bureau report being considerably larger than that shown by the report of the Post-Office Department. Under a proper system of accountability there should not be a difference of so much as a single stamp between the reports of the two Departments.

The utter absurdity of the claim of the Bureau as above, and the fact that its annual appropriations were very largely drawn upon to cover the cost of producing the stamps over and above the price paid for the same by the Post-Office Department, will be readily apparent from an examination of the figures of the Bureau with regard to its work chargeable to annual appropriations.

First, as to—

ESTIMATES AND RESULTS FOR THE YEAR ENDED JUNE 30, 1895, COMPARED.

See Table No. 1, herewith.

| | |
|---|---|
| Number of sheets of work to be produced, year ended June 30, 1895, payable out of annual appropriations (see letter of Chief of Bureau, dated October 16, 1893, page 323, Book of Estimates for 1895, Executive Document No. 5, Fifty-third Congress, second session) | 52,340,285 |
| Number of sheets actually produced during 1895, chargeable to annual appropriations, as shown by report of Chief of Bureau for that year (see Table No. 2, herewith) | 44,711,351 |
| Deficiency in number of sheets produced from number called for by estimates | 7,628,934 |
| Or 14.6 per cent. | |

ESTIMATED COST OF ABOVE.

Estimated cost of 52,340,285 sheets for 1895, for which appropriations were asked by the Chief of the Bureau in Book of Estimates, as above, namely:

| | | |
|---|---|---|
| 1. Compensation of employees | | $419,800.00 |
| 2. Plate printing | | 495,400.00 |
| 3. Materials and miscellaneous expenses | | 196,200.00 |
| | | 1,111,400.00 |
| 4. Add salaries estimated for in legislative bill | | 17,450.00 |
| Total estimates | | 1,128,850.00 |
| Average cost per 1,000 sheets | | 21.57 |

Appropriations were made in pursuance of the foregoing estimates as follows:

| | | |
|---|---|---|
| 1. Compensation of employees: | | |
| Sundry civil act August 18, 1894 | $378,000 | |
| Deficiency act March 2, 1895 | 41,800 | |
| | | $419,800.00 |
| 2. Plate printing: | | |
| Sundry civil act August 18, 1894 | 469,000 | |
| Deficiency act March 2, 1895 | 26,400 | |
| | | 495,400.00 |
| 3. Materials and miscellaneous expenses: | | |
| Sundry civil act August 18, 1894 | 181,000 | |
| Deficiency act March 2, 1895 | 15,200 | |
| | | 196,200.00 |
| | | 1,111,400.00 |
| 4. Add salaries appropriated for in legislative act | | 17,450.00 |
| Total appropriations as finally made, agreeing with original estimates of the Chief of Bureau in Book of Estimates above referred to | | 1,128,850.00 |
| Amount expended out of foregoing appropriations for production of 44,711,351 sheets, as shown by Chief of Bureau was | | 1,127,946.12 |
| Leaving unexpended balance of | | 903.88 |
| Average cost per 1,000 sheets of the 44,711,351 sheets actually produced | | 25.23 |
| Estimated cost per 1,000 sheets of work to be produced in 1895, as shown above, was | | 21.57 |
| Excess per 1,000 sheets of actual overestimated cost, therefore, was | | 3.66 |
| Amounting on the 44,711,351 sheets actually produced in 1895 to | | 163,643.54 |

On the 11th of February, 1895, the Chief of the Bureau of Engraving and Printing was before the subcommittee of the House Committee on Appropriations in charge of the general deficiency bill for 1895 and prior years (see pages 72–74 of Hearings before Subcommittee, etc.) to explain his reasons for asking for deficiency appropriations sufficient to meet the amount of the reduction of his estimates as made by the sundry civil act of August 18, 1894, for the service of the year 1895. He then stated that his original "estimates were made carefully and down to the lowest figure at which they could be made," and that "the cost of the work is just what the estimates are." In his letter to the subcommittee of the same date he stated that "the number of impressions estimated to be produced in 1895 is substantially the same as was produced in 1894."

Estimated when? In his original estimates of October 16, 1893, for the year 1895, or at the time he wrote the subcommittee on appropriations, on the 11th of February, 1895?

Now, it has already been stated that the number of sheets produced out of annual appropriations in 1895 was 44,711,351, and it will be shown presently that this was 7,894,610, or 15 per cent, less than the number (52,605,961 sheets) produced out of annual appropriations in 1894, as shown by the reports of the Chief of the Bureau. Was the Chief of the Bureau intentionally deceiving the committee, or was he in ignorance of the fact, when nearly two-thirds of the fiscal year 1895 had gone by, that the year's product would show a falling off of 15 per cent, or about one-seventh, from the number produced in 1894? Either horn of the dilemma is bad enough.

Be that as it may, by his urgent appeals to the committee on the deficiency appropriation bill the Chief of the Bureau got all the money for the year 1895 he originally asked for, and he spent it all except the insignificant sum of less than $1,000. He represented to the subcommittee on the sundry civil bill that he was making economies in various directions; that he had reduced the wages of printers engaged on internal-revenue stamps at the rate of about $23,000 per annum, amounting from the date of the reduction to the close of the fiscal year 1895 to about $11,000, and that the cost of material was much less than it had been during the previous year. The undeniable fact was that he was obliged to skin his annual appropriations in every direction to meet the extra expenditure involved in the production of postage stamps over and above the amount which he was paid for the same by the Post-Office Department, and even then he came out barely ahead.

The Chief of the Bureau of Engraving and Printing having claimed before the subcommittee on the deficiency bill for 1895, as already mentioned, that the number of sheets of work payable out of annual appropriations for 1895 would be as great as that produced out of the corresponding appropriations for 1894, let us now examine the actual results for both of said years, as shown by his reports, to see how far his claim was sustained. The figures in detail for both years, as taken from his annual reports for the same, will be found in table marked No. 2, herewith, compiled from the Bureau reports, to which attention is invited. The exhibits are as follows:

NUMBER OF SHEETS OF WORK PRODUCED OUT OF ANNUAL APPROPRIATIONS IN 1894 AND 1895 COMPARED.

| | |
|---|---|
| Total number of sheets produced year ended June 30, 1894, payable out of annual appropriations | 52,605,961 |
| Total number of sheets produced year ended June 30, 1895, payable out of annual appropriations | 44,711,351 |
| Decrease for 1895 as compared to 1894 | 7,894,610 |
| Or 15 per cent. | |

These results are not open to the allegation that the work produced in 1895 was generally of a more expensive character than that produced in 1894, but the fact is that the work of 1895 was as a whole of a cheaper grade than that of 1894, as an analysis of the figures will prove. Aside from United States and other bonds, the most expensive work involved was that under the head of "United States notes and certificates," together with that on "national currency," the cost of which several kinds would average about the same for like quantities.

| | |
|---|---|
| Number of sheets of United States notes of 1890, silver certificates of 1891, currency certificates of 1875, and national currency produced in 1894 | 13,776,124 |
| Number of sheets of United States notes of 1890, silver certificates of 1891, currency certificates of 1875, and national currency produced in 1895 | 11,721,158 |
| Decrease for 1895 as compared to 1894 | 2,054,966 |
| Or 14.2 per cent. | |

So much for the foregoing, and now for all the remaining work (except United States and other bonds), which is generally of the same character, namely:

| | |
|---|---|
| Number of sheets of United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., and certificates of indebtedness for Cherokee Indians produced in 1894 | 38,736,251 |
| Number of sheets of United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., and certificates of indebtedness for Cherokee Indians produced in 1895 | 32,803,043 |
| Decrease for 1895 as compared to 1894 | 5,933,208 |
| Or 15.3 per cent. | |
| Number of sheets of United States bonds, District of Columbia bonds, and Pacific Railroad bonds produced in 1894 | 93,586 |
| Number of sheets of United States bonds, District of Columbia bonds, and Pacific Railroad bonds produced in 1895 | 187,150 |
| Increase for 1895 as compared to 1894 | 93,564 |
| Or nearly 100 per cent. | |

| | Per cent. |
|---|---|
| Proportion of total number of sheets produced out of annual appropriations represented by United States notes, silver and currency certificates, and national currency in 1894 | 26.1+ |
| Proportion of total number of sheets produced out of annual appropriations represented by United States notes, silver and currency certificates, and national currency in 1895 | 26.1 |
| Proportion of total number of sheets produced out of annual appropriations represented by United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., in 1894 | 73.7 |
| Proportion of total number of sheets produced out of annual appropriations represented by United States internal-revenue stamps, custom stamps, checks, drafts, certificates, etc., in 1895 | 73.5 |
| Proportion of total number of sheets produced out of annual appropriations represented by United States and other bonds in 1894 | .18 |
| Proportion of total number of sheets produced out of annual appropriations represented by United States and other bonds in 1895 | .40 |

INTERNAL-REVENUE STAMPS PRODUCED IN 1894 AND 1895 SEPARATELY COMPARED.

By far the largest number of sheets of any single class of work done, very nearly three-fourths of the whole, is that of internal-revenue stamps, and these stamps are accordingly worthy of par, ticular notice, especially as the Bureau of Engraving and Printing has not been able during the past two years or more to meet the demand of the Internal-Revenue Bureau, or to enable it to comply with the law governing the supply of stamps to be kept on hand. The exhibit for the years 1894 and 1895, as appearing from the reports of the Chief of the Bureau for said years, is as follows:

| | |
|---|---|
| Number of sheets of internal-revenue stamps produced year ended June 30, 1894 | 37,097,706 |
| Number of sheets of internal-revenue stamps produced year ended June 30, 1895 | 31,545,838 |
| Decrease for 1895 as compared to 1894 | 5,551,868 |
| Or 15 per cent. | |
| | Per cent. |
| Proportionate number of sheets to total number of sheets produced out of annual appropriations in 1894 | 70.5 |
| Proportionate number of sheets to total number of sheets produced out of annual appropriations in 1895 | 70.6 |

Upon a close examination of the product of 1894 and 1895 by classes it will be found that the proportion of the more expensive stamps to the whole number was greater in 1894 than it was in 1895. Thus the total number of stamps produced in 1894 was 1,060,270,374, and this was an average of 28.58 stamps per sheet. The total number of stamps produced in 1895 was 1,016,550,112, and this was an average of 32.23 stamps per sheet. The average number of stamps per sheet was, therefore, 3.64 greater in 1895 than in 1894.

The larger and more expensive stamps—those containing from one to five stamps per sheet—are put up in volumes, making an additional expense for this work. The number of volumes in 1894 was 90,818, containing 5,057,800 stamps, and the number of volumes in 1895 was only 64,728, containing 3,741,480 stamps. This was a decrease for 1895 as compared to 1894 of 26,090, or 29.8 per cent, in the number of volumes, and of 1,316,320, or 26 per cent, in the number of stamps put up in volumes. The decrease in the total number of sheets of internal-revenue stamps, in volumes and not in volumes, it will be remembered, was at the rate of 15.3 per cent.

Thus it is conclusively proved that an unduly large share of the falling off in the total number of sheets for 1895 consisted of the larger sized and more costly stamps, and consequently that the work on internal-revenue stamps was less expensive in 1895 than it was in 1894 for like quantities.

Here it may be well to quote what the Commissioner of Internal Revenue had to say in his report, dated November 1, 1895, for the fiscal year ended June 30, 1895, concerning the failure of the Bureau of Engraving and Printing to furnish an adequate supply of internal-revenue stamps up to that time, namely:

STOCK OF STAMPS IN VAULT.

The stock of stamps on hand in the vault October 1, 1895, of the various classes and denominations is 120,722,604, and the value of the same is $57,206,359.29.

This is very much below the estimated three months' supply which the statute requires to be kept in the vault; but the inability to maintain the stock at statutory requirement is due entirely to the failure of the Bureau of Engraving and Printing to deliver the stamps ordered by this Bureau, and not to any official neglect on the part of this office. The statement of the Bureau of Engraving and Printing of October 1, 1895, shows a balance due on past orders of 154,090,100 stamps, and the orders for October delivery amount to 102,462,000.

The Bureau of Engraving and Printing was a delinquent to the Treasury Department, the very Department for whose sole use it was created, when it voluntarily and with much self-contention assumed the work of making postage stamps for the Post-Office Department in 1893, and it was still a worse delinquent to the Treasury Department in 1895 as a consequence of making postage stamps. The Bureau would have been guilty of a much greater delinquency to the Post-Office Department, one entailing the most serious consequences to the public convenience and to the postal revenue, if the Post-Office Department, at the very outset of the Bureau contract, had not purchased about 650,000,000 postage stamps, or a supply for nearly three months, from the old contractors, to enable the Bureau to finally get ready to keep its agreement. Even then the Bureau imposed upon the public postage stamps whose bad quality was a disgrace to the Government and the nation. And the question occurs, how much of the delinquency of the Bureau of Engraving and Printing to the Treasury Department in 1895 was due to the necessity on the part of the Bureau of diverting its regular appropriations from the purposes for which they were provided to enable it to keep up the supply of postage stamps?

GOVERNMENT AND OTHER BONDS IN 1894 AND 1895.

The only item in the list of work payable out of annual appropriations which shows an increase for 1895 over 1894 is that of Government bonds; but this item constitutes too small a proportion of the total work to appreciably affect the totals of work and cost. In neither year did this item constitute as much as one-half of 1 per cent of the total number of sheets produced. In 1894 the number of sheets of Government bonds produced was 90,646, and in 1895 it was 186,150, or a little more than double the number produced during the previous year. So far as the cost is concerned, there should not have been a corresponding increase, as it is to be presumed that the expense of engraving the designs and of preparing the plates for printing was in the main paid out of the appropriations for 1894. In the matter of material alone the increase must have been insignificant, as the paper, like that of all securities for the Treasury Department, was paid out of separate and independent appropriations not under control of the Bureau.

Before comparing the aggregate cost of the work for 1894 and 1895 it may be well to make some contrast in the items of expenditure for the said years.

COST OF WORK FOR 1894 AND 1895 COMPARED BY ITEMS.

The increase of expenditure for 1895 over 1894 for like quantities of work payable out of annual appropriations, by items, as shown by the reports of the Chief of the Bureau of Engraving and Printing, is as follows, namely:

| | |
|---|---|
| 1. Salaries: | |
| Expenditure for 1894 | $17,397.35 |
| Expenditure for 1895 | 17,290.35 |
| Decrease for 1895 | 107.00 |
| Or 6 per cent. | |
| Average cost per 1,000 sheets for 1894 | .33 |
| Average cost per 1,000 sheets for 1895 | .39 |
| Excess per 1,000 sheets for 1895 over 1894 | .06 |
| Amount of excess on 44,711,351 sheets for 1895 | 2,683.00 |
| 2. Compensation of employees: | |
| Expenditure for 1894 | 440,507.12 |
| Expenditure for 1895 | 419,775.28 |
| Decrease for 1895 | 20,731.84 |
| Or 4.7 per cent. | |
| Average cost per 1,000 sheets for 1894 | 8.37 |
| Average cost per 1,000 sheets for 1895 | 9.39 |
| Excess per 1,000 sheets for 1895 over 1894 | 1.02 |
| Amount of excess on 44,711,351 sheets for 1895 | 45,605.58 |
| 3. Plate printing: | |
| Expenditure for 1894 | 537,455.27 |
| Expenditure for 1895 | 495,034.62 |
| Increase for 1895 | 42,420.65 |
| Or 7.9 per cent. | |
| Average cost per 1,000 sheets for 1894 | 10.22 |
| Average cost per 1,000 sheets for 1895 | 11.07 |
| Excess per 1,000 sheets 1895 over 1894 | .85 |
| Amount of excess on 44,711,351 sheets for 1895 over 1894 | 38,004.65 |
| 4. Material and miscellaneous expenses: | |
| Expenditure for 1894 | 186,413.16 |
| Expenditure for 1895 | 195,845.87 |
| Increase for 1895 | 9,432.71 |
| Or 5.1 per cent. | |
| Average cost per 1,000 sheets for 1894 | 3.54 |
| Average cost per 1,000 sheets for 1895 | 4.38 |
| Excess per 1,000 sheets for 1895 over 1894 | .84 |
| Amount of excess on 44,711,351 sheets for 1895 over 1894 | 37,557.53 |

Totals of (1) Salaries; (2) Compensation of employees; (3) Plate printing; and (4) Material and miscellaneous expenses for 1894 and 1895, compared:

| | |
|---|---|
| Expenditure for 1894 | $1,181,772.90 |
| Expenditure for 1895 | 1,127,946.12 |
| Decrease for 1895 | 53,826.78 |
| Or 4.5 per cent. | |
| Average cost per 1,000 sheets for 1894 | 22.46 |
| Average cost per 1,000 sheets for 1895 | 25.23 |
| Excess per 1,000 sheets for 1895 over 1894 | 2.77 |
| Amount excess on 44,711,351 sheets for 1895 over 1894 | 123,850.44 |

A closer analysis of the foregoing will show the following results (see Table No. 3, compiled from the reports of the Chief of the Bureau for 1894 and 1895, herewith), namely:

First. As to compensation of employees: Notwithstanding that there was a falling off of 15 per cent in the number of sheets of work produced out of annual appropriations in 1895 as compared to 1894, there was a decrease of only 4.7 per cent in the expenditure for compensation to employees. The rate of expenditure was, therefore, 10.3 per cent greater in 1895 than it was in 1894 for like quantities, in spite of the fact that there was an admitted saving of $11,000 for 1895 caused by a reduction of wages.

The number of employees engaged on each of the several classes of work is not given by the Chief of the Bureau, but the total

average number of employees engaged on all classes is stated in his reports at 1,380 for 1894 and 1,427 for 1895. The number of employees engaged on postage-stamp work alone in 1895 was given by the Chief of Bureau in his testimony before the subcommittee on the sundry civil bill in December, 1894, at "less than 100; possibly 90 or 95." Allowing 95 for this class of work would leave a balance of 1,332 to perform all the other classes of work, namely, work payable out of annual and permanent appropriations. The total number of sheets of these two classes produced in 1894 was 55,516,961, and in 1895 it was 49,012,351. This was an average of 40,230 sheets to each employee in 1894, and of only 36,796 sheets in 1895. There was consequently a decrease of 3,434 sheets or 8.5 per cent per employee for 1895 as compared to 1894.

But it is not at all reasonable to suppose that the employees of the Bureau suffered such a decrease of efficiency for 1895 as compared to 1894 as would appear from this exhibit of decreased production. It is more reasonable to suppose, indeed it is susceptible of demonstration, that the number of employees actually required to do the work on postage stamps was more than double the number stated by the Chief of the Bureau. Thus, allowing 1 employee for each 40,230 sheets of work, being the average rate for 1894, would make 1,218 as the number of employees engaged in producing the 49,012,351 sheets of work payable out of annual and permanent appropriations in 1895; and this would leave 209 employees, out of the total force of 1,427, to do the work of producing postage stamps in 1895. The Chief of the Bureau stated in his testimony before the Committee on Appropriations in December, 1894, that the employees of the Bureau were engaged indiscriminately on the regular work and on postage stamps, no separate roll being kept for the different classes of work; and it is reasonable, therefore, that the work on postage stamps would require the exclusive services of at least 209 employees, especially since it has been claimed that the number of employees engaged on this work under the last contractor in New York was nearly 200. It is well also to remember that the employees of the Bureau work only eight hours per day and are allowed thirty days leave of absence with pay, while the employees of private establishments work ten hours per day and, as a rule, get no leave of absence with pay. Now, the Chief of the Bureau, in accounting for the $107,699.78 received from the Post-Office Department in payment for postage stamps, charged only $29,167.84 to the item of compensation to employees. Two hundred and seven employees for, say, three hundred working days in the year would make a total of sixty two thousand one hundred and eighty days' service for a single employee, affording a compensation, out of the $29,167.84 alleged to have been expended for employees on postage-stamp work, of about 47 cents each per day. What a ridiculous compensation that would be, and how absurd to suppose that $29,167.84 covered the cost of employees for doing the work on postage stamps in 1895. The real fact is that in the matter of compensation to employees, as in all other items of expenditure connected with the production of postage stamps, the regular appropriations of the Bureau were drawn upon to supply the deficiencies in the amounts received from the Post-Office Department to pay for the stamps.

What a pity that the employees of the Bureau of Engraving and Printing were assessed a portion of their hard-earned wages in order that the Chief of the Bureau might be enabled to cover up his mistake in undertaking to furnish the Post-Office Department with postage stamps at about one-half the actual cost of producing the stamps.

SECOND—PLATE PRINTING.

The decrease in the number of sheets of work produced out of annual appropriations in 1895 as compared to 1894, it will be remembered, was at the rate of 15 per cent, while the decrease in the rate of expenditure for plate printing was only 7.9 per cent. The increased rate of expenditure for 1895 over 1894 was, therefore, 7.1 per cent for like quantities, and this increase was in spite of the fact that there was, as already shown, a reduction of $11,000 in the wages of plate printers for 1895.

Of the $107,699.78 paid by the Post-Office Department, outside of the annual appropriation in payment for postage stamps produced during 1895, the sum of $17,622.03 was charged by the Chief of the Bureau to the item of plate printing, and this amount was to cover the expense of plate printing for a total of 2,180,229,948 stamps produced during the year. In the detailed statement of expenditure in the letter of the Chief of the Bureau of January 11, 1895, the cost of plate printing the 755,271,163 stamps produced to December 31, 1894, was given at $35,318.24. That is to say, the cost of printing the stamps produced to December 31, 1894, was stated by the Chief of the Bureau in his letter of January 11, 1895, at more than twice the amount given in his annual report for printing nearly three times as many stamps, constituting the entire product of the year. Further comment on the subject of plate printing is unnecessary.

THIRD—AS TO MATERIALS AND MISCELLANEOUS EXPENSES.

This item is the only one which shows an absolute increase in the amount of expenditure for 1895 over 1894, in face of the largely decreased quantity of work produced during the latter year. The decrease in the quantity of work for 1895, it will be remembered, was at the rate of 15 per cent, while the increase in the aggregate cost of materials was at the rate of 5.1 per cent, making a total increase of over 20 per cent of expense for 1895 as against 1894 for like quantities. And yet the Chief of the Bureau stated in his testimony before the subcommittee of Appropriations on the sundry civil bill, in December, 1894, that "we are buying material for a good deal less than we bought in the past."

The average cost of material for work payable out of annual appropriations, as already shown, was $3.54 per thousand sheets in 1894, and $4.38 per thousand sheets in 1895, being a difference against 1895 of 84 cents per 1,000 sheets, amounting on the 44,711,351 sheets produced in 1895 to $37,557.53.

The amount charged by the Chief of the Bureau for materials and miscellaneous expenses against the funds received from the Post-Office Department in payment of the stamps was $60,909.91, which, added to the $37,557.53 taken out of the annual appropriations, would make the cost of material used for postage stamps in 1895, $98,467.44, or only $9,232.34 less than the entire alleged cost of producing the stamps. Now, the Chief of the Bureau stated, as already mentioned, that he was "buying material for a good deal less" in 1895 than in 1894, and therefore, except for this reduction, the aggregate cost of material would have been much greater in 1895 than it actually was. What is a "good deal less"?

Let us ascertain the amount from his own figures. For the year ending June 30, 1894, the cost per thousand sheets for work payable out of annual appropriations was $3.54. In his estimates submitted to Congress in 1895 for the service of the year ending June 30, 1897, he allowed for a total production of 56,830,437 sheets of work payable out of annual appropriations, and as a part of the cost of producing this work he asked for an appropriation of only $166,650 for the item of materials and miscellaneous expenses. This amount on the 56,830,437 sheets to be produced would be equal to $2.93 per thousand sheets, being a reduction of 61 cents, or a little over 17.2 per cent, in the cost of materials for 1897 as compared to that of 1894 for like quantities. Allowing for a reduction of only 15 per cent in the cost of material for 1895 as compared to 1894—and let us remember that the Chief of the Bureau testified before the subcommittee on Appropriations that he was buying material for a good deal less in 1895 than in 1894—would make the saving for materials used in 1895, as compared to the prices of 1894, $34,561.03, as will appear from the following statement, namely:

| | |
|---|---|
| Actual cost of materials for the 44,711,351 sheets of work payable out of annual appropriations produced in 1895 | $195,845.87 |
| Amount of which $195,845.87 is 85 per cent, to represent cost of work for 1895 as compared to that of 1894 for like quantities | 230,406.90 |
| Gives balance to represent the amount of savings in materials payable out of annual appropriations for 1895 | 34,561.03 |

The saving of $34,561.03 in the cost of material payable out of annual appropriations in 1895 was swallowed up by the extra cost of producing postage stamps over and above the amount paid for the same by the Post-Office Department, and it is therefore properly chargeable to the actual cost of the stamps for that year.

So much for materials, and now for other items of expense to the Government occasioned by the manufacture of postage stamps.

RENT OF POSTAGE-STAMP AGENCY.

The specifications in the contract for postage stamps required the contractor to furnish suitable office room for the use of the agent and clerical force of the Post-Office Department to supervise the manufacture and distribution of the stamps without extra cost to the Government. The space available in the Bureau building did not admit of these office rooms, and accordingly outside rooms for the use of the agent and his clerical force were rented in a building on F street northwest, more than 1 mile from the Bureau of Engraving and Printing in Washington. How well the agent could perform his duties of inspection at this distance from the place of manufacture can readily be surmised. Be that as it may, the rental of these outside office rooms constituted an additional charge upon the work of producing postage stamps. The amount of annual rental was $600, and the amount expended during the year ended June 30, 1895, for this purpose was $566.67, and it was paid, not out of the funds of the Bureau, nor out of the amount reimbursable by the Post-Office Department, but out of specific appropriations by Congress.

THE RENTAL OF OUTSIDE QUARTERS FOR OTHER WORK.

The occupancy in the Bureau building of a large quantity of space, given by the Chief of the Bureau at nearly 10,000 square feet, necessitated the rental of outside quarters for doing some special work on World's Fair business, and the "act (Public—No. 29) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes," contains an item of $860 for

the rental of outside quarters from April 20, 1895, to June 30, 1896, at $60 per month. Of the $860 thus appropriated $140 is due to the fiscal year 1895 and $720 to the fiscal year 1896, and both amounts are properly chargeable to the extra cost of producing postage stamps in both of said years.

ACTUAL COST OF PRODUCING POSTAGE STAMPS IN 1895.

Having considered the various known elements of expense involved in the manufacture of postage stamps by the Bureau of Engraving and Printing during the year ended June 30, 1895, the approximate, if not actual, cost of the work may now be ascertained. There is of course an omission of one element of expense not ascertainable in amount through the failure to include a proper allowance for the use and care of the building in which the work is done, and for heat and light of the same, payable out of permanent appropriations for the Treasury Department and not charged to the cost of work produced by the Bureau.

The recapitulation by items of the cost of producing postage stamps by the Bureau of Engraving and Printing in 1895, as far as known, is as follows:

| | |
|---|---|
| 1. Amount reimbursed at contract price by the Post-Office Department for postage stamps produced | $107,699.78 |
| 2. Amount expended on production of postage stamps over and above the foregoing and taken out of annual appropriations, as ascertained by the excess of cost for 1895 over 1894 for like quantities of work payable out of said appropriations | 123,850.44 |
| 3. Amount of admitted savings by reduction of wages of employees in 1895 absorbed in the cost of producing postage stamps | 11,000.00 |
| 4. Amount of savings by reduction in cost of materials as shown for 1895 and absorbed in the cost of producing postage stamps | 34,561.03 |
| 5. Amount paid for rental of postage-stamp agency for 1895 under special appropriation by Congress, and not included in the foregoing statement of cost | 500.67 |
| 6. Amount paid from April 20 to June 30, 1895, for rental of outside quarters for World's Fair work, necessitated by use of space in Bureau building for producing postage stamps and supplied by urgent deficiency appropriation by Congress | 180.00 |
| Total cost of producing postage stamps for 1895, as far as ascertainable | 277,797.92 |

Number of stamps furnished by Bureau of Engraving and Printing, year ended June 30, 1895, 2,180,229,948.
Average cost per 1,000 stamps, 12.79 cents.

The price paid by the Post-Office Department for the foregoing stamps was $107,699.78, as above. The excess of cost over and above this amount payable out of the general Treasury was therefore $170,098, and this amount represented only a little more than three-fourths of the amount of stamps required by the Post-Office Department for the fiscal year ended June 30, 1895, nearly one quarter's supply having been purchased from the old contractors by reason of the inability of the Bureau to begin the work at the time at which it stipulated to do it. If, therefore, the Bureau had manufactured all the postage stamps required by the Post-Office Department for the fiscal year ended June 30, 1895, the extra cost of their production payable out of the general Treasury over and above the amount reimbursable by the Post-Office Department would have amounted to about $225,000.

The foregoing computation of course includes the cost of the plant—that is, of the additional machinery required to manufacture postage stamps. The cost of this additional machinery, originally estimated at $40,000 or $50,000, was finally given in exact figures in the text of the report of the Chief of the Bureau for the year ended June 30, 1895, at $56,243. This amount nowhere appears in the detailed statement of expenditures out of the various items of appropriations, but it is of course divided up and covered up among the various items of expenditure.

It is only fair to say, however, that this machinery having already been purchased and paid for, while an element of actual cost of the stamps for 1895, will not appear as a part of the cost of the stamps for subsequent years.

Let us ascertain the actual cost of stamps, exclusive of the cost of the plant, for the year 1895, namely:

COST OF STAMPS FURNISHED IN 1895, EXCLUSIVE OF COST OF PLANT.

| | |
|---|---|
| Total cost of stamps and plant for 1895, as previously shown | $277,797.92 |
| Deduct cost of plant, as above given | 56,243.00 |
| Leaves balance to represent cost of stamps exclusive of cost of plant | 221,554.92 |
| Number of stamps furnished by Bureau June 30, 1895, as above | 2,180,229,948 |
| Average cost per thousand stamps exclusive of cost of plant for 1895 | 10.11+ cts. |

These figures include nothing for the use and care of the building in which the stamps were manufactured, and nothing for heating and lighting the same payable out of permanent appropriations and not chargeable to the Bureau of Engraving and Printing.

Aside from this latter expense, and from the cost of the additional machinery, it will be seen that the cost of the stamps was more than double the price paid for them by the Post-Office Department, and consequently that nearly one-half the cost of the same was borne out of the general Treasury.

| | |
|---|---|
| Number of stamps furnished by Bureau of Engraving and Printing, year ended June 30, 1895, as above | 2,180,229,948 |
| Cost to the Government for production of the same, including cost of plant, as above | $277,797.92 |
| Amount paid by Post-Office Department for same, as above | 107,699.78 |
| Excess of actual cost to the Government over amount paid by the Post-Office Department, as above | 170,098.14 |
| Cost to the Government at prices in the bid of Charles F. Steele, the lowest bidder, under the advertisement for the contract | 115,120.42 |
| Excess of cost to the Government through production of the stamps over amount in bid of Charles F. Steele | 162,677.50 |
| Cost of the foregoing stamps at the price in the bid of the American Bank Note Company, of New York, the next lowest bidder for the contract, uniform at 5.85 cents per 1,000 stamps | 127,543.45 |
| Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of the American Bank Note Company, inclusive of $56,243 paid for additional machinery by the Bureau of Engraving and Printing | 150,254.47 |

To recapitulate: First, if the postage stamps furnished to the Post-Office Department by the Bureau of Engraving and Printing during about three-quarters of the year ended June 30, 1895, at a cost of production to the Government of $277,797.92, had been obtained from Charles F. Steele, at the prices in his bid, the Government would have saved $162,677.50; and, second, if an equal number of stamps had been obtained from the American Bank Note Company, the next lowest bidder and the old contractor, at the price in the bid of the said company, the Government would have saved $150,254.47 and, besides, have gotten very much better stamps.

STOCK ON HAND AT CLOSE OF 1895.

In the table (No. 12) in his report for the year ended June 30, 1895, "showing the annual production of securities in sheets," etc., the Chief of the Bureau gives only the number of sheets of stamps delivered to the Post-Office Department, making no allowance for any stamps remaining on hand at the close of the year, but in the text of his report (page 3, report for 1895) he says that the Bureau had "accumulated in its finished vaults a stock of finished stamps of the value of $27,754." He must have had some stamps on hand, because he could not be expected to deliver stamps fresh from the presses, but it is not likely that he had in stock any considerable quantity of stamps that were fit for issue.

In his letter of January 11, 1895, to the chairman of the Committee on Appropriations of the House (pages 1511 to 1513 of the CONGRESSIONAL RECORD of January 25, 1895), he admitted that he had a large quantity of damaged stamps in his vaults, a part of which had been condemned as unfit for use, and a very large part of which had been returned from the post-offices as unserviceable. Some of these stamps he thought might be worked over so that they would go, the public expectation having been greatly lowered by the quality of the stamps furnished by the Bureau of Engraving and Printing. Did not the $27,752 worth of stamps reported on hand on the 30th of June last consist mainly of the bad work referred to above?

QUALITY OF STAMPS FURNISHED.

The bad quality of the stamps furnished has just been referred to, and there is need of saying very little more on the subject. The Chief of the Bureau professes to be satisfied with the quality of the work, but that is very much more than the public was. The public prints have been filled with complaints touching nearly every detail of manufacture, the color, the quality of printing, the perforation, and, above all, the gumming.

Will the Chief of the Bureau urge, in extenuation of the excessive cost and bad quality of the work produced, a lack of experience, technical skill, and expertness during the first year of his contract term? If so, he will be met with his own published assurances to the contrary, to be found on page 4927 of the CONGRESSIONAL RECORD of April 25, 1894, namely:

> The Bureau is amply able to do the work on postage stamps. There is no kind of work on these stamps that the Bureau is not now doing on the stamps for the Internal Revenue Bureau, and surely if it has, without interruption, successfully executed these for the past sixteen years, it can execute the work on postage stamps. The number of sheets of internal-revenue stamps executed annually is five times as great as the number of sheets of postage stamps that will be required.

THEFT OF POSTAGE STAMPS FROM BUREAU OF ENGRAVING AND PRINTING.

One of the principal reasons urged by the Chief of the Bureau of Engraving and Printing for having the work on postage stamps done by his Bureau was that it might be surrounded with greater security than was possible when done under private contract. On this point, as well as on the question of cost, he made the following statement, to be found on the same page of the CONGRESSIONAL RECORD just referred to, namely:

> Mr. Carlisle has reported to the House that this work can be done by the Bureau of Engraving without any expense whatever, except within the amount appropriated in the pending Post-Office bill. All the securities of the Government are now made by the Bureau of Engraving and Printing with absolute safety against robbery or peculation of any kind that surrounds that establishment. It is certainly safer for the Government to do this work than to place it in the hands of any private individual. While no robberies are known to have occurred, and probably none have ever occurred in the establishment of private contractors who have made the stamps, yet they are liable to occur, and may have occurred in the past without the knowledge of any one except the perpetrators.

How did the vaunted security of the Bureau of Engraving and Printing turn out? The Bureau had hardly commenced its work before the public prints were filled with the story of thefts by employees, under most disgraceful circumstances, of postage stamps from its vaults, and these thefts were only revealed to the Bureau after they had been discovered by outside detectives, who found the thieves publicly disposing of the stamps in large quantities. One or more of the thieves are now in the penitentiary. There is pretty good reason also to believe that these are not the only thefts of postage stamps from the Bureau since it undertook the work of making the stamps.

An equally striking commentary on the boasted security of the Bureau, through its alleged system of checks and balances to insure a proper accountability for its product, is to be found in the very large discrepancy, already referred to, between the accounts of the Bureau and the Post-Office Department as to the number of stamps furnished to postmasters. The accounts between the Post-Office Department and its old contractors never varied so much as a single postage stamp.

LIABILITY TO THE USE OF WASHED STAMPS.

A great source of danger to the postal revenue is through the liability to the use of washed stamps caused by the bad standards furnished to postmasters by the Bureau of Engraving and Printing. The worst effort at cleansing stamps for reuse is liable to escape detection when compared with the wretched standards of the Government, and in this way many washed stamps will be passed by postmasters because of the inability to detect the difference between them and the Bureau stamps which have not been previously used.

COUNTERFEITING STAMPS.

Another source of danger to the postal revenue from the bad standards set up was through the counterfeiting of stamps, and this danger materialized by the discovery in the summer of 1895 of a large number of spurious stamps in actual circulation. It was said in official quarters, and not in an ironical way, that the discovery of the bogus stamps was due to the superiority in their workmanship over that of the stamps produced by the Government.

Having disposed of the work of 1894 and 1895, let us now turn to the estimated cost of postage stamps for the year ending June 30, 1896, the present fiscal year, namely:

ESTIMATED COST OF POSTAGE STAMPS FOR 1896.

| | | |
|---|---|---|
| Number of postage stamps of the various kinds to be required during the fiscal year ending June 30, 1896, as estimated by the Third Assistant Postmaster-General (page 25, pamphlet edition, Report of Third Assistant Postmaster-General for year ended June 30, 1894) | 3,180,124,000 | |
| Estimated cost to the Government for production of the same by the Bureau of Engraving and Printing, at — cents per thousand, being the rate of cost shown for stamps produced in 1895, exclusive of cost of plant | | $321,510.53 |
| Estimated amount to be paid to Bureau of Engraving and Printing for furnishing the above stamps at Bureau prices | | 159,943.00 |
| Excess of actual cost to the Government over amount to be paid by the Post-Office Department for the stamps | | 161,567.53 |
| Cost to the Government of the foregoing stamps at the prices in the bid of Charles F. Steele, the lowest bidder under the advertisement for the contract | | 167,829.77 |
| Excess of cost to Government over amount of bid of Charles F. Steele | | |
| Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of Charles F. Steele | | 153,680.76 |
| Cost of the foregoing stamps at the price in the bid of the American Bank Note Company, of New York, the next lowest bidder for the contract, uniform at 5.85 cents per 1,000 stamps | | 186,037.25 |
| Excess of cost to the Government through production of stamps by the Bureau of Engraving and Printing in lieu of the American Bank Note Company | | 135,473.28 |

To recapitulate for the year ending June 30, 1896: First, if the postage stamps estimated to be required during the above year at a cost of production to the Government of $321,510.53 could have been obtained from Charles F. Steele at the prices in his bid, the Government would have saved $153,680.76 by giving the contract to Mr. Steele instead of the Bureau of Engraving and Printing; and second, if an equal number of stamps had been obtained from the American Bank Note Company, at the price in the bid of said company, the Government would have saved $135,473.28 for the year 1896 alone by giving the contract to the said Bank Note Company instead of the Bureau of Engraving and Printing.

The American Bank Note Company was the existing contractor at the time the various bids were submitted in November, 1893, and it had for years acceptably and faithfully carried out its contract obligations. To repeat, the Government would have saved $135,473.28 during the year ended June 30, 1896, if the contract had been awarded to the American Bank Note Company in lieu of Charles F. Steele and the Bureau of Engraving and Printing, which, with all its facilities, proved to be no better than an untried bidder. Will the Congress of the United States further permit the Bureau to do the work at such a greatly increased cost to the Government? The Post-Office Department may claim a trifling saving, as it did, by giving the work to the Bureau, but it was largely at the expense of the Government as a whole.

FURTHER EXTRA EXPENSE TO BE INCURRED.

That the Government may be put to still further expense by the voluntary assumption by the Bureau of Engraving and Printing of the work of producing postage stamps appears from the fact that the Secretary of the Treasury in his annual estimates for 1897 (Executive Document No. 12, Fifty-fourth Congress, first session, page 175) called for an appropriation of $92,000 for the erection of additional buildings for the use of the said Bureau. Could not this proposed outlay for new buildings have been avoided if such a large quantity of space had not been appropriated by the Bureau for the work of producing postage stamps? Will Congress give its sanction to the enterprise (?) of the Bureau by making the appropriation asked for the new building?

CONCLUSION.

Now, Mr. Chairman, I have gone over this case pretty exhaustively, and think I have shown conclusively that the Government has indulged in a very costly experiment in transferring this work of making postage stamps to the Bureau of Engraving and Printing. I opposed this transfer originally, and I have been persistent in trying, whenever suitable opportunity occurred, to remedy the evil. An injustice was done to all the bidders for the contract, who, in good faith, submitted their offers in pursuance of the advertisement published in compliance with law. It was little short of an outrage for the Bureau of Engraving and Printing, after all the bids had been submitted and opened, to come in and make an offer which was just a shade below the prices named by the lawful bidders, and without any regard to the expense to which the Government would be put in producing the stamps. What mattered it to the Bureau of Engraving and Printing, so that it magnified its own importance, if the stamps should cost the Government, as they have done, twice the amount at which it agreed to furnish them? The private bidders would suffer financially if the work should prove to be undertaken at a loss; but the Chief of the Bureau could lose nothing in a pecuniary way if he failed to produce the stamps at the price at which he offered them to the Post-Office Department. Unlike the private bidders, he had the Treasury of the United States back of him to supply any deficiency.

The award to the Bureau was especially unjust to Mr. Steele, of Philadelphia, my constituent, who was the lowest bidder for the work. He should have been given the opportunity to do the work, and if he failed the Post-Office Department could have fallen back upon the next lowest bidder, the American Bank Note Company of New York, whose bid was a reasonable one, and concerning whose ability to carry out the contract there was no question of doubt.

The rejection of all the private bids by the Postmaster-General was not only unfair to all the private bidders but it was calculated to cause great injury to all the engraving and printing interests of the country. This view of the case was presented to me in the strongest light within the past few days by the president of the Western Bank Note Company of Chicago, a most reputable concern, who was not even a bidder for the contract, but who, in common with others in the same line of business, has come to me in the name of the guild to urge me to use my efforts to right the wrong which was committed by the Government in the matter of this award. The Government works its employees but eight hours a day, and gives them thirty days' leave of absence with pay; and, as a preference is always given to employment under the Government, outside concerns are compelled to pay higher salaries, and to take the chances of having their employees leave them under more tempting offers by the Government. Incidentally, the withdrawal of work from the private engraving and printing establishments to the Government has the result of causing the loss to the private establishments of much work which has come here from abroad, notably the South American countries, by reason of the superiority of the engraving and printing talent of our workmen. In this way the country suffers as a whole when the Government by its action depreciates the standards of private enterprise.

It is in direct contravention of our institutions for the Government to undertake the production of work which can be done as well, if not much better, by private enterprise.

The postage stamps of the United States have heretofore taken high rank among the nations of the world for excellence of design and superiority of workmanship. Postage stamps are used by everybody and go everywhere; and by many people they are accepted as a criterion of the artistic tastes of the people of the country which produces them. How far we have suffered in this respect through the circulation of the bad work produced by the Bureau of Engraving and Printing is simply incalculable. The work of the Bureau has met with the derision of the stamp-collecting fraternity, whose names are legion throughout the entire world.

In the name, therefore, of fair play, which has been outraged; in the name of my constituents, whose rights were trampled upon; in the name of the engraving and printing interests of the United States, which suffer as a class; in the name of the Government, which is being put to a large and wholly unjustifiable expense; and, above all, in the name and for the sake of the majesty of the law, which was violated in giving this contract to the Bureau of Engraving and Printing, I ask that this House in Committee of the Whole will sustain the amendment which I have offered, depriving the Bureau of a further continuance of the work.

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Appendixes to speech of Hon. HENRY H. BINGHAM, of Pennsylvania, chairman of the Committee on Expenditures in the Post-Office Department and member of the Committee on Appropriations of the House of Representatives, on the subject of manufacturing and issuing adhesive postage stamps for the Post-Office Department by the Bureau of Engraving and Printing of the Treasury Department.

TABLE No. 1.

*Estimates submitted in 1893 of work to be done by the Bureau of Engraving and Printing of the Treasury Department during the fiscal year ended June 30, 1895, compared to actual results finally shown for said fiscal year.*

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

| Description. | Number of sheets of articles called for by estimates. | Number of sheets of articles in estimates not produced. | Number of sheets in estimates actually produced. | Number of sheets of articles not in estimates but actually produced. | Total number of sheets actually produced. | Decrease of total production from total estimates. | | From what fund payable. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Number of sheets. | Per cent. | |
| United States notes and certificates: | | | | | | | | |
| United States notes, series of 1880, unsealed | ..... | ..... | ..... | ..... | 2,121,000 | ..... | ..... | Annual appropriations. |
| Silver certificates, series of 1891, unsealed | ..... | ..... | ..... | ..... | 7,580,000 | ..... | ..... | Do. |
| Currency certificates, series of 1895, unsealed | ..... | ..... | ..... | ..... | 1,500 | ..... | ..... | Do. |
| Total | 10,925,000 | ..... | 9,702,500 | ..... | 9,702,500 | 1,222,500 | 11.2 | Do. |
| National currency: | | | | | | | | |
| Series of 1875 | 185,000 | ..... | 163,113 | ..... | ..... | ..... | ..... | Do. |
| Series of 1882 | 2,060,000 | ..... | 1,855,545 | ..... | ..... | ..... | ..... | Do. |
| Total | 2,245,000 | ..... | 2,018,658 | ..... | 2,018,658 | 226,342 | 10 | Do. |
| United States internal-revenue stamps | 36,679,260 | ..... | 31,545,838 | ..... | 31,545,838 | 5,133,422 | 14 | Do. |
| Customs stamps | 430,000 | ..... | 199,000 | ..... | 199,000 | 231,000 | 53.7 | Do. |
| Checks, drafts, certificates, etc | 2,060,025 | ..... | 1,056,205 | ..... | 1,056,205 | 1,003,820 | 48.7 | Do. |
| Pacific Railroad registered bonds, unsealed | 1,000 | 1,000 | ..... | ..... | ..... | 1,000 | ..... | Do. |
| 4 per cent certificates indebtedness for Cherokee Indians | ..... | ..... | ..... | 2,000 | 2,000 | *2,000 | ..... | Do. |
| 3.50 per cent District of Columbia registered bonds, unsealed | ..... | ..... | ..... | 1,000 | 1,000 | *1,000 | ..... | Do. |
| United States bonds: | | | | | | | | |
| 5 per cent registered bonds, unsealed | ..... | ..... | ..... | 18,000 | 18,000 | *18,000 | ..... | Do. |
| 5 per cent coupon bonds, unsealed | ..... | ..... | ..... | 37,500 | 37,500 | *37,500 | ..... | Do. |
| 4 per cent registered bonds, unsealed | ..... | ..... | ..... | 49,700 | 49,700 | *49,700 | ..... | Do. |
| 4 per cent coupon bonds, unsealed | ..... | ..... | ..... | 80,950 | 80,950 | *80,950 | ..... | Do. |
| Total payable out of annual appropriations | 52,340,285 | 1,000 | 44,522,201 | 189,150 | 44,711,351 | †7,622,934 | †14.6 | Do. |
| Treasury notes, series of 1891, unsealed (payable out of permanent appropriations) | 3,850,000 | ..... | 4,301,000 | ..... | 4,301,000 | *451,000 | *11.7 | Permanent appropriations. |
| Total of estimates, etc | 56,190,285 | 1,000 | 49,012,351 | 189,150 | 49,012,351 | †7,177,934 | †12.8 | Annual and permanent appropriations. |
| Add postage stamps not in estimates and not furnished prior to 1895; cost of production reimbursable out of price paid for the stamps by the Post-Office Department | ..... | ..... | ..... | ..... | 21,873,682 | ..... | ..... | Reimbursable. |
| Total number of sheets of all kinds produced | ..... | ..... | ..... | ..... | 70,886,033 | ..... | ..... | Annual and permanent appropriations and reimbursable. |

*Increase. †Net decrease.

TABLE No. 2.

*Statement showing number of sheets of work produced by the Bureau of Engraving and Printing of the Treasury Department for the fiscal years ended June 30, 1894 and 1895, with comparison of same; estimates of work to be produced during the fiscal years ending June 30, 1896 and 1897; funds out of which payable; appropriations and estimates of appropriation, and cost of each of several classes of work.*

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

| Classification of work and fund out of which payable. | Number of sheets actually produced. | | | | Estimated number of sheets to be produced. | |
|---|---|---|---|---|---|---|
| | Year ended June 30, 1894. | Year ended June 30, 1895. | Decrease for 1895. | | Year ending June 30, 1896. | Year ending June 30, 1897. |
| | | | Number of sheets. | Per cent. | | |
| 1. Payable out of annual appropriations: | | | | | | |
| UNITED STATES NOTES AND CERTIFICATES. | | | | | | |
| United States notes, series of 1880, unsealed | 1,871,000 | 2,121,000 | *250,000 | *13.4 | ..... | ..... |
| Silver certificates, series of 1891 | 8,838,000 | 7,580,000 | 1,258,000 | 14.2 | ..... | ..... |
| Currency certificates, series of 1875 | 3,000 | 1,500 | 1,500 | 50 | ..... | ..... |
| Total | 10,712,000 | 9,702,500 | 1,009,500 | 9.43 | 10,375,000 | 10,375,000 |
| UNITED STATES BONDS. | | | | | | |
| 4 per cent coupon bonds, unsealed | ..... | 80,950 | *80,950 | ..... | ..... | ..... |
| 5 per cent coupon bonds, unsealed | 44,500 | 37,500 | 7,000 | 15.7 | ..... | ..... |
| 4 per cent registered bonds, unsealed | 27,146 | 49,700 | *22,554 | *83 | ..... | ..... |
| 5 per cent registered bonds, unsealed | 19,000 | 18,000 | 1,000 | 5.3 | ..... | ..... |
| Total | 90,646 | 186,150 | *85,504 | *94.3 | 12,000 | 24,000 |

TABLE No. 2—Continued.

*Statement showing number of sheets of work produced by the Bureau of Engraving and Printing of the Treasury Department, etc.*—Continued.

| Classification of work and fund out of which payable. | Number of sheets actually produced. | | Decrease for 1895. | | Estimated number of sheets to be produced. | |
|---|---|---|---|---|---|---|
| | Year ended June 30, 1894. | Year ended June 30, 1895. | Number of sheets. | Per cent. | Year ending June 30, 1896. | Year ending June 30, 1897. |
| UNITED STATES BONDS—continued. | | | | | | |
| 1. Payable out of annual appropriations—Continued. | | | | | | |
| 3.65 District of Columbia registered bonds | 1,000 | | 1,000 | | | |
| 3.50 District of Columbia registered bonds | | 1,000 | *1,000 | | | |
| Pacific Railroad registered bonds, unsealed | 1,940 | | 1,940 | | 1,000 | 1,000 |
| 4 per cent certificates of indebtedness for Cherokee Indians | | 2,000 | *2,000 | | | |
| National currency | 3,064,124 | 2,018,658 | 1,045,466 | 34.1 | 3,058,000 | 2,680,000 |
| United States internal-revenue stamps | 37,097,706 | 31,545,838 | 5,551,868 | 15 | 41,689,280 | 41,678,880 |
| Customs stamps | 201,000 | 199,000 | 2,000 | 1 | 372,000 | 382,000 |
| Checks, drafts, certificates, etc. | 1,437,545 | 1,056,205 | 381,340 | 26.5 | 1,815,300 | 1,689,557 |
| Total, payable out of annual appropriations | 52,605,961 | 44,711,351 | 7,894,610 | 15 | 57,322,596 | 56,830,437 |
| 2. Payable out of permanent appropriations: | | | | | | |
| Treasury notes, series of 1891, unsealed | 2,911,000 | 4,301,000 | *1,390,000 | *47.75 | 4,800,000 | 4,800,000 |
| Total, payable out of annual and permanent appropriations | 55,516,961 | 49,012,351 | 6,504,610 | 11.7 | 62,122,596 | 61,630,437 |
| 3. Reimbursable by Post-Office Department: | | | | | | |
| Postage stamps | | 21,873,682 | *21,873,682 | | †32,354,300 | 32,430,600 |
| Grand total of sheets | 55,516,961 | 70,886,033 | *15,369,072 | *27.7 | 94,476,896 | 94,061,037 |
| PRODUCTION AND COST OF SAME. | | | | | | |
| 4. Payable out of annual appropriations: | | | | | | |
| Number of sheets as above | 52,605,961 | 44,711,351 | 7,894,610 | 15 | 57,322,596 | 56,830,437 |
| Cost of same as shown by Bureau | $1,181,772.90 | $1,127,946.12 | $53,826.78 | 4.55 | ‡$1,196,750.00 | $1,131,450.00 |
| Average cost per 1,000 sheets | $22.46 | $25.23 | *$2.77 | *12.33 | $20.88 | $19.90 |
| 5. Payable out of permanent appropriations: | | | | | | |
| Number of sheets of Treasury notes of 1891, as above | 2,911,000 | 4,301,000 | *1,390,000 | *47.75 | 4,800,000 | 4,800,000 |
| Cost of same, as shown | $134,039.90 | $198,043.87 | *$64,003.97 | *47.75 | $250,000.00 | $250,000.00 |
| Average cost per 1,000 sheets | $46.05 | $46.05 | | | $52.08 | $52.08 |
| 6. Payable out of annual and permanent appropriations: | | | | | | |
| Number of sheets, as above | 55,516,961 | 49,012,351 | 6,504,610 | 11.7 | 62,122,596 | 61,630,437 |
| Cost of same, as shown | $1,315,812.80 | $1,325,989.99 | *$10,177.19 | *.77 | $1,446,750.00 | $1,381,450.00 |
| Average cost per 1,000 sheets | $23.70 | $27.05 | *$3.35 | *14.13 | $23.29 | $22.42 |
| 7. Reimbursable by Post-Office Department: | | | | | | |
| Number of sheets of postage stamps, as above | | 21,873,682 | | | †32,354,300 | 32,430,600 |
| Cost of same, as shown by Bureau, viz: | | | | | | |
| *a.* Amount reimbursed by Post-Office Department | | $107,699.78 | | | $163,612.16 | $164,585.29 |
| *b.* Amount appropriated for rent of postage stamp agency | | $566.67 | | | $600.00 | $600.00 |
| Average cost per 1,000 sheets | | $4.95 | | | $5.07½ | $5.07½ |
| 8. Payable from all sources: | | | | | | |
| Grand total of sheets, as above | 55,516,961 | 70,886,033 | *15,369,072 | *27.7 | 94,476,896 | 94,061,037 |
| Total cost of same, as shown | $1,315,812.80 | $1,434,256.44 | *$118,443.64 | *9.00 | $1,610,962.16 | $1,546,635.29 |
| Average cost per 1,000 sheets | $23.70 | $20.23 | $3.47 | 14.64 | $17.16 | $16.44 |

*Increase.

†Estimate calls for 8,088,575 sheets of 400 stamps each, extended as above to 32,354,300 sheets of 100 each, the same as given for other years.

‡Amount of Bureau estimates. Appropriation is $1,157,450.

NOTE.—The 44,711,351 sheets of work furnished in 1895 payable out of annual appropriations, if produced at a cost of $22.46 per thousand sheets—the rate of cost exhibited for the work of 1894—would amount to $1,004,216.94, or $123,729.18 less than the actual cost of the same as shown above.

TABLE No. 3.

*Statement showing expenditure and funds out of which payable for work done by the Bureau of Engraving and Printing of the Treasury Department for the fiscal years 1894 and 1895, with comparison of same, average cost per 1,000 sheets of work produced in each of said years, etc.*

[Compiled from report of Chief of Bureau of Engraving and Printing.]

| Funds out of which payable and items of expenditure. | Amount of expenditure. | | Increase 1895 over 1894. | | Average cost per 1,000 sheets. | | Excess of cost per 1,000 sheets 1895 over 1894. |
|---|---|---|---|---|---|---|---|
| | Year ended June 30, 1894. | Year ended June 30, 1895. | Amount. | Per cent. | 1894. | 1895. | |
| 1. Payable out of annual appropriations: | | | | | | | |
| A. Salaries | $17,397.35 | $17,290.35 | *$107.00 | *0.6 | $0.33 | $0.39 | $0.06 |
| B. Compensation of employees | 440,507.12 | 419,775.28 | *20,731.84 | *4.7 | 8.37 | 9.39 | 1.02 |
| C. Plate printing | 537,455.27 | 495,034.62 | *42,420.65 | *7.9 | 10.22 | 11.07 | .85 |
| D. Materials and miscellaneous expenses | 186,413.16 | 195,845.87 | 9,432.71 | 5.1 | 3.54 | 4.38 | .84 |
| Total | 1,181,772.90 | 1,127,946.12 | *53,826.78 | *4.5 | 22.46 | 25.23 | 2.77 |
| 2. Payable out of permanent appropriations (Treasury notes of 1891): | | | | | | | |
| A. Salaries | | | | | | | |
| B. Compensation of employees | 53,851.88 | 95,669.58 | 41,817.70 | 77.6 | 18.50 | 22.24 | 3.74 |
| C. Plate printing | 47,101.18 | 53,905.70 | 6,804.52 | 14.4 | 16.18 | 12.54 | *3.64 |
| D. Materials and miscellaneous expenses | 33,086.84 | 48,468.59 | 15,381.75 | 46.5 | 11.37 | 11.27 | *.10 |
| Total | 134,039.90 | 198,043.87 | 64,003.97 | 47.7 | 46.05 | 46.05 | |
| 3. Reimbursable by Post-Office Department (postage stamps): | | | | | | | |
| A. Salaries | | | | | | | |
| B. Compensation of employees | | 29,167.84 | | | | 1.33 | |
| C. Plate printing | | 17,622.03 | | | | .81 | |
| D. Materials and miscellaneous expenses | | 60,909.91 | | | | 2.78 | |
| E. Rent of postage-stamp agency (paid out of special appropriations) | | 566.67 | | | | .03 | |
| Total | | 108,266.45 | | | | 4.95 | |
| 4. Total payable from all of the above sources: | | | | | | | |
| A. Salaries | 17,397.35 | 17,290.35 | *107.00 | *.6 | .31 | .25 | *.06 |
| B. Compensation of employees | 494,359.00 | 544,612.70 | 50,253.70 | 10.2 | 8.91 | 7.68 | *1.23 |
| C. Plate printing | 584,556.45 | 566,562.35 | *17,994.10 | *3.1 | 10.53 | 7.99 | *2.54 |
| D. Materials | 219,500.00 | 305,224.37 | 85,724.37 | 39 | 3.95 | 4.30 | .35 |
| E. Rent of postage-stamp agency | | 566.67 | 566.67 | | | .07 | |
| Total | 1,315,812.80 | 1,434,256.44 | 118,443.64 | 9 | 23.70 | 20.23 | *3.47 |

*Decrease.

PRODUCTION.

| | |
|---|---|
| Number of sheets of work payable out of annual appropriations, produced in 1894 | 52,605,961 |
| Number of sheets of work payable out of annual appropriations, produced in 1895 | 44,711,351 |
| Decrease for 1895 | 7,894,610 or 15 per cent |
| Number of sheets of work payable out of permanent appropriations, produced in 1894 | 2,911,000 |
| Number of sheets of work payable out of permanent appropriations, produced in 1895 | 4,301,000 |
| Increase for 1895 | 1,390,000 or 47.7 per cent |
| Number of sheets of work payable from all sources, produced in 1894 | 55,516,961 |
| Number of sheets of work payable from all sources, produced in 1895 | 70,886,033 |
| Increase for 1895 | 15,369,072 or 27.7 per cent |

TABLE No. 4.

*United States internal-revenue stamps produced by the Bureau of Engraving and Printing for the years ended June 30, 1894 and 1895, compared.*

[Compiled from reports of Chief of Bureau of Engraving and Printing.]

| Classification. | Year ended June 30, 1894. | | | Year ended June 30, 1895. | | | Number of stamps per sheet. | |
|---|---|---|---|---|---|---|---|---|
| | Number of volumes. | Number of sheets. | Number of stamps. | Number of volumes. | Number of sheets. | Number of stamps. | 1894. | 1895. |
| Tax-paid stamps for distilled spirits, series of 1878 | 15,504 | 775,200 | 2,325,600 | 2,666 | 133,300 | 399,900 | 3 | 3 |
| Tax-paid stamps for distilled spirits, series of 1894 | | | | 4,220 | 211,000 | 633,000 | | 3 |
| Tax-paid stamps for distilled spirits, series of 1878, imprinted | | | | 2,100 | 105,000 | 315,000 | | 3 |
| Stamps for rectifiers, series of 1892 | 16,730 | 423,500 | 1,694,000 | 13,194 | 355,500 | 1,422,000 | 4 | 4 |
| Stamps for wholesale liquor dealers, series of 1878 | 2,920 | 292,000 | 876,000 | 2,140 | 214,000 | 642,000 | 3 | 3 |
| Tax-paid stamps for oleomargarine, series of 1886 | 14,870 | 743,500 | 2,974,000 | 6,680 | 334,000 | 1,336,000 | 4 | 4 |
| Warehouse stamps, series of 1878 | 4,540 | 454,000 | 1,816,000 | 3,390 | 339,000 | 1,356,000 | 4 | 4 |
| Warehouse stamps, series of 1890 | 140 | 14,000 | 56,000 | 80 | 8,000 | 32,000 | 4 | 4 |
| Warehouse stamps, series of 1894 | | | | 750 | 75,000 | 300,000 | | 4 |
| Brewers' permit stamps, series of 1878 | 190 | 19,000 | 76,000 | 165 | 16,500 | 66,000 | 4 | 4 |
| Export distilled-spirits stamps, series of 1878 | 490 | 49,000 | 196,000 | 90 | 9,000 | 36,000 | 4 | 4 |
| Export tobacco stamps, series of 1883 | 230 | 23,000 | 92,000 | 240 | 24,000 | 96,000 | 4 | 4 |
| Export cigar stamps, series of 1883 | | | | 20 | 2,000 | 8,000 | | 4 |
| Export oleomargarine stamps, series of 1886 | 20 | 2,000 | 8,000 | 90 | 9,000 | 36,000 | 4 | 4 |
| Export fermented-liquor stamps, series of 1891 | 300 | 30,000 | 120,000 | 70 | 7,000 | 28,000 | 4 | 4 |
| Stamps for fortified sweet wines, series of 1890 | 30 | 3,000 | 12,000 | 60 | 3,000 | 12,000 | 4 | 4 |
| Tobacco stamps, stub, series of 1891 | 28,345 | 2,267,600 | 11,338,000 | 21,555 | 1,724,400 | 8,622,000 | 5 | 5 |
| Snuff stamps, stub, series of 1891 | 150 | 12,000 | 60,000 | 120 | 9,600 | 48,000 | 5 | 5 |
| Special-tax stamps for liquors, series of 1895 | | | | 5,822 | 149,420 | 263,420 | | 1+ |
| Special-tax stamps for oleomargarine, series of 1895 | | | | 1,276 | 12,760 | 12,760 | | 1 |
| Beer stamps, series of 1878 | | 4,977,000 | 99,540,000 | | 4,160,000 | 83,200,000 | 20 | 20 |
| Tobacco stamps, strip, series of 1891, new issue | | 12,855,000 | 464,625,000 | | 12,618,000 | 461,245,000 | 36+ | 36+ |
| Tobacco stamps, sheet, series of 1891 | | 55,000 | 660,000 | | 80,000 | 960,000 | 12 | 12 |
| Snuff stamps, small, series of 1891 | | 409,000 | 61,896,000 | | 371,000 | 55,860,000 | 154+ | 150+ |
| Snuff stamps, strip, series of 1891 | | 682,000 | 12,460,000 | | 533,000 | 9,740,000 | 18+ | 18+ |
| Snuff stamps, sheet, series of 1891 | | 57,000 | 684,000 | | 46,000 | 552,000 | 12 | 12 |
| Cigar stamps, strip, series of 1891 | | | | | 52,000 | 520,000 | | 10 |
| Cigar stamps, strip, series of 1883 | | 8,797,000 | 86,485,000 | | 5,959,000 | 58,115,000 | 9+ | 9+ |
| Cigarette stamps, small, series of 1893, new issue | | 3,232,300 | 256,664,000 | | 3,779,600 | 302,760,000 | 80 | 79+ |
| Cigarette stamps, strip, series of 1883 | | 65,000 | 672,000 | | 64,000 | 664,000 | 10+ | 10+ |
| Stamps for playing cards | | | | | 134,350 | 26,870,000 | | 200 |
| Lock seals, series of 1875 | | 5,556 | 300,024 | | 7,408 | 400,032 | 54 | 54+ |
| Special-tax stamps for liquors, series of 1893 | 155 | 3,800 | 6,300 | | | | 1+ | |
| Special-tax stamps for oleomargarine, series of 1890 | 250 | 2,500 | 2,500 | | | | 1 | |
| Special-tax stamps for liquors, series of 1894 | 4,080 | 149,310 | 263,210 | | | | 1+ | |
| Special-tax stamps for oleomargarine, series of 1894 | 1,274 | 12,740 | 12,740 | | | | 1 | |
| Cigar stamps, strip, series of 1891 | | 46,000 | 460,000 | | | | 10 | |
| Cigarette stamps, small, series of 1893 | | 648,700 | 51,896,000 | | | | 80 | |
| Total | 90,818 | 37,097,705 | 1,060,270,374 | 64,728 | 31,545,838 | 1,016,550,112 | 28.58+ | 32.22+ |

EXTRACT FROM TESTIMONY OF MR. CLAUDE M. JOHNSON, CHIEF OF BUREAU OF ENGRAVING AND PRINTING, ON THE 18TH OF DECEMBER, 1894, BEFORE THE SUBCOMMITTEE ON THE SUNDRY CIVIL APPROPRIATION BILL FOR 1896. SEE PAGES 35 TO 42 OF PRINTED COPY OF "HEARINGS BEFORE SUBCOMMITTEE OF HOUSE COMMITTEE ON APPROPRIATIONS, CONSISTING OF MESSRS. SAYERS, O'NEIL OF MASSACHUSETTS, BROOKSHIRE, COGSWELL, AND CANNON OF ILLINOIS, IN CHARGE OF SUNDRY CIVIL APPROPRIATION BILL FOR 1896."

Mr. CANNON. Right at that point. How much is your estimate for postage stamps?

Mr. JOHNSON. The Post-Office Department has estimated they will require 8,088,575 sheets, which, according to our estimates, will cost $159,798.50. That, of course, comes in the Post-Office appropriation. It is repaid to the Bureau by them on bills rendered for a certain number of postage stamps which are delivered.

Mr. CANNON. Have you a deficiency in that matter this year?

Mr. JOHNSON. No, sir.

Mr. CANNON. Then, if any inquiries are to be made about that expenditure, they would have to be made upon this bill; that is, the Post-Office bill carries the item for printing for the postage stamps, and you are reimbursed from that appropriation, but as to the Treasury notes, that is a permanent appropriation by law.

The CHAIRMAN. Your next item is "for wages of plate printers." You ask for $547,700 for this item. How is it that the estimate is so large this year as compared with previous years? Now, for 1895 you had an estimate for $495,400. It is $52,000 more this year than last year.

Mr. JOHNSON. Well, the same answer applies to that; that nearly 5,000,000 more sheets are to be printed. The same answer applies to each one of these items of appropriations. It is the increase of the number of sheets to be produced by the Bureau; each department of the service every year increases estimates and uses more. The Government is growing.

Mr. CANNON. What is this I notice in the public prints about reduction of the wages of plate printers?

Mr. JOHNSON. Well, sir, it is a fact that the rates have been reduced 10 per cent on the internal-revenue work only; not on bank-note, or faces, or miscellaneous work, but internal-revenue work only.

The CHAIRMAN. Why is this?

Mr. JOHNSON. Because it is a cheaper grade of work. The internal-revenue stamp is made up principally of lathe work and lettering and printed on green paper, and it does not require the same care which it does to print the bank notes, which are pictures and portraits, and printed on white paper, and they have to be printed very carefully, and the men who were printing internal-revenue work were making more money than the men who were printing the faces on the bank notes under the rates which prevailed in the Bureau, and it looks to me like it was a gratuity of twenty-odd thousand dollars a year for the men doing the cheapest work, and I explained that to the Secretary, and it was reduced 10 per cent.

Mr. O'NEIL. What pay do they make at the reduced rates?

Mr. JOHNSON. They make on an average of from $4 to $5 a day under the new arrangement.

* * * * * * *

Mr. CANNON. I want to ask a question right there. You say between $4 and $5 would be their average wages. What is that for, a day of eight hours?

Mr. JOHNSON. Yes, sir.

Mr. CANNON. How does that pay compare with wages for similar employees in private establishments?

Mr. O'NEIL. Say the American Bank Note Company?

Mr. JOHNSON. Well, the rates of the American Bank Note Company, in some instances, possibly, are a little higher than in the Bureau of Printing and Engraving; but what they call jobs are small. For instance, they will have two or three kinds of securities a day to print, whereas the printers in the Bureau have continuous work on one class of work.

Mr. CANNON. Do they have thirty days' leave of absence under you?

Mr. JOHNSON. Yes, sir; and in a private establishment they do not.

Mr. CANNON. Do you take that into consideration?

Mr. JOHNSON. Yes, sir.

Mr. CANNON. You mean the wages here and the wages of a private establishment which gives thirty days' leave?

Mr. JOHNSON. No, sir; but I was going to say the printers of the Bureau make more money than the printers in private establishments in the country.

The CHAIRMAN. Without regard to the thirty days?

Mr. JOHNSON. That is counted in, as they get pay for the thirty days' leave of absence.

* * * * * * *

Mr. CANNON. What are the hours of work for private establishments?

Mr. JOHNSON. My impression is, it is ten hours.

Mr. CANNON. Do you mean a little more pay, hour for hour, or a little more pay for the printers in the Government office for eight hours than for the printer in the private office for ten hours? Do you reckon that by hours or by the year?

Mr. JOHNSON. By days. My information is that printers in the Bureau make a little more than in private establishments day by day.

Mr. CANNON. Notwithstanding they work two hours less?
Mr. JOHNSON. Yes, sir.
The CHAIRMAN. And have thirty days' leave of absence?
Mr. JOHNSON. Yes, sir.
Mr. O'NEIL. These are highly skilled men?
Mr. JOHNSON. Yes, sir; they are skilled men.
Mr. O'NEIL. You only select the best men you can get, and if they are not good you let them go?
Mr. JOHNSON. Yes, sir.
The CHAIRMAN. "For engravers', printers', and other materials, etc.," you ask $200,000. That is about as much as you asked last year?
Mr. JOHNSON. Yes, sir. Well, we have a great many more sheets to print, nearly 5,000,000, as we say; but we have not asked for much more, because we are buying material for a good deal less than we bought it in the past.

* * * * * * *

Mr. BINGHAM. You have simply taken an exception to the fact that you are or are not the contractor; but as to this agent, his line of work is the verification of stamp delivery to the Post-Office Department, etc., and he represents the Post-Office Department?
Mr. JOHNSON. That is true.
The CHAIRMAN. I wish you would explain the method you have adopted in order to prevent them from being stolen or lost, and also the method which you have also adopted for distribution.
Mr. JOHNSON. Well, in the first place all paper that we receive for the purpose on which postage stamps are printed is delivered to us and we are charged with that by the Treasury. The division of loans and currency receives all the paper; therefore we have to account for every sheet. Then it goes into what is known as the "wetting division," and they are charged with this. They wet and distribute it among the printers, and it is returned at night to the examining division, and from the examining division it goes to the gumming division, and from that division to the perforating division, and finally, after being completed, to the finish vault. Now, each one of the various branches of the Bureau is charged with every sheet of paper, and they have to account for them or put up the money themselves for it; and even if it is a blank sheet and it is lost the money has to be put up for it.
Every impression that is made by a press is registered by automatic registering machines, and we have register clerks who watch every revolution of that press, so it is impossible for a revolution to be made and an impression to be taken from these plates without a full record of it. After being delivered to the finish vault, then they are counted out by the vault keeper to the packing branch, and they are packed under the inspection of the man who is supposed to be the representative of the Post-Office Department, and is the representative of that Department, and delivered to the city post-office. They never go into the Post-Office Department at all, and we have the complete handling of them.
The CHAIRMAN. Is this agent there the person who has supervision of the distribution of these stamps?
Mr. JOHNSON. No, sir; he has a clerk who stays over there, and he comes there once in awhile, but very seldom.
The CHAIRMAN. So the clerk does the work?
Mr. JOHNSON. Yes, sir.

Postage stamps, manufacture of:

The CHAIRMAN. General BINGHAM, you may now ask Mr. Johnson any questions you desire in regard to the manufacture of stamps.
Mr. BINGHAM. What was the price bid per 1,000 by the Bureau for those stamps?
Mr. JOHNSON. Five cents for the ordinary stamps.
Mr. BINGHAM. That is, for the great body of stamps, 5 cents per 1,000. Now, what was bid by the Bureau in 1885?
Mr. JOHNSON. Really, I can not say.
Mr. BINGHAM. Was it not 7½ cents per 1,000?
Mr. JOHNSON. I can not say, as I can not recollect now.
Mr. BINGHAM. Was not that estimate made by Mr. Sullivan?
Mr. SULLIVAN. No, sir; that was not made by me; it was made by the accountants.
Mr. BINGHAM. The bid of the Bureau in 1893 was 5 cents per 1,000 and in 1885 it was 7½ cents per 1,000, and I am simply asking if you made that bid, Mr. Sullivan.
Mr. SULLIVAN. No, sir.
Mr. BINGHAM. My purpose in making that inquiry was to ask you why that difference between 1885 and 1896—a difference of 2½ cents per 1,000; but that you do not know?
Mr. SULLIVAN. I did not make the estimate.
Mr. BINGHAM. What is the cost of manufacturing and issuing stamps per 1,000, as shown by your work, actually, up to date?
Mr. JOHNSON. Well, sir, it is less than our estimate.
Mr. BINGHAM. Can you give a detailed statement of how you make up that cost in your estimate?
Mr. JOHNSON. No, sir; we could not do it now, but I could furnish it.
Mr. BINGHAM. You can furnish it. Mr. Chairman, can Mr. Johnson furnish that statement?
The CHAIRMAN. Certainly. Mr. Johnson, will you furnish that statement?
Mr. BINGHAM. Is an account kept of the cost of postage stamps in your department apart from the other work?
Mr. JOHNSON. Yes, sir.
Mr. BINGHAM. Has there been a recent reduction of wages of employees in the department with reference to that kind of work?
Mr. JOHNSON. No, sir.
Mr. BINGHAM. What has been the general quality of the work you have done?
Mr. JOHNSON. You mean what we have done or what we are doing?
Mr. BINGHAM. I mean of what you have done since taking the contract.
Mr. JOHNSON. The first shipments of stamps were not satisfactory. The haste in making them was too great, and we went too fast at first; but the Post-Office Department insisted upon so many being produced each day, and the Bureau was not fully equipped at that time to do that many. We did not think it was necessary, but they insisted upon it, and there were a great many stamps which went out which were not properly gummed. They thinned the gum and ran them through the machines too fast, and it sunk into the paper and did not stay on the surface.
Mr. BINGHAM. In other words, there was a defect in the gumming. Was there any defect in the engraving or printing?
Mr. JOHNSON. No, sir.
Mr. BINGHAM. Was it not criticised?
Mr. JOHNSON. Yes, sir; the color was somewhat weak at first, but the stamps are now absolutely satisfactory in every respect.
Mr. BINGHAM. Well, what about the perforating? Have there been any complaints heretofore?
Mr. JOHNSON. No, sir.
Mr. BINGHAM. Just give us your explanation covering what is called a stamp, the engraving, printing, gumming, perforating, etc. You know better than I do what a stamp means.
Mr. JOHNSON. The stamps now being produced are absolutely satisfactory in every particular as to the printing, gumming, and perforating. The stamps previously, as I stated before, issued in the first shipments were not satisfactory.
Mr. BINGHAM. You have submitted in your statement to the committee as to the careful preservation and records kept of each sheet of paper furnished. What number of stamps have been spoiled in the course of manufacture and destroyed up to December 1, and what proportion was this of the total number originally printed? That, of course, you can not give from memory, but you can give it in the statement.
Mr. JOHNSON. Yes, sir.
Mr. BINGHAM. Because each sheet will be a sheet of record, and that will show whether the work is good or poor.
The CHAIRMAN. Right here, now, I want you to append to that statement a note of explanation whenever it becomes necessary to explain anything, as we have no technical knowledge of this subject.
Mr. CANNON. That is, you want all the facts?
Mr. JOHNSON. I will give you all the facts.
Mr. BINGHAM. In the same connection you can give me the number of stamps manufactured by the Bureau furnished to postmasters upon requisitions of the Post-Office Department up to December last. That is matter, of course, of record?
Mr. JOHNSON. Certainly.

* * * * * * *

Mr. O'NEIL. When you give this information just asked for by General BINGHAM about the return of unfit stamps, I wish you would also give the dates. In other words, you admit in the beginning of the manufacture of these stamps they were faulty, but you claim that to-day they are all right; so we want the date of these returns so as to bear out that statement.
Mr. CANNON. Now, I want a little information about another matter, and when you go to answer those questions put this down. Does your estimate of the cost of stamps include the plant? I mean by plant the house, heating, lighting, presses, and everything that is necessary to make stamps.
Mr. JOHNSON. It includes presses and all machinery that has been bought. We will pay for the plant, what we call the plant, out of the appropriation for this year which we will receive from the Post-Office Department. Of course next year we will not have any plant to buy. We do not include house and light and heat, because those expenses are permanent and on the Government before.
Mr. CANNON. And they are not increased?
Mr. JOHNSON. Well, yes; to some extent, but not to any material extent.
The CHAIRMAN. How many employees are there engaged in printing these stamps?
Mr. JOHNSON. Less than 100; possibly 90 or 95.
The CHAIRMAN. Are they not paid out of the Post-Office appropriation?
Mr. JOHNSON. They are paid out of our appropriation, of course, but we get reimbursed from the Post-Office Department.
Mr. CANNON. One further question. The expense of the presses of which you spoke, is that an independent expense—I mean independent of the 5 cents a thousand?
Mr. JOHNSON. No, sir; it is included in our estimate.
Mr. CANNON. Your estimate was 5 cents a thousand for the production of stamps. Now, does that 5 cents a thousand include the cost of presses?
Mr. JOHNSON. It does.
Mr. CANNON. So that the first year you will print at 5 cents a thousand, and out of that 5 cents a thousand you buy the plant?
Mr. JOHNSON. Yes, sir.
Mr. CANNON. Without any increased cost?
Mr. JOHNSON. Yes, sir.
The CHAIRMAN. I would like to ask you another question. Will that 5 cents a thousand also compensate you for whatever losses may be incurred in the way of paper by imperfect manufacture, etc.?
Mr. JOHNSON. It will. We expect to come out even on the postage stamps this year.
The CHAIRMAN. Will the expenses be reduced the next year?
Mr. JOHNSON. Yes, sir; $50,000.
The CHAIRMAN. And they will be $50,000 under those of the present year?
Mr. JOHNSON. I do not want to make too extreme a statement.
The CHAIRMAN. How much will they be under the expenses of the present year?
Mr. JOHNSON. Our plant will cost nearly $50,000, and we will pay for it this year. That will be our profit this year substantially, and next year we do not have to pay for a plant.
The CHAIRMAN. Then it will be $50,000 under the present year?
Mr. JOHNSON. Yes, sir; fully $50,000. The printing of stamps at the Bureau of Engraving and Printing will save this Government at least $50,000 a year. I do not hesitate to state that.
Mr. BINGHAM. In one year or four years?
Mr. JOHNSON. In one year.

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Mr. BINGHAM. Have you any figures there which indicate the amount of stock transferred for issue of stamps from the old contractor on the 1st of July last; how many millions?
Mr. JOHNSON. My impression is it was about 600,000,000.
Mr. BINGHAM. That was enough to run you for two months or three months?
Mr. JOHNSON. Four months; well, three at any rate.
Mr. BINGHAM. Therefore you had three months after the commencement of your contract to get ready for the contract?
Mr. JOHNSON. Yes.
Mr. BINGHAM. I merely wish to show that they had ample time to do the work, because they had an amount of stock on hand for three months.
Mr. JOHNSON. Let me say right here we did not have ample time. When we made the estimate for the printing of the postage stamps in October, the Post-Office Department did not accept it until the last of February, nearly the 1st of March, leaving us only four months to the 1st of July, when our work began, instead of seven, as we anticipated; when we had calculated, we had that seven and the three in addition, on account of turning over this stock from the American Bank Note Company. It was quite an undertaking to prepare. We had to make new machinery. We had to make new presses, new gumming machines, and new perforators. We had to invent our gumming machine. There were none for sale in this country—no manufactory established in this country, that I could find, that could furnish those gumming machines.
Mr. BINGHAM. Right in that connection I want to ask, did not you make your estimates after the proposals had been duly advertised and bids opened by the Post-Office Department? Did not you submit your estimate to the Post-Office Department after all the other bidders had submitted their bids, and therefore you were at no disadvantage?
Mr. JOHNSON. Yes, sir.
Mr. BINGHAM. Your estimate came in after all the bids had been opened and after all the other contractors had submitted their bids?
Mr. JOHNSON. We did not bid.
Mr. BINGHAM. Well, you estimated, then?
Mr. JOHNSON. We made an estimate and submitted it to the Department for their consideration, that we could do this work at a certain figure, and that we have done.

Mr. BINGHAM. What number of stamps were there in the stock of Bureau manufacture on the 1st of December fit for issue, and what were the number of finished stamps in the vaults or in stock on the 1st of December which were regarded as unfit for issue? I wish to ascertain your failures in connection with your work. State also what safeguards are used to prevent thefts by employees while the stamps are in course of manufacture or in stock. Also, give the system of checks and balances in detail, and that is for the reason there has been a defalcation in the Bureau. There are a great many other questions I will submit to you without bringing them in to consume time. What is your daily supply to the Post-Office Department?

Mr. JOHNSON. The daily consumption is about 8,000,000.

Mr. BINGHAM. Does that run the Department?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. How do you employ your subordinate force in connection with this Post-Office work?

Mr. JOHNSON. They are employed as all the other employees.

Mr. BINGHAM. How are they paid?

Mr. JOHNSON. As all the other employees.

Mr. BINGHAM. On the same roll; in the same way?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. Do you keep a distinct roll for this work?

Mr. JOHNSON. No; not a distinct roll.

Mr. BINGHAM. How do you make up the estimate of cost, then?

Mr. JOHNSON. We know exactly the employees who are engaged on this particular work.

The CHAIRMAN. Let me ask a question right there. Do we make an appropriation upon this bill for these employees who manufacture postage stamps?

Mr. JOHNSON. Yes; but the reimbursement comes from the Post-Office Department.

The CHAIRMAN. Then, why is it necessary to make an appropriation upon this bill, if you get it from the Post-Office Department?

Mr. JOHNSON. Oh, no; you misunderstand me. You do not appropriate for that at all, except we pay, you understand, right along, and we get reimbursed from the Post-Office Department from time to time as we render bills for so many stamps.

The CHAIRMAN. Then I understand you to say in these estimates, while they have been increased over those for the present fiscal year, they do not result from the fact that you are engaged in the manufacture of postage stamps?

Mr. JOHNSON. None in the least. They have no bearing whatever on the manufacture of postage stamps.

Mr. BINGHAM. Right in that connection, Mr. Chairman, I would like to ask what disposition is made of the money appropriated for the Post-Office Department for procuring the stamps?

Mr. JOHNSON. It is paid the Bureau of Printing and Engraving just as it was paid to the American Bank Note Company—on its bills.

Mr. BINGHAM. The $160,000 that will be appropriated in the bill for the next fiscal year for the Post-Office Department for the manufacture of adhesive postage stamps is paid to your Bureau?

Mr. JOHNSON. Yes, sir.

Mr. BINGHAM. To whom in your Bureau?

Mr. JOHNSON. It is deposited to the credit of the appropriations for the Bureau.

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Extract from testimony of Mr. Claude M. Johnson, Chief of the Bureau of Engraving and Printing, on February 11, 1895, before the subcommittee of the House Committee on Appropriations, in charge of deficiency appropriations for 1895 and prior years. (See pages 72 to 74 of printed copy of "Hearings before subcommittee of House Committee on Appropriations," consisting of Messrs. BRECKINRIDGE of Kentucky, SAYERS, LIVINGSTON, CANNON of Illinois, and HENDERSON of Iowa, in charge of deficiency appropriations for 1895 and prior years.)

The CHAIRMAN. Your Bureau asks for $41,800 for salaries of clerks and employees other than plate printers and plate printers' assistants, $26,400 for wages of plate printers, and $15,200 for various materials for engraving and printing other than distinctive paper. Will you please give us briefly your reasons for there being a deficiency, and an explanation of why these amounts are necessary for your Bureau?

Mr. JOHNSON. The reason for there being a deficiency is the fact that the committee cut down the appropriation that much below the estimates submitted for the cost of the work for this year, and those estimates were made carefully and down to the closest figure at which they could be made. The cost of the work is just what the estimates are.

* * * * * * *

The CHAIRMAN. Are the wages of plate printers for which you ask fixed by law?

Mr. JOHNSON. They are fixed by the Secretary.

The CHAIRMAN. As these are the two items for which you ask a deficiency, I will ask you if it was not within the power of the Secretary or yourself, by reducing salaries, to come within the sum fixed by legislative enactment?

Mr. JOHNSON. It was probably technically within the power of the Secretary to do it, but whether it could have been done successfully is the question. The rates for plate printing are fixed, I might say, by agreement with the plate printers.

Mr. HENDERSON. Between them and the Secretary?

Mr. JOHNSON. Not exactly an agreement; but in case of a reduction in the rates the plate printers would be liable to strike and cause an interruption of the operation of the Bureau.

The CHAIRMAN. Were not the wages of the plate printers recently reduced?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. How much?

Mr. JOHNSON. Ten per cent on a certain class of work.

The CHAIRMAN. What was the aggregate saving by that reduction?

Mr. JOHNSON. My recollection is that it was $23,000. The saving for this year would be about half of that, or $11,000.

The CHAIRMAN. Was that $11,000 taken into account when you made your estimate for this year?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Has that been taken into account in making these estimates for this deficiency?

Mr. JOHNSON. Yes, sir; we must get this amount to come out even. We have been endeavoring to economize on our estimates to keep down the deficiency.

Mr. HENDERSON. Then your estimates were too low?

Mr. JOHNSON. I think they were a little bit too low.

The CHAIRMAN. If you can save that, and if you did not take into account the $11,000, your estimates must have been at least $11,000 too low.

Mr. JOHNSON. In making these estimates I anticipated a saving. I saw various places where I could save.

The CHAIRMAN. In the second item you asked this year for $495,400, and we gave you $469,000, which was the amount you spent last year minus $17,000 deficiency; and this year you ask $26,400 deficiency, which is $9,000 more than you spent last year. Why do you estimate for this increase?

Mr. JOHNSON. This year we are printing bonds, as you know, and that is very expensive printing. Then the work on postage stamps has added to that. We have had to increase expenses in plate printing on account of making the postage stamps. It is taking it off one and putting it on another item.

Mr. CANNON. The matter of postage stamps is reimbursable.

Mr. JOHNSON. We have to pay the money out. I think you will see that we ask for less money this year than we did last.

The CHAIRMAN. Not on this item. Will you send a statement so that we can get it to-morrow, explaining this matter?

Mr. JOHNSON. I will do so.

The CHAIRMAN. The next item is for rental of office by the agent of the Post-Office Department. What office is that?

Mr. JOHNSON. The Post-Office Department has an agent and we have rented an office for that officer in the new building on F street, the Insurance Building. There is no suitable place in the Bureau for him.

Mr. SAYERS. What does that agent do, now that your Bureau has undertaken the printing of postage stamps?

Mr. JOHNSON. I do not see that he has anything to do, if you ask me the direct question.

Mr. SAYERS. Why does your Department have to rent a room for him?

Mr. JOHNSON. That is a part of the agreement between the Treasury and the Post-Office Department, that we should provide office room for the agent of the Post-Office Department.

The CHAIRMAN. This agency was established when the printing of stamps was done by private contract, and then the Government was compelled to have some one to represent it in receiving and distributing these stamps; but now that the printing of stamps is done by the Bureau of Engraving and Printing, is it your judgment that there is any necessity whatever for this expenditure?

Mr. CANNON. I should think that it would be entirely proper that these stamps, which are to be distributed through the country, ought to be looked after by the Post-Office Department. That Department ought to attend to it and know where they go, or otherwise the Department should do the distributing; that is to say, the Post-Office Department takes the stamps and becomes responsible for them in their distribution to the 65,000 post-offices.

Mr. JOHNSON. No; the Post-Office Department never sees the stamps.

TREASURY DEPARTMENT,
*Bureau of Engraving and Printing, February 11, 1895.*

SIR: In answer to your interrogatory as to why the appropriation for the plate printing for the fiscal year 1895, including the deficiency asked, should exceed the appropriation for the year 1894 by something over $9,000, I beg to say that such is not the case, which will be shown by the following table:

| | | |
|---|---|---|
| For fiscal year 1894: | | |
| Act of March 1, 1893 | $469,000.00 | |
| Act of April 21, 1894 | 72,665.92 | |
| | | $541,665.92 |
| For fiscal year 1895: | | |
| Act of August 18, 1894 | 469,000.00 | |
| Deficiency asked | 26,400.00 | |
| | | 495,400.00 |
| Decrease in amount for 1895 | | 46,265.92 |

The appropriations for compensation of employees for the year 1894 were $440,549.47. The deficiency asked will make this appropriation for 1895 $419,800, showing a decrease in 1895 under the amount appropriated for 1894 of $20,749.47. The appropriations for materials and miscellaneous expenses are substantially the same for the two years. Notwithstanding the reductions which are thus shown, the number of impressions estimated to be produced in 1895 is substantially the same as was produced in 1894.

Very respectfully,

CLAUDE M. JOHNSON,
*Chief of Bureau.*

Hon. W. C. P. BRECKINRIDGE,
*Chairman Subcommittee on Appropriations,*
*House of Representatives, United States.*

*Supplemental hearings before subcommittee of House Committee on Appropriations, consisting of Messrs. Sayers, O'Neil of Massachusetts, Brookshire, Cogswell, and Cannon of Illinois, in charge of sundry civil appropriation bill for 1896, concerning printing of postage stamps.*

TREASURY DEPARTMENT,
*Bureau of Engraving and Printing, January 11, 1895.*

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, inclosing interrogatories suggested by Hon. H. H. BINGHAM, of Pennsylvania, a member of the Committee on Appropriations, relative to the manufacture of adhesive postage stamps by this Bureau, and to submit answers thereto.

I desire to say, in connection with said answers, and in accordance with your instruction to submit any additional information pertaining to this subject, that this Bureau submitted estimates to the Post-Office Department November 20, 1893, of the cost of printing adhesive postage stamps for the sole purpose of saving the Government unnecessary expenditure of money and of giving to the manufacture of about $50,000,000 worth of these stamps the additional security of the system of checks employed in the handling of the bank notes, bonds, and other securities of the country without additional cost.

These estimates were accepted and notice of the acceptance was given this Bureau about March 1, 1894, thus allowing but four months for preparation for this work, whereas the Bureau had expected at least seven months. The machines used in the manufacture of postage stamps in this Bureau are entirely new, of new pattern, and in several instances were invented by employees of the Bureau. The work of manufacturing the stamps was begun July 1, 1894, with, as before stated, an entire new outfit of machinery and without a single operative skilled in this particular work on the rolls of the Bureau. Therefore it devolved upon this office to educate a great number of people in this work and at the same time accomplish the manufacture of postage stamps in immense quantities to the satisfaction of the Post-Office Department and of the people. It would therefore be unreasonable to expect that during the first six months of this great undertaking the same good results should be attained as would be shown at the end of the fiscal year in the annual report on the operations of the Bureau. In fact, it seems very unfair that under these conditions the Bureau should be required to make a statement upon which judgment of any kind is to be passed so soon after undertaking this work.

The advantage that would be gained in a statement of the cost of this work at a later period of the year is shown by the fact that from July 1 to November 30, 1894, the spoilage in printing, etc., was 21¼ per cent, while during the month of December alone it was but 14.8 per cent. I anticipate that the spoilage in the next few months will be reduced to about 5 per cent, which will make considerable difference in the general cost of the work. There is no doubt that the more familiar the operatives become with the machinery and the more experience they have in the processes, the less will be the amount

of spoiled work and the fewer the number of people required to do the work, which must result in a reduction of cost. The estimate submitted by this Bureau of the cost of printing the 1 and 2 cent ordinary postage stamps, which represent about 90 per cent of the whole amount of these stamps required, was 5 cents per 1,000 stamps, or $20 per 1,000 sheets. From a careful summary of the cost of producing these stamps to-day in this Bureau I find the total cost per 1,000 sheets to be $18.0178.

With certain contemplated improvements to the Bureau's machinery, some of which are now in course of construction, I can safely predict that the present cost will be reduced to a considerable extent, and while the experience of the past six months will show that this Bureau has spent more than the amount estimated for that period, I am gratified to say that said experience justifies the estimates made, and that the future will produce the full amount of saving promised when the estimates were submitted. It should be remembered that the difficulties have been so great at the commencement of this work that it has not been a question of cost so much as a question of supplying, from day to day, the stamps necessary for the business of the country, and that a great deal of the work has been done in over hours and at night, which is less productive of good results for the same proportion of expenditure than work done in the ordinary business hours. This condition, now that our operatives are trained to the work, will not exist longer than the present month, and after that time I am confident that the cost of this work will be reduced even below that of the present time.

The answers to the interrogatories submitted by General BINGHAM are as follows:

(1) The estimates submitted in 1885 by this Bureau for the manufacture of postage stamps was $0.0775 per 1,000 stamps. The estimate submitted in 1893 was as follows: Ordinary stamps, $0.05 per 1,000; postage due stamps, $0.0605 per 1,000; special delivery stamps, $0.114 per 1,000. The estimate of 1893 was submitted after the bids received by the Postmaster-General were opened.

(2) The estimate submitted in 1885 included a pro rata of the cost of superintendence and other items that would not be increased by the addition of the postage stamps to the work of the Bureau, while the estimate of 1893 covered only the cost of the additional labor and material required to execute the stamps.

(3) The cost of the additional labor and material required for manufacturing and issuing the stamps, as shown by the work actually done to December 31, 1894, is:

| | |
|---|---|
| Wetting | $1,070.62 |
| Plate printing | 35,318.24 |
| Examining | 4,404.82 |
| Gumming and perforating | 22,865.94 |
| Packing and issuing | 4,860.20 |
| Running machinery | 2,877.18 |
| Miscellaneous expenses | 1,213.72 |
| Total | 72,610.72 |

No account is kept of the cost of the postage stamps apart from that of other work, but the additional expense on account of their manufacture can be ascertained from the accounts as kept.

(4) The general quality of the work done has been good, and there have been no special defects in the printing, perforating, or general workmanship. A few of the 2-cent stamps first issued were light in color, but this defect was at once remedied. The officials of the Post-Office Department made complaint as to the gumming of the stamps first sent to postmasters, and investigation showed that the gum applied was too thin and was absorbed by the paper to such an extent that sufficient deposit of it was not left on the surface of the stamps to adhere properly when applied to mailing matter. This condition of affairs was the result, in my opinion, of undue haste in the gumming of the stamps, caused by apprehension on the part of the postage-stamp agent of the Post-Office Department that the stock of stamps transferred from New York would be exhausted before those prepared by this Bureau would be ready for delivery.

Although I assured the Post-Office Department that the Bureau would be able to supply all demands for postage stamps, an order was issued that this Bureau should finish 10,000,000 stamps a day, which was a greater amount than the capacity of the Bureau at that time warranted. To accomplish this the operatives employed in gumming the stamps thinned the gum, with the result above indicated. The assignment to this work of inexperienced examiners who were entirely unfamiliar with the requirements and passed the thinly gummed sheets was another result of the undue haste referred to. The defect was not discovered until the stamps were issued to the postmasters and used to a certain extent by the people, but when brought to the attention of the Bureau was at once corrected. Since the 25th of October the stamps have been gummed to the satisfaction of the Post-Office Department, and there is now no complaint as to any of the work on the stamps, except some imperfect perforation of the stamps, caused by the dies of the perforating machines being too much worn, and as the urgency of this work has required the operation of these machines day and night, there has not, until recently, been any opportunity to make the necessary repairs. The machines are now being furnished with new dies and no cause for complaint on this ground will any longer exist.

(5) The number of stamps spoiled in the course of manufacture up to December 31 was 291,821,700, and this is 19.6 per cent of the total number originally printed.

(6) The number of stamps of Bureau manufacture furnished to postmasters upon requisition of the Post-Office Department up to December 31 was 683,830,666. Of these 30,298,183 stamps were returned by the Post-Office Department upon complaint of postmasters as to their unfitness for use. The unfitness was due to the gumming only.

(7) The number of stamps of Bureau manufacture in the vault on December 31 was 395,466,589. Of this amount, 293,727,909 stamps were of the stock gummed prior to October 25 and were not being issued on requisitions, but it is believed that a very considerable portion of them are fit for issue, and it is the intention to have them examined and assorted when opportunity permits.

(8) The system of checks and balances in operation in this Bureau to prevent the abstraction of sheets by employees is the same that has been in operation here with regard to all the securities of the United States. The paper is required to be carefully counted and put up in packages of 1,000 sheets each at the mill where manufactured; is then shipped in cases to the Office of the Secretary of the Treasury; is then counted in that office and held for issue to this Bureau upon proper orders and requisitions. On the proper order being issued by the Post-Office Department, the amount of paper authorized is placed to the credit of this Bureau for each denomination, and, as it is needed, requisitions are made daily, specifying the number of sheets, the size, and the denomination for which intended. It is charged to this Bureau on the basis of the number of stamps of the denomination called for which can be printed upon the sheet specified, and this Bureau is liable for the face value of each of these blank sheets delivered to it.

On receipt of the paper by this Bureau it is carefully counted, prepared for printing, and held subject to the requisition of the printing division. Each day a specified quantity of paper is delivered to the printing division for each printer employed on the stamps. It is counted by the printing division and issued to the printer. On each press there is a mechanical device known as a register for recording every impression which is made by the press. Every impression so recorded is charged to the printer, and at the close of the day the number of impressions recorded by the register, the number of blank sheets delivered, and the number of printed sheets returned by the printer are compared, and, if they tally, he is relieved from further responsibility.

As each 200 impressions are printed they are taken from the press and sent to the examining division, where they are counted and entered to the credit of the printer on his pass book and on the entry book of that division. They are then spread on racks to dry. When dry they are counted and examined, and the perfect impressions are put up in packages of 100 sheets each, and these packages are combined into larger packages of 1,000 sheets each. The imperfect impressions are put up into packages in the same manner, and, after being canceled, are delivered to the division of loans and currency, office of the Secretary of the Treasury, and final receipt taken therefor.

The perfect impressions are pressed and again counted. They are then sent to the gumming room, gummed, straightened, pressed, and counted, and the day's work balanced. They are then examined, and those fit for perforation are put up in packages of 1,000 sheets each and sent to the perforating room. The imperfect sheets are canceled and sent to the Treasury Department, as above indicated. Those sent to the perforating room are perforated, separated into sheets containing 100 stamps each, and are taken from the machines directly to the counters, who count them. The perfect sheets are made up into packages of 500 sheets, or 50,000 stamps each, each hundred sheets being separated by a printed marker. Each of these packages is counted by two counters, each of whom acts as a check upon the other.

The perfect sheets are tied up between boards again in bundles of four packages each and are delivered to the finished vault. The imperfect sheets are canceled and delivered to the division of loans and currency, as above indicated. Each day a requisition is received from the Post-Office Department and the stamps necessary to fill it are counted out of the stock in the finished vault and are sent to the packing room. In this room the counters lay out the stamps necessary to supply each postmaster named in the requisition. The odd sheets in these separate orders are counted by the Bureau counters and verified by a counter representing the Post-Office Department. The stamps for each of these separate orders are placed in envelopes where the order is for 5,000 stamps or less, and when over 5,000 stamps, are put up in packages inclosed in strong manila wrappers. The envelopes are gummed and closed with a paper seal. The packages are closed with sealing wax and a paper seal is placed on each end. These envelopes and packages are then sent to the Washington City post-office and registered.

During the entire progress of this work, from the blank paper to the finished stamp, there is constant supervision and watchfulness to prevent inaccuracies, serious errors, or loss from theft. It is, however, impossible to guard against the dishonesty of a trusted employee at certain points.

(9) Some time after this Bureau had commenced to issue the stamps transferred to it from the former contractor claims were made by postmasters of shortages in the shipments of stamps made to them. At first it was supposed that these shortages were the result of errors, and efforts were made to trace the errors and rectify them.

On October 8, 1894, the most serious case was reported—that of the postmaster at Ionia, Mich.—who claimed to be 50,000 2-cent stamps short, the value of which was $1,000. Upon an examination of the original package returned by the postmaster, it became evident that his claim was correct, as the wrapper would not hold the full amount of 100,000 stamps which should have been sent to him. It was even then thought this was the result of a misshipment, and that some postmaster who should have received 50,000 stamps had, by an error in packing, received 100,000 stamps. In accordance with this theory the Third Assistant Postmaster-General sent out tracers to all postmasters who had been supplied on the same order with the postmaster at Ionia, Mich. These tracers had hardly been sent when information was received which led to the suspicion that an employee of this Bureau, William B. Smith, was abstracting stamps.

The circumstances, as they came to the knowledge of the officers of this Bureau, were immediately submitted the Secretary of the Treasury, with a request that the Secret Service Division of that Department be authorized to make full investigation. The case was placed in the hands of that division, and within a few hours facts were developed which warranted the arrest of Smith. It was found that he had offered for sale postage stamps at a very large discount, and that some of the stamps so offered were of the Bureau manufacture, which had not been issued to postmasters or placed on sale, and which therefore could not have come into his hands except by theft. Smith was at once arrested.

William B. Smith, the principal, was appointed a laborer and assigned to duty in this Bureau June 20, 1894. He was at first assigned to packing stamps in the packing room, and subsequently was transferred as a helper in the vault. It was his duty to put in their proper places the stamps delivered to the finished vault and to take out for delivery the stamps required to fill the daily requisition from the Post-Office Department. It was also his duty to keep a memorandum account of the stamps that were deposited in and taken from the finished vault. His compensation was at the rate of $470 a year for eight hours a day, with an allowance for such extra time as he actually made. His compensation averaged, during the time that he was employed in the Bureau, $40.43 a month. He was recommended by Hon. John T. Dunn, of New Jersey; Hon. JOHN W. DANIEL, of Virginia, and Mr. L. Cabell Williamson. His statement when he reported for duty was that he accepted the small place only as a temporary matter and until such time as he should be given a better one.

(10) The number of stamps stolen is as follows:

| | Stamps. |
|---|---|
| Bank-note manufacture | 52,100 |
| Bureau manufacture | 40,000 |

The stamps were missed from this Bureau before their loss was discovered by outside detectives, but no circumstance had transpired to throw suspicion upon any employee of this Bureau or to lead to the belief that stamps were being stolen until the information was received as above stated. The detective who first discovered that stamps were being offered for sale failed to communicate the fact to the officers of this Bureau, and thus some time was lost. It is difficult to determine the precise dates when the thefts occurred.

(11) The stamps could not have been missed sooner by this Bureau under any system of checks and balances that could be devised. These thefts were the result of dishonesty on the part of an employee who was supposed to be fully trustworthy, and who was therefore in a position to purloin the stamps, as he did, from packages which had been finally prepared ready for shipment to postmasters. The thieves were sent to jail pending action of the grand jury.

(12) The money appropriated to the Post-Office Department for the manufacture of adhesive postage stamps is used by that Department to pay the bills of this Bureau for the number of stamps completed and delivered by it, and the amounts of these bills are carried by warrant to the credit of the appropriations for this Bureau, and thus become available by it to pay the expenses of manufacturing and furnishing the stamps. This is done in accordance with the uniform practice of the Treasury Department for years. The internal-revenue stamps were formerly furnished by this Bureau under

this system, and the Treasury notes of 1890 are now being furnished by it in the same way.

(13) The total floor space in use in the building of this Bureau for the manufacture, storage, and issue of the postage stamps is, as far as it can be separated from the other work, 9,537 square feet. This, however, includes the gumming room and the examining and straightening rooms connected with that process, in which about one-fifth of the work performed is internal-revenue stamps. This work is not all done in one room, not on the same floor, but in the different rooms of the building devoted to the processes involved in the work of the Bureau. The manufacture of postage stamps is, in fact, treated as a part of the regular work of the Bureau, and is performed in the same manner and in the same rooms as the internal-revenue stamps, United States notes and certificates, drafts, warrants, and other work for the different Departments of the Government.

(14) The estimate for outbuilding submitted last year was omitted from the estimates for this year by an oversight, and the attention of the Department was called to the matter prior to the submission of these interrogatories.

(15) The agreement between the Secretary of the Treasury and the Postmaster-General under which the work of preparing and delivering the postage stamps is now being done requires that the stamps shall be manufactured and issued under the supervision of an agent of the Post-Office Department, and that he shall be furnished suitable rooms for himself and his assistants. In accordance with this agreement, rooms were furnished the agent of the Post-Office Department in this Bureau, but, being located so near the space in which the stamps were being packed for shipment, they were not deemed suitable by the agent, and, at his request and with the approval of the Secretary of the Treasury and the Postmaster-General, rooms were procured for him in the National Union Building, on F street, near Ninth street, this city. The rental of these rooms was authorized by Congress for a period of four months, and an appropriation was made for the expense thus incurred. These rooms were selected by the postage-stamp agent, with the approval of the Postmaster-General, which is sufficient to indicate that they are properly located for the purpose intended.

As an evidence of the fact that the work of manufacturing the stamps is progressing to the satisfaction of the Post-Office Department, I have the honor to submit herewith a copy of a letter received from the Third Assistant Postmaster-General.

Very respectfully,

CLAUDE M. JOHNSON,
*Chief of Bureau.*

Hon. JOSEPH D. SAYERS,
*Chairman Committee on Appropriations,*
*House of Representatives United States.*

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POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
*Washington, D. C., January 9, 1895.*

DEAR SIR: After a careful inspection of the manufacture of postage stamps at the Bureau of Engraving and Printing, I am convinced that there is no longer any doubt of the ability of the Bureau to furnish stamps in sufficient quantities to meet the demands of the Post-Office Department. I think, however, a reserve of several hundred millions should be accumulated as soon as possible, to provide against any contingency.

It affords me pleasure to state that much progress and improvement have been made in the manufacture of stamps. The printing, gumming, and coloring show a decided improvement. The perforation is still objectionable. The perforated line not infrequently runs into the engraved surface, and when torn apart presents a ragged edge. This defect should be remedied. I feel confident that in a short time you will be able to produce a finished stamp which will be beyond criticism.

Yours, very respectfully,

KERR CRAIGE,
*Third Assistant Postmaster-General.*

MR. CLAUDE M. JOHNSON,
*Chief of Bureau of Engraving and Printing, Washington, D. C.*

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I.

Copy of blank form of proposal and specifications issued to bidders in pursuance of public advertisement of the Postmaster-General, dated October 16, 1893, for contract for furnishing the Post-Office Department with adhesive postage stamps for and during a period of four years, beginning on the 1st day of July, 1894, said advertisement having been issued in compliance with the requirements of section 3709 of the Revised Statutes of the United States.

Specifications submitted to bidders competing for the contract and showing the requirements for doing the work. Special attention should be given to the covenant and agreement on the part of the contractor and his sureties that on failure to do or perform any or all of the stipulations he shall forfeit and pay to the United States the sum of $200,000, as well as the guaranty requirement of $25,000 in case of failure to enter into contract.

PROPOSALS FOR ADHESIVE POSTAGE STAMPS.

The undersigned, —— ——, doing business as ——, in the city of ——, submit to the Post-Office Department, in conformity to the terms of an advertisement and specifications dated October 16, 1893, a printed copy of which is hereto attached and made part hereof, the following proposal for furnishing adhesive stamps during a period of four years beginning on the 1st day of July, 1894, the work to be done in apartments containing —— square feet of available space in the fireproof building known and designated as ——, on —— street, in the city of ——, and State of ——, to wit:

| Classification of bids. | No. 1.—Price per 1,000 stamps if printed on hand-roller presses. | | No. 2.—Price per 1,000 stamps if printed on steam-power presses which require a portion of the work, such as wiping and polishing, to be done by hand. | | No. 3.—Price per 1,000 stamps if printed entirely by steam power. | |
|---|---|---|---|---|---|---|
| | Dollars. | Cts. | Dollars. | Cts. | Dollars. | Cts. |
| Ordinary stamps for use of the public | | | | | | |
| Newspaper and periodical stamps | | | | | | |
| Postage-due stamps | | | | | | |
| Special-delivery stamps | | | | | | |

In the event of the acceptance of the foregoing bid, or any item or items thereof, the said —— —— agree , within ten days from the date of such acceptance, to enter into contract according to the terms, conditions, and requirements of the advertisement and specifications aforesaid; in which contract the contractor and —— sureties shall covenant and agree that in case the said contractor shall fail to do or perform all or any of the covenants, stipulations, and agreements of said contract on the part of the said contractor to be performed, as therein set forth, the said contractor and —— sureties shall forfeit and pay to the United States of America the sum of $200,000, for which said forfeiture the said contractor and —— sureties shall be jointly and severally liable as fixed and settled damages, and not as a penalty to be reduced or diminished, to be sued for in the name of the United States.

(Signature of the bidder.)* —— ——,
—— ——,

GUARANTY.

We, —— ——, guarantee and bind ourselves, and each of us, our and each of our heirs, executors, and administrators, in the event that a contract for furnishing adhesive postage stamps, or any of them, according to the advertisement and specifications of October 16, 1893, shall be awarded to ——, and in case of failure of the said —— to enter into contract as above, that we will forfeit and pay to the United States the sum of $25,000, for which forfeiture we will be jointly and severally liable, as liquidated damages.

Dated, ——,
——, 1893.

(Signatures of guarantors.) ——,
——,

CERTIFICATE.

The undersigned, —— ——, in the State of ——, certifies, under his oath of office, that he is acquainted with the above guarantors, and knows them to be men of property, and able to make good their guaranty.

Dated at —— ——,
——, 1893.

†——,

PROPOSALS FOR FURNISHING ADHESIVE POSTAGE STAMPS.

[Advertisement.]

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., October 16, 1893.*

Sealed proposals are invited from parties carrying on the business of steel-plate engraving and plate printing, or who have had experience in conducting that business, and will be received at this Department until 12 o'clock noon, on Wednesday, the 15th of November, 1893, for furnishing adhesive postage stamps of the following-named classes, in such quantities as may be called for by the Department during a period of four years, beginning on the 1st day of July, 1894, viz:

Ordinary postage stamps for the use of the public.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

Proposals must be made on the blank forms provided by the Department, securely enveloped and sealed, indorsed "Proposals for furnishing adhesive postage stamps," and addressed to the Third Assistant Postmaster-General, Washington, D. C. Bids delivered in person must be handed in at or before the hour above specified for the receipt thereof; otherwise, they will not be considered.

Blank forms of proposal, with full specifications, will be furnished upon application to the Third Assistant Postmaster-General.

WILSON S. BISSELL,
*Postmaster-General.*

*Specifications—Furnishing adhesive postage stamps.*

KIND OF STAMPS.

Bids are invited for each of the several kinds of stamps, as follows:
Ordinary stamps for use of the public.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

SIZES OF STAMPS.

The sizes of the stamps shall be the same as those of the corresponding kinds now in use, namely:

Ordinary stamps, three-fourths by seven-eighths ($\frac{3}{4}$ by $\frac{7}{8}$) of an inch for the engraving, exclusive of blank margin.

Newspaper and periodical stamps, a little over fifteen-sixteenths of an inch by one inch and three-eighths ($\frac{15}{16}$ by $1\frac{3}{8}$) for the engraving, exclusive of blank margin.

Postage-due stamps, a little over twelve-sixteenths of an inch by one inch ($\frac{12}{16}$ by 1) for the engraving, exclusive of blank margin.

Special-delivery stamps, a little over thirteen-sixteenths of an inch by one inch and seven-sixteenths ($\frac{13}{16}$ by $1\frac{7}{16}$) for the engraving, exclusive of blank margin.

To admit of proper perforation, the blank space or margin between the different stamps on a sheet shall be of equal width to that on the corresponding kinds now issued.

DIES, ROLLS, AND PLATES.

The dies and rolls now in use for furnishing postage stamps, being the property of the Government, will be turned over to the successful bidder as soon after the execution and approval of the contract as he may require them; and from such dies and rolls he must produce the necessary working plates with which to provide a sufficient supply of stamps of the several kinds and denominations to make deliveries promptly as called for from the beginning of the contract term. The working plates from which stamps are now being furnished will also, if found by the Department to be necessary, be turned over to the new contractor as soon as their use can be dispensed with under the present contract, either before or after the beginning of the new contract term.

The contractor will be required to keep in repair all dies, rolls, and plates from which the stamps are produced, and to renew them whenever required.

The several series of stamps comprehended in these specifications are now made up—

The ordinary stamps, of 11 denominations.
The newspaper and periodical stamps, of 24 denominations.
The postage-due stamps, of 7 denominations.
The special-delivery stamps, of 1 denomination.

It is not likely that any of the designs of the newspaper and periodical, the postage-due, or the special-delivery stamps will be changed during the existence of the contract. As to changes in the series of ordinary stamps, nothing

*When the bidder is a partnership or firm, the names of all the persons composing it must be signed to the proposal or embodied therein.

†To be signed by a district or circuit judge of the United States, or by a United States district attorney.

positive can be now stated, except that the present 30 and 90 cent denominations will probably be at once abandoned, and four new denominations—50 cents, $1, $2, and $5—adopted. In this event the contractor will be required to get up drawings of appropriate designs, subject to the approval of the Department, and to have the necessary dies, rolls, and plates made in time for printing when the contract term begins.

It is to be distinctly understood that the Postmaster-General reserves the right to change the designs of any of the stamps whenever he may deem it proper, or to add new denominations, and in any such case the contractor shall prepare the necessary drawings, dies, rolls, and working plates without cost to the Department.

All the work in connection with the preparation, renewal, and repair of the dies, rolls, and plates shall be done under the immediate supervision of the contractor and of the Government agent, and in accordance with such regulations as the Postmaster-General may prescribe.

The contractor shall not manufacture or permit to be manufactured by any person in his employ any dies, rolls, or plates for producing postage stamps, except such as may be required for his use in carrying out the contract, and he shall be liable in damages for the unauthorized manufacture of such dies, rolls, and plates, and for the production of stamps therefrom. He shall be responsible for the safe-keeping of the dies, rolls, and plates while in his use or custody; when not in use they shall be safely stored and kept in such manner and under such regulations as the Postmaster-General may prescribe.

All dies, rolls, and plates made or used at any time in filling the contract shall immediately become the absolute property of the United States, and, together with those that may be turned over to the contractor, shall be delivered in good working order to the Postmaster-General, or his authorized agent, whenever demanded.

Worn-out or discontinued plates may be required to be canceled or destroyed at the discretion of the Postmaster-General, under such regulations as he may prescribe.

COLORS OF STAMPS.

The colors of the stamps at the outset shall be the same as those of the corresponding kinds now used; but the Postmaster-General shall have the right to change the colors whenever he may think proper to do so, provided that in any such changes the contractor shall be compensated for any extra expense thereby involved; and also provided that if less expensive colors be selected, the Department shall be credited with the reduction in cost, the amount of such increase or reduction to be determined by the Postmaster-General. Aniline colors shall not be used.

New denominations, when introduced, shall be of such colors as the Postmaster-General may select.

MODE AND QUALITY OF PRINTING.

Proposals should comprehend the furnishing of stamps printed on both hand-roller and steam-power presses, as follows:

No. 1. For stamps printed on hand-roller presses.

No. 2. For stamps printed by steam-power presses which require a portion of the work, such as wiping and polishing, to be done by hand.

No. 3. For stamps printed by presses upon which all the work is done by steam power.

After the proposals shall have been received and opened, the Postmaster-General will determine under which of these items he will award the contract.

The printing shall be done from hardened steel plates, engraved in the highest style of the art of steel engraving, and shall be subject in every respect to the approval of the Postmaster-General or his duly authorized agent.

PAPER, GUMMING, PERFORATIONS, ETC.

The paper from which the stamps are to be printed must be run and calendered to a uniform thickness, each sheet to be fair, perfect, and free from creases and folds, and it shall be equal in quality, sizing, finish, and tensile strength to that of the samples attached to these specifications. The paper may be required to be watermarked, in the discretion of the Postmaster-General, with such design of watermark as he shall approve. The stamps shall be well gummed with the best quality of adhesive gum uniformly laid on. The stamps shall be perforated in the best manner, so that every stamp may be readily detached for use. The sheets shall be well pressed and suitably packed or put up, so as to prevent them from adhering together—each sheet of the finished work to contain not more than 100 stamps. The stamps shall be subject in every respect to the approval of the Postmaster-General or his duly authorized agent, and his right of rejection shall be absolute. All spoiled and rejected stamps shall be effectually canceled by and at the expense of the contractor, in such manner as the Postmaster-General may direct, and shall then be turned over to the Postmaster-General or his duly authorized agent for destruction.

BUILDING, PLACE OF MANUFACTURE, ETC.

The stamps will be required to be manufactured in a fireproof building and in apartments distinct from those in which any other work is done, and the premises shall be fitted up with a fire and burglar proof safe or vault, to be specially provided for storing the finished stamps; the said building, apartments, and safe or vault to be subject to the approval of the Postmaster-General. Suitable provision will also be made by the contractor for the safe-keeping on the premises of the stamps while in course of preparation, under such regulations as may be prescribed by the Postmaster-General or his duly authorized agent, and subject to his approval. The building must at all hours of the day and night be policed or guarded in such manner as the Postmaster-General shall require; and the contractor, his employees, and agents shall conform to such regulations as the Department may from time to time adopt for the security of the Government. Each bidder will be required to designate in his proposal the building in which he proposes to manufacture the stamps, and the quantity of space to be devoted to the purpose.

AGENT—OFFICE ROOMS—INSPECTION.

A resident agent and inspector of the Department will have supervision of the manufacture, storage, and issue of the stamps, and he shall at all times have full and free access to the apartments, safes, and vaults where the stamps are manufactured and stored, for the purpose of inspecting them. The Postmaster-General shall also have the right at any time to cause an inspection to be made, by any agent or agents whom he may specially designate for the purpose, of the apartments, safes, and vaults used for the manufacture and storage of stamps, and of the stamps in course of manufacture or in stock.

The contractor shall furnish the resident agent of the Department and his clerks suitable and properly furnished office rooms connected with the premises on which the stamps are made, for the transaction of the business of the agency, without cost to the Government.

STOCK ON HAND.

The contractor will be required to have at the beginning of the contract term a sufficient stock of the several kinds and denominations of stamps to meet the requirements of the Department, and thereafter he shall at all times keep on hand such a quantity of finished stamps as will suffice to promptly meet the orders of the Department, and to provide against any and all contingencies that may be likely to occur during the existence of the contract; the stamps to be held subject to the control of the Postmaster-General or his duly authorized agent or agents. The Postmaster-General, moreover, shall have the right to require the contractor, at any time or times during the existence of the contract, to provide an extra quantity of stamps, not exceeding a supply for three months. The contractor may be required to continue the issue after the close of the contract term of all stamps ordered by the Department during its existence.

The contractor shall faithfully account to the Postmaster-General, or his duly authorized agent, for all stamps printed or produced by him, and he shall be liable in damages for the theft, misappropriation, or loss, before they leave his custody, of any stamps that may be manufactured by him or come into his hands as contractor.

The Postmaster-General reserves the right to impose a fine upon the contractor, in such sum as he may deem proper, to be deducted in the settlement of accounts, for the failure to have on hand at any time a sufficient supply of stamps to promptly meet the demands of the Department.

The Postmaster-General also reserves the right to impose a fine, in such sum as he may see proper, for errors made by the contractor in the count of stamps when issued to postmasters, whereby either a greater or less number or a greater or less value shall be sent than the orders of the Department call for.

In the event that the exigencies of the public service shall require the acceptance by the Department of any stamps which, in the opinion of the Postmaster-General or of his duly authorized agent, are not fully up to contract requirements, the right is reserved to the Postmaster-General absolutely to fix such price therefor, less than the regular price, as may seem to him just and reasonable under all the circumstances; and payment at this rate shall be a complete discharge of all liability on the part of the Government for such stamps.

On failure to promptly furnish, when called for, any of the stamps covered by the contract, the Postmaster-General reserves the right to cause them to be manufactured and furnished by such parties as he may select; and if a greater price be paid than that fixed by the contract for like articles, the difference shall be charged to the contractor in the settlement of accounts. Failure to furnish stamps promptly after they shall have been ordered may be regarded by the Postmaster-General as a sufficient cause for the annulment of the contract.

Should the contractor, in the performance of work under the contract, make unauthorized use of any machinery, or material, or other thing on which a patent has been granted by the United States, the Government is to be made free of all liability for such infringement.

PACKING—BLANKS.

When fifty or more sheets of stamps are required to be sent to any address, they must be packed in strong binders' board boxes, bound on the edges and corners with muslin, and enveloped in two thicknesses of strong manila paper; but when less than that number are required to fill an order they shall be inclosed in strong manila envelopes equal to those now in use for the same purpose; such envelopes, as well as blank labels of directions for the wrapped packages, to be furnished by the contractor and addressed by the agent. All the wrapped packages and the envelopes inclosing stamps shall be securely sealed with wax and impressed with a stamp of special device, or securely fastened with a paper seal of special design, subject to the approval of the Postmaster-General or his duly authorized agent. The contractor shall also furnish all blanks required to be inclosed with the stamps.

DELIVERY.

Delivery of the stamps will begin on the 1st of July, 1894, and thereafter they shall be furnished in such quantities as may be ordered by the Department, daily or otherwise, to fill the requisitions of postmasters, every lot to be put up separately for mailing.

The stamps may be required to be delivered by the contractor in separate packages, as above provided for, at the post-office in the place where they are manufactured, or at such other post-office in the immediate vicinity of the place of manufacture as the Postmaster-General may direct, and under such regulations as he may prescribe.

STOCK ON HAND AT EXPIRATION OF CONTRACT.

The Department will, after satisfactory inspection, accept and pay for, at the regular contract prices, the stock of stamps that may remain on hand at the close of the contract term; and the contractor may be required, at the discretion of the Postmaster-General, to continue the issue of such stamps until they shall be exhausted, subject to all conditions of the contract; but provided that such stock shall not exceed in quantity the average requirements of the Department for a period of one-half of one-quarter of a year. Any surplus over that quantity may be destroyed, at the discretion of the Postmaster-General, without any compensation therefor. The right is also reserved to the Postmaster-General to authorize the issue by the present contractors of such stamps as may remain in their hands at the close of their contract, and the new contractor shall not be entitled to damages on account of such issue.

REPORTS.

The contractor will be required to report weekly or otherwise, under oath, and in such manner and form as may be prescribed by the Postmaster-General, the number, denomination, and kind of stamps manufactured (finished, unfinished, and spoiled), the number issued, and the number available for issue.

AWARD—FORM OF BIDS.

The contract will be awarded, as a whole, to the lowest responsible bidder, on the basis of the number of the several kinds of stamps issued during the year ending June 30, 1893, as follows:

| | |
|---|---|
| Ordinary stamps for use of the public | 2,750,293,000 |
| Newspaper and periodical stamps | 4,171,091 |
| Postage-due stamps | 18,101,960 |
| Special-delivery stamps | 3,528,070 |

The amount of a bid will be ascertained by multiplying these figures by the prices bid respectively for the several kinds of stamps under each item comprehended in the blank form of proposal herewith, and then severally aggregating the results. It must be understood, however, that the above-stated issues are given merely as a basis for making the award, and that the contractor will be required to furnish all the stamps of the several kinds and denominations that may be called for by the Department during the contract term. Should the use of any kind or denomination be discontinued, the contractor will not be entitled to compensation on account of such discontinuance.

Each bidder must submit a proposal for furnishing stamps of all the above kinds; and his proposal should comprehend also the furnishing of stamps printed by one or more of the several modes of printing hereinbefore set forth, and described in the form of proposal. The prices named in the proposal shall include everything required to be done and furnished as set forth in these specifications. In determining upon the award, the Postmaster-General reserves the right to make a selection from among the several classes of bids specified. Preliminary to an award, the bidder will be required to demonstrate to the satisfaction of the Postmaster-General, within ten days from the date of notice given him to do so, that he either has in his possession or is able to procure within a reasonable period all suitable and necessary facilities with which to properly commence and carry on the contract. If the Postmaster-General shall be satisfied of the inability of a bidder to perform the contract, he may, in his discretion, decline to accept the bid, without notice,

In case it should be decided by the Secretary of the Treasury to submit bids or estimates for doing the work and furnishing the stamps by the Bureau of Engraving and Printing, the Postmaster-General reserves the right to make award under said bids or estimates, if they should be found to be lower or more advantageous to the Government than the bids submitted by private bidders, the work to be performed in such event in general conformity to these specifications, under such regulations as may be adopted by the Postmaster-General with the concurrence of the Secretary of the Treasury.

PROPOSALS—AGREEMENT—BOND.

Each proposal must be signed by the individual or partnership making it, and when made by a partnership the name of each partner thereof must be disclosed; and it must be accompanied with a guaranty, signed by at least two responsible guarantors, that the bidder shall, within ten days after being called upon to do so, execute a contract, with at least two good and sufficient sureties of the character and to be certified as hereinafter required, to furnish promptly and in quantities as ordered the article or articles to be furnished by him, and faithfully and diligently to keep, perform, and abide by each and every of the requirements, provisions, and terms of such contract, and these specifications to be thereto annexed, the responsibility and sufficiency of the signers to such guaranty to be certified to by a district or circuit judge or a district attorney of the United States; and by such contract the contractor and his sureties shall covenant and agree that in case the said contractor shall fail to do or perform all or any of the covenants, stipulations, and agreements of said contract on the part of the said contractor to be performed, as therein set forth, the said contractor and his sureties shall forfeit and pay to the United States of America the sum of $200,000, for which said forfeiture the said contractor and his sureties shall be jointly and severally liable, as fixed, settled, and liquidated damages, and not as a penalty to be sued for in the name of the United States. Such sureties shall justify their responsibility by affidavit, showing that they severally own and possess property of the clear value in the aggregate of $400,000 over and above all debts and liabilities and all property by law exempt from execution, to be sworn to before a district or circuit judge of the United States, and to be approved by him or by a district attorney of the United States.

If the bidder to whom the first award may be made should fail to enter into a contract, as herein provided, or if after entering into contract it should be annulled by the Postmaster-General because of the contractor's inability to properly begin work under it, then the contract may be let to the next lowest responsible bidder, if not deemed too high by the Postmaster-General, and so on until the required contract is executed; and such next lowest bidder shall be required to fulfill every stipulation embraced herein as if he were the original party to whom the contract was awarded.

The contract will also provide that if at any time during its continuance the sureties, or either of them, shall die or become irresponsible, the Postmaster-General shall have the right to require additional and sufficient sureties, which the contractor shall furnish to the acceptance of the Postmaster-General within ten days after notice; and in default thereof, the contract may be annulled.

RESERVATIONS.

The Postmaster-General reserves the right to reject any and all bids if, in his judgment, the interest of the Government shall require it; also the right to annul the contract when made, if the contractor shall fail to properly begin work under it, or if there shall be a failure at any time to perform faithfully any of its stipulations, or in case of a willful attempt to impose upon the Department stamps inferior to those required.

The contract can not in any case be lawfully transferred or assigned.

PAYMENTS.

Payments for stamps actually issued and delivered will be made monthly, after proper examination and verification of accounts.

Payments may be withheld by the Postmaster-General if it shall appear to his satisfaction that the contract has not been complied with in any particular.

EXTENSION.

Should the interest of the Government require, the contract may be extended for any period or periods beyond the time named, not exceeding three months in all, by order of the Postmaster-General, and the contract prices and all conditions herein set forth shall govern in such extended contract.

ADDRESS OF PROPOSALS.

Proposals must be made on the blank form hereto annexed, securely enveloped and sealed, indorsed "Proposals for furnishing adhesive postage stamps," and addressed to the Third Assistant Postmaster-General, Washington, D. C.

WILSON S. BISSELL,
*Postmaster-General.*

POST-OFFICE DEPARTMENT,
*Washington, D. C., October 16, 1893.*

COPY OF ORDER (NO. 18) OF POSTMASTER-GENERAL, DATED FEBRUARY 21, 1894, AWARDING TO THE BUREAU OF ENGRAVING AND PRINTING THE WORK OF FURNISHING ADHESIVE POSTAGE STAMPS TO THE POST-OFFICE DEPARTMENT FOR AN INDEFINITE PERIOD, AND REJECTING THE PROPOSALS OF PRIVATE BIDDERS SUBMITTED IN PURSUANCE OF PUBLIC ADVERTISEMENT DATED OCTOBER 16, 1893, AND IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 3709 OF THE REVISED STATUTES OF THE UNITED STATES, FOR CONTRACT FOR FURNISHING THE POST-OFFICE DEPARTMENT WITH ADHESIVE POSTAGE STAMPS FOR AND DURING A PERIOD OF FOUR YEARS, BEGINNING ON THE 1ST DAY OF JULY, 1894.

No. 18.—*Order of Postmaster-General awarding work of furnishing adhesive postage stamps to the Bureau of Engraving and Printing.*

No. 59.] FEBRUARY 21, 1894.

*Ordered:* It appearing to the Postmaster-General that the interest of the Government requires it, it is hereby ordered that the proposals received at this Department on the 15th of November, 1893, for furnishing adhesive postage stamps during the four years beginning on the 1st day of July, 1894, be all rejected, and that the work of preparing and furnishing such stamps be done by the Bureau of Engraving and Printing of the Treasury Department, upon the basis of its estimate transmitted through the Secretary of the Treasury.

*Memorandum of agreement between the Secretary of the Treasury and the Postmaster General, relative to the furnishing of adhesive postage and special-delivery stamps by the Bureau of Engraving and Printing.*

1. The Bureau of Engraving and Printing is to manufacture, substantially after the manner of manufacturing now in vogue, furnishing the necessary labor and materials therefor, and in all respects subject to the approval of the Postmaster-General or his authorized representatives, all the adhesive postage and special-delivery stamps, of the kinds and denominations now in use or hereafter to be adopted, that may be called for by the Post-Office Department during the period of four years from the 1st of July, 1894; and it is to keep constantly on hand a stock of all such stamps sufficient to promptly meet the wants of postmasters as communicated in orders of the Department.

The several kinds of these stamps now in use and to be furnished are known as—

Ordinary postage stamps.
Newspaper and periodical stamps.
Postage-due stamps.
Special-delivery stamps.

2. The stamps in general are to be turned over daily to the agent of the Post-Office Department upon formal orders sent to him by the office of the Third Assistant Postmaster-General, embodying the needs of postmasters throughout the country, and in such quantities as may be therein specified, each lot of the several kinds and denominations for any one postmaster to be put up separately for mailing. After verification by the agent, and when these packages are all securely sealed, addressed, and ready for mailing, they are to be placed in secure iron boxes, locked, and taken to the Washington City post-office for dispatch to their several destinations by registered mail. Deliveries of stamps will also comprehend such as may be turned over to the Bureau on or before the 1st of July, 1894, from the stock of stamps made up to that time by the American Bank Note Company, the present contractor for furnishing stamps.

3. When fifty or more sheets of stamps are required to be sent to any address they are to be packed in strong binder's-board boxes, bound on the edges and corners with muslin, and enveloped in two thicknesses of strong manila paper; but when less than that number are required to fill an order they are to be inclosed in strong manila envelopes equal to those now in use for the same purpose; such envelopes, as well as blank labels of direction for the wrapped packages, to be furnished by the Bureau and addressed by the postage-stamp agent. All the wrapped packages and the envelopes inclosing stamps are, after verification by the agent, to be securely sealed with wax and impressed with a stamp of special device, or securely fastened with a paper seal of special design, subject to the approval of the Postmaster-General. The Bureau is also to furnish blank invoices for transmission with the stamps, intended to be signed as receipts by the postmasters to whom the stamps are sent, which invoices or receipts are to be filled up properly by the agent and inclosed with the stamps before sealing. Any other blank forms or circulars that may be found necessary to inclose with the packages of stamps are also to be furnished by the Bureau. Whenever necessary the stamps are to be so wrapped in paraffin paper as to prevent their adhesion during transmission, the wrapping to be similar to what is now done.

4. The Bureau is to furnish to the agent of the Post-Office Department, contiguous to the rooms where the stamps are to be packed, suitable and properly furnished quarters for himself and the employees under him, and to give him every facility for superintending the manufacture, packing, and delivery of the stamps. He is to be the general medium of intercourse between the Post-Office Department and the Bureau, is to have the right to look generally after the interests of that Department connected with the making and issuing of stamps, and is to be subject only to its orders.

5. The Bureau is to keep securely all the stamp dies, rolls, or plates now in existence that have been or may be turned over to it, and it is to make new ones whenever necessary, and to keep all of them in proper repair, constantly ready for use. All such dies, rolls, and plates are to be regarded as the property of the Post-Office Department, and are therefore to be disposed of as the Postmaster-General may at any time direct. The Postmaster-General is to have the right to order changes of design for any of the stamps whenever he deems it proper, to discontinue any denomination or kind of stamps, to change the colors thereof, and otherwise to do as under the law or practice he may now do; and the Bureau is to conform to his wishes in all such cases.

6. The Bureau is to make regular weekly reports in detail to the postage-stamp agent, showing the kinds and denominations of stamps manufactured, issued, and on hand, and the number spoiled. And all spoiled stamps are to be destroyed weekly, under the supervision and with the cooperation of the agent.

7. At the end of every month accounts are to be rendered to the postage-stamp agent by the Bureau, showing the number and kinds of stamps delivered during the month, whereupon, after such accounts have been verified and approved by the agent, the Post-Office Department is to pay the Bureau by warrant on the United States Treasurer, the cost of manufacture at the following rates:

| | Cents. |
|---|---|
| Ordinary postage stamps a thousand | 5 |
| Newspaper and periodical stamps a thousand | 11.4 |
| Postage-due stamps a thousand | 6.65 |
| Special-delivery stamps a thousand | 11.4 |

8. This arrangement may be modified, with the consent of the Postmaster-General and the Secretary of the Treasury, at any time when found to be desirable.

J. G. CARLISLE,
*Secretary of the Treasury.*
W. S. BISSELL,
*Postmaster-General.*

WASHINGTON, D. C., *June 9, 1894.*

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Texas [Mr. SAYERS] has made a point of order. Does the gentleman in charge of the bill desire to say anything on the point of order?

Mr. CANNON. No; I am willing to let the Chair rule.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BINGHAM] desire to say anything on the point of order made against the amendment?

Mr. BINGHAM. Yes, Mr. Chairman; but I supposed from the statement of the Chair that the matter of the point of order was held in abeyance until I had completed my statement.

The CHAIRMAN. The gentleman has occupied his ten minutes on the merits of the case.

Mr. BINGHAM. Is there any limitation in the time?

The CHAIRMAN. The Chair so understood from the gentleman in charge of the bill.

Mr. CANNON. There was a limitation as to the other matter, but I do not think there is here, except the five-minute rule, and I think it was understood between the gentleman from Pennsylvania and myself, with consent of the Committee of the Whole House, that he should have such time as he desired.

Mr. BINGHAM. As I understood the gentleman in charge of the bill, when we came to this paragraph there was to be general debate. That was the understanding when the bill was first submitted to the House.

Mr. CANNON. I will say to the gentleman that I have no desire to prevent his having such time as he wishes; but I suggest to him that it is now half past 4. Does the gentleman think we can complete the bill this afternoon? How much time does he think the discussion will take?

Mr. BINGHAM. I do not know.

Mr. CANNON. Well, how much time does the gentleman desire?

Mr. BINGHAM. I want a very few moments myself; but hope that I shall provoke a debate upon the proposition.

Mr. CANNON. I hope such time as the gentleman desires may be given.

The CHAIRMAN. The gentleman from Pennsylvania will proceed, if there is no objection.

Mr. HAGER. I object.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, the question here involved is simply the throwing open to public competition of the printing of postage stamps. The practical question is, How can postage stamps be printed at the lowest cost?

Mr. Chairman, it may well be that if this point of order be pressed by the distinguished gentleman from Texas, who yesterday succeeded in having an appropriation of $30,000 inserted in this bill, without the report of any committee of the House in favor of it—it may be that if this point of order be pressed, against the interests of American labor, the Chairman will feel bound to sustain it.

Mr. SAYERS. I want to say to the gentleman that I am going to press it, and I am not going to withdraw it.

Mr. BARTLETT of New York. The information is satisfactory enough to me, though it was hardly necessary for the gentleman from Texas to have conveyed it at this time, especially as it came out of my five minutes. But I want to call the attention of the committee to this fact, that one amendment in the interest of American labor, providing for back pay for three years on leave of absence to the next of kin or legal representatives of printers employed in the printing office, was passed here without objection. Why? Because, although we all knew that this change of the existing law was there, we did not care to take a stand against the manifest justice of the proposition in favor of the interest of skilled labor.

Now, I speak in behalf of the skilled artisan, the skilled mechanic, in all our great cities; that is, in Chicago, Philadelphia, New York, and every city where men are employed by bank-note printing companies. I say that the statistics show that our bank-note companies can make these stamps at a cost varying from 5½ cents to 5.85 cents per thousand, whereas the same number of postage stamps now cost the Treasury Department 9½ cents. It is for this reason that I advocate the amendment proposed by the gentleman from Pennsylvania [Mr. BINGHAM], because the record shows that since the change has gone into operation there has been a spoilage account of 4,000,000 postage stamps. I say that the printing of these stamps should be thrown open to public competition, because in the large cities our skilled mechanics with plants that have been in existence for the last half century can do the work better and at less cost than the Government of the United States can do it; and it is for this reason the amendment should be incorporated into the statutes of the United States.

The CHAIRMAN. On the point of order raised by the gentleman from Texas [Mr. SAYERS]——

Mr. BINGHAM. I understand the question is upon the point of order?

The CHAIRMAN. It is. The Chair will say that there is much force in what the gentleman from Pennsylvania has said respecting that section of the statute, and the bidding of different parties for the privilege of supplying those articles to the General Government; but it is the understanding of the Chair that the Attorney-General has made a construction of that by which the Bureau of Engraving and Printing can compete for the printing of these stamps. Now, as the Chair understands, the amendment further——

Mr. BINGHAM. That I do not dispute. A fair competition I do not dispute.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania prohibits the Bureau of Engraving and Printing from printing these stamps after 1897, which is clearly new legislation, inasmuch as it prohibits the Government from becoming a bidder in competition with private individuals; and for that reason the Chair will sustain the point of order made by the gentleman from Texas.

Mr. CANNON. Mr. Chairman, I move that the committee rise and report this bill with amendments to the House with a favorable recommendation.

Mr. BINGHAM. If the gentleman will allow me.

Mr. CANNON. For one moment, certainly.

Mr. BINGHAM. I now submit the following amendment:

The Clerk read as follows:

After the words "Revised Statutes," on line 13, page 17, insert the following:
"*And provided*, That no part of the moneys herein appropriated shall be expended or used for the production and issue of postage stamps, the cost of producing and issuing said stamps being reimbursable out of the funds appropriated to the Post-Office Department for procuring the same, and the Chief of the Bureau of Engraving and Printing in his annual report shall state the cost by items of producing postage stamps apart from that of the other work done by his Bureau."

Mr. SAYERS. I raise the point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I now ask unanimous consent to return to page 2, for the purpose of enabling the gentleman from New York [Mr. DANIELS] to move an amendment which will explain itself.

There was no objection.

Mr. DANIELS. I offer the amendment which I send to the desk.

The amendment was read, as follows:

At the end of line 12, page 2, add, as a new paragraph, the following:
"For a brick addition, 1 story in height, extending northerly 16 feet from the northerly side and 10 feet from the easterly end of the United States post-office building in the city of Buffalo, and 73 feet in depth on the northerly side, and 43 feet on the easterly end of said building, a sum not exceeding $4,000."

Mr. CANNON. Mr. Chairman, this provides for a temporary building to be used in connection with the present building, pending the construction of the new post-office building in Buffalo. Having looked into the matter myself, as the gentleman from New York has done, we are satisfied that it is necessary in order to carry on the public service there, unless you rent a building outside.

The amendment was adopted.

Mr. CANNON. I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had directed him to report the same to the House with sundry amendments and with the recommendation that the bill as amended do pass.

Mr. CANNON. Now, Mr. Speaker, I yield a moment to the gentleman from Kentucky [Mr. EVANS], who desires to offer a substitute for the proviso in an amendment offered by him in Committee of the Whole, and adopted by the committee and reported to the House.

Mr. EVANS. Mr. Speaker, I offer the amendment which I send to the desk as a substitute for the proviso in the amendment already offered by me and adopted by the Committee of the Whole.

The amendment was read, as follows:

*Provided*, That no part of this appropriation shall be used directly or indirectly for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under this appropriation.

Mr. CANNON. I understand that that is an amendment which proposes to strike out the proviso in the amendment offered by the gentleman from Kentucky in Committee of the Whole and to substitute the language just read.

Mr. EVANS. That is correct.

Mr. BINGHAM. Mr. Speaker, I ask to be allowed to extend in the RECORD my remarks, which were somewhat limited by lack of time.

There was no objection, and it was so ordered.

Mr. CANNON. Now, Mr. Speaker, I move the previous question upon the third reading and passage of the bill.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I did not understand what disposition was made of the proposition of the gentleman from Kentucky [Mr. EVANS].

The SPEAKER. That proposition is pending.

Mr. CANNON. And the previous question will operate upon it as well as upon the bill and the other amendments.

Mr. RICHARDSON. Does the gentleman offer that as a substitute for the amendment which was adopted in the Committee of the Whole, or as an amendment to the amendment?

The SPEAKER. The gentleman offers it as an amendment to the amendment adopted in the Committee of the Whole. He moves to strike out the proviso in that amendment and to insert what has just been reported to the House.

The previous question was ordered.

The SPEAKER. Is a separate vote asked for on any other of the amendments?

Mr. HAINER of Nebraska. I desire a separate vote on the amendment relating to the appropriation for Howard University.

The SPEAKER. A separate vote must be taken on that. There is an amendment to the amendment pending. Is a separate vote demanded on any other amendment? [A pause.] The Chair hears none.

The remaining amendments were agreed to.

The SPEAKER. The question is now upon the amendment of the gentleman from Kentucky [Mr. EVANS] to strike out the proviso of the amendment adopted by the Committee of the Whole and substitute the proviso which has been read.

The amendment to the amendment was adopted.

The SPEAKER. The question is now on agreeing to the amendment as amended.

Mr. HAINER of Nebraska. On that question I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 58, noes 116 (more than one-fifth voting in the affirmative).

Mr. BAILEY. I rise to a parliamentary inquiry. The yeas and nays having been ordered, if the House should now adjourn would not this question be the first to be considered at the session to-morrow?

The SPEAKER. It would.

Mr. BAILEY. I do not desire myself to make the motion to adjourn, but I suggest it to the gentleman from Illinois, as it is now within three minutes of 5 o'clock.

Mr. CANNON. There is now a full attendance of members, and the vote will take but a short time.

The question was taken; and there were—yeas 128, nays 106, not voting 120; as follows:

YEAS—128.

| | | | |
|---|---|---|---|
| Adams, | Dingley, | Lacey, | Russell, Conn. |
| Aldrich, Ala. | Dolliver, | Lawson, | Sayers, |
| Aldrich, Ill. | Dovener, | Leighty, | Sherman, |
| Arnold, Pa. | Elliott, S. C. | Leonard, | Skinner, |
| Avery, | Erdman, | Lewis, | Smith, Ill. |
| Baker, Kans. | Evans, | Lorimer, | Sorg, |
| Baker, Md. | Fairchild, | Loudenslager, | Southard, |
| Barham, | Faris, | Low, | Steele, |
| Bartholdt, | Fischer, | Marsh, | Stewart, N. J. |
| Bartlett, N. Y. | Fitzgerald, | McCleary, Minn. | Stokes, |
| Belknap, | Fletcher, | McClellan, | Stone, C. W. |
| Bennett, | Foote, | McClure, | Stone, W. A. |
| Bingham, | Foss, | McCormick, | Strowd, N. C. |
| Boutelle, | Gamble, | Meyer, | Sulzer, |
| Bromwell, | Gardner, | Miles, | Taft, |
| Burrell, | Gibson, | Milliken, | Tawney, |
| Burton, Ohio | Griswold, | Murphy, | Tayler, |
| Calderhead, | Grout, | Noonan, | Thomas, |
| Cannon, | Grow, | Northway, | Towne, |
| Chickering, | Halterman, | Odell, | Updegraff, |
| Clark, Iowa | Hardy, | Overstreet, | Van Horn, |
| Clark, Mo. | Heatwole, | Parker, | Walker, Mass. |
| Cobb, Mo. | Henderson, | Patterson, | Walsh, |
| Codding, | Henry, Ind. | Pendleton, | Warner, |
| Cooke, Ill. | Hopkins, | Perkins, | Watson, Ohio |
| Cousins, | Howe, | Pickler, | Wellington, |
| Crowley, | Hulick, | Pitney, | White, |
| Cummings, | Johnson, N. Dak. | Poole, | Willis, |
| Curtis, N. Y. | Kerr, | Powers, | Wilson, N. Y. |
| Daniels, | Kiefer, | Pugh, | Wilson, S. C. |
| Dayton, | Kirkpatrick, | Ray, | Woodman, |
| De Witt, | Kulp, | Royse, | Wright. |

NAYS—106.

| | | | |
|---|---|---|---|
| Allen, Miss. | De Armond, | Lester, | Sauerhering, |
| Allen, Utah | Dinsmore, | Little, | Shafroth, |
| Andrews, | Doolittle, | Livingston, | Shuford, |
| Apsley, | Downing, | Lockhart, | Simpkins, |
| Atwood, | Ellett, Va. | Long, | Snover, |
| Babcock, | Ellis, | Loud, | Sparkman. |
| Bailey, | Gillet, N. Y. | Maddox, | Stewart, Wis. |
| Barney, | Gillett, Mass. | McCreary, Ky. | Strait, |
| Bell, Colo. | Graff, | McCulloch, | Strode, Nebr. |
| Berry, | Griffin, | McDearmon, | Strong, |
| Bishop, | Hager, | McLachlan, | Swanson, |
| Black, Ga. | Hainer, Nebr. | McLaurin, | Talbert, |
| Blue, | Hanly, | McMillin, | Tate, |
| Bowers, | Harrison, | McRae, | Terry, |
| Broderick, | Hartman, | Meiklejohn, | Tracey, |
| Buck, | Hatch, | Mercer, | Tucker, |
| Burton, Mo. | Hendrick, | Minor, Wis. | Turner, Ga. |
| Clardy, | Hepburn, | Money, | Turner, Va. |
| Clarke, Ala. | Hermann, | Moody, | Tyler, |
| Cockrell, | Hilborn, | Mozley, | Underwood, |
| Connolly, | Hitt, | Neill, | Wadsworth, |
| Cook, Wis. | Hull, | Ogden, | Williams, |
| Cooper, Tex. | Hyde, | Otey, | Wilson, Idaho |
| Cooper, Wis. | Johnson, Cal. | Otjen, | Wood, |
| Crump, | Jones, | Owens, | Yoakum. |
| Curtis, Iowa | Kem, | Richardson, | |
| Curtis, Kans. | Knox, | Russell, Ga. | |

NOT VOTING—120.

| | | | |
|---|---|---|---|
| Abbott, | Denny, | Kyle, | Reeves, |
| Acheson, | Dockery, | Latimer, | Reyburn, |
| Aitken, | Draper, | Layton, | Robertson, La. |
| Anderson, | Eddy, | Lefever, | Robinson, Pa. |
| Arnold, R. I. | Fenton, | Leisenring, | Rusk, |
| Baker, N. H. | Fowler, | Linney, | Scranton, |
| Bankhead, | Grosvenor, | Linton, | Settle, |
| Barrett, | Hadley, | Maguire, | Shannon, |
| Bartlett, Ga. | Hall, | Mahany, | Shaw, |
| Beach, | Harmer, | Mahon, | Smith, Mich. |
| Bell, Tex. | Harris, | McCall, Mass. | Southwick, |
| Black, N. Y. | Hart, | McCall, Tenn. | Spalding, |
| Brewster, | Heiner, Pa. | McEwan, | Spencer, |
| Brosius, | Hemenway, | McKenney, | Sperry, |
| Brown, | Henry, Conn. | Meredith, | Stahle, |
| Brumm, | Hicks, | Miller, Kans. | Stallings, |
| Bull, | Hill, | Miller, W. Va. | Stephenson, |
| Catchings, | Hooker, | Milnes, | Sulloway, |
| Cobb, Ala. | Howard, | Minor, N. Y. | Tracewell, |
| Coffin, | Howell, | Mondell, | Trelcar, |
| Colson, | Hubbard, | Morse, | Van Voorhis, |
| Cooper, Fla. | Huff, | Moses, | Walker, Va. |
| Corliss, | Huling, | Newlands, | Wanger, |
| Cowen, | Hunter, | Payne, | Washington, |
| Cox, | Hurley, | Pearson, | Watson, Ind. |
| Crisp, | Hutcheson, | Phillips, | Wheeler, |
| Crowther, | Jenkins, | Price, | Wilber, |
| Culberson, | Johnson, Ind. | Prince, | Wilson, Ohio |
| Dalzell, | Joy, | Quigg, | Woodard, |
| Danford, | Kendall, | Raney, | Woomer. |

So the amendment reported from the Committee of the Whole, as amended on motion of Mr. EVANS, was adopted.

The following pairs were announced:

Until further notice:

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. HADLEY with Mr. MCDEARMON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. REYBURN with Mr. MCKENNEY.

Mr. SETTLE with Mr. DINSMORE.

Mr. HOOKER with Mr. MINER of New York.

Mr. HUBBARD with Mr. DOCKERY.

Mr. WHITE with Mr. CLARKE of Alabama.

Mr. EDDY with Mr. KYLE.

Mr. LEISENRING with Mr. STALLINGS.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. RANEY with Mr. COWEN.

Mr. JOHNSON of Indiana with Mr. WASHINGTON.

Mr. GROSVENOR with Mr. BARRETT.

Mr. DALZELL with Mr. CRISP.

Mr. WOOMER with Mr. WHEELER.

Mr. MCCALL of Massachusetts with Mr. BELL of Texas.

On this vote:

Mr. BAKER of New Hampshire with Mr. MOSES.

Mr. CROWTHER with Mr. LAYTON.

Mr. TRELOAR with Mr. HALL.

Mr. STRODE of Nebraska with Mr. CLARKE of Alabama.

Mr. SPENCER with Mr. JENKINS.

Mr. MOODY. Mr. Speaker, my colleague, Mr. BARRETT, is paired on this question with the gentleman from Ohio, Mr. GROSVENOR. If my colleague were present he would vote "nay," and Mr. GROSVENOR, if present, would vote "yea."

Mr. GIBSON. My colleague from Tennessee, Mr. MCCALL, is absent on account of sickness. If present he would vote "yea."

Mr. MOZLEY. I wish to say on behalf of my colleague, Mr. TRELOAR, that he was present and voted "nay" on the first roll call. I believe his name was read with the names of those who are paired.

Mr. MADDOX. My colleague from Georgia, Mr. BARTLETT, is confined to his room to-day by sickness. If he were present, he would vote "nay."

The result of the vote was announced as above stated. [Applause.]

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey; and

A bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following resolution of the Senate; which was read:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, a right of way over a part of the Sac and Fox and Iowa Indian reservations, in the States of Kansas and Nebraska.

The SPEAKER. Without objection, the request of the Senate will be granted.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PITNEY, for three days, on account of important business.

To Mr. SCRANTON, indefinitely, on account of sickness.

And then, on motion of Mr. CANNON (at 5 o'clock and 25 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting the report of the Attorney-General of the payments made from the appropriation for protecting property in the hands of receivers of United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimates of appropriations to pay certain United States deputy surveyors—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, giving a statement in regard to an account between the Oklahoma and Iowa branches of the Sac and Fox (of Mississippi) tribe of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an additional estimate of appropriation for the expenses of the Eleventh Census—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred House bill No. 5676, reported in lieu thereof a bill (H. R. 7862) to provide for the relief of certain officers and enlisted men of the volunteer forces, accompanied by a report (No. 1066); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Immigration and Naturalization, to which was referred House bill No. 9, reported in lieu thereof a bill (H. R. 7864) to amend the immigration laws of the United States, accompanied by a report (No. 1079); which said bill and report were referred to the House Calendar.

Mr. TRACEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7468) to improve Jefferson Barracks and making an appropriation therefor, reported the same without amendment, accompanied by a report (No. 1081); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORD, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 58) providing for the inspection of immigrants by United States consuls, reported the same with amendment, accompanied by a report (No. 1082); which said bill and report were referred to the House Calendar.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1317) to grant certain lands to the city of Colorado Springs, Colo., reported the same without amendment, accompanied by a report (No. 1094); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SNOVER, from the Committee on Claims: The bill (H. R. 7226) for the relief of Twyman O. Abbott. (Report No. 1067.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 6431) to pay Peter P. Ferguson $1,765 and interest. (Report No. 1068.)

By Mr. DOWNING, from the Committee on Claims: The bill (H. R. 1021) granting relief to Albert Augustine for property taken for the Cayuse war. (Report No. 1069.)

By Mr. GRAFF, from the Committee on Claims: The bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March. (Report No. 1070.)

By Mr. DENNY, from the Committee on Claims:

The bill (H. R. 1845) for the relief of George H. Plant, of the District of Columbia. (Report No. 1071.)

The bill (H. R. 3705) for the relief of F. F. White. (Report No. 1073.)

The bill (H. R. 4434) for the relief of P. M. M. Alexander, of Holmes County, Miss. (Report No. 1074.)

The bill (H. R. 7161) for the relief of Benjamin F. Jones. (Report No. 1075.)

The bill (H. R. 6137) for the relief of Joshua Bishop. (Report No. 1076.)

By Mr. DE WITT, from the Committee on Claims:

The bill (H. R. 596) for the relief of Ellis H. Roberts. (Report No. 1077.)

The bill (H. R. 1121) for the relief of C. W. Michaels, postmaster at Yalesville, Conn. (Report No. 1078.)

By Mr. WOOMER, from the Committee on Military Affairs: The bill (H. R. 1515) for the relief of Hugh McLaughlin. (Report No. 1080.)

By Mr. STRODE of Nebraska, from the Committee on Pensions:

The bill (H. R. 3688) to pension James L. McKinney for services in Oregon Indian wars. (Report No. 1083.)

The bill (H. R. 3939) to pension Daniel Giles for services in Oregon Indian wars. (Report No. 1084.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3166) granting a pension and arrearage of pension to George B. Merchant. (Report No. 1085.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5793) granting a pension to Mary L. Tweddle. (Report No. 1086.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 5382) to increase the pension of Josephine Glover. (Report No. 1087.)

By Mr. MILES, from the Committee on Invalid Pensions:

The bill (H. R. 6560) to increase pension of Emily M. Tyler. (Report No. 1088.)

The bill (H. R. 1095) granting a pension to Annie M. Ermer. (Report No. 1091.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 1066) granting a pension to Ella Hatfield, invalid daughter of Maj. David Hatfield, First Regiment New Jersey Infantry Volunteers. (Report No. 1092.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 2396) granting a pension to Isaac Holbrook, late private in Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry. (Report No. 1089.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6039) granting a pension to Margaret Kirkpatrick. (Report No. 1090.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 6730) granting a pension to Edward C. Spofford. (Report No. 1093.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 1832) granting a pension to Hannah E. Rogers. (Report No. 1095.)

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. DENNY, from the Committee on Claims, reported adversely (Report No. 1072) the bills (H. R 1076 and H. R. 6043) for the relief of George T. Vance and Guy P. Vance, executors of William L. Vance, deceased; which said bills and report were laid on the table.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 7859) authorizing and directing certain extensions of street railway routes within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WATSON of Ohio: A bill (H. R. 7860) making an appropriation for the erection of a monument to commemorate the services and achievements of the private soldiers and sailors of the United States in the late war of the rebellion—to the Committee on the Library.

By Mr. MEIKLEJOHN: A bill (H. R. 7861) to protect commerce and to countervail foreign discriminating duties, exactions, and conditions—to the Committee on Ways and Means.

By Mr. McCALL of Massachusetts: A bill (H. R. 7863) to provide for a commission to investigate the consular and diplomatic service with reference to its reorganization—to the Committee on Foreign Affairs.

By Mr. ADAMS: A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes—to the Committee on Ways and Means.

By Mr. MOODY: A bill (H. R. 7866) to require all American vessels carrying lifeboats, yawls, gigs, dories, or small boats of any description to equip such boats with a provision safe—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLE (by request): A bill (H. R. 7867) for the payment of arrears of interest to Chickasaw Nation of Indians—to the Committee on Indian Affairs.

By Mr. HUBBARD: A bill (H. R. 7868) authorizing the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of Arizona: A bill (H. R. 7869) to ratify and confirm an agreement with the Indians of the San Carlos Reservation, Ariz., for the cession and relinquishment to the United States of a certain portion of the reservation—to the Committee on Indian Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 7870) to donate one condemned cannon and balls for two pyramids to Coffeyville Post, Grand Army of the Republic, No. 153, of Kansas—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 7905) to establish and provide for the government of Greer County, Okla., and for other purposes—to the Committee on the Judiciary.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7736) granting a pension to Mrs. Clifford Neff Fyffe—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 3898) granting a pension to Herbert W. Leach—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 7871) for the benefit of George W. Herndon, of Campbell County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7872) for the benefit of Joel H. Hallowell, of Covington, Ky.—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7873) increasing the pension of Ephraim Pringle, of Lawrence, Kans.—to the Committee on Invalid Pensions.

By Mr. COOKE of Illinois (by request): A bill (H. R. 7874) for the relief of James McCauley—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 7875) to increase pensions in certain cases—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) to increase the pension of James K. Van Matre, late of the Fifth Wisconsin Battery—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 7877) for the relief of Jason R. Gossett—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7878) for the relief of Samuel C. Green—to the Committee on War Claims.

Also, a bill (H. R. 7879) for the relief of the heirs of Jacob Ullman, deceased, of McCracken County, Ky.—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 7880) to correct the military record of Frank D. Sweetser, late captain of Company E, Second (Berdan's) United States Sharpshooters, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 7881) granting a pension to Arthur G. Kiddy, late a private of Company D, Home Guards, One hundred and thirty-third Regiment Virginia Militia—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 7882) to remove the charge of desertion against William Thomas—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 7883) granting a pension to Barney Schriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7884) granting a pension to Isaac N. Cisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7885) granting a pension to Evan Schriver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7886) granting a pension to Patrick Lacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7887) granting a pension to Clara M. Keath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7888) for the relief of Martha A. and B. W. Hiatt—to the Committee on War Claims.

Also, a bill (H. R. 7889) granting a pension to Josiah Moosa—to the Committee on Pensions.

By Mr. PICKLER: A bill (H. R. 7890) granting a pension to Samuel G. Trine—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 7891) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and report—to the Committee on Claims.

By Mr. TERRY: A bill (H. R. 7892) for relief of the estate of Charles Labell—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 7893) granting a pension to Jane Innels—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7894) for the relief of Elizabeth P. Wethers, of Kansas City, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7895) for the relief of William H. Trabue, of Kansas City, Mo.—to the Committee on Claims.

Also, a bill (H. R. 7896) for the relief of Cornelius Boyle, of Kansas City, Mo.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 7897) to pension Mrs. Kathrine Clark—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 7898) granting an increase of pension to William D. Seamans, late a private Company L, Fourteenth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 7899) to correct military record of James Fanning—to the Committee on Military Affairs.

By Mr. TERRY: A bill (H. R. 7900) for the relief of Elvy Brewer, of Saline County, Ark.—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 7901) for the relief of Miller E. Rosier—to the Committee on Military Affairs.

Also, a bill (H. R. 7902) for the relief of David Hampton Rosier—to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 7903) granting a pension to Mrs. Hester A. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7904) to increase the pension of John M. Robinson—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of Gordon H. True and 38 others, of Agricultural College, Mich., asking for the passage of House bill No. 7251, looking toward the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALLEN: Protests of certain citizens of Cleveland, Ohio, against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of citizens of Washington, D. C., containing 47 names, urging the passage of House bill No. 5220 or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of the St. Louis Association of Stationary Engineers, favoring the passage of House bill No. 3618, to increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. BINGHAM: Memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. DALZELL: Remonstrance of 120 citizens of the Twenty-second Congressional district of Pennsylvania, against the maintenance of the Père Marquette statue at the Capitol and petitioning for its removal—to the Committee on the Library.

By Mr. DAYTON: Petition of T. S. Pumnall, of Cumberland, W. Va., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce, and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of W. E. Loughridge and others; also of George T. Lonnon and others, all of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. FOSS: Papers to accompany House bill No. 783, to remove the charge of desertion from the record of Friedrich Bertram—to the Committee on Military Affairs.

By Mr. GROSVENOR: Memorial of M. W. Whitney, of the Labor Independent, Nelsonville, Ohio, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Memorial of the Philadelphia Maritime Exchange, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. HILBORN: Memorials from the State of California, of citizens of Oakland, Crescent Mills, Waterford, Farmersville, National City, Susanville, San Francisco, Healdsburg, Greenville, Escondido, and the county of Alameda, against the appropriation of public moneys for sectarian undertakings, and a petition for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HOWELL: Eighteen petitions of the Liquor Dealers' Protective League of the State of New Jersey, protesting against the passage of House bill No. 6668, to raise the license fee in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

Also, petition of the American Association of Masters and Pilots of Steam Vessels of New York; also of James W. Hoff and other citizens of Keyport, N. J.; also of James E. Terry and others, urging the passage of House bill No. 5087, appropriating $25,000 for the erection of a light-house at East Point Shoals, Raritan Bay, New Jersey—to the Committee on Rivers and Harbors.

Also, petition of Mrs. M. C. Laviness and others, of Asbury Park and Ocean Grove, N. J., protesting against the introduction of military training in the public schools of this country—to the Committee on Education.

By Mr. KENDALL: Papers relating to the claim of C. C. Haggard, of Mount Sterling, Ky.—to the Committee on War Claims.

By Mr. KIRKPATRICK: Memorial of the International Asso-

ciation of Machinists, of Parsons, Kans., for an investigation into the treatment of the members of the association employed in the Brooklyn Navy-Yard—to the Committee on Labor.

Also, memorial of Eggleston Post, No. 244, Grand Army of the Republic, of Wichita, Kans., praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, memorial of the White Ribbon Women of Pomona, Kans., praying for the appointment of a commission of arbitration to adjust all troubles between the United States and England—to the Committee on Foreign Affairs.

By Mr. LEIGHTY: Resolutions of De Long Post, No. 67, of Auburn; also of Sion S. Bass Post, No. 40, of Fort Wayne, Grand Army of the Republic, Department of Indiana, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Lagrange, Ind., favoring House bill No. 5729, for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. LINTON: Resolutions adopted by the Trades League of Philadelphia, Pa., asking for favorable action on House bills Nos. 838, 4566, and 5560, to provide 1-cent letter postage per half ounce and to amend the postal laws relating to second-class and free matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of John Goldy Post, No. 90, of Milan, Department of Kansas, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petitions of the Liquor Dealers' Association of Phillipsburg, N. J.; also of Retail Liquor Dealers' Association of Mercer County, N. J.; also of Hudson County Liquor Dealers' Association, New Jersey; also of Hunterdon County Hotel Keepers' Association, New Jersey; also of Retail Liquor Dealers' Association of South Amboy, N. J., against the passage of House bill No. 6668, amending an act regulating sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MORSE: Petition of the Brockton Central Labor Union, of Brockton, Mass., asking for the unlimited coinage of silver at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

By Mr. SNOVER: Petitions of Typographical Union, Trades and Labor Council, Cigarmakers' Union, Journeymen Barbers' Union, Longshoremen's Union, and Eddison Union, all of Port Huron, Mich., for a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. SORG: Petition of Cincinnati Chamber of Commerce and Merchants' Exchange, of Cincinnati, Ohio, indorsing a bill to create a department of commerce and manufactures as a branch of the executive department of the Government, signed by Fred Guckenberger, secretary—to the Committee on the Judiciary.

By Mr. STEWART of Wisconsin: Remonstrance and petition of A. E. Montgomery and 77 others, of Bay Shore Council, No. 48, of Marinette, Wis., against the continuance of the statue of Marquette in Statuary Hall—to the Committee on the Library.

By Mr. WILLIAM A. STONE: Resolution of Council No. 92, Daughters of Liberty, of Allegheny, Pa.; also resolution of Lodge No. 397, Order of St. George, of Washington, D. C., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. THOMAS: Petition of David Handshaw and 106 other citizens of Parkville, St. Joseph County, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petition of White & Co., of Charles City; also petition of Ice Cave Creamery Company of Decorah, Iowa, recommending the passage of House bill No. 5213, which places a tax on the manufacture and sale of filled cheese—to the Committee on Agriculture.

By Mr. VAN HORN: Paper to accompany House bill for the relief of Elizabeth P. Wethers, of Kansas City, Mo.—to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *April 3, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

#### BRIDGE ACROSS THE MISSISSIPPI AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby given to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, of the county of St. Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point suitable to the interests of navigation between the north line of St. Clair County, Ill., and the southwest line of said county, to the city of St. Louis, State of Missouri: *Provided*, That the plan and location of the said bridge, so far as the interests of navigation are concerned, shall be recommended by a board of three United States engineers appointed by the Secretary of War and shall be approved by the Secretary of War. And it shall be the duty of the said board to give a public hearing in the city of St. Louis to all parties interested in the construction of said bridge whenever the design and drawings of said bridge and maps of location shall have been submitted to the Secretary of War as herein provided. Said board to give reasonable notice of time and place of such hearing and report its recommendations to the Secretary of War as soon thereafter as may be expedient. Said bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided*, That street-railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the street-railway companies, or any one of them, desiring such use shall fail to agree upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon hearing the allegations and proofs of the parties in question.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, upon which also no charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraphic purposes.

SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans, and shall have at least two channel spans of not less than 750 feet clear width, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than 75 feet above the St. Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge there shall be at least three channel spans of not less than 500 feet clear width, each measured at right angles to the current at any and all stages of water; and the lowest part of said span shall not be of less elevation in any case than 50 feet above the St. Louis city directrix plus the slope of the river from the foot of Walnut street, in the city of St. Louis, to the point where the bridge shall be built; and the piers of said bridge shall be parallel with the current of the river.

SEC. 4. That the piers of all high-channel spans shall be built parallel with the current of the river at the stage of water which is most important for navigation, and riprapping or other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge, and the approaches to the channel spans mentioned in this act shall provide sufficient waterway for the passage of floods.

SEC. 5. That the persons owning, controlling, or operating the bridge authorized by this act shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights or other signals as the Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear headroom under the channel span on that day, the figures expressing this height to be readily visible to the naked eye from any point in the channel of the river for a stretch of 4,000 feet, of which 3,000 feet shall be above and 1,000 feet shall be below the channel span of the bridge.

SEC. 6. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois.

SEC. 7. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, giving, for a sufficient distance above and below the bridge, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of construction, such changes shall be subject to the approval of the Secretary of War.

SEC. 8. That in case the construction of the bridge authorized in this act shall not be commenced within one year and completed within five years from the date of its approval, then this act shall be null and void.

SEC. 9. That a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls to that class of traffic described in this act for passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of St. Louis.

SEC. 10. That said corporation may transport on said bridge and approaches thereto persons and property of the class described in this act, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this act, under such regulations as the directors of said corporation or the parties owning the said bridge may prescribe. The said corporation or individuals owning the said bridge may take, receive, and collect such rates and tolls for travel,

passage, or transportation over said bridge and approaches as the directors or individuals owning said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit: For each foot passenger over 5 years of age, 5 cents; for every person on horseback, including horse, 7 cents; for every gig, buggy, carriage, cart, or wagon drawn by one animal, 10 cents; for every buggy, carriage, cart, or wagon drawn by two animals, 20 cents; for every buggy, carriage, cart, or wagon drawn by three animals, 25 cents; for every buggy, carriage, cart, or wagon drawn by four animals, 30 cents; for every buggy, carriage, cart, or wagon drawn by more than four animals, 5 cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, 10 cents; for each head of sheep or swine, 5 cents. In case said directors or individuals owning said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over the same for persons over 5 years of age shall, in either event, not exceed 5 cents.

SEC. 11. That said corporation shall have power to acquire title to lands, by condemnation or otherwise, as may be necessary for the construction of said bridge and approaches thereto, in accordance with the laws of the State or States wherein title to such property may be necessary to the construction of such bridge.

SEC. 12. That the said corporation, its assigns, successors, grantees, mortgagees, representatives, and successors in interest may, from time to time, borrow money at any rate of interest and issue bonds or other evidences of indebtedness bearing such rate of interest and payable at such time and at such place or places as may thereby be deemed advisable or proper, and may secure such bonds or other indebtedness by mortgage of such bridge and approaches and such tolls and of the privileges, rights, and franchises given by this act.

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee recommend the adoption of the following amendments:

Section 1, by inserting after the word "passengers," in the twenty-eighth line of page 2, the words "and shall be constructed of sufficient strength and dimensions to provide for the passage over it of railway passenger and freight trains, and the accommodation of double tracks therefor."

Section 9, by inserting after the word "St. Louis," in the fifth line of page 7:

"The East St. Louis and St. Louis Bridge and Construction Company or its successors or assigns shall not agree or assent to the consolidation of this bridge company with any other bridge company across the Mississippi River, or to the pooling of the earnings of this bridge company with the earnings of any other bridge company across said river, nor shall any person who is or may be a director, manager, or any other officer or agent of any other bridge over said river be a director, manager, or officer or agent of the bridge herein provided for: *Provided*, That if this provision of this act shall at any time be violated in any of these particulars, such violation shall, without legal proceeding, at once forfeit the privilege hereby granted, and said bridge shall become the property of the United States, and the Secretary of War shall take possession of the same in the name and for the use of the United States."

Section 10, by inserting after the words "to wit," in line 14, page 7, the words:

"For each freight car loaded or unloaded, $3; for each passenger car (exclusive of passengers riding therein), $3; for each passenger over 5 years of age crossing in any passenger car, 15 cents."

By adding after the end of section 13 the words:

"SEC. 14. That all acts and parts of acts in conflict with this act are hereby repealed."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if this bill carries any appropriation whatever?

Mr. MURPHY of Illinois. Not a dollar.

Mr. BARTHOLDT. I do not desire to object to the consideration of the bill if I am given an opportunity to offer some amendments to it.

Mr. MURPHY of Illinois. There is no objection to that.

The SPEAKER. The Chair hears no objection to the present consideration of the bill.

Mr. BARTHOLDT. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert at the end of line 25 the following:

"*And provided further*, That said bridge shall be located not less than 1½ miles and not more than 2½ miles south of what is known as the Eads Bridge."

The question was taken; and on a division (demanded by Mr. BARTHOLDT) there were—ayes 4, noes 47.

So the amendment was rejected.

The amendments recommended by the Committee on Interstate and Foreign Commerce were adopted.

Mr. HEPBURN. Mr. Speaker, in my judgment this bill ought not to pass. It passed the committee at a time when I was not present; and while it is reported here from the committee, it is not a unanimous report.

This is a proposition to put a third bridge across the Mississippi River within a distance not greater than 2 miles from each other. It is right across the harbor of the city of St. Louis. This is a harbor in which there is a rapid current, in which there is difficult navigation, in which there are scores of vessels constantly moving about; and it will be a serious impairment of the navigation of the river, as was shown by the testimony of a number of experts capable of discussing the matter appropriately and intelligently who appeared before the committee. The only reason assigned for the construction of a new bridge there is that excessive tolls are charged by the other two bridges already existing. This is an argument that does not have any force, because of the fact that this Congress has the absolute control of the entire matter; can take from the companies that operate the bridges the right to let them exist for a day; can modify the regulations in any way they please; can establish a schedule of rates, and give to the people the relief they ought to have from exorbitant charges without in any way impairing the navigation of the river.

I want to remind gentlemen that this is not a matter of interest to the city of St. Louis alone. It is a matter that affects the navigation of the entire Mississippi River, and is of deep interest to all persons engaged in that navigation.

Within the last ten years the United States Government has expended some $30,000,000 in its efforts to improve the navigation of the Mississippi River, and yet here is a proposition to put an impediment in the way of commerce, infinitely greater than any single impediment to be found on the entire river; three bridges within a distance of 2 miles in a crowded harbor with a current of from 4 to 8 miles an hour. It is absolute nonsense for any man to say that this bridge will not be a detriment and an impediment to the navigation of the river. Every man with an iota of commonsense knows it must be, and yet this is the proposition involved in the pending bill.

I thought it due to the House that it should know the real situation and the facts involved, and for that reason I have seen proper to make this statement.

Mr. MURPHY of Illinois. Mr. Speaker, the chairman of the Committee on Interstate and Foreign Commerce says that this bill was reported from the committee at a time when a full committee was not present. That may be true, but nevertheless it was reported at a time when every member of the committee who was present voted to report the bill favorably to the House. This bill has passed this House once before. The sole object which it accomplishes is to reduce the charges for crossing the river. The present charge, for instance, is 35 cents for a one-horse vehicle. This fixes the maximum charges, and makes them about one-half to one-third the present rate.

So far as obstruction of navigation to the river is concerned, this bill provides that the bridge shall be located at a point to be selected by three river engineers appointed by the War Department, and if in their judgment it will obstruct the navigation of the river it will not be built. I ask who is better posted or better qualified to tell where the location of such a bridge should be than river engineers? That is their business. They are appointed by the War Department, and I take it that the Department will appoint competent engineers. The location is to be selected by them, after giving public notice for a public hearing in the city of St. Louis. And if, after that, reasonable objection can be made to it, then there will be no bridge built. It seems to me that an objection of this kind should not be presented here. If this location was left to me, it might be different; but it is left to three river engineers, to be appointed by the War Department, as I have stated.

Mr. HOPKINS. So that it is under the control of the Department anyway?

Mr. MURPHY of Illinois. It is under the control of the War Department.

Mr. JOY. Mr. Speaker, I desire to say only a very few words with reference to this bill, and to answer some of the statements made by the chairman of the Committee on Interstate and Foreign Commerce [Mr. HEPBURN].

This bill is offered by the gentleman from Illinois [Mr. MURPHY] for the purpose of bettering the conditions of traffic across the Mississippi River at St. Louis.

Mr. HEPBURN. Will the gentleman allow me to interrupt him?

Mr. JOY. Certainly.

Mr. HEPBURN. In your judgment, is it not entirely competent for Congress to correct every evil of which you complain, and to give to you every advantage in the way of fair rates that will be obtained through this bill? Can there be any question about the right of Congress to prevent these extortions of which you complain?

Mr. JOY. There may be no question about the right of Congress to do it, but it is a fact that these extortions have existed for fifteen years now, and I will state the additional fact that a bridge, called the Merchants' Bridge, was built with the express understanding and with a provision that it should never be under the control of the officers of the Eads Bridge. That bridge was to give a lower rate than we have now. That was the proposition; but it is a fact that that bridge is now owned and controlled by the Gould Bridge or Eads Bridge. These facts show me that while it is possible for Congress to correct these evils, it is not probable that it can be done. Every freight car crossing from East St. Louis to St. Louis pays an arbitrary charge of $5. Every passenger pays 25 cents or more going one way or the other. On the Merchants' Bridge they pay 30 cents and upward. This bill provides a forfeiture unless the rates are kept down to a maximum of less than 60 per cent of the present charges.

The business interests of the city of St. Louis demand the passage of this bill. The bridge, if built, will not be an impediment to river navigation. I have the statements of men who signed the protest that went before our committee, among others the statement of the president of the St. Louis and New Orleans

Anchor Line, a man who has been before another committee for a long time, seeking the improvement of the Mississippi River, Mr. Isaac M. Mason. His statement is that this bridge will inconvenience to a small extent, but will not impede or interrupt the commerce of the river past the city of St. Louis.

Mr. CANNON. I want to ask the gentleman a question to see if I understand this matter right. This is to authorize the construction of a bridge across the Mississippi River at St. Louis, upon an investigation and favorable report by the Engineer Department?

Mr. JOY. Yes; a bridge at a point which those engineers shall fix.

Mr. CANNON. Is there due provision made in the bill against the extortions now practiced?

Mr. JOY. There is a maximun fixed, which is less than 60 per cent of the present rate. They can not go above that maximum without forfeiting their charter.

Mr. CANNON. If that is what this means, I want to say that with the great State of Illinois just across from St. Louis, and the great commerce between my State and the city of St. Louis, I am heartily in accord with anything that will give us free access to that city, or access to it at a more reasonable rate than we have been compelled for many years to pay.

Mr. JOY. That is the identical and only purpose of the bill. [Cries of "Vote!" "Vote!"]

Mr. BARTHOLDT. Mr. Speaker, this is the first time since I have been on this floor that I have found myself compelled to disagree with my colleague from St. Louis [Mr. JOY], and in this instance I only partly disagree with him. I thoroughly concur in his statement that the extortion practiced by the Eads Bridge and by the Merchants' Bridge should be stopped by additional franchises granted by Congress, although I think it may fairly be questioned, Mr. Speaker, whether Congress has any jurisdiction in the matter of rates. My understanding is that Congress has nothing to do with the question of constructing bridges, except in so far as pertains to the question of navigation; in other words, all we are called upon to determine is whether a bridge is an obstruction to safe navigation or not. But I thoroughly and entirely disagree with the gentleman, because I represent another section of the city of St. Louis. It is merely a local question. My friend and colleague [Mr. JOY] desires the bridge to be located in the district which he represents, near that part of St. Louis which already has a bridge, while South St. Louis, the district I have the honor to represent, has no bridge; and for that reason I presented to this House the other day a petition signed by 10,000 citizens and manufacturers in favor of the location of the third bridge in South St. Louis.

That location is the only location to which the river interests do not object. I think it ought to be understood by everyone within the sound of my voice that it is intended on the part of this company to build this bridge only two or three blocks north of the present Eads Bridge. A gentleman who has his all invested in river navigation, and is an authority on the question—Mr. Hoarstick, of St. Louis—appeared before the Committee on Interstate and Foreign Commerce and told them that if that bridge were located there it would seriously obstruct the safe navigation of the Mississippi. But, as is usual in committees, the gentleman from St. Louis being on that committee, by courtesy it was left to him to say where the bridge ought to be located. The gentleman from Illinois [Mr. MURPHY] says it ought to be left, and is left by the bill, to a board of army engineers to decide where the location shall be, but I desire to call the attention of the House to the fact, and I wish gentlemen would give attention to the statement I am going to make in this connection, that if that board of army engineers should report in favor of the location of the bridge in South St. Louis the company will refuse the charter which you are now asked to grant them.

Mr. MURPHY of Illinois. Will you build the bridge if it is located where you want it?

Mr. BARTHOLDT. Yes, sir.

Mr. MURPHY of Illinois. If the military board located it in South St. Louis, why should not you be satisfied?

Mr. BARTHOLDT. This charter would not be valid. We can not build a bridge under your charter.

Mr. MURPHY of Illinois. You can not?

Mr. BARTHOLDT. This bill authorizes an East St. Louis company to build the bridge; not us. And I desire to call attention to another contradiction, and that is in the third section of the bill. It reads as follows:

> That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans, etc.

Now, what is this provision brought into this bill for? It is well known that the company will not accept the charter if the bridge is located below the Eads Bridge, or in South St. Louis.

Mr. MURPHY of Illinois. Does the bill say that?

Mr. BARTHOLDT. Here it is.

Mr. MURPHY of Illinois. Read it.

Mr. BARTHOLDT (reading):

> SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with unbroken and continuous spans.

Mr. MURPHY of Illinois. They do not say they will not build it.

Mr. BARTHOLDT. But you stated it before the committee. The authorized representatives of your company stated it at a meeting of the committee, that they will not accept the charter at the hands of Congress if the army engineers should report in favor of a southern location.

Mr. GRAFF. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Certainly.

Mr. GRAFF. If the army engineers should locate it at the point you wish to locate it, in South St. Louis, what would prevent the incorporators from building the bridge at the point they locate it?

Mr. BARTHOLDT. Nothing whatever.

Mr. GRAFF. Is there any provision in the bill which would prevent them from taking advantage of it if the army officers should locate the bridge at the point you think it ought to be located?

Mr. BARTHOLDT. I am only contending, Mr. Speaker, that this is not in good faith.

Mr. TERRY. I would like to ask the gentleman a question.

Mr. BARTHOLDT. Certainly.

Mr. TERRY. If this company that proposes to build this bridge is incorporated——

Mr. BARTHOLDT. It is incorporated.

Mr. TERRY (continuing). How can you take the name of that corporation and build it?

Mr. BARTHOLDT. Certainly we can not.

Mr. WATSON of Ohio. Is there anything in this bill which provides that this bridge shall be built at any particular place?

Mr. BARTHOLDT. No, sir.

Mr. WATSON of Ohio. Why can not they build it wherever they see fit?

Mr. BARTHOLDT. They can not because the interests of navigation have to be considered.

Mr. WATSON of Ohio. Of course I would not want to interfere with the interests of navigation.

The SPEAKER. The question is on the engrossment and third reading of the bill. [Laughter.] The Chair understood what was going on was merely a conversation between members. The House will be in order.

Mr. BARTHOLDT. Mr. Speaker, I desire to offer another amendment, which I send to the desk.

The amendment was read, as follows:

Insert at the end of line 25 the following:

"*Provided further*, That said bridge shall be located not less than 1½ miles and not more than 2 miles south of what is known as the Eads Bridge."

The SPEAKER. The question is on the amendment.

Mr. CLARK of Iowa. Mr. Speaker, I received yesterday telegrams of protest from the three great lumber interests at Keokuk, in my district, against the location of this bridge as proposed. We are spending multiplied thousands and millions of dollars to improve the navigation of the Mississippi River, and then special enterprises come in here to thwart the great national enterprise contemplated by our system of Mississippi River improvement. Sir, the great lumbering interests and the great shipping interests of the Upper Mississippi are a unit against the location of this bridge where it will be an obstruction to the navigation of that river, and I insist that this bill should not pass until due and adequate provision is made in its terms for the location of this bridge so that the navigation of the Mississippi shall not be hindered in the interest of a corporation.

Mr. BARTHOLDT. Mr. Speaker, for the information of the gentleman who has just taken his seat and of the House, I desire to state that the river interests, the interests of navigation, are supporting my amendment. They are in favor of the location mentioned in that amendment, and therefore I hope it will be adopted.

Mr. GRAFF. Mr. Speaker, the pending amendment is practically the same as the one that was offered a while ago by the same gentleman and defeated. If he desires to have a bridge located at the particular point he proposes, let him introduce a bill for that purpose. The gentleman from Illinois [Mr. MURPHY] has introduced a bill which he thinks is in the interest not only of his own people, but of the people of St. Louis and East St. Louis also. There is nothing in the provisions of that bill to prevent the War Department having full discretion as to the particular location of this bridge. The officers of the War Department are in a better position than we are in to be advised as to the best place to locate this bridge, and under the provisions of this bill as reported from the committee they have full power, in their discretion, to put the bridge exactly at the point where the gentleman from Missouri says it ought to be; but he now, finding fault with the decision of the committee reporting the bill in its

present shape on the ground that the bridge is likely to be placed under the discretion given to the War Department at a point where it will injure navigation, proposes to put his own judgment against the judgment of the Department and to limit the discretion conferred upon the Department by the bill as originally introduced and as reported from the committee.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. GRAFF. Certainly.

Mr. BARTHOLDT. It seems to me that the judgment of the engineers of the War Department will be very seriously limited by the stand which this company takes in stating before the committee that if the bridge should be located south of the Eads Bridge it will not accept the charter.

Mr. GRAFF. But we were advised a little while ago that if the bridge is located on the other side the interest the gentleman represents is willing to build it.

Mr. HOPKINS (to Mr. BARTHOLDT). Your amendment, as I understand, seeks to defeat this legislation.

Mr. BARTHOLDT. No, sir.

Mr. HOPKINS. I understood you to state to my colleague that if the bridge was located down there the enterprise would not be carried out.

Mr. BARTHOLDT. I do not intend to defeat this bridge.

Mr. HOPKINS. But I understood you to make that statement to my colleague, and if that is correct it certainly looks as if you are simply seeking to defeat this legislation.

Mr. BARTHOLDT. Mr. Speaker, I do not desire to be misunderstood. I am in favor of a third bridge.

Mr. GRAFF. But are you not seeking to hamper and limit the discretion of the War Department? Is not that discretion wider under the bill as it stands than it would be if your amendment were adopted?

Mr. BARTHOLDT. I will say that my judgment about the matter was formed in the committee room, after I heard the statements and arguments of the gentlemen representing river interests. Those gentlemen stated that the only location to which they would have no objection was the one which I am advocating, South St. Louis.

Mr. GRAFF. Is it not true that you said that if the Department, under the discretion given in this bill, located the bridge at a point where you do not think that the parties for whom the bill is introduced wish it, but at a point you preferred, you were willing to build the bridge?

Mr. BARTHOLDT. Certainly.

Mr. GRAFF. There is nothing in the bill to keep you from incorporating a company at South St. Louis if the War Department in its discretion, after looking over the field, should locate it at the point which you favor.

Mr. BARTHOLDT. The gentleman understands that we could not use this charter. If it is granted to an East St. Louis company we South St. Louis people could not use it.

Mr. GRAFF. There is no particular company mentioned in the bill.

Mr. BARTHOLDT. Yes; there is.

Mr. GRAFF. Well, there is nothing in the bill to prevent your obtaining the benefits of the charter. I understand you could obtain this charter should the members of this company mentioned not desire to build at the point finally located.

Mr. BARTHOLDT. Mr. Speaker, again I call attention to section 3. I think it ought to be stricken out, because the company say that they will not build below the Eads Bridge. The question is on my amendment, and I ask for a vote on my amendment.

Mr. HOPKINS. I desire to add just a word before the vote is taken on the amendment. Under the bill as reported, according to my understanding, the location of this bridge is to be determined according to the discretion of the War Department, upon the report of three Government engineers, selected by the Secretary of War. If the view of the gentleman from Missouri [Mr. BARTHOLDT] is correct, then this bridge will be located by the Government engineers at the point he favors; but if those engineers, who are familiar with the river and all the points which have been mooted in this debate, choose to locate the bridge at some other place, they will, if this amendment be not adopted, have that privilege. It seems to me that in the interest of commerce this discretion ought to be left with the engineers who are to be selected to supervise the construction of the bridge. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. BARTHOLDT, it was rejected.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MURPHY of Illinois, a motion to reconsider the last vote was laid on the table.

### SEWERAGE SYSTEM AT FORTRESS MONROE.

Mr. HULL. I ask unanimous consent for the immediate consideration of a resolution submitted by the War Department. It makes no appropriation. It simply relates to the flushing in connection with the sewerage system at Fortress Monroe.

Mr. PICKLER. What is before the House?

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent for the present consideration of the joint resolution which the Clerk will read.

Mr. HULL. If it takes any time I will withdraw it.

The Clerk read the joint resolution to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

Mr. HULL. I think I can state this matter more quickly than it can be presented to the House by the reading of the report of the War Department. By appropriation already made there is provision for the construction of a sewerage system at Fortress Monroe. As that system is now rapidly approaching completion, it is necessary to have authority to sink this other well and to construct pumping works out of the present appropriation, so as to flush the sewerage system and complete it. That is all there is in the resolution. It is recommended by the Chief of Engineers of the War Department and has been considered informally by the Military Committee.

Mr. SAYERS. How came this resolution before the Committee on Military Affairs?

Mr. HULL. It was sent there by the War Department.

Mr. SAYERS. The matter properly belongs to the Committee on Appropriations.

Mr. HULL. Well, the Department sent it to us.

Mr. SAYERS. It ought to have been referred to the Committee on Appropriations.

Mr. HULL. Of course, if the consideration of the resolution is objected to, I will withdraw it; but I really think there can be no good ground for objection.

Mr. LIVINGSTON. I object to the consideration of the resolution; it ought to have gone to the Committee on Appropriations.

### ORDER OF BUSINESS.

Mr. PICKLER. I demand the regular order.

The SPEAKER. This being private bill day——

Mr. PICKLER. I understand that the unfinished business on the Private Calendar is the regular order.

Mr. HITT. Does the gentleman from South Dakota [Mr. PICKLER] propose to go to the Private Calendar now? If that is the case, I shall have to interrupt him.

Mr. PICKLER. No, sir; except as to the unfinished business on the Private Calendar—the bills that have passed the Committee of the Whole and are now ready to have the previous question ordered upon them in the House. There are about twenty such bills, I think, that have not yet been acted on by the House.

Mr. HITT. Does the gentleman propose to have debate?

Mr. PICKLER. No, sir; there has been debate on all of these bills in the Committee of the Whole.

Mr. HITT. I am informed by gentlemen around me that there will be debate on several of these bills.

Mr. McCLELLAN and others. On all of them.

Mr. HITT. Gentlemen here tell me that these bills will lead to debate.

Mr. PICKLER. Not if the previous question is ordered.

Mr. McMILLIN. Mr. Speaker, I do not know what the recent ruling on the subject has been, but formerly, for a number of years, the ruling was that such business as the gentleman from South Dakota refers to was taken up as first in order after the House came out of Committee of the Whole on Friday afternoon. Speaker Carlisle used to hold that way. I do not know whether there has been any change in the method of conducting this class of business. That was the former ruling.

The SPEAKER. The Chair had occasion to rule on this subject in the Fifty-first Congress.

Mr. McMILLIN. I had not recalled the ruling, Mr. Speaker, when I spoke.

The SPEAKER. The ruling was that the bills which have come out of the Committee of the Whole were unfinished business, and therefore would have to be taken up before the House would go into Committee of the Whole again.

The particular case on which the ruling was given was not a pension case; but an examination of the authorities as to the origin of the pension evening makes it clear, in the opinion of the Chair, that the pension bills would be within the purview of that ruling, although the Chair reserves his judgment if gentlemen desire to be heard upon the question.

Mr. McMILLIN. I am not making the point, Mr. Speaker, that that should not be the rule. On the contrary, I think the ruling is in accordance with the proper principle. But the practice, I believe, has been the other way.

The SPEAKER. The rule has been somewhat changed, as the gentleman will remember, in this Congress. The Chair thinks that the change in the rule obviates the doubt.

Mr. McMILLIN. The Chair is undoubtedly correct. I could

readily see, after the provision of the rule was adopted, how that principle should prevail in the consideration of these matters, for it would seem entirely appropriate that the business which had been considered on a preceding day, and had reached a further stage of advancement, should come up first.

The SPEAKER. That seems to be the principle involved.

Mr. PICKLER. I desire to call up the bills, Mr. Speaker, reported from the Committee of the Whole.

Mr. HITT. I wish to call the attention of the gentleman from South Dakota to the fact that I am informed by a number of gentlemen around me that they desire to debate some of the bills, and that it is very likely the consideration of them will take several hours. Of course I do not wish to antagonize his bills, but I feel it my duty to proceed with the consideration of the conference report on the Cuban question.

Mr. PICKLER. I think it the duty of the House to pass the private pension bills. Cuba can wait as well as the private pension bills. [Applause.] You have plenty of time for that.

Now, if it is the will of the House, of course no bill can be debated, because it is within the power of the House to order the previous question, in which event there will be no debate.

Mr. McMILLIN. The gentleman forgets that even after the previous question there may be limited debate.

The SPEAKER. How?

Mr. McMILLIN. Not, of course, if the bill had been debated in Committee of the Whole.

Mr. PICKLER. All of these bills have been debated in Committee of the Whole.

Mr. DINGLEY. Mr. Speaker, it seems to me, this being Friday, and there being quite a number of private pension bills reported from the Committee of the Whole favorably, that these bills ought to come up first; and I hope the gentleman from South Dakota will call them up and move the previous question on them as they are reached.

Mr. HITT. If the gentleman can assure me that he will move the previous question when he calls up the bills, and that there will be no debate, of course I will not interfere.

Mr. PICKLER. I can not say what action the House may take, but if I can get recognition I will move the previous question. I was going to say that all of these bills have been debated in Committee of the Whole, the reports were read in full, and they were disposed of in committee.

The SPEAKER. The Clerk will read the first bill reported from the Committee of the Whole House on the Private Calendar.

RACHEL PATTON.

The first bill reported from the Committee of the Whole House was the bill (H. R. 1185) granting a pension to Rachel Patton.

The bill was read at length.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The question was taken on ordering the previous question; and on a division (demanded by Mr. ERDMAN) there were—ayes 127, noes 6.

Mr. ERDMAN. No quorum.

The SPEAKER (having counted the House). Two hundred members are present—a quorum; and the previous question is ordered.

The question recurring on the engrossment and third reading of the bill, and being taken, on a division (demanded by Mr. ERDMAN) there were—ayes 115, noes 42.

Mr. ERDMAN. I call for the yeas and nays. This is the case of a remarried widow, and we ought to have an opportunity of testing the sense of the House on the principle involved.

The yeas and nays were not ordered.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS HOLADAY.

The next bill reported from the Committee of the Whole was the bill (H. R. 2326) granting a pension to Thomas Holaday, with an amendment reported from the Committee of the Whole.

The bill and amendment were read at length.

Mr. PICKLER. I demand the previous question on the bill and amendment.

The question was taken; and on a division (demanded by Mr. ERDMAN) there were—ayes 140, noes 0.

Mr. ERDMAN. No quorum.

The SPEAKER. The Chair overrules the objection, stating to the House that there is evidently a quorum present. [Applause.]

So the previous question was ordered.

The amendment recommended by the committee was adopted, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, on a division (demanded by Mr. ERDMAN) there were—ayes 135, noes 4.

So the bill was passed.

LEWIS C. SCHILLING.

The next bill reported from the Committee of the Whole was the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES W. RINEHARDT.

The next bill reported from the Committee of the Whole was the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge.

The bill was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

Mr. ERDMAN. Mr. Speaker, I rise to a parliamentary inquiry. Will it be in order at this time to have the reports read in these cases?

The SPEAKER. It would not be in order. The report of a committee can be read by a member as a part of his remarks.

Mr. PICKLER. The reports have all been read, and the bills have all been considered in Committee of the Whole.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAMSON DURLEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 3234) granting a pension to Williamson Durley.

The bill, with an amendment reported from the Committee of the Whole, was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILSON KALE.

The next bill reported from the Committee of the Whole was the bill (H. R. 1836) granting an honorable discharge to Wilson Kale.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FRANCIS E. HOOVER.

The next bill reported from the Committee of the Whole was the bill (H. R. 1094) granting a pension to Francis E. Hoover.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FRANCIS WALSH.

The next bill reported from the Committee of the Whole was the bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JEFFERSON FUESTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 3689) granting an increase of pension to Jefferson Fuesston, of Company M, Tenth Ohio Volunteer Cavalry.

The bill, with an amendment reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CAROLINE D. MOWATT.

The next bill reported from the Committee of the Whole was the bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THEODORE WERNER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOSEPH PORTER.

The next bill reported from the Committee of the Whole was the bill (H. R. 3993) granting a pension to Joseph Porter.

The bill, with an amendment reported from the Committee of the Whole, was read.

Mr. PICKLER. Mr. Speaker, I desire to correct a clerical error in line 5. It reads "Eighth New York," and it should be "Sixth." I ask unanimous consent to insert the word "Sixth" in place of the word "Eighth."

Mr. ERDMAN. I object.

Mr. PICKLER. Then I move that amendment, and I demand the previous question on the amendment and the bill to its passage.

The SPEAKER. The Chair thinks that the bill can not be amended in that way. What is the error?

Mr. PICKLER. It is a clerical amendment, to strike out the word "Eighth" and insert the word "Sixth." The previous question has not been ordered.

The SPEAKER. The Chair misunderstood it. The gentleman from South Dakota moves an amendment, and demands the previous question on the amendment and on the bill to its passage.

The previous question was ordered.

The amendment proposed by Mr. PICKLER was read, as follows:

In line 5 strike out the word "Eighth" and insert the word "Sixth."

The question was taken on the amendment; and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The SPEAKER. Does the gentleman demand a division on the amendment?

Mr. ERDMAN. Yes.

The House divided; and there were—ayes 145, noes none.

Accordingly the amendment was agreed to.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GEORGIANNA C. HALL.

The next bill reported from the Committee of the Whole was the bill (H. R. 4182) to increase the pension of Georgianna C. Hall, with amendments.

The bill and amendments were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The SPEAKER. Without objection, the previous question will be considered as ordered.

There was no objection.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ANN TRACY.

The next bill reported from the Committee of the Whole was the bill (H. R. 153) granting a pension to Mary Ann Tracy, with an amendment.

The bill and amendment were read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The SPEAKER. Without objection, the previous question will be considered as ordered.

There was no objection.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DALTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 3221) granting a pension to John Dalton, with amendments.

The bill and amendments were read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA A. TAFT.

The next bill reported from the Committee of the Whole was the bill (H. R. 577) granting a pension to Lydia A. Taft, with amendment.

The bill and amendment were read.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE TOWNSEND.

The next bill reported from the Committee of the Whole was the bill (S. 136) granting an increase of pension to Horace Townsend.

The bill was read.

Mr. PICKLER. Mr. Speaker, I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT ELLIS.

The next bill reported from the Committee of the Whole was the bill (H. R. 708) to increase the pension of Albert Ellis.

The bill was read.

Mr. PICKLER. I demand the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ERDMAN. Division.

The House divided; and there were—ayes 108, noes none.

Mr. ERDMAN. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum. [After counting.] One hundred and seventy-eight gentlemen are present. The ayes are 108, the noes none—the ayes have it, and the previous question is ordered.

Mr. RICHARDSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. The Speaker has announced that 178 is a quorum. One hundred and seventy-nine is a majority, unless the Chair intended to change a ruling he has made.

The SPEAKER. The Chair does intend to change it. [Applause on the Republican side.]

Mr. RICHARDSON. This is a mere parliamentary inquiry. I make no issue about it and gentlemen need not get excited. I understand the Chair in the Fifty-first Congress——

A MEMBER. I understand that other gentlemen have come in.

Mr. RICHARDSON (continuing). I do not make any point, as there would be no difficulty in getting a quorum, but there is a question of practice involved. The ruling of the Chair, as I remember it, was, the Chair held in the Fifty-first Congress that it took 179 members to make a quorum of the House of Representatives, and he now rules that 178 members, which is one less than a majority, is a quorum. That would seem to be a new ruling, and therefore I call the attention of the Chair to it simply. I am making no point on it.

The SPEAKER. The Chair took occasion at the close of the Fifty-first Congress to put on record his views in regard to the ruling which he made and to which the gentleman from Tennessee alludes. At that time the Chair, as was announced to the House, out of abundant caution, the question having risen somewhat suddenly, or rather the question which was in the Speaker's mind having arisen somewhat suddenly, made a decision which he intended should be a safe one, which was that 166 was a quorum, instead of 164, which the Speaker now believes to have been a quorum. In that expression of his views, which were presented to the House, and which will be found in the RECORD, the Speaker stated that he agreed with the rulings which had previously been made by various Speakers and the ruling which was made in the Senate after full deliberation, if the Chair recollects aright, under the lead of the late Reverdy Johnson, whose reputation as a lawyer has always been very high. The Chair thinks the ruling should have been 164 instead of 166; but, as it was made to the disadvantage of the Speaker's side of the House, he thought it safe to make——

Mr. RICHARDSON. My only object was to have a ruling.

The SPEAKER (continuing). The Chair desires to make that ruling.

Mr. GROSVENOR. Mr. Speaker, if the question should ever become an important one, I reserve the right to present some views in support of the ruling that the number of living members is the basis upon which a quorum must be counted, and I shall cite the opinion of one of the leading supreme courts of the country where this identical question was heard and determined.

The SPEAKER. The Chair made the ruling to which the gentlemen from Tennessee [Mr. RICHARDSON] has called attention at a time when there was considerable confusion. In making it the Chair announced some doubt as to the proper ruling, and subsequently made a statement to the House of the opinion which he entertained after careful examination of the question.

The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH DESHLER WHITING.

The next bill reported from the Committee of the Whole was the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting.

The bill was read.

Mr. PICKLER. Mr. Speaker, I move that this bill be recommitted to the Committee on Pensions, and upon that I demand the previous question.

Mr. DANIELS. Mr. Speaker, I desire to be heard upon that question.

Mr. DINGLEY. I suggest to the gentleman from New York that it is better to let the bill be recommitted, according to the recommendation of the Committee of the Whole.

The motion of Mr. PICKLER was agreed to, and the bill was recommitted to the Committee on Pensions.

ISAAC N. WILLIAMS.

The next bill reported from the Committee of the Whole was the bill (H. R. 1104) granting a pension to Isaac N. Williams.

The bill, with the amendments reported from the Committee of the Whole, was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments were adopted, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. HURLEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 3216) granting an increase of pension to James P. Hurley.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY V. ANDREWS.

The next bill reported from the Committee of the Whole was the bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war.

The bill was read, with the amendments recommended by the Committee of the Whole.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. EUNICE IDA RHOADES.

The next bill reported from the Committee of the Whole was the bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HELEN A. JACKMAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 4968) granting a pension to Helen A. Jackman.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL H. J. CROUCH.

The next bill reported from the Committee of the Whole was the bill (H. R. 5140) for the relief of Michael H. J. Crouch.

The bill was read.

The amendments recommended by the Committee of the Whole were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY B. HOUK.

The next bill reported from the Committee of the Whole was the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk.

The bill was read.

An amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question being on the passage of the bill——

Mr. ERDMAN. I ask for a division.

The House divided; and there were—ayes 115, noes none.

Mr. ERDMAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after a count). There are 183 gentlemen present—a quorum. On this question the ayes are 115, the noes are none, and the bill is passed.

ELIZA WILSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 4965) granting a pension to Eliza Wilson.

The bill was read.

On motion of Mr. PICKLER, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARIA E. WILSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 1181) for the relief of Maria E. Wilson.

The bill was read.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JANE WEBSTER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2631) to increase the pension of Jane Webster, widow of Joel Webster.

Mr. PICKLER. I move to recommit this bill to the Committee on Invalid Pensions, and on that motion I demand the previous question.

The SPEAKER. Is there objection to the recommittal? The Chair hears none, and it is so ordered.

WILLIAM F. GOOD.

The next bill reported from the Committee of the Whole was the bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers.

The bill and amendment were read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOSEPH A. COOPER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2234) granting a pension to Joseph A. Cooper.

The bill having been read, it was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER having put the question on the passage of the bill, it was declared passed.

Mr. ERDMAN. I think there ought to be a division on this vote.

The question being taken, there were—ayes 109, noes 1.

Mr. ERDMAN. I make the point of no quorum. There ought to be a quorum to pass on this important measure.

The SPEAKER. The Chair has the impression that a quorum is present, but will count the House.

After a count, the Speaker declared 184 members present.

There being a quorum, the bill was accordingly passed.

MOLLIE CRANDALL.

The next bill reported from the Committee of the Whole was the bill (S. 507) to pension Mollie Crandall.

The bill was read.

Mr. PICKLER. I call for the previous question.

Mr. TALBERT. I rise to a parliamentary inquiry. Is it in order under the peculiar circumstances existing, while matters are being run through in such a heedless manner——

The SPEAKER. The gentleman will confine himself to a parliamentary inquiry.

Mr. TALBERT. I will try to do so, if the Chair will allow me to lay down the premises.

The SPEAKER. The Chair will answer a parliamentary inquiry, but not a "premiss."

Mr. TALBERT. The parliamentary inquiry is just this: Will it be in order to ask that the present bill or any one of these bills be passed over on account of its being an outrage to pass it? Now, I ask permission to make a statement. Here is a bill claiming to pension——

The SPEAKER. One moment——

Mr. TALBERT. Claiming to pension a person on account——

The SPEAKER. The gentleman is not in order.

[Mr. TALBERT continued to speak while the Speaker rapped for order.]

The SPEAKER. The gentleman will take his seat. He is not in order.

Mr. TALBERT. I only want to ask——

The SPEAKER. The gentleman must take his seat.

The question being taken, the previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. TALBERT. I rise to a parliamentary inquiry. I desire to ask whether it would be in order to move to amend the title or caption of this bill?

The SPEAKER. It would be in order to make such a motion.

Mr. TALBERT. I move, then, to amend the caption of the bill so as to read, "A bill not to pension Mollie Crandall," if that is in order.

The SPEAKER. The gentleman moves to insert the word "not"? [Laughter.]

Mr. TALBERT. I thought the Speaker decided it was in order to move to amend the caption of the bill.

The SPEAKER. The gentleman moves to insert the word "not"?

Mr. TALBERT. Yes, sir; the word "not."

The SPEAKER. The question is on the amendment offered by the gentleman from South Carolina.

Mr. TALBERT. Can I be heard on that motion?

The SPEAKER. Not under the rules of the House. [Laughter.]

The question being taken on the amendment of Mr. TALBERT, it was rejected.

MARY A. HALL.

The next bill reported from the Committee of the Whole was the bill (S. 344) granting a pension to Mary A. Hall.

The bill was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

WILLIAM HENRY JOHNSON.

The next bill reported from the Committee of the Whole was the bill (H. R. 486) for the relief of William Henry Johnson

The bill was read.

Mr. PICKLER. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan; and

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office; and

A bill (S. 1546) for the relief of Levi Stoltz.

SENATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1546) for the relief of Levi Stoltz—to the Committee on Claims.

A bill (S. 1585) to authorize and direct the Auditor for the Post-Office Department to credit the account of George H. Tice, postmaster at Perth Amboy, N. J., for postage stamps and money-order funds stolen from his office—to the Committee on Claims.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 copies of the report of a hearing before the Committee on Woman Suffrage, January 28, 1896; 2,000 copies for the Senate and 3,000 copies for the House of Representatives—

To the Committee on Printing.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed at the Government Printing Office, at the earliest day practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey, with accompanying illustrations, of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey—

To the Committee on Printing.

M. R. WILLIAM GREBE.

The next bill reported from the Committee of the Whole was the bill (H. R. 3139) for the relief of M. R. William Grebe, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

DAN S. PLACE.

The next bill reported from the Committee of the Whole was the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant Eighteenth Indiana Volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CHARLES E. JONES.

The next bill reported from the Committee of the Whole was the bill (S. 249) granting a pension to Charles E. Jones, with amendments recommended by the Committee of the Whole.

Mr. TALBERT. Mr. Speaker——

Mr. PICKLER. I demand the previous question.

Mr. TALBERT. Mr. Speaker, I wish to offer an amendment here.

The SPEAKER. It is the custom of the House, the Chair will state, to allow the gentleman in charge of the bill to make such motion as he desires first.

Mr. TALBERT. I rose to make a motion to amend the bill.

The SPEAKER. If the House desires to amend the bill it can vote down the previous question, and it will then be open to amendments.

Mr. TALBERT. Well, crack away. [Laughter.]

The previous question was ordered.

Mr. TALBERT. Is it in order now to offer an amendment?

The SPEAKER. It is not; the previous question has been ordered. [Laughter.]

Mr. TALBERT. I understood the Speaker to say that I could offer an amendment——

The SPEAKER. The Chair said that if the previous question was voted down it would be open to amendment. [Laughter.]

The amendments recommended by the Committee of the Whole were agreed to.

The question recurring on the third reading of the amended bill, and being taken, on a division (demanded by Mr. TALBERT) there were—ayes 104, noes 5.

Mr. TALBERT. No quorum.

Mr. PICKLER. I make the point of order that that is merely a dilatory objection.

The SPEAKER. The Chair will count nevertheless.

One hundred and eighty-two members are present, a quorum, and the bill is ordered to a third reading.

The bill was accordingly read the third time, the question recurring on its passage.

Mr. ERDMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ERDMAN. Am I entitled to have a copy of the engrossed bill at this time before its passage?

The SPEAKER. This being a Senate bill, it is already engrossed. [Laughter.]

The bill was passed.

JONATHAN SCOTT.

The next bill reported from the Committee of the Whole was the bill (H. R. 4526) granting a pension to Jonathan Scott.

Mr. PICKLER. I demand the previous question on the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. ERDMAN. I would like to have a copy of this engrossed bill if in order. This, I see, is a House bill.

The SPEAKER. The engrossed copy of the bill, the Chair will state, is not here.

Mr. PICKLER. I ask that this bill be passed over without prejudice, and the next taken up.

The SPEAKER. The bill will have to be laid aside if demand is made for the engrossed copy.

The Clerk will report the next bill.

SOPHIA J. HAMILTON.

The next bill reported from the Committee of the Whole was the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH MARSHALL.

The next bill reported from the Committee of the Whole was the bill (H. R. 1109) granting a pension to Elizabeth Marshall.

The bill was ordered to a third reading.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. PICKLER. Mr. Speaker, I move to reconsider the several votes taken with reference to these pension bills, and move to lay that motion on the table.

The latter motion was agreed to.

ELIZABETH DESHLER WHITING.

Mr. DANIELS. Mr. Speaker, the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, which was referred back to the Committee on Pensions, has been reported favorably again to the House. There is no objection to the form of the bill. The merits were not considered. I now ask leave of the House to restore the bill to its place upon the Calendar. It was Calendar No. 92, and I ask that it may take its former place so that it may be considered. The bill has already passed this House in a preceding Congress, but not in time to pass the Senate. There seems to be no objection to the merits of the bill, so that it will require a very short time to dispose of it.

The SPEAKER. The gentleman from New York [Mr. DANIELS] asks that the bill H. R. 1050, which by the action of the House was referred back to the Committee on Pensions, be allowed to take its place on the Calendar of the Whole House, to resume its former position. Is there objection?

There was no objection.

## CUBA.

Mr. HITT. Mr. Speaker, I present a conference report from the committee of conference on the disagreeing votes of the two Houses touching the Cuban resolutions. I ask for the reading of the report, and of the resolutions recommended.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the concurrent resolutions of the Senate (concurrent resolution 19, part 5), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the Senate concurrent resolution, and agree to the same.

ROBERT R. HITT,
ROBERT ADAMS, JR.,
JAMES B. McCREARY,
*Managers on the part of the House of Representatives.*

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
*Managers on the part of the Senate.*

CONCURRENT RESOLUTION.

*Resolved by the Senate (the House of Representatives concurring therein)*, That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

*Resolved further*, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

Mr. HITT. Mr. Speaker, the two resolutions which have just been read, and to which the conferees on the part of the House, in committee of conference, have agreed propose, first, that our Government should accord to the struggling people of Cuba belligerent rights; and second, tender friendly offices to the Spanish Government for the recognition of Cuban independence. These resolutions passed the Senate on the 28th of February by the overwhelming majority of 58 votes. The House of Representatives a few days later, on the 2d of March, adopted by 245 majority, as a substitute for them, declarations very similar in purport, including one additional resolution, that we ought to be prepared to protect the interests of American citizens in Cuba by intervention if necessary.

When they had gone back to the Senate that body asked of the House a conference upon the disagreeing votes. In that committee of conference, after we had discussed the three resolutions which had been adopted by the House and the two adopted by the Senate, it was agreed by the Senate conferees that the House resolutions were in some respects preferable, and they yielded and agreed to our resolutions.

They and many other Senators made an earnest effort to have them adopted by the Senate; but after weeks had passed away in debate which appeared likely to be indefinite in length, the Senate, on the motion of the chairman of the Committee on Foreign Relations, who had urgently pressed those resolutions, nonconcurred and asked for another conference. We met them again, and they assured the House conferees that while they were as earnestly of opinion as ever that the resolutions which the House had adopted ought to pass, yet they could give no assurance that they would at any time pass the Senate, as there was manifestly an organized obstruction, which, under the antiquated rules of that body, where there is no means of stopping debate and bringing on a vote, might continue indefinitely. They asked us to now act in the same liberal spirit in which they had met us, to agree to the Senate resolutions, take them back to the House, and pass them. This would at once secure final and complete action and defeat the dilatory debate.

Remembering the great majority by which the House had adopted our resolutions and considering the vote an instruction, we who were conferees for the House for a long time insisted upon the action of the House being adhered to. The first resolution, that which favors the recognition of the belligerency of those struggling in Cuba, is substantially the same as passed by the Senate and as passed by the House. The second, which relates to the "independence" of Cuba, as stated in the Senate resolution, and to "a government by the free choice of the people of Cuba," as stated more cautiously in the House resolutions, aimed at the same thing, the tender of good offices to secure that purpose. The third House resolution, which related to the protection of American interests in Cuba, though wholly unobjectionable, though in accordance with international law, the usage of nations, and the practice of our Government, so plainly so that the only objection to it would seem to be that it was hardly necessary for Congress to make such a suggestion to the Executive—this resolution they asked us to drop.

It would be in no worse position if it were dropped than if we persisted, and all of the resolutions would fail because there was no limitation on debate there. All of them would be talked to death if they once got back to the Senate, though there were not a dozen votes that could be mustered against them. Accordingly your conferees agreed to the two Senate resolutions. We now ask their adoption by the House.

The second resolution differed from ours in that it proposed the tender of the good offices of this Government to secure the recognition of the independence of Cuba by Spain. It was said—I said it and others said it on this floor in the former debate—that the expression "independence" seemed harsher than was necessary, and we said so to the conferees; but it was urged, and it is true, that while a proposition to any Government in ordinary time of peace to recognize the independence of a part of its territory as independent would be offensive, the reason why it is offensive is because it is on its face manifestly intended to offend.

A proposition by the British representative here that we should recognize New England or California as independent would be offensive; manifestly it would be intended as an offense. There is no reason in the present state of our affairs, no excuse for such a suggestion. But when war between a parent government and a dependency has gone on for some time and separation is the best solution of the war, it has often occurred that the mediation, the tender of good offices by another to the parent government to induce the recognition of the dependency has been an easy way to peaceful arrangement and has so been received as a truly friendly act. That has happened with us several times, and there was no objection taken in cases parallel to this, and can be none in this case unless there be a captious disposition to seek a quarrel.

When the Spanish Government, in the early part of this century, was at war with its colonies on this continent, in South America, and Mexico, our Government took the very step proposed in this second resolution—tendered its good offices and friendly counsels with Spain, urging upon Spain the recognition of the independence of the colonies. That was done, bear in mind those of you who think that we are going too fast in this, and that there is danger of our being called jingoes, by the most cautious and prudent of our Presidents, Mr. Madison. That is in the early history, and is a precedent of great authority, made by the man who more than any other may be called the father of the Constitution; and the Secretary of State who carried it out was Mr. Monroe, whose name is synonymous throughout the world with the wisest and noblest feature of the foreign policy of the Republic. That I may not misstate it in the least, I will read the words by which the President stated exactly what action he had taken touching the Spanish colonies in revolt on this continent after the war had gone on for some time.

In Mr. Monroe's message, after he was elected President, November 14, 1820, he relates the negotiations to adjust the differences, and says:

That the colonies, in their Congress of Angostura, would accept of nothing short of independence as a basis of negotiations.

And then states the action of our Government in these words, which are almost the words of this resolution:

To promote that result (independence) by friendly counsels with other powers, including Spain herself, has been the uniform policy of this Government.

There is the first, the great precedent, eighty years ago, for the very action to which your conferees have assented and which they recommend to you to-day. I will not follow through all the precedents, but I will come to one which is brought up so often in this House in another light—that of General Grant, when the Cubans were engaged in the ten years' war with Spain from 1868 to 1878. General Grant then made a proposition to Spain, that she should recognize the independence of Cuba. Those of you who care to read it at length will find the discussion in the instructions by Mr. Fish and the dispatches of Minister Sickles at Madrid. It is the very case we have in hand. That was an insurrection or rebellion in Cuba not half so extensive as the present, and it was near the beginning. Then the good offices of the United States were offered to bring the war to a close on the basis of Cuban independence, Spain to be paid an indemnity which the United States should guarantee.

The ruler of Spain was General Prim, and he received that proposition in the same friendly spirit in which it was made. There was no rupture of relations. I will not read all his answers, which are contained in and discussed through several dispatches of considerable length, but only to show its spirit I will give a few words. They may conveniently be found by members in Senate Report 141, if anyone desires to read it. At the conclusion of his remarks, assenting to the proposition of Mr. Sickles, he said:

I do not flatter myself that Spain will retain possession of the island. I consider that the period of colonial autonomy has virtually arrived. However the present contest may end, whether in the suppression of the insurrection or in the better way of an amicable arrangement through the assistance of the United States, it is equally clear to me that the time has come for Cuba to govern herself; and if we succeed in putting down the insurrection to-morrow I shall regard the subject in the same light, that the child has attained its majority and should be allowed to direct its own affairs. We want nothing more than to get out of Cuba, but it must be done in a dignified and honorable manner.

That was in response to General Grant's proposition that the

independence of Cuba should be recognized and that an indemnity should be made to Spain, which would be guaranteed by the United States. General Prim, however, made a condition that the Cubans must first lay down their arms, and after that there might be a vote by the people of Cuba on the question of separation. But the Cuban people would not consent to lay down their arms. They knew those with whom they were dealing. They thought they knew them too well to do that, and that stopped the negotiations, together with the fact that the matter became public and created excitement in Spain. Subsequent events showed that the distrust of the Cubans was a wise one. No offense was taken by General Prim at the friendly counsel of our Government that the independence of Cuba should be recognized.

I mention this as showing why we can, with reason, come to the suggestions of the Senators whom we met in conference, and adopt that resolution which passed the Senate by so great a majority. It is only advice that we give to another Government. It is not a matter of great importance. It is all in the future anyhow. It is possible that Spain will not heed the advice; but whether she heeds it or not, we know how events are moving, that the car of destiny is bearing the cause of freedom to triumph, and the success and the independence of Cuba with or without the counsel of the stranger or the consent of Spain will soon be achieved, accorded, and established. [Loud applause.] But the matter now most important is not giving advice, it is the proposition for immediate action. That is in the first resolution proposing that our Government at once recognize the belligerency of those who in Cuba are struggling for their liberty.

Mr. HENDERSON. If it will not interrupt the gentleman, I wish to make a suggestion.

Mr. HITT. Not at all.

Mr. HENDERSON. Most of us, I think, understand the meaning of the recognition of belligerency, but the country at large does not know just what is to be gained by the revolutionists from a recognition of their right of belligerency, and if it will not break into the line of the gentleman's thought, I wish he would explain that.

Mr. HITT. I will endeavor to answer the question as clearly and practically as I can. The gentleman has struck the essential question—the one that transcends all the rest. That question of recognizing Cuban belligerency is the one on which the American people have been fixing their attention most earnestly. This House has been flooded with petitions and memorials by thousands from legislatures, chambers of commerce, societies, from churches, from associations of every kind, and from individual citizens by tens of thousands. Your committee room has been choked with them. There is no other subject for years on which there has been so vast and multitudinous an expression of the people's will as this question of recognizing the belligerency of the Cubans who are struggling for freedom. They go to the very heart of the question. The people know just what is most wanted and they ask us to do it.

Some individuals, generally those who call themselves business men, brokers, and financial men, write us letters deprecating action of any kind, opposing any agitation or discussion on any foreign question that may disturb the market. They are not in favor of the Spaniard; they are not in favor of the Cuban. They care nothing whatever for either side. They simply deprecate any action which will affect the markets in which their hearts are bound up. But the unmistakable voice of the people of the United States as expressed in the enormous majority given in this House a month ago—262 to 17—and in the Senate—64 to 6—is in favor of immediately recognizing the belligerency of the Cubans.

Now, to answer the gentleman from Iowa, the effect of recognizing the belligerency of the Cubans will be, first, to give them a flag and a status. If a ship should enter New York Harbor this afternoon belonging to the Cuban insurgents, flying the Lone Star flag, she would be liable to be treated as a pirate and all on board might be treated as criminals, as violators of law, as enemies of mankind. With recognition, the belligerents will have a flag with the same status as that of any other country, and a vessel flying that flag can go into New York Harbor right alongside of a Spanish frigate. But as we stand now, if they should go in there this afternoon, the Spanish minister would be at the State Department immediately asking to have them seized and treated as pirates.

Why, his predecessor made that very request, that high-handed and bloody request, of our Secretary of State eighty years ago, when a ship of one of the Spanish colonies, bearing its independent colors, entered our port, the minister claiming that they were pirates and demanding that they be treated as such. Pronounce that magic word "belligerency," recognize those as belligerents who are truly belligerents, who are carrying on war, and you at once give them that advantage and that status among nations in our ports. The word "belligerency" exactly defines and describes what they are doing. They are carrying on war. Recognize them as belligerents and you enable them at once to do all that other nations are entitled to do—to carry a flag, to purchase in our markets munitions of war and supplies of every kind, to purchase them openly and take them out openly, just as the Spanish Government now does—not hiding and skulking in obscure and distant ports by night to escape seizure, dogged every hour by spies and informers to give notice to our Government and have them arrested. Then men could go openly to join them, if not in armed expeditions. They could negotiate loans and sell bonds just as the Spanish Government is doing now.

Mr. SWANSON. May I ask the gentleman a question for information? Does he mean to say that if this resolution, as we are going to vote upon it to-day, is passed it will enable the Cubans to do all that?

Mr. HITT. I believe that it will, because I believe that the President of the United States is not so recreant to his duty as an agent and servant of the people that he will disregard the vote of the people of the United States as expressed through the House of Representatives and Senate by vast majorities. [Applause.] The House has already given a majority of 245 upon this question, but it has been null because, the action of the two Houses not being in accord, it has been in the air; but when these Senate resolutions have passed both Houses I have faith that we have a President who will act as the elect of the people of the United States, the agent of the people of the United States, and not their "ruler." Therefore I say that I believe that the passage of this resolution will secure the recognition of the belligerency of the Cubans.

Mr. LIVINGSTON. Would it not be a safer and far more certain course to ask unanimous consent to strike out the word "concurrent" and insert the word "joint"?

Mr. HITT. I think we can not make that change, as such a proceeding is not in order on a conference report. Indeed, I think it is unimportant, because I have a different opinion from the gentleman concerning the President of the United States. I will not admit that he has yet taken up the conceit which has unfortunately been expressed of late elsewhere that he is a "ruler" and a "strong man." He may be a strong man, but he is strong because he is our President and not our ruler. [Applause.]

Mr. LIVINGSTON. I did not intend, Mr. Speaker, that the gentleman should understand me as questioning what the President will do. I only make the point that this proceeding would be far more certain to accomplish the results which the House committee contemplate if we should substitute the word "joint" for the word "concurrent."

Mr. HITT. I do not think so. It would then simply require the President to sign it or take action necessarily within ten days, and would necessitate a different mode of voting here. We get at the essence of the matter in this way. Nobody will mistake the purpose of the American Congress.

Mr. McMILLIN. If the gentleman will permit me, in response to the gentleman from Georgia, it is proper to state in justification of the committee of conference that such an amendment as the gentleman suggests would have been entirely in order. The committee of conference had to deal only with questions in dispute, and with matters not in dispute they had nothing to do.

Mr. HITT. I will say to the gentleman from Georgia that we had no power over the form of the resolution; it came to us a concurrent resolution both from the House and from the Senate, and while we could have changed the matter of the resolutions in our conference with the Senators, none of us could change them from being concurrent. On the enacting clause the two Houses were agreed, and we were to confer on their matters of disagreement.

Mr. SWANSON. As I understand, a concurrent resolution is simply the expression of an opinion of Congress. It has no more force than the action of a moot court. But a joint resolution, if signed by the President, would have the force and effect of law. Did the committee when it made this proposition simply a concurrent resolution determine the scope that a concurrent resolution would have? There is some difference of opinion as to that.

Mr. HITT. The committee of conference had no authority to approach or touch that question. The difference between the two Houses did not relate to any such matter of form; both propositions which went to the committee of conference were concurrent resolutions. Had one resolution been joint and the other concurrent—had there been any such disagreement involved in regard to the form of the resolution—the case would have been different. We had the right to consider changes affecting the language of the resolutions themselves, but not affecting their form; the committee of conference, as a matter of parliamentary necessity, was obliged to report them as concurrent resolutions.

I was trying to explain, in answer to my friend from Iowa [Mr. HENDERSON], the force and practical effect of the action which I have no doubt will be taken in the adoption of these resolutions——

Mr. LIVINGSTON. Would not another result follow the recognition of belligerency—that the war between the two parties in Cuba would have to be a humane war, that prisoners captured from the Cuban ranks by Spanish troops would have to be treated as prisoners of war?

Mr. HITT. That is argumentative. I am speaking of the

immediate effect of our resolutions—of things completely within our power—which we can determine absolutely ourselves.

Mr. NORTHWAY. I hope that the chairman of the committee [Mr. HITT] will not be further interrupted while he is stating the effect which a recognition of belligerency would have. We desire to have his statement on that point in compact form for the information of this House and the public. I hope gentlemen will defer their questions until the gentleman from Illinois is through with his statement.

Mr. HITT. After we have recognized the belligerent rights of the Cubans men can openly leave our shores to aid the Cubans. The Cubans can go upon the stock boards in this city or anywhere else and publicly offer a loan—offer to negotiate their bonds, as our fathers did, during the Revolution, in Amsterdam. They can negotiate loans either with other Governments or with private citizens.

I will give the House a definition of belligerent rights in words that will not be questioned. Mr. Canovas, the prime minister of Spain, made public last summer a statement in which he discussed this very question. No one will accuse him of straining the definition in favor of the Cubans. I will read his words. What I am about to read is no "fake." This is no unsubstantial or unauthenticated paper. It comes to us from the President, and is a part of House Document No. 224. Says Minister Canovas:

From the moment of their recognition they can send out vessels upon the ocean under the flag of the lone star; raise funds in foreign countries; move about with a freedom that otherwise they could never enjoy; and they could even carry on privateering.

That does not state all that the recognition of belligerency would accomplish, but it states the great and important advantages that such an act would give to the Cubans. The Spanish Government to-day is doing all those things. It sends its agents to Hartford to buy arms; they buy them also in Philadelphia. Any man can openly go from this country to join the Spanish forces. He may, if he chooses, announce the fact in the newspapers and have a reception before he starts, yet go unmolested. The Spanish Government is, in fact, buying supplies here.

Why, sir, the United States is at this hour a base of operations of the Spanish Government in crushing the Cubans who are struggling for their freedom. Under the pretense of neutrality we are, every time the Spanish minister gives intimation to the State Department, running to capture men who may be about to start to Cuba or to seize supplies of arms intended for the Cubans, in any port, in any remote corner of the country anywhere. We have not even confined our assistance to our own ports. In the case of the *Hawkins* we pursued the Cubans out upon the high seas at the behest of Spain. Is that real neutrality? Is that fairness? Is it justice? Are we not in spirit and in fact the efficient oppressors of the Cubans ourselves?

Much has been said about this proposed action being a departure from the custom of our fathers—from the course pursued by former Presidents. Why, sir, this is nothing new. That great man to whom I referred a few moments ago dealt with this question so practically that there is little more left to be said as to the duty and the right of a nation to recognize belligerency in such a case. In 1815, after Mr. Madison had issued his proclamation touching the Spanish-American colonies—the ordinary proclamation of neutrality to forbid armed expeditions—the Spanish minister, Chevalier De Onis, demanded that our President should send orders to seize in our ports any ship that came from any of the rebel colonies. He denounced the men on any such vessel as pirates, bandits, and brigands.

Do you observe, gentlemen, that these phrases now so glib upon Spanish tongues and in the mouths of friends of the Spanish cause are not new at all? When a man is not an humble follower of oppressive authority, he is a "brigand." When he is not on their side, but fighting with such resources as God has given to him to save the liberty that God gave him, then he is a wandering bandit. That minister demanded that these ships should be seized and the men treated as pirates. He demanded that our ports be closed to the revolutionists under the flags of Buenos Ayres, Carthagena, and the Mexican Congress, and other places which have, he says, "revolted against the authority of the King, my master." It is a pleasure to read the dignified and noble language in reply by a great patriot and statesman. Let me read the words; Mr. Monroe wrote them January 19, 1816, as Mr. Madison directed:

The President thought it proper some time past to give orders to the collectors not to make the flag of any vessel a criterion or condition of its admission into the ports of the United States.

And again, in reply to that haughty demand of the Spanish minister, he said:

All that your Government had a right to claim of the United States was that they should not interfere in the contest or promote by any active service the success of the revolution, admitting that they continued to overlook the injuries received from Spain and remained at peace. This right was common to the colonists. With equal justice might they claim that we would not interfere to their disadvantage—

Who thinks of that now in this great contest, where we are doing all that we can to the disadvantage of those with whom every true heart now sympathizes?—

that our ports should remain open to both parties as they were before the commencement of the struggle; that our laws regulating commerce with foreign nations should not be changed to their injury. In these principles the United States have acted.

I wish, Mr. Speaker, that I could say to-day that on these principles the United States have acted within the last year.

Now, do not say that this action of President Madison was limited simply to letting the ships come into the ports of this country. It was to do more than that. It was a direct practical recognition of belligerency with all of its consequences. Afterwards Mr. Monroe, when he had become President, recited these events and their consequences, and stated what had been the conduct of the United States toward the participants in the conflict. Mark these words; this was the way the great American acted eighty years ago to men situated as the Cubans are now situated:

They have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest. Our citizens have traded equally with both, and their commerce with each has been alike protected by the Government.

That is what we ought to do to-day. There is a sentence a little farther on which I commend to the attention of the House. I will not detain you by reading at length even the words of this great man, save to give an extract here and there:

As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable the rights to which they were entitled by the law of nations as equal parties to a civil war were extended to them. Each party was permitted to enter our ports with its public and private ships and take from them every article which was the subject of commerce with other nations.

And then he recites again with emphasis and fullness our conduct toward both parties in the contest. Now, what is the situation? Is not the success of the province of Cuba probable? Have not these men there in arms shown that they can not be subdued? The Spanish minister made public an address to the people of the United States on the 22d day of February, in which he said that Spain had sent 125,000 troops. The Spanish war publications show that there were 21,000 troops already in Cuba as a permanent army, holding the people said to be so loyal to the Spanish Government before this great army went.

And yet, Mr. Speaker, in spite of the coming of these men, 125,000 in number—with infantry, cavalry, and artillery, and besides that 40 ships of war—to crush the Cubans, they have baffled them and defied them. Yes, and General Weyler, it is said, has just asked for 40,000 more troops. More than that: Beginning in the eastern provinces at Santiago, these revolutionists have swept westward, steadily, resistlessly, fighting, avoiding, gaining all the time, choosing their own ground of battle, commanded by leaders whose ability now has long been vindicated, ability which none will question, until province after province has fallen before them; and they have passed through 700 miles of vanquished Spanish territory and Spanish armies. To-day they hold three-fourths of the Island of Cuba.

The Spanish troops are practically penned up in the cities. They have only detachments outside of towns. The country is Cuban and the Cuban army holds it. The Cuban capital, Cubitas, is more secure than Habana is to-day. It is not a war of similar dimensions to the ten years' war of 1868 and 1878. That never extended far beyond the eastern province of Santiago, and even that it was impossible for the power of Spain to subdue. They held that monarchy at bay for ten years, although they had not an armed force one-fourth as great as that now under the commands of Generals Gomez and Maceo.

They never were subdued at all. They were induced to treat, and General Campos, who had not been successful in subduing them, made a compact with them—the peace of Zanjon. This was done upon the suggestion of the Government of the United States. By that compact the Cubans were to have self-government, reduced taxation, taxation only with representation. They were to have the expenditure of those taxes at home in large part. They were themselves to share in full proportion in administering the government.

On that pledge, on those promises, they laid down their arms. Every promise was violated. Every pledge in that compact, followed by submission, though kept to the ear, was broken to the hope; though kept in form in many cases, was utterly disregarded in fact, and they were subjected to oppression as harsh as ever. They were promised freedom of elections, representation in the Spanish parliament, self-government in the provinces and in the cities, the control of the taxation laid upon themselves. There is a paper which has been sent to every member of the House, I understand, and I had a copy of it, purporting to be signed by a number of Spaniards in New York. They do not pretend to be Cubans, but Spaniards, who say in this letter that they know about these affairs. They seem to have read up or learned in some way, or think they have, and they assert that Cuba is a free country; that

those people are entirely mistaken in thinking they are not free; that Cuba is as free as Canada, and Cubans have ample representation in the Cortes or Spanish parliament.

Now, we have before us a document sent by the Secretary of State in Senate Document 166, prepared, not by Spaniards nor by our own people, but by Cubans. They know of what they speak; and while I will not go over the details, I will give the statement of one of the real Cuban members of the Spanish parliament, who himself tells just what a mockery is the pretended voting or suffrage and representation of Cubans. Only a little over 9 per cent of the people of Cuba are Spaniards—that is, Spanish residents in Cuba whose homes are in Spain; yet that electoral law is so framed that as a matter of fact there are only 53,000 of the 1,600,000 people of Cuba who are on the electoral lists, and the Spanish element, with only 9 per cent of the population, have a preponderence of the men elected to parliament and everywhere else. They administer it all. Here is a specimen: In the municipal district of Güines the population is 13,000, of whom 500 are Spaniards. On the electoral list, out of the 13,000 native Cubans, there are 62, and out of the 500 Spanish residents there are 400 who are voters.

Now, to clinch this whole business, there is a permanent commission to revise the electoral list and settle all disputes, and that commission is appointed by the captain-general, by Weyler, a nice officer to appoint a reviewing board for an electoral list. Here are numbers of instances stated of the flagrantly arbitrary conduct by which the people were disfranchised. There are several scores of members of the Cortes sent from Cuba, but they are not Cubans. They are the bitterest enemies of the Cubans. There are sometimes Cubans elected to the Spanish Cortes, but the men who are elected under these forms as Cuban members of that parliament and representing Cuba are of that envenomed class that is the most bitterly hostile to them all, the resident Spaniards. Says Mr. Varona, himself long a member, in the most favorable epochs the number of Cuban representatives, out of the dozens that are sent, has not exceeded six.

Now, as to the local government, what kind of self-government have they? This gentleman states that of which Cubans know—not newspaper tales, nor official falsehoods and bulletins. Lately in the board of aldermen in Habana there was not a single Cuban. In the board at Güines, with a population of 12,500 inhabitants, there was not one Cuban found in the council of that province. So, too, in Matanzas, there were two, and in Santa Clara there were two. These are the most populous provinces in Cuba. That is the "self-government" to which they have been treated!

Mr. PATTERSON. Will my friend allow me to interrupt him?

Mr. HITT. Yes.

Mr. PATTERSON. I understand that the population of Cuba amounts to about 1,600,000. Now, what information have the Committee on Foreign Affairs, what official information, in respect to the proportion of that population engaged in the effort to throw off Spanish authority or in sympathy with that element?

Mr. HITT. We have a document that was sent to this House at the request of our committee, which gives scores of statements from our consular officers in Cuba, giving the number of armed men. As long ago as last August the force of Cuban insurgents in the field was given at 30,000, of whom 10,000 were pretty well armed. They have increased steadily since. If the gentleman desires information on that subject—and of course the essence of it all is, what is the scope, extent, and force of the military power of the insurrection—I will say to him that I hold in my hand a detailed statement, handed to me since the House was called to order to-day, giving the number of troops who are now organized, and a large part of whom are in active campaign for the Republic of Cuba. I will have the statement read at the desk if the gentleman desires it.

Mr. PATTERSON. Will the gentleman state the substance of it?

Mr. HITT. In the Province of Santiago de Cuba the total is 13,900. The divisions and the names of the commanding officers and the posts at which they are located are given. In the Province of Puerto Principe, which is a small province, there are 2,500. In the Province of Santa Clara there are 5,000 troops in the field.

Mr. PATTERSON. Let us have the aggregate.

Mr. HITT. I will come to that in a moment. In Matanzas there are 8,900; in Habana, 8,160; in Pinar del Rio, 5,562, and in the armies of Generals Gomez and Maceo, 16,700. The total is 60,722 men. I will insert the whole statement:

CUBAN ARMY OF OCCUPATION.

*Province of Santiago de Cuba.*

| | |
|---|---|
| Maj. Gen. José Maceo (black) | 3,000 |
| Brig. Gen. Perico Perez (white) | 2,000 |
| Brig. Gen. Matias Vega (white) | 1,000 |
| Gen. Augustin Cureco (mulatto) | 1,600 |
| Gen. Carnelio Rojas (white) | 600 |
| Gen. José Rabi (Indian) | 1,200 |
| Gen. Manuel Capoti (white) | 800 |
| Col. Felix Ruen (mulatto) | 800 |
| Col. Francisco Delgado (white) | 400 |
| Colonel Carthagena (black) | 500 |
| Colonel Heabovaria (white) | 400 |
| Col. Joaquin Planao (white) | 200 |
| Col. Remegio Mariero (white) | 200 |
| Colonel Rodrigues (Spaniard) (white) | 400 |
| Col. Salvo Reos (black) | 600 |
| Col. Pedro Popa (black) | 200 |
| Total | 13,900 |

*Province of Puerto Principe.*

| | |
|---|---|
| Maj. Gen. Mayia Rodrigues (white) | 1,500 |
| Brig. Gen. Lope Recio (white) | 1,000 |
| Total | 2,500 |

This force serves as escort to the officials of the Cuban Republic, who, like the first Congresses of America, as after the burning of Washington in the war of 1812, are compelled to move by the exigencies of war, but they remain within a zone about equal to the area of our State of Delaware. The Marquis of Santa Lucia, president; the vice-president, Bartolo Masso; Minister of War Roloff, Minister of Treasury Pina, and all others are white.

*Province of Santa Clara.*

| | |
|---|---|
| Maj. Gen. Serafin Sanchez (white) | 2,000 |
| Colonel Roban (white) | 600 |
| Colonel Rego (white) | 1,200 |
| Colonel Carteña (white) | 300 |
| Col. Felipe Toledo (white) | 200 |
| Col. Lino Perez (white) | 300 |
| Lieut. Col. Leon Cio Vedal (white) | 200 |
| Lieut. Col. Sixto Roque (white) | 200 |
| Total | 5,000 |

*Province of Matanzas.*

| | |
|---|---|
| Maj. Gen. Francisco Carillo (white) | 3,000 |
| Brigadier General Lacret (white) | 1,500 |
| Gen. Pancho Perez (white) | 1,500 |
| Col. Clotilde Garcia (black) | 400 |
| Col. Joseph Roque (white) | 800 |
| Colonel Oulet (white) | 200 |
| Colonel Morijon (mulatto) | 200 |
| Col. Demas Martinez (black) | 300 |
| Col. (Alfred Godoy) "El Ingiesito" (white) | 500 |
| Col. Edward Garcia (white) | 400 |
| Total | 8,800 |

*Habana Province.*

| | |
|---|---|
| Maj. Gen. José Maria Aguirre (white) | 2,000 |
| Gen. Rafael de Cardenas (white) | 2,500 |
| Col. Juan Masso Parra (white) | 1,500 |
| Colonel Castillo (white) | 1,200 |
| Colonel Aranguerena (white) | 300 |
| Major Villanueva (black) | 200 |
| Col. Diaz Hernandez (white) | 200 |
| Lieutenant-Colonel Corbo (white) | 60 |
| Lieutenant-Colonel Palacios (black) | 200 |
| Total | 8,160 |

*Pinar del Rio Province.*

| | |
|---|---|
| Maj. Gen. Dioniosio Gil (white) | 1,000 |
| Gen. Perico Diaz (black) | 800 |
| Col. Perico Delgado (white) | 600 |
| Col. Rafael Socorro (white) | 200 |
| Col. Frederico Alphonso (white) (recruits) | 62 |
| Colonel Olivia (white) | 300 |
| Col. Miguel Laeo (white) | 800 |
| Col. Estaban Varona (white) | 1,500 |
| Major Castillo (black) | 300 |
| Total | 5,562 |

ARMIES OF INVASION.

| | |
|---|---|
| General-in-chief, Maximo Gomez (white) | 5,000 |
| Lieut. Gen. Antonio Maceo (mulatto) | 5,000 |
| Brig. Gen. Quinton Bandera (black) | 2,500 |
| Brig. Gen. José Miro (Spaniard, white) | 1,000 |
| Brig. Gen. Bruno Zayas (white) | 1,000 |
| Gen. Estabo Tamayo (white) | 600 |
| Colonel Nunez (white) | 600 |
| Col. Cayito Alvarez (white) | 400 |
| Col. Roberto Bermudez (white) | 600 |
| Total army invasion | 16,700 |
| Total army occupation | 44,022 |
| Total of all forces in arms | 60,722 |

| Officers. | No. | Color. | | | |
|---|---|---|---|---|---|
| | | White. | Black. | Mulatto. | Indian. |
| Generals | 24 | 19 | 3 | 1 | 1 |
| Colonels | 34 | 27 | 5 | 2 | |
| Lieutenant-colonels | 4 | 3 | 1 | | |
| Majors | 2 | 1 | 1 | | |
| Total | 64 | 50 | 10 | 3 | 1 |

In ranks bearing arms, 40 per cent black and 60 per cent white.

This is a table of officers commanding operating columns. Each of their separate columns is regularly officered as in the United States Army, the tables showing color and strength of leader.

Mr. PATTERSON. Now, one further question. What number

of Cubans—I mean citizens of the island, not resident Spaniards—what number of Cubans have enlisted in the cause of Spain in an effort to put down the insurrection?

Mr. HITT. It is said there are many Cubans—it is even stated officially. But I understand from Cubans who are in earnest in behalf of their cause that those who are thus entitled Cubans and who are in the Spanish armed forces are the same class as those men called "volunteers." Perhaps the gentleman is aware of what is misnamed a "volunteer" in Cuba. The Cuban "volunteer" means a Spaniard in Cuba who is subject to military duty under the Spanish law in Spain; but by a provision of the law he is allowed the choice of performing service in Cuba, and that is called "volunteering" to do duty abroad instead of at home. These are the bitterest men, the most implacably hostile and cruel, that the Cubans have to meet. They are the men who form the cloud of vultures, of officeholders, speculators, privileged spoilers, who have made the island poor. It pays $26,000,000 a year in taxes, and besides that the exactions and peculations.

Mr. PATTERSON. From what source do you get that information?

Mr. TUCKER. The gentleman from Tennessee means the information about the number of troops.

Mr. HITT. That was handed me by a gentleman who returned from Cuba within a day or two—a very responsible gentleman, who was introduced to me by members of the House who knew and vouched for him as a man of intelligence, integrity, and high character. I have not permission to use his name, but it will be given me in a moment, if desired, by the gentleman who presented him.

Mr. PATTERSON. Then, if I understand it, substantially it is about this: The native population of Cuba have contributed about 60,000 men to resist the authority of Spain, that that army is maintained by the native population of Cuba, and that the natives of Cuba have directly contributed no soldiers to the Spanish cause.

Mr. HITT. Well, I would not answer that I know that fact one way or the other. That is a question in dispute. But we can infer some things which are so plain that by the laws of moral evidence and reason we can not be but convinced. I see the point of the gentleman's question. What is the tendency and wish of the people? There is every reason to believe, I think, that the people of Cuba are most earnestly devoted to the cause of independence and are determined to separate from Spain. The insurgent forces have worked in perfect harmony; the people recruit them spontaneously as fast as they fall away from exhaustion on the march or perish in battle. They have no uniforms, no rations. They have all the hardships of war and none of its splendors. Their arms were simply rough chopping knives of the plantations, called machetes, until they captured better arms from the Spaniards whom they overthrew and stripped of their Mauser rifles. If the Spanish Government believed what its officers constantly say and publish abroad in bulletins, that Cuban armies only represent brigands, incendiaries, and marauders, why do not they arm the good citizens and let them drive out the brigands? They would do it if these were brigands. Our people did it in the West; did it often in my youth. They organized to catch the brigands and executed them. But instead of that being the fact in Cuba, we have every evidence that the Cuban people regard the Spanish rule with the utmost detestation.

Mr. PATTERSON. If my friend will pardon me for a moment, I will tell him the thought I have in mind.

Mr. HITT. I will be glad to yield to the gentleman.

Mr. PATTERSON. And that is this: If the people of Cuba, the inhabitants of the island, are practically united, or substantially united, in an effort to secure their autonomy and their liberty, in my judgment they are entitled to it. And if this Government would interpose its authority to prevent Spain from acquiring by force of arms territory contiguous on the North American continent, I do not see why Spain should be permitted to retain territory by means of subjugation. [Loud applause.]

Mr. HITT. The gentleman speaks to a point which is not now proposed for action, and as I am simply explaining a conference report the gentleman will not expect me to respond to his remarks.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. HITT. With pleasure.

Mr. POWERS. I observe the gentleman from Illinois is thoroughly conversant with the fact touching this interesting matter; interesting not only to Cuba, but to this nation. I would like to request him to state to the House what the form of government is in Cuba that is directing the action of those insurgents. It has been stated, as the gentleman no doubt is well aware, that there is no such thing as any form of government there in an organized capacity, but that the army is made up of a band of marauders fighting for spoil. Now, if it be true that the army is made up of soldiers fighting for civil rights, is there a central power, is there a council with an administration that directs the movements of that army?

Mr. HITT. Mr. Speaker, the government of the insurgent movement, the revolution, in Cuba is a republican government, with a president; but in its beginning, like all revolutions, the very essence is the military power; that overshadows all other. They have an organization of civil officers. They have secured possession of province after province. In some cases they have almost the whole of the territory of a province in peaceful occupation administered by their officers. I have here an official copy of the constitution of the Cuban Republic. They have worked harmoniously from the beginning, each obeying his superior, showing the highest confidence—a real organization. Organization does not lie in words nor in printed papers. It is a fact. They obey their officers; their officers work in harmony. It is a consistent political and military movement, such a one that it can carry on war, and has carried it on vigorously, successfully, victoriously, from the very start.

The question as to the unity of the Cubans is a serious one. As to their sincerity in opposing Spanish domination, whether they are brigands or whether they are patriots, they have a great army against them, armed with all the appliances that the modern art of war can furnish. They are without pay. No Cuban soldier has ever received a day's pay in all this long year of battle and march and suffering. They have no uniforms. They can be described in the same language that Cornwallis applied to Washington's army when he followed its trail through New Jersey and described the soldiers of that army as "tatterdemalions." Barefooted, half-clad, armed only with the weapons they have torn from their conquered enemies, those Cuban soldiers have marched on from fight to retreat and from retreat to fight.

Their generals have not let the Spaniards set for them the places of battle. I do not know but that the Spanish generals have been able men. It is not my part to speak of them otherwise than with respect as to their abilities. But if they are able men, then the Cuban generals are men whose names should be placed beside that of Toussaint, who organized the black army in Haiti which defeated the French, or by that of Hannibal, who organized savage tribes into armies that defeated the finest infantry in the world. Their generals have created out of the humblest raw material soldiers who have borne what our troops could not bear—delay, defeat, retreat, return to action, reattack, and victory. That is the proof of ability in the generals and in every individual soldier.

They have shown all these high qualities and done all these great deeds without the sordid hope of reward, bearing themselves more patiently through this incessant struggle than our fathers did during the saddest period of our Revolutionary war, when they had to change their capital nine times in the course of the struggle, when the troops were without pay and clothing and were sometimes on the verge of disorder and mutiny. There has been no such complaint on the part of the Cuban soldier, who humbly took what he could get, ate what he could find, and went forward with unfaltering heart, with bare and bloody feet, to meet the enemy and fight again. [Applause.] Such a people deserve liberty. They earn it. General Campos complained, and General Weyler has repeated the complaint, that their want of success in many instances was owing to the fact that they operated in a country where they could get no trustworthy information and where they never could rely upon their guides. Mark that significant testimony.

Remember that the guide was in the clutch of those cruel hands that love to strangle, and yet, looking death in the face, those humble, lowly men and women in the cabins and by the wayside in Cuba who were taken as guides would rather face death than lead the Spanish troops to the slaughter of their brethren in arms. Could there be a more striking testimony than this from the mouth of the Spanish commanders themselves of the devotion of the Cuban people to their cause, like that of the early martyrs to the Christian faith?

Mr. Speaker, I have endeavored to explain the reasons which led your committee to accept these resolutions, and in doing so I have been drawn into talking longer than I had intended. The suggestion has been made more than once that our action, if it led to the recognition of the Cuban Republic and its independence, would be but an introduction to a period of revolutions and anarchy, as in the other South American colonies of Spanish origin. But bear in mind one fact, which is never mentioned by those who make this prediction. There are only two spots in America where the Spanish race in considerable numbers really colonized as did the Anglo-Saxons in our country. One is Chile; the other Cuba.

In all the other Spanish-American countries the population has been, and is to-day, almost wholly Indian, with a little per cent of Spanish blood ruling. But few Spanish women or families ever came. In Chile the Spaniards transplanted themselves actually. The European race went to live there, as it did in Cuba, and in Cuba to-day there are a million people of the European race and only 600,000 others. Forty years ago the securities of Chile were good in the markets of the world. It has a compara-

tively stable government. Let the people of Cuba, who are of a fiber and spirit that knows how to work, a people with heads that know how to think—let them once become free and they will soon know how to rule themselves and to organize a government which will be stable and prosperous and which will earn our heartiest good wishes for its permanent success.

It is our duty to pass these resolutions. These people are imitating us. All the traditions of Americans, all our past, everything in our own history, appeals to us to cheer and encourage rather than aid to trample upon these men in Cuba who are struggling to become what we are. Why, Mr. Speaker, the very men who are now blackening the characters of the "bandits" will be, or their grandchildren will be, among those who will show themselves most anxious to prove that they are descendants from some of Gomez's captains [laughter]; just as in the cities along the Atlantic coast one hundred and twenty years ago, at the time when the barefooted soldiers of Washington were marching over the Jersey hills and plains, there were persons not overcharged with devotion to the cause of freedom, but whose descendants are most active in their efforts to discover or to invent stories of pedigrees showing descent from those soldiers, organizing "Sons" and "Daughters" of the Revolution. [Laughter and applause.]

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from Illinois [Mr. HITT] had expired.

Mr. McCREARY of Kentucky. I ask that the gentleman's time be extended to allow him to conclude his remarks.

There was no objection.

Mr. HITT. I do not care to prolong these remarks much further. I will simply answer one suggestion which has been made. It has been frequently urged that we are under friendly obligations to Spain and that the action here proposed would be ungrateful on our part, as everybody knows that Spain is most intensely averse to our taking this step.

Sir, not long ago the Spanish Government had an opportunity to show its friendship for us when we were embarrassed by the war of the rebellion. The Spanish Government at that time organized a fleet, arranged a movement with two other Governments, made a naval demonstration in the West Indies, and seized upon the Island of Santo Domingo. They held that island for a considerable time while our country was engrossed in the war of the rebellion. Afterwards they were expelled by the people there. It was disclosed subsequently in a debate in the Spanish Cortes by the men who as ministers had conducted that business that they did it in order to "drive out the Yankees"; that that whole movement was organized to prevent our getting the naval station of Samana; that it was carried on in concert with Louis Napoleon, who was organizing a movement on Mexico to overthrow a republic there and set up an empire while we were engaged in a great duty that prevented our interfering with him.

Such is the friend that the Spaniard was to us. We are under no obligations to favor Spain and oppression as against Cuba and freedom. The truth is that in such matters as these there are no friendships. Friendship is no sentiment, any more than would be aversions and hates, on which to base a national policy or a national movement. The prime consideration in a question like this is justice—fairness to all. Enlightened self-interest as to our own people and all that concerns them should guide us in the discharge of our duty. It is our duty now to say we believe that these people, struggling as did our fathers, should be recognized as men carrying on war, as belligerents. When this utterance has gone from the representatives of the people to the White House I have faith to believe that the Executive will heed the voice of this nation, expressed by such vast majorities in House and Senate and by every sign that indicates the wish of the American people. [Applause.]

The cause of Spain is manifestly waning from week to week. The rainy season will soon come on, and then the stars in their courses will fight for Cuban freedom. An end will come to Weyler boasts and savageries. Our action here will speedily be followed by results great and practical, and the sufferings of those unfortunate people, their tortures in prison pens and lonely marshes and mountain retreats, will come to an end. They will see the sunrise—the morning of a new and brighter day—and we shall all be glad to say that we hailed the coming of free Cuba. [Applause.]

Mr. HULICK. Before the gentleman takes his seat, I should like to suggest a question to him relative to the terms of the first and third resolutions.

Mr. HITT. The resolutions to which the gentleman refers are not those now before us. The resolutions before us are the Senate resolutions, which in the print of the document the gentleman has in his hand appears as struck out.

Mr. HULICK. Then I have no question to ask. The question I had intended to ask had relation to the subject of strict neutrality and of intervention.

Mr. HYDE. Allow me a single question. Are we to understand that if the President should fail to take any action upon these concurrent resolutions they would then be entirely nugatory except as an expression of opinion and of our friendly feeling toward Cuba?

Mr. HITT. I will not assume that such a thing is possible; therefore I decline to answer the gentleman's question. [Applause.]

Mr. Speaker, the gentleman from Virginia [Mr. TUCKER] took the opposite side in the recent discussion on this subject, and I trust the Chair will recognize him, if debate is desired, to control the time on that side.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Virginia.

Mr. TUCKER. I yield thirty minutes to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I desire to take the floor in my own right on this conference report.

The SPEAKER pro tempore. The Chair, then, will recognize the gentleman from Maine after the gentleman from Virginia or some other member of the committee has spoken.

Mr. BOUTELLE. If any member of the committee desires to speak, I will postpone my remarks; but I wish to speak in my own right on this conference report, under the rule.

Mr. McCREARY of Kentucky. I suggest that as the gentleman from Illinois, the chairman of the committee [Mr. HITT], has made a speech in favor of adopting the conference report, it would be proper and right now to recognize some gentleman who is opposed to the report. I would not like to waive my right as a member of the committee to speak later, if I should choose to do so, but I do not think it would be well to have now another speech on the same side, after the exhaustive argument of the gentleman from Illinois in favor of the conference report. I suggest, therefore, that the debate go on and that some gentleman opposed to the report be now recognized.

Mr. BOUTELLE. If no member of the committee desires to be recognized now to oppose these resolutions, I will take the floor in my own right.

The SPEAKER pro tempore. The Chair feels disposed to recognize first gentlemen on the committee if they desire to take the floor; otherwise he will recognize the gentleman from Maine.

Mr. BOUTELLE. I understand, Mr. Speaker, that no gentleman on the committee desires to take the floor now in opposition.

Mr. TUCKER. I do not know that any member of the committee desires to take the floor at this time.

The SPEAKER pro tempore. Then the Chair will recognize the gentleman from Maine in his own right.

Mr. BOUTELLE. Mr. Speaker, the resolution for which the pending one has been substituted in conference committee was first brought into this House on the 27th day of February; and at 5 o'clock in the afternoon the House was requested to take up and dispose of that most important resolution from the Committee on Foreign Affairs, which was presented to this body without any explanatory report, without any statement of facts upon which the resolution was based, and without any information on which the members of the House could base their conclusion as to how their votes should be recorded on that matter.

In the exercise of my right as a member of this body, and as I believed in the exercise of my duty to my constituents and to the country, I objected to that summary method of dealing with a matter of such grave importance as the resolution involved. I had no idea in so doing that I was the only member of the House who objected to acting on a subject of that character in such a manner, without proper thought and proper care. The press of the country, however, have seen fit to give me a very wide distinction as being responsible for resisting that summary procedure. I have never complained of that distinction. I have no reason to complain of it to-day. I have seen no reason to regret the action that I then took; and if I needed any vindication of my action on that occasion I certainly ought to be fully satisfied with that which appears of record here to-day, when more than a month afterwards this measure again comes up for discussion and consideration in this body.

It is very obvious, Mr. Speaker, that some one somewhere in the United States besides myself has deemed this to be a matter of moment, and believed that a subject of so grave a character should receive more deliberation than would consist in rushing it through the House while the members were putting on their overcoats to hurry off to their belated dinners. There is no need for us to try to deceive ourselves when we are here together. There is not a man within the sound of my voice who does not understand how this resolution comes here and why it is here. We have had in connection with this question one of the most remarkable illustrations that has ever come within my observation of an attempt to put into practical operation the theory of how not to do it. We have passed a resolution in this House that could accomplish nothing if adopted. That has been proclaimed in the other end of the Capitol, and has been practically acknowledged by the representatives of this body to be the fact since the resolution which was passed by the House of Representatives was abandoned by the conference and surrendered by its friends

because it was conceded not to be so desirable a resolution as the one that had been prepared by the Senate.

Mr. HITT. Not at all, if the gentleman will permit me. I said just the reverse of that. If the gentleman will allow me, I will state again the fact, because I am sure the gentleman is incapable of stating anything that he knows to be incorrect.

Mr. BOUTELLE. I certainly do not desire to do so.

Mr. HITT. Both the Senate and the House agreed at the first conference that the House resolution was preferable as to form, and there was one resolution additional——

Mr. BOUTELLE (interrupting). If the gentleman will permit me, I think I have reversed the order of proceedings with reference to the resolutions.

Mr. HITT. I knew the gentleman from Maine would not misstate the facts if he knew it.

Mr. BOUTELLE. The condition of affairs to which I have just referred was brought about, I will say, after mature deliberation in the committee. In the first conference the Senate conferees seemed to concede, or did concede, that the House resolution was preferable to that of the Senate.

Mr. HITT. That is correct.

Mr. BOUTELLE (continuing). And the House resolution was reported from the Senate and brought before that body. It was debated in the Senate, and every man, woman, and child in the United States who followed public proceedings had become thoroughly satisfied that it was as dead as Julius Cæsar and never could pass that body. It was sent back to the conference, and when that conference met the House conferees conceded—parliamentarily, of course—that the Senate resolution, which was first declared to be inferior to that of the House, was more desirable, and in that way this resolution has escaped the final entombment in the Senate, where it never could have been passed, by a reversal of the action of the representatives of this body, who now come here and reverse, in fact—for it makes no difference what explanation is made of the matter, that is the parliamentary effect of it—reverse the views entertained by the Committee on Foreign Affairs and the House, and recommend the adoption of the Senate resolution as better than the House resolution.

Mr. HITT. Will the gentleman permit me?

Mr. BOUTELLE. Certainly.

Mr. HITT. I stated that the conferees of the Senate and the House were of the same opinion at the last conference that they were in the first instance, but that the Senate conferees told us that although there were not more than ten or a dozen men, at the outside, who were opposed to the Senate resolution, yet owing to the antiquated rules of the Senate (and there were only 6 votes against the resolution) that a half dozen men could delay action until the final adjournment of Congress, and therefore owing to these rules of the Senate, in the face of the statement of the chairman of the Committee on Foreign Relations that there was an overwhelming majority in the Senate for the resolutions, for all of them, still that this course was necessary under the circumstances to secure any action. [Applause.]

Mr. BOUTELLE. Now, Mr. Speaker, after this first report and explanation of the Committee on Foreign Affairs, I desire to say that I do not find myself at liberty to account for any action or proposed action of this House by referring to the "antiquated rules" or methods of procedure in the Senate of the United States; and I will only say, in reply to what has been stated by my friend from Illinois [Mr. HITT], that my information as to the complexion of the Senate on that matter is very different. I am informed that a large number of Senators would have voted against that resolution; and the best proof of that is in the fact that the chairman of the Committee on Foreign Relations in that body—or perhaps I ought not to go so much into detail as to say that—that the Senate of the United States abandoned the effort to pass that resolution of the House, went back into conference, and now we are here with the Senate resolution before us. We have had thirty days in which to consider it, and every day of consideration has weakened the feeling in behalf of intermeddling with the foreign affairs of other nations. No man who watches the pulsation of what is called public sentiment can for a moment believe that there is anything like the heat and impetuosity in the public mind to-day on this subject that there was thirty days ago. But whether there be or not, my contention remains, that on a question of this kind it is the duty of the Congress of the United States to obtain requisite information, and to act deliberately and carefully upon absolute facts developed. I say that up to this time I have been unable to find, in any of the discussions, in any of the statements, in any of the information that has been brought to the public, any such demonstration of the actual existence of the fact of belligerency as is required by the rules laid down and that have been recognized from the days of George Washington to the present hour.

Now, gentlemen may say that this is a light thing, because it is not binding upon our Government. We ought not to trifle with a question of that kind. If we propose to interfere, as a Government, in the establishment of the independence of a Spanish colony lying along our shore, we ought to do it manfully, boldly, and specifically, and when my friend from Illinois [Mr. HITT] says that this resolution will be effective; that he assumes that it must be effective because the President of the United States will not disregard the expression of the Congress of the United States, I want to remind him that the Congress of the United States had the power, had the opportunity, to have put these resolutions into such form as would have compelled the action of the President of the United States, and that up to the present hour the record shows that Congress carefully avoided taking such action as would require the President to disapprove or put into force its recommendations. Nothing has been more fully discussed than the different constructions and operations of a concurrent and a joint resolution. There is no joint resolution before this body. The concurrent resolution is one that does not affect the action of the President except by its moral force. And we have abundant information—it comes to us in every way that it could come except by a special message from the Executive—that the executive department of this Government does not believe that a state of belligerency such as will warrant our interference at this time has been demonstrated to exist.

Now, Mr. Speaker, a great deal has been said here about the sentiment of the country, about what the people demand. Why, everyone who advocates a public measure always says that he is the retained counsel or attorney for the people at large. I undertake to say that the public sentiment of this country has not been proclaimed by authority upon this floor by any gentleman who has spoken. I do not pretend to say that I can voice the entire public sentiment of this country, but I do say that I voice what I regard to be a most respectable portion of the public sentiment of the United States. I voice sentiments that I know are entertained by thoughtful, patriotic men of all parties, of all conditions, of all relations in life, who deprecate this disposition which they apprehend, on the part of Congress, to be rushing off hither and yon to embroil ourselves in all sorts of foreign complications, or even to threaten embroilment in foreign wars. I need not cite the expressions that have come to me. They have been numerous, they have been entitled to consideration, and I say as my experience that up to this hour I have not received one communication from a person whom I know to be a thoughtful or considerate person of reliable judgment, in favor of embroiling ourselves in this contention on the Island of Cuba.

Gentlemen need not undertake to apply this opposition to what they call the moneyed classes of the United States, as I have heard upon this floor so often. The sentiment that I refer to comes from the quiet, sober, thinking people of the United States, and there is nothing novel about it.

It has been customary for the sober second thought of our people to be conservative and wise and pacific. The methods that have been employed to stir up this so-called public sentiment are perfectly familiar. Everybody understands how much a certain portion of the press of the United States depends upon sensationalism, and how it is catered to to-day. I have it in illustrated form. I will not take up the time of the House to show the portraiture, but will state the facts. A few days ago a gentleman came to me and unfolded a sheet of paper about the size of a newspaper, upon which was depicted a most revolting scene of the execution of a criminal by the use of the garrote. Every detail of the portraiture was calculated to harrow up the soul of the observer. The taking of human life in any form is revolting to humanity. This gentleman wanted to know from me——

Mr. SMITH of Michigan. Mr. Speaker——

Mr. BOUTELLE. I hope the gentleman will not interrupt me right at this point.

Mr. SMITH of Michigan. If you will permit me later, I will not.

Mr. BOUTELLE. Certainly. I think perhaps my story would be more complete if I should tell it all at once than it would be if I projected it in sections. He said a certain prominent newspaper of this country wanted my opinion as to whether that sort of transaction should be permitted in a civilized age. It represented an execution inside of the walls of Morro Castle. Well, I told him if he wanted my opinion on the general subject I would give it to him. I told him that that question brought up the whole controversy as to the death penalty, and that my friend from New York, General CURTIS, could give him a whole volume on the subject of the barbarity of the execution of men at all. I told him that I had never heard from any man who had been executed that he was particularly in love with the form of taking his life.

So far as the relative barbarity was concerned I could not give testimony as an expert. I had read, I remembered, years ago, when the garrote was invented, that its inventor claimed that it was the most humane method of execution that ever had been devised; that its special recommendation was in some sort of back-action appliance based on the experience of matadors in the bull-fighting arenas of Spain, that to sever the spinal column near the

base of the brain was supposed to be the most painless method of producing death, and that the garrote was constructed on that theory. I did not know whether it was or not. I never had any testimony that I could rely on, but I told him that when it came to determining whether we should recognize the belligerency of the Cuban insurrection by considering whether that was the most painless execution that might have taken place, I thought it a very fallacious argument, because I remembered well that when in the great State of New York, where this paper was printed, the last and highest reach of scientific ingenuity had devised what was claimed to be an absolutely painless method of execution by electricity, the reports through the papers of the first experiments made under that law were more harrowing than anything I had ever read; and, so far as I could judge, it was regarded as a barbarous punishment, although intended to be humane.

At this point I was interrupted by the statement that he did not want that for the paper. "Well," I said, "what do you want?" He answered that they wanted my opinion about the barbarity of the Spaniards in Cuba. They did not want it respecting the methods of execution in New York or in this country. I replied, "Very good; then do not print anything I have said." He finally concluded that perhaps that position was untenable, and said he would print what I had to say. I then said to him that the old method that had been in vogue for generations, of putting men to death by a rope halter, had produced scenes of barbarity in this country that made humanity shudder, such as could not be exceeded, that could not be described; therefore I did not see that the depicting of an execution was a legitimate method of convicting a cause. Still, when the time came around, the picture of Spanish barbarity appeared in all its horrors. I presume gentlemen here have all seen it. With it were several gentlemen's opinions of the horrible character of this scene. These interviews accompanied it; but none of my remarks appeared. It was not in the line of "firing up" sentiment on the Cuban question to print anything but an expression of horror at something the Spaniards had done somewhere.

Now, Mr. Speaker, that only illustrates the method that is employed to stir up sensational feeling in this country on one side of a controversy about a contest that has been carried on in a foreign country.

Mr. STEWART of New Jersey. Does the gentleman from Maine mean to say to this House that the feeling of the sober and intelligent people of this country is not in sympathy with the Cubans?

Mr. BOUTELLE. I mean to say that I will not admit that it is the judgment of the sober and intelligent American people until I get through trying to state my position to this House. [Laughter.]

Mr. STEWART of New Jersey endeavored to address another question to Mr. BOUTELLE.

Mr. BOUTELLE. I can not yield to the gentleman.

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Will the gentleman from Maine yield to me while I submit a privileged report?

Mr. BOUTELLE. Yes, sir.

Mr. HOOKER. I am directed by the Committee on Rivers and Harbors to report the bill (H. R. 7940) making appropriations for construction, repair, and preservation of certain public works and rivers and harbors, and ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Mr. Speaker, I desire to reserve all points of order against this bill.

The SPEAKER pro tempore (Mr. DALZELL). All points of order will be reserved.

Mr. HOOKER. I ask that the report may be submitted for printing to-morrow.

The SPEAKER pro tempore. Without objection, that leave will be granted.

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I desire to reserve the point of order on the first paragraph of the fourth page. I desire to have it decided in the House, and I make the point now, so that I can have it here when the bill comes up in the House.

The SPEAKER pro tempore. The point of order will be reserved.

### CUBA.

The SPEAKER pro tempore. The gentleman from Maine.

Mr. SMITH of Michigan. Will the gentleman yield to a question now?

Mr. BOUTELLE. What is it?

Mr. SMITH of Michigan. Mr. Speaker, I want to ask a question of the gentleman from Maine. It is very brief. He said a moment ago that he had not heard a single expression in favor of recognition——

Mr. BOUTELLE. Well, now, Mr. Speaker, from the way the gentleman is proceeding he is going to predicate a question on something I did not say, and by that means he will waste my time and his.

Mr. SMITH of Michigan. What did you say?

Mr. BOUTELLE. I said I had received no communication of the kind.

Mr. SMITH of Michigan. I will ask the gentleman if he has seen the resolution adopted by the Republican convention of Massachusetts, which declares for the recognition of the belligerency in Cuba. [Loud applause.]

Mr. BOUTELLE. I will say to the gentleman that I have received no communication from that source.

Mr. HENDERSON. Read the hearts of the American people and you will find that expression. [Great applause.]

Mr. BOUTELLE. Very good. Here is one more gentleman who represents the American people.

A MEMBER. And he is right.

Mr. HENDERSON. I am with them; I can tell you that. [Loud applause.]

Mr. GILLETT of Massachusetts. Will the gentleman permit me a moment?

Mr. BOUTELLE. I yield to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. I wish to correct the statement just made by the gentleman from Michigan, in saying that the platform adopted by the Republican convention in Massachusetts demanded the recognition of Cuba. No doubt he did that unintentionally; but it made no such statement.

Mr. SMITH of Michigan. Will the gentleman quote from the language?

Mr. GILLETT of Massachusetts. I do not carry it in mind. I only know that they did not recommend the recognition of belligerency in Cuba.

Mr. TAWNEY. The gentleman doubtless referred to the platform of the Republicans of Minnesota. [Applause.]

Mr. BOUTELLE. Well, Mr. Speaker, if I can keep Presidential politics out of this debate until I can get through with my speech, I should be very much pleased.

Mr. HENDERSON. Who has injected them, Mr. BOUTELLE?

Mr. BOUTELLE. I have not.

Mr. HENDERSON. I have not.

Mr. SMITH of Michigan. And I have not.

Mr. HENDERSON. The man who makes that insinuation is saying something very far from the truth.

Mr. BOUTELLE. I did not get up in favor of a Presidential candidate. It has got to be very nearly a political debate.

Mr. SMITH of Michigan. They come very near being the expression of public opinion, too. [Laughter.]

Mr. BOUTELLE. Very good; I will take care of that.

Mr. SMITH of Michigan. You will in Massachusetts, but we will in Michigan.

Mr. BOUTELLE. No; I will not in Massachusetts. Massachusetts will take care of herself, and she will be taken care of on this floor by the men who have been elected to represent her here.

Mr. SMITH of Michigan. Not by the gentleman from Maine.

Mr. BOUTELLE. No, sir; the gentleman from Maine has no desire to represent Massachusetts; nor to represent Michigan, either. [Laughter.]

Mr. SMITH of Michigan. And Michigan has no desire to be represented by the gentleman from Maine. [Laughter.]

Mr. BOUTELLE. Very well; if the gentleman will remove Michigan from this arena until I get through with my speech, I shall feel obliged to him.

Mr. SMITH of Michigan. That is something that you can not do.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. BOUTELLE. No, sir; and when I say that, I intend, as my friend very well understands, no discourtesy to him.

Mr. ADAMS. I understand that; but I was just going to ask who is to be the next President of Cuba? [Laughter.]

Mr. BOUTELLE. It does seem to me, Mr. Speaker, that if a man stands here alone, as so many gentlemen are very anxious to have it appear that I do, he ought at least to have an opportunity to express his views, and I want to say to you gentlemen that I propose to exercise the right to make my own speech.

Mr. SULZER. We are glad you stand alone.

Mr. BOUTELLE. The gentleman from New York [Mr. SULZER] would evidently have been glad to have stood somewhere else a few days ago, when he stirred up the wrong man here.

Mr. SULZER. In this case you are the "solitary horseman" that G. P. R. James used to tell about. [Laughter.]

Mr. BOUTELLE. Now, Mr. Speaker, I desire to resume my discussion of these resolutions, which are intended to express a quasi recognition of a state of war in the Island of Cuba, and I repeat with emphasis that if gentlemen in discussing this question, which is one of international and not of Presidential politics, will be kind enough to keep the Presidential question out of this debate, I shall not bring it in. I called attention a few moments ago to some of the methods of inflaming public sentiment that have been resorted to in this Cuban matter, and I denounced those methods.

I do not believe that the opinion of any citizen of the United States, or of any Representative of the American people, or of any Senator of the United States, ought to be influenced by the depicting of scenes of alleged horror, about which we have no evidence, concerning which we do not know the facts. You can not indict Spain, you can not indict the Cubans, upon a lithographic representation of the taking of human life under circumstances that are unknown to you.

If you could, the people of this country might stand indicted to-day for scenes of horror in the taking of human life which, so far as my observation has gone, are unparalleled either in Spain or in the history of the civilized world. It ill becomes us to stand here and denounce a people as barbarians because life is taken among them by means recognized as lawful in that country, when only a few months ago the press of our own country was teeming with descriptions of the most horrible orgy in the sacrifice of human life ever reported in print. While the memory still exists among us of a human being bound to a gridiron of railroad bars, burning and writhing in a public square, amid the applauding shouts of a portion of the populace, when the very paper which has given us this representation of barbarity in Cuba itself recorded the fact that water was put on the despairing victim from time to time to alleviate his sufferings for the moment only in order that they might become more agonizing by the relighting of the flames—while the memory of that transaction is still fresh in our minds it ill becomes us to go into paroxysms of horror over an instance of the execution of some man, I know not whether justly or otherwise, and to point to that execution as showing such a barbarous condition of things that the United States must rise in its wrath and cross the Gulf and take possession of the island where the transaction occurred.

Mr. GROSVENOR. Will the gentleman permit me to ask him a question?

Mr. BOUTELLE. I will, if the gentleman feels that he must do it. [Laughter.]

Mr. GROSVENOR. Is there not a wide difference between barbarity perpetrated by national authority, under the law, and barbarity perpetrated by an incensed mob?

Mr. BOUTELLE. I will answer the gentleman from Ohio by saying that if human life is to be taken, I am always in favor of its being taken by legal process rather than by a mob. [Applause.] I will say to the gentleman further—and I know he does not misunderstand my position on this question, for he knows perfectly well what I am endeavoring to demonstrate, and in his heart he believes in it—that it will not do to indict a people or a government merely because somebody has been hanged by it under certain circumstances, or because some one has been garroted under the forms of law, and I want to say further that my sympathy is always with the people who, if they have to take human life, take it under the forms of law and by legal methods, rather than with those who do it by violence and outrage, or who permit or condone such things.

I am not in favor of either. I do not want to see human life taken anywhere. Nobody in this House mistakes my attitude in using this illustration. I protest against that method of inflaming public sentiment. It is no more just to Spain (whatever may be the merits of this controversy) to parade an execution inside Morro Castle by presenting nothing but the bare, naked horror of the infliction of death than it would be to indict the United States or the great State of New York upon an engraving or a lithograph showing the miserable victim writhing in the "electrocuting" chair, with the smoke of his death fire assailing and offending the nostrils of humanity. That is what I am trying to enforce; and I undertake to say that two-thirds at least of what has been brought to bear upon public sentiment in this country in regard to this Cuban question has been through methods like that.

Now, Mr. Speaker, suppose all this horror is true; suppose that barbarities are being carried on in Cuba. Without the interposition of a link of logic gentlemen jump instantly from the assertion or declaration that wrong exists somewhere to the conclusion that it is the duty of the United States of America to rise up in arms and right the wrong. I deny it. I deny it on the authority of the fathers of the Republic. I deny it in the name of the public policy of the United States that has been indorsed by every great statesman whose name is embalmed in our history. We can not right all the wrongs in the world if we try; and if we make the attempt we abandon the mission which is given to us of working out the destinies of a free people whose example of self-government, of self-control, of the creation of liberty and prosperity within their own domain, will do more for liberty in every land than all the foreign embroilments we could enter upon in generation after generation. [Applause.]

It is not our duty to be the Don Quixote of the earth; and if it were, we are not capable of performing the function. Why, sir, there are people in this country to-day—not my enthusiastic friends around me here, but there are old-fashioned people in the country to-day—who really entertain serious doubts as to the ability of what we call the Government of the United States—the House, the Senate, and the Executive—to successfully run this Government of ours. There is quite a respectable number of people entertaining that opinion. Yet here we are, every man looking into every other man's face and acknowledging—no man denies it to-day—that as we are now situated, with our three coordinate branches, we can not enact legislation to give this country money enough to pay for its daily bread. That is true, is it not? If it is not true, let us have some enactment to fusnish revenue for the Government of the United States. [Applause.] We are here to-day acknowledging in private and in public that this great Government about which we swell and strut and orate so magniloquently is not able to enact a law that will enable this country to obtain revenue or to borrow money with which to pay its debts. Yet we are absolutely aching to waltz out into the international arena and "lick" all the other nations of the world. [Laughter and applause.] I am glad to be complimented by being designated, however conspicuously, as one man who does not believe in that sort of nonsense.

Mr. MAHON. Will the gentleman allow me to sak him a question?

Mr. BOUTELLE. I wish you would not.

Mr. MAHON. It is a short one.

Mr. BOUTELLE. I am just getting under way——

Mr. MAHON. If Spain should declare war against this Government the gentleman will find that we shall have men and money and power to take care of her.

Mr. BOUTELLE. That is the gentleman's argument, and I will let it stand right in the midst of mine. So much weight as it carries in answering my statement I hope it will have.

Mr. Speaker, a few weeks ago the country was startled by an experiment of our executive department in this line. You remember, I remember—I was here; I was lonely here then; I am not so lonely now—the President of the United States, returning from a sojourn in the swamps of North Carolina, where his prowess in the demolition of waterfowl had been so great as to cause him a sudden fit of belligerency [laughter], rose up in his wrath and sent out a message that rang with all the emphasis of a slogan of war to Great Britain. Oh, it was a ringer! [Laughter.] Inside of twenty minutes after that message came here I was "held up" by more than forty newspaper men, who wanted me to give my judgment upon this "magnificent manifestation of Americanism by our great President." "Why," they said, "he has called Great Britain down; he has told John Bull that he can go no farther; he has given the British lion's tail the most terrific twist in the history of diplomacy."

Mr. MAHON. And England has not gone any farther, either.

Mr. BOUTELLE. Now, if the gentleman wants to make my speech, I will give him the floor. But I am just at this moment getting warmed up, and I am inclined to the opinion that I can make a better speech from my point of view than he can. If he will let me do it I shall be glad.

That magnificent declaration represented the Chief Magistrate with the full epaulets of Commander-in-Chief, with a plume taller than the one worn by the bandmaster at West Point, with a sword 10 feet long and spurs 4 feet broad, standing on the shore of the Atlantic and shouting across the water, "Fee! fi! fo! fum! I smell the blood of an Englishman." [Laughter and applause.]

Mr. Speaker, that was on Tuesday afternoon. It was just before the Christmas holidays; and just four days after that (in the interval of which time John Bull, I am bound to say, had exhibited a degree of candor, coolness, and civility that we might well have imitated, during which time the only effect on international affairs the world over was the tumbling home of American securities at a rate that created a panic in Wall street and came near submerging the country), four days after that, as Congress was packing its grip, with a keen appetite for the Christmas turkey, and when about wending its way to the delights and recreations of home, our great American champion, with his plume broken in the middle, his sword dangling between his legs, one epaulet lost, and his spurs tangled in his pantaloons, came hurriedly rushing to the Capitol with the plaintive appeal: "For God's sake don't go home; we haven't money enough to run the Government until after Christmas!" [Applause and laughter.]

There are men in this House who thought that a marked demonstration of a "strong and vigorous" foreign policy. [Applause and laughter.] There are men here now who think to-day that it was a creditable episode in the career of the United States, and how do they seek to prove it? Why, I heard a man within a few hours past claiming to me that that was "splendidly successful." Why? Because Great Britain, showing more sense than we did, had declined to be driven by that course, by that undignified and unprecedented message, into precipitating a war with us, for they had sense enough to know that if we did succeed in getting into a war it would have the effect of arresting the march of progress by a hundred years, and would inflict untold misery and misfortune on the two great English-speaking people of the world, who

ought to stand side by side in the onward march of Christianity and civilization. [Prolonged applause.]

Mr. Speaker, I do not want to repeat that experience. I say to my fellow-Representatives here, when they talk of what "public sentiment" is, and what the clamor out of doors is, I want to ask, what is their duty here? Why do you not try to elevate public sentiment? Why do you not perform your duty, and endeavor to lead public sentiment in this country? Why should the representatives of the people on the floor of the House of Representatives be blown hither and yon like waste paper in the street corners on a windy day? The people, my associates, are looking to us. They think we ought to know more about these things than they. I think we ought to know more about them; and I think we ought to know a great deal more of the Spanish-Cuban controversy than we do now before taking the action that is suggested here and which might plunge us into the complications of a foreign war.

Somebody says, "Oh, Spain don't amount to very much anyhow. We can lick her easy." How many lives do you want to sacrifice to do it? Somebody said that the adoption of this resolution will not bring on a war. But why run the risk? It has been suggested, doubtless because of my opposition to this resolution and the policy it inaugurates, that the opposition was not that of a very brave man. I make no boast of bravery, and I did not hesitate to say that war is horrible. William Tecumseh Sherman said, "War is hell," and he knew a great deal more about war than I do. We should not permit ourselves—we can not afford to be rushed by popular clamor into what is unjustifiable and what is against the best interests of our country. Stop and reflect what it is that you propose to do.

Mr. Speaker, I think I have just as much sympathy, so far as my capability goes—for we are all different in our make-up—I think I have as much sympathy for people striving for freedom as as any other living man. I think I love liberty just as well, and think I sympathize as much with the necessities of other people and their misfortunes, as well as their efforts to gain freedom. But, Mr. Speaker, at the same time, we present a most remarkable spectacle here, when in our own country, even in the Republican party, there has come to be apparently either a tacit consent or an admission that we, with our Constitution, with our laws, and with our forms of government, are unable to maintain the independence and the liberty of our own citizens.

It is declared on this floor in every election case. We have that great race of people—I do not know of how many souls it consists, eight or ten millions of colored people, I believe—concerning whom it was said on yesterday by my distinguished friend from Iowa [Mr. HEPBURN] and by other gentlemen in the course of the discussion that over a vast expanse of our own country there are these millions of people who are still denied some of the most sacred rights guaranteed to the people of this country in the Declaration of Independence. With this condition confronting us, it is strange, indeed, for us to insist that the first duty resting on us is to dash across the Gulf of Mexico and establish and maintain the independence and freedom of the insurgents in the Island of Cuba. I can not so understand it. I do not believe it to be our duty.

Now, Mr. Speaker, how do we get the information that we have upon the subject? I desire to be clearly understood. I desire in every possible way to avoid anything that might be construed into a criticism of either the action or the great ability of the distinguished chairman of the Committee on Foreign Affairs. But I recognize that the pressure or the clamor, the persistence of what is called "public sentiment," sometimes sweeps a committee off its feet, and even Congress itself is at times swept from its moorings. But permit me to call your attention to the fact that in this great matter we have had no facts officially stated to us that would warrant the action proposed in running counter to the best judgment of our conservative people, while I am at liberty to say, from what already appears as exhibited in the action or the nonaction of the Administration, that the President and his advisers have not received information, officially, that they deem such would justify them in granting belligerent rights.

I am bound to believe that the Chief Magistrate of this country, with such information in his possession officially, would not delay an hour, and the fact that recognition has not been extended is evidence that there is no such information, and none such has been sent to Congress. We have statements, we have eloquent appeals, some of them from questionable sources. My attention was called the other day to an article in a New York paper in behalf of Cuba. Some gentleman has kindly disturbed my papers to which I wished to refer. I am under great obligations to him. You see this determination to interfere with other people's business is individual as well as collective. [Laughter.] It has taken possession of this body not only collectively but individually.

Well, my memory is pretty good, although it is a little more forceful to read the exact language. As I say, there was an article in a New York paper the other day, a very eloquent article, in behalf of the Cuban cause and denouncing Spanish outrages. It was signed by a man named Pierras. He spoke of the horror of the outrages upon Cubans, presenting them in the most lurid light. It turns out that this same man was once connected with the Pan-American Congress here, from some other portion of the civilized globe; that he made himself very obnoxious; that he was finally sent away by Mr. Secretary Blaine or discontinued in his position, and that he then attacked the American people in a most scurrilous article. The RECORD which I had here, which some friend of the insurgents has undoubtedly abstracted [laughter], and very wisely, too, contained a debate in the Senate to a portion of which I desired to refer. When that man was spoken of as sponsor for certain statements derogatory to the American people, just after the adjournment of the Pan-American Conference, Senator HAWLEY arose and denounced him as a liar and a blackguard. General HAWLEY is not a man who often resorts to that sort of explosive remark. He repeated it two or three times. Ah, my good friend from New York [Mr. RAY] has rescued the volume to which I desire to refer. This article was read, when Mr. HAWLEY arose and said:

I wish to inquire, in the first place, whether the Senator knows who wrote that; and, in the next place, whether it is quite fair and decorous and civil to foreigners and to respectable gentlemen in America to read us that mass of irresponsible blackguardism.

Then Mr. VEST said:

Whoever he is, he is the secretary of a society in the city of Buenos Ayres, and accompanied the delegation from the Argentine Republic to the Pan-American Conference.

Mr. HAWLEY. I regret, Mr. President, that I must leave town, but I wish to leave my parting remark that he is a liar and a blackguard.

A few days later Senator FRYE, of Maine, referred to the very same person in the following remarks:

Mr. FRYE. The Senator from Missouri [Mr. VEST], in a speech made in the Senate a few days ago, I am very sorry to say, caused to be read a letter, in my judgment a very infamous letter, in which the writer attacked grossly the character and qualifications of the American delegates to this Pan-American Congress, and in the course of his speech the Senator said that this person was connected with the Argentine Republic delegation, and, as I understood him, was a resident of that country.

Now, as a matter of fact, Mr. President, this man was a Cuban, never had been in the Argentine Republic in his life, had been a resident of New York City for fifteen years, engaged in merchandising. He could talk the Spanish and English languages equally well, and either by his own exertion, or in some other way, he became an invited guest with the members of this congress in their tour of the United States. He made himself of some use on account of his knowledge of the two languages. He made the members and delegates acquainted with each other, and when he came back to Washington he was elected as one of the secretaries of this conference. The American delegates voted for him for that position.

These very gentlemen whom he abuses so outrageously in that letter undoubtedly gave him this position of secretary. He had not been secretary a week before he began to make trouble. He assumed that he was bearing the full responsibility and the entire dignity of the international conference. He insisted upon constant personal interviews with the Secretary of State. He carried that to such an extent that the Secretary was compelled, in defense of himself and his office and his business and his duties, to refuse personal interviews to this man. Thereupon there was a revolt and trouble, and he tendered his resignation.

He next insisted that his pay was too small. His pay was $300 a month; as much, I think, as the pay of any head of a bureau in the city of Washington, is it not? I ask the Senator from Missouri [Mr. COCKRELL]. It is larger, at any rate, than that of any clerk in the city of Washington and a very liberal salary for the duties he performed. They refused to increase his pay, and thereupon he tendered his resignation, and, I think, five times the resignation of this man was tendered to that conference, and at least four weeks were wasted over the quarrels and controversies and perplexities induced by this man.

Finally he offered his resignation once too often, and it was promptly accepted, and immediately he was in arms against the delegates representing the United States, and wrote this letter as a kind of circular to be distributed all over the Latin-American countries, abusing and traducing the American delegates in order to send broadcast over those countries the idea that the United States had selected fourth-rate men to meet the gentlemen from those Republics, and that that indicated the estimate which the United States was placing upon the gentlemen who had been sent here as delegates from those Republics.

I simply desired to make this statement so that it might be understood why this attack was made upon the United States and upon its delegates.

Now, I will not emulate the example of some people in this debate by saying that that discredits the Cuban cause, that every Cuban revolutionist is a "liar and a blackguard." I have no such idea; but I say that is one man whose testimony is being adduced to govern the opinions of American citizens and Representatives in regard to that matter.

Now, in regard to the actual status of the conflict, I make no confession when I say I do not know what the facts are; and I am as much in that position to-day as I was when this matter was first brought up. I read articles in the newspapers. They are colored on the one side and on the other. I understood my distinguished friend, the chairman of the Committee on Foreign Affairs [Mr. HITT], to say that he has no knowledge of any Cubans being engaged in fighting against the rebellion.

Mr. HITT. I said I had no personal knowledge on the subject.

Mr. BOUTELLE. The gentleman said he had no personal knowledge. Mr. Speaker, neither have I; but I have the distinct averment, that comes from different sources, one of them the paper to which the gentleman referred, and which has been sent, I presume, to other members, a respectful document, purporting to be signed by gentlemen of Spanish blood in New York. I do not know who

they are. I do not know how truthful their statements may be, but I insert the letter in the RECORD. It is as follows:

NEW YORK, *March 23, 1896.*

*To the Congress of the United States:*

At a meeting of native Spaniards residing and doing business in New York, friendly to the Government and people of the United States, and strongly desirous that the friendship between our nations shall stay unbroken, the undersigned were this day instructed by such meeting to make to you, in the spirit of that friendship, a statement of important facts, in correction of widespread misrepresentations, and in the hope that the spread of truth will prevent misunderstandings.

Spain, though once a despotism, is now a free land. In the past fifty years, step by step, freedom has been established. Spain is now governed by a parliament elected by the people, with universal suffrage.

In the same way, step by step, liberty has been established in the Spanish colonies. Cuba and Porto Rico are allowed to choose more than 60 members of the parliament of Spain.

This is a far greater liberty than Britain allows to the neighboring colony of Jamaica or to the Dominion of Canada—a far greater one than Britain ever allowed to any colony.

Had Britain let the North American colonies choose members of the British Parliament the American Revolution might never have occurred. Just what Britain then refused to North America—representation in connection with taxation—Spain has granted to Cuba. In fixing the taxes, not only in Cuba but in Spain, Cuba's representatives have votes.

The whole general taxation in Cuba, with more than a million and a half people, and territory about the size of Pennsylvania, Ohio, Virginia, or Tennessee, is only $22,000,000 a year.

Cuba has fewer people than the city of New York. Its total taxes are about half the taxes of New York for city use alone. Cuba's taxable property is about as much as that of Boston. But Boston and New York's city tax rates average over 1 per cent. Cuba's tax rate for all general purposes is less than 5 mills on the dollar. Cuba's sugar and tobacco products are about $100,000,000 a year. The taxes on these are about one-fourth of 1 per cent.

Such are the fruits of representation. The deputies are chosen by vote of all adult male citizens who pay $5 a year taxes. Men can also vote on taxes paid by their mothers, wives, and children. Holders of school or college degrees can vote without paying taxes.

Every province has its legislature and every municipality has its council, chosen by the voters therein. These councils and legislatures, with leading taxpayers, choose the senators from Cuba in the parliament of Spain.

Cubans are appointed to all public offices in Cuba as well as in Spain. Very many such offices in Cuba are filled by native Cubans, subject only to civil-service rules. The rector of the University of Havana is a Cuban. The faculties of all the colleges and the teachers of public schools are mostly Cubans. The courts contain 35 judges, 27 of whom are Cubans.

The parliament of Spain, with the full consent of Cuba's representatives therein, years since abolished slavery.

The presence of a great mass of freedmen, still burdened with the ignorance due to bondage, and the insurrections of a small but turbulent portion of these freedmen, with a small part of the more ignorant and idle white men, have obliged the parliament of Spain to go slowly and cautiously in extending freedom and home rule to Cuba. But two years ago the representatives from that island of all parties unanimously agreed on a bill transferring the administration of Cuban affairs to a colonial council, and this bill, asked for by the whole Cuban delegation and by all parties in Cuba, the parliament of Spain, on motion of Señor Abarzuza, minister for the colonies and himself a Cuban, enacted as a law.

The great majority of the people of Cuba, having got what reforms they asked, are satisfied to remain in the Spanish Empire. But the insurrectionists, who are but a small part of the people, mostly ignorant, violent, and lawless, whose chief leaders are foreigners or natives of Cuba whose long absence from the island prevents them from understanding the present state of affairs, and who are supported by the contributions of absentees equally ignorant—these insurgents refused to acquiesce in the reforms achieved, demanded what the mass of the people do not desire, independence, and, under cover of this unpopular demand, are roaming through the country, committing all sorts of misdeeds, and preventing the industrious poor from earning their living, and on the approach of troops retreating into the mountains.

When in 1861 attempts were made to overthrow by arms and force the Government of the United States, the American people declared that this should never be; that any change should come through peace and not through war; and they sternly crushed the effort at armed revolution and forcible separation. This is the precise situation in Cuba to-day. Armed revolution and forcible separation the people of Cuba do not desire. Though Cubans are not required to do military duty, 40,000 Cubans are voluntarily fighting side by side with Spaniards to suppress disorder and crime, uphold law, freedom, and safety to property and life, and enable the masses to earn their living in peace. The people of Cuba are now doing what the people of America did in the same situation; and they desire the sympathy of America. They will never submit to be ruled by such men as the insurgents show themselves to be. To be ruled by such men means the ruin of the industries and commerce of Cuba by the dominion of ignorance, tyranny, and fraud. The owners of over $800,000,000 of property are under arms, operating in the field to suppress these men and restore order. Three hundred Cuban officers, from major-generals through all ranks, are on the rolls of the army; and not one has joined the disturbers.

Very respectfully,

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|---|---|
| B. SONTO, | JOSÉ E. GARCIA, |
| LAUREANO F. AUJA, | ARTURO CUYÁS, |
| QUINTIN GARRETA, | ANTONIO CUYÁS, Jr., |
| FRANCISCO GARCIA, | I. V. ABUO, |
| CESAREO VIGIL, | MANUEL BUENO, |
| JOAQUINO MENENDEZ, | ADE SILVA, |
| REMIGIS JIMENEZ, | F. TOLEDO, |
| PEDRO R. DE FLOREZ, | V. TOLEDO, |
| EMILIO M. CASTILLO, | R. TINOCO, |
| C. BOSICH, | REGINO TRITEZ, |
| EMILIO PUIC, | CIRIACO VIODERO, |
| R. PERA, | FELIPE CHIRINO, |
| X. CAIRE, | *Committee.* |

Has my time expired, Mr. Speaker?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman has a half minute remaining.

Mr. BOUTELLE. Considering the interruptions to which I have been subjected, I will ask the House for a few minutes longer. I should like twenty minutes.

Mr. HOPKINS. I ask that the time of the gentleman be extended until 5 o'clock, the time when we take a recess.

Mr. MILLIKEN. I hope my friend's time will be extended, but I should like to ask him a question right where he is now.

Mr. BOUTELLE. I hope my colleague will not interrupt me.

Mr. MILLIKEN. I will not interrupt you.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman's time be extended until 5 o'clock. Is there objection?

Mr. SKINNER. I object.

The SPEAKER pro tempore. Objection is made.

Mr. CANNON. I hope the gentleman will not object.

Mr. HITT. Mr. Chairman, I ask that the gentleman's time be extended until within five minutes of 5 o'clock. The gentleman from North Carolina [Mr. SKINNER] desires five minutes.

Mr. LIVINGSTON. The gentleman from North Carolina [Mr. SKINNER] must leave for home this evening, and he is entitled to the recognition which is asked.

Mr. MILLIKEN. Mr. Speaker, there are other gentlemen who would like to be heard. I should like to speak on this question myself, but I will yield to my colleague what time there is to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois that the time of the gentleman from Maine be extended until five minutes to 5 o'clock?

There was no objection.

Mr. GROSVENOR. Mr. Speaker, I should like to inquire whether it is proposed to have a session of the House to-morrow, or to adjourn over until Monday?

Mr. HITT. I hope we can have a session to-morrow. This matter has been deferred a long time.

Mr. BOUTELLE. My time is slipping along very fast——

Mr. HOPKINS. Regular order, Mr. Speaker.

Mr. BOUTELLE. Mr. Speaker, I will not abuse the patience of the House. I have very few words of my own to say, but I desire to call the attention of this House to words that have been uttered by men who ought to be heard, and heard respectfully, by the American Congress. First, however, in regard to this matter of the actual status in Cuba. I have received another document, concerning the accuracy of whose statements I can not vouch, but it comes to me under the authority of a respectable publication. It is the organ of the building and loan associations of the United States. It claims to represent 6,000 of these associations, which we all recognize as among the most useful in our country. This paper editorially states that it had taken pains to look into this matter or into some contradictory statements that had been made, and it gives its conclusions, some of which I desire to call to the attention of the House for what they may be worth. It says:

UNMASKED—READ THE TRUTH ABOUT THE "REPUBLIC OF CUBA."

Our proposal, in our first edition this month, that both Spaniards and Cubans stop fighting and that the whole people of Cuba freely discuss their form of government and settle it by peaceful vote—which proposal will also be found in this edition—is so new and so fair that it gained prompt and wide attention. From many quarters come facts and points which throw strong light on the case.

So much has been said that we have investigated for ourselves.

Here is what, to our astonishment, we find:

The American press and public are misinformed and misled.

A great party of Cuba's people oppose independence.

In fact, this home-rule party, the "Autonomists," who prefer to remain in the Spanish Empire, are the great mass of the people.

A more astonishing fact is that many Cubans, both there and elsewhere, who are opposed to the "Republic of Cuba" dread to say so. They fear that these self-styled "republicans" will ruin their property, harm them in business, or commit outrages on their families and friends, as those separatists are daily doing to others.

We have tried hard to get these gentlemen in this country to speak out; but they dare not.

They complain bitterly that the truth and the views of the great majority of Cuba's people are not known to the American press and people—are carefully withheld; and these Cuban gentlemen desire us to make known to the journals and citizens of this country the facts we have learned.

Here they are:

The "Republic of Cuba" is a fraud.

Cuba's people are not fighting for independence.

They are fighting against it.

Forty thousand Cubans are in arms to prevent it.

These 40,000 men are not in the Spanish army. They have volunteered as soldiers against independence; to put down the so-called "Republic."

They own nearly all the property and pay nearly all the taxes of the island.

If they are satisfied, what right have others to complain of the taxes?

Especially, what right have those who do not pay taxes to make those taxes an excuse for war, plunder, rapine, arson, and murder?

Three hundred Cubans are officers in the army and navy of Spain. They hold all ranks, from second lieutenants to major-generals.

Not one of these 300 Cuban officers has joined the "army of the Republic." They are fighting against it.

Not one of the three political parties—Conservatives, Reformers, Home Rulers—desires independence.

The "army of the Republic" are small bands, like the "jayhawkers" of our civil war, the guerrillas of Spain, the brigands of Italy and Sicily, the buccaneers of the West Indies. They fly party flags to cloak their crimes. When troops come near, they hide in woods, swamps, and mountain dens.

Their leaders—Gomez, Gil, and Roloff—are not Cubans. Gomez fought to subject his own country, San Domingo, to Spain. He sold the Cuban rebels out to Spain in 1878. He later tried to prove in public that Cuba never should be independent. These leaders are professional soldiers, adventurers, habitual disturbers.

General Sherman made short work of such men here.

They are not supported by the people, but by foreigners and absentee Cubans, who do not know the present state of things.

The cry that Cuba's people are fighting for freedom and self-rule is false. They have freedom and self-rule now, except as rebellion prevents.

Spain was a despotism. So was Cuba. Spain was oppressed and robbed thereby. So was Cuba, but not worse than the mother land. Spain was almost ruined.

Let practical men not confuse their minds by mixing the misdeeds of the dead with the doings of to-day.

Spain now is a free country, ruled by a parliament chosen through universal suffrage.

In this parliament Cuba has 64 representatives.

Forty-six deputies are elected by all adult male citizens, of every race, who pay, or whose families pay, $5 a year taxes, and all such who have taken degrees in schools or colleges need not even pay this small sum.

Every province has its legislature; every town its council, chosen by these voters.

These legislatures and councils, with the main taxpayers, choose the 18 senators from Cuba.

The general taxes are laid by the parliament of Spain, in which Cuba has these 64 votes, cast by representatives chosen by the taxpayers.

The statement that Cuba is "fighting against taxation without representation" is absurd.

Cuba's delegation, voting together, can hold the balance of power between parties in Spain—can turn out of power any ministry that refuses their demands.

Is not this "representation"?

Had Britain given America 50 members in the House of Commons and 20 in the House of Lords—had she enabled America to vote on the taxes, to hold the balance of power in Parliament, and to turn out of power any party and any ministry that refused American demands—Americans would have had no cause to complain, no wrong to resist; the American Revolution would not have occurred.

Spain treats Cuba better than Britain treats Jamaica, Guiana, or Canada. Not one representative from any colony votes or sits in the British Parliament.

None ever did.

Britain's Parliament never enacted reforms in these colonies on request of colonial members. There were none.

But the ports of Cuba were opened to the trade of all the world at the request of a Cuban deputy, Señor Arango, a leading journalist of Habana. The Spanish Government granted all the reforms which he requested in the course of many years; and, far from punishing him, made him a member of the imperial council for the colonies in Madrid, and later a member of the Spanish house of lords, which has since been abolished.

Britain never made a colonist an officer of the House of Commons. But in the late parliament of Spain a Cuban, Señor Francisco Lastres, of Habana, was elected by the Spanish majority vice-president of the house of representatives.

Britain never made a citizen of Jamaica, Guiana, or Canada minister for the colonies; but the late parliament of Spain made a Cuban, Señor Abarzuza, minister for the colonies.

The whole representation from Cuba, of all parties, in that parliament united on a bill transferring the main administration of Cuban affairs from Madrid to Habana and creating a colony executive council. This Cuban measure the parliament, on motion of that Cuban minister for the colonies (Abarzuza), unanimously enacted into a law. It has been delayed in execution only by the insurrection.

The Cuban delegation, of all parties, even the most radical, consented, in order to get the executive administration transferred to Habana, consented that the home Government should reserve the right to confirm or reverse the colony council's acts, should appoint half the members (the other half being elected by the taxpaying voters of the provinces according to population), and should continue to appoint the governor-general of the colony; that he should preside over the council, decide questions in case of tie votes, and suspend members if necessary.

This is the common course when any colony is first intrusted with self-government. Having got this much by peaceful methods, and these reservations being accepted by the whole representation of the colony, there is no excuse whatever for violence and blood. Peaceful means, step by step, will complete the work.

The parliament of Spain years ago abolished slavery in Cuba, established freedom of the press, and secured personal liberty to all.

If Cuba's people ever do desire independence, it can, and should, be had without war and carnage.

The greatest of all crimes is to begin a war. William T. Sherman, General-in-Chief of the United States Army, said truly, "War is hell!" It includes crimes of every kind.

The insurgents had no ground for beginning war; and their record is a frightful mass of crimes—robberies, murders, arson, wrecking railroads, ruining bridges, destroying buildings and crops, undoing the industrious work of years, and, worse than all, starving thousands of honest workmen by forbidding them to make sugar, and so earn their bread. These bandits deserve no sympathy or recognition from America. They deserve the fate they suffer when they are caught, the same that guerrillas met in our civil war. No act nor word of the American people or Government should give them the slightest aid. Nor should the money or blood of our people be spent to help them.

This country has no business meddling with matters elsewhere. With territory as large as all Europe and 70,000,000 people—as many as England, Scotland, Wales, Ireland, Holland, Spain, and Portugal together—far more people than Canada, South America, and all America besides—we have all we can do to manage our own affairs.

The disturbers who are trying, in Congress and outside, to draw this country into such meddling are seeking to repeat the stale trick of tyrants—make war to divert the public from wrongs at home—or to fill their pockets at the cost of their countrymen's cash and blood.

We do not take the side of Spain against Cuba. We take the side of the people of Cuba against violence and crime; the side of the people of America against crushing taxes and wicked bloodshed.

The toiling masses of this country have burdens and problems enough without adding these.

Mr. TUCKER. Where is that paper published?

Mr. BOUTELLE. It is published in New York; called the Building and Loan News. I give it for what it is worth. It is published by evidently a reputable paper; and it seems to me there must be some modicum of truth in that statement, affirmed by these Spanish residents of New York.

I will try to call attention very briefly, for my time is limited, to the policy of this country in regard to this sort of interference. Reference has been made here several times to the action of General Grant. I want to emphasize the fact that General Grant in 1875 declined to recognize the belligerency of the insurgents of Cuba on grounds stated in his special message to Congress. It was stated here, and truthfully, that General Grant once had prepared a message of recognition, or a proclamation. That is true. Mr. Fish, with a calm equipoise that must be admired to-day, declined to issue it, and persuaded General Grant to issue the message from which I will quote. And within a few weeks the diary of Secretary Fish, one of the ablest diplomats and one of the greatest patriots in our country, has disclosed the fact that subsequently, when he desired to retire from his position as Secretary of State, General Grant in reply stated that he was under great obligations to Mr. Fish, and that on at least two occasions the Secretary had saved him from committing mistakes; and that one of those occasions was when he was about to issue a proclamation recognizing the belligerency of Cuba.

In that message President Grant said (this was in 1875):

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously awaited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a government distracted by a dynastic rebellion at home at the same time that it has to cope with a separate insurrection in a distant colony. But, whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils, operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiary's torch.

I understand, Mr. Speaker, that it is not only conceded, but it is the boast of those who champion the cause of the insurgents that the incendiarism, the destruction of crops, the ravaging and burning of villages by the insurgents, is being done in order to weaken the cause of Spain and to drive the people of that island into insurrection. I do not understand that it is alleged anywhere—certainly I have not heard it—that the Government in Spain has entered upon any systematic destruction of public or private property; but that the destruction of towns, the laying waste of fields, this widespread disorder and anarchy, is being carried on by those armed bands in the name of liberty and of the people.

Only a few weeks ago we had a proclamation issued by the leader of the insurrectionary forces absolutely threatening any man who attempted to produce sugar on his plantation, thus depriving peaceful citizens of Cuba of their only means of providing subsistence for their families; the idea being to shorten the sugar crop of the world so as to compel interference to put a stop to a war that was thus disturbing the comfort of mankind. That was the case in 1875, and it is so to-day. Now, says Mr. Fish (and however little gentlemen may regard my judgment or my opinions, I ask them to give calm consideration to this definition by Mr. Fish of the duty of a nation under international obligations):

In contests of this nature, where a considerable body of people who have attempted to free themselves of the control of the superior government have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a government in substance as well as in name, possessed of the elements of stability and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home as well as in its dealings with other powers, it is within the province of those other powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the powers of the earth that body politic which, possessing the necessary elements, has, in fact, become a new power; in a word, the creation of a new state is a fact.

It is not our duty, nor is it competent for us, to assume to establish such a condition of things. Before we can recognize it that condition of things must be in fact established. Every man knows that we have had no demonstration of the establishment of such a condition of things in Cuba up to this time. It was for that reason that General Grant refused recognition.

The creation of a State, as Mr. Fish says, is a fact. It is not a matter of sentiment. You can not create "the Republic of Cuba" by voting it in the American Congress to be a State. You can not establish belligerent rights unless belligerency is an international fact.

To establish the condition of things essential to the recognition of this fact, there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A power should exist, complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent government, capable of performing its international obligations and entitled to be treated as one of the powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the power granting it soon to support by force the government to which it had really given its only

claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being in my opinion impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success or any marked or real advance on the part of the insurgents has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions.

Referring now to another point that has been brought up in this debate, the appeal to our retaliatory disposition, I wish to quote the advice of a great soldier and statesman. We are told that because Spain did something that we did not like at the outbreak of the rebellion in this country, therefore we should retaliate now by recognizing the belligerency of Cuba. Upon that subject General Grant used these words, which should have great weight:

It is possible that the acts of foreign powers, and even acts of Spain herself, of this very nature might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case in view of the particular attending facts. Unless justified by necessity, it is always and justly regarded as an unfriendly act and a gratuitous demonstration of moral support to the rebellion. It is necessary and it is required when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of territory as to take the contest out of the category of a mere rebellious insurrection or occasional skirmishes and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land. The insurrection has not possessed itself of a single seaport whence it may send forth its flag, nor has it any means of communication with foreign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the contest.

Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be at present indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure; it would give rise to countless vexatious questions; would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our treaty of 1795 over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result by measures of questionable right or expediency or by any indirection. Apart from any question of theoretical right, I am satisfied that while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and suffered much to avoid.

To my mind those are words of absolute wisdom.

Now, Mr. Speaker, if the House would kindly extend for a few moments the time for taking the recess, I should like to read a few words of George Washington.

Mr. HITT. I ask unanimous consent that the hour for the recess be deferred for thirty minutes, with the hope of closing this debate and this whole proceeding this evening and adjourning until Monday. Otherwise we shall have to sit here to-morrow. Why not close the whole subject this evening?

Mr. TUCKER. I can not agree to that. I do not object to extending the time as requested by my friend from Maine, but I can not consent to closing the debate in so brief a time as my friend from Illinois suggests. There are a number of gentlemen who wish to speak on this question.

Mr. BOUTELLE. Then I ask that the hour for the recess be extended ten minutes, so that I may read a few extracts from President Washington.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] asks that the time for taking the recess be extended for ten minutes.

Mr. SKINNER rose.

Mr. BOUTELLE. Reserving the time of the gentleman from North Carolina [Mr. SKINNER].

Mr. SMITH of Michigan. I can not consent unless the gentleman from Maine will agree to give me one minute in which to make a statement in reply to the statement of the gentleman from Massachusetts [Mr. GILLETT].

Mr. BOUTELLE. I will do that.

The SPEAKER. Is there any objection to extending the time for the recess for ten minutes?

There was no objection.

Mr. BOUTELLE. Mr. Speaker, in that memorable legacy, his Farewell Address, which President Washington left to the American people as a gift, commensurate with his relations to the new nation which he had so preeminently helped to establish, he uses some very instructive and weighty words which, it seems to me, ought easily to find application at the present time. We all know the strength of Washington's advice, and the earnestness of his appeal to his countrymen, to avoid foreign complications. In that connection he used these memorable words:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas, is it rendered impossible by its vices? * * *

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

Again he says:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Now for the application. We are called upon in the name of patriotism, in the name of brotherhood, in the name of humanity, in the name of sympathy. We have had cited frequently in this debate the help that France extended to us when we were engaged in the struggle to establish our liberty—help that we all recognize, and our recognition of which is attested by the portrait of our great French ally, Lafayette, that adorns this Chamber. Yet, Mr. Speaker, no American familiar with our history can forget that, with all that obligation of gratitude—with a knowledge such as Washington must have had more clearly and deeply than any other man, of what we owed to France—we find that later in his career he was not swept from his feet by the clamor for interfering in behalf of France in a European complication, but steadily and firmly resisted that appeal in the interest of the American people and because he believed our duty was to establish the rights and strengthen the foundations of our own Government. He said:

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

I see the keen eye of my distinguished friend from Illinois [Mr. HITT] upon me; and I anticipate his statement shortly to be made that this was a proclamation of neutrality on the part of the United States between France and the allies with whom she was engaged in war; and that "neutrallty" is what this resolution proposes. But I want to remind my friend and the House that I am addressing myself now to that phase of this question which deals with the obligation assumed to rest upon us to interefere in behalf of somebody with whom we have sympathy, how far we are called upon to interfere in Cuba because we may sympathize with the struggle of the Cuban insurgents, how far it is our duty to embroil our nation in a war because we desire to see some people somewhere, and perhaps especially in the Island of Cuba, establish

reforms and obtain rights that they do not now enjoy. It is impossible that any such obligation should be so strong in this case as was our obligation to France to aid her in war when she had so aided us in war. Yet in all the stress of those circumstances Washington stood like a rock against interference. He asserted the neutrality of the American Republic between our ancient ally and her enemies, and sustained himself upon the broadest ground. He says further in his Farewell Address:

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position.

That is the position I want this country to take in regard to any interference with the strife in Cuba to-day.

Mr. GROSVENOR. Will my friend allow me a question?

Mr. BOUTELLE. I have just stated what I know my friend wants to refer to.

Mr. GROSVENOR. I wanted to ask whether there is any proposition here to take any other than a neutral position?

Mr. BOUTELLE. My friend did not do me the honor to listen to my remarks, or he would not have asked that question.

Mr. GROSVENOR. And I wanted further to ask, How is it an act of war to recognize the belligerency of those who are at war with another country?

Mr. BOUTELLE. I have just read the opinion of General Grant on that subject—an opinion expressed with so much more strength than any words of mine could express it that I did not care to do more than read it. If my friend had done me the honor to listen while I was reading from public documents the expressions of that great captain of our armies and that great President of the United States he would have observed that I did not attempt to put upon this proposition my own version, but planted myself behind the joint judgment of Hamilton Fish and Ulysses S. Grant, as I am now putting myself behind the judgment and the expressions of George Washington, of whom I suppose the gentleman has heard. [Laughter.]

Further he says:

Having taken it—

That position—

I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

Again, and I call special attention to the language:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

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The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

And further on:

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

I hold in my hand a volume of the writings of Washington, edited by Jared Sparks, in which the President of the United States submits to his Cabinet, in a communication dated April, 1793, thirteen questions, as follows:

PHILADELPHIA, *18th of April*, 1793.

I. Shall a proclamation issue for the purpose of preventing interferences of the citizens of the United States in the war between France and Great Britain, etc.? Shall it contain a declaration of neutrality or not? What shall it contain?

II. Shall a minister from the Republic of France be received?

III. If received, shall it be absolutely without qualifications; and if with qualifications, of what kind?

IV. Are the United States obliged by good faith to consider the treaties heretofore made with France as applying to the present situation of the parties? May they either renounce them or hold them suspended till the Government of France shall be established?

V. If they have the right, is it expedient to do either, and which?

VI. If they have an option would it be a breach of neutrality to consider the treaties still in operation?

VII. If the treaties are to be considered as now in operation is the guaranty in the treaty of alliance applicable to a defensive war only, or to war either offensive or defensive?

VIII. Does the war in which France is engaged appear to be offensive or defensive on her part; or of a mixed and equivocal character?

IX. If of a mixed and equivocal character, does the guaranty in any event apply to such a war?

X. What is the effect of a guaranty such as that to be found in the treaty of alliance between the United States and France?

XI. Does any article in either of the treaties prevent ships of war, other than privateers, of the powers opposed to France from coming into the ports of the United States to act as convoys to their own merchantmen? Or does it lay any other restraint upon them more than would apply to the ships of war with France?

XII. Should the future Regent of France send a minister to the United States, ought he to be received?

XIII. Is it necessary or advisable to call together the two Houses of Congress with a view to the present posture of European affairs? If it is, what should be the particular object of such a call?

GEORGE WASHINGTON.

That Cabinet, to which those inquiries were propounded, I may say, was composed of men who, I suppose, are of fair repute to-day, such men as Thomas Jefferson, Alexander Hamilton, and men of that character. The Cabinet determined, on the first question propounded, that a proclamation should issue forbidding all citizens to take part in hostilities upon the high seas with either of the belligerent powers, and warning them of penalties to be inflicted in the event that they should do so. The opinion of the Cabinet was as follows:

At a meeting of the heads of Departments and of the Attorney-General at the President's, April 19, 1793, to consider the foregoing questions proposed by the President, it was determined by all on the first question that a proclamation shall issue forbidding any citizen or citizens to take part in any hostilities on the high seas with or against belligerent powers, and warning them against carrying to any such powers any of those articles deemed contraband according to the modern usage of nations, and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation toward those at war.

PROCLAMATION.

Whereas it appears that a state of war existing in Austria, Prussia, Sardinia, Great Britain, and the United Netherlands on the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial to the belligerent powers:

I have therefore thought by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

I may say in this connection that there is an explanatory note appended to the third question propounded by President Washington, which throws considerable light upon the feeling then existing in reference to this question. It is in the following words:

On the third question (propounded by President Washington) Jefferson and Randolph were of opinion that the minister should be received absolutely and without qualifications. Hamilton and Knox deemed advisable that the reception of the minister expected from the Republic of France should be qualified substantially to this effect:

"That the Government of the United States, uniformly entertaining cordial wishes for the happiness of the French nation and disposed to maintain with it an amicable communication and intercourse, uninterrupted by political vicissitudes, does not hesitate to receive him in the character which his credentials import; yet, considering the origin, course, and circumstances of the relations continued between the two countries, and the existing position of the affairs of France, it is deemed advisable and proper on the part of the United States to reserve for future consideration in discussing the question whether the operation of the treaties, by which those relations were formed, ought not to be deemed temporarily and provisionally suspended; and under this impression it is thought due, in the spirit of candor and friendly procedure, to apprise him beforehand the intention to reserve that question, lest silence on the point should occasion misconstruction."

With reference to the foregoing questions submitted by President Washington, I desire also, Mr. Speaker, to call the special attention of the House to a letter from Henry Lee, so well known

as "Light-Horse Harry," addressed to President Washington from Richmond on the 14th day of June, 1793, in which he says:

MY DEAR SIR: Plain and evident as is the wise policy of neutrality on the part of the United States during the present European war, I find that the papers teem with publications reprobating this system.

If I am to judge of the feelings and dispositions of the people of the United States from what I believe to be the temper of the people of Virginia on this question, I can not doubt that nine-tenths of America applaud the policy adopted and feel increased gratitude and love for the man who has declared the same as the rule of conduct for his fellow-citizens. There are in all societies at all times a set of men anxious for change in the political machine and fond of confusion. This disposition results in part from love of novelty, from ruined private circumstances and disappointment in political stations. This class of men receive the aid of the wicked and abandoned of every description, and therefore in free countries are considered more numerous than they really are, because they are noisy, clamorous, and impudent.

[Applause and laughter.]

But when their weight in society is taken they will be found as light as straw.

[Laughter.]

So it is here at present. If a stranger were asked his opinion of the wishes of the people of this country with respect to war he would probably declare the same to be universally favorable; for he would gather his information from the conversations he has heard at taverns, where this order of men abound, gambling and drinking all night, and all day abusing men and measures, however respectable, however proper.

[Laughter and applause.]

I returned yesterday from a visit to our arsenal at the Point of Fork, and took occasion during my journey to talk freely with the planters respecting your proclamation. I found every person regarding it as highly wise, duly timed, and all expressed a confidence in you adhering invariably to its purpose.

To my mind these communications were not unexpected, and yet I profess I derived great satisfaction from them because from the clamor issuing out of the towns and promulgated in the papers I began to fear that the golden prospects of felicity before us would be lost by our country in spite of the wisdom and firmness of our Government, and I have been induced to give to you my observations thereon as in your situation at this crisis the happiness of the people requires you should be well acquainted with their opinions.

When M. Genet was here we conversed very freely with respect to the neutrality of the United States. I attempted to convince him, and I thought with some effect, that from the superiority of the enemy's fleet it was the only way we could take which promised to France those provisions which we had and which she might want, and concluded the argument I held on this subject by asserting that, had you determined the interests of France to every other consideration, you could not have acted more effectually than you did when you issued your proclamation, and that happily on this occasion, while you did the greatest good to the United States, you did all the possible good to their allies; that we had no fleet, no army, no money, to authorize us to take a part in the war with effect, and to do it pitifully was to risk our own destruction without the consolation of affording material aid to our friend.

He seemed to acquiesce in my reasoning, but insinuated that in case the royal government was reestablished in France the kings of Europe would combine to destroy liberty here, and that our existence as a nation depended on the success of the republican system, and that we might conveniently make an important diversion in her favor on our southern and northern neighbors.

To this I opposed our infant situation as a people, our love of peace, the heavy debt which oppresses us in consequence of the last war, the probable futility of such vast enterprises, and the certainty that France would derive more benefit from holding within her own bosom all her means of men and money than she possibly could by such quixotic adventures. I augured ill of their late efforts against Belgium (which have turned out since as I presumed) and contended that the sure way to effect their object was to be content with defending their own country.

The impressions which he seemed to entertain when we parted induced me to hope that he would never attempt to disturb the system of neutrality adopted.

But opinions of moderation and wisdom can scarcely be held long by any man in his situation when our citizens seemed to take an active part in commending very opposite conduct. I judge by what I read in the Philadelphia papers, then, that his will be soon turned from those proper sentiments which he possessed when here and that our only route to national prosperity may experience new obstructions.

But, sir, let whatever may happen or be effected, in your firmness we all rest, thoroughly convinced that you can never be brought to depart from that line of conduct which in your judgment best promotes the public good.

With best wishes for your health and happiness, I am ever your most affectionate friend and humble servant,

HENRY LEE.

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. My time has expired and I must close my argument. [Prolonged applause.]

The SPEAKER. The gentleman has one minute, which the Chair understands is to be yielded to the gentleman from Michigan [Mr. SMITH].

Mr. BOUTELLE. Certainly, I yield that to the gentleman, and hope it will not be necessary to ask a further extension of time for a reply.

Mr. SMITH of Michigan. Mr. Speaker, I intended, in my interruption of the gentleman from Maine a few moments ago, to say that a sentiment had been expressed in Massachusetts against the proposition that he was advancing, and in favor of that contended for by the Committee on Foreign Affairs. I now quote the language of the Massachusetts Republican State convention, embodied in the platform adopted the 27th day of March:

We sympathize with the Cubans in their struggle for independence. As friends of freedom everywhere we wish them success and believe that the United States should use its influence and good offices in the interest of humanity to bring to an end the useless and bloody war now desolating Cuba, and to give to the people of that island peace and self-government.

[Prolonged applause.]

The SPEAKER. The gentleman from North Carolina [Mr. SKINNER], the Chair understands, is entitled to five minutes.

Mr. BOUTELLE. I had just risen to remind the Chair that I had included that in my request for an extension of time.

Mr. SKINNER. Mr. Speaker, perhaps I represent the most ancient and at the same time the most patriotic territory within this Government; a territory where Sir Walter Raleigh first landed; the first colony where the foot of the Anglo-Saxon pressed American soil; the territory whereupon this country, this great continent, was dedicated to God and afterwards to liberty; the territory in which the first form of civil government on American soil was organized and out of which this great Government has grown.

I only say that, Mr. Speaker, prefatory to the remarks which I am impelled to make when my eyes fall upon the flag which overhangs your head. Because, as I look upon the Stars and Stripes there, I recall the fact that it is the same flag which floated over the venerated veterans of the Revolution, which cheered the half-fed and half-clad heroes of Valley Forge, which waved over the redoubts of Bunker Hill, which floated from the masthead of the *Bon Homme Richard*, which kissed the breezes over the waters of Erie and Champlain, which waved in triumph over the immortal field of Chippewa. And, Mr. Speaker, when I recall the anxious hours during which the followers of that flag were fighting for life and for liberty; when I turn my eyes to the south and see, a few leagues from Florida, the Cuban patriots fighting for liberty as our Revolutionary fathers were fighting, I turn with the Cubans to that flag as the Emperor Constantine did to the cross in the heavens, to in hoc signo vinces. As written then, the Cubans think in this sign we shall conquer.

I tell you, Mr. Speaker, the Cubans look upon this flag to-day as the emblem of liberty, as we look upon the cross as the emblem of Christianity; and wherever you would advance the cross to establish the Christian religion, I take that flag as the counterpart of the cross, as the emblem of liberty. I would place it over Cuba. I would have this flag, the emblem of liberty, floating over Cuba, and it ought to wave in triumph over her dominion, and she ought to be made a State of this Union. These palliative measures do not concern us. They accomplish nothing unless that flag stands for liberty. And liberty to the Cuban is as much as liberty to Americans. I want to see it established in every land and on every sea, not only in America but over every people on this continent who ask for the blessings of liberty.

[Here the hammer fell.]

The SPEAKER. Under the rule the House will now take a recess until 8 o'clock, when the gentleman from New York [Mr. PAYNE] will please discharge the duties of the Chair.

## EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session, with Mr. PAYNE in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report clause 2 of Rule XXVI.

The Clerk read as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar, under the special order.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 56, nays none.

Accordingly, the House resolved itself into Committee of the Whole on the Private Calendar, with Mr. HEPBURN in the chair.

### ELIZABETH DESHLER WHITING.

The CHAIRMAN. The Clerk will report the first business on the Private Calendar.

The Clerk read as follows:

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting.

Mr. PICKLER. Mr. Chairman, I think that is hardly on the Calendar. That is the bill which the gentleman from New York [Mr. DANIELS] had restored to its place to-day.

Mr. DANIELS. It was restored to its place on the Calendar by order of the House.

Mr. LIVINGSTON. Mr. Chairman, I suggest that when the Clerk reads a bill he give us the Calendar number.

The CHAIRMAN. This bill has no Calendar number, having been recommitted to the committee, and reported back from the committee to-day.

Mr. CURTIS of New York. Its former number on the Calendar was 92, but having been taken off it lost its place by way of

number; but by order of the House it was restored to the Calendar, to be the first bill under consideration.

The CHAIRMAN. This bill has been read, and the report has been read. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, a parliamentary inquiry. What is this bill?

The CHAIRMAN. This bill is one which was recommitted to the Committee on Pensions, and was reported to-day by unanimous consent and placed upon the Calendar in its old position.

Mr. DANIELS. I will say to the gentleman that the bill passed the House in a former Congress, on the 2d of March, but too late to pass the Senate.

Mr. ERDMAN. It is not that bill on which the other side of the House antagonized the gentleman from New York, is it?

Mr. DANIELS. Not at all, sir. I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (S. 1271) granting a pension to Elizabeth Moore English.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Moore English, widow of Rear-Admiral Earl English, at the rate of $50 per month.

Mr. PICKLER. Mr. Chairman, this is a Senate bill with quite a lengthy report. The gentleman from Maryland [Mr. MILES] makes the report, and I ask unanimous consent that he make a statement in regard to this bill without consuming the time necessary for the reading of a lengthy report.

Mr. ERDMAN. Mr. Chairman, in view of the railroad proceedings we had this afternoon, I think it would not hurt if the House heard these bills and reports in full. I object.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1271) granting a pension to Elizabeth Moore English, adopt the accompanying Senate report (No. 20) as their own, and respectfully recommend its passage.

[Senate Report No. 20, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1271) granting a pension to Elizabeth Moore English, have examined the same and report:

During the third session of the Fifty-third Congress both Houses of Congress passed a bill in behalf of this claimant, but which went to the Executive at so late a day in the session as not to receive consideration. The history of the bill is as follows:

The House Committee on Invalid Pensions reported the bill at $50 per month, but when passed it was reduced to $30. The Senate Committee on Pensions recognized the fact that the claimant was justly entitled to a higher rate, but in consequence of the near approach of the close of the Fifty-third Congress, adopted the House report and passed the bill, which, as before stated, did not reach the President in time to receive his signature.

The present bill proposes to pension the claimant at the rate of $50 per month. Mrs. English's petition for relief by special act of Congress is as follows:

*To the honorable Senate and House of Representatives of the United States:*

The petition of Elizabeth Moore English respectfully represents—

First. That she is the widow of Earl English, late a rear-admiral in the United States Navy, who departed this life on the 16th of July, 1893, in the city of Washington, being at the time of his death on the retired list of the Navy.

Second. That the said Earl English entered the Navy as midshipman the 25th of February, 1840, and passed through all the grades to that of rear-admiral, the highest rank in the Navy under existing laws, and was retired on the 18th of February, 1886.

Third. That the said decedent served with distinction through three wars and the exposures and hardships of forty-six years on the active list, more than twenty-seven of which were spent at sea, twelve years having been passed in the East Indies, where he was severely wounded in an engagement at the barrier forts in the Chinese war. Never wavering in his allegiance to the United States throughout his long career, he was distinguished by his services, characterized by wisdom and bravery.

Fourth. That your petitioner's husband died leaving her little property, and that she is in embarrassed circumstances and without adequate means of support. Your petitioner therefore prays that your honorable body will pass an act for her relief, granting to her, as the widow of the late Earl English, a pension of $100 per month.

The following is the report made in this case:

Mrs. English is the widow of Earl English, late rear-admiral, United States Navy, whose record is as follows:

Earl English, rear admiral, United States Navy. Born in Crosswicks, Burlington County, N. J., February 18, 1824.

Appointed midshipman from his native State February 25, 1840.

Was attached to the line-of-battle ship *Columbus* until December of same year; was then ordered to the frigate *Constellation* and made the cruise in her to the East Indies and around the world, arriving home May 8, 1844; was attached to the *Princeton*, on gun practice, 1844 and 1845; was then ordered to the Naval Academy, where he graduated July, 1846; was then ordered to the frigate *Independence* and actively employed on the Pacific station, coast of Mexico and California, and participated in the capture of Mazatlan, and in other important naval operations on the coast and in California. After the Mexican war he made a year's cruise in the *Vixen* to the West Indies. He then joined the *Southampton* for two years on special service in the Pacific and California. Returning, he joined the *Dolphin* in April, 1853, on deep-sea soundings between the United States and England.

While on this duty, in the month of July, 1853, he was successful in bringing up the first soundings from the bottom of the ocean at the depth of 2,500 fathoms, the result of which was the laying of the first ocean cable between England and America in 1855. Having finished that duty, he joined the Coast Survey, and was attached to the schooners *Crawford* and *Varina* for two years. He was then attached to the *Levant* and joined the East India squadron, and in November, 1856, in the capture and reduction of the barrier forts in the Canton River, he was seriously wounded. Returning from that cruise, he joined the *Wyoming* and went to the Pacific station, where he remained until the breaking out of the rebellion, when he returned East and took an active part until the close of the war, commanding the *Somerset* and *Sagamore* in the East Gulf squadron, capturing a large number of blockade runners, Cedar Keys, St. Marks, as well as destroying large numbers of salt manufactories on the coast.

Health failing him, he returned North for a short time. May, 1864, he took command of the *Wyalusing* in the sounds of North Carolina, where he remained until the suppression of the rebellion. While in the sounds he assisted in the capture of the city of Plymouth and the rebel ram *Albemarle*, and in numerous engagements up the Roanoke River and in various places in the sounds. The war ending, he was ordered to the navy-yard, New York, on ordnance duty, until, in November, 1866, he took command of the *Iroquois* and once more joined the East India station; was in Japan during the revolution in that country, and when the Tycoon was defeated by Satsuma at Osaka, he and his official followers fled and took refuge on board of the *Iroquois*, for which kindness he received the thanks of the Tycoon. He returned home in November, 1870, and for three years was on special service with Admiral Porter and at navy-yard, Portsmouth, N. H. March, 1874, he took command of the *Congress* and joined the European station, and in the absence of Admiral Worden the duty of settling a difficulty between the Pasha of Tripoli and the United States consul devolved upon him.

The Government was so well satisfied with the result that General Grant, then President of the United States, thanked him in person. Returning home in 1876, he was ordered as senior naval officer afloat at the Centennial, Philadelphia, where his sailors and marines were given a post of honor in the grand procession on the day of the opening.

July 31, 1876, was ordered as commandant of the Portsmouth (N. H.) Naval Station, where he remained until November, 1878, when he was appointed Chief of the Bureau of Equipment and Recruiting, Navy Department. While in the Bureau he had a law passed authorizing the enlistment of 750 naval apprentices. At the same time Coasters Harbor Island, at Newport, R. I., was ceded by the State to the National Government as the headquarters for the training station, where it remains at the present time in a most flourishing condition.

He was instrumental in having President Arthur sign the order increasing the pay of the enlisted men and boys in the Navy. September 4, 1884, he resigned from the Bureau and took command of the European station. Returning home, he retired, according to law, February 25, 1886.

*Promotions.*—July 11, 1846, passed midshipman; March 1, 1855, master; September 16, 1855, lieutenant-commander; July 25, 1866, commander; September 28, 1872, captain; March 25, 1880, commodore; September 4, 1884, rear-admiral.

Admiral English died July 16, 1893, and his widow filed an application for pension December 19, 1893, but the same was disallowed April 26, 1894, on the ground that the disease from which he died (acute enteritis) could not clearly be traced to diseases originating in line of duty during his active service. It is believed, however, that a liberal view of the testimony would have justified the medical authorities of the Pension Office in allowing the claim, as the hospital records show that the officer was frequently under treatment during his active service for diseases similar in character to the one which caused his death. The physician (a naval surgeon) who treated Admiral English during his final illness gave it as his opinion that the officer's "long and arduous service brought a train of infirmities which gradually sapped vitality" and assisted in bringing about a fatal termination to his illness.

After a careful and thorough examination of all the facts in the case, and in view of the long and valuable services of Rear-Admiral English, your committee is of opinion that the relief asked for should be granted, and therefore report the bill back with a recommendation that it pass.

The CHAIRMAN. The question is on laying aside this bill with favorable recommendation.

Mr. GARDNER. Mr. Chairman, only one word. I simply want the House to understand that this bill, being a Senate bill, was also introduced in the House and went to the Committee on Pensions and not to the Committee on Invalid Pensions; so that a separate committee, following their own line of inquiry and from separate sources, have reported the bill back favorably, making a report very similar to the one which has been read. So that the House bill is before the House in the unusual position of having passed one or two Congresses and failed merely to get the signature of the President, of having passed the Senate this session, and having been favorably reported by the Committee on Invalid Pensions; and the Committee on Pensions, having a House bill, have also favorably reported on it. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. Mr. Chairman, one weak point in the report there is the failure to connect the cause of death with the disease contracted in the service. An abstract of the evidence in the Pension Bureau, I think, will clearly connect that; and I send it up to be read, in order that it may go into the RECORD, to show that he died from disease contracted in the service.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Was under treatment December, 1849, for cholera morbus; in 1851, for obstipatio; January, 1851, tonsilitis; April, 1855, gastric derangement; 1856, head, ache, and wound of spine, congestio hepatitis, and dysentery; 1857, orchitis-rannea, furunculus; 1874, bronchitis acute, icterus, chronic hepatitis; 1880, catarrhus; 1881, malarial cachexia; 1892, febris remittens; 1893, pneumonia; 1892, diabetes incident to long service in line of duty. Died July 16, 1893, of acute enteretis due to long and arduous service in Navy.

Extract from certificate of death: "Attacked with acute indigestion July 14, from partaking of blackberries. After several hours of suffering became comfortable. Stage of calm of short duration. Inflammation of small intestines supervened. Liver became intensely congested, very painful, and increased in size. Owing to alteration of tissues, the strain caused perforation or rupture of intestines, permitting escape of fæcal matter into peritoneal cavity. Peritonitis not very well pronounced, because life was so abruptly terminated. Deceased possessed but little resiliency."

"There is good evidence that the disease (or disability) causing death was in line of duty, the facts being as follows: Long and arduous service brought a train of infirmities which gradually sapped vitality. Suffered diabetes mellitus for many months. Gangrene of senile character followed. There was extensive atheromatous degeneration, which largely prevented removal of foot when gangrene threatened its integrity.

"WM. S. DIXON, *Surgeon, U. S. N.*"

Liver much congested, painful, increased in size, and the strain caused perforation of, or rupture of, intestines.

Mr. LITTLE. Mr. Chairman, I would like to inquire if the report shows how this claimant stood on the tariff and the financial questions.

The bill was ordered to be laid aside with a favorable report.

THOMAS CORIGAN.

The next business on the Private Calendar was the bill (H. R. 1838) granting an increase of pension to Thomas Corigan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and empowered to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of $50 per month, from and after the passage of this act.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1838) granting an increase of pension to Thomas Corigan, respectfully report as follows:

Your committee have carefully examined into the facts in this case, and find that the soldier served in Company B, Eighty-eighth Illinois Volunteer Infantry, from July 25, 1862, until he was discharged on account of disability.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand, and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 held that it can not accept the "fits" as a result of the wound in the back of the neck; but no other cause is evident, and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade, or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

If this case were before us as an original question we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. W. T. Sherman, and his severe wounds received in the battle of Chickamauga are clearly shown.

A bill granting the same amount of pension passed both Houses of the last Congress, but failed of action by the President.

Your committee recommend that the bill do pass.

Mr. ERDMAN. Mr. Chairman, I recollect this case. It engaged the attention of the Fifty-third Congress on several Friday nights. It engaged the attention of the Committee on Invalid Pensions for a long while. So much so that majority and minority reports were filed. The case was carefully investigated, judicially scrutinized, thoroughly discussed; and, in order that we may contrast the processes of the Fifty-third Congress in arriving at what it considered doing justice in cases of this kind, I send up to have read in my time a part of the RECORD.

The Clerk read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan from $30 to $72 per month, and submit the following report:

Thomas Corigan was a corporal in Company B, Eighty-eighth Illinois Infantry, enlisted July 28, 1862, and was discharged on January 24, 1864.

At the battle of Chickamauga, September 20, 1863, he was severely wounded in the left hand and is now drawing a pension of $30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 holds that it can not accept the "fits" as a result of the wound in the back of the neck, but no other cause is evident and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to $72 per month under the general law. We are not disposed to criticise the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade or $50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in a case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

Your committee recommend that the bill be amended by striking out "seventy-two," in line 7, and inserting "fifty."

If the case were before us as an original question we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. W. T. Sherman, and his severe wounds received in the battle of Chickamaugua are clearly shown.

The letter of Colonel Sherman is as follows:

"HEADQUARTERS FIRST BRIGADE,
"SECOND DIVISION, FOURTH ARMY CORPS,
"*Camp near Blains Cross Roads, East Tennessee, January 10, 1865.*

"To whom it may concern:

"This is to certify that Thomas Corigan, an enlisted man of the Eighty-eighth Regiment Infantry, Illinois Volunteers, and corporal of Company B, same regiment, is a soldier good and true; ever faithful in the discharge of duty, never absent without leave, brave as a lion in action, and always at his post. He won the confidence and esteem of his commanding officers by his uniform good conduct and soldierly bearing. I therefore take great pleasure and bear willing testimony to his merit, and request that his wishes may be consulted inasmuch as he is disabled from active field service by reason of wounds received on the hard-fought and bloody field of Chickamauga on the 20th of September, 1863.

"F. T. SHERMAN,
"*Colonel Eighty-eighth Infantry, Illinois Volunteers.*"

Your committee recommend that the bill do pass after being amended by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. ERDMAN. That is not all that I want read. Go to the places that I have marked.

Mr. PICKLER. What has already been read is almost verbatim the present report. It is simply to consume time.

The CHAIRMAN. Is objection made to the reading of this paper?

Mr. PICKLER. You are reading the same report that we have reported.

The CHAIRMAN. The Clerk will read Rule XXXI, on the reading of papers.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. POOLE. I object.

The CHAIRMAN. The question is, Shall this paper be read?

The question was taken.

The CHAIRMAN. The noes seem to have it; the noes have it, and the committee refuses to have the paper read. The question is, Shall this bill he laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania has been recognized once upon this question.

Mr. ERDMAN. Is there any other gentleman who desires to talk?

Mr. HARDY. Yes.

Mr. ERDMAN. Then go on.

Mr. HARDY. I yield my time to the gentleman from Kansas [Mr. KIRKPATRICK].

Mr. KIRKPATRICK. I will ask for a vote, if that is all.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. ERDMAN. Mr. Chairman, the minority report of the Committee on Invalid Pensions of the Fifty-third Congress is as follows on this case:

The minority of the Committee on Invalid Pensions have considered the bill (H. R. 5260) to increase the pension of Thomas Corigan, and submit the following statement of their views:

The records of the War Department show that this soldier served from July 25, 1862, to January 29, 1864, in Company B, Eighty-eighth Illinois Infantry. He was discharged on account of disability from gunshot wound of hand received at Chickamauga. He has been pensioned for this wound ever since discharged, and now receives $30 per month since August 4, 1886. His application, filed February 12, 1864, alleged only this wound. A later application, filed September 11, 1866, states that he also "suffers pain in the neck from the effects of a wound there received." In 1887 he claimed that deafness had resulted from that wound, and states that the ball was removed in the field hospital; in April, 1888, he alleged resulting impairment of vision and of hearing; in September, 1888, he refers to "buckshot wound in back of neck"; in February, 1892, he alleged affection of sight and hearing and epilepsy as a result of said wound.

Mr. STEWART of New Jersey. I rise to a parliamentary inquiry. Can the gentleman from Pennsylvania, by indirection and evasion, defeat in this way the action and vote of this House?

The CHAIRMAN. The gentleman from Pennsylvania is not reading. He is speaking. [Laughter.]

Mr. STEWART of New Jersey. I submit that the gentleman is reading, and is doing so in direct violation of the action of the House.

The CHAIRMAN. The Chair thinks the gentleman from Pennsylvania is entitled to proceed.

Mr. ERDMAN (continuing to read):

In September, 1892, the Pension Bureau accepted the fact that he had received this wound in the neck, but rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. This action was taken after a careful special examination of the claim, and was affirmed by Secretary Bussey on appeal January 3, 1893.

It will be observed that you are about to overrule General Bussey. I congratulate you on your success.

In his deposition before the special examiner in June, 1892, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

"The first time I felt any serious disability from the wound of my neck was about fourteen years ago (1878). I was flagging at a railroad crossing * * * in Chicago. I felt a cloud come over me and I fell down right in the track. * * * It was a hot day just like this. * * * I have had convulsions for the past fourteen years, but not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it. It was a buckshot, and went as far as the point of my ear. The doctor said to me when he extracted it, 'Pat, if the shot had gone a quarter of an inch farther you would never eat any more potatoes.' * * * I was not bothered with the wound of my neck in 1873, but I knew I had been shot in the neck. In 1875 I was not suffering with the wound in my neck much."

His wife, Rosetta Corigan, corroborates his statement as to the first convulsion or fit about fourteen years previously.

An examination by medical officers of the Pension Bureau September 6, 1873, reports: "Flesh wound of the neck, not rated"; September 7, 1875, "slight flesh wound on the back of the neck, not rated"; September 4, 1877, "slight wound of neck, not rated"; June 22, 1892, "wound on posterior surface of neck, size of a nickel, white in color, nonadherent, nondragging, nondepressed; the vertebræ do not seem to have been injured, but there is thickening of soft tissues beneath the integument."

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Moreover, he is in receipt of a pension of $1 a day, and the question involved is purely one for the determination of the Pension Office, and the committee has repeatedly refused to interfere in the individual adjudications of the Pension Bureau in matters clearly within their jurisdiction and presenting no technical hardship. To pass this bill is squarely in violation of the principle enunciated in several adverse reports on bills of this character, and the minority do earnestly recommend that the bill do lie on the table.

JOHN J. McDANNOLD.
M. R. BALDWIN.
C. J. ERDMAN.

The question was afterwards discussed by the gentleman from Virginia [Mr. JONES], the gentleman from Iowa [Mr. HULL], the gentleman from Iowa [Mr. LACEY], the gentleman from Alabama [Mr. STALLINGS], and other gentlemen.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

JOSEPH W. FISHER.

The next business on the Private Calendar was the bill (S. 640) to increase the pension of Joseph W. Fisher.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph W. Fisher, late colonel of the One hundred and ninety-fifth Regiment of Pennsylvania Volunteers, at the rate of $100 per month, in lieu of the pension he is now receiving.

The amendment of the committee, to strike out "$100" and insert "$75," was read.

The Clerk was proceeding to read the report, when

Mr. ANDREWS said: Mr. Chairman, if there be no objection, the reading of the report might be dispensed with, and a brief statement of the facts covered by the report might disclose the essential features of this case.

Mr. ERDMAN. Mr. Chairman, I notice that gentlemen on the other side are very considerate of my wishes in matters of this kind; and therefore I think I must insist on having the report read in full.

Mr. ANDREWS. I simply supposed that this matter had been fully examined and was well understood by members of the committee, otherwise I would not have asked that the reading of the report be dispensed with.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 640) to increase the pension of Joseph W. Fisher, having carefully considered the same, adopt the accompanying Senate report (No. 62) as their own, and respectfully recommend its passage.

[Senate Report No. 62, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 640) granting a pension to Joseph W. Fisher, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

The facts are as follows:

The object of the bill is to increase the pension of Gen. Joseph W. Fisher, late colonel of the One hundred and ninety-fifth Regiment of Pennsylvania Volunteers, from $50 per month to $72 per month.

General Fisher at the breaking out of the civil war entered the service as a lieutenant-colonel of the Fifth Pennsylvania Reserves, and in July, 1862, he was promoted to the colonelcy of the regiment. He served as such for a full term of three years, the time of enlistment. Being mustered out, he raised the One hundred and ninety-fifth Regiment Pennsylvania Volunteers, and at the expiration of their term of enlistment he again raised a regiment known as the One hundred and ninety-fifth Regiment Pennsylvania Volunteers. He continued in the service until January 31, 1866, when he was finally mustered out.

He was engaged in all the battles in which his regiments participated, frequently received the compliments of his superior officers, was recommended for the position of brigadier-general, and was appointed brigadier-general by brevet in 1865. He performed conspicuous service at the famous Little Round Top at the battle of Gettysburg.

At the time General Fisher first enlisted he was past the military age, but he served during the entire war and came out of the war broken down in health, and has suffered from the exposures and hardships of the war ever since. He has had four different strokes of paralysis; he is 80 years old and is well-nigh helpless. He is by profession a lawyer. He held the office of associate justice and the office of chief justice of the supreme court of the Territory of Wyoming for a number of years. He has no means of support, and is totally disabled for mental and physical work.

A petition signed by several hundred representative citizens of his town (which is hereto annexed with the omission of the signatures) gives a statement of his condition mentally and physically, while the affidavits of two representative physicians, who are members of the pension board of examiners (hereto annexed and made a part of this report), confirm the statements contained in the petition.

The committee recommend that the bill be amended by striking out, in line 7 of the bill, the words "one hundred" and inserting in lieu thereof the words "seventy-two," as this will grant to General Fisher a pension equivalent to that provided for privates in the volunteer service who are totally disabled.

—

*To the Honorable the Members of the Senate and House of Representatives of the Congress of the United States:*

GENTLEMEN: We, the undersigned citizens of the United States, do hereby most respectfully petition your honorable body to grant a pension to Gen. Joseph W. Fisher, formerly of the State of Pennsylvania, and for twenty-three years last past a resident of Wyoming.

General Fisher's military record, which is part of the history of the late civil war, is, briefly, as follows: He entered the service in May, 1861, as lieutenant-colonel of the Fifth Pennsylvania Reserves; in July, 1862, he was promoted to the colonelcy of the regiment; he served as such for the full three years' time of enlistment. When he was mustered out he raised the One hundred and ninety-fifth Regiment Pennsylvania Volunteers for one hundred days' service, being colonel of the regiment, and at the expiration of that term again raised a new regiment known as the One hundred and ninety-fifth Regiment Pennsylvania Volunteers, of which he was colonel, and continued in service until January 31, 1866, when he was finally mustered out of service.

During all his term of service General Fisher was engaged in all the battles in which his various regiments participated and was frequently complimented in orders by his superior officers, all of whom recommended him for promotion to a brigadier-generalship, and he was appointed brigadier-general by brevet in November, 1865. His chief achievement as an officer was the taking and holding of Little Round Top, at the battle of Gettysburg, at a critical juncture in that battle, which fact was well known throughout the Army.

At the time he was finally mustered out of service he was suffering from disability caused by exposure and hardship in war and has ever since been in feeble health in consequence. He has sustained four strokes of paralysis and is now suffering from the effects of the last, being unable to speak fluently and being extremely weak. He is 80 years of age, and has been for about four years last past and is now absolutely unable to follow his profession as a lawyer (he was chief justice of Wyoming from 1871 to 1879), and will never recover sufficiently to engage in any business or employment. That he is without means of support. Your petitioners, therefore, pray that a reasonable pension be granted General Fisher, believing that no more worthy case has appealed to the sense of justice of your honorable body.

(Here follow nearly 300 signatures.)

—

STATE OF WYOMING, *County of Laramie, ss:*

CHEYENNE, WYO., *April 13, 1894.*

*To whom it may concern:*

This is to certify that I was called to attend, professionally, Hon. J. W. Fisher, of this city, on December 2, 1890, he being the subject of apoplexy, with right hemiplegia, labial paralysis, and amnesia aphasia. My attendance continued daily until the 18th of December, 1890, and occasional visits for a variable period; the dates of the visits have not been kept. At no time since the attack of December, 1890, has he been in a condition, either mental or physical, to attend to any kind of business, and, owing to his advanced age, never will be able to earn a livelihood in any manner. While in certain respects he has improved slightly, yet it is not of a character to hope for improvement, as the attack may recur at any moment and place him in a more deplorable state than he has yet been in.

ROBERT B. GRIMES, M. D.,
*Late A. A. Surgeon, U. S. A.*

Subscribed and sworn to before me this the 14th day of April, A. D. 1894.

W. P. CARROLL, *Justice of the Peace.*

—

*To whom it may concern:*

This is to certify that I have attended Joseph W. Fisher professionally at various times within the past year, and that I find his physical condition to be such as to totally disable him from manual labor of any sort whatever. He has "amnemonic aphasia," resulting from senile degeneration, which unfits him from all business pursuits where memory, a normal coordination in thought, and a concise manner of expression are required.

His condition during a greater portion of the past six months has been such as to require the services of an attendant to supply his wants, having been afflicted with a catarrhal inflammation of the ears, which resulted in the perforation of the drums of both ears and an almost entire loss of hearing of the right one.

Taking into consideration his age and his present condition of general senile degeneration, it is quite probable that he will require the care of an attendant most, if not all, of the time of the remaining period of his life.

GEO. P. JOHNSTON, M. D.,
*Secretary Board United States Examining Surgeons, Cheyenne, Wyo.*

April 7, 1894.

THE STATE OF WYOMING, *County of Laramie, ss:*

George P. Johnston, being first duly sworn, deposes and says that the facts contained in the foregoing statement are true.

GEO. P. JOHNSTON, M. D.

Subscribed and sworn to before me this 11th day of April, A. D. 1894.

[SEAL.] LOUISE S. SMITH, *Notary Public.*

Mr. TALBERT. Mr. Chairman, I had no objection to the passage of the bill which was before us a few moments ago—the bill in the case of Mr. Thomas Corrigan. In the last session of the Fifty-third Congress that same bill passed, and I voted for it. I learned from the gentleman from Iowa [Mr. HULL] and his colleague [Mr. LACEY] that his case was meritorious. I investigated it myself and found that the applicant deserved what the bill asked for. I found that he was a true, a tried, a brave, and gallant soldier [applause], who had never turned his back upon the enemy except in a legitimate retreat. I found he was a soldier who had been complimented as one of the bravest that ever fought in any army. For these reasons, I made no objection a while ago to the passage of the bill giving that brave old man something

with which he could take care of himself in his declining years. But, Mr. Chairman, right upon the heels of that bill comes this, which, like many others that have passed this House, discriminates against the gallant private soldier in favor of the officer, and I am opposed to it. I hope it will not become a law.

Mr. PICKLER. The gentleman will allow me to suggest that this pension is not based upon the rank which this man held. If he had been only a private, and were in his present condition, he would get $72 a month. He is 80 years old, and has had four attacks of paralysis.

Mr. TALBERT. Yes; but his case is not presented here as that of a private, but because he is an officer.

Mr. PICKLER. We can not reduce him.

Mr. TALBERT. The reason adduced in the report in favor of granting this pension is that he is an officer; that is the inference drawn—that there must be a discrimination in his favor as against the private soldier. I am opposed to any such discrimination. It is not right. It is not proper. It is not just. An officer is no better than a private soldier.

Mr. LIVINGSTON. Does the gentleman note the fact that this man has had four attacks of paralysis?

Mr. TALBERT. Yes; and it seems to me his case is somewhat like that of the man whose case was before us the other night, who, according to the statement of his disability in the report, was about six-tenths beyond being dead. And I voted for the bill so that he might have enough money to pay his funeral expenses. [Laughter.]

Mr. Chairman, I sat here to-day and witnessed the unpleasant, uncomely, and unusual spectacle of an attempt to stifle debate. I witnessed the unpleasant and uncomely attempt, by means of the previous question, to railroad through these undeserving bills—bills having no merit in them whatever—bills which, by the apparent tyrannical and arbitrary rulings of the Chair, were passed without giving anyone an opportunity to make an explanation or to learn something about them, or to have any light thrown upon them by discussion.

We passed here to-day two bills giving pensions to remarried widows in violation of all law, in violation of every principle of right. Not that I am opposed to the remarrying of widows, for I wish they were all married, but the law says when they remarry they relinquish their right to the pension; and this House has no more right to violate the law than the private individual has. This was done to-day; and I claim that it is not right, for when a widow remarries, knowing the effects of the law, she has no claim upon Congress for restoration to the pension roll. She relinquishes voluntarily her claim.

But, Mr. Chairman, upon the heels of that, under whip and spur, the Chairman and the distinguished chairman of the Committee on Invalid Pensions railroaded through the House a pension for the widow of a man who was only in the Army three months, who never heard a gun fired, and who was never in an engagement with the enemy—that is, there is no testimony to show that he was—who claimed that his deafness asserted as his disability arose from the firing of a cannon that never was fired and that he never heard. [Laughter.] I submit it was not right. I rose in the House when the bill was under consideration and asked if it was in order to offer an amendment to the bill to make it "not granting a pension." The Speaker decided that it was in order to amend it, and I made the motion, but it was ruled out, after it was presented to the House, and no debate allowed at all. I say it was arbitrarily done; it was tyrannical; it smacks, sir, of arbitrary power; and I say we should rebuke such conduct, for if we do not do so we are laying the foundation for despotism and anarchy in this country; the premonitory symptoms are already upon us. It is not right.

I rose when the next bill was under consideration and made a similar inquiry as to an amendment, and made the same motion, but was again ruled out of order. I was thereby refused an opportunity of amending the bill.

A MEMBER. But that was done under the rules of the House. The previous question had been ordered.

Mr. LIVINGSTON. I know my friend from South Carolina does not want to do the Speaker of the House any injustice or any wrong, especially in his absence. The bill to which the gentleman alludes came from the Committee of the Whole, and was debated in the Committee of the Whole, and amendments considered and adopted. It was not subject to amendment in the House after the previous question was ordered, and the Speaker of the House, on the demand of the chairman of the Committee on Invalid Pensions, submitted the question, and the House ordered the previous question. It was the action of the House itself, and the Speaker was simply carrying out the rules of the House.

There was no opportunity for the gentleman to submit his motion to amend after the previous question had been ordered by the House. [Applause.]

Mr. TALBERT. Well, that may be; but I do not think there is anything to laugh about. I do not wish to do the distinguished gentleman any injustice, and certainly will not do him any injustice that he does not do to himself, and I accept the correction offered by the gentleman.

But I repeat, the House, under whip and spur, put in a pension for a man and carried it through, when there is not a scintilla of evidence showing that he ever enlisted in the Army or that he was ever forced to go onto the battlefield; that he ever heard the firing of a gun; that he was ever compelled to take photographic pictures of the contending forces or anything else, and the evidence in this case shows still further that he had only a little scratch in the back and claims that that scratch caused him to go blind without any evidence whatever beyond the mere assertion. For what appears in the report of the committee was not satisfactory to the House or anybody else.

Now, Mr. Chairman, I want to be particularly understood on this question, for I claim to represent no men or set of men who oppose on this floor any claim which is just and right for the granting of pensions. I oppose no claim that is based in justice and founded in right. All I ask is fairness and honest dealing in these matters. I will oppose any pension that is not based upon fairness, that is not based upon principle, and upon right, notwithstanding any arbitrary rulings that have been made to the contrary; and the opposition that I make to such cases is entirely in harmony with what I believe to be the proper principle of our Government; for I am advocating principles that are founded on the solid basis of everlasting truth and justice.

Mr. STEWART of New Jersey. Will the gentleman allow me a question? Do you think it right and just or gallant on the part of a man to assail the Speaker of the House in his absence?

Mr. TALBERT. I never knock a man in the back before his face, my friend. [Laughter.] And I want it understood that I am not one of those who think that "the king can do no wrong." I have rights on this floor as well as the Speaker or anybody else; and I am one of those who dare to assert them. I make no charges upon the Speaker.

Mr. LIVINGSTON. That is, "My king can do no wrong"?

Mr. TALBERT. Well, I have no doubt that the gentleman who asks the question might do a little wrong, if he tried right hard.

Now, I want my position particularly understood on the question of granting pensions. [Cries of "State it!"]

My friends, I am making this speech now, but if you want to make one I will wait until you get through. [Laughter.] I am like the gentleman from Maine or the gentleman from Hawaii, I do not know which. But I have the floor; I have got it now, and I mean to hold it.

I feel myself backed up in the position I take by the old soldiers of this country, and touching on that very subject I send to the desk to have read a letter that I received from an old soldier from the town of Olney, Ill., on this subject, a letter received this afternoon, by which I am justified in saying that the soldiers of this country appreciate the stand that has been taken in support of justice and right on this floor.

I ask the Clerk to read this letter.

The Clerk read as follows:

OLNEY, ILL., *March 31, 1896.*

MY DEAR SIR: I have been reading in the CONGRESSIONAL RECORD the debates in Congress and I have about come to the conclusion that you are about as true a friend as the real soldiers have in this Congress. Now, I am going to give you something to work on. I was one of the very first men in this country to enlist. I enlisted on the 17th of April, 1861, three months; reenlisted and was mustered out of the service February, 1865, on account of a gunshot wound which took my leg off. While I was being hauled to the hospital at Atlanta, Ga., my leg all inflamed, swelled up, and got worms in the wound, and the consequence is that there is not flap enough over the stump; consequently my leg has been bleeding more than one-half the time, and am and have been for thirty years poulticing and bathing in cold water in order to get a little rest at night, and my wife has all these long years been up and down of nights nursing me; so she, too, has lost her health. She has washed these old bloody stockings. Now, my friend, if you will take the trouble to go down in the Pension Office and look at account for increase No. 65580, you will find just what I have told you; will find that in the last two years I have been totally helpless. My claim was rejected because I was drawing all the law allows for a man with a leg off. They did not take in consideration that there is not another case in the United States like this one. My family physician here is one of Mr. Cleveland's appointees, and he told me to-day to write you and when some of these camp followers, wagon masters, or photographers are up have you move to strike out the name and insert my name. Hon. BENSON WOOD introduced a bill for me, but I wrote him to drop the private bill and work to get a certain general bill through which would apply to wounded men like me.

Now, my friend, I can assure you that the old soldiers are getting mighty tired seeing General So-and-So's wife getting $100 per month, when our poor wives have sat by our bedsides, night after night and day after day, dressing our old wounds, and they have been put off with $8 and $12 per month. I suppose THOMAS is afraid he will offend some of the Money bags if he allows a bill to go through helping wounded soldiers and their wives. I am really entitled to $72 per month. I have not been out of my room but four times in five months, and am aware that I have not long to stay on this earth; but what I want—if you think you could get my pension raised—I want a clause in the bill that if my wife lives longer than I do she is to have the same amount until her death. I do not want to displace anyone that has merit, but I do not like to be put in with deserters. If you will, please write me what you think of this kind of a proposition before you try. Dr. Foster told me to write you and see what you thought about it.

Respectfully,

JOHN S. COCHENNOUR,
*Late Captain Company H, Sixtieth Regiment Illinois Volunteers.*

Hon. JASPER W. TALBERT.

During the reading of the above,

Mr. GIBSON. I want to inquire whether the correspondent of the gentleman is in a lunatic asylum?

Mr. TALBERT. That shows what the gentleman thinks of the old soldiers, after he has been spending every evening here pretending to advance their interests.

This is a brave soldier, and he is not afraid to express his views in reference to matters pending in the House of Representatives. Besides that, he is not under bond for libel or anything of that sort, and he is no lunatic, either.

Mr. PICKLER. Mr. Chairman, I ask, if this letter is to be read, to have it read. Let us go on with the consideration of this bill.

The Clerk resumed and concluded the reading of the letter as above.

Mr. TALBERT. Now, Mr. Chairman——

Mr. NORTHWAY. May I ask the gentleman a question?

Mr. TALBERT. I want to ask the gentleman from Tennessee [Mr. GIBSON] if he thinks that letter sounds like a letter written by a lunatic?

Mr. GIBSON. I will take it all back.

Mr. TALBERT. I am glad to hear that. I forgive the gentleman, and I hope God and this House will. [Laughter.]

Mr. NORTHWAY. Have you introduced a private bill to help this man?

Mr. TALBERT. I just got the letter to-day, and I stand ready to advocate anything that old soldier wants in reason and equity, and I want to say I stand ready to fight deserters and teamsters and photographers and everything of that kind, and I do hope gentlemen on the other side of the House will have manhood enough, after hearing that letter, to rise up and not bring in any more such unmeritorious, infamous, scandalous bills as they have been bringing in heretofore.

Mr. NORTHWAY. If you will introduce a bill in behalf of that man I will stay here and vote for it, if I have to stay until midnight, or I will come up to-morrow night to vote for it.

Mr. TALBERT. The gentleman from Illinois [Mr. WOOD], as the letter says, has that bill in charge.

Mr. NORTHWAY. I will vote to give that man $72 a month.

Mr. TALBERT. Please let me say I did not have that letter read to create any laughter or anything of that sort. I had it read in good faith. I believe it ought to have been read here to show the sentiment of that grand old soldier who is lying suffering to-day, with an invalid wife.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Certainly.

Mr. PAYNE. If I understand the gentleman, he is in favor of giving $72 a month to this old soldier who has written this letter. Is that true?

Mr. TALBERT. This old soldier does not ask for $72 a month.

Mr. PAYNE. Yes, he does, in that letter.

Mr. TALBERT. One thing that he asks for is to be put upon an equality with some of these colonels and generals who never smelled powder, who were always in camp—a great many of them—and who knew nothing about it, but viewed the battle from afar off.

Mr. PAYNE. Are you willing to vote this old soldier $72 a month, as he asks in this letter—this private soldier?

Mr. TALBERT. My friend, I want to say that I will advocate what is right for this old soldier.

Mr. PAYNE. You said you were willing to give him what he wanted. Now, are you willing to give him $72 a month?

Mr. TALBERT. Introduce a bill and try me, my friend. I never answer a question until I reach it. I never cross a bridge until I get to it. But you show your willingness first to do your duty. [Laughter.]

Mr. PAYNE. If you are willing to give that soldier $72 a month, why do not you allow the committee to give this other soldier from Illinois $72 a month, as asked in this bill?

Mr. TALBERT. I will answer your question by asking another. Why is it you stand up here night after night and vote to put bummers and deserters and camp followers and coffee coolers along with such men as he is? Answer that question. [Applause and laughter.]

Mr. PAYNE. I never have done it. I have not voted for any of that class.

Mr. TALBERT. I say you have done it, and the RECORD shows it. I appeal to the RECORD.

Mr. BURRELL. We did not have that kind of men in our army.

Mr. TALBERT. Yes, sir; you had a number of them, and they were in every other army that ever existed, and you know it.

Mr. GROSVENOR. I want to ask the gentleman a question.

Mr. TALBERT. I do not know that I am standing a civil-service examination. [Laughter.] But my old friend is so good-natured—and I know he wants to ask something about McKinley. [Laughter.]

Mr. GROSVENOR. It will fill up the time just as well as anything else. Do you remember the time when this old soldier's pension was raised in common with that of every other soldier who had lost a leg or an arm? Do you remember when the pension of every such man was raised from one rate to a higher rate?

Mr. TALBERT. I suppose he is rated according to his disability.

Mr. GROSVENOR. I am asking you whether you have any knowledge of the change in the law that raised his pension and the pensions of all the legless and armless pensioners from one grade up to a higher one.

Mr. TALBERT. I suppose he has a rating; but as to keeping up with all the laws that you people make, it would take a faster man—as fast as I am—it would take a faster man than I am to keep up with them, you change them so often; but of course I recollect this instance.

Mr. GROSVENOR. I want to ask you if you have any knowledge of how many Democrats voted for that increase in the House of Representatives?

Mr. TALBERT. I am not dealing in statistics just now. We are discussing pensions and not statistics.

Mr. GROSVENOR. If you will find out, you will learn a great deal.

Mr. TALBERT. The other day when I asked the gentleman how much money there would have been in the Treasury if the income tax had not been repealed he did not answer, but went off into the high seas and went into piracy. [Laughter and cries of "Vote!"]

Mr. ERDMAN. Why is it that this Republican House and Republican majority——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. ERDMAN (continuing). Of the Invalid Pension Committee.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. TALBERT. I have the floor. I yielded to the gentleman from Pennsylvania for a question.

The CHAIRMAN. The gentleman did not address the Chair, and the Chair had no knowledge of that private conversation.

Mr. TALBERT. I yield to the gentleman from Pennsylvania.

Mr. PICKLER. He has no time that he can yield.

Mr. TALBERT. I think I have. I have more time than money; and I expect the gentleman from South Dakota is in the same condition. [Laughter.]

The CHAIRMAN. The gentleman says that he yielded for a question.

Mr. ERDMAN. Why is it that this Republican House and the Republican Committee on Invalid Pensions, the majority of them, have had before the committee for four months a bill to increase the rating of the armless and legless which it has not reported to this House at all?

Mr. TALBERT. I will answer the gentleman as far as I am able. I want to give him a correct answer, and if I do not state it right, I want to be corrected. I suppose they have not got through the bills for all the camp followers and coffee coolers and deserters. I suppose when they get through with them, they will report the bill.

Mr. WOOD. Mr. Chairman, as the letter which has just been read has introduced my——

Mr. TALBERT. I want to say, Mr. Chairman, just right here——

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. TALBERT. I have the floor. I submit that I have never yielded the floor.

The CHAIRMAN. The Chair understands that when the gentleman started away, after closing his remarks, that he had yielded the floor, and has recognized the gentleman from Illinois.

Mr. TALBERT. Now, I understand that the Chair has the right to so decide, and I have no objection.

The CHAIRMAN. The gentleman is out of order and will take his seat.

Mr. TALBERT. I will stand up, if I see proper, but of course I yield to the Chair.

Mr. WOOD. I will occupy the attention of the committee but a very few moments. As my name was introduced in the letter which was read at the Clerk's desk, addressed to the gentleman from South Carolina [Mr. TALBERT], I will just state here that Captain Cochennour, the writer of this letter, is personally known to me, and a more gallant soldier never went out from any State in the Union. He lost his leg by a gunshot wound in a charge at the battle of Jonesboro, Ga., September 1, 1864. It is true, as that letter has stated, that, realizing the fact that some pension legislation was needed in behalf of the legless and armless soldiers, he generously requested me to withhold his bill until a general act could be put through Congress that would cover all cases.

I wish that everyone who was a claimant on the bounty of the Government or the just dues of the Government had taken the same honorable course he has. There can be nothing said against the character of that man. He is a good citizen. His neighbors about him, who know his condition, have written me repeatedly

since I have been here. The fact is, that the stump of that leg has not healed entirely in all these thirty years. I am glad that this matter has come up, for I desire to give notice to the committee that on the first opportunity I shall ask unanimous consent to have the bill increasing his pension brought before the House and put upon its passage. That is all I have to say.

Mr. TALBERT. Mr. Chairman, I only intend——

Mr. PAYNE. I rise to a point of order.

Mr. TALBERT. I just desire to say that I did not——

Mr. PAYNE (continuing). The gentleman has already been recognized once upon this question——

Mr. TALBERT. I desire only to make an explanation.

Mr. PAYNE (continuing). And he can not be heard again without consent of the committee.

The CHAIRMAN. The Chair holds the point of order well taken.

Mr. TALBERT. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state his question of personal privilege.

Mr. TALBERT. I just simply desire to say, in reference to what the gentleman has said, that I introduced that letter in good faith, and without having any thought of raising all this hullabaloo; but that it might be brought up in this way and that it might do good. I disclaim introducing it with any disrespect to that old soldier or to have any levity about it. I did it in good faith, am not ashamed of having done so, and I will stand by it, no matter how many points of order the gentleman from New York may raise. [Laughter, and cries of "Vote!" "Vote!"]

Mr. LIVINGSTON. Mr. Chairman, I understand that these Friday night sessions came into existence for the purpose of meeting emergencies that are not provided for under the general law. These cases that come before us at Friday night sessions are those not covered by the general statutes. Now, I find that on this floor there are two extremes that are very damaging to the old soldiers; and I want to say to my friends on both sides of the House that they do an injustice to themselves and to the old soldier by taking these extreme positions. We have some men on our side who seem to be opposed to any kind of pensions; you have men on your side [addressing the Republican side] who are willing to burden this country with any kind of a pension.

Mr. ERDMAN. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. Yes, sir.

Mr. ERDMAN. Have you heard any gentleman on this side express himself as opposed to all pension legislation?

Mr. LIVINGSTON. No, sir.

Several MEMBERS on the Republican side (addressing Mr. ERDMAN). You are!

Mr. ERDMAN. No, sir; I am not.

Mr. LIVINGSTON. Now, Mr. Chairman, there is no man on this side or on the other, whether he be Democrat, Populist, or Republican, who ought not to vote for every meritorious case that comes before this body at these Friday night sessions. At the same time the chairman of the committee and the gentlemen who stand behind him on his side of the House ought to be extremely careful that they do not put before the House unmeritorious cases. If both sides were thus careful, all this contention and all this loss of time would cease.

It is true we should not have so much political capital on which to go before our people when we come to stand for reelection; but at the same time the old soldier would fare better. We should have less turmoil and strife in this House at these Friday night sessions. I am not here to-night to make any speech; but I do want to say to the chairman of this committee, in all candor, that during my membership of this House there have been brought here on Friday nights and on private-bill day pension cases which ought never to have been passed, but which have been railroaded through. It was a dishonor to the old soldier, and it was no honor to the chairman of the committee and the majority of this House, to put through such pension bills. And on the other side of the House the opposition at times to gentlemen on our side who were conscientiously opposing pension bills was not at all creditable. That is true also.

Mr. PICKLER. Will the gentleman from Georgia state what case has been reported this session from our committee which ought not to have been reported?

Mr. LIVINGSTON. Well, I am not going to particularize cases.

Mr. PICKLER. I want to say to the gentleman from Georgia that the most questionable case we have reported in this House at this session is one which was favorably reported in the last House.

Mr. LIVINGSTON. What I want to say is this: If the chairman of the committee and the majority of the House will only take up meritorious cases, I shall insist with all the power and influence which I may have that gentlemen on this side of the House shall let such bills go through without opposition, without dilatory motions, and without unnecessary consumption of time. Why can we not do that? Why can we not behave here like Congressman ought to do; and why can we not legislate for the benefit of the old soldier?

Mr. PICKLER. Simply because the gentleman from Pennsylvania will not let us do so.

Mr. LIVINGSTON. Now, the gentleman is becoming personal. What I desire is that we shall stop all this personal crimination and recrimination. We ought to do it. All I am saying now is in the interest of the soldier and on behalf of the credit of this House and this Congress, and on behalf of the peace and sobriety of spirit which should characterize our action at these Friday night sessions. [Applause.]

Mr. POOLE. Mr. Chairman, on last Friday night we had a speech from the gentleman from Illinois [Mr. CONNOLLY] attacking the work of the Invalid Pension Committee. To-night a similar attack is made by the gentleman from South Carolina [Mr. TALBERT]. It is time that these attacks should be met by the Invalid Pensions Committee, and I propose to meet them in a few words here to-night. I call attention to the words spoken by the gentleman from Illinois [Mr. CONNOLLY] on this floor last Friday night:

> Mr. Chairman, I say I can not understand what it is that actuates this Committee on Invalid Pensions to neglect the bills that are pending before them for sure-enough soldiers, men who carried sword and musket and stood in the forefront for years, but who can not bring themselves now within the strict letter of the law so as to obtain pensions under the general law.

Again, the gentleman from Illinois said:

> As to that class of bills, bills giving pensions to soldiers and to their widows, the sentiment that has inspired the enactment of special laws of that kind has been approved for twenty-five years by the people of this country. We are justified in passing them; but are we justified in letting such claims sleep and bringing to the front bills for teamsters, photographers, camp followers of every grade and kind, and giving them pensions, while the soldiers who are really entitled to pensions are one by one dropping into their graves, dying in poorhouses, or living upon the crumbs of charity?

Now, Mr. Chairman, if those words are true, if this Invalid Pensions Committee has been guilty as thus charged, we deserve the censure not only of this House, but of the entire country. But I say, Mr. Chairman, those charges are a base slander. There is no committee of the House that has such hard work as the Committee on Invalid Pensions. We do not originate many of these bills ourselves. We take them as members present them to our committee, examine them and the testimony submitted; and I wish to show what we have accomplished in that direction. There have been presented to the committee 1,863 private pension bills. We have made favorable reports in 261 cases up to the 1st day of April.

I claim, Mr. Chairman, that the committee has been unjustly attacked, and I wish to show in a few words what we have done and say something in defense of our action. As I said, sir, we have made favorable reports in 261 cases. There have been probably three times that number of bills presented that we have examined and rejected individually as members of the various subcommittees who had them to consider.

Of the bills reported—and I want the House to distinctly understand just the class reported, and then if we have been guilty of bringing teamsters, photographers, and camp followers to the front, and relegating to the rear the soldiers who carried muskets and who served the country faithfully, we are willing if that fact is exhibited by the work we have done, to accept the censure of the House. The following bills were reported by the committee:

| | |
|---|---|
| Invalid, original and increase of pension | 109 |
| Widows, original and increase of pension | 106 |
| Dependent mothers | 10 |
| Nurses | 3 |
| Minors | 1 |
| Permanently helpless: | |
| Dependent daughters of soldiers | 13 |
| Dependent sons of soldiers | 1 |
| Dependent sisters of soldiers | 2 |
| State militia disabled while in United States service | 4 |
| Contract surgeon | 1 |
| Civilian employees injured in United States service | 3 |
| Citizens injured doing military duty | 2 |
| United States Revenue Marine | 1 |
| Widow of scout and guide (spy) | 2 |
| Foster father | 1 |
| Stepmother | 1 |
| Mother of civilian employee (boy drowned) | 1 |
| Total | 261 |
| Total number of private bills referred to committee up to April 1 | 1,863 |
| Total number of public bills referred to committee up to April 1 | 121 |
| Total number of Senate bills referred to committee up to April 1 | 103 |
| Total | 2,087 |

It will be seen, therefore, from this table that there have been 261 bills favorably reported by the committee in all. In addition to these bills, as will be seen by the same table, we have had 121 general bills under our charge for consideration. We have also had from the Senate 103 bills, making a total of 2,087 bills all told that we have had for consideration in the committee during the present session of Congress.

I claim that from this record it is demonstrated, beyond any reasonable doubt, that we have worked faithfully and earnestly

on this business and that we have not relegated the invalid soldiers and their widows to the rear and brought forward the camp followers and photographers and others of that class, as has been alleged on this floor.

The case of that photographer, which was argued with so much spirit a week ago, and in reference to which the gentleman from Illinois [Mr. CONNOLLY] made such an attack, was a case of unusual hardship. I do not propose, Mr. Chairman, to go over the evidence in the case again, but merely wish to state that this was the man who was wounded in the service of the Government under circumstances, as I have said, of peculiar hardship; and we believed that it was only right and proper that he should receive a pension, and thought we were fully justified in giving him the pension of $30 a month in view of the terrible injury he had received. He was wounded, I repeat, while doing duty, taking photographs of the earthworks of the enemy, by the direct request of Maj. Gen. John J. Peck.

But now let us turn our attention for a few moments to the bills that the gentleman from Illinois [Mr. CONNOLLY] introduced, a gentleman who seems to be so much better than the rest of us. Let us see what bills the gentleman from Illinois presented, because we must take the bills that the members present, not our own bills, for consideration before our committee. It is right, of course, that we should expect this gentleman only to send us such bills as would take care of the interest of what he calls the "sure-enough soldiers," the old soldiers, the men who carried the muskets and performed hard duty in the field, and we should not expect that any bill coming from that source would be open to the slightest question as to its propriety or the wisdom of its passage in the House. Let us examine, then, the character of bills the gentleman has introduced and see whether they come up to his standard.

The first bill I find is the bill (H. R. 4184) "granting a pension to Nancy Hollenbank, formerly Nancy Boaz, formerly Nancy Yeley, a hospital nurse during the war of the rebellion." She did not carry a sword or musket, and does not come under the head of the class of soldiers which the gentleman from Illinois thinks should only be pensioned. That is the first bill. The second was a bill granting a pension to William C. Estell, a disabled dependent son of a soldier. It may be a very worthy bill. I do not attack the bill at all; I am simply asking attention to those presented by the gentleman from Illinois, who says that we are bringing the camp followers to the front and relegating the old soldiers to the rear. I only want to call attention to the character of the bills that he has introduced, to see how they compare with those this committee has reported. I want to let you see what bills he has presented for consideration. The third bill is House bill 7026, which proposes to put the name of William T. Evans, late a hospital steward, on the pension rolls; a man who never carried a musket, who never carried a sword. That is the third case. The fourth bill that he presented for consideration was to pension Hannah Bailey Munson, a nurse, a woman, who never carried a sword or a musket. Those, gentlemen, are the only bills that the gentleman from Illinois [Mr. CONNOLLY] has presented to our committee for pensioning what he calls sure-enough soldiers. But upon looking over the record I find that in addition to those bills he has presented to the Committee on Military Affairs some bills for the benefit of men who were possibly sure-enough soldiers. The first one was the bill (H. R. 4183) to remove the charge of desertion from Peter Gehm. That was a bill for a man who possibly at one time did carry a musket. But he deserted.

Mr. McCALL of Tennessee. What became of that man?

Mr. POOLE. He deserted from the service of the United States, and now the gentleman from Illinois [Mr. CONNOLLY] is trying to restore his record, and possibly at the next Congress he will present a bill to pay him a pension.

The second bill, and the only other bill he has presented for a sure-enough soldier, was H. R. 5931, to remove the charge of desertion from William C. Johnson, another deserter.

Those, Mr. Chairman, are the only bills that the gentleman from Illinois has presented to this Congress for the consideration of any committee that benefited any man who had ever been a soldier. Now, Mr. Chairman, I do not know what his purpose was in making this attack upon our committee.

Mr. CONNOLLY. Will the gentleman allow me?

Mr. POOLE. Wait a moment. You had the floor last week. It may be possible that the gentleman made this attack last week because early in this week there was a Congressional convention in his district, and it might have been necessary for him to let the people in his district and the soldiers there know how much he was doing for the old soldiers of Illinois.

Now, I do not attack these bills which he has presented. I do not think the committee have examined these bills. The subcommittee having charge of these bills from Illinois has not yet found enough merit in them to present them to the entire committee.

Mr. MILES. I should like to ask my friend a question right there. Did not the gentleman from Illinois [Mr. CONNOLLY] complain last Friday night that these bills had not been considered?

Mr. POOLE. He certainly did complain that all this class of bills—bills for sure-enough soldiers—had not been presented and considered, but I claim it is a base slander.

Mr. MILES. Do we not sometimes have the custom in our committee of giving such bills as that a pocket veto?

Mr. POOLE. Certainly we do. I can prove by my own record that I have been compelled to abandon more bills than I reported, and I have reported perhaps as many bills as any other member of the committee. We do not waste your time, gentlemen of this committee, by presenting bills to you that have no merit. We present those bills that our consciences tell us are right.

Now, we were taunted by the gentleman from Pennsylvania [Mr. ERDMAN], at the last Friday night meeting of this committee, that we did not pass these bills. Who is to blame? It is not the Committee on Invalid Pensions; it is the gentleman from Pennsylvania [Mr. ERDMAN], who has fought us every night and done everything in his power to prevent our passing these bills—bills that he knew were meritorious. [Applause.]

Mr. ANDREWS. Mr. Chairman, with the forbearance of the committee, I should like to add just a word or two, in order that we may return to the bill under consideration and give a moment's attention to its merits.

The beneficiary named in this bill is in such a helpless physical condition that he needs and must have one attendant constantly, and two attendants a greater portion of the time. All of the facts presented in this case and stated in the communications that came to me before the bill was recommended for passage led me to the conclusion that if there is any meritorious case for Congress to pass upon this is one of the meritorious cases. It must be remembered that this man is 80 years of age, that his life perchance may close any day. I will not intrude upon the forbearance of the committee further, but hope we can now have a vote.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Those who favor laying aside the bill with a favorable recommendation will say "aye."

The affirmative vote was taken.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Those opposed will say "no."

The negative vote was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

### AGNES A. BLACKMAN.

The next business on the Private Calendar was the bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman.

The bill was read, as follows:

*Be it enacted*, etc., That the Secretary of the Interior be, and is hereby, authorized and instructed to restore to the pension rolls the name of Agnes A. Blackman, widow of George C. Blackman, brigade surgeon, United States Volunteers, certificate No. 34321, at the rate of $8 per month.

Mr. ERDMAN. Let us have the report.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2151) granting a pension to Agnes A. Blackman, having carefully considered the same, respectfully submit the following report:

This bill grants a pension of $8 a month to Agnes A. Blackman, as widow of George C. Blackman, a brigade surgeon in the war of the rebellion.

This woman applied for pension under the old law, and pending the determination of that claim she applied for and was granted a pension of $8 per month under the law of 1890.

After this she presented her claim under the old law, and in that investigation the question as to the validity of her marriage to Dr. Blackman arose.

Dr. Blackman had been married and divorced in Kentucky prior to his marriage to this woman. This divorce was a limited one, and the question was whether under it this subsequent marriage was legal.

Before entering into this second marriage Dr. Blackman took the advice of eminent counsel, and he was advised that he was perfectly free to marry again, and that the marriage would be valid.

While the matter was pending in the Pension Office an autograph opinion of Justice Stanley Matthews and ex-Attorney-General Alphonso Taft was filed, in which opinion they declared that the second marriage was valid. Notwithstanding these opinions the law clerk of the Pension Bureau decided against the validity of the marriage and her claim was rejected, and her pension under the law of 1890 stopped.

The law question appears in the following facts. Prior to 1853 the law of Kentucky relative to divorce was as follows:

"CHAP. 47, ART. 3, SEC. 2. No decree of divorce shall authorize or permit the party obtaining the same to marry again until one year after the final decree except when it is herein allowed in favor of both parties, etc.

"SEC. 8. A divorce from bed and board shall operate, as to property thereafter acquired, and upon the personal rights and legal capacities of the parties, as a divorce from the bonds of matrimony, except that neither shall marry again during the life of the other, and except, etc.

An act approved March 10, 1854, repealed the provisions limiting the right to remarry and is as follows:

"An act to amend the third article of the Revised Statutes, entitled 'Divorce and alimony.'

"*Be it enacted*, etc., That a party obtaining a divorce may marry again at any time after the final decree was rendered; may marry again at any time after one year from said decree."

The law clerk held that this did not reach the case of persons divorced from bed and board, for the reason that it could not be presumed that the legislature intended to make a divorce from bed and board the equivalent of one from the bonds of matrimony. There was not much question but that the

words of this amendatory act were ample to cover the Blackman case, but the words were limited by the law clerk's construction by what he assumed was the intention of the legislature.

The weight of authority seems to be with Justice Matthews and Judge Taft and against the law clerk; so your committee recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, if the Chair will but permit his eye to wander over this way, we may get a little more frequent recognition on this side. In reply to the gentleman from New York [Mr. POOLE], when he says that I stand here night after night and oppose pensions, I beg to say it is he and people with his disposition, who never scruple to vote for any bill, that have not stopped at teamsters, photographers, bums, and bounty jumpers, and, in the language of the gentleman from South Carolina, coffee coolers——

Mr. POOLE. Where were you during the war?

Mr. ERDMAN. It is by the act of those gentlemen, driving through all bills, refusing to discriminate, that pension legislation is delayed and pension legislation is sometimes blocked. I have expressed myself on a number of occasions as willing to scrutinize every bill and willing to vote for all those that are found with merit and willing to vote against all those that are without merit—what the other side is not willing to do. Now, we had a feast to-day, a royal feast, in which many deserters, bounty jumpers, and photographers sat down to $20, $30, $50, and $100 a month pension, and the crumbs go to the common soldiers.

Mr. PICKLER. Will the gentleman allow me a question?

Mr. ERDMAN. Scarcely the crumbs. The gentleman can speak in his own time.

Mr. PICKLER. Will you name any of them?

Mr. ERDMAN. I have named them.

Mr. PICKLER. That statement is untrue——

The CHAIRMAN. The gentleman from South Dakota is out of order.

Mr. PICKLER (continuing). And you know it. Absolutely untrue.

Mr. ERDMAN. When the gentleman wants to characterize me as opposed to pension legislation——

Mr. PICKLER. Yes; I do.

The CHAIRMAN. The gentleman from South Dakota is out of order. The gentleman from Pennsylvania declines to be interrupted.

Mr. ERDMAN. He knows that it is not correct. Now, in regard to that bill that was up a while ago, I desire to have inserted in the RECORD some further history of the claim of General Fisher. If there is objection to it, I will read it or have it read in my time. I ask unanimous consent to have it inserted.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to have read——

Mr. ERDMAN. No; to insert.

The CHAIRMAN (continuing). The paper that he holds in his hand.

Mr. PICKLER. Will the gentleman state what it is?

Mr. ERDMAN. It is a further history of the case of General Fisher.

Mr. PICKLER. Is it from the Pension Office?

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none. The Clerk will read.

Mr. PICKLER. He only asked to have it inserted in the RECORD.

Mr. ERDMAN. Yes, sir.

Mr. PICKLER. Let him insert it.

Mr. GROSVENOR. Mr. Chairman, I do not know that as a matter of practice that thing ought to be allowed. Unless the gentleman will state——

Mr. PERKINS. Mr. Chairman, I shall interpose an objection to printing in the RECORD without any knowledge of the contents of the paper.

The CHAIRMAN. The request was made to the House. The Chair stated that the gentleman made the request for unanimous consent, and no objection was made.

Mr. GROSVENOR. To read.

The CHAIRMAN. To read and insert.

Mr. HARDY. I object to the reading.

Mr. GROSVENOR. I object to its going in without being read, where it relates to the history of a dead man, without the House having knowledge of what it is.

The CHAIRMAN. The objection should have been made before.

Mr. GROSVENOR. I was making it as fast as I could. Two or three were talking at once, and I was asking the gentleman what it was. The gentleman was proposing to insert it in the RECORD, and I wanted him to state whether it was something of his own creation or something——

The CHAIRMAN. Is there objection to the insertion of this paper in the RECORD?

Mr. PERKINS. I object.

Mr. ERDMAN. I will tell gentlemen on the other side what it is, if they care to know.

Mr. WOOD. I hope the gentleman will be permitted to read it. If there is anything in it relating to the history of this case, it is proper.

Mr. ANDREWS. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDREWS. The bill to which these remarks are intended to relate has been passed, and is not now under consideration.

Mr. PICKLER. I thought it was to this case.

Mr. ERDMAN. It is to the case of General Fisher.

The CHAIRMAN. Objection has been made to the insertion of the paper in the RECORD.

Mr. ANDREWS. I ask for a ruling of the Chair on the point which I submitted. I did not understand the decision.

The CHAIRMAN. Objection has been made to inserting the paper in the RECORD.

Mr. ANDREWS. My point is, that the bill to which the matter relates has already been passed, and that the matter is wholly out of order.

Mr. ERDMAN. I want to say that the matter I desired to publish is in advocacy of the bill which has just been passed, and tends to show conclusively that the bill ought to have been passed. For that reason I wanted to put it in the RECORD.

Mr. PICKLER. We do not need any more proof in favor of the bill.

Mr. ERDMAN. I know you "do not need any more proof"; that is the way many of these bills come in here.

Mr. HARDY. Mr. Chairman, I have been very much pleased with the remarks made here to-night by the distinguished gentleman from Georgia [Mr. LIVINGSTON]. But sir, I feel that I can not indorse the action at Friday night sessions of the warm friend of us all, the gentleman from Pennsylvania [Mr. ERDMAN]. He assumes the right to criticise the action of the Committee on Invalid Pensions, and also the Committee on Pensions, of which committee I have the honor to be an humble member. He insists that every bill coming before this Committee of the Whole from either of the Pension Committees shall be subjected to the most rigid investigation and scrutiny. Sir, this is a reflection upon those committees that is not warranted, in view of the careful investigation they give to every claim coming before them.

Mr. MILES. One question, if the gentleman will permit me.

Mr. HARDY. Certainly.

Mr. MILES. I believe I understood you to say that the gentleman from Pennsylvania had on some Friday night——

Mr. HARDY. To-night.

Mr. MILES. Or to-night.

Mr. HARDY. Every night.

Mr. MILES. Every night—as you please—criticised the Committee on Pensions.

Mr. HARDY. Oh, no; to-night the Committee on Pensions——

Mr. MILES. Of which you are one member.

Mr. HARDY. Yes, of which I am one very humble member.

Mr. MILES. When did he do it? In what case?

Mr. HARDY. Why, he has criticised on every Friday night that we have been in session the Committee on Pensions, and has demanded and required debate upon every bill in this House, while he has stood here on this floor and voted for bills submitted by the Committee on Appropriations and the Committee on Ways and Means, voting away $500,000,000 of the money of the Government.

Mr. MILES. Keep cool.

Mr. HARDY. I am cool as an iceberg.

Mr. MILES. What I wanted the gentleman to do, in fairness to the gentleman from Pennsylvania, was to give to this House the name of one case reported by the Committee on Pensions—not the Committee on Invalid Pensions—which the gentleman from Pennsylvania has criticised or debated.

Mr. HARDY. Why, I have stated that the gentleman has objected to and criticised nearly every pension bill that has been introduced in this House.

Mr. MILES. Name one.

Mr. HARDY. Why, the last one—the one a moment ago—when he wanted to read a voluminous record.

Mr. MILES. That did not come from your committee; and if you do your duty on that committee, you ought to know that it did not.

Mr. HARDY. I qualified my remark by saying the Committee on Invalid Pensions and the Committee on Pensions.

Mr. MILES. Well, it is as to the Committee on Pensions that I am objecting.

Mr. HARDY. What is your objection?

Mr. MILES. You stated that you were a member of the Committee on Pensions and that the gentleman from Pennsylvania had criticised the bills that came from that committee.

Mr. HARDY. Well, I will qualify that remark by stating that the gentleman has opposed nearly every bill that has been reported

to this House on Friday nights from either of the Pension Committees. [Applause.]

Mr. MILES. Now that the applause has subsided, all I desire to say in answer——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HARDY. Certainly.

Mr. MILES. All I desire to say to that is that it is not true.

Mr. HARDY. Well, I desire to say in reply to you that you do not know anything about either committee.

Mr. MILES. That is all very fine!

Mr. HARDY. Now, I do not rise to make an attack on the gentleman from Pennsylvania. I am a friend of his, and he is a friend of mine. But I am talking simply to this point——

Mr. MILES. I do not know——

Mr. HARDY. I refuse to yield. If the gentleman does not know what he is talking about, I refuse to yield further. Now, Mr. Chairman, what I simply desired to say was this——

Mr. MILES. Mr. Chairman——

Mr. HARDY. I refuse to yield.

Mr. MILES. Very well, that is right. Now I protest——

The CHAIRMAN. The gentleman from Maryland is out of order.

Mr. MILES. Very well, I respectfully yield to the Chair.

Mr. PICKLER. Sit down.

Mr. MILES. You must not tell me to sit down.

The CHAIRMAN. The gentleman from Maryland is out of order.

Mr. MILES. Yes; and the gentleman from South Dakota is out of order, but you can not see that.

Mr. HARDY. Now, Mr. Chairman, what I simply desired to say was that the gentleman from Pennsylvania and one or two others, I might say—all friends of mine on that side——

Mr. MILES. Do you include me?

Mr. HARDY. All friends of mine, including yourself.

Mr. MILES. I do not know when the friendship began.

Mr. HARDY. Many years ago.

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. HARDY. Well, if it is brief and pertinent.

Mr. ANDREWS. Will the gentleman who now occupies the floor and the gentleman from Maryland kindly consent to finish this dialogue in the lobby while we pass a few pension bills? [Laughter.]

Mr. HARDY. I will say to the gentleman from Maryland that the gentleman from Pennsylvania is eminently able to sustain himself on the floor of the House against any man upon it.

What I desire to say is that the gentleman from Pennsylvania and one or two others on the floor of the House have occupied the time of the House on Friday nights in protesting, by speeches, against the passage of pension bills, and yet at the same time proclaim themselves to be the friends of the Union soldier. The man that proclaims himself to be the friend of the Union soldier on this floor, as some of these gentlemen have done, and who occupies the position that they have occupied with reference to these bills, is not as good a friend of the Union soldier as I would be of the Confederates, and I was a noncombatant upon either side.

Now, Mr. Chairman, I merely desire to say further that the people of this country, from the districts represented by these gentlemen and from all over the land, ask nothing but justice to the Union soldiers. [Cries of "Vote!" "Vote!"]

Well, you will vote when I get through; hardly before.

And furthermore I wish to discuss this point, and I rose mainly for that purpose, as to the widow of a dead Union soldier who remarries, that she shall, in the event of the death of her second husband, lose her pension. In many of these cases the children of the dead soldier are gathered about her and dependent upon her; and so, if in order to better her condition she has made a mistake in marrying again and has a worthless husband whom she can not live with, or where the second husband has died, I claim that she should be reinstated to the position she held as the widow of the soldier. The mere act of trying to better her condition should not exclude her from the pension rolls. "Love levels all ranks"; and many a soldier's widow, with his children about her, has sought to better her condition by marrying again, hoping thus to be enabled to support them in a little more comfort. The second husband may have been enabled to provide a better living for her, or he may have failed to do so; but whether he did or not, he has gone to his reward, and I claim that under such circumstances it is not right that the widow, who was the wife of a soldier while he was in the Army and serving his country, should have to lose her pension altogether.

Mr. ERDMAN. Mr. Chairman, in this bill we are about to establish another kind of a widow, and while we are making these different kinds of widows we might just as well pause for a minute and see precisely what we are doing.

This soldier was married and obtained a divorce a mensa et thoro, and thereafter proceeded to marry somebody else. Now, we are saying that that is a legitimate divorce, which authorizes a remarriage. The Pension Bureau has said no; and I will warrant the assertion that every reputable lawyer and every reputable legal authority anywhere, except perhaps in this House, will say that it is not such a divorce as will entitle anybody to marry again.

Mr. LOUDENSLAGER. Mr. Chairman, I rise to a question of order. I do not think the gentleman from Pennsylvania is in order under Rule XIV, clause 6.

The CHAIRMAN. The Chair will state that no objection was made at the time the gentleman began the discussion. The Chair, therefore, overrules the point of order at this time.

Mr. ERDMAN. Now it is pretended that there was an opinion by Justice Stanley Matthews and by ex-Attorney-General Taft upon this subject. The gentleman who drew the bill, I warrant, would not produce or publish that opinion, and yet you are about to say that that is the law.

If that is not another instance of reckless pension legislation, I do not know what is. I am told to point them out. I will point them out, and accentuate them as we go along; and yet I warrant that all the gentlemen on the other side of the House, embracing among them many of the best lawyers in the country, will stand up and vote for the passage of the bill against their own better judgment.

Mr. BROMWELL. Mr. Chairman, I want to say but a word with reference to the attack that has been made upon Dr. Blackman. He was probably the most eminent surgeon that ever practiced in the city of Cincinnati; and the reflection that is made upon him by the remarks of the gentleman who has just taken his seat, it seems to me, ought not to go unnoticed. The facts in the case are fully stated in the report——

Mr. ERDMAN. Will the gentleman allow a question?

Mr. BROMWELL. Certainly.

Mr. ERDMAN. Do you assert, as a question of law, that this gentleman had a right to marry again in view of the divorce that he received?

Mr. BROMWELL. I do. I assert most emphatically as a question of law that he had, and that is the opinion of Justice Matthews, of the Supreme Court, and of Judge Alphonso Taft, Attorney-General of the United States. It is a question that the best legal talent in the country has settled. These gentlemen, when consulted upon the subject, gave their opinion, as a question of law, that he had a right to marry again.

Now, that is all I have to say. This man was divorced. He went to these eminent legal authorities, than whom there were none better in the United States, and they advised him that under the law he had a right to remarry. He did remarry, and he lived for forty years with his second wife. This is the woman who now applies for this pension.

The bill was laid aside to be reported to the House with a favorable recommendation.

### ORDER OF BUSINESS.

The CHAIRMAN. The Clerk will read the next bill.

Mr. ANDREWS. I rise to ask unanimous consent in relation to Calendar No. 434, granting a pension to Gen. John M. Thayer. I will state the point briefly, and if there be objection, I will not consume time. General Thayer, the beneficiary named in the bill, is in a very critical condition. He is without means of support, and dependent entirely upon the charity and voluntary service of neighbors and friends, and unless we can reach this bill speedily it is probable that we will not be able to extend any relief whatever in his behalf.

The CHAIRMAN. What is the request of the gentleman? He has made none up this time.

Mr. ANDREWS. My request is for unanimous consent that this bill may be taken up and passed upon to-night, in order that we may possibly extend relief to General Thayer in the hour of his need.

Mr. PAYNE. I hope that will be done, although the next bill on the Calendar in the regular order is one in which I am interested.

The CHAIRMAN. The gentleman from Nebraska [Mr. ANDREWS] asks unanimous consent that Calendar No. 434 may be considered. Is there objection?

Mr. PICKLER. Mr. Chairman, I object.

Mr. ANDREWS. I hope the gentleman will not object.

Mr. PICKLER. I withdraw the objection.

The CHAIRMAN. Is there further objection?

Mr. PICKLER. The whole Calendar will be disarranged if we begin this.

Mr. LOUDENSLAGER. Mr. Chairman, I object.

### EBENEZER G. HOWELL.

The next business on the Private Calendar was the bill (H. R. 5354) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States the name of Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of all other pensions.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5254) to pension Ebenezer G. Howell, after duly considering the same, respectfully report:

Ebenezer G. Howell enlisted in the war September 5, 1862, as a private in Company F, One hundred and sixtieth New York Infantry, and was discharged as sergeant April 25, 1864. He reenlisted April 26, 1864, as second lieutenant Company K, Seventy-third United States Colored Troops, and was discharged January 29, 1866, having served faithfully three years and four months. November 3, 1879, he applied for pension for bayonet wound of right hand injuring little finger, and was pensioned April 10, 1883, to date from April 30, 1866, at $7.50 per month, "for incised wound of right hand affecting little finger." This was increased May 12, 1890, to $11.50 per month, to date from April 30, 1880.

The evidence in this case shows that Ebenezer G. Howell was, on the 6th day of March, 1888, badly injured in a railroad accident near Hobart, in Indiana. The train upon which he was riding was standing upon the track over a high trestle, and was run into by another train from the rear. The engine of the other train telescoped the car in which he was riding, filling the wrecked car with steam. He attempted to escape from the car, which is known as the caboose, and tried to get upon the top of the car and save himself from being scalded to death. He got hold of the ladder leading to the top of the car, but by reason of the injury of his right hand from the bayonet wound he received in the Army was unable to hold himself, and consequently fell a distance of 27 feet, breaking his right arm near the shoulder and also between the elbow and wrist; also injuring his spine and left side to such an extent that he has been partially paralyzed ever since.

The testimony shows clearly that from that time he has been unable to dress or feed himself without assistance and is unable to do any kind of labor. The records of the Pension Office show that Howell made claim for an increase of his pension January 14, 1893, as follows:

Alleges "pensionable disabilities and an injury received in a railroad accident March 6, 1888, in consequence of not being able to hold to the iron on side of the car by reason of said pensioned disability of right hand, said injury on railroad resulting in total physical and partial mental disability, and being sequence of said pensioned disability."

He was examined by the board of examining surgeons at Auburn, N. Y., September 6, 1893, and as a result of that examination, which was made with great detail, they concluded: "As a result of these injuries he is totally and permanently incapacitated for the performing of manual labor."

The increase claim was rejected January 24, 1895, on ground of "no special results." He again made claim for increase July 11, 1895, was examined by same board of surgeons, and was again rejected, on the ground, "Condition of hand, injury due to accident since discharge."

A large number of affidavits have been examined by the committee above referred to, made by residents of Cortland, N. Y., who have known this man before, during, and since the war, and all show him to be a man of pure life and highest character, and that he is now, and has been since the railroad accident entirely incapacitated for labor, and that to a great degree his right hand was useless since his recovery from the bayonet wound received in battle at Fort Blakley, Ala., and that he is now 64 years old and is entirely without means of support.

While the soldier is not pensionable under the present pension laws, it is manifestly clear from the facts and circumstances in evidence that his claim is a very meritorious one, and that the disabilities incurred in the railroad accident were unavoidably received because of his inability to save himself from being completely cooked to death by steam on account of the injured hand for which he is pensioned. It is therefore such a case as should receive the benefits of direct legislation by Congress, and a pension of $30 per month is recommended by this committee.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. ARNOLD of Pennsylvania. Mr. Chairman, I ask unanimous consent to take up Calendar No. 270. I will simply state that this applicant is very needy.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to take up Calendar No. 270. Is there objection?

Mr. PICKLER. Regular order.

Mr. FAIRCHILD. I object.

Mr. ARNOLD of Pennsylvania. I am satisfied the gentleman would not object if he heard the statement.

Mr. FAIRCHILD. All of these cases are equally deserving.

CAROLINE A. HOUGH.

The next business on the Private Calendar was the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, subject to the provisions and limitations of the pension laws, and grant her a pension of $50 per month, in lieu of the pension of $17 per month which she is now receiving.

The Committee on Invalid Pensions recommended an amendment striking out "fifty" and inserting in lieu thereof "thirty."

Mr. WOOD. Mr. Chairman, let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, submit the following report:

The committee have carefully examined the evidence in support of the above bill and find that John Hough enlisted as a private in May, 1861, in Seventeenth Illinois Volunteers. He was wounded in battle in 1861, which compelled his discharge, but in 1862 he reenlisted and was made adjutant of the Seventy-seventh Illinois Volunteers, and was successively promoted to assistant adjutant-general of volunteers with rank of captain, and then major. He was chief of staff of Gen. A. J. Smith, and was brevetted as colonel and brigadier-general for meritorious service in the field. He was a participant in 19 battles. His record is a most honorable one, receiving the commendation of General Smith and General Grant. He remained in the service during the whole war except a short period above mentioned, when he was disabled by wounds and rheumatism.

He was pensioned for gunshot wound of left foot, with loss of great toe, also for rheumatism and resulting disease of the heart, and drew until his death $17. His widow has drawn the same pension since his death.

There is no question but that these wounds and diseases were of service origin.

The evidence shows conclusively that the widow, Caroline A. Hough, has no income, property, or means except her pension of $17 per month, which is insufficient for her support, she being in the sixtieth year of her age and in feeble health.

The committee recommend that the bill be amended by striking out the word "fifty" in seventh line and inserting in lieu thereof the word "thirty," and that the bill as thus amended do pass.

Mr. MILES. Mr. Chairman, I simply want to remark that this is a case over which this side of the House will make no point. It is the second such case in succession. I want that to appear in the RECORD, in view of some remarks that have been made to-night. This is a meritorious case.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES H. JONES.

The next business on the Private Calendar was the bill (H. R. 4122) granting an increase of pension to James H. Jones.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of $30 per month the pension of James H. Jones, of Cusseta, Ga., late of the Georgia Volunteers, Indian war.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4122) granting an increase of pension to James H. Jones, have considered the same, and report:

The claimant served from May 9, 1836, to September 2, 1836, as a private in Captain Urquhart's company of Georgia Volunteers in the Florida Indian war, and he is now receiving, under certificate 1470, the pension of $8 per month allowed by the Indian war act of July 27, 1892.

Mr. Jones is now about 83 years of age, in a helpless condition physically, and wholly dependent upon his small pension for support. He and his aged wife are both almost totally deaf, and they have an invalid daughter, who is dependent upon them for maintenance.

In view of the above facts, your committee recommend the passage of the bill.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EUGENIA R. SWEENEY.

The next business on the Private Calendar was the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugenia R. Sweeney, widow of Thomas W. Sweeney, deceased, late a brigadier-general, United States Army, and pay her a pension at the rate of $50 per month, in lieu of the pension she is now receiving.

The report (by Mr. HOWE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, beg leave to submit the following report:

Previous to the third session of the Fifty-third Congress the claimant had been in the receipt of a Mexican war pension of $8 per month, when, at the suggestion of her friends, she petitioned Congress, through the Senate of the United States, to grant her a pension of at least $50 per month, which was referred to the Senate Committee on Pensions (the chairman of which was Senator JOHN M. PALMER, who well knew her husband, General Sweeny, both in the Mexican war and the war of the rebellion), who unanimously declared that—

"The long and faithful service of the soldier, the wounds that he received in two wars, which finally compelled his retirement from the service, and the poor health and poverty of the widow, make the case one of unusual merit, and we therefore recommend that the bill do pass."

In pursuance thereof said report was adopted by the Senate, and reaching the House committee for action in almost the last hours of the session for consideration by the committee as well as the House of the Fifty-third Congress, a modification by the committee was made reducing the sum from $50 to $30, and for fear that all might be lost by the failure in conference for the want of time for consideration, should it go to conference, the friends of the bill decided to accept the reduction, and stated that they would renew the application for the $50 per month at the present Congress, in view of the meritorious character of the general's services and the necessities of his widow; and therefore your committee recommend the passage of the bill H. R. 3236, and at the same time beg leave to append Senate Report No. 802 to their report, and adopt the same as a part thereof:

[Senate Report No. 802, Fifty-third Congress, third session.]

The Committee on Pensions, to whom was referred the bill (S. 2511) granting an increase of pension to Eugenia R. Sweeny, have examined the same, and report:

The claimant under this bill is the widow of Brig. Gen. Thomas W. Sweeny, late of the Army of the United States, who died at Astoria, N. Y., April 10, 1892. The widow is now in receipt of a Mexican-war pension of $8 per month.

The records show that General Sweeny entered the service as a second lieutenant December 23, 1846, and continued in practically constant service

until May 11, 1870, when he was mustered out in consequence of wounds received in the Mexican war and the war of the rebellion. Special Orders, No. 100, reads as follows:

[Special Orders, No. 100.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
*Washington, May 11, 1870.*

A board of examination having found Maj. Thomas W. Sweeny, United States Army, unassigned, incapacitated for active service, and that said incapacity is due primarily to a wound received in the battle of Churubusco, Mexico, while a second lieutenant in the First New York Volunteer Infantry, on the 20th of August, 1847, which occasioned the amputation of his right arm at the middle third; and, secondly, to a gunshot wound received in the right leg at the battle of Wilson Creek, Missouri, August 10, 1861, while acting as inspector-general to Brigadier-General Lyon, and at which time he (Major Sweeny) was a brigadier-general of the Three Months Volunteers, under an election of the officers approved by Brigadier-General Lyon; and, thirdly, by a gunshot wound in the flesh of the left arm above the elbow, received at the battle of Shiloh, Tenn., while commanding a brigade, these several wounds being aggravated by long and faithful service and exposure in the line of duty, the President directs that his name be placed on the list of retired officers of that class in which the disability results from long and faithful service, or from wounds or injury received in the line of duty. In accordance with section 32 of the act approved July 28, 1866, Major Sweeny is, by direction of the President, retired with the full rank of brigadier-general.

By command of General Sherman.

E. D. TOWNSEND, *Adjutant-General.*

J. R. MARTIN, *Assistant Adjutant-General.*

Mrs. Sweeny's petition to Congress is in the following words:

*To Congress of the United States of America:*

The petition of the undersigned, Eugenia R. Sweeny, respectfully shows: I am the widow of Thomas W. Sweeny, late brigadier-general, United States Army, retired, deceased. I was married to him at Augusta, Ga., on September 30, 1857, and we lived happily together until his death on April 10, 1892, and I have not remarried.

My husband at the time of his death was an officer in the United States Army, holding the rank of brigadier-general, retired. I refer to his honorable war record from the time he entered the Army, serving through the Mexican war in 1846-1848, wherein he lost his right arm and received other wounds; afterwards on the great plains in the West, and all through our great and lamentable civil war, wherein he earned and attained the rank of brigadier-general.

In consequence of the loss of his arm and wounds received in active service my said husband was retired on the 11th day of May, 1870, with such rank of brigadier-general. Being physically incapacitated by reason of wounds received during service in the United States Army, consisting in the loss of his right arm, a saber cut on forehead, and bullets in legs and remaining arm, he never entered any private business or accepted any political position. His only income was his pay as such retired officer, and he had no property or other income of any kind. He had dependent upon him for support his family, consisting of two sons and two daughters, my mother, and myself. I had no property or income, and with so many dependent upon him for support my husband's whole salary was used to give his family a comfortable living, and he was unable to save any of it for the future, and on dying he left no property or estate.

I am, and for many years have been, a partial invalid from rheumatism and nervous prostration, and am utterly unable to perform manual labor of any sort. My daughter Fannie has secured a position at a small salary, and is absent from home from early in the morning until late in the evening. One of my sons has also obtained a position at a very small salary, but must, when possible, learn and enter some other business before he can earn enough to support himself. My other son has no business, and by reason of a severed tendon in his arm is incapacitated for manual labor. Since my husband's death I have moved into a smaller house to secure a lower rent, and have taken boarders in the attempt to support myself and family, yet so small is the return that I can not hire a servant; hence my mother, who is aged 66 years, does most of the housework. My income is insufficient to provide myself and family with the necessaries of life.

Compelled by my necessities, I now petition that your honorable body will take note of them, and of my late husband's lifelong services rendered to the Government, preventing him from accumulating property, and grant me a life pension of at least $50 per month.

Dated October 12, 1893.

EUGENIA R. SWEENY.

STATE OF NEW YORK, *County of Queens, ss:*

Eugenia R. Sweeny, being duly sworn, deposes and says that she is the petitioner named in the foregoing petition; that she has read the same and knows the contents thereof, and the same is true.

EUGENIA R. SWEENY.

Subscribed and sworn to before me this 12th day of October, 1893; and I hereby certify that the person who signed and executed the foregoing petition and affidavit to be a creditable person and of good repute for truth and veracity in the community in which she lives, and that the contents of the above petition were fully known to her before signing.

[SEAL.] WALTER G. SCOTT,
*Notary Public, Queens County.*

The following is General Sweeny's military record, as furnished by the War Department:

WAR DEPARTMENT, RECORD AND PENSION OFFICE,
*December 20, 1894.*

VOLUNTEER RECORD.

Thomas W. Sweeny was enrolled November 23, 1846, at New York, and was mustered into service as second lieutenant with Company A, First Regiment (Burnett's) New York Volunteers, December 23, 1846. He is reported present on the rolls of his company, except as follows:

Roll dated August 31, 1847, "Wounded severely at battle of Los Portalas, August 20, 1847"; October 31, 1847, to February 28, 1848, "On sick leave from October 27, 1847"; April 30, 1848, "Absent on recruiting service October 29, 1847, General Orders, No. 328, October 26, 1847"; roll for May and June, 1848, not on file.

He was honorably discharged as second lieutenant, said company and regiment, March 16, 1848, to enable him to accept an appointment as second lieutenant, Second United States Infantry.

T. W. Sweeny, captain Second United States Infantry, was assigned to the command of a brigade of Missouri militia May 20, 1861, and was honorably mustered out as brigadier-general of Missouri Infantry August 14, 1861.

Thomas W. Sweeney was mustered into service as colonel Fifty-second Regiment Illinois Infantry Volunteers, to date January 21, 1862, and is reported on the field and staff rolls of the regiment as follows:

Roll dated February 28, 1862, "Present," with remark: "On special duty in St. Louis, per letter of instructions, dated headquarters Department of Missouri, St. Louis, February 24, 1862"; April 30, 1862, "Present," with remarks: "Wounded in battle April 6, 1862, at Pittsburg, Tenn."; June 30, 1862, "Absent," with remark: "Away on leave of absence"; August 18, 1862 (special muster), "Absent," with remark: "On leave of sixty days from June 26, 1862"; August 31, 1862, "Present," with remark: "Joined from leave of absence, August 30, 1862"; October 31, 1862, "Absent," with remark: "On detached service, commanding Second Division"; December 31, 1862, and February 28, 1863, "Absent," with remark: "On detached service, commanding First Brigade Dodge's Division, per Special Orders, No. 9, dated headquarters Sweeny's division, October 30, 1862."

He was honorably discharged as colonel of said regiment to date April 20, 1863, to enable him to accept an appointment as brigadier-general of volunteers.

The medical records show that Colonel Sweeny was wounded in the arm and had his horse shot under him at the battle of Pittsburg Landing, Tenn., April 6 or 7, 1862.

Thomas W. Sweeny was, while serving as colonel Fifty-second Illinois Volunteers, commissioned brigadier-general of volunteers March 11, 1863, to rank from November 29, 1862, and accepted the commission April 21, 1863. He is reported as follows:

In command of the First Brigade, Second Division, Sixteenth Army Corps, from date of appointment to July —, 1863; absent with leave to September —, 1863; in command of Second Division, Sixteenth Army Corps, from September 12, 1863, to July 24, 1864; relieved and ordered to Nashville, Tenn., in arrest, to await trial on charges preferred; stations from August to December 31, 1864, not given; January 1, 1865, at Louisville, Ky., under trial; acquitted by a general court-martial of the charges preferred; February — to April —, 1865, at Brooklyn, N. Y., awaiting orders; April 10, 1865, ordered to report to commanding general, Military Division Mississippi, for duty. No further record of service found.

He was honorably mustered out of service as brigadier-general of volunteers August 24, 1865.

Respectfully submitted.

F. C. AINSWORTH,
*Colonel, U. S. A., Chief Record and Pension Office.*

The SECRETARY OF WAR.

Your committee are unanimously of opinion that this case is worthy of favorable consideration. The long and faithful service of the soldier, the wounds that he received in two wars, which finally compelled his retirement from the service, and the poor health and poverty of the widow make the case one of unusual merit, and we therefore recommend that the bill do pass.

Mr. MILES. Mr. Chairman, this is a case reported from the Committee on Pensions. I desire simply to take occasion to say that the minority of this House is represented on the Committee on Invalid Pensions by Messrs. ERDMAN, MCCLELLAN, LAYTON, and myself, and that from the beginning of this Congress down to this moment this is the very first time that any member of the minority of the Committee on Invalid Pensions has opened his mouth in these debates upon any case coming from the Committee on Pensions. I say that in view of some remarks that have fallen from the lips of the gentleman from Indiana in the debate to-night. We have never at any time objected to or debated any case coming from the Committee on Pensions, any of us.

The bill was laid aside to be reported to the House with a favorable recommendation.

NANCY G. ALLABACH.

The next business on the Private Calendar was the bill (S. 894) granting a pension to Nancy G. Allabach.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 894) granting a pension to Nancy G. Allabach, having examined and considered the same, report it back to the House with a recommendation that it do pass, after being amended by adding at the end thereof the words "in lieu of that she is now receiving."

Your committee submit as their report the report on the same bill adopted by the Committee on Pensions, as follows:

The Committee on Pensions, to whom was referred the bill (S. 894) granting a pension to Nancy G. Allabach, have examined the same, and report:

The military record of Peter H. Allabach, who served as colonel One hundred and thirty-first Pennsylvania Volunteers, and also in the Mexican war, is as follows:

Peter H. Allabach was mustered into service as colonel One hundred and thirty-first Pennsylvania Infantry Volunteers August 18, 1862, to serve nine months; was in command of the Third Provisional Brigade from August 22, 1862, to October 10, 1862, and of the Second Brigade, Third Division, Fifth Army Corps, from October 16, 1862, to May 14, 1863; and was mustered out of service with the field and staff of his regiment May 23, 1863.

The records on file in the Office of the Adjutant-General of the Army show that Peter H. Allabach was enlisted in Company K, Third United States Infantry, at Philadelphia, Pa., November 23, 1844, was transferred to Company E, same regiment, September, 1849, and was discharged from the latter company, as a sergeant, at Paso del Norte, N. Mex., November 25, 1849, by reason of expiration of term of service.

Your committee, having become satisfied that the only income petitioner has is the Mexican war pension of $8 per month and is supported by the charity of friends, therefore recommend the passage of the bill.

It will be observed that the soldier had an honorable service in two wars, and that he was a colonel in the late war. The widow was granted a pension of $8 per month under the Mexican war pension law, and for this reason she has not applied for pension under the act of June 27, 1890.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CATHERINE R. JARDINE.

The next business on the Private Calendar was the bill (S. 349) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catherine R. Jardine, widow of Edward Jardine, late brigadier-general of the Army of the United States, and pay her at the rate of $100 a month.

Mr. PICKLER. This is an extraordinarily long report, and I think the gentleman from New York [Mr. MCCLELLAN] who made the report can give a succinct statement without it being necessary to have the report read.

Mr. MCCLELLAN. I should not care to undertake to do it. If my colleague [Mr. QUIGG] were here he could do it possibly. My colleague [Mr. CURTIS], who was an intimate friend of General Jardine, would do it better than I.

Mr. CURTIS of New York. I think if the House would accept a short statement which I could make on this bill it would save time for the consideration of other bills.

Mr. ERDMAN. I suggest the reading of the first part of the report, and omit the record from the Record and Pension Office.

Mr. PICKLER. All right; let that go.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine, have had the same under consideration, and submit as their report the report upon the same bill adopted by the Senate Committee on Pensions, as follows:

"At the outbreak of the war, in 1861, Edward Jardine, then 32 years of age, recruited a company in New York and joined the Ninth New York Volunteers. He was rapidly promoted from captain to major, from that to colonel, and finally made a brigadier-general.

Having acquired a knowledge of military matters through his connection in his early years with the New York Seventh Regiment, National Guard, he brought with him to the war a spirit of discipline that made itself felt in his company and regiment from the very beginning. It was this spirit and knowledge, coupled with his courage and bravery, that contributed greatly to the subsequent success and fame of his regiment, known as the Hawkins Zouaves. Captain Jardine was particularly conspicuous in his early service with this regiment in the command of scouting and reconnoitering parties and in other special duties at the front that required courage and daring. Specially notable were his services in command of a small detachment of the Ninth New York in covering the retreat of the Union forces after the battle of Big Bethel, Va., and bringing away the body of Lieutenant Greble.

He displayed conspicuous gallantry and coolness in the landing of the troops at Hatteras Inlet, North Carolina, under the heavy fire of Forts Hatteras and Clark, in August, 1861.

At the first bayonet charge of the war on Roanoke Island, Jardine, in command of his company, was among the first to enter the enemy's works. His services were especially useful at Camden, Winton, and Elizabeth City, N. C., and earned for him his promotion to the rank of major. He took an active part in all the subsequent battles in which his regiment was engaged, and at the battle of Antietam he was assigned by General Fairchild to the temporary command of the Eighty-ninth New York Regiment, which afterwards presented him with a gold medal as a mark of the appreciation of the officers and men of that regiment of his gallant services while commanding it. An incident of that battle, which well illustrates the character of the man, has been thus described:

"At Antietam, brigaded with his old regiment, was the Eighty-ninth, to whom he was assigned as colonel ad interim, leading them over Antietam Creek, fighting in the water up to their armpits, then up the bank and away at their head, never faltering, although he saw the most cherished friends of his old regiment falling like grass before the scythe, until 63 per cent of those engaged had been killed or wounded, pausing only for a moment as an aid of General Redman rode up to give him an order, which was interrupted by a shell exploding between them, killing the aid and almost blinding Jardine with the blood from the horse which fell dead at his side. The same shot killed the horse he was riding, hurling him violently to the ground. He arose, wiped the blood from his face, and calmly turning to his regiment, his command rang out to his astonished men who thought him dead, 'Forward,' and on they went again, to sure and certain victory."

He afterwards rejoined his own regiment and participated in the battle of Fredericksburg and the engagements around Suffolk, Va.

In these fierce fights at the front he was badly wounded many times, his left thumb being almost severed from his hand, a ball piercing his thigh and destroying one kidney, and at another time he was severely injured in the right shoulder. He was wounded twice at the battle of Camden, April 19, 1862, and though suffering intensely he refused to leave the field until the fight was over, and not until the next day were his wounds dressed.

He came back to New York in 1863, when his regiment was mustered out, and at once undertook the reorganization of the regiment as colonel for the term of the war. While engaged in this duty the draft riots broke out in New York City in July, 1863, and Colonel Jardine was directed by General Wool, then chief in command of the department, to assist with what men he could raise in quelling the riot. He immediately called on all the men he could find of his old regiment and some of the Seventh, making in all about 175 men. With this handful of soldiers he marched against the mob, numbering nearly 15,000, most of whom were as well armed as his own men. They were soon overcome by sheer force of numbers, and one of the mob placed a loaded musket to Colonel Jardine's head, but just as it was discharged one of the zouaves struck the piece down, the charge entering Jardine's knee and thigh, making a frightful wound, it having been loaded with a slug made from a piece of lead pipe.

Some of his men managed to elude the rioters and bear him to a nearby house, where he was concealed in the cellar, seemingly in a dying condition. While there the house was forced, and his life was spared merely because the leader of the mob, on seeing his condition, said he was as good as dead now, and there was no use bothering with him.

From this wound he never recovered. Every day brought pain; operation after operation to extract fractured bone was borne by him with patient heroism. During the remaining thirty years of his life he had to go on crutches, and hardly knew an hour free from intense pain and distress. Obliged, however, to do something to maintain himself and his family, he accepted a subordinate position in the New York custom-house, which he retained until about four months before his death, when his sufferings became so great that he was compelled to relinquish his position and take to his bed, which he never afterwards left.

He underwent nine separate surgical operations on his thigh, the last one being in October, 1892.

During the four months preceding his death, in which General Jardine was confined to his bed, Mrs. Jardine, for whose relief the bill referred to your committee is drawn, was in almost constant attendance upon him, refusing to take rest, until she finally broke down under the strain of constant nursing and was herself in a physician's care, suffering from complete nervous prostration.

In view of the especially meritorious and useful services of General Jardine, and of his terrible wounds and intense suffering, which incapacitated him from earning a competency to leave for the support of his widow, and of the further fact that during the eight years of their married life Mrs. Jardine was devoted and constant in her unremitting care for her crippled husband, your committee recommend the passage of the accompanying bill.

The bill was ordered to be laid aside with a favorable recommendation.

SARAH G. IVES.

The next business on the Private Calendar was the bill (H. R. 4887) granting a pension to Sarah G. Ives.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed, subject to the limitations of the pension laws, to place upon the pension roll the name of Sarah G. Ives, widow of Joseph C. Ives, late of Company A, Iowa Volunteer Infantry, in the war with Mexico, at the rate of $8 per month.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4887) granting a pension to Sarah G. Ives, have considered the same, and report:

The claimant's deceased husband, Joseph C. Ives, was enrolled July 8, 1846, in Captain Morgan's company, Iowa Infantry (Mexican war), and mustered out July 15, 1847. He reenlisted July 15, 1847, in the same company and regiment, and served until September 11, 1848, when honorably mustered out with the company.

The soldier was pensioned under the provisions of the Mexican war service-pension act of January 29, 1887, and after his death his widow, the beneficiary, filed a claim under the same law, but the claim was disallowed on the ground that the soldier did not serve in Mexico, on the coasts or frontier thereof, or en route thereto. It seems that although the enlistment was for the Mexican war the regiment was assigned to post duty at Fort Atkinson, Iowa, and to field duty along the Upper Mississippi.

The service is fully shown by the records of the War Department, and the widow would have been pensioned under her application at the Pension Bureau if the same rulings had prevailed at the time of the soldier's death as when his claim was allowed. His enlistment was clearly for service in Mexico, and his being retained for duty in the North was due to the exigencies of the situation at that time.

The claimant is now 63 years old, and her identity as the widow of the soldier is fully established by the testimony filed at the Pension Office.

The passage of the bill is respectfully recommended.

Mr. TRACEY. Mr. Chairman, I move that the word "eight" be stricken out and the word "twelve" be substituted.

The CHAIRMAN. The gentleman from Missouri moves to strike out the word "eight" and insert the word "twelve."

Mr. LOUDENSLAGER. I hope he will not do that. This is in accordance with uniform precedents, and under the general law all the others are getting but eight.

Mr. TRACEY. Let us vote on it.

The question was taken; and the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZABETH MOORE ENGLISH.

The next business on the Private Calendar was the bill (H. R. 5345) granting a pension to Elizabeth Moore English.

Mr. LOUDENSLAGER. Mr. Chairman, I ask that that bill be laid on the table. A similar bill has passed this evening.

Mr. PICKLER. The Senate bill has passed.

The CHAIRMAN. It is not in the power of the committee to lay the bill on the table, but the committee can recommend that it be laid on the table.

Mr. LOUDENSLAGER. I ask that it be reported to the House with the recommendation that it do lie on the table.

The motion was agreed to.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN reported that the Committee of the Whole House had had under consideration the bill H. R. 5345, and had directed him to report the same back with the recommendation that it do lie on the table. The committee had also had under consideration the bill H. R. 2604 and the bill S. 894, and had directed him to report the same with amendments, and recommended their passage. The committee had also had under consideration the bills H. R. 1050, H. R. 1271, H. R. 1838, S. 640, H. R. 2151, H. R. 5254, H. R. 4122, H. R. 3456, S. 345, H. R. 4887, and had instructed him to report the same with the recommendation that they do pass.

The SPEAKER pro tempore. The Clerk will report the first bill.

ELIZABETH DESHLER WHITING.

The first business reported from the Committee of the Whole was the bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting.

Mr. DANIELS. I ask for the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH MOORE ENGLISH.

The next business reported from the Committee of the Whole was the bill (S. 1271) granting a pension to Elizabeth Moore English.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. For the purpose of trying to get an understanding with the chairman of the Committee on Invalid Pensions as to the passage of these bills, or nearly all of them.

Mr. PICKLER. What understanding does the gentleman want?

Mr. ERDMAN. I shall be willing, and shall help to pass all the bills that were considered to-night except House bill 2151.

Mr. PICKLER. When we come to that I do not think there will be any controversy. When we come to that we will——

Mr. MILES. You can not pass that.

The SPEAKER pro tempore. The question is, Shall the bill pass? There is no objection to this bill, as the Chair understands.

The bill was passed.

THOMAS CORIGAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 1838) granting an increase of pension to Thomas Corigan.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH W. FISHER.

The next bill reported from the Committee of the Whole was the bill (S. 640) to increase the pension of Joseph W. Fisher.

The bill was ordered to a third reading, and it was accordingly read the third time.

The question being on the passage of the bill,

Mr. TALBERT. I call for a division.

The question being taken, there were on a division—ayes 80, noes 1.

Mr. TALBERT. No quorum.

Mr. PICKLER. I ask the gentleman to withdraw the point and let this bill lie over.

Mr. TALBERT. I withdraw the point if the bill is withdrawn.

The SPEAKER pro tempore. Without objection, this bill will be passed over without losing its place on the Calendar.

There was no objection.

AGNES A. BLACKMAN.

The next bill reported from the Committee of the Whole was the bill (H. R. 2151) to restore to the pension roll the name of Agnes A. Blackman.

Mr. ERDMAN. That is the bill that I object to.

The SPEAKER pro tempore. Without objection, this bill will be passed over, retaining its place on the Calendar.

There was no objection.

EBENEZER G. HOWELL.

The next bill reported from the Committee of the Whole was the bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private in Company F, One hundred and sixtieth New York Volunteers.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CAROLINE A. HOUGH.

The next bill reported from the Committee of the Whole was the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough.

The amendment reported from the Committee of the Whole was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JAMES H. JONES.

The next bill reported from the Committee of the Whole was the bill (H. R. 4123) granting an increase of pension to James H. Jones.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EUGENIA R. SWEENEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NANCY G. ALLABACH.

The next bill reported from the Committee of the Whole was the bill (S. 894) granting a pension to Nancy G. Allabach.

The amendment reported from the Committee of the Whole was read and agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

CATHERINE R. JARDINE.

The next bill reported from the Committee of the Whole was the bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine.

The bill was ordered to a third reading, read the third time, and passed.

JOSEPH W. FISHER.

Mr. TALBERT. As all these other bills have passed, I withdraw my objection to the bill to pension Joseph W. Fisher.

The House proceeded to the consideration of the bill (S. 640) to increase the pension of Joseph W. Fisher; which was ordered to a third reading, read the third time, and passed.

SARAH G. IVES.

The next bill reported from the Committee of the Whole was the bill (H. R. 4887) granting a pension to Sarah G. Ives.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PICKLER, a motion to reconsider the votes by which the various bills reported from the Committee of the Whole were passed was laid on the table.

AGNES A. BLACKMAN.

Mr. PICKLER. I ask unanimous consent that the bill (H. R. 2151) to restore to the pension roll the name of Agnes A. Blackman be considered as engrossed and read a third time. This is agreed to by the gentleman from Pennsylvania [Mr. ERDMAN], who objected to the bill.

The SPEAKER pro tempore. Without objection, House bill 2151 will be considered as engrossed and read the third time.

There was no objection.

ELIZABETH MOORE ENGLISH.

The next bill reported from the Committee of the Whole was the bill (H. R. 5345) granting a pension to Elizabeth Moore English.

The SPEAKER pro tempore. This bill has been reported from the Committee of the Whole with a recommendation that it lie on the table. Without objection, that order will be made.

There was no objection.

The SPEAKER pro tempore. The hour of half past 10 o'clock having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Interior, transmitting copy of a report from the Commissioner of Indian Affairs showing payments by Cherokee Indians to certain intruders—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas L. Shamblin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John T. Ezzell against The United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the House bills Nos. 7878 and 6309 and Senate joint resolution No. 19, reported in lieu thereof a bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes, accompanied by a report (No. 1102); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 744) providing for a naval training station on the island of Yerba Buena (or Goat Island), in the harbor of San Francisco, Cal., and for other purposes, reported the same without amendment, accompanied by a report (No. 1111); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 3714) removing the charge of desertion from the military record of James Charles Cramer. (Report No. 1096.)

A bill (H. R. 7906) to grant an honorable discharge to Adam Hand as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, reported in lieu of House bill No. 1090. (Report No. 1097.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 3659) for the relief of John E. Wilbur. (Report No. 1098.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 989) to amend the military record of Capt. Thomas M. Elliott. (Report No. 1099.)

The bill (H. R. 6686) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles. (Report No. 1100.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6915) granting a pension to Julia D. Beebe, widow of Frank D. Beebe, late assistant surgeon, One hundred and fifty-seventh Regiment New York Volunteers. (Report No. 1101.)

By Mr. DENNY, from the Committee on Claims: The bill (H. R. 1598) for the relief of A. G. White, postmaster at Beaver, Pa. (Report No. 1103.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1310) granting an increase of pension to Shubael Gould. (Report No. 1104.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 638) granting an increase of pension to John Nichols. (Report No. 1105.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 1806) granting a pension to George B. Custer, late sergeant of Company H, Seventy-third Regiment Indiana Volunteer Infantry. (Report No. 1106.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo. (Report No. 1107.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 3690) restoring a pension to Henry Mackvill, alias Henry Mackey. (Report No. 1108.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 2231) granting an increase of pension to Peter J. Claassen. (Report No. 1109.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 4960) granting a pension to Mary Forward. (Report No. 1110.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUSK: A bill (H. R. 7908) providing for the erection of a light-house at the middle grounds of the Chesapeake Bay—to the Committee on Interstate and Foreign Commerce.

By Mr. CATRON: A bill (H. R. 7909) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. DENNY: A bill (H. R. 7910) for improvement of the national cemetery roadway at Natchez, Miss.—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 7911) granting thirty days' leave of absence with pay to the compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing, Treasury Department—to the Committee on Appropriations.

By Mr. ODELL: A bill (H. R. 7912) granting a condemned cannon to Fairchild Post, No. 564, Grand Army of the Republic, Walden, N. Y.—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.—to the Committee on the Public Lands.

By Mr. PHILLIPS (by request): A bill (H. R. 7939) to amend an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia"—to the Committee on Labor.

By Mr. FARIS: A joint resolution (H. Res. 161) for the relief of James P. Veach—to the Committee on Military Affairs.

By Mr. HULL: A joint resolution (H. Res. 162) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.—to the Committee on Military Affairs.

By Mr. RICHARDSON: A concurrent resolution (House Con. Res. No. 38) to print extra copies of the Bulletin of Nut Culture in the United States—to the Committee on Printing.

By Mr. HERMANN: A memorial of the Oregon legislature, relative to the forestry reserve, and requesting that part of it be thrown open for sale, purchase, and settlement—to the Committee on the Public Lands.

Also, memorial of the Oregon legislature, requesting the forfeiture of Quadrant in Washington, Tillamook, and Columbia counties, in Oregon—to the Committee on the Public Lands.

Also, memorial of the Oregon legislature, respecting the destruction of eggs of wild fowl in Alaska—to the Committee on the Territories.

Also, memorial of the Oregon legislature, for protection against fires on forest reserves—to the Committee on the Public Lands.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 7853) for the relief of William Wheeler Hubbell; and the same was referred to the Committee on Claims.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Kansas: A bill (H. R. 7913) for the relief of Joseph Thompson—to the Committee on War Claims.

By Mr. BELL of Colorado: A bill (H. R. 7914) for the relief of John H. Shaw, of Del Norte, Colo.—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 7915) granting an honorable discharge to Samuel Dollaff, of Turner, Kans.—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 7916) granting a pension to Allen T. Ontis—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 7917) to increase the pension of Medora H. Lovell—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 7918) granting a pension to David S. Taylor—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7920) for the relief of Thomas Sutton, late of Company E, Sixth Regiment Tennessee Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 7921) to correct the military record of Joseph Case—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 7922) granting a pension to Caroline H. Hatch, of Worcester, Vt.—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 7923) granting a pension to John McGiloray—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 7924) granting a pension to Daniel B. Young, of Higginsport, Ohio—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 7925) for the relief of Christopher Green and the legal representatives of Hugh C. Trainor, deceased—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 7926) for the relief of Loring G. Emerson—to the Committee on Claims.

Also, a bill (H. R. 7927) for the relief of Loring G. Emerson—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 7928) granting a pension to John Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7929) granting a pension to Phebe Richison—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 7930) for the relief of James J. Person and Isabella M. Person—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 7931) for the relief of William W. Armstrong—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 7932) to purchase the portraits of Chief Justices Marshall, Taney, Chase, and Waite—to the Committee on the Library.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7933) granting a pension to William Lutman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7934) granting an increase of pension to S. H. Griffith, alias H. S. Griffith, late of Company G, First Battalion Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7935) to amend the military record of C. Wilson Walker, late of Company H, One hundred and thirty-seventh Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 7936) to pension Daniel F. Fisher for services in Oregon Indian wars—to the Committee on Pensions.

Also, a bill (H. R. 7937) to pension James N. Conklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7938) for the relief of Roger S. Littlefield, formerly captain of Companies L and B, First Massachusetts Heavy Artillery—to the Committee on Claims.

By Mr. TATE: A bill (H. R. 7941) for the relief of Essos N. Gribble—to the Committee on Military Affairs.

Also, a bill (H. R. 7942) for the relief of Jessee Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7943) for the relief of Peter Parris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7944) for the relief of Elizabeth S. Mullins—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of the State Epworth League of Wisconsin, to raise the age of consent in the District of Columbia to 18 years—to the Committee on the District of Columbia.

Also, petition of the State Epworth League of Wisconsin, in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the State Epworth League of Wisconsin, for the appointment of a commission to investigate the labor question—to the Committee on Labor.

Also, petition of the State Epworth League of Wisconsin, to substitute voluntary industrial arbitration for railway strikes—to the Committee on Labor.

Also, petition of the State Epworth League of Wisconsin, to repeal the ninety-day divorce law in Oklahoma—to the Committee on the Territories.

Also, petition of the State Epworth League of Wisconsin, to enforce the compulsory-education law and suppress child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: Papers relating to the claim of Richard Morris, of Henry County, Ga.—to the Committee on War Claims.

By Mr. BOWERS: Remonstrance and petition of 55 citizens of San Diego, Cal., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. BRODERICK: Petition of J. G. Ellis and other ex-prisoners of war, citizens of Osage County, Kans., favoring House bill No. 306, granting $12 per month pension and $2 per day for time served in rebel prisons—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Petition of Thomas M. Hicks and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. GRISWOLD: Petition of Summit Grange, No. 1079, Patrons of Husbandry, asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. GROUT: Petition of citizens of Worcester, Vt., in the matter of granting a pension to Caroline H. Hatch at the rate of $12 per month—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska (by request): Petition of B. W. Cowan and other citizens of Nebraska, relating to the matter of the Marquette statue—to the Committee on the Library.

By Mr. HARTMAN: Remonstrance of T. B. Hammond and others, of Butte, Mont., against permitting the statue of Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HERMANN: Petition of the White Ribbon Women's Association of the Woman's Christian Temperance Union, for the adoption of a resolution and appointment of a commission looking toward the establishment and continuance of peace—to the Committee on Foreign Affairs.

Also, petition and remonstrance of citizens of Oregon, against the acceptance of a statue of Père Marquette, presented by the State of Wisconsin—to the Committee on the Library.

Also, petition of citizens of Aumsville, Oreg., in favor of the passage of the joint resolution proposing an amendment to the Constitution of the United States recognizing God in the preamble—to the Committee on the Judiciary.

Also, petition of F. W. Chausse, of Grants Pass, Oreg., in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Milwaukee Grange, No. 268, Patrons of Husbandry, of Milwaukee, Wis.; also petitions of sundry citizens of the State of Oregon, favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Portland, Oreg.; also petition of citizens of Oregon, protesting against Senate bill No. 1055, providing for compulsory military drill in the public schools of the States and Territories and for the establishment of a bureau of military education—to the Committee on Education.

Also, petition of soldiers and sailors of the late rebellion residing at Forest Grove, Oreg., and vicinity, for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition of A. B. Kenyon and 14 others, of Alfred, N. Y., favoring a bill to fix the standard of weights and measures by the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HULL: Papers to accompany House bill No. 5562, authorizing the Secretary of War to reorganize the organizations of the Sons of Veterans as part of the military reserve of the United States—to the Committee on the Militia.

By Mr. LINTON: Remonstrance and petition from citizens of Omaha, Nebr.; also from P. A. Rice and 18 others, of Memphis, Tenn.; also from L. B. Griffith and 38 others, of Philadelphia, Pa.; also from T. A. Lickhart and 114 other citizens of Elizabeth, N. J., against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. LONG: Petition of E. G. Nettleton, also of Lyman Nangle, protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of the Liquor Dealers' Association of West Hoboken, N. J., against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOODY: Petition of 102 citizens of Gloucester, Mass., for the enactment of House bill No. 7806, requiring vessels carrying small boats of any description to equip such boats with a provision safe—to the Committee on the Merchant Marine and Fisheries.

By Mr. ODELL: Petitions of citizens of Newburg, N. Y., in favor of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TAFT: Memorial of the Cincinnati Chamber of Commerce, in favor of the establishment of a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. TATE: Papers to accompany House bill for the relief of Jessee Combs—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Enos N. Gribble—to the Committee on Military Affairs.

Also, petition of Elizabeth S. Mullins, widow of Alfred W. Mullins, of Company B, First Georgia Volunteers, United States Army, to remove the barrier to the payment of her claim for pension—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: Petition of Lanesville Post, No. 527, Grand Army of the Republic, of Harrison County, Ind., favoring a general service pension bill—to the Committee on Invalid Pensions.

Also (by request), petition of N. P. Watts and 85 other citizens of Nebraska, Ind., asking for the removal of the Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. SNOVER: Petition of N. S. Boynton, mayor, and 316 other citizens of Port Huron, Mich.; also of Ed. Allurn, master, and 128 other citizens of Port Huron, Mich., for the establishment of a live-saving station, to accompany House bill No. 7262—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Papers of Nathaniel Kennemer, of Jackson County, Ala., relating to his claim—to the Committee on War Claims.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *April 4, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

### NEW ORLEANS PACIFIC RAILROAD COMPANY.

Mr. OGDEN. Mr. Speaker, I desire to ask unanimous consent to call up for present consideration the bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grants of the New Orleans Pacific Railroad Company.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That authority be, and is hereby, given the New Orleans Pacific Railroad to relinquish any lands within the indemnity limits of its grant, which by decision of the Land Department of the Government has been awarded it, in favor of any settler entitled to the right of entry under the laws of the United States who has been allowed to make entry thereof, or who has resided upon and improved the same for five years, and to select in lieu thereof an equal quantity of other lands, from any of the public lands not mineral, and within the limits of its grant and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted.

Mr. OGDEN. I yield to the gentleman from Iowa to make an explanation of the bill.

The SPEAKER. Is there objection to its present consideration?

Mr. DINGLEY. Before consent is given I would like the gentleman to make an explanation of the effect of the bill.

Mr. LACEY. This can be done, Mr. Speaker, in a word.

There are 75 to 100 settlers who have taken possession of lands, which proved to be railroad lands, lying along the line of this road. After a contest they were adjudged to belong to the railway company. The company, however, is averse to turning the settlers off the land, and is willing to take wild lands in lieu of those the settlers are occupying, and the Department requests that this permission be given to them. That is all the bill does.

Mr. DINGLEY. The lands when selected in lieu will be ordinary lands?

Mr. LACEY. Yes; ordinary wild lands. Perhaps not so good as those on which the settlers have made their homes, but the railroad company does not want to disturb them any more than possible.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. OGDEN, a motion to reconsider the last vote was laid on the table.

PUBLIC LANDS, VALVERDE COUNTY, TEX.

Mr. NOONAN. Mr. Speaker, I ask present consideration for the bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owner the said tract of land in Valverde County, Tex.

The bill was read, as follows:

Whereas on the 15th day of April, A. D. 1880, the San Felipe Agricultural, Manufacturing, and Irrigation Company, by deed of conveyance, did convey to the United States of America a certain tract, piece, or parcel of land then in Kinney County, now in Valverde County, Tex., containing 400 acres of land, and fully described in said aforesaid deed of April 15, 1880, for the purposes of a military garrison and reservation; and

Whereas the United States of America, not wishing to use said land for the said purposes aforesaid, and having by its proper officers renunciated title to said land, and is willing to reconvey the same to the grantees, the said San Felipe Agricultural, Manufacturing, and Irrigation Company: Therefore

*Be it enacted, etc.*, That the Secretary of the Treasury of the United States of America is hereby authorized by proper deed to reconvey by quitclaim deed said aforesaid land to said aforesaid company.

The SPEAKER. Is there objection to its present consideration?

There was no objection.

The bill was considered, and ordered to be engrossed and read a third time; and being read the third time, it was passed.

On motion of Mr. NOONAN, a motion to reconsider the last vote was laid on the table.

REPORTS OF SUPERVISING INSPECTORS OF STEAM VESSELS.

Mr. PERKINS. Mr. Speaker, on behalf of the Committee on Printing I desire to submit at this time for present consideration a concurrent resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed, for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the resolution was considered, and agreed to.

REPORT OF UNITED STATES COAST AND GEODETIC SURVEY.

Mr. PERKINS. I am also requested, on behalf of the Committee on Printing, to ask consent for the present consideration of the joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The joint resolution was read, as follows:

*Resolved, etc.*, That paragraph 8, section 73, of the act of January 12, 1895, providing for the public printing and binding, etc., be amended by striking out all of said paragraph after the word "survey," at the end of the first and beginning of the second lines, and substituting in lieu thereof the following words: "Two thousand eight hundred copies in quarto form, bound in one volume, 200 for the Senate, 600 for the House, and 2,000 for distribution by the Coast and Geodetic Survey."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PERKINS. The committee recommends an amendment to the resolution, and I report it in the shape in which it is desired to be passed.

The SPEAKER. The question will be taken on the joint resolution as reported from the committee.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CIRCULAR, BUREAU OF EDUCATION.

Mr. PERKINS. On behalf of the Committee on Printing I desire to submit another resolution for present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, and agreed to.

COMMERCIAL RELATIONS FOR 1894 AND 1895, ETC.

Mr. PERKINS. Mr. Speaker, I have one more resolution from the Committee on Printing.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS], on behalf of the Committee on Printing, presents a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF SEEDS.

Mr. FISCHER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved, etc.*, That the Secretary of Agriculture be, and he is hereby, directed to comply with the letter and spirit of the act heretofore adopted by Congress, and that he deliver to each Senator and Representative, for distribution, the quota of seeds to which he is entitled, and that the packages be made up as each Senator and Representative may direct.

Mr. LIVINGSTON. Mr. Speaker, that resolution ought to be amended by saying that these packages shall be done up in fives.

Mr. FISCHER. "As each Senator or Representative may direct." One may want 5 and one may want 10.

Mr. LIVINGSTON. That is too indefinite.

Mr. FISCHER. Some may want 5 and some may want 15.

Mr. LIVINGSTON. "In blocks of 5."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LOUD. Mr. Speaker, I object.

SEWERAGE SYSTEM AT FORT MONROE, VA.

Mr. HAINER of Nebraska. Mr. Speaker, I ask for the present consideration of the joint resolution which I send to the Clerk's desk. This is the same resolution which was offered by the gentleman from Iowa [Mr. HULL] yesterday. Upon an informal consultation with members of the Committee on Appropriations, I am directed to report this resolution and to ask for its immediate consideration.

The joint resolution was read, as follows:

Joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

*Resolved, etc.*, That the act approved August 1, 1894, entitled "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," be, and the same is hereby, so amended as to remove the restriction that the United States shall bear only one-half of the expense of the cost of construction of the sewerage system at Fort Monroe, Va., provided for in said act, in so far as may be necessary to authorize the Secretary of War to expend for the completion of the construction of said sewerage system, including a flushing system therefor, so much as may be necessary, not exceeding $5,000, of the balance now remaining from the appropriation of $37,500 made in said act for the construction of one-half of said sewerage system, the funds to be immediately available and the work to be done by contract or otherwise, as may deemed by the Secretary of War most economical and advantageous to the Government.

Mr. HAINER of Nebraska. Mr. Speaker, in further explanation, I desire to send to the Clerk's desk a letter from the Chief of Engineers.

The SPEAKER. This requires unanimous consent.

Mr. LIVINGSTON. Mr. Speaker, yesterday morning I objected to the consideration of this resolution. I have examined it, and I withdraw my objection. I think it ought to be passed, and I hope it will be passed.

The SPEAKER. The Clerk will read the letter.

The Clerk read as follows:

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
*March 9, 1896.*

Respectfully submitted to the Secretary of War.

Congress, by act approved August 1, 1894, appropriated $37,500 for one-half

of the cost of construction of a sewerage system at Fort Monroe, Va., the other half to be paid by the owners of nonmilitary buildings at the fort. Plans were prepared and approved for a sewerage system, which, with contingencies, inspections, superintendence, etc., was estimated to cost $45,000, and on that estimate the moiety was assessed against and collected from nonmilitary interests, thereby making the sum of $22,500 available from the appropriation made by Congress, and leaving a balance of $15,000 from the appropriation.

The construction of the sewerage system under the approved plans is now nearing completion.

A flushing system will be necessary in connection with this sewer, for which there is no adequate supply of water provided. Experience has shown that the well recently sunk for the Chamberlin Hotel at Fort Monroe does not yield potable water. The funds appropriated for an artesian well at Fort Monroe are not sufficient to sink a well of materially greater depth than that of the Chamberlin well, and as these funds were appropriated upon estimates submitted to provide a water supply for the fort, it is believed that they are not available for the sinking of a well for the procurement of a supply of water that could be used solely for flushing the sewer.

It will be necessary, therefore, to provide a supply of water, by pumping or from some other source, for the flushing system of the sewer, and it is thought that it will be in the interest of economy that this water supply should be provided by the Government alone, and not jointly with the nonmilitary residents, especially as a flushing arrangement would be necessary for the United States sewers if there were none other.

I have, therefore, the honor to recommend that Congress be asked to authorize at once the use of $5,000 of the balance of the sum appropriated for the construction of one-half of the sewerage system at Fortress Monroe for the completion of the sewerage system and for providing a flushing system for the sewers, the funds to be immediately available and the work to be done by contract or otherwise, as may be most economical and advantageous to the Government.

W. P. CRAIGHILL,
*Brigadier-General, Chief of Engineers.*

The SPEAKER. Is there objection to the consideration of the joint resolution?

There was no objection.

Mr. HULL. Mr. Speaker, I desire simply to state that this question was up yesterday. There was a question of jurisdiction involved. I still think it should have gone to the Military Committee, but at the request of some members we have turned it over to the Committee on Appropriations, on account of the importance of having it at once passed. I ask that the Military Committee be discharged from the further consideration of the resolution.

Mr. LIVINGSTON. The Committee on Appropriations do not object to the passage of the resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

Mr. HULL. Now, Mr. Speaker, I move that the Committee on Military Affairs be discharged from the further consideration of the resolution.

The SPEAKER. It is ipso facto discharged, because the bill has passed.

### BENJAMIN F. JONES.

Mr. SPENCER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7161) for the relief of Benjamin F. Jones.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I should like to have the report read.

Mr. ODELL. Mr. Speaker, I object to the present consideration of the bill.

The SPEAKER. Objection is made.

### JOHN S. BURWELL.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ODELL. Mr. Speaker, I object.

### SALMON FISHERIES OF ALASKA.

Mr. KNOX. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 6403) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

The bill was read, as follows:

*Be it enacted, etc.*, That the act approved March 2, 1889, and entitled "An act to provide for the protection of the salmon fisheries of Alaska," is hereby amended and reenacted as follows:

"That the erection of dams, barricades, fish-wheels, fences, traps, pound nets, or any fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means with the purpose or result of preventing or impeding the ascent of salmon or salmon trout to their spawning ground, is declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

"SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon or salmon trout of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet wide in the Territory of Alaska, or to lay or set any drift net, set net, or seine for any purpose, across the tide waters of any river or stream, for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any waters of the Territory of Alaska, either in the streams or tide waters, from noon on Saturday of each week until 6 o'clock postmeridian of the Sunday following, or to fish for, or catch, or kill in any manner or by any appliances, except by rod or spear, any salmon or salmon trout in any stream of less than 100 yards in width in the said Territory of Alaska, between the hours of 6 o'clock in the morning and 6 o'clock in the evening of the same day of each and every day of the week.

"SEC. 3. That the Secretary of the Treasury may, at his discretion, set aside certain streams as spawning grounds in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit the salmon to increase.

"SEC. 4. That to enforce the provisions of law herein, and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries at a salary of $8 per day, and two assistant inspectors at a salary of $6 each per day, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

"SEC. 5. That any person violating the provisions of this act, or the regulations established in pursuance thereof, shall, upon conviction thereof, be punished by a fine not exceeding $1,000, or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court: *And provided further*, That in case of the violation of any of the provisions of section 1 of this act, and conviction thereof, a further fine of $250 per diem will be imposed for each day that the obstruction or obstructions therein are maintained after notice to remove the same; said notice may be given by any Government officer or private citizen."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, this is a measure of so great importance that I hardly think it ought to pass by unanimous consent.

Mr. KNOX. It has been to the committee and I have here the report of the inspector. It has been carefully gone over by the committee in connection with the Treasury Department. The need for immediate consideration is thus stated: The run of salmon commences on the 1st of June, and unless the bill can be passed and got through the Senate these provisions will not be put into active operation during this season.

The SPEAKER. The Chair thinks the gentleman's remarks must be addressed to the Chair and through the Chair to the House. If gentlemen would keep their seats and cease conversation it might be possible to hear in this Hall, although, of course, that is a question.

Mr. KNOX. Mr. Speaker, the present bill is a bill which has been reported from the Committee on Territories, and its object is the protection of the salmon fisheries of Alaska. In the Fiftieth Congress, in chapter 415, it was provided:

That the erection of dams, barricades, or other obstructions in any of the rivers of Alaska with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than $250 for each day of the continuance of such obstruction.

SEC. 2. That the Commissioner of Fish and Fisheries is hereby empowered and directed to institute an investigation into the habits, abundance, and distribution of the salmon of Alaska, as well as the present conditions and methods of the fisheries, with a view of recommending to Congress such additional legislation as may be necessary to prevent the impairment or exhaustion of these valuable fisheries and placing them under regular and permanent conditions of production.

Under the provisions of this law passed by the Fiftieth Congress an inspection has been made carefully of the various streams of Alaska and the various canneries that are established upon those streams, and a careful inquiry made by the inspector, Mr. Murray, upon consultation with those who are interested in the preservation of those fisheries, as to the best method of preserving them, and the report, which is a very careful and voluminous one, compares the provisions of this country with those in Scotland and those in England, which have been tested, and which have preserved for generations the salmon fisheries in Scotland and other countries.

Now, Mr. Speaker, there is a danger of the present supply of fish in Alaska being destroyed by the method of taking salmon. The streams of Alaska, with two exceptions, are small, running into the interior to the extent perhaps of 20 miles. The fish that go up there to the spawning grounds are caught by damming the streams and taking them out or scooping them out in hundreds and hundreds of thousands, thus preventing the propagation of the species, until in but a few years the great industry of the salmon fisheries of Alaska will be utterly destroyed and the food supply of the natives gone, and a very great source of supply and profitable industry to the people of the United States exhausted.

Mr. PERKINS. Will the gentleman permit me one moment?

Mr. KNOX. Certainly.

Mr. PERKINS. In addition to what he has stated, in regard to the origin of this bill, I think that it may be stated that the excuse for bringing this matter in this morning to ask for unanimous consent is that this legislation is required immediately to be

effective, as the salmon begin to run about the 1st of June, and unless this legislation can be had in advance of that time it will be ineffective for the purpose intended. I believe the gentleman has stated that this bill emanates from the Treasury Department in pursuance of the section of the statute which he has read. It was carefully prepared in the light of all the facts by the Treasury experts, and it is asked by those who have charge of the preservation of that industry that this legislation be had without delay.

Mr. HERMANN. Mr. Speaker——

Mr. KNOX. I have not yielded the floor. I will answer in a moment. I was about to say that that was precisely what I stated to the gentleman from California [Mr. LOUD] in the duet that I was obliged to maintain with him in order to be understood at all—which was that it is represented by the Treasury Department that the necessity for this immediate action rests upon the ground that the salmon run commences the 1st of June, and in order to get it through both Houses and to get any of this supervision in operation it will be necessary for immediate consideration, if the bill is thought one that is worthy and proper to pass.

Mr. HERMANN. Will the gentleman permit me to ask him whether his committee has heard from the interests that are to be affected by this bill, not only through the Treasury Department but directly from the interests themselves? And, in connection with that question, let me say to him that a great many of our people on the Pacific Coast, in the States of California, Oregon, and Washington, are largely interested not only in the fishing in the streams of Alaska but also in the canning of the salmon, and therefore it strikes me that until he shows the House that those interests have had proper representation before his committee he ought not to ask to have this bill considered under these circumstances.

Mr. WILLIAM A. STONE. Mr. Speaker, I would like to hear this bill reported again, if it can be done under the rule.

The SPEAKER. Objection is made to the consideration of the bill.

Mr. WILLIAM A. STONE. I do not object, Mr. Speaker.

The SPEAKER. The Chair understood the gentleman from Oregon to object.

Mr. HERMANN. No, Mr. Speaker, I did not object.

The SPEAKER. If there is no objection, the Clerk will again report the bill.

Mr. HERMANN. I do not object to the consideration of the bill, but I think we ought to have a little more explanation with reference to it.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. I do not think the gentleman can put this bill through in this way.

Mr. WILLIAM A. STONE. Mr. Speaker, I understood that, pending objection, an explanation of the bill would be made, and I ask to have it read again.

Mr. LOUD (to Mr. KNOX). It seems to me that you ought to consider those interests——

Mr. KNOX. Mr. Speaker, I would say to the gentleman that those interests have been heard before the committee, not only through the Treasury Department, but through the inspector, Mr. Murray.

Mr. WILLIAM A. STONE. Is the gentleman unwilling to let the House know what his bill is about?

Mr. KNOX. Certainly not.

Mr. WILLIAM A. STONE. Then why do you not let it be read again?

The SPEAKER. Without objection the bill will be again reported to the House, but if any gentleman intends to object to its consideration, it is hardly worth while to repeat the reading. The Clerk will again report the bill.

The bill was again read as above.

Mr. BARHAM. Mr. Speaker, I would like to ask the gentleman to let that bill go over for two or three days, so that we may consider it. It may be just what we want on the Pacific Coast; I do not know. Our people there are very much interested in the subject of the bill.

Mr. KNOX. Well, if the bill may be considered as up for consideration without objection, I will agree to that.

Mr. BARHAM. I must reserve the right to object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARHAM. I object.

### JOHN C. HOWE, DECEASED.

Mr. WALKER of Massachusetts. Mr. Speaker, I ask unanimous consent to take up the engrossed Senate bill (S. 32) for the relief of the legal representatives of John C. Howe, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John C. Howe, deceased, $36,907, out of any money in the Treasury not otherwise appropriated, this same being compensation in full for the use by the United States, to wit, in 66,907,313 cup-anvil cartridges, of the invention secured to John C. Howe and his assigns by letters patent of the United States issued to him August 16, 1864, and numbered 43851, during the entire term of said letters patent, as appears in the findings of law and of fact made by the United States circuit court for the district of Connecticut in the case of Forehand and others vs. Porter, reported in volume 15 of the Federal Reporter, at page 256, and as further appears in the findings of fact made by the Court of Claims, after full testimony and full hearing in Congressional case No. 1, entitled Forehand and others vs. The United States, heard on reference of the matter to said Court of Claims by the Committee on Claims of the Senate under and pursuant to the act of March 3, 1883, commonly known as the Bowman Act, said findings of fact having been certified to the Committee on Claims of the Senate by said court on the 26th day of April, 1889.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. AVERY. Mr. Speaker, has this bill been considered in Committee of the Whole?

Mr. WALKER of Massachusetts. This bill has passed the Senate twice unanimously; it has been reported twice by the Senate committee; it failed in the House on two occasions because it was not allowed to be brought up for consideration; it has been reported unanimously by two committees at this session, the Committee on Claims and the Committee on War Claims, and it was reported by the Committee on War Claims favorably at the last session.

Mr. AVERY. Has it been considered in Committee of the Whole?

Mr. WALKER of Massachusetts. It has not; but it has been passed twice by the Senate. It is one of the most meritorious bills that has come before the House.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. AVERY. I object.

### GEN. JOHN M. THAYER.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers. After the reading of the bill and report I shall ask consent to make a brief statement in explanation of the merits of the bill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Thayer, late brigadier-general and brevet major-general of volunteers, at a pension of $100 a month.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6644) granting a pension of $100 per month to John M. Thayer, late brigadier and brevet major-general of volunteers, having carefully considered the same, respectfully report as follows:

In 1855 the Territorial legislature of Nebraska provided for the organization of the militia and for the calling out of volunteers for the defense of the settlers, and elected John M. Thayer brigadier-general to command the troops on the frontier, and subsequently elected him to be major-general. It devolved on General Thayer to defend the people of the frontier settlements against the hostile Indians. He was not only protecting the settlers of the Territory of Nebraska, but was defending what was then the frontier of the United States. This service he performed continuously from 1855 to 1861, and has never received any compensation therefor.

In 1861 he raised the First Regiment Nebraska Infantry, took it to St. Louis, and reported to General Grant at Pilot Knob, Mo. In the battle of Donelson General Thayer commanded a brigade, and at a critical moment, when General McClernand's division had exhausted their ammunition and were compelled to fall back closely pursued by the enemy, General Thayer rushed his brigade forward, got in the rear of the retiring division, formed a line of battle, met General Buckner's army, and drove them back into their works. For this gallant service he was given great credit and honorable mention by General Grant. He commanded a brigade in the battle of Shiloh, at the siege of Vicksburg, led his brigade as a storming column at Chickasaw Bayou, had his horse shot from under him in the battle at Arkansas Post, and participated in other battles.

The records of the War Department show that he was promoted from colonel to brigadier-general of volunteers October 4, 1862, and that he commanded a brigade from that time until the close of the war; that on March 13, 1865, he was made a brevet major-general of volunteers "for gallant and meritorious service during the war."

The evidence in this case shows that General Thayer is now 77 years of age, and that he is wholly without means of support, and a subject of charity for his neighbors and friends.

Dr. W. G. Houtz testifies:

* * * "That for the last four years he has had the said John M. Thayer under his care and medical treatment, and much the greater part of that time he has been wholly unable to do any kind of manual labor, and for many weeks at a time he was confined to his bed. Determination of blood to his head is of such frequent occurrence as to constantly threaten apoplexy. Loss of locomotion (locomotor ataxia) unfits him to be left without some one to be constantly with him and care for him."

N. S. Harwood, president of the First National Bank, of Lincoln, Nebr., testifies as follows:

"For the last four or five years he has been in a helpless condition; the only means of earning a livelihood has been by his pen, and but very little of this period has he been in sufficient health to enable him to do this. He is a very proud and sensitive gentleman; he will not let his poverty and helplessness be known, and it is impossible for friends who would gladly render him assistance to do so. I think he would rather starve or die of neglect than to accept alms. He is now dangerously ill at the home of his comrade in arms, Capt. Adam Bax, who is himself broken in health, and whose family is in no suitable condition to care for him."

There is abundant evidence establishing the fact that the said John M. Thayer is wholly without means of any kind and that he is entirely unable to do anything for his own support, and that his condition is such as to require some one to be with and care for him all the time.

Your committee respectfully recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON. I desire to ask the gentleman in charge of the bill what this pensioner is now drawing?

Mr. ANDREWS. He is drawing nothing. He declined to accept any assistance in this direction so long as he was able to care for himself, and he has consented to permit his friends to make this effort on his behalf now only because he is no longer able to care for himself, as the report shows.

It has been the pride of General Thayer's life, so far as I know him, to serve his country from a true spirit of genuine patriotism. In the time of his country's need he gave the best services of his life for its preservation and advancement. After the close of his brilliant military career, briefly sketched in the report, he served with honor and distinction in the United States Senate.

At a later date the people of Nebraska elected him twice to the governorship of their State. In every station he has served the interests of his State and nation with marked fidelity and ability, and now, in the hour of his weakness, the people of Nebraska and all who know him and have learned to love him will greet the passage of this bill with most hearty approval.

The Nebraska delegation upon this floor earnestly request that unanimous consent be granted for the immediate passage of this bill.

But, Mr. Speaker, I must not intrude upon the time of the House, although I would gladly extend the history of this brave patriot, soldier, and statesman. I esteem it one of the privileges of my life to have the honor of requesting the passage of this the first bill placed in my charge on the floor of this House. What we do must be done speedily, as it may be too late to give relief. Let him have at least a token of his nation's gratitude for his loyalty to the flag and the Union. Let him know that we will care for him in the hour of his weakness as faithfully as he cared for the Union in the hour of its need.

Mr. RICHARDSON. And he is in a needy condition?

Mr. ANDREWS. Absolutely so, and also in a very critical condition of health.

Mr. RICHARDSON. And he is 77 years old?

Mr. ANDREWS. Yes, sir; and I hope we can have a vote on the bill. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REPRINT OF RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent for a reprint of the river and harbor bill.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is——

Mr. HITT. The conference report on the resolutions in relation to Cuba.

Mr. DANIELS. Mr. Speaker, I ask the gentleman to yield to me for a moment while I present a privileged report.

Mr. HITT. I yield to the gentleman for that purpose.

ELECTION CONTEST—GOODWYN VS. COBB.

Mr. DANIELS. I am directed by the Committee on Elections No. 1 to submit their report on the contested-election case of Goodwyn *vs.* Cobb, from the Fifth Congressional district of Alabama. The majority of the committee report that Mr. Cobb was not elected and that Mr. Goodwyn is entitled to the seat. The committee have agreed to give to the minority of the committee one week from Monday in which to prepare the statement of their views; and we expect to bring up this case on Monday week for the consideration of the House.

The SPEAKER. The Chair can not hear the statement of the gentleman from New York [Mr. DANIELS]. The House will please be in order.

Mr. DANIELS (after order had been restored). Mr. Speaker, we desire to bring up the case of Goodwyn *vs.* Cobb on Monday week for final action; in the meantime the minority of the committee will prepare the statement of their views.

The SPEAKER. This report of the Committee on Elections will be ordered to be printed. How much time is desired for the minority to file their views?

Mr. DANIELS. A week from Monday next.

The SPEAKER. Is there objection to allowing the minority of the committee that time? The Chair hears none.

ELECTION CONTEST—ROBINSON VS. HARRISON.

Mr. LEONARD. Mr. Speaker, by direction of the Committee on Elections No. 1, I present their report on the contested-election case of Robinson *vs.* Harrison from the Third Congressional district of Alabama. I ask for the consideration of the report at this time.

The SPEAKER. Is it a unanimous report?

Mr. LEONARD. It is a unanimous report in favor of the contestee.

The SPEAKER. If there be no objection, the House will proceed to the consideration of the report.

There was no objection.

The resolutions appended to the report were read, as follows:

*Resolved*, That W. C. Robinson was not elected a Representative in the Fifty-fourth Congress for the Third Congressional district of Alabama at the election held in said district on the 6th day of November, 1894, and is not entitled to the seat.

*Resolved*, That George P. Harrison was elected a Representative in the Fifty-fourth Congress for the Third Congressional district of Alabama at the election held in said district on the 6th day of November, 1894, and is entitled to the seat.

The resolutions were agreed to.

On motion of Mr. LEONARD, a motion to reconsider the last vote was laid on the table.

Mr. DANIELS. I ask that the report in the case just disposed of be printed.

The SPEAKER. In the absence of objection, that order will be made.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to make a motion to reconsider the vote on agreeing to the report of the committee in the election case of Robinson *vs.* Harrison and to lay that motion on the table.

The SPEAKER. That motion was made by the gentleman from Pennsylvania [Mr. LEONARD] and was agreed to.

CUBA.

Mr. HITT. I now call up the regular order—the conference report in reference to Cuban belligerency. As the last speaker was opposed to the report, I will ask the Chair to recognize the gentleman from Pennsylvania [Mr. ADAMS], a member of the committee.

The SPEAKER. For how much time?

Mr. ADAMS. I desire to speak in my own right.

The SPEAKER. The gentleman from Pennsylvania [Mr. ADAMS] is recognized.

Mr. ADAMS. Mr. Speaker, it had been my full intention not to address the House again on this subject, because when the question was up before I occupied a short time in endeavoring to state as briefly as possible the reasons which led the subcommittee to the conclusion expressed in the resolutions which were at that time under consideration. But, sir, in view of the extraordinary remarks made yesterday by the gentleman from Maine [Mr. BOUTELLE] embracing statements of which I can only say that I do not know from what source he could possibly have obtained his information, and in view of the fact that the many questions interjected into the remarks of members of the committee have indicated a desire for further information by members of the House on this subject, and in view of the fact, also, that when I last spoke my time was so limited, I desire now to restate briefly the reasons which led the subcommittee to come to their conclusion in favor of the resolutions originally reported here.

In the first place, it has been claimed by the gentleman from Maine, and has been asserted in other quarters, that the sentiment of the American people is not behind these resolutions, and that therefore the House is not justified in adopting them. I should like to ask what better evidence can the representatives of the people have as to the sentiment of the country than the expressions which have come to us in behalf of these resolutions? If members here had seen the numbers of petitions coming to this House from all parts of the country, they would have realized how deeply the people are interested in this question, and how eagerly they have exercised their constitutional right of petition in order to convey to Congress their sentiments in behalf of these resolutions. I have heard some of the members of this House longest in experience here state that never have they known so many petitions to be filed in favor of any proposition pending before Congress as have been filed here in favor of doing something to aid the struggling Cubans in their fight for liberty.

It was my office, as chairman of the subcommittee, to go over these petitions. They numbered hundreds; and the thousands of signatures appended to them represented every class and condition of life in this Republic. There were official petitions from boards of trade and business bodies; there were the individual petitions of men who, moved by a spirit of patriotism which they could not repress, felt it incumbent upon them to appeal to the Congress of their country to do something to assist these lovers of liberty. Some of these petitions had been placed in public places such as drug stores and others, where the passer-by unsolicited might affix his signature to this call upon the representatives of the country to do something for the Cubans.

Under these circumstances, Mr. Speaker, how a Representative of this House can rise here and say that the sentiment of the American people does not demand the passage of these resolutions I am at a loss to understand.

Furthermore, in response to the petitions, these resolutions were passed both by the House and Senate practically unanimously;

and does anyone dare to say at this time and under these circumstances that we, the representatives of the people on this floor, are false to our duties, false to our oaths, that we sat here and cast our votes in diametrical opposition to the wishes of our constituents, and that it was not in obedience to the will of the people of the country that we have acted?

Why, Mr. Speaker, what proof can we ask further than what we have right before us at this time?

Now, the gentleman from Maine claims that this sentiment among the people has changed. He stated that when these resolutions reached the other branch of Congress, after being debated there, the chairman of the Committee on Foreign Relations of that body found that they could not pass, and therefore had them sent back to the conference, so that it might be taken out of the jurisdiction of the Senate. I do not know where he got that information. The Senators who argued against the adoption of the House resolutions were just the same as those who opposed the adoption of the Senate resolutions. There were no accessions apparently to their ranks. The same arguments were repeated over and over again. It became apparent in the course of the discussion, from the nature of the remarks made, that they were not seeking to amend the resolution, that it was not the subject-matter of the House resolution to which they objected, but that the men who spoke were in opposition to the expression on the part of the American people of any sympathy with the struggling people of Cuba.

Mr. BOUTELLE. Mr. Speaker——

Mr. ADAMS. I decline to yield. The gentleman from Maine denied me the courtesy yesterday of an interruption. He must excuse me now for not granting it to him.

The gentleman from Maine may criticise the sentiments embodied in the resolution. This was done during the discussion in the Senate on the part of a few of the members in that body who desired to defeat all expressions of sympathy on the part of the people of this country with Cuba. The Senator from New York said he did not like the resolution because it enunciated the doctrine that this country would protect American property wherever it was situated. He did not like, he claimed, pecuniary motives or considerations to be incorporated in a solemn resolution expressive of sympathy.

Ah, Mr. Speaker, he was at a loss for some criticism in order to sustain the position of opposition that he took to the resolution. And, in another part of my remarks, I will refer to the position taken by several Senators on this point.

Another gentleman objected on the ground that the grammar of one of the sections was not strictly correct, but he took good care not to state what the section or paragraph was or to cite the rule of Murray to which it would not accord. Another had objections on the ground that the Senate should adhere to their own resolutions, and not be coerced, bulldozed, or carried away by the House of Representatives. In other words, it was a claim that Senatorial dignity must be maintained.

When the chairman of the Committee on Foreign Relations found it was obstruction and not opposition with which he was confronted, he asked leave to withdraw the report and let it go back to the conference committee. I do not wish to disclose in any improper way the proceedings of the conference committee, but, inasmuch as assertions have been made which were entirely inaccurate, I know of no other way to remedy them except by a statement of the facts. No claim was made by the conferees on the part of the Senate that the resolutions of the House could not pass the Senate; but it was stated that a small number of Senators, from 6 to 10, at the outset of the controversy had announced a purpose to filibuster, if necessary, to the end of the session to defeat the express will of the whole American people and not allow the resolutions to go on the records of Congress. When that situation was made known to the conferees on the part of the House, we saw that if we wished to carry out the will of the people, there was but one way, and that was to acquiesce in the Senate resolutions, withdraw them from the consideration of that body, and bring them back to the House of Representatives, which is closer, nearer, and dearer to the people of this country, and where we could see that the wishes and sentiment of the American people might be embodied in the resolution of sympathy and put on the records of Congress, and that this, the mother of Republics, was ready to hold out the hand of relief in any part of this continent to our struggling sisters who were seeking the establishment of self-government. The members of the Senate who were in the majority saw that under the rules of the Senate they could not force a vote to be taken on the resolution; and hence this was the only parliamentary solution of the difficulty. It is for this reason that the conferees, having held out for the adoption of their own resolution, agreed to accept the Senate resolutions and bring them back and recommend their passage by the House of Representatives.

Now, another claim has been set up here that there is no government in the nature of a Republic in Cuba; that these men were bandits; that it was a negro uprising or insurrection, and that we have no information here to warrant us in extending belligerency to those people fighting for liberty on the Island of Cuba.

I wish to state, sir, and I do it on the most accurate information which, after two months of investigation, I have been able to obtain, that that charge is absolutely untrue. There was a congress held at Jimaguyu, a town in the Island of Cuba, at which there were representatives from every province of that island. They adopted a constitution. So careful was their consideration and so well weighed was their action that when it was proposed to establish a military dictatorship it was not allowed. They said they would have a civil form of government, that the military should be subservient to it and under its direction, and a regular civil government was organized then and there. I will give you a list of the men who constituted the president and cabinet of this Republic, because I wish to show their character; that they are not adventurers; that they are people of standing and position; that they are patriots who are striving, as did our forefathers over a century ago, to establish the eternal right of self-government on the Island of Cuba, almost the last vestige of land on this Western Continent of ours that is subject to royal control.

The president is the ex-Marquis Santa Lucia, a man whose love of liberty was so great that he laid down his title and became a plain citizen.

The vice-president is Bartolomè Masso.

The secretary of foreign affairs is Rafael Portuondo, who was an attorney of good standing, and assistant district attorney under Spain.

The secretary of war is General Roloff, a man well known as being always ready to lend his aid to the cause of liberty.

The subsecretary of war is Mario Menocal, an engineer, a name well known in our country, and he is the nephew of the man who has had so much to do with the Nicaragua Canal.

The secretary of the treasury is Sarcio Pina, a man of good family and of high distinction.

The secretary of the interior is Dr. Santiago Canizareo, who was port physician under Spain.

The subsecretary of foreign affairs is Dr. Dominiquez, one of the survivors of the massacre of the students by the volunteers, which cast such a stain on the last war that was waged in Cuba in 1871.

The subtreasurer is Dr. Joaquin Castillo, who is known probably to every man in this House as having been a member of the *Jeannette* expedition to the polar regions.

Sir, there is not a colored man in the whole list that I have read. There is not a man who holds a high commission in the insurgent army, except Maceo, who is not a white man. When these claims are made in order to deprecate these struggling patriots it is time they should be repudiated on the floor of this House, and that the truth may prevail.

Now, sir, to sustain this position, that even in the ranks there are plenty of native Cubans, I will quote from the official letters of the consuls of the United States. These are not newspaper reports. These are what the subcommittee waited for before they reported these resolutions to the House, in order that they might have official information. Consul Hyatt writes:

> During the past week about 100 men have left Santiago to join the insurgent forces. Many of these men belong to the best families of the town, which gives a new phase to the uprising.

Another consul writes:

> Men are constantly leaving the large centers of population to join the insurgents, and the public opinion is rapidly going in that direction.

There is another letter here somewhere, of similar import, which I can not at this moment find.

Now, sir, the charge has been made—was dragged into this debate yesterday, and I do not see how it applies—of the great barbarity that has been practiced in Spain. It was held up here, and the method of public execution described. How was it answered? Sir, when the gentleman from Maine rose in his place and in order to palliate the legalized cruelties of other countries cited the illegal acts of his own, and began to put in the official record of Congress the story of lynchings and tortures that had taken place in our country, it shows the weakness of his argument. In the one horrible case which the gentleman cited as having occurred in this country, he did not even give the cause of it. He did not state that the mob was roused to its point of fury in avenging a crime that was so atrocious that I can not name it on the floor of this House.

Sir, it is a bad cause and a weak argument when a man has to derogate his own country in order to mitigate the crimes of other lands when cruelty is charged against them. Sir, I care not whether garroting be cruel or not—the gentleman says it is the legal death penalty in Spain—I only know that in the last case of which I read in the papers it was stated that the public executioner and his assistant fled from their work and could not pursue it. It was even too much for men trained to execute their public function.

Sir, all the cruelties that exist in this case are to be placed at the door of the Spanish as against these insurgents. I ask any man of fair judgment to read the official proclamation of the new governor-general, Weyler, who has taken his place to put down

this rebellion because Campos, who closed the last rebellion, not by force but by compromise, has not succeeded in putting down this one. Campos closed the last rebellion by promising to these people autonomy, representation in the Cortes, and reform in the taxation. These were promised after the vain endeavor for ten long years to put down the rebellion by force. Not one of those promises, practically, has been kept, and that is the reason for this new outburst on the part of the Cubans against Spanish imposition and Spanish cruelty, in order to free themselves from the great burden of taxation which has been imposed upon them.

Now, sir, I come down to the question of belligerency. It has been much discussed on the floor of this House. We are told that these people are not entitled to the rights of belligerents, first, because they have no capital; second, because they do not possess a seaport, and third, because they fly no flag on the high seas. Gentlemen, these are not requisites under international law for the granting of the rights of belligerency. The fact of the existence of a capital permanently located is the best evidence probably of the existence of a permanent government. The possession of a port shows they are able to hold it against the force of the parent government. So far as this cause is concerned, they have got a capital; it is located, I will admit, on the Cubitas Mountains; but it is so strong and so impregnable that, although 6,000 Spanish troops have occupied a position for a space of one year within 6 miles of that place, they dare not attempt to take it. The gentleman from Maine has said that this is one reason why belligerency should not be granted.

I wonder, Mr. Speaker, if when some sturdy delegate to the Continental Congress when he arrived at the city of Philadelphia, to take his place there and represent his district, had found that the capital of the then struggling Republic of the United States had been moved to Lancaster, would he have said, "Our cause is lost; our cause is not just, because our permanent capital has been removed"? Methinks he would have pursued his travel to Lancaster; and when he arrived there, and found that the capital of the Republic had been moved farther on, do you think that the heart of that sturdy old New England delegate to the Continental Congress would have failed him and that he would have said, "The Republic is lost; our cause is a hopeless cause; the capital has moved back to the mountains of Pennsylvania, to York"? No, sir; methinks he would have gone to the mountains of Pennsylvania, where was located the capital of our Republic, and when there he would have voted for new supplies and made arrangement for the raising of new men, and not have said that the cause of the great American people was hopeless or lost because the capital had been moved to the mountains. [Loud applause.] But, sir, the tone of New England was different in those days from what it is now; and we in the Middle States look for inspiration to Plymouth Rock, and not for cold water and arguments against the people who are struggling for liberty.

Now, sir, belligerency means a state of war. Whenever men can establish under international law that a state of war has been maintained for a reasonable time its people are entitled to belligerency. I will ask any rational man if, when the official records of Spain show that 120,000 Spanish troops have been sent to Cuba in the past year, that is not a state of war? I will quote from a Spanish newspaper to show that my sources of information are utterly impartial. It says (I will translate):

> We hold in front of our troops 53,000 insurgents. Thirty thousand of them are well mounted [referring to the cavalry] and perfectly armed.

This is from El Pais of the 9th of January of this year.

Can any man maintain that an army of 120,000 troops, reenforced by 40,000 volunteers in Cuba, on the one side, and on the other 53,000 men, who, in spite of the disparity of the numbers to-day, at the end of eighteen months of battle, the Spaniards have not even gained a foot from the Cubans, but have lost, lost until they have gone to the very gates of Habana, the capital of the island; and had they had artillery or had they more arms to equip a sufficient number of men they could have captured the city and swept the Spaniards into the sea.

Now as to the message of General Grant, which was quoted here as a precedent. No man, sir, should stand higher or have more weight with the people of this country and with its representatives, especially on a question of war, than the great captain-general who saved our country. But, sir, one fact must be remembered: General Grant personally always gave his sympathy, and would have recognized the belligerency of the Cubans if it had not been for the advice and influence of his Secretary of State. In a recent interview with the Hon. Hamilton Fish, his son, now living in Albany, he gave out a portion of his father's diary, where General Grant was just about to recognize the Cubans, when the Secretary of State sent for him and persuaded him against it; and General Grant, with that great breadth of mind for which he was so much credited, at the advice of the Secretary of State, did not carry out his purpose. Sir, with all due respect to Hamilton Fish, whom I honor and admire and whose acquaintance I possessed, it was the same influence upon Secretary Fish—the business interests of New York—that had great weight with him, and the same that makes a Senator of that State stand on the floor of the Senate and oppose it to-day. The business interests and the stock market do not represent the sentiment of 70,000,000 people of our great Republic.

Now, sir, I claim that under international law they are entitled to belligerency, because they have an established government of their own. They have gained possession of almost the entire island, and have an independent government of the island. They have governors in their provinces who control the civil authorities. They have prefectos in every district who administer justice, and who levy supplies and forward them to the army; and while that may not be called taxation, that is what it is to all intents and purposes, for the money is generally used just as if it were raised by taxation.

There is one other point of international law that I wish to refer to before I close. It is a well-admitted principle which has been enforced time and time again, that when the material interests of any country are affected by strife, either internal or foreign, going on in a neighboring state—when the commerce, the manufactures, or the sources of commercial supply of that country are seriously interfered with—its government, under the law of self-preservation, has a right to intervene to put an end to the strife.

Before emphasizing this proposition I wish to advert for a moment to another point. It has been asserted here that the people in the towns in Cuba are not in sympathy with the revolutionary movement and that it is limited entirely to the agricultural districts. I have here a copy of a set of resolutions adopted by the officials of the town of Mantua, one of the towns that the insurgents captured and held for quite a time. The original of these resolutions, attested by the seal of the town, is in possession of Senator SHERMAN, so that there can be no doubt as to its authenticity. In that town when the people were free, under the protection of the insurgents, and had full liberty to express their opinions, they passed these resolutions:

> Pedro Sauchez Espinosa, secretary of the municipal council of Mantua, certifies that in the archives under his charge and responsibility exists, which literally says:
>
> Minutes: In the town of Mantua on the 23d day of the month of January, 1896, there assembled in the town hall the most important residents of this place without distinction of political opinions, presided over by the mayor. The following were present at the session: The lieutenant-general and chief of the invading army, Antonio Maceo, accompanied by his chief of staff, Brigadier Jose Maceo, and the chief of the First Brigade of Las Villas, Juan Bruno Zayas. I declare as follows:
>
> First, that the town of Mantua is in the western extremity of the island, in the Province of Pinar del Rio.
>
> Second, that General Maceo with forces under him has occupied the town and municipal districts, having respected lives and all kinds of property, keeping the public order with his troops, and leaving the authorities which were under the Spanish Government in their places, and that seeing the conduct of the army of liberation and of his chief they adhere to its principles and arms, believing that it would be for the benefit not only of this district, impoverished already by the many exactions of which it was the victim, but also for the benefit of the whole country which suffered the same ill treatment.
>
> And the persons assembled, who represent the living forces of the territory in real estate, in cattle raising, in manufactures, in trade, in art, in the professions, in banking, and in agriculture, signed with the foregoing before me, the secretary, as a witness: Jose Tors, A. Maceo, Martin Viladomat, priest; the chief of staff, J. Miro; Brigadier Juan B. Zayas; the governor, Oscar A. Justiniani; the auditor of war, Jose Antonio Cainas; first-lieutenant major, Jose Fernandez; Simon Docal, alderman; municipal judge, Nicholas Reyes; Dr. S. Carbonell, notary public; D. Tors; substitute municipal judge, Santiago Muguruza; Prof. Pedro Lozano, secretary of the municipal court; Rafael Ynglés, merchant; Narciso Fontanella, secretary of the marine department; Jose Ruiz, G. Morell, Juan Ocariz, Manuel Rego, Fidel Pedraja, Jose Granda, Branño V. Blanco, Antonio Menendez, Manuel Quintana, Jaime Vives, Jose H. Pelaez.
>
> The secretary of the council, Pedro Sauchez, and at the request of Brigadier Jose Miro, I give the above copy with the assents of the president, in Mantua, on the 23d of January, 1896.
>
> [SEAL OF THE TOWN.] PEDRO SAUCHEZ (signed).
>
> The President TORTS (signed).

Now, Mr. Speaker, I revert to the principle of international law of which I have just spoken, the right of a country to intervene where its material interests are affected. Our own country is dependent on the Island of Cuba for some of the necessaries of life. It is also dependent on that island for some of the materials which go into our great structural buildings. It is also dependent on that island for some of the fruits in most common use. It is also dependent on that island for several of its luxuries. Now, when the condition has arrived in which the material wealth of our country, the necessities of our people, the luxuries of our people, the materials which go into our manufactures, the trade and commerce in which our merchants make their profits—when the condition is reached where those great interests have been materially interfered with for a period of one year, we have the right, under the principle of international law which I have cited, to intervene in this dispute. If the war in Cuba continues, the island will be devastated from one end to the other in such a way and to such a degree that fifty years will not suffice to restore it to a condition which will enable it to supply us with those necessaries and luxuries which we have heretofore obtained from there.

The time has come, therefore, when something ought to be done, and if the granting of belligerency tends in the direction of putting an end to this struggle, this House will be fully justified in passing these resolutions.

But, Mr. Speaker, there is another consideration, a higher consideration. I believe, sir, that this Western Hemisphere of ours has been dedicated to the right of self-government. One by one Spain has lost her colonies. Following the example set by this, the mother of republics on our Western Continent, they have separated from the mother country. One by one they have established themselves as republics in North, South, and Central America, until now Cuba and Costa Rica alone remain. Spain can not hold Cuba. That island is bound to follow the inevitable law of nature. Spain will lose Cuba just as she lost her other colonies. For seventy years this warfare has been going on in the Island of Cuba. As I have already stated, the last rebellion was put down only by compromise. It was never conquered. Those people never will be conquered.

Meet them; see the spirit that animates them; look how they fight! The well-trained soldiers of the regular army of Spain can not withstand the onset of those Cuban patriots, armed simply with the machete; they can not withstand the onset of those men fighting for liberty. The Spanish troops dare not go beyond their own fortifications. Whenever they do so they are compelled to retreat. On the other hand, the insurgent forces wander at will from one end of the island to the other. The Spaniards, with all their warlike appliances, their armed railroad cars, their cannon, and their well-trained troops, can not prevent the insurgents from traveling from one province to another. They have had them hemmed in time and time again, but never have been able to hold them there. The continuance of the conflict is inevitable and can have but one result. Why? Because it is a war waged on the part of liberty as against oppression; because it is waged by a people who are fighting for the same cause that sustained our ancestors—the right not to be taxed without representation.

The people of Cuba are overtaxed, and not only that, but the appointments of collectors of taxes are limited entirely to minions of Spain who are sent to Cuba from the mother country. Even the Cuban volunteers, so called, that they claim are fighting for Spain are Spaniards, not Cubans. They dare not arm the Cubans. They raised a regiment of native Cubans and sent them into the field; as soon as they met the insurgent forces the entire regiment deserted, under the command of the lieutenant-colonel, and the colonel of the regiment (Cineros) was so mortified that he committed suicide. The so-called Cubans who are fighting for Spain are not native Cubans; they are Spaniards who have gone to Cuba in times of peace, many of them to escape the five years of military service required in Spain, preferring to serve in Cuba, where the term is but three years. The Spaniards can not get white native Cubans to fight against their country. The native Cubans are with the insurgents in the field, and I believe that if they could get into the towns nearly everywhere would be heard similar expressions to that which I have read you from the city of Mantua.

Sir, the conflict will go on until victory crowns the efforts of those men fighting for freedom. Spain will never conquer Cuba. Cuba will join the list of the great Republics founded in this our Western Hemisphere, and soon from one end of the continent to the other there will be only that form of government which is dedicated to the rights of mankind, where white and black shall have the same civil and religious rights, and where the people shall have that free government which is their right, undictated to and uncontrolled by any power of Continental Europe. [Loud applause.]

Mr. HITT addressed the Chair.

The SPEAKER pro tempore (Mr. POWERS). The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am aware——

Mr. HITT. The gentleman from Massachusetts [Mr. KNOX], who has a letter he desires to read from his colleague [Mr. DRAPER], a member of the committee, would like to be recognized for seven minutes.

Mr. GILLETT of Massachusetts. I have no objection to yielding for that purpose.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KNOX] will proceed.

Mr. KNOX. Mr. Speaker, I have intrusted to me a letter from my colleague, General DRAPER, a member of the Committee on Foreign Affairs. He has sent me this letter that I may read it to the House. I differ with him, much to my regret, in the position he takes. He is opposed to these resolutions, while I am in favor of them. I differ, with similar regret, from others of my colleagues from Massachusetts. It seems to me that the struggle of the patriots of Cuba can not but excite the sympathy of a free people and their earnest solicitude for the success of those who in the love of liberty and the desire for a free government have taken up arms and appealed to the God of battles. This I understand to be the sentiment of the Republican platform in Massachusetts. That platform expresses not merely sympathy for the Cubans, but desire for their success, and urges the United States (of which we here are the representatives) to take measures to put an end to this cruel and barbarous war. Now, if we fail to express in some practical and efficient manner such sympathy and solicitude for the Cuban patriots we shall incur, I think, not only the loss of our own self-respect, but the contempt of foreign nations.

There are two ways in which this sympathy may be expressed. If it shall be made to appear that this war is carried on with barbarity, cruelty, and atrocity on the part of the Spanish soldiery, is attended with the slaughter of noncombatants and women and children, then it would be the duty of this Government (if such course should be necessary) to interfere in the interest of our common humanity. The locality of this contest is so near that we could not be indifferent. We could not shelter ourselves by saying that we were ignorant of the facts; and if such crimes were permitted by one great power of the Western Hemisphere, we should be held responsible for them in the eyes of the civilized world.

But in the absence of such evidence there are other ways by which we can show our sympathy. One is by the adoption of such resolutions as those now pending, in favor of giving belligerent rights to these struggling Cubans. This course all the undisputed facts clearly point out as correct. It can be said with no extravagance of statement that if there ever was a revolution which was absolutely justified it is that now in progress in Cuba. Long years of misrule, of oppressive taxation wrung from the people with no beneficial returns, the denial of common right and justice to numbers of those people, left no course to the Cubans but an appeal to arms. That appeal has been sustained by an organized army, equipped and officered, which has made marches and fought battles and endured privations and sufferings that challenge the admiration of the world. And somewhere, Mr. Speaker, in the mountains of Cuba, those ancient fastnesses of liberty, there has been a government established, founded on justice and the equality of man.

Now, Mr. Speaker, the Cubans may point, as to the permanence of this revolution, not alone to their present achievements, but to their past history. That history is glorified by deeds of valor, by endurance of suffering that always accompany a struggle for freedom wherever it is carried on. They surrendered in 1878; but they were unconquered, although they had met the whole power of Spain for more than ten years in open warfare, unaided and alone. Is there any reason to suppose, Mr. Speaker, that the present war will be less prolonged? Can anybody say with any foundation of fact or reason that this is but a temporary revolution—a mere ebullition of popular discontent? No, sir; it is war, bitter and prolonged war, and can have but one result—the freedom of Cuba or the annihilation of the native population of that island.

If we consider the facts as they exist, and judge the future by the past, we should give to these men the rights of belligerents. If we fail to do it we shall be false to that changeless tradition of our own country, to that love of liberty which has here its highest earthly exemplification, and shall be unfaithful to a duty that is laid upon us and which we have no choice but to discharge.

And now, Mr. Speaker, lest my time should entirely expire, I will discharge the duty imposed upon me of reading this letter of my distinguished colleague, with whom I differ with so much regret.

WASHINGTON, D. C., *March 26, 1896.*

MY DEAR FRIEND KNOX: I am unfortunate as a Representative in Congress in having a business that makes occasional imperative demands, and these demands sometimes come at unfortunate times. As a member of the Foreign Affairs Committee, I have formed some definite ideas on the Cuban question, and though I expressed them fully in committee, I was compelled to be away when the resolutions were brought before the House some weeks ago.

Having no idea that they would be back again in any form, I have made engagements necessitating my leaving for New England to-morrow, and now it seems probable that resolutions in some form according belligerent rights to the insurgents will be reported from the conference committee during my absence.

Under these circumstances, if you will get time during the debate and read this note in the course of your remarks, it will explain my absence to those who feel as I do, and who might expect to hear from me as a member of the committee.

I am opposed to any resolution according belligerent rights to the Cubans under present circumstances for at least two reasons:

First. The facts do not warrant according them, if the writers on international law have any weight in such matters.

Second. These unnecessary disturbances of our foreign relations are having and will have a disastrous effect upon business in our own country.

I should say much more if I had opportunity to speak, but perhaps this is all of your time that I ought to occupy.

Sincerely, yours, WILLIAM F. DRAPER.

Hon. W. S. KNOX,
*House of Representatives.*

I read this letter during my own time, and regret that I can not agree with the opinion therein expressed. I am in favor of granting belligerent rights to the Cubans, that they may have their freedom, that their country may be as free as ours. [Applause.]

Mr. HITT. Mr. Speaker, I should be glad if we could agree as to the time at which to take the vote on these resolutions. A number of gentlemen have asked to speak, and I do not think there is any disposition to curtail debate unnecessarily. A great many gentlemen, however, are desirous of voting to-day. If the gentleman from Virginia [Mr. TUCKER], who is aware of the claims upon his side of the question for time, can suggest an hour when we may take a vote, I hope it will meet the assent of the whole House.

Mr. TUCKER. If my friend will postpone his request until after the gentleman from Massachusetts [Mr. GILLETT] has spoken, I think we can agree upon a time.

Mr. HITT. How much time does the gentleman from Massachusetts desire to occupy?

Mr. GILLETT of Massachusetts. Possibly not more than a few moments myself.

The SPEAKER pro tempore. How much time does the gentleman from Illinois [Mr. HITT] yield?

Mr. GILLETT of Massachusetts. The Chair will excuse me. I had the floor and yielded to my colleague [Mr. KNOX.]

Mr. BOUTELLE. There has been no limitation yet upon the time.

Mr. HITT. No; my proposition was to arrange a time for taking the vote. As the gentleman from Massachusetts expects to occupy but a few moments——

Mr. GILLETT of Massachusetts. I desire there should be no misunderstanding. I was recognized and yielded to my colleague [Mr. KNOX]. He spoke in my time. Now, I again have the floor.

Mr. BOUTELLE. There has been no limitation of time. The gentleman from Massachusetts was recognized in his own right.

Mr. TUCKER. We will agree on the division of time hereafter.

The SPEAKER pro tempore. The Chair will ask the gentleman from Illinois if he has yielded time to the gentleman from Massachusetts?

Mr. HITT. There has been no adjustment of time yet, and no one has been designated to control the time. The gentleman from Massachusetts desired to be recognized in his own right.

The SPEAKER pro tempore. The Chair will then recognize the gentleman in his own right.

Mr. GILLETT of Massachusetts. Mr. Speaker, I am aware that it is useless as well as unpopular to oppose these resolutions.

The overwhelming majority by which the resolutions presented before were passed showed the temper of the House, and for myself I am ready to admit that I do not believe that it exaggerated public opinion. But with all due deference I do not think that public opinion ought to guide us in this instance, because I do not believe that public opinion observed the details of this measure but looked at it simply as an expression of a sentiment of good will and friendliness toward the struggling people of Cuba. That, I think, is a sentiment in which we all participate. We all feel and would all be glad to express sympathy with Cuba, but everyone will admit that when the House of Representatives comes to express an opinion, not on a general question of sympathy, but on a very delicate question involving constitutional and international law, it is not for us to be guided entirely by our sympathies or by public sympathies, but it is our duty to analyze the question before us and decide it according to the law and the evidence.

For myself, I sympathize most heartily with the cause of the Cuban insurgents. I do not see how an American citizen, with the historical memory coming down from our own Revolution, can feel otherwise toward an American colony struggling against a European power, though I do not admit that the Cuban insurgents are of the same stuff as were our Revolutionary ancestors. And if my sympathy was not enough, I might point to the fact that self-interest also calls for the absolute independence of Cuba, for Cuba free and independent would present an opening to our market and our industries and for the investments of capital and a reciprocal trade greatly to our advantage.

So, Mr. Speaker, I freely admit at the outset of my remarks that not only motives of sympathy with the cause of struggling Cubans, but motives of self-interest as well, make us desire the success of Cuba.

But that is not the question presented to us to-day. We are not here to-day either to express sympathy or annex territory, and I think it is necessary for us to use special caution lest unwittingly to ourselves we mix the motives of love of humanity with self-interest, and lest when we think we are merely influenced by those feelings the real motive might be mercenary.

The gentleman from Pennsylvania [Mr. ADAMS] said we were not in the habit of hearing from Massachusetts or New England voices against human freedom. That is true; but, Mr. Speaker, it is not simply love of freedom that characterizes Massachusetts. It is love of justice as well. And I think when a question of law is presented to us on which we must pass judgment, a grave question of intricate, delicate, constitutional law, she will insist upon her Representatives not deciding from sympathy or sentiment, but she will expect them to hear the evidence, and if the evidence is against their sympathy she will expect them to stand by the dictates of judgment and justice; and although her sympathy, like ours, would naturally be with these resolutions, I think she will not blame us if we are compelled to decide against them, nor will she be ashamed if we are in a small minority, when we are supported by the words of George Washington and Ulysses S. Grant read yesterday.

What is the resolution before us here? We are asked to express an opinion upon the rights of Cuba to belligerency. Now, the fact that this is a mere question of opinion, a question of which we have no jurisdiction, is not to me an insuperable objection. If I sat on the other side of the House, if I had recently argued and voted for the doctrine that the House had no right to express an opinion on the conduct of a foreign ambassador because it was beyond our jurisdiction, I might myself feel constrained to oppose this resolution on that ground. I think, however, this House has a right to express an opinion on any subject. It is a question of expediency; and the question raised now is whether it is wise on the part of Congress to express an opinion on a moot question of international law. To that there is this objection: The gentleman from Illinois [Mr. HITT] yesterday admitted that this resolution accomplished nothing. He admitted that by expressing our opinion that they are entitled to belligerent rights we do not give them those rights. Another department of the Government decides that. So we are here arrogating rights which are not given to us. We are here usurping a jurisdiction which is not ours, simply in the hope of impressing the judgment of the Executive, who by the Constitution has that jurisdiction.

Now, it seems to me that on a delicate question of international relations it is not wise for us to express an opinion unless it amounts to something. It is not wise for us to usurp a jurisdiction and to express our opinion when we know and it is admitted that that opinion has no force. It does not bind Cuba. It does not bind Spain. It does not bind the United States. It binds no one but ourselves; and if our decision is right, if it is in accord with constitutional law, it does not help constitutional law any, and it does not help anyone else. If it is wrong, if we are making a mistake, if it is against constitutional law, it does not hurt constitutional law, but it does hurt the House of Representatives. It establishes a bad precedent for no useful purpose. That is one reason why I decline to vote for these resolutions.

And there is another reason still more influential. I think that when we come to assume a jurisdiction that does not belong to us, and express an opinion on a question of fact and of law which is not of right ours to decide, which is intruding upon another department of the Government, I think we ought to have evidence to support it beyond all question. If there is a doubt on the matter, if we can not be sure, if the evidence is conflicting or if it is vague, then I think we ought to abstain from any opinion.

Now, in this case there is no question that the evidence is vague and contradictory and insufficient. What is it that they must prove? I wish to read just one sentence, stating the constitutional law as General Grant understood it. He says in his message to Congress during the former Cuban revolution:

> To justify a recognition of belligerency there must be, above all, a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations.

What do we know about the political organization of the Cuban insurgents? Do we know that they are able to take their place as a state among nations? Why, criticism has been passed upon Spain because in our civil war it prematurely recognized the Confederacy. It has been said that was an improper and unfriendly act, and it has been argued upon that ground that we ought to recognize Cuban belligerency. When Spain recognized the Confederacy it held within its own exclusive power all the jurisdiction which it ever aimed to hold. It had driven from its borders the only hostile force. The courts were in session. Municipal government existed. States existed, all recognizing the supreme power of the government which was organized, and there was a unanimity among the people supporting it greater than there was among its opponents. There were also armies formed, recognizing the jurisdiction, not merely prepared for guerrilla skirmishes or for devastation, but armies which, if war came, were sure to make a terrible and prodigious conflict. And there was no cause for them to make an attack. Unless the armies of the United States advanced to attack them, they not only would be recognized as belligerents but as independent. So that at that time they controlled all their territory. Their political organization was in full power, and they had an army ready to resist attack. It seems to me, when compared to that, it is preposterous to say that the present condition equally demands recognition. And yet we then complained that it was an improper, unfriendly act for Spain to recognize belligerency; and it seems to me if that did not

justify recognition, then we can not possibly claim to-day that recognition of the Cuban insurgents is justifiable.

But my main objection, as I said before, is that this is an intrusion upon an executive function which we ought not to undertake unless we are absolutely sure that the evidence warrants it. We are not sure. The evidence is doubtful, unreliable, and conflicting, and upon that ground we ought not to interfere with the executive function.

Then there follows another objection to these resolutions. A recognition of belligerency does not depend simply upon the condition of the belligerents. Even if the facts justify it, there must still be decided the question of expediency. First, the facts must authorize it, and second, it must be expedient.

Is it expedient to grant it? That is not for us to say. A department of the Government has been constituted to decide that question, and if this House intrudes there, again we are usurping an executive prerogative. Now, why is recognition expedient? Does it do Cuba any good? Is it helpful to Cuba? The gentleman from Illinois [Mr. HITT] yesterday brought forward as the main advantage to Cuba the fact that it would give her power and freedom upon the sea. I do not know that there are any sailors in Cuba. The insurgents have no ports. They have no ships. Of what advantage will it be to recognize her belligerency and allow her to have her flag and her impossible vessels upon the sea?

But there is another advantage to Cuba which I fear may follow. It will be likely to embroil us in war with Spain, and I believe that is the main reason why the Cubans desire the passage of these resolutions. Their best hope of independence is a war between the United States and Spain, and the passage of these resolutions is one step toward it. I do not believe we have any moral right to enter upon war with Spain for this purpose. However we might think that we do it from love of humanity, certainly the other nations of the world would say we did it for greed of Cuban territory, and it seems to me it is wise for the United States, if it is going to wage war as a champion of humanity, to do it in a cause where we can not be accused of using humanity as a mere cloak for ambition. It is wise for us not to attempt to rescue Cuba in the name of philanthropy and leave it open for other nations to say we are aggrandizing our own territory.

Mr. WATSON of Ohio. Is there any attempt in these resolutions to rescue Cuba?

Mr. GILLETT of Massachusetts. There is no attempt in these resolutions, Mr. Chairman, but the argument that supports these resolutions, the reason that the Cubans desire them—and the only reason they would do Cuba any good—is because it may lead to that.

Mr. WATSON of Ohio. Do not the resolutions declare neutrality on our part.

Mr. GILLETT of Massachusetts. They do.

Mr. FAIRCHILD. Has the gentleman any objection to ambition when ambition is founded on humanity?

Mr. GILLETT of Massachusetts. No, Mr. Speaker; only I think if the basis of our action is ambition we ought to make it known. I do not especially object to ambition for aggrandizement. England has been attacked very much for her ambition; but I think if the United States is going to be actuated by ambition she ought to say so, and not say she is actuated by philanthropy. I think hypocrisy is a vastly worse vice than ambition or greed of territory.

Now, Mr. Speaker, the second resolution, which suggests that our friendly offices should be tendered to Spain, expresses my feelings, and I should be glad to have the United States use any friendly offices and do anything it could in the way of kindness and peaceful intervention in order to effect the independence of Cuba. The gentleman from Illinois [Mr. HITT] yesterday assured us that this resolution could not give just offense to Spain. I do not see why it could. This same step, as he said, has been taken before. In the seventies the United States Government tried to intervene. She had negotiated a partial arrangement by which we should guarantee the obligations of Cuba and Cuba should be declared free. I should rejoice if such an arrangement could be made to-day. Gladly we might pay $100,000,000 to secure this.

But, Mr. Speaker, it seems to me that this very resolution shows the folly of our present conduct. Does any man think that we can to-day usefully intervene? Does any man think, with the state of public opinion in Spain, any friendly intervention of the United States would be possible? Of course it would not. And why? Because the Congress of the United States has stepped beyond its proper province and has used words which have offended the sensitiveness of Spain, so that no friendly intervention from this country will be allowed, and it seems to me that that very fact illustrates the folly of the House of Representatives engaging, outside of its province, in matters of diplomacy. It seems to me that it is very possible that when intervention was before attempted it may have been acts in the United States that prevented its fulfillment. Suppose our President, our Secretary of State, had attempted within the last year to offer his friendly offices; suppose negotiations have been going on, would not the conduct and the words that have been spoken in another branch of the Congress of these United States have entirely stopped any such negotiations? So, it seems to me, this last resolution, whose spirit I heartily approve, has been rendered impotent by the acts and words of Congress.

Mr. BLACK of Georgia. May I interrupt the gentleman?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BLACK of Georgia. In that connection—and I am in entire sympathy with the argument of the gentleman—on page 2343 of the RECORD, dated March 2, when we had these Senate resolutions under consideration, the distinguished chairman of the committee, for whom we all entertain the highest respect, expressed himself in reference to this second resolution which we are now asked to vote for, and said that it would be an insult to Spain.

Mr. GILLETT of Massachusetts. Well, if the chairman of the committee said that at that time, certainly he said yesterday quite the contrary. I know that Philip was sober in both cases [laughter], but I do not know which to accept, so I will accept the one which is most in accord with my own judgment, and that is the statement made yesterday.

Mr. HITT (to Mr. GILLETT of Massachusetts). If you say that I have made two contradictory statements, tell us what they are.

Mr. GILLETT of Massachusetts. I did not say so. The suggestion was made by the gentleman who interrupted me [Mr. BLACK of Georgia].

Mr. BLACK of Georgia. I called attention to the fact that on the 2d of March, when we had these resolutions under consideration the first time, the gentleman from Illinois, the chairman of the Committee on Foreign Affairs, said this:

> The resolutions of the Senate, for which those of the House committee now offered are a substitute, are two in number; the first substantially the same as that reported by the House Committee on Foreign Affairs, and the second proposing that our Government should offer its friendly offices to Spain for the recognition of the independence of Cuba.

Now, on that second resolution he said:

> Every gentleman, on hearing that suggestion made or that proposition presented to him, must think in a moment what would be the response if a proposition were made to our Government, for example, by the British minister, presenting resolutions adopted by the British Parliament asking and desiring us to consent at once to the independence of Texas, of Florida, or of Michigan. How long would he remain in Washington after presenting such a proposition as that—after the self-respect of our Government had been thus insulted?

Mr. GILLETT of Massachusetts. If the gentleman from Illinois desires to say anything in reply to the gentleman from Georgia now, I will of course yield for the purpose, but if he had just as soon wait until I finish——

Mr. HITT. As the gentleman from Massachusetts himself has expressed an opinion about my having made contradictory statements, if he had done me the honor to listen to what I said on yesterday——

Mr. GILLETT of Massachusetts (interposing). Mr. Speaker, the gentleman must have misunderstood me. I simply said that the gentleman who now stands before me [Mr. BLACK of Georgia] had suggested that there was a contradiction between the two statements of the gentleman from Illinois, and I also said that my own judgment was in accord with the statement made by the gentleman from Illinois on yesterday, which I did him the honor and myself the pleasure to listen to with great attention.

Mr. HITT. Then, if the gentleman did me the honor to listen to what I said, he knows that there is not the slightest contradiction between what I said yesterday and what I said on a former occasion. I explained yesterday that an offer of that kind made by England to our Government in time of peace would be regarded as unfriendly and offensive, and meant to be so, but that such an offer to Spain by our Government as was done by two of our Presidents to Spain when war is actually in progress would be a friendly act, and had been so received twice by Spain.

Mr. BLACK of Georgia. Mr. Speaker, I did not say that the gentleman from Illinois had made contradictory statements; I simply called the attention of the gentleman from Massachusetts to what the gentleman from Illinois had said about this second resolution which we are now asked to vote for.

Mr. GILLETT of Massachusetts. I thank the gentleman; and I repeat again, Mr. Speaker, that I entirely agree with and accept the opinion which the gentleman has expressed——

Mr. HITT. Which gentleman? Two gentlemen have had a confidential conversation over there, none of which could be heard here. [Laughter.]

Mr. GILLETT of Massachusetts. I accept implicitly, as I have already said, the statement which the gentleman from Illinois made yesterday and which I listened to with great pleasure and profit, and it is because I do agree with him, because I do not believe that this resolution conveys an insult to Spain, because I believe it is a friendly suggestion on our part—it is for that reason that I approve it and would gladly vote for it. But, as I said

before, I also think it is useless, and our friendly intervention with Spain would now be ineffectual, because in another branch of this Congress words have been spoken which have aroused the sensitiveness of Spain to such a point that no friendly intervention by the United States will be accepted. It seems to me that this case illustrates very well the wisdom of that provision of our Constitution which places the power of dealing with these matters in another branch of the Government and not in Congress, where public excitement, the desire for applause, the desire to be on the popular side, may lead to speeches which are not discreet and which may excite foreign complications in connection with matters that ought to be dealt with in a secret, restrained, reserved manner, in order that finally some friendly intervention may be made effectual. In short, I think the obvious fact that this last resolution would now be ineffectual is a conclusive proof of the folly of introducing and discussing these resolutions here.

Now, Mr. Speaker, I do not think this House has any occasion to go into such a discussion. It may be different elsewhere. It is an old trick of European sovereigns when the people are restive under their restraints to try to divert their attention from misgovernment at home by directing it to foreign war and conquest. I can imagine something of that sort in this country. It is not, I believe, parliamentary to mention the other branch of Congress, but I can conceive that if there is anywhere on this hemisphere a legislative body which has forfeited public confidence, which is distrusted and discredited, which, when legislation for the good of its constituents has been presented to it, has steadfastly put it to one side, which sees the country in bankruptcy and suffering, trade dull, commerce paralyzed, industry dead, everybody appealing to it for aid, and then which deliberately refuses that aid, I can, I say, conceive that if there were anywhere such a body as that, it might well try to divert public attention from its own misconduct by stirring up an excitement about foreign affairs, a sentiment for war, a fever of martial ambition and military glory, even if thereby they still further disturbed business and shattered public confidence, and might hope, by exciting some such gale of factitious enthusiasm, to turn from itself the reprobation it deserved and fan itself back into popularity and power.

I do not believe this House needs to engage in any such discussion. I believe that its members have vigorously, energetically, wisely tried to improve the deplorable condition of the country and better the welfare of their constituents. If their efforts have not succeeded, the people know where the responsibility rests; and I believe it is not only for the present good of this House, but for our permanent popularity at home and the good of our constituents, to continue devoting ourselves to the legitimate province of Congress and the best interests of this country, letting it be understood that this end of the Capitol is here for business and not for "buncombe." I believe such a course will ultimately tend to the strength of the House as well as to the good of the country.

Now, Mr. Speaker, I suppose I shall undoubtedly be misrepresented outside for the ground I have taken here. I shall be accused at home of being a friend of Spain and an enemy of liberty. But I hope in this House I shall not. I hope it will be explicitly understood that, as I have stated, I am in entire sympathy with the independence of Cuba. I hope there may be established a stable, permanent, and successful republic. I wish it because of my sympathy with Cuba and also because of a sentiment of self-interest on the part of the United States. So wishing, I would gladly vote for any resolutions of sympathy. But I will not vote for this resolution recognizing belligerency, which calls upon us to decide on doubtful evidence a question of fact and of law on an important international issue which is beyond our province, binds nobody but ourselves, and accomplishes nothing except to establish a precedent which may come back to plague us. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. HITT. The gentleman can not reserve the remainder of his time, if the arrangement which I am about to suggest should be made.

Mr. GILLETT of Massachusetts. I do not desire to reserve the time for myself.

Mr. HITT. The gentleman can not reserve it for anybody else. If an arrangement for taking the vote should now be made, as I trust it may be, I should be glad if the House would assent to the proposition to have the vote to-day—at 4 o'clock or 5 o'clock. [Cries of "Now!" "Now!"]

Mr. TUCKER. There are gentlemen on this side of the House who desire to be heard on this question, and I think there would be desired on this side about an hour and thirty minutes—perhaps an hour and forty-five minutes.

Mr. QUIGG. Then we could not vote to-night.

Mr. HITT. I suggest, then, Mr. Speaker, as there is a desire on the part of many members to address the House, that it be agreed by unanimous consent that the remainder of this day's session, prolonged to whatever hour the House may see fit, be devoted to the discussion of this conference report, and that the vote be taken on Monday morning, without further debate, immediately after the reading of the Journal.

Mr. McCREARY of Kentucky. I suggest to the chairman of our committee [Mr. HITT], and also to my colleague on the committee, the gentleman from Virginia [Mr. TUCKER], that we have a vote this afternoon. Let the question be discussed from now until half past 4 o'clock or 5 o'clock, and then let the vote be taken. [Applause.]

Several MEMBERS. Let us vote now.

Mr. McCREARY of Kentucky. Next Monday is suspension day, and other matters of importance will come up then. I think we might have a vote this afternoon at 5 o'clock. [Cries of "All right."]

Mr. HITT. I ask unanimous consent, then, that the vote be taken at 5 o'clock this afternoon.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HITT] asks unanimous consent that the vote be taken on the pending question at 5 o'clock this afternoon.

Mr. MAHON. I object.

Mr. McCREARY of Kentucky. Then I suggest 4 o'clock.

The SPEAKER pro tempore. Does the gentleman from Illinois modify his request by substituting 4 o'clock?

Mr. HITT. As objection has been made, my request is now at an end.

Mr. TUCKER. I hope the suggestion of the gentleman from Kentucky [Mr. McCREARY] will not be adopted. There are gentlemen here who want to be heard on this question and who have a right to be heard.

Mr. McCREARY of Kentucky. I withdraw the suggestion for a vote at 4 o'clock.

Mr. TUCKER. I am perfectly willing that we should have a vote this evening; but these gentlemen have the right to be heard.

Mr. HITT. There has been objection raised by so many gentlemen to any proposition to close debate this afternoon that it would seem impossible to secure consent for any proposition of that kind. I therefore make the motion—I do not ask unanimous consent—that the time for debate on this conference report be limited to this day and that the vote be taken on Monday after the reading of the Journal without further debate.

Mr. RICHARDSON. It is not in order, I will suggest to the gentleman, to make the motion. I think we can agree by unanimous consent on a time.

Mr. HITT. Objection is made to the request. I make the motion, Mr. Speaker, if in order; and on that demand the previous question.

Mr. CANNON. I will make no objection to the motion; although it seems to me that the gentleman can get unanimous consent if he asks again. I know of no way of closing debate except by moving the previous question.

Mr. RICHARDSON. I suggest that the gentleman make the request again.

Mr. HITT. Then I will make the request again, Mr. Speaker; the same request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the debate close to-day, and that the vote be taken on Monday morning immediately after the reading of the Journal, without further discussion. Is there objection?

Mr. MAHON. I will object to that if the gentleman will not include also a night session to be held for debate.

Mr. QUIGG. Why do you want a night session?

Mr. MAHON. There are men here, let me say to the gentleman, who wish to be heard. Why not have a session to-night and give them a chance? This is a very important question.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MAHON. I object unless we can agree to have a night session.

Mr. HITT. Then I will put it as a part of my request that the House at 5 o'clock take a recess until 8 o'clock, to continue in session, say until 10 o'clock, for debate only on this question, and that the vote be taken on Monday immediately after the reading of the Journal without further debate.

The SPEAKER. The Chair will submit the gentleman's request to the House. The gentleman from Illinois asks unanimous consent that the House, at 5 o'clock, take a recess until 8 o'clock, the evening session to close at 10 o'clock, for debate only on the conference report, and that a vote be taken on Monday morning immediately after the reading of the Journal, without further debate. Is there objection?

There was no objection, and it was so ordered.

Mr. HITT. Now, Mr. Speaker, if the Chair will recognize some one on either side to control the time we can make some arrangement or adjustment of it.

Mr. McCREARY of Kentucky. If it requires a motion, I would move that the gentleman from Illinois [Mr. HITT] have the control of the affirmative and the gentleman from Virginia [Mr. TUCKER] the negative.

The SPEAKER. That would require unanimous consent. If there be no objection, the Chair will recognize the gentlemen named to control the time.

There was no objection.

Mr. HITT. I yield ten minutes to the gentleman from Texas [Mr. COCKRELL].

Mr. COCKRELL. Mr. Speaker, I have listened with a great deal of interest to this debate from its inception to this time, and have felt no disposition at all to enter into any discussion of the question as presented by the resolution before the House. But as there has been no one from my part of the country who has seen fit to express any views on the subject at all, at the solicitation of some of my friends I agreed to make a few remarks.

I have no disposition to go into an extended or elaborate argument on the question; but I do desire to answer some arguments that have been presented by gentlemen on the other side of the question. Now, it has been said by my friend from Pennsylvania, who sits before me [Mr. ADAMS], that those who oppose these resolutions declare that there is no one supporting the resolution except the people of the country. That may be so to some extent, but I have long since learned that the country people as a rule are generally on the right side of all questions. I have also learned, and have learned since the discussion of these resolutions commenced, within the last two or three weeks, that there is a certain class of men who live on the continent of America (and who ought to have more patriotism) who have been covering every member's desk for the last two or three weeks with cries that the commercial interests of the country will be ruined, that the money interests were all involved in this question, and "for God's sake stop this hue and cry about Cuba." I received some of these circulars this morning, and after reading them came to the conclusion that there was a great number—no; I will not say a great number; I will take that back—but that there is a small number of people who claim to be American citizens, and if their combined patriotism was all condensed into a small space it would not exceed the size of a copper cent. [Laughter and applause.]

They have forgotten the duties and obligations, it seems to me, that they owe to a struggling people—Cuba; and when I read the history of the struggles of this nation in its infancy, when that gallant General Washington was being driven from post to pillar by overwhelming forces, how any man on this floor can say that the Cubans are not entitled to belligerent rights because they failed to face the Spanish army and fight some great battle—that they are always on the retreat—I can not understand why they should be condemned for this method of warfare, for this has always been the policy of a wise general in command of an army, to adapt himself to the conditions surrounding him and make, if necessary, a skillful and successful retreat in the face of an overwhelming enemy; and the general who can do that is a greater general than he who fights and has his men slaughtered that he may hold the battlefield.

It is the policy of a wise general to husband his resources, to husband the lives of his soldiers, to husband the lives of his men, through which alone he can expect to succeed against overwhelming numbers. And I say to-day that Maceo and Gomez have exhibited a degree of generalship that has never been excelled in the history of this or any other nation. On an island not larger than my district, not containing as much territory as there is in my Congressional district, Spain has landed 125,000 troops to put down what it says is a mere faction in that island, who are mere bandits. In addition to that, the gentleman from Maine [Mr. BOUTELLE] yesterday said that large numbers of Cubans had entered the field on the side of Spain. He said about 40,000 had done so. These, with 125,000 sent by Spain to Cuba, make 165,000. So 165,000 men who have been upon the trail of these patriots for more than a year have never been enabled to hold any of the territory of Cuba out of the reach of the cannon of the Spanish gunboats.

These Cubans are struggling for liberty, and it will be a blot upon the American name if we do not raise our voices in defense of these people; and not only that, but take whatever steps are necessary to uphold the hands of these struggling patriots while they wrestle against an overwhelming force.

Now, if these people are not entitled to belligerent rights, what was our condition during our struggle for independence? We never had in the American Army more than 38,000 soldiers at any one time. The British never exceeded over 68,000, and for seven long years we struggled with might and main. Never have a people struggled harder than we did. Our rights were recognized. While we were driven from our capital, while we held none of the coast, while we had no navy, yet the nations of the earth said to us, "You are entitled to belligerent rights." And yet Americans in this day and time tell us that these struggling Cubans are not entitled to belligerent rights. If I had my way I should go further than this resolution goes; but as the committee in its wisdom has seen fit to accept these resolutions as they come from the Senate, I am willing to accept them, not as an antidote for all the crimes that have been perpetrated, but I say to-day that we owe it to these struggling patriots upon our border to acknowledge their independence. That is what they deserve. [Applause.] They have won the right to that recognition, and are entitled to it. If I had my way I should take this old wolf Spain, which has had all of its colonies by the throat for the last hundred years, and has sucked the life blood out of them until they could stand it no longer and have revolted, and as my friend to-day said, Spain has lost the last colony which she has upon our border—I tell you it is an act that we owe to these people to take this old wolf by the throat and tell her that she must take her Weyler and her murderers off the Island of Cuba and give its people their independence. [Applause.]

Mr. HITT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. WOODMAN].

Mr. WOODMAN. Mr. Speaker, it seems time that the matter of recognition of the Cubans was disposed of. It has been dragging along week after week, while some of the honorable gentlemen at the other end of the Capitol have been talking eloquently against it and against time.

Now, I submit that it is time to act, The butchery and outrage of the Spanish commander in that island is daily going on, and the brutality of it is recorded in the morning papers every day. Only a day or two ago was the record published of five men, captured as prisoners of war, who were garroted as murderers, violators, and incendiaries.

Mr. Speaker, this nation should enter a protest against such inhumanity and such arrant cowardice as is involved in the butchery of prisoners of war. The granting of belligerent rights to Cuba will do more than to enable the government of that island to purchase arms, ammunition, and supplies in the United States; it will place upon Spain the necessity of conducting its warfare according to the recognized rules of war. It is considered in international law that any nation has a right to interfere in any conflict if such interference be on the grounds of ordinary humanity. And the rules of war do not encourage, under any circumstances, the massacre of defenseless prisoners who may have been captured. There is one pertinent fact in this connection. All the prisoners taken by the Spanish army are executed, while the Spanish troops, when taken by the patriots of Cuba, either join the Cuban army or are confined till Cuba shall be free.

Much has been said of the incendiarism of the patriots. That is simple. The orders of the Republic of Cuba were that no cane should be ground, as the product of the cane fields produce a large revenue for Spain. It is probable that the fields of such planters as disobeyed the order may have been burned, just as any army would destroy supplies to prevent their falling into the hands of the enemy. On the other hand, Spain insists on treating Cuban patriots, the men who possess and maintain control of almost the whole island, except a few seaports, as murderers and incendiaries, and executes them forthwith. It is a violation of humanity; it is a violation of the rules of warfare; it is a violation of all the principles that men hold most dear. Consequently, I say that it is true that Congress should put its seal of condemnation on the practices of Spain in Cuba, and give to those who are struggling for freedom the rights which nature and nature's God demand. [Applause.]

Mr. TUCKER. Mr. Speaker, I yield five minutes to my colleague [Mr. ELLETT of Virginia].

Mr. ELLETT of Virginia. Mr. Speaker, the House is now considering a question of great moment and importance, and the result of its deliberations will affect most gravely not only our own country, but Spain and her struggling dependency—Cuba, "the Gem of the Antilles." As an individual, as a simple American citizen, I, from the bottom of my heart, would rejoice to see Cuba free. My warmest sympathies go out to every people struggling for the blessings of liberty, to every man who, following the example of our patriots of the Revolution, is seeking those blessings which we have enjoyed for over one hundred years.

Addressing this body, however, and in this presence, I have what I consider a higher duty to perform. We are not here to express our individual sympathies, preferences, or prejudices, as seems to have been the case with many. We are here as the direct representatives of 173,000 people of our respective districts, but over and above that we are here as the representatives of this great Union, and in that capacity our responsibility becomes those of judges in this matter.

Therefore we should approach and discuss this question with deliberation and not with passion and prejudice. We should not endeavor to inflame the passions of this House by such terms as "the wolf of Spain," "the tyrant Weyler," and by introducing pictures from illustrated papers with long citations from prejudiced journals, but should approach the subject with that calm deliberation worthy of the dignity of this great Republic. We should consider the international laws relating to belligerency and be guided thereby, and this country should act as becomes one of the friendly family of nations.

Mr. Speaker, belligerency is a pure question of fact. The definition of the word belligerent is "actually at war." And the question of recognition of belligerent rights is not one inherent in the country which is seeking recognition, but it is one entirely at the will and pleasure of the country granting that recognition, and they must take the responsibility therefor. I should certainly be inclined to defer to the great will of the majority as so numerously expressed here, were I not well fortified by the past history and precedents of my own country and sustained by no less a soldier than General Grant, who, when President of the United States, and acting under identically the same circumstances, laid down this as the rule that should govern the Congress of the United States at that time.

Before I read it, however, permit me to state that, while I was not here, I have been authoritatively informed, that the same passions and prejudices were rushing through both branches of Congress at that time as seem now to prevail. This message not only allayed that feeling, but caused the question to pass from discussion by both bodies of the Congress and by the people of the whole country.

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent State and the insurgents must amount in fact, to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war; there must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc., and to justify a recognition of belligerency there must be above all a de facto political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a State among nations capable of discharging the duties of a State and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see, in the present condition of the contest in Cuba, those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of the legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by the roving companies of insurgent troops. There is no commerce, no trade, either internal or foreign; no manufactures.

Mr. Speaker, that was written by the President of the United States, Gen. Ulysses S. Grant in 1870, and I, without fear of contradiction, claim that it applies to the present situation, and that the present situation is identical, so far as the facts are concerned, with that which existed at the time when this message was written.

Why, it is claimed that they have a small capital in the mountains of Cuba protected by about 1,500 men in an impregnable fastness. This capital is situated on an elevated plateau containing about 15 square miles, the valley being surrounded by mountains. Is that a ground for the recognition of a government? Why, in Tazewell County, Va., we have Burke's Garden, containing 30 square miles of beautiful blue-grass country, with only one outlet in the mountain defiles, which could be protected by 1,500 men. If the Southern Confederacy had permanently held that one place only, with small bodies of troops scouring the rest of the country, recklessly and wantonly destroying the property of their own people, do you suppose that Spain, France, or England would have accorded to her belligerent rights? Why, of course not!

Another thing. Where is the insurgent seaport, where is organized war? Where is the great battle that has been fought, such as Bull Run or Gettysburg? None. All the news that comes to us comes under a cloud and shadow; and then again, the distinguished gentleman from Tennessee [Mr. PATTERSON] said yesterday that he would favor independence of these people provided they were unanimous in this rebellion; but the gentleman from Pennsylvania [Mr. ADAMS] and all others whom I have heard speak in favor of the resolutions, concede that there are 53,000 insurgents on the one side and 43,000 Cubans enlisted on the other or Spanish side.

Again, Mr. Speaker, here is what Mr. Fish, Secretary of State, addressed to Mr. Motley, then at the Court of St. James:

The President does not deny, on the contrary he maintains, that every sovereign power decides for itself, on its responsibility, the question whether or not it will, at a given time, accord the status of belligerency to the insurgent subjects of another power, as also the larger question of the independence of such subjects and their accession to the family of sovereign states.

But the rightfulness of such an act depends on the occasion and the circumstances, and it is an act, like the sovereign act of war, which the morality of the public law and practice requires should be deliberate, seasonable, and just, in reference to surrounding facts.

Deliberate! How can men saturated with the war spirit which seems to pervade this House be deliberate?

National belligerency, indeed, like national independence, being but an existing fact, officially recognized as such, without which such a declaration is only the indirect manifestation of a particular line of policy.

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But circumstances might arise to call for it. A ship of the insurgents might appear in the port of the neutral, or a collision might occur at sea, imposing on the neutral the necessity to act. Or actual hostility might have continued to rage in the theater of insurgent war; combat after combat might have been fought for such a period of time; a mass of men may have engaged in actual war until they should have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral. Or the nearness of the seat of hostilities to the neutral may compel the latter to act; it might be his sovereign duty to act, however inconvenient such action should be to the legitimate Government.

Mr. Fish says:

The question of according or withholding rights of belligerency must be judged, in every case, in view of the particular attending facts. * * * This conflict must be one which will be recognized in the sense of international law as war. Belligerency, too, is a fact. The mere existence of contending armed bodies and their occasional conflicts do not constitute war in the sense referred to.

Now let us see what President Woolsey, one of the highest modern authorities on international law, has to say on this subject:

There may be a difficulty in ascertaining when the fact of war begins, and this difficulty is the greater in cases of insurrection or revolt, where many of the antecedents and premonitory tokens of war are wanting, where an insurrection may be of little account and easily suppressed, and where war bursts out full-blown, it may be, at once. Our Government has more than once professed to govern its action by the following criteria expressed in Mr. Monroe's words relating to the Spanish South American revolts: "As soon as the movement assumes such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, have been extended to them." But this rule breaks down in several places. The probability is a creature of the mind, something merely subjective, and ought not to enter into a definition of what a nation ought to do. Again, the success does not depend on steadiness and consistency of form only, but on relative strength of the parties. If you make probability of success the criterion of right in the case, you have to weigh other circumstances before being able to judge which is most probable, success or defeat. Would you, if you conceded, belligerent rights, withdraw the concession whenever success ceased to be probable? And, still further, such provinces in revolt are not entitled by the law of nations to rights as equal parties to a civil war. They have properly no rights, and the concession of belligerency is not made on their account, but on account of considerations of policy on the part of the state itself which declares them such, or on grounds of humanity.

And last but not least I will request the Clerk to read in full the note of Richard Dana to Wheaton's International Law, which is admitted to be the clearest and ablest presentation of this doctrine of belligerency, and I submit it fully sustains the position I have taken.

The Clerk read as follows:

The occasion for the accordance of belligerent rights arises when a civil conflict exists within a foreign state. The reason which requires and can alone justify this step by the Government of another country is that its own rights and interests are so far affected as to require a definition of its own relations to the parties. Where a parent Government is seeking to subdue an insurrection by municipal force, and the insurgents claim a political nationality and belligerent rights which the parent Government does not concede, a recognition by a foreign state of full belligerent rights, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion and of censure upon the parent Government. But the situation of a foreign state with reference to the contests, and the condition of affairs between the contending parties, may be such as to justify this act. It is important, therefore, to determine what state of affairs, and what relations of the foreign state, justify the recognition.

It is certain that the state of things between the parent state and insurgents must amount, in fact, to a war, in the sense of international law—that is, powers and rights of war must be in actual exercise; otherwise the recognition is falsified, for the recognition is of a fact. The tests to determine the question are various and far more decisive where there is maritime war and commercial relations with foreigners. Among the tests are the existence of a de facto political organization of the insurgents sufficient in character, population, and resources to constitute it, if left to itself, a state among the nations, reasonably capable of discharging the duties of a state; the actual employment of military forces on each side, acting in accordance with the rules and customs of war, such as the use of flags of truce, cartels, exchange of prisoners, and the treatment of captured insurgents by the parent state as prisoners of war; and, at sea, employment by the insurgents of commissioned cruisers, and the exercise by the parent Government of the rights of blockade of insurgent ports against neutral commerce, and of stopping and searching neutral vessels at sea. If all these elements exist, the condition of things is undoubtedly war; and it may be war before they are all ripened into activity.

As to the relation of the foreign state to the contest, if it is solely on land and the foreign state is not contiguous, it is difficult to imagine a call for the recognition. If, for instance, the United States should formally recognize belligerent rights in an insurgent community at the center of Europe, with no seaports, it would require a hardly supposable necessity to make it else than a mere demonstration of moral support. But a case may arise where a foreign state must decide whether to hold the parent state responsible for acts done by the insurgents or to deal with the insurgents as a de facto government. (Mr. Canning to Lord Granville on the Greek war, June 22, 1826.) If the foreign state recognizes belligerency in the insurgents, it releases the parent state from responsibility for whatever may be done by the insurgents, or not done by the parent state where the insurgent power extends. (Mr. Adams to Mr. Seward, June 11, 1861, Dip. Corr., 105.) In a contest wholly upon land, a contiguous state may be obliged to make the decision whether or not to regard it as a war; but, in practice, this has not been done by a general and prospective declaration, but by actual treatment of cases as they arise. Where the insurgents and the parent state are maritime, and the foreign nation has extensive commercial relations and trade at the ports of both, and the foreign nation and either or both of the contending parties have considerable naval force, and the domestic contest must extend itself over the sea, then the relations of the foreign state to this contest are far different.

In such a state of things the liability to political complications and the questions of right and duty to be decided at once, usually away from home, by private citizens or naval officers, seem to require an authoritative and general decision as to the status of the three parties involved. If the contest is a war, all foreign citizens and officers, whether executive or judicial, are to follow one line of conduct; if it is not a war, they are to follow a totally different line. If it is a war the commissioned cruisers of both sides may stop, search, and capture the foreign merchant vessel, and that vessel must make no resistance and must submit to adjudication by a prize court; if it is

not a war, the cruisers of neither party can stop or search the foreign merchant vessel; and that vessel may resist all attempts in that direction, and the ships of war of the foreign state may attack and capture any cruiser persisting in the attempt. If it is war, foreign nations must await the adjudication of prize tribunals; if it is not war, no such tribunal can be opened. If it is war, the parent state may institute a blockade jure gentium of the insurgent ports, which foreigners must respect; but if it is not a war, foreign nations having large commercial intercourse with the country will not respect a closing of insurgent ports by paper decrees only. If it is a war, the insurgent cruisers are to be treated by foreign citizens and officials, at sea and in port, as lawful belligerents; if it is not a war, those cruisers are pirates, and may be treated as such. If it is a war, the rules and risks respecting carrying contraband, or dispatches, or military persons come into play; if it is not war, they do not. Within foreign jurisdiction, if it is a war, acts of the insurgents in the way of preparation and equipments for hostility may be breaches of neutrality laws; while, if it is not war, they do not come into that category, but under the category of piracy or of crimes by municipal law.

Now, all citizens of a foreign state, and all its executive officers and judicial magistrates, look to the political department of their government to prescribe the rule of their conduct in all their possible relations with the parties to the contest. This rule is prescribed in the best and most intelligible manner for all possible contingencies by the simple declaration that the contest is or is not to be treated as war. If the state of things requires the decision, it must be made by the political department of the government. It is not fit that cases should be left to be decided as they may arise, by private citizens, or naval or judicial officers, at home or abroad, by sea or land. It is, therefore, the custom of nations for the political department of a foreign state to make the decision. It owes it to its own citizens, to the contending parties, and to the peace of the world, to make that decision seasonably. If it issues a formal declaration of belligerent rights prematurely, or in a contest with which it has no complexity, it is a gratuitous and unfriendly act. If the parent government complains of it, the complaint must be made upon one of these grounds. To decide whether the recognition was uncalled for and premature requires something more than a consideration of proximate facts and the overt and formal acts of the contending parties. The foreign state is bound and entitled to consider the preceding history of the parties, the magnitude and completeness of the political and military organizations and preparations on each side, the probable extent of the conflict by sea and land, the probable extent and rapidity of its development, and, above all, the probability that its own merchant vessels, naval officers, and consuls may be precipitated into sudden and difficult complications abroad. The best that can be said is that the foreign State may protect itself by a seasonable decision, either upon a test case that arises or by a general prospective decision; while, on the other hand, if it makes the recognition prematurely, it is liable to the suspicion of an unfriendly purpose to the parent state. The recognition of belligerent rights is not solely to the advantage of the insurgents. They gain the great advantage of a recognized status, and the opportunity to employ commissioned cruisers at sea, and to exert all the powers known to maritime warfare, with the sanction of foreign nations. They can obtain abroad loans, military and naval materials, and enlist men, as against everything but neutrality laws; their flag and commissions are acknowledged, their revenue laws are respected, and they acquire a quasi-political recognition. On the other hand, the parent government is relieved from responsibility for acts done in the insurgent territory; its blockade of its own ports is respected; and it acquires a right to exert, against neutral commerce, all the powers of a party to a maritime war.

Mr. ELLETT of Virginia. Third. Now, Mr. Speaker, let us look into the character of this war. It is alleged that the Spaniards, and especially General Weyler, are guilty of butchery and cruelty. I am not here to accuse or defend them. We have such vague and exaggerated reports that it is almost impossible to form a satisfactory opinion except on one point, and that is that both insurgents and Spaniards are engaged much more in marauding, murdering, burning, and devastating than they are in carrying on war, and in the eyes of civilized nations this is not belligerency, but atrocious barbarism.

I again quote President Grant's message, describing the state of affairs in Cuba when it was written, and it can but be admitted that this accurately portrays the present situation:

During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities carried on by small and illy-armed bands of men, roaming, without concentration, through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection had not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side a contest has been conducted and is still carried on with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

It is but human nature for either side in civil strife to charge the other with brutality, whether with or without just cause. The English to-day claim that we were guilty of brutality in the execution of André, and Americans make a like charge against Benedict Arnold and Tarleton.

But the facts must rule in these matters. Why this picture which has been so vividly drawn this morning by the gentleman from Pennsylvania [Mr. ADAMS] of five men who were garroted in Moro Castle, Habana? I, like the gentleman, had read the harrowing description of these executions in the New York World of Sunday. My blood boiled to think that patriots should be executed as felons. I do not believe in quoting mere newspaper statements, but as the gentleman from Pennsylvania makes his charge on the basis of the World's report, it is fair to answer him in kind. Who were these five men, the subjects of this bungling execution? Patriots? No! but felons of the deepest die. Here is what the Post of yesterday says of them:

HABANA, *April 2.*

The following is the story of the crime committed by the five negroes who were the victims of the bungling execution by the garrote on Monday. Their names were Sacarias Santa Cruz, Isidro Calderon, Juan Bautista Gutierrez, alias Lucumi, Ruffino Ordenez, and Marcelino Gonzalez.

The scene of the bloody crime was a lonely house on the road from San Jose to Tijiragua. On the evening of July 12 José Castillo, the owner of the house, had just left it, his wife, four daughters, and three friends remaining there, when the galloping of several horses approaching the house on the highway aroused the inmates as if by a presentiment of the wretched fate they were to meet. Soon afterwards five negroes dismounted before the house, brandishing their glittering machetes, and ordered everyone in it not to move. They then demanded of Castillo's wife that she should give them all the money there was in the house. She gave them two gold pieces, asserting that that was all they had.

But some of the wretches, in ransacking the house, found 36 more gold pieces, which brought the men up to a state of fury over the deception played upon them. One of them struck the poor woman with the keen edge of his machete, decapitating her with a blow.

The negroes, seeing the blood of their first victim, became transported with rage, and put to death all but one of the inmates, the exception being one of the visitors, who was left so badly wounded that he died soon after giving testimony of the affair.

Gentlemen, I do not know anything about the garrote. I am not here to defend it, but I hear that it is a very quick and sharp chisel that cuts the spinal cord, and death is caused more quickly than by hanging. I say if these men were guilty of these crimes they most richly deserved the punishment inflicted upon them in Morro Castle.

But that is going a little away from the subject. This war, in its character, is one of pillage, devastation, fire, and ruin upon the part of the insurgents.

Here is what the recognized Cuban organ in this country boastfully says of the methods and actions of the insurgents:

Maceo's Great Raid—The Insurgent General has Devastated the Whole of Pinar del Rio.

That is the name of a province. The next heading is:

Thirteen Towns Burned—All the Tobacco Crops Destroyed and People Wandering About Without Clothing.

What is the next heading?

Spain Beaten Everywhere.

That is the method, Mr. Speaker, that the insurgents are taking to beat Spain everywhere—"thirteen towns burned; all the tobacco crop destroyed"—"people wandering about without clothing." Here is the report in full, with further heading:

The true story of the result of the raid made by Antonio Maceo into Pinar del Rio is beginning to crop out. So effectual was the work of the insurgent general that 13 towns held by the Spaniards have been destroyed and the rich tobacco lands throughout the province have been laid waste. Practically all of the island west of Habana is a wilderness. This news has heretofore been suppressed by the Spanish censors, and it is believed that matters are much worse than the news depicts.

HABANA, *March 5.*

The reopening of telegraphic communication with the region of Pinar del Rio brings the first detailed information of affairs in that province for several weeks.

This is where the insurgents had been with their bands in possession of this territory for several weeks, and were at last driven out, when the Spanish troops occupied the territory, and then, as this Cuban organ says, for the first time light was let in on the situation. Now, let us see how these patriots in their struggle for freedom dealt with this province:

The condition of affairs disclosed is little less than appalling. The rich Vuelto Abajo tobacco district seems to have been put to the torch and is apparently reduced to a wilderness.

Whole towns have been obliterated or reduced to a heap of ashes, and their inhabitants are wandering helpless over the face of the country, without a place to lay their heads or wherewithal to be clothed, and many of them starving.

TOWNS DESTROYED.

The villages and towns of Cabanas, Bahia Honda, San Diego de Nunez, Santa Cruz de los Pinos, Los Palacios, Piso Real de San Diego, and San Diego de los Banos are known to be reduced to ashes, and reports of others will bring the number destroyed up to thirteen. All of these were important and thriving centers of population and business.

The last town which has succumbed to the insurgents' torch is San Juan y Martinez. The tobacco from this town is famous the world over to all connoisseurs for its matchless flavor. Its cultivation brought great wealth to the people of the district and gave material for a large commerce in the town and support to over 1,000 families.

San Juan de Martinez is, however, no more.

WAITING FOR HELP.

When the first column of Spanish troops arrived on the site of the town they found only débris and smoking ashes, and all around a seemingly limitless sea of fire. A hundred desolate families had taken refuge in poor huts outside of what was once the town and were waiting helplessly for any assistance that would save them from starvation. They were without clothes and without food and saw no prospect ahead in their despair of securing either.

San Juan y Martinez is erased from the map. The adjoining town of San Luis had a narrow escape from the same fate, but escaped almost by a miracle. The inhabitants had already fled outside, seeking a refuge from the flames

which the torch was ready to apply, when General Cornell, at the head of a detachment of troops, made his appearance on the scene, and the insurgents evacuated the town.

Such is the result of Maceo's raid.

A committee representing the Chamber of Commerce and the Spanish Casino called upon Captain-General Weyler to-day and assured him of their patriotic adhesion to him in his policy.

WEYLER'S PROCLAMATION.

In consequence of the distribution of a circular containing General Weyler's proclamation requiring the concentration of all country people within the limits of the towns for protection, there have been many delegations of farmers coming to Santiago de Cuba to inquire of the military authorities how far the requirement applies to them and for an intrepation of its provisions. The consuls of foreign governments are seeking the same information.

Generals Bernal and Vicuna have arrived here for a conference with Captain-General Weyler.

Mr. Speaker, after the above description, can it be claimed that that is civilized war? Freedom is not secured nor the blessings of liberty acquired by such methods. Neither fight their battles that way. Should such people drive out the Spaniards I doubt their capacity for self-government.

Do you call the burning of dwellings, the destruction of plantations, and the devastation of the whole country war? Is that public war? Do you call the taking of 650 prisoners and slaughtering them in cold blood war? General Quesada did that in the prior rebellion, and his example has been followed on a smaller scale in this one. We learn from information as authentic and accurate as any that has been produced on the other side that the insurgents, as well as the Spaniards, are carrying on this fight not in accord with civilized warfare. I had intended to make further quotations setting forth the horrors of this war; but, gentlemen, it is not to my taste, and I hope that your ears do not desire to hear them. I will spare your feelings and not harrow them by such blood-curdling recitals.

Now, Mr. Speaker, permit me to say this: I represent, in part, upon this floor a grand old State whose history is familiar to you all. Some may be surprised that I speak here as a man of peace, but I believe that the sentiment of that State is behind me in opposing this measure. The people of this land have weighed in the balance the Fifty-third Congress and found them wanting. The people of this land will soon weigh in the same balance the Fifty-fourth Congress, and, if we are not careful, we too shall be found wanting. We have done nothing for the public interest, and while all through this land the pockets of the people are empty——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. Mr. Speaker, I yield five minutes more to my colleague.

Mr. ELLETT of Virginia. All through this land the business interests, the farming interests, the laboring interests, all interests, are clamoring for the Congress of the United States to give them a remedy for the financial distress which prevails, but instead of that we fritter away our time by trying in the most offensive manner to intermeddle in the affairs of other nations and in making attacks on one of America's purest and most conscientious statesmen; and for what? Because of two speeches that he made in England. I may not approve in full those utterances, but I say to you that you might as well censure General Sherman because, in a moment of excitement, he happened to strike one of his troops on the back with his sword, as attempt to censure a man who has given a lifetime of pure, efficient, and able service to his country. Thomas F. Bayard, I am proud to say, is not injured thereby, but other countries are amazed at the lengths to which we will permit the petty politics preceding a Presidential election to carry us, and Congress loses in dignity and the esteem of the people.

Mr. WATSON of Ohio. Will the gentleman yield for a question?

Mr. ELLETT of Virginia. Certainly.

Mr. WATSON of Ohio. Do you approve of the language which Ambassador Bayard used?

Mr. ELLETT of Virginia. I will be perfectly candid, sir; I think it was slightly indiscreet, but I say it was beneath the dignity of the Congress of the United States to take notice of so small a matter.

Mr. WATSON of Ohio. That was not my question. My question was whether you approved of the language that Ambassador Bayard used.

Mr. ELLETT of Virginia. I have replied to that, sir. Turn your attention, gentlemen, to our own internal affairs and let the business of other people alone for a while. Do not keep the markets of your country jumping up and down, the business of your country stagnant, while you waste the people's time and money in this Congress. As I remarked a while ago, I represent in part the State of Virginia, and I believe my people are against the expensive amusement of frittering away the time and attention of Congress upon measures in which they have no direct or immediate interest and which tend to war. If the honor of this country should be in any way involved, the people of Virginia would be among the most ready to respond; but their history has been this. They have, as a State, always taken the position that Laertes was advised to take by Polonius:

> Beware of entrance to a quarrel, but being in,
> Bear it that the opposed may beware of thee.

At the time of the Revolution Virginia was not the first to sound the tocsin of war; but when America was struck she marched to the North to assist her Northern brethren. Subsequent to that her voice, through John Randolph and others, was always raised in the councils of this nation on the conservative side, against war, unless it became a dire necessity. Coming down to the war of the rebellion, as you term it on the Republican side of this Chamber, but to the war between the States, as it should be properly styled, Virginia had the honor to originate the Peace Commission, the purpose of which was to prevent, if possible, war between the States. Virginians are ready to-day, as they have been always, to take up arms to preserve and defend the honor of their country. In my district there are 25,000 ex-Confederates, men who know what war is. In defense of their country they are willing to contribute millions of men and money, but they will never, without a protest, give one man or one stiver for the purpose of intermeddling with the affairs of other peoples. [Applause.]

Mr. HITT. I yield ten minutes to the gentleman from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. Mr. Speaker, the Senate resolutions are substantially the same as those which were passed recently by the House, though they are not, perhaps, couched in language so diplomatic and courteous. Two objections are urged against these resolutions. One is that there is not a state of public war in Cuba. The able and convincing speech of the chairman of the Committee on Foreign Affairs [Mr. HITT] has fully established that there is a state of public war in Cuba. One hundred and twenty-five thousand soldiers have been employed for a long period of time in attempting to suppress the rebellion, and, notwithstanding the great strength employed in that effort, three-fourths of the island is now in the hands of the insurgents.

It is true that the insurgents have not been able to meet the army of the oppressor with the force and vigor with which equal armies meet. They have been obliged to resort to the tactics always employed by insurgents against a strong and despotic power. They have been obliged to resort to guerrilla warfare—the war of attack and retreat and reattack, as the chairman of the committee so aptly stated yesterday. They have been guerrillas, not banditti. The latter attack only for plunder, but the Cuban insurgents have had a high and noble purpose—the liberation of their country, and though their destruction of property has been great, it has its justification in the fact that only by destroying the sugar crops and thus impairing the revenue of the Spanish Government can its efficiency in suppressing the rebellion be impaired. But the war so conducted has been effective. An organized government has been created which now wields its power in three-fourths of that island; and the captain-general of the Spanish forces has declared that he will require at least two years more to suppress the rebellion. I take it, then, that there is existing in Cuba a condition of affairs which justifies us in asserting that there is a state of public war and that the insurgents are entitled to belligerent rights.

The next objection urged is that Spain is a friendly nation and friendship requires that we should not intervene in a difficulty between a friendly nation and her colonies. International law is appealed to. But that law is not a rule of action which can be enforced by any tribunal. It is a code of etiquette between nations. And what does that code of etiquette require? Why, simply that nations should bear toward each other the general friendliness and courtesy which individuals in organized society entertain, but whenever a nation, like an individual, puts itself in a position where it is chargeable with the repudiation of the obligations of honor and with acts of perfidy and cruelty, then the friendship may well cease in the case of a nation, just as in the case of an individual.

Nations are not really friendly to each other. They are simply either at peace or at war with each other. War necessarily implies enmity. Peace does not necessarily involve friendship. And I take it that a great and powerful nation like the United States, the greatest and most powerful nation in this part of the world, has a certain duty to perform to other nations, just as every individual in our social organization has a duty to perform to other individuals, and this duty is the higher and the stronger in proportion to the power and the strength of the individual or the nation. I take it, then, that just as the powerful nations of Europe have felt that they had the right again and again to interfere in the affairs of Turkey for the purpose of securing to a people cruelly oppressed and downtrodden a certain protection, a protection which we have demanded in behalf of those people in certain resolutions recently passed, an equal obligation is imposed upon

the most powerful nation on this side of the world to protect a country that lies at our very doors against perfidy, cruelty, and oppression, for it should be remembered that the ten years' rebellion, from 1868 to 1878, was only ended upon certain guarantees of autonomy and representative government made by the Spanish Government—guarantees which were repudiated when peace was restored—and that Spain's perfidy lit the fires of a new rebellion.

In these resolutions what do we do? We simply express the opinion of the two Houses of Congress that Cuba is entitled to belligerent rights and that the friendly offices of this Government should be used to insure the recognition of free Cuba. We have extended the hand clothed in velvet, but it should be understood that under the glove of velvet is concealed the hand of iron which will ultimately by vigorous action break the bonds which hold an outraged colony to a perfidious, cruel, and despotic Government.

I think this country has some duty to perform besides a duty to its own people. We have not the right to pursue the policy of selfish exclusion any more than an individual has in organized society. I think we have a duty to perform to all the Republics of this continent that now, with the exception of Mexico, cast disgrace upon the very name of republicanism. Instead of maintaining the policy of selfish exclusion which we have maintained for years, saying to the great powers of Europe, and particularly to England, "Hands off! we will not permit you to extend to these countries the government of law and order," we have a certain duty to discharge to humanity and to civilization in seeing that those countries are no longer dedicated to disorder and violence. There is a certain duty as protector that devolves upon the people of this country with reference to the nations on this continent. It should be exercised through the Pan-American Congress—through treaty relations for mutual cooperation and support—by all the moral influence which a great nation can exercise in its communion with weaker powers, and, if necessary, when civil war, anarchy, and mutual destruction blot the fair name of republicanism and substitute military despotism, by an armed intervention, commanding order and good government.

Now, of course, we all understand that the people of the Latin race are not so well fitted as those of the Anglo-Saxon race for free government. We through generations and through centuries have had a training for freedom—in our trial by jury, in our legislative system, and by all the machinery of our forms of government—so that it may be said that the Republic of America was the very evolution of the education of ages. The Latin race has not been prepared for such an evolution. Yet must we say that the colony of this European despotism must be kept always under the heel of the oppressor because its people are not fitted for self-government? Shall we keep people in darkness in order to train them for the light? I apprehend that the very fact that disorder and violence exist in the Central American and South American Republics, that the Latin race is illy fitted for free government, is no objection to a bold and decided stand on the part of this country in favor of the independence of Cuba, for I claim that the very first step in the evolution of liberty is to break the shackles that bind a dependent colony to a despotic country.

So from every point of view my judgment is that we should take a firm, self-reliant, and powerful position with reference to this entire continent—with reference to the Central American and the South American Republics and with reference to dependent colonies suffering under oppression and cruelty. In that view, regardless of the talk about the friendship which should exist between nations and the etiquette that should control friendly nations in their dealings with each other, I say that some duty devolves upon us toward civilization and humanity and human liberty, and this duty is best discharged by prompt and vigorous action with reference to this struggling country at our very doors.

[Here the hammer fell.]

Mr. HITT. I yield three minutes to the gentleman from New Jersey [Mr. STEWART].

Mr. STEWART of New Jersey. Mr. Speaker, yesterday I was astounded and surprised at the stand and argument of the brilliant, persistent, but inconsistent man from Maine. His argument, forsooth, was because our Treasury was depleted by the unwisdom and maladministration of the Democracy that therefore we should close our hearts to charity and close our mouths to words of pity and sympathy. He charges that we should not, on this account, because our Treasury is empty, protest against the bloody hand of Spain and the cruel proceedings of that bloodthirsty, cruel, and vindictive nation that has looked on in all the years of history with bloodshot eyes on all the nations of the earth.

Why, Mr. Speaker, it is an inherent right in all nations to exercise a just, proper, and reasonable discretion in recognizing the belligerency of other nations or peoples struggling for liberty. It is not an act of war, and does not necessarily place us under the perils of war.

More than a month before the battle of Bull Run, Spain had recognized the belligerency of the Southern States of the Confederacy, when that government simply existed on paper, and before it had shown itself able to resist in any degree the armies of the United States. What sympathy, then, does America owe to Spain? But, on the other hand, do we not owe every consideration of compassion to our downtrodden and persecuted neighbor, Cuba? How like our case in the dark and lonely days of the Revolution is hers! She now is experiencing her "Valley Forge," and her sufferings—how like ours in the dreary and hopeless swamps of the Carolinas!

I appeal to this House in the name of humanity, in the name of all that is just and right and pure, in the name of human sympathy and pity, to recognize poor, struggling Cuba, and give her the rights to which she is justly entitled in order that she may have a better standing before the world. [Applause.]

[Mr. RUSSELL of Georgia addressed the House. See Appendix.]

Mr. HITT. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I will merely occupy the time of the House for the purpose of putting myself on record in favor of the resolutions offered here, and for the purpose of correcting an impression which might have been gathered from the remarks of the gentleman from Pennsylvania [Mr. ADAMS] who spoke here this morning. In the course of the eloquent speech that he made in favor of the resolutions, in nearly all of which I heartily and sincerely concur, he attributed to the Senator from the State of New York a motive which is as foreign to him as it can be to any man in public life who enjoys his enviable record. The gentleman from Pennsylvania suggested that Senator DAVID B. HILL, in his attitude toward this resolution, reflected the sentiment of Wall street.

Now, Senator HILL has his strong points and, I suppose, his weaknesses, like most men. He has his friends and his enemies. There are those who praise him and those who censure him; but all must admit that if there is one lesson we can gather from his career it is that throughout the whole of that career he has been in touch, in sympathy with, in harmony with the plain people of the State he represents and of the United States. He has not advanced a single step in favor of the money power except so far as its welfare was incidental to the general good. His personal integrity can not be questioned. His alliance with that power can not be shown in a single sentence he has uttered. In fact, he has been opposed to those who have made alliances with Wall street; that is, with exponents of inordinate speculation, and has made that opposition emphatic in every act of his on the floor of the Senate and long before he came to the Senate. So when Senator HILL says he is in favor of these resolutions for humanitarian reasons, I say we should attribute to him the full credit that such an utterance from such a man invites. I am for the resolutions for the same reasons. The Cubans are struggling as our fathers struggled, and they are entitled to encouragement from us. If another reason were necessary for favoring these resolutions, it is that while America has proclaimed her belief, whether sentimental or real, in the Monroe doctrine, what can we expect from that great power England if in our present situation we back down from that weak power Spain?

We have a right, gentlemen, to interfere for Cuba. She is our neighbor. She is contending for all that is right and true and beautiful in human character and in the character of nations.

I trust that these resolutions will pass with an almost unanimous vote in this House, and that we shall give emphasis to anything we do here by showing that the Congress of the United States is behind the department of this Government which has the power to declare for belligerency in any reasonable length to which that department may go for the relief of these struggling people. [Applause.]

Mr. TURNER of Georgia. Mr. Speaker, before making my statement I should like to ask of the gentleman from Illinois [Mr. HITT] if any reason exists why we might not have a brief debate on Monday on this proposition, when gentlemen will all be in their seats—say half an hour on Monday, to be equally divided between the two sides? I call the attention of the gentleman to the fact that the House is not now full, and that gentlemen seem to be weary of the week's work. I would suggest that we take a recess earlier and take half an hour on Monday in order to conclude this debate.

Mr. WHEELER. It would be better to have two hours on Monday, an hour on each side.

Mr. HITT. I am obliged to ask the House to act as soon as possible. I made several requests to-day, to all of which there was objection, until I yielded so far as to allow the vote to go over until Monday. I do not think gentlemen ought to press me to go further. A number of members of the House told me they would object to anything which should carry this matter further into Monday than the mere taking of the vote.

Mr. TURNER of Georgia. I was not in the Hall at the time to which the gentleman refers. I hope he will not feel that I am pressing him. I withdraw my request.

Mr. HITT. I understand the gentleman's position very well. I was simply endeavoring to say that a number of gentlemen told me they would object to making any encroachment upon Monday, for anything other than the mere vote. Those gentlemen have now left the Hall, and I must keep faith with them.

Mr. TURNER of Georgia. I withdraw my request.

The SPEAKER pro tempore. The request is withdrawn.

Mr. TURNER of Georgia. Mr. Speaker, repeating what I said on a former occasion, I regret that in so grave a matter, involving delicate foreign affairs, we have so little information on which to predicate our action.

I yield to no man in my sympathy for a people who may be struggling for freedom; but this is not a question of sympathy. It is a question which affects our own interests and which relates to our duty as a member of the family of nations. The step we propose to take to-day also concerns our duty under treaty stipulations.

In the Island of Cuba, Mr. Speaker, there are peculiarities of topography, population, and social conditions which are very little known to the rest of the world. The white population live chiefly on the coast and surround the island. The interior is still a wilderness. It consists of mountain fastnesses and swamps, without highways. These insurgents, so called, are said to occupy these fastnesses and swamps and contiguous territory, while the people loyal to Spain occupy the coast towns and fortifications and their vicinity.

No safe access, as a general rule, exists from one side to the other pending hostilities, and no actual, reliable information has reached us as to the condition of this struggle so far as the insurgents are concerned. The gentleman from Illinois [Mr. HITT] read yesterday a statement which undertook to give the military force of the insurgents. It was an anonymous statement; its author's name was suppressed. But even taking that statement as printed to-day in the RECORD, it is apparent there are only 16,000 men engaged in active operations on the side of General Gomez and General Maceo, and nothing is said of the character of their arms; the rest of the 60,000 thus loosely reported is said to form an army of occupation. What that means the statement does not disclose.

Mr. PATTERSON. Will my friend yield to me, in that connection, just one moment?

Mr. TURNER of Georgia. I will.

Mr. PATTERSON. I desire to state, before I answer the question, that the matter that influences——

Mr. TURNER of Georgia. I asked my friend no question. [Laughter.]

Mr. PATTERSON. I understand that; but I was going to ask you a question. It is this: Is it not impossible for the Cubans to carry on the character of campaign which they have carried on, are now conducting, and have conducted, without practical unanimity upon the part of the Cubans in the support of their cause? The question is this: From your knowledge of military operations, would it not be impracticable to carry on and conduct the character of a campaign which they are conducting unless the Cubans were practically unanimously their friends? If they were surrounded by an unfriendly population it would simply be impossible, in my judgment, for them to do it.

Mr. TURNER of Georgia. The gentleman has answered his own question, then. [Laughter.]

Mr. PATTERSON. I think so.

Mr. TURNER of Georgia. The gentleman has interjected into my brief space the argument to which he desired to address himself on this question.

Mr. PATTERSON. Well, perhaps so.

Mr. TURNER of Georgia. He has relieved me of a very considerable embarrassment, no doubt. [Renewed laughter.]

We know, Mr. Speaker, that in very recent history, within a day's ride of this city, when a country having the greatest armies and the greatest resources of modern times was engaged in a great war, Mosby, with a few guerrillas, was able to carry on hostile operations in the sight of the Dome of this Capitol for months and years.

Mr. PATTERSON. And simply because he was operating in the midst of a friendly population.

Mr. TURNER of Georgia. Admitting that the army of General Lee occupied largely the attention of Mosby's foes, still he operated successfully against great odds, because he was sheltered by mountains and could concentrate or disperse his small force at pleasure. The country he occupied was practically depopulated. The Cubans have a still better field, which they seem to have improved for military operations with the torch.

I do not deny, Mr. Speaker, that these people may be engaged in a just cause. I do not wish to prejudice their character; far from it; but what I insist upon is that we ought to know something about them before we commit our people to an attitude which may involve us in the most serious consequences. War is a serious business. The most of us have had some experience of its hardships; and I know that if the people of this great commercial and agricultural country should become engaged in a foreign war its consequences may bring unutterable woe to millions of our countrymen. At this time we are entering manfully upon a struggle for our old dominance on the ocean; war would drive our commerce from the sea except in neutral bottoms. The flag of England, our great rival, would float above our trade, while our own, except on our ships of war, would disappear from the seas. The price of cotton, already low, would go still lower. The section of the country already desolated by war would be still further impoverished.

I should have no fear of Spain or any other country in the world in a physical conflict with our country so far as military success is concerned; but the waste and woes of even a successful war are irreparable. "There is nothing so melancholy as a victory won, except a victory lost," said Wellington. Just at this time, when we have not yet recovered from the horrors of civil war and their fearful consequences, I am not willing to take the risk of another war.

But, sir, I had wandered somewhat from the question which I had intended to discuss. I recur to it. A month has elapsed since I challenged my honorable friend from Illinois [Mr. HITT] to give us reasons for this proposed action. A long debate has taken place elsewhere, and the newspaper press of the country has been engaged in sifting this matter from day to day and week to week, and yet it has nowhere and in no way appeared that the conditions prescribed by all the authorities for recognizing a new power as a belligerent have been fulfilled by these Cuban insurgents. Plantations have been burned and villages destroyed, but where have they made any real achievement in public war?

I ask again, after the interesting and learned argument of my friend from Illinois, what at last did he give us as the basis for our action here except the statement of an unknown author?

If these resolutions be postponed for thirty days I would be willing if at the end of that time we should not have more definite information as to the condition of the struggle in Cuba, to favor an official inquiry.

It must be noted, Mr. Speaker, that during the interval which has elapsed between the former debate in this House and the present time some discussion of this question has taken place at the other end of the Capitol, and it is now said that the House resolutions could not be passed in that body. I undertake to say, sir, that the Senate resolutions we are now considering would encounter indefinite obstruction in that body. The second sober thought has ensued, and the only way in which the gentlemen interested in this measure could bring it to a direct result was to take it away from the deliberative body at the other end of the Capitol and force it to a vote in the House of Representatives. In my opinion nothing on this subject would now pass the other House of Congress; and I believe that when the vote is taken it will be shown that many gentlemen here have reconsidered their views of this subject.

Allow me now to refer to the effect of a recognition of belligerent rights which has to some extent been defined by the gentleman from Illinois. When a force is recognized as a belligerent power, certain results ensue; but it must be remembered that in this particular case we are governed also by a treaty existing between this country and Spain, ratified and approved in 1795. That treaty contains a provision that if war ensues between Spain and any other power, she shall have a right to stop our merchantmen on the high seas and search them for articles contraband of war.

According to all the authorities that treaty would operate if we should recognize the force in Cuba as a belligerent power. At the present time it does not operate. On the authority of our courts, notably in the *Itata* case, originating in the late Chilean war, each party to a civil war has the right of access to our markets for the munitions of war. The Cuban people have that right at this time. They can buy all the munitions of war that they desire in our ports and there is no authority which can say them nay; and when those goods are shipped in accordance with law as merchandise, in a regular way, there is no power on earth, in the present state of things, that dare go on the decks covering those munitions of war and assert the right of search, or that dare look into that vessel's hold to see if she contains articles contraband of war.

The Cubans are buying munitions of war already in this country. According to reports in the papers they get their supplies from this country and from no other. Now, if we should recognize them as a belligerent power, while it might have the effect of giving them access to our ports with prizes captured on the high seas and the advantage of coming in and having their prizes condemned, a further effect would be to confer on the Spanish King and the Spanish Government the power to search every merchantman that might go from our ports in that direction.

In my opinion, the present condition of things is more advantageous to the people engaged in the struggle against the Spaniards in Cuba than would be their condition if we should actually give them recognition of belligerent rights. I need not pause to cite the authorities on which this conclusion is reached. I take it for granted that they are familiar to all lawyers and to all gentlemen who have studied this subject, so that I need not dwell upon the point. I have them here.

Mr. Speaker, I approach now a subject involving some delicacy, but I trust that I shall not be suspected of sectional bias or improper feeling when I refer to events of recent occurrence in our own history. Perhaps the matter is too recent to admit of the impartiality with which history will hereafter record the events following our great civil war. However, having had experience in this matter after the war was over amid the most trying circumstances of which I have ever read, I want to remind gentlemen that in the Island of Cuba there is a condition of things even worse than that which prevailed in the Southern States after the civil war.

Mr. Speaker, the race to which we belong is one which has the instinct of self-government. You may put a thousand or ten thousand of this race in a country where no flag floats—in some corner known as "no man's land"—and they will meet together and make government; they will establish order, they will pass laws, they will create courts. It is the proudest boast of our race that they have this great and glorious endowment. [Applause.] But, sir, there is no other race on earth that has it in so high a degree. There is the Spanish race, with whose descendants we sympathized in their struggle for freedom in the colonies to the south of us, and we gave them recognition.

And how have they prospered since their freedom has been established, in comparison with the country in which we live? Revolutions and anarchy have been their portion.

But my friend from Illinois said yesterday that the pure race settled in largest degree in Chile and in Cuba. But, Mr. Speaker, I answer that the example of Chile is not particularly inspiring, yet I presume that there are in that country very few persons of African descent. Mexico is the most progressive, perhaps, of all the Spanish-American Republics, but her most distinguished statesmen were not the descendants of the Spaniards; they were of the natives. Juarez and Diaz were of pure Indian blood.

A MEMBER. How about the Argentine Republic?

Mr. TURNER of Georgia. My friend suggests the Argentine Republic as a successful Government. Mr. Speaker, I will not undertake to state anything with which I am not entirely familiar; but if I have not been misled and misinformed as to that country the best hopes of the Argentine Republic to-day consist in the development of that country by the sturdy Scotchmen and Germans who have gone there and taken possession of the wild plains. [Applause.]

But, sir, if the Spanish people, once so imperial in the world and having the noblest and fairest portions of the American continent, have lapsed from their proud position, it is not for us to reproach them in their decline. How is it with the other race which constitutes nearly half of the population of Cuba? We know that the African race, while perhaps it has admitted of larger growth and progress than many of us anticipated, has never yet manifested that genius for liberty and good government and free institutions which has characterized other races of the earth, but the misfortune is that in Cuba both of these races are trying to govern, each of which has never been eminent in the business of governing. According to information published in the papers, the struggle there pending is largely a race conflict. You have them there contending with each other for the mastery.

Now, my friend from Tennessee, who is doing me the honor to hear me, will see the serious situation in which those people in the Island of Cuba would at once be placed if we could go to the utmost hopes of some of our people and set them free from Spain. I for one, Mr. Speaker, have had enough of reconstruction; and I would not be willing to be a party to such an experiment under the conditions which are said to exist in that island. I confess that I have no definite information on the subject. I wish I knew more about it. I can respect a black patriot, or a Cuban patriot, or a mulatto patriot, or a patriot anywhere in the world if he has the capacity, the courage, and the disposition to organize and maintain good government rather than anarchy, revolution, spoliation, and barbarism. Let us not forget Haiti and San Domingo.

Mr. Speaker, I have rapidly gone over considerations which appeal to my judgment in this grave contingency. At this late hour I will not further detain the House. [Loud applause.]

Mr. QUIGG. Much has been said, Mr. Speaker, concerning the obligations that we owe to a friendly nation. I want to remind gentlemen that if there is any quality that has especially distinguished the attitude and conduct of the United States toward foreign countries it is respect for their rights and consideration of their susceptibilities. This has been due not entirely to the absence on our part of a selfish concern in their affairs, nor entirely to our preoccupation with our own, but a sincere desire in the American people, always and faithfully reflected by their Government, to do unto others as they would have others do unto them.

No nation can in fairness find less fault with us than Spain. For, with no interests in common, with many opportunities of controversy, and with our sympathies naturally attracted in directions antagonistic to her purposes, we have well and faithfully performed to the Government of Spain every obligation which from her own point of view is implied in the existence of friendly relations.

Spanish control in Cuba, Mr. Speaker, has been exercised at our sufferance for more than fifty years; and in the light of human nature, and in view of our commercial and other relations to that island, it is not too much to say that nowhere in history is there an example of such forbearance as we have shown to Spain. For we have been the life and breath of Cuba for all of half a century. We have opened her mines, builded her railroads, cultivated her plantations. We have taken into our markets substantially the whole of her surplus product; and although perfectly conscious that every dollar of the enormous sum annually wrung by Spain from the Cuban people is a tax on American capital and American enterprise, we have assumed and in good faith performed the part of a stranger to Cuba and a fair friend to Spain.

We have shut our eyes to public abuses and private wrongs compared with which the grievances that drove our fathers into revolution were an amiable caress. The evils against which the Cuban people have risen are not new. They began, sir, with the Spanish conquest. They result from the Spanish character. They follow from the Spanish point of view. They are inseparable from the colonial rule of Spain, and for the reason that the chance to perpetrate them have supplied the motive of Spanish control wherever it has been exercised on the soil of these continents. It is a government of the sword for plunder, and not of the head and heart for the high purposes of civilization.

We have known this, Mr. Speaker. Even while our officials were inditing proclamations forbidding us to manifest our sentiments about it, we have known it well. I mean that we shall have the credit, if in it credit can be found, for the fair and generous course our Government has pursued toward the Government of Spain. We have known that its treatment of its "Ever faithful isle" was that of a selfish oppressor; that by the denial of such political rights as are elementary in our system, by forms of taxation that would be to us utterly unendurable, it has earned the enmity of the people whose interests it should have dearly cherished. We have known that its continued exercise of sovereign power in Cuba was at conflict not only with Cuba's interest, but our own; that it exposed our trade to unfair exactions and our properties to the risk of ever-recurring political agitation, and that it interfered with the possibility of friendly and neighborly arrangements that would be highly beneficial to our commerce and our national position.

And above and beyond all of this, sir, we have known that the cause of the Cuban insurgents is the cause of human liberty; that they are applying the doctrines we have taught, acting on the motives we have inspired, and venturing their lives for principles we have declared to be the common birthright of mankind.

When we have read in the newspapers Presidential proclamations warning us against giving aid and comfort to the Cuban insurgents, we have known in our hearts that they deserved both. We have watched our cruisers chasing their little privateers on the high seas, profoundly desiring a fruitless result. And we have seen the powers of our judicial department bent to the undoing of the plans of their little bands of patriotic adventurers with less pride at the way in which the obligations of friendship work being met than mortification and regret at the prostitution to our Government to the office of a tyrant's policeman.

It may be possible to confuse the American people about the requirements of international customs and public law, but they know their own history, Mr. Speaker; they know the lesson it teaches and the duty it enforces. There is one obligation of a king to a king; there is another of a people to a people. The royalty that frowns at his royal cousin's rebels frowns to anticipate his own. Our function, we may well remember, is another and a nobler one. On our faith in free government, on our allegiance to the creed it proves, we are bound to listen when above the din of revolution the voice of an injured people cries out that they are, as of right they ought to be, a free and independent state. [Applause.]

I think it may be fairly claimed, Mr. Speaker, that in so far as any obligation to Spain exists, under the rules that govern the intercourse of nations, from the mere fact that we have no direct cause of quarrel with that country, it has been well and faithfully performed. The time has now come when we may fairly consider whether, in the situation that exists in Cuba, there is not an obligation to ourselves and to the Cuban insurgents. And I am frank to admit that I for one approach the consideration of that question

from the point of view of one who fails to discover any reason whatever why any American community should longer be held in subjection to a European crown. [Applause.]

The progress of the human race is the one high purpose of government, and no political relation between two communities that has become injurious to either or that is not affirmatively beneficial to both is entitled to be perpetuated. To the maintenance of this doctrine and to its firm application within the limits of our natural and proper influence we are invited both by its propriety and by our interests. A new gospel has taken the place of the gospel of royal prerogative. The reign of the common people has come to all the earth, and with it an end to the fancy that a great and beautiful country, capable of maintaining millions of inhabitants in happiness and plenty, can forever remain the unchallenged property of a foreign prince, hundreds of leagues distant, merely because certain adventurers, owing allegiance to one of his ancestors, happened to discover it three or four centuries ago. It is not right; it is not reasonable. [Applause.] The day has dawned when things are, not because they have been, but because they should be. The sovereignty of Cuba resides, in justice, as it shall in fact, wherever the welfare of the Cuban people places it.

Mr. Speaker, I hardly think it worth while to discuss the moot question of whether the conditions that exist in Cuba are or are not a state of war; and even of less importance is the quaint contention of the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Georgia [Mr. TURNER], that belligerent rights should be denied the Cuban people because they are not fighting according to the rules of warfare laid down by the professors of international law! [Laughter.]

How are they fighting? Why, sir, they are fighting in a way that has enabled them within a single year to extend their authority from a single spot in a single province all over the island, until only three or four seaport cities remain to the Spanish Crown. They are fighting in a way that has increased their armies from a little band of 500 rebels into a magnificent force of 60,000 victorious, well-disciplined, and well-equipped soldiers. They are fighting in a way which has exhausted the resources of Spain to maintain an ineffectual and hopeless resistance. They are fighting in a way that has enabled one Cuban to contend successfully against three Spaniards; and not their bravery, nor their patriotism, nor the brilliant leadership of their generals, nor their unqualified success can be impeached by calling them brigands or by alleging that their methods are not the methods of civilized warfare.

The way to fight, I take it, is to fight to win. [Applause.] And that art, sir, the Cuban soldiery has learned in a degree that commands the admiration of all the world. Army after army has been sent into Cuba only to encounter defeat and humiliation. One general has displaced another, and yet, even with the assistance of a very resolute and very indefatigable press censor, who has converted defeat into victory upon innumerable occasions, who has captured Gomez and shot Maceo half a hundred times, who has exterminated more bands of Cuban rebels than there are palms in the Cuban forest, who has converted a maddened population into a loyal and contented colony, who has changed acts of infinite cruelty into acts of compassion and gentle mercy—even with his aid it has not been possible to conceal the fact that Cuba is forever lost to Spain. [Applause.] "This may not be war, sir; but I give you that it is no summer's holiday." [Laughter.]

Mr. Speaker, I believe it is the duty of the Government of the United States to bring the war in Cuba to a close. Nor do I urge this view solely for the sake of the Cuban people. We must bear in mind the fact when we come to vote upon these resolutions that the expense of this war is being paid, and must be paid hereafter, not by Spain, but by the American people. When Spain has lost Cuba, what has she lost? Simply an annuity. The invested capital engaged in devoloping the resources of the island is ours. Already our losses have been prodigious. Our mines have been closed. Our plantations have been burned. Our mills and railroads destroyed.

And even this measures only a fraction of the loss to us of what has already occurred in Cuba. Our principal sugar and tobacco supplies are obtained from this island. We must look elsewhere for them now and get them at a greater expense. And when the war is over it is from our reinvested capital and our recovered trade that the revenues must be drawn wherewith to pay an enormous accumulation of war debt. We have lost already more than we can afford, and more than we should endure. The ground upon which we can intervene is the just, firm, sensible ground of self-interest.

Gentlemen say that the intervention contemplated in these resolutions is a dangerous thing and may actually involve us as a principal in the conflict. That, of course, is mere speculation, as would be any reply that I might make. But, sir, I apprehend that a war with the United States is not an enterprise upon which any European nation, even the most sufficient, will lightly wish to engage. This is not a consideration, obviously, that entitles us to do an unfair or an ungenerous thing. On the contrary, it warns us, as the greatest force among the nations of the earth for progress and civilization, to act the part of an enlightened and honorable Government.

Our country is at peace to-day, and it is the duty of every citizen here or at home to strive to keep it so. We seek no quarrel. We make no causes of quarrel. Our time and energies are consumed in efforts to make the earth better and happier for our existence as a nation. For the European war lords, strutting about in their anxiety for combat, our sentiment, if not wholly respectful, is thoroughly charitable. But we have small interest in their ambitions, and only commiseration for the unfortunate people whose blood and treasure must soon become the price of their royal vanities.

The land we live in is a land of peace, of liberty, of progress, and of Christian civilization. But, sir, it must not become a land of pusillanimity. It must not forget its place in the family of nations, nor the duty which that place imposes, of commanding the respect and the influence of a power no less competent than it is benignant. The ends of peace are not promoted by cultivating among the people a sentiment of dull disregard for events in which are involved their commercial welfare and their national authority. The policy that would have us shut our eyes and ears to what is going on around us, that would have us allow our neighbors without protest or intervention to be subjected to humiliation and injury, to be despoiled of their territory, to be embarrassed in the exercise of their sovereign rights, to be confronted with a foreign fortification flying a European flag, is not possible to a nation of our responsibilities and our destiny. The United States are no longer a little string of Commonwealths along a little strip of coast. From the blue of their starry banner blaze not thirteen brilliants, but forty-five. They stretch across a continent and launch their fleets in either ocean. We must accept our part in the affairs of mankind, faithfully performing its duties and bravely accepting its consequences.

Although a war with the United States is not within the imagination, much less the purpose, of any responsible Spanish statesman, the consideration that should constrain us in the adoption of these resolutions is far remote from that. The end we seek to attain is peace, and not war; peace for a desperate and distracted people who have made the only choice that men can make when confronted with the alternative of abject slavery or revolution. They come to us with a petition for fair play. They do not seek to involve us in their quarrel. They ask no favor. They ask simply—and this is the significance of our resolutions—that we shall hold the scales even between them and their enemy. If we refuse this reasonable request; if we deny to them the position that their cause justifies and their valor has won; if we declare them to be wanton rebels, nay, plundering disturbers of the public peace, I say we shall be false to our history, false to the genius of our people, and false to the mission that it is ours to serve in the development of mankind. [Loud applause.]

Gentlemen say, do nothing. But we can not do nothing. We are not on earth to do nothing. [Applause.] And by doing nothing what they mean is to do something that is very bad indeed. By doing nothing they mean that we shall take the part of Spain as against this struggling colony, our neighbor and our friend. By doing nothing they mean that we shall take the part of despotism as against liberty. To do nothing is to accept the Spanish view—that the insurgents are not entitled to belligerent rights, that their armies are brigands, their ships pirates, and their flag not an emblem of national life, but of anarchy and of crime.

I am very frank to admit to the gentleman from Maine [Mr. BOUTELLE] and the gentleman from Georgia [Mr. TURNER] that it is a matter of regret that the necessity to do something has been imposed upon the Congress of the United States. It would have been much better if the action contemplated in these resolutions had been taken by the Executive long ago, and not left to Congress [loud applause]; but his failure, which I submit to my Democratic friends is chronic and characteristic [laughter], properly to represent the views of the American people, does not excuse us from so doing. On the contrary, it renders our duty all the more imperative.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUIGG. I will yield to myself five minutes more time. I have charge of the time on our side. [Laughter.]

There are only one or two other points that I desire to notice.

It has been said that the Cuban forces fight in disorder. So did the farmer lads at Bunker Hill. They say that the Cuban Government frequently moves. So did the Continental Congress. They say that the Cuban armies are little bands of guerrillas. So were Marion's men. So was Sumter's brigade. So, indeed, were all the armies of the Revolution, the total number of whom were not half the force that is now engaged for Cuba free? I say to gentlemen that it is not for us, the sons of the ragged and forlorn miserables who froze at Valley Forge and starved in the swamps

of the Carolinas, but out of whose glorious aspiration and noble daring free government was born, to sneer at the distresses through which the men of Cuba, brave with the same hope, fierce with the same passion, are fighting their hard way to freedom! [Great applause.]

Cuba ought to be free, Mr. Speaker; Cuba must be free. [Renewed applause.] Aye, and by the favor of a just God, to whom serfdom is hateful and all is good that tends to the advancement and improvement of His creatures, Cuba shall be free! [Loud applause.]

Mr. HITT. I yield thirteen minutes to the gentleman from Alabama.

[Mr. WHEELER addressed the House. See Appendix.]

QUESTION OF PRIVILEGE.

Mr. BARTLETT of Georgia rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. Mr. Speaker, on the 19th of March last a debate occurred in this House in which a circular issued by the gentleman from Tennessee, Mr. GIBSON, was used by the gentleman from New York, Mr. SULZER. The matter was the subject of newspaper comment and subsequently of a prosecution. All that I desire at this time is to call attention to a statement made by the gentleman from Tennessee, Mr. GIBSON, contained in the papers of yesterday afternoon and of this morning, and to make a statement of my own. It is proper to say that had I been present this morning and not detained by my work in the committee room, I would not at this hour interrupt the House. It is stated in the newspapers that on the trial it was developed by the testimony of the gentleman from Tennessee, Mr. GIBSON, that Mr. BARTLETT of Georgia, and not Mr. BARTLETT of New York, was the man who had obtained and furnished the circular in question.

Mr. Speaker, it is true that circular was given to me by a printer to whose office I went for the purpose of having some business transacted. It is true that without any purpose or intention of having the same used in debate, but as a mere matter of curiosity, I brought that circular to the House, and that it passed from my hands to the hands of other gentlemen and reached the hands of the gentleman from New York [Mr. SULZER]. I had no concern or connection with his using it.

All I desire now to say is that I hold in my hand a statement—which it is not necessary to read, unless called for—from the printer, which shows that I came by this circular legitimately; that upon my going to his business place for the purpose of procuring some printing done for myself, he called my attention to these circulars and showed them to me. My recollection is—the printer's recollection is not positive about it—that he handed me one of them, and I simply said: "Can I have it?" and he said that I could. I brought it to the House in my pocket. Upon taking it out, as I said, it was passed from hand to hand.

Now, I want to say that this statement of the printer which I hold in my hand shows that I got that circular legitimately, with his knowledge and consent. The use made of it afterwards I am not responsible for. I desire further to say that I made no statement to anyone that the gentleman from Tennessee was sending these circulars to his constituents under his frank.

This is all I desire to say now, Mr. Speaker. I simply desired to call the attention of the House to the matter as it stands and to the statement which I hold in my hand signed by the printer who furnished the circular to me in order to show that my possession of it was legitimate and proper. Having said this, I have nothing further to say unless it should become necessary.

Mr. GIBSON. Mr. Speaker, all I wish to say is that I am satisfied from an investigation of the facts of the case that the gentleman from Georgia [Mr. BARTLETT] obtained that circular with the consent of the printer; and any implication to the contrary in the remarks I heretofore made I am glad to withdraw. I am also glad to learn from the gentleman from Georgia that he did not state to the gentleman from New York [Mr. SULZER] that I was sending that circular out under my Congressional frank. I wish only to add that hereafter, when the gentleman from Georgia has a paper of that character, he be a little more careful of it when he is within reach of the gentleman from New York. [Laughter.]

Mr. BARTLETT of Georgia. Pardon me a moment. I did not distinctly hear the remarks just made by the gentleman; but I understand him to withdraw any statement that he has made to the House or elsewhere reflecting upon me or implying that I got that circular improperly.

Mr. GIBSON. I withdraw everything whatever that reflects upon the gentleman; I am glad to do so.

Mr. BARTLETT of Georgia. That is perfectly satisfactory.

CUBA.

Mr. TUCKER. I yield eight minutes of my time to the gentleman from New York [Mr. MAHANY].

Mr. MAHANY. Mr. Speaker, it is an easy and a gracious thing to speak upon the popular side of any public question; but it is also at times wise and expedient to give some attention to the considerations involved in the opposite contention. I desire to say at the outset of my remarks that I intend to vote for these resolutions, but I vote for them under protest at the manner in which they have been brought before this House.

When these propositions, involving an important international question affecting the relations of comity between two Governments, were first brought before the House of Representatives, the distinguished chairman of the Committee on Foreign Affairs [Mr. HITT] proposed to "railroad" them through on a debate limited to twenty minutes on each side. Now, I am a new member and a young one, and far be it from me to seem even remotely to criticise the methods of procedure that obtain in this House. But I have seen this legislative assemblage spend hours and hours in what appeared to me idle and fruitless disputation on subjects infinitely less important than this. Were I to cite an example, I might refer to discussions on such questions as whether eight or ten more pages should be employed in the service of this House, or whether the compensation for ten or twelve more charwomen should be included in a general appropriation bill. It would seem to me, therefore, that the way in which the Cuban question has been brought before the House of Representatives is neither in accord with the sentiment of the American people nor consistent with the dignity of this body.

I for one decline to believe that the applause of the galleries is the voice of the American people. I have an impression that the great body of thoughtful citizens in this Republic deprecate the war talk of this House and of the other legislative branch of the Government; and I am convinced that the conservative sense of this nation is against idle and officious intermeddling affecting relations of friendship between this Government and foreign powers.

I desire to say in addition that it has occurred to me that the House Committee on Foreign Affairs was established to prevent exactly the condition of things which that same committee has brought about on the floor of this House. By any proper conception of their duties they should have acted as a brake upon the war talk and war clamor which have disturbed and are disturbing the business interests of this Republic. As one of the majority loyal to that committee I must enter a protest against the manner in which, on the contrary, they have seemed to lead the procession of jingo enthusiasm.

I say I am going to vote for these resolutions, and why? Because, Mr. Speaker, I yield to no man in my devotion to human liberty or in my feelings of sympathy for the struggling patriots of Cuba. [Applause.] But, sir, between sympathy and international procedure, between impulse and government, there is a wide dissociation. What sort of a government are we asked to recognize? A government whose seat is a saddle, whose capital is a burro, whose chief of state is a general in the field. But let no gentleman understand me as casting any reflection on these conditions, because in that saddle may ride human liberty and on that burro may depend the hope of a nation's success.

But, my friends, by all the established rules of international law we recognize only such governments as those with which we may actually treat. The gentleman from New York [Mr. QUIGG] who spoke next before the last said we should brush aside all considerations of international law. In that expression he appears to voice exactly the methods and procedure of the committee of which he is a member, because, to judge from their attitude toward the international questions that have come before this session of the House, they are of the belief that we should dispense with the State Department altogether and carry on our foreign affairs by legislative precipitation!

We have here, Mr. Speaker, unquestionably a great duty to perform. But if we desired to place the sentiment of this country on record in behalf of the Cuban insurgents we could have done it in a manlier way by adopting straight and aboveboard resolutions of sympathy with that struggling people. But it was the duty of the Foreign Affairs Committee not to place us in the false position that if we voted against these resolutions of possible intervention we might thereby seem to exhibit indifference or hostility to the efforts of those gallantly struggling for national freedom. As the case now stands we are given no choice in the matter. We are forced to vote for the resolutions lest by proceeding along the established lines of international law and voting against them we should strike down a people that for over a year have won the admiration of the entire world by their heroic efforts to gain their independence, a consummation which it is the fervent hope of every patriotic American the Cubans may in the fullness of time secure. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HITT. Mr. Speaker, in view of the fact that the gentleman

conducting the negative proposition promised me an opportunity to yield time on our side, I yield seven minutes to the gentleman from Louisiana [Mr. BUCK].

Mr. BUCK. Mr. Speaker, as both an explanation and perhaps apology for taking the floor at this late hour, not only of the day, but in the discussion of this question, I ask to have read to the House a telegram which was received yesterday within an hour after the pending measure had been taken under consideration by the House.

The Clerk read as follows:

NEW ORLEANS, LA., *April 3, 1896.*

Hon. CHARLES F. BUCK:

We indorse and approve Cuban resolutions, and urge Louisiana Representatives to support them. Please communicate to Louisiana delegation.

THE DAILY PICAYUNE,
Per THOS. G. RAPIER.
THE TIMES-DEMOCRAT,
Per PAGE M. BAKER.
THE DAILY STATES,
Per H. J. HEARSY.
THE DAILY ITEM,
Per D. C. O'MILLY.

Mr. BUCK. Mr. Speaker, the papers represented by those who signed that telegram are all the important and influential daily papers in the great city of New Orleans, published in the language of the land. I had it read, among other things, for the reason that it has been said upon this floor by the gentleman from Maine [Mr. BOUTELLE] that a change had come over the spirit of the American people since barely four weeks ago, when resolutions more vigorous, more comprehensive, than these we are now considering went through this House upon a wave of just sympathy with struggling humanity by an almost unanimous vote. If there has been a change of sentiment, that message testifies that the change—at least so far as the constituency from which it comes is concerned—is one of emphasis in favor of speedy and effective action by this House. The people which I have the honor in part to represent have always been in sympathy with the people of Cuba; but they have been thoughtful and conservative, and if to-day they send us this message, it is because I think they feel that the time has come when inaction ceases to be virtue and silence is no longer honorable.

As we are lying there at the very gateway to that island, close to the scenes of conflict, it may be that the cries of its despair and the wails of its uncertain hope strike the more deeply into our hearts, and the daily stories of outrage and atrocity begin to sound in the ears of American freemen like reproaches to our common humanity. [Applause.]

Mr. Speaker, no one upon this floor has a higher admiration for the genius, the eloquence, or the judgment of the gentleman from Georgia [Mr. TURNER] than myself, since it has been my fortune and my pleasure to sit on this floor and take instructions from him; and no one realizes or feels more comprehensively than I do the magnificence of Anglo-Saxon civilization. But the Anglo-Saxon people are not the only nations of this world whose hearts are inspired by the instincts of freedom. The Greeks were not Anglo-Saxons; the Gauls were not Anglo-Saxons, when a century ago, following in the spirit our philosophy, which declared the equality of man, they overturned the dynasties of centuries and put forever a check upon the power of kings and the traditions of feudal and Middle Age despotism. The instincts of liberty belong to the human heart, as a portion of its divine being and its immortal aspirations.

Mr. Speaker, I will not weary the patience of this House by repeating a word or a thought that has been expressed. We are told that we should hesitate, because we know not the condition of the Cubans. We do know that they fight, we do know that they lay down their lives upon their blood-drunk soil. Is not this war?

Nature's primeval state returns again
When man stands hostile to his fellow-men.

And we also know that if we have not all the knowledge we should have of their affairs it is because the power of Spain has surrounded that island, which lies in God's expanse of waters, with a wall of night which keeps the light of day and humanity from the struggle which its people are waging. [Applause.]

Some one has said, "Give us a month to deliberate; give us that time to study the situation further." What assurance have we that access will be given; that information will be true; that history will be correct? Accord to these people belligerent rights, yield to them the dignity, for the time being, of an equal nation upon the earth, and light will come from them and go to them, and then it will be demonstrated whether they are right or whether they are wrong. If we are to be wrong, let us err on the side of humanity; let us err in pursuit of the principles which we advocate and teach. [Applause.]

Mr. Speaker, it is seriously contended that this House is dealing with a matter not within its jurisdiction. It seems, rather than take their share of responsibility, gentlemen would prefer to shift the question and consign it to the lazy-footed dignity of diplomatic donothingness or the calculating selfishness of politic statecraft. The contention seems supremely farfetched. The highest power of the Government, which controls all others, subject only to express constitutional limitation, the very branch which exclusively holds the power to declare war, should not have the power to declare the policy and shape the action of the nation when international complications confront us. The House has settled this question, not only in this case but by a hundred precedents. Argument would be the very idleness of declamation.

But, Mr. Speaker, the gist of all opposition to these resolutions is the contention that neither the magnitude nor the manner of the warlike operations are such as indicate the existence of a national autonomy entitled under the law of nations to be accorded "belligerent rights" by neutral powers. I have already conceded that possibly we do not know the whole truth; and I have shown the reason of it and expressed the belief that we know enough to bind us, in the interest of freedom and humanity, to give to the weak and the oppressed the benefit of the doubt.

As to the magnitude of the operations, I am content to rest the question on the information submitted to the House by the honorable the chairman of the Committee on Foreign Relations. As to "the manner" of them, it may be true that no great battles have been fought, that no quarter is given or taken, and that no prisoners are exchanged; that no instances of magnanimity or forbearance on either side have come to light to soften somewhat the gruesome picture of a wholly savage warfare; that atrocious acts of outrage and cruelty are common incidents. Who is responsible? Spain is the master power of the two, and she claims to be the sole power. She dictates and determines the conditions of the conflict. On her and her alone civilization and humanity will place the responsibility for the consequences. Spanish methods in warfare against her colonies or foreign possessions are matter of history. If the Cubans practice "barbaric cruelty," it is not far to look for the masters whose "instructions" they but "better." The romantic and eloquent Castelar says: "Spain's Government is free, liberal, progressive." Granted; but, if so, only "at home."

Heaven forbid I or any Representative on the floor of this House should utter a word to offend the dignity, prejudice the interests, or question the honor of any nation with which this country is in peaceful and harmonious relations; but the facts of history are the property of mankind, and truth is the only thing that is permanent.

Spain is proverbially proud; but her pride is rigid with cruelty and her cruelty has reddened in the blood of fanaticism. Great, and perhaps free, at home, she has ever been unjust to her colonies; and in consequence has lost them all but one, and that one is irrevocably fixed in its determination to follow the others to freedom and independence.

She is ever the mistress, they the slaves; she rules to oppress and conquers to destroy. Somewhat over two centuries back a Duke of Alvá gave to Brabant and Flanders the peace of the churchyard and the charnel house; and in our enlightened days a General Weyler will accomplish the same fate for Cuba if she gets no encouragement from the "outer world" until she places grand armies in the field, establishes custom-houses, and sends ambassadors to the nations of the earth.

It is said Spain will declare war against this country if these resolutions are adopted. That might be a great calamity, but Spain would have no just cause for war. Under the principles of both international comity and law the United States of America as a nation have the right to determine the fact of "belligerency," and to declare it, whether in the pursuit or protection of material interests or in the assertion of a principle of human liberty and justice.

Mr. Speaker, if that which we are about to do is right, it is right that we should do it even at the hazard of war. Life and property are not the best of earth's possessions; to nations, as to individuals, all is lost when honor is not maintained.

It would be idle to reason on the possible effects or foretell the probable consequences of a war between this country and Spain; it might be deemed vain boasting and perhaps convey the sting of offense, which is not intended; but every American schoolboy can play the prophet and predict its results.

In the nature of things, from the virtue of necessity, if you will, we know that if ever the flag of this great country is borne aloft against a foreign foe, it will never turn back to be furled in the gloom of defeat; it will wave high on the ramparts, even amid ruin and disaster, until at last, resplendent in victory and refulgent with the very blaze of glory, it shall plant itself on the achievement of an honorable peace.

The SPEAKER. According to the unanimous consent heretofore given, the House will now be in recess until 8 o'clock this evening, when the gentleman from Massachusetts, Mr. MCCALL, will please discharge the duties of the Chair.

## EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session, with Mr. MCCALL of Massachusetts in the chair as Speaker pro tempore.

Mr. QUIGG. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DOCKERY] five minutes.

Mr. DOCKERY. Mr. Speaker, to the student of history it is not a matter of surprise that the people of Cuba should now be engaged in a struggle for independence. A little more than one hundred years ago our fathers declared the great fundamental doctrine that governments derive their powers from the consent of the governed, and that before the law all men stand upon the plane of absolute equality. This cardinal tenet of republican institutions was not then, as I now recall, believed in or recognized by any government of the world. It was born on this continent, and grew into strength and power here, its champions being the descendants of the rugged pioneers who settled the New World. Around this doctrine their hopes and aspirations twined and clustered. To them it was the language of freedom, and it seemed as though the air, the mighty seas, and the rivers proclaimed it.

Mr. Speaker, it is unnecessary to recite the familiar history of the wondrous struggle which resulted in American independence. The doctrines of freedom and self-goverment have made marvelous progress since that period and have exercised a beneficent influence upon all the governments of the world. They have leaped the barriers of the Atlantic and substituted written constitutions for the despotic will of absolute monarchs. It should not, therefore, Mr. Speaker, be the occasion for comment or criticism when the people of Cuba, so closely allied to and identified with us in commercial relations, aspire to independence and self-government.

Sir, I am not familiar with international law, and do not claim to be advised as to its technicalities and intricate proprieties. It may be that under the strict terms of this code a state of war does not exist on the Island of Cuba which justifies the United States in according to the Cuban patriots belligerent rights. To the untutored layman, however, seeking only to know the truth and to deal justly, it would seem that the warfare now devastating that island rises far above the level of mere guerrilla strife. If not, Mr. Speaker, why is it that the armies of Spain, so repeatedly reenforced by veteran battalions, have thus far been unable to repress the people of Cuba in their efforts to achieve national independence? The spirit of American freedom seems to have been wafted to Cuba across the Gulf of Mexico, and I bid the Cubans godspeed in their efforts to establish a free and independent nation. [Applause.]

Mr. Speaker, possibly the situation may not be unvexed with doubt, but if doubts there be, I shall resolve them here and now in favor of the struggling patriots of Cuba, and cast my vote in favor of the Senate resolutions. [Applause.]

Mr. TUCKER. Mr. Speaker, I yield ten minutes or more to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, I design to do no more than simply to vindicate the vote which I shall give when these resolutions come before the House for adoption. I have considered this to be somewhat important upon my part, for the reason that when the resolutions that the House passed were up for a vote I voted for those resolutions. I voted for them, not because I approved the second and third resolutions by any means, but I was heartily in accord with the first of the resolutions, providing for neutrality between the two belligerents on the part of the United States. The first of the resolutions we have now proposed to the House for adoption is substantially the same as the resolution which was then adopted, and seems to be free from all substantial doubt as to its propriety.

This resolution provides for the neutrality of the United States between these two contending forces upon the Isle of Cuba. It is not the purpose of the United States by this resolution to intervene in any respect between these two contending parties, but to allow the struggle to go on with the understanding, nationally, in this country, and of course in others, that the United States is a neutral power, standing between these persons and acknowledging the belligerency of the forces engaged in the insurrection upon this island. So far I see no impropriety whatever in the resolution; but it (the second resolution) goes a step further than that; and the next step, to my judgment, is fraught with danger to the peace, the stability, the quietude, and the responsibility of the United States as a nation. It has been the policy of the United States at all times since the Government was formed to abstain from all entangling relations with European powers and not to permit European powers to acquire any standing or to exert any national policy or influence that is adverse to the institutions created by the people of the United States.

That was the declaration of policy of the first President of the United States. It has been observed faithfully from that time down to the present time; and the United States upon all occasions has abstained from interference with the domestic affairs of European Governments. Besides that, when the South American Republics had acquired what the United States believed to be their independence and the Holy Alliance was set on foot in Europe to reconquer those States and to aid or assist Spain in doing so, and to reestablish its government, the United States took decisive ground at that time, declaring substantially that the same policy which had prevailed in reference to foreign interference should also be applied to this newly existing state of things, and that the United States would not permit any European country to plant its institutions in this country or maintain them by force of arms, regarding that as a solemn menace to the stability and safety of our own institutions; and a counterpart or equivalent of this doctrine was also asserted, that the United States would not interfere adversely in the affairs of European people; and that has been a part of the policy of the Government, maintained from that time down to the present hour. And it is only a few weeks since that a solemn asseveration by this House and the body at the other end of the Capitol asserted that we should not interfere with the affairs of other nations, but we should not permit their interference with the affairs of the American nations to their detriment, or to an encroachment upon their soil.

Now, what has this second resolution provided for? Simply for intervention on the part of the United States in this struggle that is proceeding between the insurrectionists in Cuba and the Government of Spain. It is true that the resolution has been couched in very measured terms:

That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

That is perhaps not of itself, abstractly considered, any dangerous exercise of authority; but when we look back at the history of nations we see that slight causes, slight disagreements, have often precipitated the most remarkable and the most dangerous consequences between them. We see that it is a delicate subject for one nation to attempt to interfere in any manner in the internal affairs of another nation. And no one nation of a civilized character and standing can interfere with the affairs of another of equal standing, although of inferior authority, without exciting resentment on the part of the nation whose affairs are interfered with. And if the United States should undertake to exercise this authority, as the second resolution porposes, in the future, we can see at once that it is not going to result in the independence of Cuba or the success of the insurrectionists, but it is going to result in a feeling of exasperation on the part of the Spanish Government against the Government and people of the United States. They are already excited very much, and an interference of this character might exasperate that excitement beyond a point of all reasonable restraint and precipitate upon our country a series of consequences that every member of the community would deplore.

We can not for ourselves portray with certainty what would be the effect of such interference by the President of the United States. It would be the exercise of a new and undefined authority. It never has been recommended or acted upon under similar circumstances, and it is not to be expected that it can be exercised now without exciting animosity and resentment on the part of the Spanish people. It is true that that people are inferior in power, vastly so, to the people of the United States; that their resources have been seriously drained in the contest that has been going on for over a year upon the Island of Cuba; but it is to be remembered that in controversies of this character other nations may come in to sustain the hostilities that Spain may enter upon toward this country and produce a series of disasters that we can not now either anticipate or measure.

It is necessary in matters of this kind for every nation to take counsel of its own prudence and not to allow itself to transcend the bounds of propriety in reference to the affairs of other nations—certainly not to place itself in an equivocal position whereby its intentions and its influence may be misunderstood, provoking national resentments by which war may be brought precipitately upon the country interfering in this manner without any suspicion of the danger lurking beneath the efforts attempted to be made. It is because of the danger that may lurk in the exercise of this authority, that may accompany it or follow it, that it strikes me that these resolutions as they are now combined together ought not to receive the vote of this House.

If the first resolution could be presented to the House separately and distinctly, simply acknowledging the belligerency of Cuba and asserting the neutrality of the United States between the insurrectionists and the Government of Spain, I should see no objection to that, because it could not be regarded, in any possible view, as an effort on the part of the people of the United States or their Government to interfere in the deplorable condition of affairs existing on the Island of Cuba at the present time. It would be nothing more than a declaration that the United States generously desired to see the insurrectionists upon that island enjoying the rights of belligerents, so that they might be protected against the allegation that they are criminals or traitors to the Government of Spain because they have arisen and endeavor to overthrow the government of the island.

There would be no harm, apparently, nor any danger in declaring that to be the position of the people and the Government of the United States. There would be in that no reason for Spain's

taking offense. But when it comes to the question of intervention, even possible intervention, we can see at once that this is the first step, which may result later in forcible intervention and bring about a warlike condition of things between the two Governments, and we can not be too cautious in the exercise of authority of such a character. It is because of the danger that may follow the attempt on the part of the United States to interfere to secure the independence of Cuba even by the aid of our moral influence that it strikes me that this second resolution is improper in its character.

When I found on consultation with the gentleman who introduced the resolutions that no vote was to be had upon them separately, but that they were to come before the House and be either accepted or rejected as a whole, I was astonished; for while the doctrine embodied in the first resolution is unobjectionable and might be entirely acceptable, the other, as qualifying the first resolution and this exercise of neutrality on the part of the United States, is such as to indicate certainly a possibility, and indeed a probability, that, by our attempting to interfere through the action of the President in the existing situation between the insurrectionary forces and the Government of Spain, there may be precipitated a war that would be dangerous, lasting, and destructive to many of the interests of our country.

And, Mr. Speaker, we should receive no equivalent, no recompense, for that state of things brought about by our intervention in the dispute that is now existing between Spain and its subjects upon the Island of Cuba. In case of war it would become an independent assault against our Government, against our people, against our seacoast cities, and no person can measure in advance the extent to which the injury might be carried resulting from hostilities carried on against us by Spain and very likely to be joined in by other European powers.

Such might be the result, and where would be the recompense, where would be the equivalent, coming to this country as the result of such an intervention, if it should by any possibility produce such consequences as I have indicated? It is true we may exercise a moral influence without offense. It is true we place ourselves thereby in a position of hostility to Spain; but if that action on our part should lead to another and to still another and finally to a state of war, certainly there would be no equivalent that the people of the United States could receive, no recompense that would in any considerable degree counterbalance the resulting disadvantage and the injury. It is for these reasons, Mr. Speaker, that I desired to present my views to the House as justifying, and not only as justifying, but as requiring that, as these resolutions that the House, when they are presented for adoption or rejection, must be presented together, they shall be voted down, and I hope will reject the resolutions.

Mr. QUIGG. I yield ten minutes to the gentleman from Kansas [Mr. BAKER].

Mr. BAKER of Kansas. Mr. Speaker, the resolutions which this House in its wisdom adopted a few weeks since were much more in accord with my individual views than those which I presume will be adopted on Monday next—the resolutions which have come to us from the Senate. There seems to be a diversity of opinion among the members of this House in regard to what the sentiment of the country is. More than that, there appears to be a diversity of opinion in regard to our duty as a nation in regard to this subject. I believe, sir, that if the 175,000 citizens of my district were appealed to to say whether, on this question, I should cast my vote in the interest of human freedom by voting for these resolutions and thereby expressing my sympathy with the cause of humanity, 174,999 of those citizens would say, "Vote for those resolutions."

But, Mr. Chairman, I go a little further in my sentiments than the resolutions now before us. I have no disposition to criticise the committee for what they have seen fit to report to us. They are doubtless better informed on this question than we can possibly be. But, sir, we know not only that there is existing to-day in the Island of Cuba a state of war, but there is existing a very inhuman war. We know that Spain has been using her great power for the last twelve or fifteen months to subdue those people, and that at this particular time she is not in actual possession and control of more than one-fifth of that island. It is impossible for us to know just what the present condition is there. But, sir, I believe for myself in the declaration that was adopted by our forefathers. I believe in a government of the people. I believe in the formation of those laws and the recognition of those rights which will guarantee to a people that they shall be at least treated in a humane way.

If Cuba had in the past been treated as citizens of any government should have been, our duty at the present time would perhaps be different. But we know that they have been terribly oppressed. We know that people of the Anglo-Saxon or English race would not have tolerated what they have been compelled to submit to for years past. We know that history proclaims to the world that they have been debased; that they have been taxed beyond all reasonable power of endurance; that they have been denied the right of trial by jury; that they and their families have been deprived of the essential rights of freemen. In consequence of being thus treated they have seen fit to rise up in rebellion.

Sir, on this question there is a law as broad as humanity, as deep as human affection, that appeals to the American people to-day in such a way that we dare not do otherwise than express for the people of Cuba our sympathy. I can not conceive how it is possible for any American citizen to allow his imagination to be so worked upon as to induce him to believe that we shall give Spain any cause of offense if we should try to use our good offices in bringing to a peaceful termination the struggle now being carried on in Cuba. If two men are engaged in deadly conflict and a third person tries to interfere in order to separate the combatants, it is barely possible that they will not appreciate his efforts; but if he steps in with power enough to command the peace, not only will they honor him, but every other man must do the same.

That is the condition, as I understand it, existing in Cuba to-day. The people now struggling there are not those that have had the advantages of education and other improving influences such as we have had. In their struggle to-day they are acting with the best light that they have been able to enjoy. They see a great nation on the north of them that is enjoying the blessings of civil and religious liberty, the blessings of national prosperity. They see themselves, on the other hand, in a condition of abject slavery. They have risen in rebellion; they have appealed to the God of battles; they have gone forth to make the sacrifices that only true, brave, and courageous men dare make in order that the cause of liberty and humanity may move onward and upward. [Applause.] Sir, I would dare to say to those people—and I do not believe that I am the only member of this House ready to say so—"In God's name we wish you success in your undertaking; we give you all the words of encouragement that it is in our power to give." [Applause.]

Mr. Speaker, I had hoped that we should have had presented to the two Houses of Congress resolutions recognizing Cuban independence. I would be only too glad to vote for such resolutions. I have no idea that there would be any danger of our being obliged to back up that act by force of arms. But, sir, he whose cause is founded in righteousness and truth is doubly armed; and if it should be necessary in the onward march of the nineteenth century that this great Government of ours should take a stand in the cause of humanity, let us bid those who are struggling in that cause Godspeed; let us give them the assurance of our cordial sympathy, our moral support, in the struggle.

How far we should go in extending our sympathy and aid to people struggling as the Cubans now are I know not. Possibly I am too radical in my views on this question. But I say this, that in adopting these resolutions we take a step which I have no doubt future generations will approve. More than that, I believe that the cause of humanity, by reason of our action in behalf of Cuba, will take new vigor; the cause of education and of civil and religious liberty will receive an impetus that will help forward the progress and elevation of the human family. Let us, then, take this step. Let us give Spain the means of knowing just how we do stand on this question. That is exactly my feeling in regard to this subject.

Let us meet the issue like men; and I will take that issue, so far as my people in Kansas, and particularly my district, are concerned, and have not a doubt that every member of the House will be more than satisfied with the result that attends the passage of these resolutions, because we have assurances from the chairman of the committee, assurances that ought to be fully satisfactory to the members of the House, that the resolutions will accomplish the happy result we all so much desire. [Prolonged applause.]

Mr. MAHON. Mr. Speaker, perhaps I ought to have kept quiet during this discussion, but some things that have been said against the passage of the resolution induce me to occupy the floor for a short time, and I do not think it would be out of place for me to give the reasons that actuate me in voting for the passage of the resolution.

The gentleman from Maine [Mr. BOUTELLE] on yesterday said that a picture was presented to the members of this House, a horrid picture of a man suffering death by a garrote, which was sent out for the purpose of trying to create a false sentiment of sympathy. I saw that picture. It is the execution of a man in a Spanish prison in the Island of Cuba; not that he had committed murder or a foul crime of any kind, but simply a human being brought to death in that barbarous fashion because he had—after his people for over three hundred years had been struggling to gain their liberty—saw fit to join the Cuban patriots and had been captured as a prisoner of war and was taken to prison and was put to death as there exhibited. That is the reason that that picture was sent throughout the country; not to show how they put to death men guilty of heinous crimes, but to show how they deal with men who desire to secure their liberty. [Applause.]

Mr. Speaker, there is no nation on the face of this globe which will countenance putting political prisoners to death with that horrible

instrument that deserves any consideration at the hands of any civilized or any Christian government. [Loud applause.] During the war of the great rebellion, at a time we classed our brethren across Mason and Dixon's Line as rebels and recognized them only as insurgents, and while they were captured at the first fight—Bull Run—in a war that continued for four long years in this country, a war in which 600,000 men went down into untimely graves, no man in that strife who had lifted his arm against this Government, no insurgent or rebel, lost his life except in battle. Not a solitary man during that long war was executed, either with the garrote, or by a rope around his neck, or by any other means. We recognized during that struggle that they were blood of our blood and flesh of our flesh, and, remembering the teachings of Him who came into the world eighteen hundred years ago to teach men and point the way of eternal life and how to live in this world as citizens and as men, remembering His teachings, recognizing the principles taught by Him, I say that no man in that great struggle was put to death in this barbarous manner. That is one reason why, Mr. Speaker, I shall vote for the resolution.

Now, there is another reason. I claim that this Government, as a government, has a right to recognize any people in any part of the world who are struggling for their liberty where a state of war exists. I do not propose as a member of the American Congress to ask Spain, that superannuated old giant, that bronze corpse, a cipher among the alphabet of the nations, whether she likes it or not. The only question to me is, is it right? I believe we ought to recognize the Cuban patriots who are struggling against the Spanish Government with every prospect of success, and I propose to vote for these resolutions, be the consequences what they may. [Prolonged applause.]

I was surprised to hear in this American Congress in the past few days that this great Government of ours had no right to give to the Cubans belligerent rights, and to do so was an insult to Spain—a declaration of war. Why, sir, during the late war, as we have been told in the debate here, before a battle was fought on land, the Government of Spain, 8,000 miles away from us, knowing but little about us, knowing nothing about our domestic troubles, with indecent haste poked her nose into our affairs and gave to the Confederate States belligerent rights. Did this Government recognize that act as a cause for war? Did we declare war against Spain? No. And why? Because this Government recognized that all the Governments of Europe, if they saw proper, had a right, if they believed that a state of war existed, to recognize the Confederate Government as belligerents; and I propose that this Government of ours, so far as my vote and influence are concerned, shall give to the Cubans all the rights of belligerents, with the hope that they may gain their independence in the near future. [Applause.]

Now, I want to make a reply, in the very brief time allotted to me, to the gentleman from Maine [Mr. BOUTELLE], and I will read a short extract from a speech of his delivered in the Fifty-third Congress, and as I read this extract from his speech I want you simply, in your own mind, to insert the word "Cuba" in place of "Hawaii," and see where he stood in the Fifty-third Congress, when he was ready to involve our Government in a war if necessary for the purpose of giving these Hawaiian people their freedom. I agreed with him in that fight, and I was ready to vote for his resolution if an opportunity was given, and I am with him on that controversy. The reason that he then set forth in support of his action on the Hawaiian question, Mr. Speaker, influences me in giving my support to the resolutions now pending, and I shall vote for the report of the conference committee.

Mr. TUCKER. Will not my friend allow a man time for repentance?

Mr. PICKLER. We hate to see him fall from grace. [Laughter.]

Mr. MAHON. Now, Mr. Speaker, you will find in the CONGRESSIONAL RECORD of the Fifty-third Congress, second session, volume 144, page 8003, the following:

> Mr. BOUTELLE. * * * I understand further, Mr. Speaker, that it has been the uniform policy of the United States to be prompt and earnest in encouraging and recognizing all movements tending toward the establishment of free republican governments, in whatever parts of the world they may be. I understand this to have been the settled policy of the United States from the foundation of this Republic. I need not enforce upon the mind of the House the fact, it seems to me, that the establishment of a republic in the Hawaiian Islands is an event that, under all the circumstances, appeals to the sympathy of the people of the United States with the most peculiar and extraordinary strength.

And a few days afterwards he offered a joint resolution (see CONGRESSIONAL RECORD, second session Fifty-third Congress, volume 144, page 8010) "congratulating the people of the Hawaiian Islands on their peaceable assumption of the powers of self-government and recognizing that Republic as free, sovereign, and independent." That was the gentleman from Maine [Mr. BOUTELLE] in the Fifty-third Congress. He has departed from that. I say that the doctrine laid down by the gentleman in that speech is sound American doctrine, and I am willing to vote for the resolutions on the speech he made in the Fifty-third Congress, a part of which I have just read. [Applause.]

Mr. MAHANY. Will the gentleman allow me a question?

Mr. MAHON. Yes.

Mr. MAHANY. Do you not recognize the difference between a government which has only a general in command of an army in the field and a government established and able to maintain law and to preserve order?

Mr. MAHON. Well, Mr. Speaker, these people fifteen months ago commenced with three or four thousand struggling patriots, without arms or munitions of war. They have grown until to-day they have a magnificent army of from fifty to sixty thousand men. They have fought their way from one end of that island to the other, and have hovered around the capital of Cuba. They have whipped one of the great generals of Spain and sent him home under a cloud, and, mark my word for it, they will whip the man who is in command of the Spanish armies on the Island of Cuba to-day. [Applause.] They have kept the field against an army of 120,000 well-trained Spanish troops. They have never had a dissension in their ranks, they have never had a deserter from their ranks, and for fifteen long months they have contended successfully against this well drilled and disciplined army of Spain. Yet you state to me to-day that they are not entitled to the same recognition that those people were in Hawaii.

Mr. Speaker, we are told that the Cuban army is composed largely of mulattoes, men not fit to govern themselves. I assert that as a class of men they stand much higher in intelligence and morality than the majority of the people of the Hawaiian Islands, and are at least as well fitted for self-government. I suppose if the Hawaiian Islands had belonged to Spain, a great deal of the patriotism and fighting spirit that almost submerged the Fifty-third Congress would never have been heard of. Mr. Speaker, this great Republic is the foster parent of all republics in the Western Hemisphere, and we must, in the language of the gentleman from Maine [Mr. BOUTELLE], "be prompt and earnest in encouraging and recognizing all movements tending toward the establishment of free republican governments." The passage of these resolutions is not a declaration of war. As a great nation we have a perfect right to give to Cubans belligerent rights. If Spain sees fit to declare war, she must take the responsibility and the consequences. The conflict will be short and decisive. Cuba will belong to the United States and Spain will have learned a lesson she will never forget. One more victory will be won over despotism and inhumanity. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHON. If there is no objection, I should like to extend my remarks in the RECORD. I could have completed them in about five minutes.

The SPEAKER pro tempore. The gentleman asks leave to extend his remarks in the RECORD. Is there objection?

Mr. TUCKER. Mr. Speaker, I think general leave to print has been extended.

Mr. QUIGG. Oh, no; I do not think so.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. TUCKER. Mr. Speaker, I yield ten minutes to my colleague [Mr. OTEY].

Mr. OTEY. Mr. Speaker, it has been said that doctors practice on their own patients, but that members of Congress, especially when they are on the Cuban resolutions, practice on the patience of others. I propose to take advantage of that prerogative for the few minutes allowed me.

There is a story told of a man and his wife who quarreled as to what they should have for dinner. The one wanted terrapin stew and sherry, and the other wanted canvasback ducks and champagne. They wrangled and quarreled, and finally compromised on cabbage. [Laughter.] We have had the terrapin stew of the Senate and the canvasback duck of the House, and now we have come in and compromised on cabbage, in the form of this resolution.

Mr. SMITH of Michigan. If the gentleman will permit me, I should like to ask him a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. OTEY. Yes, sir; with pleasure.

Mr. SMITH of Michigan. I should like to ask you if you have not misstated the facts? Do you not mean that they have had the canvasback ducks at the White House? [Laughter.]

Mr. OTEY. Mr. Speaker, I can only answer that question in this way. It is said that Chief Justice Chase was talking to a nigger one day. I mean no disrespect to the colored people by saying "nigger." It is a word most appropriately derived from "niger," meaning black. He said to this coon—negro, I mean [laughter]—"I have always thought that it was very strange that a coon wore his fur on the outside. When I have a coat with fur on it, I generally put the fur on the inside. I find that it is warmer

to wear it that way, and I do not see why a coon should not wear it in that way. Why is it?" "Well," said the negro, "you'd know if you was de coon." [Laughter.] "Why?" asked the Chief Justice. "Because," said the negro, "you would have more sense." Without reflecting on your intelligence, sir, and with the utmost of pleasantry, you have a complete answer. [Laughter.]

I never visit the White House. I am a spring chicken of this House and do not go there unless sent for to be consulted about great matters of state, and I do not suppose the gentleman from Michigan does. I do not know anything about what they have there to eat. But a spring chicken had better stay away. I have only been there once or twice, and I do not know that I will ever go there again. [Laughter.]

Now, Mr. Speaker, we hear a great deal of talk about war. I am opposed to war. Thirty-five years ago I talked about war, and I was red hot for it. [Laughter.] But, sir, in the language of that great man—I do not know whether I pronounce it right or not—veni, vidi, vici; I came. Yes, sir; I "came" to the front, and for four years I stayed there. I remained there. No surgeon's certificate, sir, ever sent me home; and in the language of a great judge in Virginia, a friend of my friend Mr. TUCKER, no one sent me there to have "the perpetual enjoyment of the rascally immunity of bombproof security." [Laughter.] "I was not to be heterogeneously bamboozled by the unsophisticated audacity of any man," as an old soldier said. [Great laughter.] No, sir; I was not; but veni, I say, I came. Then vidi, I saw. Yes; I saw rebels there in thousands, with belligerent rights. I know, gentlemen, that you do not know yet which side of this question I am on [laughter], although you can guess which I was on then. I will get to that presently. The trouble about it is that I have not been able to tell which side a great many now are on, because they have been talking about national law, and international law, what General Grant, Henry Clay, Madison, and Monroe said, and all that sort of thing, of which the average Congressman knows but little.

Yes, sir; I saw the rebels in thousands and thousands, with belligerent rights, marching toward a gallant foe. I saw them charge, I saw them stand, I heard them yell, I heard the thunder of their cannon, maintaining belligerent rights. It is not out of place, therefore, for me to say lastly that, after veni and vidi, vici, I conquered. But, sir; not until the big guns at Fort Delaware, where I had been invited to stay a few days by Uncle Sam [laughter], just one month before the surrender—not until these big guns thundered there and informed me that the name of Appomattox had been made immortal, and that the great Army of Northern Virginia had surrendered, making the name of Ulysses S. Grant immortal, not until then did I conquer; and then I conquered what? My insatiable desire for renown as a belligerent! [Great laughter.] That time came and I bowed to the inevitable. I confess, sir, that ever since then I have had no more thirst for gore. [Renewed laughter.]

Now, Mr. Speaker, why all this talk about war, and all this talk about rights and principle, international law and justice, and all such things? Mr. Speaker, just let us see what would be the application of principle, right, and international law under certain circumstances. Let us suppose a case—you all would not suppose it was a supposable case—but just suppose a case [laughter], and that is, suppose that the Northern States had seceded and that the Southern States had undertaken to maintain the Union. What would have been the result? Exactly the same as it was. [Great laughter and applause.] Secession would have succeeded then. No doubt about that. You all had too heavy guns for us and too many people, and it mattered not which was abstractly right, the same causes would have produced the same effects. Therefore, if the cause of the Union had been the whale represented by the Southern States, then it would have been the whale that the fish swallowed, instead of the fish that the whale swallowed. See? There is no question about that. Now, sir, nobody doubts this proposition of international law; but the pertinent inquiry now is, what has this to do with Cuba? [Great laughter.] About as much as the speeches against these resolutions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. I yield five minutes more to my colleague.

Mr. OTEY. Thanks. I am much more pleased than I make out I am. Well, sir, I was going on about the question of right and international law when I was hammered out, etc. These things of right and justice in international affairs are settled by the arbitrament of arms. That settles the question, as a general thing. Of course secession was wrong, because the arbitrament of arms settled it. I am not going to discuss secession, gentlemen, not only because I know that has nothing to do with Cuba, but because it is, as we know, a new question. In dealing with Cuba we should remember that the United States does not follow the example of other nations in starting anything. We do not need to follow the example of other nations; and we do not want to wait to see what England is going to do, thank the Lord. [Laughter.] We ought not to wait to see, and I hope we will not wait to see, what England is going to do about finances or any other thing. I hope we will make precedents instead of waiting for them. I do not believe with some of my friends on the other side of this Chamber that the people of the United States can whip the whole world, but I do not believe that the whole world can whip the United States [great applause and laughter], and hence we should act independently and courageously.

Now, sir, I am not like that gentleman who delivered a Fourth of July oration on one occasion, when he said that the American eagle had plumed her wings and soared aloft and had scanned the whole world and then "lit" in America, with one foot in the Atlantic Ocean, the other foot in the Pacific Ocean, with her tail flopping in the Gulf of Mexico, and picking grass in Canada. [Great laughter.] No, sir; I do not believe that. But I do believe, sir, that the United States is big enough to take care of herself in maintaining any opinion which it may express through us in this House—I being one of "us"—and capable of giving belligerent rights to Cuba [great applause], even though they be rebels.

My time is so limited that I will have to skip a great deal of my speech. [Laughter.] I was somewhat inclined to the other side when this question was first before us, and had prepared a great speech on that occasion. I lost it coming down here [laughter], and I think Mr. TUCKER or Judge TURNER found it, and I believe you will probably hear part of that speech to-night from my colleague, Mr. TUCKER. [Laughter.] However, after hearing the arguments of the gentlemen against the resolutions, I was by them persuaded to go for them and for the belligerent rights of Cuba.

Now, to come down to the point, everybody that has spoken on the other side has suggested something about war. Mr. Speaker, I sympathize with people that are struggling for their independence. I sympathize with rebels. I was a rebel once myself. [Laughter.] In fact, I do not see how any of us on this side can help sympathizing with rebels. [Laughter.] The people of the United States being a free people, the freest in the world, ought to want to see everyone else free, and our neighbor, Cuba, as we know, is not free. I do not believe that the United States ought to go to war about Cuba, and I have not the slightest idea that they are going to do so. However, I am beyond the military age myself, so it would not make so much difference to me personally if they did. [Laughter.] It might increase my sugar bounty. But we shall not go to war. I do not believe we ought to meddle with other people's business. Of course we should not. But no one has suggested that we should interfere with other people's business. Our opinion is our business.

It is true something has been said about intervention, but that was in a pickwickian sense. The real question here is whether there is war in Cuba; not whether we are going to war. Is there war in Cuba? If so, these resolutions are right. If not, they are wrong. That is all there is in the whole matter. Cuba began this attempted revolution in 1849, and she failed. She took it up again in 1854, and she failed again. She made another attempt in 1873, and she failed. If she fails again this time, some of these wise gentlemen, like my friend Mr. TUCKER and others who have spoken here, will say, "I told you so." [Laughter.] Well, if she does fail, we shall not be in any worse fix than Spain and all the nations of Europe were in when we of the South failed, because they all recognized us—everyone of them. [Great laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TUCKER. Mr. Speaker, as I do not expect to deliver the speech that my friend has referred to [laughter], I will yield him five minutes more of my time.

Mr. OTEY. I am much obliged to my colleague. As I said before, gentlemen, I expected to practice upon your patience on this occasion, but I have never done it before except once, and then there was nobody in the *House*. I beg pardon; I ought to have said *House*. [Laughter.] We are not inviting war by these resolutions. What are we doing? We are simply expressing our opinion. Well, has not the House of Representatives of the United States a right to express its opinion? Do not we do that out here in the cloakrooms, and everywhere else? [Laughter.] Did not we express our opinion the other day about Mr. Bayard? Of course we did. And has Mr. Bayard got mad about it and resigned? [Laughter.] You recognized him as a belligerent then. It was harmless. Did it hurt anybody? No, sir; not at all. Cuba is not going to get mad about this. Is Spain going to get mad about it? What if she does? What are we doing? As I said before, only expressing our opinion, which is an inalienable right. [Laughter.] We are not inviting war, as I said before.

What do these resolutions say? In all this war talk and this talk about international law gentlemen have lost sight of these resolutions. A friend with whom I talked a few minutes ago did not know which were the resolutions. He thought the ones that were struck out were the resolutions we were considering, and that the ones that we are considering were those that were struck out. [Laughter.] I do not believe he is the only man here who

was in that state of mind. I did not know which were the resolutions myself until I picked up this copy. [Laughter.] We say in these resolutions that in our opinion a condition of public war exists in Cuba. Let us consider that for a moment. Can anybody deny that war exists in Cuba? Does anybody deny that war exists there—I do not say public war, but war? What is the meaning of war? War, as they tell me in the dictionary, is an old English word which originated in the laws of Canute—you all know who Canute is. You remember Canute. [Laughter.] It originated from the word "w-e-r-r-e" in old French, and in modern French guerre, and it means vexation, strife, confusion, broil. The verb means to embroil, to bring into confusion, to entangle.

Do not all of these conditions exist in Cuba? They certainly do. Well, if they do exist it is clearly war, and if war at all, it must be public, not private war. Now, that is what this resolution says, that in our opinion a condition of public war exists there. If war does exist in Cuba, and if it is public war, you ought not to be afraid or ashamed to say so. [Laughter.] You ought to say so if you really think so. The question is, Does it exist? It certainly does exist. I have demonstrated that so conclusively that even my colleague, Mr. TUCKER, can not gainsay it. [Laughter.] My argument has been complete in this respect, and the authorities I have given can not be questioned. [Laughter.] Again, if public war does exist in Cuba, between whom does it exist? It exists between Spain and her subjects (so called) in Cuba, who are supposed to be rebels. Now, if war exists between Spain and those people, then that is just what this resolution says. It says that war exists between the Government of Spain and the Cubans, and has been for some time maintained by force of arms by the people of Cuba. The question now arises, Has it been maintained? Well, it looks very much that way. [Laughter.] This is a war carried on as other wars, for either the purpose of advantage, revenge, for lust of gain, territorial possession, race and sentiment, civil liberty, or some kindred cause. Those are the objects for which wars are generally carried on, and when a war is so carried on it is a public war, and such a war clearly exists between the Government of Spain and the people of Cuba.

The fact that 100,000 men are under arms, all regular soldiers of Spain, with a powerful navy, experienced generals, all the munitions of war at its beck and call, and still held in Cuba, when there is no war there, is astonishing if not absurd. Who can assert under such circumstances that war does not exist in Cuba, and public war at that?

When this resolution says this, it could not have uttered or proclaimed a more potent truism than if it had said that a state of public war does not exist in the United States of America.

How should we act, then? The resolution says we should maintain a strict neutrality. Anything wrong about that; if so, what?

Now, as to the second resolution I shall have very little to say. It is true that some are in favor of the first and yet object to the second resolution. Why, this is putting the cart before the horse. The objectionable part, if any, is in getting ourselves in trouble by maintaining perfect neutrality, thus according to both contending parties belligerent rights. The second is so very inoffensive that I would as soon have it stricken out as not, but not for the same reasons as those expressed by others on this floor. It is so harmless that I would not object to its being stricken out. But I suppose there is something in the mist surrounding international law which hides the great affront which such a resolution gives to a friendly power.

Why, I would vote for just such a resolution to be addressed to England in regard to Ireland. What does it say? Only that our friendly offices should be offered to Spain for the recognition of the independence of Cuba. Why, I would vote for a constitutional amendment that the friendly offices of the United States should be offered by the President to every Government for the recognition of any of their people who were struggling to become free and independent, if such struggle develop to such proportions as to keep an army of 100,000 men a year or more trying to quell the disorder. Strip these resolutions of all war talk, of the dark mantle of legal lore and international erudition which has been thrown over them and turn on the search light of common sense, and we find them unadorned but in all their beauty, a great nation telling struggling humanity everywhere that it sympathizes with them, that they have a right to fight for liberty, that it will ever espouse the cause of freedom, and dare to tell their oppressors that our hearts are with the oppressed, and we tender our good offices to secure them just such rights as those for which we suffered and fought and which we secured.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OTEY. Mr. Speaker, I thank the Hows and you all for allowing me to practice upon your patience so long. I am not half through. I could have demonstrated my position beyond a doubt and could have secured a unanimous vote in favor of these resolutions if I had had a little more time. I could see the work of conversion manifesting itself. [Laughter and applause.]

Mr. QUIGG. Mr. Speaker, I will ask my friend from Virginia [Mr. TUCKER] whether he desires now to occupy further time on his side?

Mr. TUCKER. There is no one on this side of the House who desires to speak now.

Mr. QUIGG. Then I yield ten minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I had not hitherto expected to say a word on this question, although my convictions upon this subject have from the beginning been settled. It is a question upon which, fortunately for myself (differing in this respect from some others), I have never had any doubt in my own mind.

Sir, we approach these resolutions to-night in a somewhat different attitude from what we would occupy if this were absolutely a new question, or if the question were whether we should recognize the rebels in Cuba as belligerents or should do nothing. Now, sir, the Senate has adopted, by a large majority, resolutions in favor of recognizing the Cuban patriots as belligerents. When those resolutions came up for consideration in this House we passed a somewhat different and stronger proposition, substantially, however, the same. We have had a committee of conference; and the question to-night is whether we shall adopt the resolutions as agreed on by that committee or repudiate the action that has been taken and defeat the committee's report.

We are now so placed that we must speak either for or against the patriots in Cuba. We must give to the Cubans struggling for independence our moral influence, our encouragement, our indorsement, or we must give countenance and encouragement to Spain in her effort to crush this struggling people. In adopting these resolutions, as I have no doubt we shall do next Monday, this great Government, with all its influence, will voice, as I believe, almost the universal sentiment of our people and indorse the efforts of a people battling for freedom on a neighboring island, bravely striving to throw off the yoke of perhaps as grinding a tyranny as has cursed mankind in modern times. If, on the contrary, we should vote these resolutions down, what would be the effect? Who would be encouraged by our action? What kind of word should we send forth to the world? How would our action be looked upon by the Cubans? How would it be looked upon by the Spaniards? How would it be looked upon by the great nations of the earth?

Why, gentlemen, this Government ever since it has been established has been the great fortress and home of freedom upon the face of the globe. It has been the only great, well-organized, well-established Republic on the earth. Everywhere, in every country where men and women were hoping and struggling and praying for freedom, for better government, for equal laws, for independence from tyranny, they have looked to this great Republic as the mariner looks to the north star for guidance. This Republic has been their hope and their encouragement. And, sir, I believe that if this Republic in its struggle against the rebellion had been destroyed, the loss of our influence in the earth would been calamitous to mankind. If we had not maintained the integrity of the Union, France would not be a Republic to-day; Brazil would not have put off the panoply of monarchy and put on the habiliments of a democratic government; England and Germany and the other Governments of the Old World would not have been liberalized as much as they have been. The success and the benign influence of this great Republic gave an impetus to liberty and the equal rights of man such as they have received from no other great human achievement.

Now the question recurs, whether our influence shall continue in the same direction in which it has heretofore gone forth—whether we shall continue to be the beacon light for every people struggling for free government, for independence, for the liberty of the individual and the masses, or whether we shall take a backward course and throw the influence of this great nation in favor of oppression.

My colleague [Mr. BOUTELLE], from whom I dislike to differ, talked yesterday about the sentiment of the people of this country being stirred up by pictorial representations in the newspapers. Ah, I think if he could feel the pulsations of the great heart of the people of this country he would find that no pictorial illustrations are necessary to stir up a sentiment in favor of a people struggling for liberty. [Applause.] That sentiment is a living one with Americans, and needs only a just cause to kindle it. Our people have not forgotten the history of their own country. They have not forgotten the seven years of war for independence, when the patriots of the Revolution showed perhaps as much fortitude, as much courage, as much persistence, as much of a spirit of self-sacrifice, as much readiness to suffer uncomplainingly for the cause in which they were engaged, as any people on the face of the globe have done since the dawn of history. And I ask my friends on the other side, have these Cuban patriots shown any less a spirit of self-sacrifice, any less determination to achieve their independence than our forefathers did? Have they not done quite as well?

Why, sir, I was rather amused when my colleague said that 40,000 Cubans are now fighting in the ranks of the Spanish army in Cuba. The prime minister of Spain says that Spain has sent 125,000 soldiers there. There were about 21,000 on the island before, making 186,000 well-trained, well-organized, well-equipped Spanish soldiers upon the Island of Cuba, according to their reckoning. Yet this band of insurgents, as they are called, these scattered freebooters, who, as somebody—I do not remember who—said in this House, number only 16,000, have, in the face and against the resistance of those 186,000 of Spanish soldiery, marched over the Island of Cuba and to-day occupy and control and tax and administer justice in more than three-fourths of it.

Ah, gentlemen, either our friends are mistaken as to the number of men fighting upon the Spanish side in Cuba or else these Cuban patriots are showing a strategy, a courage, a skill in arms which the armies of Hannibal never showed upon the battlefields of Rome. I say that a people who can thus maintain their struggle so long against such an enemy, who can continue to extend their jurisdiction over that country, can continue to achieve victory after victory, can not only maintain themselves but drive so great an army as gentlemen say the Spanish have into the fortresses and the cities of Cuba, so that they hardly dare come out except once in a while to send a detachment to meet the Cuban patriots when they taunt and defy them close to the walls of their strongholds—a people who are doing this and are to-day in control of almost the whole of the Island of Cuba have earned their independence and are entitled to recognition as belligerents at the hands of this great, liberty-loving, democratic Republic. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman from Maine has expired.

Mr. MILLIKEN. I believe, Mr. Speaker, that I am entitled to more time from the predecessor of my friend from New York, and I prefer not to accept the curtailment that he has made on the time yielded me by his predecessor. I hope he will see his way clear in allowing me to continue for the time to which I am entitled.

Mr. QUIGG. After so graceful a request, Mr. Speaker, I could not, of course, deny the gentleman.

Mr. MILLIKEN. I am always graceful to the gentleman who is so graceful himself. I can not help being graceful to my friend, and I thank him for his courtesy.

Now, our friends on the other side proclaim that they have an immense amount of sympathy for the insurgents in Cuba. Their hearts are on fire with love for them and their eyes are filled with tears on account of their sufferings, but they can not see their way to help them or to offer them any encouragement in their hours of trial and tribulation. They can not vote for the recognition of their belligerency. This is the kind of friendship which sounds well, but the fellow befriended does not care for it. Why can not they believe that the Cubans are entitled to recognition? Oh, because they say the Cubans have no government. Is that true? Of course they have not as stable a government as we have, but they have about as stable a government as our forefathers had when they had been fighting for eighteen months for their independence. Has Spain any right to complain of us if in the interest of humanity or of common justice we recognize the Cuban patriots to-day as entitled to belligerent rights?

Why, Mr. Speaker, if I recollect right, it was hardly forty days after the first gun was fired by the rebels upon Fort Sumter before they were recognized by Spain. Were they more entitled to recognition then than Cuba is to-day? It is true that they had a government. They had a form of government. They had a place for their capital, as indeed the Cubans have to-day; but had they made more progress, according to the numbers fighting, than the Cubans have made? Had they, in forty days after the first gun fired upon Sumter, invaded any part of our territory, driven us into our fortifications, captured any large body of Federal troops, or in any other manner established the fact that they were able to cope with the powers of the General Government? Why, I think not. Even the disaster of Bull Run, which was the first victory of any consequence achieved by the rebels and the first serious disaster to the Union arms, had not occurred when Spain recognized the belligerency of the Confederates. Indeed, there had then been no battle fought between the Confederates and ourselves, unless you call the bombardment of Fort Sumter a battle, when Spain recognized them. The rebels had merely declared their intention and were getting ready.

Now, after eighteen months, when the Cubans have taken control of three-fourths of the Island of Cuba, when the only places almost which they do not occupy are the fortified cities that the insurgents can not take because they have not artillery to batter down walls and fortifications, when they are not retreating but are advancing, daily, continually, tirelessly fighting and whipping the Spaniards, further and further gaining accretions to their forces, showing a skill in the movement of armed forces that perhaps has never been excelled, when we find that they are acting together with perfect harmony, with no breach in their ranks, no squabbles among their leaders, no division among them, but a uniform, steady purpose to achieve their independence, when we find them banded together by the strongest ties that can bind humanity, by all the ties of patriotism in the heart of each and every man, when we find them pushing forward for the one great object of their struggle, the independence of their country, I ask if, under these circumstances, if sustaining themselves as they have sustained themselves during all this time against the power of Spain, they are not quite as much entitled to recognition at our hands as the Confederates in our war for the suppression of the rebellion—in forty days after the first gun was fired and before the battle of Bull Run had been fought—were at the hands of Spain?

Why, my friends are talking as if war was right upon us if we give to the Cuban patriots this recognition. They seem to assume so much. Mr. Speaker, some of the statements that have been made here remind me of the story of the old maid, away up in the seventies, who was standing before a burning furnace, and the poor old woman began to cry, when someone standing near her asked what was the matter, why she was crying? "Why," she said, "I was just thinking that if I should ever get married, and should have a child and it should fall into the furnace, what a fearful thing it would be!" [Laughter and applause.] And so our friends on the other side are asserting here what a fearful thing it would be if we should have war with Spain on account of recognizing as belligerents the Cuban patriots a year and a half after they have begun the struggle and have been making their marvelously successful fight for independence, when we know that Spain recognized the Confederacy so soon after the beginning of hostilities; and yet, notwithstanding that action, no threat of war was ever made in this whole broad land on account of that action of the Spanish Government. [Applause.] And be it remembered, too, that Spain recognized the Southern rebels when the stake was not the retention of an island 3,000 miles away, but the life of our Government, the existence of our National Union. Indeed, had the rebels a better cause to fight for thirty-five years ago than the Cuban patriots have now? They were contending to destroy the grandest, justest, and most beneficent Government ever instituted among men. The Cuban patriots are fighting to overthrow a despotism which has robbed them of their substance, dwarfed the development of their resources, hindered progress, repressed improvements, ground them with taxation too burdensome to bear, violated all promises, and practiced the brutalities of the Middle Ages.

Gentlemen on the other side say, Who knows all these things? Why, they are as notorious as is the existence of Cuba itself, and the best evidence of any fact, next to an ocular demonstration, is its universal and indisputable notoriety.

Spain, by her cruelties and barbarities in Cuba, has richly earned the title of the Turkey of America. We have formally expressed our sympathy for the outraged Armenians, and have condemned the great Christian nations of Europe. We have called them selfish and cowardly because, controlled by their fear of each other and their own interests, they have raised no hand to arrest the butchery of Armenians by the thousands. And shall we have another Armenia, with all its inhuman cruelties, in this hemisphere, and close to our own doors, and hear the crying appeals of the oppressed, without so much as a formal protest, washing our hands, like Pontius Pilate, of responsibility? We can not escape responsibility by saying, like Cain, as do gentlemen upon the other side, "I am not my brother's keeper." [Applause.]

Thomas Jefferson said, "I tremble for my country when I remember that God is just." He referred to the responsibility of his countrymen for maintaining human slavery. His solicitude was well founded. Four years of civil war, the death by slaughter and disease of 300,000 brave, devoted Americans, and the destruction of billions of dollars' worth of property were a part of the penalty which we have paid for that national crime.

I believe in God's justice. I believe that Europe will pay dearly for her cold indifference to the bloody butchery of the Armenians. And if we shall show equal indifference to the barbarities committed upon the Cuban patriots, struggling as our forefathers struggled for liberty and independence, if we shall give them no friendly recognition, but by defeating these resolutions send word to them, to Spain, and to the world that great, free, republican America casts her weight into the scale of the oppressor, then I believe we shall have another crime to answer for, the penalty of which we can not measure and can not escape. [Great applause.]

Do we prize liberty only for ourselves? Shall men lose their souls when they aggregate into a nation?

Let us do right; right in the eyes of God and humanity; right in the eyes of men who have freedom and know what it costs, who can understand the longings and aspirations of patriotic hearts, and who believe that every oppressed people struggling for freedom is entitled to the sympathy and help, so far as it can be extended, of every nation that is free. In this direction lie safety and honor. In any other direction lie dishonor and danger.

[Here the hammer fell.]

Mr. QUIGG. I now yield five minutes to the gentleman from Michigan [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I am not in a general way disposed to be belligerent. I have seen something of war and do not care to see any more of it. It does not produce a pleasant sensation to stand up and be shot at. It has a peculiar effect upon the knees that renders a man a little unsteady in his gait and gives him an awkward appearance. I do not think anyone really enjoys such a position. But no man likes to be called a coward, and no nation can afford to acquire such a reputation. A man standing by to see a brute pound a helpless woman would be branded a coward. If he should witness a murder which he had power to prevent, and made no effort to prevent it, he would be regarded as a party to the crime.

The civilized world has stood aghast at the spectacle of the great powers of Europe eyeing each other while the Turks, in full view, have been butchering the helpless Christians of Armenia. These barbarities have even aroused the indignation and called forth a vigorous protest from our friends in Massachusetts and other New England States. Here upon our very shores lies the fairest island of the Atlantic Ocean. For three hundred years it has been under the iron heel of a cruel and merciless despot, whose only effort has been to extort the last farthing of revenue from its hapless people. This despot first enslaved and then, in less than one hundred years, exterminated the native population, and then he supplied their place with slaves stolen from Africa and overseers brought from Spain. And from that day until this the whole conduct of Spain toward this island has been "marked by every act which may define a tyrant."

No chapter in the history of the last three hundred years is so crowded with acts of oppression, cruelty, barbarities, and suffering and with such heroic efforts to throw off the oppressor as that which relates to the conduct of Spain toward her fairest colony. And now this long-suffering and heroic people are engaged in a life and death struggle for the God-given right to govern themselves—"a right inestimable to them and formidable to tyrants only." These people, in sight of our shore, are engaged in actual war for liberty and the right of self-government. They stretch out their hands across the narrow waters which separate them from us and ask the poor boon of being recognized as belligerents. For one, I know that my constituents expect and desire me to vote to accord them all the rights of war which belong to a brave people engaged in actual war for liberty; and I would be glad indeed to vote to acknowledge them as a free and independent nation, and, if need be, to vote money to aid them in maintaining their independence. By her long course of tyranny over Cuba Spain has forfeited every right to its ownership; and the same law which would deprive a cruel parent of the control of his child should be invoked to deprive Spain of any further control over Cuba. I say this with a full appreciation of the effect words spoken in this Hall may have upon the relations of this Government with other nations.

Cuba lies at the entrance of the great gulf that washes our Southern shore. She commands the entrance to that gulf, to the mouth of the Mississippi River, and the Nicaragua Canal, whenever it is built. In the possession of a strong naval power she would be a constant menace to our commerce and a vantage ground from which to threaten our whole Atlantic Seaboard. Spain has a treasury as empty as our own and a credit not quite so good. She needs money. England has money to loan, and she is constantly on the lookout for good investments and for strategic positions. Where can she find a stronger naval position than the harbors of that island or better security for investments?

Possibly the shadow of the Monroe doctrine may deter her for a time, but let trouble arise between this Government and England and the harbor at Habana will be the point from which demonstrations will be made along our eastern and southern coast. Cuba belongs to this continent; she has a right to be free. Self-interest, self-defense, humanity, and duty alike demand that the United States should aid her to attain this right; and all liberty-loving people everywhere will rejoice to welcome free Cuba into the great family of Western Republics. [Applause.]

Mr. QUIGG. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. TALBERT].

The SPEAKER pro tempore. The Chair will state to the gentleman from New York [Mr. QUIGG] that his time is exhausted.

Mr. QUIGG. The gentleman from Virginia [Mr. TUCKER] has courteously agreed to yield to me some time.

Mr. TUCKER. I yield fifteen minutes to the gentleman.

Mr. QUIGG. Then, Mr. Speaker, I yield five minutes of that time to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, in the short time allotted to me I shall not be able to go into the details of this question, but it seems to me that if talking and speech making would do the Cubans any good, they would have been relieved sometime ago.

I want to say, Mr. Speaker, that the time for talking has ceased and the time for action has come. I for one stand here ready and willing to do anything that is honorable and upright in the way of action that will relieve these Cuban patriots from the distresses and burdens under which they are laboring. [Applause.] What are they fighting for? Are they fighting for the blood of their brethren? No! Are they fighting for conquest? No! They are fighting for a word. It is that word that led downtrodden Israel through the bowels of the Red Sea; it is that word that rendered Marathon and Salamis and Thermopylæ immortal ideas; it is that word which sanctified even the blood upon the blade of Brutus; it is but a word, and that word is "liberty." [Applause.] They should have it; and if they need anything at the hands of this great, grand nation, the greatest upon the face of the earth, we should not withhold it, but give it to them in sympathy and in help, not only in words but in deeds.

I, sir, shall not only vote for these resolutions, but I stand ready to go further and to vote for a joint resolution calling upon the President to take decisive action, and if necessary to go down there and see that they do have an independent government set up for themselves. [Applause.] While they are fighting for that word "liberty," that word which will go sounding down the ages until the Jordan be dried up at its fountain and the Ægean rolls no more upon its shores, why should we, this great and powerful nation, stand here fearing to help our little neighbor when we can do it? Talk about the power of the United States. A distinguished Fourth of July orator has said, and I believe it is almost the truth, that the great United States could whip the world; that she had on two occasions whipped Great Britain; that she had whipped Mexico several times; that every time she got at leisure she would go out and whip the Indians, and finally the top and bottom of the map fell out and she turned in and flogged herself, and that is what the last war meant. [Laughter.] Bounded as she is on the east by the turbulent Atlantic, on the west by the smooth Pacific, on the north by the Aurora Borealis, and on the south by the Day of Judgment, why can she not take care of that little baby down there, if necessary, and annex her and have her as her own, having her own sugar in her coffee and plenty of molasses to lick. [Laughter.]

Talk about the Cubans being guerrillas! Let me call your attention to those brave South Carolinians—Marion, the swamp fox, and Sumter, the gamecock. Did they have any particular place to fight? Did they go out and meet the enemy? No; they hung upon the flanks of the enemy and baffled them. They are the men who repulsed the bloody Tarleton at Kings Mountain, when the spirit of freedom and independence was slowly ebbing. They turned the tide and gave us this great, grand, glorious Government of ours—the land of the free and the home of the brave—where every man can worship under his own vine and fig tree, or not worship at all, if he likes.

Then let us recognize that these Cuban patriots are striving for freedom, are striving for liberty, and let them have that help which they need at the hands of this nation. The spirit which imbues them, the spirit which pushes them on, is that same spirit of freedom which actuated our forefathers when the flag of revolt was flying to the breeze against the black-hearted despotism of Great Britain when our independence was achieved. Let us do all that we can to help the Cubans, who are struggling in that same spirit, for independence, liberty, and freedom. [Applause.]

Mr. QUIGG. I yield five minutes to the gentleman from Minnesota [Mr. KIEFER].

Mr. KIEFER. Mr. Speaker and gentlemen, nearly six weeks have elapsed since these resolutions, having reference to the situation in Cuba, were reported to the House by the Committee on Foreign Affairs. We had been impatient, and I believe the country had been impatient for a long time prior to the 27th day of February, when the report was finally brought in by the distinguished chairman of the committee, Mr. HITT of Illinois. I had filed many petitions from my people, and I know of my own personal knowledge that the heart of every true lover of liberty within the confines of the Fourth Congressional district of Minnesota is in sympathy with those struggling patriots in Cuba, who have for years been denied the privilege of self-government. And I doubt not that my district is but a fair indication of the sentiments and the sympathies of the people of this country from one end to the other. We have received no protests against the passage of these resolutions. And so great was the pressure of public opinion in favor of the recognition of the belligerency of the Cubans when the resolutions were first reported that the upper branch of the Congress—the Senate, which generally moves with such deliberation as to cause the wish to be often expressed in the public prints and elsewhere that that body might reform itself—the Senate of the United States in this instance actually discounted our efforts, and before we could call the previous question on the resolutions the other branch of Congress sent to our doors a set of resolutions declaring that a state of public war existed in the Island of Cuba, and that the struggling people in that benighted land should be duly accorded the rights to which every nation is entitled in the event of hostilities with another nation.

This House saw fit to amend the Senate resolutions in a few minor details. The main and central idea was not changed in the least. By an overwhelming vote we passed them and sent them back to the Senate with slight amendments. But, alas, where was the spirit of liberty and the genius of representative government which had marked the brief but eloquent and soul-stirring debate only a few days previous? Liberty seems to have fled from the Senatorial semicircle and an evil genius crept in, and, like the serpent at the ear of Mother Eve, whispered "delay." And then light gave way to darkness, patriotism to distrust and doubt, and the Senate abjectly capitulated and refused to maintain its former position or stand by its first declarations. I know not why this was done. I do know that it presents an absurd position to the country. For months we have ample evidence that a state of war existed in Cuba. The army of invasion has been pouring in. Spanish men-of-war have been unloading munitions and provisions to lay siege to the citadels of the Cubans. Why delay action a moment longer? Both House and Senate have once said that we should declare the belligerency of the insurgents. There need be no fear of war with Spain. That effete and crumbling monarchy, which for ages suppressed the freedom of the individual, is now making its last rally to perpetuate primogeniture on the Western Continent. I venture the assertion that if we declare in favor of the Cubans other nations will soon follow, and there will be a new republic established within the next year. So I say, let us pass the Senate resolutions, and thus prevent any more delay. Liberty is the watchword of the American people. Do not let us hesitate to declare for the same rights for others which we ourselves enjoy and which cost so much to secure during the first hundred years of this great Republic. [Applause.]

Mr. QUIGG. I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Speaker, I simply desire to express my sympathy on the side of the Cuban people, and to say that I am for these resolutions. Gentlemen say there is some risk in taking this step. I think that, as far as that is concerned, the risk is small; but, Mr. Speaker, there comes a time to nations as well as to men when to achieve the right, when to stand for principle, when to work out the best results; nations as well as men must take a stand on the side of humanity and progress.

Only a few weeks since, when that ringing message came from the President in regard to upholding the Monroe doctrine on this continent, we heard the same prediction, that war was inevitable. But this House stood by the other House and by the President—stood for the right, stood for the voice of this people as a nation—and the clouds of war have disappeared, and the decision of this people is practically unanimous that Congress was right in the position taken.

The darkest blot, Mr. Speaker, upon the national history in recent years was the refusal of sympathy with the Hawaiian Government in the time of her trouble; and the nation will never be satisfied in regard to that struggling Republic until we have had an opportunity to evince the sentiment which this people have always entertained, and which was misrepresented when the representatives of our Government hauled down the flag upon that island. When freedom, from her mountain height, gave that old standard to this people she required of them that they should keep this old banner in the sky, not only as the emblem of the freedom of her own people, but for liberty struggling people everywhere; that men striving for liberty, men battling for freedom, should behold its folds, be encouraged, and thus be aided in achieving victory.

Struggling Republics always look to this Government. And why? Simply because we are recognized as the greatest Republic on earth; and when gentlemen say we are to take a risk, I would ask them if it is not worth while, when we consider that notwithstanding what it has cost this nation in treasure and lives to uphold a republican form of government, that our liberties maintained and blessings enjoyed compensate for the great cost, is it not worth our while to take such a risk, as we shall in this case, to seek to encourage a people who are striving for liberty and who seek our sympathy in establishing a like form of government, and who are in the same position that we know our fathers were at the institution of this Republic?

There are times, Mr. Speaker, when patriotism can not be measured with dollars. There are times when commerce can not be set off against liberty; and I believe the time has come in this nation as regards the future of that island that for mere mercenary reasons we can not afford to longer remain silent; and the time has come now, in my opinion, when we should speak and when we should speak unanimously. I believe that the people of this nation, Mr. Speaker, after more than a year's reflection, have come to the conclusion not only in the mountains of New England and in the valleys of the West, but on the great prairies beyond, that Congress should act in this matter. I know, Mr. Speaker, that in my own State, where brave pioneers are building homes, sympathy for the struggling people of Hawaii and Cuba, the desire for the enforcement of the Monroe doctrine and a vigorous American policy abounds; and they are willing to assume the responsibility of an affirmative declaration on the resolutions before this House. The people, after mature reflection, have come to the conclusion that it is our duty as a people loving liberty, disregarding the technical and refined constructions, if need be, of international law, it is our duty as a people honoring our fathers, who fought for freedom, to recognize this people; and, Mr. Speaker, I believe that in this case the voice of the people is the voice of God; and that it is our duty to carry out the wishes of the people of this great Republic. [Applause.]

Mr. TUCKER. Mr. Speaker, on a former occasion I gave to the House my views on these resolutions, and as the House has doubtlessly cherished those views very sacredly, I shall not inflict myself upon it to-night but for a moment. But in closing this debate, sir, I want to call the attention of gentlemen to the cardinal principle involved in these resolutions. We are inaugurating in this second resolution a departure from the precedents of this Government, which, if followed, will return to plague the inventor. It is a disposition of interference in the domestic policy of other nations with whom we are on friendly terms that may be brooked by Spain, but the time will come when, if persisted in, we will meet a foeman worthy of our steel.

Mr. Speaker, I am opposed to the resolutions because they are not right. Sympathy for freedom, for liberty, is cheap and beautiful; but I say to my honorable friend from Maine [Mr. MILLIKEN], who always appeals to the warmest sympathies of my heart, that I carry in my heart greater sympathy for 70,000,000 Americans than for a million and a half Cubans. What will it profit this Government if you free Cuba but enslave your own people?

Mr. MAHON. It is not our purpose to do that.

Mr. PICKLER. There is no danger of that.

Mr. TUCKER. Ah! no danger of that. What business have you to interfere with the domestic policy of a foreign country, invite war, and increase the debt of the country?

Mr. MAHON. What business had she to interfere with us?

Mr. TUCKER. When did she interfere?

Mr. MAHON. In 1861. [Loud applause.]

Mr. TUCKER. Why, she did exactly right.

Mr. MAHON. Then we are doing right now. [Renewed applause.]

Mr. TUCKER. Let me say to the gentleman that he is speaking of the first resolution; I am speaking to the second. The first resolution is abstractly right, as the honorable gentleman from New York [Mr. DANIELS] has shown us to-night; but, Mr. Speaker, the first resolution refers merely to belligerency. What right has this House to declare belligerency. The honorable gentleman from Massachusetts who spoke this evening amply developed that subject, showing that the recognition of belligerency is an executive function, and not a legislative one. And but a few weeks ago we heard gentlemen on this floor criticising the Secretary of Agriculture and Mr. Bowler, the Comptroller of the Treasury. Why? Because they had attempted, as parts of the executive of the Government, not to execute its laws, but to make them, as was claimed. Now, what are you doing? With your powers as a legislative body you are simply returning the compliment and attempting to interfere with an executive function. Take the beam out of thine own eye.

Mr. TRACEY. We are trying to hold up his hands.

Mr. TUCKER. Whose hands?

Mr. SMITH of Michigan. I will ask the gentleman from Virginia what section of the Constitution or what law of the United States vests the power to confer belligerency in the Executive of this nation?

Mr. TUCKER. Mr. Speaker, if I had the time, which I have not to-night, I could convince even my unwilling friend from Michigan of the correctness of that proposition.

Mr. SMITH of Michigan. Can you name a section of the Constitution or a law of the United States which vests that power in the Executive?

Mr. TUCKER. I have authorities here by the cart load—more than my friend could carry home with him.

Mr. SMITH of Michigan. If you do not name such a section of the Constitution or such a law, I shall deny that it exists and defy you to name a constitutional provision or a statute that confers that power.

Mr. TUCKER. Well, I shall have to take my friend's defiance for the present. All I mean is this, and my friend himself must recognize it, that whether it is in the Constitution in words or not the right to accord belligerency is an Executive function.

Mr. SMITH of Michigan. I do not recognize it.

Mr. TUCKER. Then my friend is in a large minority.

Mr. SMITH of Michigan. I say to my friend from Virginia that Henry Clay, a distinguished Representative coming from the South, as the gentleman himself does, said in the House of Representatives that when the Executive fails to do his duty, it is the duty of the Legislature to prod him to it and to force him to it. [Applause.]

Mr. TUCKER. And I suppose the gentleman, knowing the

weak character that is now sitting in the White House [laughter], is attempting by these resolutions to force him to do his duty. [Laughter.]

Mr. SMITH of Michigan. We want to call the roll on him.

Mr. TUCKER. Mr. Speaker, the gentleman from Illinois took that view of this matter, that we, as a legislative body, are kindly giving advice to the Executive as to what he ought to do. But, Mr. Speaker, I am not going to take up further time, because I have promised to yield what remains to me to my friend from New York. I hope these resolutions will be defeated for the benefit of Spain, for the benefit of Cuba, but more than all, and above all, for the benefit of the free American people of this country. I hope they will be defeated, because it is the beginning of a policy that means the destruction of our old-time American policy. Unless the United States proposes to become the guardian for all of the weak, puling countries in the South American continent we must not vote for these resolutions.

I now yield the balance of my time to my friend from New York, Mr. QUIGG.

Mr. PICKLER. Before the gentleman sits down, I would like to ask him if he does not think that Cuba is alarmingly near the United States for Spain to be upholding such a government there? Is not Spain a long way from home to maintain a government of that kind?

Mr. TUCKER. Not farther from home than my friend is on this question. [Laughter.]

Mr. BRODERICK. Mr. Speaker, by the law of nations the discovery of new lands, followed by actual possession, invests the discoverer with good title. Spain having discovered and colonized Cuba, she is entitled to the possession of the island against all the world, except it be the Cubans. The claim that the Cubans assert to the country and the right to an independent government rests upon a different principle.

An island or province situated remotely from the parent government and held after the province has sufficient population, intelligence, and resources to maintain a government and desires its establishment is, as a rule, held for revenue only. History abundantly proves that remote possessions have usually been by the parent government negligently or criminally governed. In the very nature of things they could not be fostered and protected as are the people of the home government. The government for Cuba has been no exception to this rule. She has been denied equal representation in the Spanish Cortes, and there has been scarcely any limit to the taxes imposed on the people. Every species of taxation which the ingenuity of man has been able to devise since the beginning of civil government has been imposed in Cuba. These burdens have been laid on both their imports and exports, on every sort of occupation, and in addition to these a per capita tax has been imposed.

Cuba has much more to complain of against Spain because of unjust and burdensome taxation than the American colonies had when they so heroically resisted the stamp act and the Parliamentary tax upon tea.

The title of Spain, derived through discovery and colonization, does not carry with it the right to oppress. There is no such natural or acquired right as this. Governments are no longer maintained for the benefit of kings and princes, though some, I confess, are a little slow in learning this great truth.

Spain's relation to Cuba, from equitable considerations, is somewhat analogous to that of guardian and ward. Having planted her colonies on the island it was her duty to promote their welfare until the colonies had reached their majority; that is, until they were able and desirous of maintaining a government for themselves. Spain can have no title to the inhabitants—to human beings—and the Cubans have, through taxation, paid the Spanish Government for the island more than a hundredfold. In equity she would not be bound to pay for the lands after the long and continuous occupancy, but the fact that she has paid the full value many times over ought to strengthen the claim of her people.

Cuba is now past her majority and asserts her right to freedom. She bases her claim upon her long occupancy, upon the broken promises, mismanagement, and oppressions of the parent Government, and upon the further assertion that she is amply able to establish and maintain a form of government better suited to the wants and conditions of her people.

I take it that any people situated as the Cubans are with reference to Spain, when they are prepared for self-government, even if there were no systematic oppression, would have a good claim to independence, and would be entitled to fair consideration from other nations. Separated by the ocean, and thousands of miles from the home Government, Cuba would almost of necessity be neglected. Add to this neglect the broken promises of 1878, long continued abuses, and misgovernment, and her cause most forcibly appeals to everyone who believes in fair dealing and good government. I take it that it will not be denied that the right of revolution to establish independence is inherent in every people which are so widely separated by the seas from the parent Government as is Cuba.

But the serious question and the one about which there are some differences of opinion is, What are we going to do about it? Our Government is republican in form. All our institutions are founded and conducted upon the idea that the people rule. It is therefore natural that our people should sympathize with those of every land who are contending for better conditions and for larger liberties.

I understand that there is a treaty with Spain which prohibits in this country the organization of military companies for the purpose of aiding revolt in any of the Spanish possessions, but this treaty in no sense precludes our Government from recognizing the fact that a state of hostilities exists in Cuba.

By the Chinese restriction act, passed a few years ago, Congress annulled a stipulation in the treaty with China regarding immigration to this country, and the Federal Supreme Court sustained this act. Hence the law is well settled that Congress has power to annul or modify an international treaty. I am willing to concede that such legislation is not defensible, except in extraordinary cases, but every nation has the undoubted right to self-preservation so long as it is endeavoring to uphold and perpetuate good government. But where a province adjacent to the United States is striving to throw off the yoke of oppression and establish a republican form of government this Government has the right, and it is its duty, to see that fair treatment is accorded to such province. And I say in all candor that I believe the time is at hand when the Chief Executive of the United States should accord to the Cubans full belligerent rights. I know this is an important step, and should always be taken with due sense of the responsibility, but when questions of humanity and free government are involved this, the greatest of Republics, should not hesitate to assert its judgment. When emergencies present themselves responsibilities must be taken. Mr. Lincoln drove the French invaders from Mexico near the close of our great civil war. It required courage, under the circumstances, but Mr. Lincoln was equal to the occasion, and he was sustained by his countrymen.

Mr. Speaker, I am not unmindful of the fact that by international law there are certain tests to be applied by a foreign government in determining when belligerency should be extended to a revolting state. I understand the chief test is whether a state of actual war, as distinguished from a mere insurrection, exists. Another test requires that the revolting state must have made some effort to set up a government, for there should be some tangible organized civil authority or some government in process of formation to supersede the former government, if the revolution should succeed. In the case of Cuba, there can be no question but there exists to-day a military conflict within its borders. Civil government is suspended, or set at naught, except in a few places. The Spanish authorities are, and have been for many months, treating the military operations of Cuba as a forcible revolt against the parental sway. These evidences, coming to us in the most authentic manner, settle the question that Cuba is prosecuting a contest by military force for independence, and that Spain is resisting such contest with all the military force at her command. Every gentleman on this floor must be satisfied that there is public war in Cuba. It is waged by the Cubans on the same principle that our patriot fathers made war against British authority in 1776. It can not be expected, nor has it ever been required, that there should be a fully equipped civil government in operation before belligerency should be accorded. It is sufficient if there is an honest effort being made to organize a new government. The Cubans are making this effort. The evidence on this point is conclusive.

In considering the war between Spain and her colonies in 1825, Mr. Clay, then Secretary of State, said:

> No statesman can have contemplated the colonial relations of Europe and continental America without foreseeing that the time must come when they would cease. That time might have been retarded or accelerated, but come it must, in the great march of human events.

The former relations between Spain and most of her American colonies did cease about that time, but Cuba still remained under parental control. From 1868 to 1878 she made a heroic contest for freedom, but was finally reconciled by promised reformation. These promises have been broken, or at least have not been kept in good faith, and Cuba has again asserted her right to a separation. She has caught the spirit of the age, and is going to be free. Her cause can hardly be retarded much longer.

It has been said that Cubans are not prepared for self-government. This charge was made against the American colonies. It has been made against every people who were struggling to free themselves from the oppressions of old governments. New responsibilities develop latent powers. Experience has demonstrated that self-government produces independent thought and the ability to meet additional obligations. I am convinced that when Cuba becomes free she will be able to establish and maintain a far better government than Spain has ever given her. Believing this, I shall heartily support these resolutions.

The tendency of the times for nations, as well as for individuals, is toward greater freedom. All peoples are seeking better conditions. This onward march can not be checked. Napoleon once

declared that "the highest quality of a great general is the ability to see things as they are, and not to make pictures in his own mind." We see to-day this battle being waged everywhere. As Americans, we ought to send greetings to every people who are engaged in this struggle. Every member who has spoken upon these resolutions has asserted his sympathy with Cubans. Declarations upon the floor will give little relief, but we can give substantial aid and sympathy by adopting these resolutions, and I trust it will be done by an unmistakable majority. [Applause.]

The SPEAKER pro tempore. The hour of 10 o'clock having arrived, the Chair, in accordance with the previous order, declares the House adjourned.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on the Public Lands, to which was referred House bill No. 7718, reported in lieu thereof a bill (H. R. 7945)) to provide for the entry of lands in Greer County, Okla., to give preference rights to settlers, and for other purposes, accompanied by a report (No. 1113); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HANLY, from the Committee on Claims:

The bill (H. R. 574) for the relief of Maj. Charles A. Woodruff. (Report No. 1114.)

The bill (H. R. 1625) authorizing the Secretary of the Interior to determine and pay certain claims against the Fond du Lac Indians. (Report No. 1115.)

The bill (H. R. 5701) for the relief of Julius Stahel. (Report No. 1116.)

The bill (H. R. 953) for the relief of William Gray. (Report No. 1120.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa. (Report No. 1123.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 7946) to reorganize and increase the efficiency of the personnel of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. PAYNE: A bill (H. R. 7947) to amend section 2502 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. KIEFER: A bill (H. R. 7948) authorizing the Secretary of War to recognize the organizations of the Sons of Veterans as part of the military reserve of the United States—to the Committee on the Militia.

By Mr. FISCHER: A concurrent resolution (House Con. Res. No. 39) concerning the distribution of seed—to the Committee on Agriculture.

By Mr. PICKLER: A resolution (House Res. No. 235) to fix time for consideration of H. R. 5549—to the Committee on Rules.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DOLLIVER: A bill (H. R. 7949) to increase the pension of Margaret E. Pierce—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 7950) granting a pension to Mary E. Radcliffe, of Wheeling, Ohio County, W. Va.—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 7951) to pension Rhoda L. Day and Jettie Annis—to the Committee on Pensions.

By Mr. HAGER: A bill (H. R. 7952) granting a pension to Mary J. Shaw—to the Committee on Invalid Pensions.

By Mr. HANLY: A bill (H. R. 7953) to increase the pension of Philip Caslow—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 7954) to pension James H. Rathburn, father of Charles B. Rathburn—to the Committee on Invalid Pensions.

By Mr. HOWE: A bill (H. R. 7955) to remove the charge of desertion from the naval record of William Kiernes—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 7956) to remove the charge of desertion from the military record of John S. Cadamy—to the Committee on Military Affairs.

Also, a bill (H. R. 7957) to remove charge of desertion from military record of Thomas Reveal—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 7958) for the relief of Edmund E. Schreiner—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 7959) granting an increase of pension to Robert W. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7960) granting an increase of pension to John Dow—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 7961) for the relief of John Mellifont and Ellen Riordon—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 7962) granting a pension to Horace Perry—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 7963) grating a pension to Bertha Lovings—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7964) granting a pension to Annie E. Bassett—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: A bill (H. R. 7965) to carry out the findings of the Court of Claims in the case of the estate of Joshua Newcomer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7966) to carry out the findings of the Court of Claims in the case of the estate of John Middlekauff, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7967) to carry into effect a finding of the Court of Claims in favor of William Garrett, late of Montgomery County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 7968) to carry out the findings of the Court of Claims in the case of H. Harrison Beeler—to the Committee on War Claims.

By Mr. WILLIS: A bill (H. R. 7969) to increase the pension of Joseph E. Vantine—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 7970) for the relief of Christian Hahn, in accordance with the award of the Court of Claims—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of the Michigan Agricultural College, in favor of a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. ALDRICH of Illinois: Petition of residents of the First Congressional district of Illinois, favoring a bill to fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: Petition of citizens of Santa Rosa, Cal.; also of citizens of Tehama County, Cal., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BROSIUS: Petition of the Christian Temperance Alliance of Pennsylvania, in favor of a national commission to investigate and report upon the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. CURTIS of Kansas: Petition of the members of Woodson Post, No. 185, Grand Army of the Republic, Department of Kansas, of Yates Center, and citizens of Yates Center, Kans., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Affidavits in support of House bill No. 4376, for the relief of Christian Daniels—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: Papers to accompany House bill to increase the pension of Margaret E. Pierce—to the Committee on Invalid Pensions.

By Mr. DOVENER: Petition of W. W. Badley and 47 other residents of Wheeling, W. Va.; also of Washington Council, No. 1, Order United American Mechanics, of Wheeling, W. Va., praying for the passage of the Stone immigration bill—to the Committtee on Immigration and Naturalization.

By Mr. EVANS: Petition of Marion Gordon and others, of Louisville, Ky., in relation to the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. FARIS: Papers to accompany House bill No. 6079, for the relief of Jeremiah Sullivan—to the Committee on Military Affairs.

By Mr. HANLY: Evidence to be filed with and accompany House bill to increase the pension of Philip Caslow—to the Committee on Invalid Pensions.

By Mr. HEATWOLE: Petition of citizens of Minnesota, praying for the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMENWAY: Resolutions of Council No. 61, American Protestant Association, relating to the matter of the Marquette statue—to the Committee on the Library.

By Mr. HULICK: Petition of the Chamber of Commerce of Cincinnati, Ohio, indorsing the proposition to create a department of commerce and manufactures as a branch of the executive department of the Government—to the Committee on the Judiciary.

By Mr. LACEY: Petition of C. C. Terrell, of Forest Home,

Iowa, asking that religious publications be given the advantage of the act of Congress of July 16, 1894, relative to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of George E. Wilson, of Royalton, Minn., for relief—to the Committee on the Public Lands.

By Mr. LAYTON: Memorial of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of Senate bill No. 2261 (H. R. 6508), providing for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. LEONARD: Remonstrance of citizens of Lycoming County, Pa., against permitting the statue of Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Petition of Charles H. Bement, of Laingsburg, Mich.; also of G. H. Slocum, of Caro, Mich., in favor of the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frank H. Rose, of Corunna, Mich., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of St. Louis, Mo., praying for the passage of joint resolution No. 11, that neither Congress nor any State shall pass any law respecting the establishment of religion, etc.—to the Committee on the Judiciary.

Also, resolutions adopted by the National Association of the Agricultural Implement and Vehicle Manufacturers of the United States, asking that the Interstate Commerce Commission publish certain statistics—to the Committee on Interstate and Foreign Commerce.

Also, petition signed by citizens of Saginaw County, Mich., asking that a bill be passed taxing filled and skimmed cheese—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Petition of the Department of Minnesota, Grand Army of the Republic, favoring the bill establishing a military park at Vicksburg—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of W. H. Gibbs and 110 other citizens of Galva, Ill., in favor of the passage of the joint resolution No. 11, proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. RUSSELL of Connecticut: Petition of the Liquor Dealers' Association of Connecticut, against the passage of House bill No. 6668, to amend an act regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHAFROTH: Petition of George H. Harries, of Pueblo, Colo.; also of J. N. Counter, of Colorado, for the passage of House bill No. 4566, relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Colorado Woman's Christian Temperance Union, Mary Jewett Telford, president, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of Longmont and Boulder County, Colo., favoring the passage of joint resolution No. 11, proposing an amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SORG: Petition of Wayne Council, No. 90, Order United American Mechanics, unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of Detroit Manufacturers' Club of Detroit, Mich., for financial legislation—to the Committee on Banking and Currency.

By Mr. SULLOWAY: Petition of Annie Bell Carswell, councilor, Benjamin Leacock, secretary, and 73 others, of Lady Wentworth Council, No. 18, Daughters of Liberty, Manchester, N. H., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Petition of Fred Reather Post, No. 420, Grand Army of the Republic, Department of Missouri, of Montgomery City, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of Mrs. R. T. Viers, of Montgomery County, Md., praying that the war claim filed by William A. Viers, now deceased, be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of D. H. Wyand, executor, asking aid in the settlement of the war claim of Frederick Wyand—to the Committee on War Claims.

Also, petition of Basil L. Bean, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of James Orme, deceased, late of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of John Mullieau, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James T. West, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of William R. Beall, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of B. L. Fox, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Alexander F. Boswell, of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Patrick Connolly, deceased, late of Montgomery County, Md., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

## SENATE.

MONDAY, *April 6, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Thursday last was read and approved.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of March 2, 1895, a report from the Commissioner of Indian Affairs, together with a report from Indian Agent D. A. Wisdom, of the Union Indian Agency, Ind. T., showing payments by the Cherokee Nations to such persons as would accept the same and the amounts awarded them by the appraisers appointed under the provisions of the act to appraise the value of improvements of intruders in that nation; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in compliance with the act of Congress of May 9, 1888, the claim of R. M. Ridgely, postmaster at Springfield, Ill., for credit on his postal account for postage stamps and key-deposit funds stolen from his office April 3, 1895; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the American Society for the Prevention of Cruelty to Animals, of New York, remonstrating against the passage of Senate bill No. 2261, providing for an international humane and sanitary conference; which was referred to the Committee on Commerce.

He also presented a petition of the National Woman's Christian Temperance Union, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, and the general welfare of the public; which was referred to the Committee on Education and Labor.

He also presented a petition of the assembly of the State of New York, praying for the enactment of legislation establishing a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of New York, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition of the faculty and students of Tualatin Academy and Pacific University, Forest Grove, Oreg., and a petition of the Woman's Christian Temperance Union of Wisconsin, praying for the establishment of an international board of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of Unity Lodge, No. 309, International Association of Machinists, of Cleveland, Ohio, and a petition of Lodge No. 438, International Association of Machinists, of Canton, Ohio, praying for an investigation of the treatment of employees of the Brooklyn (N. Y.) Navy-Yard and other navy-yards of the United States; which were referred to the Committee on Naval Affairs.

Mr. PEFFER presented the petition of Joseph Silver, of Aberdeen, S. Dak., praying for the enactment of legislation requiring the Secretary of the Treasury to redeem Government obligations in gold and silver coin alike; which was referred to the Committee on Finance.

He also presented the petition of A. N. Lee and 18 other citizens

of Kansas, and the petition of E. E. Warner and 183 other citizens of Randolph County, Ind., praying for the passage of Senate bill No. 239, to amend the internal-revenue laws of the United States so as to prohibit the issuance of permits to sell intoxicants in the State of Kansas except to those who hold permits issued by the laws of that State; which were referred to the Committe on Finance.

Mr. McMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

He also presented petitions of the congregations of the Christian, Methodist Episcopal, and Congregational churches of Romeo, Mich., and a petition of the Woman's Humane Missionary Union of the Congregational churches of Michigan, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition, in the form of resolutions adopted by the Northeast Washington (D. C.) Citizens' Association, praying for the enactment of legislation to compel the Washington Gas Light Company to publish a list of names of persons who have deposited money with that company for the purpose of securing the payment of gas bills; which was referred to the Committee on the District of Columbia.

Mr. PRITCHARD presented the memorial of Marcus Mason and sundry other citizens of Beaufort, N. C., remonstrating against the enactment of legislation abolishing compulsory pilotage; which was referred to the Committee on Commerce.

He also presented the petition of James E. Shepard, Rev. J. S. Derry, Rev. S. H. Witherspoon, Rev. A. Shepard, Hon. J. H. Young, and 96 other citizens of North Carolina, praying for the passage of Senate bill No. 886, to provide a national home for aged and infirm colored people of the United States of America; which was referred to the Committee on the District of Columbia.

Mr. MILLS presented sundry petitions of citizens of Greer County, Okla., praying that they be relieved from the present uncertain condition of their lands, and stating that it would be to the best interest of that county to cede or sell these lands to the State of Texas; which were referred to the Committee on Public Lands.

Mr. FRYE presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Louisiana, of New Orleans, La., and a petition, in the form of resolutions adopted by the Bangor Board of Trade, of Bangor, Me., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. PETTIGREW presented the memorial of Dr. A. Slaman and 89 other citizens of the United States, remonstrating against the adoption of the proposed religious amendments to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented the memorial of Thomas Austin and 17 other citizens of Davison County, S. Dak., and the memorial of James S. Hunter and 15 other citizens of Mount Vernon, S. Dak., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. BURROWS presented the memorial of William Jackson and 34 other citizens of Detroit, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented the petition of Rev. Dan F. Bradley, pastor, and the congregation of the Park Congregational Church, of Grand Rapids, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of 125 citizens of Grand Rapids, Mich., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. LODGE presented the petition of Gen. Francis A. Walker, president of the Massachusetts Institute of Technology, and 33 other citizens of Massachusetts, praying for the adoption of a uniform metric system of weights and measures; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the establishment of a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented a petition of the Grand Army of the Republic, Department of Minnesota, praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. TURPIE (for Mr. VOORHEES) presented sundry petitions of citizens of Indiana, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. VOORHEES) presented a memorial of the American Society for the Prevention of Cruelty to Animals, remonstrating against the passage of Senate bill No. 2261, providing for an international humane and sanitary conference; which was referred to the Committee on Commerce.

He also presented the memorial of Miss L. E. Reed, editor of the Organizing Publishing Company, of Indianapolis, Ind., and a memorial of sundry citizens of New Albany, Ind., remonstrating against the passage of House bill No. 4566, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a memorial signed by sundry citizens of Nebraska, Idaho, and Washington, remonstrating against the passage of a Pacific Railroad funding bill; which was referred to the Committee on Pacific Railroads.

He also presented a petition of sundry citizens of Sidney, Nebr., praying for the enactment of legislation granting to the State of Nebraska, for educational purposes, the grounds of the old Fort Sidney Military Reservation; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Rev. Hugh Johnston, pastor of the Metropolitan Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation prohibiting interstate gambling; which was referred to the Committee on the Judiciary.

He also presented the petition of Charles A. Burnham, of Derry, N. H., praying for the enactment of legislation to pay him an amount of money claimed to have been unlawfully withheld from his grandfather, Maj. John Burnham, an officer in the Revolutionary war; which was referred to the Committee on Claims.

Mr. HARRIS presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Nashville, Tenn., praying for a discontinuance of the discussions in Congress on international questions, and also for a wise and careful consideration of our currency and finances; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Tennessee, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. MANTLE presented the memorial of T. B. Hammond, W. Winlan, F. E. Curtis, L. M. Boyce, and sundry other citizens of Butte, Mont., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. VILAS presented the petition of Rev. S. H. Anderson and Rev. William A. Gerrie, pastors of the Methodist and Congregational churches of Clintonville, Wis.; the petition of David J. Whiting, pastor of the Methodist Episcopal Church of Platteville, Wis., and a petition of the South Central Wisconsin Christian Endeavor Union, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

### AMENDMENT OF HOMESTEAD LAWS.

Mr. PETTIGREW. I present an argument made by Hon. H. R. Pease, before the Senate Committee on Public Lands, April 3, 1896, on Senate bill No. 1571, proposing to amend the homestead laws. I move that the paper be printed as a document, and that it be referred to the Committee on Public Lands to accompany the bill.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on the Judiciary, to whom was referred the bill (S. 1203) providing for an additional circuit judge in the sixth judicial circuit, reported it without amendment.

He also, from the Committee on Territories, to whom was referred the bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there, reported it with amendments.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 614) for the relief of James G. Reed, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska," reported it with amendments.

Mr. BUTLER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1082) for the relief of Irwin Tucker, postmaster at Newport News, Va., reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom the subject was referred, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment authorizing the use or lease of Sibley Island, in the Missouri River, near the city of Bismarck, N. Dak., for public assemblies, etc., and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 2635) granting a pension to Caroline Watkins, reported it without amendment, and submitted a report thereon.

Mr. GORMAN. On behalf of my colleague [Mr. GIBSON], who is detained from the Senate by illness, I have been requested to report for him, from the Committee on Naval Affairs, with an amendment, the joint resolution (S. R. 89) directing and authorizing the Secretary of the Navy to appoint a board of three officers of the Navy to proceed to Navassa Island, in the West Indies, and examine and report upon the cost of establishing a coaling station for the United States Government on said island.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

## BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2725) to establish a railroad bridge across the Illinois River at a point within 5 miles from and above the upper limits of Grafton and a point in Calhoun County, in said State, opposite or nearly opposite the said point in said Jersey County, all in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL of Oregon introduced a bill (S. 2726) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. SHERMAN introduced a bill (S. 2727) to relieve Alfred Burgess from the charge of desertion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BATE introduced a bill (S. 2728) for the relief of George T. Vance and Guy P. Vance, executors of the estate of William L. Vance, deceased, late of Memphis, Tenn.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 2729) granting a pension to Emma Weir Casey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2730) for the relief of Kate Winter; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 2731) for the relief of Thomas H. Atkinson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2732) for the relief of G. M. Woodruff; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 2733) to provide for the purchase of a site and the erection of a public building thereon at Lead, in the State of South Dakota; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2734) granting an increase of pension to Jesse C. Yocum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2735) to give a special rating to certain wounds received by soldiers and sailors of the late war of the rebellion, and other wars not heretofore rated in former pension legislation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2736) granting a pension to James McCarthy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2737) granting a pension to Mrs. Henrietta Bixler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2738) granting an increase of pension to William A. Brown; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2739) to confirm the title to the Aspen town site in the State of Colorado; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CHILTON introduced a bill (S. 2740) to establish and provide for the government of Greer County, Okla., and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 2741) to reclassify railway postal clerks and prescribe their salaries; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY introduced a bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2743) to determine the lineal rank of medical officers of the Army upon entrance into the service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CARTER introduced a bill (S. 2744) for the relief of Andrew Lindsay, of Rancher, Custer County, Mont.; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 120) to declare the intent and meaning of the act of Congress approved January 29, 1887, granting pensions to the soldiers and sailors of the Mexican war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 121) to amend an act granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian reservations, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing for the erection of a public building at Deadwood, S. Dak.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. GORMAN (for Mr. GIBSON) submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following joint resolutions:

A joint resolution (S. R. 111) to authorize Benjamin Harrison to accept certain medals presented to him while President of the United States; and

A joint resolution (S. R. 114) authorizing and directing Bernard R. Green to exercise the duties and powers heretofore conferred upon the late Gen. Thomas L. Casey, in relation to the construction of the Library of Congress.

## THE REVENUE BILL AND SILVER COINAGE.

Mr. MANTLE. I give notice that upon next Thursday, at the conclusion of the morning business, I shall call up the resolution submitted by my colleague [Mr. CARTER] February 19, 1896, proposing to recommit House bill 2749 to the Committee on Finance, and with the indulgence of the Senate I shall ask permission to submit a few remarks thereon.

## POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 6614, being the Post-Office appropriation bill.

The motion was agreed to.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. WOLCOTT].

## WAR IN CUBA.

Mr. CALL. I propose to ask the Senator from Iowa if he has any objection to the consideration of the joint resolution in relation to Cuba, which I introduced on the last legislative day? The Senator from Indiana [Mr. TURPIE] is ready to submit some remarks upon it if there is no particular reason for urgency in regard to the appropriation bill.

Mr. ALLISON. I shall gladly yield to the Senator from Florida to take up any question that will not lead to debate, but certainly no more important question can now be brought before us than the consideration of the appropriation bills. I much regret to decline to yield, but I must do so, as I presume the joint resolution will lead to more or less debate.

Mr. CALL. I give notice, then, that I shall ask to-morrow morning, after the conclusion of the routine business, to take up for consideration the joint resolution relating to Cuba that I introduced on the last legislative day.

Mr. HALE. What is the condition of the resolution offered

by the Senator from Florida? I supposed it had gone to the Calendar.

The VICE-PRESIDENT. It is a joint resolution, and it has gone to the table.

Mr. HALE. Under the rule a resolution going over goes to the Calendar on the second day.

Mr. CALL. I asked that it should be laid upon the table in order that it might be taken up at any time the Senate is willing that it shall be considered. I shall ask to-morrow morning, after the morning business, that it may be taken up at least for some observations to be made by the Senator from Indiana and perhaps by myself.

The VICE-PRESIDENT. In response to the parliamentary inquiry of the Senator from Maine, the Chair will state that the resolution introduced by the Senator from Florida is a joint resolution, and it has gone to the table. It can be taken up by motion.

Mr. HALE. I so understand. It can only be taken up by motion.

## POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. ALLISON. I believe the pending question is on the amendment proposed by the Senator from Florida [Mr. PASCO], and that he is entitled to the floor.

Mr. WOLCOTT. I understand that the amendment now in order is the amendment offered by the Senator from Massachusetts [Mr. LODGE] and reported by me from the Committee on Post-Offices and Post-Roads.

Mr. ALLISON. I may be mistaken, but I understood the Senator from Florida at the last day's session to offer an amendment to that amendment.

Mr. PASCO. It was in connection with the same subject matter, but I decided, for the time being at all events, not to offer it as an amendment to the amendment.

Mr. WOLCOTT. So I understood.

Mr. PASCO. I will let it stand on its own merits for the present.

Mr. WOLCOTT. Mr. President, I find it necessary to ask the indulgence of the Senate for a few moments more in reference to the amendment which was offered originally by the junior Senator from Massachusetts [Mr. LODGE], and which was afterwards reported by the Committee on Post-Offices and Post-Roads, and referred upon the recommendation of that committee to the Committee on Appropriations, and which, unfortunately, from the point of view I take, was not reported from that committee.

I find that we were all of us in some error on Thursday last as to the phraseology of the amendment, and if I shall not only ask to correct it, but also ask to add to the amendment, and if these constant amendments seem rather of a blundering character, the Senate will understand that when the pending appropriation bill was brought in for consideration it was the first time that the Committee on Post-Offices and Post-Roads or any member of it had seen it. There is perhaps no reason why we should have seen it; and yet if an opportunity had been tendered to the committee or its members to have seen something of the provisions to be inserted, if we could have been advised somewhat as to the character of the amendments recommended by the committee or which were to be rejected, it is possible we might have saved a little of the time of the Senate, although I do not know that we could have hoped to have illumined the intelligence of the Committee on Appropriations.

Upon Thursday we unanimously excluded the use of the word "superintendents" upon the suggestion of the chairman of the committee that there were no such persons as superintendents in the postal service. I find that under the provisions of law there are superintendents who are very much alive and very much needed in the postal service. These superintendents fill a recognized function, and the presence of the word "superintendent" is absolutely essential in the amendment and should not have been stricken from it. I refer the chairman of the committee to section 451 of the postal laws, at the top of page 200:

> Superintendents of stations, 10 classes, salary graded in even hundreds of dollars, from $1,000 to not exceeding $2,000 per annum, except at New York, N. Y., where the salaries of the superintendents of stations "A" and "D" shall be fixed at $2,500 each per annum, and superintendents of stations "E" and "F" shall be fixed at $2,300 each per annum.

These superintendents take the place wherever a second-class post-office is consolidated with the other post-offices under the classification of clerk hire. The clerk in charge of these stations is known as a superintendent of the office, and therefore this word should have been retained in the amendment.

There are in the postal service the post-office, the station, the substation, and the stamp agency. To the public at large it is a post-office, but there distinctions are the distinctions recognized by the Department. The post-office has its boxes, its money orders, its registry division, its stamps, its carriers, and its clerks, if it is a free-delivery office. The person in charge when it becomes a station is a superintendent, and his salary is fixed at from $1,000 to $2,000. The substation under the consolidation plan of the Department ordinarily has no boxes, although it sometimes has. It does not have free delivery—that is, the free delivery in the community, if it is a substation, comes from the main office. It does have the sale of stamps; it has registry; it has money orders. These clerks are compensated under the provisions of section 451 and paid from $100 to $1,000. A substation is usually located in a community where there is free delivery, but the free delivery is not from the substation itself—that is, the carriers do not start on their rounds from the substations—but the public is equally served from the substations. Stamp agencies are common in all cities of the country, and the compensation of a stamp agent is $24 a year. There is no clerk hire in third and fourth class post-offices, and whenever clerk hire is to be awarded, as it often must, it comes under the provisions of law which provide for compensation where there are separating offices; for instance, at the terminus of a railroad there will be mail distributed for a half dozen stage routes, and there there may be clerk hire needed.

Then, under the clause of the appropriation bill which applies money is allowed the third and fourth class offices for separating offices. So the offices are gathered together for the efficiency of the service. For instance, there is the main office in the city of Chicago. There are 26 stations; there are 69 substations; there are 190 stamp agencies. And to secure this result there were 59 post-offices consolidated inside the city of New York and its suburbs and brought under one management, and some of those offices are 15 miles from the city. They have not lost their separate names to the public at large; they are still separate post-offices, but as a matter of fact they come under one compact, simple business management, where there is upon the ground and in the immediate vicinity a supervising head, who inspects the offices regularly and looks after the management of their affairs, and sees that they are conducted upon business principles, and instructs new postmasters in their duties.

Mr. President, do you know that we are now making fourth-class post-offices, and have done so for the last ten years, at the average rate of 2,013 a year? At 50,000 of the fourth-class post-offices of the United States the postmaster has an annual compensation of less than $50. It is utterly impossible under present appropriations to make any sort of investigation and inspection of all these offices. I am told that there are offices where for fifteen years no inspector has been able to go, because there are too few inspectors. They are called upon to report as to the changing of routes, as to the construction of new buildings, and as to a thousand other things; indeed, when there is a specific case of robbery; but as to the general inspection of this great army of 70,000 postmasters it is utterly impossible that from this main office, where there is no intermediate authority to supervise and to inspect and to govern, there should be any sort of efficient management of those offices.

Meanwhile from the central office at Washington there are 70,000 separate accounts to be kept, increasing, as I have said, at the rate of something like 2,000 a year; and it goes not only to the supply of stamps and stamped envelopes, but if there is twine needed, or wrapping paper, or canceling stamps, or the thousand and one little items that go to make up the small business of a postmaster in a little town, he is compelled to send his requisition here to the Post-Office Department, which has to open a separate account with him, sometimes four or five thousand miles away, with the same particularity and the same precision and the same separateness with which it would be compelled to deal with the postmaster at San Francisco, Cal. All this is to be averted and avoided by putting in central communities an inspection power, a supervisory power, which is to reach out and take in these postmasters.

There are no politics about it. Politics cut not the least figure in it in the world; it is efficiency of management. Of all business in the world which the Government conducts, there is none which should be so free from political taint as the post-office. It is essentially a great, huge business. The man who has to receive our letters and transmit them for delivery ought not to be a man whose employment and detention in office depend upon whom he voted for for President of the United States and as to whom he will vote for next. It ought to be based upon his integrity, his ability, his intelligence, and upon nothing else. Just so long as we base these employments upon political service alone, just so long will there be constant deficits in the Post-Office revenues as against its expenditures, and just so long will the people be prevented from having that low rate of letter postage which is the goal to which we all look forward, which is the reform which every Postmaster-General hopes to see some day attained.

Mr. President, the Senate is composed of men of consummate wisdom, but it seems that the assembled wisdom of the Senate on Thursday last was not sufficient to embrace the subject of the

civil service, and so far as I know no one of us knew what the provision of the civil-service law was. At least, no one was able to enlighten us, and the consequence was that we all talked a great deal more learnedly than we would probably have done if we had known anything about it. We had a great deal of pathos wasted here about the old postmasters at the country stores, who had served for years, reading everybody's postal cards, and, as the Senator from Connecticut [Mr. HAWLEY] suggested, finding somebody going down Oak lane and getting him to carry a religious newspaper to his neighbor, and he feared these men were to be turned adrift upon a cold and unfeeling world and their place supplied by somebody who knew something.

As a matter of fact, Mr. President, the provisions of the civil-service law adopted in 1893 provided for the general classification of these clerks. As post-offices were extended, widened out, more offices embraced, then the clerks of the classified service were to be embraced in the office. But as late as November 12, 1895, the Civil Service Commission promulgated a proclamation by the President of the United States which entirely protected the people now employed in office by amending as follows:

> And whenever, by order of the Postmaster-General, any post-office shall be consolidated with, and made a part of, another post-office where free delivery is established, all the employees of the office thus consolidated, whose names appear on the roster of said office approved by the Post-Office Department, and including the postmaster thereof, shall, from the date of said order, be employees of said free-delivery office, and the person holding on the date of said order the position of postmaster at the office thus consolidated with said free-delivery office may be assigned to any position therein and given any appropriate designation under the classification act which the Postmaster-General may direct.

Clerks were provided for in 1893. In 1895 it was expressly provided by law that when an office is consolidated the postmaster in charge shall be covered into the civil service as a clerk and shall continue to be employed. So far as the post-offices are concerned in the little stores, they will continue to be kept in the same little places. The local habitation of the post-office is not changed, but instead of its being swapped around whenever there is a change of Administration so that the Democratic grocery store keeper gets it one Administration and the Republican grocery store keeper gets it the next Administration, instead of being run as a sort of political machine, irrespective of the integrity or the ability or the training of the person who has charge of the letters, at some proper place within each village the little post-office is established. The clerk put there is under the immediate supervisory power of some postmaster near by who can keep him inspected and see that he does his duty, and see that he does not keep letters a month until he finds somebody going down Oak Lane to deliver them, and see that the office is managed so that the public gets the benefit of it.

Mr. HAWLEY. Will the Senator allow me to ask him a question? A clerk goes from Baltimore to Laurel to take charge of the post-office there, and the old postmaster is dismissed. Who is going to keep the office? The clerk is not supposed to be a resident of the place.

Mr. WOLCOTT. The old postmaster is not dismissed. If the Senator from Connecticut had done me the honor to listen to this proclamation of the President he would see that the postmaster is not dismissed by the fellow who goes down from Baltimore to Laurel.

Mr. HAWLEY. But what is the fellow who goes down going to do when he gets there? Your civil-service clerk is sent down from Baltimore. He can not run the post-office.

Mr. WOLCOTT. I understand that the old postmaster is retained.

Mr. HAWLEY. But what is the new man going to do when he gets there?

Mr. WOLCOTT. If the old postmaster is retained there is no need of a new man.

Mr. HAWLEY. But how do you know that the old postmaster wants to be a clerk?

Mr. WOLCOTT. If the old postmaster resigns and gets out of the office then the new man goes there. He goes around to two or three stores in the village and they are all tickled to death to get the post-office, because it brings trade. He looks around and finds that here is the cleanest and best place, with the least suspicion of rumselling about it, a place where little children and ladies would go to get their mail, and he rents that for an office. He makes an arrangement a great deal better for the Government and a great deal better for the persons who get their mail than the old arrangement which gave the office as a reward for party service.

Mr. HAWLEY. Then you would have two postmasters there?

Mr. WOLCOTT. You would not have two postmasters. If the old postmaster should resign he would probably go out West and grow up with the country.

Mr. HAWLEY. And the new man has to go around and beg for a place in which to hold the post-office.

Mr. WOLCOTT. No; the Government pays the rent. He has not to beg for anything. The statistics of the consolidated offices show that they have a great deal better service, and that it costs much less money than by the old system.

Mr. HAWLEY. It shows that to be the case in the big cities.

Mr. WOLCOTT. It shows it in the country towns, too. Now, I will come to what the Senator from Connecticut is objecting to. You would find sometimes in the limits of a city a whole lot of different postmasters. I will call the Senator's attention to some of these Oak Lane places. Here is the post-office at New Haven, Conn. Within the city limits of New Haven there is the post-office known as Westville, and the population served is about 2,000. Westville is distant from the city of New Haven about 3 miles, while just outside the city limits, and in some cases actually nearer the New Haven post-office, are the following independent post-offices:

West Haven, 2½ miles from New Haven post-office; salary of postmaster, $1,400. Population about 3,000.

East Haven, 5 miles from New Haven post-office; salary of postmaster, $342.

Montowese, 4½ miles from New Haven post-office; salary of postmaster, $1,100. Population about 2,000.

Whitneyville, 5 miles from New Haven post-office; salary of postmaster, $1,000. Population about 2,000.

Highwood, 2½ miles from New Haven post-office; salary of postmaster, $327.

The total salary and allowances of the six independent offices named above is $5,530. Stations and substations in lieu of these offices could probably be maintained for less than $5,000 and far better service given.

Now, I will ask the Senator from Connecticut if he thinks there is a place where these country postmasters ought to be kept. Every one of these places is within 4 or 5 miles of New Haven, and I will show him in a moment where, within the limits of the cities of Connecticut, they have post-office after post-office.

Mr. HAWLEY. I thought the Senator asked me a question.

Mr. WOLCOTT. I did.

Mr. HAWLEY. I will say, then, while the Senator is looking at his papers, that I distinctly said last Thursday, when this matter was up, that this consolidation would work excellently well. For example, taking Boston, there is no reason why Brookline, Roxbury, Cambridge, etc., all within easy reach, should not be under one system. So with places in the immediate vicinity of Baltimore. Everybody knows that it is necessary in the city of of New York to have some substations, etc. What I am objecting to is the spreading of the system all over the land, so as to take in the country post-offices in the United States.

Mr. WOLCOTT. I will show the Senator the reason for it in a minute—as soon as I look over the papers I have here. I understood the Senator to say that he favored civil service generally; that he was the father of the law; but that he did not believe in it in this case.

Mr. HAWLEY. I do not believe in carrying it to an extreme.

Mr. ALLISON. May I ask the Senator a question for information?

Mr. WOLCOTT. With pleasure.

Mr. ALLISON. Do I understand the Senator from Colorado to maintain that the Postmaster-General can not, under existing law, consolidate the post-offices in the country surrounding New Haven with the office in the city of New Haven?

Mr. WOLCOTT. The Postmaster-General can do so, but under the present law he can not do it efficiently.

Mr. ALLISON. Then I will ask another question. Having abolished the minor offices and made them a part of the New Haven post-office, is there not ample authority to provide the necessary clerk hire for the substations without additional law?

Mr. WOLCOTT. No; and it is to that I will address myself in a moment.

Mr. ALLISON. I shall be glad to hear the Senator on that point.

Mr. WOLCOTT. If the Senator will bear with me until I show the Senator from Connecticut [Mr. HAWLEY] how these towns are built up in New England, which seem as if they needed consolidation, I will come to the question he suggests.

Mr. ALLISON. Very well.

Mr. WOLCOTT. The organization of cities in New England seems peculiar to that section of country in this, that within the limits of many cities we find several other cities or towns with separate post-offices. For instance, the city of Gloucester, Mass., has five post-offices within its limits, in addition to the main office at Gloucester. Annisquam, with a population of 900, which is distant from the main office at Gloucester 4½ miles; Bay View, with a population of 1,000, is 5 miles distant; Lanesville, with a population of 1,900, is 6 miles distant; West Gloucester, with a population of 400, is 4½ miles distant; and Magnolia, with a population of 1,500, is 4½ miles distant. These five offices are to be abolished and stations established at Annisquam, Bay View, and Lanesville,

and substations established at Magnolia and West Gloucester, and four additional carriers added, three for Bay View and one for Annisquam.

Medford, Mass., has three within its limits besides the main office—West Medford, with a population of 2,811, which is 1½ miles distant from the main office; Wellington, with a population of 453, which is 1½ miles distant, and Tuft's College, five-sixths of a mile distant. These are to be abolished and substations established, with two additional carriers to deliver mails to the patrons.

Manchester, N. H., has three additional post-offices within the city limits—Massabesic, with a population of 300, which is 4½ miles distant from main office; Goffs Falls, with a population of 150, which is 4 miles distant, and Amoskeag, with a population of 2,000, which is 1½ miles distant. These are to be abolished, and five substations to be established, as follows: At West Manchester, East Manchester, Amoskeag, Goffs Falls, and Massabesic, with one additional carrier for the main office.

Fitchburg, Mass., has two additional post-offices within its limits—West Fitchburg, with a population of 3,000, and South Fitchburg, with a population of 1,000, which are both made stations to Fitchburg.

This is true of most, if not all, of the New England States, and it is true also of many towns in Connecticut. I seem to have mislaid for a moment the memoranda referring to the Connecticut towns. The following statement shows some of the independent offices within city limits:

| Office. | Post-office within corporate limits. | Distance. | Population served. | Salary. | Gross receipts. | Clerk hire. | Rent, fuel, and light. |
|---|---|---|---|---|---|---|---|
| | | *Miles.* | | | | | |
| Auburn, Me | North Auburn | 6½ | 300 | $172 | $170 | | |
| | East Auburn | 3 | 300 | 149 | 154 | | |
| | West Auburn | 1½ | 400 | 188 | 130 | | |
| | Auburn Plains | 5½ | 20 | 186 | 146 | | |
| | Danville | 6½ | 300 | 258 | 232 | | |
| | South Danville | 11½ | 100 | 75 | 86 | | |
| | Lewiston Junction | 5 | 100 | 92 | 141 | | |
| Newton, Mass | Newtonville | 1 | | 2,400 | 13,522 | $1,000 | $650 |
| | West Newton | 2 | | 2,100 | 9,005 | 1,400 | 500 |
| | Auburndale | 3½ | | 2,400 | 5,581 | | 280 |
| | Newton Lower Falls | 5 | | 443 | 1,527 | | |
| | Newton Upper Falls | 5 | 15,000 | 1,400 | 3,014 | | 220 |
| | Waban | 4½ | | 320 | 815 | | |
| | Newton Highlands | 4½ | | 1,900 | 7,575 | | 275 |
| | Newton Center | 3½ | | 2,200 | 10,013 | 900 | 500 |
| | Chestnut Hill | 3½ | | 1,002 | 3,270 | | |
| Northampton, Mass | Bay State | 1½ | 500 | 257 | 254 | | |
| | Florence | 2½ | 2,500 | 1,000 | 4,533 | | 275 |
| | Leeds | 5 | 1,000 | 483 | 676 | | |
| | Loudville | 6½ | 150 | 85 | 99 | | |
| | Mount Tom | 4 | 200 | 300 | 469 | | |
| | Smiths Ferry | 5½ | 75 | 68 | 69 | | |
| | West Farms | 4 | 50 | 46 | 55 | | |
| Duluth, Minn | Lakeview | 5 | 1,000 | 244 | 248 | | |
| | West Duluth | 6½ | 6,000 | 1,700 | 5,702 | 400 | 410 |
| | Smithville | 7½ | 200 | 86 | 216 | | |
| | New Duluth | 12½ | 800 | 490 | 770 | | |
| | Fond du Lac | 13 | 300 | 109 | 122 | | |
| Brooklyn, N. Y | Bath Beach | 7.5 | 2,400 | 1,100 | 2,289 | | 148 |
| | Bay Ridge | 5 | 2,800 | 1,000 | 1,826 | | |
| | Bensonhurst | 7.75 | 1,050 | 522 | 724 | | |
| | Blythebourne | 5.5 | 1,000 | 918 | 1,461 | | |
| | Fort Hamilton | 6.75 | 3,000 | 1,008 | 1,713 | | |
| | Van Pelt Manor | 7 | 750 | 305 | 409 | | |
| | West Brooklyn | 4.75 | 600 | 884 | 1,585 | | |
| | Coney Island | 10 | 5,100 | 1,031 | 2,529 | | 275 |
| | Gravesend | 8 | 1,200 | 481 | 700 | | |
| | Gravesend Beach | 8.25 | 500 | 282 | 920 | | |
| | Sheepshead Bay | 6.5 | 1,700 | 815 | 1,502 | | |
| | Lawnwood | 4.25 | 700 | 80 | 88 | | |
| | Flatlands | 5.75 | 1,300 | 245 | 337 | | |
| | Canarsie | 11 | 2,300 | 498 | 603 | | |
| Rome, N. Y | Coenrod | 4 | | 35 | 35 | | |
| | Greenway | 5 | | 80 | 102 | | |
| | Lorena | 6 | | 23 | 40 | | |
| | Plains | 11 | | 31 | 35 | | |
| | Ridge Mills | 2 | | 94 | 98 | | |
| | Stanwix | 3 | | 35 | 35 | | |
| Seattle, Wash | Interbay | 4 | 300 | 130 | 143 | | |
| | Ross | 5 | 300 | 89 | 97 | | |
| | Fremont | 4 | 1,500 | 684 | 830 | | |
| | Greenlake * | 7 | 100 | | | | |
| | Latona | 0 | 600 | 230 | 250 | | |
| | Ravenna | 6.5 | 100 | 66 | 71 | | |
| San Diego, Cal | North San Diego | 3 | 275 | 175 | 177 | | |
| | Pacific Beach | 8 | 175 | 166 | 195 | | |
| | La Jolla * | 10 | 100 | | | | |
| | Point Loma | 8 | 150 | 57 | 51 | | |
| | Sorento | 15 | 150 | 81 | 96 | | |

*New office.

Mr. President, the theory of this attempt of the Post-Office Department is to gather all these offices, as far as possible, under one management, and under the provisions of the civil-service law, as I have stated, every old postmaster is retained; but we must face the fact that as to the new postmasters, as to those who are to come after, they are to be clerks, pure and simple. We may amend, if we like, the civil-service law, whereby these clerks shall be appointed from the counties or from the towns in which vacancies occur if there are proper persons there who offer to be employed; otherwise they are to come from the State the residents in which furnish the material for their employment.

But, Mr. President, the carriage of letters is not a sentimental business. It is built up just like any other business. You put stamps on sale and give the people ample post-office accommodations, and they will buy stamps and write letters. The experience of the Department is that wherever the people are given special facilities for the exchange of ideas and of getting their periodicals the business comes, and the people write as they are encouraged to write.

What earthly difference does it make in these little towns in the country whether or not a man who lives there is postmaster, or whether or not some efficient clerk, whose business is solely that of looking after his duties as a post-office clerk, and is not that of a merchant seeking trade, who does not want to gather in the poor people who come after letters in order to sell them molasses or rum, but who wants to give them the benefit of delivering their letters promptly and receiving those written by them, and nothing else? In the great business of the Post-Office Department, which represents an expenditure of so many million dollars and the loss of so many million dollars, what is there incongruous with the system of our institutions if these people can be better employed, because they are intelligent and they give their whole time to the business of the post-office; and we say: "Mr. Postmaster-General, employ as many in that way as you want; you can not look personally after 70,000 people when they want a bundle of twine or a package of wrapping paper; take these people and put them under competent heads who can supervise them and manage all these small details." That is the theory.

Now, I am very proud to say that the Post-Office Department under this Administration is sought to be properly conducted, so far as I know, and it has been, so far as I have observed, since I have been in public life. I am not by any means friendly with this Administration or with the administration of the Post-Office Department; I have nothing to do with them, but I do know that the affairs of that office are ably and intelligently conducted, and that the object of this movement is to remove it from politics, and not make it more political. Those who want the loaves and fishes need not be afraid, for if they worked night and day they could not take in a thousand offices between now and the time when there will be a change of Administration. We are establishing 2,000 post-offices a year and more. There is nothing political in this provision. It simply means better and more efficient service.

I tell you I think this love and appreciation of civil service is an acquired taste, and I think when you once get it it never leaves you. [Laughter.] I think, further, that any man who can stay here in public life during four years of an unfriendly Administration in his own party and who finds whenever he goes to seek appointments to office, even when "Yes" is said to him, it is said in the most offensive fashion; and when he is in public life with an Administration opposed to him he sees appointed in the State, whose interest and welfare he has at heart, unworthy men who are not fit to hold office, men whom their own fellow-citizens would never elect to an office or put into a place of public confidence, discharging these important duties, unintelligent and unprincipled as many of them are, and even people who are receiving the reward for political dirty work done in some other States than the States in which they are appointed—I say he can not fail to appreciate from a selfish point of view some of the beauties of civil-service reform.

I should be very glad, for my part, if this business could be taken from us and from patronage and given where the public could get their letters more promptly, where they could have greater facilities for obtaining post-office accommodations, and where the business could be conducted more like a business and less like a political job.

The chairman of the Committee on Appropriations has asked me about the authority of the Postmaster-General to make these changes. Without the amendment, as the matter stands now, the Postmaster-General may establish or close any post-office he desires. He has the general power given to him to establish post-offices and the power to close and do away with offices; but the appropriations which are given by the committee are for clerk hire for post-offices. Unless some provision of law is adopted, when he closes a post-office the Postmaster-General puts it under clerk hire employment. He has to take the money for the clerk out of the appropriation for clerk hire, and the money for the salary of the postmaster lapses. He has not the power to-day, and therefore we must have some amendment to the law which will permit him to use the money no longer needed as salary for the postmaster, where the office has been consolidated. If the amendment is made in the form I seek to make it, then he will have the necessary power to consolidate offices and to make all proper arrangements for carrying on the business. With that in view there is an amendment suggested by the chairman of the committee which permits us to put back the word "superintendent," so that it may stand as it was originally and cover the people who have been postmasters in second-class offices, and who become clerks under the title of "superintendents," which is their title at free delivery offices.

Mr. ALLISON. I will say to the Senator they are not given that title by law. That is the title, as I understand, by the regulations of the Department, not by law.

Mr. WOLCOTT. I think not.

Mr. ALLISON. Will the Senator show me where they are called "superintendents" by law and where they are provided for by law?

Mr. WOLCOTT. I am looking at section 451 of the Postal Laws and Regulations. I take it that that is a section of the Revised Statutes.

Mr. ALLISON. That is not a section of the Revised Statutes.

Mr. WOLCOTT. I have not the statutes before me.

Mr. ALLISON. I think that is only a section of the Postal Regulations. The reason I stated it was not necessary to insert "superintendents" was that I did not know of such a designation in the statutes. Of course, if there are superintendents of these offices, so designated by statute, that is a proper phraseology, but if they are not so designated, then we inject into the law an office which is not known to the law. I know there are superintendents of those stations; there are superintendents of mail delivery at local offices in cities where there are a number of railroad stations; but they are mere designations under the Postal Regulations; and the officials are paid either from the mail-messenger service or from the clerk-hire service. The only reason why I suggested that the word "superintendent" should be stricken out was because it is a word not known to the law in this connection. If the Senator can point me to a law that recognizes the superintendent locally in charge of mails I should be very glad to agree to restore the provision, but otherwise I should object to it.

Mr. WOLCOTT. Mr. President, it does seem to me, with all deference to the Senator from Iowa who is chairman of the Committee on Appropriations, that it is rather hypercritical, because that word "superintendent" is not in the Revised Statutes, but is in the regulations of the Department under which we are doing business, and under which the Senator's committee has year after year reported bills giving money to the Department, for the Senator to say that it is now injecting a new word into the law. Certainly the superintendent is included in the rules of the Department, and if the word "superintendent" is stricken out the Department will not have the ability to apply the appropriations to the persons who fill the position of superintendent of the mails.

Mr. ALLISON. I do not wish to disturb the Senator's line of argument, but there are three designations of these officials in the appropriation bills as to the conduct of the Post-Office Department. One is the designation of postmasters, another is the designation of clerks in post-offices, and another is the mail-messenger service. Those are the three designations under which all the employees of the postal service are paid in the management of the post-offices.

The Senator said a moment ago—and I mention that in connection with what I am about to say—that the reason for this change was that if these post-offices are consolidated less money will be needed for the salaries of postmasters and more money will be needed for the salaries of clerks. The Committee on Appropriations made full provision for that. We have reduced or rather failed to appropriate to the extent of $750,000 for the salaries of postmasters below what the present estimate of those salaries is, but we have increased the appropriation for clerk hire $150,000, so as to cover the clerk hire of those consolidated offices, if they are consolidated, thus leaving absolutely free play to the Postmaster-General to do what we think he can now do under existing law.

I will say now to the Senator from Colorado, if it is his purpose, under the guise of an amendment in the nature of a proviso, to reorganize the postal service of the United States and consolidate counties into a single post-office, it will be better for the Committee on Post-Offices and Post-Roads of this body to deal with the subject in a separate bill and not upon an appropriation bill, so that such safeguards may be thrown around it as will protect the revenue as well as protect those who are patrons of those post-offices. That is my objection to putting it in in this way as a new relation and as a new condition respecting all the post-offices in the United States. I did not so understand it on Thursday last, and I do not so understand it now, except from the argument made by the Senator from Colorado. If that be the purpose, I submit that the amendment should be more carefully framed than it is as it stands now.

Mr. WOLCOTT. Mr. President, of course this apparent doubt does not really exist in the mind of the Senator from Iowa. He knows perfectly well that the Committee on Post-Offices and Post-Roads is not, as a matter of fact, in the guise of anything else in the world, attempting to do anything except exactly what the language of the amendment shows it is intended to do, the purpose of which has been stated with entire frankness by everybody who has spoken upon the subject; and nothing I have stated this morning changes in the slightest degree either the apparent or the real meaning at least of this member of the committee or of any other member who has seen fit to address the Senate on the subject. The fact is, that it is not under the guise of anything. This is a simple, honest attempt to bring about a knowledge of the question as to whether or not it is not wise that the lesser post-offices of the country should be consolidated as nearly as possible, and as frequently as possible, and as often as practicable, with the greater commercial centers connected with the small offices by improved methods of transportation, whereby the public will be better, more efficiently, and more cheaply served. That is the only guise under which we are here masquerading.

Mr. ALLISON. If the Senator will allow me, I meant what I said in no offensive sense. But the Senator in his argument stated that, under existing conditions, if a postmaster 5,000 miles away wanted to secure a bundle of twine or the necessary wrapping paper to conduct the business of a small office, he must send to Washington for it and have it sent to him; and therefore, if this consolidation could be made, it would concentrate the distribution of the supplies necessary to the conduct of the post-offices more nearly to those offices. If that be true, it would require a change in our entire arrangement and adjustment, not only of the post-office regulations, but also in the appropriations; because now it is true that if a postmaster in San Francisco or in the neighborhood of San Francisco, or in Oregon or Alaska, needs a

bundle of twine or wrapping paper, he would have to make a requisition and send to the Post-Office Department here for it. That requisition would, under the contract, be filled up, a supply of the articles sent to the postmaster himself, and an account kept of it. That was what I said, that if it was the intention to so enlarge the amendment as to gather in all the suggestions made by the Senator from Colorado, I thought it was too important an amendment to be placed upon an appropriation bill. That is all I meant to say.

Mr. WOLCOTT. Mr. President, nothing has been said on that subject that was not said with a great deal more emphasis on Thursday last. It was, in effect, that those of us at least who believed in the policy of this amendment looked forward with the most pleasurable anticipation to the time when all these small offices would be consolidated with the offices nearer to them in such a way that the public would be better and more cheaply served, and the Department saved from the necessity of opening trivial accounts with postmasters thousands of miles away, where they can not be properly served and can not be properly inspected.

On Thursday last, I am inclined to think—although I had not been to see the Postmaster-General—I did a great injustice respecting the post-office at Ellicott City. I am advised that there was no sort of politics affecting that change, and that, instead of being 14 miles distant, it is 9¼ miles distant from Baltimore, and that all the leading offices around Baltimore have been consolidated with it. It is true that dissociated and unconnected offices in the country have not been so consolidated, but where they were in the direct line of the business of the Department the post-offices were sought to be gathered together.

Mr. GORMAN. Will the Senator permit me?

Mr. WOLCOTT. Certainly.

Mr. GORMAN. The Senator, of course, is now only making a statement which comes to him secondhand.

Mr. WOLCOTT. Certainly; and I am subject to correction.

Mr. GORMAN. The Senator does not speak of his own personal knowledge. I desire to say to him that his statement is not correct and that he has been misinformed.

Mr. WOLCOTT. In what respect, will the Senator state, am I misinformed?

Mr. GORMAN. I will tell the Senator. The Senator's statement was a little inaccurate on Thursday last, when he said that the post-offices between Baltimore and Ellicott City on a direct line had been jumped over and Ellicott City included in the classified service. The fact is, that there was first an extension from the Baltimore City post-office, embracing the villages near at hand, Towson, Catonsville, and Stephenson. Not satisfied with making the service apply to villages within 2 miles or 2½ miles of the city limits of Baltimore, a circle of 10 miles was drawn around the city of Baltimore, including agricultural communities, and embracing within the Baltimore City service nearly all the post-offices within that 10-mile circle, while the only direct communication between Baltimore and Ellicott City is by the Baltimore and Ohio Railroad, which runs out to the Relay House and then up the Patapsco River, and when they came to the Relay House they jumped next to Ilchester, within the 10-mile limit, which they exempted. Then they came to Ellicott City and embraced that; and then above Ellicott City, still within the 10-mile limit, they left out the little office there. There can not be any question of personal knowledge about it, for it is in my own county. I know all about it, and the Senator from Colorado is simply misinformed.

When it comes to the reasons for making this proposed change, I hope I shall be able to show the Senator from Colorado that at least those of us who represent Maryland know a little more about the affairs of that State than my distinguished friend the chairman of the Committee on Post-Offices and Post-Roads.

Mr. WOLCOTT. I will say that I do not assume to understand the political affairs of Maryland.

Mr. GORMAN. No.

Mr. WOLCOTT. And I certainly do not undertake to keep track of the quarrels of the Senator from Maryland with members of his own party.

Mr. GORMAN. I have no quarrels.

Mr. WOLCOTT. I am simply endeavoring to do my duty here and endeavoring to meet the most astounding amendment that the most solemn body of people, known as the Committee on Appropriations, has ever put on an appropriation bill, to the effect that no post-offices could be discontinued where they were at county seats; and then the Senator from Maryland accepted the exception in favor of Cambridge. There had never been but three county seats where the offices had been consolidated, two of them in Maryland and one in Massachusetts, which were excepted from the provisions of the law, and the Committee on Appropriations is very much afraid that under the guise of doing something we want to do something else respecting this amendment, and has finally brought in an amendment which provides that the office at a county seat shall not be consolidated.

The information that I received as to Ellicott City from the Post-Office Department is as follows:

Although there are a few small offices on the steam-railroad line between Ellicott City and Baltimore not taken into this consolidation, their receipts are very small, ranging from $40 up to about $300, and the postmaster's salary ranging from about $30 up to $150; and the moment they are consolidated they must be taken care of by the clerk-hire appropriation, and at the same time, there being no electric lines to these places, their service would not be increased, as was the case with Ellicott City, and temporarily were left out of the consolidation. This applies for the same reason to other small post-offices within this radius of 10 miles.

Excepting it apparently in good faith. Of course I can not speak from my own knowledge; I can not walk through that county and look at those post-offices and examine the books, but I must take the statement of the Department, which is the statement I have, and upon that statement I relied in perfect good faith until the Senator from Maryland corrected me. If there are errors in the statement, I have no doubt the Senator will point them out. But whether or not there are political differences of opinion between a Department of this Government and any one of these Senators, if the public service is to be furthered and helped and increased by the consolidation of these offices, then I say that private differences should give way for the public service.

For one I shall be very glad to reach a vote upon this amendment. To me personally it is a matter of entire indifference whether the amendment passes or not. I can see that the amendment will probably fail. It does not meet the approval of the Committee on Appropriations; it was reported by the Committee on Post-Offices and Post-Roads; it has not the approval nor the important seal of the confidence of the Committee on Appropriations; but, Mr. President, the agitation of the question ought to bring before the people the knowledge that the affairs of the post-office should be conducted as a business, wisely and economically, and that they are not so conducted because the legislative department of this Government desires that they shall be controlled as a political machine, which will, in its time and in its own good season, work its own cure. The time will come when the people of this country will invest the smaller post-offices of this Government in proper hands and will not require one officer at the seat of Government to personally conduct the affairs of 70,000 offices, 50,000 of which bring in less than $50 a year, and which are increasing at the rate of over 2,000 a year.

Mr. GORMAN. Mr. President, the Senator from Colorado [Mr. WOLCOTT] seems to place the discussion of this question on an unusually low plane for him. He seemed in his closing remarks to intimate, if he did not state, that this is a mere personal or political question. If it be a political question, I congratulate the Post-Office Department that a distinguished Senator on the other side of the Chamber is its defender. There has been a suspicion on the part of a great many Democrats that many acts of the Administration in Maryland could best be defended by some Republican; and I am delighted that the Senator from Colorado comes forth as the champion of a Department which is departing from the usage and also from the law, as I think, and which is now advocating the consolidation of all the post-offices in the Union under a hundred or a fewer heads, and to take from the people the right to select their own servants, the little fifty-dollar post-offices in their localities. I understand the Senator to say that is precisely what he is inaugurating, a system which will consolidate under some great city head and embrace within the civil service all these little country post-offices.

Against that, Mr. President, I protest. I protest against it not because of any political differences, not because the appointment of a postmaster for political purposes amounts to anything. I will say to the Senator from Colorado that I have served in the Senate under Republican Administrations and Democratic Administrations, and the mere appointment of a postmaster has never been of any especial interest to me.

What I desire, if I can get it from Congress, is a provision in the pending bill that the post-office at the county seat in which I reside, and at every county seat, shall be maintained as an independent office. The Ellicott City post-office is as old as that of Baltimore City. It is a community as intelligent, it is a community as wealthy per capita as any county in the Union. The people there have a pride in having their office, and I insist that it shall be restored to them, knowing full well from recent events that any recommendation I might make for a postmaster would be rejected. It is therefore the office and not the officer that I contend for.

Mr. President, this attempt to place in the classified service all the fourth-class post-offices is civil-service attempt run mad. We passed an act authorizing the President by his proclamation at any time to place in the civil service the offices of the Government. It was intended for the great offices in Washington and the large custom-houses and post-offices in the cities. No man dreamt that it would be extended to the country post-offices at $50 each. The Senator from Colorado [Mr. WOLCOTT] says it will

give better service; that it will give a service which will do no injustice to a locality; that under the order of the President and the Postmaster-General the local man who is in office will be retained. So he will be retained, but the moment a vacancy occurs by death or resignation then you go to the civil-service list under the order and take one of the first three who stand the highest upon the roster, no matter from what part of the State he may come, and send him to your village and to mine to distribute the letters and to look after our affairs.

It is not political, says the Senator from Colorado. The friends of the proposition protest that it is not political. They protest that it will give us better service. I see before me the distinguished Senator from Wisconsin [Mr. VILAS], who in sentiment is a thorough and complete civil-service reformer, as I have always understood him. He believes in applying it to the great Departments of the Government. He at one time held a high position in the Post-Office Department, and he did place the men in official positions in that Department here, and possibly the railway mail clerks, under civil service.

Mr. VILAS. There was no extension of the classified service to any of the offices of the Department during the time I was in the service. There were ample reasons, peculiar and special to the time, which were sufficient to require it to be delayed.

Mr. GORMAN. Then it followed by order of the successor in that office of the distinguished Senator from Wisconsin, I think.

But what was the operation of it? Under that Administration about one-half of all the railway mail clerks were changed and new men were installed. The Postmaster-General reported great efficiency in the service from the injection of new blood and new men. Then, under Postmaster-General Dickinson, came an order from the President of the United States placing them all under the civil service. No sooner had the Administration changed and Mr. Wanamaker become the Postmaster-General than that order was suspended, that the political friends of the distinguished Senator from Colorado might be installed. When they were, civil service was applied, and they stand to-day within the classified service. The Senator from Colorado says there is no politics in this movement. I could read to him from a statement of the civil-service reformers of Maryland that the very office in Baltimore, so far as it could be made, was a partisan machine and is a partisan machine. They did there the most extraordinary thing. On the 2d day of November a year ago, when the service there was all placed under the civil service, appointments were permitted to be made because the postmaster had verbally notified several gentlemen that they would be removed later on, but who were not removed until after the order went into effect. So far as my experience with the matter goes, the men who are shouting for civil service first aim to get their friends in office and then by an order they hope to keep them in for all time.

Mr. President, what is proposed here? The Postmaster-General says frankly that he proposes to extend this system, as the Senator has well said, until it covers all the offices in the country. The reorganization of the Post-Office Department so as to place it under a closer and more compact business arrangement has been the work of every Postmaster-General as the service has grown. It was Postmaster-General Wanamaker who conceived or rather enforced the idea that the whole country should be divided into a hundred districts and a principal officer stationed within each district to supervise the business of the small offices, consolidate the reports, and send them to the Post-Office Department. That was his scheme. It was so extreme, however, it involved so much, that Congress, both Republican and Democratic, has not authorized that it be carried out. The people are jealous of their right to go to the headquarters of their Government. Now comes the Postmaster-General, installed in office because of the success of the Democratic party at the last Presidential election, who makes a rule, adopts a line of action that was never contemplated by any of his predecessors and which no Congress, in my judgment, would ever have tolerated, absolutely by an order to wipe out any number of those small offices and consolidate them under one great head.

Chicago and Baltimore and New York and Boston and Brooklyn were contemplated. They were enlarged. In Baltimore first only the villages which had communication with the city by electric cars were involved, and then came the agricultural community which I have described. When it comes to the great city of Brooklyn, listen, Mr. President, to what the Postmaster-General says, that it would be well to consolidate under the Brooklyn post-office all the offices on Long Island, a stretch of land 90 miles in length. The plain intimation from his report and from the letter of the Postmaster-General to the chairman of the Committee on Post-Offices and Post-Roads, which is on the desk of every Senator, is that his intention is to proceed as the business will permit and bring within the embrace of each of those cities all of the post-offices in their vicinity. I take it, it would embrace the whole State of Maryland in the one post-office at Baltimore.

It does seem to me, sir, that there is a deliberate, a well-organized attempt, a thorough determination on the part of some gentlemen both in and outside of the Democratic party to take from the people of this country the opportunity to determine who shall be their public servants—to eliminate, to take away, as the Senator says, from Congressmen and Senators the bother of looking after the people's interests. In my view of it, no man has the right to be upon this floor or in the other House who thinks that his time is so valuable or his taste so æsthetic that he can not listen to the appeals of the people in his neighborhood who wish to have their little affairs attended to.

It is complained of the agitation about the small post-office, at the corner grocery, with the people excited and struggling for the office. This right is the very corner stone of our form of government. It is the agitation which keeps the waters from becoming stagnant. The people should assemble; and if controversies occur, have they not occurred by the thousand heretofore? Who is the worse off? Who suffers by it if the Postmaster-General or his numerous assistants are compelled to listen to their appeals? They had better be engaged in listening to the appeals of the people from those small places than to be delivering lectures upon the tariff, the currency, or any other question. When he accepts this employment he is the servant of the people. When he accepts it and attempts to consolidate his power, as is being attempted in this case, at the same time proclaiming that he is doing it in order that we may have a better civil service, one freed from politics, we had better go back to the old idea of the people in the country, and remember that when a man is constantly proclaiming his virtue and his honesty and distrusting everybody he can not meet with favor.

But the Senator says we are to have more frequent service, better service, more economical service. I do not understand how it is possible to have five or six more deliveries of mail in villages all over the country and more frequent collections of mail without multiplying the offices and increasing the pay in the aggregate. It will decrease some of the Presidential offices, which may be abolished, but it will increase by hundreds the carriers and the small clerks and will increase the army, already grown to 200,000, in the postal service. But it will do another thing that the Senator from Colorado does not take into account. It will give greater compensation to the railroads—the electric railroads and the steam railroads—and there is where the extravagance comes in the appropriations for the postal service. The distinguished Senator from Wisconsin demonstrated a year ago that the extravagance which exists in this Department came from that item, and those of us who have been giving attention to the amount of appropriations have looked forward to the time—and have hoped that it would be at the present session—when, with a revenue not sufficient to support the Government, the Post-Office Department, as one of the great Departments of the Government, would present a bill through the Post-Office Committee cutting down those extravagant charges and saving the people money without reducing the service. Instead of that we come to the proposition presented by the distinguished Senator from Colorado, to take from the people, under the guise of reform, their right to select their own postmasters in their neighborhoods.

The Senator from Colorado was not quite frank, and it was unlike him. He read the order of the President of the United States embracing within the classified service the postmasters who are already in. That is true. But it lasts only so long as the present incumbent lasts. When he passes away from any cause—by removal, death, or resignation—then you go to the eligible list of the civil service, and it is nine chances out of ten that no man would be selected as a clerk in my village who is a resident there.

Mr. WOLCOTT. The Senator from Maryland——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Maryland yield to the Senator from Colorado?

Mr. GORMAN. Certainly.

Mr. WOLCOTT. The Senator from Maryland will recall that I distinctly stated that it applies only to the present incumbent; that when he passes away or leaves another clerk will take his place.

Mr. GORMAN. I overlooked the Senator's statement. I understand the correction.

Mr. WOLCOTT. The Senator will find it when he looks over my remarks.

Mr. GORMAN. I ask the Senator whether he advocates distinctly a proposition that would end in bringing a man from a distance, from another neighborhood or another county, to act as postmaster in his own town or county?

Mr. WOLCOTT. I would with the same cheerfulness that I take my letter which is brought by railway post in a car from a man who may live in Kalamazoo or Calcutta. I do not care where he lives so long as he brings my letter on a railroad train. What do I care as to the place of his birth or his residence? It does not make the slightest difference in the world to me where the man lives.

Mr. GORMAN. Then I can——

Mr. WOLCOTT. I may say that the presiding genius of the Post-Office Department in Colorado comes from West Virginia. It is not satisfactory, but so long as we get our letters we do not care.

Mr. GORMAN. The Postmaster-General?

Mr. WOLCOTT. No; I refer to the inspectors of our post-offices in Colorado.

Mr. GORMAN. That is the general departmental service here. Now, the Senator would apply this system to the little postmaster at the corner store in my own neighborhood and his, and merely because some man from the city of Denver or the city of Baltimore has passed the examination he would like to have him located in his neighborhood. Is it not monstrous that we are to have men imported from other localities to hold local offices? Are we to see it inaugurated here under the name of civil service? Does the Senator from Colorado or any other Senator know of a postmaster in one of the great cities who does not deal in politics to some extent? He ought to do it. He ought to take an interest in the affairs of his country, no matter what his politics is. Then human nature follows; it has followed, or it exists, and to a certain extent he uses the force he has to carry out his own views. He may proclaim his virtues every morning, but he nevertheless uses the power and the information which he has from this great corps of men to promote his own views or the views of the master who appoints him.

Sir, the safety of our institutions, the safety of the Government, depend on having this power distributed, permitting the people to determine in their own way who shall be their servants in these important little places in their localities. I trust, Mr. President, that Congress will not give its sanction to this beginning of the consolidation of the great power of this Postmaster-General or any other Postmaster-General. I hope to see the time when we shall have a Postmaster-General, no matter what his politics may be, who will reform the Department, who will cut down its expenditures without diminishing the efficiency of the service, and when we have that it will be done on the lines I have indicated by cutting down extraordinary compensation for the carriage of mails and high salaries, and promoting the interests of the small post-offices which are in touch with the people.

Mr. PASCO. Mr. President, during my service here I have not been connected with any of the great committees which have supervision of the affairs of the Post-Office Department. My attention was arrested last week when this discussion commenced, and I noticed that for the first time an effort was being made to establish by law a system providing for stations and substations and post-office districts. It is quite probable that very many advantages may come from such a system, as the Senator from Colorado [Mr. WOLCOTT] stated to us in his remarks this morning, but it is new legislation, and in this apparently innocent amendment we have really a very great change in the statutory law of the country. The amendment provides—

That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation, etc.

I speak of the amendment as first introduced. I am satisfied that if the amendment shall be adopted the word "station" or "substation" will appear in the legislation of the country for the first time in connection with the Post-Office Department. I have examined the statutes with reference to postal affairs from the beginning of the Government, and nowhere do I find any authority whatever for the establishment of a station or substation of the Post-Office Department. We were informed by Senators who took part in the discussion on Thursday that this condition of affairs has existed ever since the formation of the Government; that it was established when Benjamin Franklin was made Postmaster-General. But I have been unable to find any authority whatever for that statement.

The first time that anything of the sort is found in the legislation of Congress is in 1862, when there was a provision made for the establishment of branch post-offices; and I understand that upon that foundation all this subsequent action has been based. This law appears in the twelfth volume of the Statutes at Large, and is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster-General be authorized and directed, when in his judgment the public interest or convenience may require it, to establish one or more branch post-offices, to facilitate the operation of the post-office in any city or place which, in the opinion of the Postmaster-General, may require such additional accommodations for the convenience of the inhabitants; and it shall be the duty of the Postmaster-General to prescribe the rules and regulations for the branch post-office which may be established by virtue of this act.

Then it goes on to provide that there shall be additional postage on letters deposited and delivered through those branch offices. It will be seen that this legislation provided that the branch offices should be for the convenience of the inhabitants and that they should be operated in the city or place where the original post-office was established. It was not contemplated that there should be any exercise of authority beyond the limits of the city or the town where the principal office is located.

This remained the law until 1872, ten years later, when a general law was passed consolidating the laws which related to the Post-Office Department. It is a law approved June 8, 1872, entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department." Section 98 of that statute provides—

That the Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices, for the receipt and delivery of mail matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

The main difference between this law and the one passed in 1862 is that the branch offices were to be established within the post-office delivery, and, in my judgment, the plain meaning of that was that it should be within the limits of the city or town where the principal office was located, and that it should not be extended beyond.

Mr. GORMAN. Will the Senator from Florida read that clause again? I did not fully hear it.

Mr. PASCO. It provides:

That the Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices for the receipt and delivery of mail matter and the sale of stamps and envelopes, and he shall prescribe the rules and regulations for the government thereof.

There was no provision that a station should be provided for the city of Cambridge or the city of Worcester or the city of Lowell, in Massachusetts. They were not within the delivery of the Boston post-office. They were separate and independent offices, and it could not have been within the contemplation of those who passed this law that there should be any general authority to wipe out, to discontinue, and abolish all the post-offices in a particular district of country and establish in their places a lot of stations and substations.

There is no hint at any such power in this statute, and there certainly is none in the statute which preceded it. There is no other statute that I can find which relates to this subject-matter, and in neither of these statutes is there any mention of or authority for the establishment of stations and substations. The establishment of such stations and substations was not the work of Congress, but, in my judgment, purely the result of departmental construction. It was not Congressional law, but departmental law.

Mr. ALLEN. I wish to ask the Senator from Florida a question. When did I understand him to state that the establishment of substations was first authorized?

Mr. PASCO. I say it was never authorized by Congress.

Mr. ALLEN. It never was authorized?

Mr. PASCO. It never was authorized. I say that the branch post-offices were first authorized in 1862, and that when this subsequent statute gathering together all the legislation with reference to the Post-Office Department was passed in 1872 the statute passed in 1862 was incorporated with a little change in the new law, and the statement that this system and condition of things date back to the days of Benjamin Franklin is a mistake, and so far as I can find has no substantial foundation.

Mr. ALLEN. When was the Postmaster-General first authorized to convert a regularly established post-office into a substation of some other post-office?

Mr. PASCO. I have not been connected with the work of the Post-Office Department through any of the committees of this body in such a way as to enable me to give the Senator the information.

Mr. VILAS. I should like to ask the Senator from Florida who made the statement that the power to establish substations dates from the time of Benjamin Franklin and where the statement is found?

Mr. PASCO. I find it on page 3485 of the RECORD.

Mr. ALLEN. It was made by the Senator from Wisconsin [Mr. VILAS].

Mr. PASCO. The Senator from Wisconsin [Mr. VILAS] said:

The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Thereupon the Senator from Nebraska [Mr. ALLEN] said:

Then I understand the Senator to assert this——

The Senator from Wisconsin went on:

But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

After an interruption by the Senator from Nebraska, which interruption was as follows:

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that

the power to establish or abolish a post-office exists, but what I want to know of the Senator——

The Senator from Wisconsin said:

It has existed since the system was begun.

Mr. VILAS. I wanted to understand the Senator's reference. I will make that statement plain in a few moments.

Mr. PASCO. If there is any other authority than that which I have read, any statute in this country authorizing the establishments of stations or substations, I should like to see such authority or statute now, or to have it produced during the progress of this discussion. As I said before, in my opinion it is the result of departmental construction, and it is not Congressional law. I can not state, in answer to the question of the Senator from Nebraska, when this system was commenced, but I find that at the present time it is going on at a rapid rate. The report offered by the Senator from Colorado [Mr. WOLCOTT], and from which he read this morning, shows that during last year the number of post-offices discontinued has been 94, and in their place a lot of stations and substations have been established in different places, in Illinois, Maryland, New York, Massachusetts, and other States. This statement is found on pages 5 and 6 of Report No. 592, made by the Senator from Colorado in reporting the amendment.

Mr. VILAS. I should like also to ask the Senator from Florida what he understands the delivery of a post-office to be under the law to which he has made reference?

Mr. PASCO. I think that history teaches us, certainly it is within the experience and knowledge of every Senator who has lived thirty or forty years, as the Senator from Wisconsin and myself have, that the delivery of an office was always understood to be the country within reach of and immediately arounnd the office, occupied by the people who did business with the office and who went there to receive their letters and went there to mail their letters; and it never was contemplated that the delivery of a post-office extended 30, 40, 50, or 100 miles off from the place where the post-office was established. There is nothing in any of the statutes defining what delivery is, but in connection with the prior statute which I read, which says that these stations and substations were to be established within the city where the post-office was located or established, I think the proper and fair construction is that branch post-offices, to use the statutory designation, were to be established within the limits of the cities and towns where the office was established.

Now, Mr. President, on looking a little further into the matter (I have not had much time to examine it since Thursday, when the question came up before the Senate), I find that a project is on foot to establish districts which may, when the system is carried out to the full extent, extend all over the country. Already there is a proposition to consolidate all the country in the eastern part of Massachusetts into a single district, and the postmasters at those different offices are to be mere superintendents of stations and clerks. I suppose the amendment of the Senator from Colorado is for the purpose of facilitating the carrying out of this scheme, and giving it for the first time some legislative recognition. I was very glad the Senator from Massachusetts [Mr. LODGE] excluded from the operations of this intended arrangement the city of Cambridge, the seat of the grand old university of Harvard.

Mr. LODGE. If the Senator from Florida will pardon me, by the exception Cambridge is kept within the metropolitan district. The object of my amendment was to prevent its being taken out and reestablished as a separate post-office, because the service is so much better.

Mr. PASCO. The Senator then wishes Cambridge to be simply a substation?

Mr. LODGE. Cambridge is now and has been for years a part of the metropolitan district of Boston.

Mr. PASCO. Then, Mr. President, this matter has gone on a great deal further than I knew anything about. I supposed that the amendment offered by the Senator from Massachusetts was to spare Cambridge from being put down simply as a substation of the Boston post-office.

Mr. LODGE. The proposed change in the law, which was put in by the Committee on Appropriations in order to oblige the Senator from Maryland, a member of the committee, included Cambridge; that is, because it is a county seat, it took it out of the present metropolitan district. As the change was made many years ago and resulted in better service, and nobody I knew of wanted it changed back again, I asked to have Cambridge remain as it is at present.

Mr. PASCO. How many years ago did that change take place?

Mr. LODGE. I do not recall how many, but a good many years ago. It has been so for a long time.

Mr. PASCO. It then took place long since the Senator and I were at college?

Mr. LODGE. Yes, since I was in college, I am sorry to say.

Mr. PASCO. Now, Mr. President, I am not in favor of wiping out the old-fashioned post-office. I do not believe there will be any advantage to the civil service of the country in establishing these districts and subdistricts instead of post-offices. They may cover a large territory, perhaps entire Congressional districts. They may extend over two or three States. Some of the smaller States may be swept into a district of another State. I am not in favor of abolishing the lines of towns and counties and States. I believe in retaining the post-offices in the same form and covering the same territory that they have had ever since the foundation of the Government until this new scheme, which has crept into existence through the action of a Department, has made a change. I do not believe that we are going to escape political interference simply by changing post-offices into postal districts. I am in favor of a reasonable civil-service reform, but I do not believe that this will advance it.

When we divide up a State into two or three postal districts we make vast organizations, and we make, in one sense, vast machines; and as long as the condition of things exists in this country that exists to-day, whenever we have these vast machines there will be some way or other of managing them in a political sense; they will be political factors, no matter what you call them. You may have all the civil-service rules that exist and a great many more, but you will not by that means take these organizations out of the operation of political influence. They who are united in the management of these post-office districts, whether as clerks or as superintendents, or in other positions, will in some way work together and bring their action together, and they will have their influence upon the politics of their districts and of the country.

I hastily prepared an amendment on Thursday for the purpose of preventing the extension of this change and of bringing back the postal service of the country in this respect to what it was for a hundred years after the Government was organized. I hesitated whether to offer it as an amendment to the pending amendment or as a separate amendment. I believe I will test the views of the Senate on this question, and it is a very interesting and important one. I regret very much that it is brought in here in the fag end of a debate on an appropriation bill. I think if this great change in the postal system of the country is to be made, if it is to be recognized by law, it should be done in a separate and independent statute; and we should know well what we are doing when we make a change of so great importance and consequence as this is. I offered the amendment, but without stating definitely whether it was to be an amendment to the amendment offered by the Senator from Colorado or not. I shall now offer it as an amendment to that amendment. It is found on page 3490 of the RECORD. I will read it:

*Provided*, That nothing herein contained shall authorize the establishment of any substation or branch office beyond the limits of any city or town in which the principal office is established.

Mr. HILL. Will the Senator from Colorado allow me to propose an amendment right here to that amendment?

Mr. PASCO. I will listen to any suggestion the Senator from New York may wish to make.

Mr. WOLCOTT. I suggest that, inasmuch as the Senator from Florida says he does not know whether he is going to offer this as an amendment to the pending amendment or as a separate amendment——

Mr. PASCO. Oh, no.

Mr. WOLCOTT. Perhaps the Senator from New York would like to ascertain where the tail of his kite is to land.

Mr. PASCO. The Senator from Colorado misstates me. He was not listening to what I said.

Mr. WOLCOTT. I did listen, and I will ask to have read what the Senator said.

Mr. PASCO. I stated that on Thursday I was uncertain whether to offer it as an original amendment.

Mr. WOLCOTT. I understood the Senator to say he was not certain whether he would offer it as an amendment or not.

Mr. PASCO. That shows the Senator was not listening.

Mr. WOLCOTT. I now understand the Senator to say that. I hope he will correct me. I am in perfect good faith about it. Does not the Senator now say so? Senators about me so understood him.

Mr. PASCO. If the Senator is through I will state what I wish to say. He keeps on interrupting me. I will wait until he has finished.

I said on Thursday, when this matter was up, I was uncertain whether I should offer it as a separate amendment or as an amendment to the amendment offered by the Senator from Colorado, but that, in order to test the sense of the Senate upon this legislation, which I went on to say I regarded as important and that I did not think it ought to be brought in at the fag-end of the discussion upon an appropriation bill, but that, being a very important matter, and in order to test the views of the Senate, I should offer it now as an amendment to the amendment offered by the Senator from Colorado, and at that stage I was interrupted by the Senator

from New York, to whom I very cheerfully yielded to propose a modification of the amendment.

Mr. WOLCOTT. I desire to explain to the Senator from Florida that I regret extremely if I misquoted him. I did not intend to do so. I certainly did not mean to ruffle his feelings.

Mr. PASCO. I do not suppose that the Senator from Colorado desired to misquote me and his statement is satisfactory, but my wish is to test the question by offering my amendment as an amendment to his, and this is now my motion.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. HILL. I will wait until the Senator is through.

Mr. PASCO. I should like to hear the suggestion of the Senator from New York.

Mr. HILL. After the word "authorize," in line 1, I suggest to insert the words "or permit"; after the word "establishment" to insert the word "hereafter"; and in line 2, after the word "beyond," to insert the words "5 miles outside of." Will the Senator from Florida pardon me a moment?

Mr. PASCO. Certainly.

Mr. HILL. When the amendment of the Senator from Colorado was first suggested, I believed that it had reference to the consolidation of post-offices very near large towns and cities. In that view I was disposed to support it. For instance, Boston was cited as one of the places where the amendment could well apply. I can see no reason why, in certain cities where the boundaries are very limited in their character, where towns have grown up in the immediate vicinity that really constitute a part of the city in fact, but not according to law, it would not be proper to have substations, and in that view I can see no objection to the amendment.

Mr. President, from the debate already had it seems to me the scheme embraces something far beyond this, and that it is an entering wedge for something new. I simply suggest to the Senate that if some grand new scheme is to be inaugurated that is to overturn the system which has been in existence for years it had better be done in some other place than on an appropriation bill. I am disposed to vote against any amendment of this character whatever to an appropriation bill, but we find before us an amendment relating to the subject, and if the bill is to be amended at all in this respect it should be amended correctly.

I am not going to discuss the great question of civil-service reform which has been so well discussed here this morning. If we are to have a change in the post-offices of the country upon that basis let the Post-Office Committee or some other committee bring in a bill to that effect and we will discuss it on its merits. If the whole of Long Island, which embraces three county seats, a vast territory 100 miles and over in length, is to be embraced in one post-office substantially and all the rest are to be substations—if that is the scheme I want to know it. I will discuss it when the question comes up; but I must object to this provision being inserted in this way if it means that. I am with the Senator from Colorado on the general proposition of including the small post-offices within the incorporated limits or just within the outskirts, and such places are numerous.

The PRESIDING OFFICER. The Senator from New York will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. ALLISON. I ask unanimous consent that the unfinished business be informally laid aside in order that we may continue the consideration of the appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none; and the Senator from New York will proceed.

Mr. HILL. Let us proceed one step at a time. I do not believe that there is really any objection here to the scheme of consolidating post-offices within the very reasonable distance of a great city. If that is what is contemplated, and it requires additional legislation to do it, then we are in favor of it. My amendment to the amendment of the Senator from Florida simply fixes the limit. There must be some arbitrary limit. Five miles is a sufficient limit. I am not familiar enough with the territory around Boston to know how far Cambridge is from the limits of the city. I presume it is not over 5 miles, but I am not familiar with it; it may be more.

Mr. President, there must be some limit. Five miles will give a chance to consolidate all the little post-offices on the outskirts of cities, and I am with the amendment to that extent. I am disposed to object to it beyond that, at this time, on an appropriation bill. Whether this scheme is a wise one or not (and we have heard many arguments from the Senator from Colorado that it would be a wise one), let it be brought in as a separate bill that we may direct the Postmaster-General just what he shall do or shall not do. Let us know just what is to be done. I object to legislating in the dark and to have such measures for reform carried out by departmental officers and the first thing we know about it is when we are confronted with the scheme. I should like to consult with the people of Long Island, embracing three counties, before any department of the Government shall abolish all the offices within that Territory of a hundred miles in extent. I want to see what is proposed; I want to see how it affects the whole State, and how it affects the country. If we are to proceed to legislate upon the true lines of civil-service reform let the whole scheme be presented, so that we may act intelligently.

I do not propose to discuss the great question involved here any further than I have done. I am willing to go to the extent of limiting the consolidation to within 5 miles of the cities. That would be far enough, in my judgment. Of course the limitation as to the county seat can also remain in—it is there now; that they shall not take away the post-office from a county seat. Therefore, if there is such an instance where a county seat is within 5 miles I do not think it should be consolidated. The two provisions can stand together. The change shall not be made at the county seat and it shall not be done unless within 5 miles of the limits of the city.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nevada?

Mr. PASCO. I would rather settle the question as to the amendment before I give up the floor. I suggest to the Senator from New York that his amendment is rather doubtful with reference to the limit. Has he examined it carefully? I understand the purpose and object of it. The words come in after "beyond."

Mr. HILL. Yes; "beyond 5 miles outside of the limits of the city or town."

Mr. PASCO. Would it not be better to say "5 miles beyond the limits"?

Mr. HILL. Yes; that makes it a little better.

Mr. PASCO. I merely want it to express the meaning.

Mr. BACON. Will the Senator from Florida permit me to make a suggestion?

Mr. PASCO. Certainly.

Mr. BACON. A limit which might be proper in the case of a large city would be entirely too great in the case of a small city. I have in my mind certain small towns which are clustered comparatively near together, and it would be a very great hardship to consolidate all the post-offices in the limits of a town that might be no larger than some of the neighboring towns.

Mr. NELSON. Will the Senator from Florida allow me a minute?

Mr. PASCO. Certainly.

Mr. NELSON. I have an amendment to propose which I think will cover and meet the views both of the Senator from Florida and the Senator from New York. Will the Senator from Florida give me the floor?

Mr. PASCO. Will the Senator from Minnesota have his amendment read?

Mr. NELSON. I will read it, and I should like to make a few remarks.

Mr. PASCO. Certainly.

Mr. NELSON. I offer an amendment, to come in at the end of the amendment of the Senator from Massachusetts [Mr. LODGE] that was adopted at the end of line 6. His amendment excepted from the proviso the post-office at Cambridge, I think. At the end of that clause, I move to insert the following additional proviso:

*And provided further*, That no post-office situate in the midst of a farming community and not directly connected by streets and street-car service of any kind with the post-office with which it is proposed to consolidate the same shall be consolidated with any other post-office or abolished or discontinued.

Mr. President, in support of this amendment I ask leave to say a few words. I was astonished the other day when I heard the claim made by the Senator from Wisconsin [Mr. VILAS] as to the powers of the Post-Office Department to consolidate, and I was still more astonished when I heard the statement of the Senator from Maryland [Mr. GORMAN] as to the fact that the post-office at Ellicott City had been consolidated with Baltimore. I know something about Ellicott City. I carried a musket in the streets of that city in 1861 and I know that it is as disconnected from the city of Baltimore as is the city of Alexandria from Washington. You might as well consolidate the city of Alexandria, across the river here in Virginia, with the city of Washington as to consolidate the city of Ellicott Mills or Ellicott City with the post-office at Baltimore. It is entirely disconnected. On a branch line going by rail from Baltimore it must be upward of 14 or 15 miles from the city of Baltimore, and it has no other than an ordinary rail

connection on a branch line; it is not on the line between Washington and Baltimore.

More than that, Ellicott City is the county seat of one of the prosperous counties in Maryland, and it is in the midst of a fine farming community. There are a large number of farms between that place and the city of Baltimore. I confess that when I heard the other day the fact that it had been consolidated and made a substation of Baltimore I became perfectly frightened, not knowing what might happen in my own part of the country. I did not know but that if this scheme of consolidation should prevail they would undertake to consolidate all the little offices with the office at the county seat, making one great post-office for the whole county.

Within recent years there has been a revolution going on in the commercial world in the way of stores, commerce, and traffic. A few years ago we had little stores, each handling one line of goods. We had clothing in one store; we had dry goods in another; we had stores for boots and shoes; we had hardware stores, and we had furniture stores, each store managed by the owner himself, with the aid of a few clerks who were treated almost as his equals, and the public were well accommodated. All that is being fast done away with. It went out of existence by that devil-fish of modern society, the department stores. The department stores have crushed out everything in the commercial world, and we have a great big chief man who sits in his office and plans how to consolidate all the different varieties of trade and commerce under one single roof; his clerks and employees are treated practically as an army of serfs, and the public at large get, to be sure, cheaper goods, but they are oftentimes nastier.

Mr. President, I believe that the department stores are a curse in the commercial world, and I should like to see them eliminated. I am opposed to injecting the department system into the post-office system. I do not believe in reducing it to the mere basis of a department store, a mere matter of dollars and cents.

In most of our local and municipal affairs the people deal with the constitutions and the laws of their respective States. It is only in little matters that they occasionally come in contact with the Federal Government. Those who are wealthy and who do a large business have the luxury of coming in contact with the Federal Government in the United States; but with the most of us in the everyday affairs of life the connecting link with our Federal Government here at Washington is the Post-Office Department. Would you, Mr. President, for the sake of a few dollars and cents, sever this connection and reduce our postal system, just for the sake of the almighty dollar, to the mere principle and basis of a department store? I hope that the American people have not got to that low level. From what little I know of the feeling of the public at large, it is that there is no fault found with the expenses of the Post-Office Department. There is not a Department of this Government in whose affairs the people take so much interest and the expenses of which are so cheerfully borne. I am sorry to see that this Department is put on the mere basis of dollars and cents. We want a good postal service, and we want that service to be on the old fashion, so that the postmasters of our little places in the country can be a part of the community in which they live and be looked up to as leaders.

It does not cut much figure whether the postmasters be Democrats or Republicans. The great body of the American people belong to one or the other of these parties, and they do not care to have a mere machine, a mere Department clerk, put into a post-office. We want a representative of our common humanity, whether he be a Democrat or a Republican, and we want him there as the representative of our great Government. If we put no limitations upon it and leave to the Postmaster-General unlimited power of consolidation, there is no telling to what it may lead. I have before me a letter of the Postmaster-General on this subject. He first cites the opinion of Postmaster-General Wanamaker, in which he recommended that the country be divided into districts, and a head placed over each district. Then he cites the opinion of Postmaster-General Bissell, in which he suggests something of a similar kind. Then the Postmaster-General adds:

> Fortunately, the natural growth of the country, and the consequent development of the postal service, has suggested a plan which, by the test of experiments already made, promises to effect this substantial improvement without further legislation than an increase in the allowance for clerk hire, more than counterbalanced by a still larger decrease in the appropriation for the salaries of postmasters.
>
> This plan contemplates the consolidation of smaller and contiguous post-offices with the free-delivery offices.

There is no limit to this, and unless we in this legislation inject some limit, this thing may go on without limit. As I say, there is nothing under it to hinder the Postmaster-General from taking and consolidating all the offices in a rural community, with the office at the county seat, and having all the little offices mere suburban stations, with one great office in the county.

I wish to say that the American people want nothing of that kind. They want the old system as we have had it in the country in many forms. It is all right if you consolidate the little suburban towns that are connected with the large cities by electric cars and by interurban cars and streets at places where men do business, and go and spend their evenings and stay over night. That is all right; but you do, as has been done in the case of Baltimore and Ellicott City, a great wrong to the people of the United States and a great wrong to the whole postal system.

Mr. LODGE. Mr. President——

Mr. PASCO. I had the floor and yielded it, and I should like to dispose of the proposition to amend the amendment that I offered. It will take but a moment, if the Senator from Massachusetts will yield to me.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. Certainly. I only desired to speak to the amendment which has been pending.

Mr. PASCO. I suppose I had better put the amendment in proper shape before it is discussed. I think the amendment as I originally offered it might enable us to test the views of the Senate with reference to the establishment of these substations, and I prefer the language in which I have already prepared it to that offered by the Senator from Minnesota [Mr. NELSON], and without adopting the suggestion offered by the Senator from New York [Mr. HILL]. I do not accept any of the proposed amendments, and shall offer the amendment in the language in which it was originally proposed, and with that language will submit it to the Senate.

Mr. STEWART. Does the Senator offer the amendment now?

Mr. PASCO. I have already offered it.

Mr. LODGE. Mr. President, a great many objections have been made to this amendment which has been moved by the Senator from Colorado and which I originally had the pleasure of presenting to the Senate for the consideration of the Committee on Post-Offices and Post-Roads.

I think as the debate has proceeded we have got gradually down to the real objection to the amendment. We were first told that it enlarged enormously the powers of the Postmaster-General. It does not, Mr. President. It does not add to his powers, nor will it deduct from his powers. The power which he has had from the beginning is the power to establish and discontinue post-offices. The Post-Office Department can not be carried on without that power, and nobody proposes to take that power away from the Postmaster-General, and nobody can. Under that power this matter of the establishment of branch offices, that is, of post-offices in another form, has grown up. It can not be stopped; it is bound to go on. The only question is whether we shall struggle against it and show how far behind the times we are, or whether we shall provide for its being done properly and sensibly. The modern department shop may be a terrible thing, but you are not going to prevent people doing business in the cheapest, most expeditious, and best way by assailing them in the Senate. The best methods of doing business, whether in the postal service or in trade, are going to prevail, and there is no use of trying to stop it by legislation.

Another objection that has been made is that post-offices are to be abolished. Nobody proposes to abolish post-offices. It is a perfectly disingenuous objection. There is to be substituted for one kind of post-office another kind of post-office, and that is all—for a clumsy system a better system. Then lurid pictures have been drawn of sweeping the country post-offices of a whole State into a metropolitan district, thus introducing into a town or a harmless village some dangerous stranger from the classified service who happens to have been born in another village of the same State. All these awful pictures have been conjured up to frighten the Senate.

Mr. President, the Postmaster-General has the power of putting offices into a single district, and he is going to exercise it with reasonable discretion. There is no possibility of providing by law against every conceivable abuse of power. It is to be assumed that a Cabinet officer will exercise his powers reasonably. He is not going to rush out and take in all the country post-offices in a State or do any other absurd thing; but where a large city is so situated that a number of suburban post-offices can be advantageously consolidated with it, it is going to be done. It is certain to come sooner or later.

Mr. President, the system of consolidation which has been going on for some years has brought economy. That is a matter provable by figures. It is not true to say that it is said to have brought economy; it has brought it. In 90 post-offices consolidated last year the average saving has been $350 annually per office. The system of consolidation also brings better service as a matter of fact. It is not a matter of experiment or prediction.

The Senator from Maryland [Mr. GORMAN] is quite aware, from his familiarity with business, that consolidation in railroads, in mills, in telegraph offices, and anything else almost always brings greater economy in the management of the business. It requires fewer persons, perhaps, and gives better service in the end.

But, Mr. President, none of these objections is the real objection

to this amendment. The amendment will give better service and will give more economy. It abolishes no offices; it does not add to the Postmaster-General's power; it does not deduct from it. The real objection and the foundation of the opposition to it here is that it facilitates changing certain kinds of post-offices into post-offices of another kind. The postmasters at those new offices will cease to be the creatures of patronage, and will become clerks. That is the real source of the opposition to this amendment.

The Senator from Minnesota [Mr. NELSON] has just told us that he wants the postmasters to belong to our common humanity and not be men taken from the classified service. I should like to know, Mr. President, after a man has passed an examination in an honorable way, and when he has got an appointment under his Government in a fair and honorable way, how he ceased to belong to our common humanity? Is the only being who has got common humanity in him the man who has done some political service to the Congressman in the district? I think not. Those men from the classified service are better fitted for their duties than the men who are selected after a bitter village wrangle as to who shall have the post-office, which the Senator from Maryland tells us is the corner stone of American Government—think of it, fighting over small post-offices the corner stone of American Government!

As to the county seats, that amendment has been put in the bill by the Committee on Appropriations so that they can not possibly be consolidated, and it appears that there are three county seats affected, two in Maryland and one in Massachusetts. I asked to have Cambridge omitted because it was consolidated some years ago with the Boston office. I have never heard it questioned that the result was better service. This outrage, Mr. President, was consummated on the people of Cambridge almost without their knowing it. That is a city of 70,000 inhabitants. It is quite as old a city and—I say it with all respect—it is quite as famous a city as Ellicott City, near Baltimore, and yet the people of Cambridge seem to have borne this outrage on their rights with perfect philosophy. They have not been stirred up to anger, but, on the contrary, I think they have welcomed the better service that they have obtained. The only reason that Cambridge is brought into this discussion is because it happened to be a county seat. There are a number of other large cities of separate corporate limits near to Boston which have been consolidated with Boston's postal service, but, not being county seats, they do not necessarily come up in this discussion.

I have said, Mr. President, that the real objection to this amendment was because it took away a few fourth-class postmasters, or second or third class postmasters, and turned them ultimately into the classified service. It takes very few. As the Senator from Colorado [Mr. WOLCOTT] has suggested, it perhaps in one year would take a thousand, and we should make 2,000 fourth-class offices in that time. Personally I am very glad to have them consolidated and have them put into the classified service, but it is a very trifling advance in the right direction, as it seems to me. I wish it went much further and that every fourth-class office could be taken finally out of politics. But I am glad to get anything that tends in that direction.

I have listened with a great deal of interest to the pathetic appeals which have been made to leave the people their rights; to the earnest objections that we were depriving the people of their rights by taking from them a fourth-class or third-class postmaster here and there and changing him ultimately into a clerk in the classified service. I think we might as well be honest about this business.

Mr. President, the only people Senators are disturbed about in this connection are themselves and members of the other House. The people do not select the postmaster under the present system. Under the present system there is a struggle of factions in a town or city, and then the postmaster is appointed on the recommendation of the member of the House of Representatives, with the indorsement, perhaps, of the Senator. That is the way postmasters are now selected. We all know it; we have all done it; and we might as well be honest about it and not talk about the people being so much injured by our giving up something which we have ourselves.

I do not in the least undertake to put forward any superior claim to virtue in this respect for myself or anybody else who thinks as I do in regard to this amendment. I have recommended men for post-offices when I was in the other House, and I have no doubt I shall do so again; but when I do it and recommend a postmaster for appointment to office, I am not going to get up in the Senate and object to having that patronage taken from me on the pretense that the people are going to be interfered with. The only persons who will be interfered with by a consolidation of offices are those who now have the gift of those offices, and those persons are the members of the House of Representatives and of the Senate. I do not think that patronage belonging to the Senate or the other House ought to stand in the way of the proper administration of the postal service of the Government. It is a great business service; it comes home closer to the people than any other part of the Government service. You may be perfectly certain that if the people get bad service through consolidated offices they will remonstrate and they will bring it to an end.

Mr. HAWLEY. May I ask the Senator a question there?

Mr. LODGE. Certainly.

Mr. HAWLEY. Is it not their habit now under the present system to remonstrate against bad service?

Mr. LODGE. I did not say it was not.

Mr. HAWLEY. What is the difference?

Mr. LODGE. The argument I am trying to meet is that this amendment is taking from the people something which belongs to them. I say it takes from them nothing whatever. It takes away from Senators and Members of Congress a certain amount of patronage and kills it; but that is not taking anything from the people. The people are not going to submit to a bad service under a consolidated district any more than they will submit to bad service very long from a fourth-class postmaster. They mean to have good service; and if they have a good office, well managed, well lighted, with a civil clerk and a civil postmaster, that contents them, as the Senator from Colorado said. That is what they want. They are not worrying as to whether the friend of some Representative or Senator has got the place or whether he is a Democrat or Republican. They want to get their letters, and they want to get them in the best way. They want to get as many deliveries as they can have and as many mails as they can have. Those are the wishes of the people; and they are troubling their heads very little about how many offices members of the other House and Senators may have to dispose of.

In the few words I said about this amendment when it first came up I did not undertake to argue it on civil-service grounds, because I am sorry to say that I think that is only a very small part of it. It does not seem to me to go very far in that direction. I wish it went much further. Incidentally it takes a few offices out of the present system and puts them into another, which I think is an excellent thing.

But the great argument for it is that it is going to give us a better and more economical postal service. Five hundred thousand dollars can be saved in one year. That is admitted by the Committee on Appropriations, and yet better service be given. There is no need of conjuring up bugbears or seizing in imagination whole States and wiping out all the delightful and delectable country post-offices in order to interfere with and stop a measure of economy and good sense.

Whether the amendment carries or not, attention has been called to it, and I think Senators will find that what the people really want is the best possible postal service, and that this amendment helps in that direction. They want the greatest economy, because economy in the postal service means in a very short time cheaper letter postage to them; and if we keep or make a more expensive system, we simply deprive the people of the advantages which they ought to have and will ultimately get. If they do not get this reform this year they will get it later. You can no more put back the wheels of progress in a thing like this—a pure question of intelligent business management—than you can put back the course of human invention or human enterprise.

It has been intimated that there was politics in this. I can not conceive how there should be any politics in it. This is the scheme of a Democratic Postmaster-General. I think it carries out the principles which have been advocated by Postmasters-General of both parties. It certainly has been advocated on this floor by a former Democratic Postmaster-General—the one man here who, by actual experience, knows more about the administration of the post-office than all the other members of the Senate put together, because he had to run it and knows exactly what it is. We have, in fact, the opinion of every man who has been charged with the duty of postal administration in favor of the principle of this amendment.

The present Postmaster-General is not of my party. I disagree with his policy in regard to the tariff, for instance, as widely as one man can differ from another, but that does not prevent me from realizing and saying that he has made an excellent Postmaster-General, and that when he proposes an improvement it ought to be passed, and that his support gives great weight to the argument. I can not for the life of me see any politics concealed in this thing anywhere. It seems to me purely a case of improved administration. That is the reason I introduced the amendment; that is the ground on which it has been advocated by the Senator from Colorado and myself, and that is the reason why I hope it will be adopted.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendment of the House of Representatives to the concurrent resolution of the Senate in regard to the insurrection in Cuba.

The message also returned to the Senate, in compliance with its request, the bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian reservations in the States of Kansas and Nebraska.

The message further announced that the House had passed the following bills:

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 507) to pension Mollie Crandall;

A bill (S. 640) to increase the pension of Joseph W. Fisher;

A bill (S. 1271) granting a pension to Elizabeth Moore English; and

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant of the New Orleans Pacific Railway Company.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (S. 894) granting a pension to Nancy G. Allabach; and

A joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 486) for the relief of William Henry Johnson;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant Eighteenth Indiana Volunteers;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa;

A bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (H. H. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (H. R. 2605) granting pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county;

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3139) for the relief of M. R. William Grebe;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4189) to increase the pension of Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4265) granting a pension to Eliza Wilson;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers;

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.;

A bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; and

A joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

The message also announced that the House had passed a concurrent resolution providing for the printing of 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 2,500 copies of Commercial Relations for 1894 and 1895, and 10,000 copies of the Review of the World's Commerce, etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 300 copies of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896; in which it requested the concurrence of the Senate.

### NANCY G. ALLABACH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 894) granting a pension to Nancy G. Allabach, which was, in line 9, after the word "month," to insert "in lieu of that she is now receiving."

Mr. PALMER. That is an unimportant amendment and I move that the Senate concur in it.

The amendment was concurred in.

### PROCEEDINGS OF BOARD OF INSPECTORS OF STEAM VESSELS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

### CATALOGUE OF AMERICAN LITERARY ASSOCIATION LIBRARY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

### COMMERCIAL RELATIONS FOR 1894 AND 1895.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 236, inclusive, of said Commercial Relations.

### REPORT OF COAST AND GEODETIC SURVEY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 116)

authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume, which was, in line 4, to strike out "six" and insert "five."

Mr. HALE. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1104) granting a pension to Isaac N. Williams;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 1634) to grant a pension to William F. Good, Company L, Tenth Indiana Cavalry Volunteers;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling;

A bill (H. R. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3216) granting a pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3426) to increase the pension of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 3689) granting an increase of pension to Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4182) to increase the pension of Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4265) granting a pension to Eliza Wilson;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 4887) granting a pension to Sarah G. Ives;

A bill (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry; and

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers; and

The bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers, was read twice by its title.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 486) for the relief of William Henry Johnson;

A bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers;

A bill (H. R. 1836) granting an honorable discharge to Wilson Kale;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 2142) to remove the charge of desertion from the military record of Theodore Werner;

A bill (H. R. 2320) for the relief of Samuel Burrell;

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3139) for the relief of M. R. William Grebe; and

A joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc.

The bill (H. R. 1602) for the relief of A. P. Brown, late postmaster at Lemars, Iowa, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owner a certain tract of land in Valverde County, Tex., was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

WAR IN CUBA.

Mr. SHERMAN. I wish to present a conference report, which will take but a moment. No action is required upon it, the other House having receded from its action.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The report will be read.

The Secretary read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to Senate concurrent resolution No. 19, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the Senate concurrent resolution and agree to the same.

JOHN SHERMAN,
JOHN T. MORGAN,
H. C. LODGE,
*Managers on the part of the Senate.*
ROBERT R. HITT,
ROBERT ADAMS, JR.,
JAMES B. McCREARY,
*Managers on the part of the House.*

The PRESIDING OFFICER. The Chair is advised that no action is required on the report.

Mr. ALLISON. I call the attention of the Senator from Ohio to the report as it appears upon the Secretary's desk. Of course, the ordinary procedure would have been for the House of Representatives to have receded from its disagreement to our resolution and agree to it, but the report, as it appears on the Secretary's table, simply says that the House of Representatives agree to the conference report. I do not know what the Journal of the other House may show, but that Journal certainly ought to show that they have agreed to the resolution of the Senate. The report does not show it.

Mr. SHERMAN. That is the action of the House. I do not know how the report is worded.

Mr. HARRIS. Let the report be read again.

Mr. COCKRELL. Let us again hear the conference report?

The PRESIDING OFFICER. The report will be again read.

The Secretary again read the report of the committee of conference.

Mr. HARRIS. That covers the whole case.

Mr. ALLISON. Let the message be read which was just laid before the Senate.

The PRESIDING OFFICER. The message will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 6, 1896.*

*Resolved*, That the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate in regard to the insurrection in Cuba.

Mr. SHERMAN. The Senator from Tennessee [Mr. HARRIS] would know whether that is sufficient. I think it covers the whole ground.

Mr. HARRIS. I think clearly the House of Representatives recedes from its disagreement to the Senate resolution.

Mr. COCKRELL. The House does not say so.

Mr. ALLISON. The message does not show that; and that is the point I am making.

Mr. LODGE. The report of the conferees shows it.

Mr. ALLISON. That is not the report submitted to the Senate.

Mr. HARRIS. I think it does clearly show that the other House has agreed to the Senate resolution, receding from its amendment to that resolution. If the report shows anything, it shows that unquestionably, as it seems to me.

Mr. SHERMAN. If the Senator will allow me, I am told that the report was agreed to by a majority of 244 to 27.

Mr. ALLISON. As a matter of fact, the committee of conference did not need to make a report in this case. Whenever the other House agreed to recede from its disagreement to our resolution that settled the whole question. The conferees have made a report. That report has gone to the other House, and the report here at our Secretary's desk says that that House have agreed to it. It does not show, and they have not reported to us, that they

have receded from their disagreement to the Senate resolution and have agreed to it. That is the point I make.

Mr. SHERMAN. They have agreed to the conference report, which shows that the House have receded from their disagreement to the Senate resolutions.

Mr. ALLISON. I defer to the Senator from Ohio. I assume for myself, at least, that the House of Representatives have not in form receded from their amendment.

The PRESIDING OFFICER. The Chair thinks no action is required upon the report.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. ALLEN. Mr. President, the discussion of the pending amendment which took place on Thursday last and which has taken place so far to-day is a revelation to me. I have learned from the remarks of the junior Senator from Colorado [Mr. WOLCOTT], of the senior Senator from Wisconsin [Mr. VILAS], and also of the junior Senator from Massachusetts [Mr. LODGE] that we have had in this country since its organization a tyrannical system of administering the affairs of the Post-Office Department. I believe the people of the United States will be deeply interested in reading the discussion of Thursday last and in reading that portion of the discussion of to-day which has taken place up to this hour. I turn to page 3483 of the CONGRESSIONAL RECORD of Thursday last, when this question was under discussion, where I interrupted the Senator from Maryland [Mr. GORMAN] and put him this question:

Mr. ALLEN. I should like to ask the Senator how far can the Postmaster-General, through the postmaster, for instance, in Baltimore, extend these substations?—

Speaking at that time of the substations around the city of Baltimore—

Mr. GORMAN. I have no doubt he may embrace the whole State of Maryland.

Mr. ALLEN. Over a hundred miles?

Mr. GORMAN. There is no limit except the amount of money at his disposal.

Mr. ALLEN. Then the postmaster at Baltimore would be practically the postmaster of Maryland?

Mr. GORMAN. He would be, and it would be the same in any other State. There is absolutely no limit except as to the amount of money.

Further along in the discussion the junior Senator from Colorado [Mr. WOLCOTT] used this language:

Mr. President, my understanding, unfortunately, is that the effect of this amendment is not to enlarge the power of the Postmaster-General in the application of the fund. I should be very glad if it did. I understand—I should be glad to have the chairman of the Committee on Appropriations correct me if I am wrong, as I am very apt to be [laughter]—that the effect of this amendment is simply to declare the opinion of Congress that it recognizes the right of the Postmaster-General to so distribute, coalesce, and consolidate these offices as the public business shall require. The necessary effect will be at a subsequent Congress that the necessary appropriations will be changed from such sums as are applicable to fourth-class postmasters, so that they will be gradually applied, as necessity may require, to the payment of clerks. I take it that that will be so. I should be very glad if this amendment did enlarge the powers of the Postmaster-General; but I do not see that it does, and I ask the chairman of the Committee on Appropriations to tell me if it does.

Later in the discussion I had the honor to interrupt the senior Senator from Wisconsin [Mr. VILAS], who was discussing this matter, in the following language:

Mr. ALLEN. I should like to ask the Senator from Wisconsin a question or two which I regard as very important. Do I understand that as the law exists now and as it is proposed to perfect it the Postmaster-General may, for instance, say that a post-office 50 miles from the city of Omaha in the country shall be a subpost-office of Omaha?

Mr. VILAS. The law as it stands now gives the Postmaster-General power to establish or discontinue a post-office at pleasure. It gives him power to establish substations within any post-office district, and it is within his power to define what the post-office district shall be.

Mr. ALLEN. Then I understand the Senator to assert this——

Mr. VILAS. But I wish to add that it is not to be presumed that a law which has existed like that since the beginning of the Government, since the establishment of the Post-Office Department under Benjamin Franklin, is to be abused as is indicated by that question.

Mr. ALLEN. But I do not understand that since the time of Benjamin Franklin the law has existed to establish subpost-offices. I understand that the power to establish or abolish a post-office exists, but what I want to know of the Senator——

Mr. VILAS. It has existed since the system was begun.

Mr. ALLEN. What I want to know of the Senator is how long there has been a law upon our statute books that would authorize the postmaster of the city of Baltimore, for instance, to create subpost-offices beyond the corporate limits of that city?

Mr. VILAS. I think since the system was originally devised.

Mr. ALLEN. Since the system was originally devised?

Mr. VILAS. Yes. The law now directs, and always has directed, everything within the postal service to be done by the Postmaster-General. The law says the Postmaster-General shall stamp and back stamp letters. The Postmaster-General carries the mail. The Postmaster-General does everything. Congress simply provides him with authority to employ means to do it. Originally postmasters were known as and called deputy postmasters, because they were the deputies only of the Postmaster-General. The phrase "deputy" was afterwards dropped.

Mr. ALLEN. The question I put to the Senator, which he does not answer—at least I have not heard his answer—is, how long has the Postmaster-General had the right, for instance, to create a subpost-office to the main post-office of the city of Baltimore beyond the corporate limits of the city of Baltimore?

Mr. LODGE. He has always had it.

Mr. VILAS. I think he has enjoyed the same right that he now has since the Government of the United States was instituted and the Post-Office Department was established, if I am not mistaken.

Mr. LODGE. He has always had it.

Mr. VILAS. He has always had it.

Mr. ALLEN. How long has the system of substations been in existence?

Mr. VILAS. A very great many years. I can not undertake to tell the Senator when the first substation was established. Probably it was in the city of New York. But it must be understood that there is a vast difference in the character and classes of substations. The Postmaster-General now has in the city of New York, etc.

Further along there occurred the following colloquy:

Mr. ALLEN. If the position of the Senator from Wisconsin is correct, what is there to prevent the Postmaster-General from making, for instance, a post-office 400 miles across the entire width of the State of Nebraska a substation of the post-office at Omaha?

Mr. VILAS. We do not as a rule have Postmasters-General made of that stuff.

Mr. ALLEN. I ask what is there in the laws to prevent it?

Mr. VILAS. There is nothing in the law to prevent it.

So the discussion runs on over several pages of the RECORD of Thursday last, revealing what is to me at least the astounding fact that the Postmaster-General from the organization of the Government has been a supreme and unlimited dictator in the administration of the affairs of that Department. The senior Senator from Wisconsin [Mr. VILAS] seemed to think it was something peculiar that a man should show any ignorance upon the subject. Of course the senior Senator from Wisconsin, having himself at one time occupied the important position of Postmaster-General, is entirely familiar with the laws governing that Department. I take it he states the law as it exists when he says there never has been a time when the Postmaster-General could not abolish or establish an office at any place in the United States where he might see fit, and that there has never been a time when the Postmaster-General could not take a post-office removed three or four or five hundred miles from a given post-office and make it the substation of that office. In fact, the Senator in the discussion on Thursday last stated that he could do so with an office a thousand miles distant, or any distance. I think I can find the remark, and I shall find it before the discussion is over.

Now, what is proposed? Is it proposed to limit the power of the Postmaster-General, whose power is plenary, unrestrained? No, sir. It is proposed to enlarge it if it were possible to enlarge unrestrained power. The Postmaster-General is to have the power to absorb all the little post-offices in a State or in two or three States and make them subpost-offices of some central point, and by that means make them all tributary to a central point. Why should that be done? Why does the junior Senator from Colorado [Mr. WOLCOTT] or the senior Senator from Wisconsin [Mr. VILAS] ask the Senate to adopt this amendment? They say to us that it is in the interest of civil-service reform, and that we will get better service from it; that it is proper to put all those offices in the classified service, because thereby the people of this country will obtain for less money better service than they now enjoy.

There has not been one word said here, there has not been a fact adduced in the discussion, showing that the service would be improved. It is true we have heard the junior Senator from Colorado [Mr. WOLCOTT] and the Senator from Massachusetts [Mr. LODGE] and the Senator from Wisconsin [Mr. VILAS] so argue, but not one fact has been adduced by any of those gentlemen to prove that the service as it now exists would be improved by enlarging the powers of the Postmaster-General or by giving him power to absorb all these offices.

Then, what is the purpose of the amendment? The honorable Senator from Colorado and the honorable Senator from Massachusetts say that there is nothing of sentiment in this matter; that it is a mere business transaction. There is something of sentiment in it. There is a great deal of sentiment in it. We are told by the advocates of civil-service reform that a republican form of government upon this continent is a failure, for that is what it means. Why not continue the system as it is? Why have a man who wants a fourth-class post-office answer 400 or 500 questions that may be put to him by some boy who is just out of his knickerbockers and who has recently left the graduating class of a high school? Why not continue the service as it is? Certainly there is no complaint coming from any responsible source that the little fourth-class post-offices are not properly administered. It is just and right that this power should be diffused among the people, and among all classes of people, so far as it can be done.

We are told that the boy who graduates from school to-day, under better advantages than his father enjoyed, by force of that fact is more clearly eligible to the service of his country than is his father, and the father who did not enjoy those opportunities and who can not answer the questions which a few gentlemen put to him is by virtue of that fact denied the privilege of entering the civil service of his country. Senators say that the people do not complain. They do complain. If the question were to-day put to the people of this country by a popular vote whether substations should be created and clerks sent to them from a distant

part of the country to administer them, for instance, in a neighborhood where some old man has administered the office for ten, fifteen, or twenty years, the vote would be almost unanimous against the adoption of the system. The people look upon those offices as theirs, and they are theirs. Sir, the people of this country are supreme. They are supreme in electing everybody from the roadmaster of an obscure road to the present occupant of the White House, and anything that looks like absorbing power, anything that looks like taking power from the people, is wrong. It is not only not democratic or republican, but it is not American.

How much education must a man in this country have to run a fourth-class post-office which has a salary of one hundred, or two hundred, or five hundred dollars attached to it? With some of us it was a misfortune that we did not enjoy an opportunity to procure an education. We were not to blame for it. I remember distinctly when my education began in a log schoolhouse in the State of Ohio, where I was born, and when I graduated from a sod schoolhouse in the State of Iowa, to which I had removed. I had no opportunity to procure a more complete technical school education. I had not the means to procure such an education if the opportunity had otherwise been presented. Yet millions of citizens of this country who were born in or who in early manhood went to the great West and Southwest are, under this system of classification, to be deprived of their interest in the Government, and of the right to participate in the administration of the affairs of this and other Departments of the Government in consequence of a lack of a perfect technical school education.

Mr. President, I venture the statement that there is not a Senator in this Chamber who, without some preparation, can go down to the Civil Service Commissioner's office and pass an examination in any classified department. Necessarily the man or the boy who is freshest from the books passes the most creditable examination. Yet all of the men who, under the rule laid down by the Senator from Colorado and the Senator from Massachusetts, are deprived of the right to participate in the affairs of this Government in holding these little offices and in holding little offices in other departments of the Government have a right to vote as American citizens. They have a right to choose other officers. They have a right to choose the very officers who appoint the Civil Service Commissioners, as well as those who create the law authorizing the existence of such a commission. Yet because they do not pass a particular examination or answer correctly a certain percentage of questions which may be put to them by the examiners under the civil service, they are rendered ineligible to hold the position of postmaster of a fourth-class post-office.

Senators say that the people have no interest in this matter. There are hundreds and thousands and tens of thousands of little towns scattered through the country where the post-office is the place at which the men of the neighborhood meet to discuss political and other questions. It is an important matter to them to have a man chosen from the community with whom they are acquainted and who will be responsible to them for the administration of the affairs of the office. Does the honorable Senator from Colorado believe, does any candid man believe, that a man sent into that community from another community to hold this little office and administer its affairs can be in sympathy with the people who reside there? Not at all. He is not answerable to the people. He is answerable alone to some postmaster situated three or four hundred miles from the office or the substation he occupies. Would not appeals from the people of that community fall upon deaf ears if they should complain of the manner in which that man administered the affairs of his office?

Sir, he may not be a voter in the community. He may not have reached the years at which he is eligible to vote. He is not a taxpayer. He does not participate in the affairs of the community. He is not responsible to the people of the community, and therefore he has no sympathy with them and gives ear to no grievance which they may lay before him or before the office to which his station is tributary. But what can he do? He will carry out the behest of the man who appoints him in working political schemes in that neighborhood. It is the most gigantic attempt ever made in this country to control the political affairs of the nation. Here is an army of 150,000 men responsible, not to the communities in which they discharge their duties, but to some central point, who are not in sympathy with those communities, who are there for the purpose of working in the interest of a particular political party or organization which they represent.

The Civil Service Commissioners tell us that the appointees are not to take any part in politics. There was an illustration of that under the Administration of Mr. Hayes, I think. The very first order that was issued by the late President Hayes was his celebrated Order No. 1. Under it no man holding an office was permitted to go to a convention or a caucus and participate in the affairs of the community or locality or State in which he resided. Was it observed? Were not those who advocate the system of civil-service reform, as they call it, the first to trample down Order No. 1 of President Hayes? Was it not openly violated and flagrantly abused by them from that time on? So strong was the protest of the Republican party against the issue of the order that there was not the slightest attempt to carry it into execution, and the old order of rewarding those who worked during the heat and burden of the day in the campaign was reinstated, and, Mr. President, it is in practice in this Government to-day, notwithstanding the sham pretense of civil-service reform.

How was it under a Democratic Administration? The great Mugwump of this country to-day is installed in the White House. It is very difficult to tell whether Mr. Cleveland is more Mugwump than he is imperial Democrat, but certainly he has led the hosts of Mugwumps in this country for the last ten or fifteen years. Has it not been a common thing under the present Administration to remove for political causes men who were holding positions under the so-called civil-service reform? What became of Mr. Johnston, a member of that Commission, two years ago? I refer to George D. Johnston, of Louisiana. He had the temerity to disagree with Teddy Roosevelt, the great New York Mugwump, second only to Cleveland himself. He did not agree with him as to the administration of some of the affairs of that office. Mr. Johnston seems to have been an honest reformer. It did not seem to have dawned upon his mind until about the time he was removed that civil-service reform was an absolute sham; a sham, Mr. President, under which dishonest men undertake to work political ends and then claim great virtue for having done so.

Mr. Johnston disagreed with his associates, Mr. Roosevelt and Mr. Lyman. Immediately he was removed. The President of the United States could not even suffer this Commissioner to entertain an independent opinion. We are told that this system is desired so that men can be free from annoyance for expressing their opinions upon political questions; that it shall be nonpartisan; that a man, if he is a Republican and well qualified, can hold his office through a Democratic Administration, and that a Democrat who is well qualified can hold his office through a Republican Administration. Yet when one of those Commissioners at the head of this branch of the service disagreed with his associates and seemed to block the way of carrying out political schemes and purposes in the Commission itself; when he seemed to think that the law was an honest law and should be honestly administered, suddenly he found the President calling for his resignation, and offering to transfer him to a different line of the public service.

I wish to call attention to some letters which appeared in the press some time ago:

EXECUTIVE MANSION, *November 25, 1893.*

DEAR SIR: I am sorry to hear through your friends, Senator CAFFERY and Mr. Secretary Herbert, who conveyed to you my request that you acquiesce in your transfer from the Civil Service Commission to another post of honorable duty, that you decline the proposition and refuse to resign your present position. I am so certain that the public good requires a change in the Commission, involving your retirement, that I am constrained to request you to reconsider your decision and put me in possession of your resignation as early as Monday afternoon, the 27th instant, at 4 o'clock.

Yours, very truly,

GROVER CLEVELAND.

Hon. GEORGE D. JOHNSTON.

The world, however, has remained in ignorance of the good that the public service would derive by the transfer of Mr. Johnston from the Civil Service Commission to the consular service of the Government. What had Mr. Johnston done? Had he been guilty of violating any statute? Had he said or done anything that was not proper for him to say or do? No. He had simply seen fit to enter a dissenting opinion upon some question of legal construction entertained by his associates, Mr. Roosevelt and Mr. Lyman. The President might as well say to a man whom he is about to appoint a justice of the Supreme Court, "I have appointed a Chief Justice of the Supreme Court of the United States who believes that every corporation has wings, who believes that corporations have all the rights and the people have none. Now, I appoint you as an associate justice upon that bench; but, mark you, whenever you manifest any independence of opinion or character or disagree with the Chief Justice you will be removed." Here were three commissioners appointed with coordinate powers, the office of one as high as the office of the other, and yet because Mr. Johnston saw fit in the exercise of an honest conviction to disagree with his associates he was removed for the good of the public service from that Commission and was to be transferred to the consular service. But where did he go? He went where all such men go under this Administration.

Now, Mr. Johnston replied to this letter, and he replied in perfectly polite language. He wrote under date of "Washington, November 27, 1893," two days later, and said:

The PRESIDENT.

SIR: Your letter of the 26th instant is received. Senator CAFFERY and Mr. Secretary Herbert conveyed to me your offer of the consulship at Victoria, which meant, of course, that you propose to retire me from the Civil Service Commission—

The President was ready to dicker with him; he was ready to transfer him to the consulship at Victoria if he could only get rid

of him, get him off of the Civil Service Commission and give his henchmen a full opportunity at that tribunal—

You did not communicate to me through these gentlemen your reasons for my retirement, nor have you ever spoken to me in regard to this or any other matter connected with the discharge of my duties, or relating to the Commission or its work. Though conscious of having discharged the duties of my office faithfully, and, as I believe, in furtherance of the best interests of the people and the Government, I would promptly acquiesce in your wish that I resign had you given me an opportunity to be heard before you decided upon your action. Under present circumstances, however, I can not, consistently with my sense of duty to myself or my friends who recommended my appointment, consent either to resign or accept a position inferior to the one I now hold.

Respectfully, GEORGE D. JOHNSTON.

Mr. Johnston had not been informed of the charge made against him. He had not been called to the White House and given an opportunity to explain anything. He had been the victim of a star-chamber judgment upon the part of the Chief Executive of this nation. He was not even permitted to go before some person representing the President and lay his cause before him. I suppose that is Democracy according to the Senator from Wisconsin.

Mr. President, without knowing the charge against him, and being ignorant of the charge against him to this day, for that matter, as I am informed, except that he disagreed in the construction of a statute from his associate Commissioners, this man was removed after the President could not purchase him and dispose of him by sending him as consul to Victoria. Then his majesty—or his excellency, I should say—sent the following letter to Mr. Johnston:

HON. GEORGE D. JOHNSTON.

SIR—

He ceased to be "Dear sir." In the first letter it was "Hon. George D. Johnston, dear sir," an affectionate sort of a letter, but when informed that Mr. Johnston would not resign and could not be bought—for that is what he undertook to do with him—the President for the first time shows his hand in the cold and stereotyped expression, "Sir"—

HON. GEORGE D. JOHNSTON.

SIR: You are hereby removed from the office of United States Civil Service Commissioner.

Yours, truly, GROVER CLEVELAND.

For what cause was he removed? Why was this man, who was at the head of the Civil Service Commission of the United States, taken, so to speak, by the nape of the neck and thrown out of office without a charge being made against him, without being given an opportunity to be heard in his defense? Will the President of the United States hear a charge that involves the character, the integrity, or the manhood of a public officer and not give that officer an opportunity to explain it or to be heard upon it? If he will do that, Mr. President, then he is a disgrace to the great office he occupies, and he should not be returned, as he doubtless will not be returned, to that position.

Mr. TELLER. I should like to make an inquiry, if the Senator from Nebraska will allow me to ask him a question.

Mr. ALLEN. Certainly.

Mr. TELLER. Does the Senator himself know what was the alleged cause of Mr. Johnston's removal?

Mr. ALLEN. I can not give it in detail. I read it at the time and I have read it since, but it is not important here. That is not the question I am discussing. I have discussed the action of a man who will pursue the tactics that were pursued in the days of Jeffreys and the Old Bailey, a man who will hear whisperings and charges against the character or against the fitness of a man holding a public position and remove him without giving him an opportunity to be heard in his defense. Then Mr. Johnston acknowledged the receipt of the letter of removal, as follows:

THE PRESIDENT.

SIR: Your note of this date informing me that you have removed me from the office of United States Civil Service Commissioner is hereby acknowledged.

Respectfully, GEORGE D. JOHNSTON.

And Mr. Johnston passed from an important office in this country, with headquarters in this city, into private life, not knowing the accusation made against him except that he had disagreed with his associates in some respects.

Now, Mr. President, this is civil service. What is to be gained by the introduction of such a system of civil service when it is rotten at the very fountain source, when it is used by the Chief Executive, when it is used by his Cabinet officers, as a mere cloak to the accomplishment of their political and personal desires and purposes? There may be a few persons in this country who are gullible enough to think that this is a wonderful scheme for renovating offices, putting competent men at the head of affairs, reducing the crimes in offices and the cost of their administration. There may be a few such people, I say, but there are not many. There are but few of the people of the United States who do not know to-day that the so-called civil-service reform is a snare, a fraud, and a delusion, and that it is made to work out political purposes as much now as the old system did before the introduction of the present system.

Mr. President, if the Senators who advocate this measure are to be believed, every man who enters the classified service is a saint; there is some peculiarity in the blood that courses through his veins; and every man who is not eligible to it is by force of that fact dishonest or unfit to be considered as a citizen of the United States, or he is a mere groundling with water coursing through his veins instead of blood. It counts for nothing that the Revolutionary fathers established this Government for all, not alone for the educated man, but in the interest of the man who was not educated. It matters not to the distinguished Senator from Colorado or the Senator from Massachusetts that those men spilled their blood from Concord to Yorktown in rescuing our country from the yoke of English oppression.

It matters not that their descendants from that time to this have upheld the flag of this country in every great struggle we have had for the maintenance of our Government and the maintenance of our freedom. After this country has been brought in safety to its present position we are to have this un-Democratic, un-Republican, un-Populistic, un-American distinction introduced into our service that the man who spells "copy" with one "p" is to have an office against another fellow who was taught forty years ago to spell it with two "p's." That is the distinction. That is the crown of the distinction. And a lot of men, boys from school, who have never done anything in defense of their country, who might prove the most impotent of all if called upon to discharge any great public service in the hour of danger, are to be enthroned in the most important offices of the country, and the old men and the old women, the middle-aged men and the middle-aged women, who did not enjoy equal opportunities of education with them, are to be placed in the background.

Now, what can be accomplished by the scheme before us? We are told that there are something like 150,000 persons in the mail service of this country. I will ask the Senator from Wisconsin if I am right.

Mr. VILAS. About that number.

Mr. ALLEN. How are they to be used? They are to be nonpartisan. Mr. President, you and I know how this nonpartisan civil service works. You know, and so does the Senator from Wisconsin, what would be the result if the postmaster at Milwaukee, for instance, should say to the clerk who is holding a subpost-office 50 miles from there: "See the people in your community and get as many of them to go to the Democratic caucus as you can and support the good old party."

Mr. President, do you suppose that clerk would refuse to carry into execution the order? Suppose it were not placed as an argument, but said to him, "Now, would it not be a pretty good plan for you to see some of the old men in the communities where your subagents are and see if you can not induce them to go to the town caucuses and get on the delegations from the towns to the county conventions," do you not suppose the clerks would carry into execution the request and wishes of their master? Sir, the clerk does it to-day in the classified service and out of it, and if in the classified service he is not answerable to the people upon whom he would commit and does commit such an outrage.

Mr. President, it has been a common thing since I have been a member of this body to have employees in the Departments in this city come to me (I am not at liberty to call their names, nor am I at liberty to speak as plainly as I should upon the subject for fear that some Civil Service Commissioner or his agent may be around and chase them down and chase them out of their offices) and say that they had risen under the civil service from a six or eight hundred dollar job a year up to $1,800, and sometimes as high as $2,000 or more, and they had been in the service for years.

When Mr. Harrison went out and Mr. Cleveland came into power they were told that they would have to take a reduced position. I will venture the remark that 50 per cent of the Republicans that are in appointive positions in this city to-day have been reduced from the position they occupied when Harrison went out of the White House and Cleveland went in. They were told that they must take a reduced position, and some Democrat in the same service, who came in later than they did, or who has been appointed to the service since the present Administration, was promoted above them.

I could call the names and the offices this moment if I were permitted to do so, but the interests of those persons will not permit me. I have known a few instances where the occupants of the office thought the law was passed to be observed, where they had not discovered that it was a mere cloak under which political parties were masking their purposes. I recall an instance right now where a man had been in the service for over ten years in one of the Departments in this city. I have known the man personally for twenty-five years—a thoroughly competent, honest, and well-equipped man.

Within a short time after Mr. Cleveland came into power in 1893 it was indicated to this gentleman that he must take a reduced position at $1,200 a year, as the chief of the bureau wanted his place for a Democrat. He rebelled. Did not the statute say,

does not the President say, do not the Civil Service Commissioners say, do not the Mugwumps say as well, that a man in such a position can not be removed for political causes, that if he is a gentleman and qualified and in the classified service he can remain whether he is a Democrat or a Republican? They all said this, the law said this, and the man construed the statute and he construed their words to be honest and as showing the evident purpose of the framers of the statute. When he informed the chief of the bureau under whose charge he was that he could not take the reduced position, the chief of the bureau said to him, "Well, you will have to resign, because I want your office for a good Democrat here." He did not resign; the chief could not get rid of him that way; but finally he did get rid of him by abolishing the office.

You know we permit these Departments to establish a limitless number of offices and fill them. The office was abolished. Then the victim of civil-service reform discovered for the first time that it was a delusion and a snare, and he went out into the cold, chilly atmosphere of the world to struggle for himself, and he is down along the cool waters of Babylon, I presume, at this moment. Now, what was the result? The Republican had not left that office three weeks until the office was created again, and it was filled by the Democrat who sought it.

Mr. President, I speak of this not as an isolated case. Cases can be found by the hundreds right in this city and in other cities and centers of population in this country. Yet Senators will stand in this Chamber and advocate the adoption and enforcement of this iniquitous system of doing business. They will say, notwithstanding this, that the great body of the American people should be shut out of holding these little offices that are scattered throughout the States and Territories of the Union. Why, Mr. President, what would you do with one of the little fellows who had been reared in the civil service and who could not tell a horse from an ox except that the one has horns and the other has not? What would you do with such a person as that, who feels himself above all responsibility in a moral, a social, and a business sense to the people whose office he administers, in putting him out at some country crossroad store to administer the mail service, at a salary of $100 or $200 a year, for the people who congregate there, when some young man living in the community who has a little store and carries on a little business can administer the affairs of that office in the interest of the people who live around it and who are tributary to it? Under the system advocated by these gentlemen a man might be sent a distance of 100 or 500 or 1,000 miles to administer one of these offices and the people of the community where he went be given to understand that he was sent there because there could not be found in that community a man who had intelligence enough to discharge the duties required of a little fourth-class postmaster.

But the Senator from Wisconsin says this is Democratic. I think I heard him say on Thursday last that this is Democratic, and the Senator says now that it is Democratic. Well, Mr. President, it may be Democratic. I do not know; I would not say that it was not modern Democracy. It is certainly not ancient Democracy. What did the fathers of the Democratic party teach in this country? They said liberty was most secure when the power of administering the affairs of the Government ramified all communities and was held in the hands of the common people. I suppose after a while we shall be carrying the rules of civil-service reform into the New England town meetings, and the junior Senator from Massachusetts will tell the people of that Commonwealth that it is necessary for the efficient administration of the public service in these communities that only the highly educated classes shall be permitted to levy the taxes and discharge the various duties devolving upon town offices.

This spirit has run wild; it has gone to the very verge of idiocy; it stands stamped with the condemnation, in my judgment, of every man who is a true friend of this country, of every man who does not want to erect upon this continent a ruling class and a class to be ruled. I imagine it would be a remarkable scene, if it could be so, to witness the senior Senator from Wisconsin discussing this question with the illustrious Jefferson. I imagine if Mr. Jefferson could rise from his grave to-day and walk into the Senate Chamber and hear the Senator from Wisconsin declare that this is Democratic doctrine, he would believe that his great rival, Hamilton, or the descendants of Hamilton, had come into control of the Government. Jefferson did not believe this doctrine; it was not even believed in by the most radical men of that age.

Mr. President, it proves another thing. There is no difference between Cleveland Democracy and gold-bug Republicanism. I classify gold-bug Republicanism because it leads to many other heresies, but that is the chief one. What distinction is there between the opinion of the junior Senator from Colorado or the junior Senator from Massachusetts and the illustrious Senator from Wisconsin upon this subject? They are glad to embrace, so says the junior Senator from Massachusetts, and he walks over toward the senior Senator from Wisconsin as though he were going to embrace him on this subject; he is glad to agree with him upon this great, supreme proposition of the hour, civil-service reform. There is not the slightest distinction between them upon any other great political question now agitating the country. They are simply agreed upon these great propositions, except that the senior Senator from Wisconsin is on the Democratic stage driving the team, and the Senator from Massachusetts is on the Republican stage driving a like team. They are in perfect harmony, in perfect accord upon this, as well as upon other great political questions which are now agitating the people.

Of course, Mr. President, men like myself are away behind. We have not had the opportunities of seeing the beauties of civil-service reform as administered under the Administration of Mr. Cleveland and under the Administration of Mr. Harrison. We are not supposed to have cultivated taste enough to appreciate it if we came in close contact with it. The great masses of the people are supposed, according to this system, to be absolutely incapable of conducting their own affairs. When you say that that distinction shall be erected, that it shall be incorporated into our laws and applied, do you not say to the great majority of the people of this country that they are incapable of self-government and that self-government is a failure?

You say to these men, "Yes, you can pay taxes, that is all right; you can support the Government in discharging your duties as a citizen in the payment of taxes; you can support the Government by discharging your duty as a juror when called into court, in determining great questions that are submitted to you; you can support your Government by taking your musket and joining the Army and fighting your country's battles, if you will; you do not have to spell very well when you do that; no, you are a good citizen when you do that; you can fight in defense of your country; you may stand by its flag on fifty occasions when it is imperiled and endangered by its enemies. All these as a citizen of this country you can and must do; but when you come home you find the dudes intrenched in the civil service, and if you fail to pass an examination such as is described in this book [indicating], you can get nothing out of this Government, not even a fourth-class post-office." We who do not believe in this are told that we are not æsthetic, that we do not rise to that high, keen intellectual appreciation of how this great Government should be run by the few and the masses excluded from any responsibility.

There is nothing political in it; of course not. You let Mr. Wilson, the present Postmaster-General, have all these great offices, some 68,000, I think, consolidated with your substations at 40 or 50 different points in the United States, with a superintendent over every division, and every postmaster or clerk in every division will be throwing up his hat for the Democratic party this year, or, if he does not, his office will be abolished, and after a while the office will be restored and a Democrat put in his place.

Mr. President, I recall a year ago last fall, in 1894—and I am speaking now of the bond of sympathy which exists between Democrats and Republicans here—the great contest for the office of governor in my State, where the present chief executive, a Populist, was finally elected by 3,100 majority over his Republican competitor. When the news first came to the centers of population in that State, it was that his Republican competitor had been elected. Every Cleveland Democrat in the State of Nebraska supported the Republican candidate for governor, every man who believed in the gold standard, every man who wore a collar round his neck labeled "My dog," every Government official walked to the ballot box and cast his vote for the Republican candidate for governor. When the news came that he was elected—it was a mistake, however—there were a dozen or more places in the State of Nebraska where the postmasters walked into the streets, threw their hats into the air, and almost split their lungs in cheering for the supposed triumphant election of the Republican candidate for governor. It was only two or three days after that when they discovered their mistake and found that the Populist had slipped through and that the Republican had not succeeded.

What difference is there between these parties? I say, Mr. President, that the gold wing, the Cleveland element of the Democratic party of the State of Nebraska, has supported the Republican ticket for the last seven or eight years in that State. So it has been in other sections of the country. Those gentlemen who are solidified upon this question and upon other questions would rather see a certain element of the Republican party win, or a certain element of the Republican party would rather see a certain other element of the Democratic party win, than to see any person win who is in full accord and sympathy with the masses all the time.

Mr. President, this is not a question of sentiment, these gentlemen say; it is a question of efficiency of the service. I say it is a question of sentiment to a certain extent. There is nothing to which the people of this country are more securely attached, especially in the rural districts, than to the postmaster and the administration of the little post-offices in which they feel a personal

interest, a place where they can congregate and get their mail; where they can exchange ideas upon neighborhood and other subjects, if they see fit. To send a stranger among them, who is not of them or for them, who does not pay a cent of taxes in the community where he has been sent, who is not a part and parcel of their organization, and not eligible to any other office there, would be like sending a man from Russia or from some distant country into their midst to administer the affairs of their community.

The process has begun; the process of absorption has already taken place. In the last fiscal year the number of post-offices discontinued by order of the Postmaster-General was 94; the number of stations established in lieu of the 94 independent post-offices was 74, of the carrier stations 20, and the substations 54. How long will it take under this system until all the principal States of this Union will be affected by this process of absorption?

Then, Mr. President, these gentlemen are not contented with turning over the entire Post-Office Department to so-called civil-service reform, but it will appear from this bill that they are going into partnership with the manufacturers of bicycles. We have suffered every trust in this country to organize with impunity that wanted to do so without restraint. Notwithstanding we have statutes containing ample provisions against the formation of trusts of various kinds, we sit here powerless, and the different branches of the Government sit here powerless to enforce these statutes, or refuse absolutely to enforce them, in many instances refusing to enforce the statutes against these trusts because they are depending upon the trusts for a campaign fund to conduct the Presidential and other important campaigns of this country. I heard it charged openly but a short time ago that $300,000 was raised by certain parties in Wall street, New York, for the nomination of Mr. Cleveland for the Presidency in 1892, and that the same identical individuals raised a like sum to secure the nomination of Mr. Harrison as the Republican nominee in the same year. The statement was made in the presence of some gentlemen who sit here at this time and who ought to know, and it was not denied, and if there is any denial to be made to it I am perfectly willing that it should be made now.

Mr. GRAY. Were not some such charges made against Mr. McKinley?

Mr. ALLEN. I have not read the latest evidence upon the McKinley case. I have the primary evidence, however, in my desk here, which I shall use at the proper time.

It was charged, furthermore, that up to four weeks before the election of 1892 these gentlemen in Wall street, who manipulate the affairs of this country, and all of whom are civil-service reformers, of course, did not know whether they would support Mr. Cleveland or support Mr. Harrison. Their affection was divided. Of course the average Wall street shark has nothing like patriotism about him. It is only a question, as has been said, of cent per cent with them; a question as to whom they can control and manipulate to the best advantage. So they were divided in their affection.

Mr. Harrison had swung around the circle, and had given utterance to that phrase, which finds expression in the Republican platform, that he was in favor of every dollar being as good as every other dollar. No man ever saw one dollar that was not as good as another; but he coined that phrase, and it went into the Republican platform of 1892. Finally they concluded that Harrison was a little too far West; that he could not be depended upon at a critical time; that Cleveland had his office on Wall street, and that his associations and sympathies there were such that $400,000 of money went from those people into the campaign fund, and Cleveland was elected and Harrison defeated. One of those gentlemen who contributed so largely to this fund was Mr. John J. Van Alen. I think he gave $50,000. He was one of those American citizens who has become "so English, you know," that when he can not find a genuine fox to chase, he puts a darky on a horse, ties a piece of white paper to the horse, sends him through the woods, sets his hounds after that, and he and his friends chase it.

That man gave $50,000, as appeared in the sugar investigation—it is in a public document, and there is no question about it—to the Cleveland campaign fund, and in the course of events, Mr. Cleveland found something in his views of civil-service reform which permitted him to appoint that individual as minister or ambassador extraordinary to Italy. We had quite a contest over it, and that man was finally confirmed. Here was a man who gave $50,000 to the Presidential campaign fund, who was getting his quid pro quo in the form of a foreign appointment, and such a man as that received the approval of this Senate by a majority vote.

Was it any different when Mr. Harrison was elected? Not at all. The great and good Mr. Wanamaker, the superintendent of Sunday schools, it is said, gave $400,000 for the elevation of Benjamin Harrison to the Presidential office, and after a few suns had risen and set, after a few months had elapsed, the President saw fit to invite the great and good John into his Cabinet to act as Postmaster-General from that time on, and he did.

I speak of these things as conspicuous examples of civil-service reform. This rotten system is corrupting the very foundations of the Government itself. This placing of the Presidential office on an auction block for bids, and selling it to a man who will pay the most boodle for it, can go on uninterruptedly; but when it comes to a question of disposing of a little fourth-class post-office with a salary of $50 or $100 a year attached to it, civil-service reform must be enforced and insisted on!

Mr. HAWLEY. May I interrupt the Senator a moment?

Mr. ALLEN. Yes, sir.

Mr. HAWLEY. I take it for granted that neither the Senator from Nebraska nor anybody else in the world supposes that John Wanamaker gave $400,000 to make Benjamin Harrison President. Mr. Wanamaker is an active and influential politician, and I have no doubt that all he did was to circulate a paper for subscriptions and that he raised a large sum of money—how much I do not know, but I heard the sum mentioned once at $10,000. That, however, is the private business of the gentlemen contributing, and nobody supposes that Mr. Wanamaker gave $400,000 or that he bought his office, and I do not believe that there is a respectable Democrat in the United States who will say that he believes that Benjamin Harrison would have gone into any such contract or that anybody bought him or that he bought anybody else.

Mr. ALLEN. There was never a man in this world caught in doing what he ought not to do who did not have an apology and some subterfuge to offer for his conduct. I say that charge was made against Mr. Wanamaker and ex-President Harrison openly through the press of this country, and it never has been denied from that moment until this, when the distinguished Senator from Connecticut rises at his desk and denies it.

Mr. HAWLEY. Which charge? I do not understand distinctly what the charge is.

Mr. ALLEN. I will make it so distinct that you can understand it—that John Wanamaker contributed $400,000 to the Harrison campaign in 1892. That is the charge I refer to.

Mr. HAWLEY. I wish to say that I do not believe it, and I do not know of anybody else besides the Senator who believes that Mr. Wanamaker contributed any such sum.

Mr. ALLEN. Mr. President, there is not a Democrat on this side—mark you, now, a Democrat; I do not mean a Democrat sailing under Democratic colors who is a Republican—who will get up and say he does not believe it. No; they are perfectly silent here; but a bitter, uncompromising partisan of Harrison and of Wanamaker can say he does not believe it, and that he does not believe that anybody in this country believes it but me. I do not know whether it is true or not; I know the charge was made; that it rang from Maine to California, through the press of this country, and I have never heard it openly denied until this moment. The statute of limitations has run against it, I suppose, by this time at least. Harrison served out his term and passed into private life. To-day he undertakes the discharge of additional duties, and I suppose the American people will forgive him.

Mr. Cleveland will pass from the White House within the next eleven months back to his office in Wall street, to enjoy the fruits of his fortune, if he has one, made out of the misfortunes of this country, and the people will lose sight of him, and the crime that was committed in 1892 in contributing to his campaign fund will be forgotten; but the Mugwump who stands on his heel and howls every time he gets an opportunity about civil-service reform or the civil-service reformer, who has himself been particeps criminis in these greater offenses, will still continue to stand up and howl that all the old men and the old women in the little country post-offices must be swept aside for the dude.

Mr. CALL. Mr. President, I desire to say a very few words.

Mr. ALLEN. I send to the desk an amendment which I desire to offer at the proper time.

The VICE-PRESIDENT. The amendment submitted by the Senator from Nebraska [Mr. ALLEN] will be stated.

The SECRETARY. It is proposed to amend by inserting, on page 2, after line 6, the following, as an additional proviso:

*Provided further*, That no subpost-office or station shall be established outside of or beyond the corporate limits of the town or city in which the principal office is established, nor shall a postmaster or clerk of any such subpost-office or station be appointed to administer the affairs thereof who is not at the time of his appointment a bona fide resident and elector of the community in which said subpost-office or station is located.

Mr. CALL. Mr. President, I desire to say a very few words on the amendments. The amendment which the Committee on Appropriations put into the bill requires the establishment of a post-office at every county seat, restoring them where they have been discontinued. The present amendment proposes to give authority to the Postmaster-General to apply the money appropriated to the payment of any superintendent or other officer who may be substituted in place of the discontinued postmaster.

There is no doubt that the power to discontinue a post-office is

involved in the power to establish it. There is no question that the power to establish a post-office was conferred in the creation of the Department; but, as has been truly said, the importance of this provision is that it places the officer substituted for the person who was the postmaster and upon whom the duties of that office were imposed subject to the civil-service law. That is all. It makes the selection of that officer from the general list of eligible persons having been examined and having passed. So from all parts of the United States, not from the State alone, a person eligible in the highest degree may under the amendment be assigned to the performance of the duties of postmaster at any place.

That brings up the whole question as to how far it is consistent with the theory of this Government to divorce the appointment of officers from the source in which the Constitution of the country has placed it. That is the question. The superior efficiency of such an organization may or may not be questioned, but certainly it could be attained equally by requiring the postmaster in any particular region of country to report to and be under the supervision of some one person in that particular locality. So it is not of the essence of the amendment that there should be superior efficiency to that which exists. But upon that subject it may be said that the constitutions of government are not formed upon the sole idea of efficiency. I believe it is Blackstone who in his Commentaries says, quoting from Montesquieu, that the best government in the world is a monarchy, provided you can be assured of the greatest wisdom and the greatest integrity in the person of the monarch. Certainly the greatest efficiency and the most direct execution of the law is to be found in the person of a monarch, a single person. But other considerations require that there should be different forms of government. Personal liberty, the preservation of the rights of every man as against arbitrary power constitute the foundation upon which liberal governments are established.

Now, what do we find upon the subject of civil-service reform, as it is called? We find that in this country the power of Executive duty was carefully considered and framed. And where was it placed? Where was the power to create offices and to fill them placed by the Constitution? I need not say that it was in the President of the United States and in the Congress of the United States, who are authorized to create inferior offices and vest the appointment in the heads of Departments. Is it an idle purpose to vest the appointing power of officers created by Congress in the heads of Departments? Has it any utility at all? Is it to be supposed that it has no purpose in this form of government and that the Executive power, the President of the United States, should have all power of appointment, of even the smallest officers of this Government, which may be created by Congress?

It is the proposition of those who advocate the amendment that the whole power of appointment of officers created by Congress shall be vested in the President of the United States and in three Commissioners, who shall execute this power under the sole will of the President, an officer who holds two-thirds of the legislative power of the Congress of the United States in every vote that is cast less 1 vote. That is the scheme which is now proposed in this and like amendments, that a single official, having two-thirds of the legislative power of this Government in his hands less 1 vote, shall have the sole power to appoint every officer in this Government from the smallest to the highest.

Now, is it safe to so intrust this power, contrary to the provisions of the Constitution? In the midst of this vast concentration of power, in the alienation of the franchises of taxation into private and individual hands as property, when the great corporations of this country, owned by a few men, some domestic and largely foreign, collecting three times the tax that the Government itself can collect, when a few individuals have accumulated by the power of taxation upon the people from one to five hundred million dollars each, is it wise and according to our system of Government, is it consistent with the preservation of this Government, that you should vest the power of appointing every officer from the lowest to the highest in the President of the United States and three men who are his creatures and subject to his will?

It seems to me that there is a consideration which should give us pause. It does not matter what the provisions of the statutory law are. It is true that the amendment of the Senator from Minnesota [Mr. NELSON] ought to be adopted which limits the power of creating substations and of putting into them, not postmasters of the vicinage, which ought to be required, for every postmaster ought to be selected according to the will of the patrons of the office in the locality, but persons selected from a list of eligibles embracing all the people of the United States. I undertake to say that if we continue the system by which you disfranchise from eligibility to office every man over 40 or 45 years of age and every man or woman under 20 years of age, and leave to the individual possessing this great power, the Presidency, the right still further to limit the qualifications, he may limit them to persons over 21 years of age and under 30 years of age. He therefore possesses the absolute power of depriving of eligibility the larger portion of the people of the United States.

But it is said that you must consider that officials will interpret the law reasonably and execute the law reasonably. That is not the proposition upon which constitutions and institutions of government are formed. They are formed upon the idea that public officials will not execute the laws fairly and justly, and restraints and limitations and checks and prohibitions are imposed upon the theory that the people shall be guarded against the abuse of power. So when it is proposed now that a list of eligibles shall be formed from persons who are over 20 and under 40 or 45 years of age, the power of appointment to be conferred not upon the heads of Departments, but upon rules formulated by a single man, the President of the United States, in my judgment you overthrow this form of government or place it in a condition where it may be subjected to great danger. But at all events, upon the pending appropriation bill a scheme of such great influence should not be allowed to go.

Mr. WHITE. Mr. President, it appears that the consideration of the pending amendment does not involve necessarily, or, indeed, at all, any criticism either of the President of the United States or of the Postmaster-General. While I am not in favor of the amendment of the Senator from Colorado [Mr. WOLCOTT], and while I believe that the system with which we are to some extent threatened, looking to the consolidation of remote post-offices with city post-offices, is a bad one, I express that view without feeling that I am criticising anybody particularly. I have great personal respect for the Postmaster-General, but I also have my own views upon this subject.

In the report of the Postmaster-General made during the present session, page 40 of House Document No. 4, I find the following:

> The question of extending civil-service methods to the selection of fourth-class postmasters has naturally received my attention since I have been at the head of this Department. It is beset with difficulties which my experience as a Representative in Congress of a large country district during three changes of Administration has brought home to me more clearly than they might appear to a theoretical reformer or to the Representative of a city constituency. I have studied various bills introduced in both branches of Congress in recent years and welcomed suggestions from other quarters. But I do not find myself able to make, as yet, any specific recommendations on this important subject in the line of the legislation which has been proposed.

Here is a statement, therefore, made officially by the Postmaster-General to Congress, wherein he notifies us that, in his opinion, it is inadvisable, as the matter now appears to him, to pass any of the bills proposing to extend the classified service to postmasters of the fourth class.

Mr. President, there is an effort, as we learn from the discussion here, at least by some of those who advocate the amendment, indirectly to do that which the Postmaster-General does not feel that he is prepared to recommend.

Mr. VILAS. I should like to ask the Senator from California to read the next paragraph following the one he has read.

Mr. WHITE. I shall do so with pleasure.

Mr. VILAS. The Senator will see, then, that all the suggestion there is in regard to this amendment is in line with what the Postmaster-General has said.

Mr. WHITE. I will read the next section:

> The order which you have recently approved, providing that when the Postmaster-General shall consolidate with a free-delivery office any other post-office, such consolidation shall carry into the classified service at the free-delivery office the Post-Office Department roster of employees of the office consolidated, including the postmaster, may be accepted as the beginning and foundation not only of a better postal service of the public, a better and more business-like accounting to this Department, but also a wise extension of the civil-service system to postmasters. It is my purpose to proceed under the authority of this order as discreetly as I can, and in the long run as far as experience will justify, so as to secure these commendable results.

Is that all the Senator from Wisconsin alluded to?

Mr. VILAS. Yes.

Mr. WHITE. Reading that portion of the report of the Postmaster-General I arrive at a conclusion entirely opposite from that suggested by the interruption of the Senator from Wisconsin. It is well known to us all that as a rule the fourth-class post-offices are small affairs. As a general thing there are no clerks. In many of the rural regions of the United States some one attends to the post-office duties in his own house. This recommendation plainly has reference to larger offices where more business is done, because the Postmaster-General says:

> The order which you have recently approved, providing that when the Postmaster-General shall consolidate with a free-delivery office any other post-office such consolidation shall carry into the classified service at the free-delivery office the Post-Office Department roster of employees of the office consolidated, etc.

I would construe that recommendation, coupled with the other which precedes it, as meaning that the Postmaster-General does not favor consolidation in the case of small fourth-class offices, but that he does as to larger offices situated near a free-delivery office. Such would be my construction. However, as to what he intended perhaps others know better than I do.

Mr. President, I admit that the evil which must result from this amendment will depend upon the extent to which the Postmaster-General carries the authority with which he is to be clothed. I agree, also, that it is dangerous to extend power too far, but I likewise concur in the observation made by some one that it is impossible to place a nice, an absolutely correct, limitation. But we must construe the intention of the officers who are to execute this authority by what they have recently said, even since this report was written.

We find a suggestion by the Postmaster-General on page 4 of Report No. 592, as follows:

A few days ago an order was issued from this office consolidating with the Brooklyn post-office 14 independent post-offices hitherto existing in the corporate limits of that city. Every post-office on Long Island Sound might thus be consolidated with the Brooklyn post-office, with an improvement of the service.

My attention was directed to the radical change proposed in the administration of the Department by the statement that every post-office on Long Island Sound might properly be consolidated with the Brooklyn post-office. Such an extensive and radical alteration in modes of procedure heretofore adopted seems to me worthy of more than passing consideration, and when I reflect that this discussion and this matter are injected into an appropriation bill, when it is impossible for us adequately to place before our view and to fully consider and act upon the various phases of the subject, I at once think that the amendment should be retired, so that it may be more fully and completely discussed.

My distinguished friend the Senator from Colorado [Mr. WOLCOTT] referred to several cities in the United States within the corporate limits of which I understood him to say there were post-offices which should be or could be successfully consolidated. He has, I believe, a list before him—officially prepared, I suppose, as he tells us he has obtained the information from reliable sources—showing that within certain municipal jurisdictions there are various post-offices which really should be under central control. If I remember rightly, in the case of San Diego, which was the only instance in California cited by him, he referred to Point Loma and Sorrento and Lajolla and North San Diego as places within the jurisdiction or limits of the city of San Diego.

I wish to call the attention of my friend to this proposition. Point Loma is a very small office. The Senator himself will observe by looking at the returns that certainly it can not contribute more than a hundred or two hundred dollars per annum to the Government coffers. I do not believe it contributes that much. It is located 8 miles from the city of San Diego. Lajolla is 12 miles from the city of San Diego, not within the municipal limits at all. Sorrento is 15 miles distant, and they are all very small offices. It would be impracticable to bring them under one jurisdiction.

But it seems to me it would be bad policy at least to adopt any system which must result in sending a young man who has passed a civil-service examination from some of our cities, on his bicycle or by other mode of conveyance, to distribute mail in the rural regions to persons with whom perhaps he is not acquainted and to whom to some extent he may be a cause for alarm. Surely the particular instance cited by the Senator from Colorado as affording a justification for consolidation does not come even within the theory which he has advanced, and therefore I simply submit that he has been misinformed regarding it.

It is true that we ought to have the best service we can get, but it is likewise true that there are thousands of small post-offices in this country in towns where there reside a population who wish to administer the post-office as nearly as they can themselves, and in most cases they do. I know it has been said here, and it is true in many instances perhaps in larger offices, that communities do not obtain the men for postmasters whom they desire. But that is not generally true, especially in the smaller places where some one accepts the office really as a matter of accommodation to his neighbors. Take counties—and I am thinking of some in my own State—where there may be a town of eight or ten thousand inhabitants, and where there is a man of a higher class, so far as education and attainments are concerned, in the central post-office than in some of the country post-offices. I would not, for that reason, place the smaller offices under his jurisdiction. They get along very well. Of course, there may be burglaries committed; but I submit that the burglar will be just as liable to get into the office when it is attended by a gentleman who rides a bicycle as he will when it is attended by some old farmer in the country, who would be far more able in dealing with an unwarranted intrusion. There is nothing, I think, in the matter of loss.

When we come to the matter of embezzlement, I do not think there would be anything found there. I know, of course, that there may be frauds committed in the little post-offices, but I do not believe they are very extensive. There will be frauds committed in every service which we can devise, but I do not believe that if we change the method we will obtain any more honest men than we have now; and while theoretically it may be a good thing to create a great post-office trust and to put all of those people under one central control, practically I believe it will lead to a great deal of trouble.

For myself, so far as the patronage is concerned, I do not believe it is of any benefit to an individual to enjoy patronage. I do not think it is any satisfaction to an individual to have the authority to fill fourth-class post-offices throughout the United States. I would welcome a law which would consign to instantaneous death a member of Congress who would apply for any sort of an office for anybody.

But I do not think that now at this date we should add anything to the bill in this direction. The Senator from Iowa informs us that without any particular mention in the bill of the matter, $750,000 have been diverted into the clerk-hire channel, so as to enable the Postmaster-General to further experiment. I am unwilling to add anything to his power in this matter, because I do not think that a theory which is supported by an example which tells us that all the post-offices on Long Island Sound can be successfully consolidated in Brooklyn is a good system. It has nothing to commend it to me, or if there were any commendatory features they are overborne by others.

Mr. WOLCOTT. I know the Senator from California wishes to be accurate. May I suggest to him that the post-offices proposed to be consolidated are not on Long Island Sound, but on Long Island?

Mr. WHITE. If the Senator from Colorado will lend me his ear, I will read to him from the report of the Postmaster-General upon that subject, and it sounds to me as though I were right:

Every post-office on Long Island Sound might thus be consolidated with the Brooklyn post-office.

So I said, or intended to say if I did not, that the proposition of the Postmaster-General was to consolidate all of the post-offices on Long Island Sound and bring them within the Brooklyn jurisdiction, and I think I was right about that. It rather astonished me, but I stated it upon that authority upon which I was told later in the discussion the Senator from Colorado largely relied.

I desire to say (though I do not consider it essential to this controversy) that I do not wish anything I have said to be construed into any reflection upon the civil-service system. Properly applied I approve of it, but I agree with the Postmaster-General that it is inapplicable to the conditions surrounding the service of the fourth-class postmasters of the country.

That is all I wish to say upon the matter, Mr. President.

Mr. STEWART. Mr. President, I have listened to the argument of the junior Senator from Massachusetts [Mr. LODGE] with a good deal of interest, particularly that portion of it in which he said that the business could be conducted so much more cheaply. I have heard that from several. There is no doubt that the whole Government could be carried on much more cheaply if we trusted entirely to one man; but the question is, would it be as successful? All the arguments in regard to consolidation that I have heard have a tendency to advocate a system of one-man power with regard to the Post-Office Department. We all know that the post-office has been exceedingly popular, and that, although the Executives under different Administrations have sometimes appointed unfit men, they have invariably suffered politically for it, for it is the only outrage that can be usually met with adequate punishment if any political party attempts to interfere with the post-office. It belongs to the people in their local capacity, so much so that it has been very popular ever since I can remember to advocate the election of postmasters by the people, leaving the Executive the power of removal. Many Congressmen have been in the habit, when they were allowed to nominate, so to speak, or recommend the appointments in their districts, to submit it to a vote of the people. I think that very few members of Congress who have the responsibility of recommending a postmaster will now disregard the views of the citizens in the locality.

With regard to the post-office, the people have more to do with it. We are aware that republican government costs more to conduct than a monarchical government, but here is a branch of the service which has been regulated practically by the people and we see how popular the post-office is. The post-office is the most popular branch of the public service; everybody refers to it as a benefaction, and I believe it is, because it has been brought clearly home to the people.

With reference to supplying the local post-offices in the small localities, at the crossroads, under any civil-service arrangement, it would be impossible to do it as satisfactorily as the service is now performed. I believe nine times out of ten in very small places the man who takes the post-office is the country storekeeper at that point, or he has a drug store where everybody goes, and he is appointed practically by the people by unanimous consent. If he does not act right, complaint is promptly made. There are generally two persons, one Democrat and one Republican, where they are divided politically in that way, who live at the crossroads, and one or the other takes it when his party is in power, and both of them

conduct the office satisfactorily. If either should prove unsatisfactory, there would be protest, and it is generally heeded.

I would be opposed to any consolidation that interfered with the favorite system of popular self-government as it has been conducted with regard to the Post-Office Department. Before we make any serious changes it should be discussed on something besides an appropriation bill, and the manner in which it can be carried out should be considered more at length than is possible at the present time. This is all I have to say.

Mr. ALLISON. Mr. President, I hope to finish the bill to-night, if practicable. We have now spent about five hours in the debate upon this proposition.

Mr. PEFFER. Will the Senator from Iowa yield to me just a moment to propose an amendment?

Mr. ALLISON. I will yield a moment for that purpose.

Mr. PEFFER. I propose an amendment, to come in at the proper place. I ask that it be read for information.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

*Provided further*, That when two towns or cities lie adjoining, but are situate in different States, the post-offices in said towns or cities shall not be consolidated in one office.

Mr. ALLISON. That is only an added reason why I should make the motion which I propose to make. I think the Senate thoroughly understand this question, and I move to lay the amendment of the Senator from Colorado, with all the amendments thereto, upon the table.

Mr. PASCO. Will the Senator from Iowa allow me one moment? In order that there may be a direct vote on the amendment offered by the Senator from Colorado, and without having it affected by the amendment which I offered, I will ask leave to withdraw my amendment to the amendment.

Mr. ALLISON. I withdraw my motion for that purpose.

Mr. PASCO. Then the question will be settled entirely upon that amendment.

Mr. VILAS. I hope the Senator from Iowa will not make that motion yet. I wish to engage the attention of the Senate for a few moments in respect to some things that have been said regarding the remarks I made on Thursday. I do not believe the Senator would gain anything in time by pressing a vote on this subject unreasonably. I doubt whether it would be possible for us to dispose of the bill to-night.

Mr. ALLISON. I certainly do not wish to press the bill unreasonably or the disposition of the amendment unreasonably. If the Senator from Wisconsin could indicate to me how much time he desires I would withdraw the motion for that purpose; or if I can have an understanding that the amendment shall be voted upon after the Senator from Wisconsin has concluded his observations I will yield to him.

Mr. VILAS. So far as the time required by me is concerned, it will be just such as I find necessary to make the few remarks I desire to make. I can not engage for a vote for anybody else after I am done.

Mr. ALLISON. After the observations to be made by the Senator from Wisconsin I will test the sense of the Senate by moving to lay the pending amendment on the table.

Mr. VILAS. I trust the Senator from Iowa will withdraw that motion, because it cuts off debate.

Mr. ALLISON. I understand that.

Mr. VILAS. And no debate is practically going to be cut off in that way. I certainly trust the Senator will not insist upon making the motion.

Mr. ALLISON. I understood the Senator to make that threat, and I understand perfectly well that the Senator from Wisconsin can make such observations as he chooses upon the bill at such time as he chooses; and that being true, I wish to test the sense of the Senate upon the amendment; that is all.

Mr. VILAS. The Senator from Iowa did not understand me correctly; I am sure he did not. I simply made a request which I think it is very common to have granted in the Senate. I certainly trust the Senator from Iowa is not, in his urgency to pass this appropriation bill, going to adopt a course of practice that is so unusual in this body. I have not engaged the attention of the Senate at length upon the subject. Several things have been said by the Senator from Florida on my right [Mr. PASCO] and the Senator from Nebraska [Mr. ALLEN] with respect to some observations I submitted to the Senate on Thursday that demand brief reply.

Mr. ALLISON. I wanted to yield to the Senator from Wisconsin and was asking him about how much time he would require, when he said to me that he did not expect to limit himself, but would occupy such time as he chose, and then notified me that the bill could not be finished to-night. If we are going on in this way, without having any arrangement, of course the Senator will make such motions as he sees proper to make. That is all I wish to say to the Senator from Wisconsin.

I desire to get through with the appropriation bill in a reasonable time. I desire also to give every Senator an opportunity to debate the pending question. But we have now spent from half past 12 until 5 o'clock upon this single amendment of the Senator from Colorado. I do not know, but from everything I can see about me the sense of the Senate is against the amendment. I only desire to test the sense of the Senate, not to cut off debate. Now, I will yield to the Senator from Wisconsin to make such observations as he chooses, and I give notice that after he has finished his remarks I shall renew my motion.

The VICE-PRESIDENT. The Chair desires to inquire of the Senator from Iowa whether he withdraws his motion to lay the amendment of the Senator from Colorado on the table?

Mr. ALLISON. I withdraw it for the time being.

The VICE-PRESIDENT. The motion is withdrawn. The Senator from Wisconsin is recognized.

Mr. WOLCOTT. Will the Senator from Wisconsin yield to me for a moment?

Mr. VILAS. With pleasure.

Mr. WOLCOTT. I shall try not to trespass upon the time of the Senate for more than three or four minutes, if I have to do so at all; but in view of the fact that I reported the amendment, it may be possible that I shall ask the Senator from Iowa to yield a moment to me to respond to one or two suggestions which have been made.

Mr. ALLISON. I shall certainly yield for that purpose. What I want is to have the bill disposed of before we adjourn to-day.

Mr. WOLCOTT. I have no desire to take up any time.

Several SENATORS. Let us adjourn.

Mr. VILAS. If the Senator from Iowa does not insist upon going on to-night, I am willing that that motion shall be made. I do not feel that I am at liberty to yield for the purpose of making it.

Mr. ALLISON. I will try to be as amiable as possible. If we can fix an hour to-morrow when the pending bill shall be disposed of without further debate, and all amendments made to it or proposed to it hereafter shall be disposed of without debate, and the bill shall pass before final adjournment to-morrow, fixing an hour, I will yield to the wishes of the Senator from Wisconsin.

Mr. WOLCOTT. That there shall be no debate upon any other amendment? Is that the Senator's suggestion?

Mr. ALLISON. It is not. My suggestion is that we shall fix an hour to vote upon the bill and all amendments relating to it, and after that hour we shall proceed to vote without further debate. Then I will yield to the disposition of Senators as respects adjournment.

Mr. WOLCOTT. I have only to say that except as to the amendment respecting experimental offices, which I desire to call to the attention of the Senator from Iowa, I suppose very briefly, I know of no other amendment, so far as I am concerned, which will take any time in discussion.

Mr. ALLISON. I ask unanimous consent, then, that to-morrow at 3 o'clock we shall proceed to vote, without further debate, upon all amendments to the bill then pending or of which notice has then been given.

Mr. VILAS. I suggest to the Senator from Iowa that he ask that the vote be taken to-morrow, without fixing an hour.

Mr. ALLISON. I will ask unanimous consent that we may vote at 4 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. ALLEN. I wish to ask the Senator from Iowa one question. Why not take the bill at the conclusion of the routine morning business and discuss it up to a certain hour, and then proceed with it under the five-minute rule for an hour or so and consider other amendments, and vote on it at 4 o'clock? Agreements upon other measures, such as the one proposed, have shut out the offering of amendments, the Senate having fixed a definite hour upon which to vote and the discussion having occupied the entire time up to that moment.

Mr. ALLISON. Then I will modify my proposition, in view of the suggestion made by the Senator from Nebraska. I request that we agree to take the bill up immediately after the routine business in the morning, proceed with it until 3 o'clock, and at 3 o'clock proceed with it, say, from 3 to 4, under the five-minute rule as provided by Rule VIII, and that at 4 o'clock we shall proceed to vote upon the bill and amendments without further debate.

Mr. ALLEN. And during which time amendments may be offered.

Mr. ALLISON. If they can be disposed of in the meantime, of course I shall make no objection.

Mr. VILAS. I suggest again to the Senator from Iowa that he simply ask the Senate to agree that a vote shall be taken to-morrow. We have had only one day's debate, practically, on the bill. There were some things said on it in a hurried way in the latter part of the afternoon for two or three days last week, but there has been very little discussion upon the bill of as much consequence as this is, and unfortunately, as I think, a good deal of it has been

devoted to this very simple amendment to-day, taking a wide range beyond perhaps what the nature of the amendment called for. That is uncontrollable, but that ought not to prevent the discussion of the bill in other particulars in which it may be necessary to present some amendments and observations on the part of different Senators.

Mr. ALLISON. Then I will modify my request still further and ask the Senate to agree that we shall proceed until half past 3 o'clock to-morrow with the general debate; that from that hour we shall debate the bill under the five-minute rule, and at 5 o'clock proceed to take a vote upon amendments and on the bill without further debate.

Mr. CULLOM. Unless it is sooner disposed of.

Mr. ALLISON. Unless it is sooner disposed of.

Mr. BUTLER. Will the Senator from Iowa pardon me? I have an amendment that I want to offer to the bill which might be ruled out on a point of order if the chairman of the committee objected to it. I should like permission to have the amendment read, so that I may know whether it would be objected to.

Mr. ALLISON. I will say to my friend from North Carolina that I will be reasonable in respect to amendments and as to points of order.

Mr. BUTLER. But, if the Senator from Iowa will pardon me, if the point of order should be made against my amendment, it would have to go before the Committee on Post-Offices and Post-Roads, which will not hold a meeting until Wednesday morning. Therefore, I much prefer the bill should not be acted on before Wednesday, so that the Committee on Post-Offices and Post-Roads could make a report upon it, in which case it would not be subject to the point of order. Will the Senator from Iowa permit me to have the amendment read so as see if there is any objection to it?

Mr. ALLISON. I would prefer to have that subject considered when we reach it. Of course I know that it is within the power of a Senator to object if he chooses. I assure him that I will be reasonable with him as respects the amendment.

Mr. BUTLER. I do not think there will be any objection to it, but I want to protect it against objection, which may be done by having the amendment read. It will take but a moment's reading.

Mr. ALLISON. The Senator will see that in making an adjustment now for a vote to-morrow I can not accept such a condition. Therefore I must decline his suggestion. Of course he has it in his power to object and thus to prevent me from obtaining the agreement which I very much desire.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. ALLEN. I want just one definite understanding and then there is no objection on my part. That is, that at any time during the discussion under the five-minute rule amendments may be offered up to the hour of 5 o'clock.

Mr. ALLISON. Undoubtedly, up to 5 o'clock.

Mr. VILAS. I wish to call the attention of the Senator, under that suggestion, to the fact that I shall desire to strike out from the bill the provision for necessary and special facilities on railroads, and if that amendment be not adopted I shall ask the Senate to reduce the amount to $175,000.

Mr. ALLISON. I will take no advantage of Senators as respects amendments. All I desire is to complete the consideration of the bill to-morrow and have unanimous consent that it may be done. I do not wish to detain the Senate here beyond a reasonable hour on that day. Therefore I have made every proposition that will facilitate what I wish to have done to-morrow.

The VICE-PRESIDENT. The Chair submits again, Is there objection to the request of the Senator from Iowa? The Chair hears none. It is so ordered.

Mr. HAWLEY. I desire to send to the desk an amendment to come in on page 7, line 25.

### GEN. JOHN M. THAYER.

Mr. THURSTON. I ask unanimous consent to make a momentary statement concerning a bill that came over from the House to-day, and then I shall ask unanimous consent to have it passed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none. The bill will be read for information.

The Secretary read the bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Thayer, late brigadier-general and brevet major-general of volunteers, at a pension of $100 a month.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### POST-OFFICE APPROPRIATION BILL.

Mr. CULLOM. I rose to call up a pension bill, but I yield to the Senator from Iowa to make a statement.

Mr. ALLISON. I asked the Senator from Illinois to yield to me that I might state the unanimous understanding as respects the disposition of the Post-Office appropriation bill to-morrow. The request I made was, that immediately after the completion of the routine business in the morning the bill should be taken up and continued under the general rule of debate until half past 3; that from that time until 5 o'clock it should be considered under the five-minute rule, and at that hour we should proceed to vote upon all amendments and upon the bill without further debate.

Mr. ALLEN. With the right to move to amend up to what hour?

Mr. ALLISON. Up to 5 o'clock.

Mr. WOLCOTT. I wish to ask a question for information. For instance, an amendment is to be offered suggesting that the experimental free-delivery offices be discontinued. The discussion upon that when it comes will be limited to the five-minute rule under this agreement?

Mr. ALLISON. If it does not come until half past 3 it will.

Mr. WOLCOTT. It is very certain, of course, not to come until half past 3.

Mr. PASCO. Before we pass away from the appropriation bill, I ask leave to offer an amendment. I ask that it may be printed in the ordinary form and also in the RECORD.

The VICE-PRESIDENT. It will be so ordered.

Mr. PASCO's amendment is as follows:

On page 2, after "seat," in line 6, insert the following additional proviso: "*And provided further*, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office to which such station, substation, or branch office is attached is located."

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation in the States of Kansas and Nebraska;

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.;

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan; and

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

### MISS MARY E. HULL.

Mr. CULLOM. I ask the Senate to put on its passage the bill (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension rolls the name of Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, in the Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion, and to pay her a pension at the rate of $12 per month.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER February 27, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1141) granting a pension to Miss Mary E. Hull, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

### HOUSE REPORT.

The evidence fully establishes the fact that the beneficiary in said bill was the sister of James and John A. Hull; that said James died in the service of his country in the war of the rebellion; that said John A was a member of Company F, Eighty-first Illinois Volunteers, in the war of the rebellion, and also was in the Mexican war; that said Mary E. is now and always has been a single woman.

That her brother John A. was a widower when he entered the service of the United States in the war of the rebellion; that she lived with and was keeping house for him at said time; that he then had three young, helpless children, and the said Mary E. took charge of them during his absence, cared for and educated them; that she had no money or property of her own, but devoted her energies and life to her said brother John A. and his children both during and after the war; that her brother John A. remained a widower till his death.

That he died about eight years ago, leaving no property or money, and that

said Mary E. has no property or money, is near 63 years of age, from disability is unable to support herself, and is dependent upon her friends for support; that said John A. Hull contracted disabilities while in the line of duty in the service of his country in the late rebellion from which he never recovered and of which he died; that he was at the date of his death drawing a pension for such disabilities; that said Mary E. was dependent upon her said brother John A. for support during his life, and since his death on the charity of friends; that from medical evidence furnished your committee she is now, from age and disability, unable to work or labor to support herself.

That she is and always has been a lady of good and irreproachable character and reputation, respected by those who know her; that said Mary E., by her devotion to the family of her said brother John A., caring for and rearing them from childhood to maturity, lost and abandoned the opportunities of young womanhood, and your committee, fully believing that after these years of devotion to this soldier of the Union and his children she should in her old days be cared for by a generous Government, recommend that said bill do pass at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY COUNTY, TENN.

Mr. BATE. I ask unanimous consent for the present consideration of House bill 4053. It is purely a local bill which has passed the other House. It will take but a few moments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States. It proposes to repeal the act of March 3, 1875, chapter 148 of the Supplement of the Revised Statutes of the United States, and that the county of Perry, in the middle judicial district of the United States in the State of Tennessee, shall hereafter compose a part of the western judicial district of the United States in that State; and all cases now commenced or depending in the district affected by this act shall be heard, tried, and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in the district shall be prosecuted and punished in the same manner as if this act had not been passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPITAL RAILWAY COMPANY.

Mr. WALTHALL. I ask unanimous consent for the present consideration of Senate bill 888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the words "striking out," in line 6, and insert:

In the first section all after the words "a common seal," to the end of the section, and inserting the following: "Said corporation is hereby authorized to construct and lay down and complete a single or double track street railway in the District of Columbia, and run cars thereon for carrying passengers by and along the following route: Beginning at a point on the District line near the Potomac River southeast of Shepherd's Ferry, thence by such route as shall be approved by the Commissioners of the District of Columbia to the south side of the Eastern Branch or Anacostia River at the Navy-Yard Bridge; thence across said bridge to Eleventh street east; thence north on Eleventh street east to M street south; thence west on M street to a point to be located by the District Commissioners near Eighth street east, connecting with the lines of the Capital Traction Company, and returning over the same route to the point of beginning. Also, beginning at the eastern end of the Navy-Yard Bridge, easterly along Monroe and Harrison streets and Good Hope road, and from Good Hope road to the District line, over such route as the District Commissioners shall approve, and returning over the same route to the point of beginning: *Provided*, That within the city of Washington a double-track railway shall be constructed."

SEC. 2. That the motive power to be used on the lines in this act specified shall be the underground electric system within the city of Washington and the overhead trolley system outside the city of Washington. For crossing the Navy-Yard Bridge the said company may, in the discretion of the Commissioners of the District of Columbia, use either horse power or the underground electric system to propel its cars; and the said company shall have the privilege of carrying an electric current across the said Navy-Yard Bridge in such manner as the said Commissioners of the District of Columbia shall prescribe.

SEC. 3. That the Capital Railway Company and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both.

SEC. 4. That the portion of the company's route from Congress or Pencote Heights to Shepherd's Landing shall be completed within four years from the date of the passage of this act.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA CRAIG HECKMAN.

Mr. SEWELL. I ask unanimous consent for the present consideration of the bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman, on the pension roll at $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOMS OFFICERS AND ASSISTANT TREASURERS.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter all customs officers and assistant treasurers appointed by the President, by and with the advice and consent of the Senate of the United States, for a term of four years, shall hold their offices until their successors shall have been duly appointed and qualified according to law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD DEPOT GROUNDS IN INDIAN TERRITORY.

Mr. CHILTON. I ask unanimous consent for the present consideration of House bill 5672.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5672) to grant to railroad companies in the Indian Territory additional powers to secure depot grounds.

The bill was reported from the Committee on Indian Affairs with an amendment, to insert at the end of the bill, as a new section, the following:

SEC. 4. That all lands acquired under the provisions of this act shall be used for railroad purposes strictly, and not more than 20 acres of land at any one station shall be acquired hereunder by any one railroad company; nor shall any additional land be so acquired which is not contiguous to land already occupied for railroad purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

A. H. M'LAWS.

Mr. GORDON. I ask unanimous consent for the present consideration of the bill (H. R. 5088) granting an increase of pension to A. H. McLaws.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of A. H. McLaws, of Dublin, Ga., late second lieutenant in Captain Dill's Company (B), First Georgia Regiment, Mexican war, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIBBONS OF HONOR.

Mr. SHOUP. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to issue to any person to whom a medal of honor has been awarded, or may hereafter be awarded, under the provisions of the joint resolution approved July 12, 1862, and the act approved March 3, 1863, a rosette or knot to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed and established by the President of the United States, and any appropriation that may hereafter be available for the contingent expenses of the War Department is hereby made available for the purposes of this act: *Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor.

Mr. COCKRELL. I move to strike out the proviso from that amendment. I do think it is too small a business for this Government to engage in to be furnishing ribbons to men who have had medals. It is small enough, I think, to furnish them in the first place; but when a man loses or defaces his ribbon, then to have the Secretary of War solemnly issue a little piece of ribbon to him, and send it to him by mail or express, seems to me to be absurd. I move to strike out that part of the amendment.

Mr. HOAR. I should like to inquire of the Senator if he knows of what the cross of the Legion of Honor is composed, which all French soldiers prize more than they do their lives?

Mr. COCKRELL. I do not. Is there any little ribbon attached to it?

Mr. HOAR. Oh, yes.

Mr. SHOUP. Yes; there is a ribbon attached to it, and if it wears out, it is replaced.

Mr. COCKRELL. Why could not the man replace it himself?

Mr. SHOUP. The demand for these ribbons will be so small that dealers will not be justified in carrying them in stock, and the cost is but trifling.

Mr. COCKRELL. The cost is such a minimum and such a little thing that I do not think the Government should be called upon to furnish the ribbons; and I must insist on my amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri, to strike out the proviso which will be stated.

The SECRETARY. It is proposed to strike out the proviso at the end of the amendment, which reads:

*Provided*, That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was issued, the Secretary of War shall cause a new ribbon to be issued to such person without charge therefor.

Mr. SHOUP. I hope the Senator will not insist on that.

The amendment was rejected.

Mr. COCKRELL. I object to the further consideration of the bill.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

CONDEMNED CANNON TO GUILFORD BATTLE GROUND COMPANY.

Mr. BUTLER. I ask unanimous consent for the consideration at this time of the joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT MENOMINEE HARBOR, MICHIGAN.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 4, after the word "Harbor," to strike out "Wisconsin" and insert "Michigan"; so as to make the bill read:

*Be it enacted, etc.*, There is hereby authorized to be constructed, at the north pier of the entrance to Menominee Harbor, Michigan, a fog signal, to cost not exceeding $5,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan."

W. H. L. PEPPERELL.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 250) for the relief of W. H. L. Pepperell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to cause the accounts of W. H. L. Pepperell, late postmaster at Concordia, State of Kansas, to be credited with $1,545, and cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $1,345 in postage stamps and $200 in postal funds stolen from the post-office on August 27, 1887, it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $1,545 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 7, 1896, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 6, 1896.*

ASSISTANT ATTORNEY-GENERAL.

William A. Little, of Georgia, to be Assistant Attorney-General.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Asst. Engineer Willits Pedrick, of New Jersey, to be a chief engineer in the Revenue-Cutter Service of the United States.

INDIAN AGENT.

John C. Keenan, of Stringtown, Ind., to be agent for the Indians of the Neah Bay Agency in Washington.

POSTMASTERS.

Ansel E. Chamberlin, to be postmaster at Dalton, in the county of Berkshire and State of Massachusetts.

Martin McCabe, to be postmaster at Winchenden, in the county of Worcester and State of Massachusetts.

## HOUSE OF REPRESENTATIVES.

MONDAY, *April 6, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

SEED DISTRIBUTION.

Mr. HITT. Mr. Speaker, I ask the regular order.

Mr. WADSWORTH. Mr. Speaker, I wish to make a brief announcement, with the consent of the gentleman from Illinois.

The SPEAKER. Will the gentleman from Illinois yield for a moment?

Mr. HITT. Certainly.

Mr. WADSWORTH. Mr. Speaker, I ask that the following letter be read for the information of the House. It is from the Secretary of Agriculture and relates to the subject of seed distribution.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D. C., April 6, 1896.*

SIR: Complying with your request, and what seems to be the almost unanimous desire of the House of Representatives, I have telegraphed Landreth & Sons that their proposition to put the seeds into packages of 5 instead of 15 packets (making 2,025,000 packages instead of 675,000) for $5,000 extra compensation has been accepted, and the seeds will be so done up.

Respectfully, yours,

J. STERLING MORTON, *Secretary.*

Hon. J. W. WADSWORTH,
*Chairman Committee on Agriculture, House of Representatives.*

Mr. HULICK. That is right.

[The reading of the letter was received with applause.]

CUBAN AFFAIRS.

Mr. HITT. Mr. Speaker, I call up the conference report.

The SPEAKER. Under the order of the House, the vote will now be taken on the report of the conference committee on the resolutions relating to Cuba.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HITT. I ask for the yeas and nays.

Several MEMBERS. Oh, no.

The SPEAKER. The gentleman demands the yeas and nays.

Mr. HITT. I withdraw the demand.

Mr. TUCKER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 27, not voting 80; as follows:

YEAS—247.

| | | | |
|---|---|---|---|
| Abbott, | Cannon, | Dockery, | Hemenway, |
| Adams, | Catchings, | Dolliver, | Henderson, |
| Aitken, | Chickering, | Doolittle, | Henry, Ind. |
| Aldrich, Ala. | Clardy, | Dovener, | Hepburn, |
| Allen, Utah | Clark, Iowa | Eddy, | Hermann, |
| Arnold, Pa. | Clark, Mo. | Ellis, | Hilborn, |
| Avery, | Cobb, Mo. | Evans, | Hill, Conn. |
| Babcock, | Cockrell, | Fairchild, | Hitt, |
| Bailey, | Codding, | Fenton, | Hooker, |
| Baker, Kans. | Colson, | Fischer, | Hopkins, |
| Baker, N. H. | Connolly, | Fletcher, | Howe, |
| Barham, | Cook, Wis. | Foss, | Howell, |
| Barney, | Cooke, Ill. | Gamble, | Hubbard, |
| Bartholdt, | Cooper, Fla. | Gardner, | Huff, |
| Beach, | Cooper, Tex. | Gibson, | Hulick, |
| Belknap, | Cooper, Wis. | Graff, | Hull, |
| Bell, Colo. | Corliss, | Griffin, | Hunter, |
| Bell, Tex. | Cousins, | Griswold, | Hurley, |
| Bennett, | Crowley, | Grosvenor, | Hyde, |
| Bishop, | Crump, | Grow, | Jenkins, |
| Blue, | Cummings, | Hadley, | Johnson, Cal. |
| Broderick, | Curtis, Iowa | Hager, | Johnson, Ind. |
| Bromwell, | Curtis, Kans. | Hainer, Nebr. | Johnson, N. Dak. |
| Brosius, | Curtis, N. Y. | Halterman, | Kem, |
| Brown, | Danford, | Hanly, | Kerr, |
| Brumm, | Dayton, | Hardy, | Kiefer, |
| Buck, | De Armond, | Harris, | Kirkpatrick, |
| Burrell, | Denny, | Hart, | Knox, |
| Burton, Mo. | De Witt, | Hartman, | Kulp, |
| Burton, Ohio | Dingley, | Hatch, | Lacey, |
| Calderhead, | Dinsmore, | Heatwole, | Latimer, |

| | | | |
|---|---|---|---|
| Lawson, | Meredith, | Ray, | Sulloway, |
| Layton, | Meyer, | Reeves, | Sulzer, |
| Leighty, | Miles, | Reyburn, | Swanson, |
| Leisenring | Miller, W. Va. | Richardson, | Taft, |
| Leonard, | Milliken, | Robinson, Pa. | Talbert, |
| Lester, | Milnes, | Royse, | Tate, |
| Lewis, | Minor, Wis. | Russell, Conn. | Tawney, |
| Linney, | Mondell, | Sauerhering, | Tayler, |
| Linton, | Money, | Sayers, | Terry, |
| Little, | Mozley, | Scranton, | Thomas, |
| Livingston, | Murphy, | Shafroth, | Towne, |
| Long, | Newlands, | Sherman, | Tracey, |
| Loudenslager, | Noonan, | Shuford, | Treloar, |
| Low, | Northway, | Smith, Ill. | Underwood, |
| Maddox, | Odell, | Smith, Mich. | Updegraff, |
| Mahany, | Ogden, | Southard, | Van Horn, |
| Mahon, | Otey, | Spalding, | Van Voorhis, |
| Marsh, | Otjen, | Sparkman, | Walsh, |
| McCall, Tenn. | Overstreet, | Spencer, | Wanger, |
| McClellan, | Owens, | Sperry, | Warner, |
| McClure, | Patterson, | Stahle, | Washington, |
| McCormick, | Payne, | Steele, | Watson, Ohio |
| McCreary, Ky. | Pearson, | Stephenson, | Wellington, |
| McCulloch, | Pendleton, | Stewart, N. J. | Wilber, |
| McDearmon, | Perkins, | Stewart, Wis. | Willis, |
| McLachlan, | Phillips, | Stokes, | Wilson, Idaho |
| McLaurin, | Pickler, | Stone, C. W. | Wood, |
| McMillin, | Powers, | Stone, W. A. | Woodard, |
| McRae, | Prince, | Strait. | Woodman, |
| Meiklejohn, | Pugh, | Strong, | Yoakum. |
| Mercer, | Quigg, | Strowd, N. C. | |

NAYS—27.

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|---|---|---|---|
| Arnold, R. I. | Daniels, | Lefever, | Turner, Ga. |
| Atwood, | Draper, | Lockhart, | Tyler, |
| Berry, | Ellett, Va. | McCall, Mass. | Wadsworth, |
| Black, Ga. | Elliott, S. C. | Moody, | Walker, Mass. |
| Black, N. Y. | Gillet, N. Y. | Poole, | Walker, Va. |
| Boutelle, | Gillett, Mass. | Simpkins, | Wright. |
| Culberson, | Grout, | Tucker, | |

NOT VOTING—80.

| | | | |
|---|---|---|---|
| Acheson, | Crisp, | Joy, | Russell, Ga. |
| Aldrich, Ill. | Crowther, | Kendall, | Settle, |
| Allen, Miss. | Dalzell, | Kyle, | Shannon, |
| Anderson, | Downing, | Lorimer, | Shaw, |
| Andrews, | Erdman, | Loud, | Skinner, |
| Apsley, | Faris, | Maguire, | Snover, |
| Baker, Md. | Fitzgerald, | McCleary, Minn. | Sorg, |
| Bankhead, | Foote, | McEwan, | Southwick, |
| Barrett, | Fowler, | McKenney, | Stallings, |
| Bartlett, Ga. | Hall, Mo. | Miller, Kans. | Strode, Nebr. |
| Bartlett, N. Y. | Harmer, | Miner, N. Y. | Tracewell, |
| Bingham, | Harrison, | Morse, | Turner, Va. |
| Bowers, | Heiner, Pa. | Moses, | Watson, Ind. |
| Brewster, | Hendrick, | Neill, | Wheeler, |
| Bull, | Henry, Conn. | Parker, | White, |
| Clarke, Ala. | Hicks, | Pitney, | Williams, |
| Cobb, Ala. | Howard, | Price, | Wilson, N. Y. |
| Coffin, | Huling, | Raney, | Wilson, Ohio |
| Cowen, | Hutcheson, | Robertson, La. | Wilson, S. C. |
| Cox, | Jones, | Rusk, | Woomer. |

So the conference report was adopted.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. WILLIAMS with Mr. HUTCHESON.

Mr. WOOMER with Mr. SORG.

Mr. HICKS with Mr. MOSES.

Mr. HARMER with Mr. DOWNING.

Mr. BARTLETT of New York with Mr. CLARKE of Alabama.

Mr. BREWSTER with Mr. ALLEN of Mississippi.

Mr. HULING with Mr. STALLINGS.

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. RANEY with Mr. COWEN.

Mr. WHITE with Mr. HARRISON.

Mr. SETTLE with Mr. RUSK.

Mr. CROWTHER with Mr. LAYTON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. COX.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. LOUD with Mr. KYLE.

Mr. ANDREWS with Mr. MINER of New York.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. LORIMER with Mr. MAGUIRE.

On this vote:

Mr. DRAPER with Mr. GAMBLE.

Mr. JONES with Mr. TURNER of Virginia.

Mr. BARTLETT of Georgia with Mr. RUSSELL of Georgia.

Mr. STRODE of Nebraska with Mr. ERDMAN.

Mr. HOPKINS. Mr. Speaker, my colleague, Mr. LORIMER, is necessarily absent to-day. If present, he would vote "yea" on this question.

Mr. LAYTON. Mr. Speaker, I have a general pair with the gentleman from Missouri [Mr. CROWTHER], but it was expressly understood that I might vote on this proposition; and he asked me to state that if present, he also would vote "yea."

My colleague, Mr. SORG, was called suddenly away, and requested me to announce that if present, he would vote "yea."

Mr. JONES. Mr. Speaker, I find that I am paired with my colleague, Mr. TURNER, and therefore withdraw my vote.

Mr. BREWSTER. Mr. Chairman, I find that I am paired with the gentleman from Mississippi [Mr. ALLEN]. I voted "yea," but withdraw my vote.

Mr. DRAPER. I understand that I am reported as being paired. I paired when going away, a week ago, with the understanding that the pair would expire on Saturday last. The pair related to political questions, and has expired; besides, this is not a party question; and I therefore voted and desire my vote to be recorded in the negative.

Mr. WILLIAMS. I inadvertently voted on this resolution, forgetting the fact that I was paired with the gentleman from Texas [Mr. HUTCHESON]. I voted "yea," and withdraw my vote. He would vote "nay," if present. I wished to explain this fact.

Mr. TRACEWELL. Mr. Speaker, I see that I am paired, by a friend, with the gentleman from Kentucky [Mr. HENDRICK]. If not paired, I should have voted "yea."

Mr. MERCER. My colleague [Mr. ANDREWS] is paired. If present, he would vote in the affirmative on this question.

Mr. MCDEARMON. I was erroneously reported as paired. I voted, and wish the announcement of the pair to be withdrawn.

Mr. WHEELER. I should like to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall and listening to his name?

Mr. WHEELER. I was detained at the door talking to a man, and when my name was called, in the confusion, I did not catch it in time to vote.

The SPEAKER. Was the gentleman listening for his name?

Mr. WHEELER. I was, as well as a man can who is talking. I should like to have my vote recorded in the affirmative.

The SPEAKER. The Chair can not entertain a request under the rule, as the gentleman is aware.

Mr. FOOTE. Mr. Speaker, I was in the corridor when my name was called. If present, I should have voted "nay."

Mr. DAYTON. My colleague, Mr. HULING, was called home unexpectedly. If present, he would vote "yea."

Mr. MILES. Mr. Speaker, would it be in order to ask that the gentleman from Alabama be permitted to record his vote?

The SPEAKER. The Chair can not entertain the request under the rules.

Mr. NEILL. I desire to have my vote recorded, Mr. Speaker.

The SPEAKER. Was the gentleman present?

Mr. NEILL. I was in the House during the second call.

The SPEAKER. Under the rule that is not sufficient.

Mr. NEILL. I can not say whether I was actually present when my name was called or not. I came in during the call. I should have voted "yea," if present.

Mr. BABCOCK. I ask a recapitulation of the vote.

Mr. WHEELER. Would it be in order to state that I should have voted "yea"?

Mr. DALZELL. I find that I am paired with the gentleman from Georgia [Mr. CRISP]. I voted "yea," but not knowing how he would vote, I will withdraw mine.

Mr. HULICK. I find, since recording my vote, that I am paired generally with the gentleman from Tennessee [Mr. COX]. I learn that he would have voted "yea," if present, and with the understanding that he would have so voted, I desire to let my vote stand.

Mr. FOOTE. Mr. Speaker, I desire to have my name recorded. I was in the Hall when the first roll was called.

The SPEAKER. Was the gentleman listening to his name?

Mr. FOOTE. I was just across in the cloakroom——

The SPEAKER. The Chair is not allowed to entertain a request, under the rule, unless the gentleman was present and failed to hear his name.

Mr. WILLIAM A. STONE. Mr. Speaker, my colleague, Mr. ACHESON, is unavoidably detained from the House. If present, he would vote "yea."

Mr. RICHARDSON. My colleague, Mr. COX, is absent by permission of the House. If present, he would vote "yea."

Mr. JOY. I supposed, Mr. Speaker, that I was paired, and did not vote when my name was called. I find by the list of pairs, however, that the information given me was erroneous, and I ask to have my name recorded.

The SPEAKER. The Chair is unable to entertain the request under the circumstances.

Mr. JOY. I desire to say that I should have voted "yea," had I not been under the impression that I was paired.

The result of the vote was then announced as above recorded.

The announcement was received with prolonged applause.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

### RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York [Mr. HOOKER] moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. HOOKER. Mr. Speaker, I ask that a second be considered as ordered.

Mr. RICHARDSON. Mr. Speaker, is it not proposed to read this bill at all? I understand that it carries ten millions of appropriations and authorizes about $50,000,000 of contracts.

Mr. HOOKER. This is generally the way this bill is passed. It passed this way in the last Congress.

Mr. DOCKERY. A bill carrying $62,000,000 of obligations ought to be read.

Mr. RICHARDSON. I ask that the bill be read.

The SPEAKER. The bill will have to be read, if gentlemen desire it, of course.

Mr. HOPKINS. Every member is familiar with this bill. It seems to me it is useless to take up the time——

Mr. WHEELER. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. HOOKER] has the floor.

Mr. HOOKER. Mr. Speaker, after a second shall have been considered as ordered, or has been ordered by the House, I propose to ask unanimous consent that debate upon the pending bill may be extended.

The SPEAKER. The gentleman asks that a second be considered as ordered. Is there objection?

Mr. WHEELER. Mr. Speaker, I simply want about five minutes to speak upon this bill. Can I have that?

Mr. HOOKER. You shall have the time. There will be no objection to that.

Mr. DOCKERY. Mr. Speaker, I have no objection to considering a second as ordered, but I shall object to dispensing with the reading of the bill.

The SPEAKER. There being no objection, a second is ordered. The gentleman from New York.

Mr. COLSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COLSON. I rise to ask if any changes have been made in the bill since it was printed?

Mr. HOOKER. Yes; there have been some changes. I will state to the gentleman that there have been some immaterial changes ordered by the committee this morning, which changes I will explain when the bill is being considered.

Now, Mr. Speaker, I ask unanimous consent that the time for debate be extended until 3 o'clock.

The SPEAKER. The gentleman from New York [Mr. HOOKER] asks unanimous consent that the time for debate be extended until 3 o'clock. Is there objection?

Mr. UPDEGRAFF. Is it to be general debate?

Mr. HOOKER. General debate, under suspension of the rules.

Mr. CATCHINGS. What was the request? I was unable to hear it.

The SPEAKER. That the time for debate be extended until 3 o'clock.

Mr. OWENS. I object.

Mr. HOOKER. Unless some agreement can be had, then only the debate can be had which is provided by the rule. I hope no objection will be made.

Mr. GIBSON. I object, Mr. Speaker.

Mr. HOOKER. Then, Mr. Speaker, I ask that the bill be read.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

*Be it enacted, etc.*, That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Camden, Me.: Continuing improvement, $10,000.

Improving harbor at Rockland, Me.: Continuing improvement, including project recommended by Chief of Engineers under date of December 14, 1895, $25,500, of which $1,500 may be expended for the removal of an old hulk sunk in the harbor: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of said projects for the improvement of said harbor, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $760,500, exclusive of the amount herein and heretofore appropriated.

Improving Mooseabec Bar, Maine: Continuing improvement, $12,000.

Improving Portland Harbor, Maine, according to the report of the Chief of Engineers dated April, 1896, and continuing improvement of Back Cove, according to existing project, $20,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary for the completion of such projects, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $810,000, exclusive of the amount herein appropriated.

Improving harbor at Belfast, Me.: Continuing improvement, $8,000.

For construction of breakwater from Mount Desert to Porcupine Island, Maine: Continuing improvement, $10,000.

Improving harbor at Sullivan Falls, Me., in accordance with approved project, $5,000.

Improving Carvers Harbor, at Vinal Haven, Me., $10,000, in accordance with plans submitted by the Chief of Engineers.

Improving harbor of refuge at Little Harbor, N. H.: Continuing improvement, $10,000.

Improving harbor at Burlington, Vt.: Continuing improvement, $10,000.

Improving harbor at Boston, Mass.: Continuing improvement, $70,000: *Provided*, That this sum shall be used in the preservation and improvement of said harbor other than the project for improving the main ship channel, and that $7,000 of this sum shall be used in improving Chelsea Creek: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such improvement, submitted August 11, 1892, such contracts to provide that said ship channel shall be widened to a minimum width of 1,000 feet and a minimum depth of 27 feet, to be paid for as appropriations may from time to time be made by law, in the aggregate not to exceed $1,145,000, exclusive of amount herein and heretofore appropriated.

Improving harbor at Lynn, Mass.: Continuing improvement, $30,000.

Improving harbor of refuge at Nantucket, Mass.: Continuing improvement, $20,000.

Improving harbor at Plymouth, Mass.: Completing improvement, $1,500.

Improving harbor at Provincetown, Mass.: Completing improvement, $1,500.

Improving harbor at Newburyport, Mass.: Continuing improvement, $16,000.

Improving harbor at Scituate, Mass.: Continuing improvement, $6,000.

Improving harbor at Hyannis, Mass.: Continuing improvement, $6,000, of which sum $2,500 shall be expended for dredging.

Improving harbor at Vineyard Haven, Mass.: Continuing improvement, $7,000.

Improving harbor of refuge at Sandy Bay, Cape Ann, Mass.: Continuing improvement, $150,000.

Improving harbor at Gloucester, Mass.: Continuing improvement, $34,000: *Provided*, That of this appropriation a sum not exceeding $2,000 may, in the discretion of the Secretary of War, be expended in removing from Gloucester Harbor a pinnacle rock in the outer harbor, a rock called "Elisha's Rock," in the inner harbor, and a rock near the ferry landing at Rocks Neck, in the inner harbor.

Improving Woods Hole Channel, Massachusetts, $20,000, in accordance with project approved by Chief of Engineers.

Manchester Harbor, Massachusetts: The Secretary of War is directed, out of the appropriation on hand, to make a resurvey of Manchester Harbor with a view of straightening the channel between its mouth and Proctors Point, removing obstructions at the mouth of the channel and at the point of rocks, dredging the channel for its entire length between its mouth and the town wharf to a width of from 200 feet narrowing to 150 feet and a depth of 8 feet, and providing turning basins and anchorage for boats by the dredging of the flats for that purpose.

Improving New Bedford Harbor, Massachusetts: Continuing improvement, with a view of securing an increased area for anchorage in the upper harbor, in accordance with report submitted by Maj. D. W. Lockwood, in House document No. 59, Fifty-fourth Congress, first session, $10,000.

Improving harbor Great Salt Pond, Block Island, R. I., $10,000, in accordance with the report of Chief of Engineers, November 29, 1895.

Improving harbor at Newport, R. I.: Continuing improvement, $15,000.

Improving harbor at Wickford, R. I., $6,300, in accordance with project of September 4, 1895, which said sum the Secretary of War is authorized and directed to expend from the balance on hand heretofore appropriated for entrance to Point Judith Pond.

Improving harbor at Bridgeport, Conn.: Continuing improvement, $18,000, in accordance with the modified project for the improvement thereof.

Constructing breakwaters at New Haven, Conn.: Continuing construction, $100,000.

Improving harbor at New Haven, Conn.: Continuing improvement, $10,000, and the Secretary of War is directed to make a resurvey and submit plans and estimates for the improvement thereof.

For continuing improvements at Stonington Harbor, Connecticut, $5,000, this sum to be applied for the completion of a dike or water break around Stonington Point.

Improving harbor at Five Mile River, Connecticut: Continuing improvement, $2,500.

Improving harbor at Duck Island, on Long Island Sound, Connecticut: Continuing improvement, $24,000.

Improving harbor at Stamford, Conn.: Continuing improvement, $10,000.

Improving harbor at Cocob and Miamus River, Connnecticut: Continuing improvement, $8,000, in accordance with the modified and approved project.

Improving harbor at Norwalk, Conn., $10,000, in accordance with the approved modified project for the improvement thereof.

Improving harbor at Westport, Conn., in accordance with approved project for the improvement thereof. The Secretary of War is hereby authorized and directed to expend the sum of $3,000 out of the balance unexpended for entrance to Point Judith Pond, Rhode Island, for the improvement of said harbor at Westport, Conn.

Improving harbor at Buffalo, N. Y.: Improvement by extending the breakwater southerly to Stony Point: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out such extension and the plan of such improvement as modified in the report of the Chief of Engineers for the improvement of that harbor for 1895, such contracts to provide that the sand-catch pier be extended to the bulkhead line, at a cost not exceeding $35,000, and that the northerly section of said extension to Stony Point and the sand-catch pier extension shall first be constructed, to be paid for as appropriations may, from time to time, be made by law, in the aggregate not to exceed $2,200,000.

Improving harbor at Canarsie Bay, New York: Continuing improvement, $10,000.

Improving harbor at Charlotte, N. Y.: Continuing improvement, $12,000.

Improving harbor at Wilson, N. Y.: For dredging and maintenance, $5,000.

Improving harbor at Dunkirk, N. Y.: Continuing improvement, $10,000, in accordance with the modified project for its improvement: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the modified project for its improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $398,258, exclusive of amount herein and heretofore appropriated.

Improving harbor at Flushing Bay, New York: Continuing improvement, $4,000.

Improving harbor at Glencove, N. Y.: Continuing improvement, $8,000.

Improving Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, and removing triangular area between Red Hook and Bay Ridge channels, in the harbor of New York, N. Y.: Continuing improvement, $80,000: *Provided*, That the work shall be begun at the southerly end of Bay Ridge Channel and continue through it and the others northerly until completed, so that each shall have a uniform mean low-water depth of 26 feet and width as recommended for each: *And provided further*, That out of said sum $5,000 shall be expended in dredging Gowanus Canal from Percival street to Hamilton Avenue Bridge: *And provided further*, That contracts may be entered into by the Secretary of War for the completion of the whole or any part of said work, to be paid for as appropriations may be made from time to time by law, not exceeding in the aggregate $777,300, exclusive of the amount herein and heretofore appropriated.

And in order to meet the demands of the greatly enlarged size of vessels,

and of increasing commerce, it is hereby further provided that such piers as may be built between Seventeenth street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a linear width not to exceed 500 feet, and, whether of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the inflow of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers.

For the purpose of straightening the channel of Gowanus Bay, the harbor line of the northerly shore of Gowanus Bay, instead of extending from a point on the easterly side of Court street (as said Court street existed and was laid out May 20, 1875), distant 500 feet southerly from the intersection of the said easterly side of Court street with the southerly side of Bryant street (as said Bryant street existed and was laid out May 20, 1875), running thence westerly parallel with said Bryant street and 500 feet therefrom, 380 feet, and thence southerly and at right angles to the last-mentioned line and parallel with Clinton street 393 feet, to the exterior sea wall, as at present established, shall extend from the point first above described in a straight line in a southwesterly direction to said point where the above-described line parallel with Clinton street and 393 feet in length intersects the above-mentioned exterior sea-wall line.

Improving Newtown Creek, part of the harbor at New York: Continuing improvement in accordance with modified project submitted in report of Maj. H. M. Adams, Corps of Engineers, United States Army, dated March 24, 1890, $30,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the modified project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $420,000, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Great Sodus Bay, New York: Continuing improvement, $8,000.

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $8,000.

Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $20,000.

Improving harbor at Oswego, N. Y.: Continuing improvement, $60,000, in accordance with the modified project for its improvement.

Improving harbor at Rondout, N. Y.: For maintenance, $2,500.

Improving New York Harbor, N. Y.: Continuing improvement, $60,000.

Improving harbor at Saugerties, N. Y.: For completion, $2,500.

Improving harbor at Port Chester, N. Y.: Continuing improvement, $5,000.

Improving Tonawanda Harbor and Niagara River to the north line of the village of North Tonawanda, N. Y.: Continuing improvement, $50,000.

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, $13,000, out of which sum $5,000 shall be used in dredging Lemon Creek, on Staten Island.

Improving harbor at Huntington, N. Y.: Continuing improvement, $5,000.

Improving harbor at Larchmont, N. Y.: Continuing improvement, $5,000.

Improving harbor at Port Jefferson Inlet, New York, $7,500.

Improving harbor at Pultneyville, N. Y.: Continuing improvement, $1,500.

Improving harbor at Peekskill, N. Y., in accordance with report submitted by Col. G. L. Gillespie, Corps of Engineers, November 26, 1894, $10,000.

Improving harbor at Mattituck, N. Y., according to the approved project for the improvement thereof, $10,000.

Improving harbor at Cape Vincent, N. Y., according to the approved project for the improvement thereof, $25,000.

Improving harbor at Raritan Bay, New Jersey: Continuing improvement in accordance with modified project, $50,000.

Improving Keyport Harbor, New Jersey: For maintenance, $2,500.

Improving harbor at Erie, Pa.: The Secretary of War is hereby directed to cause a resurvey to be made of the harbor at Erie, Pa., out of the unexpended money heretofore appropriated for the improvement of said harbor.

Improving Delaware Breakwater, Delaware: Continuing improvement, $80,000.

Constructing harbor of refuge, Delaware Bay, Delaware, in accordance with plans submitted by the Chief of Engineers January 29, 1892, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $4,080,000, exclusive of the amount herein appropriated.

Improving harbor at Wilmington, and Christiana River, Delaware: Continuing improvement, $20,000, in accordance with the modified project for the improvement of the same: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of improvement, not including estimate for flushing basin and extension of jetty, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $225,846.

For maintenance and repairs of iron pier, Delaware Bay, near Lewes, Del.: Continuing improvement, $7,000.

Improving Rock Hall Harbor, Maryland: Completing improvement, in accordance with report submitted by Gen. William P. Craighill in House Executive Document No. 200, Fifty-third Congress, third session, $9,000.

Improving Queenstown Harbor, Maryland: Continuing improvement, $5,000.

Improving harbor of Southwest Baltimore (Spring Garden), Md., in accordance with report of Col. Peter C. Hains, dated March 7, 1896, for constructing channel 100 feet wide on the bottom, $5,000.

The proviso relating to the appropriation of $10,000 for continuing the improvement of harbor at Cape Charles City, Va., and its approaches, as contained in the act of July 13, 1892, be, and the same is hereby, repealed.

Improving harbor at Norfolk and its approaches, Virginia: Continuing improvement, $100,000.

Improving harbor at Beaufort, N. C.: Continuing improvement, $4,000.

Improving harbor at Winyaw Bay, South Carolina: Continuing improvement, $110,000.

Harbor of Savannah, Ga.: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project of further improvement recommended by Capt. O. M. Carter in his reports of December 7, 1894, and July 1, 1895, and to complete the project for the steamboat channel between Beaufort, S. C., and Savannah, Ga., recommended by Capt. O. M. Carter in his report of December 4, 1895, and mentioned in that report as route 2; to be paid for as appropriations may from time to time be made by law, not to exceed the amounts recommended in said reports, the aggregate of which for both projects is $1,093,950, exclusive of amount herein or heretofore appropriated.

Improving harbor at Brunswick, Ga.: For maintenance, $15,000, $7,000 of which may be expended in improving Academy Creek.

Improving the outer bar of Brunswick, Ga.: C. P. Goodyear, the contractor with the Government of the United States to deepen the outer bar of Brunswick, Ga., under the river and harbor act of 1894, shall be paid the sum of $30,000 for a 23-foot depth when he shall receive a certificate that a 24-foot depth has been obtained under said act, together with the $40,000 to which he will be entitled for such 24-foot depth, out of moneys heretofore appropriated by said river and harbor act of 1894. The survey provided for in said act shall be made by an experienced official of the Coast and Geodetic Survey, to be designated by the Secretary of War.

Improving Cumberland Sound, Georgia: Continuing improvement, $5,000: *Provided*, That contracts may be entered into by the Secretary of War for such material and work as may be necessary to complete the present project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,041,500, exclusive of amount herein and heretofore appropriated.

Improving harbor at Darien, Ga.: Continuing improvement, $20,000; and the Secretary of War is hereby directed to report what is necessary to be done to deepen the bar known as Doboy Bar to 24 feet at mean high water, and whether the present obstruction can not be removed by means of dredging, and what the estimates of cost may be.

Improving harbor at Apalachicola Bay and River, Florida: Continuing improvement, $12,000.

Improving harbor at Pensacola, Fla.: Continuing improvement, $100,000.

Improving entrance to harbor at Key West, Fla.: Continuing improvement, $80,000.

Improving Charlotte Harbor and Pease Creek, Florida: Continuing improvement, $16,000.

Improving Carrabelle Bar and Harbor, Florida, $10,000, which sum shall be used in making a 10-foot channel from the mouth of Carrabelle River to the channel in the bay.

Improving mouth and passes of Calcasieu River, Louisiana: Continuing improvement, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $825,000, exclusive of the amount herein and heretofore appropriated.

Improving and maintaining ship channel in Galveston Bay, Texas: Continuing improvement according to the existing project, $50,000.

Improving channel in West Galveston Bay, Texas: Continuing improvement according to existing project, $5,000.

Improving harbor at Sabine Pass, Texas: Continuing improvement, $30,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,403,856, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Ashtabula, Ohio: Continuing improvements, $50,000, of which amount not less than $40,000 shall be applied toward the construction of breakwaters according to a survey and recommendation approved in 1894.

Improving harbor at Black River (Lorain), Ohio: Continuing improvements, including necessary dredging between piers, $20,000; and the Secretary of War is authorized and directed to cause a survey of said harbor to be made with a view to recommending such improvements as may be necessary to provide better access to said harbor and the safety of boats therein.

Improving harbor at Cleveland, Ohio: Continuing improvements, $80,000, to be used for extension of breakwater, according to plans heretofore adopted; also, in accordance with the recent report and recommendation of the local engineer, Col. Jared A. Smith, for repair and rebuilding, as well as relocation, when desirable, of the piers and breakwater already constructed, and for widening and extending the channel between the piers and in the outer harbor and maintaining the necessary depth: *Provided*, That the Secretary of War is hereby authorized and directed to enter into contracts for the completion of the above projects, to be paid for as appropriations may from time to time be made by law, the cost not to exceed in the aggregate $1,354,000: *And provided also*, That the Secretary of War be directed to cause a survey to be made of the said breakwater, as heretofore planned, with a view of determining the advisability of changing the plan thereof, so as to abandon the proposed construction of the eastern shore arm, and in lieu thereof extending the said breakwater eastwardly in a general direction parallel with the shore; and the sums hereby appropriated, or authorized to be expended, may be expended in such manner as the Secretary of War may deem best for the improvement of said harbor.

Improving harbor at Fairport, Ohio: Continuing improvement, $30,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the approved project for the improvement thereof.

Improving harbor at Huron, Ohio: Continuing improvement and making necessary repairs to piers, $8,000.

Improving harbor at Port Clinton, Ohio: Continuing improvement, including necessary repairs, $6,000.

Improving harbor at Sandusky, Ohio: Continuing improvement, $40,000; and the Secretary of War is directed to cause a survey to be made of the bar at the mouth of the harbor, with a view to recommending such means as shall secure and maintain a permanent navigable channel of sufficient depth next to Cedar Point.

Improving harbor at Toledo, Ohio: Continuing improvements of straight channel through Maumee Bay, including necessary expense for dredging and maintenance of the harbor, $150,000, a part of which may be used in the discretion of the Secretary of War in removing shoal in the old channel and in extending the improvement up the Maumee River.

Improving harbor at Vermillion, Ohio: Continuing improvement, $4,000.

Improving harbor at Conneaut, Ohio: For improvements under existing plans, $40,000, of which amount not less than $20,000 shall be applied toward the construction of a breakwater according to the latest approved project recommended for the improvement thereof.

Improving outer harbor at Michigan City, Ind.: Continuing improvement, $70,000.

Improving inner harbor at Michigan City, Ind.: Continuing improvement, $10,000.

Improving outlet to Wolf Lake, Indiana, in accordance with the approved project for the improvement thereof, $8,000.

Improving Calumet Harbor at Chicago, Ill.: Continuing improvement, including the amended project proposed by Maj. W. L. Marshall, of the Corps of Engineers of the United States Army, under date of June 30, 1895, $75,000.

Improving harbor at Waukegan, Ill.: Continuing improvement, $20,000.

Improving harbor at Charlevoix and entrance to Pine Lake, Michigan: Continuing improvement, $20,000.

Improving harbor at Frankfort, Mich.: Continuing improvement and repairs, $15,000.

Improving harbor at Grand Haven, Mich.: Continuing improvement, $20,000.

Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $94,000.

Improving harbor at Manistee, Mich.: Continuing improvements, and for repairs, $12,000: *Provided*, That all money heretofore appropriated and now on hand unexpended may also be used in this same project.

Improving harbor at Holland (Black Lake), Mich.: Continuing improvement, $8,000.

Improving harbor at Monroe, Mich.: Continuing improvement by dredging channel, $5,000.

Improving harbor at Muskegon, Mich.: Continuing improvement, $30,000.

Improving harbor at Ontonagon, Mich.: Continuing improvement and for repairs, $10,000.

Improving harbor at Pentwater, Mich.: Continuing improvement, $5,000.

Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement according to the existing project, $16,000.

Improving harbor of refuge at Portage Lake, Mich.: Continuing improvement, $25,000.

Improving Benton Harbor Canal and harbor at St. Joseph, Mich.: Continuing improvement, $30,000.

Improving harbor at South Haven, Mich.: Continuing improvement, $15,000.

Improving harbor at White Lake, Mich.: Continuing improvement, $5,000.

Improving harbor at Marquette, Mich.: Continuing improvement, $24,000.

Improving harbor at Ludington, Mich.: Continuing improvement, $20,000.

Improving harbor at Petoskey, Mich.: Continuing improvement, $8,000.

Improving harbor at Saugatuck, Mich.: Continuing improvement, $10,000.

Improving harbor at Menominee, Mich. and Wis.: Continuing improvement, $7,150.

Improving Cheboygan Harbor, Michigan: Continuing improvement, $12,000.

Improving harbor at Alpena, Mich.: Continuing improvement, $2,500.

Constructing harbor of refuge at Presque Isle Point, Marquette Bay, Michigan, in accordance with report of Chief of Engineers under date of March 21, 1895, in House Document No. 318, of Fifty-fourth Congress, first session, $20,000.

Improving harbor at Almapee, Wis.: Continuing improvement, $5,000.

Improving harbor at Green Bay, Wis.: Continuing improvement, $25,000, of which sum $5,000 may, in the discretion of the Secretary of War, be expended on the Fox River, below Depere, Wis.

Improving harbor at Kenosha, Wis.: Continuing improvement, $24,000, of which sum $4,000, or so much thereof as may be necessary, shall be expended in dredging in the harbor basin, and the balance of said $24,000, or so much thereof as may be necessary, may be used for repairing piers and deepening and maintaining channel.

Improving harbor at Kewaunee, Wis.: Continuing improvement, $25,000.

Improving harbor at Manitowoc, Wis.: Continuing improvement, $24,500, to be expended on plan submitted and approved by the Chief of Engineers in House Document No. 300, Fifty-fourth Congress, first session, for extending piers to the 22-foot contour and deepening channel.

Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement, $20,000: *Provided*, That the Secretary of War may enter into contracts for such material and work as may be necessary to complete the present project of said harbor of refuge, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $168,737.61, exclusive of the amount herein and heretofore appropriated.

Improving harbor at Milwaukee, Wis.: For maintenance, $7,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, $5,500.

Improving harbor at Racine, Wis.: Continuing improvement, $27,000; of which sum so much as may be necessary may be used for repairs of piers and maintenance of channel.

Improving harbor at Sheboygan, Wis.: Continuing improvement, $26,000.

Improving harbor at Ashland, Wis.: Continuing improvement, $27,000.

Improving harbor at Two Rivers, Wis.: Continuing improvement, $5,000.

Improving Sturgeon Bay Canal harbor of refuge: For maintenance of channel and piers, $5,000.

Improving harbor at Oconto, Wis.: Continuing improvement, $4,000.

Improving harbor at Pensaukee, Wis.: For maintenance, $1,000.

Improving Sturgeon Bay and Lake Michigan Ship Canal: Continuing improvement, $30,000.

Improving harbor at South Milwaukee, Wis., in accordance with report and plan submitted by Capt. Carl F. Palfrey, Corps of Engineers, July 8, 1895, $5,000.

For improving the harbor at Duluth, Minn., and Superior, Wis., at the west end of Lake Superior: Continuing improvement, $50,000, whereof $30,000 shall be expended upon the Duluth portion of said harbor, and $20,000 shall be expended upon the Superior portion thereof; and contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project for deepening said harbor and the entrances thereto, reported to the War Department by the commission of engineers appointed under the joint resolution of Congress approved June 29, 1894, consisting of Col. O. M. Poe, Maj. James F. Gregory, and Maj. Clinton B. Sears, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate the sum of $3,080,553, exclusive of the amount herein and heretofore appropriated: *Provided*, That such project of improvement may be subject to modification in the interests of commerce, as the Secretary of War may direct, as the work progresses, without, however, increasing the above aggregate: *And provided further*, That the Secretary of War may reserve out of appropriations for such work, as the same shall become available, a sufficient amount, to be applied under his direction, to the repairing and maintenance of the present piers at the entrances to said harbor.

Improving harbor at Grand Marais, Minn.: Continuing improvement, $3,000.

Improving harbor at Agate Bay, Minnesota: Continuing improvement, $30,000.

Improving harbor at Oakland, Cal.: Continuing improvement, $100,000, of which $12,000, or so much thereof as may be necessary, shall be used in opening the western end of the tidal canal in said harbor to the depth of 8 feet below low tide.

Improving harbor at San Diego, Cal.: Continuing improvement, $40,000.

Improving harbor at San Luis Obispo, Cal.: Continuing improvement, $32,000.

Improving Wilmington Harbor, California, in accordance with the report of Col. W. H. H. Benyaurd, submitted in Senate Executive Document No. 61, Fifty-third Congress, third session, $50,000.

Improving entrance and harbor at Coos Bay, Oregon: Continuing improvement, $85,000.

Improving Yaquina Bay, Oregon: Continuing improvement, $35,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project as recommended by the board of officers of the Engineer Corps, October 11, 1895, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,000,000, exclusive of amount herein and heretofore appropriated.

Improving harbor at Coos Bay, Oregon: Dredging to complete, $14,300: *Provided*, That so much of this sum as may be necessary shall be added to the amount now on hand for the construction or purchase of a dredge, and that dredging may be contracted for in the discretion of the Chief of Engineers, and in such portion of the bay as may be found necessary.

Improving Port Orford Harbor, at Grave Yard Point, Oregon, according to plan recommended by Capt. Thomas W. Symons, of the Corps of Engineers, as per House Document No. 313, Fifty-third Congress, third session, January 30, 1895, to cost not to exceed $263,336, and the unexpended balance of the appropriation heretofore made March 3, 1879, for the establishment of a harbor of refuge on the Pacific coast is hereby transferred to be expended on this improvement.

Improving Tillamook Bay and Bar, Oregon: Continuing improvement, $17,000.

Improving Grays Harbor and bar entrance, Washington, $10,000, as recommended by Capt. T. W. Symons, Corps of Engineers, March 30, 1895: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $950,000, exclusive of the sum herein appropriated.

Improving Olympia Harbor, Washington: Continuing improvement, $32,000; and that a survey be made of the Deschutes River at its entrance in Olympia Harbor, with a view to its improvement.

Improving Everett Harbor, Washington: Continuing improvement, $20,000.

Improving Bagaduce River, Maine: Continuing improvement, $5,000.

Improving Kennebec River, Maine: Continuing improvement, $40,000.

Improving Narraguagus River, Maine: Continuing improvement, $5,000.

Improving Saco River, Maine, including breakwater: Continuing improvement, $10,000.

Improving Lubec Channel, Maine: Continuing improvement, $32,000.

Improving Georges River, Maine, in accordance with plan submitted by Col. D. P. Heap, January 10, 1895, $10,000.

Improving Sasanoa River, Maine, according to plan submitted by Col. D. P. Heap, December 13, 1894, $12,000.

Improving Cocheco River, New Hampshire: Continuing improvement, $15,000.

Improving Otter Creek, Vermont: Continuing improvement, $5,000.

Improving Powow River, Massachusetts: Continuing improvement, $12,000.

Improving Taunton River, Massachusetts: Continuing improvement, $5,000.

Improving Weymouth River, Massachusetts: Continuing improvement, $15,000, of which $10,000 shall be used in the improvement of Weymouth Back River.

Improving Essex River, Massachusetts: Continuing improvement, $5,000.

Improving Mystic and Malden rivers, Massachusetts: Continuing improvement, $10,000.

For the improvement of the channel of the Merrimac River, Massachusetts, by removing certain rocks therein below Rock Bridge, $5,000. The Secretary of War is directed to furnish to the House of Representatives an estimate of the cost of improving the Merrimac River, Massachusetts, by dredging the channel thereof between Newburyport and Haverhill of the width of 150 feet and of the depth of 7 feet at mean low water, provided the estimate can be furnished from surveys already made.

Improving Town River, Massachusetts, in accordance with recommendations submitted by Col. S. M. Mansfield December 31, 1890, $10,000.

Improving Sakonnet River, Rhode Island: For widening and deepening the passage at the draw of the Stone Bridge over the Sakonnet River, Rhode Island, $20,000.

Improving Pawtucket River, Rhode Island: Continuing improvement, $20,500.

Improving Pawcatuck River, Rhode Island and Connecticut: Continuing improvement, $6,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $14,000.

Improving Green Jacket Shoal, Providence, R. I.: Continuing improvement, $7,500.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, $20,000.

Improving Housatonic River, Connecticut: Continuing improvement, $25,000.

Improving Thames River, Connecticut: Continuing improvement, $12,000.

Improving Mystic River, Connecticut: Continuing improvement, $3,500.

Improving Harlem River, New York: Continuing improvement, $125,000.

Improving East River and Hell Gate, New York: Continuing improvement, $60,000.

Improving Browns Creek, Sayville, Long Island, New York: For maintenance, $4,000.

Improving East Chester Creek, New York: Continuing improvement, $10,000.

Improving Patchogue River, New York: Continuing improvement, $9,000.

Improving shoal between Sister Islands and Cross-Over Light, St. Lawrence River, New York: Continuing improvement, $25,000, to be expended for improving shoals between Sister Islands and Cross-Over Light, and in the St. Lawrence River between Ogdensburg and the foot of Lake Ontario.

Improving Niagara River from Tonawanda to Port Day, in accordance with plan adopted by river and harbor act of August 17, 1894: Continuing improvement, $15,000.

Improving Bronx River, New York, in accordance with the plan submitted by Col. G. L. Gillespie, August 25, 1891, $10,000.

Improving Passaic River, New Jersey: Continuing improvement, $15,000.

Improving Raritan River, New Jersey: Continuing improvement, $20,000.

Improving Shrewsbury River, New Jersey: Continuing improvement, $15,000.

Improving South River, New Jersey: Continuing improvement, $5,000.

Improving Alloway Creek, New Jersey: Continuing improvement, $3,000.

Improving Dennis Creek, New Jersey, in accordance with the approved project for its improvement, $5,000.

Improving Elizabeth River, New Jersey: Continuing improvement, $3,160.

Improving Mattawan Creek, New Jersey: For dredging, $3,000.

Improving Rancocas River, New Jersey: Continuing improvement, $2,000, which sum shall be expended in the improvement of the Lumberton branch of said river.

Improving Shoal Harbor and Compton Creek, New Jersey: Continuing improvement, $5,000, which sum shall be expended for extending the improved channel farther toward the 5-foot contour of Raritan Bay.

Improving Goshen Creek, New Jersey: Continuing improvement, $3,000.

Improving Cooper Creek, New Jersey: Completing improvement in accordance with the plan recommended by Maj. C. W. Raymond, and printed in House Executive Document No. 176, Fifty-third Congress, third session, $35,000, of which amount $2,500, or so much thereof as may be necessary, shall be immediately available, to be expended in rebuilding the dike on Government reservation in the Delaware River at Woobury Creek.

Improving Allegheny River, Pennsylvania: Continuing improvement, $12,500.

For completion of lock and dam at Herr Island, Allegheny River, and construction of the two locks and dams referred to in the report of Maj. R. L. Hoxie in House Document No. 204, Fifty-fourth Congress, first session, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the projects of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $894,500, exclusive of the amount herein and heretofore appropriated.

Improving Schuylkill River, Pennsylvania: Continuing improvement, $20,000.

Improving Delaware River, from Trenton to its mouth, Pennsylvania and New Jersey: Continuing improvement, $500,000, of which $5,000 shall be expended in the improvement of the channel over Perriwig Bar.

Improving the Monongahela River, Pennsylvania: The Secretary of War is hereby authorized and directed to institute and carry to completion

proceedings for the condemnation of all the property and its appurtenances of the Monongahela Navigation Company, a corporation of Pennsylvania, said condemnation proceedings to be as prescribed and regulated by the provisions of the general railroad law of Pennsylvania approved February 19, 1849, and its supplements, except that the United States shall not be required to give any bond, and except that jurisdiction of said proceedings is hereby given to the circuit court of the United States for the western district of Pennsylvania, with right of appeal by either party to the Supreme Court of the United States. And the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the necessary costs of said proceedings; and upon final judgment being entered therein, the Secretary of War, if in his opinion the judgment is reasonable, is hereby authorized and directed to draw his warrant on the Treasury for the amount of said judgment and costs, and said amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. And when said property and its appurtenances shall have been acquired by the United States, whether by purchase or condemnation, the Secretary of War shall take charge thereof and the same shall thereafter be subject to the provisions of section 4 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

Improving Appoquinimink River, Delaware: Continuing improvement, $5,000.

Improving Smyrna River, Delaware: Continuing improvement, $5,000.

Improving Murderkill River, Delaware: Continuing improvement, $6,500.

Improving the inland waterway from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Delaware Bay to Indian River: Continuing improvement, $25,000: *Provided*, That no part of this appropriation shall be expended until the right of way is secured without cost to the United States.

Improving Broad Creek River, Delaware: Continuing improvement, $5,000.

Improving Choptank River, Maryland: Continuing improvement, $2,000.

Improving Chester River, Maryland; Continuing improvement, $1,500.

Improving Manokin River, Maryland: Continuing improvement, $4,000, of which sum $2,000 shall be expended in improving said river between Dashiells Creek and a point on said river known as the Red Bridge or County Wharf.

Improving Wicomico River, Maryland: Completing improvement, $3,700.

Improving Pocomoke River: Continuing improvement, $5,000.

Improving Warwick River, Maryland: Continuing improvement, $2,000.

Improving Patapsco River and channel to Baltimore: For maintenance, for main ship channel to Curtis Bay, $50,000.

Improving Nanticoke River, Delaware and Maryland: Continuing improvement, in accordance with report and plan submitted by Maj. William F. Smith in House Executive Document No. 220, Fifty-third Congress, third session, $3,000.

Improving Potomac River, Washington, D. C.: Continuing improvement, $100,000.

Improving Appomattox River, Virginia: Continuing improvement, $5,000.

Improving Nansemond River, Virginia: Continuing improvement, $5,000.

Improving James River, Virginia: Continuing improvement, $120,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,500.

Improving Nomini Creek, Virginia: Continuing improvement, $2,500.

Improving Pamunkey River, Virginia: Continuing improvement, $2,000.

Improving Rappahannock River, Virginia: Continuing improvement, $8,000.

Improving Urbanna Creek, Virginia: Continuing improvement, $3,000.

Improving York River, Virginia: Continuing improvement, $16,000.

Improving Western Branch of Elizabeth River, Virginia, according to report submitted by Chief of Engineers March 25, 1896, $45,000, to complete.

Improving Aquia Creek, Virginia: Continuing improvement, $3,000.

Improving Occoquan Creek, Virginia: Continuing improvement, $2,500.

Improving Lower Machodoc Creek, Virginia: Continuing improvement, $1,500.

Improving Nandua (historically known as Andura) Creek, Virginia, in accordance with approved project for the improvement thereof, $3,000.

Protecting Jamestown Island from the encroachments of James River, $6,000, or so much thereof as may be necessary.

Improving Elk River, West Virginia: Continuing improvement, $2,000, to be expended on said river from Frametown, Braxton County, up said river.

Improving Guyandotte River, West Virginia: For maintenance, $1,000.

Improving Gauley River, West Virginia: Continuing improvement, $3,000.

Improving Cheat River, West Virginia: Continuing improvement in accordance with recommendations of Maj. R. L. Hoxie, submitted July 10, 1895, $3,000.

Improving Little Kanawha River, West Virginia: For maintenance, $1,500.

Improving the upper Monongahela River, West Virginia: Continuing improvements, $20,000; and the Secretary of War, at such time as the United States shall become the owner, by condemnation or otherwise, of the dams on the Monongahela River belonging to the Monongahela River Navigation Company, in Pennsylvania, may place the construction of the six dams heretofore recommended and reported by the United States engineers on the Monongahela River, in the State of West Virginia, under contract at a sum not exceeding $1,000,000, to be paid for as appropriations may from time to time be made by law.

Improving inland waterway between Beaufort Harbor and New River, North Carolina: Continuing improvement, $1,000.

Improving Cape Fear River, North Carolina, above Wilmington: Continuing improvement, $4,000.

Improving Cape Fear River, North Carolina, at and below Wilmington: Continuing improvement, $100,000.

Improving Neuse River, North Carolina: Continuing improvement, $5,000.

Improving Pamlico and Tar rivers, North Carolina: Continuing improvement and maintaining, $2,500.

Improving Trent River, North Carolina: Continuing improvement, $2,000.

Improving Black River, North Carolina: For maintenance, $1,000.

Improving inland water route from Norfolk Harbor, Virginia, to Albemarle Sound, North Carolina, through Currituck Sound: Continuing improvement, $10,000.

Improving Great Pedee River, South Carolina: Continuing improvement, $12,000.

Improving Santee River, South Carolina: Continuing improvement, $48,000, to be used in snagging and in making new cut between Estherville and Minim Creek, and in maintaining the Musquito Creek Channel.

Improving Waccamaw River, South Carolina: Continuing improvement, $6,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $2,500.

Improving Wateree River, South Carolina: For maintenance, $5,000.

Improving Congaree River, South Carolina: Continuing improvement, $2,000.

Improving Little Pedee River, South Carolina: Continuing improvement, $3,000.

Improving Beaufort River, South Carolina: Continuing improvement, $1,000.

Improving Altamaha River, Georgia: Continuing improvements, $10,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $25,000, of which $5,000 are to be used on that portion of the river between West Point and Franklin.

Improving Flint River, Georgia: Continuing improvement, $8,000.

Improving Ocmulgee River, Georgia: Continuing improvement, $10,000, of which $5,000 are to be expended between Macon and Hawkinsville, and the like sum below Hawkinsville.

Improving Oconee River, Georgia: Continuing improvement, $10,000, of which $3,000 are to be expended between Milledgeville and the Central Railroad bridge.

Improving Savannah River, between Savannah and Augusta: Continuing improvement, $15,000.

Improving Savannah River, above Augusta, Ga.: Continuing improvement, $3,000.

Improving Coosa River, between Rome, Ga., and the East Tennessee, Virginia and Georgia Railroad bridge, in Alabama: Continuing improvement, $50,000, $10,000 of which, or so much as may be necessary, shall be used in deepening the channel over the several shoals and removing the obstructions therefrom between Cedar Bluffs, Alabama, and Rome, Ga.

Improving Coosa River, between Wetumka, Ala., and the East Tennessee, Virginia and Georgia Railroad bridge: Continuing improvement, $50,000.

Inside water route between Savannah, Ga., and Fernandina, Fla.: Continuing improvement, $14,000.

Improving Apalachicola River, Florida, including the cut-off and Lower

Improving Caloosahatchee River, Florida: For maintenance, $1,000.

Chipola River: For completion, $5,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $5,000: *Provided*, That no part of said sum shall be expended above Hollis bridge until a draw, approved by the Secretary of War, is put in said bridge.

Improving Escambia and Conecuh rivers, Florida: Continuing improvements, $4,000.

Improving Manatee River, Florida: Continuing improvement, $4,000: *Provided*, That $3,000, or so much thereof as may be necessary, be used in dredging, deepening, and otherwise improving the navigation of the channel known as the Cut-Off, extending from said Manatee River, on the north side thereof, and below the town of Palmetto, in Terraceia Bay.

Improving Suwanee River, Florida: Continuing improvement, $3,000.

Improving Volusia Bar, Florida: For maintenance, $1,000.

Improving Ocklawaha River, Florida: For maintenance, $3,000.

Improving Sarasoto Bay, Florida: Continuing improvement, $2,500.

Improving Indian River, Florida: By dredging channel at Negro Cut, near Indian River Inlet, $7,500.

Improving St. Johns River, Florida, from Jacksonville to the ocean, in accordance with latest approved project for its improvement, $25,000.

Improving Alabama River, Alabama: Continuing improvement, $40,000.

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniels Creek: Continuing improvement, $40,000.

Improving Warrior and Tombigbee rivers, Alabama, from mouth of Tombigbee River to Tuscaloosa: Continuing improvement, $115,000, of which $75,000 is to be expended on the Tombigbee River and $40,000 on the Warrior River; and so much of said sums as may be necessary is authorized to be expended in acquiring, by purchase or condemnation, under the laws of Alabama, the lands needed in making such improvements.

Improving Tombigbee River from Fulton to Columbus: Continuing improvement and maintenance, $8,000.

Improving Tombigbee River from Demopolis, Ala., to Columbus, Miss.: Continuing improvement, $50,000.

Improving Tombigbee River from Walkers Bridge to Fulton: Continuing improvement and maintenance, $1,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $5,000.

Improving Noxubee River, Mississippi: For maintenance, $3,000.

Improving Pascagoula River, Mississippi: Continuing improvement, $6,000, and so much of said sum as may be necessary may be used for removal of the bar in Horn Island Pass.

Improving Pearl River, between Edinburg and Carthage, Miss.: For maintenance, $500.

Improving Pearl River, between Carthage and Jackson, Miss.: For maintenance, $2,400.

Improving Pearl River, below Jackson, Miss.: Continuing improvement, $10,000, which shall be expended in work on the river, beginning at the head of Holmes Bayou and continuing up the river to Monticello.

Improving Tallahatchee River, Mississippi: Continuing improvement, $4,000.

Improving Yazoo River, Mississippi: Continuing improvement, $20,000, of which so much as may be necessary shall be expended in removing the bar at Yazoo City.

Improving Chickasahay River, Mississippi, from the mouth up to railroad bridge, near Shubuta: Continuing improvement, $2,000.

Improving Leaf River, Mississippi, from its mouth to Bowie Creek: Continuing improvement, $2,500.

Improving mouth of Yazoo River and harbor of Vicksburg, Miss.: For the purpose of completing the project of improvement as heretofore adopted and entered upon, in addition to expending the balance on hand, contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the same, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $860,000, exclusive of the amount heretofore appropriated.

Improving Amite River and Bayou Manchac, Louisiana: For maintenance, $2,500.

Improving Boeuf River, Louisiana: Continuing improvement, $6,000.

Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, $4,000.

Improving Tensas River and Bayou Macon, Louisiana and Arkansas: Continuing improvement, $5,000.

Improving Red River, Louisiana and Arkansas, from Fulton, Ark., to the Atchafalaya River: Continuing improvement, according to the plan of Capt. J. H. Willard, Corps of Engineers, United States Army, $75,000.

Improving Tickfaw River, Louisiana: For maintenance, $1,000.

Improving Bayou Plaquemine, Louisiana: Continuing improvement, $110,000.

Improving Chefuncte River and Bogue Falia, Louisiana: For maintenance, $1,000.

Improving Bogue Chitto, Louisiana: Continuing improvement, $5,000.

Improving channel, bay, and passes of Bayou Vermilion, Louisiana: Continuing improvement, $1,000.

Improving Bayou Teche, Louisiana; Continuing improvement, $6,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $20,000.

Improving Trinity River, Texas: Continuing improvement, $5,000.

Improving Cypress Bayou, Texas: Continuing improvement, $5,000.

Improving Sabine River, Texas: For completion, $2,000.

Improving Arkansas River, Arkansas and Indian Territory: Continuing improvement, $100,000: *Provided*, That the Secretary of War may, in his discretion, cause examinations and surveys to be made at or near Pine Bluff,

Little Rock, Dardanelle, Van Buren, and Fort Smith, to determine whether or not, by reason of dikes or other Government works, any part of the harbors or river banks in their vicinity have been so injured or endangered that the Government should guard against or remedy the same; and for the purpose of making such surveys and works as may be found necessary to remedy and guard against such injury, the Secretary of War is authorized to set apart and use, in his discretion, a sufficient amount of this appropriation: *And provided further*, That, in the discretion of the Secretary of War, the sum of $15,000 of the amount hereby appropriated for said river may be used in removing obstructions and operating snag boats, in addition to the amount hereinafter appropriated for that purpose.

Improving St. Francis River, Arkansas: Continuing improvement, $8,000; and the Secretary of War is hereby directed to cause surveys to be made, and submit with his next report on St. Francis River plans and estimates for the improvement of said river by locks and dams to give slack-water navigation from its mouth to Wittsburg and to Marianna on L'Anguille River, its tributary, if in his judgment said improvement is practicable; the cost of the same to be paid out of this appropriation.

Improving Arkansas River: Removing snags and operating snag boats, $20,000.

Improving Black River, Arkansas and Missouri: Continuing improvement, $8,000. Of this appropriation $2,000 may be expended, in the discretion of the Secretary of War, in reconstructing the old dam at or near Big Island.

Improving White River, Arkansas: Continuing improvement, $22,000; of which sum $2,000 may, in the discretion of the Secretary of War, be expended in removing obstructions in Cache River, its tributary.

Improving Ouachita and Black rivers, Arkansas and Louisiana: Continuing improvement, $70,000; of which sum $50,000, or so much thereof as may be necessary, shall be used by the Secretary of War for the completion of the survey of said Ouachita River heretofore authorized, and he is directed to submit as soon as practicable a plan of construction and estimates of the cost of the locks and dams necessary to give slack-water navigation.

Improving Red River above Fulton, Ark.: Continuing improvement, $3,000.

Improving Current River, Arkansas and Missouri: Continuing improvement, $2,000.

Improving Cumberland River, Kentucky and Tennessee: Continuing improvement, between the State of Tennessee and the town of Burnside, $20,000, to be expended in purchasing sites for locks and dams 21 and 22 and in laying masonry for locks 21 and 22.

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $80,000, of which sum shall be expended as much as may be necessary for the completion of the lock and dam near the mouth of Harpeth River.

Improving Cumberland River above Nashville, Tenn.: Continuing improvement: The Secretary of War may enter into contracts for the completion of the whole or any part of locks Nos. 5, 6, and 7, above Nashville, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $600,000, exclusive of the amounts heretofore appropriated.

Improving French Broad and Little Pigeon rivers, Tennessee: Continuing improvement, $5,000.

Improving Tennessee River below Chattanooga, Tenn.: Continuing improvement, $30,000.

Improving Tennessee River above Chattanooga, Tenn., $15,000, of which sum a sufficient amount shall be expended in the removal of the obstructions to navigation at Knoxville.

Improving Obion River, Tennessee, from its mouth to the town of Obion, on the Newport News and Mississippi Valley Railroad, in Obion County: Continuing improvement, $6,000.

Improving Forked Deer River, Tennessee: For maintenance, $1,000.

Improving Kentucky River, Kentucky: Continuing improvement, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,349,000, exclusive of the amount herein appropriated.

Improving the Falls of the Ohio River and Indiana Chute Falls, Ohio River: Continuing improvements, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $517,250, exclusive of the amount herein appropriated.

Improving Rough River, Kentucky: Continuing improvement, $43,000.

Improving Levisa Fork, Big Sandy River, Kentucky: For maintenance, $1,000.

Improving Tug Fork, Big Sandy River, Kentucky: For maintenance, $2,000.

Improving Green River, Kentucky, about the mouth of Big Barren River: Continuing improvement for Lock No. 5, according to report and recommendation of Maj. D. W. Lockwood, Corps of Engineers, United States Army, submitted August 11, 1891, $20,000.

Improving Big Sandy River near Louisa, Ky.: For continuing construction of movable dam in accordance with the existing plans, $30,000.

Improving Ohio River, at or below the mouth of the Beaver River, by the construction of Movable Dam No. 6: Continuing improvement, $25,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000, exclusive of the amount herein appropriated.

Improving Ohio River, by the construction of Dams Nos. 2, 3, 4, and 5, between Davis Island Dam and Dam No. 6, in accordance with the approved project for the completion thereof, $10,000: *Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of the material and work as may be necessary to complete said movable dams, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $1,900,000, exclusive of the amount herein appropriated.

Improving Ohio River, Ohio and West Virginia: Continuing improvement, $250,000, of which $25,000, or so much thereof as may be necessary, the Secretary of War is hereby authorized to expend in a survey of the said Ohio River from Marietta, Ohio, to the city of Pittsburg, Pa., and report the number of movable dams necessary to improve said river between said points to provide 6 feet of water therein at low water, and the proper location of necessary dams, as well as probable cost thereof: *Provided*, That the sum of $35,000, or so much thereof as may be necessary, shall be used for snagging purposes: *And provided further*, That the sum of $22,250, or so much thereof as may be necessary, shall be used, at the discretion of the Secretary of War, in the construction of three ice piers substantially similar to those now along the Ohio River, one additional at Middleport, one at Syracuse, and one at or near the mouth of Big Hocking; the precise points for the construction of said piers at said localities shall be fixed by the Secretary of War so as to best accommodate the commerce of those sections of said river: *Provided further*, That out of said sum there shall be expended in the improvement of the harbor of Evansville, Ind., $39,592: *And provided further*, That out of said sum there shall be expended for the improvement of the harbor of Golconda, on the Ohio River, in Pope County, Ill., the sum of $3,000: *And provided further*, That there shall also be expended out of said sum $5,000 for the improvement and continuance of the work on the harbor at Brooklyn, Ill.: *And provided further*, That there shall also be expended out of said sum $5,000 for continuation of work on the improvements of the Ohio River near Mound City, Ill.

Improving Saginaw River, Michigan: Continuing improvement, $50,000, of which $16,000 shall be expended on the river above Bay City. The Secretary of War is hereby directed to cause surveys to be made and estimates of the cost of improvement of the Saginaw River from its head to a point in Saginaw Bay, with a view of securing a channel 200 feet wide and an increase in depth to 14 feet from the head of the river to the Third Street Bridge, so called, in Bay City, thence of the same width to Saginaw Bay, with a view to securing an increase of the depth of the channel to 16 feet; also to submit plans and estimates for improving the west channel of the Saginaw River between Middle Ground and West Bay City, with a view to securing a depth of said channel to 14 feet; also to improve the Shiawassee River from the Saginaw River to the Bad River; Bad River to the village of St. Charles, and the Flint River from the Shiawassee as far as practicable, to such an extent as will afford a reliable navigation for light-draft boats between Saginaw River and the village of St. Charles and on the Flint River as far as practicable.

Improving Belle River, Michigan, in accordance with plans submitted by Col. G. J. Lydecker, November 30, 1895, in House Document No. 72, Fifty-fourth Congress, first session, $5,000.

Improving Sebewaing River, Michigan, in accordance with plans submitted by Col. G. J. Lydecker, November 30, 1895, in House Document No. 71, Fifty-fourth Congress, first session, $5,000.

Improving Pine River, Michigan, in accordance with report submitted by Col. G. J. Lydecker, December 7, 1895, in House Document No. 73, Fifty-fourth Congress, first session, $5,000.

Improving Grand River, Michigan: Continuing improvement in accordance with the modified project for constructing an open 10-foot channel of navigable width, $50,000.

Improving mouth of Black River, Michigan: Continuing improvement, $4,000.

Improving Clinton River, Michigan: Continuing improvement, $10,000.

Improving Rouge River, Michigan: Continuing improvement, $5,000.

Improving Detroit River, Michigan, by removal of shoals from the city of Detroit to Lake Erie: Continuing improvement, $50,000.

Improving Black River at Port Huron, Mich.: Continuing improvement up to Washington avenue, $4,000.

Improving the water communication across Keweenaw Point, Lake Superior, from Keweenaw Bay to Lake Saperior, in the State of Michigan: Continuing improvement in accordance with the existing project, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $1,065,000, exclusive of the amount herein and heretofore appropriated.

Improving St. Joseph River, Michigan: Continuing improvement, $500.

Improving Kalamazoo River, Michigan, from Lake Michigan to Saugatuck, in accordance with plans submitted by Col. G. J. Lydecker in House Document No. 192, Fifty-fourth Congress, first session, $5,000.

Improving Chippewa River, including Yellow Banks, Wisconsin: Continuing improvement, $10,000.

Improving Fox River, Wisconsin: Continuing improvement, $37,500, of which said sum $1,500, or as much thereof as may be necessary, shall be used to remove bars and snags from the Wolf River, below Shawano, Wis.; and $3,500, or as much thereof as may be necessary, shall be used in providing a harbor of refuge on the east shore of Lake Winnebago, Wisconsin, at one of the several landings on said shore, the location of which said harbor of refuge shall be determined by the Government engineer.

Improving Menominee River, Wisconsin and Michigan: Continuing improvement, $15,000, of which said sum an amount sufficient is hereby appropriated, and shall be used—

First. To widen the main channel to a width of 250 feet for a distance of 600 feet down the river from the present west line of the channel, and to deepen the same to a depth of 16 feet.

Second. To extend the present main channel from its west line up the river a distance of 425 feet to the west line of Wells street, with a width of 75 feet and a depth of 16 feet, the south line of said extension to be the south line of the main channel extended.

Improving St. Croix River, Wisconsin and Minnesota: Continuing improvement, $10,000.

Improving Red River of the North, Minnesota: Continuing improvement, $12,000.

Improving Minnesota River, Minnesota: Continuing improvement, $4,000.

Improving Wabash River, Indiana and Illinois, above Vincennes: Continuing improvement, $6,000.

Improving Wabash River, Indiana and Illinois, below Vincennes: Continuing improvement, $15,000.

Improving White River, Indiana: Completing improvement, $2,500.

Improving Calumet River, Illinois: Continuing improvement, $50,000: *Provided*, That the expenditure of said money shall be made upon said river from the mouth thereof to the forks in said river.

Improving Illinois River, Illinois: Continuing improvement, $40,000.

For the construction of the Illinois and Mississippi Canal: Continuing construction, $25,000: *Provided*, That the Secretary of War may enter into contracts for such material and work as may be necessary to complete the present project of said Illinois and Mississippi Canal and to acquire such further right of way as may be necessary therefor, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $5,710,960, exclusive of the amount herein and heretofore appropriated: *Provided*, That in acquiring right of way the Secretary of War may make agreements for joint user where the canal crosses other lines of transportation if such agreements can be made upon reasonable terms: *Provided further*, That in acquiring right of way by agreement or otherwise for the crossing of existing public highways over the parts of the canal constructed on land the basis of agreement or condemnation shall be the construction and maintenance of bridges by the United States Government, as provided for in the detailed plans and estimates heretofore submitted to Congress, but this provision shall not apply to bridges constructed over public waters of the United States now occupying part of the line of the said canal, nor to bridges constructed after the completion of said canal or part thereof adjacent to the bridge sites: *Provided further* That in the event that the Secretary of War shall be unable to obtain such right of way as may be necessary in the prosecution of this work, upon reasonable terms by agreement, purchase, or voluntary conveyance, he is hereby authorized to apply at any term of the circuit or district court of the United States for the northern district of Illinois, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois so far as the same may be applicable to the subject of condemning private property for public use.

For improving the Chicago River, in Illinois, from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, as far as may be permitted by existing docks and wharves, to be dredged to admit passage by vessels drawing 16 feet of water, according to the recommendation of Capt. W. L. Marshall, of the Corps of Engineers of the United States Army, in his report under date of August 9, 1893: Continuing improvement, $50,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the said project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $650,000, exclusive of the amount herein and heretofore appropriated.

Reservoirs at the head waters of the Mississippi River: Continuing improvement, $80,000.

Improving the Mississippi River between the Chicago, St. Paul, Minneapolis and Omaha Railroad bridge at St. Paul to the Washington avenue bridge at Minneapolis: Continuing improvement, $100,000.

Improving the Mississippi River from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, $375,000, of which amount $200,000 shall be expended on that portion of said river from St. Paul to the mouth of the Missouri River, and $175,000 from the mouth of the Missouri River to the mouth of the Ohio River: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $5,025,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts and materials purchased and work done otherwise than by contract for the section of said river between St. Paul and the mouth of the Missouri River shall not exceed $230,000, and thereafter shall not exceed for the three years beginning July 1, 1897, the sum of $626,666.66 annually: *Provided further*, That such contracts and materials purchased and work done otherwise than by contract for that section of the said river between the mouth of the Missouri and the mouth of the Ohio River for the fiscal year ending June 30, 1897, shall not exceed the sum of $325,000, and thereafter for the three years commencing July 1, 1897, shall not exceed the sum of $973,333.33 annually: *And provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts for the said section of said river between the mouth of the Missouri River and the mouth of the Ohio River, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats, portable jetties, and other suitable appliances, and in the maintenance and operation of the same, with the view of obtaining a navigable channel from St. Louis to Cairo not less than 250 feet in width and 9 feet in depth.

That $50,000, or so much thereof as may be necessary, of the money herein appropriated for the improvement of the Mississippi River between Cairo and the mouth of the Missouri River shall be expended, under the direction of the Secretary of War, to protect the east bank of the Mississippi River from caving in and being washed away at or near a point opposite the mouth of the Missouri River and extending south along said east bank as far as may be necessary to effect the purpose above mentioned.

That of the money herein appropriated for use on the Mississippi River from Cairo to the mouth of the Missouri River the sum of $80,000, or so much thereof as may be necessary, is directed to be expended in removing the bar in front of Chester, Ill., and protecting the west bank of the Mississippi River opposite Chester, Ill.

That of the money herein appropriated for the improvement of the Mississippi River from St. Paul to the mouth of the Missouri River there shall be expended the following respective amounts, or so much thereof as may be necessary, under the direction of the Secretary of War, in improvements at, the following places, to wit:

For the protection from erosion of the east bank of the Mississippi River along and in front of the Sny Island Levee in the counties of Adams, Pike, and Calhoun, in the State of Illinois, by revetment work, $50,000.

For the removal of the bar in the Mississippi River, on the east side thereof, opposite the city of Dubuque, in the State of Iowa, $5,000.

For the repair and maintenance of the natural and artificial banks of the Mississippi River from Warsaw to Quincy, in the State of Illinois, $5,000.

For dredging the channel at Quincy Bay, at Quincy, in the State of Illinois, $5,000.

For removing the sand bar in front of the steamboat landing at Quincy, in the State of Illinois, $10,000.

For maintaining the harbor at Rock Island, Ill., $5,000.

For maintaining the harbor at La Crosse, Wis., $5,000.

For the purpose of constructing a harbor of refuge on the west shore of Lake Pepin, Mississippi River, at or near Kings Coulee, between Lake City and Reeds Landing, Minn., $30,000.

For the purpose of continuing the work of constructing artificial banks between the mouth of Flint River, in Des Moines County, Iowa, and running along the west bank of the Mississippi River to the mouth of the Iowa River, $50,000.

And the Secretary of War, out of the money herein appropriated for the improvement of the Mississippi River, from St. Paul to the mouth of the Missouri River, shall cause surveys to be made as follows:

On the east side of the Mississippi River, commencing at Drurys Landing, in Mercer County, State of Illinois, and running along the east bank of said river to New Boston, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks, and by deepening the channel; also along the east bank of said river, from at or near the city of Oquawka, Ill., to at or near Dallas City, in the said State, with a view to the improvement of navigation by preventing the overflow of the natural and artificial banks and by deepening the channel, with an estimate of the cost thereof; also on the west side of said river from the bluff above the city of Madison, Lee County, in the State of Iowa, along the west bank of said river to the mouth of Skunk River, in said Lee County, and along the west bank of the Mississippi River from the mouth of the Iowa River, in Louisa County, to the city of Muscatine, in Muscatine County, Iowa, with a view of improving the navigation by preventing the overflow of the natural and artificial banks and by deepening the channel.

Also on the west side of the Mississippi River, commencing at a point near Lagrange, in the county of Lewis and State of Missouri, above high water, running along the bank of the river to a point near the railroad bridge over the Mississippi River, near and above the city of Hannibal, in the county of Marion and State of Missouri, with the view of improving navigation by preventing the water from overflowing the natural and artificial banks along that part of the river and deepening the channel.

Also of the Egyptian levee, beginning at a point on the Des Moines River, in the county of Clark, State of Missouri, running along the south bank of said river to or near the Mississippi River at Alexandria, thence along the west bank of said river to terminus of said Egyptian levee, and estimate the cost of raising and strengthening said levee so as to confine the water to the river and thereby deepen the channel and improve navigation.

Also commencing at Drurys Landing, in Rock Island County, Ill., and running along the east bank of said river to New Boston, Ill., with a view to improving the navigation by preventing the water from overflowing the natural and artificial banks along those parts of the river and deepening the channel.

Improving Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, $625,000, which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and for surveys, including the continuation of the survey between Head of Passes and the head waters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $8,375,000: *Provided further*, That for the fiscal year ending June 30, 1897, said contracts, and materials purchased, and work done otherwise than by contract shall not exceed the sum of $625,000, and thereafter shall not exceed the sum of $2,583,333 annually for the three years beginning July 1, 1897: *Provided further*, That the money hereby appropriated and authorized to be expended in pursuance of said contracts, or so much thereof as may be necessary, shall be expended in the construction of suitable dredge boats and other devices and appliances, and in the maintenance and operation of the same, with a view of obtaining a navigable channel from Cairo down, not less than 250 feet in width and 9 feet in depth: *Provided further*, That of the sum hereby appropriated and authorized to be expended the sum of $64,000 shall be expended in the rectification of the banks at Greenville, Miss., and $64,000 in the rectification of the banks at Helena, Ark., according to late plans submitted by Capt. Graham D. Fitch, Corps of Engineers, and $16,000 in the rectification of the banks at New Madrid, Mo.

For work in accordance with the plans and specifications of the Mississippi River Commission:

At the harbor of New Orleans, La.: Continuing improvement, $110,000.

At the harbor of Natchez and Vidalia, Mississippi and Louisiana, $64,000.

For rectification of Red and Atchafalaya rivers, Louisiana: Continuing improvement, $40,000.

At the harbor of Memphis, Tenn., $70,000, of which $15,000 shall be expended in dredging and improving Wolf River from its mouth to the county bridge on Second street, not exceeding 2½ miles up said stream.

Improving Gasconade River, Missouri: Continuing improvement, $5,000; and improving Osage River, Missouri: Continuing improvement, $50,000, to be expended by the Missouri River Commission.

Improving Missouri River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, survey, permanent bench marks, and gauges: Continuing improvement, $250,000, to be expended under the direction of the Secretary of War in the systematic improvement of the river according to the plans and specifications of the Missouri River Commission, as approved by the Chief of Engineers: *Provided*, That in the discretion of said Commission a portion of such sum may be expended in protection of harbors and localities on said river: *And provided also*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such material and work as may be necessary to carry on continuously the plans of the Missouri River Commission for the improvement of said river, or said material may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $250,000 per annum for three years, commencing July 1, 1897.

Of the money hereby appropriated and hereby authorized to be contracted for, $80,000 may be expended at Omaha and Council Bluffs; at Rocheport, $60,000; at Glasgow, $60,000; at Miami, $75,000, and at St. Charles, Mo., $50,000.

Improving the upper Missouri River between Stubbs Ferry, in Montana, and the lower limits of Sioux City, Iowa, $190,000, of which $50,000 may be expended in the protection and completion of the works at Sioux City; $50,000 in the rectification of the river at Pierre and Fort Pierre; $20,000 for the protection of Bismarck Harbor and the rectification of the river to prevent erosion of the banks, and cutting a new channel at or near that point; $20,000 between the Great Falls, in Montana, and Stubbs Ferry, in Montana; $40,000 at Yankton, and $10,000 for improvement of river at Elk Point.

Improving Flathead River, Montana, $10,000, which sum shall be expended in snagging from Demersville to the Flathead Lake, in accordance with the plan submitted by Capt. Thomas W. Symons, Corps of Engineers, August 5, 1895.

Improving Yellowstone River, Montana: Continuing improvement, $10,000, which sum shall be expended at or near Glendive, Mont.

Improving river at and near Great Falls, Mont., $15,000.

Improving Sacramento and Feather rivers and their tributaries, California: The Secretary of War is hereby authorized and directed to appoint a board, consisting of three engineers of the United States Army, for the purpose of making surveys and examinations of said rivers, and submit the most feasible plan for the improvement of said rivers and the maintenance of navigation thereon; said board may, under the direction of said Secretary of War, expend any balance now remaining to the credit of said rivers in the improvement of the same, after deducting the expense of said surveys and examinations.

For the construction of restraining barriers for the protection of the Sacramento and Feather rivers in California, $250,000; such restraining barriers to be constructed under the direction of the Secretary of War in accordance with the recommendations of the California Débris Commission, for the purposes set forth in sections 23, 24, and 25 of the act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893: *Provided*, That said sum shall be available only on condition that the legislature of the State of California shall have appropriated at least an equal sum for the purposes herein set forth, to be expended in accordance with the recommendations of engineers of the United States Government.

Improving San Joaquin River, California: Continuing improvement, $20,000

Improving Napa River, California: Continuing improvement, $4,000.

Improving upper Columbia River, including Snake River as far up as Asotin, Oregon and Washington: Continuing improvement, $5,000.

Improving lower Willamette River in front of and below Portland, Oreg., and Columbia River below the Willamette River in Oregon and Washington: Continuing improvement, $50,000.

Improving Coquille River, Oregon: Continuing improvement, $20,000.

Improving the mouth of Siuslaw River: Continuing improvement, $27,000.

For gauging waters of the Columbia River, measuring tidal and river volumes, $1,000.

Improving upper Coquille River, between Coquille City and Myrtle Point, Oreg.: Continuing improvement, $12,000.

Improving Umpqua River, Oregon: Completing improvement $6,000.

Improving Coos River, Oregon: Completing improvement in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 237, Fifty-third Congress, third session, $5,000.

Improving Alsea River, Oregon: Completing improvement in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 235, Fifty-third Congress, third session, $2,000.

Improving Nestucca River, Oregon, from town of Woods to the ocean, in accordance with plans submitted by Capt. T. W. Symons in House Executive Document No. 224, Fifty-third Congress, third session: Completing improvement, $1,000.

Improving Willamette and Yamhill rivers, Oregon, $20,000, as recommended by Capt. W. L. Fisk, Corps of Engineers, for Willamette River from Portland to Eugene (House Document No. 200, Fifty-fourth Congress, first session), and as recommended by Maj. J. C. Post, Corps of Engineers, in report to Chief of Engineers, dated March 6, 1895, for lock and dam on Yamhill River: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete such improvements, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $300,000, including the amount herein appropriated.

Improving Columbia River below Tongue Point, by way of the South Channel in front of Astoria, Oreg., as recommended by Maj. J. C. Post, Corps of Engineers, May 25, 1895: *Provided*, That $50,000 is hereby authorized to be transferred from the balance on hand to the credit of the mouth of the Columbia River improvement, in the discretion of the Secretary of War.

For improving Clearwater River, Idaho: Continuing improvement, $25,000.

For improving Kootenai River, in Idaho, between Bonners Ferry and the international boundary line, $5,000.

Improving Cowlitz River, Washington: Continuing improvement, $3,000.

Improving Puget Sound and its tributary waters, Washington: Continuing improvement, $27,000; of which sum $12,000 shall be expended under the direction of the Secretary of War for straightening and deepening the channel of the Puyallup River, emptying into Commencement Bay, in Puget Sound, with a view to making said river navigable at all times for vessels drawing 18 feet of water, from the mouth of said river upward a distance of about one-half mile.

Improving Chehalis River, Washington: For snagging, $3,000.

Improving Swinomish Slough, Washington: Continuing improvement in accordance with existing plan, $25,000.

Improving Skagit River, Washington: Continuing improvement, $10,000.

Improving Columbia River between the mouth of the Willamette River and the city of Vancouver, Wash.: Continuing improvement, $30,000.

SEC. 2. That the Secretary of War is directed to cause to be prepared a compilation of all general laws that have been enacted from time to time by Congress for the maintenance, protection, and preservation of the navigable waters of the United States which are now in force, and to submit the same to Congress at its session in December next, together with such recommendation as to revision, emendation, or enlargement of the said laws as, in his judgment, will be advantageous to the public interest.

SEC. 3. That section 13 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, is hereby amended by inserting the words "fifty thousand dollars" in lieu of the words "twenty-five thousand dollars" therein contained.

SEC. 4. That for preliminary examinations, surveys, except where otherwise herein especially provided for, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, $100,000: *Provided*, That no preliminary examinations, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made unless ordered by a resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

SEC. 5. That under the authority to make contracts for materials and work under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be let by any one of said contracts, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment of 25 per cent herein provided for not earned and paid for material furnished or work done in one fiscal year may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided*, This limitation shall not apply to any project placed under contract wherein the total amount authorized to be expended shall not exceed $500,000.

SEC. 6. That the Secretary of War is hereby directed to cause preliminary examinations to be made at the following localities, to wit:

ALABAMA.

Beginning at a point at or near the site selected for Lock No. 13 on the Warrior River, and continuing up Valley River from its mouth, following the general course of said stream to Bessemer, Ala., thence up the valley to Birmingham and beyond to Five Mile Creek, at a point where sufficient head can be obtained to supply water for that part of said canal between Five Mile Creek and Bessemer, Ala. Said channel to have a minimum depth of 6 feet and be at least 50 feet in width at the water line.

CALIFORNIA.

Humboldt Harbor, dredging same along city front.
Napa River, to straighten channel from Napa to a point south of Carrs Bend and to make cut through Carrs Bend.
Petaluma Creek; straighten channel from railroad bridge to Donohue Landing.
Suisun Creek.

DELAWARE.

St. Johns River.
Cedar Creek.
Mispillion River.

FLORIDA.

Anclote River.
Jupiter Inlet.
Hillsboro Bay.
Crystal River.
Cedar Keys.

ILLINOIS.

The upper Illinois River and lower Des Plaines River, with a view to extension of navigation from Illinois River to Lake Michigan at or near Chicago.

KANSAS.

Neosho River, from the north line of Neosho County to the south line of Labette County, with a view to straightening and otherwise improving the channel of said river.

KENTUCKY.

Treadwater River.

LOUISIANA.

Bayou Grossetete.

MAINE.

Union River, near the city of Ellsworth, in Hancock County.
South channel of branch of Penobscot River, in Frankfort, in Waldo County, with view of removing an old wreck, and estimate of cost thereof.
Boothbay Harbor.
Chandlers River.

MASSACHUSETTS.

Salt Pond and Herring River, in Harwich.
Gurnet Rock and other rocks at mouth of Plymouth Harbor.
Duxbury Beach, with view to protection of harbor.
Duxbury Harbor, with view to widening and deepening improvement.

MICHIGAN.

Raisin River, in Monroe County, from mouth to Government Canal to the wharves.
Huron River, from mouth to the point of crossing by the Michigan Central Railroad.

MINNESOTA.

Mille Lacs Lake, with a view to the construction of a dam at the outlet on section 33, township 33 north, in range 27 west, in Mille Lacs County, for the aid of navigation on the Mississippi River, the same to be part of the general Upper Mississippi River reservoir system.
Stillwater, for preservation of harbor.

MISSISSIPPI.

Homochitto River, from mouth to the Yazoo and Mississippi Valley Railroad.
Coldwater River.
Ship Island Pass, with view to obtaining a channel of 26 feet depth at low tide in said pass between the Gulf of Mexico and Ship Island Harbor.

NEW HAMPSHIRE.

Oyster River.

NEW JERSEY.

Oldmans Creek.
Dividing Creek.
Wading River.
Tuckerton Creek and flats at mouth thereof.
Beach Thoroughfare at and near the meeting of tides from Absecon and Egg Harbor Inlet.
Barnegat Bay, between Mantoling and Bay Head.

NEW YORK.

Channel connecting Flushing Bay and Newtown Creek.
Catskill Creek.
Oswego River, Oneida Lake, and Mohawk River, so as to connect them.
Mohawk River, between Rome and town of Schuyler.
Nyack Harbor.
Alexandria Bay.
Black River to harbor at Dexter.
Coney Island Creek.
Oyster Bay, with a view to its connection with Lloyd Harbor.
Channels between Far Rockaway and Inwood.
Northport Harbor.
Smithtown Harbor.
Wallabout Channel, by cutting off portion of island known as Cob Dock and securing width of 300 feet and depth of 20 feet.
Coney Island Channel, from Nortons Point to the bell buoy to the depth of 16 feet.

NORTH CAROLINA.

For a jetty near Bogue Inlet in order to remove sand bars.

OREGON.

Alsea River, from head of tide water to upper Alsea Valley.
Yaquina River, from the town of Yaquina to head of tide, including Big Elk River to Sunset Quarry.
Long Tom River, from mouth to town of Monroe.
Santiam River, from Jefferson to Willamette River.
Umpqua River, bar and entrance.
Siletz River, bar and entrance.

PENNSYLVANIA.

Removing dam in upper Allegheny near Corydon, and dam at Russell, and the rapids at or near Waterboro in the Conewango Creek, a tributary of the Allegheny River.

RHODE ISLAND.

Channel through Conanicut Island, Narragansett Bay.

SOUTH CAROLINA.

Bartrand River.

TEXAS.

Channel between Brazos River and Galveston Bay.

WISCONSIN.

Portwing.

ARIZONA.

Colorado River.

WASHINGTON.

Puyallup River.
Neah River, with a view to its improvement as a harbor of refuge.
Dunwamish River and its tributaries.
Mouth of Willopa River.
North River.
North Fork of Lewis River to head of tide water.

SEC. 7. That the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improvement to be estimated at the following localities, to wit:

ARKANSAS.

White River, Batesville to Buffalo Shoals, with a view to improving by slack-water navigation.
St. Francis River, Sunk Lands to Poplin, Mo.

CALIFORNIA.

Alviso Creek.
Shag Rock, Arch Rock, Blossom Rock, Two Mission Rocks, Anita Rock, all in San Francisco Harbor.
Redwood Creek.
Mare Island Strait.

CONNECTICUT.

Southport Harbor.
New Haven Harbor.
Housatonic River.
South Norwalk.
Niantic Harbor.

FLORIDA.

Apalachicola Bay.
Tampa Bay.
Withlacoochee River.
St. Lucia Inlet and River.

IDAHO.

Pend Oreille River (Flat Head River).

KENTUCKY.

Mouth of Tennessee River.
Green River, at or near its mouth, for new lock and dam.
Mouth of Cumberland River.

LOUISIANA.

Bayou Teche, St. Martinville to Port Barre.

MAINE.

Royal River.
Bagaduce River, leading up to Penobscot village.
Bangor Harbor and Penobscot River, including mouth of Kenduskeag River.

MARYLAND.

Inner Harbor Rock Hall.
Cambridge Harbor.

MASSACHUSETTS.

Merrimac River, from Lowell to New Hampshire State line.
Marblehead Harbor, with a view to improving the harbor by building a sea wall to protect the isthmus connecting Marblehead with the town of Marblehead.
Provincetown Harbor, with a view of erecting a dike for the protection of that harbor.
Neponset River.
Lynn Harbor, with a view to securing a channel 300 feet wide and 15 feet deep at low water.
Boston Harbor, with a view to securing a channel 1,200 feet wide and 30 feet deep from the navy-yard to the entrance of the present main ship channel, and from the main ship channel in Presidents Roads through Broad Sound Channel.
Mount Hope Bay and Fall River Harbor.
Manchester Harbor.
Connecticut River, between Holyoke and the foot of the rapids.
Harbor at Plymouth.

MISSISSIPPI.

Channel at the mouth of Pearl River leading to deep water in the Mississippi Sound, with a view to obtaining a 17-foot channel at low tide.
Pascagoula River, commencing at a point in the Mississippi Sound where the depth of water exceeds 17 feet, thence to the mouth of and up said river to the intersection of Dog River, and thence up Dog River 3 miles, with a view to obtaining a channel of 17 feet at low tide along the line of survey.
Horn Island Pass, and the passage leading from said pass to the anchorage inside Horn Island, with a view to obtaining in said pass and passage leading therefrom a channel of 20 feet at low tide.
Big Sunflower River, with a view to improving the same by locks and dams as high as Clarksdale.

MINNESOTA.

Big Stone Lake, with a view to the construction of reservoirs, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated January 16, 1895.
Red Lake River, with a view of improving Red Lake River from Thief River Falls to the Red Lake, in accordance with the report of Maj. W. A. Jones, of the Engineer Corps of the United States Army, dated February 26, 1895.

MICHIGAN.

Kalamazoo River from Saugatuck to New Richmond.
Harbor of Frankfort, with a view of obtaining an 18-foot depth of water.
Harbor of Holland (Black Lake), with a view of obtaining a 16-foot depth of water.
Harbor of Monroe, with a view of obtaining a 14-foot depth of water.
Harbor of refuge at Ontonagon, affording 18-foot depth of water.
Harbor at Menominee, Michigan and Wisconsin, with a view of obtaining a 20-foot depth of water.
Harbor at Charlevoix, with a view of obtaining 16-foot depth of water.
Rouge River, from Wabash Bridge crossing to Maples Road, with a view of obtaining 16-foot depth of water, expense thereof to be paid from money on hand for improvement of Rouge River.
South Haven.
Ludington Harbor.
Saginaw River.

NEW JERSEY.

Mantua Creek.
Salem River, from its mouth to Salem City.
Rahway River, from its mouth to Main Street Bridge.
Elizabeth River.
Absecon Inlet, with a view of maintaining 10 feet of water over the bar.

NEW YORK.

Bay Ridge, Gowanus Creek, Red Hook, and Buttermilk channels, with a view to making one continuous channel 30 feet in depth and of equal width.
Oak Orchard Harbor.

NORTH CAROLINA.

Cape Lookout harbor of refuge.
For a jetty near Bogue Inlet, to remove sand bar.

OREGON.

Clatskanie River, to town of Clatskanie.
Tillamook Bay, bar and entrance.
Nehalem River, from modified plan, to be paid for out of money on hand.

OHIO.

Starve Island Reef, near South Bass Island, in Lake Erie, with a view to obtaining a navigable channel 25 feet in depth over said reef.
Ohio River, Marietta to its mouth.

PENNSYLVANIA.

Schuylkill River.
Erie Harbor.
Allegheny River, to determine what remaining portion of said river can be made navigable, and the number, location, and cost of the necessary dams therefor.

RHODE ISLAND.

Sakonnet Point.
Easterly breakwater to shore, Point Judith, at Point Judith harbor of refuge.

TEXAS.

Sabine Lake.

TENNESSEE.

Emory River, from its mouth to the town of Harriman.

VERMONT.

Missisquoi River, Swanton to lake.

WISCONSIN.

Harbor at Kenosha, with a view to obtaining a channel 21 feet deep and basin 20 feet deep.
Harbor at Racine, with a view to obtaining a channel 21 feet deep.
Harbor at Milwaukee, with a view to obtaining a channel 21 feet deep.
Harbor at Ahnapee.
La Crosse Harbor.
Sheboygan, with a view of obtaining 21 feet.

MONTANA.

Kootenai River, for removal of obstructions above Jennings.

WASHINGTON.

Lewis River, from Columbia River to La Center.
Pend Oreille River, from its source at Lake Pend Oreille, Idaho, to the town of Metalline, Wash.
Bellingham Bay, from deep water to the mouth of Whatcom Creek, at New Whatcom.
Okanagon River.
Quillayute Harbor and River.

During the reading of the bill,

Mr. DINGLEY said: Mr. Speaker, I rise to a question of order. It is important that the House should hear the bill read, in order to know what modifications have been made.

The SPEAKER. The House will be in order. Gentlemen desiring to converse will please retire to the cloakroom.

The Clerk resumed and completed the reading of the bill.

Mr. HOOKER. Mr. Speaker, I ask unanimous consent that the bill as read be printed in the RECORD.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from New York asks unanimous consent that a second be considered as ordered, and that the bill as read be printed in the RECORD.

Mr. HOOKER. A second has already been ordered, and my request is that the bill as read be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the bill as read may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HOOKER. Now, Mr. Speaker, I renew my request, which I made some time ago, to enlarge the time for debate upon this measure.

A MEMBER. I object.

Mr. HOOKER. I ask that general debate be continued until 4 o'clock.

The SPEAKER pro tempore. Under the rule forty minutes would be allowed for debate. The gentleman from New York asks unanimous consent that the time for debate be extended until 4 o'clock. Is there objection?

Mr. HEPBURN. I think that would only be an extension of about thirty minutes or less.

Mr. HOOKER. It would be more than that.

Mr. HEPBURN. There ought to be more debate than that upon this bill, which carries or authorizes $63,000,000.

The SPEAKER pro tempore. The Chair will suggest that the time might be extended until 5 o'clock.

Mr. HOOKER. I make that modification of my request.

Mr. HEPBURN. It will be remembered that the gentleman told us this morning that there had been amendments made to this bill this morning. Nobody knows what those amendments are. There ought to be some opportunity for explanation, and we ought not to commit ourselves to this extraordinary expenditure of $63,000,000 with only forty minutes for debate.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the time for debate be extended until 5 o'clock this evening. Is there objection?

Mr. HEPBURN. I ask that the time may be extended until 5 o'clock.

The SPEAKER pro tempore. The gentleman asks that it be extended to 5 o'clock.

Mr. HOOKER. That is my request.

The SPEAKER pro tempore. That was the request—that the debate be extended until 5 o'clock.

Mr. MAGUIRE. Is it understood that the bill will then be open to amendments?

The SPEAKER pro tempore. No, sir. This is a motion to suspend the rules and pass the bill.

Mr. MAGUIRE. Then I object.

Mr. McMILLIN. I would state to the gentleman from California that the effect of his objection is to cut off debate, and does not put him in any better condition for amendment.

The SPEAKER pro tempore. Under the rule forty minutes is allowed for debate, twenty minutes to be controlled by the gentleman from New York [Mr. HOOKER] and twenty minutes by those opposed to the bill.

Mr. DOCKERY. Who is to be recognized in opposition?

The SPEAKER pro tempore. The gentleman from Missouri will be recognized to control the time in opposition to the bill.

Mr. OWENS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. OWENS. The Chair called to know whether there was objection or not.

The SPEAKER pro tempore. The Chair asked if there was objection to the request of the gentleman from New York to extend the time for debate until 5 o'clock, and the gentleman from California objected.

Mr. OWENS. Objection was made?

The SPEAKER pro tempore. Objection has been made.

Mr. OWENS. I did not know that.

Mr. HOOKER. I yield five minutes——

Mr. WHEELER. I ask unanimous consent that the debate be extended until 4 o'clock. Gentlemen will not object to that.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. HOOKER. I yield five minutes to my colleague on the committee [Mr. BURTON of Ohio].

Mr. BURTON of Ohio. Mr. Speaker, one of the leading features of this bill is the number of projects that are put under continuing contracts. That is to my mind the most commendable feature of the bill, and therefore has my hearty approval. In the preservation of our public works that system will be adopted in all the biennial appropriations under the river and harbor act——

The SPEAKER pro tempore. The gentleman will suspend. The House will be in order.

Mr. MAGUIRE. Mr. Speaker, if there is to be no opportunity to offer amendments to this bill, I have no objection to the debate continuing until 5 o'clock.

The SPEAKER pro tempore. The gentleman from California withdraws his objection to extending the time for debate on this bill until 5 o'clock. Is there further objection?

Mr. GROSVENOR. The withdrawal of the objection is too late. Debate has proceeded under the rule.

Mr. CANNON. Oh, no.

The SPEAKER pro tempore. The Chair thinks not, if the gentleman from Ohio [Mr. BURTON] will yield for that purpose.

Mr. BURTON of Ohio. Certainly; I yield for that purpose.

Mr. GROSVENOR. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. BURTON of Ohio. Mr. Speaker, the leading feature of this bill is the number of projects placed under the continuing-contract system. This is at the same time its most commendable feature.

The SPEAKER pro tempore. The gentleman will suspend. The House will be in order.

Mr. MAGUIRE. Mr. Speaker, if there is to be no opportunity to offer amendments to this bill, I have no objection to the debate continuing until 5 o'clock.

The SPEAKER pro tempore. The gentleman from California withdraws his objection to extending the time for debate on this bill until 5 o'clock. Is there further objection?

Mr. GROSVENOR. The withdrawal of the objection is too late; debate has proceeded under the rule.

Mr. CANNON. Oh, no.

The SPEAKER pro tempore. The Chair thinks not, if the gentleman from Ohio [Mr. BURTON] will yield for that purpose.

Mr. BURTON of Ohio. Certainly; I yield for that purpose.

Mr. GROSVENOR. I object.

The SPEAKER pro tempore. The gentleman from Ohio objects.

Mr. BURTON of Ohio. In the prosecution of our public works, so sure as we pursue the best methods, this plan will be adopted in all. I hope the time is not far distant when this biennial river and harbor act will include only provisions for repair and maintenance and for the payment of the first installment on projects, appropriations for which thereafter will be made annually as the work progresses. In the first place, this is the most economical system. It requires little discrimination to see that for every project a plant must be provided and certain expenses incurred, whether the whole of the work is to be done or only an insignificant fraction of it.

Notwithstanding the fact that the new method has not yet been tried under the most favorable circumstances, we are not without experience as to its results. It appears that public works placed under this system in 1890 and 1892 have been finished at a diminished cost, varying in amount, but averaging 30 per cent. A communication from the Chief of Engineers dated March 25, 1896, addressed to Hon. W. B. HOOKER, chairman of the Committee on Rivers and Harbors, contains the following references to specific projects:

Harbor at Charleston, S. C.—The saving by the continuous system of appropriations was $545,500, being for the portion covered by the contract at the rate of 33 per cent.

Harbor at Savannah, Ga.—The total saving which can be determined as resulting in Savannah Harbor from the system of continuing contracts has been, in round numbers, $900,000, or about 25 per cent of the entire cost of the improvement.

Mississippi River from the Head of the Passes to the mouth of the Ohio River.—It is estimated that the saving by lowering the prices 20 per cent under the continuing contracts equals $1,000,000.

Mississippi River from the mouth of the Ohio River to Minneapolis, Minn.—The great advantage and economy of work under this system of continuous appropriations have been most manifest. The cost of work both by day labor, in which the Government may be considered as the contractor, and under contracts with private parties has been materially reduced. Under conditions of uncertainty as to amount of future appropriations or time of availability it is impossible to make definite arrangements for procuring labor or material long in advance or in sufficient quantities to justify contractors in making adequate arrangements and low prices. The saving to the United States as a result of the continuing appropriations has been, for the portion of the Mississippi between the mouth of the Missouri and Minneapolis, not less than 15 per cent, or approximately $500,000 in the four years' work. For the stretch from the mouth of the Ohio to the mouth of the Missouri the saving was fully as much, making the saving for the Mississippi between the mouth of the Ohio and Minneapolis under the four years of continuing appropriations about $1,000,000. The future percentage of saving which may be expected to result from a continuance of the system of continuous appropriations would be even greater, as the work is more thoroughly organized.

Missouri River from its mouth to Sioux City, Iowa.—Comparing the results obtained under the two systems, it is seen that the work as carried on under continuous and undiverted appropriations can be executed from 25 to 50 per cent less than when executed under the system of annual and uncertain appropriations.

Ship channel connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo.—It is believed that in this work of improvement the saving under the continuous-contract system has not been less than $500,000, or about 15 per cent of the original estimate.

Humboldt Harbor and Bay, California.—Considering the amount of work already done and the amount estimated to complete the work, it is calculated that there is a saving under the continuing-contract system of $682,292, or about 30 per cent.

A letter from the late General Casey, former Chief of Engineers, dated March 30, 1892, contains the following:

At the Hay Lake Channel the work, estimated to cost $2,659,115, will be completed upon the execution of the existing contracts, and fully $900,000 within the estimate, a saving of one-third, or 33 per cent.

Also:

Philadelphia Harbor.—The price under the continuing contract is only 33 per cent of the average price which during the past ten years has been paid on the Delaware for similar dredging under annual contracts.

In addition to the direct results from actual saving in cost, equally important advantages arise from the earlier utilization of the completed project and the diminished injury from deterioration or decay resulting from tardy completion of the work by sections. Under the traditional policy for the construction of buildings and for river and harbor improvements, piecemeal appropriations are doled out in a halting and dilatory manner, and often before the capstone is placed upon a structure the foundation begins to rot; and before a breakwater or pier is finished, the end at which it was commenced is so decayed that the waves of the first storm threaten to wash it away.

Not only is this the most economical plan, it is at the same time, it is not too much to say, more courageous and honest. Under the old system of biennial appropriations partial appropriations were made for the beginnings of expensive public works when the facts as to the total amount required were not well known to the House and without the careful consideration, which would have been given, had there been discussion upon the desirability of appropriating the full amount necessary. The result was that many projects were undertaken without sufficient knowledge of their merits; but after the work was once commenced, the argument was used that the Government should not abandon the project to which we had committed ourselves by partial appropriations, because the amount already expended would be lost and we should be subjected to the reproach of having abandoned enterprises once begun.

Under the new system, the inevitable result will be to give more careful consideration to a project before it is commenced and then, if adopted, to prosecute it to completion in the most prompt and economical manner.

The argument is also made that this bill is extravagant. This argument comes with very poor grace when we consider that this House a few days ago, almost without a dissenting voice, appropriated in one bill over thirty millions for our naval establishment. This is the one appropriation made by the General Government, the immediate result of which is to increase the wealth and commercial development of our country. Indeed, it not only provides better channels and harbors for commerce, but even in case of war provides improvements for waterways quite as essential for our safety as battle ships and cruisers. The sums expended are not extravagant, but, on the contrary, very small, when we take into account the enormous extent of our seacoast along the Gulf and the two great oceans, and the unequaled mileage of our rivers, to which we must add the marvelous traffic on the Great Inland Lakes, the most surprising of all.

In order to maintain our place among the nations we must increase our exports. The sharp competition which has been brought to bear in supplying our home markets has not yet been exerted in securing foreign trade. This is largely due to the fact that we have a home market the greatest in the world, and by the further fact that, until within the last twenty years, we [illegible] with little effort, a practical monopoly in supplying foreign

markets with staple products. Until recent years we largely supplied the markets of the world with cotton, the fabric most used for clothing; with the wheat which furnishes bread; also with tobacco, the luxury used by the greatest number. But in recent years active competitors have arisen in the furnishing of each of these staples in either hemisphere and on both sides of the equator. In order to regain and maintain the great advantage which we formerly possessed, nothing can be of so great an assistance as the improvement of our great harbors and the development of a better system of inland transportation by improving navigable rivers.

Neither is the objection that appropriations for rivers and harbors have sometimes been wasted a valid one. Beyond the inevitable loss or waste belonging to every system of expenditure maintained on a large scale, and in an era when inventions are yearly revolutionizing methods of construction, there have not been injudicious expenditures in the river and harbor bills. The waste has not been as great as in other branches of the public service. Many of the most expensive ships built for our Navy, constructed according to the best models of the time, are now rusting away at wharves, utterly useless to-day, though costing millions. The navy of Great Britain, designed in accordance with the most perfect development of the art of shipbuilding, numbers in the admiralty list useless hulks which cost millions of pounds.

The accusation of extravagance in these expenditures for rivers and harbors is effectually disproved by a comparison with the methods of other nations of more developed resources. England and France illustrate two widely different lines of policy in the provision made for aids to commerce and transportation. In Great Britain these improvements are for the most part undertaken by private corporations or agencies other than the Imperial Government. These enterprises have been undertaken upon an enormous scale. Undoubtedly more capital is invested there in harbors, docks, and inland waterways than in any other country. In recent years the Tyne, at and below Newcastle, has been deepened and other improvements made at a cost of $20,000,000. On the Mersey and the Clyde much larger sums have been expended. The Manchester Canal, 35½ miles in length, has recently been completed at a cost of $75,000,000. In other private canal companies $150,000,000 is invested. This method of improvement by private corporations or local authorities is not suited to our methods, or, especially in the case of inland waterways, to the greater extent of territory involved in each improvement.

It is true that plausible arguments have been made for the adoption of a system in this country under which a fraction—say one-third or one-fourth—of the expense of river and harbor improvements should be paid by local authorities or collected from the locality regarded as especially benefited and the balance by the General Government. It is maintained by the advocates of this plan, that this division would secure a more equitable adjustment of the burden of the expense and assure good faith and the exercise of the best judgment in the adoption of projects for improvement. The objections are that all these projects have come to be regarded as distinctly national in their character and not to be undertaken unless proper subjects of expenditure from the national Treasury; that the necessity of including different localities and States in a single improvement would require a concert of action by numerous and perhaps varying interests, almost impossible to obtain; and further, that less deserving projects would be presented, with offers to furnish the portion to be paid by local taxation, and these would obtain recognition to the exclusion of more valuable projects for which less pecuniary support could be furnished. The tendency of legislation on this subject from the time when Madison, in 1817, declared he found no warrant in the Constitution for expenditures for internal improvements has been for the General Government to undertake these improvements and provide for the payment of the whole expense in case the direct and principal result is to aid commerce, but to require of local authorities a share of the expense when, as in the case of the levees along the Mississippi River, particular localities receive, in protection to property or otherwise, a benefit distinct from that obtained from improved facilities for navigation.

In assistance rendered by the Government to harbors and to inland navigation, the nation with which comparison can most aptly be made is France. In the United States the total of appropriations made for rivers and harbors since the formation of the Government, including amounts appropriated for continuing contracts under the sundry civil bill, is $273,638,515. France, in the period from 1814 to 1894, inclusive, for which carefully prepared statistics are available, has made expenditures for the betterment of inland waterways and for ports, appearing on the budget in two forms—first, "travaux extraordinaires," improvements and additions intended to be permanent, which when complete will not require to be renewed; second, "travaux ordinaires," expenses of annual occurrence, for care and maintenance, in which are sometimes included branches and permanent improvements of minor importance.

Under the first, or permanent class, there has been expended by France in the eighty-one years mentioned approximately $500,000,000, of which the sum of $300,000,000 has been for rivers and canals, inland navigation, and $200,000,000 for ports and harbors.

Under the second head of "Care and maintenance," which, equally with the former, should be counted in order to make an accurate comparison, there has been expended in the same time, approximately, $135,000,000 for inland navigation and $70,000,000 for ports and harbors, making a total for both classes of expenditure, in round numbers, of $435,000,000 for inland navigation and $270,000,000 for harbors; in all, $705,000,000. It will thus appear that the amount expended by France has been more than two and one-half times as great as that expended in this country, yet a single State in this Union has a greater area than all of France. Equally significant is a comparison of individual projects and localities. Upon the River Seine alone, for a distance of less than 250 miles, between Paris and Havre, there has been expended 61,000,000 of francs, or about $12,000,000, an amount nearly equal to the total amount appropriated by this Government for the improvement of the Ohio and all its branches, excluding the Cumberland and Tennessee. Yet these rivers have a length of 4,406 miles of navigable water, and in the valley of the Ohio, including the Monongahela, Allegheny, Muskingum, Great and Little Kanawha, Kentucky, Green, and other tributaries, there is an empire as rich in its resources as any equal body of land in the world.

Even more impressive is the contrast when we compare expenditures for harbors. The port of Boston, the second ocean port of the United States, has received in appropriations, from the beginning, from the General Government, $2,804,000. The port of New York, for the divers improvements included in the harbor and neighboring channels, comprising all expenses from and including Sandy Hook on the one side to and including the Harlem River on the other, has received $8,449,911. The cities of Buffalo and Chicago, located upon the Great Lakes, and second and third among American ports in amount of tonnage entering and clearing, have received in appropriations, respectively, $2,861,480.41 and $2,272,400 (including Calumet). The city of Cleveland, the leading shipowning and shipbuilding port of the Great Lakes, has received $1,647,994.84. Yet on the single port of Havre, not the greatest port of France, there was expended from 1814 to 1891, the last year for which official figures for separate harbors are available, a sum slightly in excess of $32,000,000; on the harbor of Marseilles, $19,000,000; on that of Dunkirk, $20,000,000. Yet each of these ports, with the exception of Marseilles, has, in tonnage, a traffic less than the least of the American ports mentioned. More in detail, the expenditures for improvements in France for the period mentioned, 1814 to 1894, inclusive, expressed in French money, have been as follows:

| | | Francs. |
|---|---|---|
| For inland navigation— | | |
| Rivers: | | |
| Extraordinaires | 635,051,827 | |
| Ordinaires | 404,513,274 | |
| Total for rivers | | 1,039,565,101 |
| Canals: | | |
| Extraordinaires | 839,201,789 | |
| Ordinaires | 271,188,244 | |
| Total for canals | | 1,110,390,033 |
| Total for inland navigation | | 2,149,955,134 |
| For ports and harbors (maritime:)— | | |
| Extraordinaires | 992,728,607 | |
| Ordinaires | 347,460,428 | |
| Total for ports and harbors | | 1,340,189,035 |
| Grand total | | 3,490,144,169 |

Of this amount 111,048,235 francs was for light-houses, beacons, buoys, etc., the management of which in this country is under the Treasury Department, although these amounts are properly chargeable to appropriations for purposes of navigation. But, on the other hand, in addition to the expenditures above, something over 140,000,000 francs was expended for reparation of improvements and the acquisition of canals, etc. The latter was charged to the military establishment, though really expended for navigation. For maintenance and dredging, etc., in the years 1836 to 1876, inclusive, there was expended for rivers as follows:

| | Francs. |
|---|---|
| The Garonne | 22,084,669 |
| The Rhine | 25,335,358 |
| The Loire | 30,469,122 |
| The Rhone | 32,137,674 |

The exact expenditure on the harbors named, to and including 1891, was as follows:

| | Francs. |
|---|---|
| Havre | 163,324,988 |
| Dunkirk | 104,000,000 |
| Marseilles | 94,953,931 |

The public men and economists of France are practically unanimous in the opinion that these expenditures have been of the greatest benefit to the whole country, and that the amounts required should be supplied by national taxation.

The SPEAKER pro tempore. The time of the gentleman has expired.

On motion of Mr. HOOKER, unanimous consent was given for general leave to extend in the RECORD remarks made upon this bill.

[Mr. WASHINGTON addressed the House. See Appendix.]

Mr. HOOKER. Mr. Speaker, I think it is now time that the gentleman in charge of the opposition, Mr. DOCKERY, should occupy some of his time.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DOCKERY] is recognized to control the time in opposition to the motion.

Mr. DOCKERY. Mr. Speaker, I am in favor of just and proper appropriations for the improvement of the great rivers and waterways of the country; but I am not in favor of a policy which, in order to secure that desirable result, compels us to appropriate for unimportant creeks and streams. Mr. Speaker, I would not favor the passage of this bill, even though I approved every line of it, under a suspension of the rules, which forbids the right of amendment and limits all debate to forty minutes.

I know the suggestion has been made—and possibly it explains the appearance of this bill to-day, clamoring for passage under suspension of the rules—that it is not safe to trust this body, because of the apprehension that the bill, if considered in the ordinary way, would be largely increased in its items and aggregate.

It may be that this is a correct view of the situation; I do not positively assert that it is not. But I insist, Mr. Speaker, that any bill imposing upon the people of the United States direct appropriations exceeding $10,000,000 and liabilities in other forms in excess of $51,000,000 should be considered by the representatives of the people under the five-minute rule, which permits debate and amendment. The bill as reported to the House carries in direct appropriations $10,330,560. The chairman of the committee advises me that the committee has added by way of amendments $97,000 additional, thus swelling the total of direct appropriation to $10,427,560. The bill also authorizes contracts amounting to $51,721,210.91, making a grand total of liabilities upon the Treasury of $62,148,770.91. This becomes, therefore, the largest river and harbor bill known to our constitutional history.

But, Mr. Speaker, I must hurry on, because other gentlemen wish to be heard. I desire, however, to refer for just a moment to the history of the contract system. It had its origin in the Fiftieth Congress, when an appropriation was made for the construction of the building for the Library of Congress and contracts authorized to be made in excess of the amount appropriated. I am advised by a gentleman who is well informed that this was the first appearance of the contract system upon our statutes. The precedent thus established was followed by the Fifty-first and Fifty-second Congresses. The Fifty-first Congress authorized five contracts for river and harbor improvements, and, in addition to an appropriation of $2,340,000, fixed the limit of the cost of such improvements at $13,282,980, making the total of appropriations and liabilities for the Congress $15,622,980. The Fifty-second Congress followed with the authorization of thirteen contracts, in which authority was given to impose upon the Government contract liabilities amounting to $31,760,521; so that the total of appropriations and of contracts authorized by the Fifty-first and Fifty-second Congresses under this system was $47,383,501. The Fifty-third Congress declined to authorize any new contracts for the improvement of rivers and harbors.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. DOCKERY. I will, if the gentleman will be brief.

Mr. HOPKINS. Has not experience shown that the contract system of doing public work is a measure of economy to the General Government?

Mr. DOCKERY. Undoubtedly, as to any given work, it is more businesslike and more economical to apply the contract system. But it is obvious, from the figures I have submitted, that whenever we enter upon the policy of giving the note or obligation of the Government instead of the cash it results in the imposition of increased liabilities.

Mr. HOPKINS. Right there, allow me another question.

Mr. DOCKERY. In a moment. Now, then, Mr. Speaker, in these two Congresses the liabilities were $47,383,501. The precedent established by the Fiftieth Congress is to be followed in this Congress by authorizing thirty-two new contracts, the limit of cost being $51,721,210.91. I will now yield to the gentleman from Illinois.

Mr. HOPKINS. Is it not a fact that in this appropriation bill no contract is provided for except as to works for which appropriations have heretofore been made?

Mr. DOCKERY. I am not advised on that point; but if the gentleman so states, I assume that he is correct.

Mr. HOPKINS. And the contracts authorized by the present bill run, some of them, for six years, do they not?

Mr. DOCKERY. I think they do.

Mr. HOPKINS. So that when the gentleman says that these expenditures will amount to something more than $50,000,000, it makes the annual appropriation less than $10,000,000.

Mr. DOCKERY. It is conceded that the contract system, in so far as a given work is concerned, is more economical; but the result of the system is manifest in this bill. While it is true that members secure small appropriations because of the present condition of the Treasury, yet it is also true that under this system the revenues of the future are mortgaged; so that while in individual cases the contract system operates in the interest of economy, yet the net result as shown by the aggregate is an enormous increase of the liabilities of the Government.

Mr. HOPKINS. I deny in toto the gentleman's conclusions, and state broadly and unqualifiedly that the result of this system is economy not only in the particular cases, but in the general result.

Mr. DOCKERY. I do not know how the gentleman reaches his conclusions.

Mr. HOPKINS. On facts.

Mr. DOCKERY. I know that more than eighteen hundred years ago there were "doubting Thomases"; and it is said that there were those then who would not believe "though one rose from the dead."

Mr. MERCER. How do you know? [Laughter.]

Mr. DOCKERY. I am not surprised, Mr. Speaker, that the gentleman from Nebraska [Mr. MERCER] should exhibit such a lack of familiarity with the Sacred Book.

Now, Mr. Speaker, these are facts; they are figures taken from the official records, showing that this bill carries more than sixty-two millions of obligations which must be met by the taxpayers of the country, and yet it is to be crowded through the House under a suspension of the rules, without the right of amendment and with but twenty minutes' debate on either side. Mr. Speaker, I am opposed to the passage of this bill because of its exorbitant demands upon the Treasury. Its passage under a suspension of the rules is without precedent as to this bill in recent years and should invite the condemnation of the country.

Mr. Speaker, what time have I remaining?

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

[Mr. WHEELER addressed the House. See Appendix.]

Mr. HOPKINS. Mr. Speaker, inasmuch as we have exhausted about half of our time, I ask the gentleman from Missouri to occupy a portion of his.

The SPEAKER pro tempore. The gentleman from Missouri has ten minutes, the gentleman from New York twelve, remaining.

Mr. DOCKERY. I yield nine minutes to the gentleman from Iowa [Mr. HEPBURN].

[Mr. HEPBURN addressed the House. See Appendix.]

Mr. HOOKER. I yield five minutes of my time to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, before attempting to make some reply to the extraordinary harangue with which we have been honored by our distinguished friend [Mr. HEPBURN], I desire to say that I have served on the Committee on Rivers and Harbors ever since my entrance into Congress. No river and harbor appropriation bill has been framed during the last ten years in whose construction I did not actively participate. I want to say here now, in all frankness and candor, that the bill which the committee have presented to the House on this occasion is by all odds the most carefully drawn, the most scientific in its construction, and will redound most to the benefit of the country of any bill which has ever passed since I have been in Congress. [Applause.]

Mr. Chairman, my friend Mr. HEPBURN always indulges in great poetic license when he assails the Mississippi River. I wish to call him down upon his statement that two-thirds of all the money which has been appropriated for that river has been expended in the construction of levees. I say to him now that eleven millions of the twenty-six millions have gone into the construction of levees along the banks of that river. I wish also to say to him that during the same time the riparian owners, of their own means, have expended the enormous sum of $14,000,000, so that the work has gone along by a system of cooperation between the Federal Government and the riparian owners. I wish also to remind the gentleman of a fact which he well knows—for he has made a great study of this question, having fought it whenever it was presented for consideration—that the Board of Army Engineers appointed in 1879 to consider this question reported that it was absolutely essential, if there was to be any navigation of that stream during its flood period, that these levees should be constructed; that without confining the flood there could be no commerce upon the river, there could be no navigation, no places for the boats to land, no commerce for them to engage in if they could land. So that constructing the levees has had the specific purpose of enabling those who would use that river to navigate it and transact their business upon it in its periods of greatest flood.

So far as concerns the lower water navigation of the river, I wish to say that the work has not progressed as rapidly as we had expected, because the contraction and revetment works have turned out to be more expensive than the engineers at their inception expected that they would be; but during the last few years there has been a most tremendous development of what is known as the hydraulic dredge, which was invented in 1854, but which was never practically utilized on any public works until between 1890 and 1892. But it has now reached that point of magnificent performance where we have a dredge now constructed which on a test a few weeks ago removed the enormous and unprecedented amount of 6,700 cubic yards per hour. The commission is providing a fleet of just such dredges for the purpose of dredging these sand bars and affording navigation during the low period of the river, and this bill especially requires that so much of the money as shall be necessary shall be expended in the way of obtaining a channel 9 feet deep from St. Louis to the Gulf, not less than 250 feet wide.

Mr. HEPBURN. Will the gentleman permit me to ask him a question there?

Mr. CATCHINGS. Yes, sir.

Mr. HEPBURN. Is not this very dredging an abandonment of every scheme which has heretofore been formed and a return to the old methods before the Commission was created?

Mr. CATCHINGS. No, sir; the gentleman does not know what he is talking about. [Applause.] There has never been a dredge boat along the Lower Mississippi River, and removing sand bars until within the last few years by dredging would have been an impossibility. There never was the possibility of dredging a sand bar on the lower river until this hydraulic system was discovered, and if my friend knew anything of this subject, about which he declaims so vigorously, he would know that what I say is absolutely true.

Now, Mr. Speaker, the people of all the Western States have flocked before our committee and demanded that this appropriation should go on. There is nothing in this bill more meritorious or more worthy of the respect and favor of the House. We all agree with Henry Clay, who declared more than forty years ago that if there was any one thing national in its character, it was the great Mississippi River. And we also know that that other great distinguished statesman, John C. Calhoun, departed from his ordinary position in reference to the power of the Government to make internal improvements and favored this, because he said that it was just what we all know it to be—a great inland sea.

Mr. Speaker, I beg this House to pay little heed to what the gentleman from Iowa has said, as he has opposed every river and harbor bill, and never has voted for one, and never will, because of his prejudices, notwithstanding his protestations.

Mr. DOCKERY. I yield one minute to the gentleman from California.

Mr. McLACHLAN. Mr. Speaker, I am opposed to the motion of the gentleman from New York, to suspend the rules and pass this bill, for the reason that if this course is pursued it will give no opportunity to anyone to offer any amendments to this important measure, making appropriations aggregating over $60,000,000 of the people's money, including the continuous contracts provided for therein. I assume that the Committee on Rivers and Harbors have faith in the justice and merits of the bill that it has presented here to-day, and, if I am right in this assumption, that committee can surely have no valid objection to submitting their labors and conclusions to the deliberate judgment of this House and give us a reasonable opportunity to investigate them for ourselves.

The members of this committee will not claim to be infallible, or assume that their judgment upon many features of this bill is superior to that of the whole House. This bill is far from being satisfactory to me or the people whom I represent. San Pedro Harbor, the point in my district where two great transcontinental railroads touch tide water on the Pacific coast, has received the most miserly consideration at the hands of this committee, notwithstanding the most reasonable demands that we made of it; and I now urge you to defeat this resolution to suspend the rules and pass this bill, so that I may have an opportunity to present to this House the merits of our claim for San Pedro and southern California. Having had an opportunity to do that, I must be satisfied with the result. But if this resolution prevails I will have no opportunity to present our case to the House, and must submit to the wrong perpetrated by this committee against an improvement that deserves far better consideration than it has received at the hands of the committee. There are other localities that have similar grievances against the provisions of this bill, and we simply demand an opportunity to be heard. This is reasonable; this is just.

Mr. DOCKERY. Mr. Speaker, in the half minute remaining I only desire the attention of members while I make one suggestion. If you desire to offer amendments, the way to secure such right is to vote down the motion to suspend the rules, and then the bill will come up in the usual way in which it has always been considered in recent years, and you can offer amendments and have them considered.

Mr. WASHINGTON. I would like to ask the gentleman from Missouri a question before he sits down. If the gentleman's suggestion were adopted, would he then support the bill? I ask him to answer that question.

Mr. DOCKERY. It would depend upon the condition of the bill when it had been completed. [Cries of "Ah!" and laughter.]

Mr. HOOKER. Mr. Speaker, how much time is there remaining on the other side?

The SPEAKER pro tempore. The time on the other side has been consumed, and the gentleman from New York has seven minutes of his time remaining.

Mr. HOOKER. I yield one minute to the gentleman from Iowa [Mr. CLARK].

Mr. CLARK of Iowa. Mr. Speaker, against the declamation of my valued colleague from my State, I simply want to state one practical fact, being a practical man. Within ten days the traffic manager of a railway between St. Paul and St. Louis was in my room. I said to him, "Colonel, what is the practical benefit to the people of the Mississippi Valley, from a railroad standpoint, of our Mississippi River improvements." He said, "It amounts to 50 per cent reduction of railroad transportation rates for the Mississippi Valley for a great part of the year." [Great applause.]

Mr. HOOKER. I yield one minute to the gentleman from Kentucky [Mr. COLSON].

[Mr. COLSON addressed the House. See Appendix.]

Mr. HOOKER. Mr. Speaker, I yield two minutes to my colleague on the committee [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, no policy on the part of this Congress has proven so beneficial, so profitable, and so lasting to all parts of this Union and to all its people as the policy of appropriations for liberal waterway improvements. The great problem of the present day is cheaper transportation. Deeper water means deeper draft ships, and deeper draft ships give us greater carrying capacity, and this produces cheaper freights. Ten years ago in the port of Boston no ship of a carrying capacity of 2,500 tons could enter and depart from that port. To-day a vessel carrying 10,000 tons and drawing 30 feet and 6 inches of water can enter and depart without any difficulty; and the testimony is that the reduction of freights amounts to 40 per cent. That has been the result in the last decade.

Now, there is no policy so popular among the American people as these liberal waterway appropriations. A few years ago many Representatives on this floor earned their title to reelection by their opposition to the river and harbor bill; and to-day, sir, that same opposition would result in their defeat. More money is appropriated now in a single bill than was appropriated from the foundation of this Government up to the year 1860. In the decade between 1880 and 1890 we appropriated $108,000,000 for the improvement of the waterways of the United States; yet, liberal as we are in our appropriations for our waterways, our policy is illiberal in comparison with that pursued by foreign nations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOOKER. Mr. Speaker, I can not, in the time remaining, expect to explain every portion of this bill, but I desire to make a few observations concerning the bill and some of the remarks that have been made by gentlemen who have preceded me. This is not the first time a river and harbor bill has been passed under a suspension of the rule. This is not the first time that my friend from Missouri [Mr. DOCKERY] has made remarks concerning the passage of a large appropriation bill under a suspension of the rules. If I recollect correctly, in the Fifty-third Congress the legislative, executive, and judicial bill, of which the gentleman from Missouri had charge, carrying about $25,000,000, was passed under a suspension of the rules.

Mr. DOCKERY. Oh, no. I have never had charge of a bill since I have been connected with Congress that passed under a suspension of the rules.

Mr. HOOKER. Well, you were a member of the committee that reported the bill to the House, and that bill was passed without giving an opportunity to debate it for twenty-five minutes, or even for five minutes. So much for that.

I am somewhat surprised at my friend from Iowa [Mr. HEPBURN] picking up this bill, selecting a few States, calling the attention of the House to them, and saying with a great deal of assurance that the State of Maine gets over $1,000,000 in this bill. When he made that statement he knew well enough that in the appropriation carried for the State of Maine over one and a half millions was placed upon continuous contracts, and that for those two projects only $40,000 in actual cash was appropriated. When he spoke of the appropriation for the State of Massachusetts he knew that in that total there was one item of over a million dollars for the city of Boston, and that there was not a dollar of money in that sum appropriated. He would also have known, had he read the bill, that in the aggregate of the appropriations

for the State of New York there were upwards of $4,000,000 placed under the continuous-contract system, one item of which was $2,200,000 for the city of Buffalo, and that there is not one dollar of money appropriated in this bill for that project.

I am not surprised that the gentleman lays so much stress on the Mississippi River appropriation. That has been his hobby ever since I have been in Congress, and it was his hobby long before I came to Congress, and to-day he has not advanced a solitary new argument relative to the matter, and it is strange to me that after his objections have year after year been so completely answered he should now offer them again.

In the Forty-ninth Congress he made a similar fight against the Mississippi River appropriation, and he has continued it ever since while he has been a member of the House. If the gentleman had examined the items in this bill concerning the appropriation for the Mississippi River Commission and the Missouri River Commission he would have discovered that the language of the appropriation in this bill for the Mississippi and the Missouri rivers is almost identical with that of former provisions for those rivers. In other words, in the Fifty-second Congress we appropriated $16,000,000 for the Mississippi River, and under this bill we appropriate only $14,400,000. This bill carries with it in cash items $10,432,560, and authorizes the Secretary of War to enter into contracts for the completion of works to the amount of $51,721,210.91. So I might go through the entire bill.

The committee has been considering the items that make up this bill for three months past. We have listened to representatives of this House and of the Senate from almost every State and Territory in the Union, and of the numerous items in the bill, amounting to about five hundred in number, every one has been considered by the Committee on Rivers and Harbors as a whole, and none of them have been considered by a subcommittee. There are only about twenty-two new projects contained in this bill, and the committee state to the House that there is not a single item, not a single new project, not a single new proposition in this river and harbor bill that has not been debated and legislated upon by Congress in years past, and every item of expenditure is justified by the recommendations of the Chief of Engineers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOOKER. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. HOOKER] to suspend the rules and pass this bill.

The question being taken, the Speaker pro tempore declared that in the opinion of the Chair the ayes had it.

Mr. DOCKERY. I ask for a division.

The House divided; and there were—ayes 216, noes 40.

Mr. HEPBURN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HEPBURN. Simply to remark that this vote shows the general evenness with which the "pork" has been distributed. [Laughter.]

The SPEAKER pro tempore. Debate is not in order. Upon this question the ayes are 216 and the noes are 40——

Mr. TALBERT. I ask for the yeas and nays.

The yeas and nays were refused, only 26 members voting in favor thereof.

The SPEAKER pro tempore. Upon this question the ayes are 216 and the noes are 40; two-thirds having voted in the affirmative, the rules are suspended and the bill is passed. [Applause.]

Mr. RICHARDSON. I move that the House now adjourn, if there is nothing else to do.

Mr. LOW addressed the Chair.

Mr. RICHARDSON. I withdraw the motion.

### LEGALIZING BOND ISSUES IN NEW MEXICO.

Mr. LOW. I move to suspend the rules and pass, with the amendments as reported by the Committee on Territories, the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory.

The bill, with the amendments of the Senate as proposed to be amended by the Committee on the Territories, was read, as follows:

*Be it enacted, etc.*, That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to $75,000, authorized by section 7 of an act of the Thirty-first legislative assembly of the Territory of New Mexico entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1892, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to $15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895.

Also, the bonds and indebtedness, amounting to the sum of $30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide an addition to the insane asylum of New Mexico for the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of $35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts, at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid; also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1882, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, and hereby validated, approved, and confirmed.

Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 20, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act for the financial relief of counties and municipalities," approved February 28, 1891.

Such bonds having been issued in refunding and in lieu of $150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1880, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $56,000 in amount, together with the interest coupons thereto attached, of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of $80,000 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations bearing a less rate of interest," approved February 11, 1891. Such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of $50,000 of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled "An act for the financial relief of counties and municipalities" (House bill No. 192), approved February 28, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March, 1892, respectively, at the rate of 4 per cent per annum until the date when the sum shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe within six months after said notice shall be given, as herein required, shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

Amend the title so as to read: "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes."

The SPEAKER. The question is on the motion to suspend the rules and pass the bill as proposed to be amended.

Mr. COOPER of Texas. On that motion I demand a second.

Mr. PAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. COOPER of Texas. I object.

Mr. LOW and Mr. COOPER of Texas having been appointed as tellers, the House divided on the question of seconding the motion for the previous question; and the tellers reported—ayes 92, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. LOW] is recognized for twenty minutes, and the gentleman from Texas [Mr. COOPER] will be recognized for the same time, if he desires it.

Mr. LOW. As my distinguished associate on the committee, the gentleman from Kentucky [Mr. OWENS], is thoroughly conversant with all the legal points of this question, as well as eminently qualified to answer any inquiries which members may desire to make, I yield to him.

Mr. OWENS. A short statement of the history of this matter will perhaps furnish the best explanation that I can give.

Some time ago the House passed a bill validating certain bonds which had been issued by different counties and municipalities in the Territory of New Mexico. Certain informalities had arisen, and some question was raised in regard to the validity of those bonds, and it was deemed proper to pass the House bill in order to remove those doubts. When the bill went to the Senate, that

body added provisions covering certain other bonds issued some years ago by the county of Sante Fe, I believe, in the Territory of New Mexico, to provide for the construction of a railroad across that county. Those bonds had been issued and turned over to the railroad company. The company put the bonds on the market and disposed of them to holders who had no further notice, I presume, of the terms under which they had been issued than the law itself prescribed. These bonds, I may say, were issued in perfect good faith by the people of that county, who received for them a full and valuable consideration. No objection was raised by the people of the county to the payment of the bonds or any part of them. For a number of years the interest accruing on the bonds (something like 10 per cent, I believe) was paid by those people. After a number of years those bonds, by agreement with the holders, were refunded at about 7 per cent.

Some years later, upon a case arising in the courts of Arizona, it was judicially held that bonds such as these had not been issued in compliance with law, or, rather, they did not fall under the terms or spirit of the law under which they were supposed to have been issued. That law provided for issuing bonds for the purpose of making internal improvements in the Territories; and the court decided that a railroad did not fall within the description of internal improvements. After that decision the county of Santa Fe refused to pay the bonds. The amendment to the bill was passed by the Senate in order to cure that defect in the issue of those bonds, and to enable the holders, who had paid par and sometimes more than par value for them, to collect their money. Now, the question presented by this bill when returned to the House was whether or not we should concur in the Senate amendments validating the bonds issued in the manner I have described.

When the question was referred to the Committee on the Territories, two other sets of bonds came before that committee—the Grant County bonds and the Silver City bonds—which had been issued under somewhat similar circumstances, if not precisely similar, the Grant County bonds amounting to $56,000 and the Silver City bonds to $50,000. As I have already said, the conditions under which they were issued were nearly, if not precisely, similar, and there was no question of the validity of any of the bonds and no allegation on the part of the counties and cities that they would not pay them, and no question as to their legality in any respect until this decision in the Arizona case, after which they, in turn, declined to pay the interest upon the bonds; and this question is now presented to Congress, whether or not it will oblige them to do so, or allow these counties and municipalities to escape the payments of the obligations that are conceded on all hands to be of binding moral force.

Mr. BURTON of Missouri. Will the gentleman permit me to ask him a question?

Mr. OWENS. Certainly.

Mr. BURTON of Missouri. Were the Silver City and Grant County bonds ever refunded?

Mr. OWENS. Yes, sir; they have been, as I understand.

The purpose of the House bill, I will say to the gentleman—that is, the House amendment to the Senate amendment—is that all these bonds may be refunded, and that was agreed to, I think, by the holders of the bonds and the Territorial representative of the Territory before the committee, all of them conceding that these bonds should be refunded at 4 per cent.

Mr. BURTON of Missouri. Pardon me—my question was, had the Silver City bonds and the Grant County bonds been refunded before the decision was made in the case to which the gentleman refers, in Arizona?

Mr. OWENS. That is my recollection. They had all been put on the market in good faith, with the fullest and most satisfactory assurances from all parties that they would be paid at maturity. The courts of New Mexico had passed on a number of the bonds and said they were issued in compliance with the conditions of the law and were regular in all respects, and on that assurance the people all over the country, I know not who they were, but in all parts of the country, invested their money in the bonds on the faith of the assurances given to them that they would be paid. They were regarded as a very good investment. The men who appeared before our committee, those in favor of the proposition and those against it, for arguments were heard on both sides, were unable to discover or present a single equity as to why these bonds should not be paid or why these people should not be forced to pay them.

Mr. WASHINGTON. Will the gentleman yield to me for a question?

Mr. OWENS. Certainly.

Mr. WASHINGTON. Is there anything to show how much of interest is to be funded and how much represents the principal of the indebtedness? We find no report accompanying this matter.

Mr. OWENS. There is a lengthy statement of the committee accompanying the bill. There is nothing, I will state to the gentleman, to show, although the greater part of the interest has already been paid. There was no complaint for many years after the issuance of the bonds about the interest being paid, and there was no question then raised as to the validity of the bonds. They did in fact keep up the payment of the interest for a number of years, and that was continued until after the decision in the Arizona case, to which I have already referred. I do not think it can involve a very large amount as far as the interest is concerned, at least it does not cover a very considerable period of time.

Mr. WASHINGTON. Is there any report from the governor or the officials of the Territory recommending this legislation?

Mr. OWENS. No; I am sorry to say that the governor of New Mexico was before the committee and endeavored to prevent the passage of this legislation.

Mr. DE ARMOND. Why is the gentleman "sorry to say" it?

Mr. OWENS. Because in doing so, when he appeared before the committee, he failed to disclose, so far as my judgment is concerned, a single fact why the people of New Mexico should be allowed to escape the just and moral obligations in which they are involved by the issuance of the bonds.

Mr. COOKE of Illinois. Let me ask the gentleman from Kentucky whether the governor, in his appearance before the committee, set up the charge that there had been fraud in connection with this matter or that these bonds had been issued improperly?

Mr. OWENS. No such charge was made, so far as I am aware. There had been some pretense, or talk, I should say, of some irregularity on the part of the officials of that county, of the extent of which the people who purchased the bonds could have no possible notice.

Mr. LACEY. Did not the governor, let me ask the gentleman, as a member of the Board of Trade of Santa Fe, sign a written recommendation that these bonds afforded a safe and reliable investment?

Mr. OWENS. Yes, sir; the whole board of trade of the city signed an indorsement in the most unequivocal terms that these bonds were just and binding obligations, and would be fully met and paid.

Mr. WASHINGTON. Has there been anywhere a suit to test the validity of the bonds and the manner of their issuance?

Mr. OWENS. There was, and the courts of New Mexico reached the determination that the bonds were regular, legal, and valid in every particular, and no question arose, as I have already stated, until after the decision in the Arizona case.

Mr. WASHINGTON. Then, again, let me ask the gentleman, does this increase the indebtedness of the Territory of New Mexico in excess of the amount allowed by the Harrison Act, passed some years ago, which restricted the indebtedness to 5 per cent, I believe it was, of the value of the assessed property?

Mr. OWENS. I am not sure of that; I think it unlikely, although in the case of Santa Fe County it will probably increase the amount of the indebtedness of that county somewhat in excess of the requirement of that act. But it strikes me, whether it does or not, that these people, after putting these bonds on the market, and after having voted two or three times to do so, should not be allowed to escape the payment of the bonds, which were purchased in good faith by investors, no charge of improper conduct being raised.

Mr. DE ARMOND. Will the gentleman allow a question?

Mr. OWENS. Certainly.

Mr. DE ARMOND. Is not the invalidity of these bonds due to the fact that they are an issue in excess of the 5 per cent limit allowed by law?

Mr. OWENS. No; not under the decision of the court. It was put on this ground, that the act provided for the issuing of these bonds for internal improvements, and the court, in the Arizona case, determined that the construction of railroads was not an internal improvement, and that the purpose of these bonds did not fall within the terms of the act under which they were issued.

Mr. COOKE of Illinois. I should like to ask the gentleman from Kentucky whether in these suits to which he has referred the defenses set up were based upon any allegation of fraud against these bonds?

Mr. OWENS. No; I think not.

Mr. COOKE of Illinois. Or that their inception was in fraud?

Mr. OWENS. I could not say. I am not familiar with all these defenses; but I know there was a determination reached by the decision of the court that the bonds were valid in every particular.

I reserve the remainder of my time.

Mr. COOPER of Texas. Mr. Speaker, I regret very much that the House has determined to consider this matter at present. Should it pass this bill, I think a very dangerous precedent would be established. As a member of the committee I have had the matter under examination. I had not the slightest idea that it would be called up for consideration to-day, because it was generally known to my colleagues on the committee that I was examining into this matter, and I expected, if the convictions I now entertain were supported by the facts and the law, to file a minority report.

The facts in this case are these: Originally a bill was introduced

in Congress providing for the validation of certain bonds that were not yet issued—bonds of the Territory of New Mexico providing for the establishment of some eleemosynary and Territorial public institutions. These bonds could not be issued, because their issue would be in conflict with a law of the United States. We undertook to pass remedial legislation here for the benefit of that Territory. This bill passed the House and went to the Senate, and there some railroad bonds were attached to it by amendment. The Senate attempted to validate the bonds commonly known as the "Brice bonds." This bill came back to the House with that amendment attached to it. It was referred to the Committee on Territories, and there they undertook, by amendment, to validate nearly $400,000 more of railroad bonds that had been issued by certain counties of New Mexico; in one instance, bonds that had been purchased by some agent or broker named Coler, and known as the "Coler bonds," which originally amounted to $150,000, but in the refunding act you find that after having been refunded they amount to $250,000.

The gentleman says that there is no fraud charged in the issuance of these bonds. We had the governor of New Mexico before the committee. We had a telegram sent to the committee by a mass meeting of citizens of Santa Fe, N. Mex., protesting against the legalizing of these bonds and making an allegation of fraud. An examination of the records will show that the tax rolls were padded; that property had been placed upon those rolls that was not subject to taxation; that railroad property that was then exempt from taxation under the laws of New Mexico was put upon the rolls for the purpose of giving sufficient valuation to authorize the issue of these bonds. Those rolls increased in a few years from a little over $2,000,000 to over $6,000,000, and directly after the issuance of these bonds, or the authorization of them, the amount decreased again to $3,000,000. I say to you further, if it is right that these bonds should be validated—that we should assume the guardianship of the acts of that Territory—why does not the gentleman who represents that Territory here demand it. He has not been asking it. New Mexico has a representative upon this floor, and he has not demanded the passage of this bill.

Another badge of fraud, or a thing that gives semblance of it, at least, is this: You find that at one election which they held in 12 precincts only 6 precincts cast any votes, and 141 votes in that county placed the bond burden upon the people of that county. You find that when they undertook to refund these bonds some of them were refunded into gold bonds. They were originally coin bonds, or payable in the lawful money of this country. Some of them have been refunded and are payable in gold. You find, furthermore, that the law authorizing the refunding of these bonds will show in itself that there was some overriding power which put the law upon the statute books in the interest of the bondholders. To show you how severe this law is, I will state that it provides that if the tax collector fails or refuses to collect the money and make payment that he shall be sent to the penitentiary and forever debarred from holding office. They do not allow him to go to the courts. The law undertakes to tie the hands of the officers, so that they can not go to the courts and resist the payment of these debts.

Now, as far as the suit about these bonds is concerned, let me tell you something about that. There was a suit entered upon these bonds in the Territorial courts of New Mexico. That suit went to the supreme court of the Territory. A majority of the court decided in favor of the bonds, but there was a very able dissenting opinion. Parties undertook to carry, by appeal, that case to the Supreme Court of the United States. Citizens proposed to take the necessary steps to carry the suit to the Supreme Court of the United States, but the commissioners refused to allow them to do so, notwithstanding they proposed to do it without cost to the county.

The Supreme Court of the United States has never had an opportunity to pass upon this. It has passed upon the case in Arizona of Lewis against Pima County, and in that case the court held the Territory had no authority to issue these bonds. If gentlemen want these bonds restored, if the holders want these bonds validated, why do they not go to the legislative branch of New Mexico? Why not go to the lawmaking power of that Territory, instead of coming here and asking Congress to validate these bonds? Why not offer a law here stating that the legislative assembly of New Mexico shall have power to validate these bonds, if she wants to do so, instead of having us say that Congress shall order that these bonds shall be paid?

Another feature of the law under which these were issued is this: It was contemplated under the law that the counties which issued railroad bonds should have a certain amount of stock in the railroad, and also that those bonds should not be sold for less than par. We had the testimony before the committee that these bonds were sold for about 50 cents on the dollar. We had testimony before that committee, too——

Mr. OWENS. Will the gentleman allow me to ask him a question in that connection?

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Texas. I yield for a question.

Mr. OWENS. The gentleman says that the law stated that these bonds should be issued at par, and that the testimony shows that they were sold for less than par. Is it not a fact that when they were sold for 50 cents it was by private parties, after these bonds had passed from the possession of the county—after the county had turned them over, and they did not then belong to the county?

Mr. COOPER of Texas. These parties were representatives of the railroad company. The county did not receive any stock in this road. That provision can be found in the law. What its purpose was I do not know; but it stated in the law that the bonds should not be sold for less than par.

Mr. OWENS. Just one county sold them.

Mr. COOPER of Texas. The law contemplated that the county which issued them should get stock, and they did not except in one instance. I believe it was Grant County.

Mr. WASHINGTON. Was the stock ever worth anything?

Mr. COOPER of Texas. I do not know. Now, these are some of the facts in connection with this. I am willing that this Territory should pay its honest debts. I yield precedence to no man on this floor about wishing to see fairness, justice, and honesty dealt out by the States, Territories, and citizens of this country; and I would have been glad that this bill should have been deferred until this matter had been examined. I have none of the law authorities here, and I could cite a number of cases. I have not the hearings before the committee with me; and have not even the reports of the committee. And here, without warning, without notice, it seems to me, the disposition appears to be to take advantage of the situation and put upon this Territory a debt of more than $500,000, and then they attach this amendment to an innocent bill that provides for the issuance of bonds to pay for the building of the institutions of the Territory.

Mr. Speaker, I warn members to look into this matter carefully, and I ask them not to rush into it; and if they will postpone the consideration of this matter until it can be examined, I would not hesitate or object to any action this House might then take.

I reserve the balance of my time. How much time have I?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. LOW and Mr. KNOX rose.

Mr. LOW. How much time does the gentleman want?

Mr. KNOX. I thought I could be recognized in my own right.

The SPEAKER. Debate is limited to forty minutes, twenty minutes under the control of the mover and the remaining twenty minutes under the control of the member who demanded a second.

Mr. LOW. I yield two minutes to the gentleman from Iowa.

Mr. PERKINS. Mr. Speaker, in my judgment, the proposition here is a simple one, and was investigated carefully by the Committee on Territories. In my opinion, it is perfectly proper for this House to validate these bonds. Now, the proposition in Santa Fe County, N. Mex., was that if a certain railroad should be built the county would grant a certain amount of bonds. The road was constructed in good faith and the county issued the bonds. These are known as the Coler bonds. Then Mr. Coler, of New York, visited Santa Fe and made an examination as to the validity and sale of these bonds. The Board of Trade of Santa Fe issued to him at that time a circular, in which they said:

> We, the undersigned, members of the Santa Fe Board of Trade, and taxpayers of Santa Fe County, respectfully represent that the issue of $150,000 in Santa Fe County bonds, issued in 1880 to aid in the construction of the Santa Fe, New Mexico and Southern Railroad, affords a safe and reliable investment. * * *

These bonds were purchased and sold and scattered throughout the country. Now, then, some years later the county defaulted upon its interest, and suit was brought in the Territorial court. The Supreme Court upheld the validity of these bonds; and the reason this sum of $150,000, which is——

The SPEAKER. The time of the gentleman has expired.

Mr. LOW. I desire that gentlemen on the other side should occupy some of their time.

Mr. COOPER of Texas. I yield five minutes to the gentleman from Arizona.

Mr. CATRON. Mr. Speaker, I am opposed to suspending the rules for the purpose of passing this bill at the present time. I requested the gentleman who made this motion not to press it at this time, because I understood that some information is expected from the governor of New Mexico in regard to these bonds which ought to be laid before the House. The report of the committee states that the amendment is what has been agreed upon between the bondholders and myself. In that regard the report is slightly in error, at least it does not state the whole fact. I was opposed in the committee to making these amendments to the original bill, for the reason that I did not consider them germane to the subject of the bill. I saw, however, that the committee were inclined to place upon the bill these amendments, and then I agreed with the parties who were asking for the amendments that if the

bill was to be amended so as to validate these additional bonds it should be done by virtue of the amendment as it is presented here; that is, that that should be the condition of things in case anything should be done about those bonds; but I objected to the amendment itself because it was not germane to the original bill.

The original bill provided for the validation of certain bonds of the Territory of New Mexico which had been authorized to be issued, but which never had been issued. They were bonds for the reconstruction of the capitol building, for certain educational institutions, for an asylum for the insane, and for a military institute. Those bonds are waiting to be issued, and for that reason we are anxious to have the bill as orginally introduced passed, but at the present time I do not think the rules ought to be suspended for the purpose of passing this bill with the amendment, as other information in regard to these particular bonds is expected from the Territory of New Mexico immediately after the arrival of Governor Thornton at Santa Fe. Having said so much, and asking that the rules be not suspended in order to pass this bill at present, I have nothing further to say.

Mr. LOW. Would the gentleman on the other side [Mr. COOPER of Texas] like to occupy the rest of his time now?

Mr. COOPER of Texas. Will the gentleman please ascertain how much time he has remaining?

The SPEAKER. The gentleman from New York [Mr. LOW] has six minutes remaining, and the gentleman from Texas [Mr. COOPER] has seven.

Mr. COOPER of Texas. I yield to the gentleman from North Carolina [Mr. SHAW].

Mr. SHAW. Mr. Speaker, this seems to me to be a very important matter. I have before me an opinion written by the Supreme Court of the United States in a bond case from my own State. The opinion has been rendered very recently, and I have not had time to examine it, but I think it may have some bearing upon this bill. A number of years ago the legislature of my State caused to be issued a great number of bonds, which were bought up, as I understand, by bona fide purchasers. It was ascertained later that those bonds had been issued by a fraudulent proceeding, and the Supreme Court have held that the matter ought to have been first determined by the supreme court of the State, and that, not having been properly determined there, it can not now be taken up by the Supreme Court of the United States. It seems to me, Mr. Speaker, that the consideration of the pending bill ought to be continued until there can be an examination into the question whether or not there was any fraud in issuing these bonds.

Mr. PERKINS. If the gentleman will allow me, these bonds were adjudicated in the Territorial court, in the supreme court of the Territory, and there is no question of fraud in the issuance of the bonds; none whatever, but under the opinion of the Supreme Court of the United States, in the Arizona case, holding that the act of 1878 did not authorize the issuance of these bonds, some people there, after having paid interest on the bonds for ten and thirteen years, seem now disposed to take advantage of that decision to repudiate the debt.

Mr. HULICK. Before we vote I should like to ask one question. Was the question of fraud raised in the litigation?

Mr. PERKINS. Not at all.

Mr. HULICK. Or was it only a legal question as to the right to issue the bonds?

The SPEAKER. Does the gentleman from North Carolina yield?

Mr. SHAW. No, sir. I have only one minute. All I have to say is this, that the motion now made to suspend the rules and pass this bill clearly ignores the Supreme Court of the United States, before which the question ought to have been brought in some way, and if this course of legislation is to be followed, then, standing here as a Representative of North Carolina, I do not know how soon a bill may be introduced making valid about $35,000,000 of fraudulent bonds in my State.

Mr. OWENS. Does not the gentleman know that there is a distinction between validating a State bond and a Territorial bond? How could Congress validate a State bond?

Mr. SHAW. I understand that, but I learn that this question was not adjudicated in the Territorial court, which court has, as I understand it, the same jurisdiction relative to Territorial matters as the supreme court of a State has over its matters.

Mr. OWENS. It has been in the Territorial court.

Mr. WASHINGTON. Mr. Speaker, it strikes me that this is too important a piece of legislation to be rushed through under a suspension of the rules. Not one member in twenty on this floor understands the purport of this bill. We have heard from the representative of New Mexico here [Mr. CATRON] that he does not approve of this legislation——

Mr. PERKINS. The gentleman ought not to say that.

Mr. WASHINGTON. I can not yield, Mr. Speaker; I have only four minutes. The original bill simply provided for validating bonds that have not yet been issued, bonds to provide for the restoration of the capitol building of New Mexico, which was burned two or three years ago, and for one or two other purposes. If this bill stopped there, there would be no objection to it; but now it is proposed to validate by act of Congress other bonds issued by certain counties and cities of New Mexico to aid in the construction of railroads. The validity of those bonds has never been tested beyond some of the local Territorial courts. Now, I do not see why this House should be in a hurry to rush to the rescue of the people who hold those railroad bonds. They bought them several years ago, bearing on their face 10 per cent interest. The bonds have been refunded once, and the citizens upon whose shoulders the obligation must rest, who will have to pay these bonds if we pass this bill, are not here demanding that they shall be validated.

I have never seen a holder of railroad bonds who was not able to take care of himself. Let the holders of these bonds go into the courts and test their validity. Let them go into the courts and through the courts till they reach the Supreme Court, and then if it is decided that these bonds are valid and just and should be paid, then I for one, if occupying a seat upon this floor, will vote to make them valid. But it is unfair to the people of that Territory, it is unjust to this House, to ask us under a suspension of the rules, with only twenty minutes' debate on each side, to rush through legislation like this when the committee itself has failed to bring forward the figures and facts in detail as they should have been presented. We have nothing here but a meager report, giving not the facts, not the ordinances or laws of the Territory under which these bonds were issued, but simply stating the amendments which it is proposed shall be engrafted upon the bill to be thus put through the House nolens volens under suspension of the rules.

Mr. PERKINS. Will the gentleman allow me to make a statement?

Mr. WASHINGTON. This side has but twenty minutes. Let the gentleman consume, if he chooses, some of the time allotted to the other side in defending this measure, which, in my judgment, can not be successfully defended here or elsewhere.

Mr. PERKINS. Because you are not informed.

Mr. WASHINGTON. The gentleman says I am not informed. Sir, the committee has never sought in a proper way to inform the House in regard to this measure. I served on the Committee on Territories for a long time with my distinguished friend, and in those days we never brought forward reports like this, covering up the facts rather than giving information. Let the House have light, and with proper light upon the facts we are willing to vote upon the question. I return the rest of my time to the gentleman who yielded it to me.

Mr. COOPER of Texas. How much time have I remaining?

The SPEAKER. One minute.

Mr. COOPER of Texas. I yield to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, some time since I received a telegram from the governor of New Mexico, protesting against the passage of this bill. Since that time he has visited the capital, but I was absent and had no opportunity to consult with him in regard to this bill. I understand, however, that he proposes to furnish some additional information bearing on the question, and it does seem to me, in view of this fact, that the suggestion of the representative from the Territory of New Mexico [Mr. CATRON] should be followed, and the further consideration of this bill postponed until that information is furnished, so that we may act intelligently on this question. This is all I care to say.

Mr. LOW. Mr. Speaker, as a member of the Committee on the Territories, I desire to make a few observations from a business man's standpoint. I never was a student of Coke or Blackstone, but I have been a student all my life in the buying, selling, receiving, and giving of obligations. If I put my name to a piece of paper obligating myself to pay back a sum of borrowed money, I am in honor bound to liquidate that obligation. Now, what are the facts about this case? Prior to 1880 the people of New Mexico were living in small cities and towns scattered through the Territory. They had not the means of communication between their little inland cities or towns; the business men of the Territory met together and discussed the best methods to be employed to improve and develop the country, and to invite immigration. They decided that it was advisable, if possible, to secure the building of a railroad, so they conferred with the officials of the Atchison and Topeka Railroad Company, who informed them that if they would issue bonds under the authority of the legislature, the company would take the bonds and build the railroad.

That proposition was finally carried out. Upon the application of leading citizens the legislature gave the county authority to issue bonds for the specific purpose of building this railroad through that county. The railroad company accepted the bonds and built the road, which is running through that country to-day. That railroad has developed the country, it has attracted immigrants, and the people there are enjoying all the prosperity thus resulting, but the railroad company could not pay its employees or its obligations with bonds, hence the officials of the company

went to New York City in order to float the bonds, and called on Coler & Co., one of the largest bond-brokerage establishments in the country. When those bonds were offered to them by the railroad officials the brokers looked the question over and said they would investigate it. They called in the best legal talent in the city, who examined the enactments and everything bearing upon the question and finally said to the members of the firm: "Those bonds are legally issued." Not satisfied, however, Coler & Co. sent to New Mexico to ascertain how the people felt about the bonds, and in return they received a document signed by a number of business men, members of the board of trade, etc., indorsing the bonds, stating that they would no doubt be paid, and were a good investment.

These bonds at the present time are not in the hands of the railroad company; that company sold them as other bonds are sold, and they are scattered to-day through the country. Up to a certain time the interest on the bonds was paid, and then the coupons were defaulted. Coler & Co. immediately wrote to their clients inviting them to assign to them their bonds and promising to look the matter up. Their agents went to New Mexico and fought the question through the various courts, and they won upon the defaulted coupons. Then by an arrangement the bonds were refunded; the old bonds were given up and new ones issued, bearing, I believe, 5 per cent interest. The people there were satisfied; they paid the interest year after year, until a short time ago, when for some reason there was again a default upon the bonds. That matter has been explained by my distinguished colleague on the committee, the gentleman from Kentucky [Mr. OWENS]. The majority of the people in that county want to pay those bonds, but some of the citizens of that Territory, now awaiting admission to Statehood, wish to repudiate a portion of their honest debts.

Mr. Speaker, any man who was guilty of such a thing would be called absolutely dishonest and unworthy of the friendship and confidence of any business community in this country. These bankers do not hold a dollar's worth of the bonds. They are scattered, as I have already said, all over the country, but they are bound to look after the interests of their clients, as they ought to do. The governor of the Territory, together with the best legal talent they have out there, appeared before the committee in opposition to paying the bonds. We heard from them all of their testimony, and my cheek blushed with shame when I realized the fact that a man, after taking part in recommending the issuance of the bonds, should come North afterwards to plead for their repudiation.

Gentlemen, look at it simply from a business point of view; we have had testimony from both sides; it is an honest debt; let them pay it, but not one of the bonds was ever bought at less than 77½ cents on the dollar, and that was when they first came into the market.

Mr. HULICK. What was the governor's objection to paying the bonds?

The SPEAKER. The time of the gentleman has expired.

Mr. LOW. I do not know. He did not want to pay them. There are a good many other people, you know, who do not want to pay their debts in this world.

Mr. HULICK. But what reason did he give for it?

The SPEAKER. The time of the gentleman has expired; and the question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 42, noes 73.

So, two-thirds not voting in favor thereof, the motion was rejected.

CHEESE, OLEOMARGARINE, ETC.

Mr. GROSVENOR. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means.

I am directed by the committee to report back to the House the bills H. R. 3010 and 5690 with a substitute therefor, and recommend the passage of the substitute bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

Mr. GROSVENOR. This is what is known as the cheese bill. I give notice, Mr. Speaker, that on Wednesday morning I will endeavor to have this bill called up for consideration.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON. Will the Chair be kind enough to state what this is? We have been unable to hear a word the gentleman said.

The SPEAKER. The gentleman says that this is the "cheese bill." [Laughter.]

FORT ASSINNIBOINE MILITARY RESERVATION.

Mr. HARTMAN. Mr. Speaker, I move to suspend the rules and pass the resolution I send to the desk.

The Clerk read as follows:

*Resolved*, That immediately on the adoption of this resolution the House shall proceed to consider Senate bill No. 636 in the House in Committee of the Whole.

The SPEAKER. The bill referred to in the resolution will be read.

The Clerk read as follows:

A bill (S. 636) providing for the disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation in Montana, and for the relief of certain settlers thereon.

*Be it enacted, etc.*, That all lands which have been or may hereafter be excluded from the limits of the Fort Assinniboine Military Reservation in the State of Montana shall be open to the operation of the laws regulating homestead entry, except section 2301 of the Revised Statutes, and to entry under the town-site laws and the laws governing the disposal of coal lands, desert lands, and mineral lands, and shall not be subject to sale under the provisions of any act relating to the sale of abandoned military reservations: *Provided*, That if the entire reservation be abandoned for military purposes this act shall not apply to an area 1 mile square embracing the Government buildings at Fort Assinniboine.

SEC. 2. That all entries heretofore made in good faith under either the homestead, town-site, desert-land, or mineral-land laws of the United States upon any of the excluded portions of said Fort Assinniboine Military Reservation shall be held valid, and the Secretary of the Interior is directed to reinstate such entries under either of said laws as he may heretofore have canceled because of a construction based upon the opinion that the laws mentioned in section 1 of this act did not apply to the abandoned portions of said reservation.

The SPEAKER. Is a second required?

Mr. HULL. I would like to ask a question first. Has this been before any committee of the House?

Mr. HARTMAN. It has been reported unanimously by the Committee on the Public Lands of the House, unanimously by the Committee on Public Lands of the Senate, and it has passed the Senate.

Mr. RICHARDSON. I demand a second simply to have an explanation.

The SPEAKER. Does the gentleman desire a count?

Mr. RICHARDSON. No; I am willing that a second shall be ordered.

The SPEAKER. Without objection, the second will be considered as ordered.

There was no objection.

Mr. HARTMAN. Mr. Speaker, I can state briefly the provisions and purposes of this bill, and I do not think I shall ask or will be required to occupy more than five or ten minutes of the time of the House.

The situation is simply this: The boundaries of the Fort Assinniboine Military Reservation in Montana were designated on the 4th of March, 1880, by an Executive order. Subsequently to that—that is, on May 1, 1888—the Indian title to the land in that portion of the reservation which is used for military purposes was extinguished, leaving the military reservation created by Executive order as the only barrier to settlement of the lands under the general law. But subsequently three Executive orders were issued—that is, on May 2, 1888, September 25, 1888, and October 9, 1891—and certain lands were, at the dates named, excluded from the military reservation. On the strength of these orders, especially the order of May 1, 1888, it was presumed that these lands were open to homestead settlement. It was so presumed by the officers of the United States Government themselves, the local land officers and others, and upon that presumption something like two hundred bona fide settlers settled upon the lands with the intention of acquiring title to them under the homestead law.

They have gone upon these lands, as I say, upon the faith of their entries being accepted by the United States Land Office, and there are 138 of them, whose affidavits I hold here in my hand, who depose and say that they will be unable to purchase these lands if they are thrown open to public sale under the provisions of the act providing for the disposal of abandoned military reservations at public auction. These men have families consisting, all told, of 393 people. They have placed $170,965 worth of improvements upon these lands. They have taken up 25,360 acres, all told, and each one of these 138 people makes affidavit that unless he is permitted to complete his title to these lands he will be compelled to forfeit his entry, his improvements, and his three or four years of labor. I will refer to one affidavit, which is a fair specimen of the others. They are substantially duplicates. Mr. Fred A. Scott makes affidavit that he is a native-born citizen, 32 years of age; that he located upon these lands, the northeast quarter of section 26, giving the town and range. He goes on and states the improvements which he has put upon the land, a log house, with fences, log stable, log granary, log cattle shed, and so forth, the total improvements amounting to $1,000.

Now, Mr. Speaker, this bill has the unanimous report of the Committee on Public Lands. It was referred to the Secretary of the Interior, and I read to the House an extract from what the Secretary of the Interior says:

The proposed bill, so far as its language is concerned, is identical with the act of May 1, 1888, and its effect, besides validating the entries, excepts the

land in question from the operation of the acts of July 5, 1884, and of August 23, 1894. I have no objections to offer to the proposed bill, as it is not in the province of this Department to attempt to interfere with whatever disposition of the public domain the Congress may see fit to make of it.

Mr. Speaker, if this bill be not passed, these settlers, having families consisting of 393 people, all told, having the improvements upon their lands which I have stated, will be compelled to abandon all of the work which they have performed there in the last three or four years. The bill has passed the Senate.

Mr. Speaker, unless some other gentleman desires to address the House upon this question or to interrogate me, I shall move the previous question.

The SPEAKER. The gentleman can not move the previous question.

Mr. HARTMAN. I move to suspend the rules and pass the bill.

The SPEAKER. That motion is already before the House.

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to twenty minutes, if he desires that time.

Mr. RICHARDSON. I simply wish to suggest that the motion is not to suspend the rules and pass the bill. The motion is to suspend the rules and pass a resolution which provides for the consideration of the bill. I have nothing to say against the adoption of the resolution.

The resolution was agreed to, two-thirds voting in favor thereof.

The bill (S. 626) providing for disposal of lands on abandoned portions of the Fort Assinniboine Military Reservation, in Montana, and for the relief of certain settlers thereon, was read.

Mr. DINGLEY. I should like to ask how many acres are included in this reservation?

Mr. HARTMAN. Originally there were in the reservation 560,800 acres; but under the various acts of Congress 400,160 acres have been turned over to the public domain, leaving 168,640 acres still in the reservation. That statement is contained in a letter from the Commissioner of the General Land Office.

Mr. DINGLEY. All of that land would be opened up for settlement under the homestead act?

Mr. HARTMAN. Yes, the remaining amount.

Mr. DINGLEY. As the law now stands, the land is to be sold at public auction?

Mr. HARTMAN. Yes.

Mr. DINGLEY. Are they more valuable than ordinary desert or arid lands?

Mr. HARTMAN. Some of the lands are very fertile, but the greater part of them are foothill lands which one can not afford to go upon and purchase and which yet become valuable for grazing purposes.

Mr. STEELE. Is it provided that these lands are to be sold at public auction?

Mr. HARTMAN. My bill provides that all of them shall be open to homestead entry or entry under the public-land laws of the United States.

Mr. STEELE. Without reference to their value?

Mr. HARTMAN. Without reference to their value.

Mr. STEELE. Is the passage of the bill recommended by the Secretary of War or the Secretary of the Interior?

Mr. HARTMAN. Not by the Secretary of War, but by the Secretary of the Interior. The lands were turned over to the Secretary of the Interior by Executive proclamation.

Mr. RICHARDSON. I should like to ask the gentleman from Montana if this bill has been indorsed by the Commissioner of the General Land Office?

Mr. HARTMAN. I just read from a letter of the Secretary of the Interior, and the Secretary of the Interior bases his letter upon a letter from the Commissioner of the General Land Office. The Secretary of the Interior says:

> I have no objection to offer to the proposed bill, as it is not the province of this Department to attempt to interfere with whatever disposition of the public domain the Congress may see fit to make of it.

And I want to say right here, before I forget it, that the Secretary of the Interior has decided that all of these parties who are now upon these lands are trespassers ab initio, and unless this legislation is passed they will be compelled to purchase these lands which they themselves have made valuable by their own labor.

Now, Mr. Speaker, I have nothing more to offer unless some gentleman desires to ask me a question.

Mr. LACEY. Mr. Speaker, there is another reason why this bill ought to pass. What is known as the McRae Act, for the disposal of military reservations, was drawn with special reference to smaller tracts, tracts that were valuable by reason of being near railroads, having military posts within them, and often towns within them. The Assinniboine tract is a large tract, far remote from settlement; and the reasons that apply to the adoption of the McRae law in regard to putting up these public lands and selling them at public auction do not apply with the same force to this reservation, it being a very large one. The tract is as wild as any Indian reservation that has been taken in for settlement for many years. [Cries of "Vote!" "Vote!"]

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HARTMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DINGLEY. I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair submits the following report from the Committee on Enrolled Bills.

### ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution and bills of the following titles, which were thereupon signed by the Speaker, to wit:

A joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.;

A bill (H. R. 2912) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska;

A bill (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.; and

A bill (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STOKES, for ten days, on account of important business.

To Mr. SPENCER, for eight days, on account of sickness in family.

To Mr. DOWNING, for ten days, on account of important business.

To Mr. STEWART of New Jersey, for ten days, on account of important business.

To Mr. HENRY of Connecticut, for ten days, on account of business.

### REPRINT OF A BILL.

By unanimous consent, on request of Mr. PICKLER, a reprint was ordered of the bill (H. R. 5549) to prevent discontinuance of pensions, to restore pensions discontinued, to establish uniform rates of pension, to facilitate the allowance of pensions in matters of proof, and for other purposes, and report.

The motion to adjourn was then agreed to.

And accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers inclosing a reply to the public resolution approved March 24, 1896, relating to a resurvey of the port of Fairport, Ohio—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a supplemental list of judgments rendered by the Court of Claims amounting to $143,647.58—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Hanah S. Crane, Mary Ives Crocker, Kate Mary Dillon, and James S. Boyd against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, transmitting the claim of R. M. Ridgely, postmaster at Springfield, Ill., together with accompanying documents—to the Committee on Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 1708) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 30, 1876, as amended by an act approved August 3, 1892, reported the same without amendment, accompanied by a report (No. 1125); which said bill and report were referred to the House Calendar.

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7139) to

authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 1126); which said bill and report were referred to the House Calendar.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 7052) to provide for the erection of a monument to Robert Morris at Batavia, Genesee County, N. Y., reported the same without amendment, accompanied by a report (No. 1134); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 5764) granting a pension to Elizabeth A. Marthon. (Report No. 1124.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1495) granting a pension to Hans Johnson. (Report No. 1127.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 1017) granting a pension to Robert Kiracofe. (Report No. 1128.)

The bill (H. R. 6803) granting a pension to Ellen Day, stepmother of Albert L. Day. (Report No. 1129.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 4534) to increase the pension of Maj. Gen. Julius H. Stahel. (Report No. 1130.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3189) to increase the pension of John S. Cochenour. (Report No. 1131.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 178) granting a pension to Betsey J. Webber. (Report No. 1132.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4901) to pension Richard Wilcoxton. (Report No. 1133.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. VAN HORN: A bill (H. R. 7971) to donate two condemned cannon and balls to the Colonel Fred Schaifer Post, No. 51, Department of Missouri, Grand Army of the Republic, of Concordia, Mo.—to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 7972) directing that a corporation or company organized under the laws of one State shall be deemed also to be a citizen of any other State or States where it maintains an office or place of business—to the Committee on the Judiciary.

By Mr. JOY: A bill (H. R. 7973) to establish a railroad bridge across the Illinois River, near Grafton, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. CHICKERING: A bill (H. R. 7974) for the completion of the fish-cultural station on the St. Lawrence River at Cape Vincent, N. Y.—to the Committee on Appropriations.

By Mr. MOODY: A bill (H. R. 7975) to incorporate the John A. Winslow Kearsarge Survivors' Association—to the Committee on the Judiciary.

By Mr. SHUFORD: A bill (H. R. 8002) to prevent discrimination between various kinds of legal-tender money—to the Committee on Banking and Currency.

Also, a bill (H. R. 8003) to reduce and regulate salaries of Federal officers—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: A bill (H. R. 8004) to amend the charter of the Metropolitan Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURRELL: A bill (H. R. 8005) to aid the colored people of the South—to the Committee on Education.

By Mr. REYBURN: A bill (H. R. 8006) to amend the laws of the District of Columbia as to married women, and to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

By Mr. WILBER: A bill (H. R. 8007) to amend the act of June 27, 1890, granting pensions to soldiers and sailors and certain dependent relatives of same—to the Committee on Invalid Pensions.

By Mr. SIMPKINS (by request): A bill (H. R. 8009) for the construction of fish-cultural and auxiliary stations on the Pacific and Atlantic coasts—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILES: A joint resolution (H. Res. 164) to authorize the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Belt Railway Company, and the Maryland and Washington Railway Company, to equip their respective lines, or any part thereof, within the limits of the city of Washington, in the District Columbia, with pneumatic or other modern motive power, subject to the approval of the Commissioners of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: A joint resolution (H. Res. 165) authorizing the Secretary of the Treasury to turn over to the State of Georgia the building for the Government exhibit at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM A. STONE: A resolution (House Res. No. 236) by the Committee on Rules for the consideration of House bill No. 58, providing for the inspection of immigrants by United States consuls—to the Committee on Rules.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 7854) to compensate William Wheeler Hubbell for inventions adopted by the United States; and the same was referred to the Committee on Claims.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WOOD: A bill (H. R. 7976) to increase the pension of Mrs. Ann Gibbons—to the Committee on Invalid Pensions.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 7978) to remove the charge of desertion against the name of W. A. Jackson, late of Company F, One hundred and second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 7979) to remove the charge of desertion against the name of Alexander C. Sheirer, late a sergeant of Company A, Forty-fourth United States Infantry—to the Committee on Military Affairs.

By Mr. CONNOLLY: A bill (H. R. 7980) for the relief of Redick M. Ridgely, postmaster at Springfield, Ill.—to the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 7981) granting a pension to Adam King—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 7982) to increase the pension of Albert Head—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7983) to pension Frances E. Wickware—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 7984) granting a pension to Mary S. Stanhope—to the Committee on Pensions.

By Mr. FISCHER: A bill (H. R. 7985) for the relief of Charles C. Overton, shipping merchant, of New York City—to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 7986) to correct the military record of John Case, alias John L. Case—to the Committee on Military Affairs.

By Mr. HENDRICK: A bill (H. R. 7987) for the relief of Richard Porter—to the Committee on War Claims.

By Mr. HULICK: A bill (H. R. 7988) granting a pension to William S. Spratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7989) granting an increase of pension to John H. Keech—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 7990) for the relief of the heirs of W. G. Featherston, deceased—to the Committee on War Claims.

By Mr. MILLER of West Virginia: A bill (H. R. 7991) for the relief of John W. Church—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 7992) for the relief of Enoch Voyles—to the Committee on Military Affairs.

By Mr. RAY: A bill (H. R. 7993) granting a pension to Jane E. Peck, widow of Henry A. Fowler, late of Company H, Fifth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 7994) to correct the military record of Michael O'Brien—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 7995) granting an increase of pension to Jackson Neace, late a member of Company H, Twenty-seventh Regiment Illinois Volunteers, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. TOWNE: A bill (H. R. 7996) granting a pension to Mrs. Esther J. Wilson, widow of Silas R. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7997) for the relief of Mrs. Mary M. Wolhart, widow of Jacob Wolhart, deceased—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: A bill (H. R. 7998) to pension John J. Overton—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7999) for the relief of John Hobart, of Kansas City, Mo.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8000) for the relief of Fanny Healy, of Kansas City, Mo.—to the Committee on Invalid Pensions.

By Mr. WOODMAN: A bill (H. R. 8001) for the relief of the heirs of Valorous G. Austin, deceased—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Pennsylvania: Petition of citizens of Utahville, Pa., and other towns in that vicinity, to accompany House bill No. 7933, for the relief of William Lutman; also, affidavit of said William Lutman—to the Committee on Military Affairs.

By Mr. BELKNAP: Petition of Joseph F. Forbrich and 16 others, of Chicago, Ill., praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: Memorial of the National Game, Bird, and Fish Protective Association of Bangor, Me., and letter of E. M. Blanding, vice president of the association for Maine, for the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: Remonstrance of 35 citizens of Ceres, Cal., against appropriation for sectarian purposes, and petition for amendment to the Constitution prohibiting the same—to the Committee on the Judiciary.

By Mr. CROWLEY: Petition of B. C. Duff and others, of Brazoria County, Tex., for an appropriation to remove obstructions in the Brazos River—to the Committee on Rivers and Harbors.

By Mr. CRUMP: Paper to accompany House bill No. 2329, in regard to the claim of Matilda G. Higbee—to the Committee on Invalid Pensions.

By Mr. DALZELL: Petition of professors of Yale College, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of sundry citizens of the Twenty-second Congressional district, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Paper to accompany House bill to pension Frances E. Wickware—to the Committee on Invalid Pensions.

Also, papers to accompany a bill to increase the pension of Albert Head—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Resolution of the Minneapolis Trades and Labor Council, favoring the employment of union labor only on Fergus Falls public building—to the Committee on Public Buildings and Grounds.

By Mr. FOOTE: Petition of Oscar F. Maynard and other ex-soldiers and ex-sailors of the Union Army and Navy residing in the vicinity of Wilmington, N. Y., favoring the passage of a service-pension bill granting $8 a month to honorably discharged soldiers of the late war and $12 a month to their widows—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: Petition of W. W. Mourton and 42 others, of Corry, Pa., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. HENRY of Indiana: Affidavits of George W. McCray, B. J. L. Jeup, Leander A. Fulmer, John W. Cooper, George W. Seibert, and annual message of Hon. C. S. Denny, mayor of Indianapolis, Ind., to accompany House bill No. 2949, relating to the claim of George W. McCray—to the Committee on Claims.

By Mr. HEPBURN: Petition of Joseph Carpenter and other citizens of Lucas County, Iowa, asking for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. KNOX: Petition of Michael Flynn and others, in behalf of Patrick Corr, to correct his military record—to the Committee on Military Affairs.

By Mr. KULP: Petition of C. W. Young and 72 other farmers of Columbia County, Pa.; also petition of Valley Grange, No. 52, Patrons of Husbandry, of Columbia County, Pa., in support of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Millers' State Association, of Wilkesbarre, Pa.; also of H. V. White & Co., of Bloomsburg, Pa., in support of House bill No. 8212, to secure a better market for grain and other agricultural products of the United States—to the Committee on Ways and Means.

Also, petition of Rev. H. Johnston and other citizens of Columbia County, Pa., in support of House bill No. 6851, relating to unclaimed pension money—to the Committee on Military Affairs.

By Mr. LEONARD: Petition of citizens of Tioga County, Pa., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. LINTON: Petition of citizens of Reading, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions adopted by the New York Mercantile Exchange, asking that a favorable report be made on House bill No. 5213, regulating the sale and manufacture of filled cheese—to the Committee on Ways and Means.

Also, remonstrance and petition of the citizens of Madison, Wis., regarding the Marquette statue—to the Committee on the Library.

Also, remonstrance and petition of F. Klemt and 36 other citizens of Detroit, Mich.; also of C. T. Grimes and 36 others, of the District of Columbia; also of A. T. Secor and 78 others, of the State of New Jersey; also of A. M. Goodby and others, of New York City, against the recognition of the statue of Marquette and urging the removal of the same—to the Committee on the Library.

Also, petition of citizens of Detroit, Mich.; also of citizens of Edmore, Mich.; also of citizens of Chicago, Ill., praying for the passage of joint resolution No. 11, which provides that no moneys shall be appropriated for sectarian purposes—to the Committee on the Judiciary.

Also, petition of Frank Goss, of Vernon, Mich., regarding House bill No. 4066, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, statement in regard to the pension claim of Mrs. Sarah A. Lyons—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of citizens of Huntingdon County, Pa., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Protest of B. F. Martin and other citizens of Minneapolis, Minn.; also of H. Kath and others, of Sleepy Eye, Minn., on behalf of the Retail Liquor Dealers' Association of Minnesota, against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. McEWAN: Petition of the Detroit Typographical Union, No. 18, of Detroit, Mich.; also petition of Peers of Kosmos, of Pottstown, Pa., favoring House bill No. 184, providing for a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

By Mr. MILLER of West Virginia: Petition of L. F. Stone and 26 others, of Belleville, W. Va., to pension the Home Guards that served in the United States service during the late civil war—to the Committee on Invalid Pensions.

Also (by request), petition of R. T. Wetzel, J. M. Adams, and 36 others, citizens of Ravenswood, W. Va., against the acceptance of a statue of Père Marquette—to the Committee on the Library.

Also, evidence and papers to support House bill for increase of pension to John W. Church—to the Committee on Invalid Pensions.

By Mr. ROYSE: Petition of veterans of the late war residing in the vicinity of North Judson, Ind., praying for a pension of $8 per month to every soldier who served ninety days and was honorably discharged and $12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Petition of James Archibald and other civil engineers of Scranton, Pa., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Philadelphia Maritime Exchange, favoring the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of J. M. Jamison, B. Rademaker, and 123 other residents of Grand Rapids, Mich., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, petition of the Koenig Medicine Company of Chicago, Ill., favoring favorable action on House bills Nos. 838, 4566, and 5560, for 1-cent letter postage, and to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of D. N. Runnels and other citizens of Port Huron, Mich., favoring the passage of House bill No. 7262, to establish a life-saving station at Port Huron, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEWELL: Protest of Albert Zeller and 20 other citizens of New Albany, Ind., against the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Idaho: Petition of Hon. J. G. Rowton and 158 others, residents of Idaho County, Idaho, for the improvement of the Clearwater River, in Idaho—to the Committee on Rivers and Harbors.

Also, petition of William Farmer and 237 others, asking that settlers on ceded portion of the Cœur d'Alene Indian Reservation be permitted to make final proof on their homestead entries under the general homestead laws without paying $1.50 per acre therefor—to the Committee on the Public Lands.

By Mr. WILBER: Petition of American Federation of Labor, Union No. 6480, in regard to the undermanning of vessels on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Edmeston, Otsego County, N. Y., for the enactment of a law to compel the study of certain acts in the public schools—to the Committee on Education.

Also, petition of Woman's Christian Temperance Union, of North Blenheim and St. Johnsville, N. Y., protesting against the sale of beer to immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union, of North Blenheim, St. Johnsville, and Duanesburg, N. Y., protesting against the sale of beer at certain military posts—to the Committee on Military Affairs.

## SENATE.

TUESDAY, *April 7, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior recommending that there be inserted in the sundry civil appropriation bill a clause appropriating the sum of $1,000 to enable the Secretary of the Interior to examine the desert lands selected by the States under the provisions of section 4 of the act of August 18, 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

RIGHT OF WAY OVER INDIAN LANDS IN KANSAS AND NEBRASKA

Mr. ALLEN. A short time ago the Senate passed a bill (S. 941) granting to the Atchison and Nebraska Railroad Company and the Chicago, Burlington and Quincy Railroad Company, its lessee in perpetuity, the right of way over a part of the Sac and Fox and Iowa Indian Reservation, in the States of Kansas and Nebraska. The bill was sent to the House of Representatives, but a similar bill had been passed there by the time the Senate bill reached the House of Representatives, and the House bill has been passed here. The Senate bill having been returned to the Senate, I ask that the vote by which the bill was passed be reconsidered, and that the bill be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

PETITIONS AND MEMORIALS.

Mr. ALLEN presented a petition of Federal Union, No. 6332, American Federation of Labor, of Lincoln, Nebr., praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was referred to the Committee on Finance.

Mr. MITCHELL of Wisconsin presented a petition of sundry citizens of Diamond Bluff, Wis., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Waukesha, Wis., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. TELLER. I have a large number of petitions from branches of the American Federation of Labor, requesting the United States Senate to pass a law giving to the people of the United States free and unlimited coinage of silver at the ratio of 16 to 1 without waiting for the aid or consent of any other nation. The petitioners declare that they are of opinion that to do so would relieve the present monetary stringency and contribute toward bringing to us a return of national prosperity. In the case of the Federal Labor Union of Missoula, Mont., the following is added:

> And further, that we will not vote for or assist in any way any candidate who is doubtful in regard to free coinage, no difference to what political party he may belong, or what our political opinions have been in the past.

I ask that the petitions be properly noted, and referred to the Committee on Finance.

The petitions were referred to the Committee on Finance, as follows:

A petition of Central Labor Union, of Cleveland, Ohio (composed of 52 labor organizations); a petition of American Federation of Labor, of Auburndale, Ohio; a petition of American Agents' Association, of Findlay, Ohio (representing a membership of 12,000); a petition of Lathe Operators' Union No. 6625, of Toledo, Ohio; a petition of Drill-Press and Milling Machine Hands' Union No. 6505, of Toledo, Ohio; a petition of council of Hillsboro County, Fla. (representing 4 labor organizations in Tampa); a petition of Scranton Central Labor Union, of Scranton, Pa. (representing 3,500 workingmen of all branches of trade); a petition of Beef Boners' Union No. 6151, of Kansas City, Kans.; a petition of Federal Labor Union, of Missoula, Mont.; a petition of Germania Waiters' Protection Association, of New York City; a petition of local union, No. 87, Cigar Makers' International Union, of Brooklyn, N. Y.; a petition of Journeymen Tailors' Union, of Bloomington, Ill.; a petition of Waiters' Union No. 21, of Detroit, Mich.; a petition of Herbert Waiters' Union No. 11, of New York City; a petition of Federal Labor Union No. 6360, of New Orleans, La.; a petition of Brockton Central Labor Union, of Brockton, Mass. (representing 4,000 organized workers); a petition of Carriage Hardware Workers' Union No. 6419, of Columbus, Ohio; a petition of Trades and Labor Assembly, of Superior, Wis.; a petition of Trades and Labor Assembly, of Denver, Colo.; and a petition of Federal Labor Union No. 6400, of Everett, Wash.

Mr. TELLER presented sundry memorials of citizens of Colorado, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for the transmississippi international exposition to be held at Omaha, Nebr.; which was ordered to lie on the table.

He also presented a petition of sundry citizens of South Denver, Colo., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STEWART presented a memorial of sundry citizens of Genoa, Nev., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. SEWELL presented the memorial of Charles A. Milham and 134 other citizens of Washington, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the St. Augustine Presbytery of Paterson, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BRICE presented a memorial of Cincinnati Club, No. 1, Order of the Bronze Club, of Cincinnati, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of Putnam Grange, No. 142, Patrons of Husbandry, of Leipsic, Ohio, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Trades and Labor Assembly of Massillon, Ohio, praying for the enactment of legislation to establish additional regulations concerning immigration to the United States, etc.; which was referred to the Committee on Immigration.

He also presented a petition of the Cincinnati Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the petition of J. J. Manning, assistant treasurer of the National Malleable Casting Company of Toledo, Ohio, praying for the enactment of legislation providing a reform in the postal affairs of the country, and also for the restriction of second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of sundry citizens of Clinton County, Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. DANIEL presented a memorial of the Board of Trade of Lynchburg, Va., remonstrating against any change being made in the present pilotage system; which was referred to the Committee on Commerce.

He also presented the memorial of H. D. Moore and sundry other citizens of Onancock, Va., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. LODGE presented a petition of Encampment No. 83, Union Veteran Legion, of Worcester, Mass., praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of Washington Camp, No. 7, Patriotic Order Sons of America, of Englewood, Ill., remonstrating against the appropriation of money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. PROCTOR presented a petition of Ransom Post, No. 7, Grand Army of the Republic, Department of Vermont, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PRITCHARD presented the petition of W. H. Chadbourn and other members of the Chamber of Commerce of Wilmington, N. C., praying for the establishment of an army post adjacent to that city; which was referred to the Committee on Coast Defenses.

Mr. CARTER presented a petition of the White Ribbon Society of Montana, praying for the establishment of an international board of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. THURSTON presented a memorial of sundry citizens of Florence, Nebr., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of Perryville Circle, No. 13, Ladies of the Grand Army of the Republic, of Litchfield, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Western Nebraska Educational Association, praying for the enactment of legislation ceding to the State of Nebraska for educational purposes the old Fort Sidney Military Reservation; which was referred to the Committee on Military Affairs.

He also presented petitions of the city council of Salt Lake City, Utah; of the Board of Trade of Laramie, Wyo.; of the Republican convention of Hot Springs, S. Dak.; of the committee on manufactures and commerce of the legislature of Utah; of the Commercial Club of St. Joseph, Mo., and of the Mining Exchange of Colorado, praying that an appropriation be made for the transmissisippi international exposition to be held at Omaha, Nebr.; which were ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 6425) for the relief of Clifton R. Anderson, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2397) to amend section 2743 of the Revised Statutes of the United States, concerning the examination of drugs, reported it with an amendment.

He also, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill, providing for repairs upon the Federal building at St. Albans, Vt., and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2524) to increase the pension of Mary B. Le Roy, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 613) granting an increase of pension to Henry Wilson, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala., reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer; and

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1798) granting a pension to Thomas B. Hanoum; and

A bill (S. 1475) granting a pension to Maria L. Meserve.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1737) granting a pension to James G. Hartzell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1635) granting a pension to James Byrne, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1636) granting a pension to John G. B. Masters, reported it with amendments, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 2578) granting a pension to Andrew M. Callaham, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 4606) to grant an increase of pension to Mary B. Houk, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2184) granting a pension to William F. Johnson;

A bill (S. 2285) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; and

A bill (S. 2421) granting a pension to Helen Booth.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 890) granting a pension to John N. Landon, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 706) for the relief of Eugenia Wood, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal., reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 2289) for the relief of James and Emma S. Cameron for occupation and damages to property and for fuel taken and used by the United States Army during the war, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1809) granting a pension to Joshua Parker, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1139) granting an increase of pension to A. S. Loudermilk, reported it with an amendment.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1656) for the relief of Stout, Hall & Bangs, reported it without amendment.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment providing for the relief of Stout, Hall & Bangs, submitted a report thereon, and asked that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 934) for the relief of Capt. Thomas W. Lund, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. PETTIGREW on the 1st instant relating to pay of Acting United States Commissioner of Fish and Fisheries, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of fish-cultural stations in certain States, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 1094) granting a pension to Francis E. Hoover, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Mines and Mining, to whom was referred the amendment submitted by himself on the 1st instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of an assay office at Deadwood, S. Dak., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

## EDWARD RICE.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 1853) for the relief of Edward Rice, to report it favorably without amendment. As it is very short, and the reading of it will take but a moment, I ask for its present consideration.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Rice, of Denver, in the State of Colorado, formerly of Worcester, in the State of Massachusetts, the sum of $2,700, in full for the following coupon bonds issued under the act of March 3, A. D. 1865, known as consols of 1867, namely: Nos. 104568 and 104569, of $100 each; Nos. 61857, 61858, and 61859, of $500 each; and No. 101302, of $1,000, and, in addition thereto, the interest maturing on said bonds after July 1, A. D. 1868, to the date when said bonds ceased to bear interest: *Provided*, That said Edward Rice shall first give bond, with sureties to the satisfaction of the Secretary of the Treasury, in a sum double the amount of said bonds, conditioned to secure the United States harmless against said bonds and coupons, said bonds having been lost by said Edward Rice on the 19th day of July, A. D. 1868.

Mr. MORRILL. I will merely say that the Secretary of the Treasury reports favorably upon this bill, and that none of the

coupons have been presented since 1868, and the bill is in the usual form.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PALMER. The joint select committee charged with the duty of representing Congress at the dedication of the Chickamauga and Chattanooga National Park have directed me to submit a report to the Senate, and also a resolution which I ask may be read and considered immediately. The resolution is at the conclusion of the report.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

*Resolved*, That the report of the joint committee to represent Congress at the dedication of the Chickamauga and Chattanooga National Park be printed and recommitted to that committee for the incorporation of a map and of the corrected manuscript of the several addresses delivered in connection with the dedication.

Mr. PALMER. I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

THE DEATH PENALTY.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 1878) to reduce the cases in which the penalty of death may be inflicted, to report it with amendments. I ask the Senate to make the bill a special order for Wednesday of next week, after the special orders which are now on the Calendar. There are two special orders before it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. ALLEN. I rise to a parliamentary inquiry. I ask whether making the bill a special order would give it precedence over the Alabama election resolution, which has been reported favorably?

Mr. HOAR. I understand that it does not displace anything. I will say to the Senator from Nebraska that the condition of our law in regard to the death penalty in cases of crimes committed within the jurisdiction of the United States is utterly savage, and it ought not to last in regard to some cases a week without interposition. There is now one judge who, I think, has sentenced within the last few years 150 persons and over to death, and there are some 30 or 40 persons awaiting trial before him now. Some of the crimes are crimes which ought not to be punished except by a very brief imprisonment.

The bill has passed the other House and it has passed the Senate Judiciary Committee unanimously. But there are provisions in it to which the junior Senator from Indiana [Mr. TURPIE], who has given the subject great study, wishes to call attention in order that the bill may be modified in some particulars. I suppose the debate will not last more than an hour or so, but it ought not to get into the general drift of business on the Calendar, and I want to have it made a special order after the existing special orders. I understand that it will not displace either an appropriation bill or another special order or the Alabama matter.

Mr. ALLEN. I am entirely in accord with the Senator's bill. If I had it within my power, I would abolish capital punishment; I do not believe in it; but the only thing I want to know is whether making the bill a special order will interfere with the Alabama resolution.

Mr. HOAR. No; I understand it will not.

Mr. ALLEN. Then I have no objection to the Senator's request.

Mr. HOAR. I will see that it does not.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from Massachusetts, and the bill is made a special order for the day named.

Mr. HOAR subsequently said: I made a request early this morning, which was granted, I believe unanimously, by the Senate, making the capital-punishment bill a special order for Wednesday of next week. I omitted to mention the hour in the request. I desire that it may be made the special order for Wednesday at 2 o'clock.

The PRESIDING OFFICER (Mr. WHITE in the chair). Is there objection to the request of the Senator from Massachusetts?

Mr. STEWART. We do not know in this part of the Chamber what the request is.

The PRESIDING OFFICER. The request is that the capital-punishment bill, which has been made a special order for Wednesday of next week, shall be fixed for consideration at 2 o'clock. Is there objection? There is no objection, and it is so ordered.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 2745) to establish a term of the district and circuit courts of the United States at Roanoke, Va., in the western district of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2746) to remove the political disabilities of Col. John Taylor Wood; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 2747) to remove the charge of desertion from the military record of Levi Cunningham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PUGH introduced a bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. ALLEN introduced a bill (S. 2749) to establish the official survey of fractional townships 31 and 32 north, of ranges 6, 7, and 8 west, of the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. STEWART introduced a bill (S. 2750) to provide an American register for the bark *Leon;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2751) granting two condemned cannon for the soldiers' plat of the cemetery at Mount Pulaski, Ill.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 2752) granting a pension to Wilson S. Hulse; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2754) granting a pension to Jerusha Hayward Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2755) granting an increase of pension to Edwin T. Lucado; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (for Mr. VOORHEES) introduced a bill (S. 2756) granting a pension to Richard Sheets; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2757) granting a pension to Sarah M. Dove; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 2758) granting a pension to Hiram H. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

LIMITATION OF THE VETO POWER.

Mr. BUTLER. I introduce a joint resolution and ask that it be read at length for information.

The joint resolution (S. R. 122) proposing an amendment to the Constitution of the United States providing for limiting the veto power of the President of the United States was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate, etc.*, That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as the sixteenth amendment:

That every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approves, he shall sign it; but if not he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after such reconsideration, a majority of that House shall agree to pass the bill, it shall be sent together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of that House it shall become a law.

Every order, resolution, or vote, to which the concurrence of the House of Representatives and Senate may be necessary (except on a question of adjournment) shall be presented to the President of the United States, and before the same shall take effect shall be approved by him; or being disapproved by him, may be repassed by a majority of the Senate and House of Representatives according to the rules and limitations prescribed in the case of a bill.

Mr. BUTLER. Mr. President, I should like to be permitted to explain the joint resolution in a few words.

This amendment keeps the wording of the Constitution and the machinery with reference to the veto power just as it is now. It will be noticed that the only change it makes in the Constitution is by changing the words "two-thirds" to "a majority." The amendment, if adopted, will require a bill when passed to be sent to the President for his signature. If the President disapproves it, he writes his objections and sends it back to the House where it originated, just as he does now. The House will consider his objections and proceed to reconsider the bill. The only difference is, if both Houses see fit to repass the bill after considering the President's objections thereto, then it shall become a law by a majority vote instead of by a two-thirds vote.

Nearly every evil that this Government is suffering from to-day has come about not from defects in the Constitution, Mr. President, but, if I may say it, by a disregard or deliberate misinterpretation or an interpreting away of the Constitution as it was written and intended by our forefathers. Take the decision of the Supreme Court with reference to the income-tax cases and hundreds of other cases which might be cited, where we know, or feel that we know, that the intent of the Constitution has been changed. The evils come not from a defective Constitution as a rule, but from a disregard of the Constitution.

But this veto power is one provision where the Constitution, we might say, is defective. It is one relic of monarchy. When our forefathers framed this Constitution they lacked just this much of being weaned from English ideas. They could not foresee the tremendous patronage that would go into the hands of the President in addition to this veto power. They could not foresee and did not intend that the veto power should be used to kill any bill that the President did not himself like. In fact, the veto power was intended to be used sparingly, and very sparingly; and we have the testimony of a number of the framers of the Constitution to that effect. It is an English idea, but in England the Crown to-day does not dare to veto a bill passed by Parliament. It has fallen into disuse in a kingdom, in a monarchy, but here in this country it flourishes and is used more frequently each year. The people here elect their representatives for both Houses of Congress directed to enact the will of the people into law; yet one man—not even a legislator—has the monstrous authority and power to nullify any act of Congress. A bill is passed after the most careful and deliberate consideration by the representatives of the people; yet it can be vetoed and nullified by a stroke of a pen in the hand of one man.

This is a dangerous power. When we consider to-day the tremendous patronage that the President has with which he can influence legislation, in addition to the veto power to kill what is passed, it makes him almost an autocrat. It gives him more power than any crowned head of England or, we might say, than any monarch in Europe has. We saw here in the last Congress how the power and the patronage of the President were used to change the opinions of Congress and to defeat the will of the people. We saw in the same Congress how the veto power was used to strike down a bill that was passed by Congress to coin the seigniorage.

Nearly every Administration since the civil war has used the veto power and the patronage of the Government the same way. The abuse and danger grows greater each year.

These two powers are too great to be in the hands of any one man. We ought if possible to limit his power of patronage. It ought to be limited, but that is an intricate question. We can limit his veto power by this wise provision.

I ask that the joint resolution be referred to the Committee on the Judiciary, and I hope that the committee will make a favorable report at an early day, so that we can act upon it before the present session of Congress ends.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BERRY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHOUP submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying letter from the Commissioner of the General Land Office, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL of Wisconsin submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Finance.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLARK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### ISLAND OF JAPONSKY.

Mr. LODGE submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the guardian of Michael Travers, a citizen of the United States, who has been declared a person non compos mentis, has represented to the Senate of the United States by a sworn petition that he has been unjustly deprived by the United States of certain property known as the Island of Japonsky, in the harbor of Sitka, Alaska, and the improvements thereon: Therefore

*Be it resolved*, That the Attorney-General of the United States be, and he is hereby, requested to ascertain and report to the Senate the facts concerning the location and residence of the said Michael Travers upon the Island of Japonsky, the making improvements thereon by him, their character and extent, the taking of the possession of such island and improvements by the officers of the United States, and the value thereof for the uses to which the island and property were put by the United States, which information the said Attorney-General may obtain from the governor of Alaska and the district attorney of the United States and the clerk of the United States court of Alaska, and from other sources at his command.

### CHARLES E. JONES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 249) granting a pension to Charles E. Jones, which was, in line 7, to strike out all after the word "at" and insert in lieu thereof "the rate proportionate to the degree of disability from gunshot wound of the back and results."

Mr. BAKER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following act and joint resolutions:

An act (S. 494) constituting Stamford, Conn., a subport of entry;

A joint resolution (S. R. 99) authorizing the immediate use of a portion of the unexpended balance of appropriations made for construction of canal and locks at the Cascades of the Columbia River in construction of protecting walls necessary to the opening of said canal and locks to navigation; and

A joint resolution (S. R. 103) directing the Secretary of War to submit estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island.

### ORDER OF BUSINESS.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. ALLISON. By unanimous consent last evening it was agreed that the Post-Office appropriation bill should be taken up this morning at the conclusion of the routine business. I ask that that bill be laid before the Senate.

Mr. PUGH. I ask unanimous consent to call up for consideration House bill 6996, a brief bill reported by the Committee on Commerce this morning.

Mr. ALLISON. Under the agreement of yesterday I am obliged to object to any business being interposed.

Mr. PUGH. It will take but a few moments. It is very important that the bill should be passed at an early date.

Mr. ALLISON. Perhaps the Senator from Alabama was not present yesterday when it was agreed by unanimous consent that after the routine morning business this morning the appropriation bill then under consideration should be taken up. The Senator will probably have time to-morrow morning to call up the bridge bill.

Mr. PUGH. Then I will withhold my request until another time.

Mr. CALL. I ask the Senator from Iowa, inasmuch as I gave notice yesterday that I would request the Senate to proceed this morning to the consideration of the joint resolution I introduced relative to Cuba, to allow it to be taken up for the purpose of enabling the Senator from Indiana [Mr. TURPIE] to submit some remarks. I suppose it will not materially interfere with the progress of the appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. ALLISON. Last evening there was unanimous consent given to consider the appropriation bill from now until 5 o'clock, when a vote was agreed to be taken. I regard that as an agreement to go on with the bill at this time. Of course it is for the Senate to determine whether that agreement shall be changed.

Mr. CALL. I do not wish to interfere with any agreement that may have been made, but I supposed that it would not be an interference with the appropriation bill. However, unless my proposition is agreed to unanimously, I do not suppose I ought to insist upon it. I gave notice yesterday that the Senator from Indiana would submit some observations upon the joint resolution this morning, and I simply ask the consent of the Senate that we may take up the joint resolution for that purpose.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. FAULKNER. I would not object to it under the circumstances suggested by the Senator from Florida except for the fact that the unanimous-consent agreement was made yesterday based upon the theory that a certain number of hours should be given to-day to the discussion of the appropriation bill. When the Senator from Iowa proposed 3 o'clock there was objection to it because the time seemed too short between the close of the routine business and 3 o'clock. When he suggested 4 o'clock there was objection to it because the Senate held that that hour would cut off debate unduly upon the bill; and an agreement was only reached when he extended the time for discussion upon the bill until 5 o'clock. Under those circumstances, I think it would be unfair, the Senator from Iowa having obtained unanimous consent upon that statement, to allow any business to intervene other than that which was agreed to at the time.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Florida.

Mr. FAULKNER. The notice of the Senator from Florida will hold good for to-morrow. Of course no one will object to the Senator from Indiana taking the floor then, as there will be no consent agreement that will interfere.

Mr. CALL. Then I ask that it may be distinctly understood that the joint resolution shall be taken up to-morrow after the routine business is over.

Mr. ALLEN. For the purpose of discussion only?

Mr. VILAS. For the purpose of discussion by the Senator from Indiana?

Mr. CALL. Yes; for the purpose of general discussion.

The VICE-PRESIDENT. Does the Senator from Florida desire the request submitted to the Senate?

Mr. CALL. I do.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. VILAS. If the Senator from Florida desires to have the joint resolution taken up for such speeches as anyone may choose to make on it, there is no objection, but if it is to be taken up for consideration, I object now.

Mr. CALL. I ask that it may be taken up for the purpose of some observations to be submitted by the Senator from Indiana, and possibly by myself.

The VICE-PRESIDENT. Is there objection?

Mr. VILAS and others. No objection.

Mr. BROWN. Is it requested that the unfinished business which has been awaiting consideration for some time shall be displaced? If so, I object. Senate joint resolution No. 102 is the unfinished business, and we desire to have it disposed of.

Mr. ALLISON. I do not understand it to be the request of the Senator from Florida to displace the regular order of business.

Mr. COCKRELL. It does not displace anything, for it applies to the morning hour.

Mr. CALL. That is all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none.

## POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, the pending question being on the amendment submitted by Mr. PASCO to the amendment of Mr. WOLCOTT.

Mr. VILAS. Mr. President, I do not intend to occupy much time this morning. There are only a few observations that I wish to make. There are other subjects to be considered with this bill, and it would be unjustifiable for me to take much time in this discussion. This amendment is a very simple proposition in itself. It is a mere provision that those postmasters who would be payable under the appropriation for postmasters as the bill passed the other House may be paid out of the appropriation for clerks if the offices which they hold should be discontinued and the service then incorporated with some other office.

When the discussion took place the other day I stated that this was no enlargement of the power of the Postmaster-General. He has power, and always has had, to establish and to discontinue post-offices, to establish the methods of the administration of post-offices. But the Senator from Nebraska [Mr. ALLEN] professed great astonishment at that statement in respect to the power of the Postmaster-General and the fact that the law commits to him a very plenary authority over the postal service, and asked some questions which were highly extravagant, as if the Postmaster-General might establish a suboffice 400 miles away from the post-office at Omaha, or 50 miles away, and finally he worked himself up to some statement yesterday, I believe, of a thousand miles, as if the question depended on the distance, or as if an extravagant statement of the abuse of power made a difference from what a reasonable statement would indicate to exist. I answered that there was nothing in the law to prevent. There is not, except what was indicated at the time, that the law was made to be used reasonably, not to be abused in a manner which would perhaps subject an officer to impeachment.

The Senator from Florida [Mr. PASCO] took exception to the observation that the power to establish and discontinue post-offices has existed since the original institution of the general post-office in this country, and drew particular attention to the fact that, in the conclusion of the debate, the language used seemed to be that the power to establish stations had also existed. That has in truth existed as a matter of power, and I want to point it out. Although the first enactment was in the year 1862, by which the Postmaster-General was given in explicit terms authority to establish branch post-offices, he always has had it. It was but a new expression of a power which existed from the beginning of the Government.

I call attention to the first law on that subject which was passed by the Continental Congress in the year 1775. It probably is within the remembrance of the historical reading of Senators that when the general post-office was established in this country, it was committed almost without legislation to Benjamin Franklin to operate.

Mr. ALLEN. Will the Senator permit me to correct him now?

Mr. VILAS. Certainly.

Mr. ALLEN. The Senator denies having stated that the Postmaster-General could establish substations a thousand miles from the main office. I call attention to his language used in the debate of last Thursday.

Mr. VILAS. On what page?

Mr. ALLEN. On page 3485 of the RECORD, second column.

Mr. ALLEN. The question is, has he the power to send a man from a point 300 or 400 miles distant from where those people live to administer the affairs of their office?

Mr. VILAS. I suppose he has power now to send one a thousand miles.

Mr. VILAS. That is an entirely different thing from the other statement in regard to stations.

Mr. ALLEN. No.

Mr. VILAS. That I reaffirm, if it is necessary.

Mr. ALLEN. What I charge the Senator with saying, which he now denies, as I understand, is——

Mr. VILAS. I do not deny.

Mr. ALLEN. That the Postmaster-General has the power to establish a subpost-office a thousand or more miles from the main post-office, and send a clerk from the main office to that subpost-office to administer its affairs; and I was correct in that.

Mr. VILAS. The Senator from Nebraska was, as usual, incorrect, and can not see that he was. He is confounding two entirely independent statements. The statement in respect to the establishment of a substation was one thing. The other was with respect to the power of the Postmaster-General to appoint a postmaster; and it was said that the only limitation in the law is that the postmaster must reside within the district, but it does not say the appointment must be made of a person who was previously a resident of the district. So a postmaster might come from a considerable distance.

Mr. President, I am not denying the affirmations made that day. I am simply explaining that as a matter of power, which is all we were talking about, the law is so. Let me now recur for a moment—because there is the point of interest—to the original act, which was passed on the 26th of July, 1775. All that it said on this subject was:

> That a postmaster-general be appointed for the united colonies, who shall hold his office at Philadelphia, and shall be allowed a salary of $1,000 per annum for himself and $340 per annum for a secretary and comptroller, with power to appoint such and so many deputies as to him may seem proper and necessary.

A little later, the next year, postmasters were excused from military duties by an additional law; authority was given the Postmaster-General to appoint two additional surveyors of the Post-Office and an inspector of dead letters; and it will be curious nowadays to note, en passant, that he was directed to preserve carefully, among other things, all "lottery tickets, notes of hand, and other valuable papers," etc.

Subsequently, in 1782, there was an ordinance passed, as it was called, "for regulating the Post-Office of the United States of America." Then authority was given to the Postmaster-General in these words:

> He shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy postmasters as he shall think proper, for whose fidelity he shall be accountable; each of whom shall reside at such place as the Postmaster-General shall judge best suited to maintain a due and regular transportation and exchange of mails.

When the Constitution had gone into effect Congress passed a simple act on the 22d of September, 1789, declaring—

> That there shall be appointed a Postmaster-General; his powers and salary, and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the Post-Office shall be the same as they last were under the resolutions and ordinances of the late Congress.

At a later time an act was passed, in 1792, in which it was provided that there should be established at the seat of Government of the United States a general post-office; that there should be one

Postmaster-General, who should have authority to appoint an assistant and deputy postmaster at all places as such should be found necessary.

That was repeated in 1794, and authority was given the Postmaster-General to make regulations to govern such deputies as he chose to appoint.

Without stopping to elaborate or point out the gradual extension in our law of that idea, it has been continued from that time to this, simply a grant of authority to the Postmaster-General to maintain a general post-office—that was the original act—and to appoint such deputies in that general post-office as he saw fit and have them reside anywhere in the United States he saw fit to direct. Gradually there have been slight qualifications of that power; but in substance the power has remained ever since. He could make a deputy and tell him to do what he wanted done. So when the law came into effect which authorized the establishment of branch offices by terms, it added nothing whatever to the authority which had previously existed and merely recognized a practice which, I suppose, had some time before been in operation under the Postmaster-General's power to make a post-office and to appoint a deputy postmaster, or to establish what was afterwards called a post-office, and appoint a postmaster thereat, and fix the duties; to establish a branch office, a power originally involved in the power to establish a post-office, as the greater includes the less.

The Senator from Florida said yesterday that if the amendment proposed by the Senator from Colorado were to be adopted he was satisfied that the word "station" or "substation" would appear in the legislation of the country for the first time in connection with the Post-Office Department. Mr. President, if that were true it would not alter the question, because it would be merely the application of a name which has grown up in the postal service for one of the offices of the Department which was permissible under the old law, and which the act of 1863 called a branch post-office. The more convenient name "station" has been adopted. But the Senator from Florida is quite mistaken in respect to the literal fact. In the law of 1889, the act of March 2, there is provision made for superintendents of stations, ten classes, graded from $1,000 up to $2,000.

Mr. ALLISON. From what does the Senator read?

Mr. VILAS. From page 200 of the Postal Laws and Regulations. Then there is provision for clerks in charge of stations, nine classes. That is a mere recognition of the name which has been given to certain convenient agencies for the discharge of the postal service that had been created by the Postmaster-General in the exercise of the power which, as I said, had existed since Benjamin Franklin was made the first Postmaster-General and invested in propria persona with all the functions of the postal service, pretty much all being left to his discretion.

Mr. President, the Senator from Nebraska—I am sorry he is absent—made the discovery that this blessed system, upon which he expatiated somewhat, in which the people are so much interested, and which is of such great comfort to them, which is their system above all others, is, after all, thus but a mere despotism, and everything that has been done under the power of the United States has been the exercise of a despotic authority against which his very nature rebels. I suppose he may open out to his Populistic audiences upon that subject in a way that may excite terror in their minds; but, after all, we have been having what he has recognized all the time, the very best postal service, and by reason of this very power being vested in the Postmaster-General. It is one of those services which it will be impossible to control or operate if there is to be established by law various grades down through the 150,000 people, more or less, who are at work in it, points of resistance, points where authority may be set up against the Postmaster-General. He must have a complete, plenary, and despotic, if you please, authority over that service. He is obliged to collect a revenue of $70,000,000 a year, 2 cents at a time mostly, and it requires the full vigor and strength of authority in every branch of that service to conduct it well.

For that reason, if this amendment be not adopted, I hope there will be no such thing as interference in this bill with the authority which has existed so long and with so much advantage to the country. If we do not choose to permit the Postmaster-General to have money to expend for clerks according to his desire, at least let us not interpose upon an appropriation bill some of these amendments which would be detriments and obstructions to the good service of that Department; such an amendment as that proposed by the Senator from Nebraska, such an one as proposed by the Senator from Florida, that the Postmaster-General shall not make a substation except within the corporate limits of a city or town. Have we heard any complaint from the State of Massachusetts because he has made the post-office at Boston extend the benefits and convenience of that service over a tract of country with a radius sufficient to comprehend the outlying towns? On the contrary, from every quarter the service so established has been praised as an improvement and a benefit. That is all that is sought by the Postmaster-General in this very measure which he recommends.

Let me call attention to the points in which he has summed up in a note to the chairman of the Post-Office Committee of the House of Representatives what he considers the advantages of this amendment, which he asks merely to enable him to exercise easily a power he now possesses. He is not seeking a new power; not seeking to do a new thing; he is seeking to make no radical change; but only, as he says, discreetly and with prudence and with moderate expense, to exert a power which has always been possessed by that Department in some few and proper instances wherein benefit to the service will result from it. Thus he says:

Summing up the advantages of such consolidation of offices, I would say that it—

First. Strengthens and improves the postal organization by introducing through a natural and easy development of the existing system competent local supervision, responsibility, and control;

Second. Lessens by a large amount the necessary expenditure for the postal service, with the certainty that this decrease will gradually swell into millions of dollars annually;

Third. Improves and increases the postal facilities of the people, which, in turn,

Fourth. Improves and increases the revenue of the Post-Office Department.

Fifth. Insures a prompter and more intelligent accounting for public funds with less bookkeeping, less correspondence, fewer requisitions for supplies, and less call for inspection from the Department.

Sixth. Calls for no legislation, and no increase of postal officers.

Seventh. Increases gradually the number of offices and officials under civil service, and thus, among many advantages, insures a better and more businesslike management.

Mr. President, this is so plain a proposition that the chairman of the Committee on Appropriations, when it was first proposed by the Senator from Colorado, expressed his willingness to accept it as an amendment to the bill without discussion, and probably it would have been so accepted, but the Senator from Maryland [Mr. GORMAN] uncorked the bottle and let out the genii of opposition to civil-service reform. Thereupon it seems to be understood a change of system in the civil service has arisen, some proposed extension of the classified service to a great extent, and it seems that that alarm is to stand in the way of an improved service. It would have been promptly accepted but for that. It may be that there is something in civil-service reform which challenges the instant uprising of this body and is sufficient to defeat any measure if a prejudice like this can be excited. But I shall not debate civil-service reform. I am only speaking of this question as an improvement to the civil service. I do believe that among the greatest forward steps which have been made for a good many years in the civil service has been the gradual step of extension of civil-service reform. Not that I like them all—its features as practiced—not that I would not improve and change them very much, if I could have my way with respect to it—at least I think it would improve them—but what has been done is a step in the right direction, and I trust it will not be retraced except as it may be reviewed for the purpose of a better and more advantageous step forward.

I shall not debate the civil-service question at all. I have never been a debater on that subject. It has been much exploited by some persons who have not caused so much benefit as perhaps would have been caused by the advocacy of others, while it has also had the help of the best.

Civil-service advancement in this country owes its success to the man who is now at the head of this Government. Without his firm, steady, unflinching, and honest devotion to it there would have been, in my judgment, for a long period of time no very great and substantial, no enduring gain or advancement in the cause of civil-service reform.

Mr. President, I do not care to take any more time.

Mr. ALLEN. I should like to ask the Senator a question before he sits down.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. VILAS. I have already yielded the floor.

Mr. ALLEN. We have had repeated assertions upon this floor as to what civil-service reform has accomplished, but there has not been a Senator who has debated that question who has pointed out one particular wherein the present service excels the service as it existed twenty-five years ago.

Mr. VILAS. Mr. President, I think that the Senator himself indicated pretty plainly to most of us in what was said yesterday one feature of very great gain. He said that there had been abuses—I am not stopping to discuss the subject—in the reduction of Republican clerks during this Administration. Under the old system, if it had been in existence, we should have seen in 1885, in 1889, and again in 1893 such a swarm of applicants for these thousands and thousands of offices here in Washington as would have completely, or almost completely, obstructed the performance of the public business. We saw enough of it to retard the performance of that business for months; and it would come with the recurrence of every change in the political administration. Senators would have been obliged to listen, as they are now in greater or less degree, to the entreaties and supplications of those who were torn from office by the ruthless hand of partisanship or those who were seeking to drive out somebody else in order that they might get in for a short time.

If nothing else had been gained by civil-service reform but the decency and cleanliness of political conduct on a change of Administration, it would be enough to constitute a great triumph. This is, however, but a single feature of what has been gained, not all or all that might be. Not everything can be made perfect in this world, and least of all those things which are connected with politics. The relief which has been enjoyed by Senators and Representatives, not to speak of those intrusted with the offices of the Government, is in itself a second item of great consequence. I shall not stop to add more, because I am, as I said, not inclined now to enter into or to take the time of the Senate in a debate upon the general principles or value of civil-service reform. These are established in this country. Whatever anybody may say in respect to them, there is no one who will now propose in Congress with any reasonable expectation of success the repeal of this beneficent system, so excellent not in what it has yet accomplished alone, but in its promise of what may be effected in the end.

Mr. ALLEN. Mr. President, I have listened very carefully to the Senator from Wisconsin [Mr. VILAS] with the full confidence and hope that he would say something or point out something that had been accomplished under so-called civil-service reform which did not exist before its introduction; and yet the Senator, like those who preceded him on this subject, has delivered a Fourth of July oration, if I may classify it as such, on the beauties, if not the holiness, of civil-service reform, without ever undertaking to point out an instance in which it had bettered the service. I did not ask the Senator to tell in general language of the beauties of this system of which he is such a strong advocate, but I wanted him to point out the cold facts as they exist, wherein it differs materially from the system that existed before its introduction, and to give the particulars, without any comment, in which it is an improvement over the system that formerly existed, but he has failed to do so, and, in my judgment, can not do so.

I do not propose, Mr. President, to consume the time of the Senate this morning at any considerable length in the discussion of this matter. I discussed it yesterday quite as fully as I desire to do, and I realize that others wish to be heard upon the bill before the vote is taken; but there are a few things which I believe ought to be said at this time and which I will say.

In the first place, there never was a tyrant upon the face of the earth of whom we have any knowledge or any history who did not believe himself superior to all other persons in the government of which he was a member. The very first argument of a tyrant is the one-man power. The next argument of a tryant is unchecked and unguarded discretion in the man who is called upon to discharge a duty. The third step of tyranny is to centralize power in the hands of a few, if not one, and deprive the masses of the people of the right to exercise power. What would become of this Government, speaking of it as a Republic, a government in which the people are supreme, if the principle announced here by the Senator from Wisconsin and the Senator from Colorado and the Senator from Massachusetts were to prevail? Ninety per cent of the people of this country would be practically disfranchised. The practical power and management of their Government would be taken from them and would be placed in the hands of those who have the hardihood to assert that they and their class are superior in point of education and superior in the qualities which are essential properly to rule, while the masses are inferior in those respects.

I am not myself averse to a sensible and reasonable civil service. I wish to see established a service which will permit every citizen of the country to participate in the affairs of his Government. I believe the only safety to this Government is in diffusing the political power, the official power of the Government, and in keeping it among the masses of the people rather than to centralize it in the hands of a few. Here we are to make (and the Senator from Wisconsin thinks it is something of which I ought to be ashamed, that I did not know it before) the Post-Office Department supreme and tyrannical and dictatorial in this country, and the people themselves have nothing to say as respects their post-offices in the various localities where the offices are situated. The Senator said it has existed since the formation of the Government. If that is true then the time has come when it should be changed. If I had it in power I would say that no post-office which has been established should be altered or changed except by the consent of Congress, the direct representatives of the people. The very element of legislation is either to grant power where it does not otherwise exist or to curtail power where it is supposed to be possessed in excess of the requirements of the occasion or the requirements of the proper administration of a particular office. That is the purpose of legislation.

The Senator from Wisconsin would change all that. The Senator holds up his hands here and says that the system which has been inaugurated by the present occupant of the White House is one that can not be impeached or questioned among intellectual gentlemen. Of course it may be questioned by groundlings and those who are not intellectual. But the system which I want and which I insist upon is one which shall recognize every citizen of this country; that shall keep the power of this Government, national and State, in the hands of the people, and that can be practically and efficiently administered in the interest of the masses.

Unfortunately, Mr. President, the Civil Service Commission is a close corporation. There is another evidence, too, of the unfitness of this system. A Senator or a Representative in Congress can scarcely obtain the truth from one of the Departments, unless it sees fit to give it to him. It is a struggle here half the time to get the truth from one of the Departments about anything. Even a Representative of the people is to be misled and put off with evasive answers as to information which vitally effects the interests of the people, and as to statistical information which is to be found in the Departments. So we can not get the questions which are being put to applicants under the civil-service law at this time, but we can get a few of those which have been used in the past.

Take the State of Tennessee, Mr. President [Mr. HARRIS in the chair], which you ably in part represent and have so represented in this Chamber for almost a quarter of a century. Take a cross-roads post-office at a town where there is nothing but a little store and a blacksmith shop and where the office is worth eighty or a hundred dollars a year, and how much benefit do you suppose it would be to the people of that vicinity to require the occupant of the local office to answer correctly these questions prescribed by the Civil Service Commission?

Question 1. Add the following, placing the total at the bottom:

742,155.74—

It does not say whether it is apples or dollars or what it is—

742,155.74
429.39
6,873.68
397.49
1,956,374.20

If the old man who has been delivering the mail regularly and to the entire satisfaction of the people of that vicinity for a quarter of a century failed in adding this sum correctly he would be disqualified to hold the office, and some boy who had left school three months before would be eligible.

Mr. GORMAN. If the Senator from Nebraska will look at the regulations, he will find that no resident of the United States over 45 years can take the examination. All persons beyond 45 years of age are excluded.

Mr. ALLEN. I wish to call attention to that fact.

Mr. BATE. And all persons over 35 years of age are excluded from the Railway Mail Service.

Mr. ALLEN. Why not make it 25 years of age?

Question 2. Express in figures one thousand eight hundred and eighty-nine.

Question 3. In the fiscal year ended June 30, 1888, the postal clerks employed on railroads traveled 122,631,104 miles and those employed on steamboats 1,767,649 miles. How many miles more were traveled by railroad than by steamboat?

If the old man could not answer that question, although he is perfectly competent to address envelopes and wrappers and keep a small account of the service of the office, and although he might be able to figure up a sum of three or four hundred dollars, if he could not make the subtraction accurately he would be ineligible to hold the office.

Give work in full.

Question 4. If a railway-mail clerk earns $800 in a year, how much will he have left after paying his board at the rate of $16 a month?

There are a great many fourth-class postmasters in the United States who know absolutely nothing about the Railway Mail Service. It is not essential to them, and it would be of no value to them if they did know it. They would simply be loaded down with a lot of useless and worthless mental baggage. Yet he must be required to answer these questions.

Question 5. If a railway-mail clerk spends 10 cents a day for street-car fare, how much will he spend in six months of 30 days each.

That is a very important question. Suppose it had said if a railway clerk spends 25 cents a day for cigarettes, how much would he have left at the end of the month? I suppose, as a matter of fact, there is not much left now of the salary of an ordinary railway-mail clerk. The work, according to this book, must be given in full.

SIXTH SUBJECT—GEOGRAPHY.

Question 1. Name two States crossed or in part bounded by each of the following-named rivers, and give the capital of each of the States named: Connecticut, Delaware, Ohio, Mississippi, Missouri.

What earthly bearing have such questions upon the fitness of a man who is running a little fourth-class post-office in the country 15 or 20 miles from any large town? Yet, because they are not able to answer those questions, a certain percentage of them—I will not now undertake to say how many, but I think ninety-odd per cent—are to be disqualified from holding those offices, and some man or boy who has made a special study of matters like these, who is fresh from school where it has been instilled in him for years, is eligible to take their places, and the people of the vicinity are to have nothing to say about the administration of the office.

Question 2. Name the State in which you live and the States or foreign countries or bodies of water which form the boundaries on two sides of that State.

Question 3. Name two important cities on each of the following-named rivers and lakes, and give the name of the State in which each of these cities is situated: Hudson River, Ohio River, Mississippi River, Lake Erie, Lake Michigan.

Question 4. Name three cities on or near the Atlantic Ocean, one on or near the Gulf of Mexico, and one on or near the Pacific Ocean.

Question 6. Name the State of the Union that extends farthest east and the State that extends farthest west, and name the capital of each.

Then comes the subject of railways and other systems of transportation in the United States:

Question 1. Name the three principal cities of your State and the principal railway lines (three, if there be that many) centering in each of them.

Question 2. Name the principal railways (not less than two) passing through or terminating in your State, and give five of the principal connections (roads which are crossed by them or terminate in the same city with them) made by either or both of them.

Question 3. Name the roads which together form the most direct line from your nearest railway station (give name of that station) to the largest city in any adjoining State. (Give name of the city and of the adjoining State.)

Question 4. Name the road or roads connecting two of the most important cities in your State, and name ten of the largest cities (or important towns, if there be not ten cities) situated on those roads.

Question 5. Name the two most important railroad centers in each of the States of your railway mail division (omitting your own State) and the road or roads or steamboat lines connecting each of those centers with the capital of your State.

There are other questions of a similar character which applicants are required to answer. It may be said that the questions which I have quoted do not apply and would not be applied to an applicant for a position in a fourth-class post-office. We do not know what questions would be put by the Civil Service Commissioners to applicants for those offices. But we do know that under the statutes and under the rules prescribed by the Chief Executive and adopted by the Civil Service Commissioners they have absolute power to prescribe the questions which shall be answered by the applicants, and a failure to answer them renders those persons ineligible to those offices, which many of them have administered for almost a quarter of a century.

All this vast body of citizens who have borne the heat and burden of the day in their communities and in their States, who have given of their means to support this Government, thousands of whom have rendered service to the Government in its hour of danger—all of those men are to be set aside and ignored and practically disfranchised by the adoption of these silly, nonsensical rules. By that means the people are to be isolated from their own post-offices, from sympathy with the postmaster, who is now a member of their own community, and a stranger with no sympathy for them and not amenable to them under any circumstances or any conditions is to be sent among them to administer the affairs of an office which is purely local, and which is, in fact, their own.

My attention is also called to the fact that no person beyond 35 years of age—I have not examined the regulations and the rules, but I take it to be true—is eligible to the Railway Mail Service. The applicant may have every merit and every qualification to commend him; he may have come from a long line of illustrious ancestors who rendered the country service in its various stages of development; he may be perfect physically and perfect intellectually, and yet, because he has passed the line of 35 years of age, he is absolutely disqualified by that fact from entering this particular branch of the service of his country.

I am also reminded of the fact that when a person reaches 45 years of age he is ineligible to any branch of the service. I do not know whether that be true or not. The Senator from Wisconsin can correct me if it is not true, and if he does not correct me I will assume that it is true.

Mr. VILAS. I did not observe the previous statement of the Senator from Nebraska.

Mr. ALLEN. I said that no person can enter the Railway Mail Service who is over 35 years of age.

Mr. VILAS. I believe that is the age.

Mr. ALLEN. Regardless of his qualifications.

Mr. VILAS. Does the Senator from Nebraska object to that rule?

Mr. ALLEN. I do most strenuously object to it.

Mr. VILAS. I should like to ask the Senator whether he thinks those offices are created for the benefit of the officeholders or for the benefit of the people of the United States?

Mr. ALLEN. They are created for the benefit of the people of the United States. That is just what I have been contending for. But the Senator from Wisconsin would have them created for the benefit of the incumbents of the offices. He would say that of all the 70,000,000 people in this country no man or woman should be eligible to the Railway Mail Service if she or he has passed his or her thirty-fifth birthday, regardless of his or her intellectual or physical qualifications.

Mr. VILAS. Does the Senator from Nebraska think there ought to be no age fixed?

Mr. ALLEN. No age should be fixed so long as the individual has the physical and mental qualifications to discharge the duties. Why should there be an age fixed? Why not examine the applicant and inquire into his physical and his mental qualifications to discharge the duties of a particular office, and if he is found competent I would keep him there until he is as old as Methuselah, unless in the meantime he became incompetent or exhibited lack of memory in consequence of advancing age. Everybody beyond the age I have stated is disqualified.

Then we come to the other question which I put to the Senator from Wisconsin, and I am sorry to see that he is about to leave the Chamber at this time. I hope the Senator will remain.

Mr. VILAS. I will not leave if the Senator from Nebraska desires to ask anything of me.

Mr. ALLEN. Is it true that all persons who have passed the age of 45 years are ineligible, under the civil service, to any branch of the mail service?

Mr. VILAS. They are ineligible to new appointments.

Mr. ALLEN. To new appointments?

Mr. VILAS. Yes; that is the regulation adopted, because it was supposed desirable to secure in office persons of vigor and capacity, and not because the offices were designed for the benefit of those who seek them.

Mr. ALLEN. The Senator says that because it was desirable to secure persons of vigor, physical vigor, I suppose he means, and mental vigor as well, an arbitrary rule has been laid down. Yet a youth who is so deformed physically that he has no chest development whatever, that he has no physical vigor whatever, may enter the service if he is under 45 years of age, while one who may be his superior in every conceivable respect, but who is over 45 years of age, is prevented by an arbitrary rule, which has the force of a statute, from enjoying the fruits of one of the offices of his country. I am not in favor of civil service of that kind.

Mr. VILAS. I should like to call the attention of the Senator from Nebraska to the outrageous limitation in the Constitution of the United States which prohibits a man of the most brilliant powers, of the utmost accomplishments of education, of the greatest developments, even so great a man as William Pitt was at 24, from sitting in this august body.

Mr. ALLEN. I see nothing whatever in the argument. The only difference between the framers of the Constitution and the framers of the rules of the civil service is that the first believed it required a little age and mature judgment to make a man eligible to the Senate, while the Civil Service Commissioners look upon age and maturity as incapacitating a person for holding an office. That is the difference, and it is all the difference in the world. The framers of our Constitution said that a man must have reached a certain number of years before he is eligible to the House of Representatives, and another certain number of years before he is eligible to the Senate, and it was placed expressly upon the ground that these two bodies call for the judgment of men of mature years, men of some observation. But here the Senator from Wisconsin and his coadjutors upon the subject of civil-service reform say to us that fully one-half of the people of the United States, by virtue of having reached the age of 35 years, are disqualified for holding certain offices, and that all persons who have passed 45 years of age, regardless of their physical and mental vigor, are disqualified from holding any office in that branch of the Government which employs 150,000 people.

Mr. VILAS. Yes; even excluded from being drafted into the military service.

Mr. ALLEN. I have never seen but one war, and I think the Senator from Wisconsin has seen only one, although he is my senior in years, but I observed in that one war that when the Government was engaged in actual hostilities the exemption as to service was taken from the statute books. It was not observed. There was a regulation at the time that a man must be 18 years of age or over before being eligible to the military service. Yet, Mr. President, you know and every Senator present who has studied the history of this country knows that the great body of the fighting men on both sides was composed of men who entered the service under 18 years of age. The men who were brought in fighting contact on both sides were young men. The minimum and maximum restrictions were both removed. It is a good thing in time of peace, when there is no war and no prospect of war, to say that a man can not be drafted who is over 45 years of age and yet to wipe away that restriction in the event of war and draft him or admit him to the enlisted Army.

If this damnable course can be pursued, what is there to restrain the President of the United States and the Civil Service Commissioners from saying that no man who does not come from the Commonwealth of Massachusetts or the State of New York or the State of Wisconsin shall be eligible to any branch of the civil service? The same authority by which the executive department restricts on account of age a full-fledged, native-born American citizen who has reached the age of maturity would give the officials the right to restrict the particular territory from which the applicant should come. Yet the Senator from Wisconsin says this is democracy. Oh, if Hamilton could rise from his grave

and meet the distinguished Senator from Wisconsin, there would not be a hair's breadth of difference between them in their opinions upon this or any other great political question of which I have any knowledge.

Mr. VILAS. Will the Senator from Nebraska allow me for a moment?

Mr. ALLEN. With pleasure.

Mr. VILAS. Yesterday the Senator had Jefferson's ghost to antagonize the Senator from Wisconsin, and now Hamilton's is on his side——

Mr. ALLEN. To embrace the Senator from Wisconsin.

Mr. VILAS. I should like to remark to the Senator that the principles of civil-service reform in this Government had their origin you might almost say, with Mr. Jefferson. It was Mr. Jefferson, the first Democratic President, the founder of the Democratic party, who laid down the rule which excluded politics from consideration as an element that ought to control appointments. Is he honest? is he faithful? is he capable? were the rules which Mr. Jefferson laid down, and he himself refused to make removals generally from office, so that hardly a couple of dozen altogether was the number he made, finding when he took possession the entire offices of the Government in the possession of partisans of the other side.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Senator from Massachusetts appeals to the Chair. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. ALLEN. Certainly.

Mr. HOAR. Will the Senator from Nebraska allow me to make a little addition to the truth of history as to what is said about Mr. Jefferson? Mr. Jefferson wrote to Levi Lincoln, of Massachusetts, a citizen of the town where I reside, and afterwards his Attorney-General, that he did not find when he came into office an officer in the service of the Government, or an officer in the Army above the line who entertained the opinions of the Republican party, which was then the name of Mr. Jefferson's party, and that he understood that the Federalists had acted on the principle of excluding the friends of Mr. Jefferson's opinion from office, and he wanted to have a list sent to him of the persons who had been so appointed in the New England States by the Federalists, and said: "If you will let me know who those persons are you may leave the rest to me." He added that he hoped to restore the proper proportion and balance of officeholders to his party, and then he said: "I hope the time will come when the only question which can be put about the appointment to an office is: Is the man honest; is he capable; is he faithful to the Constitution?" So Mr. Jefferson's conception was rather a dividing equally of the spoils, if you call them spoils, between the two political parties than to make appointments to civil office without any consideration of political opinions. President Washington, if I may add one word, because I sympathize entirely with the Senator from Wisconsin, and I have no sympathy with the argument of the Senator from Nebraska——

Mr. ALLEN. I have never known the Senator from Massachusetts to have any sympathy with me or my arguments.

Mr. HOAR. I hope that I shall never agree with the Senator's arguments if he continues to pursue the line which he has been following, though I have great respect for him personally, I beg him to understand.

Mr. ALLEN. No doubt.

Mr. HOAR. President Washington said that he never should appoint an important officer in this Government whose opinions were opposed to that of his Administration.

Mr. VILAS. I think one word should be said in reference to what the Senator from Massachusetts says about Mr. Jefferson. He did say that he thought there ought to be something like an equilibrium in the officeholders, but that was in order to maintain and affirm the continuance of the principle. It was to prevent just what has been said with so much justice of the way in which the party to which the distinguished Senator from Massachusetts belongs dealt with civil-service reform; that they always stand up for it when they are out and turn the Democrats out when they come in, as they did with the Railway Mail Service in 1889. Mr. Jefferson insisted upon the equilibrium, not as an absolute rule, but as a kind of guarantee for the maintenance of those principles of appointment which he advocated and set forth and in which he did exclude the mere conception of politics as a reason for removal or for the prevention of a civil appointment. I am obliged to the Senator from Nebraska.

Mr. HOAR. If the Senator will pardon me, he speaks about the Railway Mail Service. The men who were turned out of the Railway Mail Service were Democrats, I suppose?

Mr. VILAS. I so understand.

Mr. HOAR. How did it happen when the Administration of President Harrison came in that they found all the clerks in the Railway Mail Service Democrats, the honorable Senator from Wisconsin having been Postmaster-General succeeding a Republican Administration? I do not think the President appoints the railway-mail clerks, but somebody must have turned out all the Republicans he found and put in Democrats.

Mr. VILAS. The Senator from Massachusetts has made a strictly partisan answer on that subject, without the slightest knowledge of the facts.

Mr. HOAR. I have not made an answer. I ask the Senator a question.

Mr. VILAS. I say it is characteristic of the Senator only when he exercises his partisan privileges.

Mr. HOAR. I asked the Senator a question; I did not make an answer at all. I asked him how it happens that all those Democrats were in when the great civil-service reformer now addressing the Senate was Postmaster-General, and were found there to be turned out by Harrison?

Mr. VILAS. I will state to the Senator what the facts were, and when the Senator hears them he will see that the implication in his question is a very unjust one. I am sure he will see it. Here happens to be at hand a statement of the appointments in the Railway Mail Service made during the time I occupied the office of Postmaster-General, and I will ask the Senator's particular attention to it. The whole number of clerks on the 7th of March, 1885, was 4,356. During the three years nearly—not quite, two years and six or seven months—up to the time of this report——

Mr. ALLEN. Would the Senator from Wisconsin just as lief read that after I conclude my remarks? I shall conclude in a moment or two.

Mr. VILAS. Will the Senator kindly allow me just to answer the statement of the Senator from Massachusetts, and then I will be done with the subject? The number of clerks by increase of offices by the growth of the service was only 95, making a total on the 31st of October, 1887, of 4,851. By resignation, every one a voluntary resignation and no compelled resignations, there had been appointed to fill vacancies 1,309. There had been removed for disciplinary causes 805. There had been removed upon proof of gross partisanship in service, abusive action, 383, in the three years, and no more; so that at that time there were in the service 2,271 of the clerks who were in the service when I went into office. There had been added, including all the new appointments, only about 2,500.

Mr. HOAR. Those were all Democrats?

Mr. VILAS. I presume so; they were new appointments. Now, this required nearly three years of time, and in less than two months between 1,900 and 2,000 of them were turned out in 1889. No wonder that there is some difficulty. I have always felt that difficulty in having friends on our side in politics stand by the civil-service reform as it deserves.

Mr. ALLEN. For what cause were the 1,900 or 2,000 turned out?

Mr. VILAS. I suppose they happened to be there and were in the way.

Mr. ALLEN. I thought the civil service was efficient and kept a man in office.

Mr. VILAS. Oh, no; the Senator from Nebraska must know that there is not in the law the slightest qualification of the power of removal. Every officer who possesses the power of appointment possesses, notwithstanding the civil-service law, the same arbitrary and plenary power of removal.

Mr. ALLEN. A Democrat can remove a Republican and put in a Democrat?

Mr. VILAS. Precisely.

Mr. ALLEN. And vice versa?

Mr. VILAS. You add something. A Democrat can remove whom he will.

Mr. ALLEN. Yes; and put in?

Mr. VILAS. As to putting in, he is obliged to select from a list of eligibles when the offices are in the classified service.

Mr. ALLEN. But suppose on the list of eligibles there happens to be 1 Democrat and 15 Republicans, can he put in the one Democrat?

Mr. VILAS. How, sir?

Mr. ALLEN. Suppose upon the list of eligibles there happens to be 1 Democrat, and the Cabinet officer happens to be a Democrat, can he skip over the 15 Republicans and put in the Democrat?

Mr. VILAS. The Senator knows, I suppose, that when a vacancy occurs a notice of the vacancy is given by the Department officer to the Civil Service Commissioners and they certify to that Department officer three names, accompanying them with their examination papers, and the choice will be made from those three names, unless he rejects the three, which he is at liberty to do.

Mr. ALLEN. And he can reject all?

Mr. VILAS. Yes; and call for a new certification.

Mr. ALLEN. And then he can come to a single Democrat and appoint him?

Mr. VILAS. No; the power of rejection, I believe, is limited. On the second certification he must make a choice.

Mr. ALLEN. As a matter of fact, he does not, and the Senator from Wisconsin knows it.

Mr. VILAS. Oh, I think, on the contrary, he invariably does. I do not know—I do not recall a single instance when I was in the Department—of a failure to select from the original certification.

Mr. ALLEN. If I were at liberty, I have the names and places, and I can now point to two instances where there has been a complete and absolute violation of the rule in two months.

Mr. TELLER. Will the Senator from Nebraska allow me to make a suggestion?

Mr. ALLEN. Yes, sir.

Mr. TELLER. In the former Administration of Mr. Cleveland, when the civil-service law was in force as it is now, the head of the Pension Bureau stated before some committee that out of 85 clerks who had been appointed, either 82 or 83 were Democrats.

Mr. VILAS. That may have been before they were brought within the classified service.

Mr. TELLER. Oh, no; the classified service took effect before the Democratic Administration.

Mr. VILAS. But there was a very great number of persons then outside of the classified service who are now within it.

Mr. TELLER. They were all within the classified service, and having had some experience in that Department, it has been to me a very great enigma how they could possibly do that thing.

Mr. ALLEN. When interrupted by the very interesting colloquy between the Senator from Massachusetts and the Senator from Wisconsin, I was speaking of the fact that there would be no difference whatever between the opinion of the Senator from Wisconsin and the opinion of Mr. Hamilton if it were possible for those two gentlemen to meet and converse on this occasion. That is true. The Federalism of Hamilton is the Democracy of VILAS. There is not the shadow of a distinction between them.

Now, the Senator says I likened him to Thomas Jefferson. No, Mr. President, I was not guilty of a breach of propriety so great as that. I said yesterday, and I repeat, that if Mr. Jefferson could be taken from his coffin and placed in the Senate Chamber and listen to the speech of the Senator from Wisconsin and the warm words of centralism and tyranny embraced in that speech he would be utterly amazed and utterly astonished that the Democracy of this age could have so degenerated from the Democracy of his age. And yet Jefferson has been made to do duty here more frequently than any other statesman of whom I have ever heard or read. Whenever it is essential to entertain these galleries or to entertain the Senate, Thomas Jefferson is trotted out in the Senate Chamber like a trick mule at a circus and made to perform all kinds of tricks for the entertainment of those present. I have heard him charged in this Chamber (and I want in my feeble words to defend his memory) with over one hundred inconsistencies on public questions. Yet I do not suppose there is a schoolboy who has read a common-school history of this country who does not know that Thomas Jefferson was the great Democrat of this country in his age, that he was thoroughly in accord with the principles of a democratic or republican form of government, that he believed then and taught the doctrine that the power in this country should rest in the people and be diffused as far as possible among all classes of people. However, the Senator from Wisconsin, undertaking to square himself with Jefferson and make himself a Jeffersonian Democrat, says that really Mr. Jefferson was the first great civil-service reformer in this country. Mr. Jefferson not only preached, but he practiced the doctrine that to the victor belongs the spoils.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. ALLEN. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Nebraska asks that the unfinished business be temporarily laid aside that the Senate may continue the consideration of the bill now before the Senate. The Chair hears no objection, and it is so ordered.

Mr. ALLEN. Mr. President, no person taught in plainer language than Thomas Jefferson the doctrine of rotation in office. It was understood among the framers of our Constitution and the fathers of this Republic that the Government would be made secure by placing responsibility upon every citizen. It was not supposed at that time that within less than one hundred and thirty years from the laying of the foundation of this great Republic a class of beings would present themselves who would claim superiority in all respects, and who would claim the right to rule to the exclusion of the masses. It was a Republic, sir, and a republic means that every citizen, naturalized and native, who lives upon the soil of the country where it exists has an equal right to participate in the administration of its affairs.

Now, the Senator from Wisconsin would change all that. He would erect upon this continent an aristocracy in the administration of affairs of the Post-Office and in the administration of every other branch of the Government. He would exclude one-half if not two-thirds of the population of this country from participating in the affairs of their Government. Yet when the Senator from Wisconsin (I regret that he is now out of his seat, and I shall not say as much as I would if he were here) comes to the question of a Democratic Administration turning out Republicans and a Republican Administration turning out Democrats he wants to hedge a little; he does not meet it with his usual frankness and fullness.

The truth is, Mr. President, that offensive partisanship was invented in 1885 for the express purpose of turning out a lot of Republicans who were holding office under the civil service. What does offensive partisanship mean? Has any man ever defined what constitutes an offensive partisan? Because a person holding an office is not in sympathy with the Administration he is an offensive partisan. That is all it means, and that has been held sufficient to turn out persons occupying positions under the civil-service law, notwithstanding they supposed themselves protected by that law, enacted for the benefit of the public service of the country. The truth is that Democrats are constantly turning out Republicans by the hundreds and thousands in violation of this law. A Republican Administration turned out Democrats by hundreds and thousands in spite of the provisions of this law, and in spite of the Civil Service Commission. I have had occasion to show during this discussion that during the present Administration when one member of the Civil Service Commission saw fit to entertain and express an opinion of his own that did not accord with the Chief Executive he himself was politically decapitated.

Now, Mr. President, one word more and I will leave this bill finally, so far as I am concerned. I do not want to be misunderstood on the question of a sensible administration of the service of this Government. I believe that men should be chosen with a view of their fitness to occupy important positions, but I do not believe that a man must have been a graduate of Yale or Harvard or some other college or university to hold a one-hundred-dollar fourth-class post-office in the State of Nebraska or the State of Maryland or the State of Tennessee. I want a man chosen for his fitness, not only his fitness in a technical educational view, but his fitness of head, his fitness of heart. He must be in perfect sympathy with the principles upon which our Government is founded. He must be a patriotic, law-abiding citizen, reasonably competent to discharge the duties of the office. However much our Democratic and Republican brethren here and elsewhere may say they are in favor of this so-called sham civil-service reform, we know and the world knows that it is a mere false pretense which is never or at least scarcely ever observed. Sir, I believe that if my party is correct in the principles it advocates, and if it wins the great contest in this country for the mastery of the nation, from Chief Executive down, its worthy, its intelligent, and its competent membership should reap the reward that follows such a victory.

Mr. HOAR. Mr. President, I do not wish to take much of the time of the Senate in discussing this question, but I should like to say one or two words in the interest of the truth of history.

I have been a very humble and a very constant supporter of the policy of civil-service reform from the beginning. I made a very full and thorough discussion in Massachusetts of the subject in 1876 when the question was new, and I think I have known the history of the reform perhaps as well as anybody.

Now, the Senator from Nebraska wants to know what good has been accomplished, what there is better to-day under our Government than there was twenty-five or thirty years ago. I can tell him, and I think every Senator within the sound of my voice and every intelligent observer of the course of American political history will agree to what I say.

Under the old Democratic régime a large portion of the citizens of this country were inexorably excluded from all office under the Administration of the country. Mr. Jefferson's famous sentence, which has just been quoted and which has been so often quoted without its connection, "Is he honest, is he capable, is he faithful to the Constitution?" had given way to the single rule of selection, "Is he faithful to slavery?" As was well said by Mr. Sumner from his seat in this Chamber, neither George Washington, Benjamin Franklin, nor Thomas Jefferson, with their known opinions on that subject, could have been appointed to the humblest office under the Democratic Administration of the Government.

I think that excluded a large portion of the citizens of this country from an honorable public service, quite as much as a distinction based on intelligence or on ignorance. They were followed after the war by a Republican Administration. The Administration of President Grant came in at a time when the country was beginning to be pacified. The Republicans established a rule as inexorable, that nobody but a Republican should receive an office under the Government, and the whole Democratic party substantially were excluded. But very soon it went

a great deal further, and during the second term of President Grant and quite largely during the first term, for the rule requiring party fidelity there was substituted a rule requiring fidelity to the fortunes of some individual and ambitious chieftain. In the factions which grew up, and always will grow up in a dominant and powerful party, the civil service of the country was made an instrument not for influencing elections against the Democrats, but for raising and reenforcing the cohorts of men who were devoted to the fortunes of certain political chieftains who got the ear of the Executive.

In my own State you could not read the morning papers without dread that you would read of the removal of some brave, honest, upright, capable Republican soldier, and that there would be put in his place some petty, disreputable tool of an ambitious chieftain. And that is the inevitable result of the instrument of the political patronage in the service of party. No party can prevent it on the principle which the Senator from Nebraska stated very long. It is notorious under all parties, it is notorious to-day, it has been equally notorious under Republican rule, that whenever a Presidential election or Presidential nomination is approaching men are appointed to the civil service of the country in the interest of this, that, or the other candidate for the nomination. If the President of the United States is a candidate for renomination, you will find the whole army of officeholders drilled and disciplined to advance his interests, and I think few men will get appointments who are not in sympathy with the Executive as to the selection of his successor. If he is not a candidate, you will find that the instrumentalities will be used to further the ambition of some person in one of the Executive Departments.

Mr. President, instead of that, which every patriotic man will agree was vicious, bringing republican institutions into contempt, the rule of a selection based upon intelligence and fitness, so far as they can be ascertained by an examination of the appointee, has been substituted, and I believe the general assent of the American people has justified the change.

The Senator from Wisconsin [Mr. VILAS] thinks this great and admirable reform is due to President Cleveland. Well, that Senator has been for a good part of his life an admirer of the present Executive of the United States ex officio, and he seems to have retained the official habits of an executive officer since he has been in the Senate. I do not find the evidence of that great service to this cause. The law was passed before he came into power, and I think the men who passed this law are entitled to a little of the credit of the reform which the law accomplished.

The President bravely announced in his inaugural address, in the beginning of his Administration, his adhesion to the doctrine of civil-service reform, and, as the Senator from Wisconsin has conceded, he had not been very long in office before some 2,500 employees in the Railway Mail Service were displaced; he had not been very long in office before some 32 collectors had been removed solely for political reasons, the whole consular service of the country was changed, and the President seemed to me to have shrunk and flinched from the brave doctrine that he had advanced as if he had been frightened almost at the sound of his own voice. Like Fear, in the "Ode to the Passions,"

> First Fear his hand, its skill to try,
> Amid the chords bewilder'd laid,
> And back recoil'd, he knew not why,
> E'en at the sound himself had made.

Mr. President, there are three men who ought to have the credit of this great accomplishment and reform in the civil service of the country, and I think I know whereof I speak when I name them. The first is Mr. Dorman B. Eaton, of New York, a man, I believe, not connected or affiliated with any political party. Early, when the whole country seemed to be given up to this vicious method which I have mentioned, Mr. Eaton called the attention of his countrymen to the matter. He studied the fashions and habits which prevailed in other countries, he spoke at public meetings, and he published a book in which he outlined the scheme which has been adopted finally with so much success.

Next to Mr. Eaton comes, in my judgment, my honorable friend from Connecticut, the senior Senator, General HAWLEY, who, as chairman of the Committee on Civil Service, framed and carried through and defended against all antagonists on the floor of the Senate the provisions of the present civil-service law, even when some other champions had their hearts fail and were in favor of incorporating in that law some exceedingly vicious provisions which would have destroyed its whole efficacy. With the single exception of Mr. Dorman B. Eaton, of New York, whatever credit is due to this great revolution in the political habits of this country is due to JOSEPH R. HAWLEY.

The third man, and the only man who deserves to be named in the same breath with either of these, is Mr. Theodore Roosevelt, of New York, who was a bold, courageous, intelligent, most effective and efficient administrator of the law when he was in charge of its operation. I do not think Mr. Cleveland's name, though he has done many good things in his Administration, deserves to be written up very high on that scroll.

It is not agreeable to go into statistics, but take the matter of the Railway Mail Service. A man who had stood very high in the mail service of the country, told me that when that first Administration of Mr. Cleveland went out of office in his Department he should think 80 per cent of the men who had been appointed to the Railway Mail Service had been bartenders. I think that was an exaggeration. I can not give the name of the person who was my informant, but I remember very well he was a person who held a high office in the Administration. I spoke once about it to the Postmaster-General who succeeded under Mr. Harrison, and he said he thought that was an exaggerated statement, but that they came from the bartender class very largely. That is what he said about it. I know that in the New England States the Railway Mail Service was so made up when President Harrison came into office that it became necessary to make a sweep of the men who were in it, and to put in men for whom the Department could vouch and who would be competent.

Mr. VILAS. The Senator from Massachusetts can not possess that knowledge by any possibility in the world, for the fact is entirely different.

Mr. HOAR. That is the result of my observation and information. I, of course, can not possess it as knowledge, nor can the Senator from Wisconsin possess the contrary as knowledge.

Mr. VILAS. I think I can very much better than the Senator from Massachusetts, who makes such a sweeping affirmation. The Railway Mail Service at the end of that first Administration of Mr. Cleveland was certainly twice as effective and twice as well managed as when the Administration began.

Mr. HOAR. That is not my information, and it is not the public judgment in my part of the country. That is all I can say on that subject.

Mr. VILAS. The public judgment may have been misinformed, as the Senator has been.

Mr. HOAR. That may be.

Mr. VILAS. But it will be very easy to establish the proposition by men of the Senator's own party who were familiar with the service.

Mr. HOAR. I make this expression of my belief on the subject as my contribution to this debate so far as it relates to that proposition.

Mr. VILAS. I wish we could have some facts instead of beliefs.

Mr. HOAR. I do not question the sincerity and the ability of the Senator from Wisconsin as an advocate of this interesting reform. The reform has been largely accomplished and is going on; to use a cant phrase, "it has come to stay"; it expresses the principles and what are to be the policies of this country in the future.

I think my honorable friend, as I said when he was out of the Chamber just now, was for some years an admirer of that Chief Magistrate ex officio, and the official habits of a Cabinet officer have not entirely deserted him now.

The Senator from Nebraska [Mr. ALLEN] says that 90 per cent of the American people are disfranchised. It does not seem to me that that is a very sound and correct way of putting it. If there are a hundred thousand offices, with a population of 70,000,000, every one of the rest of the 70,000,000 who is not appointed is in one sense disfranchised. The appointment is made under our Constitution by the President and Senate, the President alone, or the heads of Departments, and they must have some principle of selection.

The Senator from Nebraska says that if the Populist party come into power they ought to have—he did not use the phrase "spoils of office," but the officers ought to be taken, if I understood him, from that party.

Mr. ALLEN. No, Mr. President; I did not say that. The Senator from Massachusetts misunderstood me. I said if my party should come into power—and I was speaking generally—that I believed it would be just to them, if their principles were correct, to fill the offices of this country from the membership of that party who were qualified to discharge the duties of the offices. That is my position now, and shall be my position henceforth.

Mr. HOAR. Then the offices are to be filled from the Populist party if they come into power and agree with the Senator from Nebraska.

Mr. ALLEN. Certainly; just exactly, if the Senator will permit, as the Republican party fills the offices with its membership when it is in power, or the Democrats fill them when they are in power, entirely regardless of anything in the civil-service rules.

Mr. HOAR. So, according to the Senator from Nebraska, if the Populist party comes into power, all Democrats and all Republicans are to be disfranchised for four years.

Mr. ALLEN. No; not at all. The Senator does not do my argument justice. What I said was that this arbitrary rule, which does not permit a man over 35 years of age to enter into the Railway Mail Service, or over 45 years of age to enter any branch of the service, practically deprives him of his rights as a citizen, which no amount of qualification, mental, physical, or moral, can overcome. If those rules were not enforced, then a man would

always be eligible by fitness to any position within the gift of the Government.

Mr. HOAR. Mr. President, the Railway Mail Service needs men possessed of great mental quickness and capacity, in order that the service may be promptly discharged. It needs men possessed of physical endurance, in order that the night work in traveling over long distances by rail may go on without interruption. We must deal with these things on general rules; and is it not a better general rule to say that the men whose mental intelligence has been discovered by such tests as the examiners can contrive, and whose physical vigor is assured by their being within a certain age—although some very capable persons may be excluded in that way—is not that, on the whole, a better general rule than the rule that they shall be excluded from office because of their political opinions, or than the worse rule, which I spoke of just now, that they shall be selected in order that they may render political service in advancing the fortunes of some ambitious and unscrupulous political chieftain?

Mr. ALLEN. Will the Senator permit me a question?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. HOAR. I do.

Mr. ALLEN. Suppose a person under 35 years of age is found who possesses the requisite qualifications to enter the Railway Mail Service, and another man who is 37 or 40 years of age is superior to him in point of intellect, superior to him in point of physical vigor, superior to him in every respect to discharge the duties of that particular office, should the fact that he has passed the thirty-fifth milestone of life deprive him of that privilege?

Mr. HOAR. Mr. President, if such a careful physical personal examination of every applicant could be made, it might be that the answer to the Senator's question would be in the negative; but in the management of this vast business you have to go by general rules; and the Senator himself, I think, is in favor of saying that some of these officers shall be selected from the place from which they come. Party platforms say that in certain other classes of offices men shall not be sent even to a Territory who come from another part of the country, however superior they may be found to be.

Mr. ALLEN. That has been violated right along.

Mr. HOAR. That is another question. I am talking about what are correct principles, not whether the Democratic or Republican parties violate the rule. We are trying to get at correct principles in our legislation and our rules on this subject.

Mr. GRAY. May I ask the Senator a question in the line of what he is saying?

Mr. HOAR. Yes, sir.

Mr. GRAY. I ask whether the civil-service laws do not require and make obligatory a certain territorial distribution of appointments, which, of course, was not obligatory where the appointing power was left to put all the offices in one locality, the District of Columbia, for instance?

Mr. HOAR. Unquestionably; and therefore the public interests require that the consideration of residence, which gives the influence of an Administration to satisfy the people with it, and all that, shall be considered even to some extent to depart from the principle of getting the very best and ablest men. In the same way we wanted to rescue this Government, with its more than 100,000 offices, a number now largely increased, from having the offices created to serve the people used to bribe them, from having men turn Democrat or turn Republican or turn Populist in order to get an office as their reward. We wanted to rescue these people from having at every election and every nomination an army of officeholders swarming about the places of meeting, or an army of expectant and hungry office seekers swarming about the places where the will of the people is to be declared in convention or in caucus, and we wanted to rescue them—which was one of the most corrupting evils—from the most vicious and indefensible conditions that ever existed under a free government, which excited the astonishment of intelligent foreigners who visited this country. We wanted, moreover, to rescue the United States from the still further and more debasing evil of having officeholders made a drilled and disciplined army at the service, at the beck and call, of ambitious political chieftains who could get the ear of the President. That was the best thing that one hundred years of free Government has been able so far to bring to pass in this Republic.

Mr. ALLEN. Will the Senator permit me to interrupt him?

Mr. HOAR. Let me finish a sentence or two and I will.

It was the running sore; it was the offensive stench in the nostrils; it was the disgrace, the degradation, the shame, the infamy, of the American people; and the men who undertook this reform put a stop to it, and if they did not get the best possible substitute, they got one which was a hundredfold, a millionfold, better than that which it displaced. They said, "We will have the President of the United States, in the exercise of his power, and the heads of Departments, in the exercise of their powers, take men whose physical and mental vigor will be assured by some general lines and limits as to age; we will have men whose intelligence and education in this Republic—at the basis of which popular education lies—is ascertained by some such examination as we can give, and from them the selection shall be made." That may not be a perfect scheme; it may be improved, it may be bettered by experience, and under the great temptations which beset a party leader in the Cabinet or in the Presidential chair it may have been violated. I think it has been under both Administrations. I could tell some stories about both Administrations, if I saw fit, to show that it has been violated; but on the whole and in the main President Cleveland and his Cabinet have honestly and faithfully carried out the law, and in the main President Harrison and his heads of Departments honestly and faithfully carried out the law, with some exceptions. But when you come to write the history of this great reform, the names which should be written in indelible characters and are entitled to the credit of it are the names of Dorman B. Eaton, JOSEPH R. HAWLEY, and Theodore Roosevelt.

Mr. VILAS. The Senator from Massachusetts [Mr. HOAR] twice said in his remarks, as I understood him, that my respect and regard for the President of the United States were ex officio.

Mr. HOAR. I hope the Senator did not take that seriously. I meant it as a good-natured jest or rally or banter, and I should be very sorry if the Senator supposed I meant seriously that he had anything more than an ordinary admiration of a man for his chief. If the Senator objects to the expression, I will withdraw it with great pleasure.

Mr. VILAS. If the Senator from Massachusetts says that, I have nothing more to say than that I lament my incapacity to follow the Senator's joke.

Mr. WOLCOTT. Mr. President, since the few remarks I made yesterday morning upon this subject there has been a good deal of general debate and there have been many references to some of the statements which I saw fit to make in the course of my remarks and some criticism of the deductions I drew from the facts I stated. I shall ask the attention of the Senate a very few moments in reply to them.

First, before going to the merits of the question, I desire to say that on yesterday the urbane and distinguished chairman of the Committee on Appropriations with great propriety called my attention to the fact that I was mistaken in my assumption that the superintendents of the different stations were recognized by law.

Mr. ALLISON. I was mistaken in that. I have the law before me, and intended to call attention to it before the Senator closed his observations.

Mr. WOLCOTT. Does the Senator mean to imply that by any possibility he is mistaken? [Laughter.]

Mr. ALLISON. I will say that the law of 1889 does provide for certain stations, and I was mistaken in saying that it did not.

Mr. WOLCOTT. That disposes of so much of the question, Mr. President. I should dislike myself, however, to take that as precedent, for I have no doubt that out of a thousand given instances the Senator from Iowa would be sure to be right on a question of this kind and I would be equally certain to be wrong. [Laughter.]

The Senator from New York [Mr. HILL], in a very calm and fair summary of the arguments which could be made upon either side of this question, yesterday inadvertently made one statement which I think ought to be corrected; that is, the Senator assumed that this was legislation upon an appropriation bill; that this was legislation which should stand by itself, and ought not, in the close of a session, to be attached to the Post-Office appropriation bill. I desire to call his attention and the attention of the Senate to the fact that this is not new legislation at all, nor does it assume to be new legislation, nor does it enact into law a single provision, nor does it do anything else in the world than apply solely to the expenditure of an appropriation contained in the bill itself. The effect of the appropriation is to recognize the law as it stands and the authority of the Postmaster-General to make these changes, simply providing that when the changes are made the funds heretofore applicable as salaries for postmasters at offices which have been consolidated into stations shall in turn be made applicable to clerk hire, and therefore payable out of the fund of the appropriation to be devoted to the payment of clerk hire. Therein, Mr. President, is an eminently fitting and proper amendment to be placed in this bill and not fitted to go elsewhere. I suggest that the only amendment which touches this question and which is not germane to this appropriation bill is the amendment reported by the Committee on Appropriations itself, which provides that hereafter county seats shall not be included in consolidated post-offices.

That does not touch the appropriation; that declares an amendment to existing law; that is an attempt to put upon the statute book something which has nothing in the world to do with an appropriation; and it is proposed to be placed in this bill, where there is no chance to adequately discuss it, as an amendment to the time-honored existing law—an amendment which limits and curtails the power of the Postmaster-General of the United States, and which

in no wise whatever affects, or is intended to affect, the appropriation.

Mr. President, in some of the suggestions which the Senator from Maryland [Mr. GORMAN] made yesterday I can not agree. I do not agree with him that the corner grocery is the corner stone of the Republic. I believe, Mr. President, that we rest upon a higher and nobler basis. I believe that efficiency in the public service and a separation of politics from the administration of public affairs is a far better, wiser, and stronger foundation for free government than the hope of petty political patronage, which political leaders can parcel out on promises for votes and for efforts in different Presidential elections.

With much that the Senator from Maryland said I fully agree. The Senator's reference to the practice which has recently grown up, of Cabinet officers leaving their positions of duty and making speeches around the country on the tariff or the currency, was to my mind, a proper remark and a proper caution. With great wisdom, I think, the Senator from Maryland called the attention of the country to the abuses of their offices which is now going on among Cabinet officials of the Administration. One of them, the last I heard of him, was barnstorming down in Georgia in favor of gold monometallism and what he saw fit to call "honest money." I should myself have called attention to it earlier in the session had it not been for the fact that he is better away than here [laughter] so far as his public duties and his performance of them is concerned.

Mr. HILL. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. WOLCOTT. I do.

Mr. HILL. What is the point the Senator from Colorado is making? Does the Senator contend that a Cabinet officer has no right to make such speeches throughout the country to the neglect of his duties, or is the point that he has no right to make political speeches at all?

Mr. WOLCOTT. I take it that he has no right to make them to the neglect of his duties.

Mr. HILL. That is the point of the criticism?

Mr. WOLCOTT. Up to this time.

Mr. HILL. I assume that that must be so, because it has been the custom heretofore for Cabinet officials to make political speeches. It has been the custom of Mr. Gladstone in England to speak for his party on all occasions. Lord Salisbury has recently been speaking for his party in all parts of England. I have not heard any criticism based on the fact that they were neglecting their duties. While we may not agree with all the speeches made by members of the Cabinet, I hardly think they have been neglecting their duties, have they?

Mr. WOLCOTT. The administration of this country under a republican form of government has extended for a period of something over a hundred years, and if precedents are to be recalled to justify the conduct of Cabinet officers of the present Administration, I suggest that they be cited from their predecessors in office and not from the practice in Great Britain, where members of the English ministry are themselves members of legislative bodies and are expected to go upon the hustings to justify their action. The analogy does not lie between the two classes of officials.

I do say that at the present time when it has appeared before this body that so far as lands in Utah are concerned, which we are now seeking to have divided, where Congress has acted and the Secretary of the Interior has seen fit to seek only how to evade the solemn duty which Congress has put upon him, when in the distribution of the public lands of the United States, and as to the Pacific railroads, where Congress has acted and the Secretary of the Interior has declined to issue patents to homesteaders who are entitled to them, and when the last Congress passed an act opening the Ute Reservation to public settlement and the Secretary of the Interior has week after week and month after month seen fit only so to exercise the prerogatives of his great office as to make the law impotent and valueless—I say under such circumstances he may just as well be making stump speeches in Georgia as to be sitting in his executive office, the more so, Mr. President, as the arguments which he is unloading upon the public in Georgia are making converts to the cause of bimetallism by the scores wherever he sees fit to make them. With that suggestion of the Senator from Maryland, I am in full accord.

The very lack of attention to their duties which may characterize the Cabinet officials is all the more reason why we should take from them the power to make these appointments. If they do not attend to their duties, how are they wisely to exercise the power of appointment? The Senator spoke as if we exercised the power of appointment of postmasters. Nobody knows better than does the Senator from Maryland [Mr. GORMAN] that his own personal wishes, the wishes his constituents expressed through him—and when I speak of his personal wishes I speak only of his wishes as voicing the sentiment of the best of his constituents—count absolutely for nothing in the making of those appointments. If that be true as to offices where the Senate does not confirm, how wise would be a provision of law declaring that those men shall pass under examination and that, when fit for office, their names must be accepted by the officer to whom they are presented, robbing him of the power to reward political adherents or punish political enemies by giving them the spoils of office.

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maryland?

Mr. WOLCOTT. Certainly.

Mr. GORMAN. The Senator from Colorado will permit me right here. He is so entirely unfair to me in this discussion that I am amazed.

Mr. WOLCOTT. I beg the Senator's pardon. Have I not quoted him correctly?

Mr. GORMAN. No; not at all in any statement which the Senator has attempted to quote.

This, now, is the third time that the Senator from Colorado has intimated that my attitude upon this matter is because of the desire for patronage, and yet the Senator knows the fact, as no other Senator in this body does, that in this controversy I have resented and rejected the intimation that it was the office I sought. It is the principle.

Mr. WOLCOTT. I certainly do, and in nothing that I have said have I offered a suggestion that the Senator from Maryland is affected in his view in the slightest degree by the question of appointments, nor have I suggested, nor would I suggest, for I do not believe it to be true, that the question of the personnel of the appointments would in the slightest degree affect the judgment of the Senator from Maryland.

Mr. GORMAN. Oh, the Senator from Colorado——

Mr. WOLCOTT. I must disavow that, for I certainly do not intend to be so understood.

Mr. GORMAN. The Senator from Colorado in the very sentence when I interrupted him intimated, in fact he said distinctly, that it is the desire to reward men for political service that I am contending for.

Mr. WOLCOTT. Oh, no, Mr. President. My language will not bear such a construction. What I did say was that I did not think the offices should be so distributed as to constitute reward for good service or punishment for service that was not friendly to the particular chief who might appoint them, and I spoke only from public repute—and this is the only suggestion which is personally applicable to him—I only spoke of those statements which for years have been going about in the public press when I said I believed that nobody knew better than the Senator from Maryland to how great an extent the patronage of power could be used to punish enemies and to reward friends.

Mr. GORMAN. Yes; because I have stood from the time of my entrance here into public service denouncing the theory which the Senator advocates so broadly—to place everything under the civil service. Men who advocate civil service, not tolerant of honest opinions entertained on the other side, have made it their business in the public press, on the floor of the Senate and elsewhere in Congress to denounce men who have honest views upon this subject as spoilsmen. I have held a seat upon this floor since 1881. Not a dozen appointments of postmasters in the State of Maryland have ever been made upon my recommendation. I have in every case taken the will of the people of the office, and yet gentlemen who have become converts to the civil-service reform rise in the Senate and intimate that it is because we want patronage that we take this view. I resent it. The Senator from Colorado and no other Senator who advocates this proposition shall make such an intimation again without an indignant denial on my part.

Mr. WOLCOTT. I can not understand what the English language can mean if the Senator from Maryland assumes that there has been any intimation made in any of the remarks which I have uttered here to the effect that his vote or his feelings are influenced in the slightest degree because of failure of success in receiving appointments. I never suggested it; I never intimated it; I never meant it. I was suggesting at the very moment when the Senator from Maryland interrupted me that wherever he has voiced an expression respecting an appointment it has been only to represent the wishes of the best of his constituents. To that extent, and to that extent only, so far as I know, does the Senator from Maryland go. But the statement I make loses none of its force when I say that it is unfitting and unseemly that those appointments which should be based on merit are based upon politics, and politics of the lower sort.

I do not care to go into a reply to the Senator from Florida [Mr. PASCO] as to the question of the power of the Postmaster-General. I believe it to be undoubted; I believe it to be supported by statute; but I do not propose to take the few minutes remaining before we vote upon the bill to discuss that question. Nor can I answer the Senator from Minnesota [Mr. NELSON], who seems to think that a department store is the great curse of the country and the devilfish which ought to be killed. The people who pass civil-service examinations have been spoken of as being mere Department clerks, mere machines. How long has it been a reproach

and a byword that a young man should fit himself for private life or for public station? The intrusion into a country community of a young man fitted to fulfill the functions of collector and distributor of the mails is not an offense to a community. He marries and makes his home there. He is fitted for citizenship. Wherein is it a crying shame that such a man should go to a community to act as postmaster for a people or as agent at the place where its mail is to be distributed and collected? His establishment, wherever it may be, may be equally the resort of the citizens of the town, and they will find there a man whom the Government has tested, whose integrity is vouched for, a man whom the people know will not rob them of their letters or of the contents thereof, or intrude into their private affairs; a man fitted by education, by training, and by habits to take care of the interests which he is supposed to represent.

For my part I should never care to cast my lot in the line of clerkships and salaried office, but this country is full of splendid citizens who work for other people for an annual compensation. It is not a crime on their part that in the fortunes of life the prizes have not come to them. It is no reproach that they seek an honest livelihood at Government pay or in the employ of others, and it is no fault of theirs or of the parents who reared them that they attended the public schools of the country and fitted themselves to hold those offices with which they are intrusted.

This amendment may go by the board; it does not meet the approval of the Committee on Appropriations, and we shall hear the last of it when we vote upon it within a few moments. But the reform is just as sure to come as succeeding Congresses are to meet. You do not frighten a country community by telling them that a new clergyman is coming to town to take the place of the old clergyman, who is dead. They do not propose to stone him from the community because he was not brought up among them. It is just so when a proper young man, qualified for citizenship, takes his place in one of those communities, near somebody to supervise his work and vouch for his ability and see that he performs the duties of his office with faithfulness and with regard to public duty. You will find an improvement in the public service; you will find the public contented and satisfied, and you will find this great class of business offices of the country removed from the depraved surroundings of partisan politics.

Mr. STEWART. Mr. President, I simply rise to suggest that there is a possibility that the civil service itself may be corrupt; that you have not the safeguards to prevent corruption growing up under the civil-service system. I will not charge that it has occurred, but I will state what might occur. The head of a Department might remove two or three hundred clerks, because the power of removal is unlimited. The Civil Service Commission might, if they were sufficiently subservient to the Administration, put through a batch of new applicants who were the pets of a person whom they desired to please, and they might be put into the places of those who were removed.

I have been told that that is the constant process; that it is going on constantly. The heads of Departments remove clerks for want of something to do, for want of business. That is going on constantly by the hundred. Fresh ones come in, and I think if you will go around through the Departments you will find that all those last put in office belong to the existing Administration, whichever it may be, and that each Administration is shoving out the old clerks and filling the places with new ones. That that has been going on has been confessed here by both sides in the debate. Senators instance the removal of hundreds and thousands in a particular service, the Railway Mail Service, where 2,000 were removed in a very short time, a few weeks, and another crop put in.

The only difference, it seems to me, between the working of this system and the working of the former system is that in the present system it is consolidated in the hands of the Executive Departments, and it is there for use to control Congress and to control other influences. It has augmented the power of the Executive more than a hundredfold. It is taking power from the people to consolidate the Government, and the very nature of the thing is for the party in power, through the Executive, to have control of all offices. He can remove employees by hundreds, as is done, and can bring in through the civil-service system a new set and put them in the places. It is constantly done.

When you tell me the men who compose the Civil Service Commission are different from any other three men and that they do not send in the names of those who will please the Administration, you tell me that human nature has changed. They have done it and will do it. They send in a number of names, two or three or four, and there is always a favorite in the number whom the Civil Service Commission may know and whom the head of the Department, who appoints, may know all about; and it so happens, whether they know it or not, that the man gets in whom the Administration in power favors, and nobody else gets in through this machine. Republicans do not get in during a Democratic Administration nor do Democrats get in under a Republican Administration. But this is a proposition to take power from the people. The power is taken away from the representatives of the people and is lodged in the central power of the Administration, which controls legislation.

Do Senators believe that in the extra session the Executive could have changed a two-thirds vote for the people's money into a vote for the Rothschilds' money if the Representatives of the people had had a voice in appointments, if that power had not been consolidated so that it could be used for the appointment of hundreds in consideration of influence? When before could an Executive have made such changes as were made in the extra session. When before, I say, could it ever have occurred in both Houses of Congress? The sentiment was absolutely changed. We all feel the power of the Executive, and the Executive power is in consolidation. It is now proposed to extend the consolidation, to break up the system of post-offices so dear to the people of the United States, where their neighbors are charged with the duty, persons in whom they have confidence. A system that has been so benign, so useful, and so universally applied for a hundred years is to be attacked and is to be brought into the maelstrom of power and corruption, consolidating the whole patronage into the hands of one man.

When and where did one man come to be better than the whole of the American people? When and where did all virtue center in one man? Is that the theory of our Government? The theory of our Government is that everybody is better than anybody; that everybody is wiser than anybody. The theory here is that a particular individual can do it better and cheaper than the people themselves. I am opposed to taking power from the people and lodging it in anyone's hands. Senators say the service will be improved. A monarch may be good when he is born, but few have died who were not bad before the end of their days. A man may be good when he comes into office, but power is dangerous and will corrupt. The system of civil-service reform places power in the Executive to make all appointments and all removals in secret. Public opinion regulated it while public opinion had influence, but the whole thing now is taken out of public opinion. Three instruments of the President are put in charge. They work in the dark. They designate who shall be appointed. Do you not suppose that those instruments of power will be as subservient in this country as in any other? When and where did the instruments of power, when and where did the subservient appointees of a monarch or a despot ever act independently or for the public good? The Civil Service Commissioners are simply doing the will of the President, and if it be the will of the Executive that the patronage of the Government shall be used to control votes, to carry out jobs, it will be done. It is consolidation of power against the distribution of power. Our Constitution unfortunately consolidated power too much. But the practice of the Government under it made this a benign Republic.

Now it is proposed to change every feature of the practice of our Government which we as American citizens love and admire. I am opposed to a proposition to change the administration of this Government from the simple democracy which it was designed to be to a consolidated despotism, which designing men are attempting to create out of it. I tell you, and I wish to have it recorded here, that the civil-service machine is sapping the foundation of American liberty. It is the first step toward concentrating all power in the hands of one man and taking from the people the rights and liberties which it was intended should be vested in them under our form of government. It is a dangerous arm of despotism. It will be filled with fraud. There will be fraud, unfairness, injustice, and bad administration as the result of the whole experiment. I wish to have that recorded here now as my solemn opinion, after ample reflection and after some observation.

Mr. HALE. I have been absent from the Chamber, at work in committee. I ask to have the parliamentary attitude of the question stated.

The PRESIDING OFFICER. The Chair will state that there are several amendments pending as touching this matter. If the Senator from Maine desires it, the Secretary will state the pending amendment.

Mr. HALE. I ask whether there is an amendment pending which contains what is called the 5-mile limit?

The PRESIDING OFFICER. The amendment pending is the one proposed by the Senator from Colorado [Mr. WOLCOTT]. The Senator from Florida [Mr. PASCO] withdrew his amendment, as the Chair remembers.

Mr. HALE. Then there is no amendment pending to the amendment of the Senator from Colorado?

Mr. ALLEN. Yes; there is, Mr. President.

Mr. HALE. If there is, I ask to have it read.

The PRESIDING OFFICER. The Chair understands that no amendment is pending save the amendment of the Senator from Colorado.

Mr. ALLEN. I do not know——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. HALE. I am glad to yield.
Mr. ALLEN. Very well; let it go.
Mr. GORMAN. Let us have a vote.
The PRESIDING OFFICER. The pending amendment is that proposed by the Senator from Colorado.
Mr. HALE. There has been no amendment offered (I speak because of my absence heretofore and ignorance of the situation) which involves what is known as the 5-mile limit from the boundaries of a city.
Mr. HILL. I will inform the Senator from Maine if he will allow me.
Mr. HALE. I yield to the Senator from New York.
Mr. HILL. Yesterday afternoon the Senator from Florida [Mr. PASCO] offered an amendment which confined the establishment of substations to the corporate limits of the city or town where the particular office is located. Subsequently I offered an amendment extending it to 5 miles outside. Later it was deemed wiser that there should first be a vote directly upon the proposition offered by the Senator from Colorado [Mr. WOLCOTT], because these amendments would more properly follow afterwards. I think that is the idea, and in consideration of that the amendment was withdrawn.
Mr. GORMAN. Notice was given of its withdrawal.
Mr. HILL. Notice was given of its withdrawal. I suppose the idea is that we shall vote in the very near future upon the principal amendment offered by the Senator from Colorado, which is now the only one pending, because if it shall be voted down the phraseology of the amendment would have to be changed a trifle.
Mr. HALE. The explanation is entirely satisfactory to me, and I do not propose to take up the time of the Senate at present. If an amendment is offered involving the 5-mile limit I should desire then to have something to say, perhaps under the five-minute rule; but I am entirely willing now that a vote shall be taken on the amendment of the Senator from Colorado.
The PRESIDING OFFICER. The Chair will state that the Secretary informs the Chair that the words "superintendent or" were eliminated during the proceedings yesterday, and there is some controversy now, so the Chair learns, as to whether those words should be restored. The Senator from Colorado [Mr. WOLCOTT] expressed a desire that the words "superintendent or" should be restored.
Mr. PALMER. I ask that the amendment proposed by the Senator from Colorado be read.
The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.
The SECRETARY. After line 11, on page 2, it is proposed to insert:

*Provided*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

Mr. BUTLER. Would an amendment not germane to the one now pending be in order at this time?
The PRESIDING OFFICER. The Senator from North Carolina can present the amendment, and if any point of order is raised the matter will be passed upon.
Mr. BUTLER. I send forward the amendment and ask that it may be read. It is to come in at the end of line 2, on page 4.
The SECRETARY. At the end of line 2, on page 4, it is proposed to insert:

*Provided*, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the particular paragraph in the bill to which his amendment has reference is not now before the Senate.
Mr. ALLISON. I will say to the Senator from North Carolina that his amendment will be in order very soon, immediately after the pending amendment is disposed of.
Mr. BUTLER. Then I will call it up later.
Mr. ALLISON. In response to the inquiry of the Chair, suggested by the clerks at the desk, I will state that I have no objection to the reinsertion of the words "superintendent or," as when I asked that those words should be stricken out I was of opinion that this class of officers was not known to the law. I find by an act of March 2, 1880, there is provision for superintendents of stations, although I know of no provision of law which authorizes a superintendent of a substation. But I take it for granted that no Postmaster-General fit for his place would think of having a superintendent for both a station and a substation, and so I make no point upon that.
The PRESIDING OFFICER. Does the Chair understand the Senator from Iowa to consent to the restoration of those words?
Mr. ALLISON. I do.
The PRESIDING OFFICER. Is there objection? The Chair hears no objection. The words will be inserted.
Mr. ALLISON. Now, I want to read the amendment in order to see what it proposes and the extent of it:

*Provided*—

The word "*however*" is stricken out also—

*Provided*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the compensation of the superintendent or clerk in charge of such station or substation may then be paid out of this appropriation.

Unless there is some hidden meaning or some ulterior project involved in the amendment to make lawful that which is now prohibited by law, the amendment has no significance whatever. It does not add to or take from the Postmaster-General any authority he has now by law. The discussion and debate here about the merits or demerits of civil service is therefore wholly immaterial and is about as far from the real effect of the amendment or its purpose as would be the discussion respecting Cuba, at least so far as I am able to understand the English language, unless it be that clerks substituted for postmasters are brought within the purview of the civil-service law, which, in any event, would affect but few persons, and most likely no one.
I understand that the Postmaster-General now has the power to abolish an office. He has the power to enlarge the delivery of any office. He has the power to create stations or substations, and when he creates them he has the power to appoint clerks and other employees to manage the post-office and the stations or substations; and having that power, these people are paid and must be paid out of the appropriation to which this amendment is to be added, so that for this purpose the amendment is surplusage. So, as the amendment originally presented by the Senator from Massachusetts [Mr. LODGE] is now modified, it means nothing unless it means by indirection to authorize the Postmaster-General to do what he can not now do by law. I can not see any such concealed purpose, so that nothing is added to the existing authority of the Postmaster-General by the amendment.
I understand in this debate the Senator from Maryland [Mr. GORMAN] does not complain that the abolition of offices 12 miles from the city of Baltimore and the substitution at those places of substations of the post-office at the city of Baltimore was unlawful, or was not authorized by law; nor do I understand the Senators from Massachusetts to complain because the Postmaster-General has drawn into the Boston post-office an area of 5 or 10 miles, embracing cities of 70,000 population, more or less, because by this consolidation the service is more efficient and more agreeable to the patrons of the post-office.
Mr. GORMAN. The Senator from Iowa evidently misunderstood me. I said it was doubtful whether the Postmaster-General had a right to make the extension. The Senator from Florida [Mr. PASCO], who has examined the law, denies that he has the power at all. But the custom of one hundred years prohibited the construction heretofore.
Mr. PASCO. I think I showed that very conclusively in the argument I made yesterday. The Senator from Wisconsin who addressed the Senate upon the subject this morning nowhere found such authority, if we may judge from the speech which he made to the Senate. He did find some references in recent appropriation acts in classifying clerks for the employment of such clerks at substations, but although he went back to the days of the Revolution and before the Constitution was founded, he has nowhere yet shown any authority for the establishment of a station or a substation beyond the limits of the town or the delivery of the post-office.
Mr. ALLISON. Very well. Now I think the power exists. If it did not exist before, it is to be found in the act of March 2, 1889, by which there is no limit to the area of the delivery of any post-office except that fixed by the Postmaster-General.
Mr. PASCO. Is it in an appropriation act?
Mr. ALLISON. It is in the appropriation act of March 2, 1889, and I have it before me.
Mr. PASCO. That is exactly what I referred to.
Mr. ALLISON. So I want to come back to the question which it is claimed is immediately involved in the amendment. I believe it is a wise thing to establish stations and substations in and about the large cities, at terminal railway points like Chicago or Baltimore, or, if you please, New York, Philadelphia, St. Louis, etc.; but I do not believe that it is wise to undertake the consolidation of post-offices in regions more remote from cities or towns where there are not these terminal facilities. Take a city like Baltimore, where the cable cars and the trolley cars run out 4 or 5 miles into suburban villages, as they do in all the great cities of our country, I believe it is convenient to have these stations and substations; but I know of a great number of places where it would be absolutely oppressive to the people to have such stations and substations established. I take my own little city of 40,000 people. It would be convenient to have the people immediately around that city served through the trolley cars or through perhaps a station or two; but to go out beyond 2 or 3 or 4 miles would be a positive injury to those who receive their mails.

The railway cars pass those little stations as they go from or come into the city where I reside, and they have their own post-offices, and they ought to have them. The mails are thrown from the car and picked up by the local postmaster and in a few minutes are ready for distribution to those who know the time of arrival of trains and are waiting to receive their mail, whether letters or newspapers. So if the Postmaster-General is inclined to exercise his authority to gather in the little post-offices, outlying towns, villages, and cities that are not terminal railway stations, that have not the benefit of either cable or trolley cars radiating from their centers, I should be inclined to make a prohibition rather than to enlarge his power in this direction. I should be inclined to adopt the suggestion made by the Senator from New York [Mr. HILL] that this consolidation should not extend more than 5 miles beyond the city where stations are or may be established. And were it not for the observations made by the Senator from Colorado [Mr. WOLCOTT] that it is the ultimate intent and purpose so to alter and change our present postal system as to draw large areas into a single post-office, with substations and clerks, I should prefer to leave the law as it stands. If it were not for that fear I should have no objection, as I said the other day, to the amendment; but if the amendment is intended in its purpose to authorize the Postmaster-General to draw large areas into a single post-office, I would not be willing to support it unless it has a limitation such as was proposed by the Senator from Florida [Mr. PASCO] or the Senator from New York [Mr. HILL].

Believing as I do, however, that the Postmaster-General has full and ample authority now to do whatever ought to be done in this regard, when the opportunity for voting shall come upon the amendment I intend to vote against it. I shall so vote simply in the belief that it will not be beneficial to the administration of the postal service, but be an injury to it. There is no pressure here requiring haste. This matter can be adjusted in the discretion of the Postmaster-General, wisely exercised so as to promote this service, and when necessities come or when abuses appear they can be corrected, and I have no doubt will be. I do not see that either is imminent now.

Mr. HILL. I suggest to the Senator from Iowa, unless some one desires to speak, why not test the question by a motion to lay the amendment on the table?

Mr. ALLISON. I will make that motion. I move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from Iowa moves to lay the amendment of the Senator from Colorado on the table.

Mr. WOLCOTT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LINDSAY. I ask to have the amendment on which we are about to vote reported.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add, after line 11, page 2, the following proviso:

*Provided*, That whenever, by order of the Postmaster-General, any post-office is consolidated with any office so as to become a station or substation of the same, the salary of the superintendent or clerk in charge of such station or substation may then be paid out of the appropriation.

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. CAMERON'S name was called). The Senator from Pennsylvania [Mr. CAMERON] is paired on this question with the Senator from South Carolina [Mr. IRBY].

Mr. PALMER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. As he is not present, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. I do not see him in the Chamber, and in his absence I withhold my vote. If he were present, I should, vote "yea."

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is not quite well enough to come to the Chamber. I have tried in vain to pair him. If he were here, he would vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. I do not see him in the Chamber. If he were present, I should vote "yea."

The roll call was concluded.

Mr. HAWLEY. I understood the Senator from North Carolina [Mr. PRITCHARD] to announce a pair with the Senator from Louisiana [Mr. BLANCHARD]. I suggest that he transfer his pair to my colleague [Mr. PLATT].

Mr. PRITCHARD. At the suggestion of the Senator from Connecticut [Mr. HAWLEY], I will transfer my pair to the Senator from Connecticut [Mr. PLATT]. I vote "yea."

Mr. FAULKNER. I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the Senator from Maryland [Mr. GIBSON] and vote "yea."

Mr. GALLINGER. I have a general pair with the senior Senator from Texas [Mr. MILLS], who, I think, has not voted. If he were present, I should vote "yea."

Mr. BURROWS. I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. ALLEN (after having voted in the affirmative). I voted a moment ago, not recalling the fact that I am paired with the junior Senator from Pennsylvania [Mr. QUAY] on this bill. I will transfer my pair to the junior Senator from South Dakota [Mr. KYLE], so that the junior Senator from Pennsylvania and the junior Senator from South Dakota will stand paired, and I will let my vote stand.

Mr. THURSTON. I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The result was announced—yeas 48, nays 7; as follows:

YEAS—48.

| | | | |
|---|---|---|---|
| Allen, | Chilton, | Hawley, | Proctor, |
| Allison, | Clark, | Hill, | Pugh, |
| Bacon, | Cockrell, | Jones, Ark. | Roach, |
| Baker, | Cullom, | Lindsay, | Sherman, |
| Bate, | Daniel, | McMillan. | Stewart, |
| Berry, | Davis, | Mitchell, Oreg. | Teller, |
| Blackburn, | Faulkner, | Nelson, | Turpie, |
| Brice, | Gear, | Pasco, | Vest, |
| Brown, | Gordon, | Peffer, | Walthall, |
| Butler, | Gorman, | Perkins, | Warren, |
| Call, | Hale, | Pettigrew, | White, |
| Carter, | Harris, | Pritchard, | Wilson. |

NAYS—7.

| | | | |
|---|---|---|---|
| Chandler, | Hoar, | Vilas, | Wolcott. |
| Gray, | Lodge, | Wetmore, | |

NOT VOTING—34.

| | | | |
|---|---|---|---|
| Aldrich, | Gallinger, | Martin, | Sewell, |
| Blanchard, | George, | Mills, | Shoup, |
| Burrows, | Gibson, | Mitchell, Wis. | Smith, |
| Caffery, | Hansbrough, | Morgan, | Squire, |
| Cameron, | Irby, | Morrill, | Thurston, |
| Cannon, | Jones, Nev. | Murphy, | Tillman, |
| Dubois, | Kyle, | Palmer, | Voorhees. |
| Elkins, | McBride, | Platt, | |
| Frye, | Mantle, | Quay, | |

So the amendment was laid on the table.

Mr. PASCO. I now offer the amendment of which I gave notice yesterday evening.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. Page 2, line 6, after the word "seat," insert the following additional proviso:

*And provided further*, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office, to which such station, substation, or branch office is attached, is located.

Mr. HILL. I now offer an amendment, in line 2, after the words "shall authorize," to insert the words "or permit," and after the word "beyond," in line 3, to insert the words "5 miles outside of." I do not care about repeating what I said yesterday. I think there should be a little leeway, and it should not be absolutely confined to the boundaries of the cities and large towns. While 5 miles is an arbitrary limit, it will be found, I think, to be practically sufficient to answer all purposes. I hope the Senator from Florida will accept the amendment.

Mr. PASCO. I prefer to test the sense of the Senate upon the amendment as I offered it. If it is voted down, then the Senator from New York can offer his amendment subsequently.

Mr. HILL. I will offer mine, then, first. Mine will have to be voted on first, I suppose.

Mr. PASCO. Very well, then, let it be submitted in that way, if the Senator offers it as an amendment to my amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York to the amendment submitted by the Senator from Florida will be stated.

The SECRETARY. After the word "authorize," in line 2, insert the words "or permit," and after the word "beyond" insert the words "5 miles outside of"; so as to read:

That nothing herein contained shall authorize or permit the establishment or maintenance of any station, substation, or branch post-office beyond 5 miles outside of the limits of any city or town.

Mr. HALE. I do not know that I fully understand what is to be the scope and effect of this amendment, but I can give an illustration where, if its operation would be as I believe, I think it would strike almost every Senator here that it should be voted down. Take the State of Maine, where the principal office in the region about the city of Portland is at that place, which is a city of perhaps 40,000 people. Within 5 miles of Portland there are eight or ten important towns, ranging from 1,200 to 6,000 people each. Three of them are minor cities, and the people of the town of Yarmouth, the city of Deering, the city of Westbrook, the city of Cape Elizabeth, and the other towns in that circuit of 5 miles have just as great pride in having a good post-office of their own and having a citizen of their own town as postmaster as the city of Portland. It would create not only dissatisfaction, and

deserved dissatisfaction, but great irritation and discontent if we should undertake to interfere with the service there. For that reason alone, applying as it does in my own mind to this case at home, and believing and knowing that it would apply to hundreds of similar cases, I shall certainly very gladly vote against the amendment.

Mr. HAWLEY. Mr. President, that brings to my mind the fact that the Senator from Colorado [Mr. WOLCOTT], in describing some of the suburban post-offices in the vicinity of New Haven, said the income or compensation in one case was only $352. I do not know whether any of the small offices there are of that character.

Mr. HALE. The compensation of some of the smaller post-offices outside of the principal cities ranges from $1,500 to $2,000 a year. The offices are held by the first citizens of the cities, by men who have been mayors, who have been members of the legislature, who are men of character and standing and represent their entire community. No central office can send out to them a clerk or a subordinate or an understrapper who will satisty those people. They are entitled to an officer of their own; they have had it for years and ought to have it, and it would be an invasion of their rights if an attempt should be made to take it away from them.

Mr. HAWLEY. I want to call attention to another objection, as it seems to me, that in the case of small offices, spoken of by the Senator, one of which I recollect, if a civil-service clerk should be sent there he would probably be a clerk at $1,000 or $1,200 a year. I do not see the economy in such a case in changing the heads of these small offices. When such an office is taken by a citizen living in the community, who is engaged in some other business there, he is satisfied with a small compensation, but a civil-service clerk would not be.

Mr. HILL. Mr. President, I desire to inquire of the Senator from Maine if I understand that he is opposed to my particular amendment, which relates to the 5-mile limit, or is he opposed to the amendment of the Senator from Florida [Mr. PASCO], which absolutely prohibits an appointment outside of the corporate limits?

Mr. HALE. I was discussing the question before the Senate, which is the amendment offered by the Senator from New York [Mr. HILL], known as the 5-mile-limit amendment. That, for the reasons I have given, I am very strongly and determinedly opposed to. If that amendment should be voted down, when the proposition of the Senator from Florida comes up it will be dealt with by itself; it will be stripped of the 5-mile-limit provision and stand itself upon a different proposition from that of the Senator from New York.

Mr. HILL. The situation, then, is simply this: As it has been explained here by the Senator from Colorado, there is nothing now to prevent the Postmaster-General, except the question of money, from placing an agent or a clerk in charge of every post-office which the Senator names. The Postmaster-General can do that to-day, provided he has sufficient money. Then comes the amendment. If the Senator desires to prevent that absolutely, of course he must support the amendment of the Senator from Florida. Thinking that that amendment was a little too strict, a little too severe, that it would cut off the discretion which the Postmaster-General should have in reference to localities within a small distance from large towns, I thought it wise to offer the amendment I have submitted. It may, of course, operate harshly upon the particular city which the Senator has in mind; but if nothing whatever is done, the power already exists to-day, under present conditions, provided the Postmaster-General has sufficient money at his disposal.

Mr. HALE. If the Senator will allow me, I think there is just the point in the case—the last sentence uttered by the Senator—"under present conditions," and particularly if this amendment should be voted down, no Postmaster-General will depart from the unvarying usage heretofore and undertake to abolish the offices I have indicated. I have no fear of that. Granted that he has the power, he will not exercise it, especially if the amendment is voted down.

Mr. HILL. The Senator will permit me to make another suggestion, which is, if he has no idea that the Postmaster-General will exercise that power now, my amendment does not give him any greater power. My amendment simply prevents his going beyond that; that is all.

Mr. HALE. Yes; but the trouble would be that if we incorporate into this measure a provision giving him a discretion and assenting to that discretion on his part, he will exercise what he never has before, and it will arm him with a moral strength, if you call it that, which he has not now, and he will venture to depart from all that his predecessors have done.

Mr. HILL. By simply saying that the Postmaster-General shall not make a substation outside of the 5-mile limit, we give him no greater power than he now has inside of the 5-mile limit.

Mr. HALE. The Senator knows, as a good lawyer, the tremendous power of expressio unius et exclusio alterius.

Mr. HILL. It has no application here.

Mr. HALE. It has precisely that application. If you provide that the Postmaster-General shall not do that outside of the 5-mile limit, the Postmaster-General would have warrant to determine and declare that it was meant by that that he might do it inside of the 5-mile limit. That is the expression.

Mr. HILL. That is the very power he has to-day.

Mr. HALE. But he will not exercise it unless you give him this additional power.

Mr. HILL. Then this legislation will give him no such power, and if he is reluctant to exercise it to-day, it strikes me, after this discussion, he will not be very eager to exercise the power hereafter.

I advocate the 5-mile limit, because I think it would cut off the power to consolidate with large cities small offices within 5 miles. I think the whole discussion has shown that the Senate is in favor of a reasonable exercise of this power within a short distance of the large towns and villages, and there it ought to stop.

Mr. HALE. Let me ask the Senator, with the conditions I have described in the State of Maine, the large towns, which are cities themselves, having always had their own postmasters, their own offices, having a natural jealousy against the larger cities, does he think that any Postmaster-General ought to be authorized in terms to obliterate these offices and make them appanages of the larger cities?

Mr. HILL. I would suppose the Postmaster-General would say that what has worked so well in the past will undoubtedly work well in the future; and yet we find the junior Senator from Massachusetts [Mr. LODGE] absolutely urging this provision as applicable to the cities adjoining Boston.

I think that we may trust the Postmaster-General to this limited extent, at least. I think he will not be disposed to exercise this power, which he has not heretofore exercised, when we substantially say to him, by the adoption either of my amendment or that of the Senator from Florida, that we think the system of combining post-offices should not be extended beyond the 5-mile limit; and it does not necessarily follow that he will take that as an instruction that he should go to the extent of changing the postmaster in an adjoining city within 3 miles. I do not think he would. I do not think there is any danger to be apprehended by it, and I think this reasonable leeway ought to be given. The Senator from Maine can well trust the present Postmaster-General, or any other Postmaster-General who may succeed him, to that reasonable limit.

Mr. BATE. Mr. President, I do not think that the amendment of the Senator from New York [Mr. HILL] ought to pass. I favor the amendment proposed by the Senator from Florida [Mr. PASCO], to give a line of demarcation, distinct and clearly understood, and likewise a limit to the power of the Postmaster-General to appoint these clerks. To extend the right to consolidate these offices to some arbitrary distance greatly enlarges that power. I am against the extension of any of the powers of the Postmaster-General, which I am sorry to see have been exercised even so far. I think we should fix a limit to his jurisdiction in this matter. The expression of one thing would be the exclusion of another. If Congress should say that it favored this policy within the corporate limits of a city or town, it would be an expression equivalent to saying it was opposed to it outside of the corporate limits. I do not wish to see the principle extended so far. I think it is a centralizing step and moves in the direction of consolidation, and as such my opposition to it is fundamental. In addition to that, I think it would not work practically. Therefore I shall oppose the amendment of the Senator from New York because it proposes to go beyond the corporate limits, and shall, so far as my vote will go, sustain the proposition of the Senator from Florida.

Mr. SEWELL. Mr. President, I think in metropolitan districts like New York, Philadelphia, Boston, etc., the postal business ought to be controlled by one postmaster. In my State we have three or four comparatively large cities, which have from two to ten post-offices within the 5-mile limit—country offices with postmasters appointed by general consent of the community. They are offices generally run by young women and members of their families in a way which is perfectly satisfactory to the respective communities, and I should decidedly object to having the offices absorbed in this manner. I would go further and say to the Senator from New York that I see no reason why Jersey City and Hoboken, under his amendment, should not be made substations, as they are within the 5-mile limit.

Mr. HALE. Substations to New York?

Mr. SEWELL. Substations to New York.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from New York [Mr. HILL] to the amendment submitted by the Senator from Florida [Mr. PASCO].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment submitted by the Senator from Florida.

Mr. NELSON. I desire to call attention to the fact that as the amendment has been read, there is a mistake as to the point where it should come in. It should come at the end of the amendment accepted by the Senator from Massachusetts—the amendment wherein Cambridge was excepted—instead of coming in at the end of line 6.

Mr. ALLEN. Let the amendment submitted by the Senator from Florida be read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Florida will be stated.

The SECRETARY. On page 2, line 6, after the word "seat," it is proposed to insert:

*And provided further*, That nothing herein contained shall authorize the establishment or maintenance of any station, substation, or branch post-office beyond the limits of any city or town in which the principal office, to which such station, substation, or branch office is attached, is located.

Mr. ALLEN. I should like to ask the Senator from Florida if he has any objection to inserting the word "corporate" before "limits"?

Mr. PASCO. I have, because a great many towns are not incorporated. We have towns all over our Southern country which are not incorporated.

Mr. ALLEN. Are there any cities or towns of sufficient size requiring a central office and the establishment of substations that are not incorporated?

Mr. PASCO. I do not know how far this extension may be carried.

Mr. ALLEN. I suggest to the Senator that if we simply say, "the limits of any city or town," it means nothing.

Mr. PASCO. The "city of Washington" certainly means something; the "city of Alexandria" certainly means something, and "Monticello," where I live, is measured by certain metes and bounds, and certainly means something. I think it would be intelligible the whole country over.

Mr. ALLEN. I am in accord with the Senator from Florida; I am not antagonizing him at all; but I had prepared and printed an amendment in this language, to be inserted on page 2, after line 6:

*Provided further*, That no subpost-office or station shall be established outside of or beyond the corporate limits of the town or city in which the principal office is established; nor shall a postmaster or clerk of any subpost-office or station be appointed to administer the affairs thereof who is not at the time of his appointment a bona fide resident and elector of the community in which said subpost-office or station is located.

I submit that to say "outside of or beyond the limits of Washington" is not equivalent to saying "beyond the corporate limits of Washington."

Mr. PASCO. If the Senator will permit me, a suggestion has been made to me by the Senator from Nevada [Mr. STEWART] which perhaps may enable us to agree. That is, to have the amendment state "beyond the corporate limits or boundaries."

Mr. ALLEN. Very well.

Mr. PASCO. I am willing to use that language, if it will satisfy the Senator from Nebraska.

Mr. ALLEN. That is agreeable.

Mr. LODGE. Mr. President, I desire to call attention to the practical effect of this amendment, which I do not think can be quite realized, even by the Senator from Florida, who has proposed it. The other day, when the exception was inserted in regard to the county seats, I asked to have the city of Cambridge excluded from that, because it was now included in a metropolitan district, and, as I understood, preferred the metropolitan service. The Senate assented to that proposition very kindly and Cambridge was excepted. Under the amendment proposed by the Senator from Florida, Cambridge is thrown out of the metropolitan circuit at once. Not only that, but Chelsea and Somerville, cities of fifty and sixty thousand inhabitants, which are practically part of Boston for the purposes of the postal service, are forced out of the metropolitan system, under which they now exist and under which they have been for years. The effect of the amendment will be practically to break up every metropolitan district in the country and require its entire reorganization.

Mr. GRAY. Disfranchise them.

Mr. LODGE. It will force them out of the system which they now prefer and have had for years into systems which have been abandoned as inferior. I think that it is very unfair to those established systems to force them out by an arbitrary amendment of this character about corporate limits. It seems to me that this is going a great deal too far in arranging for the postal service of large cities.

The rights of the fourth-class postmasters and the village stores have been protected, and I think the unfortunate inhabitants of large cities are entitled to some rights. I think they are entitled to have the service they prefer, and the best service, and this amendment will force them out of the metropolitan districts in which they are now.

I am inclined to think that within the metropolitan district of New York there are some important stations which will be thrown out by the amendment of the Senator from Florida. I am not sure about that, but that is my impression. It will be certainly so in many cities. It would be a very serious matter in the city of Boston; and I trust the amendment as it stands will not be adopted.

Mr. PASCO. Mr. President, it strikes me that the Senator from Massachusetts [Mr. LODGE] has given us the very best reason and argument in the world why this amendment should be carried. The fact that this consolidation, this extension, has taken place without any statutory foundation, and has been carried to this extent simply on departmental construction and legislation, is a strong reason why we should arrest this action and limit and stop it, and prevent it from going any further.

Mr. HOAR. I should like to ask the Senator from Florida a question, if he will pardon me.

Mr. PASCO. Certainly.

Mr. HOAR. I will not say anything about the general rule; but does he desire that the city of Cambridge, which is as old a political organization as the city of Boston, shall, against the experience of now ten or twelve years—I do not now know how long; my colleague can tell me—and the desire of its citizens and the protest of the two Senators from Massachusetts, who represent it, be forced back into the old system; or, if he will not accept the statement of my colleague, that it desires to remain under the system which is now so satisfactory in its operation?

Mr. PASCO. Whenever this subject comes up for consideration upon some proposition to legislate directly upon it all these questions can be considered; but the argument which was made to the Senate yesterday demonstrated that there is no foundation in law for these extensions of postal districts so as to absorb post-offices in neighboring towns and cities. Personally, I should be opposed to reducing Cambridge, in which I have a great deal of pride, to the position of a mere substation. It is a noble, grand old city, and I do not like to consider it merely as a substation of Boston; but I do not wish or expect my own views to control in a matter in which the people of Cambridge are concerned. It is really for the people of Massachusetts and the people of Boston and of Cambridge——

Mr. HOAR. One word.

Mr. PASCO. The Senator will please let me finish my sentence. It is a matter for those who are interested in the postal business of Cambridge to determine for themselves. If in the future they wish to have local legislation of this character, I shall be perfectly willing to assist the Senators from Massachusetts in carrying it out, but I think it is time now that the existing law should be settled and enforced, controlling and determining and settling this question, so that we may prevent from this time forth the continuance of this system of stations and substations beyond the limits of the principal office, which, as I said before, has, in my opinion, no foundation in law.

Mr. HOAR. What I wanted to say to the Senator was that the people of Cambridge are satisfied with the present situation whereby Cambridge is allowed to have the advantages of prompt, convenient, and frequent postal service and to share in those advantages with the great city in its neighborhood. You might as well say, instead of giving Cambridge a part of the great Boston aqueduct system which is about to be established at a cost of a million dollars, we should insist on Cambridge having a little pond of her own from which to draw her water supply.

Mr. PASCO. Whenever there is such a proposition to extend these facilities to Cambridge as has been indicated by the two Senators from Massachusetts, I shall cooperate with them and give my vote in favor of it.

Mr. HAWLEY. Mr. President, I should be very sorry to have broken up a relation so natural as that which prevails between Cambridge and Boston. Cambridge has long enjoyed these postal accommodations. The spirit of the amendment of the Senator from Florida does not aim at that, in my judgment. There is no objection, I think, to the consolidation with large cities of small places in contiguous territory. Cambridge lies right by the side of Boston, adjoining it, with only an imaginary line dividing them. Boston and Cambridge are practically one city.

What has been said in the Senate during the discussion of the past two or three days, in explanation of this system of branch post-offices and in relation to offices in places which constitute one city practically, illustrates what was said by the Senator from New York [Mr. HILL] the other day, that we are patching away and attempting a very great change, whereas if there is anything to be done in the way of reorganizing the post-office service it should be taken up in a separate bill, fairly considered in all its details, and be laid before the public for some time, so that we may get general sentiment about it, and not have it passed as an amendment to an appropriation bill.

Mr. PEFFER. Mr. President, before the vote is taken upon this amendment, I wish to suggest to Senators that there is another matter connected with the subject which we are now discussing

which has not yet been brought to our attention. Kansas City, in the State of Missouri, is on one side of the State line between Missouri and Kansas, and immediately across the line is Kansas City, in Kansas. The two cities are now lying so closely together that the buildings are commingled one with the other, and a stranger passing through would not know where one city ends and the other begins. Under the postal system there is no such thing as State lines; at least at present. Unless there be some restriction, either in the amendment of the Senator from Florida or in another amendment, Kansas City, Kans., being the smaller of the two, would very naturally and logically, under the present régime, be consolidated with Kansas City, Mo., and that would take the breath out of our people; it would make them heartsick, and I should not blame them for it, for it has become a beautiful city, with some forty or fifty thousand people, and to be absorbed by the mother city on the other side of the river would be a very serious thing with them, indeed. We are expecting to have public buildings there—a custom-house, a post-office, and other Government buildings—in a little while to show to visitors when they come, and we do not want to be absorbed by any other city. If there is to be an absorption, we had rather be the absorbers ourselves.

Mr. FAULKNER. Mr. President, I concur fully in the sentiments uttered by the Senator from Connecticut [Mr. HAWLEY]. This is not the proper place to consider this question. It is one which involves a great many details; one which involves the peculiar interests of the people in the different localities to which it may be applied, the needs of which should be ascertained fully by the Post-Office Department before this rule of consolidation is applied to those communities.

The discussion that has taken place in the Senate here fully illustrates the views and sentiments of this body as to the extent of this consolidation. I think we may let the matter stand without fear of any bad effect upon the postal service or upon the interests and conveniences of the communities to be affected by the action of the Postmaster-General, who is entirely in the control of this subject.

I believe further, sir, that if this provision should be now adopted it would only be a temporary law. This is simply an appropriation bill; it only proposes to make appropriations for one year; and this law would not affect in any way the action of the Post-Office Department after the termination of the year for which the appropriations are made.

It strikes me, therefore, that the best thing the Senate can do in matters of this kind, after having expressed so decidedly their sentiment as to the extent of the consolidation of these offices, is to vote down this amendment, and trust the Postmaster-General to carry out the views of members of the Senate and of the Senate itself as they have been expressed on the floor, and the views of Congress, I may say, as to the system of consolidation which has been adopted by the Post-Office Department. I think it rather unwise, Mr. President, to bring this matter here on an appropriation bill for the purpose of limiting and controlling a power which has existed always in the hands of the Post-Office Department, and has never, except in one instance, so far as I know, brought any animadversion upon the office in the execution of that power.

Mr. HILL. Mr. President, the point suggested by the Senator from West Virginia [Mr. FAULKNER] had occurred to me, and it was because of that fact that I suggested yesterday that the amendment of the Senator from Florida [Mr. PASCO] be withheld until the disposition of this motion. It is absolutely true that at the expiration of the next fiscal year the Postmaster-General can do as he pleases in regard to this very proposition. There is no doubt about that. This bill simply proposes to make appropriations for the expenditure of moneys for the next fiscal year, "that nothing herein contained shall authorize" so and so. That is all there is of it. There is nothing here authorized. It is an appropriation of money. The Senator from Florida, however, and the Senate might as well dispose of this question now, and dispose of it as it has a mind to. While I think the 5-mile limit should have been added, nevertheless, if it is desired hereafter to prevent the erection of these post-offices outside of the corporate limits of cities or towns, let us say so, and let us place it in the bill.

I suggest to the Senator from Florida that instead of saying:

*And provided further*, That nothing herein contained shall authorize—

He should strike out all the words down to and including the word "post-office," in line 8, and let the amendment read:

That hereafter no station, substation, or branch office shall be established beyond the limits of any city or town, etc.

That perfects it. That is what the Senate wants to do, I think, from the disposition which has been manifested; it wants to limit it to the cities, and does not want it to go outside. If you attempt to do anything at all, it must be put in that language; and it will not affect anything except for the next fiscal year.

Mr. HOAR. Will the Senator repeat the language?

Mr. PASCO. I will accede to the wish of the Senator from New York and accept the modification.

Mr. HILL. I suggest that we strike out all down to the word "post-office," in line 3, and insert:

That hereafter no station, substation, or branch post-office shall be established—

Then comes the rest of the amendment—

beyond the corporate limits or boundaries of any city or town in which the principal office to which such station, substation, or branch office is attached is located.

That does not interfere with those already appointed.

Mr. PASCO. "Be established or maintained" are the words of the amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from New York to the amendment will be stated.

Mr. HILL. Does the Senator from Florida accept the amendment?

Mr. GORMAN. "Hereafter maintained or established."

Mr. HILL. The Senator from Maryland suggests the words "hereafter maintained or established." I do not think that is necessary.

Mr. PASCO. The Senator from New York does not propose to strike out the word "maintained"?

Mr. GORMAN. The Postmaster-General has already established, according to the report, a hundred stations outside of city limits.

Mr. HILL. I accept the suggestion. Let it be "established or maintained."

Mr. ALLISON. The effect of that would be——

Mr. LODGE. To destroy all existing stations outside of city limits.

Mr. ALLISON. To destroy all stations outside of city limits, as suggested by the Senator from Massachusetts.

Mr. JONES of Arkansas. I should like to make a suggestion in order to see how the amendment will affect a situation in my State. On the State line between Arkansas and the State of Texas there is a town of three or four thousand people on the Arkansas side and of six or seven thousand on the Texas side, each being a distinct and separate corporation. The Government has a public building on the line, with a single postmaster serving both of those towns. Now, if I understand the amendment offered by the Senator from Florida as proposed to be amended, it will be absolutely necessary to have two postmasters in what is really one town.

Mr. PASCO. Oh, no.

Mr. LODGE. That is entirely true.

Mr. PASCO. Oh, no.

Mr. LODGE. So would Kansas City.

Mr. JONES of Arkansas. There are two corporations. The limitation of the amendment is that there shall be no station——

Mr. PASCO. Or subdivision. That is not a station. It is a post-office.

Mr. JONES of Arkansas. But it may not include two corporations.

Mr. PASCO. Certainly, three if you like.

Mr. JONES of Arkansas. I see no reason why they could not include the number of towns mentioned by the Senator from Massachusetts.

Mr. PASCO. It would prevent the establishment of a substation in one State or city and another substation in another, both incorporated in one post-office. That would be the effect of it.

Mr. JONES of Arkansas. That is all right.

Mr. ALLISON. Is it the intention of the Senator from New York to prevent the maintenance of any post-office outside of the city limits during the present fiscal year or only to prevent the maintenance of or establishment of such stations hereafter? The langnage first proposed by him would cover all these cases.

Mr. HILL. That was my idea.

Mr. ALLISON. But it will not cover any case of consolidation hitherto——

Mr. HILL. I accepted the suggestion that it should read that no substation or branch post-office shall be established or maintained.

Mr. ALLISON. That of course will necessitate a change as respects the illustration of the Senator from Massachusetts——

Mr. HILL. I have no objection——

Mr. ALLISON. And I do not know how many others.

Mr. FAULKNER. I ask the Senator from Iowa whether it would cover the hundred stations already established?

Mr. ALLISON. Perhaps it would. I submit that we are rather legislating in the dark in this respect. I am of the opinion expressed by the Senator from West Virginia [Mr. FAULKNER] that no Postmaster-General after reading or even casually observing the debate we have had here to-day is likely to extend these sub-offices beyond the city limits.

Mr. HALE. Where they are not already established.

Mr. ALLISON. Where they are not already established, and I think he will be inclined to retrace his steps in the instances already mentioned here as to Ellicott City and others. So I believe that for this year we might trust the Postmaster-General not

to make radical change as to those post-offices. Although I do not belong to the same political organization with the Postmaster-General, I would be willing, in the face of what has occurred and what is likely to occur, to trust him as to the consolidation of post-offices.

Now, here is the case illustrated by the Senator from Massachusetts, where the people desire such consolidation.

Mr. HAWLEY. It has been in effect a long time.

Mr. ALLISON. It has been in effect for a long time. In the case suggested by the Senator from Maine [Mr. HALE] a Postmaster-General would be guilty of little short of madness who would consolidate three or four towns competing with each other for supremacy. So I think we can trust the Postmaster-General.

I regret that we have had occasion to have this debate. I regret that we have had it intimated here that there is a disposition to abolish half the post-offices in the United States and to consolidate them with the offices in towns and cities. I do not believe that is the purpose of the Postmaster-General, but if it is he ought to be admonished and warned by the debate in this Chamber for the last two or three days that it does not meet with public approval, at least so far as the Senate of the United States is concerned.

Mr. WOLCOTT. If the Senate is interested in knowing what offices are affected, the Senators have the information on their desks in the form of a letter of the Postmaster-General, in which he states the independent offices which have been consolidated during the last two years. They are about 100 in number, and are given there. There are 56 in Chicago, and there are several in Baltimore. Then there are a number of others. The New Grand Rapids (Mich.) office is consolidated with the Grand Rapids office, as is Oakdale Park, Mich. The Mispah (Tenn.), Elcan (Tenn.), and Estellville (Tenn.) offices are consolidated with the Memphis office. Parkville, N. Y., is consolidated with Brooklyn. West Cleveland, Ohio, is consolidated with Cleveland. Lakeview, Mass., is consolidated with Worcester. Greendale, Mass., is consolidated with Worcester. Chancy, Iowa, is consolidated with Clinton, Iowa. Tennallytown out here is consolidated with Washington. A great outrage has been committed by consolidating Tennallytown with Washington.

Mr. HOAR. Will the Senator from Colorado pardon me? The two offices which were consolidated with the Worcester office are both within the city limits.

Mr. WOLCOTT. They are mentioned as having been independent offices.

Mr. HOAR. They were, but they are both inside the city limits.

Mr. WOLCOTT. They are stated as having been independent offices. The others are given here, and if Senators are interested they will find them in the report which accompanies the amendment.

Mr. FAULKNER. Mr. President, I merely wish to make one more statement in this matter as to why I think there is no fear in reference to the action of the Postmaster-General outside of my reliance and confidence in his judgment. Having voted down the amendment submitted by the Senator from Colorado [Mr. WOLCOTT], which proposed to transfer the salary of the postmaster where the office was abolished and designated as a substation and enable it to be used for clerical purposes, the Postmaster-General is left with no funds to use for the establishment of such stations and the employment of clerical assistants in order to carry out the consolidation except the appropriation for clerical purposes found in the pending appropriation bill. That amount is not increased very largely as compared with last year, when but few consolidations took place.

Therefore it will be utterly impossible for the Postmaster-General to consolidate many offices. He will apply the consolidations only to cities and those immediate suburbs which demand the facilities incident to the establishment of this system. So I think there need be no fear on the part of the Senate as to the result.

Mr. GORMAN. I should be delighted if I could believe with the Senator from Iowa [Mr. ALLISON] and the Senator from West Virginia [Mr. FAULKNER] that without such a provision as is proposed by the Senator from Florida [Mr. PASCO] these consolidations would not go on. Here stands the fact before us that the Postmaster-General in an official communication has stated that he has taken a hundred of those offices and consolidated them, as the Senator from Florida [Mr. PASCO] thinks, without law, certainly in opposition to custom. He further advises us that he proposes to continue the consolidation, and he states the very extreme case that he would like to take in all the offices on Long Island which has been discussed here.

Now, the officials come before the Appropriations Committee of the Senate and say, as the chairman of the committee has already stated to the Senate, that to do that they can use only the appropriation for clerks. The House of Representatives, after full discussion of the Post-Office appropriation bill—and I have no doubt, from the intimation in the debate, that it was done for the purpose of limiting the power of the Postmaster-General—itemized the bill and made specific appropriations for postmasters and clerks, in the amount to be expended for the purchase of horses and wagons and bicycles, etc. But it was stated to us on this side of the Capitol that it would limit the power of the Postmaster-General, and therefore the Department would like to have more money. The Senate, instead of the $10,350,000, has already voted $10,500,000 for clerk hire. With that appropriation in the bill as we have passed it the Postmaster-General can go on and not only maintain the hundred offices or sub-stations where he has abolished post-offices, but he can increase the system.

If there were the slightest intimation on the part of anyone who is authorized to speak that the consolidation of country post-offices would not continue, I myself would not be inclined to put such a provision on this bill. The pending bill is different from any other appropriation bill. No such power is given to any officer of the Government as is given in this bill to the Postmaster-General, with a lump sum to do as he pleases. For instance, he can divide it up with the railroads of the country for transportation; but with the extension of all these little roads, with the extension of the postal service, it has been considered necessary, and I do not know that it has ever been abused. It is true the amounts are piling up and up and up, but it is a service which the people demand, and the greatest possible discretion must be placed in the hands of the Postmaster-General and his assistants, and the highest integrity is wanted in that office. I have no doubt it is there. It has always been there.

There may be extravagance; I think possibly there is; but the Senate by its amendment has eliminated all the restrictions placed in the bill by the other House, and we have given him the same power that all other Postmasters-General have had. And it has come to this one thing. He is the first Postmaster-General who has attempted to inaugurate a system of this sort. Others have suggested it, and when they found that Congress refused to give the power they never presumed to exercise it.

Mr. HOAR. I should like to ask the Senator from Maryland a question, if he will allow me. I had not heard the whole debate. Does not this come almost wholly from the delivery system? Before the delivery system was inaugurated, when the people had to go to the post-offices to get their letters, they wanted a great many post-offices, even within the limits of the same city. Almost every town in my own State, and I suppose it was so in the rest of the country, would have several independent post-offices in it. The Senator from Colorado [Mr. WOLCOTT] has mentioned two offices in my own city, Worcester, which were abolished and put under the general post-office, for the reason that the postmaster of Worcester has extended his delivery system to those communities, and the people—the established families and business men—do not go to the post-office once in three months.

Mr. GORMAN. In the cities that is true, as the Senator from Massachusetts states. I this morning received a letter from a gentleman in one of those offices which has been consolidated, a little town outside of Baltimore, 5½ miles from the central post-office in Baltimore. It is one of those villages that has grown up on the old national road which led to the West, constructed in the early days. There they had a separate post-office—a Presidential office—which paid a salary of $1,200 a year. This gentleman, who is a resident there and has no personal interest in the office, says that they abolished that office and made a substation of it, and with it they abolished the postmaster (who he was I do not know) and sent out from the city of Baltimore a clerk to take charge of it. The office under the old postmaster, which gave under all Administrations perfect satisfaction to the community, cost, with the salary of the postmaster, $2,000 per annum. They then sent out a clerk at $800 and two letter carriers at $1,000 each. So far are the people removed from the central office that the mail which arrives early in the morning gets around by the carriers at 2 o'clock in the afternoon, because of the immense territory to be covered.

Now, it is the making of such an arrangement in a purely country district—in an agricultural district—that I object to, and not as to towns and cities. Let them have their service, whether the service is to be increased, as it has been increased in the last two or three years, by deliveries not only twice a day, but five or six times a day, until the appropriation in six years has run up from $5,000,000 to $10,000,000. Where the limit is to be is another matter which I do not care to discuss now. But I should like to have it confined to incorporated cities, and not extended to agricultural districts.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Florida [Mr. PASCO].

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CARTER. I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I am paired

with the junior Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Alabama [Mr. MORGAN] and vote "nay."

Mr. PALMER (when his name was called). I announce my pair with the Senator from North Dakota [Mr. HANSBROUGH] and withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. ALLEN (after having voted in the affirmative). I desire again to announce my pair with the junior Senator from Pennsylvania [Mr. QUAY]. I transfer my pair to the junior Senator from South Dakota [Mr. KYLE] and let my vote stand.

Mr. CARTER. I understand that my pair with the junior Senator from Maryland [Mr. GIBSON] has been otherwise arranged, and I desire to vote. I vote "yea."

Mr. WALTHALL. I desire to announce on this question the pair of the Senator from Pennsylvania [Mr. CAMERON] with the Senator from South Carolina [Mr. IRBY]. I ask that this announcement may apply to any other yea-and-nay vote that may occur during the day.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. I transfer my pair to my colleague [Mr. VOORHEES] and vote. I vote "yea."

Mr. MARTIN. I am paired with the junior Senator from Montana [Mr. MANTLE]. I desire to transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote. I vote "yea."

The result was announced—yeas 36, nays 25; as follows:

YEAS—36.

| | | | |
|---|---|---|---|
| Allen, | Carter, | Hill, | Proctor, |
| Bacon, | Chilton, | Jones, Ark. | Pugh, |
| Bate, | Cockrell, | Jones, Nev. | Roach, |
| Berry, | Daniel, | Lindsay, | Stewart, |
| Blackburn, | Gallinger, | Martin, | Teller, |
| Brice, | George, | Mills, | Turpie, |
| Brown, | Gordon, | Nelson, | Vest, |
| Butler, | Gorman, | Pasco, | Walthall, |
| Call, | Harris, | Peffer, | White. |

NAYS—25.

| | | | |
|---|---|---|---|
| Allison, | Gray, | Mitchell, Oreg. | Vilas, |
| Baker, | Hale, | Mitchell, Wis. | Wetmore, |
| Chandler, | Hawley, | Perkins, | Wilson, |
| Clark, | Hoar, | Pettigrew, | Wolcott. |
| Cullom, | Lodge, | Pritchard, | |
| Faulkner, | McBride, | Sewell, | |
| Gear, | McMillan, | Shoup, | |

NOT VOTING—23.

| | | | |
|---|---|---|---|
| Aldrich, | Dubois, | Mantle, | Sherman, |
| Blanchard, | Elkins, | Morgan, | Smith, |
| Burrows, | Frye, | Morrill, | Squire, |
| Caffery, | Gibson, | Murphy, | Thurston, |
| Cameron, | Hansbrough, | Palmer, | Tillman, |
| Cannon, | Irby, | Platt, | Voorhees, |
| Davis, | Kyle, | Quay, | Warren. |

So the amendment was agreed to.

Mr. ALLISON. I ask at this time unanimous consent to strike out, on page 9, line 23, all after the word "dollars" down to and including the end of the paragraph. I omitted to say when the paragraph was reached that a different disposition has been made of this expenditure. The deficiency bill passed recently provides that this expense shall be paid from the appropriations made for the Department of Justice. I therefore ask unanimous consent that the proviso may be stricken out down to and including the words "United States" in line 6, on page 10.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 9, after the word "dollars" in line 23, it is proposed to strike out the proviso, as follows:

*Provided*, That not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and special counsel necessarily employed in prosecuting civil suits instituted by the Auditor for the Post-Office Department, through the Solicitor of the Treasury, against the sureties on the official bonds of late postmasters, as provided for by section 292, Revised Statutes of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

Mr. BUTLER. I beg to call up the amendment which I sent to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. After the amendment already adopted, following line 2, on page 4, it is proposed to insert:

*Provided*, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery, under the direction of the Postmaster-General, and the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

Mr. BUTLER. Mr. President, there has been money appropriated for this purpose before. The Postmaster-General, in his report for 1893, says that he has not used the money appropriated. He says:

In the appropriation bill for the fiscal year ending June 30, 1894, Congress provided $10,000 to be used, at the discretion of the Postmaster-General, in testing the feasibility of establishing a system of free delivery in rural districts.

I should like to have the Secretary read the paragraph which I have marked.

Mr. VILAS. I desire to make, at some time before 5 o'clock, a motion and perhaps move an amendment. With the permission of the Senator from North Carolina, I will make the motion now, so as to have it pending. It is to strike out the clause from line 11 to the words "postal service," in line 18, on page 6. It is simply to strike out the appropriation for necessary and special facilities, as it is called, on the route from New York to New Orleans. Three years in succession the Postmaster-General has recommended that that be omitted from the bill and he declined to estimate for it. We do not get by two hours as fast service on the mail train for which we pay $143,000 as is given to passengers on a passenger train upon the same route.

Mr. ALLISON. The Senator stated yesterday that he would offer another amendment.

Mr. VILAS. I stated that if the clause is not stricken out, if my first proposition is not agreed to, I shall move to limit the appropriation for necessary and special facilities to $175,000.

Mr. BUTLER. While the Senator from Wisconsin is referring to that subject, I will state that I hold in my hand the report of the Postmaster-General for 1895, in which report he says:

In submitting the estimates for the fiscal years 1893, 1894, 1895, and 1896, this office declined to include the item of "special facilities," for reasons heretofore stated.

The Postmaster-General goes on to say that he thinks it demoralizes the service and that it is a wrong to the railroads who do not get the special facilities. He says it is an extra bonus to the roads given these special facilities; that they get so much more than other routes and it does not add anything to the service. I heartily concur in the Senator's motion.

Mr. VILAS. I did not mean to interfere in any way with the Senator from North Carolina, who is entitled to the floor and perhaps intends to speak.

Mr. BUTLER. I have an amendment relating to rural free delivery which I want to have acted on. I ask the Secretary to read the paragraph which I have marked in the report of the Postmaster-General for 1893, page 55.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

RURAL FREE DELIVERY.

In the appropriation bill for the fiscal year ending June 30, 1894, Congress provided $10,000 to be used, at the discretion of the Postmaster-General, in testing the feasibility of establishing a system of free delivery in rural districts.

It has been impossible, up to this time, to give the subject of rural free delivery the study and consideration that it necessarily requires, much less to put it into actual operation. This is due, in the first place, to the fact that the time and energy of the free-delivery division has been, and is now, entirely taken up with the problem of properly maintaining, with a deficient appropriation, the free-delivery service in the cities in which it is now established, and in declining the requests for and deferring the establishment of the free-delivery service in the 93 towns that are entitled to it under the law enacted January 3, 1887. Secondly, the amount of the appropriation for this particular experiment is not at all sufficient to provide thorough and reliable tests. The conditions in different sections vary so, that a test made in and favorable to one particular locality would prove unsatisfactory if attempted in any other. For instance, a plan that might be efficient in a thickly settled rural district in New England, with its good pikes and stone roads, would not be at all practicable in certain parts of Ohio, in which the farmers are scattered and the roads during certain seasons of the year practically impassable.

Another illustration can be found in a comparison between the States of New York and Mississippi. A free-delivery system that would prove satisfactory to the residents of a fruit-raising and gardening district of New York State, requiring quick and frequent communication with the markets, would have to be operated on very different lines from a system that would meet the requirements of a plantation section of Mississippi, where the population is scattered.

Mr. BUTLER. Inasmuch as the time is growing short and some other Senators wish to speak, I will not have the whole paragraph read. The Secretary will stop. I wish to call attention, however, to the last report of the Postmaster-General, the report for 1895, in which he says:

The amount appropriated by Congress ($20,000) to test the feasibility of establishing rural free delivery was not expended during the last fiscal year, the Department not being able to devise a plan by which a satisfactory test could be made with this small allowance.

Both these reports show that the Postmaster-General has not used the amount because it is too small, and that has been his chief reason. He names some other reasons. I find here in a report from Postmaster-General Wanamaker the following statement:

I think it quite possible to spread the free delivery over entire counties. For example, in Pennsylvania—

He takes different counties in Pennsylvania and Massachusetts and shows how the free-delivery experiment, practically and with great advantage to people, can be carried over those counties.

My amendment provides for an appropriation of $50,000. I had in the original amendment the amount fixed at $100,000, but at the suggestion of a member of the Committee on Appropriations I cut it down to $50,000. The amendment also provides that the $20,000, which has been already appropriated and has not been used, shall be available for this experiment. This amount will enable the Postmaster-General to make experiments in probably two or three counties—to make one in a thickly settled section and one in a sparsely settled section.

The scheme is practicable, because there are a number of countries doing it to-day. It has been done by the people in a number of localities on their own arrangement. The people to-day in a number of neighborhoods arrange to have a free-delivery system and to pay for it themselves. But the main point is that the Government appropriates money for special delivery in cities where men live within ten minutes' and five minutes' and two minutes' walk of the post-office, where it would not take ten minutes of a man's time to go and get his mail; but the man who has not these facilities, though he is taxed to support the Government, is the man who has to take his horse from the plow and ride 5 miles or 3 miles to get his papers or his letters. It would be better for the farmer to be taxed a special tax to pay for this free delivery than for the 35,000,000 farmers of this country to have to stop their work in a busy season and go to their post-offices for their mails.

The Postmaster-General says it will take $20,000,000 to do this. Now, that is guesswork to some extent. This amendment does not propose to appropriate $20,000,000; it does not provide that the Postmaster-General shall establish a free-delivery system all over the country, but it appropriates a small amount for him to make a fair test. The people of this country are entitled to a fair test to know whether the system can be operated economically, practically, and satisfactorily to the people and to the Government. Every objection that the Postmaster-General has made heretofore will be removed by giving $50,000, with the $20,000 unexpended. There can be no objection to it. It is certainly a small amount to make a test of a very important matter.

Mr. PERKINS. As it is understood that at 5 o'clock we shall commence to vote upon the amendments without debate, I desire to say a very few words in answer to the charges made by the distinguished Senator from Wisconsin [Mr. VILAS] in relation to the proposed amendment by the committee, on page 7, from line 9 to line 20, for increased compensation for the transportation of the ocean mails between San Francisco and the Australian colonies. If time would permit I think I could satisfy my friend that he is mistaken in several of the assertions he made, one in particular, as to the refusal of the owners of the vessels at the time they were under construction to come within the provisions of the act of 1891.

Another point that he stated is that there is no danger whatever that this line of American steamships, the only line plying on the Pacific Ocean south of the equator, being withdrawn by reason of the competition of the line of British steamers so heavily subsidized between Vancouver and Australia. He read at the time from what was undoubtedly the report of the postmaster-general of New Zealand wherein he stated that they had entered into a contract for the purpose of carrying the mail for a particular compensation for a term of years. I find by referring to his remarks that the Government only authorized the making of a contract for transporting the mails, and that the compensation was at the rate of 11 shillings per pound net for the letters. Therefore it implies that whatever the compensation might be it was subject to the amount of mail that they carried.

Another claim the Senator made is that our Government is paying this steamship company a liberal compensation for the transportation of the mails. I do not know upon what line of analogy he reasons. Is it because the Canadian Government and the English Government are paying the Canadian line of steamers $18,000 per trip as against our Government paying $4,400 per trip, as it did last year? Or is it by reason of the distance, which in round figures is, say, 7,000 miles by the route these steamers usually travel? If that is the argument, surely the expense of a voyage that consumes forty-two or forty-three days of actual running time and with the time at port about sixty days, transporting the mails 14,000 miles, will not be less than $40,000. Then is $4,000 per trip a reasonable and generous compensation? I think even my distinguished friend will not say that it is, and he will see that it is impossible for this private company, or any other company, to compete successfully against a line of steamships so heavily subsidized as is the Canadian line.

I should like to read from the Australian newspapers what they think of our action in relation to it, but I am reminded that time will not permit. The press of Australia reflects upon us for our niggardly policy in helping this ocean line of steamers. England alone, as I said last week in the debate, paid out nearly $2,000,000 more than she received for her ocean postage.

Mr. President, I will not trespass upon the Senate now except to read a telegram which I received a short time since, which I think is all the argument necessary for the Senate to vote to retain in the bill the amendment placed there by the Committee on Appropriations. It was from J. D. Spreckels, the president and manager of the Oceanic Steamship Company. The telegram is addressed to my colleague and myself, and it reads as follows:

Oceanic Steamship Company holds no contracts either with Australian or New Zealand Governments. What support it now receives from them is entirely voluntary and subject to withdrawal at any moment. These friendly and energetic colonies with 4,000,000 population have borne the burden of keeping an American line afloat in expectation that the United States with its 69,000,000 people would show a proportionate desire to maintain and further cultivate direct commercial relations. If present request for absolutely necessary and moderate assistance be denied, such action will unquestionably be construed as an expression of the future policy of the United States toward its ocean trade, and more directly as a disregard for the continuance of the Australian service under the American flag. This will undoubtedly result in transfer of entire colonial support to Canadian line and final extinction of direct service between United States and the colonies.

JOHN D. SPRECKELS,
*President Oceanic Steamship Company.*

The VICE-PRESIDENT. The time of the Senator from California has expired.

Mr. HAWLEY. Mr. President, a word about the amendment I offered yesterday, which has been reached in the debate. On page 7, after line 25, I propose to add the following proviso:

*Provided*, That hereafter all postage stamps required shall be obtained under the provisions of section 2709 of the Revised Statutes, and the contracts shall be awarded to the lowest and best bidder for the interests of the Government, and no bids of any branch of the Government shall be considered.

I propose the amendment in the hope that it will restore the old-fashioned way of getting the stamps by private contractors. In my judgment, indeed I know that the experiment at the Bureau of Engraving and Printing was very expensive and resulted in the wasting, at least for a year or so, of a very large number of stamps. The work as previously done under contract by responsible companies was economical and was thorough and resulted, to the best of my recollection, in no loss whatever to the Government. We had better stamps, too, by all means. The general principle is that mechanical work of any sort that can just as well be done by private parties had better be done by them, for Government work on the whole, in many respects, is more costly.

This is all I desire to say on that. I did hope there might be a little debate on experimental free delivery. I desire to retain that service as the committee on the part of the Senate has endeavored to retain it. The experiments have been exceedingly interesting indeed. I have the figures from 24 towns, where not more than $215 was spent upon a town. In 24 towns of which I have statistics there was a handsome net increase of revenue from those offices, showing the benefits in ordinarily settled towns of an increase of free delivery.

Mr. BUTLER. In reference to the motion made by the Senator from Wisconsin, to strike out from line 11 down to line 18, on page 6, I wish to say that in my opinion that subsidy should be stricken from the bill. It is a clear subsidy of $196,000 given as a free gift—you can not call it anything else—to one railroad company, now the Southern Railroad. The Atlantic Coast Line and the Southern Railroad Company are both anxious to get the contract from the Government to carry this mail. They both have fast mail facilities now. Either one would take it under the contract price. By adding the $196,000 the Government does not get a service one particle better for the money. Besides, as the Postmaster-General has said in his report every year, it is a discrimination against the other railroads in the country which simply get the contract price for carrying the mails. Of course, if any railroad is going to get it, I should like to see one running down through my State get it; but I oppose it simply because it is wrong. If the Government wants to go to making free gifts to railroad companies or individuals it is all right, but this is an appropriation of $196,000 without one single cent's service in return to the Government or for the improvement of the postal service.

Mr. ALLISON (at 5 o'clock p. m.). As the time allowed for debate has expired, I desire, with the leave of the Senate, to have printed in the RECORD a letter and accompanying statement of the Chief of the Bureau of Engraving and Printing respecting the cost of manufacturing postage stamps. I have not time to argue the question.

The VICE-PRESIDENT. Without objection, the letter and statement will be printed in the RECORD.

TREASURY DEPARTMENT,
*Bureau of Engraving and Printing, April 6, 1896.*

SIR: In response to a message by telephone from you on Saturday last asking if I had read the statement of Representative BINGHAM as to the cost of manufacturing postage stamps made in the House of Representatives on the 2d instant, and what reply I have to make to the same, I beg to say that I have read the statement of Representative BINGHAM, which is based entirely on a condition that existed over one year ago, and all of the circumstances of which were fully discussed before the Appropriations Committees of both the House and the Senate at the last session of Congress.

When this Bureau undertook the work of manufacturing postage stamps it met with many unforeseen difficulties owing to the necessity for employing new machinery, untrained hands, and the use of materials with which the employees were not familiar, the most serious of which was the complaint regarding the gumming of the stamps, in October, 1894. These difficulties resulted in decreasing the volume of the regular work of this Bureau. This

condition was most serious during the first six months of the last fiscal year, less so during the succeeding six months, and entirely disappeared during the current fiscal year. At no time while this condition lasted did this Bureau fail to supply the securities or stamps required by any branch of the public service. The statements of Representative BINGHAM, therefore, have no application to existing conditions, and are entirely misleading.

That the postage stamps are not costing in excess of the amount agreed upon between the Secretary of the Treasury and the Postmaster-General, I submit herewith a statement showing their cost, prepared under my personal direction:

At this point I beg to call your attention to a letter addressed by me to the chairman of the Committee on Appropriations of the House of Representatives on the 11th of January, 1895, which will be found in the CONGRESSIONAL RECORD of the 2d instant, at page 2361. In that letter I made a statement of the cost of producing stamps, which amounted to $18.0178 per thousand sheets. It will be seen that the statement submitted herewith shows the cost to be slightly in excess of this amount. As indicated in the letter to Governor SAYERS, it was my expectation to reduce this cost, but the improvements in the machinery contemplated at that time have not as yet proved successful, and it has been necessary to increase the expenditure for perforating wheels to avoid the ragged appearance of the stamps complained of and also to give them an additional pressing to prevent their curling in the hands of consumers. In connection with this letter I would be glad to call your attention to it as an exposition of the difficulties attending the manufacture of stamps prior to that time.

Mr. BINGHAM'S statement is also misleading with reference to the general work of this Bureau. I can say that its work is fully up to the highest standard ever attained, and we are as fully up to date with our orders as any Bureau of the service requires.

Being within three months of the end of the fiscal year, and with nine months' financial statement before us, estimating only for the remaining three months, it can be safely stated that the work of the Bureau will be done at a less cost to the Government this year than ever before in its history. In this connection I beg to call your attention to the fact that in submitting estimates for the fiscal year 1897, that I reduced the estimates for that year below those for prior years.

In submitting the proposition to the Postmaster-General for the execution of the postage stamps in this Bureau, I had simply in view the interests of the Government. It seemed to me that a security of the Government, which postage stamps undoubtedly are, that could be so easily used to its disadvantage, should be manufactured in the establishment which the Government was maintaining at a considerable outlay for the execution of just that class of work, and should have thrown around its manufacture the same safeguards and protection that are thrown around the other securities of the Government. When this could be done at a substantial saving in expenditure, it seemed to be my duty to call the attention of the Postmaster-General to that fact.

Notwithstanding the embarrassments that have beset this work since its transfer to this Bureau, through the hostility of the individuals and companies whose profits were thereby lessened, I am more than satisfied with the results, and believe that by the expiration of the four years during which the present agreement runs that my expectations as to the saving to the Government will be fully realized.

In response to your inquiry as to the amount of space in this building that is used in connection with the manufacture of postage stamps, I beg to say that there are 9,557 square feet used for the manufacture of such stamps.

In this connection I beg to say that the estimate submitted by the Secretary of the Treasury for outbuildings has, and will have, no effect upon the amount of space used in this building for the manufacture of postage stamps, for the reason that the outbuildings are intended to be used as ink mills, rag laundries, stables, and storerooms. The estimates for these outbuildings have been submitted by the Secretary of the Treasury yearly since 1878, and if the manufacture of postage stamps in this building were discontinued to-morrow, it would have no effect upon the amount of space needed in the outbuildings, because none of the work which is now executed in the old frame sheds that have been used as outbuildings since 1878 could be accommodated in the building.

Respectfully, yours, CLAUDE M. JOHNSON,
*Chief of Bureau.*

Hon. WILLIAM B. ALLISON,
*Chairman Senate Committee on Appropriations,*
*United States Senate, Washington, D. C.*

POSTAGE STAMPS—COST, APRIL 6, 1896, PER 1,000 SHEETS.

| | | |
|---|---|---|
| Engraving division: | | |
| Renewal of plates | | $0.28 |
| Paper | | 1.70 |
| Wetting division: | | |
| Counting, shifting, stacking, and delivering | $0.225 | |
| Materials and washing rags | .015 | |
| | | .24 |
| Plate printing: | | |
| Printer at piece rates | 2.50 | |
| Printer's assistants | 1.05 | |
| Ink | 1.72 | |
| Blanketing | .165 | |
| Other materials, muslin, whiting, tissues, etc | .123 | |
| Washing wiping cloths | .203 | |
| Gas | .0625 | |
| Steam power | .05 | |
| Repairs | .03 | |
| | | 5.9005 |
| Examining division: | | |
| Counting, drying, examining, assorting, and pressing | .508 | |
| Material | .121 | |
| | | .629 |
| Binding division: | | |
| Gumming, labor, including foreman, helpers, and operatives | $1.27 | |
| Material | .82 | |
| | 2.09 | |
| Pressing, labor, including operatives and helpers | .91 | |
| Material | .01 | |
| | .92 | |
| Perforating, labor, including helpers, machinists, and operatives | 1.65 | |
| Material | .465 | |
| | 2.115 | |
| Examining, labor, including operatives, etc | .933 | |
| Shaking, counting, etc., labor, including helpers and operatives | .55 | |
| | | 6.066 |
| Packing division: | | |
| Labor, including forewoman, counters and packers | .806 | |
| Material | .234 | |
| | | 1.04 |
| Surface-printing division: | | |
| Canceling mutilated | $0.083 | |
| Mutilation | 1.551 | |
| | | $1.634 |
| Office: | | |
| Clerical service, making reports and custody of presses | .107 | |
| Rent of agency | .075 | |
| Total | | 18.216 |

RECAPITULATION.

| | |
|---|---|
| Engraving division | $0.28 |
| Paper | 1.70 |
| Wetting division | .24 |
| Plate printing | 5.9005 |
| Examining division | .629 |
| Binding division | 6.608 |
| Packing division | 1.04 |
| Surface-printing division | 1.634 |
| Office | .107 |
| Rent of agency | .075 |
| Aggregate cost per 1,000 sheets | 18.216 |

One thousand sheets equal 400,000 stamps, which amounts to $20 at the agreed rate for ordinary stamps, i. e., 5 cents per 1,000 stamps.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. BUTLER]. The amendment will be stated.

The SECRETARY. Add after the amendment already adopted, after line 2, on page 4, the following proviso:

*Provided*, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

Mr. BUTLER. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). Under the transfer I made on the last vote, I vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. I do not see him in his seat, and I withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. I will transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote "yea."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "yea."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS] and withhold my vote.

The roll call was concluded.

Mr. HARRIS (after having voted in the negative). I have a general pair with the Senator from Vermont [Mr. MORRILL]. Not noticing his absence, I recorded my vote. I desire to ask the Senator from Vermont [Mr. PROCTOR] whether he knows how the senior Senator from Vermont would vote upon this question?

Mr. PROCTOR. I am not able to state.

Mr. HARRIS. Then the safe thing for me to do is to withdraw my vote. I voted "nay."

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. In his absence I withhold my vote.

Mr. TELLER. My colleague [Mr. WOLCOTT] has been compelled to leave the Chamber. He is paired with the junior Senator from Ohio [Mr. BRICE].

The result was announced—yeas 27, nays 25; as follows:

YEAS—27.

| | | | |
|---|---|---|---|
| Allen, | Chilton, | Martin, | Roach, |
| Bacon, | Clark, | Mills, | Shoup, |
| Bate, | Cockrell, | Mitchell, Oreg. | Stewart, |
| Berry, | Gallinger, | Nelson, | Vest, |
| Butler, | Hill, | Peffer, | Vilas, |
| Cannon, | Jones, Ark. | Pritchard, | Walthall. |
| Chandler, | McBride, | Pugh, | |

NAYS—25.

| | | | |
|---|---|---|---|
| Allison, | Cullom, | Hoar, | Sewell, |
| Baker, | Daniel, | Lindsay, | Teller, |
| Blackburn, | Faulkner, | Lodge, | Wetmore, |
| Brice, | George, | McMillan, | White. |
| Brown, | Gray, | Mitchell, Wis. | |
| Call, | Hale, | Perkins, | |
| Carter, | Hawley, | Proctor, | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Aldrich, | Gibson, | Morrill, | Thurston, |
| Blanchard, | Gordon, | Murphy, | Tillman, |
| Burrows, | Gorman, | Palmer, | Turpie, |
| Caffery, | Hansbrough, | Pasco, | Voorhees, |
| Cameron, | Harris, | Pettigrew, | Warren, |
| Davis, | Irby, | Platt, | Wilson. |
| Dubois, | Jones, Nev. | Quay, | Wolcott. |
| Elkins, | Kyle, | Sherman, | |
| Frye, | Mantle, | Smith, | |
| Gear, | Morgan, | Squire, | |

So the amendment was agreed to.

Mr. BERRY. Has the amendment of the committee in regard to the subsidy to the Oceanic Steamship Company been disposed of?

Mr. ALLISON. I ask that a vote be now taken on the amendment of the committee relating to the Oceanic Steamship Company.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 8, it is proposed by the Committee on Appropriations to insert:

For additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, $80,000: *Provided*, That said additional sum, with the sum now paid, shall not exceed $2 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. VILAS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON. I beg leave to state, so that it may be understood, that the question is upon agreeing to the amendment reported by the Committee on Appropriations.

The VICE-PRESIDENT. The question is on the amendment which has been stated.

Mr. VILAS. A vote "yea" is a vote for the subsidy, and a vote "nay" is a vote against the subsidy.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY], and therefore withhold my vote.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. If he were here, I should vote "yea."

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay."

Mr. BERRY. I have announced that I am paired with the Senator from Maine.

Mr. GORMAN. Then I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "nay." I do not know how he would vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. I transfer that pair to the junior Senator from New York [Mr. MURPHY] and vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). On this single proposition I am paired with the Senator from Maryland [Mr. GIBSON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Connecticut [Mr. PLATT] and vote "yea."

Mr. HAWLEY. Permit me to say that my colleague [Mr. PLATT] would vote "yea" if he were here.

Mr. PUGH (when his name was called). I wish to state that my colleague [Mr. MORGAN] is detained from the Senate by severe illness. I have agreed to pair with him on this vote. If he were present he would vote "yea" and I should vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. I desire to transfer that pair to the Senator from West Virginia [Mr. ELKINS], who, I understand, if present, would vote for the amendment. I therefore vote "yea."

Mr. TURPIE (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. DAVIS]. I transfer that pair to my colleague [Mr. VOORHEES] and vote "nay."

The roll call was concluded.

Mr. HARRIS. Being paired with the senior Senator from Vermont [Mr. MORRILL], I transfer that pair to the Senator from South Dakota [Mr. KYLE] and record my vote. I vote "nay."

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

Mr. BURROWS. I desire to transfer my pair with the senior Senator from Louisiana [Mr. CAFFERY] to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "yea."

Mr. BRICE. As to the statement made by the senior Senator from Colorado [Mr. TELLER], his colleague [Mr. WOLCOTT] having been present during the day, I supposed he was in the Chamber and had voted. Under the circumstances, unless the senior Senator from Colorado is prepared to state how his colleague would vote, I will withdraw my vote.

Mr. TELLER. I do not know, but I suppose my colleague would vote "yea." I did not hear how the Senator from Ohio voted.

Mr. BRICE. I voted "yea."

Mr. TELLER. I will pair my colleague with the Senator from Wyoming [Mr. WARREN], who, I understand, is not paired. I do not know how my colleague would vote; but I suppose he would vote "yea," if present. I think both Senators would vote "yea." If the Senator from Ohio desires to vote "yea," I certainly shall not interfere with him.

Mr. BRICE. If the Senator from Colorado is at liberty to say that his colleague would vote "yea," I shall allow my vote to stand; otherwise I shall withdraw it. Unless he takes that responsibility I will withdraw my vote.

Mr. TELLER. I will change the pair of my colleague so that the Senator from Ohio may vote, if he chooses.

Mr. BRICE. Very well. Then I will let my vote stand.

The result was announced—yeas 32, nays 21; as follows:

YEAS—32.

| | | | |
|---|---|---|---|
| Allison, | Chandler, | Lodge, | Roach, |
| Baker, | Clark, | McBride, | Sewell, |
| Brice, | Cullom, | McMillan, | Shoup, |
| Brown, | Gallinger, | Mitchell, Oreg. | Stewart, |
| Burrows, | Hale, | Nelson, | Teller, |
| Call, | Hawley, | Perkins, | Thurston, |
| Cannon, | Hoar, | Pritchard, | Wetmore, |
| Carter, | Jones, Nev. | Proctor, | White. |

NAYS—21.

| | | | |
|---|---|---|---|
| Bacon, | George, | Lindsay, | Vest, |
| Bate, | Gorman, | Martin, | Vilas, |
| Blackburn, | Gray, | Mills, | Walthall. |
| Butler, | Harris, | Peffer, | |
| Chilton, | Hill, | Pettigrew, | |
| Cockrell, | Jones, Ark. | Turpie, | |

NOT VOTING—36.

| | | | |
|---|---|---|---|
| Aldrich, | Elkins, | Mantle, | Quay, |
| Allen, | Faulkner, | Mitchell, Wis. | Sherman, |
| Berry, | Frye, | Morgan, | Smith, |
| Blanchard, | Gear, | Morrill, | Squire, |
| Caffery, | Gibson, | Murphy, | Tillman, |
| Cameron, | Gordon, | Palmer, | Voorhees, |
| Daniel, | Hansbrough, | Pasco, | Warren, |
| Davis, | Irby, | Platt, | Wilson. |
| Dubois, | Kyle, | Pugh, | Wolcott. |

So the amendment was agreed to.

Mr. HAWLEY. I desire to present the amendment which I read a short time ago, but I ask to have it read again.

The VICE-PRESIDENT. The amendment submitted by the Senator from Connecticut will be stated from the desk.

The SECRETARY. It is proposed to add after line 25, on page 7, the following:

*Provided*, That hereafter all postage stamps required shall be obtained under the provisions of section 2709 of the Revised Statutes, and the contracts shall be awarded to the lowest and best bidder for the interests of the Government, and no bids of any branch of the Government shall be considered.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Connecticut

Mr. MILLS. I make the point of order on that amendment that it is new legislation on an appropriation bill.

Mr. HAWLEY. I suggest on that point of order that the amendment is simply providing for the manner of disbursing money appropriated for stamps. I will strike out the word "hereafter," with the permission of the Senate.

Mr. HARRIS. That will not change it.

Mr. HAWLEY. It makes it apply solely to the appropriations of this year, and particularly to the legitimate application of the money.

Mr. FAULKNER. I suggest another point of order, that the amendment changes existing law.

Mr. HAWLEY. Do we not change existing law if we modify in the slightest direction the manner in which money shall be expended?

Mr. FAULKNER. No; not when you prohibit a method of expenditure which the law now provides for. Then it changes the law.

Mr. HAWLEY. I think we are doing it every year in every appropriation bill.

Mr. HARRIS. Under the law as it now exists the Bureau of Engraving and Printing can bid and can take the contract. Under this amendment that Bureau is forbidden to do it. It does change existing law, and it does nothing else.

The VICE-PRESIDENT. The Chair sustains the point of order submitted by the Senator from West Virginia [Mr. FAULKNER].

Mr. VILAS. I ask that the vote be now taken on the amendment which I proposed, to strike out the appropriation for railroads.

Mr. DANIEL. That which has been existing for some years?

Mr. VILAS. It is one which has been existing for some years,

and the Department has been for some years objecting to its being adopted.

Mr. HALE. Let the lines proposed to be stricken out be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin [Mr. VILAS] will be stated.

Mr. SEWELL. I wish to ask the Senator from Wisconsin how long this appropriation has been in effect, and if he did not, when he was Postmaster-General, execute the same provision several times from year to year?

Mr. VILAS. No, Mr. President. This provision was first put on about three years ago, I think, after the other was discontinued. It is on an entirely different route, a different line; it has been objected to by the Post-Office Department for the last three or four years, and there is no estimate submitted for it.

Mr. SEWELL. I wish to say a word in this connection.

Mr. BERRY. I insist that debate is not in order under the agreement arrived at yesterday, and I object.

The VICE-PRESIDENT. The Chair will state to the Senator from New Jersey that, objection being interposed, debate is not in order.

Mr. SEWELL. I ask unanimous consent to correct a wrong impression that the Senate might derive from the statement of the Senator from North Carolina [Mr. BUTLER], who said that this provision did not facilitate the transportation of the mails; that the train which was used was not faster than other trains. In a former term of service in this body I had heard debates which indicated that this same mail appropriation was then, ten years ago, in effect, and the statement made when objections were made to it was that the provision was to facilitate the delivery of the mail south twelve hours; that the train was originally put on, leaving Boston at night and New York at 4.30 in the morning, and that it practically carried little for a long distance but mail matter.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wisconsin [Mr. VILAS] will be stated.

The SECRETARY. On page 6, line 10, after the word "dollars," it is proposed to strike out down to and including the word "service," in line 18; as follows:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The VICE-PRESIDENT. The question is on the amendment which has been stated.

Mr. VILAS. I ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. BURROWS (when his name was called). On this question I transfer my pair with the Senator from Louisiana [Mr. CAFFERY] to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. He not being in his seat, I withhold my vote.

Mr. HARRIS (when his name was called). I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from South Dakota [Mr. KYLE], and vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. THURSTON (when his name was called). I have a pair with the Senator from South Carolina [Mr. TILLMAN], but I am advised that if present, he would vote "nay" upon this question, and I therefore vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN] on this question. If he were present, I should vote "yea" and he would vote "nay."

The roll call was concluded.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS], but I transfer that pair to my colleague [Mr. VOORHEES] and vote "yea."

Mr. SHOUP (after having voted in the negative). I inquire if the senior Senator from California [Mr. WHITE] has voted?

The VICE-PRESIDENT. The Senator from California has not voted, the Chair is advised.

Mr. SHOUP. I am paired with that Senator, and withdraw my vote.

Mr. FAULKNER. I suggest that the Senator from Idaho may transfer the pair he has with the Senator from California [Mr. WHITE] to my colleague, the Senator from West Virginia [Mr. ELKINS], and vote.

Mr. SHOUP. That is acceptable to me, and I will let my vote in the negative stand.

The result was announced—yeas 13, nays 39; as follows:

YEAS—13.

| | | | |
|---|---|---|---|
| Bate, | George, | Mills, | Vilas. |
| Blackburn, | Harris, | Peffer, | |
| Butler, | Jones, Ark. | Roach, | |
| Cockrell, | Lindsay, | Turpie, | |

NAYS—39.

| | | | |
|---|---|---|---|
| Allison, | Clark, | Jones, Nev. | Proctor, |
| Bacon, | Daniel, | Lodge, | Pugh, |
| Baker, | Faulkner, | McBride, | Sewell, |
| Brice, | Gallinger, | McMillan, | Shoup, |
| Brown, | Gordon, | Martin, | Stewart, |
| Burrows, | Gorman, | Mitchell, Oreg. | Teller, |
| Call, | Hale, | Mitchell, Wis. | Thurston, |
| Cannon, | Hawley, | Nelson, | Walthall, |
| Carter, | Hill, | Perkins, | Wetmore. |
| Chandler, | Hoar, | Pritchard, | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Aldrich, | Elkins, | Morrill, | Tillman, |
| Allen, | Frye, | Murphy, | Vest, |
| Berry, | Gear, | Palmer, | Voorhees, |
| Blanchard, | Gibson, | Pasco, | Warren, |
| Caffery, | Gray, | Pettigrew, | White, |
| Cameron, | Hansbrough, | Platt, | Wilson, |
| Chilton, | Irby, | Quay, | Wolcott. |
| Cullom, | Kyle, | Sherman, | |
| Davis, | Mantle, | Smith, | |
| Dubois, | Morgan, | Squire, | |

So the amendment was rejected.

Mr. MILLS. I move that the Senate adjourn.

Mr. VILAS. We have not yet executed the unanimous-consent agreement.

Mr. MILLS. I did not know that there was a unanimous-consent agreement.

Mr. CULLOM. There is a unanimous-consent agreement that beginning at 5 o'clock we shall vote until we dispose of the bill.

Mr. MILLS. I withdraw the motion.

Mr. VILAS. The additional amendment of which I gave notice in reference to this paragraph is to reduce the amount to $175,000. Only $172,000, or a little less, was expended under this provision, and I understand the amendment is agreeable to the committee.

Mr. FAULKNER. Not since the other amendment has been adopted. We have taken off $50,000.

Mr. VILAS. Nothing has been taken off. The amendment simply makes the appropriation $175,000.

Mr. FAULKNER. An amendment was adopted which takes $50,000 off.

Mr. VILAS. Not from this paragraph.

Mr. HOAR. How can the committee depart from the unanimous-consent agreement?

Mr. VILAS. The amendment of the Senator from North Carolina [Mr. BUTLER] related to another part of the bill.

Mr. BUTLER. To the free-delivery service.

Mr. VILAS. Yes, to the free-delivery service.

Mr. LODGE. Debate is not in order under the unanimous-consent agreement.

Mr. VILAS. This is simply to make the amount of the appropriation correspond with the amount of the actual expenditure. The amount of the actual expenditure is $172,000.

Mr. HOAR. Debate has been objected to several times.

The VICE-PRESIDENT. The Chair will state that debate is not in order. The question is on the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. ALLEN. Let the amendment be stated.

The SECRETARY. In line 13, page 6, it is proposed to strike out the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" and insert "one hundred and seventy-five thousand dollars"; so as to read:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, $175,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). On this question I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. CALL. I do not think the amendment ought to be voted on before an explanation. Will the Senator from Wisconsin explain the amendment?

The VICE-PRESIDENT. Objection has been interposed to debate, the Chair will state to the Senator from Florida.

Mr. CALL. Explaining an amendment is not debate. We do not know what we are voting on.

Mr. HALE. Regular order. Debate is not in order.

The VICE-PRESIDENT. The roll call will proceed.

The Secretary resumed the calling of the roll.

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. HARRIS (when his name was called). I again announce the transfer of my pair to the junior Senator from South Dakota [Mr. KYLE] and I vote "yea."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Connecticut [Mr. PLATT] and vote "nay."

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE]. I transfer my pair to the Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. THURSTON (when his name was called). I am paired with the Senator from South Carolina [Mr. TILLMAN]. As I do not know how he would vote on this particular amendment, I refrain from voting.

Mr. TURPIE (when his name was called). I transfer my general pair with the Senator from Minnesota [Mr. DAVIS] to my colleague [Mr. VOORHEES] and record my vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I inquire whether the senior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GALLINGER. I have a general pair with the Senator from Texas [Mr. MILLS], but I have a memorandum from the Senator from Idaho [Mr. DUBOIS], stating that he is paired with the Senator from New Jersey [Mr. SMITH] and that they are both in favor of this provision. I will therefore transfer my pair with the Senator from Texas [Mr. MILLS] to the Senator from Idaho [Mr. DUBOIS] and allow my vote to remain.

The result was announced—yeas 19, nays 33; as follows:

YEAS—19.

| | | | |
|---|---|---|---|
| Allison, | Cockrell, | Peffer, | Turpie, |
| Bate, | George, | Perkins, | Vest, |
| Blackburn, | Harris, | Pettigrew, | Vilas, |
| Butler, | Jones, Ark. | Roach, | Walthall. |
| Carter, | Lindsay, | Stewart, | |

NAYS—33.

| | | | |
|---|---|---|---|
| Bacon, | Daniel, | Jones, Nev. | Proctor, |
| Baker, | Faulkner, | Lodge, | Pugh, |
| Brice, | Gallinger, | McBride, | Sewell, |
| Brown, | Gordon, | McMillan, | Shoup, |
| Burrows, | Gorman, | Martin, | Teller, |
| Call, | Hale, | Mitchell, Oreg. | Wetmore. |
| Cannon, | Hawley, | Mitchell, Wis. | |
| Chandler, | Hill, | Nelson, | |
| Clark, | Hoar, | Pritchard, | |

NOT VOTING—37.

| | | | |
|---|---|---|---|
| Aldrich, | Elkins, | Morgan, | Thurston, |
| Allen, | Frye, | Morrill, | Tillman, |
| Berry, | Gear, | Murphy, | Voorhees, |
| Blanchard, | Gibson, | Palmer, | Warren, |
| Caffery, | Gray, | Pasco, | White, |
| Cameron, | Hansbrough, | Platt, | Wilson, |
| Chilton, | Irby, | Quay, | Wolcott. |
| Cullom, | Kyle, | Sherman, | |
| Davis, | Mantle, | Smith, | |
| Dubois, | Mills, | Squire, | |

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 626) providing for the disposal of lands on abandoned portions of the Fort Assiniboine Military Reservation, in Montana, and for the relief of certain settlers thereon.

The message also announced that the House had passed a bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; in which it requested the concurrence of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 9, 10, 13, 14, 15, 30, 33, 34, 35, and 46.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, and 52; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following:

"One appointment clerk, $2,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "$94,340," and agree to the same.

S. M. CULLOM,
WILKINSON CALL,
*Managers on the part of the Senate.*
J. W. WADSWORTH,
V. WARNER,
JOHN S. WILLIAMS,
*Managers on the part of the House.*

The report was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

REPORT OF THE DIRECTOR OF THE MINT.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, *April 7, 1896.*

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. I ask unanimous consent that to-morrow morning, immediately after the conclusion of the morning business, the Senate proceed to the consideration of the resolution proposing an investigation of bond sales.

Mr. COCKRELL. A unanimous-consent agreement has been made for the consideration of another matter.

Mr. PEFFER. For the same time?

Mr. COCKRELL. For the same time.

Mr. PEFFER. Then I ask unanimous consent that we may proceed to the consideration of the resolution on Thursday, immediately after the conclusion of the morning business.

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. It is understood of course by the Senator from Kansas that that is not to interfere with appropriation bills.

Mr. PEFFER. I so understand. I do not intend to antagonize appropriation bills or the privileged question.

Mr. CANNON. Mr. President——

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HILL. I object to farming out the time of the Senate so far in advance.

The VICE-PRESIDENT. There is objection to the request of the Senator from Kansas.

Mr. CANNON. I merely desired to ask that a place be kept for the unfinished business, but as the Senator from New York has objected to the request of the Senator from Kansas, I have nothing more to say.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I give notice that to-morrow, immediately after the Senator from Indiana [Mr. TURPIE] concludes his speech, I shall call up House bill 6249—the Indian appropriation bill.

POSTAL TELEGRAPH SYSTEM.

Mr. BUTLER. I wish to give notice that on Thursday morning I shall ask the unanimous consent of the Senate to call up the bill (S. 2567) to establish a postal telegraph system and to enlarge the postal facilities of the people of the United States for the purpose of submitting some remarks thereon. If there is no objection, I wish to submit a few remarks, which will not be very lengthy, before the bill is referred to the appropriate committee.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 8, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *April 7, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

FREE LIBRARY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to submit a report from the Committee on the District of Columbia.

The Clerk read as follows:

The Committee on the District of Columbia, to whom was referred the bill S. 1247, have had the same under consideration and report the same back with the recommendation that the House recede from its amendment.

Mr. BABCOCK. Mr. Speaker, I move that the report of the committee be adopted.

The SPEAKER. The Clerk will report the bill and amendment.

The Clerk read as follows:

A bill (S. 1247) to establish and provide for a free public library and reading room in the District of Columbia.

*Be it enacted, etc.*, That a free public library and reading room is hereby established and shall be maintained in the District of Columbia, which shall be the property of the said District and a supplement of the public educational system of said District. All actions relating to such library, or for the recovery of any penalties lawfully established in relation thereto, shall be brought in the name of the District of Columbia, and the Commissioners of said District are authorized on behalf of said District to accept and take title to all gifts, bequests, and devises for the purpose of aiding in the maintenance or endowment of said library; and the Commissioners of said District are further authorized to receive as component parts of said library collections of books and other publications that may be transferred to them.

SEC. 2. That all persons who are permanent or temporary residents of the District of Columbia shall be entitled to the privileges of said library, including the use of the books contained therein, as a lending or circulating library, subject to such rules and regulations as may be lawfully established in relation thereto.

SEC. 3. That the said library shall be in charge of a board of library trustees, who shall purchase the books, magazines, and newspapers, and procure the necessary appendages for such library. The said board of trustees shall be composed of nine members, each of whom shall be a taxpayer in the District of Columbia, and shall serve without compensation. They shall be appointed by the Commissioners of the District of Columbia and shall hold office for six years: *Provided*, That at the first meeting of the said board the members shall be divided by lot into three classes. The first class, composed of three members, shall hold office for two years; the second class, composed of three members, shall hold office for four years; the third class, composed of three members, shall hold office for six years. Any vacancy occurring in said board shall be filled by the District Commissioners. Said board shall have power to provide such regulations for its own organization and government as it may deem necessary.

SEC. 4. That the said board shall have power to provide for the proper care and preservation of said library, to prescribe rules for taking and returning books, to fix, assess, and collect fines and penalties for the loss of or injury to books, and to establish all other needful rules and regulations for the management of the library as the said board shall deem proper. The said board of trustees shall appoint a librarian to have the care and superintendence of said library, who shall be responsible to the board of trustees for the impartial enforcement of all rules and regulations lawfully established in relation to said library. The said librarian shall appoint such assistants as the board shall deem necessary to the proper conduct of the library. The said board of library trustees shall make an annual report to the Commissioners of the District of Columbia relative to the management of the said library.

SEC. 5. That said library shall be located in some convenient place in the city of Washington to be designated by the Commissioners of the District of Columbia upon the recommendation of the trustees of said library: *Provided*, That in any municipal building to be hereafter erected in said District suitable provision shall be made for said library and reading room sufficient to accommodate not less than 100,000 volumes.

SEC. 6. That the expenses of the maintenance of said library, including salaries of employees, shall be treated as among the current municipal expenses of said District, and it is hereby made the duty of the Commissioners of the District of Columbia to include these expenses in the annual estimates of the District of Columbia, transmitted by them to Congress, in accordance with the provisions of the act of June 11, 1878, regulating the transmission of said estimates and the appropriations by Congress to meet the same.

The amendment was read, as follows:

Strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. That all the expenses of the maintenance of said library, including salaries of the employees, shall be charged upon the revenue of the District of Columbia: *Provided*, That no liability shall be incurred under this act unless Congress shall have first made appropriations for the objects herein stated."

The SPEAKER. Does the gentleman from Wisconsin desire to address the House?

Mr. BABCOCK. No, sir.

Mr. DOCKERY. Well, Mr. Speaker——

Mr. POWERS. Mr. Speaker, this subject has been before the House——

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS (continuing). And an amendment to the Senate bill was adopted by the House some days since.

I would be glad to have an arrangement made with the chairman of the committee in reference to the control of the time for debate upon this question. [After a pause.] It is agreed, Mr. Speaker, unless objection be made, between the chairman of the committee and myself, that I shall control the time in opposition to the proposition and the gentleman from Wisconsin shall control the time on that side.

The SPEAKER. Without objection, the Chair will consent to that agreement. Is there any limitation proposed to the debate?

Mr. BABCOCK. The proposition, Mr. Speaker, is that the debate be limited to two hours—an hour on each side.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that debate be limited to two hours, to be equally divided, the gentleman from Wisconsin to control the time in favor of the proposition and the gentleman from Vermont to control the time in opposition.

Mr. DINGLEY. One moment. The bill has been debated pretty thoroughly by the House. Would not less time be sufficient?

Mr. POWERS. But this report recommends that the House recede from its amendment.

Mr. DINGLEY. Yes; but the same question has been thoroughly debated. Would not gentlemen be willing that a vote be had in one hour?

Mr. POWERS. Several gentlemen desire to be heard.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin is recognized.

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, the pending motion, as I understand, is that the House recede from the amendment which it adopted to the Senate bill for the establishment of a public library in the District of Columbia. The effect of that amendment, as I understand, was that the District should bear the whole expense of the establishment of this library. The original bill, I believe, contemplated that the expense of the establishment and maintenance of the library should be divided, as the current expenses of the District are divided, between the District itself and the Government of the United States. The Senate has decided to insist upon the bill as originally passed. The pending proposition is that the House recede from its amendment.

So far as I am concerned, as a member of the Committee on the District of Columbia, I feel to-day as I did when the bill was originally before the House, that the Government of the United States should bear its part of the expense of this library. I believe that the library is necessary for the good of the people of this District; that it is a legitimate item of expense to be charged up, as educational and other expenses are, to the joint account of the District and the United States.

I am aware that there is on the part of some members of this House an opinion that the District is expecting too much in the way of expenditures and that Congress is expending more than it should in carrying out matters of this kind. I do not so believe. I believe that the Congress of the United States owes to the District a duty that can not be fulfilled except in doing such things as the creation of this library. If it is proper that as to matters of streets, of courts, of educational expenditure the appropriations should fall equally upon the District and upon the United States, it seems to me this is a matter that comes properly within the same class.

If this House can send its sympathy to the downtrodden in Armenia; if it can use its time and means in looking after the mongrel Republic of Venezuela and threatening Great Britain; if it can devote its time and money to looking after Cuba, then it does seem to me that there is nothing out of place in asking that it devote some of its time and means to the proper education of the people of this District.

Members seem to forget to a certain extent the obligation resting upon the Government of the United States and upon Congress to look after the District of Columbia. This great city of Washington was founded for the purpose of being a Federal city. The capital was established here by act of Congress; and the first President of the United States, whose name it bears, was the agent of the Government in purchasing the ground and laying out the streets here; and he did so in such a manner as to make this a proper city for the capital of the nation. This being the case, there have been entailed upon citizens of the District expenses that would not otherwise have fallen upon them. This being the Federal city, it is the business of Congress, having assumed to do certain things for the benefit of the people here, to do this as well. Why? I say if it is necessary to have schools for the education of the people, it is necessary also in this age and under existing circumstances to have a public library here. The public library affords education to the workingmen of our land. When any one of our citizens leaves school at an early age and goes to work by the day, the public library gives him an opportunity to improve his mind in the hours of the night.

The greatest men of this country have been benefited by books that were borrowed, either from the public library or from individuals. The great President of the United States who stands to-day as the greatest of all Americans gave himself his education by reading borrowed books in the hours of the night by the fitful glimmer of the light that came to him from the fireplace as he lay before it. In affording the means of self-education the public library meets the wants of our young men and even our youth from the time that they leave school. The young men and the men of mature age who are going to their work from day to day

in this District should have the opportunity of further educating themselves by a public library. Such a library is a suitable charge as part of the current expenses of the District, and if any part of those expenses is properly payable by Congress this expenditure is.

I do not feel it proper at this moment to take up further the time of the House. This subject was thoroughly discussed when this bill was first passed. I believe if this question be investigated carefully and dispassionately, if it be considered what this House and the Senate and the Government owe the people here, it will be acknowledged that this is a proper charge upon the joint funds of the United States and the District, and that the House should recede from its amendment and pass the bill as the Senate sent it to us.

Mr. POWERS. I yield five minutes to the gentleman from South Carolina [Mr. TALBERT].

Mr. TALBERT. Mr. Speaker, I offer the same opposition to the passage of this bill that I did when it came up in the House before, only a few days ago, when it was amended requiring the citizens of the District of Columbia to pay for the library themselves. I hold that to establish a free library in the District of Columbia at the expense of the taxpayers of the whole country is taxing the many for the benefit of the few. I submit that this is against the theory and the principles of the Government under which we live; that it is taxation without representation.

It is urged by gentlemen on the other side of this question that the Government owns one-half of the real estate in the District of Columbia. I deny the correctness of that proposition; but conceding it for the sake of argument to be true, I ask, does the property of the Government want books, and will the property of the Government be benefited by the establishment of a free library? Not at all; consequently it would be unjust to tax property or people when no corresponding benefit would accrue therefrom.

It is urged that there are people here from all over the United States in the employment of the Government who will be benefited by the establishment of this library. I admit the fact; but in addition to that fact is the fact that these employees draw from the Government from eighteen million dollars to twenty-one or twenty-two millions yearly; they are the best paid employees in the nation. And are the people throughout the nation who follow the plow, who stand at the forge, who work in the factories, to be taxed for the benefit of these people here, many of whom, compared with many of the laboring men throughout the country, are "living in clover"?

I submit that such a proceeding is not right. These employees of the Government are here spending their salaries, many of them going to the theaters and other entertainments, and yet clamoring for expenditures of this kind in their interest, when many poor laborers throughout the country have not the necessaries of life, to say nothing of the luxuries. And I submit, sir, that it is not right for Senators and Members of Congress of the United States who own property in the District of Columbia to continually come here and insist on taxing the people of the United States for their benefit and the benefit of the few, against the theory and the principles on which our Government is based. I am willing that all taxes expended for the schools, for improving the streets, for improving the parks, and for works of that character shall be divided according to the obligation imposed by the act of 1878. That is just and right. But to extend it further, to tax all the people to establish a free circulating library for the benefit of a few in this city, is precisely the same in principle as to go further and tax the whole people to buy the carriages, the horses, the bicycles, or to furnish street-car tickets for all the people of the District of Columbia as well as to furnish them with books. There is no difference as far as the principle is concerned; and, sir, I submit it is wrong in theory, wrong in practice, and I can not and will not cast my vote in favor of any such proposition as that.

I therefore hope, Mr. Speaker, that the House on this occasion will again vote down this monstrous proposition to tax the people of this country for the benefit of the few in this District who will reap the advantages of it. Now, sir, in my opposition to this bill I do not deny that public libraries are great necessities and disseminators of knowledge and light, but at the same time I maintain that one class of citizens should not be unjustly taxed for their establishment without corresponding benefit. I am perfectly willing that the District of Columbia should have the right to tax themselves for this object, but not the whole people, and my vote will be against it.

Mr. WELLINGTON. I yield ten minutes now to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON. Mr. Speaker, I take it that no argument is needed in the American Congress in favor of a free public library. If there is, if anyone at this day needs this question discussed, I am not going to discuss it with him.

The question really involved here, as I understand it, is, shall the Government of the United States and the government of the District of Columbia pay in equal proportion these expenses, or shall the people of the District alone pay for it?

Now, there are a few thoughts that I would like to submit to the members of the House in this connection, first stating that I am, without reserve, in favor of the Government and the District of Columbia sharing these expenses equally. In the first place, it must not be forgotten that the General Government has donated, from the public domain of this country, millions of acres of land for educational purposes to the various States and Territories, while on the other hand the District of Columbia has given to the General Government nearly five-sevenths of the whole soil owned by the United States in this District and has received no aid for educational purposes in exchange for it.

Again, when this donation of the soil of the District was made to the General Government it was upon the theory, and recognized by all at the time, that this would be built up as a great city with all of the advantages which should belong to the great capital city of a nation like the United States. No advantage in the way of educational facilities can be greater—save and excepting only the public schools—than that afforded by a free public library.

Again, the General Government has spent many thousands of dollars in keeping up the libraries in the several Departments of the Government, to which our force of clerks in this city, somewhere in the neighborhood of 20,000, have access. If this provision is carried out as now proposed in the pending report, and a free public library established in the District, that expense in the various Departments will be substantially saved.

But now, Mr. Speaker, I come to the fundamental question involved in this proposition, and call your attention to the fact that the act of 1878 made the District of Columbia and the General Government in a sense partners in respect to the expenditures of the District. Since that time, or rather within a very few years past, there has been manifested from time to time a disposition on the part of various members of Congress to destroy this law by indirection, though not by an effort for its absolute repeal. One gentleman, my friend from Missouri [Mr. DE ARMOND], has come at it in a more manly way, from time to time, and sought to strike down the law of 1878 in the general appropriation bills for the District of Columbia. But I do not know of any member of Congress since that law was adopted who has ever introduced a bill to repeal the act of 1878 and change the system of doing business with reference to the District of Columbia.

Now, I like a good, square fighter, a man whose position you can always understand; and if it is the purpose of any gentleman who represents the people on this floor to seek to repeal the act of 1878 and put the entire burden of the expenditures of the District, the expenses for schools, of opening the streets, the repairs of the streets, the maintenance of the police force, the fire department, and all of the varied machinery necessary for a city of this size entirely upon the people of the District of Columbia, let us get at it in a manly way by repealing the act of 1878 and put a new act on the statute book in its stead. But with that law on the statute book, with that principle governing the relations between the General Government and the District of Columbia, and recognized as binding upon both, I do not think that these indirect assaults upon the principle are wise or legitimate, and certainly it is not a manly way to approach the subject. And in saying this, Mr. Speaker, I am making no personal reflection upon any member of this House. It does seem to me, though, that the right way is to take up the subject of reorganizing these relations in a general way upon a bill reported for that purpose and then test the judgment of Congress and see if there is a disposition, or if it is deemed proper, to repeal the act of 1878.

And now, Mr. Speaker, as supplementary to my discussion of the pending question, I submit that in this age of civilization and advancement of the training of the popular mind, the reaching into the homes of what Mr. Lincoln called "our common people," by means of the educational facilities offered on all hands—I ask if there is anything that can exhibit more clearly and forcibly the value of the principles involved in the act of 1878 than the establishment of a free public library for the use of the boys, the girls, the men, and the women of this District? Because I contend, sir, that every law and every appropriation that broadens the field for the education of the people of this capital city, every statute that tends to elevate the people as a whole, is a benefit and a direct benefit to the entire Republic; and if you are going to contribute toward the sweeping of the streets or the paving of the streets, will you refuse to bear your just proportion of the expense of a free public library for this people?

Why, my friends, the spirit of the age is in the direction of allowing the taxation of each State for the establishment of free public libraries. In almost every county of my own district in Iowa there is to-day a free public library kept up at the public expense, in pursuance of the statutory law of that State; and that spirit is spreading throughout the whole length and breadth of the land. Let it not be said that one of the partners in this city

has sneaked out of sight when it comes to the opening of a free public library to the citizens of the District of Columbia. Our people, the children of your army of 20,000 clerks, the clerks themselves, your own families, are deeply interested in this matter.

Now, Mr. Speaker, I feel almost as though it was an insult to this House to dwell at length upon this theme. I hope that this body, overwhelmingly Republican, will register its action in favor of standing by existing law and standing by the great cause of education. [Applause.]

Mr. POWERS. I yield five minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, there can be no controversy between the gentleman who has just taken his seat and ourselves upon the question of the general utility of public libraries. No one denies it. That is not the issue involved in this bill.

This bill provides for the establishment of a public library. There is nothing stated in the bill concerning the amount which is to be appropriated or what the library is to cost. It is an entering wedge for the creation of a library the expense of which we do not know and can not tell. That it involves an amount which will be great can not be denied, not only in the purchase of books, but before long we shall find a bill introduced in this body providing for the erection of a library building. I submit, Mr. Speaker, that we have the finest library in the city of Washington that can be found on the globe; and what is the necessity of creating another public library, with perhaps another public building, in order to accommodate the people in the District of Columbia? You have a library that has duplicate volumes of every publication that is made. You say that the workingmen in this city do not have access to that library. Why do you not give it to them? Why can not a resolution be passed permitting any person to take a volume from that library? It may be said that it is for the use of Congress; but when we find that these books are in duplicate, and that the librarian could exercise a wide discretion in giving out books, and in withholding from circulation the rare or costly books, we find that there is nothing of substance in that objection. Here you have expended $7,000,000 for the erection of the most magnificent library building in the world. It is ample to give accommodations to every one who wants to read. It contains sufficient volumes to let any workingman, or any other person who desires to read, get the volume he desires. And to say that right within this city, alongside of that library building, you should erect another is, it seems to me, a proposition for a useless expenditure of public money.

Mr. Speaker, it is true that the Government has agreed to pay one-half of the municipal expenditures that are made by the District of Columbia. That policy may be wise or it may be unwise. In ordinary municipal affairs that might be considered by some a proper provision; but, Mr. Speaker, this is an extraordinary expenditure. It is an expenditure that does not pertain to the municipality itself. It may be considered a very laudable object, but not a municipal expenditure as ordinarily understood. There are very few of the municipalities in these United States which have free public libraries supported by the city governments, compared to the number of municipalities that have not. When we take into consideration that this is a useless expense, which, it seems to me, will involve the Government ultimately to the extent of thousands and perhaps millions of dollars, there is no necessity for the passage of this bill.

Mr. POWERS. I yield ten minutes to the gentleman from New Jersey [Mr. PITNEY].

Mr. PITNEY. Mr. Speaker, in opposing the proposition of the Committee on the District of Columbia I do not seek to controvert at all the statement that there is need in the District for a free public library. On the contrary, I admit that there is need here for such a library, to which all the residents of the District may have free access. It is properly said that the Library of Congress is in large part made up of books which can not go out into popular circulation. They ought to be preserved and protected. Therefore it is a perfectly proper thing that somewhere in this District there should exist a library open to the free use of the people and to circulation among the people; but that is not the question which is before this House to-day for determination, and I deny the right of the supporters of this proposition, as it comes from the Committee on the District of Columbia, to put upon us who oppose that proposition the odium of any opposition to a free public library. We do not oppose it. We think that one ought to be established, but the only question before the House is, What funds ought to contribute and pay the expense of this public library, which is for the use and benefit of the citizens of the District?

Mr. Speaker, when this question was before this House for the first time in this session, on the 9th day of March last, I had the honor to submit a few remarks, in which I called the attention of the House to the fact that while on the one hand the national revenues are at present insufficient to pay the ordinary expenses of running the Government of the United States, on the other hand the District revenues, raised here by taxation, and by very reasonable and low taxation, upon the property of the citizens of this District, are more than ample to provide for the share which the District must pay of the ordinary municipal expenses, and to pay besides the whole cost of establishing and maintaining this proposed library, indefinite though these expenses be, and yet to leave a magnificent surplus in the revenues of the District.

I called the attention of the House to the fact that the estimates of the Commissioners of the District of Columbia of the revenues of the District for the fiscal year ending June 30, 1897, amounted to $3,225,081.56, and that for the last three years those revenues have been over $3,000,000 per annum. I called the attention of the House to the fact that the total amount of appropriations for the municipal expenses of this District for the fiscal year 1896 was only $5,559,263.97, and that the amount carried in the District of Columbia appropriation bill for the fiscal year ending June 30, 1897, as reported to this House and passed by this House, is only $5,225,365.97. Now, of these expenditures, by force of the act of 1878, one-half comes out of the National Treasury, and therefore only one-half has to be provided for out of the District revenues. That half amounts to $2,612,683, so that of the estimated revenues, being $3,225,000, there is a surplus of $612,398 remaining, which money, I submit in all fairness and candor, ought to be applied to this local purpose before the deficient national revenues should be called upon to contribute one cent for the purpose.

Now, there is no question, I repeat, of opposing the library; and I submit that the odium shall not be put upon us for any such opposition. There is no question about giving the use of the library fully and freely to all the citizens of the District of Columbia; but I do submit that, inasmuch as it is a local benefit, it ought to be paid for wholly out of the local revenues.

Mr. Speaker, I should not think it necessary for me to speak further upon this matter—especially since the question is the same as that which was before the House on the 9th of March, and then decided in favor of my present contention—were it not for the fact that from that time, when the amendment in question was put upon this bill upon the motion of the distinguished gentleman from Vermont [Mr. POWERS], until the present time, numerous articles have from time to time appeared in the public press of this District containing sneers upon those members of Congress who, in obedience to their convictions, had the courage to oppose this proposition that the National Treasury should be saddled with one-half of the indefinite cost of this public library. It has been sneeringly said that it is the new members who oppose this great public benefit, and that after they have lived in Washington a few terms and acquired property here they will be in favor of such propositions as this.

Mr. Speaker, an insinuation of that sort is an insult to the American Congress, and I for one resent it; and if it were true (which I deny) that by some sort of blandishment, or by inducements being held out to purchase property here, influences could be brought to bear on members of Congress to be more favorable to the plan of originating and supporting local improvements at the expense of the National Treasury, then it might be questionable whether the law ought not to be changed so as to deny to Representatives the right to hold property here.

Mr. BARTLETT of New York. Does the gentleman think that would be permissible under the Constitution?

Mr. PITNEY. I will leave it to my friend the constitutional lawyer from New York to raise the constitutional objection. [Laughter.] I think it would be absurd, whether constitutional or not, and the insinuation thrown out by the public press is absurd also that any member of Congress should be or would be influenced in his action here by the ownership of property.

Mr. RICHARDSON. Does the gentleman think it would be quite proper to provide that citizens should not own property in the municipality where they reside? Would that disqualify them from looking into the interests of the city? Would it not have the other tendency?

Mr. PITNEY. I do not intend to make any such insinuation. I simply refer to the articles that have been printed in the public newspapers of this town.

Mr. NORTHWAY. If the gentleman will permit me—do you favor opening the Congressional Library to the public, free?

Mr. PITNEY. I would not, without further investigation, commit myself in favor of the plan of opening the Congressional Library to the free use of the citizens, without restrictions. Some sort of restrictions would have to be imposed upon such a privilege. That is not the proposition I am advocating here, but an entirely different one.

Mr. NORTHWAY. Has not the cost of that Library been paid for entirely by the General Government?

Mr. PITNEY. Of course.

Mr. NORTHWAY. Then, if we should open it, we would offer this to the citizens as a free library without it having cost them a cent.

Mr. SHAFROTH. But would not it be a saving to the Government to do that?

Mr. NORTHWAY. I think not.

Mr. PITNEY. Mr. Speaker, I want to say further that I resent the insinuation, contained in the public press, that it is those members who come from the less enlightened portions of the community, if any such are to be found in this broad land, who oppose this proposition. Now, any fair argument that may be brought to bear upon Congress upon any question of this sort will not be subject to criticism; but I submit that it is improper and indecent to use such arguments as the public press have used in undertaking to whip Congress into line to support a proposition of this sort, for the local benefit, and to have it paid for in part out of the public Treasury.

The question of the repeal of the act of 1878 is not involved here. That act provided that, as to all municipal expenditures which were then provided for by law, the national Treasury should contribute one-half and the District revenues one-half. But that act, in so far as it constituted a bargain or arrangement between the District and the National Government, was limited by its terms and applied only to the objects which were then upon the statute book and which were at that time regarded as public objects; and it necessarily follows that whenever any proposition for a new local improvement is brought before us we must consider it as an independent proposition, and make up our minds whether we ought to go further than Congress has gone in the act of 1878 in the direction of saddling the local burdens of the District of Columbia upon the public Treasury.

Now, I am not proposing the repeal of the act of 1878, but there is no more doubt than there is that we are here that that act is exceedingly favorable to the people of the District of Columbia, and if the issue must be raised—and the local press here seem to desire to raise it—if the issue must be raised between the interests of the District of Columbia and the interests of the rest of the country, my humble opinion is that the representatives of the people in Congress will stand first for the interests of the whole country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS. Mr. Speaker, I think the other side ought now to proceed to occupy some of its time.

Mr. WELLINGTON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRISWOLD].

Mr. GRISWOLD. I do not rise, sir, because I have any additional light to throw upon this subject, but because I feel that the people of the United States take special pride, not only in this country and its institutions, but in its capital city, and that it is not only their wish and desire, but their purpose, that this city be made the exponent of progress; that when they visit this city they shall find here the best and most advanced evidences of progress; that they shall find streets well lighted, good sewers, water of the purest quality, well filtered; that they shall find also advanced development in the line of education, and the best embodiments of progress in its true import. Now, what more efficient means, I would ask you, sir, than education have we to stimulate progress, and what more important adjunct to education have we than libraries? But it has been stated that we have already a library here. That is true; but I insist, sir, that our Congressional Library is more a library of record than a library for public use. The design of it is that every publication shall be found there; but how long would they or could they be found there if they were subject to being loaned to this man or that man? Large numbers of the volumes would disappear, and the main object of that Congressional Library would thus be defeated.

In my opinion, sir, an appeal to the country on this question would elicit an almost unanimous response in favor of liberal contributions by Congress toward the expenses of this District in order to secure its proper development in the directions I have indicated. As I was saying, the people of the United States are not picayune in reference to this matter. They believe in a liberal expenditure, and when they speak of the city of Washington they want to be able to speak of it with pride. Therefore I do not believe that this House is not justified in passing this bill. The objection that the expenditure is unlimited can easily be remedied. As a city Washington is to-day certainly far behind many of the cities of the country in its public works, and the surplus in the revenues of the District to which the gentleman from New Jersey [Mr. PITNEY] has referred, and not only that, but a much larger sum, might well be expended for the further development of this capital city, and even then Washington would be behind many cities in the United States. I sincerely hope, sir, and for my part I urge, that this bill shall receive a favorable vote.

Mr. BABCOCK. I yield five minutes to the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. Mr. Speaker, I do not take the floor for the purpose of entering into the discussion of this question, but solely to say that I shall vote for the motion to recede, because I believe the House should take that course. I can not see any reason why in this case we should depart from the rule which has uniformly prevailed of paying one-half of these expenditures out of the public Treasury. As I understand, there is no proposition to purchase a building for this library, or that it shall purchase books to put in it, but simply that the employees of the library, when it is once established, shall be compensated as other Government employees are compensated, out of the public Treasury. At most it can be but a small amount. I believe the library will redound greatly to the usefulness of the public-school system in this District, that it will be a public benefit in many ways, and it certainly seems to me that we should promote rather than retard so valuable an enterprise. I do not wish to say anything more, Mr. Speaker. I shall vote for the motion myself, and I trust that the House will adopt it.

Mr. POWERS. Mr. Speaker, it is always best when the House has a measure under consideration that members should know precisely the question that is in issue. There is no occasion for any gentleman on this floor to charge upon those of us who oppose this proposition that we are seeking to have the Government sneak out of an obligation that it is honorably bound to under the provisions of the act of 1878. We stand here, sir, insisting that the provisions of that act are being violated by the terms of this bill. If gentlemen on the floor of this House will take the trouble to look at the language of the act of 1878 they will learn that when that law was enacted it provided merely for the necessary municipal expenses of the District of Columbia. If they will go a step farther and look into the debate which covered a long period of time during that session of Congress, they will find that it was expressly stated by the friends of the proposed change of system that the people of the United States, represented by its General Government, would never be called upon to pay anything beyond ordinary and necessary expenses of the District.

I have taken occasion to review that discussion as it transpired on this floor and at the other end of this Capitol, and from beginning to end the proposition was bitterly opposed on the theory that it would lead to just the kind of extravagant expenditures that have followed in the train of that legislation. The bill was defeated once in this House for fear that the Government would be called upon to assume the old debt of the District of Columbia, and it finally was passed only because of a provision that the Government should merely guarantee interest on the 3.65 bonds. But we have been told on this floor during this discussion that one-half of that entire debt of $20,000,000 has already been shouldered upon the Government of the United States, and I am inclined to think, sir, from a careful reading of the legislation between 1878 and the present time, that that result has really been accomplished and that the purpose of the gentlemen who urged that measure has been fully realized, namely, to make the Government of the United States a stalking horse to carry the load that ought to rest upon the people of this District.

Now, sir, we do not stand here to ask any parsimonious action on the part of this House. We stand here saying amen to this bill to establish a free circulating library, provided that the people who are interested, and who alone are interested, in it shall incur the expense, just as the people of your cities and of my cities and of all the cities throughout the country do when they undertake to establish libraries for their people. I have alluded to the fact that little by little encroachments have been made upon the theory of the act of 1878, until, if gentlemen will review the legislation that has been enacted since that time, it will make their hair stand. Twenty millions of debt has been loaded upon the Government of the United States in violation of the proposition and the theory upon which the act of 1878 was passed.

Now, sir, during the last discussion of this question when my friend from Illinois [Mr. CONNOLLY], unacquainted with the way in which these things are done here, remarked in his innocent manner: "If this thing goes on a little longer we shall be confronted with a proposition for the establishment of free bath houses for the people of this District." A gentleman upon this floor, who is always active and zealous in behalf of such legislation, rose and triumphantly replied: "We already have that." I have taken occasion to look up that legislation, and I have here an interesting document to which I wish to call the attention of members. In the Fifty-first Congress a bill was passed appropriating $3,000 for the establishment of free bath houses for the benefit of the people of this District. Under that bill the expense was put upon the revenues of the District. But the argument here is that any expense that you can properly put upon the revenues of the District is chargeable, under the terms of the act of 1878, one-half to the United States. So, if the argument amounts to anything, that expense ought to have been shared by your constituents and my constituents at home.

Now, I hold in my hand a report made by the chairman of the District Committee in the Fifty-first Congress upon that bill, from which I read:

Mr. GROUT, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7036) establishing a free public bathing beach on the Potomac River near the Washington Monument, submitted the same to the District Commissioners.

Then the report goes on to say that—

The Commissioners are in favor of the enactment of House bill 7056, establishing a free public bathing beach on the Potomac River near the Washington Monument, referred to them.

The report further says—and I ask the attention of the House to it, because it shows just the kind of legislation that has been enacted upon this system—

The objects and scope of the bill are well set forth in a memorial of citizens of the District of Columbia, which we attach and make a part of this report.

The committee report back this bill to the House with the recommendation that it pass.

The memorial is as follows, and I ask the attention of members to this memorial and to the class of citizens who are quoted as recommending the appropriation:

In presenting the accompanying bill for your consideration the undersigned, officers of the Washington Beach Association, beg leave to state concerning its objects and the necessity for its enactment as follows—

The reasons that are adduced, and which are recommended by the committee of this House as a sufficient warrant for this appropriation of $3,000, are these—

Every year many persons are drowned in the Potomac—

That is the first reason—

some because they could not swim, others because they stole away to get out of the policeman's reach, and were consequently beyond help in their time of need.

Well, now, if that was a proper municipal expense, then at home in Vermont, where I live, in Ohio, or elsewhere, where you gentlemen live, if a man happens to get drowned or is running away from a public officer to get drowned, you must establish a bathing beach so that his life may be saved.

Every person over 5 years old should be able to swim so well as to feel perfectly at ease in deep water.

[Laughter.]

You can see what profound philosophy underlies this legislation—every person over 5 years of age should be able to swim, and to feel at home in doing so.

Besides the residents of the city there are hundreds of persons employed in the Departments who can not leave their duties to go to the seashore in the heated term—

Therefore there must be a swimming place provided for them. How many people have you gentlemen in your districts who are in the same unfortunate condition; but did you ever think of going to the legislature to have them relieved by the establishment of a place where they could go in swimming?—

and who would gladly avail themselves of the luxury of frequent bathing if a suitable place could be had in open water.

Here is a still further reason given:

Even home bath tubs can not be had by all; and they do not offer to any that invigorating tonic which comes from the relaxation of open-water bathing with family and friends to help enjoy it.

Mr. Speaker, the proposition is that these unfortunates have no bath tubs at home and that they must have a place for open-water bathing where they can take their families and their friends to help enjoy it. Do gentlemen on this floor when they are at home, when the boys go in swimming or they themselves go in swimming, take along with them their families and friends to help enjoy the luxury of open-water bathing?

To form a suitable beach for bathing purposes at a point on the Potomac River convenient to the Washington public.

To maintain order and decorum upon the beach and its surroundings, and to enforce such regulations as tend to the free enjoyment of the beach as a bathing place for all respectable and well-disposed persons.

The first necessity was a place where there is no current to enter the water.

It is proposed by the bill to lead the boys of Washington down by the "still water" so that they may enjoy going in to swim with their families and friends to help them! [Laughter.]

Mr. BLACK of Georgia. There ought to be some "green pastures."

Mr. POWERS. My friend here suggests that there ought to be close by some green pastures; he will find that that is duly provided for.

A location was selected beside the Monument Lot. A narrow strip of the bottom and shore was graded and the soft slimy mud, which everywhere prevails, was covered with gravelly sand, making a nice clean bottom; a small rough house was built with two compartments for dressing, and this little beginning was a lively scene from morning till night—

From youth to hoary age should have been added—

until the weather was too cool for comfort. Over 150 boys—

In this great city of 273,000 inhabitants—

about 150 boys a day on an average bathed freely on this beach, even though the house was not open to them and they had to hide in the tall weeds to dress.

Mr. TALBERT. I should like to ask for information whether it was recommended also that the Government furnish convenient bathing suits?

Mr. POWERS. Wait a minute.

Now, Mr. Speaker, just think of the terrible embarrassment that the boys of Washington are under when they go down to the Potomac to go in swimming by reason of being obliged to go into the tall weeds to dress. That thing should be remedied, and this bill, as will be seen, did it.

The experiment was a success—

Says the memorial—

The experiment was a success, and met with universal approbation and large promises of membership for the coming season. But now a more roomy beach is desirable, in order that the whole public may enjoy it freely under proper restrictions as to clothing and conduct. By consulting with Colonel Hains, who heartily indorses this move, we have ascertained that the expense of forming the sea wall and making the fill required according to the present plan of filling the flats would grade a beach 100 feet wide from a line 5 feet deep under water at low tide, and cover the same with sand and gravel to the required depth to maintain its stability, and build suitable dressing houses with separate personal compartments.

So every boy that goes down there to go in swimming is to have a separate compartment in which to dress without being humiliated like your boys and mine when they go in swimming by being obliged to dress in the tall weeds.

To make a beautiful beach for 500 feet along the shore, graded from the level of the ball ground to deep water, cover it with sand, and provide houses to accommodate 100 bathers at a time would cost only $3,000, and about that much would be spent on that shore without the beach.

Mr. Speaker, for the information of the House I incorporate in my remarks the whole of that report from which I have read extracts:

Mr. GROUT, from the Committee on the District of Columbia, submitted the following report on H. R. 7056:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7056) establishing a free public bathing beach on the Potomac River near the Washington Monument, submitted the same to the District Commissioners, and they say: "The Commissioners are in favor of the enactment of House bill 7056, establishing a free public bathing beach on the Potomac River near Washington Monument, referred to them."

The bill was also referred to the Secretary of War and by him to the office of the Chief of Engineers, United States Army, where a favorable report was submitted by Gen. Thomas Lincoln Casey and by Col. Peter C. Hains and Col. O. H. Ernst.

The objects and scope of the bill are well set forth in a memorial of citizens of the District which we attach and make a part of this report.

The committee report back this bill to the House with the recommendation that it do pass.

—

In presenting the accompanying bill for your consideration the undersigned officers of the Washington Beach Association beg leave to state concerning its object and the necessity for its enactment as follows: Every year many persons are drowned in the Potomac; some because they could not swim, others because they stole away to get out of the policeman's reach, and were consequently beyond help in their time of need. Every person over 5 years old should be able to swim so well as to feel perfectly at ease in deep water.

Besides the residents of the city there are hundreds of persons employed in the Departments who can not leave their duties to go to the seashore in the heated term, and who would gladly avail themselves of the luxury of frequent bathing if a suitable place could be had in open water. Even home bath tubs can not be had by all, and they do not offer to any that invigorating tonic which comes from the relaxation of open-water bathing with family and friends to help enjoy it. This subject has been more or less discussed in the papers every year, but none took measures to accomplish the desired end until this association was formed with the following-stated objects:

To enable ladies, girls, and children, as well as men and boys, to obtain the benefits and pleasure of open-water bathing.

To form a suitable beach for bathing purposes at a point on the Potomac River convenient to the Washington public.

To maintain order and decorum upon the beach and its surroundings, and to enforce such regulations as tend to the free enjoyment of the beach as a bathing place for all respectable and well-disposed persons.

The first necessity was a place where there is no current to enter the water. A location was selected beside the Monument Lot. A narrow strip of the bottom and shore was graded and the soft, slimy mud, which everywhere prevails, was covered with gravelly sand, making a nice, clean bottom; a small, rough house was built with two compartments for dressing, and this little beginning was a lively scene from morning till night, even until the weather was too cool for comfort. Over 150 boys a day on an average bathed freely on this beach, even though the house was not open to them and they had to hide in the tall weeds to dress. The better class was fully represented, and sons of Congressmen enjoyed it as much as any.

The experiment was a success, and met with universal approbation and large promises of membership for the coming season. But now a more roomy beach is desirable, in order that the whole public may enjoy it freely under proper restrictions as to clothing and conduct. By consulting with Colonel Hains, who heartily indorses this move, we have ascertained that the expense of forming the sea wall and making the fill required according to the present plan of filling the flats would grade a beach 100 feet wide from a line 5 feet deep under water at low tide and cover the same with sand and gravel to the required depth to maintain its stability and build suitable dressing houses with separate personal compartments; to make a beautiful beach for 500 feet along the shore, graded from the level of the ball ground to deep water, cover it with sand, and provide houses to accommodate 100 bathers at a time, would cost only $3,000, and about that much would be spent on that shore without the beach. Under the direction of the Commissioners Major Moore furnished policemen to patrol this region, and the boys bathed in safety under a restraining hand. We now ask that the said Commissioners be instructed by Congress to take charge of the whole matter for the public benefit.

This matter should be acted upon without delay, because work is now being done which might be saved by the beach plan of construction, and because, by grading the beach now and allowing the earth to settle for a while before the sand is leveled over it, a better foundation will be insured and the beach may be ready for use the coming season. Let the capital of the nation have this little space to approach the broad Potomac unbarred by wall or mud, is the prayer of your humble petitioners.

W. X. STEVENS.
W. L. PHILLIPS.
JOHN B. CLARK.
P. L. TATE.

We shall be glad to present a plan and the result of experience to aid the committees of Congress in shaping their instructions to the Commissioners at your convenience.

Please address W. X. Stevens, No. 705 G street northwest, Washington, D. C.

Now, then, Mr. Speaker, this is only one sample of the kind of legislation that has gone through Congress here under the whip and spur of a tremendous lobby interest such as is working to carry this bill through. I want to ask every gentleman on the floor how he can go home to his constituents and justify the expenditure of public money for matters of that kind. If anyone thinks he can do it he is welcome to the job. I do not want to undertake it.

Now, as I have already said, such expenses were never contemplated under the act of 1878. I dispute the proposition that there is no opportunity to get books out of the pubic libraries in this city. The Congressional Library has always been open to the public. The only restriction that has ever been complained of was that when a stranger went there to borrow a book he must make a deposit equal to its value in order to insure its return. Well, could you establish a library on the principle of a free circulating library such as you propose in this District on any other basis than that? Would every stranger who knocked at the doors of the library and asked permission to take a book out be permitted to get it without any security for its return and with no knowledge of who he was? Not at all. Every stranger in any city who goes to a public library, a circulating library, is bound either to be introduced by some one who knows him or else make a money deposit to secure the return of the book borrowed, and only in this way can he establish his right to draw books. It is an entirely natural and reasonable requirement.

And not only that, but they tell us that the clerks in the various Departments must have a new library. Sir, it is true that every Department of the Government has already a library, bought by Congress, established by Congress, and opened for the exclusive benefit of the employees of that special Department. But the regulations of the Department have been such that they have been closed at 4 o'clock, the moment the clerks are relieved from duty. Now, how easy and simple to correct that. All that is necessary is to pass a joint resolution requiring them to be kept open an hour longer than the term of service of the employees. When you do that, do you not meet that demand? Pass a joint resolution that the Congressional Library shall be open to the public under reasonable restrictions and regulations. Do you not thereby supply the demand for books in this city without establishing this entering wedge to what will hereafter become an expenditure of millions for some gigantic building for the benefit of the people of the District?

Now, sir, I insist that this is not a proper municipal expenditure. The act of 1878 enumerates the kind of municipal expenditures that are to be provided for. It provides for highways, lights, and other current expenditures of the District, such as water, the expense of the Commissioners, and such things as that; and that is all the kind of expenses that are mentioned in the law.

Mr. McMILLIN. Will the gentleman allow me a question just there?

Mr. POWERS. Certainly.

Mr. McMILLIN. The report of the committee does not set out the effect of the amendment at all. Now, if the House recedes from the amendment that it adopted to the Senate bill heretofore, in accordance with the recommendation of the District Committee, will the city of Washington pay any part of the expenses of this library?

Mr. POWERS. Yes; one-half, as I understand it.

Mr. McMILLIN. And the Government of the United States the other half?

Mr. POWERS. Certainly.

Mr. McMILLIN. How are the employees of the library to be paid?

Mr. POWERS. All of the expenses are to be paid in the same way. The object of the amendment is to divide the expense.

Mr. McMILLIN. One moment more, if the gentleman will permit me. Is not the Congressional Library here open to all on certain conditions?

Mr. POWERS. Certainly; and if not, it is perfectly easy to fix it so it will be.

Mr. BABCOCK. If the gentleman will permit me just there, the hours during which the Congressional Library is open are not convenient for the working people of the District.

Mr. POWERS. Then change the hours.

Mr. McMILLIN. That is a subject of statutory regulation and can be changed by Congress.

Mr. POWERS. Certainly.

Mr. DOCKERY. If the gentleman will permit me one moment, I would like to ask if the Committee on the District of Columbia have submitted, with their favorable report to the House, any estimate of the expense they propose to involve the Government in for this building and the books?

Mr. POWERS. No, sir; the committee has not. They have been not only silent as to the size of the job they report, but have added nothing to what they reported on the 9th of March, when this question was previously before the House.

Mr. McMILLIN. On the subject of the other libraries in the city, I would ask the gentleman to state whether or not, in the different Departments of the Government, there are not now free circulating libraries for the benefit of the employees?

Mr. POWERS. I have already stated that. There are ample library accommodations for all of the employees, and not only that, but there are circulating libraries in the city where any person, by paying a small annual compensation, can have access to the books.

Now, the difference in the House, the difference between us, on this question arises from what is to be regarded as a proper application or construction of the phrase "municipal expense." Gentlemen say anything is a proper municipal expense that we can vote for the District of Columbia. The Fifty-first Congress decided that the establishment of a place to go in swimming was a proper municipal expenditure. If an association of young gentlemen here, wanted to establish a toboggan slide at the public expense and came to Congress, they could have it done under the definition that is given to the term "municipal expenditure" by some gentlemen upon the floor of this House.

Now, the question of a man's judgment as to what constitutes municipal expenditure depends altogether on the disposition of the man or on his opinion, some holding one thing and some another. It reminds me to a certain extent of a story I heard of an Irishman up in my State who was testifying in a controversy whether a certain Mr. A was drunk or not. Twenty witnesses had gone on the stand and sworn that A was drunk, but Pat, when he was put on the stand, swore him practically sober. They wanted to ascertain his method of determining the soberness of the man and asked him the question, "Pat, when do you think a man is drunk?" He replied, "I never think a man is drunk as long as he can lay on the ground and hang on to the grass." These gentlemen never think any expense is beyond the proper definition of a municipal expense as long as they can get votes enough in Congress to rush it through.

Mr. ADAMS. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. ADAMS. What is the custom in the larger cities of the Union? Have they not established libraries at the public expense in Boston, Philadelphia, New York, and other large cities?

Mr. POWERS. Well, I will say——

Mr. ADAMS. I only ask this to get at what is the common practice in large cities.

Mr. POWERS. Undoubtedly that is so, and that is just what we are trying to have this city do—do it on its own money. The very question is a dead giveaway of the argument against this proposition, because these other cities have done it at their own expense. Let this city do it at its own expense.

Mr. PITNEY. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. PITNEY. In the great cities referred to, where public libraries exist, does the property of the United States of America contribute any part of the taxation for the support of those libraries?

Mr. POWERS. Not one cent.

Mr. GROUT. Are those cities capital cities, and have the United States agreed to contribute, as they have here? That answers the gentleman's question.

Mr. POWERS. That answers it very feebly.

Mr. GROUT. Very fully.

Mr. POWERS. Now, the argument that has been made outside of this House, and that I suppose will be adopted in this House, is that the National Government ought to have the benefit of this expense, because they say that the District of Columbia contributes so largely to the internal-revenue taxes. One of these papers, when I had the honor to receive a little attention from it a few days ago, stated that the whole State of Vermont did not pay so much in internal-revenue taxes as one-twelfth of what is paid by the District of Columbia. I was very glad that that proposition was advanced. Now, what do internal-revenue taxes come from? They come from rum and tobacco; and the highest compliment that that paper could have paid my own State was to call attention to the fact that it was a State with an hundred thousand more people than this city, and that that whole State pays less than one-twelfth as much for the privilege of selling rum as this city pays. There is where the fallacy of that argument rests.

Now, get beyond the matter of national taxation and take up local taxation. What is the fact about that? Why, Mr. Speaker, there is hardly a town in the State of Vermont but that pays nearly double the tax for the support of local institutions and local affairs that is paid by the people of this District. What becomes, then, of the argument that, because they sell more rum in Washington, because they have more rum shops in Washington than they have elsewhere probably on the face of the earth, and from that source they pay money into the national Treasury, that therefore our people should be asked to contribute to the maintenance of a public library here? The people of Vermont are not

ambitious to enter into a race with the District of Columbia on the amount of rum tax that they shall pay to the General Government.

There are many more things that, if I had the time, I should be glad to review, but the question addresses itself in a practical way to the members of this House in another aspect. How are we situated? The Government of the United States, that is asked to incur one-half of this expense, is to-day borrowing money to pay its ordinary necessary expenses. Every member on the floor of this House has been told, "You can have no appropriation for a public building in your State; you can have no improvements of rivers and harbors; you can have nothing that your people at home want, for the simple reason that there is no money in the Treasury with which to pay it." And still the District of Columbia comes up, in the face of that statement, and says: "Give us our appropriation for the establishment of a library, for which there is no need, and ignore your own constituents at home." I want to appeal to gentlemen who have these local interests at home to tell me how they will answer the demands of their people: "Why did you not get this for us, and why did you not vote for it?" If you say, "The Government is borrowing money to pay its expenses," they will reply, "But you went down there and voted for a proposition that means an expenditure of millions from the public Treasury for the benefit of the people of the District of Columbia, and neglected your own people at home." If the members of this House can justify that at home, I am willing they should undertake the job. For me, I never will attempt it.

I reserve the balance of my time, Mr. Speaker. How much time have I remaining?

The SPEAKER pro tempore (Mr. BARRETT in the chair). The gentleman from Vermont has ten minutes remaining.

Mr. McRAE. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BABCOCK] controls the time. Does the gentleman from Wisconsin yield to the gentleman from Arkansas?

Mr. McRAE. I assume that I have a right to make a parliamentary inquiry. I desire to ask how this bill gets here, if it has been ordered into conference? This is not a conference report.

Mr. POWERS. If the Chair will allow me, I will state the status of the bill, but I do not wish it to come out of my time. This is a Senate bill which passed the Senate and was sent to the House. The House put on an amendment providing that the expenses in the bill should be chargeable to the revenues of the District of Columbia.

Mr. McRAE. I understand that.

Mr. POWERS. The Senate asks for a conference. The House, instead of granting the conference, referred the bill back to the Committee on the District of Columbia, and they reported it back recommending that the House recede. Now, that may be parliamentary, but the proper way would have been to have had a conference committee appointed, and that conference committee made up of the friends of that amendment, and not its enemies. This bill comes from this committee now right back into the hands of the enemies of this amendment.

Mr. McRAE. Then do I understand——

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Arkansas?

Mr. BABCOCK. Not out of my time.

Mr. McMILLIN. A parliamentary inquiry is always in order, and does not come out of any gentleman's time.

Mr. McRAE. I understand that; but the Chair seems to think differently. I stated in the beginning that I desired to make a parliamentary inquiry of the Chair. Will the Chair hear my parliamentary inquiry?

The SPEAKER pro tempore. The Chair would state that under the arrangement made, that there should be two hours for debate on this bill, with one hour to gentlemen on either side, the gentleman from Wisconsin is entitled to the time. No member has the right, as a matter of right, to interrupt another who has the floor to interject a parliamentary inquiry. If the gentleman from Wisconsin is not proceeding in order, it will be in order to call him to order.

Mr. McRAE. I do not want to interfere with the time of the gentleman from Wisconsin, but I think the House ought to understand how it comes here. Why, then, can not the Chair, since the question is submitted, determine whether it is properly before the House or not?

The SPEAKER pro tempore. If the gentleman from Arkansas should raise the point of order that the bill was not properly before the House, the Chair would be obliged to rule on that question, but unless he does so the Chair will not delay the proceedings of the House by a discussion of how this bill is now before the House. The time to have raised that issue was when the bill was taken up, and not now.

Mr. McRAE. But until I can understand the status of the bill I can not make the point; and that is why I made the parliamentary inquiry. I wanted to ascertain the status of the bill.

Mr. RICHARDSON. It is altogether unusual after a bill has been under debate for two hours to ask whether it is properly before the House.

Mr. McRAE. But that is no more unusual than this proceeding, which gives this measure a status it never had.

The SPEAKER pro tempore. The House will be in order. The gentleman from Wisconsin is entitled to the floor.

Mr. BABCOCK. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I suppose if the House recede it passes the bill. That is all I want to say about that point.

Now, then, as to what constitutes a municipal expense, I do not think it necessary to consume much time in discussing. In my judgment the establishment of a free library is a legitimate municipal expense. I think it is beyond the domain of controversy. In all the States, so far as I know or believe, and some of the cities this expenditure has been made and sustained. It is so in my own State. In my own town, of 20,000 people, for ten years we have had a free library, bought and sustained by the municipality, and so it is generally throughout the country. So much for that. As to the free bath house, that is not before the House for discussion. In my judgment, in cities of the size of Washington, and larger, it is a proper municipal expense; but if that comes before us, having been entered upon, it is time enough to discuss that. As to the public library, the only question is whether it is needed, and if it be needed, whether, in the condition of the District and Federal revenues, the expenditure should be made; but the gentleman says the Library of Congress can be used. It can not be used properly and practically for the whole population of the District. If it was, it would not be there for use by Congress, or for the purposes for which it was established.

Now, I helped to defeat at one time a proposition to establish a free library in Washington. It came here a year or two ago with a proposition that it be housed in a public building about to be completed—the new post-office building. I did not believe that that building ought to be diverted to such a purpose. I opposed it and the House put its veto upon it, and it was not done. It is proposed to provide quarters for the free library as the other expenses of the District of Columbia are appropriated for, payable half and half. I think it is a proper municipal expense, and I believe that the bill ought to pass. Therefore I shall vote for it. I have not been swift, let me say, to relieve the District from proper taxation. I have stood here and contended, Congress after Congress, and generally successfully, to make this District do its share under the legislation of 1878. The establishment and maintenance of the Zoo, which was sought to be fastened on the Federal Government, in the end was fastened upon the revenues of the District and the revenues of the General Government, half and half.

Now, it may be possible that no library at all should be established. If so, well and good; let us lay this bill upon the table and there end it. I should regret to see that action taken, because, with 200,000 people, the mass of them not clerks in the Departments, most of them not capitalists, most of them laboring people, I believe in this great capital city they should have the same facilities for a free library that they have in my own city of 20,000, and that they have in cities of this size throughout the country; but I say again, if it is entered upon and is necessary, as I believe it to be, it is fair and proper, in my judgment, that it should be paid for as other municipal expenses are paid. And let me say to gentlemen, with all the social influence that surrounds Washington, that if we have heretofore, do now, and shall hereafter keep the expenditures to care for the District of Columbia as the act of 1878 provides, namely, half and half, we will have done very well and will be subject to congratulations among ourselves and also receive the approval of the people at large. Let us pitch the fight along the right line. It will come a little later, when the bill to build a memorial bridge is brought up, if you bring it up. That is to be built, as the Senate passed it, exclusively out of the Treasury of the United States. When it comes, as other measures will come, I am quite willing to stand by the act of 1878.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BABCOCK. I yield five minutes to the gentleman from Ohio.

Mr. HULICK. I supposed I should have more time than the gentleman has assigned to me. When this bill was before the committee originally I favored entailing upon the District of Columbia all the expenditure connected with the establishment of this library. The bill went to the Senate, where it was amended so that the expenses of the maintenance of the library, including salaries of employees, shall be paid equally by the District of Columbia and the United States, and it has come back to us for consideration at this time. I shall vote for the bill as it comes to us amended, believing that this case should not be made an

exception to the general rule of dividing these expenditures evenly between the District of Columbia and the United States public Treasury. There are many things connected with appropriations for this city and for the District that I think should be taken out of the operation of the rule established by the act of 1878, but I do not believe that we ought to begin with a public library. I presume there is not a member upon this floor who is not in favor of a public library and of the provisions contained in this bill for its maintenance.

The only question that is raised in the minds of members is, Shall the Government pay one-half or any portion of the expense of this library? That question is brought here, and, as I have said, I have come to the conclusion that we ought not to take this object out of the operation of the general rule; but at the same time I want to say in the hearing of this House that since I have been a member of the Committee on the District of Columbia I have learned some things which justify me in saying to the citizens of this District that they are themselves responsible for the feeling that has been expressed by members of this body against charging any part of this proposed expenditure to the General Government. They are responsible for that sentiment because of the manner in which taxes are levied and collected here in the District of Columbia. In regard to the present bill, as I have said, I believe we ought to pass it in its amended form. There are representatives here from all parts of the country. There are many here in the several Departments of the Government from my own county, from my own district, from my own State; and the same is true of every other district represented on this floor, and we ought to be willing to give these people the benefit of this free circulating library, and I believe that the General Government should pay one-half the expense of establishing it and keeping it up.

But, Mr. Speaker, turning now to the question of taxation in this District, the act of 1878 was passed upon the theory that the Government of the United States owned at least one-half of all the property in this city and District, so that in equity the Government ought to pay one-half of the expenses, the citizens of the District paying the other half. I do not believe the Government owns one-half in value of all the property in the District of Columbia. I find from the report of the Commissioners of the District of Columbia for the last year that in the city of Washington and the District of Columbia the real-estate assessment amounts to $188,922,343. To be more specific and exact, I will incorporate in my remarks the figures from the report of the Commissioners of the District of Columbia which show the assessed value of taxable real estate and personal property in the District of Columbia on July 1, 1895:

| | | |
|---|---|---|
| Washington City: | | |
| Taxable on land | $90,942,586 | |
| Taxable on improvements | 74,457,233 | |
| | | $165,399,819 |
| Outside of Washington City: | | |
| Taxable on land at $1.50 | 11,613,660 | |
| Taxable on improvements at $1.50 | 5,502,500 | |
| | | 17,116,160 |
| Taxable on land at $1 | 5,396,764 | |
| Taxable on improvements at $1 | 1,009,600 | |
| | | 6,406,364 |
| Total assessed value of taxable real estate | | 188,922,343 |
| Personal property: | | |
| Washington City | 10,585,384 | |
| Washington County | 46,985 | |
| Railroads, taxed on gross receipts | 339,388 | |
| | | 10,971,737 |

Now, compare the personal-property returns. In the city of Washington and the District of Columbia there is reported only a little over $10,000,000—$10,971,737 of personal property. On yesterday the question of taxation was up before the committee, and some of these local corporations were insisting upon certain advantages in legislation because of the taxes that they paid into the city treasury, and in the course of inquiry there it was announced that the capitalists of this District did not pay taxes upon their chattel property; even the gentleman who was addressing the committee said that he did not pay a dollar of such taxes upon his stock in a certain corporation then under consideration. Furthermore, a gentleman of this city, a good lawyer, a good citizen, a man of integrity, a man who knew what he was talking about, on another occasion before our committee, said that there were large wholesale and retail establishments located here which paid not one dollar of personal tax.

Now, as I have said, it was by comparing the value of the taxable property in this District owned by the United States with the taxable property owned by the citizens that the scheme of having each pay half of the local expenditures was carried through, and, in view of the figures I have cited, it seems to me that there should be a change in the laws of the District in that respect; and a reassessment of the property, real, personal, and mixed, belonging to the District and to the Government, respectively, so that the proper rates of taxation should be adjusted in principles of equity—so amend the District tax laws that all property shall be justly and honestly placed on the tax duplicate; then a proper ratio can be established for taxation between the District and the Government.

Mr. Speaker, only ten millions of personal property on the tax duplicate of the District of Columbia? Why, a hundred millions would not cover the amount. Let there be reform in this respect, and very much of this opposition to the Government paying an equitable part of the expenses of the District will disappear.

Mr. Speaker, the bonded debt of the District amounts to about $18,000,000, drawing high rate of interest. That great debt must be paid some time in the future, by somebody. All the contemplated improvements of this great, beautiful city must be provided for, and all the property, real and personal, in the District should be subject to taxation. As it is now people come into the District with their money, stocks, and bonds to escape taxation. How long shall this state of affairs exist?

But as to changing the rule of taxation in the division of taxes I do not think we should begin the change at this point, or upon this bill for the establishment of a public library. There can be no better appropriation of the funds of the United States than for an object of this kind. Such a library will be of incalculable advantage to the clerks in the various Departments of the Government, to our families and friends who reside here, and to all the citizens of this District, and if you are going to make a change in the rule of taxation and of division of burdens I pray you begin not now upon this laudable measure. And to my friend from Vermont [Mr. POWERS], who advocates his side of the case so clearly and so well, I say: I pray you think for a moment before you insist upon making this library an exception to the general rule which has so long prevailed. If you were to express your honest sentiments here I believe you would say that you are in favor of this circulating library. You can not justify yourself for voting any other appropriation as easily as you can for voting this one for the establishment of a free circulating library for the benefit of all the people of this District and of the people of the United States who come here. Therefore, let us adopt this measure. Let us have this free circulating library established, but at the same time let the opposition which this bill has aroused here, coming as it does upon a measure which offers the least reason to excite such opposition—let that opposition, let the expression of sentiment here, be an intimation and a warning to the people of this District that unless they are willing to be taxed properly and to bear their just proportion of the burdens of the local government, the matter will be investigated and a new arrangement in the near future will be inevitable.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POWERS. Does the gentleman think that it is an opportune time to incur this expenditure when the Government is borrowing money to pay its ordinary expenses?

Mr. HULICK. No. If we were now inaugurating this system, as it was inaugurated under the act of 1878, I would reply: "In view of the present condition of our Treasury I do not favor it." But for this laudable enterprise that will afford so many blessings to so many people, notwithstanding the sad condition of the Treasury, I favor this bill.

Mr. WELLINGTON. I will ask the gentleman whether there is any appropriation made by this bill.

Mr. HULICK. Not at all.

Mr. WELLINGTON. There is not one dollar nor one cent appropriated in the bill, and the gentleman from Vermont very well knows that.

Mr. DOCKERY. But there is a liability incurred.

Mr. WELLINGTON. Possibly.

Mr. TRACEY. Well, a liability is substantially the same as an appropriation.

Mr. WELLINGTON. But this bill makes no present appropriation, and that is what the gentleman is talking about; and the question is, whether there is going to be any considerable appropriation at any time.

Mr. HULICK. Well, in reply to that suggestion, I will say to the gentleman that the bill itself, in section 5, provides—

> That said library shall be located in some convenient place in the city of Washington, to be designated by the Commissioners of the District of Columbia upon the recommendation of the trustees of said library: *Provided*, That in any municipal building to be hereafter erected in said District suitable provision shall be made for said library and reading room sufficient to accommodate not less than 100,000 volumes.

That would seem to indicate that there is to be an appropriation made hereafter.

Mr. POWERS. One more question. This library must cost something. Now, if you are going to have no money to establish it, what is the good of passing an act for that purpose?

Mr. HULICK. I have no doubt there will be an appropriation; and I favor any reasonable appropriation for the establishment of this library, whether the expenditure be for the construction of a building or for the maintenance of the library after the building is constructed.

Mr. DOCKERY. Will the gentleman, as a member of the committee, kindly advise us as to the amount of the liability which will probably be assumed by the passage of this bill? Has the committee made any estimate of the probable cost of constructing the building and supplying it with a hundred thousand volumes?

Mr. HULICK. None whatever. The committee recognized the great importance of this measure, and they thought that the propriety of the establishment of this library would not be questioned by my friend from Missouri [Mr. DOCKERY] or my friend from Vermont [Mr. POWERS], or by any other gentleman here. I trust that when the vote is taken these gentlemen will show that they are satisfied with the measure. The only question presented here is, whether the Government of the United States shall pay a part of this expense or whether the District shall pay the whole.

Mr. DOCKERY. And in determining that question, as the gentleman must see, it is material we should know what the expense is going to be.

Mr. WELLINGTON. Acting for the gentleman from Wisconsin [Mr. BABCOCK] who controls the time in behalf of the pending motion, I yield ten minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, let us for a moment see what is the question before us, and how it comes here. The Senate passed a bill providing for a free circulating library in this District and dividing the expenses of this library equally between the District and the General Government, this being considered by the Senate a proper item of municipal expense. When that bill came up in the House for consideration, the House put upon it an amendment saddling the whole expense upon the District. When the bill went back to the Senate, that body nonconcurred in the amendment; a committee of conference was had; and now by the unanimous action of that committee of conference the House is asked to recede from its amendment and accept the bill as it originally came from the Senate.

Mr. McMILLIN. Allow me to correct the gentleman. I believe this bill has never been in conference. We have taken in this case the extraordinary course of sending the bill back to the Committee on the District of Columbia after the Senate had asked for a conference.

Mr. GROUT. I was mistaken in saying that the bill went to a conference committee. When returned from the Senate, it went to the District Committee; and that committee decided that it would bring the bill before the House again on a motion that the House recede from its amendment. The question is now whether we shall insist upon that amendment or recede from it. The question really involved is whether the House will carry out in good faith the act of 1878—whether Congress will keep its word passed at that time. The agreement which Congress made in the act of 1878 was made on its own motion. The District did not ask it. Congress, without solicitation from the District, said that in the government of the District from that time forth the expenses of the municipal administration of the District, and of everything properly pertaining to municipal affairs, should be divided equally between the General Government and the District. The question is now, that obligation having been assumed by Congress, whether we shall keep faith. As I have said, the undertaking on the part of Congress was gratuitous; it was the solemn declaration of the legislative authority; the District had no voice in it. This is what Congress said they would do with the District, treating it simply as a child, because the people of the District have no voice in the Government any more than a child has a voice in the family government, except to appeal to the father, as the people of the District have the right to appeal to Congress. The question, I repeat, is whether we shall keep faith or whether we shall, by the amendment putting the whole expense of this library on the District, sneak away from this provision of law adopted in the act of 1878.

Now, let us examine for a moment and see why that arrangement adopted in 1878 was made. This city was laid out not by speculators, not by the people inhabiting the District, but by the General Government. I ask gentlemen to fasten their minds on that fact. The capital having been located here by the General Government, commissioners were appointed; and after procuring some land which was a forest they arranged that the whole extent of the city should be 6,111 acres, and they donated to the United States Government, for public streets and parks, 3,666 acres. There were to be granted to the General Government in building lots, to be sold by it, the money to go into the public Treasury, 10,136 lots, making 982 acres, and an equal number of lots went to the original proprietors. That was the trade which was made with the owners of the land. And then the United States bought for public buildings and parks 548 acres. This is the division which was made; the General Government took two-thirds of the land at that time and laid out a city to suit itself—not to suit any ordinary people, but in a way to make a magnificent capital of a great nation, and with this magnificence constantly in view laid out this city so that the sidewalks along the streets to-day are wider than the carriage ways in many of the great cities of the country. You will find the carriage way in many a street in New York City not so wide as the sidewalks of this city. This city was thus laid out on a scale so magnificent and extravagant that no mere municipality could ever half take care of it unassisted by the Government.

They did, however, provide a municipal government for the city and left it to local management, and up to 1878, and when the act was passed which divided the expenditures equally between the General Government and the people in the District of Columbia, the town was a mud hole, an absolute mud hole. The condition was anything but creditable to the American people whose capital it was, and the condition was constantly growing worse, and in 1878 had become so scandalous that the people of the United States, through their representatives in Congress, said something should be done; and they finally said, "We will divide the expense for the maintenance of the city, because no municipality can take charge of a city laid out on a scale so extravagant as this and pay all the expenses itself." They said, "Especially ought this to be done as the people of the District had nothing to do with laying it out; it was wholly the work of Congress. Besides the United States Government owns over one-half the taxable property of the District and ought for that reason to pay one-half of the expenses."

Now, if this provision of the act of 1878 is not right, if it should be changed, then bring in a bill and change it in direct and manly fashion, but do not seek to make the change in this indirect manner.

It is, Mr. Speaker, a principle of law with which all lawyers are familiar that you can not change a written contract by an attack upon it collaterally. It must stand until by direct proceedings you change it, no matter how inequitable it may be. But I deny that this relation between the District and General Government requires any change.

Now, confessedly, here is an item of public expenditure. Six hundred cities throughout the United States maintain libraries by municipal taxation. When the gentleman from Pennsylvania asked my colleague, the gentleman from Vermont, if certain other cities throughout the country did not maintain libraries as a municipal expense, the answer was, necessarily, that such was the case. Yes, said my colleague, in substance, the people of those cities bear the expense, and that is what we are trying to make the people here do. Now, who will say that the reply of my colleague was wholly fair, when it is kept in mind that in this city all municipal expenses are to be borne equally by the General Government and the District? Who fails to see that, when he admitted that a public library was an item of municipal expense generally throughout the country, he really gave away his whole case?

In the act of 1878 is a solemn agreement, a contract, to divide equally the expenses of this government, and it is a disgrace for Congress to undertake to wiggle out of it or crawl away from its obligations.

Now, the gentleman from Vermont said that the original understanding was that all proper and ordinary municipal expenses should be covered by the half-and-half arrangement. But that is not the language of the act. It is the "municipal expenses" of the District that are to be divided. But I claim a library is an ordinary and necessary municipal expense, is fairly and clearly so under any just construction. The gentleman brought in as an illustration the bathing-beach provision, which was passed some six years ago, and the gentleman claimed that that was an encroachment upon the rights of the General Government as far as the expenditure was concerned. But, Mr. Speaker, that appropriation is defensible on every ground of sound public policy. As he read from the report of the committee and during a large part of his speech undertook to ridicule it, it was perfectly clear to every fair-minded man on the floor that the people of this great city, with more than a quarter of a million inhabitants, are entitled to have a safe public bathing place. It is not only a provision in the sanitary interest of the public, but for the advancement of good morals as well. And when you preserve the health and morals of the public is it not a legitimate and proper subject of expenditure?

Mr. POWERS. Will the gentleman yield for a question?

Mr. GROUT. If you will make it very brief.

Mr. POWERS. Do you regard the establishment of public bathing houses as a proper subject of municipal expenditure?

Mr. GROUT. I do, most emphatically.

Mr. POWERS. Then you think the Government ought to share in that expense?

Mr. GROUT. I do. They are sharing in it now. That was done six years ago. The gentleman is six years behind in his argument on the bathing beach, and he is more than six years behind on the question of this public library.

Mr. POWERS. Will the gentleman pause in his argument long enough to read the bill which I hold in my hand, which came from his committee and which puts the whole of this expense on the District?

Mr. GROUT. We appropriate to-day, let me say to the gentleman, for the support of that bathing beach one-half from the public Treasury and one-half from the revenues of the District.

Mr. POWERS. If it is a proper subject of municipal expenditure, why did not you put one-half on the Government when you reported the bill?

Mr. GROUT. I do not know in what form the bill went through the House, nor do I know what bill the gentleman has. I have not seen it and can not stop to look at it.

Mr. POWERS. I am surprised that the gentleman does not understand the bills that he reported himself from his own committee.

Mr. GROUT. I do understand them, sir; the trouble is with the gentleman's understanding. Now, if the gentleman will allow me, I will proceed with my argument.

My colleague says that the Congressional Library is opened to the public. I say it is not, and to show who is right I will read a statement just received from Librarian Spofford, in the following words:

> No books can be drawn out except by Representatives or Senators, or their secretaries, and about 50 individuals and executive officers. The Library is not open after dark, and is not provided with gas or electric light.

This shows that the Congressional Library is wholly inaccessible except to such as visit it in the daytime and examine the books in the library room. No books are taken out by depositing value or by any persons except as above stated by Mr. Spofford; and, as suggested by the gentleman from Ohio [Mr. NORTHWAY], if it were made a circulating library, which is impracticable, then the people of the District would be provided a library wholly at the expense of the United States instead of one-half, as proposed by this bill, and how could the gentleman stand that?

[Here the hammer fell.]

Mr. BABCOCK. I yield three minutes to the gentleman from Maryland [Mr. WELLINGTON].

Mr. WELLINGTON. Mr. Speaker, I should not again trouble the House on this subject were it not for some expressions used by the gentleman from Vermont [Mr. POWERS]. The gentleman from Vermont says that there is a job in this bill because in his answer to the gentleman from South Carolina [Mr. TALBERT] he said that the size of the job was not apparent; that it had not been stated.

I want to say to the gentleman from Vermont that there is no job in this bill. I make that statement in the first place. It is a proper bill, brought here by the Committee on the District of Columbia, and I believe the members of that committee are as much entitled to credit for honesty as any of the members of this House. I want to say to the gentleman from Vermont that when he made that charge he very well knew there was no job in this bill. Gentlemen, you should divest this subject of all this sort of talk. Treat it fairly and squarely. What is this proposition?

In the first place, gentlemen admit that it is a proper thing to establish a free library in the District of Columbia. That is admitted by these very gentlemen. Now, further, if it is proper to establish a free library in the District of Columbia, then who should pay for it? We go a step further, and these gentlemen admit that it is proper for the municipal authorities to pay the current expenses of such a library. Further, then, if it is proper for a municipality to do that, then it is proper for this muncipality to do it. And how are the expenses of the municipality of Washington City met? Are they met entirely by the people of the District? No; they are met share and share alike by the Government of the United States and the District of Columbia. And upon this principle this library should be founded. I ask gentlemen to be fair about it. There is the whole thing in a nutshell. If it is proper to establish this library, it should be established upon the same principle that other public expenses are met. That is nothing more than fair and just.

Gentlemen talk about millions of dollars to be expended on this project. In this bill there is not one dollar pledged by this Government. It must come before the Committee on Appropriations before one dollar can be expended. When they speak of millions of dollars, do they not know that the bill itself recites the fact and the report recites the fact that the books are here to found it, that the books will be given us by the people of the District? Donations to the extent of $9,000 are already pledged to it, and many more will come in the future. Who can tell whether the Government will ever be called upon to give any extraordinary sum? This bill does not pledge the erection of a building for the use of the library. It merely pledges the establishment of the library, and pledges the paying of those who shall be there to conduct that library. That is all there is in this bill. I ask the members in this House to be fair about this matter and not to put it upon a false footing.

Mr. POWERS. I yield three minutes to the gentleman from Michigan [Mr. MILNES].

Mr. MILNES. Mr. Speaker, as one of the members of the Committee on the District of Columbia, I am opposed to the House receding from the very proper amendment which, in my judgment, was made to this bill. I am in favor of the city of Washington having a free public library, but I am in favor of the citizens of Washington paying for the use of that library, just the same as my own city and every other city in the United States does. We are told, Mr. Speaker, that it is a question of keeping faith under the law of 1878. There never was a thing in that law that contemplated the building of a public library, half of the expense of which should be borne by the Government of the United States. It is not a necessary, legitimate municipal expense, nor is it so treated by cities generally in the United States of America. If you will look at the appendix to the report made by this committee, you will find there the different cities and how the libraries are supported; and in scarcely any case are they supported exclusively by regular taxes, but they are treated as special matters and supported by extraordinary or special taxes. It seems to me the committee have admitted this fact themselves when this bill was under consideration, and the gentleman who drew this bill must have so considered it, for they say—

> That the expenses of the maintenance of said library, including salaries of employees, shall be treated among the current municipal expenses of the said District.

If it was considered as a proper, legitimate municipal expense, it would not have been necessary to specify that it should be so treated.

Now, Mr. Speaker, it would not be burdensome for the citizens of Washington to pay for this public library. It has been shown upon this floor to-day that there is scarcely a dollar in taxes levied against the personal property of the city of Washington. In my judgment there is personal property to the amount of $150,000,000 that escapes assessment and taxation in this city. If they want to support this library, if they want to build a public library building, let us assess this personal property—as we do in our own cities—and pay for the library and its support out of the taxes so raised.

Mr. GROUT. If property escapes taxation here it is our fault, is it not?

Mr. MILNES. Yes; it is our fault.

Mr. GROUT. And the fault of nobody else?

Mr. MILNES. Yes; it is our fault, and it is a shame, too. But I say that there is $150,000,000 of personal property in the city of Washington that is not assessed and that does not pay a single cent of taxes, and that in all the other great cities of the country, in my State and your State, that property is assessed, and they could very well assess this property and support a public library.

Mr. BABCOCK. Does not the gentleman remember that the board of assessors of the District reported that over $10,000,000 was assessed for taxation here? That is somewhat different from not a dollar.

Mr. MILNES. But the gentleman will remember that that included railroads, franchises, and everything else. The chairman of the committee will remember that the question has been asked when in the committee a dozen times, and we have been told every time that personal property was not assessed at all in the District of Columbia. There is not a city in the United States of the magnitude or anything near the size of the city of Washington that does not pay from two to three times as much taxes as the citizens of Washington do; and therefore I say they should be called upon to pay these extraordinary expenses. Let them have leave to tax themselves on their personal property and pay for the library.

Mr. POWERS. I yield five minutes to the gentleman from Illinois [Mr. CONNOLLY].

Mr. CONNOLLY. Mr. Speaker, the act of 1878 has been frequently invoked during this discussion as an argument why we should pass this bill without the amendment that was offered by the gentleman from Vermont [Mr. POWERS]. It is argued that under that act Congress entered into partnership with the District whereby it agreed to pay one-half of the municipal expenses. Concede that. What are municipal expenses? They consist of debts incurred under the authority of the charter of that municipality. At the time that the act of 1878 was passed the expense of a free public library was not a municipal expense, because the powers of the District had no power to establish a public library.

Now, I do not deny that a free public library is a proper subject for municipal expense, if the conditions be ripe, any more than a piano in a man's house is the proper part of the furnishing of that house, provided he is able to buy it and pay for it. I do not deny that an elegant carriage for the farmer or mechanic to ride from his home to church on a Sunday morning is a proper and economical expenditure, if the man can afford it; but if he can not afford it, it is an unwise and extravagant expenditure.

Now, under that act of 1878 Congress did not agree to pay one-half of all the bills that the District might make, of all bills of every character. Gentlemen who will refer to the act, as I have done, will find that after the estimates for expenditures are made up by the District Commissioners annually they must be laid be-

fore the Secretary of the Treasury. He scrutinizes them and strikes out whatever he thinks ought not to be there. Then he submits that to Congress. Then Congress, by its proper committees, scrutinizes all these estimates; and in that very act reserves the power to refuse any estimate that it does not approve of that is returned by the District Commissioners. So that, even in the matter of paving, in the matter of water, and in the matter of lights, Congress expressly reserves to itself in that act the right to refuse, and retains the right to finally pass upon the propriety of every expenditure they are authorized to make.

Now, sir, the population of the city of Washington is made up of three classes of people. Much the larger class are those who are employees of the Government, paid by the Government. Second, those who are here engaged in business making money out of the employees of the Government. Third, those birds of passage who, with accumulated fortunes, can afford to do as the wild goose does, choose their own location and have a pleasant season and a pleasant time and the enjoyment of life. [Laughter.] These three classes make up the population of this District. The first two classes live on dollars that come out of the Treasury of the United States; the latter class lives upon its accumulated fortunes. Now, sir, within the past three years, all over the United States, in town, in city, in village, and in country, the wages of every man that works for wages has been cut in two. The man at whose fireside plenty sat three years ago has poverty for a companion now. Has there been any change in the receipts of the employees of the Government——

The SPEAKER. The time of the gentleman has expired.

Mr. POWERS. I yield three minutes to the gentleman from Arkansas.

Mr. McRAE. Mr. Speaker, I am opposed to the pending motion made in the name of the Committee on the District of Columbia, to recede from the amendment of the House to the Senate library bill. First, because I believe the amendment to be a just and proper one; and second, because of the extraordinary method adopted to get rid of it. We adopted the amendment after considerable discussion in this House. Under the leadership of the able gentleman from Vermont the House agreed to the amendment. Deliberately and cautiously the House has said that while it wants a free library for the people of this District, it will insist that the appropriation here, which is to be the basis for the establishment of it, shall be taken from the revenues of the District and not from the people at large.

The Senate mildly suggests that they do not agree to the amendment, and ask for a conference. This bill was referred to a committee whose judgment upon this question has been repudiated by this House; and yet without any effort on its part and without any suggestion on the part of the House that it desired to recede, the committee comes back and recommends it and in some unaccountable way the bill gets before the House. I do not understand how under the rules it became privileged, but it is here, and we are told that it is now too late to prevent its consideration. The question, then, is whether you will deny the request made by the Senate for a conference, and thereby say to that body that we will not confer, and at the same time defy the expressed and known wish of the House, which has deliberately said to this committee we want this bill in the shape we returned it to the Senate.

It is a righteous amendment, one that ought to be adopted; and I want to say to the gentlemen who are pressing these unreasonable appropriations for free libraries, private colleges, and charitable institutions in the District of Columbia, to be paid for in part by the people in the States, if you do not stop in your mad career in this direction you will wake up some fine morning to find that the partnership which you suppose exists between this District and the Government of the United States is dissolved. The people of the country will not stand this character of appropriations unless the people of the District pay for them. The original contract was unjust to the United States at large, and yet it did not contemplate any items of expense like these. If you intend to compel the people of the entire country to contribute to the payment of one-half of the expense of every good public or private enterprise that the good people in this District may suggest, they will rise up and condemn it and put an end to it, as they ought to do. I believe we ought to draw the line upon the pending proposition and let the District understand that they can have a free library when they will pay for it.

The SPEAKER. The time of the gentleman has expired.

Mr. BABCOCK. I yield three minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. It affords me peculiar pleasure, Mr. Speaker, to speak a word in advocacy of this bill. The House well understands my unalterable opposition to the expenditure of public money for any private purpose. I am, however, and always have been a friend of education—in favor of its extension to the masses of the people in every possible well-considered manner.

Mr. POWERS. Would the gentleman be in favor of extending education to the extent of establishing colleges, one-half the expense of which should be paid by the General Government?

Mr. HAINER of Nebraska. I am in favor of founding and maintaining a great national university, which shall be public and open to all the people. [Applause.] I have always stood in favor of that principle. I am not in favor of appropriating a single dollar of public money to private purposes, but, being in favor of education, I know from personal experience and from reasoning that you can not expend money in any way which would be more effective in advancing the cause of real education than by establishing a free reading library open to all the people of a community. We recognize that principle in our States, in our counties, in our cities, in our villages, and we gauge the civilization of a community by taking note of the manner in which it diffuses and distributes education among its people. That being the case, I can see no reason why gentlemen should hesitate and withhold their support from this righteous measure. It has been suggested that there are classes in this city who do not need this extension of our public school system. That may be, Mr. Speaker; but the great masses do need it. It can do no possible harm. It will do much good. I see in the galleries to-day, and when gentlemen go out on the streets they see everywhere, men and women and boys and girls who need it, and who are entitled to be carefully provided for in any educational measure that we may frame.

This is a wise measure. Vote for it. Vote for these public institutions which extend the light of a liberal education throughout the length and breadth of this land. By so doing you wisely use public money for the highest of public purposes and remove the last vestige of excuse, too often here offered by the friends of private institutions, who for private gain seek to take money out of the public Treasury.

Education is in every civilized country recognized as peculiarly a fit matter of public control, guidance, and care.

As you foster and diffuse it you raise the standard of citizenship.

If it is a matter of public concern it is exceedingly ungenerous, to say the least, to avoid our due share of the expense.

Concede, as we must, that this is a proper matter of municipal expenditure, it is our duty to meet it.

This is our capital city. It should in all its appointments fitly typify our nation, its progress and its intelligence. This should be a center of culture, where the lowliest may have access to the best of books and Washington be the pride of our people and the worthy pattern city of the land.

Mr. BABCOCK. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the gentleman from Vermont [Mr. POWERS] spent the greater part of his time in endeavoring to show that a bill which was passed here about six years ago was not a proper measure. He made a windmill out of the bathing-beach bill and ridiculed the idea of public cleanliness. That law is 6 years old, and the gentleman from Vermont has apparently just found it out. In my judgment the opposition to a public free circulating library in a great national capital like this places the opponent more than six years behind the great procession of intelligence and wisdom and progress. What had the question of the bathing-beach bill to do with the question we have here? Suppose that legislation was wrong, which it was not, how does that affect this matter? I would vote to enlarge the capacity of that bathing beach, and if the gentleman from Vermont will leave the suburban, the Arcadian, the remote locality from which he comes and travel over the civilized world he will learn that it is a part of the duty of every considerable municipal corporation to afford bathing facilities for its people. The gentleman talks about that legislation here as though it were a monstrous thing. Go to the cities of Europe—you need not go to Europe—go to the cities of our own country, and you will find everywhere that one of the most striking developments of the civilization of this time is furnishing to the masses of the people, under the protection of municipal regulation, facilities for bathing.

The first question to be decided here is whether this public library is a proper subject of municipal expenditure. The gentleman from Michigan tells the House that it is not. Why, sir, he ought to know, and he certainly does know, that the magnificent State which he in part so ably represents stands upon soil covered and dedicated by the great Ordinance of 1787, which declared in language that has since been a beacon light to all the world that "religion, morality, and education are essential to the prosperity of a State." And from that day to this in those five magnificent States that doctrine, organic and fundamental as it was, has been carried into operation in all the statutes and all the ordinances of those States and their cities. His own city of Detroit expended last year $52,000, every dollar of which was drawn directly or indirectly from municipal taxation, to maintain and carry on a free public library. Part of the money came, of course, from the fines which otherwise would have gone into the public treasury. And so it is from one end of our country to the other. The progress of a State, the intelligence of a people, are marked by these magnificent milestones, public libraries for the people of the country. [Applause.] Show me a State that has none of

these public libraries, and I will show you a State whose farms are being abandoned by the population or whose people are so far in the wilderness that civilization has not reached them. This question of education, with libraries as an adjunct of education, is the test, the touchstone of progress.

Now, here we are in the city of Washington, the capital of this magnificent nation of ours—a nation that undertakes to set the pace for the civilization of the world, that undertakes to lead in all that is becoming a state. We have here a city beautiful in comparison with any other city on earth—a city that is the pride and boast of every American citizen. No citizen of this country goes abroad and travels beneath the folds of the flags of other nations without feeling instinctively his national pride aroused by the recollection of his own flag and his own capital city of Washington. And, sir, when was any American citizen ever criticised for having voted to carry on works of art, works of education, works for the development of civilization in this city of Washington?

We ought to have here a model city, a city that would be a model in municipal government, a model in the matter of municipal expenditure, a model in the matter of her laws, her ordinances, her administration—a model city that every American could justly and wisely be proud of. Sir, you may bring a man here from Montana (and they have public libraries there); you may bring a man from the Dakotas (and they have public libraries there); you may bring a foreigner here from any of the civilized cities of the Old World (and they have public libraries there). Suppose, when we have congregated here citizens from the great cities of the country and the world, the American, proud of his birth and his country, is cross-examined by a citizen of the Old World and asked, "What have you done for the masses of your people in the matter of education? Where are your public libraries?" Must that citizen say in reply, "Nowhere; the great National Government enthroned at the great capital city has no library for the masses of her people." Is a city of 300,000, a growing city, the pride of the Republic, to be dealt with upon the old wooden mold-board proposition that an expenditure of this character is not a proper subject of municipal government? If I did not know better, I should be inclined to follow back upon his tracks a gentleman who would utter such sentiments as that, and should expect to find him using the old Dillingworth spelling book in his schools and the wooden mold-board plow in his fields.

It is said we have a public library here. Sir, I hold in my hand the rules of the Congressional Library. In the brief time I have I can not stop to read them; but I say to the House—and I think every gentleman here knows it—that that Library is in no sense a public library; and if it ever becomes a public library its present high purpose will have been abandoned and destroyed. You can not send the books of that Library out among the masses of the people; you can not send out those pamphlets, those maps; you can not admit the representatives of 300,000 people of this District into this building across here and allow them to carry away the books of the Congressional Library.

The Congressional Library is unique in its construction, unique in its organization—unlike a public library in every essential sense. It is a Library for the keeping, the preservation, the perfect order and regulation of the books and documents deposited there. It can not be made a circulating library for the benefit of the masses of the people without destroying its original purpose and bringing it down from the high plane upon which it has been proposed to keep it.

It has been suggested that there is no appropriation in this bill, and on the subject of the appropriation one gentleman has appealed to what, in my judgment, is not quite a high-toned and dignified argument—that some of you have not had your waterways improved as much as you would like and therefore you must not vote for this bill; you have not had your public buildings constructed——

[Here the hammer fell.]

Mr. BABCOCK. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. The gentleman from Ohio will proceed. There are three minutes remaining.

Mr. GROSVENOR. It is urged that some gentlemen have not secured the river and harbor improvements that they desired and that the public buildings they were interested in have not been constructed. Sir, we look forward with great confidence to the dawn of the day when this mighty nation shall have money enough to appropriate for all purposes incident to a great National Government. And because in the stress of our present condition we have been rightfully economical in our administration, yet there is no proper argument that appeals to a member of Congress to fail to put into motion the preliminary steps to the construction of this library, which is all that is involved in the pending question.

Gentlemen, I appeal to the members of this House who have intelligently, wisely, and fearlessly acted heretofore, to stand forth now in behalf of the glory of your country, in behalf of the dignity of your nation, and in behalf of those people here whose sole opportunity for education in this direction lies through the channel which this bill will open to them. [Applause.]

The SPEAKER. The question is on receding from the House amendment.

Mr. POWERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. There seems to be some misunderstanding as to the status of this motion. This bill was a Senate bill, which provided that the expense should be divided between the District and the Government generally. The House put on an amendment providing that the whole expense was to be paid by the District. This motion, I understand, is that the House shall recede from its own action?

The SPEAKER. To recede from its action.

Mr. POWERS. Then those in favor of having these people pay for it will vote "no."

The question was taken. Before the announcement of the vote,

Mr. POWERS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 127, not voting 114; as follows:

YEAS—113.

| | | | |
|---|---|---|---|
| Adams, | Fischer, | Hurley, | Robinson, Pa. |
| Aldrich, Ill. | Fletcher, | Jenkins, | Russell, Conn. |
| Apsley, | Footo, | Johnson, Cal. | Settle, |
| Avery, | Foss, | Johnson, N. Dak. | Shannon, |
| Babcock, | Gardner, | Lacey, | Smith, Mich. |
| Baker, N. H. | Gillet, N. Y. | Lefever, | Stahle, |
| Bartlett, N. Y. | Griffin, | Leisenring, | Steele, |
| Beach, | Griswold, | Linton, | Stone, C. W. |
| Bell, Colo. | Grosvenor, | Long, | Stone, W. A. |
| Bennett, | Grout, | Low, | Sulzer, |
| Berry, | Grow, | Maguire, | Taft, |
| Black, N. Y. | Hainer, Nebr. | McCleary, Minn. | Tayler, |
| Brewster, | Halterman, | McCreary, Ky. | Thomas, |
| Bromwell, | Harmer, | McLachlan, | Towne, |
| Brumm, | Hartman, | Mercer, | Van Horn, |
| Cannon, | Heatwole, | Minor, Wis. | Van Voorhis, |
| Catchings, | Henderson, | Newlands, | Walker, Mass. |
| Chickering, | Henry, Ind. | Northway, | Walsh, |
| Clark, Iowa | Hepburn, | Odell, | Warner, |
| Cobb, Mo. | Hilborn, | Otjen, | Watson, Ind. |
| Cooke, Ill. | Hill, | Overstreet, | Wellington, |
| Cooper, Fla. | Hopkins, | Payne, | Wilber, |
| Cooper, Wis. | Howe, | Perkins, | Willis, |
| Cousins, | Howell, | Pickler, | Wilson, N. Y. |
| Crowley, | Huff, | Poole, | Woodman, |
| Curtis, Kans. | Hulick, | Prince, | Wooiner. |
| Curtis, N. Y. | Huling, | Pugh, | |
| Eddy, | Hull, | Reyburn, | |
| Evans, | Hunter, | Richardson, | |

NAYS—127.

| | | | |
|---|---|---|---|
| Abbott, | Doolittle, | Maddox, | Shaw, |
| Aldrich, Ala. | Ellett, Va. | McCall, Mass. | Shuford, |
| Allen, Utah | Elliott, S. C. | McCall, Tenn. | Simpkins, |
| Arnold, R. I. | Ellis, | McClellan, | Smith, Ill. |
| Atwood, | Erdman, | McCulloch, | Snover, |
| Bailey, | Fairchild, | McDearmon, | Southard, |
| Baker, Kans. | Fenton, | McEwan, | Spalding, |
| Barney, | Gibson, | McLaurin, | Sparkman, |
| Barrett, | Gillett, Mass. | McMillin, | Sperry, |
| Bartlett, Ga. | Graff, | McRae, | Stephenson, |
| Bell, Tex. | Hadley, | Meirlejohn, | Stewart, Wis. |
| Bishop, | Hager, | Meyer, | Strait, |
| Black, Ga. | Hart, | Milnes, | Strong, |
| Blue, | Hatch, | Mondell, | Strowd, N. C. |
| Broderick, | Hubbard, | Moody, | Swanson, |
| Brown, | Jones, | Mozley, | Talbert, |
| Buck, | Kem, | Neill, | Tate, |
| Burrell, | Kerr, | Ogden, | Terry, |
| Burton, Mo. | Kirkpatrick, | Otey, | Tracewell, |
| Burton, Ohio | Knox, | Owens, | Tracey, |
| Clardy, | Kyle, | Parker, | Turner, Ga. |
| Cockrell, | Latimer, | Patterson, | Tyler, |
| Codding, | Lawson, | Pendleton, | Underwood, |
| Colson, | Leighty, | Pitney, | Updegraff, |
| Connolly, | Leonard, | Powers, | Watson, Ohio |
| Cooper, Tex. | Lester, | Reeves, | Wheeler, |
| Culberson, | Lewis, | Royse, | Williams, |
| Danford, | Linney, | Russell, Ga. | Wilson, Idaho |
| Daniels, | Little, | Sauerhering, | Wood, |
| De Armond, | Livingston, | Sayers, | Wright, |
| Dinsmore, | Lockhart, | Scranton, | Yoakum. |
| Dockery, | Loudenslager, | Shafroth, | |

NOT VOTING—114.

| | | | |
|---|---|---|---|
| Acheson, | Clark, Mo. | Dingley, | Henry, Conn. |
| Aitken, | Clarke, Ala. | Dolliver, | Hermann, |
| Allen, Miss. | Cobb, Ala. | Dovener, | Hicks, |
| Anderson, | Coffin, | Downing, | Hitt, |
| Andrews, | Cook, Wis. | Draper, | Hooker, |
| Arnold, Pa. | Corliss, | Faris, | Howard, |
| Baker, Md. | Cowen, | Fitzgerald, | Hutcheson, |
| Bankhead, | Cox, | Fowler, | Hyde, |
| Barham, | Crisp, | Gamble, | Johnson, Ind. |
| Bartholdt, | Crowther, | Hall, | Joy, |
| Belknap, | Crump, | Hanly, | Kendall, |
| Bingham, | Cummings, | Hardy, | Kiefer, |
| Boutelle, | Curtis, Iowa | Harris, | Kulp, |
| Bowers, | Dalzell, | Harrison, | Layton, |
| Brosius, | Dayton, | Heiner, Pa. | Lorimer, |
| Bull, | Denny, | Hemenway, | Loud, |
| Calderhead, | De Witt, | Hendrick, | Mahany, |

| | | | |
|---|---|---|---|
| Mahon, | Morse, | Sherman, | Tucker, |
| Marsh, | Moses, | Skinner, | Turner, Va. |
| McClure, | Murphy, | Sorg, | Wadsworth, |
| McCormick, | Noonan, | Southwick, | Walker, Va. |
| McKenney, | Pearson, | Spencer, | Wanger, |
| Meredith, | Phillips, | Stallings, | Washington, |
| Miles, | Price, | Stewart, N. J. | White, |
| Miller, Kans. | Quigg, | Stokes, | Wilson, Ohio |
| Miller, W. Va. | Raney, | Strode, Nebr. | Wilson, S. C. |
| Milliken, | Ray, | Sulloway, | Woodard. |
| Miner, N. Y. | Robertson, La. | Tawney, | |
| Money, | Rusk, | Trelour, | |

So the motion was rejected.

The following pairs were announced until further notice:

Mr. WATSON of Indiana with Mr. WILSON of South Carolina.

Mr. RANEY with Mr. COWEN.

Mr. DRAPER with Mr. TUCKER.

Mr. ANDREWS with Mr. MILES.

Mr. CROWTHER with Mr. LAYTON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HEMENWAY with Mr. ROBERTSON of Louisiana.

Mr. TRACEWELL with Mr. HENDRICK.

Mr. LORIMER with Mr. HUTCHESON.

Mr. WHITE with Mr. HARRISON.

Mr. SHERMAN with Mr. RUSK.

Mr. TAWNEY with Mr. DOWNING.

Mr. MCCLURE with Mr MINER of New York.

Mr. MCCORMICK with Mr. HALL.

Mr. GAMBLE with Mr. CLARKE of Alabama.

Mr. MORSE with Mr. PRICE.

Mr. BINGHAM with Mr. COBB of Alabama.

Mr. HULICK with Mr. COX.

Mr. WANGER with Mr. WASHINGTON.

Mr. DAYTON with Mr. ALLEN of Mississippi.

Mr. CORLISS with Mr. CUMMINGS.

Mr. DOLLIVER with Mr. FITZGERALD.

Mr. BROSIUS with Mr. SPENCER.

Mr. DALZELL with Mr. CRISP.

The following pair was announced for this vote.

Mr. DINGLEY with Mr. STALLINGS.

Mr. HULICK. Mr. Speaker, I am paired generally with the gentleman from Tennessee, Mr. COX. I am not prepared to say how he would vote on this question. If, however, there be any doubt, I will render it in favor of the pair and withdraw the vote.

Mr. MILLIKEN. Mr. Speaker, I was in the Hall during the call of the roll, and desire to have my name entered.

The SPEAKER. Was the gentleman listening for his name?

Mr. MILLIKEN. I had both my ears open. [Laughter.]

The SPEAKER. Unless the gentleman answers the question, of course the Chair does not see how he can entertain the request.

Mr. MILLIKEN. Well, I was talking to another gentleman. I was listening, but did not hear my name.

The SPEAKER. The rule is intended to prevent that.

Mr. MILLIKEN. Then I would rather lose my vote than violate the rule.

The SPEAKER. That is a sound principle. [Laughter.]

The result of the vote was then announced as above recorded. [Applause.]

On motion of Mr. POWERS, a motion to reconsider the vote just taken was laid on the table.

The SPEAKER. The question now before the House is, Will the House agree to a further conference?

The question being submitted, the motion was agreed to.

Mr. POWERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POWERS. This bill now goes to conference. This amendment to the Senate bill has been put there by the House twice. Now, I submit to the Chair that in the appointment of conferees the House should have on its conference committee a majority at least representing the sentiment of the majority of the House on this question.

The SPEAKER. The Chair will take that matter into consideration.

### REPORT OF THE DIRECTOR OF THE MINT.

Mr. PERKINS. Mr. Speaker——

The SPEAKER. The gentleman from Iowa [Mr. PERKINS] has a matter of public business, for the consideration of which he asks unanimous consent.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution No. 30.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895: 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

Mr. PERKINS. Mr. Speaker, I move to reconsider the last vote, and I move to lay that motion on the table.

The SPEAKER. The gentleman from Iowa [Mr. PERKINS] moves to reconsider the vote by which the concurrent resolution was agreed to, and moves to lay the latter motion on the table. In the absence of objection, it will be so ordered.

Mr. DINGLEY. Mr. Speaker, I ask for the regular order.

Mr. BAILEY. Mr. Speaker, I object to the unanimous consent asked by the gentleman from Iowa. The gentleman moved to reconsider and then to lay that motion on the table, and the Chair announced that in the absence of objection the latter motion would be agreed to. I object.

The SPEAKER. The Chair did not hear the gentleman.

Mr. BAILEY. I desire to remind the gentleman from Iowa—and I am sure he did not intend to take any advantage of me—that I specially said to him that when this resolution was reported I should have something to say about the report of the Director of the Mint, and I understood the gentleman from Iowa to agree that I should have fair notice. Am I mistaken about that?

Mr. PERKINS. The gentleman spoke to me one day coming up in the elevator and said that when that resolution was called up he proposed to say something about it. The gentleman was in the Hall of the House when this report was presented. He offered no observations, and I presumed that possibly he had reconsidered his intention. He had ample opportunity.

Mr. BAILEY. I was not immediately in the Hall of the House until the resolution had been reported and adopted. I said to the gentleman from Tennessee [Mr. RICHARDSON] who represents the minority on that Committee on Public Printing, that I desired to say something about it, and I hope the gentleman from Iowa [Mr. PERKINS] will permit the motion to reconsider to remain pending.

Mr. PERKINS. If the gentleman will excuse me, the observation was casually made, as I have remarked. The gentleman did not intimate to me whether he was in favor of or in opposition to the resolution. I had no notice that he desired to oppose the resolution.

Mr. BAILEY. There are some misstatements made by the Director of the Mint to which I think attention should be called. There is an effort at elaborate argument——

Mr. DINGLEY. Mr. Speaker, is this debate in order?

Mr. BAILEY. I desire to know if the gentleman from Iowa will withdraw the motion to table, and permit the motion to reconsider to remain pending? Whenever it suits his convenience to call it up I shall desire to say something about the report of the Director of the Mint.

Mr. RICHARDSON. Mr. Speaker, I hope the gentleman will allow me to make a statement, inasmuch as the gentleman from Texas [Mr. BAILEY] has referred to me. He did mention the matter to me and stated that he desired to be present when the resolution was considered. He also told me, as I remember, that he intended to make some comments upon the report. I did not know that my friend the chairman of the committee [Mr. PERKINS] was going to report the resolution, and I did not notice at the time that the gentleman from Texas [Mr. BAILEY] was not in his seat. I say that simply in justice to myself.

Mr. BAILEY. I was so sure that both of the gentlemen——

Mr. PERKINS. If the gentleman will permit me, I have no disposition whatever to cut off the gentleman. I am perfectly willing to agree to his suggestion, and he can make his observations, and then we will pass the resolution.

The SPEAKER. The motion which is now pending before the House is not a debatable motion unless a reconsideration actually takes place, in which case the debate can be had; but by unanimous consent the action of the House can be considered as rescinded, and then the gentleman can debate the matter.

Mr. DINGLEY. I will say to the gentleman that there are some other matters that have been arranged to come up, and I hope the time will not be taken now for that.

Mr. BAILEY. I have no disposition to interfere with any order of proceedings which has been agreed upon or which it is desired shall now take place. I have not even the report of the Director of the Mint here, and I had no thought, with the assurance of my friend from Iowa [Mr. PERKINS] and the assurance of my friend from Tennessee [Mr. RICHARDSON], but that I should be given at least some little notice. I desire expressly to acquit my friend from Iowa——

Mr. PERKINS. Oh, Mr. Speaker, I do not wish to be placed in any false position here. There was no assurance given.

Mr. BAILEY. Then I put my word against his that he did tell me that I should have notice.

Mr. PERKINS. This observation was made: That he desired to make some observations on this resolution when it was submitted.

Mr. BAILEY. And did not the gentleman tell me that I should have notice?

Mr. PERKINS. No, sir.

Mr. BAILEY. You did, and I will put my word against yours that you did.

Mr. RICHARDSON. I ask unanimous consent that the motion to lay on the table and also a motion to reconsider stand over.

Mr. BAILEY. Mr. Speaker, I will withdraw any request that I made. I shall find some future occasion to say what I desire to say.

Mr. RICHARDSON. I withdraw my request.

The SPEAKER. Then, without objection, the motion to reconsider will be laid on the table.

There was no objection.

Mr. DINGLEY. Regular order.

The SPEAKER. The regular order is the call of the committees. The call rests with the Committee on Coinage, Weights, and Measures.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 1141) granting a pension to Miss Mary E. Hull, dependent sister of John A. Hull, deceased, late of Company F, Fifty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion, and to pay her a pension at the rate of $12 per month;

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States; and

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892;

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman;

Joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.;

A bill (S. 250) for the relief of W. H. L. Pepperell; and

A bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 5672) to grant railroad companies in the Indian Territory additional powers to secure depot grounds; and

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin.

METRIC SYSTEM.

Mr. CHARLES W. STONE. Mr. Speaker, I am directed by the committee to call up the bill (H. R. 7251) to fix the standard of weights and measures by the adoption of the metric system of weights and measures.

The bill was read, as follows:

*Be it enacted, etc.*, That from and after the 1st day of July, 1898, all the Departments of the Government of the United States, in transaction of all business requiring the use of weight and measurement, except in completing the survey of the public lands, shall employ and use only the weights and measures of the metric system.

SEC. 2. That from and after the 1st day of January, 1901, the metric system of weights and measures shall be the only legal system of weights and measures recognized in the United States.

SEC. 3. That the metric system of weights and measures herein referred to is that in which the ultimate standard of mass or weight is the international kilogram of the International Bureau of Weights and Measures, established in accordance with the convention of May 20, 1875, and the ultimate standard of length is the international meter of the same bureau, the national prototypes of which are kilogram numbered 20 and meter numbered 27, preserved in the archives of the office of standard weights and measures.

SEC. 4. That the tables in the schedules annexed to the bill authorizing the use of the metric system of weights and measures passed July 28, 1866, shall be the tables of equivalents which may be lawfully used for computing, determining, and expressing the customary weights and measures in the weights and measures of the metric system.

Mr. CHARLES W. STONE. Mr. Speaker, the pending bill comes from the Committee on Coinage, Weights, and Measures with its unanimous indorsement. It is submitted as a substitute for the bill H. R. 2758, introduced by the gentleman from New York [Mr. HURLEY]. It differs from that in no essential particular except in its mode of statement and in the time at which it shall go into operation. The purpose of the bill is simply to complete the work which was commenced in 1866.

By a provision of the Constitution, Congress is vested with the power to fix the standard of weights and measures. That was never done, and no systematic attempt has been made to do it except by the act of 1866. It is true that Washington in his first message to the First Congress called attention to the obligation resting upon them to perform that duty, and fix the standard of weights and measures. The injunction was repeated in subsequent messages. Jefferson submitted to Congress two proposed systems for their consideration, one decimal and another nondecimal. Madison reiterated the recommendation of Washington, and sought to impress upon Congress the necessity of performing that duty; but at that time the whole question of weights and measures throughout the world was in a state of uncertainty and confusion. France was striving to establish an international system. England was seeking, if possible, to make her system universal, and the whole world was in a sort of chaotic condition, so far as any agreement upon that subject was concerned. The Secretary of the Treasury, without a standard by which the weights of even the coins that came from our mints could be determined, sent to England and obtained an old troy pound, and Congress recognized this troy pound of Great Britain as the standard for use in the mints.

Beyond that, no action was taken until 1866 expressly recognizing any weight or any measure as standard. It is true that the Secretary of the Treasury, forced to adopt some system for determining the tax to be collected on imports, and to administer the impost system of the country, had to establish or to recognize some weights and measures. He therefore adopted the old English bushel—the Winchester bushel—and the old English gallon. The avoirdupois pound he derived from the old troy pound. The yard was drawn from the Troughton scale, obtained by Albert Gallatin at about the time he obtained the troy pound. Congress recognized these weights and measures to the extent of authorizing the distribution of standards thereof to the various States. These standards were then established and recognized simply by the Treasury Department. Beyond that nothing was done, and no systematic effort was made to do anything until 1866, when a unanimous report from the Committee on Coinage, Weights, and Measures recommended that the metric system be established and recognized as legal and permissive throughout the country. The metric system in the meantime had gone through the experimental stage, and had been recognized and adopted by most of the nations of Europe, by most of the nations of the Western Hemisphere, by some of the nations of Asia, and by some of the nations of Africa. That committee, by a unanimous recommendation, asked that the system be made permissive in this country. The House, by a unanimous vote, adopted the same view as their action. That action, however, did not make the system obligatory, but simply recognized it as a legal system permissive by anybody who desired to use it.

In the elaborate report presented by the chairman of the committee, the Hon. John A. Kasson, recommending the passage of that bill, the committee say:

> They do not doubt that a subsequent Congress will be prepared to go farther, and will enable the Republic to lead rather than to follow the action of other commercial and intelligent nations in the complete establishment of this most urgently demanded reform. It is an obligation which we owe not only to our present convenience, but also to posterity, to whose benefit all sound reforms invariably tend.

Later in their report they indicate the method by which they assume a subsequent Congress will act, and they say:

> The interest of trade among a people so quick as ours to receive and adopt a useful novelty will soon acquaint practical men with its convenience. When this is attained, a period, it is hoped, not distant, a further act of Congress can fix the date for its exclusive adoption as a legal system. At an earlier period it may be safely introduced into all public offices and for Government service.

Exactly according to the plan and the programme recommended by that committee, this bill is drawn. That such action has not been taken before is perhaps a little remarkable. It is true that the Coinage Committee, under the leadership of Alexander H. Stephens, presented two elaborate reports in subsequent years, recommending substantially this action, but during those years we were engaged, in common with other nations of the world, in establishing the International Bureau of Weights and Measures and perfecting, or rather perpetuating, the system. To the convention which established that bureau the name of the American minister stands first among the signatures. That bureau has been kept up by the contributions of this country and of the other countries from that time to this, and for years it was engaged in the careful investigation of the exact accuracy of the standards and in furnishing prototype copies to all the countries who were members of that bureau. Our copy came to us in 1890. About that period, by the authority of Congress, the President of the United States was authorized to call the international American conference, and one of the purposes for which that conference was invited was to consider the propriety of establishing a uniform system of weights and measures. That conference met in 1890, and by its unanimous action recommended to this nation to do what I believe every other nation taking part in the conference has or had done, namely, to adopt this international metric system. The present bill, then, proposes to do that. It proposes simply, as I have said, to do what the other American Republics and all the leading nations of the world, except Great Britain and Russia, have already done.

It proposes to establish this system, first for the operations of

the Government, and then, at the commencement of the new century, to recognize it as the legal system throughout the country. It proposes to enforce its observance upon no one except the officers of the Government. It proposes to do that in accordance with the recommendation of those officers themselves. Beginning with Secretary of State Blaine, who transmitted the findings and the recommendation of the international conference, and who gave to the system his emphatic indorsement, the Secretaries of the Treasury and other Cabinet officers have recommended its adoption. In the last Congress, upon the motion of Mr. Wilson, then the chairman of the Committee on Ways and Means, and now Postmaster-General, a resolution was adopted requesting that the Secretary of the Treasury, the Director of the Mint, and the Superintendent of the Coast and Geodetic Survey, who is, ex officio, superintendent of weights and measures, should investigate the propriety of the general and compulsory adoption of this system and report to Congress. By some clerical error that resolution did not reach those gentlemen. At the beginning of this Congress, or early in this session, the committee having under consideration this bill transmitted to those gentlemen a copy of that resolution which had been passed unanimously by the House of Representatives, and requested them, in accordance with its terms, to communicate to the committee their opinion as to the propriety of the measure. They complied with the request, and I have here the report, first of the Secretary of the Treasury, Mr. Carlisle, and the Director of the Mint, Mr. Preston, saying:

Many advantages would accrue from the adoption of the metric system of weights and measures by the United States, by reason of its great simplicity and the facilities which are apparent on the examination of its complete decimal system, thus making a saving of time and labor in converting one denomination into another.

The further fact that the system has been adopted by nearly all the European countries and their colonies makes its adoption by the United States desirable.

The third member of the commission, appointed or sought to be appointed under the authority of the last Congress, General Duffield, the Chief of the Coast and Geodetic Survey, transmits his opinion in terms even more emphatic than the opinion of the Secretary of the Treasury. It is as follows:

I am decidedly in favor of the adoption by the United States Government of the metric system, and trust that favorable action may be taken by the present Congress.

The advantages of a decimal system are so many and obvious, and are so well known and universally recognized by scientific men and others, that no argument on the subject seems necessary.

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The change once made, would soon commend itself to all, as the inconvenience arising from it would be of short duration and its advantage would soon become manifest.

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I may add that the metric system has been used almost exclusively in the work of the Coast and Geodetic Survey for many years, and other scientific bureaus of the Government have also adopted it. It is also extensively used both in this country and Great Britain in scientific research, both by institutions and individuals. No time seems more propitious than the present for its adoption by Congress, and, as said before, after a fair trial the opposition to it would soon disappear.

Among the nations that have made the metric system compulsory may be named the following: France, Germany, Austria-Hungary, Belgium, Spain, Portugal, Italy, Norway, Sweden, Switzerland, Servia, Roumania, Mexico, Brazil, Peru, Venezuela, and Argentine Republic.

In Great Britain, Japan, and the United States the system is legalized, but its use is not compulsory.

Russia and Denmark stand alone in not having taken any action, but even these countries are contributors to the International Bureau of Weights and Measures.

In many of the bureaus of the Government this system is now in operation. In the Coast and Geodetic Survey it has for years been practically the exclusive system. In other bureaus it is used to a large extent. In the Post-Office Department it is within the power of the Postmaster-General, even under existing law, to have every letter weighed by the metric system, and whenever a pound of mail matter, or an ounce of mail matter, is placed in the office for transportation to any foreign country, even to Great Britain, which has not the metric system, even to Russia, which has not the metric system, that mail matter is weighed by the metric system and its transportation settled by it.

The committee, thinking that the Post-Office Department was brought into close and constant communication with the people, and to a certain extent with the transactions of commerce, sought the opinion of the Postmaster-General in relation to the pending bill.

Mr. Wilson, the Postmaster-General, writes:

As the metric system now prevails in most of the leading nations of the world, I believe that the accession of the United States and Great Britain to the system is all that is needed to put it into general operation, and that such operation would greatly facilitate the commercial and financial intercourse of different countries, and give to each of these two countries a simplification of the present system of coinage, weights, and measures.

I see no reason to doubt that the metric system, gradually introduced, would operate successfully and advantageously in this Department.

The Secretary of Agriculture, who is brought close to large classes of people, who represents the farming interests throughout the nation, and who in recent years, since the efforts to extend the markets for the farm products of our nation, has been brought in contact with the systems of other countries, writes more emphatically than either of the other gentlemen, indorsing this measure and calling attention to the fact that in the publications of the Department relative to the extension of the market for American agricultural products he is obliged to print, and does print, upon the back of every one of the bulletins an explanation of the metric system:

This almost cosmopolitan use of a system of weights and measures totally different from that employed in the United States naturally places American merchants interested in foreign trade at a great disadvantage. Not only are American price lists confusing to the foreign merchant, owing to the different denominations used, and trade thus impeded, but the fact that foreign lists are made in terms equally unfamiliar to our merchants is said to result in unfair discriminations, and often in fraud.

In order to make the statistical publications of foreign countries fully intelligible to our people it is necessary to convert the terms of the metric system into our own weights and measures. This entails a vast amount of work which would be wholly avoided were the metric system in use in this country. The obstacles which have to be overcome in this regard have been brought to my attention by the work done in the section of foreign markets of this Department, an office which I created for the especial purpose of ascertaining the demands of foreign countries for American products. The work of this section, which consists chiefly in the handling of foreign statistics, would be immeasurably less difficult were our own weights and measures in uniformity to those of other countries.

In view of these difficulties, and recognizing the advantages of the metric system, I have directed that upon each of the bulletins issued by the section of foreign markets there be printed a diagram illustrative of this system, together with the proper equivalents.

* * * * * * *

I am heartily in favor of the proposed legislation, and trust that it may be enacted.

It was thought proper that the opinion of the Secretary of the Interior should be invited, more especially with reference to the application of this system to the Land Department. Responding to the communication of the committee, the Secretary of the Interior says:

For my own part I am disposed to question the advisability of adopting the system at all, for the reason that it would involve the abolition of a system of weights and measures which is interwoven into all the commercial transactions of the country.

Note the reason given. The Secretary of the Interior, who has no connection with commerce, bases his objection to the adoption of the system upon the theory that it would interfere with the commercial transactions of the country. Along with that communication, however, the Secretary of the Interior transmits the opinion of the Commissioner of the Land Office, of an entirely different character. I will read just a line or two from it:

The change from a complex and nondecimal system of units and measures to the simple and purely decimal system appears necessary to be effected, if the United States would keep in the front rank of progress with the other civilized nations of the earth, most of which have already adopted and utilized this reformed system.

The Secretary of the Interior objects to this system on account of its effects upon the commercial interests of the country; yet the Secretary of the Treasury who knows more of those interests and is brought more closely in contact with them, says that it is a judicious and proper measure. The Secretary of Agriculture, who has lately been dealing with the commercial interests of large classes of our people, says that this measure is absolutely necessary in order to promote and protect those commercial interests. The Chief of the Bureau of Statistics of the Treasury Department, dealing largely with those questions that relate to foreign commerce, writes a letter in most emphatic terms approving the change, as follows:

I am strongly in favor of introducing the general use of the metric system of weights and measures in the commercial returns of the United States. Not only would it greatly simplify calculations of weights and quantities, but it would also render comparison with foreign returns a matter of no difficulty. All continental Europe uses this system in their trade publications, and anyone who has had occasion to use them will realize what an improvement the metric system is upon the system used in the publications of the United States. I see no objection to its introduction, and I see many advantages.

The Chief of the Bureau of American Republics, who is specially charged with the extension of the commercial interests of this country upon the Western Continent, writes at length upon this subject; and if there is time I will ask the Clerk to read what he says.

The Clerk read as follows:

The failure of the United States Government to adopt the metric system is one of the most inexplicable instances of false conservatism in the history of the country. In face of the fact that almost every civilized government has seen the necessity of a common system of weights and measures to facilitate the interchange of commodities, the people of the United States have persisted in retaining their old and cumbrous system, which might have served those who believed in nonintercourse with the outside world, but which stands as a barrier to that freedom of exchange to which the world is now tending. We send consular representatives to every quarter of the globe for the express purpose of making possible an extension of our foreign commerce, and then busy ourselves in an attempt to make such foreign commerce impossible, and retain a system of weights and measures which adds to our own difficulties and makes us mere barbarians to the more progressive nations.

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In the publications of the Bureau, and especially in the regular monthly bulletins, it is found necessary to translate into three languages the equivalent expressions of measures of commodities and space, and even then we fail to give expression to terms which are fully understood in all parts of the

countries composing the union. What this means of wasted labor in exchange is readily understood by all who have tried to read understandingly the reports published regarding the progress of different industries in the newer Republics of this continent, to which constantly increasing attention is being attracted.

Mr. CHARLES W. STONE. To this may be added the testimony of Chief Engineer Melville, of the Navy Department, whose profession has given him opportunities for personal observation in various parts of the world. He says:

There is no doubt that the adoption of the metric system would greatly benefit American manufacturers in every line. We are woefully behind the leading foreign countries in pushing our trade abroad, and I have been forcibly reminded of this fact whenever I have entered a foreign port.

The adoption of the metric system would do much to put our manufacturers on a par with those of Europe, and enable them to compete for the trade of nonmanufacturing countries. Our manufacturers know nothing of the metric system, while those of England and Germany print their price lists with dimensions, etc., expressed in both systems in parallel columns, although England has not yet formally adopted the decimal system.

The testimony of such witnesses ought to receive very serious and thoughtful attention. As corroborating them, I desire for a moment to call attention to some statistics as to the foreign commerce of this country with metric-using and nonmetric-using nations. I hold in my hand a tabular statement prepared by the Chief of the Bureau of Statistics of the Treasury Department, giving the commerce (imports and exports) of the United States with the several nations with which we trade. I will not undertake to detain the House by reading these statistics item by item; but let me call attention to the footings of the metric-using, the nonmetric-using, and the permissive nations, as they are termed, the latter embracing practically Great Britain and Japan.

| | Population. | Imports. | Exports. | Total imports and exports. |
|---|---|---|---|---|
| Total obligatory metric system | 254,318,820 | $344,270,432 | $277,224,066 | $621,494,498 |
| Total legalized | 3,476,009 | 2,709,922 | 1,272,089 | 3,982,011 |
| Total permissive | 83,686,518 | 191,659,728 | 399,961,407 | 591,621,135 |
| Total nonmetric | 118,755,901 | 12,626,393 | 15,283,403 | 27,909,796 |

It will thus be seen that our trade with the metric-using nations amounted last year to more than $621,000,000, more than one-half of the entire commerce of the United States; that with the nonmetric using nations the amount was $27,000,000——

Mr. DINGLEY. As I understand the gentleman, all the commercial countries of the world except Russia, Great Britain, and the United States are using the metric system.

Mr. CHARLES W. STONE. All the countries of the world of any size except Russia, the United States, and Great Britain, to which I may add Denmark. Denmark is peculiarly situated; surrounded by metric-using nations and using metric terms herself in practical life; yet, as a matter of legislation, she has not adopted the system but is likely to do so within the year.

Mr. DINGLEY. This bill proposes that the Government of the United States adopt the metric system in the transaction of its business on July 1, 1898——

Mr. CHARLES W. STONE. Yes, sir.

Mr. DINGLEY. And that it be made lawful for the whole country——

Mr. CHARLES W. STONE. That it shall be the legal standard throughout the country on the 1st of January, 1901, the beginning of the new century. That is the proposition of the bill.

Mr. DINGLEY. And this system, now proposed to be adopted, is practically the application of the decimal system, which now applies to our coinage, to our weights and measures as well?

Mr. CHARLES W. STONE. It is a decimal system of weights and measures. We have the decimal system, and have had it ever since the early history of the country, in reference to our coinage. This is a proposition to apply the decimal system to length, capacity, and weight. That decimal system is an international system, being used in common by all the nations, which have combined together to keep the standards at a point near Paris, a place the neutrality of which is guaranteed by all the nations who are parties to the agreement, and from which point prototype standards are sent out to all of the nations using that system.

Mr. DINGLEY. Will the gentleman be kind enough to inform the House—for that is a practical point; there is no doubt of the value of the decimal system—but will he be kind enough to inform the House with reference to what is claimed to be the confusion that would arise from the change. In other words, is there anything in the metric system that may not be learned by a child inside of a half hour?

Mr. CHARLES W. STONE. Nothing whatever.

Mr. HOPKINS. How is it with a man who has already learned the other system?

Mr. CHARLES W. STONE. No difficulty at all.

If you will allow me I will complete the tabular statement about which I was talking, and then I will recur to the question of the gentleman from Maine later on.

Completing this tabular statement as to the commerce of these countries, it is only fair to say that five hundred and ninety-one millions of our commerce are with the permissive using nations; that is to say, largely with Great Britain and three or four other smaller nations, which use this system or not as the people may see proper. But the commerce with Great Britain, which forms the bulk of the $591,000,000, mark you, is, much of it, to be converted into other denominations. We have not, for instance, the same bushel or the same gallon. Our commerce is largely in selling to Great Britain our wheat, and that is measured in this country by one bushel, and by another in Great Britain. It is largely in selling to Great Britain our oil; which is measured by one gallon here and a different gallon in Great Britain. We have, in other words, in use in this country what is known as the old Winchester bushel and the old English gallon, which Great Britain discarded some thirty or forty years ago, and adopted other measures and larger ones.

Mr. BROSIUS. Will my colleague state the difference in actual capacity between the two measures?

Mr. CHARLES W. STONE. Certainly.

The Winchester bushel, used in the United States, contains 2150.42 cubic inches, while the imperial bushel of Great Britain contains 2218.192 cubic inches.

Mr. HOPKINS. What products have we in which we use the Winchester bushel in our commerce with Great Britain exclusively?

Mr. CHARLES W. STONE. The Winchester bushel is the only bushel recognized in the United States. It is the bushel of the United States. Of course, we have, as gentlemen would find if they take the trouble to read the report, different bushels in different States of the Union, a bushel which varies in different States in capacity.

Mr. HOPKINS. But will that make any difference as far as the shipments of wheat are concerned? In other words, are we not shipping wheat from this country by the pound?

Mr. CHARLES W. STONE. That is true. But we are using as the measure of our commerce what is known as the Winchester bushel, and estimating the number of pounds necessary to make a bushel of that capacity. On the other hand, Great Britain uses a larger measure.

Mr. HOPKINS. But Great Britain buys by the pound instead of by the bushel.

Mr. CHARLES W. STONE. Yes; but a certain number of pounds are required to make a bushel, and if the capacity of the English bushel is greater than ours, of course it would contain a greater number of pounds.

Mr. BROSIUS. Will my colleague allow another interruption?

Mr. CHARLES W. STONE. Certainly. Just permit me to say first, to conclude what I started to say, that the bushel varies in size in the different States, and as applied to different commodities. There are more pounds in the British bushel, I will state to the gentleman from Illinois as a general fact, than there are in the American bushel; necessarily, as there is greater capacity.

Mr. BROSIUS. As I understand it, we suffer a disadvantage by reason of that fact?

Mr. CHARLES W. STONE. Undoubtedly a disadvantage, not only in the confusion arising from commercial transactions in measures that vary, but in the additional work required to translate or convert from the terms of one to the other. That the American people are not smart enough, however, to see that they get an equivalent for what they send abroad I have not undertaken to assert by any manner of means, but they are not smart enough to relieve themselves of the labor of converting from the one system to the other.

Now, as to the ease with which this system could be adopted, in response to the gentleman from Maine, we have simply the assertion of those people—those nations—which have already made the change. We can only determine it by the testimony of those nations that have tried the actual experiment of accomplishing the change among themselves. The United States is represented, and has been for many years, in the International Bureau of Weights and Measures by that eminent scientist, Prof. B. A. Gould, of Cambridge. In a recent letter bearing upon this very question, he says:

May I add that I have personally been a witness of the ease with which the change has been introduced in most European countries, as well as in various of the South American Republics, and that the ease with which the people have accepted the new units has been in every case a source of surprise. Our own country seems to be as well prepared for the change at present as it is likely to be at any time in the near future.

The British House of Commons about a year ago appointed a select committee to investigate the propriety or advisability of the adoption of this system by Great Britain, or, more accurately speaking, "to inquire whether any and what changes in the present system of weights and measures should be adopted." It consisted of seventeen eminent gentlemen, as I now recollect, the chairman being Sir Henry Roscoe. They considered the matter with great care for several months and presented a very full report upon the subject.

That committee, with a thoroughness characteristic of British proceedings, carried their investigation throughout the entire world, you may say. They called witnesses from some of the nations of Europe, and at least one witness from the United States. They called many of the most eminent citizens of the Kingdom of Great Britain. They investigated with special thoroughness and special care, and that committee, with only one dissenting vote, reported in favor of the compulsory adoption of this system by Great Britain—a great deal more compulsion than there is in this bill.

In their investigation they were careful to ascertain the ease or difficulty with which the transition could be made. On that point the committee report—

That very competent witnesses proved to the satisfaction of your committee that a compulsory change from an old and complicated system to the metrical had taken place in Germany, Norway and Sweden, Switzerland, Italy, and many other European countries without serious opposition or inconvenience; that this change was carried out in a comparatively short period, and that as soon as the simple character of the new system was understood, it was appreciated by all classes of the population, and no attempt to use the old unit or to return to the old system was made.

That is the conclusion of the committee of the British House of Commons, after a most careful and exhaustive investigation of that question. I have before me—and you will find them quoted in the report of the committee—extracts from the testimony of several of the witnesses called. Lord Kelvin, formerly Sir William Thomson, one of the most eminent scientists of Great Britain; Mr. Siemens, the noted engineer; Captain Sankey, the extensive manufacturer of machinery; Mr. Wollmer and Mr. Rowlitt, leading merchants, and Mr. Pilter, of the British Chamber of Commerce, all state their observation and personal knowledge of the ease with which the change was made in European countries and in part of Africa. Extracts from their testimony I will insert in the RECORD without stopping now to read.

Mr. HOPKINS. Did England adopt this report?

Mr. CHARLES W. STONE. The report has not yet been acted upon. It is now pending. The matter was presented to Mr. Balfour, representing the Government, and to one other officer whose name I do not now remember.

Mr. HOPKINS. That government has gone out of power, has it not?

Mr. CHARLES W. STONE. Oh, no!

Mr. HOPKINS. I understood you to say Mr. Asquith was at the head of it?

Mr. CHARLES W. STONE. I said the head of the committee was Sir Henry Roscoe.

Mr. HOPKINS. I misunderstood you.

Mr. CHARLES W. STONE. The chambers of commerce of Great Britain, and the trades councils, have taken much interest in this matter, and they presented to Mr. Balfour their request that the Government cooperate with the committee of the House of Commons in securing the adoption of this measure. Mr. Balfour replied to them in these words; which, with the permission of the House, I will read:

Upon the merits of the case I think there can be no doubt whatever that the judgment of the whole civilized world, not excluding countries which still adhere to the antiquated systems under which we suffer, has long decided that the metric system is the only rational system. * * * What men of science have long been obliged to do—not merely because the international character of science makes it desirable, but also because the calculations are so much more rapid, so much more convenient—what men of science for these reasons are obliged to do, I believe that commercial firms in all parts of the country are beginning to think they must do also. On that point I do not think argument is possible.

Before leaving the question of the ease or difficulty with which this change is made, let me say that Mr. Siemens, who was in Germany at the time the change was made, and other witnesses proved that in two years, the probationary time allowed there, the change had been made with very little trouble or friction, and that when the time for compulsion came there was nobody to compel. And it was made in this way, apparently: It was announced that that would be at a certain time the legal system. The shopkeepers, the storekeepers, of the country anticipated that and obtained the standards, the weights, and the measures of the new system. They displayed them; they labeled them; they attracted the attention of the people to them. What was not understood when it was a mere matter of theory was readily understood when it was presented to the people in concrete form, and the people took a pride apparently in acquainting themselves with the system and then going to the shopkeepers and asking for commodities in terms of the new system to show that they were able to comprehend it; and when the time came they had already learned it and they were ready for the system, so that it was really adopted before the time fixed for its adoption.

Now, here we have the advantage over Germany and Austria very largely, in that we have had it as a permissive system for thirty years. The standards of this system have been sent to every State in the Union. Instruction in it has been accorded in the schools of almost every State in the Union, and beyond that we have a large element of our population which has come from the various metric-using nations of the world, and who have come here practically versed in this system and ready to take it up.

There is no question but that this system may be adopted in the United States with greater ease and with less friction than was ever done by any other nation that has tried the experiment. The testimony before the committee shows that even in Africa, among the negroes and Arabs of Tunis, the change was made without trouble and practically with no inconvenience. If I had time I would be glad to read the testimony of those witnesses and the testimony of men who introduced it in England in their workshops. One man was asked the question, "Did you suffer any inconvenience?" He said, "For a little while." He was asked, "Well, how long?" He answered, "About two days." That was his estimate of the time which it took his workmen to familiarize themselves practically with this system when they had it before them and must use it.

Mr. LAYTON. What was his business?

Mr. CHARLES W. STONE. He was engaged in building engines and boilers.

Mr. DALZELL. Will my colleague yield to me for a question?

Mr. CHARLES W. STONE. Certainly.

Mr. DALZELL. Was there any testimony taken by the Committee on Coinage, Weights, and Measures in respect to this matter?

Mr. CHARLES W. STONE. There was testimony before the Committee on Coinage, Weights, and Measures, consisting of the verbal statements of four or five gentlemen, including two members of Congress, and letters from Professor Mendenhall, who was long the head of the Coast and Geodetic Survey, from various officers of the Government, and other gentlemen of eminence throughout the country.

Mr. DALZELL. Did anybody appear before the committee resisting its adoption?

Mr. CHARLES W. STONE. No one appeared to resist its adoption.

Mr. DALZELL. Is there opposition by any person who has appeared before the committee on this question?

Mr. CHARLES W. STONE. Not that I know of.

Mr. WATSON of Ohio. What did the gentleman say about the testimony of Professor Mendenhall?

Mr. CHARLES W. STONE. The gentleman will find the testimony of Professor Mendenhall strongly indorsing this reform in the hearings which are printed and available to anyone desiring them.

Mr. DALZELL. Was not this matter taken up following the action of the last Congress—the Fifty-third Congress?

Mr. CHARLES W. STONE. The matter was not investigated in the Fifty-third Congress except to request the Secretary of the Treasury, the Chief of the Coast and Geodetic Survey, and the Director of the Mint to communicate to the House their opinion as to the propriety of the adoption of the system, which they have done. The House passed such a resolution.

Mr. DALZELL. Is it not a fact that, as a matter of proposed legislation, this has been public for a long series of years?

Mr. CHARLES W. STONE. It has been a matter of proposed legislation at various times for twenty years. It was pending before the Fifty-second Congress, and the action of the Fifty-third Congress I have already stated. In that Congress an exclusively metric system of electrical measurement was enacted, and is entirely satisfactory. Professor Mendenhall, then Superintendent of the Coast Survey, appeared before the committee in the Fifty-second Congress, and made an exhaustive and able statement in favor of the adoption of this measure. His more recent letter will be found in the hearings had in this Congress, as I have stated.

Mr. HARTMAN. I desire to say to the gentleman that while I am in favor of the measure, I understand that there was one who was opposed to the adoption of this bill, and that was the Secretary of the Interior.

Mr. CHARLES W. STONE. I stand corrected. The Secretary of the Interior, whose opinion I have read, states that he doubts the propriety of it in view of its possible effect on our commercial relations. In our commercial relations, as I have remarked, the measures of our products have to be translated into the denominations of every other nation with whom we trade, even including Great Britain in great part.

Mr. SMITH of Michigan. What States have adopted it?

Mr. CHARLES W. STONE. The nations that have adopted it are stated in the testimony of General Duffield, as follows: "Among the nations that have made the metric system compulsory are France, Germany, Austria-Hungary, Belgium, Spain, Portugal, Italy, Norway and Sweden, Switzerland, Servia, Roumania, Mexico, Brazil, Peru, Venezuela, and the Argentine Republic." There are some others not included in this list.

Now, Mr. Speaker, I just want to say one word before I leave that topic. I have stated that Great Britain is likely to adopt this system; that a committee of the House of Commons has indorsed

it. There is a public sentiment there that demands it. There was presented among other testimony to that committee, as evidenced by the consular reports from eighteen or twenty leading commercial points, the fact that British commerce was being prejudiced and was losing its position because they had not the metric system which Germany and France and other competitors had. These consular reports are printed in the testimony taken before that committee, and they demonstrate beyond peradventure or chance of dispute that the commerce of Great Britain is suffering, seriously suffering, by reason of their adhering to their cumbersome and complicated system of weights and measures. The commerce of the United States certainly is affected by the same influences and suffering for the same reason. Now, then, the far-reaching effects of anything which tends to diminish British commerce and manufactures is fully comprehended in England by all classes, and representatives of the trades unions of Great Britain, representing a million and a quarter of laboring people of various trades, came before the committee of the House of Commons with a resolution unanimously adopted in favor of the adoption of the metric system, and were asked for their opinion of the bearing of this system upon their interests, and what induced them to trouble about a change in weights and measures. Their representative replied, and I ask your attention to that reply as evincing a clear and intelligent comprehension of this question, and of the interests of the laboring classes as involved therein. Their representative replied as follows:

Their chief inducement was the belief that it would be better for their children to be taught what was simplest and best—that much of the time now devoted to weights and measures might be used for something more profitable—and that as ratepayers they would get better value for their money. He further stated that the workmen he represented were alive to the fact that, "supposing by adhering to the old system we lose trade, the manufacturers suffer, and so do the workmen. One can not be affected without the other in a greater or less degree."

The workingmen of Great Britain appreciate the fact that the adoption of this system is necessary to retain trade, and hence to retain their own employment. Our own workingmen must appreciate the same conditions resting upon them. The workingmen are intelligent enough to know that their money is being wasted in the schools in teaching their children a complicated system which involves so much extra labor. The testimony before the English committee establishes the fact, and the committee state it in their report, that in the common schools at least a year's time is wasted in teaching the complicated system of weights and measures which we now have. That fact is corroborated by the testimony before your committee of such men as President Mendenhall, of the Worcester Polytechnic Institute; of President Sharpless, of Haverford College; of the secretary of the board of education of the State of Massachusetts, and of various other gentlemen capable of judging and of speaking intelligently upon that question. You have, then, the problem of an entire year in the school life of every child wasted in teaching the old system, and there are 15,000,000 of children in your schools——

Mr. HOPKINS. The gentleman says that Professor Mendenhall and others made the statement which he has just repeated as to the time that is wasted in teaching the present system. Is not the primary object of our schools to discipline the mind, and do not children get the discipline by studying the old system as well as by studying the new?

Mr. CHARLES W. STONE. That is an old question, Mr. Speaker. You may get the discipline by studying the relations between 12 and 5½ and $7\frac{29}{100}$, indicating denominations of length, or between 24—20 and 12 in terms of troy weight, but you may get the same discipline and a store of useful information as well by applying your time to a better and simpler system.

Mr. HOPKINS. But is it not absurd for any man familiar with educational standards to say that the time is absolutely lost when the child is studying anything that requires mental effort?

Mr. CHARLES W. STONE. Well, Mr. Speaker, I may put against the authority of the intelligent gentleman from Illinois—eminent, undoubtedly, in his vocation—the opinions of the eminent men connected with every department of education in Great Britain, who are indorsed by the committee in their statements, the testimony of the men in this country that I have mentioned, the testimony of Mr. Corthell, the great engineer, and many others, educators and practical men, who have given study to this subject, and all concurring in the opinion that it is a waste of time to seek the training of a child by a course of study which is practically useless, because, even if you do secure the intellectual training in that way, you can secure the same or better intellectual training by other methods, and at the same time acquire stores of useful knowledge.

Mr. HOPKINS. The gentleman's argument would abolish the study of Latin and Greek. I do not suppose there are four members of this House, although they may be college graduates, who can read Demosthenes, or even Cicero, in the original, and yet those gentlemen received great benefit from the study of Latin and Greek when they were in their student days. According to your argument, it is absurd to teach those languages or to pursue the study of them, because they are of on real practical benefit in the ordinary course of life.

Mr. CHARLES W. STONE. Mr. Speaker, the gentleman is trenching upon the long-disputed question as to whether time may be more profitably spent in the study of Latin and Greek, or in the study of the practical modern languages, French and German. But, sir, there is a practical use for Latin and Greek illustrated in this very matter. The shades of meaning, the definitions, the derivations, the very foundations of our language rest upon Latin and Greek, and the prefixes that are given to the terms employed in this metric system, derived from Latin and Greek, and universal as the world, indicate the meanings with a degree of accuracy and precision certainly not only remarkable but very advantageous. A knowledge of the Latin and of the Greek is useful in connection with the very matter we are discussing, and such knowledge is undoubtedly essential to a correct and careful appreciation of the shades of meaning in our language.

Mr. HOPKINS. Do not misunderstand me. I am not arguing that the system which you are advocating is not better than the one that we have. I simply took issue with your statement that it was an entire waste of time for a child to learn the old system of weights and measures.

Mr. FAIRCHILD. I will ask the gentleman from Illinois if he believes in his theory well enough to favor a bill that introduces more and additional confusing tables for the sake of discipline?

Mr. HOPKINS. That does not follow at all. I do not say that I am not in favor of the system which the gentleman from Pennsylvania is advocating, but I am not prepared to say that the old one is absolutely wrong. It is all a question of degree. If the system which the gentleman favors is better than the old one let us adopt it, but let us not deny that there is merit in the old system, too, and I hold that to denounce the study of the old system as a complete waste of time is illogical and unjust.

Mr. FAIRCHILD. Has it occurred to the gentleman from Illinois that if, by the adoption of this new system, we save a year to those who are attending our schools, the year thus saved could very properly be employed in learning a little more of Latin and Greek?

Mr. HOPKINS. I do not believe there is any truth in that statement; I do not care what professor may make it.

Mr. CHARLES W. STONE. Well, Mr. Speaker——

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. CHARLES W. STONE. Certainly.

Mr. BARTLETT of New York. Did I understand the gentleman from Pennsylvania to say that all language rests on the Latin and the Greek?

Mr. CHARLES W. STONE. No, sir.

Mr. BARTLETT of New York. Did not the gentleman say that Latin and Greek are the foundation of all language?

Mr. CHARLES W. STONE. I said that those languages are largely the foundation of our own. Why, sir, the very terms used in this system—the meter, the liter, the decimeter, the centigram, etc.—are words which come to us by derivation from the Latin or the Greek; and these languages give to the student a knowledge of the nice distinctions of meaning between different words of our own language.

Mr. LACEY. I wish to ask the gentleman whether it is the intention that the first section of this bill shall take effect, and this system be in actual use by the public, as early as the 1st day of July, 1898.

Mr. CHARLES W. STONE. No, not by the public, but by the Departments of the Government.

Mr. LACEY. Suppose after the date I have named you should want to ascertain the weight of a letter sent by mail; would you adopt the metric weight or the old weight?

Mr. CHARLES W. STONE. The metric weight.

Mr. LACEY. Then how much would be an ounce? What would you call an ounce, using the terms of this system?

Mr. CHARLES W. STONE. Let me refer the gentleman——

Mr. LACEY. I thought the gentleman could answer the question without reference to any document.

Mr. CHARLES W. STONE. I can. The half ounce in postal matters is equivalent to 15 grams; and I call attention to the fact that by a law now on the statute book, and which has existed for thirty years, it is in the power of the Postmaster-General to-day to send all letters throughout this country, as he does all foreign letters, under the metric system, 15 grams being the equivalent of half an ounce. The act of 1866 is as follows:

The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one-half ounce avoirdupois, and so on in progression.

And in the larger post-offices, the exchange offices of the country to-day, there are scales in which the various weights are marked according to the customary system on one side of the beam and

according to the metric system on the other, so that the weight may be ascertained under either system.

But I desire to complete the point I was making as to the isolated position which the United States is likely to occupy among the commercial nations of the earth, unless we adopt this system and adopt it speedily. I have said that England must inevitably adopt this system; that it has the support, with only one dissenting voice, of the committee that has had the subject under consideration; that it is demanded throughout Great Britain by those classes of people who will make their will respected; and that legislation must inevitably in the near future place Great Britain in concert with the other commercial nations of the world in the use of this system.

We have supposed that Russia stood as the most backward of all the nations in the adoption of this system. I learn that by an imperial decree the metric system of weights and measures was last year made obligatory upon every physician and every pharmacist in the entire Russian Empire; that every man dealing out medicine is obliged in doing so to employ this system, which has the elements of accuracy.

As to the present position of Russia on this question from a business point of view, let me read from a communication dated March 16, 1896, written by a gentleman occupying a high official position in connection with the Russian Government. I ask attention to this gentleman's statement as to the present attitude of Russia, the most conservative, the most backward of all nations in this reform. He says:

Confirming my verbal explanations, I beg to inform you that, with the assent of the Emperor, our minister of finances has issued, on the 20th of February, 1896, a circular inviting all leading Russian merchants and manufacturers to meet during the exhibition of arts and manufactures in Nizni-Novgorod at a congress in the latter town, with the object of discussing various subjects relating to the measures for the promotion of Russian industries and trade.

The programme of questions to be discussed at that congress is given in the above-mentioned circular, and includes, among others, the query (clause 12) relating to the introduction of the metrical system of weights and measures.

It will thus be seen that the adoption of this system is a matter of present consideration by the great Russian Government; and it is probable that unless action be speedily taken the United States, instead of taking the lead, as Mr. Kasson says in his report we should do, in this great movement of progress, will be the last one to be dragged reluctant at the rear end of the column.

A gentleman near me inquires as to the adoption of this system by the different States of the Union. I have not exact figures in relation to that. I will simply say that Congress is vested by the Constitution with authority to do this work; that so far as the States have done it, it has been done in a heterogeneous way, and done only because the United States Government has not done it. I believe that the metric standards have been furnished by the Government to every State of the Union; that the means of applying these standards are in the custody and subject to the reference of the authorities in every State. If not, those State authorities are certainly entitled to have them.

Let me call attention to the further fact that while we have been using and are using to-day the customary system, yet by the decree of the Secretary of the Treasury as an executive act, three years ago, he established and recognized the international meter and the international kilogram as the fundamental standards of extension and weight. In other words, if to-day the yardstick or the pound in common use is to be tested, the test is their equivalent as measured by the international meter and the international kilogram. The very foundation and final authority of our present system, as now treasured up in the fireproof vaults of the Government, are the international prototypes received from the international bureau of which we are members—opened in the White House with great ceremony—and since preserved with extreme care, and when you want to find the length of a yardstick you find it by comparison with the meter.

So that this system is the fundamental standard now, by Executive order. The whole force and effect of the second section of this bill is a ratification by the legislative department of the Government, specially vested by the Constitution with that power, of what has already been done by the executive department. That section compels nobody. It simply establishes a legal standard to which reference may be had in case of dispute or necessity.

The subsequent sections of this bill provide a means of testing by this standard the accuracy of the common measures as well as the metric. After a certain date the Government must use the metric system, as prominent officers of the Government have recommended should be done. The people may use whatever system their interests dictate, but a standard for reference—scientific and accurate and practically universal—is established for them.

Now, Mr. Speaker, while I have alluded to the loss of time during schoolboy days, I believe the loss in mature life entailed upon us by our cumbrous system of weights and measures is much greater. That such loss occurs in our dealings with foreign nations in converting their terms into ours or ours into theirs any one can see. Invoices on all our imports are made out in terms of the weights and measures of the nations from whence they come, and, as I have shown, the great bulk of these invoices come to the United States under the metric system. They must be converted into our system for purposes of taxation, as well as for sale and purposes of internal commerce. With an international system, used in common with other nations, this time and labor would be saved. But when you go beyond that, and consider simply the convenience in our domestic transactions of our present system of currency—the decimal system—and reflect for a moment upon the difficulty of transforming a single item of purchase or trade into the English system of pounds, shillings, and pence, and see the saving of time that is accomplished by the use of our decimal system instead of the system of Great Britain, you will be able to appreciate the absolute importance and the saving in time that can be achieved by using the decimal system in connection with all measures of substance and distance. By the convenience of a single computation in dollars and cents under our system as compared with pounds, shillings, and pence, we can appreciate how much would be the saving of labor and time if in every sale or purchase, in every commercial transaction, we employed a system with a decimal basis instead of the crude system which we are now using. The great saving and convenience in computation by the use of the decimal system as applied to all of these transactions in everyday life would be absolutely beyond calculation.

Now, Mr. Speaker, we desire to dispose of this bill, if possible, to-night, and I will reserve any time that I may have left.

Mr. CLARDY. I would like the gentleman, before he takes his seat, to explain the foundation of the system which he proposes to adopt. What is the real unit of measurement?

The SPEAKER. The Chair will state that the time of the gentleman from Pennsylvania has expired.

Mr. CLARDY. I hope the gentleman will explain the unit of measurement of this system, and how it is obtained.

Mr. CHARLES W. STONE. If there is no objection, Mr. Speaker, I would be very glad to explain.

The SPEAKER. Without objection the gentleman will proceed.

Mr. CHARLES W. STONE. I will occupy the attention of the House but for a few moments.

The foundation of the entire system—the metric system—is the meter. That was obtained originally by the measurement of an arc of a meridian, after great labor and expense, by the most eminent scientists of Europe, who were engaged on this work for a period of seven years. One ten-millionth part of the quadrant of that meridian, passing through Dunkirk, in Europe, is a meter. Its length is equivalent to about 39.37 inches of our present system of measurement. From that are derived all of the other measures. The meter is divided, for instance, into the decimeter, which is one-tenth of a meter, or about four inches in length; the centimeter, or hundreth of a meter, which is about four-tenths of an inch; and the cubic decimeter is the unit on which rests measures of capacity, and the cubic centimeter of water gives us the gram, the unit of weight, all being thus traceable directly back to the unit of the system, the meter. [Applause.]

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EXTRACTS FROM TESTIMONY TAKEN BEFORE THE COMMITTEE OF THE HOUSE OF COMMONS.

From testimony of Lord Kelvin:

I believe that the difficulty of making the change has been enormously exaggerated. I believe that in a fortnight people would become so accustomed to the perfect simplicity and easy working under the metrical system that they will feel that, instead of its being a labor to pass from one system to the other, it will be less than no labor—that is to say, it would be a very great saving of labor after the first day or two of beginning to use the metrical system.

Mr. Siemens, the noted engineer, testifying as to its introduction into his own works, said:

It was all a matter of about a fortnight or three weeks; then the people were accustomed to it and did not ask any more for the old measures, but asked for the new.

And speaking of his observation of its general introduction into Germany, he said:

Q. Did I understand you aright, that it was about four years during which the transition took place? The act was passed in 1868, and it was made absolutely compulsory in 1872, was it?—A. Yes.

Q. And there was really not anything that you may fairly call friction or national opposition on the part of the masses of the people?—A. No; not at all. In fact, as far as I recollect it, the metrical system was very largely adopted between the 1st of January, 1870, and the 1st of January, 1872, during the optional period. It was very largely adopted then, and was found to work so well that when the compulsory time came there was nobody to be compelled.

Captain Sankey, after explaining the practical advantages of the system in his extensive boiler and steam-engine manufactory, testified, in answer to questions as to its introduction, as follows:

Q. Have you found any difficulty with your workmen in that respect?—A. Absolutely none.

Q. Do they adopt it and see the advantages of the system?—A. I should say so. In fact, in connection with my coming here this afternoon, I asked four or five of our men privately (not through the works' manager) what they thought of it, and there was not a dissentient voice among them. They all agreed at once that the millimeters were very much easier to work to than the English measurements.

Q. I understand you found your men had not the slightest difficulty in adapting themselves almost immediately to the new system?—A. Not after the first few days. I asked that very question of the head of our tool room, and he said it was a little awkward for a time. I said, "About how long?" and he said "Two days."

Mr. H. E. Wollmer, of the great mercantile firm of Sir Jacob Behrens & Sons, testified as to its introduction into Germany as follows:

In Germany I noticed when the change was being made everybody became a teacher; the schoolmaster was a teacher, the shopkeeper was a teacher, and everybody had this very thing in view; the schoolmaster, the trader, the children, and everybody. It became a practical question. They knew they had to be ready when the time came, and they were ready before the time came.

Mr. Rowlett, a Leicester merchant, testified:

Q. You had dealings with Germany about the time of its adoption?—A. I had.

Q. And, as far as you understand, its adoption was accomplished with, comparatively speaking, ease?—A. Certainly. I have always understood them as speaking of it as having gone through with scarcely any friction.

Mr. Pilter, of the British Chamber of Commerce, testified:

I have property in Tunis, and I am obliged to spend a certain part of my time there each year. The people of that country, the Arabs and the negroes, have had introduced among them quite lately the decimal system of coinage, the French system; and within the last few months, perhaps eight months, the metric system of weights and measures has been introduced, and they grasp it easily and without difficulty. They had before them a system of 12 saas to the ouiba, and 16 ouibas to the caffis; but they have learned the liters and the meters very easily.

Mr. BARTLETT of New York. Mr. Speaker, I rise with some diffidence to oppose the measure now pending, in view of the very scientific and learned argument of the gentleman from Pennsylvania who has just taken his seat. Unfortunately, as his face was turned from me, I lost a portion of his remarks.

Before discussing the scientific proposition which is presented I wish to touch briefly upon the educational feature of the discussion. The gentleman from Pennsylvania said that the foundations in large part of our language were the Latin and the Greek, from which so many of our words were derived. It is true that to a considerable extent our words have been derived from the Latin and the Greek, and so from their original source, the Sanskrit; but the best words in the English language never came from either the Latin or the Greek. They came entirely from the Anglo-Saxon spring; and it is due to the influence of the Anglo-Saxon upon our language that we have such works as the Bible, as the plays of Shakespeare, and the speeches of Daniel Webster. Were I to bring up a boy and were I to desire to instill into him the true meaning and principle of the English language, I should say, "Drink deep at the source of Anglo-Saxon and leave for your leisure hours the Latin and Greek authors, except in so far as their study may be a mental discipline."

I would not say a word against the ancient tongues, especially Latin and Greek, for if I controlled any college to-day I should make the study of these two languages not elective, but absolutely requisite.

Now, the gentleman from Pennsylvania, in his admiration for the French and the Continental systems of weights and measures, would say that all, or almost all, that is good in our language must come from the Latin sources. Why, gentlemen have come to me since this debate was introduced and said, "Let us adopt this international system, because it will ultimately secure that international bimetallic agreement on which all our hopes are centered." [Laughter.] Now, it is proposed, in the closing hour of this day——

Mr. FAIRCHILD. Will the gentleman yield for a question? Is that the reason you are opposing the bill?

Mr. BARTLETT of New York. That is not the reason. But, as is well known, I am a gold-standard monometallist. So there is no question about my position.

Mr. TOWNE. Perhaps the gentleman will favor this system after England adopts it.

Mr. BARTLETT of New York. It is proposed now, in the closing hours of this day, only three-quarters of an hour before our usual hour of adjournment, to change absolutely the system of weights and measures in the United States, not after any prolonged or scientific discussion, not after any careful consideration, but because the distinguished gentleman from Pennsylvania, the chairman, I believe, of the Committee on Coinage, Weights, and Measures, comes and says, "Let us wait no longer, because Mr. Balfour is in favor of it, and although Great Britain has not adopted it, eminent scientists on the continent of Europe think that there should be a change." So in half an hour 67,000,000 or 70,000,000 people of the United States are to be told that there is no longer such a legal entity as a pound, that they no longer weigh 60 or 70 or 170 pounds, but so many grams.

To-morrow morning every man, woman, and child in the United States will have lost his or her weight. They will no longer be of so many pounds avoirdupois, but so many grams in weight. To-morrow morning there will be no man 6 feet in stature throughout the United States, but every man will be so many meters in height and every little schoolgirl and schoolboy will stand aghast at the proposition. They have been studying other systems of weights and measures all their lives; but because it pleases the representatives of the people of the United States one afternoon to sweep the whole fabric away which has existed ever since our colonial times, ever since time immemorial as far as we are concerned, it is all to be obliterated, not in a night, but in three-quarters of an hour on one afternoon in April, 1896.

Now let me call your attention to the fact that for nearly thirty years the people of the United States have had the very rare privilege, have had the absolute right, of enjoying and using this marvelous metric system. This, to my mind, is a salient and pertinent objection. This has been on our statute books ever since a certain day in July, 1866, and since that day it has been lawful for the people of the United States to avail themselves of every principle contained in the metric system. Have our people done so? Have they cried out with the eloquence of the gentleman from Pennsylvania [Mr. CHARLES W. STONE] that we must abandon these old, pernicious Anglo-Saxon systems of weights and measures and secure the priceless boon of a new Latin system? I say that the very fact that they have not, the very fact of the indisposition of the people of the United States to abandon the system of weights and measures to which they have been accustomed from time immemorial, should justify the denial of the passage of this law.

Now let us see what the committee do. Instead of taking the whole system in its entirety they only take part. We adopt what? We adopt the metric standard of weights; we adopt the metric standard of measures; but we decline to adopt the standard of capacity or the standard of surface measures. If you look at the tables appended to the section of the Revised Statutes in question you will find set forth four different tables. The Committee on Coinage, Weights, and Measures adopts two of those tables, but not the other two, as obligatory. That is, they decline to adopt the measure of capacity, of which the liter is the unit, and they decline to adopt the measure of surface, of which the centare is the unit. The liter or unit of capacity is 1.0567 quarts. The centare is 1,550 square inches. They take special care to provide that the measurement of the public lands shall not be made according to the new system.

Now, if this system were right, why should this exception be made? What logic is there, what scientific argument can be adduced, for leaving out the measurement of the public lands? There is another not only scientific criticism, but also a verbal criticism——

Mr. CHARLES W. STONE. If the gentleman desires information as to the public-land surveys, I shall be very glad to tell him.

Mr. BARTLETT of New York. Not now, Mr. Speaker. Just wait until I get through. In reference to the standard of weights, they take the kilogram, which is equivalent to 2.2046 pounds. Now, a kilogram means 1,000 grams, and to have any harmony in the system you should adopt the gram and the meter, or the kilogram and the kilometer, because a kilometer is 1,000 meters and a kilogram is 1,000 grams; but in reference to the one they take the kilogram, or 1,000 times what should be the proper unit, and in reference to the other they take the meter, which might be called the initial or base measurement; that is, they take 39.37 inches as the unit instead of 3,280 feet and 10 inches.

So I submit, gentlemen, that for these various reasons you should not pass this bill hastily this afternoon. Then I desire from a commercial standpoint to call your attention to the fact that the great country with which the great bulk of our trade now exists has never adopted this system. Great Britain has not adopted this system and there is no certainty that she ever will adopt it. So I say, in conclusion, let us go slowly. Let us wait at least until this question can be fairly considered before we adopt off hand this measure which is hastily presented to us in the declining hours of this day.

Mr. OTEY. Mr. Speaker, the fact that other countries may have adopted the metric system cuts no figure with me. When I had to come back into the Union some thirty years ago by special invitation I learned to believe, and have since believed, that the United States was big enough to have a system of its own of everything, including a monetary system. Now, we are called upon here this evening to adopt the metric system; and I venture to say there is not a member of Congress present who can repeat one of the tables of that system. If we had been ordered in this bill to speak the German language it would have been just as possible with me and with you as it would to learn this metric system so suddenly. And to be forced by law to speak the German language would be as bad as pulling teeth.

Now, sir, before voting upon any proposition, although I am one of the long-suffering new members, "spring chickens," I believe they call them, I would like to know what I am voting for. We have been told that some of these terms are derived from the Latin and others from the Greek, which are languages with which I am not perceptibly familiar. But I would at least like to know how many of these things it takes to make one maringram [myriagram]. [Great laughter.] Myriagram! What is that? [Renewed laughter.] Just as well call it Black Maria.

There is another important thing, Mr. Speaker, that I observe has been overlooked. I have an arithmetic here, and I notice we have a "*long measure*," and we have a "*surface measure*." They have not spoken of that. In surface measure an *are* is all powerful. This is called an "are" because it are an *are* I suppose. I suppose you pronounce it "air." One hundred centares make one are. "Centares" *not centaurs*, I suppose is what they call them. [Laughter.] And then 100 ares make 1 hectare. And what a *hectare* is this deponent saith not. [Renewed laughter.] Will you tell me how many of those *ares* are in a half section of land, 160 acres? [Great laughter.] You go on and you tell me about the "cubic measure." You then go on and give the "measures of weight." Where is your wet measure for whisky? [Laughter.] Where is your "wet measure"? Going to do away with barrels? You have got no "wet measure" here at all. [Laughter.] How could the old darky get a pint Saturday night? Do you propose to do away with whisky? [Laughter and applause.] I have no objection, but say so if you are. Kentucky would have something to say about that, if you do. [Renewed laughter.] I learn that the whole delegation is opposed to this bill. [Renewed laughter.] And, I suppose, on that account. [Laughter.] They know how many *peas* are in a pint. I am not surprised the gentleman should refer us to Africa about learning the metric system. That will do for people sunned in the Tropics. But, sir, there is not a man on this floor who can tell me what a decaliter is. If there is let him stand up and speak. I pause for a reply. [Laughter.] There is none.

Now, I am completely in the dark. I do not know how many hectograms it would take to make a drink. [Laughter.] I am sure I do not know, because I am not accustomed to that sort of thing myself. [Renewed laughter.] Decaliters, hectoliters, deciliters, kiloliters, lamplighters, kilograms, kilometers, decigrams, mariagrams, and myriagrams. [Great laughter.] This would open a night school for Congressmen. Now, we are told Mr. Balfour is in favor of this. So I understand. But that is England! We do not want to do *everything* that England does. We want to have some little measures of our own here. Now, the gentleman expects us to vote for this thing to-night. What thing? Who knows? Well, I am in the same position as I was on the Cuban question—I do not know which side I am on yet. This is going in too big a hurry. There is not a gentleman on the floor that would go to his home and wake up to-morrow morning, and if this bill should have passed would know whether he weighed a "mariagram" or measured a decameter, or whether his cocktail was by long or wet measure.

Now, gentlemen—I beg pardon, Mr. Speaker, and gentlemen of the House; I should pronounce it *Hows*—when you talk about changing our system to the metric system, as if it were simply "Presto, change," changing our good old inch, our yards, our poles, and things of that kind, I want to know if there is anywhere in this bill anything to tell how many eggs make a dozen? Are you going to change a dozen to ten? What are you going to do with the various systems that we have in this country? You expect the children to come out and teach us what to do.

Mr. Speaker, you can not do it in so short a time. You will have to go out and let all of these fellows know that are selling whisky and eggs and all that sort of thing that they may study milliliters, decameters, and myriagrams. Let us have a rest for a while and get ready to do this thing. I tell you it would create a panic if you should pass this bill to-night. [Great laughter.]

Sir, as one gentleman has asked how this thing originated, I thought I would prepare myself by getting Venable's Arithmetic. It is the first time I have looked into it since I left college, and I hardly knew where to find it. But I knew that some distinguished gentlemen in France determined that they would have another system of measures. They took the arc of a circle from the pole down to the equator—they had to assume all that about the pole, because they could not get there—and then they found that that circle measured so much, and then they divided it by one ten-millionth. Think of it! They figured out how much this was.

Now, there is not a member of Congress that can do that. [Great laughter.] There is not a man that can divide that circle by one ten-millionth. But they say that that would be 39.37 inches. Then how do they get the others? They take about one ten-thousandth part of that—so that I may make no mistake, I shall refer to the book. They take part of that and call it a meter. They talk of the children doing this. [Laughter.] Think of it! They then take one ten-thousandth part of that and measure it and put a little line there and another perpendicular to it and call that an are, and then they put in another line at right angles to that, and they call that a liter; and they fill the little cube with water, and whatever that weighs is the much-talked-of gram, but by no means a good dram, and then I do not know what they call the others. I believe they are the meter, the are, the liter, with all the prefixes—milli, centi, deci, deca, hecto, and kilo—enough to kill us.

Now, after they have done all that, the children discover that they have arrived at some way to get at this measure and their weight which has made them collegiate graduates almost, has trained them so that they can almost speak Latin and Greek and the other language from which our own language is derived. Now, ask the child how he gets the inch, his scruples, penny-weights, etc. Ask the members of this House, and I think you will find very few of them that can tell you. There has been no need of knowing in the past. I do not know myself. [Laughter.] It is true that they took a few grains of wheat as a standard for the troy weight, but wheat was found too unstable. But now how are you going to use your Troy weight when you get into an apothecary's shop with these fractional parts of the distance from the pole to the equator? The thing is so small that they never do measure or weigh by it, but just throw some little thing in the scale, no matter what it is, put the drug in the other scale, and charge you 35 or 40 cents for it. [Laughter.] I tell you, gentlemen, there is only one way to do this thing, and that is by an international agreement. [Laughter.] That is the only way you can do it. [Laughter.] It does not make any difference what England or what Germany or what France does. I do not wonder that they adopt this system in Africa. We all know how highly educated and cultivated they are in that country, and I do not wonder they want it [laughter]; but when you come to the great United States, this great country that I am proud to call my own, and under whose flag I expect to go if we have anything to go for—the idea of our coming here to talk about Mr. Balfour or anybody else and what he proposes to do is to me belittling our own country. For my part, may the old United States be right; but, right or wrong, I am for the United States. [Laughter and applause.]

Mr. HURLEY. Mr. Speaker, I did not intend to say anything upon this question. I would much rather vote. However, it has occurred to me to say a few words in reply to the gentleman who has just taken his seat [Mr. OTEY], and also in reply to my colleague from New York [Mr. BARTLETT], who spoke of our being hurried into this matter. Mr. Speaker, it is thirty years since the metric system was made permissive in this country. It has been in our schoolbooks ever since that time. It has been long under consideration. The point about our being hurried was, I believe, the only point that was made by my colleague against the pending bill. He told us something about Latin and Greek, but he did not favor us with many sentences of pure Saxon-English himself. [Laughter.] While the gentleman from Virginia [Mr. OTEY] who has just sat down was speaking, I could not help thinking how readily anybody with the gentleman's gift of wit could make fun of our present system of weights and measures. The foundation of the common measure is, I believe, "the barleycorn, true and plump." I think that is the description of it in the old law books. The gentleman could make a good deal of fun of that. I could do it myself if I had his gift.

The gentleman wanted to know how whisky was to be measured under the new system. There is no difficulty about that under either system. But under the present system we have "drachms," and "gills," and "pipes," and "tuns," and a good many more names, out of which, in the hands of a gentleman gifted in that way, more fun could be made than the gentleman has made out of the names in the metric system. We have a "point," a "line," a "barleycorn," a nail, a hand, a link, a span, a foot, a cubit, a yard, an ell, a fathom, a rod, a perch, a pole, a furlong, a mile, a league, and a great many other such names. You will find them in the arithmetic, taking up a couple of pages. The gentleman from Virginia, if he would turn his attention to butts, pounds, and scruples, might make them even more ridiculous than he has been able to make the names in the metric system. But, Mr. Speaker, there is nothing in that. The metric system is founded on science. It is in use in 27 nations of the world, and it ought to be in use in a country like this. I do not care to say anything further about it at present, but will reserve the balance of my time. [Applause.]

Mr. CHARLES W. STONE. Mr. Speaker, I now move the previous question, if no one desires to speak, and in explanation of that action I wish to say——

Mr. PARKER. Mr. Speaker, I would like to speak.

Mr. CHARLES W. STONE. I desire to dispose of this matter to-night, but I will yield to the gentleman such time as he desires.

Mr. PARKER. I ought to say that I shall speak against the measure.

Mr. CHARLES W. STONE. I will yield the gentleman ten minutes.

Mr. PARKER. Mr. Speaker, I would like more time than that.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. CHARLES W. STONE. I desire to close the debate to-night, and if the gentleman from New Jersey will agree to any reasonable time, I shall be satisfied. I desire to dispose of the matter this evening only because I understand that arrangements have been made by which other measures are proposed for the consideration of the House to-morrow, and, in good faith, I desire,

if possible, to get this matter out of the way. Will the gentleman be satisfied with fifteen minutes?

Mr. PARKER. Mr. Speaker, I can hardly make any agreement for time except to say that I will not detain the House unnecessarily. With no preparation and no notice of this bill till this afternoon, I can not condense the facts and the views that I desire to present into a very short time. I think I shall get through in a quarter of an hour, but I do not want to limit myself.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. PARKER. Mr. Speaker, I consider this bill as very much more important than it has been probably thus far regarded by this House. It is an absolute novelty in the legislation of the United States. It provides in the first section that in 1898 the metric system only—nothing else—shall be employed in the Departments of the United States. No such provision has ever been adopted by the United States of America as to any system of weights and measures—the one now in use or any other. The bill also provides that after 1901 the metric system shall be the only legal standard of weights and measures in the United States. No such enactment has ever been adopted before. Let us deal with the question practically.

This bill tells you that after 1898 the metric system shall be the only one recognized in the various Departments of the Government. Now, sir, it is well known that we have coast surveys which show by their scale of miles, nautical miles and kilometers, how far by each scale it is from one place to another, how many miles, nautical miles or kilometers, it is from place to place. Such a thing is forbidden by the bill under consideration, however convenient the arrangement may be to our seamen.

Referring to our customs laws, I find it provided that invoices from other countries shall be made out in the weights, measures, and currencies of those countries, without any reference to the standards used in the United States. That provision is intended for the purpose of securing honest invoices made out in accordance with the standards in the countries from which the goods come. But this bill says that after the date named this shall not be done.

Some gentleman here may own ships. At any rate, we have tonnage laws based upon feet and inches, and in those terms the capacities of vessels are expressed. This bill says that after its provisions take effect no man shall register a ship without translating those terms into meters, kilometers, etc.; and that after 1901 these terms shall be the only ones recognized in such measurements.

Mr. Speaker, a compulsory enactment like this, requiring that the people of the United States shall measure their weight by kilograms (we might as well say, as Englishmen do, by the stone instead of by pounds), is a novelty. To say that a man shall no longer measure his height by feet and inches or use those terms as units, but must take something a little over a yard as the unit, is a novelty in legislation.

Mr. Speaker, such legislation is unknown in a free country, however familiar it may be in countries which are not free. This system has not been adopted by England as a compulsory one, as one that must be used; and if we attempt to make a system of this kind compulsory, the people will resent it, because they resent being told that they shall not use their accustomed standards, which they prize as conveniences, from whatever source they may be derived.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. PARKER. Certainly, if the gentleman does not draw me off from the line of my argument.

Mr. HOPKINS. If this system be adopted, all the school books relating to mathematics will have to be rewritten, will they not?

Mr. PARKER. I do not know.

Several MEMBERS. Yes.

Other MEMBERS. Oh, no.

Mr. PARKER. Well, I will let gentlemen settle that question for themselves. Certainly men will have to learn to reckon from one system into the other, for I assume we shall deal with the statutes as we have them; we shall not rewrite the Revised Statutes.

Mr. HOPKINS. Does the gentleman know any primary school in his State or in the United States where the metric system is taught?

Mr. PARKER. Not in any of the primary schools.

Mr. HOPKINS. I am speaking of the primary schools.

Mr. PARKER. I am not sure as to that, I am not talking for professors; I am talking for the people of the United States.

Sir, I was reading not long ago in the report of the Director of the Mint the thoughts of Morris, the thoughts of Jefferson, the thoughts of Hamilton; and I found that when they were establishing the money unit their principle was to take a unit which was well known by the people. They took the old "piece of eight," which was called in common language the dollar, as their unit. They took it not because it was new but because it was old. They took it because the people understood it. They made that the unit of value. But did they say there should be no other unit of value? No. The Constitution provided that Congress might fix the value of foreign coin; and Congress did so. By various acts (see Revised Statutes, section 3565), the value of the pound sterling was fixed like that of the dollar, so that it could be dealt in. In every State it was allowed to make contracts in the pounds and shillings of that State.

Mr. Speaker, I have no objection to the metric system considered in itself. It is a good system; it was rightly authorized as an optional measure by the act of Congress of 1866. As I read that act on page 704 of the Revised Statutes, this system can be used by any person in the United States if he wishes to use it. What I object to is the provision that says no other weights or measures shall be used. Up to this time the weights and measures in the United States have not been fixed arbitrarily by statute. Under the customs law, as I understand it—not having had time since the debate began to find it in the statutes, I may mistake in stating the law, but at any rate, under the laws of the United States—the officers of the United States, for the purpose of the customs revenue of the country, obtained a standard from the English Government of the foot and the standard bushel, of the standard measure as well as the standard weight, and keep them, so that men in commerce may avail themselves of them if they desire to do so. We all know the time when the ton was changed from 2,240 pounds to 2,000 pounds, and nevertheless people in certain States prefer to use the old ton up to this time. It is not forbidden, but this provision of law, if enacted, forbids the use of either the old or the new ton.

Something has been said of a decimal system. A decimal system, Mr. Speaker, is not peculiar to the metric system. Go to any Coast Survey map, and my recollection is that the distances are given in miles and thousandths of a mile. Go to any railroad survey, and you usually find the distance is given in a unit measure of distance and in hundredths and thousandths of that measure. The use of the decimal system in the measurement of buildings has become quite common in the last few years; that is feet and hundredths of a foot. Measuring rules are made divided into tenths and hundredths of an inch for machinists. The decimal system can be used. It is used. It is in common use. Weights, by scientific men, are almost always given in grains, and thousandths, or grams and thousandths, or pounds and thousandths, or tons and thousandths, and so on with all other weights. But these are weights that we are used to. We know what a man means when he tells you that he weighs so many pounds. We do not know what he means when he says that he weighs so many stone, and will not know what his weight is when given in kilos.

Now, in reference to Government business, the Post-Office could change its mailing scales to this system without hurting anyone particularly. We would, perhaps, have some trouble with our mail contracts, which are made in pounds or tons. But in reference to letters we do not care; it would be a matter of no consequence whether they were measured in ounces, half ounces, or any other unit. We could simply take the Post-Office scale and thus weigh them and see whether they came within the postage weight. But when you come to business transactions, customs, contracts, and the like, and declare that men shall not use the old measures, that there shall be only one legal system, of new standards which have not been adopted in the United States in the history of the country until now, I think you are doing something that is going to involve an immense amount of trouble without any corresponding benefit. Why should this be obligatory? We never had such a provision with reference to the bushel; we never were told that we should use no other measure than the foot; the nation never said that we must use measures with which we are not familiar. It simply said, we give you a standard, you may use it or not, as you please.

Mr. CHARLES W. STONE. Will the gentleman allow me to interrupt to ask him please to indicate in what part of the bill provision is made that the people shall not use any other measures than those known as the metric system?

Mr. PARKER. Yes, sir; I will. The gentleman will find these words in the bill—

That from and after the 1st day of July, 1898, all the Departments of the Government——

Mr. CHARLES W. STONE (interrupting). My question is as to the restriction on the people, to which the gentleman referred.

Mr. PARKER. Wait a moment; I will answer the question.

Mr. CHARLES W. STONE. Let me state it so that there can be no misunderstanding. You said that this was compulsory on the people; that they were prohibited from using any other system than that prescribed in this bill—that the people, not the Government, were prohibited from using any other system—and I ask you to show me where in the bill such a prohibition on the people exists?

Mr. PARKER. Well, will the gentleman allow me to answer?

Mr. CHARLES W. STONE. Certainly; I would like to have an answer, if the gentleman has the question.

Mr. PARKER. I understand the question.

I state that the two sections taken together explain each other, and you will find that the effect is to prohibit the use to the people of any other system. It is provided—

That from and after the 1st day of July, 1898, all the Departments of the Government of the United States, in transaction of all business requiring the use of weight and measurement, except in completing the survey of the public lands, shall employ and use only the weights and measures of the metric system.

That means that the people, in dealing with the Departments of the Government after July, 1898, can use no other system than the metric system, and that they have got to learn to deal by it. Does not it mean that? I ask the gentleman if that is not the meaning of it?

Mr. CHARLES W. STONE. It means just what it says.

Mr. PARKER. Does not it mean that in dealing with the customs officers, or with any other officers of the Government, or in making any contract with the Government, the people must deal with it only in this new system?

Mr. CHARLES W. STONE. So far as the operations of the Government are concerned, this system is required to be used. But where are the people prohibited from using another system? So far as they are concerned, they can use either system at their own will.

Mr. PARKER. But if they are dealing with the Government are they not compelled to use it and nothing else? Does not it mean that? I think it does.

Now, this bill goes on to say:

SEC. 2. That from and after the 1st day of January, 1901, the metric system of weights and measures shall be the only legal system of weights and measures recognized in the United States.

That means that the people will have no longer the standard foot, they will not have the standard bushel, the yard, or the mile, or any other measure with which they are familiar, and that this new system will be the only legal system of measures and weights recognized in the United States.

Now, a uniform system is a well-known thing. The power of Congress to fix the standard of weights and measures has been construed thus far by the fathers of our country and by everyone else as the establishment of fixed and uniform standards under which the people may act. Congress has likewise gone so far as to say, in the year 1866:

It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

Mr. HOPKINS. What is the date of that statute?

Mr. PARKER. The date is 1866. Then follow two pages of tables, showing such units as the decameter and the decimeter, one of which is 100 times the other; the decaliter and the deciliter, which stand in the same relation; the decagram and the decigram, which bear a similar relation to each other. And I ask, Mr. Speaker, if these weights and measures were so much better than what we had before, why are they not in common use now? If they brought in the decimal system with them, why are they not in use now? The reason is that the standards are different. That law did not introduce the decimal system. We use the decimal system with tons and pounds and grains. It is used with miles and feet and inches. It is used with all these, and with the greatest convenience in all business, and it is used with these units because people know what feet and inches mean, and they do not propose to change.

Now, scientists can talk about a unit based on a line around the earth. The odd thing about the matter is that, being intended to be an absolute measure, based on the size of the earth, upon a parallel of latitude or a meridian of longitude, I have forgotten which, running in a certain direction and through a certain point, the scientists measured the meridian wrong, and everybody admits, as I understand, that the meter as now established is absolutely inconsistent with its own standard.

Mr. CHARLES W. STONE. Oh, no; the highest authorities say it is accurate. There is no better authority than Dr. Barnard, and he says it is accurate.

Mr. PARKER. I have always heard it was inaccurate.

Mr. CHARLES W. STONE. Very well. There are many other things about which there is erroneous information.

Mr. HOPKINS. Dr. Barnard says that. Who else ever said anything about it?

Mr. PARKER. I have always heard that it is inaccurate, but I do not care. We have got to go to a certain standard. I would rather go to a standard in the Tower, or in the possession of our Secretary of the Treasury, than to measure between the equator and the North Pole to get a standard. This metric system is a theory. It is a theory that it is better to dispense with the old unit and take a new unit, because those particular units have happened to please the gentlemen in France who got up this universal, world-embracing system of meters.

Now, remember I am not attacking that system. Do not misunderstand me. I say as to that system that it is as good as any other, and I say it is right to permit its employment where it is preferred. I think that for purely scientific work, when you are dealing with the world of science, it is well, and perhaps imperative, that all should have the same unit. But practical popular use is another thing, and for a statute to say now, after thirty years of permission, during which time it has not come into general use, that all other standards and units of weight and measurement shall come to an end at a fixed date, and that we shall compel its adoption before the great commercial nation of the world has adopted it—I say that this is revolutionary, and that, no matter how many scientific men, no matter how many foreign merchants, no matter how many men, mostly scientific, from colleges and similar institutions, come to us and say that they believe that this should be made the only standard, and that nobody should be allowed to use any other, I say it is wrong to do so. It is not practical, it is not according to the practical uses of the people, and no matter how much these theorists wish it, no matter how much I may admire the system as a system, I will not be so arbitrary as to say to my fellow-countrymen that this shall be the only system in which they can deal with their Government or with one another.

Mr. Speaker, I have said all that I care to say.

Mr. CANNON. Will the gentleman yield to me two or three minutes?

Mr. PARKER. With pleasure, sir.

Mr. HOPKINS (to Mr. CANNON). Suppose you take your time to-morrow.

Mr. CANNON. I can say in a minute or two, by way of suggestion, all that I desire to say.

I must confess that I have not given much attention to this bill and the gentleman in charge of it is perfectly familiar with it; but I will say that I have no doubt that, if our people were as thoroughly familiar with the system which it is proposed here to legalize as they are with the present system, there would be no objection to it. I should think very likely it would be superior. I understand that under the Constitution there is no doubt about our power to enact this legislation, and we have had the legal right to use this system for thirty years. And yet, after thirty years of permissible use of this system, when we think of weights and measures, we think—I was going to say, in English—we think in pounds, or tons, or feet, or inches, as we have been taught. Our people universally understand what those words mean. It has been that way for a long time, and was so before there was any United States. It may be said to run through our literature; and although we have the power to enact this legislation, I do not believe it is in the power of Congress to bring that system into use by statute. If we undertake to legalize it to the exclusion of any other, I think it will beget great confusion, and that we shall subject ourselves to much criticism, without effecting the reform which the gentleman thinks is desirable. It may be that I am wrong about it. I give you my impression as it comes to me somewhat hastily; but I shall have to be further advised than I now am before I can vote for this bill.

Mr. CHARLES W. STONE. I desire simply to explain that the Land Department was left out of this bill at the request of the Commissioner of the Land Office, because a portion of the surveys had been made and the external lines had been run, the term measure being a general one in surface measures.

Now, Mr. Speaker, I have no desire to cut off debate, but I promised to ask a vote on this measure to-night, and, in carrying out my promise, I ask for the previous question.

Mr. FISCHER. Mr. Speaker, are amendments in order?

The SPEAKER. Not if the previous question is adopted.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CHARLES W. STONE. Division.

The House divided; and there were—ayes 65, noes 80.

Mr. CHARLES W. STONE. I ask for the yeas and nays; and, pending that, I move that the House adjourn.

Mr. HOPKINS. That is not treating the House fairly.

Mr. CHARLES W. STONE. I desire simply to have a vote in the full House.

Mr. HOPKINS. We have got a full House now.

The SPEAKER. The gentleman has the right to move an adjournment.

Mr. CHARLES W. STONE. There are several of the gentlemen of the committee here who say there is not a full House, and they desire to have a vote in the full House.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CHARLES W. STONE. Division.

The House divided; and there were—ayes 98, noes 50.

The SPEAKER. Before announcing the result the Chair will submit the following.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TUCKER, indefinitely, on account of sickness in his family.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 894) granting a pension to Nancy G. Allabach;

A bill (S. 1271) granting a pension to Elizabeth Moore English;

A bill (S. 2132) for the relief of settlers upon the lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company;

Joint resolution (S. R. 116) authorizing the Public Printer to print the annual report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume;

A bill (S. 640) to increase the pension of Joseph W. Fisher; and

A bill (S. 507) to pension Mollie Crandall.

FREE LIBRARY, DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment of Mr. POWERS, Mr. MILNES, and Mr. BABCOCK as conferees on the part of the House on the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The result of the vote was then announced; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Attorney-General, transmitting a list of all judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases since the date of Senate Executive Document No. 50, first session, Fifty-fourth Congress—to the Committee on Appropriations, and ordered to be printed.

A letter from the Attorney-General, transmitting a list of judgments rendered against the Government of the United States by circuit and district courts in which records have been received since January 16, 1896—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CONNOLLY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, reported the same with amendment, accompanied by a report (No. 1136); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred House bill No. 4956, reported in lieu thereof a bill (H. R. 8010) to authorize the construction of a bridge across the Eastern Branch of the Potomac River in line with Massachusetts avenue extended eastward, accompanied by a report (No. 1137); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 1706) to provide an American register for the steamer *Kahului*, reported the same without amendment, accompanied by a report (No. 1149); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3547) directing the Secretary of War to furnish a certain number of unused rifles to Harper Post, Grand Army of the Republic, at Keosauqua, Iowa, reported the same without amendment, accompanied by a report (No. 1153); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (H. R. 3920) for the relief of the heirs of A. Lawrence Foster, deceased. (Report No. 1138.)

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 237) to refer the bill (H. R. 1800) for the relief of Francis Millet, with all the accompanying papers, to the Court of Claims, reported in lieu of the bill H. R. 1800. (Report No. 1139.)

The bill (H. R. 5446) for the relief of James S. Frizzell. (Report No. 1140.)

The bill (H. R. 1502) for the benefit of J. C. Rudd. (Report No. 1141.)

The bill (H. R. 5450) for the relief of Thomas C. Isgrig. (Report No. 1144.)

The bill (H. R. 5449) for the relief of the administrator of the estate of Marcus L. Broadwell, deceased. (Report No. 1143.)

The bill (H. R. 1801) for the relief of the estate of Mary H. S. Robertson. (Report No. 1147.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 239) to refer the bill (H. R. 6935) for the relief of the personal representatives of Mitchell J. Childress and all the accompanying papers to the Court of Claims, reported in lieu of the bill H. R. 6935. (Report No. 1148.)

By Mr. COOPER of Texas, from the Committee on War Claims: A resolution (House Res. No. 238) to refer the bill (H. R. 7159) for the relief of the heirs of Henry Ruby, deceased, late of Bexar County, Tex., and all accompanying papers to the Court of Claims, reported in lieu of the bill H. R. 7159. (Report No. 1142.)

By Mr. RAY, from the Committee on the Judiciary: The bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield. (Report No. 1145.)

By Mr. BAKER of Kansas, from the Committee on Pensions: The bill (H. R. 7451) for the relief of James Eganson, of Henderson, Ky. (Report No. 1150.)

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 7121) to restore Mrs. Elizabeth T. Anderson to the pension roll. (Report No. 1151.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 1064) for the relief of Henry F. Thornton. (Report No. 1152.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr. (Report No. 1154.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 5986) granting pension relief to Francis M. Ross. (Report No. 1155.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 7457) granting an increase of pension to John Beaird. (Report No. 1156.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 7205) granting a pension to Alphonzo O. Drake, late a private in Company E, Second Regiment Rhode Island Volunteers. (Report No. 1157.)

The bill (S. 2008) granting a pension to Fanny Moale Gibbon. (Report No. 1158.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 1787) granting a pension to Nancy T. Duncklee. (Report No. 1159.)

The bill (S. 1311) granting an increase of pension to Dudley F. Brown. (Report No. 1160.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 1323) granting a pension to Maria Somerlat, widow of Valentine Somerlat. (Report No. 1161.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 5435) for the relief of Frances P. Trumbull, widow of Matthew M. Trumbull. (Report No. 1162.)

The bill (S. 177) granting an increase of pension to Sophia D. Clendenin. (Report No. 1163.)

## ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MAHON, from the Committee on War Claims, reported adversely (Report No. 1146) the bills (H. R. 2332) for the relief of James H. Cromwell, (H. R. 2333) for the relief of J. Floyd Johnston, administrator of John Floyd Johnston, deceased, and for other purposes, and (H. R. 2471) for the relief of the sufferers by the capture and destruction of the Hawaiian whaling vessel *Harvest;* which said bills and report were laid on the table.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DOOLITTLE (by request): A bill (H. R. 8011) to simplify Government printing, and for other purposes—to the Committee on Printing.

By Mr. MURPHY of Illinois: A bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.—to the Committee on Naval Affairs.

By Mr. DOCKERY: A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.—to the Committee on Naval Affairs.

By Mr. BELKNAP: A bill (H. R. 8014) granting jurisdiction to the Court of Claims and Supreme Court of the United States of certain State claims—to the Committee on the Judiciary.

By Mr. UNDERWOOD: A resolution (House Res. No. 240) requesting the Secretary of State to communicate to the House all correspondence, etc., relative to the imprisonment of Mrs. Florence E. Maybrick—to the Committee on Foreign Affairs.

By Mr. BLUE: A resolution (House Res. No. 241) to investigate the National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7923) granting a pension to John Giloray—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 7943) for the relief of Peter Parris—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 7942) for the relief of Jessee Combs—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

Petition of Ed. Allan, master, and 128 other citizens of Port Huron, Mich., for establishment of life-saving station, to accompany H. R. 7262—Committee on Rivers and Harbors discharged, and referred to the Committee on Interstate and Foreign Commerce.

Petition of Mayor Boynton and 316 other citizens of Port Huron, Mich., for establishment of life-saving station, to accompany H. R. 7262—Committee on Rivers and Harbors discharged, and referred to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire (by request:) A bill (H. R. 8015) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 8016) granting a pension to Margaret Ann West, of Bloomington, Kans., as army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8017) granting a pension to Cordelia Mercer, of Lawrence, Kans., as army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8018) granting a pension to Nancy J. Dunaway, of Garnett, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8019) granting a pension to Owen A. Bassett, of Lawrence, Kans., late lieutenant-colonel Second Regiment Kansas Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 8020) granting a pension to Capt. Jerome M. White, of the Northern Iowa Border Brigade—to the Committee on Pensions.

By Mr. HANLY: A bill (H. R. 8021) for the relief of Wright Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8022) granting a pension to Catharine A. Gaylord—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 8023) granting a pension to Thomas S. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8024) for the relief of the trustees of Cumberland Presbyterian Church, of Syracuse, Mo.—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 8025) to increase the pension of David Sharp—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 8026) to increase the pension of David S. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8027) to remove the charge of desertion against John Benley—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 8028) to grant a pension to Charles Gibson—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 8029) granting a pension to Jane G. Kelly—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8030) to remove the charge of desertion against James M. Hayes—to the Committee on Military Affairs.

By Mr. MEYER (by request): A bill (H. R. 8031) to pay the heirs of Juan Peralta for lands taken by the United States Government in the State of Louisiana—to the Committee on Claims.

By Mr. MOODY: A bill (H. R. 8032) granting a pension to Julia C. Jenkins—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8033) granting a pension to James Radley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8034) granting a pension to Frances A. McCoy, of Kansas City, Mo.—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 8035) for the relief of owners of American ship *Belle of Bath*—to the Committee on Claims.

By Mr. CONNOLLY: A bill (H. R. 8036) for the relief of Sarah Grisson—to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of Perry Hannah, Thomas T. Bates, R. Goodrich, and 16 other citizens of Traverse City, Mich., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BABCOCK: Two petitions of citizens of Washington, D. C., urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BARRETT: Resolutions of Camp No. 83, Union Veteran Legion, of Worcester, Mass., in favor of a per diem pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the American Women Citizens' League, expressing sympathy for Cuba in her fight for independence—to the Committee on Foreign Affairs.

By Mr. BELL of Colorado: Resolutions of Grand Army of the Republic Benevolent Association of Colorado, in favor of House bill No. 4985, making the Fort Lyon Military Reservation a Soldiers' Home—to the Committee on the Public Lands.

By Mr. BROWN: Papers relating to the claim of J. M. Rife—to the Committee on War Claims.

By Mr. DOOLITTLE: Resolution of Washington Commandery, Military Order of the Loyal Legion of the United States, indorsing bill to promote the efficiency of the Revenue-Cutter Service—to the Committee on Military Affairs.

Also, remonstrance of citizens of Tacoma, Wash., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

Also, memorial of citizens of the State of Washington, for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

Also, memorial of citizens of Tacoma, State of Washington, for the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of citizens of Boston, Mass.; also petition of citizens of Newton, Mass., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FLYNN: Petition of T. A. Melbourne, J. M. Roberts, J. J. Mobey, and others, praying for relief for settlers in the "neutral strip," Oklahoma—to the Committee on the Public Lands.

Also, petition of William Hickinbotham and others, in Oklahoma, praying for service-pension law—to the Committee on Invalid Pensions.

By Mr. GRAFF: Petition of ex-soldiers and citizens of Crane Creek, Mason County, Ill., favoring the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. HANLY: Evidence to be filed with and accompany House bill No. 2057, for the relief of Silas Quackenbush—to the Committee on War Claims.

By Mr. HILL: Petition of Uncas Council, No. 25, Order United American Mechanics, asking for the passage of the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Resolution of Capt. S. S. Marchand Post, No. 190; also of Fort Ligonier Post, No. 324, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill No. 7559, providing for an increase of pension to Mrs. Lucy Keenan, widow of John B. Keenan, late major, Eleventh

Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. JONES (by request): Petition of F. A. West and others for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. JOY: Petition of Mrs. Jane G. Kelly, widow of Maj. Frederick Kelly, of St. Louis, Mo., for a pension—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of Woman's Christian Temperance Union of Oak Park, Ill., asking for the repeal of the divorce laws of Oklahoma and Arizona—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., asking that the age of consent in the District of Columbia be raised from the age of 16 to 18, and to extend to the Territories—to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Woman's Christian Temperance Union of Oak Park, Ill., asking for the enforcement of the compulsory-education law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL of Tennessee: Petition of James M. Hayes, of Henderson County, Tenn., for relief—to the Committee on Military Affairs.

By Mr. McEWAN: Petition of Summit Council, No. 87, Junior Order United American Mechanics, of Jersey City, N. J., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of International Association of Machinists, No. 121, of Missoula, Mont.; also petition of Council of Trades and Labor Unions, of Detroit, Mich., favoring House bill No. 184, providing for a commission of inquiry as to the feasibility of direct legislation—to the Committee on Rules.

Also, petition of Liquor Dealers' Protective League of West Hoboken, N. J.; also of Bayonne, N. J., against the passage of House bill No. 6668, to amend the act relating to the sale of intoxicating liquors in the District of Columbia by raising the license fee—to the Committee on the District of Columbia.

By Mr. MILLIKEN: Petition of Maine Sportsmen's Fish and Game Association, of Augusta, Me., favoring the passage of House bill No. 5729, for the protection of game, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the American Society for the Prevention of Cruelty to Animals, protesting against the passage of the bill proposing to provide for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER: Petition of William H. Erwin, mayor, and 58 other residents of Fort Pierre, S. Dak., against the issuance of licenses for and sale of intoxicating liquors in prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. PRINCE: Petition of Arthur Welding and 18 others, of Spring Hill, Whiteside County, Ill., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PUGH: Petition of officers and members of David Auxier Post, No. 73, Grand Army of the Republic, Department of Kentucky, favoring the passage of a service-pension measure granting not less than $8 per month to all honorably discharged soldiers and sailors who served not less than ninety days in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. STAHLE: Petition of Carlisle Council, No. 67, of the American Protective Association, of Carlisle, Pa., protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. STRODE of Nebraska: Petition of Samuel B. McFadden and 20 others, ex-soldiers and ex-sailors of the late war, citizens of Howe, Nebr., praying for a pension of $8 per month to every soldier who served ninety days and was honorably discharged and $12 per month to their widows—to the Committee on Invalid Pensions.

By Mr. TAFT: Memorial of the Cuvier Club, of Cincinnati, Ohio, praying for the passage of House bill No. 5729, relative to the protection of game, birds, and fish—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Prof. H. A. Newton, of Yale University, New Haven, Conn., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WASHINGTON: Petition of leading business men and officials of Centerville, Hickman County, Tenn., asking favorable action on the bill for the relief of the book agents of the Methodist Episcopal Church South, Nashville, Tenn.—to the Committee on War Claims.

By Mr. WARNER: Evidence in support of House bill No. 7167, to correct the military record of James Houselman, second lieutenant Company H, Sixty-third Illinois Volunteer Infantry—to the Committee on Military Affairs.

## SENATE.

WEDNESDAY, *April 8, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in further response to a resolution of the Senate of the 16th ultimo, calling for information touching the condemnation of lands needed for the construction of the proposed boat railway at The Dalles of the Columbia River in Oregon, transmitting a letter from the United States attorney for the district of Oregon containing additional information to that already furnished; which, with the accompanying letter, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation of $40,000, to pay amounts found to be due under contracts for the survey of public lands in California, executed prior to June 30, 1890; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting a report upon the expenditures of the agricultural experiment stations, and the draft of a resolution providing for the printing of 2,000 copies thereof for the use of that Department; which, with the accompanying report, was referred to the Committee on Printing.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Francis F. Williams Eighteenth Ward Republican Battery, of Brooklyn, N. Y., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

He also presented a petition of the Young People's Conference of the Reformed Episcopal Churches of New York, praying for the enactment of legislation granting protection to Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. GALLINGER. I present the petition of William O. Junkins, mayor of the city of Portsmouth, N. H., and 175 other citizens of that city. As the petition is somewhat unique, I will take the liberty of stating its contents.

The petitioners state that they would look with regret upon a possible rupture of the friendly relations existing between this country and Great Britain, and they hope that the present dispute with regard to Venezuela will be speedily and amicably adjusted. They also express deep regret at the atrocities inflicted upon the Armenians of late by the Turks and Kurds, and express great concern for the future safety of that people. They say that they believe those barbarous votaries of Islam should never be allowed any more to vent their spite upon this or any other Christian people, and that steps should be taken forthwith by this Government to insure the lives and property of the unfortunate Armenians. To that end they recommend an alliance with England and other European powers on this question. They hope that an Anglo-American fleet and army of sufficient strength may be dispatched to the East to occupy Armenia and the Holy Land and to establish an Anglo-American protectorate over those countries, with full independence from Turkey, as the only guaranty for the future safety of the Christians living there; and, if need be, to take Constantinople.

I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GALLINGER. I present a joint resolution of the city councils of the city of Portsmouth, N. H., setting forth the desirability and necessity of building a dry dock in that city, and calling attention to the fact that nature has done very much to prepare a site for that work. I move that the joint resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. ALLEN. I present a petition of citizens of Boyd County, Nebr., praying that the homestead laws be so amended that the settlers on the lands embraced in the Great Sioux Reservation may be relieved from the payment of $1.25 per acre now required by the statute, because of the successive failure of crops in that county for several years, and because a failure to relieve the settlers from the payment would practically deprive them of their homestead interests. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SHERMAN presented a memorial of sundry citizens of Ohio, remonstrating against the introduction of military training

in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of Encampment No. 124, Union Veteran Legion, State Soldiers' Home, of Erie County, Ohio, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. CALL. I present a communication, in the nature of a petition, from F. C. M. Boggess, of Fort Ogden, Fla., a soldier of the Mexican war, in which he states that many veterans of that war are getting old and needy and are receiving a pittance of $8 per month, while others are getting $12 and upward. The petitioner prays that Congress shall pass a bill granting an additional pension to the veterans of the Mexican war and the widows of deceased soldiers of that war. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VEST presented sundry memorials of citizens of the Fifth Ward of St. Louis, Mo., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

Mr. GORMAN. I present a communication of Dr. Thomas Fell, president of St. John's College at Annapolis. It is addressed to me, but is intended as a petition. It prays for the passage of Senate bill No. 735, introduced by the Senator from Washington [Mr. SQUIRE], entitled "A bill to reorganize and increase the efficiency of the personnel of the Navy, etc." I move that the communication be received as a petition, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. PRITCHARD presented the petition of J. T. B. Hoover and sundry other citizens of Elm City, N. C., praying that Henry H. Pridgens, late private in Company G, First United States Volunteers, be restored to the pension roll at the rate of $12 per month; which was referred to the Committee on Pensions.

He also presented the petition of Julia Ann Foy, of Newbern, N. C., praying that she be restored to the pension roll; which was referred to the Committee on Pensions.

Mr. MCMILLAN presented sundry petitions of citizens of Washington, D. C., praying for the passage of Senate bill No. 1886, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and remonstrating against the extension of the tracks of that company until its existing lines are modernly equipped and operated; which were referred to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment authorizing the President to appoint a consul at either Iskanderoon (Alexandretta) or Karpoot, in Turkey, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3993) granting a pension to Joseph Porter, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades, to report it without amendment.

I will state that a similar bill, a Senate bill, has been reported and is now on the Calendar. A written report was made with that bill, and no report will be made in this case, the House report standing.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1822) for the relief of W. R. Austin & Co., reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2420) to regulate the pay of noncommissioned officers in the Army, reported it with amendments, and submitted a report thereon.

Mr. WALTHALL. On the 10th of March the Senator from South Dakota [Mr. KYLE], from the Committee to Establish the University of the United States, reported the bill (S. 1202) to establish a university of the United States. Leave was granted to file the views of the minority at a later day. This I desire to do now.

On Monday of last week, upon the application of the Senator from Maine [Mr. FRYE], it was ordered that 5,000 copies of the report of the committee be printed for the use of the Senate. It would be perhaps proper that a similar order should be made as to the views of the minority, and I ask that that be done.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. BATE. I am directed by the Committee on Military Affairs to report back the bill (S. 691) for the relief of Capt. W. M. Wallace. The committee regard the claim involved as a departmental one, and ask that it be relieved from its further consideration, that it be left with the Department for adjudication and settlement, and that, upon application, the papers in the case be transmitted to the Third Auditor of the Treasury Department.

The report was agreed to.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, reported it with an amendment, and submitted a report thereon.

## IMMIGRATION REGULATIONS.

Mr. LODGE. I desire to give notice that on Thursday, the 16th instant, after the routine morning business, I shall ask the Senate to take up and consider the bill (S. 2147) establishing additional regulations concerning immigration to the United States.

Mr. NELSON. When the bill is called up, being a member of the committee, I shall ask the leave of the Senate to submit a few remarks upon it.

## SOPHIA J. HAMILTON.

Mr. MITCHELL of Wisconsin. I am instructed unanimously by the Committee on Pensions, to whom was referred the bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers, to report it favorably without amendment; and I ask that the bill be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Sophia J. Hamilton, widow of the late Charles S. Hamilton, major-general of volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CATALOGUE OF AMERICAN LITERARY ASSOCIATION LIBRARY.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound, in paper covers, 25,000 additional copies of Bureau of Education Circular of Information, No. 200, Catalogue of the American Literary Association Library; 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

## REPORT OF THE DIRECTOR OF THE MINT.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of the report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

## COMMERCIAL RELATIONS FOR 1894 AND 1895.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring)*, That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

## FIFTH INTERNATIONAL PRISON CONGRESS.

Mr. HALE, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. SHERMAN on the 2d instant, reported a substitute therefor; and the substitute was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the Delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the use of the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

Mr. HALE. I submit a report to accompany the resolution.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business. I desire an executive session for a few moments only.

Mr. VEST. I hope the Senator from Ohio will allow us to get through with the morning business.

Mr. SHERMAN. I have no objection to any morning business.

Mr. TELLER. Let us get through with the morning business first.

Mr. SHERMAN. All right; I have no objection.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2759) to restore the pensions of widows in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2760) for the relief of the homestead settlers on that portion of the Great Sioux Reservation lying and being in the State of Nebraska, formerly in the Territory of Dakota (now State of South Dakota), and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PRITCHARD introduced a bill (S. 2761) granting a pension to Gaston Higgins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2762) granting a pension to John Bailey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2763) granting a pension to Silas B. Hensley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2764) to remove the charge of desertion against William F. Barrett, alias Frank Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2765) granting a pension to Ezra A. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2766) granting a pension to Jane H. Vandever; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2768) to insure the safety of public records; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN (for Mr. GIBSON) introduced a bill (S. 2769) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 2770) granting to the Yosemite Valley and Merced Railway Company a right of way over and station sites in the reservation established by an act of Congress of the United States entitled "An act to set apart certain tracts of land in the State of California as forest reservations," approved October 1, 1890; which was read twice by its title.

Mr. PERKINS. I present, to accompany the bill, a petition of citizens of San Francisco, Cal., praying for the passage of such a measure. I move that the petition be printed as a document and referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. CHANDLER introduced a bill (S. 2771) to provide for the construction of a public building at Somersworth, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2772) granting a pension to Lewis H. Soule; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2773) granting an increase of pension to Frederick W. Stone; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2774) to amend an act entitled "An act to provide for the appointment of additional judges in the Indian Territory, and for other purposes"; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DANIEL (by request) introduced a bill (S. 2775) to authorize the Herndon and Aldie Railroad to construct a bridge over the Potomac River at or below the Great Falls; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2776) for the relief of P. A. Leatherbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2777) to authorize the Light-House Board to pay Chamblin, Delaney & Scott the sum of $2,125; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. ALLEN (by request) introduced a bill (S. 2778) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2779) to provide for the transfer of the Fort Sidney Military Post Reserve to the State of Nebraska for educational purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 2780) to make an equitable adjustment of the grants of land to the several States of the Union for State normal schools, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. HAWLEY introduced a bill (S. 2781) granting a pension to Sarah E. Jenkins, daughter of Rear-Admiral Thornton A. Jenkins, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL of Oregon introduced a joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad; which was read twice by its title, and referred to the Committee on the Judiciary.

NATIONAL-BANK RESERVES.

Mr. TELLER. I introduce a bill. It is very short, and I ask to have it read at length, after which I wish to say a word or two with reference to the bill.

The bill (S. 2767) to provide for the reserves of national banks was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That all national banking associations established under the laws of the United States shall keep their reserves in their own vaults.

SEC. 2. That this act shall take effect and be in force thirty days from and after its passage.

SEC. 3. That all laws or parts of laws in conflict with the above are hereby repealed.

Mr. TELLER. Mr. President, I wish to call the attention of the Committee on Finance to this bill. I do not desire to take the time of the Senate except to say in a general way that there is a very general impression that the congestion of money in the Eastern cities which is complained of grows largely out of the provision of law that enables the banks all over the country to keep their reserves in the city of New York and other reserve cities. They deposit their money in those cities and draw interest on it, taking the money from the sections of country where the banks exist. I think myself that that system has been very detrimental to the honest industries of the country.

I am informed by those who are familiar with the system of doing business in the city of New York, where largely these moneys are accumulated, there being last September over $200,000,000 of this class of money then held there belonging to banks outside of the city, that the tendency is simply to increase speculation in stocks. I am told by those who I believe are correctly informed on the subject that 75 per cent of all the money loaned by national banks in the city of New York is loaned to stock brokers and stock speculators, not to legitimate business enterprises. I think we have reached a period in our history where industrial enterprises go begging for money, while stock speculations and speculations of that character find themselves accommodated at the banks.

Possibly the banks ought not to be required to keep all their money in their vaults, but I wish the committee would take this matter in hand and see whether they should not keep a large proportion of it in their vaults, and whether there is not some method to prevent the accumulation of money in the reserve cities.

Mr. HOAR. I should like to say one word on the subject which the Senator from Colorado has introduced.

We thought we had in Massachusetts the most carefully devised State banking system that ever existed in the country or anywhere in the world. I think if there is anything for which the statesmen of Massachusetts of fifty or sixty years ago deserve honor it is for the great care with which they dealt with the organization of the various business and other corporations which that State chartered and the restrictions under which they were to labor. They provided in that banking act (and it was the law until the present national banking system took its place) that no bank should pay interest on any money. The result was that what the Senator from Colorado desires to accomplish was accomplished; that is, the banks kept their deposits in their own vaults, except to the extent of a reasonable arrangement with the banks of redemption in Boston for the redemption of their bills, which they usually redeemed there and did not redeem at their own counters. The result was that the bank depended chiefly upon the local community for its custom, and, on the other hand, the customers, the manufacturers, who, in order to employ a large force of workmen, of course had to have credit and borrow money at the bank, to be repaid when they made their sales six months after, depended upon the local banks for their support. So the borrowers had for creditors persons who knew all about their solvency and their character and their importance in the community, and the banks in their turn were jealously watched by an interested community about them.

When the present banking law went into operation the national banks began to borrow money and to make deposits with each other where they could get money on interest. Then they began to pay interest on their deposits and to vie with each other in getting large deposits and in raising a little the rate of interest paid

to depositors. The result was that the banks could not afford to have any idle money in their hands. Formerly the depositor who deposited without any interest of course let his money lie. It would not do any harm for the money to lie idle a little while. The effect of this change of policy has been that which the Senator from Colorado has pointed out. The banks have got to be one great money-lending syndicate association or combination, having headquarters in a few great commercial cities, lending money on concerns at an entire distance from the banks, over whom there can be no satisfactory or thorough oversight.

Then, on the other hand, the manufacturers, the merchants, the business men, do not send their notes, as they did, to the local banks in their own neighborhoods, but to the brokers in the large cities. A man in Worcester sends his paper to New York or to Boston or to Chicago. A man in Chicago sends his paper to New York or to Boston or to Philadelphia or some Eastern city. So gradually we are getting two great syndicates, one the money-borrowing combination and the other the money-lending combination, and the result is that any panic or disturbance in the money market, which before would be confined to the particular community where it arose, touches the whole system like touching a nerve of the human body and makes the country much more liable to panic.

I hope the Senator from Colorado will succeed in effecting the reform which he proposes. I wish to speak modestly on this question, for it is not within my line of special study; but I think the United States banking system ought to be amended by prohibiting the payment of interest by banks in all cases.

Mr. TELLER. I am delighted that the Senator from Massachusetts has added much more to what I said. I think with him that the evil of this accumulation results really from the payment of interest by the banks. If that could be prevented the banks would, so far as they were allowed, hold the money in their own vaults. I have on various occasions expressed to the Senate my belief that no national bank ought to pay interests on deposits. I think it is an exceedingly vicious system. When the money is deposited in the course of trade they ought to be able to hold it there subject to the right to loan it out when they can make a fair loan. When they pay interest on the loans there is a great incentive to make the loan and to make it promptly, and especially to make great loans in the cities, which are made to a class of people whom it was not intended should have the benefit of the local banks, just as the Senator from Massachusetts says.

I should like to have the Committee on Finance take up the bill and see if they can not deal with this subject in some way and remedy what I believe all admit is an evil, the congestion of our money at the great centers.

Mr. MORRILL. I merely desire to say that both the Senator from Colorado and the Senator from Massachusetts are mistaken if they suppose this to be the general practice of all national banks. Every bank that I am acquainted with that is considered a sound, first-class national bank utterly refuses to pay anything on deposits. It is only here and there——

Mr. TELLER. Does not the Senator know that all the deposits from the country banks, the Western banks, which are held in New York receive interest?

Mr. MORRILL. That is true, for they always find some bank that will pay interest, but as to paying interest to individual depositors it is not the practice of our best banks.

Mr. HOAR. I do not believe there is a better set of banks on the face of the earth than the banks in the city where I dwell, a city now of 100,000 inhabitants. They are managed by safe, conservative, old-fashioned business men, such men as you would trust if you were making a will to be the guardian or trustee of your children and your wife. Every one of them pays interest on deposits. Three per cent is the ordinary rate.

Mr. MORRILL. Of individuals?

Mr. HOAR. Of individuals. Every one of them, I suppose, though I can not speak of all I can of some, sends its president or cashier or its most active director once a week to Boston, who goes around to the brokers' shops and says, "What paper have you got in this morning?" and he looks it over. Occasionally they go to New York.

Mr. PEFFER. For what length of time?

Mr. HOAR. As I said, I do not know about all of them, but I suppose every one of them receives a visit from the agent of some New York or Boston broker, certainly from some Boston broker, once or twice a week, and you will find in the paper laid before them——

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry. What is the question before the Senate?

Mr. HOAR. It is on the reference of a bill, as I understand, and it is a debatable question.

The VICE-PRESIDENT. The debate is proceeding on the reference of the bill introduced by the Senator from Colorado.

Mr. ALLEN. I was not aware that the question had been submitted.

Mr. HOAR. I suppose under the rules the reference of a bill is a debatable question.

Mr. ALLEN. I rise to morning business, which I desire to transact.

The VICE-PRESIDENT. The Senator from Massachusetts has been recognized.

Mr. HOAR. I have but one word more to say. Every one of those receives its visit, and you will find on those brokers' lists the paper of Chicago houses, New York houses, houses in Maine, manufacturing establishments, paper from all over the country. That is, of course, the business of moderate, well-managed, conservative banks, and it is an absolute necessity in the existing condition.

Mr. PEFFER. I desire to ask the Senator from Massachusetts——

Mr. CALL. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Florida will state his question of order.

Mr. CALL. The bill has already been referred, I understand. The Senate yesterday agreed by unanimous consent that at the conclusion of the routine business this morning the joint resolution relative to Cuba should come up and that the Senator from Indiana [Mr. TURPIE] should have the floor upon it.

Mr. HOAR. I desire to make a parliamentary inquiry of the Chair. I rose to speak upon the question of the reference of the bill as I understood it. I rose as soon as the question was proposed. Is not that question debatable?

The VICE-PRESIDENT. The Chair thinks it is a debatable question. The Chair has not examined the rule, but it is the impression of the Chair that it is debatable, and the Chair for that purpose recognized the Senator from Massachusetts.

Mr. CALL. I understand that the bill has been referred.

The VICE-PRESIDENT. The bill was introduced. It has not yet been referred. The bill will now be referred to the Committee on Finance.

### MISSOURI RIVER IMPROVEMENT.

Mr. ALLEN. I introduce a joint resolution calling for an estimate to be made by the War Department for the repairing of the Missouri River bank on the west or Nebraska side opposite Sioux City, Iowa. I desire to make just a word of explanation before introducing the joint resolution. The bank at that point has caved in and destroyed much valuable property, and it needs repairing. I am informed that the proper information can not be obtained by the War Department without the passage of the joint resolution, and I ask unanimous consent that it may be put upon its passage.

The joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa, was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War is hereby directed to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa, in accordance with the report of Capt. H. F. Hodges, Corps of Engineers, dated November 16, 1894, and printed in House Executive Document No. 48, Fifty-third Congress, third session.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. WALTHALL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BACON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

STATE CLAIMS.

Mr. TURPIE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and hereby is, requested to report to the Senate what States, under the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," and the joint resolution of March 8, 1862, explanatory thereof, have filed claims in the Treasury Department for interest, discount, and exchange paid by said States upon moneys raised by said States for and expended in raising, equipping, and putting into the field troops in defense of the Union; what are the amounts of such claims; what action has been had thereon by the said Department, and the grounds for such action and the date thereof.

HEIRS OF GOTTLIEB C. GRAMMER.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Claims:

*Resolved by the Senate of the United States*, That the claim of the heirs of Gottlieb C. Grammer, late of the District of Columbia, deceased, be, and the same is hereby, referred to the Court of Claims to find and report the facts in the case as provided in the act of March 3, 1883, known as the Bowman Act, as the same is amended by section 14 of "An act to provide for bringing suits against the Government of the United States," approved March 3, 1887.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor.

The message also announced that the House insisted upon its amendment to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POWERS, Mr. MILNES, and Mr. BABCOCK managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 136) granting an increase of pension to Horace Townsend;

A bill (S. 344) granting a pension to Mary A. Hall;

A bill (S. 345) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 507) to pension Mollie Crandall;

A bill (S. 640) to increase the pension of Joseph W. Fisher;

A bill (S. 894) granting a pension to Nancy G. Allabach;

A bill (S. 1271) granting a pension to Elizabeth Moore English;

A bill (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company; and

A joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume.

CHATTAHOOCHEE RIVER BRIDGE.

Mr. CALL. I ask that the joint resolution relative to Cuba be taken up, that the Senator from Indiana [Mr. TURPIE] may address the Senate.

Mr. PUGH. I ask the Senator from Indiana to yield to me a few minutes that I may call up the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

Mr. TURPIE. Will it lead to any debate?

Mr. PUGH. No debate.

Mr. TURPIE. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 4, after the word "Alabama," to strike out "its successors or assigns"; so as to read:

That the city of Columbia, a municipal corporation under the laws of Alabama, be, and is hereby, authorized to construct, maintain, and operate a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Chattahoochee River at or near the city of Columbia, so as to connect with Georgia on the opposite shore.

The amendment was agreed to.

The next amendment was, in section 1, line 11, after the word "spans," to strike out "and" and insert "*Provided also*, That if said bridge shall be built with unbroken and continuous spans"; so as to read:

*Provided*, That any bridge built under the provisions of this act may be built as a draw bridge, or with unbroken and continuous spans: *Provided also*, That if said bridge shall be built with unbroken and continuous spans it shall give a clear headroom of not less than 55 feet above high-water mark, as the same shall be fixed and determined by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, line 20, after the word "further," to insert:

That if the Secretary of War shall decide that navigation will not be injured thereby the draw may be built with one span of 100 feet clear width of opening over the main navigable channel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GETTYSBURG NATIONAL PARK.

Mr. HAWLEY. I beg leave to call up the bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895. It is a matter of current business relating to the Gettysburg Park, and it is needed. It will take no time, and there will be no objection, I think.

Mr. CALL. I will remind the Senator from Connecticut that by unanimous consent the Cuban resolution is to be taken up, and the Senator from Indiana proposes to address the Senate upon it.

Mr. HAWLEY. I beg pardon. I wish the Senator from Indiana would yield for this matter of business. It will take but a moment.

Mr. TURPIE. The Senator from Indiana will ask the Senator from Connecticut how long the bill will take, and whether it will lead to any debate.

Mr. HAWLEY. The bill I speak of will take about three minutes.

Mr. TURPIE. I yield for that purpose.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all from the enacting clause down to line 20, in the following words:

That section 4 of the act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895, is hereby amended so as to read as follows:

"SEC. 4. That the Secretary of War is hereby authorized and directed to acquire, at such times and in such manner as he may deem best calculated to serve the public interest, such lands in the vicinity of Gettysburg, Pa., not exceeding in area the parcels shown on the map prepared by Maj. Gen. Daniel E. Sickles, United States Army, and now on file in the office of the Secretary of War, which were occupied by the infantry, cavalry, and artillery on the 1st, 2d, and 3d days of July, 1863; and such other adjacent lands as he may deem necessary to preserve the important topographical features of the battlefield, and in his discretion to improve and maintain the public roads within the limits of said park, jurisdiction over which—

And to insert:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction—

So as to make the bill read:

That the Secretary of War is hereby authorized in his discretion to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa., over which jurisdiction has been or may hereafter be ceded to the United States: *Provided*, That nothing contained in this act shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed nor the right of way to the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of War to improve and maintain the public roads within the limits of the national park at Gettysburg, Pa."

CLIFTON R. ANDERSON.

Mr. LINDSAY. I ask the Senator from Indiana to yield to me that I may call for the consideration of House bill 6425.

Mr. TURPIE. Will it lead to debate?

Mr. LINDSAY. I think not. If it does I will withdraw it.

Mr. TURPIE. I will yield to the Senator from Kentucky; but I give notice that this is the last consent I shall give. I think it is necessary in order to observe the understanding that I should proceed.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 6425) for the relief of Clifton R. Anderson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Clifton R. Anderson, of Danville, Ky., $46.09, the amount he was required to pay to the United States Government, burglars having, without any fault or negligence of his, broken into his office while he was a stamp deputy in the United States Revenue Service and carried away that amount, which belonged to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAR IN CUBA.

Mr. CALL. I ask the Senate to take up the joint resolution relative to Cuba which lies on the table.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 119) relative to the putting to death of prisoners of war in Cuba, and providing for intervention by the United States, if necessary, on which the Senator from Indiana [Mr. TURPIE] is entitled to the floor.

Mr. CALL. By the leave of the Senate, I present two communications, which I send to the desk, and which I ask may be read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary proceeded to read the communications, but before concluding was interrupted by

Mr. HILL. Mr. President, I ask unanimous consent that the communications sent to the desk by the Senator from Florida may be printed in the RECORD without further reading, and that the Senator from Indiana [Mr. TURPIE] may be permitted to proceed with his speech.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that order will be made.

The papers are as follows:

From La Atalaya, a Spanish paper published in Santander, dated February 5, 1896, we translate the following lines of its editorial that give a just measure of Spanish ideas and what they understand by civilized warfare:

"Extermination!—this is the only solution of the Cuban war.

"Let our romantic neighbors, the American people, pity whom they may in their hypocritical defense of the rebels. It matters not what all America will say, the time has arrived for us to be cruel, inexorable, bloodthirsty, if necessary. And no matter what may come of it, public opinion, nay, the entire nation, demands that the insurrection be quenched in lakes of blood. Not one against whom the slightest suspicion is entertained should be spared. Nothing should deter us. That Cuban soil belongs to us, and if peace in future must rest on mountains of corpses, let us in haste lay the bloody foundation!"

Yours, respectfully,

——— ———.

By American citizen and merchant of Habana at Key West.

——— ———.

To the honorable Senator, Mr. CALL:

HONORABLE SIR: The Spanish authorities are striving to make the United States believe that in the war which they wage against those who aspire to the independence of our country they never have used means condemned by civilized nations; and this is completely false. Many are the crimes which have been committed and are daily committed by the said authorities, its myrmidons, and the Spanish troops, and in order that you shall be acquainted with some of them, and in order that you shall make use of them when you shall deem it proper, I send you the following facts:

The Spanish colonel, Luis Molina, defeated by the Cuban brigadier, Lacret, near the Hanabana River, to obtain his revenge shot, in the farm Cayo Espino, 37 innocent persons, among them some Chinamen, and two women and three girls were wounded. The brother of one of the victims denounced the crime to Gen. Martinez Campos; some newspapers gave it to the public; but instead of punishing the said chief, he was rewarded with a cross for having assassinated innocent and defenseless beings.

The same Colonel Molina had a colored employee of Enrique de Armas, a resident of the Santa Elena plantation, situated in Pedroso, province of Matanzas, serve him as guide for his column to a Cuban hospital which was in the farm Manjuari. When the Spaniards arrived at this place they assassinated the 14 wounded, and they did the same thing with the negro because he had not gone spontaneously to denounce the existence of the hospital to the Spanish authorities. This occurrence has been publicly related by a soldier of the column, who boasted of the feat.

The Spanish colonel, Ricardo Vicuña, when his column passed by the cattle ranch La Montana, property of Felipe Gastañaga and Calixto Olano, in Guira de Macuriges, province of Matanzas, exchanged shots with some revolutionists who were in ambush, and afterwards continued his march to the buildings of the said ranch, and on arriving did not find any of the inmates there. Toward evening the person in charge, with his wife and children, came; and on being asked by Vicuña why they had left the houses, he answered that he had gone to the woods with his family to save himself from the bullets which crossed them very near during the skirmish with the insurgents. This was sufficient cause to take away the man, tied, without paying attention to the entreaties of his wife and children, and at a short distance, in the road of Vista Alegre, he shot him and two other men who had families, and as innocent as this one. The unfortunate widow had to suffer her misery in silence, for she has been threatened with death, as well as her children, if she takes any steps to throw light on this occurrence.

The said Vicuña shoots all peaceful country people that he meets; he sets fire to the houses, and without any scruple communicates to his superiors that he has had a battle, causing deaths to the enemy, which deaths are none other than the said murders. Some few days ago in an excursion in Corral Falso, province of Matanzas, he shot 13 defenseless farmers so as not to be obliged to pay for the cattle which he had taken for his troops.

The Spanish lieutenant, Luciano Cossio, who has been many times accused of stealing cattle before the Spanish judges of Matanzas, arrived with his soldiers at the sugar plantation Carmen de Hernandez, situated in the district of Sabanilla, province of Matanzas, and there shot 11 farm hands of the plantation whom he found at work, afterwards ordering an employee of the said plantation to bury the victims.

A Cuban column occupied the town of Sabanilla, province of Matanzas. When it left some Spanish soldiers came out of their hiding places and assassinated 32 persons, among them 17 women, for the mere fact of being Cubans.

On the 24th of this month of February some Spanish guerrillas were bringing a colored man to Matanzas, because he would not give a sum of money demanded. While passing the River San Juan he was thrown, securely bound, into the river, and he was afterwards reported as having committed suicide. All this and much more is being done by order of the Spanish governors, and especially of General Weyler, a most cruel and sanguinary man, who, during the last war, not only did he kill prisoners, but a multitude of old people, women, and children. To make believe that his conduct has changed he takes care that no prisoners are shot in the cities; instead he has them shot in the country. Those who submit themselves to a court-martial are not sentenced to death, but in return he gives secret orders to his columns of operacions to kill all the pacific or noncombatant Cuban farmers found in the country. The prisoners are put to death very quietly and then announced as cases of suicide, or else they explain the death of the prisoners with evasive answers, and in other cases they say the prisoners have been put at liberty, and they do not know where the prisoners have gone. With this I send a copy of the Correo de Matanzas, an official newspaper, giving the official news of the supposed suicides of political prisoners in the city of Santa Clara. In said newspaper is also inserted or published official dispatches of a battle in which Lieutenant Cossio says that numerous insurgents were killed, but everyone here knows that to prove his story he had to kill every peaceful citizen found on his way.

The houses of the American citizen Don Francisco Garcia Valenti were burned by order of said Lieutenant Cossio, in order to punish Mr. Garcia because the Cuban patriots had stopped there, as if Mr. Garcia could possibly have impeded their stay at his houses, a thing which the Spanish columns themselves can not do. Lieutenant Cossio also fired the cane fields of the plantations Ojo de Agua and San Ignacio in order to surround the insurgent forces which were marching quietly to their camp or destination, and in the official dispatches, without any scruples, said Lieutenant Cossio imputed to the insurgents the firing of the sugar fields and houses.

It is also assured that General Prats has shot many peaceful farmers in the Valley of Guamacato, destroying afterwards their crops and houses.

If secret and direct orders are given to the American consul in Matanzas so that he may privately and secretly investigate the truthfulness of what I have said, the American Government could acquire confirmation of all I say in this letter.

Sir, the most evident proof that General Weyler has been sent to this island to exterminate the Cuban people, killing not only the prisoners of war but also the peaceful inhabitants who remain in their houses, whether in towns or the country—the proof is to be found in the papers I send, a thoroughly Spanish paper, published in Madrid, and entitled La Lectuta Dominical, of January 26, so that you will be informed of what it says in its "Cronica semanal" (weekly record); and as this is written by a Spanish resident in Madrid, nobody can accuse it of partiality.

The Cubans hope that you will come out victorious in the noble, honest, and humanitarian campaign that you are carrying on, for your glory and that of the great nation of which you are a son and worthy representative, and for the welfare of so many beings who are already grateful to you and who will know how to perpetuate your memory generation after generation.

It is a gentleman who writes to you, and on his honor and on the sacred Scriptures swear that all this is absolutely true.

May God grant you health and good fortune.

Mr. TURPIE. Mr. President, the joint resolution introduced by the honorable Senator from Florida [Mr. CALL] is the first parliamentary movement addressed to the action of both Houses of Congress in relation to a subject of increasing importance and interest. I have no doubt that it represents the opinion of a very large section of people in the quarter of the Union in which the honorable and learned Senator from Florida resides, an opinion much to be heeded in the consideration of this question, because the people of Florida are nearest the seat of war, they are nearest the fire, and they are entitled to hold and express their own views as to how the conflagration may be best extinguished or in what methods the danger and injury to the vicinity and neighborhood threatened may be prevented.

I think also that this resolution is full of meaning; it comprises a plenary significance when taken in connection with the very remarkable vicissitudes, the phenomenal changes of front and base, which have befallen the honorable chairman of the Committee on Foreign Relations [Mr. SHERMAN] and the learned and honorable junior Senator from Massachusetts [Mr. LODGE] in their joint conduct of the Cuban campaign up to this date.

The principal operative section of this joint resolution is one of interposition. There is a precedent for this policy in the action of the last Administration. One of the main sections of the joint resolution proposes that a detachment of the United States Navy shall be sent down to Cuban waters for the purpose of protecting neutrals and neutral rights during the prosecution of the civil war there, now so unhappily existing. It will be recollected that during the prosecution of the war in Chile between Balmaceda and the opposing party there was a detachment of the Pacific Squadron sent to that coast; that it lay off and on; two vessels went to the capital of Chile, anchored in the harbor, and lay there for months in the very sight and seat of active hostilities. They did not fire a gun, but their presence afforded a very necessary protection not only to our own citizens but to all the neutrals who were there engaged in business who had not a military or naval representation at the theater of war. In the same way here, I see nothing improper in the suggestion to the Executive that an armed vessel should be sent, perhaps more than one, into Cuban waters, into the harbor of Habana, upon the same errand and for the same purpose.

This resolution of the honorable and learned Senator from Florida was introduced before the report of the late committee of conference. This resolution is a growth; it is the effect, therefore, of the anxiety and unrest in the country which has been produced by the condition of helpless inertia or delay, of inaction, of altogether irrational obstruction existing in the chairman of the Committee on Foreign Relations ever since he took refuge in the crypt of the joint committee of conference upon this question, from which he barely escaped the day before yesterday as if by fire, after much importunity and after very labored supplication to be rid of his former action. This condition was superinduced by the levity of assent of the right honorable chairman and his willingness to listen to the jingo jargon of that class of extremists so ably represented here by the gifted junior Senator from Massachusetts, a Senator singularly gifted with the power to clothe an interesting and exciting subject with all the dullness of time-worn commonplace and stilted platitude.

It was by reason of this inaction and the impatience bred by it that resolutions similar to this are now being presented and will be presented for our careful consideration. Had there been unanimity, had there been anything like promptness and celerity, had there been a real effort made to report the original resolutions of the Senate, had there not been an unconditional surrender in the first place to the demands of their opponents, this resolution and many others would have rested in the breast of the people who had prompted it, and the country would have been satisfied with a direct, complete, and immediate legislative expression of Congress upon this subject. I trace directly to this inaction and to this obstruction—for that is what it substantially amounts to—I trace to this inaction and obstruction such further consideration as may be given to the Cuban question during the present session.

It is impossible to conceive of a more wholly unlegislative proceeding, of a more abnormal proceeding, than the action taken by the chairman of the Committee on Foreign Relations with reference to the Cuban question. Firstly, the honorable chairman came in with the original Senate resolutions; secondly, the honorable chairman came here abandoning those resolutions and proposing the resolutions of the House, especially the third article, concerning intervention; thirdly—and I wish I could say lastly, but there is no telling what will be lastly in this category—thirdly, the honorable chairman of the Committee on Foreign Relations abandoned the third article, abandoned the House resolutions, and returned again to the original overtures made in this body. I think there could not have been a more unfortunate disposition in respect to the advocacy of this measure than befell it when it suffered from the inaction and the reaction alike of the honorable chairman.

One very notable thing in the joint resolution introduced by the honorable and learned Senator from Florida is the boldness, the frankness, the freedom of expression which characterizes it. It contains a plain statement of this suggested policy to the Executive. It does not contain a double entendre like the favored resolution of the chairman of the Committee on Foreign Relations. It contains nothing lying in ambush and concealment. It is not proposed by the honorable Senator from Florida to aid the Cuban cause by any sort of equivocation or prevarication. There is a plain statement here of the necessity of interposition. It is a measure of interposition such as we took in the case of Chile, such as is advised here now—not intervention. Interposition is an interfering act by a third party in favor of neutrals and in favor of the rights, property, and interests of neutrals, such as has already been mentioned in this discussion. Intervention is an interfering act by a third party in the principal quarrel upon one side or the other.

The most remarkable omission in the third resolution of the report of the committee of conference, on which the Senate and the country were delayed day after day, is that, although it italicises intervention in two most important places in that third resolution, it does not say upon which side we shall intervene. I have the text of it. It is not said in that resolution upon which side we shall intervene. The causes and the reasons why we should intervene are given in the resolution. They are the needs of commerce; they are the wants of trade; they are the legitimate property interests; they are the same reasons which a peddler would give for depositing his pack in a place of safety. The reasons are plain enough; but it is not stated in the text of the resolution whether the honorable chairman desired to interfere for the purpose of reestablishing Spanish authority in Cuba, or whether he desired to intervene for the purpose of aiding the free Republic of Cuba. For my part, when the time comes for intervention, I am in favor of intervening on the side of Cuban freedom and independence for the sake of freedom and independence, and for no other reason or cause.

Mr. President, since last February the civil war in Cuba has been in the twelfth year of its duration. The long continuance of hostilities is itself a fact, a controlling fact, in determining the question of belligerency, because although it was said the other day by the honorable Senator from Massachusetts who sits nearest to me [Mr. HOAR] that no amount of fighting would alone justify the declaration of a condition of belligerency, and although that must be conceded by the well-settled principles of international law, yet when the armed contest has lasted year after year the presumption arises with great force, and is almost inevitable, that beside and behind those fighting there is a people, a political and social organism, that comprises resources and territory, competent to take upon themselves the discharge of the functions and duties of a new nationality. And when the duration of the war is considered in reference to other circumstances which I shall notice in the sequel, it becomes an established certainty that the condition of belligerency exists at this time in Cuba.

I recollect very well hearing the honorable chairman of the Committee on Foreign Relations asked as to what amount of fighting, if any mere fighting, would authorize the declaration of a condition of belligerency. The honorable chairman of the Committee on Foreign Relations made no reply—none whatever. He did not even consider that learned inquiry submitted by the distinguished Senator from New York [Mr. HILL] upon the third article, or the very earnest questions of other Senators in this Chamber with respect to a condition of belligerency.

I have heard the twenty or thirty addresses made in this Chamber by the junior Senator from Massachusetts. I have heard the somewhat less number of remarks made by the learned chairman of the Committee on Foreign Relations. I have heard all those remarks with fixed attention, with unfaltering earnestness, with full sympathy, until he fled into the cave of Adullam; and yet I have never heard a word from the Senator with respect to the reasons why a condition of belligerency now exists, or why we ought to recognize it, or why even an expression of opinion is competent upon that subject. All that may be summarized from the addresses of the junior Senator from Massachusetts—and I use the word with some particularity because I think the word "remarks" is too colloquial an expression to be used as applying to anything emanating from such a high source—all that may be summarized from the numerous addresses of the junior Senator from Massachusetts and from the remarks of the senior Senator from Ohio is that there is war in Cuba, and great is the Cuban question. There is a way, to all appearances, of lessening even the greatest question by the method of its handling, the method of its presentation. Sometimes a wholly unimportant and indifferent figure will thrust itself into the foreground of a great scene, a great drama. You go there to take a look; nothing is visible; there is nothing to be seen except the ever-shifting and shadowy silhouette of the irrepressible marplot. Again, sir, the eye may become suddenly suffused, covered as with a cataract, afflicted with a total loss of vision. After a brief examination you discover the whole trouble arises from an insect on the eyelash. [Laughter.]

I spoke deliberately with respect to the Cuban war being in its twelfth year. This is now the second period of the civil war. It is like the Silesian war waged by the great Frederick. Between the first and second periods of the Silesian war there was an interval of peace for several years, just as in this case. The Silesian war was one between the same parties, upon the same question, having for its purpose the same object, the retention by the House of Austria, on the one hand, and the acquisition by Prussia, on the other, of the provinces of Upper and Lower Silesia. So here, sir, the present Cuban revolution first became flagrant in 1868. The first period of the war lasted ten years, until 1878. It was then concluded by what is called the treaty of pacification. Ten years were allowed by the terms of that treaty to carry into effect the reforms demanded by the Cuban people. They waited seven years after the expiry of the ten years, and war, last February a year, broke out again; the same war, between the same parties, having for its object the same purpose—on the one hand the reestablishment of Spanish authority in the island, and on the other the creation of a new republic, that form of government to which the Cuban people give and have given not only their assent, but their lives, their fortunes, and their sacred honor in its support.

But, sir, it will be recollected that at the close of the first period of the war there was not a suppression of the rebellion, as we call it in this country, not by any means. There was no transaction like that which occurred at Yorktown, when the military forces of the old government surrendered to those of the new; there was no transaction like that which occurred at Appomattox, when the military forces of the revolution surrendered to those of the old government. There was first a truce, and then a cessation of hostilities in virtue of a compact between the leaders of the Cuban revolution—between the officers of the Cuban Republic—and those representing the Spanish Crown. Even then, in 1878, these parties, the officers of the Spanish Crown and the officers of the Cuban Republic, met on equal grounds for the conclusion of that treaty. Both acknowledged each other as belligerents even then; both met as independent parties and as independent nationalities, and entered into a condition of compact upon compliance with which Cuba should remain subject to the Spanish Government; upon violation of which the revolution was again renewed.

That compact, that treaty of pacification, had five principal stipulations: First, the emancipation of slavery in the island. That has been accomplished. Second, a universal amnesty, an amnesty granted by both sides for all offenses during the war; not an amnesty granted only by the Spanish Government to such as had borne arms or given aid and comfort to its enemies, but an amnesty granted also by the free Republic of Cuba, at that time in arms, pardoning all those who had borne arms against the Republic or had given their enemies aid and comfort. A dual amnesty is contained in the terms of this treaty of pacification.

There were three other principal stipulations. One was that there should be an autonomous legislature chosen by the people of Cuba for the conduct of the civil affairs and government of that island. Another was that the taxation, all taxes levied in Cuba, should be levied by virtue of its own legislature, and all expenditures made in Cuba should be made by virtue of the same legislative action.

The third was that of official equality; that is, Cubans should have the same right and privilege as Spaniards of holding all the offices of trust, profit, or emolument within the island. These were the three principal stipulations made on behalf of the revolutionists at that time, on which conditions the peace was made and the signatory parties thereto put their hands and seals.

It is now claimed by the revolutionists that these stipulations have been violated, wholly broken by Spain. I believe the claim to be just and well founded. I heard the honorable Senator from Connecticut [Mr. PLATT] the other day asking in his very thoughtful way whether, in the first place, it was a fact that these stipulations in the treaty existed; asking next whether it was a fact that the Spanish Government had violated these stipulations. The answer to that is that both these things are facts. When men take the field, with arms in their hands, asserting a claim, maintaining its truth and justice, you can not reply to them with words. There is only one way to deny the truth, to deny the justice, of what is claimed. That, sir, is the wager of battle. I myself never saw the slightest constitutional justification for what was called the right of secession; I never could perceive the slightest justification or apology for what was called the exercise of that right; but when thousands of men with arms in their hands asserted that it was a right and that the time had come for its exercise, there was but one way to meet that assertion—the arbitrament of the sword, a jurisdiction in which there is no change of venue. The same state of facts, the same state of claims, exists in the Island of Cuba to-day.

Now, sir, with respect to the geographical division of the island, occasioned by the revolutionary movement, it is the same to-day, on the 8th of April, 1896, as it was in 1878, as it was in 1868, when the revolution first became flagrant. The island is 700 miles in length. Two-thirds of the island, about 450 miles, are within the territorial limits of the revolutionists. Next to that there is about a half of the remaining third, very fertile, held for the most part in large plantations, which has been the debatable land, where most of the battles and skirmishes have occurred. The remaining portion in the eastern part of the island is a rim, so to speak, around cities—Habana—and others in that part of the island of perhaps 15 or 20 miles, which is actually within the military encampments of the Spanish power, and therefore subject to their authority.

What, therefore, is the condition of that portion of Cuba—two-thirds of the island within the territorial lines of the republic? That was a question asked by Senators here in the debate; it was asked of the honorable chairman of the Committee on Foreign Relations. The honorable chairman never devoted one moment to the consideration of it. He seemed to be as afraid to come up to this part of the territory held by the Cuban revolutionists as General Weyler would be himself. [Laughter.] He never even looked over the fence at the field. I propose, sir, to go into this territory and, as far as our means of intelligence can be used, to take an impartial and fair survey of its condition—its condition now and its condition as compared with that heretofore.

We have meager means of intelligence. The data to which I shall refer are only those which may come to us—we have no other—through the means of our own correspondent, our special correspondent, our staff correspondent, messages, letters, and other documents of that nature; and yet I think they show sufficient details to give us a true idea of the condition of the country within the revolutionary lines. We must depend upon those minute men of the press, those sentinels always on the skirmish line of intelligence, having no interest in this case at least—so far as concerns their use of data—having no interest except to state the truth, the whole truth, and nothing but the truth.

The data to which I shall refer are not related to battles, to seiges, to escapes. They are data of such every-day, familiar, and homely character that they have even escaped the Spanish sieve of espionage upon the telegraph and post-office. They are therefore to be taken with more probative force against the Spanish case. They are confessions by the Spanish authority that this condition exists and that it justifies not only the opinion but the declaration of belligerency in this instance.

Now, sir, I noticed several instances—I will use the word "several" here—in the beginning of the war, in the first few months of the war, military incursions into the territory of the rebels, as they are called. I noticed that in several of those cases they captured the prefecto, the alcalde, the rebel minor officer of justice, as they call him. I noticed one instance in which they captured the justice of the peace, as I am going to call him. He is a Cuban officer resembling that officer in jurisdiction. They captured the justice, the witnesses, the parties, the whole court, and took them before a Spanish court-martial; we have not heard of any habeas corpus in that instance. I do not know what their future fortunes were.

Again, I noticed one instance of a raid of that kind where they captured a public building. It was not at all a provincial capital, or a capital of the island or anything adjoining it. It was a building like one of our county court-houses. They captured a public building. They killed some of the officials occupying it and they drove the rest away. They took the books and papers and searched them. The Spanish officer reserved those which he thought would be useful to his Government. The other books and papers of the public building were carried out into the street and burned. That was a building having reference to the administration of justice within the rebel lines, as they are called—having reference to the local administration of justice in that territory. I must conceive, everyone must conceive, simply from reading those accounts that within that territory there is a regular administration of local justice.

I think, sir, that the condition of the territory is very much like that of the colonies during our own Revolutionary war. The local courts, the orphans' court, the courts of ordinary civil and criminal jurisdiction, unless absolutely interrupted by incursions of the enemy, were all in full operation during that war. There are even some records of them. But the higher courts were not held. Why? Because the judges were uniformly Tories. They were appointees of the Crown. Many of them were not safe within their own jurisdiction or circuit. They therefore fled from the places where their courts were held into the cities or British garrisons; and one of the best books written concerning the internal condition of the colonies during that time was written by a colonial judge who in some way made his escape to London and stayed there as a pensioner of the Crown for the whole of his natural life, and never returned to his jurisdiction in the United States, to the country of his birth; for he was a native American—born here, reared here, professionally educated here. Yet he found it impossible during the war, being a judge of an appellate superior court, to get records, to have parties before him, or to hold his jurisdiction, on account of the sympathy which he had with the royal cause, and for the reason that the royal cause did not have force enough to give effect to his decrees and judgments.

That is the precise condition of affairs within the limits of the Cuban Republic. I therefore take it for granted, not because it is so stated, but by reason of the data to which I have called attention, that the passage of the proclamation of President Cisneros, the President of the Cuban Republic, dated at Cubitas, February 1, 1896, which reads as follows—

> The Cuban republican government of the island is a firmly established institution. Covering considerably over one-half of the area is the civil branch of our authority, with regularly appointed governors of different sections and prefectos in the subdivisions—

is true in substance and matter of fact.

I go on now to consider some other data. I kept a tally of one sort of Spanish military incursions which occurred in the early months of the war, and even now occur, but not so often—those military raids which had for their object the looting of the country stores, the country store that always has been a favorite object of that kind of attack. I have even some personal knowledge of it, for it will be recollected, sir, that we had what I have sometimes called the Anabasis of Morgan into Indiana. It was a very frequent incident for them to make those attacks. I kept a tally of those until they amounted to 20 separate instances of raids upon country stores within the Cuban revolutionary area. In one of the instances it was related that the keeper of the store was shot down in his door for no cause except refusing to answer questions of the Spanish officer. In several, in too many of those military raids, it was noted that the women and children of the village had been removed to a place of safety, very valuable data, indicating, in the first place, that there are places of safety which the Spanish army can not or dare not attack; and, in the next place, that peculiar mode of warfare which in the absence of battles, in the absence of siege, in the absence of resistance, yet threatens danger to women and children. I have read of many of those raids, sir, made during the late civil war in our country. I never knew or heard of an instance upon either side where the life of a child or the life or honor of a woman was endangered in such a raid.

The raids of the Spanish military have had sometimes the looting of the country stores for an object, and sometimes they take them by way of an incident, being in the line of march or in return. But whatever their objects may have been and no matter in what degree they were accomplished, I am not standing upon the highly colored statement—if some Senators may wish to call it such—that the storekeeper was shot down in his own door. It is wholly immaterial in considering the question of belligerency whether there were women and children who were removed to a place of safety. It may seem inhuman to say so, but what the dispatches do show is that the country store is an institution within the lines of the Republic of Cuba; that these institutions are well known and numerous. If I were called upon to-day to name the type of superior civilization, not a superior type of civilization, but to name the type of superior civilization most universal, I should designate the country store. You will find them, sir, in sight of this Capitol, in Maryland, in Virginia; you will find them in Ohio, in Indiana, in the transmississippi States, in New Mexico, in old Mexico, in the West India Islands, in old Spain. All over, wherever civilization obtains, you will find this same type, consisting of the

same details. And what does its existence indicate? There are two well-known characters who frequent the country store. They are constant and perpetual customers of the country store—the debtor and creditor. They can not live in a country without law. They can not breathe in a territory without law any more than a school of shad could live in a stubble field. The fact is convincing; it is beyond doubt.

One of the theories offered is that the eastern end of the Island of Cuba, that which is the territorial situs of the Republican Government, is a mere wilderness, full of dens, caves, holes in the earth, where wretched banditti robbers take refuge and sally out on the Spanish soldiery when favorable opportunity occurs. The existence of the country store means that there are no thieves, or that the thieves have been overawed or punished. The existence of the country store means that there are no burglars, no robbers, or that they have been overawed or punished. I know it may be said "it is impossible that the country stores should carry on much business in such a warlike condition as Cuba is now in. It is impossible that debtor and creditor should have any attention paid to them. The man must sell for cash if he sells at all. Certainly he could not trust anyone; or he is perhaps a man who keeps a stock of merchandise and exchanges it only for country produce." But how does that help the other side of the case? What man would sell his goods for cash, and keep cash where the law of the country was theft; where the government of the country was larceny; where the civil administration of the country was overrun by armed marauders? What man would keep a stock of goods for exchange under like circumstances? No, sir; the instance is crucial. There must be within the territorial lines of the Republic of Cuba an organization of law, of order, a civilization defined to be the art of living together in peaceable society under regular political rule.

There are other data to which I wish to call the attention of the Senate. In some of the Spanish military incursions into the territory of the Republic there were certain priests taken prisoners, and in some of the battles there were certain priests taken prisoners, priests who were accompanying what they call the rebel regiments, the rebel bands, as chaplains, to administer to the sick, to care for the wounded, and to soothe the dying. Those chaplains were not dealt with like the alcalde. They were not looted like the country store. It will be seen in all the accounts that they were very highly favored captives. They were put under strict military surveillance, but they were not imprisoned; they were not bound; they were not shackled. They were respected just for what they were—priests. They belonged to a kingdom not of this world, but very closely related to this world. They were subjects of a power before which the power of the Spanish monarchy quailed in meek subjection.

I noticed about four weeks ago—I have no doubt other Senators noticed the same thing—that the present captain-general of Cuba made a pause in his campaign, not so long as the chairman of the Committee on Foreign Relations made in his [laughter], but he made a pause in that campaign carried on under all the rules and regulations of an Apache or a Comanche chief, in that campaign of the Mafia and the thug; in that campaign, an imitation of the Duke of Alva, forever infamous in the Netherlands, to be followed by the same result. The Netherlands were lost to Spain. Cuba will be lost to Spain. I retract the "will be." Cuba *is* lost to Spain, irrecoverably lost. There is no more chance on the present face of things for the reestablishment of the authority of the Spanish Government in the Island of Cuba than there is for the reestablishment of French dominion in San Domingo; and the parallel is a very close one geographically; still closer in various instances which I shall give in the sequel.

But the captain-general made the pause about four weeks ago, long enough to indite a special proclamation to the priests resident within the rebel lines—they were a numerous body, numerous enough to be made the subject of a special proclamation—offering to those clerics a full amnesty for all offenses, for all the aid and comfort they had given to the Republic of Cuba, to the revolutionists, and they were not required to report at Habana, not even at a provincial capital. They were required to report only to the nearest Spanish post, to take the oath of allegiance to the Crown of Spain, and to give their parole, their verbal parole, that they would not return to their people within the rebel lines. That is the substance of the proclamation.

I wish to state now as throwing great light upon the condition of the territory within the lines of the republic that not a single priest has taken advantage of this proclamation. But although these priests, sir, are not amenable either to the military or civil authority of Spain, they are amenable to their own superiors, the metropolitan of Habana or whoever may be in the chief ecclesiastical jurisdiction of the island; and if those priests were attending upon mere bands of robbers, murderers, and marauders; if they were pretending only to be chaplains and really were not such; if they were waiting simply as servants upon bands engaged in arson, in murder, in robbery, not regularly enlisted in public military service, it would not have been twenty-four hours after their capture till they would have been unfrocked and delivered over as laymen to the tender mercies of a Spanish court-martial.

There is still an important deduction to be drawn from these data. Wherever there is a priest there is a parish; wherever there is a parish there are people, men, women, and children; wherever there are people there is a church, in which mass is heard, in which offerings are given, in which all the rites and ceremonies of that faith to which Cubans of all parties have been so long steadfast are duly observed. It is abundant proof of the condition of this territory to know that there are priests there, members of this sacred and powerful hierarchy, who in their civil character are now to be considered as citizens of the revolutionary republic of Cuba and as the enemies of Spain. Why was amnesty offered to them? Because they had offended the Spanish Government. Why have they not accepted it? Because they owe and maintain their allegiance to the government of the Republic of Cuba.

I have gone, sir, still further into the question of condition. I have examined Cuban statistics. I find that in 1880, two years after the close of the first period of the Cuban war, exports from Cuba had slightly decreased. In imports there was a very large decrease, showing that the people had become impoverished by the long continuance of the war. Population, strange to say, was the same as reported ten years before. Either there had been great exaggeration as to military losses or there had been great migration which had made them good and had restored the population of the island. In 1890, ten years afterwards, the Cuban exports were larger than ever before in the history of the island. The Cuban imports were also larger, and the population had increased 20 or 30 per cent, according to the best authority, above what it had ever been before reported. Cuban credits of the Spanish Government were quoted at par. Notwithstanding the immense expenses of the war, taxes levied for that purpose, floating debts funded, they were quoted at par and remained at par until after the commencement of the second period of war last February a year, when they sank down to 80 and remain at that point.

I think, sir, it is very evident that this two-thirds of the island is a country, is an organized government, is a political and social body, which from its maintenance of twelve years of war, if from no other reason, has earned for itself the right and title to recognition as belligerent. I am not among those who would say that our determination of this question, so unanimous and so much belated, is inconsequential or a matter of indifference. Sir, it is a matter of the highest importance, not only as influencing the action of the Executive here, but as influencing the action of foreign governments elsewhere. We can not, of course, expect immediate action on the part of the Executive. Gentlemen sometimes say that the Executive can take no official notice of the resolutions. Grant it. Is it to be supposed that the Executive is in ignorance of the passage of those resolutions or of their contents? Not at all, sir. He is well acquainted with them, and I have no doubt that he has watched every step of the deliberation. But there can be no reasonable objection, as we have been so long engaged in their consideration, to his taking an adequate portion of time. The executive department of the Government has its own conclusions to arrive at, its own sources of information, its own arguments addressed to reason, to understanding; and I make no doubt that the course of events here and elsewhere will be such as finally to result in an official recognition of belligerency between the respective parties to the war in Cuba.

Allow me to say, sir, that the offer of mediation is strictly in line with that of belligerency. A neutral may offer mediation. The day may come when, instead of being totally subjugated, the Spanish Government will be very willing to accept our mediation and to retire from the island upon some terms, instead of being driven, as the French were, into the sea.

We are told by Senators upon the other side of this question that the Republic of Cuba has an inland capital and that it has no seaport. The capital of Switzerland, the oldest republic in the world, is not a seaport. The City of Mexico is not a seaport. Caracas is not a seaport. The cases are very numerous in which capitals are wholly inland. Nor can I conceive that much importance can be attached to the retention of seaports in the islands even by Spanish garrisons.

Let us look at some other revolutions. Take the revolution in Mexico. The city of Vera Cruz, the principal seaport of that Republic, was held by the Spanish forces up to the time when independence was recognized by the home Government. What could the Mexicans do with Castle Ulloa, its bastions, its ramparts, and the wall of Vera Cruz? They had no navy any more than Montezuma had, 20 or 30 canoes; they had no method of attack, but they did surround the city as with a cordon of fire which cut it off from communication with the surrounding territory. A city does not amount to much which is thus isolated.

It is said that railroad cars are running out of Habana. So they are. They are running 15, 20, 30, and in one instance 40 miles.

How do they run? With a full military detachment on guard on the train. Who wants to travel in such a train? Freight may be sent. Who wants to send freight when within an hour the track may be torn up or a bridge subjected to destruction by dynamite?

There is a perfect isolation with respect to urban commerce and urban necessities. When it is considered that supplies, munitions of war, even food, in a few months will have to be brought across the Atlantic to support the Spanish military in that island, the burden so imposed will become insufferable. The mere holding of seaports will be no recompense.

I might allude to the circumstance of our own Revolutionary war. We had very few of the seaports. New York, then, as now, the great commercial metropolis of the country, was held by the British Government until the time of the signing of the definitive treaty of peace at Paris. It never was surrendered. They would not hear that word. But after the surrender of Cornwallis and after the treaty of peace had been signed by the commissioners of the signatory powers the British evacuated the city and harbor of New York, and in old times I have read how our people used to keep Evacuation Day as a sort of public holiday. Every seaport on the Atlantic coast south of New York was held by the royal forces. What did it avail? How much longer did it enable them to continue the struggle? How did it prevent the independence of the colonies? Let history answer.

I alluded, sir, to the instance of Santo Domingo. That was the old name of the whole island, in which there are now two independent Republics, Santo Domingo and Haiti. France once owned the most extensive and fertile colonial possessions in the West Indies with the exception of Spain. They were lost, and how? Let us recur to the beginning of the contest. What had France in that war? She had nothing but men and money. She had nothing but munitions of war in lavish abundance. She had nothing but cities and seaports and garrisons. She had nothing but fleets and armies, officered by celebrated leaders fresh from victories in European fields. What had Toussaint and his people? What had the Haitians? Any seaports? Not one. Any sympathy from any quarter? None. Any recognition of belligerency? No such thing. Any offer of mediation? Not at all. Any munitions? None except what they captured from the enemy.

What was it that supplied these defects? How did all these other things come to be added to the cause of revolution in Santo Domingo? Any treasury? It is said the Cubans have no treasury. The Haitians did have a treasury, full, overflowing—the memory of their wrongs. That was their treasury—grievous, blasting, blighting, insufferable wrongs. That steeled their arms. That supplied the place of munitions, of lead, of powder, of guns. All these things were put into the commissary and quartermaster's department of the revolutionists because they had the one thing needful, the inextinguishable love of freedom and of country; the inextinguishable hatred of the foreign race and the foreign rule. Therefore it was that they drove the French colony, the French army, literally into the sea; and all the people on the dry land and on the hills and in the valleys clapped their hands in glee to see the waters overwhelm their oppressors. It was a terrible victory, one of indescribable barbarity and atrocity, but when you corner a whole people, corner them on the question of liberty or death, they will deal death and destruction in return.

They were armed in that same spirit spoken of by the Earl of Chatham when, more than a century ago, he addressed the cortes of Great Britain upon the subject of war with the colonies and said: "My lords, you can not conquer America. You may raise armies; you may make campaigns; you may even win battles; but you will never subdue the spirit of liberty in that people." It is the spirit. What flesh or blood can strive with it? It is the spirit of liberty. Neither flesh, nor blood, nor the power of Spain, nor the gates of hell can prevail against it.

We not only have to consider in the present instance the Cuban campaign, but the long duration of it, the extremities to which those resisting the Spanish Crown have been driven by the necessities of the situation. We must also consider that there can be but one result. It may be delayed; it may be deferred; it can not be defeated. It will be the ultimate independence of the people of the island.

Mr. President, I noted very closely the other day when the honorable and learned junior Senator from Massachusetts [Mr. LODGE]—who I am sorry to say is just now absent from his seat, he was here at the commencement of the discussion—came into the Senate with the privileged question in one hand and a scrap of a newspaper in the other. When he exhibited his wound from the Spanish minister, "not as wide as a barn door nor as deep as a well," when he put his morsel of Spanish into the RECORD, when he had begun, continued, and concluded his personal explanation, I thought this was a very serious business; but as it concerned merely the difference about the meaning of one word, there might be a peaceable adjustment.

However, when the junior Senator from Massachusetts returned afterwards on the self-same day to explain his explanation and to exploit and to explore his explanation, I began to see a very considerable diminution in the size and bulk of the Cuban question. I began to conceive that, after all, it had settled down to single combat, a duello within the four quarters of the code, between the Spanish minister on the one hand and the distinguished junior Senator on the other. I was about to propose a choice of weapons, for I supposed nothing remained to do except to select the seconds and make a choice of weapons. But a friend near me said, "Your suggestion is premature; there will be no fight, there will be no duel." I was very anxious on the part of one of the combatants at least to suggest a choice of weapons. I felt the deepest solicitude that our champion of Senatorial privilege should, when he rode into the list, not go there without being fully armed, with visor closed and lance at rest. I was anxious he should not be mistaken for a mere neophyte, a sciolist, a mere harlequin with a sword of leather and a dagger of lath. But my friend said, "You are too fast; there will be no fight." All the trouble comes from the inordinate fondness which the junior Senator from Massachusetts has for a certain kind of confectionery or pastry, puffs. Cream? Vanilla? Tutti-frutti? No. Plain puffs; press puffs. When the junior Senator from Massachusetts has filled his basket with these puffs and retired to the committee room upon Foreign Relations and regaled himself to satiety that will be the last of it, for what is HeCuba to him, or he to Hecuba?

Then the junior Senator from Massachusetts, the coadjutor of the chairman of the Committee on Foreign Relations thus far, quoted in sepulchral tones the provision of the Constitution of the United States that no member of either House for any speech or debate occurring here should be questioned in any other place, and he insisted there had been a breach of the privileges of the Senate.

Mr. President, I thought everyone knew that this provision of the Constitution related to actual litigation, and when a member or Senator published or uttered a slander or libel here upon any citizen of the United States the member or Senator so summoned at the law might plead this provision and take no further trouble about his utterance or his address. That is the only purpose of the provision. No one ever dreamed that this provision, in the colloquial sense of the word, prevented what is said here from being questioned elsewhere. No one ever supposed that any man anywhere in the world could not question what was uttered in the Senate of the United States; question its truth, question its authority, question the sincerity of the author, or make a counter statement. That would be to embarrass freedom of speech—utterly to deny it.

There was no breach of privilege here of the Senate. The Spanish minister defined exactly what his indiscretion was. It was a violation of the conventionalities of his position. There was a breach of courtesy inasmuch as he took public notice and made a criticism upon debate here in the Senate as there would have been a breach if he had given a criticism upon debate anywhere in the United States. Owing to the ordinary courtesy of the diplomatic corps, a corps distinguished for its courtesy, there has always been an express reticence and silence implied and enforced that there should be no allusion by any member of the corps to any debate or discussion of American parties, either here or elsewhere.

The Spanish minister was guilty of another indiscretion. It was an error of appraisement. It is what is called in the custom-house undervaluation. The Spanish minister had forgotten that the learned and honorable junior Senator from Massachusetts had been a Senator in the service for twenty-five or thirty years; that he had been a lifelong member of the Committee on Foreign Relations; that he was an international jurist of world-wide reputation; that he was a postgraduate of the jingo high school of omniscience. The Spanish minister had forgotten; but the minister had not long resided in the country. Certainly this offense was pardonable. And allow me to say, Mr. President, there are a great many people living in the United States who do not know these things about the junior Senator from Massachusetts.

The VICE-PRESIDENT. The Senator from Indiana will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. CALL. I ask unanimous consent that the regular order may be temporarily laid aside and that the Senator from Indiana may proceed.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Indiana will proceed.

Mr. TURPIE. I beg leave to call the attention of the Senate to another indiscretion of the Spanish minister. He had forgotten to read the lines of the celebrated epic poet of his own country, the

great poet of Andalusia, written upon a theme that chanced one day. I have it here in the original Spanish, and as it has become fashionable to put Spanish into the RECORD I take the occasion to read it in these words:

Pigmies—

The first word is English [laughter]—

Pigmies, though puffed and perched on Alps,
Are pigmies still.

Mr. President, I shall not detain the Senate longer. I might go into the quest of what is to be the future destiny of Cuba. I believe, sir, and have every reason to think the coming event is near. All shadows are cast before it. It is that independence will be the fortune of the island. It may become the site of a very large colored population, just as has occurred in the case of San Domingo. Indeed, sir, the West Indian Archipelago may become the field of colonization of that people which our forefathers dreamed of, all having an autonomous legislation, an autonomous government, with very close national or international relations with the great Republic of the United States.

But our duty, sir, lies here in the present. Belligerency, mediation, unanimity, dispatch—these are the principal things necessary both in the present and future consideration of this question. I trust, and I have confidence, that the best abilities of the National Legislature in both Houses from time to time, as events demand and as necessities occur, will give to the subject that consideration which patriotism, a love of liberty, the progress of free institutions shall require.

Mr. CALL. I ask that the joint resolution may continue to lie on the table for further discussion.

The VICE-PRESIDENT. It will be so ordered, without objection.

EXECUTIVE SESSION.

Mr. SHERMAN. It is necessary to have a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill. I simply wish to have the bill laid before the Senate, and then I shall yield to other Senators for a short time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota that the Senate proceed to the consideration of the Indian appropriation bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I now yield to the Senator from North Carolina [Mr. PRITCHARD].

JAMES W. DUNN.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 321) granting a pension to James W. Dunn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws"; and after the word "Volunteers," in line 7, to insert "at the rate of $60 per month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James W. Dunn, late private Company E, Ninety-third Pennsylvania Volunteers, at the rate of $60 per month.

Mr. COCKRELL. Let the report in that case be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. HAWLEY February 25, 1890, as follows:

The Committee on Pensions, to which was referred the bill (S. 321) granting a pension to James W. Dunn, have had the same under consideration, and submit the following report thereon:

He is at present receiving $12 per month for total disability under the act of June 27, 1890.

His application for increase to $72 per month for total disability caused by paralysis of the left side as the result of gunshot wound of left groin, necessitating the constant attendance of one or more persons, was rejected by the Pension Office, December 1, 1890. The reason given was that "paralysis of the right (left) side can not be accepted as a result of the wound of groin."

The evidence on file in the Pension Office is conclusive that Dunn is and has been for many years totally disabled, and the only question is as to whether the paralysis of the left side, causing such disability, is properly traceable to the gunshot wound of the left groin. On this point the reports of the various medical boards which examined Dunn differ, but the affidavits of numerous physicians who have attended him agree that his present condition is resultant from his wound.

Dr. Jesse H. Peek, of Hampton, Va., after examining Dunn on December 7, 1889, made affidavit as follows:

"This man has paralysis of left side, is totally unable to walk or even move hand or foot of that side. Claims to have received a gunshot wound in left groin about 1 inch external to femoral artery, and that it was a running sore for many years. Finally the ball came out and the wound healed. Since then has had three attacks of paralysis, the last the worst one, leaving him in his present totally disabled condition.

"It is necessary that he have an attendant. If the long-continued suppuration in the region of the anterior crural nerve produced such structural changes in the nerve as to produce paralysis of the muscles of the thigh, the disease could have extended into the spinal column, producing hemiplegia from spinal origin."

Dr. R. Armstrong, of Lockhaven, Pa., made affidavit July 21, 1887, as follows:

"I have been a practicing physician for thirty-three years; have practiced medicine in this place for thirty-one years. I was the family physician of the family of James W. Dunn and know him from boyhood; never had occasion to prescribe for him prior to his enlistment in the Army of the rebellion and always considered him a healthy young man. I treated him on his return from the Army for complications superinduced by wounds and exposure, and had but little hope of his recovery."

Dr. O. McMullen, of Elizabeth City, N. C., made affidavit September 28, 1891, that:

"I have this day given James W. Dunn, of Company E, Ninety-third Pennsylvania, a thorough examination, and find him suffering from total paralysis of the left side, together with some degree of aphasia. He has, from his statement, suffered from three strokes of paralysis—one at 26 years old, one at 31 years old, and one at 39 years old—each stroke of increasing severity, the last leaving him in his present condition. The applicant claims to have received a bullet wound in the groin in 1862. In 1865 suppuration began and was more or less constant until 1877, when the bullet came away. Two of the strokes of paralysis occurred during the suppuration and one has transpired since its cessation.

"We are of opinion that the constant discharge, in all probability, produced such acheramalous changes in the cerebral blood vessels as led to their rupture, and consequently to the paralysis. We are led to this belief from the comparative early age at which the paralysis overtook the patient, and by the absence of any other reason. The applicant is totally disabled for all kinds of work—mental and physical—and requires a constant attendant. I further testify that I have been in the active practice of medicine for eleven years, and am a graduate from the University of Virginia."

Each of these affiants is certified by the officer administering the oath to be a reputable physician and citizen of good standing.

The official medical board at Erie, Pa., examined him September 1, 1886, and reported that he was suffering from gunshot wound of head and groin; also that the entire left side is paralyzed. They state they can find no connection between the wounds and the paralysis.

The medical board at Hampton, Va., reports the results of its examination on March 12, 1890, as follows:

"We hereby certify that in compliance with the requirements of the law we have carefully examined this applicant, who states that he is suffering from the following disability, incurred in the service, viz: Gunshot wound of left groin. Alleges paralysis of left side, due to retention of ball with suppuration for fifteen years. Gunshot wound of forehead alleged to have been incurred in service, and that he receives a pension of $4 per month.

"He makes the following statement upon which he bases his claim for increase: Received the wound of groin in 1862 and the ball suppurated out from point of entrance in 1877. Had a stroke of paralysis of left side in 1869. Recovered in about three weeks. Another stroke in 1874 and recovered partially, but did not get full use of left side. In 1882 a third stroke caused complete paralysis of left side from which he has never recovered. Received a gunshot wound of forehead at the same time he was shot in the groin.

"Upon examination we find the following objective conditions: Pulse rate, 100; respiration, 20; temperature, —; height, 5 feet 9 inches; weight, 140 pounds; age, 46 years. Claimant is brought to examination in a wheeled chair from which he can not rise without assistance, and he can not stand for a moment without being supported. Requires the aid of another person to remove his clothing.

"We find just below middle of Poupart's ligament on left side a cicatrix of gunshot wound, well healed, indurated, and adherent to soft parts. Some induration of parts immediately around cicatrix. There is no cicatrix of exit. The left arm and leg are completely paralyzed. He can not move a muscle in the arm. The flexor tendons are strongly contracted, the forearm is at a right angle with humerus, the fingers are drawn into the palm with such force that the terminal phalanx of little finger has been dislocated. It requires great force to draw any of the fingers away from the palm. Muscles of arm and forearm much atrophied. The left thigh and leg also completely paralyzed, and there is no power of motion in any part of thigh, leg, or foot. There is not the same contraction of the flexors as in the arm, but the toes have a tendency to draw downward. Sensation is not lost and he can distinguish two points touching arm or leg at 3 inches apart. He seems to have some difficulty in respiration, at intervals drawing a long breath with an effort. We think the pectoral muscles are somewhat affected on left side. He is, in our opinion, entitled to a first-grade rating for the disability caused by gunshot wound of left groin and paralysis of left side. He requires the constant aid and attention of another person.

"The paralysis seems to be due to lesion of spinal cord and upper dorsal or lower cervical region and not to lesion of the brain, as no cerebral disturbance appears and no paralysis of face or tongue. It is possible that the central nerve lesion was a result of the peripheral injury to the anterior crural nerves. No paralysis of face or neck. Pupils normal, tongue protrudes straight. Intelligence good. No difficulty in articulation. Heart's action regular; no murmurs. Good vesicular murmur throughout both lungs. Gunshot wound of forehead. We find over left side of frontal bone at edge of hair a linear scar of gunshot wound running longitudinally, about 1½ inches long, well-healed, adherent to fascia of scalp. No depression of bone. The paralysis exists from root of neck through the entire left side, and the difficult respiration shows lesion of nerves governing the muscular action of the pectoral muscles. That it is not due to the wound of head seems evident from the absence of facial or lingual paralysis. The gunshot wound of groin must have injured the anterior crural nerve near its commencement. There is no evidence to show how deep the burrowing of ball extended; there is simply an indurated cicatrix in the groin."

The medical board at Philadelphia, Pa., examined the claimant October 5, 1890. They report as to his "present condition" as follows:

"Find total paralysis of left side. Sensation diminished three-fourths. Is confined to his bed or chair. Unable to walk. Spatial sense otherwise normal. Paralysis result of apoplexy. Intellect clear. Paralysis from present indications permanent. Gunshot wound of head —. Find linear cicatrix 1 inch long, 3 inches above left eye. Scar nonadherent and not contracted. Find no depression. He is, in our opinion, entitled to eight-eighteenths rating for the disability caused by gunshot wounds, second grade for that caused by paralysis. Man unable to perform manual labor. Difficult to determine whether paralysis is the result of wounds."

It will be seen that of these three official reports but one claims that there

is no connection between the wound and the paralysis, one is doubtful, and the other finds a direct connection.

It is established of record that the claimant was wounded at Fairoaks, Va., May 31, 1862, by gunshot wound of left groin; that the bullet remained in the wound for fifteen years, causing constant suppuration; that during this period the claimant had three strokes of paralysis, each succeeding one making his condition worse, until now he is an absolute wreck, his whole left side completely paralyzed, and that he is quite helpless and dependent upon the attendance of others. That this condition is directly traceable to the wound received in 1862 there can be no doubt, and although the Pension Office may have felt justified from a strictly legal standpoint, in view of the conflicting reports of its medical boards, in rejecting the claim, it is one in which Congress, acting as it does in the capacity of a court of equity, ought certainly to give relief.

Your committee therefore report back the bill with amendments, as follows:

In lines 4 and 5 strike out the words "subject to the provisions and limitations of the pension laws" and insert at the end of the bill the words "at the rate of $60 per month."

The PRESIDING OFFICER (Mr. BACON in the chair). The question is on agreeing to the amendment reported by the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUBPORT OF ENTRY AT SANTA BARBARA.

Mr. WHITE. I ask unanimous consent for the present consideration of the bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry.

Mr. PETTIGREW. Will that bill lead to any discussion?

Mr. WHITE. I do not think it will lead to any discussion. I do not see how it can do so. It does not appropriate any money or create any office. I do not suppose there will be any objection to it. I ask that it be read, and if there is any objection after it has been read, of course I shall withdraw it.

The PRESIDING OFFICER. The bill will be read.

The bill was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIEUT. GILMAN L. JOHNSON.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES of Arkansas. Let the bill be read for information. Unanimous consent can not be given without our knowing for what it is given.

The PRESIDING OFFICER. The bill will be read.

The bill was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to correct the record of Second Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as lieutenant date from the date of his enlistment and that he have all rights and emoluments due him thereby or by reason thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. CHIROUSE.

Mr. WILSON. I ask unanimous consent for the present consideration of Senate bill 1828. It is an exceedingly meritorious measure, and I should like to have it passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 7, before the word "such," to strike out "award" and insert "allow"; so as to make the bill read:

*Be it enacted, etc.*, That the Auditor for the Interior Department be, and he is hereby, authorized and directed to settle and adjust the accounts of E. C. Chirouse, Indian agent at Tulalip Agency, under bond of March 22, 1871, upon principles of equity and justice, and to allow such credits as appear to have been made in good faith and have inured to the benefit of the Indians and the United States, and to report his findings on said accounts to the Comptroller of the Treasury for his decision thereon: *Provided, however*, That before any adjustment is made under this act the defendants shall pay the costs already incurred in the pending suit on the bond above mentioned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I wish to make an inquiry of the Senator from South Dakota in charge of the Indian appropriation bill, for the purpose of seeing if I can not arrange with him either to-day or to-morrow to get an hour for the consideration of the pension bills which are now on the Calendar.

In this connection, I will state to the Senate, and especially to the Senator from South Dakota, that during this entire session the Committee on Pensions have had but one single hour for the consideration of their bills. In the other House Friday evenings are devoted to this purpose. While the Calendar is not overloaded, yet there is a considerable number of pension bills upon it in which many Senators are interested. I think I am not personally interested in a single one of them, but I should like very much to get an hour, either to-day or to-morrow, for the consideration of pension bills.

Mr. PETTIGREW. So far as I am personally concerned, I will agree that some time to-morrow afternoon, just before the adjournment——

Mr. GALLINGER. Say at 4 o'clock.

Mr. PETTIGREW. That at 4 o'clock to-morrow pension bills alone shall be taken up.

Mr. GALLINGER. I ask unanimous consent that that order may be made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PETTIGREW. I now ask unanimous consent that the formal reading of the Indian appropriation bill be dispensed with and that the committee amendments be first acted upon.

Mr. COCKRELL. I suppose the Senator desires to have the bill read until the amendments are reached?

Mr. ALLISON. The idea is to dispense with the first formal reading.

Mr. PETTIGREW. Certainly; to proceed with the bill in the usual way.

Mr. COCKRELL. Let the bill be read regularly, and the amendments of the Committee on Appropriations acted upon as they are reached.

Mr. PETTIGREW. That is precisely what I desire, that the bill be read and the amendments reported by the Committee on Appropriations be disposed of as we reach them.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the committee was, on page 1, line 6, after the word "for," to insert "all offices the salaries for which are specifically provided for herein for"; and in line 8, after the word "year," to strike out "for the year"; so as to make the clause read:

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department in full compensation for all offices the salaries for which are specifically provided for herein for the service of the fiscal year ending June 30, 1897, and fulfilling treaty stipulations for the various Indian tribes, namely.

The amendment was agreed to.

The next amendment was, on page 4, line 17, to increase the appropriation for the pay of Indian agent at the Pine Ridge Agency, S. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 5, line 4, to increase the pay of Indian agent at the Rosebud Agency, S. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 5, line 20, after the word "Agency," to insert "at Navajo Springs"; so as to make the clause read:

At the Southern Ute Agency at Navajo Springs, Colo., $1,400.

The amendment was agreed to.

The next amendment was, on page 5, line 23, to increase the pay of Indian agent at the Standing Rock Agency, N. Dak., from $1,800 to $2,200.

The amendment was agreed to.

The next amendment was, on page 6, line 18, to increase the total for the pay of Indian agents from $85,000 to $86,200.

The amendment was agreed to.

The next amendment was, on page 7, line 13, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred"; and in line 14, before the word "dollars," to strike out "fifteen thousand" and insert "twelve thousand five hundred"; so as to make the clause read:

For pay of five Indian inspectors, at $2,500 per annum each, $12,500.

The amendment was agreed to.

The next amendment was, on page 7, line 19, after the words "Secretary of the Interior," to insert "for a period not to exceed twenty days"; so as to make the clause read:

For necessary traveling expenses of five Indian inspectors, including telegraphing and incidental expenses of inspection and investigation, including

also expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, $7,000.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the word "agencies," to strike out "thirty" and insert "twenty-five"; so as to make the clause read:

For buildings and repairs of buildings at agencies, $25,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to strike out:

Cherokees: For the payment of the second installment due on the 4th day of March, 1896, to the Cherokee Nation, under the provisions of the act of March 3, 1893, for the purchase of the Cherokee Outlet, the sum of $1,660,000, to be available immediately after March 3, 1896.

The amendment was agreed to.

The next amendment was, on page 22, line 13, to increase the appropriation for subsistence, civilization, etc., of the Northern Cheyenne and Arapahoe Indians from $101,000 to $111,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 20, to insert:

The Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department, from the fund of $55,058.21 now held for the Sac and Fox tribe of Indians of the Mississippi, the sum of $42,893.25 to the credit of that portion of said tribe of Indians now residing in the State of Iowa; and the Secretary of the Interior is hereby authorized and directed to pay to the attorneys employed by said Sac and Fox Indians residing in the State of Iowa, under contract approved by him for legal services rendered said Indians in the prosecution of their claim to said fund, from said sum hereby authorized and directed to be transferred, as soon as said transfer shall be made, the sum of $4,289.32, or so much thereof as shall be necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. JONES of Arkansas. This seems to be only a part of the proposed amendment.

The PRESIDING OFFICER. That is true. The Chair thought that, being a paragraph, it might as well be disposed of.

Mr. PLATT. The two paragraphs are separate and refer to different subjects.

Mr. JONES of Arkansas. I do not know what the object of the amendment is, and I think perhaps some explanation ought to be made by the Senator who has charge of the bill.

Mr. PETTIGREW. In the Indian appropriation act of last year a clause was inserted instructing the Secretary of the Interior to ascertain and adjust the differences which existed between the different bands of this tribe of Indians. A portion of those Indians resided in Kansas and a portion of them in Iowa. The Iowa Indians claimed that they were entitled to their share of the annuities and property of the tribe in proportion to their number.

The Secretary of the Interior, after examining the whole matter, recommended that they were entitled to their share of the proceeds of the lands sold in Kansas when they removed to the Indian Territory, and he decided that they were not entitled to any of the other items. He recommended that this transfer be made in order to pay the Sac and Fox Indians of Iowa for their share of the land which was disposed of in Kansas.

Mr. JONES of Arkansas. The pending amendment is to carry out the recommendation of the Secretary of the Interior?

Mr. PETTIGREW. The amendment is to carry out the recommendation of the Secretary of the Interior in accordance with the act of Congress of last year.

Mr. PLATT. The Senator from Arkansas will remember, I think, that the Iowa Sac and Fox Indians made a claim for three or four hundred thousand dollars, and we authorized them to go to the Secretary of the Interior and have a hearing on all those claims. This is the result of the hearing.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the amendment shall be considered as an entirety or shall a vote be taken upon the paragraph which has been read?

Mr. PETTIGREW. We had better dispose of this paragraph first.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 27, after the amendment just adopted, to insert:

That the United States hereby accepts and assumes jurisdiction over the Sac and Fox Indians of Tama County, in the State of Iowa, and of their lands in said State, as tendered to the United States by the act of the legislature of said State passed on the 16th day of January, 1896, subject to the limitations therein contained; and the United States Indian agent of the Sac and Fox Agency, Iowa, and the governor of the State of Iowa, respectively, are hereby authorized to transfer by deed of conveyance, for the use and benefit of said Indians, the legal title held by them in trust, respectively, and the trusteeship of the lands of the Sac and Fox Indians of Tama County, Iowa, to the Secretary of the Interior and his successors in office.

Mr. JONES of Arkansas. I suggest that the Senator in charge of the bill had better make some explanation of this amendment as well.

Mr. PETTIGREW. Those Indians own about 3,000 acres of land in Iowa. They purchased the land of settlers or people living in that country. It was not, therefore, an Indian reservation. The courts of the State had jurisdiction, and there was a conflict of jurisdiction. The legislature of Iowa passed an act ceding jurisdiction to the United States in order to stop the conflict of authority, and this is to accept that jurisdiction.

Mr. GEAR. One word in regard to this matter, in reply to the question asked by the Senator from Arkansas [Mr. JONES]. The Sac and Fox Indians bought this land by permission of the Government in 1842. They ceded all their lands in Iowa and were transferred to territory west of the Missouri River. A portion seceded from the main band of Sacs and Foxes. The Government gave them its permission to buy this land, but for fear they might trade the land off or dissipate it in some way or other, title was placed in the governor of Iowa. The legislature of Iowa, as stated by the Senator from South Dakota [Mr. PETTIGREW], authorized the cession of the jurisdiction over the land to the Federal Government, and all that the amendment does is to place those Indians where they properly belong, as wards of the nation.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the provision for the Seminoles, on page 28, line 19, after the word "dollars," to strike out:

*Provided*, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest that the Senator in charge of the bill give some explanation to the Senate as to why this amendment is proposed. I understand the same provision is in another part of the bill.

Mr. PETTIGREW. The representatives of those Indians objected to having this particular fund distributed per capita, for the reason that they are using this money for school purposes, and they would be obliged to close their schools. There are other funds which belong to those Indians which have to be distributed per capita, and in another place in the bill we provide that all funds which are to be distributed per capita shall be distributed by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest, then, that the amendment be passed over informally, as there are some Senators who wish to investigate the matter to some extent.

Mr. PETTIGREW. I have no objection to its being passed over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the Sioux of different tribes, including Santee Sioux of Nebraska, on page 32, line 25, before the word "persons," to strike out "10,000"; so as to read:

For twenty-seventh of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at $20 per head, for persons engaged in agriculture, $160,000.

The amendment was agreed to.

The next amendment was, on page 33, line 2, after the word "dollars," to insert the following proviso:

*Provided*, That the Secretary, in his discretion, is authorized to pay said amount per head in money.

Mr. ALLEN. I desire the attention of the Senator having the bill in charge. I should like to offer an amendment after line 3, on page 33, in the following language——

Mr. PETTIGREW. We are proceeding under a unanimous-consent agreement to dispose of the committee amendments. After they are disposed of the Senator will be in order.

Mr. ALLEN. I was going to suggest to the Senator that it is a mere formal amendment, and I thought upon this statement he would accept it.

Mr. PETTIGREW. I think we will adhere to the rule and let the Senator offer his amendment after we dispose of the committee amendments.

Mr. ALLEN. Then, as we seem to be standing upon technicalities here as usual, and caviling upon punctuation points and matters of such importance, I want to give notice of the introduction of this amendment, which is an amendment to the amendment, and I reserve the amendment itself as well as the amendment to the amendment.

Mr. COCKRELL. Let the committee amendment be reserved with no action taken upon it, and let notice be given of the amendment to the amendment.

The PRESIDING OFFICER. It will be so ordered. It is not necessary to read the amendment to the amendment now unless the Senator from Nebraska desires to have it read.

Mr. PETTIGREW. Let the amendment to the amendment be read.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. After line 3 add the following additional proviso:

*Provided further*, That it shall be the duty of the Secretary of the Interior to cause an actual delivery of the flannel clothing herein, and contemplated in prior acts of Congress and treaties, to the Santee Sioux and Ponca Indians of Nebraska.

Mr. ALLEN. I hope the Senator from South Dakota will let me make a statement of two minutes' length and that he will then accept this amendment.

Mr. PETTIGREW. After we have disposed of the committee amendments I am willing that this shall be inserted.

Mr. ALLEN. Very well. I will make my statement in a second whether the Senate consents or not.

Mr. PETTIGREW. I can not stop the Senator from talking.

Mr. ALLEN. No; but you can consent to my amendment after I explain it; and I think the Senator will do so.

Under the law and the treaties with these Indians the Government is required to furnish females over a certain age—over 12 years of age, I think—and certain other classes of the Indians with flannel clothing. I am reliably informed that the Government has never furnished a particle of flannel for these Indians, that their goods are cotton goods, that flannels never have been furnished them. Therefore I simply ask the Senator having the bill in charge to let this amendment go in directing the Secretary of the Interior to carry into execution the evident purpose of this and prior laws on the subject. The climate in Nebraska where these Indians reside is of such a degree of severity that the Senator will recognize the propriety of requiring the persons who make the contracts with the Government for the delivery of these articles to live up in good faith to the requirements of the statutes and the treaties. That is all I want to accomplish. I do not see why the Senator can not consent to the amendment now as well as at any other time.

Mr. PLATT. Let me understand. This is a proposition to amend the committee amendment.

Mr. PETTIGREW. It is an entirely new matter.

Mr. ALLEN. If the Senator from Connecticut will bear with me, I will state that it is in the nature of an amendment to the committee amendment, simply making it the duty of the Secretary of the Interior to require the purchase and delivery to these Indians of the woolen clothing called for in the proposed act and called for in previous acts and treaties with these Indians. Woolen clothing has never been delivered to them, I am told.

Mr. PETTIGREW. I will accept the amendment to the amendment.

Mr. ALLEN. Very well. I am very thankful.

The PRESIDING OFFICER. The amendment to the amendment is accepted. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 10, before the word "thousand," to strike out "twenty-five" and insert "seventy-five"; and in line 11, before the word "thousand," to strike out "forty-eight" and insert "ninety-eight"; so as to read:

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article 7 of the treaty of April 29, 1868, which article is continued in force for twenty years by section 17 of the act of March 2, 1889, $75,000; in all, $1,336,500.

The amendment was agreed to.

The next amendment was, on page 34, line 12, after the word "dollars," to insert the following proviso:

*Provided*, That the provisions of section 17 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, shall be construed to extend and apply to each head of a family or single person over the age of 18 years of the Flandreau Band of Sioux Indians and of the Santee Sioux in Nebraska who was entitled under section 7 of said act to take an allotment or not, at his or her option, and who accepted $1 per acre in lieu of such allotment, and each head of a family or single person over the age of 18 years shall be entitled to all the rights and benefits of said section 17 except that of taking an allotment, in the same manner as though he or she had taken an allotment thereunder.

The amendment was agreed to.

The next amendment was, on page 35, after line 3, to insert:

The Secretary of the Interior is hereby authorized and directed to ascertain the number of Santee Sioux Indians of Nebraska who would not be benefited by the fulfillment of the proviso of section 17 of an act entitled "An act to divide a portion of the reservation of the Great Sioux Nation of Indians in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, by the receipt from the United States of the articles of personal property therein mentioned and who desire to have the same converted into money, and in lieu of such articles of personal property, or any part thereof he may think proper, the Secretary of the Interior shall convert or commute the same, or so much thereof as he may think proper, into money, and pay the amount thereof to such Indians; and the payment under the provisions of this act shall be held to be a liquidation of the obligation of the United States to said Indians under that portion of said section 17, so far as the articles of personal property therein named are concerned.

Mr. PETTIGREW. I move, in line 5, to strike out the word "Santee" before the word "Sioux"; at the beginning of line 6 to strike out the word "of" before "Nebraska"; and to add after line 5 the words "South Dakota and"; so that the provision will embrace not simply the Santees in Nebraska, but all the Sioux Indians. That was the intention when the amendment was drawn, I think.

Mr. ALLEN. That is right, with one addition. I want it to embrace also the Ponca Indians of Nebraska.

Mr. PETTIGREW. I have no objection to that. I will move to add "and the Ponca Indians of Nebraska" after the word "Nebraska."

Mr. ALLEN. Yes; let it embrace the Poncas and Santees.

The PRESIDING OFFICER. The amendment of the Senator from South Dakota to the amendment will be so modified.

Mr. ALLEN. How will it read now?

The PRESIDING OFFICER. The Secretary will read the clause as modified.

The Secretary read as follows:

The Secretary of the Interior is hereby authorized and directed to ascertain the number of Sioux Indians of South Dakota and Nebraska and Ponca Indians of Nebraska who would not be benefited by the fulfillment of the proviso, etc.

Mr. ALLEN. Let me ask the Senator from South Dakota if that would not embrace other Indians than the Santee Sioux in the two States?

Mr. PETTIGREW. It would embrace all the Sioux Indians.

Mr. ALLEN. All the Sioux Indians in both States?

Mr. PETTIGREW. In both States.

Mr. ALLEN. All who are entitled to rights and privileges under the act of 1889?

Mr. PETTIGREW. Yes, sir.

Mr. ALLEN. That is satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 36, line 21, under the head of "Spokanes," to strike out "thrashing" before "machines," and insert "threshing."

The amendment was agreed to.

The next amendment was, on page 38, after line 14, to insert:

SOUTHERN UTES IN COLORADO.

To carry out the provisions of the act of February 20, 1895, the Secretary of the Interior shall cause rations and supplies to be issued each month at Ignacio, La Plata County, Colo., and at Arboles, Archuleta County, Colo., to all Southern Ute Indians to whom lands have been allotted and who are residing on their allotments. And the Secretary of the Interior shall establish an agency on the Southern Ute Indian Reservation, at Navajo Springs, in the county of Montezuma, Colo., and shall cause rations and supplies to be issued each month or oftener at that point to all Southern Ute Indians who have not elected to take land in severalty under the provisions of the act entitled "An act to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them in severalty when they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of the present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880," approved February 20, 1895.

For the erection of suitable agency buildings on said reservation at Navajo Springs, Montezuma County, Colo., for the use of such Southern Ute Indians as have not elected to take allotments of land in severalty, $10,000, to be immediately available.

Mr. JONES of Arkansas. I should like to have the Senator in charge of the bill make some statement about the purposes of the amendment. I did not hear it read distinctly. I do not understand it exactly.

Mr. TELLER. I will state to the Senator from Arkansas that it is to carry out the provisions of the act of 1895 that we passed allowing such of them as chose to take lands in severalty and the rest to go on the west end of the reservation, and it was agreed in that act to maintain the reservation on the west end. This is to carry out that provision.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the items for the Winnebagoes, on page 40, after line 12, to insert:

That any sums of money appropriated in this act that are to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.

Mr. JONES of Arkansas. I suggest to the Senator in charge of the bill that the amendment, it seems to me, ought to be amended. It is limited now to sums of money to be paid under the bill, and it seems to me it would be wise to provide that sums of money hereafter paid to individual Indians shall be paid by an officer of the Government, so that it shall not be limited to this bill, but may become a general law.

Mr. PETTIGREW. I think such an amendment to the amendment is very proper, and I am willing to accept it.

Mr. TELLER. I suggest to the Senator from Arkansas to strike out the words "in this act"; so as to read: "That any sums of money appropriated that are to be paid per capita," etc. Or strike out the word "appropriated," and read: "That any sums of money that are to be paid," etc.

Mr. JONES of Arkansas. "That are hereafter to be paid." I will put in the word "hereafter," so as to show it is not limited to this bill, but would apply to any future act.

Mr. TELLER. All right.

Mr. PETTIGREW. I accept the amendment to the amendment.

Mr. JONES of Arkansas. I move to strike out in line 13 the words "appropriated in this act that," and in line 14 to strike out the word "are" and insert "hereafter"; so as to read:

That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. Perhaps the Senator is ready now to go back and agree to the amendment on page 28, which we passed over.

Mr. JONES of Arkansas. There is a Senator absent who takes some interest in that amendment, who will not be here until to-morrow, and I should prefer that the amendment be passed over until he returns.

Mr. PETTIGREW. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, line 15, to increase the appropriation "for support, civilization, and instruction of the Shoshones and Bannocks, and other Indians of the Fort Hall Reservation, in Idaho," from "$20,000" to "$30,000."

The amendment was agreed to.

The next amendment was, on page 43, after line 16, to strike out:

For pay of physician at the New York Agency, $600.

The amendment was agreed to.

The next amendment was, on page 43, line 21, after the word "amount," to insert "after paying employees authorized by law"; and in line 23, after the words "Oklahoma Territory," to insert "South Dakota"; so as to make the clause read:

For support and civilization of the Ponca Indians, including pay of employees, $15,000: *Provided*, That this amount, after paying employees authorized by law, shall be divided per capita among all the members of said tribe in Oklahoma Territory, South Dakota, and in the State of Nebraska.

The amendment was agreed to.

The next amendment was, on page 43, after line 24, to insert:

For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska and South Dakota, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 45, line 3, to increase the appropriation "For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon," from "$5,000" to "$6,500."

The amendment was agreed to.

The next amendment was, on page 45, line 5, to increase the appropriation "For support and civilization of the Yakimas and other Indians," from "$8,000" to "$10,000."

The amendment was agreed to.

The next amendment was, on page 47, line 21, to strike out "David M. Jerome" and insert "David H. Jerome"; so as to make the clause read:

To pay balance due the commission appointed under act approved March 2, 1889, for per diem and expenses, as follows: Alfred M. Wilson, $1,245; Warren G. Sayre, $1,245; David H. Jerome, $1,245, commissioners; and Charles S. King, secretary, $702; in all, $4,437.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

For setting up and operating two portable steam sawmills on the Nez Perce Indian Reservation, Idaho, including transportation of mill machinery from the agency to the mill site, $3,130.

The amendment was agreed to.

The next amendment was, on page 48, line 25, after the word "leased," to insert "in the discretion of the Secretary"; and on page 49, line 2, after the word "by," to strike out "the Secretary" and insert "him"; so as to make the clause read:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $30,000: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased in the discretion of the Secretary upon such terms, regulations, and conditions as shall be prescribed by him, for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes.

The amendment was agreed to.

The next amendment was, on page 49, after line 15, to strike out:

To pay the expense of the preparation of a digest, under the direction of the Commissioner of Indian Affairs, of the decisions of the courts and the Interior Department, and the opinions of the Attorney-General relating to Indian Affairs, $3,000.

The amendment was agreed to.

The next amendment was, on page 49, line 21, after the word "irrigating," to strike out "machinery" and insert "tools"; and in line 24, after the word "dollars," to insert "and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed $75 per month each"; so as to make the clause read:

For the construction, purchase, and use of irrigating tools and appliances on Indian reservations, in the discretion of the Secretary of the Interior, and subject to his control, $30,000, and of this amount not exceeding $2,700 may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed $75 per month each.

The amendment was agreed to.

The next amendment was, on page 50, at the beginning of line 15, to strike out "to enable the Secretary of the Interior" and insert "That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State."

Mr. HOAR. In lines 17 and 18, on page 50, I move to strike out from the committee amendment the words "not more than two of whom shall be of the same political party." I think it is a most vicious principle of legislation for political parties to have the offices distributed between them. Suppose the best men in the country happen to be Populists, why should not they be appointed?

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts to the amendment reported by the committee will be stated.

The SECRETARY. In lines 17 and 18, on page 50, in the amendment of the committee, it is proposed to strike out "not more than two of whom shall be of the same political party."

Mr. PETTIGREW. This is a custom which has been established for some time, and it seems to me there is no good reason why it should be now changed. I think the Senator from Massachusetts ought to withdraw his amendment, or at least not propose it until his political party gets into power. This is a precedent, I think, established under the Administration of Harrison, and our Democratic friends being now in control of the Administration, I am disposed to let the custom continue, at least during this Administration. I hope the Senator will withdraw the amendment.

Mr. HOAR. It has nothing to do with my party. The very observation of my honorable friend from South Dakota seems to me to warrant the amendment, he suggesting because my party happens to be in the minority at present, or not in the possession of executive power, I should not now offer the amendment.

I think the whole system of recognizing the distribution of public offices between different political parties is vicious legislation, and I believe the Senate has come to that conclusion. I remember the question has been raised two or three times. Such a provision got into bills a few years ago, but every time the question has been raised that provision has been stricken out, according to my recollection. I think we may trust in the President of the United States, at any rate a majority of the people think they can trust in the President of the United States whom they elect, to deal with this thing properly and consistently. This practice tends to increase rather than to diminish the parceling out of offices as political spoils, and as the property of political parties to be distributed, saying, "We shall have our share and you shall have your share."

At any rate, I hope the Senator will permit the amendment to be adopted, because I believe his committee have several times in the last few years themselves concluded that such provisions had better be stricken out.

Mr. DANIEL. Mr. President, it seems to me the observation of the Senator from Massachusetts is not exactly just. I hope the provision of the amendment may be retained. There are many precedents for it. I am afraid that there might be some who would imagine that the Senator from Massachusetts seemed to think it entirely possible that all the best men belong to one party; and I want to break up any possibility of such an imagination.

Mr. HOAR. I will not say that, if my honorable friend will pardon me. I think a great many of the best men belong to the Democratic party, but I do not think that all of them do; perhaps not a majority; but there are certain classes of public officers, for instance, those acting as election officers, to whom the old system is applied; and whenever tellers are appointed in a legislative body their politics may be properly inquired into. Where, however, we are appointing officers for a particular duty, as in this case—and I desire to call the attention of my honorable friend from Virginia to it—where we are providing for a commission to negotiate with a band of Indians in the State of Washington, that system should not apply. It may be that there are two gentlemen whom the President or the Secretary of the Interior may discover who have an extraordinary knowledge of these Indians, who may have by residence among the Indians secured respect for their probity and character, who have dealt with them, perhaps having dwelt with the tribe, who should be appointed. There have been such instances in our history; but to put into an appropriation bill that no two of the members of a commission appointed to deal with an obscure tribe of Indians shall be of the same political party seems to me to be an extreme case of carrying the vicious principle to its most vicious extent.

Even if there are cases other than the cases of election officers to which that principle should be applied there are very few instances where, I suppose, both sides of the Chamber have not come to the conclusion that, as a general principle of legislation, it is all wrong.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Massachusetts?

Mr. DANIEL. I have already objected, sir. I do not care to debate it.

The PRESIDING OFFICER. The Chair did not understand the Senator. The Chair will then put the question on the adoption of the amendment.

Mr. DANIEL. I will say that it has been the almost universal practice in establishing public commissions to provide against their being monopolized by one party. It seems to me that the provision contained in the bill is just and liberal.

The Senator from Massachusetts [Mr. HOAR] says that two gentlemen might be so situated that they have some peculiar aptness for the position. That is true; and those two might be selected under this bill. What the amendment of the committee provides is that all three shall not be taken from the same political party; that only two shall be appointed from one political party. Certainly talents and attainments and fitness for the offices of public life are not so rare among the American people that we probably could not find three good men in any party competent to perform such duties. The object of the amendment is simply to make a fair, liberal, and representative commission. We respect this principle in the District of Columbia; we respect it even in the Civil Service Commission, and italicize our antagonism to partisanry in that Commission by selecting its members on account of their party relations.

Mr. HOAR. Suppose the Senator from Virginia should happen to be proposed for such an office, who is going to determine whether he belongs to a political party or not?

Mr. DANIEL. I could determine that for myself.

Mr. HOAR. I know, but that is not the principle of determination. The President has to determine it. There are a good many persons who call themselves Republicans as to whom it would be difficult to find that they entertain or hold or avow a single Republican principle, and there are many persons who call themselves Democrats of whom zealous Democrats would say they had not a single Democratic principle. I have heard eminent and zealous Democrats say that the present Chief Executive of the United States was not a Democrat and that they did not know of any Democratic doctrine he held. In order to find that a man does not belong to one political party, you have ordinarily to ascertain that he does belong to another—not always, but usually—and the Chief Executive of the United States would be bound to inquire into political opinion. If a man does not choose to avow his political opinions at all, is he to be disqualified from office by law if he is the fittest person for the office? An eminent chief justice of New Hampshire did not vote for some forty years, or during the whole time he held a judicial office.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the committee.

Mr. PETTIGREW. It seems to me that this bill as it comes from the committee and in this respect is entirely proper. Where we purchase an Indian reservation where the Indians have taken allotments in severalty and become citizens of the United States, in making negotiations with them it seems to me that both political parties should be properly represented. The Indians belong to both political parties, and there are chances in making the negotiations to favor one party over another among the Indians, to grant privileges for the purpose of influencing them to vote the ticket of a particular political party. There is as much reason why these commissioners should be of both political parties as there is that the judges at an election should be of both political parties. The provision is founded on reason, and is placed in the bill for a good purpose.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts to the amendment of the committee. [Putting the question.] The "noes" appear to have it.

Mr. HOAR. I call for a division.

The PRESIDING OFFICER. The Chair will again put the question.

Mr. PETTIGREW. I suggest that we let the amendment go over until to-morrow.

Mr. HOAR. Very well; I will consent to that.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after the word "desirable," at the end of line 22, to strike out "by said Secretary of the Interior"; so as to read:

To enable the Secretary of the Interior to negotiate with the Yakima Indians in the State of Washington for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable, any agreement thus negotiated being subject to subsequent ratification by Congress, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 51, to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with the Indians residing upon the Fort Hall Reservation in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000, and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

Mr. HOAR. I should like to ask my honorable friend from South Dakota if the negotiation with the Yakima Indians must necessarily be made by people of different political parties because there are political parties among the Indians, and one political party will get the advantage of the other unless you have two commissioners at least of different political parties, why at the same time this negotiation with the Uncompahgre tribe of Indians and with the Indians residing upon the Uintah Reservation, the Fort Hall and other reservations, should be conducted by one man who is a very zealous member of one political party? Why do you not have some Republican associated with the Secretary of the Interior in making this great number of negotiations?

Mr. PETTIGREW. I will accept an amendment by the Senator to that effect.

Mr. HOAR. Then, in order that we may have the principle carried out, I move to insert after "Secretary of the Interior," in line 1, on page 51, in the amendment of the committee, the words, "associating with himself some other person of a different political faith from his own."

Mr. PETTIGREW. I will accept the amendment.

The amendment to the amendment was agreed to.

Mr. CANNON. I suggest to the Senator in charge of the bill that he incorporate in the amendment proposed by the committee the words of the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment just read, on page 51, the following:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. PETTIGREW. I have no objection to that amendment.

Mr. CHILTON. I object to that amendment. It is the old question which has been discussed here time and time again.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Utah to the amendment reported by the committee.

Mr. HOAR. I should like to ask my honorable friend from South Dakota why, in this matter, they did not carry out the sublime principle about different political parties?

Mr. LODGE. This is to be added to the amendment reported by the committee, as I understand it.

Mr. PETTIGREW. It is an amendment to the amendment.

Mr. LODGE. It is not the creation of a new board.

Mr. HOAR. The Senator says there is no such provision in the amendment. However, I will not raise the question.

Mr. CANNON. I did not understand the nature of the objection offered by the Senator from Texas [Mr. CHILTON] to the proposed amendment, not being able to hear him.

Mr. CHILTON. In order to simplify the matter I raise the point that it is new legislation, general legislation.

The PRESIDING OFFICER. The Chair is of the opinion that the point is not well taken.

Mr. CHILTON. Then I simply object to the amendment to the amendment upon its merits. I do not think it is a good principle to go into the bill. I ask for a vote upon it. I have no desire to discuss the matter, because it has been talked about here time and time again. The question is stale, so to speak, and it will do no good now to discuss it over again. I am perfectly willing to submit it to the Senate on its merits.

Mr. ALLISON. I ask that the amendment may again be read.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. It is proposed to insert the following at the end of line 13, page 51:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. CANNON. Mr. President, it does not seem to me that it makes any difference how often a question has been discussed or how many times it has been temporarily settled. No question is settled until it is settled right. I do not see how any advocate of home rule can object to an amendment of this character, which proposes that in a matter of vital interest concerning any State or Territory a majority of the board to make negotiations shall be

residents of that State or Territory. Those people know best the conditions surrounding a reservation; they can perform the service more efficiently, and certainly, as has been demonstrated, with greater economy to the Government than if a board shall be imported to negotiate with the Indians on the several reservations.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. CANNON] to the amendment reported by the committee.

Mr. CHILTON. Let us have the yeas and nays on that.

Mr. PETTIGREW. With the consent of the Senator from Texas, we will let the paragraph go over until to-morrow.

Mr. CHILTON. Very well.

The PRESIDING OFFICER. The Chair understands the suggestion of the Senator from South Dakota [Mr. PETTIGREW] to be that the amendment reported by the committee shall be passed over.

Mr. PETTIGREW. The amendment reported by the committee and the amendment proposed by the Senator from Utah to the amendment.

The PRESIDING OFFICER. The amendments will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 51, after line 13, to strike out:

For surveying the Indian reservations in South Dakota, $20,000, to be immediately available.

And to insert:

To enable the Commissioner of the General Land Office to extend the public-land surveys over the Cheyenne and Rosebud Indian reservations in the State of South Dakota, including examinations in the field and the necessary clerical work, $35,000, to be immediately available.

Mr. PETTIGREW. I move to insert what I send to the desk in place of what is proposed to be substituted by the committee. It is practically the same provision, with an increase of $1,000 for office and clerical work, which the officer says is necessary.

The SECRETARY. It is proposed to insert in lieu of the matter reported by the committee:

For the survey of lands in the Cheyenne River and Rosebud Indian reservations, in South Dakota, the sum of $30,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations. For examination in the field of the survey of lands within the Cheyenne River and Rosebud Indian reservations, in South Dakota, under the direction of the Surveyor-General, including clerical work in the office of the Surveyor-General, the sum of $6,000.

Mr. JONES of Arkansas. I suggest that the amendment to the amendment go over with the other amendments which have been passed over, and be printed, so that we can see just the form in which it is proposed.

Mr. PETTIGREW. I have no objection to that course.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be passed over.

The reading of the bill was resumed and continued to the end of line 9, on page 52.

Mr. PETTIGREW. I move to increase the amount to $6,000, for the reason that that sum will construct two wells instead of one. Five thousand dollars is too much for one well and not enough for two, and two wells are necessary at that place.

The SECRETARY. In line 9, page 52, it is proposed to strike out the word "five" and insert "six"; so as to make the clause read:

To enable the Secretary of the Interior to put down an artesian well or wells at or near Lake Andes, on the Yankton Indian Reservation, S. Dak., at such place or places as he may determine, for the purpose of supplying said Indians with water for domestic purposes, for stock, and for irrigation purposes, $6,000.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls attention to the fact that the next six pages of the bill constitute amendments and asks the advice of the Senate as to how much of each shall be considered by itself, or whether it shall all be considered together.

Mr. JONES of Arkansas. Down to line 7, on page 54, concludes the first subject.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 9, page 52, the Committee on Appropriations report to insert:

Surveying lands in the Indian Territory: For the continuation of the survey of the lands in the Indian Territory, $200,000, or so much thereof as may be necessary, to be immediately available: *Provided*, That the surveys herein authorized, or any part of them, in the Indian Territory shall be made under the supervision of the Director of the Geological Survey by such persons as may be employed by or under him for that purpose. And such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisicnal surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office ard one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That all laws inconsistent with the provisions hereof are hereby declared to be inoperative as respects such surveys: *Provided further*, That hereafter in the public-land surveys of the Indian Territory iron or stone posts shall be erected at each township corner, upon which shall be recorded the usual marks required to be placed on township corners by the laws and regulations governing public-land surveys; also, that similar monuments shall be established at the corners of the townships that have been already surveyed by the Geological Survey: *And provided further*, That the entire cost and transportation of such monuments to the Indian Territory shall not exceed $5,000, and the cost of the setting of the monuments in the areas already surveyed shall not exceed $2,500: *Provided further*, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in any court shall be fined not exceeding $250 or be imprisoned not more than one hundred days. All the fines accruing under this act shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of $25.

Mr. JONES of Arkansas. I move to amend the amendment in line 12, page 52, by striking out the word "two" and inserting "three" before the word "hundred."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 12, page 52, it is proposed to strike out "two" and insert "three"; so as to read:

Surveying lands in the Indian Territory: For the continuation of the survey of the lands in the Indian Territory, $300,000, or so much thereof as may be necessary, to be immediately available.

Mr. PETTIGREW. I do not think I object particularly to the amendment to the amendment, although $200,000 is all that the Department estimated for this purpose. The committee therefore thought that it would be as much as could properly be expended this summer.

Mr. JONES of Arkansas. The statement of the Senator from South Dakota is strictly true; but it is also true that the Geological Survey made an estimate, which was submitted to the Interior Department, in which they made the statement that $300,000 could economically be used this year; that $300,000 would enable the Geological Survey to complete the survey of this country during the present year, and that it will take $300,000 to complete the survey.

If $200,000 is given this year the work can not be completed until next year. If anything is to be done in the way of changing the condition of things in the Indian Territory, it is absolutely necessary that the survey shall be completed at the earliest possible day. It will cost no more money to have the work done this year and completed within the present calendar year than it will to have it extend over two years. It is desirable in every way that it shall be done as promptly as possible. I hope the amendment to the amendment will be adopted and that the committee will not object.

Mr. PETTIGREW. I think I shall have to take the sense of the Senate upon the amendment to the amendment, for the reason that the Committee on Appropriations refused by a vote, I think, to increase the amount.

Mr. CULLOM. I suppose the same can be said of every Territory where there is land unsurveyed that is said by the Senator from Arkansas [Mr. JONES] in reference to this matter; and if we begin to give all that can possibly be used we might as well settle upon that policy, and where there are surveys to be made proceed to give all that is wanted.

Mr. JONES of Arkansas. If the Senator from Illinois will allow me, I will state that there exists nowhere a condition similar to the condition in the Indian Territory. Congress is now debating the propriety of making certain radical changes in the form of government in the Territory. The very first step preliminary to carrying out any plan that may be adopted by Congress must be the survey of that country. It was agreed to in the treaty of Fort Smith of 1867. The survey of the country is absolutely preliminary. Nothing can be carried out until it is done, and if a bill should be passed during the present Congress providing for changes in the Indian Territory, it can not possibly be put into operation or take effect until the completion of this survey. It will take twelve months now to finish it if $300,000 is given, which is necessary, and if it is cut in two it will simply take two years to do a work which otherwise could be done in one.

Mr. CULLOM. Is there an official estimate or statement that $300,000 can be used this year?

Mr. JONES of Arkansas. I know that the Director of the Geological Survey made that estimate and sent it to the Secretary of the Interior. The Secretary of the Interior did not officially estimate for the $300,000, but I know that the Director of the Geological Survey made such an estimate and recommended an appropriation of $300,000.

This measure went to the Committee on Indian Affairs. It was examined by the Committee on Indian Affairs, and the amount of $300,000 was unanimously recommended and reported by the committee, and the matter went to the Committee on Appropriations. After careful examination by the Committee on Indian Affairs, there was no doubt among the members of the committee that the $300,000 proposed to be appropriated this year was absolutely necessary. Every member of the committee so believes and every member of the committee was in favor of such action being taken by the Senate.

Mr. CULLOM. It would seem to me that if the Secretary of the Interior had thought that $300,000 was necessary for the present year, he would himself have recommended it; and does it not in a degree indicate that he does not believe that more than $200,000 can be used profitably during the present year when he failed so to recommend?

Mr. JONES of Arkansas. It may be possible that the Secretary of the Interior does believe that, but I venture very gently to suggest that there are people who are more familiar with the facts existing in that country than is the Secretary of the Interior, and whose judgment would be of more weight there than his.

The Secretary of the Interior can have no doubt that an appropriation of only $200,000 now means that they will be two years in making the survey. It is only a question as to whether or not there will be a delay in making the survey. Putting into the pending bill $200,000 simply means that Congress does not intend to take any steps further for two years or more in the Indian country, as all the proposed legislation will be held back and can not become effective until the completion of the survey.

Mr. CHANDLER. Mr. President, I understand that while the Committee on Appropriations did not approve of $300,000, that sum was recommended by the Committee on Indian Affairs. Am I correct?

Mr. JONES of Arkansas. The Senator from New Hampshire is correct in that statement.

Mr. CHANDLER. Then, when the member of the Committee on Appropriations who is in charge of the bill objects to the increase, he is objecting not as chairman of the Committee on Indian Affairs, but as a member of the Committee on Appropriations. Am I right in my supposition, I ask the Senator from South Dakota?

Mr. PETTIGREW. I shall allow the Senator from New Hampshire to make his own speech.

Mr. CHANDLER. I wish to know in behalf of which opinion of the Senator from South Dakota I am to speak. I understand that the Committee on Indian Affairs, which knows all the circumstances connected with the opening of the Territory and knows the wants of the Territory, after a full investigation of the subject, came to the conclusion that there was special reason for expedition in the survey of those lands and therefore recommended $300,000, and that it is the judgment of the Senator from South Dakota that such an amount of money ought to be expended.

That being the case, it seems to me we might in this one instance recognize the opinion of the Committee on Indian Affairs. We may differ with it on other occasions, and very likely we shall with reference to matters upon this bill, but here is a case where I am willing to follow the judgment of the Committee on Indian Affairs, which certainly I believe has investigated this question more carefully than has the Committee on Appropriations.

I do not see why the Senator from South Dakota, as chairman of the committee, representing the Committee on Indian Affairs, should have allowed himself to be overruled on this question by the formidable committee of which he finds himself a member at the present session. It seems to me he should speak right out here in favor of what he believes ought to be appropriated in this case.

Mr. HAWLEY. I suggest that the chairman of the Committee on Appropriations promise that we shall have the remainder of the money next December, after the Presidential election.

Mr. ALLISON. The Senator from Connecticut makes a very wise suggestion. I shall do a great many things, I have no doubt, next year after the Presidential election. We always do.

It does not require any very great investigation to determine whether we ought to appropriate $200,000 or $300,000 in this case. A year or two ago it seemed to be necessary that the survey should be made quickly, and if my recollection serves me correctly the Committee on Indian Affairs last year recommended that we should appropriate $500,000 or $600,000, I have forgotten which, to complete the survey in the Indian Territory. The Senator from Arkansas [Mr. JONES] can tell me if I am mistaken as to the amount.

Mr. JONES of Arkansas. When the first recommendation was made, something like a year ago, the estimate made by the Geological Survey was that the survey could be completed, I think, for $425,000. After some examination it was ascertained that the amount necessary would be larger, and now it is thought to be $500,000.

Mr. ALLISON. Last year the Committee on Appropriations recommended and the two Houses agreed to an appropriation of $200,000 to progress with the survey in the Indian Territory, in anticipation that it would be a reasonable sum to be applied to this purpose in connection with the other sums that are annually applied to public surveys. This year those in charge of this subject as administrative officers of the Government recommended an additional $200,000, and that sum is found in the Book of Estimates.

As a concession to those who think, and there are a good many people who so think, that the survey should be made at the earliest practicable moment, the Committee on Appropriations, in recommending the appropriation of the sum fixed in the estimate, authorized that it should be made immediately available. So it is proposed to have the $200,000 for the current year and the $200,000 for next year lap over upon each other, so that there shall be no hiatus in the work.

It is proposed now that we shall increase the amount beyond the estimates. I do not think that is a wise thing to do. A point of order, I think, would lie against the amendment proposed by the Senator from Arkansas to the amendment. I do not propose to make it, but it seems to me that if we go beyond the estimates, which are very large as to these various appropriations, we will find some difficulty in meeting the expenditures. So far as I have been able to judge, there is not the necessity for haste as to surveys suggested by the Senator from Arkansas. I do not believe it is possible, with the legislation which is to be proposed before we finish the pending bill, shortly to get the Indian Territory into a condition where allotments can be made to the Indians, and that is the object of this hasty survey, in order that we may tear up by the roots, as it were, the Indian Territory, and compel the Five Civilized Tribes to take allotments of land in the Territory, and make such disposition as Congress may see fit to provide as respects the remainder.

I believe that in the matter of surveys it would be wise to make haste slowly. The Indians of the Territory are utterly opposed to the legislation which we are likely to put upon the bill before we get through with it. I submit that there is no such necessity for haste as requires that we shall expend in the present and the next fiscal year $300,000 for this single purpose. It may be that when next winter comes, if we find that the work is progressing fairly well and that an additional hundred thousand dollars can be used wisely early in the season or even during the next fiscal year, we can appropriate an additional sum and make it immediately available, as this is to be made immediately available.

I suggest to my friend the Senator from Arkansas not to press too hard the question of making surveys of these Indian lands so as to complete them in great haste. I have no doubt the Geological Survey is making a very good survey of the Territory in every particular, but I submit that $200,000, making $400,000 which may be expended within a period of eighteen months for this purpose, in consideration of the other things which we are to do or which probably we will do during the present session, is a sufficient sum of money, especially when the Five Civilized Tribes do not desire that this work shall be hastened.

Mr. TELLER. Mr. President, I do not like to differ with the chairman of the Committee on Appropriations, but I am myself satisfied that $300,000 can be expended and that it will be in the interest of economy to give $300,000 instead of $200,000. Unless the sum be made immediately available the surveys would have to cease. There is no money to run them until July. They will then have this summer and next winter, and by the following spring the work ought to be done.

It can be done much more cheaply by the appropriation of $300,000 than it can with $200,000. It can be done much more cheaply in winter time than in summer. Winter is the proper time to make the surveys. In the first place, a good portion of that country is covered with short shrubbery or trees, which, in the summer time, when the leaves are on, necessitate cutting paths as the surveyor goes. In the winter time, when the leaves are off, he can manage without cutting.

I do not know but that it is necessary to go slowly in this matter because the question we are to determine in settling the Indian question in the Territory is an exceedingly difficult one. But it is one we can not neglect very much longer. Neither in the interest of the Indians nor in the interest of the whites can it be neglected. I know, of course, as the chairman of the Committee on Appropriations says, that the Indians are very much opposed to these surveys. The surveys ought to have been made under our treaties years and years ago. No portion of that country except the Choctaw and Chickasaw lands has been surveyed, and the Indians are opposed to making the survey for the simple reason that a small number of Indians in the Indian Territory control everything there.

Nobody has a conception of the condition of that country who has not been there or who has not at least followed the report of the commissioners who have been sent there. There are at least, I suppose, five white men in the Territory to every Indian, and the country is now divided up and parceled out to tenants. One man, who is married to an Indian wife, has 400 farms in that country rented to white people. Another, who is an Indian by birth and blood, admitted to me that he had 160 farms from which he was drawing rent. The common Indian, the full-blooded Indian, is living in the brush somewhere cultivating perhaps 4 or 5 or 10 acres at the most and keeping a few cattle. These other Indians are getting rich, and they are becoming so at the expense of the great body of the Indians of that country. This land was given to the Indians for the benefit of all and not of a few, and unless some system is devised, unless the Government of the United States

puts its strong hand upon the people there, the few are to take all the profits and all the advantages and all the benefits that the Government intended to confer upon all, and the masses will get nothing.

I know, Mr. President, that it is a difficult question. You have to tear up the treaties by the roots, but you have to do it. You can not go along in that way with three or four hundred thousand white people there, who are denied every privilege of citizenship, who are denied access to the schools, who are strangers in a strange land, their children growing up in ignorance. When the Indians of the Territory opened the country to white people, they abandoned the exclusive privilege which the Government had undertaken to guarantee, that they might remain there isolated and alone, and if they have broken faith with the Government they can not complain if the Government now says, "We will recognize a condition which you have brought upon the country by your own conduct."

I believe that those Indians should be protected in every dollar of property that they have. I would have nothing to do with any measure that does not maintain strict justice on the part of the United States with reference to their property rights, but the political question is one which we have to settle not only as to the Indians in the Territory, but with respect to the whites, and, as was said by the Senator from Arkansas [Mr. JONES], the very first step is to divide up the lands.

Mr. President, if I had my way I would consult these Indians as to how they should be dealt with. But they have declined for two years to even consult with our commission that we sent there. They declined to participate in the settlement of this question, and, as I said to some of them two years ago, I say now, if they decline to assist us in settling this difficult question we shall be bound to settle it for ourselves without their aid.

Mr. JONES of Arkansas. Mr. President, the Senator from Iowa, the chairman of the Committee on Appropriations, is a just man and I am perfectly satisfied that when the amendment which is to be proposed later to the bill comes up for consideration and the facts are presented to the Senate, as they will be presented by gentlemen who have devoted their time to the full and careful examination of this question, he will not believe then that it is our duty to make haste slowly in undertaking to change the condition of things that now exist in the Indian Territory.

Mr. ALLISON. If I made that statement, I did not wish to be so understood.

Mr. JONES of Arkansas. I so understood the Senator.

Mr. ALLISON. I said that it was wise as respects these surveys—I alluded only to the surveys—not to go so rapidly when in the very nature of things it will be impossible for us to deal wholly with this question the present fiscal year.

Mr. JONES of Arkansas. That statement is strictly true. It will be impossible for us to deal with the question during this year, but before we can begin to deal with the question in an intelligent way there must be a survey of the country. It is the preliminary step, as stated by the Senator from Colorado. It is absolutely necessary. It will be the first thing done, and it ought to be completed at the earliest possible day. With $300,000 appropriated in this bill the survey can be completed during the calendar year, in my opinion, and during the next year steps can be inaugurated which will result in settling this question. But if we delay the survey through another year, then anything proposed must necessarily be delayed at least twelve months more.

It seems to me that motives of humanity require that there shall be no delay in this step to be taken. The condition of things existing there, as stated by the Senator from Colorado, is absolutely almost incredible. Those lands are held by a favored few in enormous tracts. They are renting them to white men who are living among the Indians, and those who are the owners of that country, who are entitled to its possession and use, are absolutely deprived of its use. There are lists which can be submitted here to show the names of individuals who hold probably from 5,000 to 40,000 acres each, while hundreds and thousands of Indians, who are Indians by blood and who are entitled to an equal share in the use of the land under treaties with the United States, who have the plighted faith of the Government of the United States that they shall have and enjoy equal rights in the Territory, have absolutely no rights at all. It is a disgrace to this Congress that that condition of things is allowed to exist, and the longer it exists the worse it is for them and for us.

I sincerely hope, Mr. President, that the Senate will allow a sufficient sum of money to be appropriated to complete the surveys during this year.

Mr. CHANDLER. Mr. President, I do not undertake to express an opinion as to the large question of the policy which should be adopted in dealing with the Indian Territory. I confine myself to the narrower question whether these lands shall or shall not be surveyed.

When the Senator from Iowa says that more is being given here than the estimate, my answer is that it is for Congress to determine what the policy shall be with reference to these surveys, how fast they shall proceed, how much they shall be delayed; and when I find that the Committee on Indian Affairs of this body has determined that it is wise and expedient to expedite the surveys the fact that the Department has not expected to expend so large a sum as $300,000 during the coming year has no weight with me.

I accept the conclusion of the Committee on Indian Affairs that these surveys ought to be expedited, and I am convinced by the remarks of the Senator from Arkansas [Mr. JONES] and by the remarks of the Senator from Colorado [Mr. TELLER] that whatever policy is pursued with reference to these Indians, however rapidly or however slowly we proceed in solving the troublesome questions that exist in reference to the Territory, the survey, the policy of making which has been already determined upon, ought to proceed with all possible rapidity, and upon that idea and that idea alone I shall give my vote for the amendment proposed by the Senator from Arkansas to the amendment of the committee.

I think the Senator from Iowa will concede, without reference to the amount that may have been estimated for by the Department, that when a committee of this body charged especially with this subject comes to the conclusion that the surveys ought to be expedited by the appropriation of a larger sum of money, it is not a sound argument for the Senator to make that because he is opposed to the policy which is proposed for adoption, to follow as the result of the surveys, the surveys themselves ought to be crippled by an inadequate appropriation. I do not think the Senator from Iowa really meant that that was his motive in resisting the appropriation. If he did mean it, I simply say I dissent from it, and wish to vote according to the merits of the proposition how much money can be wisely expended in carrying out the policy which has been determined upon, of expediting the surveys, and whether I am in favor of or am against the policy that is to follow the surveys I am not willing, as the Senator says he is willing, to hinder the surveys and make them proceed more slowly than they would otherwise proceed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. I move to amend the amendment by striking out, in line 10, the word "continuation" and inserting the word "completion"; so as to read:

For the completion of the survey of the lands in the Indian Territory, $300,000, or so much thereof as may be necessary.

Mr. JONES of Arkansas. That is right.

The amendment to the amendment was agreed to.

Mr. ALLISON. I also move to amend the amendment on page 54 by striking out the word "act," in line 1, and inserting the word "paragraph"; and I move the same amendment in line 5. These provisions were taken bodily from a section, I believe, of a bill that is now pending on our Calendar, and in remodeling the pending bill so as to place it in harmony with the appropriation the word "act" was inserted, I suppose accidentally.

Mr. PETTIGREW. Undoubtedly.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee, striking out the word "act" and inserting the word "paragraph" in the lines indicated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 54, after line 7, to insert:

In payment, under direction of the Secretary of the Interior, to certain Chippewa Indian allottees of the Isabella Reservation, in Michigan, as their interests may appear, being the sums recovered by the United States as judgments against certain parties for timber depredations committed within said reservation upon lands which have been allotted and patented to individual Indians, and covered into the Treasury of the United States, $1,121.62.

The amendment was agreed to.

The next amendment was, on page 54, after line 16, to insert:

That any adult Peoria or Ottawa Indian, an allottee under any act of Congress, may, with the approval of the Secretary of the Interior, sell and convey to the Miami Town Company, a company chartered under the laws of Kansas, 40 acres of ground near Miami, Ind. T., to be used exclusively for cemetery purposes and no other: *Provided*, That 40 acres shall not exceed half of his or her allotment.

The amendment was agreed to.

The next amendment was, on page 54, after line 23, to insert:

To reimburse N. J. Cramer, of Yankton, S. Dak., amount paid by him to the United States as stumpage for 400 cords of wood furnished to the Government at Fort Bennett, S. Dak., in 1878, $300.

The amendment was agreed to.

The next amendment was, on page 55, after line 3, to insert:

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart, under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court,

with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and the Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

Mr. NELSON. Mr. President, this amendment in the bill in its present form ought not to be adopted. The object of the amendment is to allow a certain band of Indians, called the Fond du Lac band of Indians in Minnesota, to bring an action against the United States for the purpose of recovering a judgment at the rate of $1.25 an acre for the difference in the lands in the reservation assigned to them under the treaty of 1854 and the lands they claim they ought to have had.

I will state the reason why the amendment should not pass, at least in its present condition. In January, 1889, Congress passed an act for the relief and civilization of the Chippewa Indians in Minnesota. It provided for the cession and relinquishment of a good deal of their lands and for the disposal of them to the public in two methods, classing the lands into agricultural and pine lands, the agricultural lands as homesteaded at the rate of $1.25 an acre and the pine lands at public sale after an appraisal at the rate of $3 per thousand feet, and not less. The chief body of these lands constituted what was known as the Red Lake Reservation, really the property of the Red Lake tribe of Indians, who occupied it. Something like two million or two million and a half acres have been obtained under this legislation.

That act provides that all these Indian lands in Minnesota shall be disposed of in the manner I have indicated, and that the proceeds shall be divided among all the Indians equally, giving the band of Fond du Lac Indians their pro rata share with all the other Chippewa Indians in Minnesota in respect to the Red Lake Reservation lands.

Here is the clause of the act of 1889, which is germane and bears on this question:

SEC. 7. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, etc.

These Fond du Lac Indians are made a sharer of this fund. They not only get what their own little reservation would bring them on a sale, but they are allowed to come in with all the other Chippewa Indians in Minnesota and take their pro rata share of the proceeds of those Red Lake lands. Nearly 2,000,000 acres of those lands are now surveyed, and will be put upon the market as homesteads this spring at $1.25 an acre. There are some three or four hundred thousand acres of valuable pine land that will be sold at public sale to the highest bidder at not less than the appraised value, which can not be less than $3 per thousand feet, board measure, of the pine on the land.

If that act is honestly administered and all those lands sold and disposed of according to the letter and spirit of the act, they will produce a fund of over $3,000,000 for the Chippewa Indians in Minnesota, and the Fond du Lac Indians will have their share with the other Indians. That being the case, I insist that they ought not to have authority to come in with this petty claim and seek to get a judgment against the United States for the difference between the reservation that was allotted them, a little reservation near Duluth, and what they claim they ought to have had. If they are given this right of action at all, it ought to be with the proviso that whatever benefit they get under the act of 1889, whatever income they derive from that act, shall be deducted from any claim that may be allowed as due them from the United States.

I therefore ask that the amendment be stricken out, or, if not stricken out, that it be amended so as to protect the interests of the United States. I think that whatever claim the Fond du Lac Indians may have against the United States the Government should be allowed to counterclaim the benefits which they are given under the act of 1889.

Mr. PETTIGREW. I should like to ask the Senator from Minnesota, conceding his claim that the proceeds of the sale of the reservation at Red Lake is a compensation to these Indians for the loss of their lands, what objection there is to an adjustment?

Mr. NELSON. The amendment is not an adjustment, but it gives them something which they never had before. It takes all the Indians in Minnesota and makes them a sharer of the Red Lake lands. The chief body of lands was the Red Lake Reservation. In its original state it was over 3,000,000 acres. The Indians still reserve something like from 800,000 to 1,000,000 acres. At least 2,000,000 acres are open, and the Red Lake Indians divide the proceeds of the lands under the law of 1889. The proceeds of those 2,000,000 acres are, if I may use a slang expression, pooled for the benefit of all the Indians, and these Fond du Lac Indians come in and get their share of the proceeds of the Red Lake lands. For that reason I say that, in equity and good conscience, whatever claim the Fond du Lac Indians may have against the United States under the old treaty the United States ought to be credited and this bill ought to make provision that the United States shall be credited with all the benefits that the Fond du Lac Indians will get under the act of 1889.

The PRESIDING OFFICER. What is the amendment proposed by the Senator from Minnesota?

Mr. NELSON. I move first to strike out this paragraph from the bill.

The PRESIDING OFFICER. The paragraph is an amendment inserted by the committee, and the Senator from Minnesota will accomplish his purpose by voting against the amendment of the committee.

Mr. PETTIGREW. It appears that these Indians were accorded a reservation on the St. Louis River in Minnesota some years ago; that the boundaries of their reservation were fixed by certain streams easily understood by the Indians; and that there was a clause placed in the treaty that the reservation should be bounded by these natural objects, but that it should not comprise less than 100,000 acres. The officers of the Government surveyed the reservation and confined it to an area of 100,000 acres. The Indians knew nothing about acres. They knew where a certain stream was and where certain boundaries were and where certain lakes were, but they knew nothing about the number of acres embraced. It appears that they were thus cheated out of over 100,000 acres in the reservation which they supposed they were getting.

These Indians have complained constantly of this treatment. In 1890 the Senate passed a resolution instructing the Secretary of the Interior to look into this matter and see what the Indians understood, and he reported that they understood the boundaries to be the natural objects and that they never agreed to any other boundaries than those embraced within the natural objects.

The Committee on Indian Affairs investigated the matter and reported in favor of this amendment, and it was adopted by the Committee on Appropriations. It simply provides that the Court of Claims shall look into this matter, taking into consideration all of the questions, and pass upon the question as to whether the Indians are entitled to the additional 100,000 acres of land or not, and if they are found to be entitled to it, they are to be compensated at the rate of $1.25 per acre.

It seems to me that the treaty made with regard to the Red Lake Reservation has nothing to do with this question whatever. If Congress has made some provision gratuitously to these Indians, it has nothing to do with their rights under the treaty, and the amendment of the committee ought to remain as a part of the bill.

Mr. CALL. I ask the Senator from South Dakota if he has any objection to an adjournment at this time.

Mr. PETTIGREW. I should like to continue with the consideration of the bill until half past 5.

The VICE-PRESIDENT. Does the Senator from Florida submit a motion?

Mr. CALL. Unless the Senator in charge of the bill is especially desirous to continue the further consideration of the bill this evening, I suggest that we may as well adjourn.

Several SENATORS. Let us adjourn.

Mr. PETTIGREW. As there seems to be a general desire on the part of Senators to adjourn, I shall not insist upon remaining in session longer.

## PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER. Before the motion to adjourn is put, I desire to state that the Senator from New York [Mr. HILL] and myself had a conversation this afternoon with respect to the resolution proposing to investigate the bond issue, of which I have been talking to the Senate several times lately. The Senator from New York is obliged to leave the city to-morrow and is not going to return until probably next Tuesday. I ask unanimous consent for an agreement that next Tuesday, at fifteen minutes past 2 o'clock, the Senate will proceed to the consideration of the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. CALL. At what hour? Fifteen minutes past 1?

Mr. ALLEN. No; fifteen minutes past 2.

Mr. CALL. Why not take it up after the routine business?

Mr. HILL. Then it would be cut off by 2 o'clock.

Mr. CALL. All right.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 9, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 8, 1896.*

POSTMASTERS.

James Clyne, to be postmaster at Benicia, in the county of Solano and State of California, in the place of Frederick P. Weinman, whose commission expired December 16, 1895.

William F. Mariante, to be postmaster at San Leandro, in the county of Alameda and State of California, in the place of Charles H. Gray, whose commission expired December 16, 1895.

Weston L. Stiles, to be postmaster at Suffield, in the county of Hartford and State of Connecticut, in the place of Richard Jobes, whose commission expired February 27, 1895.

Theodore Trowbridge, to be postmaster at Decatur, in the county of Van Buren and State of Michigan, in the place of May F. Nicholson, whose commission expired December 16, 1895, Edward Arnold having been nominated through a clerical error, instead of Theodore Trowbridge, and confirmed by the Senate, but not commissioned.

James McCarty, to be postmaster at Rockville Center, in the county of Queens and State of New York, in the place of John T. Davison, whose commission expired December 17, 1895.

John H. Keelin, to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island, in the place of J. Clarence Reeve, whose commission expired February 23, 1896.

C. C. Lockett, to be postmaster at Kerrville, in the county of Kerr and State of Texas, in the place of Albert Endere, whose commission expired December 23, 1895.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 8, 1896.*

GOVERNOR OF ARIZONA.

Benjamin J. Franklin, of Phœnix, Ariz., to be governor of Arizona.

POSTMASTERS.

Isaac O. Epes, to be postmaster at Blackstone, in the county of Nottoway and State of Virginia.

J. A. B. Bear, to be postmaster at Paola, in the county of Miami and State of Kansas.

Charles Laurence, to be postmaster at Owosso, in the county of Shiawassee and State of Michigan.

George W. Merrill, to be postmaster at Orange, in the State of Massachusetts.

Mollie E. Goolsby, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

Richard P. Nelson, to be postmaster at Juneau, in the Territory of Alaska.

I. B. Barnes, to be postmaster at Ferndale, in the county of Humboldt and State of California.

Mary Hansborough, to be postmaster at University, in the county of Los Angeles and State of California.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 8, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

METRIC SYSTEM.

The SPEAKER. The House is now acting under the previous question——

Mr. FISCHER. Mr. Speaker, before the motion is put——

The SPEAKER. The House is now acting under the previous question, which has been ordered upon the House bill 7251, relating to the metric system, and the question now pending is whether the House will order the vote to be taken by the yeas and nays. Now, the gentleman from New York——

Mr. FISCHER. I rise for the purpose of asking unanimous consent to make a proposition.

The SPEAKER. The gentleman will state his request.

Mr. FISCHER. My request is that I may be allowed to interpose an amendment to this bill. I was cut off by the previous question being ordered, and I have since conferred with the chairman of the committee, and unless there is objection I ask that I may be allowed to propose an amendment, which is to strike out the word "only" in the third line of the second section of this bill, which will leave the measure so that if adopted it shall be the legal system of weights and measures, and leave it optional; whereas by leaving in the word it makes it the only legal system. I ask unanimous consent to offer that amendment.

Mr. BARRETT. I shall object unless it be made "a" legal measure instead of "the."

Mr. FISCHER. It is to-day by the law of 1866.

The SPEAKER. Objection is made; and the question is, Shall the vote be taken by the yeas and nays?

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 116, not voting 119; as follows:

YEAS—119.

| | | | |
|---|---|---|---|
| Adams, | Daniels, | Howe, | Russell, Ga. |
| Aitken, | Denny, | Howell, | Sauerhering, |
| Aldrich, Ala. | De Witt, | Hubbard, | Scranton, |
| Aldrich, Ill. | Dockery, | Hulick, | Shafroth, |
| Allen, Miss. | Doolittle, | Hunter, | Simpkins, |
| Allen, Utah. | Elliott, S. C. | Hurley, | Smith, Mich. |
| Apsley, | Ellis, | Jenkins, | Southard, |
| Avery, | Erdman, | Johnson, Ind. | Sparkman, |
| Babcock, | Fairchild, | Johnson, N. Dak. | Sperry, |
| Baker, Kans. | Fischer, | Kem, | Stahle, |
| Baker, Md. | Fowler, | Lawson, | Stone, C. W. |
| Baker, N. H. | Gardner, | Leighty, | Stone, W. A. |
| Barney, | Gillett, Mass. | Leisenring, | Strode, Nebr. |
| Bartholdt, | Griffin, | Leonard, | Strong, |
| Bell, Colo. | Griswold, | Lester, | Sulzer, |
| Bell, Tex. | Grout, | Linton, | Taft, |
| Blue, | Grow, | Loudenslager, | Tayler, |
| Brewster, | Hadley, | McCall, Mass. | Thomas, |
| Broderick, | Hager, | McClellan, | Towne, |
| Bromwell, | Hainer, Nebr. | McCormick, | Tracewell, |
| Brosius, | Halterman, | McEwan, | Treloar, |
| Brumm, | Hanly, | McRae, | Turner, Ga. |
| Burton, Ohio | Hardy, | Minor, Wis. | Underwood, |
| Colson, | Harmer, | Moody, | Walker, Mass. |
| Cook, Wis. | Harris, | Newlands, | Walsh, |
| Cooper, Fla. | Hart, | Odell, | Wellington, |
| Cooper, Wis. | Hemenway, | Otjen, | Williams, |
| Crowley, | Henry, Ind. | Overstreet, | Wilson, N. Y. |
| Crump, | Hill, | Patterson, | Woomer. |
| Danford, | Hitt, | Pearson, | |

NAYS—116.

| | | | |
|---|---|---|---|
| Arnold, R. I. | Ellett, Va. | Marsh, | Russell, Conn. |
| Atwood, | Evans, | McCall, Tenn. | Sayers, |
| Bailey, | Faris, | McCleary, Minn. | Shaw, |
| Barham, | Fenton, | McDearmon, | Shuford, |
| Barrett, | Fletcher, | McLaurin, | Smith, Ill. |
| Bartlett, Ga. | Gamble, | McMillin, | Spalding, |
| Bartlett, N. Y. | Gibson, | Meiklejohn, | Steele, |
| Belknap, | Grosvenor, | Mercer, | Stephenson, |
| Bishop, | Hatch, | Meredith, | Strait, |
| Black, Ga. | Heatwole, | Meyer, | Strowd, N. C. |
| Bowers, | Hepburn, | Milliken, | Sulloway, |
| Burrell, | Hilborn, | Milnes, | Swanson, |
| Calderhead, | Hopkins, | Money, | Talbert, |
| Cannon, | Huling, | Mozley, | Tawney, |
| Cobb, Ala. | Hull, | Noonan, | Terry, |
| Cobb, Mo. | Johnson, Cal. | Northway, | Tracey, |
| Cockrell, | Kerr, | Ogden, | Turner, Va. |
| Cooper, Tex. | Kiefer, | Otey, | Tyler, |
| Corliss, | Knox, | Owens, | Updegraff, |
| Cousins, | Lacey, | Parker, | Van Horn, |
| Curtis, Iowa | Latimer, | Payne, | Van Voorhis, |
| Curtis, Kans. | Lefever, | Perkins, | Walker, Va. |
| Dayton, | Lewis, | Pickler, | Warner, |
| De Armond, | Linney, | Pitney, | Washington, |
| Dinsmore, | Little, | Poole, | Watson, Ind. |
| Dolliver, | Livingston, | Pugh, | Wheeler, |
| Dovener, | Lockhart, | Reeves, | Wilson, Idaho |
| Draper, | Long, | Richardson, | Wood, |
| Eddy, | Low, | Royse, | Wright. |

NOT VOTING—119.

| | | | |
|---|---|---|---|
| Abbott, | Culberson, | Kyle, | Reyburn, |
| Acheson, | Cummings, | Layton, | Robertson, La. |
| Anderson, | Curtis, N. Y. | Lorimer, | Robinson, Pa. |
| Andrews, | Dalzell, | Loud, | Rusk, |
| Arnold, Pa. | Dingley, | Maddox, | Settle, |
| Bankhead, | Downing, | Maguire, | Shannon, |
| Beach. | Fitzgerald, | Mahany, | Sherman, |
| Bennett, | Foote, | Mahon, | Skinner, |
| Berry, | Foss, | McClure, | Snover, |
| Bingham, | Gillet, N. Y. | McCreary, Ky. | Sorg, |
| Black, N. Y. | Graff, | McCulloch, | Southwick, |
| Boutelle, | Hall, | McKenney, | Spencer, |
| Brown, | Harrison, | McLachlan, | Stallings, |
| Buck, | Hartman, | Miles, | Stewart, N. J. |
| Bull, | Heiner, Pa. | Miller, Kans. | Stewart, Wis. |
| Burton, Mo. | Henderson, | Miller, W. Va. | Stokes, |
| Catchings, | Hendrick, | Miner, N. Y. | Tate, |
| Chickering, | Henry, Conn. | Mondell, | Tucker, |
| Clardy, | Hermann, | Morse, | Wadsworth, |
| Clark, Iowa | Hicks, | Moses, | Wanger, |
| Clark, Mo. | Hooker, | Murphy, | Watson, Ohio |
| Clarke, Ala. | Howard, | Neill, | White, |
| Codding, | Huff, | Pendleton, | Wilber, |
| Coffin, | Hutcheson, | Phillips, | Willis, |
| Connolly, | Hyde, | Powers, | Wilson, Ohio |
| Cooke, Ill. | Jones, | Price, | Wilson, S. C. |
| Cowen, | Joy, | Prince, | Woodard, |
| Cox, | Kendall, | Quigg, | Woodman, |
| Crisp, | Kirkpatrick, | Raney, | Yoakum. |
| Crowther, | Kulp, | Ray, | |

So the bill was ordered to be engrossed and read a third time.

Mr. PENDLETON. Mr. Speaker, I have voted, but being paired with my colleague, Mr. CULBERSON, I desire to withdraw my vote. If my colleague were present, he would vote "nay" and I would vote "yea."

Mr. McCREARY of Kentucky. Mr. Speaker, I would like to vote "nay" if I could be permitted, but I do not know that I can be, as I was not in the Hall when my name was called.

The SPEAKER. The gentleman is not within the rule.

Mr. DALZELL. Mr. Speaker, I voted "yea," but I find that I am paired with the gentleman from Georgia, Mr. CRISP, and I withdraw my vote.

Mr. BURTON of Missouri. Mr. Speaker, I was with the Committee on the Judiciary, which is privileged to sit during the sessions of the House, and I came down as soon as I was notified that a roll call was pending. I desire to vote.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. BURTON of Missouri. Was not my absence privileged, the committee having leave to sit during the sessions of the House?

The SPEAKER. The Chair thinks not.

Mr. BURTON of Missouri. Well, if I could be permitted to vote I should vote "nay."

Mr. MILES. Mr. Speaker, I am paired with the gentleman from Nebraska [Mr. ANDREWS]. If he were present, I would vote "nay."

Mr. CURTIS of New York. Mr. Speaker, I do not know that I am entitled to vote, as I was not present in the Hall when my name was called.

The SPEAKER. The gentleman's vote can not be received.

The following-named members were announced as paired until further notice:

Mr. WHITE with Mr. HARRISON.
Mr. LORIMER with Mr. HUTCHESON.
Mr. HICKS with Mr. ROBERTSON of Louisiana.
Mr. TRACEWELL with Mr. HENDRICK.
Mr. SHERMAN with Mr. RUSK.
Mr. MORSE with Mr. PRICE.
Mr. JOY with Mr. COX.
Mr. ROBINSON of Pennsylvania with Mr. HALL.
Mr. MCCLURE with Mr. MINER of New York.
Mr. ARNOLD of Pennsylvania with Mr. WILSON of South Carolina.
Mr. CLARK of Missouri with Mr. NEILL.
Mr. BINGHAM with Mr. FITZGERALD.
Mr. DALZELL with Mr. CRISP.
Mr. LOUD with Mr. KYLE.
Mr. STEWART of Wisconsin with Mr. STALLINGS.
Mr. RANEY with Mr. COWEN.
Mr. DRAPER with Mr. TUCKER.
Mr. ANDREWS with Mr. MILES.
Mr. CROWTHER with Mr. LAYTON.
Mr. MILLER of West Virginia with Mr. WOODARD.
Mr. HENDERSON with Mr. ABBOTT.
Mr. SOUTHWICK with Mr. SORG.
Mr. CODDING with Mr. JONES until April 11.
Mr. BOUTELLE with Mr. TATE for this day.

For this vote:

Mr. BURTON of Missouri with Mr. SPENCER.
Mr. SHANNON with Mr. DOWNING.
Mr. PENDLETON with Mr. CULBERSON.
Mr. KULP with Mr. MADDOX.

Mr. DOCKERY. Mr. Speaker, in view of the fact that there has been a good deal of confusion, I think it desirable to have a recapitulation of the vote.

The Clerk recapitulated the vote.

Mr. DOCKERY. Mr. Speaker, I desire to change my vote from "nay" to "yea."

The name of Mr. DOCKERY was again called, and he voted "yea."

Mr. WHEELER. Mr. Speaker, I desire to change my vote from "yea" to "nay."

The result of the vote was then announced as above recorded.

[Applause.]

Mr. DOCKERY. Mr. Speaker, I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. CHARLES W. STONE. I move to lay the motion to reconsider on the table.

Mr. MCMILLIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question before the House is on the motion to lay on the table the motion to reconsider the vote just taken. As many as are in favor of laying the motion to reconsider on the table will, when their names are called, answer "aye;" those opposed, "no."

Mr. DOCKERY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. A vote in the negative would be a vote in opposition to the bill, as I understand the present parliamentary situation.

The SPEAKER. The Chair thinks that is so.

The question was taken; and there were—yeas 111, nays 133, not voting 110; as follows:

YEAS—111.

| | | | |
|---|---|---|---|
| Aldrich, Ala. | Baker, Md. | Blue, | Buck, |
| Aldrich, Ill. | Baker, N. H. | Brewster, | Burton, Ohio |
| Allen, Miss. | Barney, | Broderick, | Colson, |
| Allen, Utah | Bartholdt, | Bromwell, | Cook, Wis. |
| Avery, | Bell, Colo. | Brosius, | Cooper, Fla. |
| Babcock, | Bell, Tex. | Brumm, | Cooper, Wis. |
| Crowley, | Hainer, Nebr. | Leighty, | Simpkins, |
| Crump, | Halterman, | Leisenring, | Southard, |
| Curtis, N. Y. | Hanly, | Leonard, | Sparkman, |
| Danford, | Harris, | Lester, | Sperry, |
| Daniels, | Hart, | Linton, | Stahle |
| De Witt, | Hartman, | McClellan, | Stone, C. W. |
| Doolittle, | Hemenway, | McCormick, | Stone, W. A. |
| Elliott, S. C. | Henry, Ind. | McEwan, | Strode, Nebr. |
| Ellis, | Hill, | McRae, | Sulzer, |
| Erdman, | Hitt, | Minor, Wis. | Taft, |
| Fairchild, | Howe, | Moody, | Tayler, |
| Fischer, | Howell, | Odell, | Tracewell, |
| Foote, | Hubbard, | Otjen, | Treloar, |
| Gardner, | Huff, | Overstreet, | Turner, Ga. |
| Gillet, N. Y. | Hulick, | Patterson, | Underwood, |
| Gillett, Mass. | Hunter, | Pearson, | Walsh, |
| Griffin, | Hurley, | Phillips, | Wellington, |
| Griswold, | Jenkins, | Russell, Ga. | Wilber, |
| Grout, | Johnson, Ind. | Sauerhering, | Williams, |
| Grow, | Johnson, N. Dak. | Scranton, | Wilson, N. Y. |
| Hadley, | Kem, | Shafroth, | Woomer. |
| Hager, | Lawson, | Shannon, | |

NAYS—133.

| | | | |
|---|---|---|---|
| Arnold, R. I. | Dovener, | McCall, Tenn. | Shuford, |
| Atwood, | Eddy, | McCleary, Minn. | Smith, Ill. |
| Bailey, | Ellett, Va. | McCreary, Ky. | Spalding, |
| Baker, Kans. | Evans, | McDearmon, | Steele, |
| Barham, | Fenton, | McLachlan, | Stephenson, |
| Barrett, | Fitzgerald, | McLaurin, | Strait, |
| Bartlett, Ga. | Fletcher, | McMillin, | Strowd, N. C |
| Bartlett, N. Y. | Gamble, | Meiklejohn, | Sulloway, |
| Belknap, | Gibson, | Mercer, | Swanson, |
| Berry, | Grosvenor, | Meredith, | Talbert, |
| Bishop, | Hardy, | Milliken, | Tawney, |
| Black, Ga. | Hatch, | Milnes, | Terry, |
| Bowers, | Heatwole, | Money, | Towne, |
| Brown, | Hepburn, | Mozley, | Tracey, |
| Burrell, | Hopkins, | Noonan, | Turner, Va. |
| Burton, Mo. | Huling, | Northway, | Tyler, |
| Calderhead, | Hull, | Ogden, | Updegraff, |
| Cannon, | Johnson, Cal. | Otey, | Van Horn, |
| Clardy, | Kerr, | Owens, | Van Voorhis, |
| Clark, Iowa | Kiefer, | Parker, | Walker, Va. |
| Cobb, Ala. | Knox, | Payne, | Warner, |
| Cobb, Mo. | Kyle, | Perkins, | Washington, |
| Cockrell, | Lacey, | Pickler, | Watson, Ind. |
| Connolly, | Latimer, | Pitney, | Watson, Ohio |
| Cooper, Tex. | Lefever, | Poole, | Wheeler, |
| Corliss, | Lewis, | Prince, | Willis, |
| Cousins, | Linney, | Pugh, | Wilson, Idaho |
| Curtis, Iowa | Little, | Ray, | Wood, |
| Curtis, Kans. | Livingston, | Reeves, | Woodard, |
| Dayton, | Lockhart, | Richardson, | Wright, |
| De Armond, | Long, | Royse, | Yoakum. |
| Dinsmore, | Low, | Russell, Conn. | |
| Dockery, | Maddox, | Sayers, | |
| Dolliver, | Marsh, | Shaw, | |

NOT VOTING—110.

| | | | |
|---|---|---|---|
| Abbott, | Dalzell, | Layton, | Robertson, La. |
| Acheson, | Denny, | Lorimer, | Robinson, Pa. |
| Adams, | Dingley, | Loud, | Rusk, |
| Aitken, | Downing, | Loudenslager, | Settle, |
| Anderson, | Draper, | Maguire, | Sherman, |
| Andrews, | Faris, | Mahany, | Skinner, |
| Apsley, | Foss, | Mahon, | Smith, Mich. |
| Arnold, Pa. | Fowler, | McCall, Mass. | Snover, |
| Bankhead, | Graff, | McClure, | Sorg, |
| Beach, | Hall, | McCulloch, | Southwick, |
| Bennett, | Harmer, | McKenney, | Spencer, |
| Bingham, | Harrison, | Meyer, | Stallings, |
| Black, N. Y. | Heiner, Pa. | Miles, | Stewart, N. J. |
| Boutelle, | Henderson, | Miller, Kans. | Stewart, Wis. |
| Bull, | Hendrick, | Miller, W. Va. | Stokes, |
| Catchings, | Henry, Conn. | Miner, N. Y. | Strong, |
| Chickering, | Hermann, | Mondell, | Tate, |
| Clark, Mo. | Hicks, | Morse, | Thomas, |
| Clarke, Ala. | Hilborn, | Moses, | Tucker, |
| Codding, | Hooker, | Murphy, | Wadsworth, |
| Coffin, | Howard, | Neill, | Walker, Mass. |
| Cooke, Ill. | Hutcheson, | Newlands, | Wanger, |
| Cowen, | Hyde, | Pendleton, | White, |
| Cox, | Jones, | Powers, | Wilson, Ohio |
| Crisp, | Joy, | Price, | Wilson, S. C. |
| Crowther, | Kendall, | Quigg, | Woodman. |
| Culberson, | Kirkpatrick, | Raney, | |
| Cummings, | Kulp, | Reyburn, | |

So the House refused to lay on the table the motion to reconsider.

The following additional pairs were announced:

On this vote:

Mr. PENDLETON with Mr. CULBERSON.
Mr. DINGLEY with Mr. SPENCER.
Mr. REYBURN with Mr. MCCULLOCH.

For this day:

Mr. BEACH with Mr. BANKHEAD.
Mr. BULL with Mr. STOKES.

The result of the vote was announced as above stated.

The SPEAKER pro tempore (Mr. GROUT). The question now is, Shall the vote by which this bill was ordered to be engrossed and read the third time be reconsidered?

Mr. FISCHER and Mr. HURLEY called for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Mr. Speaker, what is the question upon which we are now to vote?

The SPEAKER pro tempore. The question is whether the vote by which this bill was ordered to be engrossed and read a third time shall be reconsidered. On that question the yeas and nays have been ordered.

Mr. DOCKERY. As I understand the parliamentary situation, it is this: Those who are opposed to the bill vote in the affirmative on this motion, and those in favor of the bill vote in the negative.

The Clerk proceeded to call the roll, but was interrupted by

Mr. WHEELER. Will the Chair explain to the House the effect of the vote on this question—what an "aye" vote means and what a "no" vote means?

The SPEAKER pro tempore. The Chair has stated the question, and thinks gentlemen ought to understand how to vote on it.

Mr. MILLIKEN. I find there is some uncertainty among members as to the effect of a vote "aye" or "no" on this question. I think the matter ought to be again stated by the Chair. As I understand, those who are opposed to the bill vote in favor of reconsidering the vote by which it was ordered to be engrossed and read a third time, and those in favor of the bill vote "no."

The SPEAKER pro tempore. The statement of the gentleman from Maine is correct, as the Chair understands it.

Mr. HOPKINS. What was the statement? We did not hear it.

Mr. OTEY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The question is, Shall the vote by which this bill was ordered to be engrossed and read a third time be reconsidered? Of course those who are in favor of reconsideration vote "aye"; and that vote, as the Chair supposes, would be against the bill, or would at least be in favor of another opportunity to take the sense of the House upon the question whether the bill should be ordered to be engrossed and read a third time.

Mr. BARRETT. I call for the regular order.

The SPEAKER pro tempore. The Clerk will proceed with the roll call. Will gentlemen please be quiet, that the responses may be heard.

Mr. OTEY. Mr. Speaker, I undertook a few moments ago to put a parliamentary inquiry to the Chair, but there was so much noise I could not make myself heard.

The SPEAKER pro tempore. The gentleman from Virginia will state his parliamentary inquiry.

Mr. OTEY. I should like to know whether those who oppose this bill should vote "aye" or "no" on this question?

The SPEAKER pro tempore. The Chair understands that an affirmative vote on this question now before the House would be in opposition to the bill, and a negative vote would practically be in favor of the bill. The Clerk will proceed with the roll call.

The question was taken; and there were—yeas 143, nays 99, not voting 112; as follows:

YEAS—143.

| | | | |
|---|---|---|---|
| Abbott, | Dovener, | Long, | Russell, Ga. |
| Arnold, R. I. | Eddy, | Low, | Sayers, |
| Atwood, | Ellett, Va. | Maddox, | Shaw, |
| Bailey, | Evans, | Marsh, | Shuford, |
| Baker, Md. | Faris, | McCall, Tenn. | Smith, Ill. |
| Barrett, | Fenton, | McCreary, Ky. | Snover, |
| Bartlett, Ga. | Fitzgerald, | McDearmon, | Steele, |
| Bartlett, N. Y. | Fletcher, | McLachlan, | Stephenson, |
| Belknap, | Gamble, | McLaurin, | Strait, |
| Berry, | Gibson, | McMillin, | Strowd, N. C. |
| Bishop, | Grosvenor, | Meiklejohn, | Sulloway, |
| Black, Ga. | Hanly, | Meredith, | Swanson, |
| Bowers, | Hardy, | Meyer, | Talbert, |
| Brown, | Hatch, | Milliken, | Tawney, |
| Burrell, | Heatwole, | Milnes, | Terry, |
| Burton, Mo. | Hemenway, | Money, | Towne, |
| Calderhead, | Hepburn, | Mozley, | Tracey, |
| Cannon, | Hilborn, | Noonan, | Turner, Va. |
| Clardy, | Hopkins, | Northway, | Tyler, |
| Clark, Iowa | Huling, | Ogden, | Updegraff, |
| Clark, Mo. | Hull, | Otey, | Van Horn, |
| Cobb, Ala. | Johnson, Cal. | Owens, | Van Voorhis, |
| Cobb, Mo. | Kendall, | Parker, | Walker, Va. |
| Cockrell, | Kerr, | Payne, | Walsh, |
| Connolly, | Kiefer, | Pendleton | Warner, |
| Cooper, Tex. | Kirkpatrick, | Perkins, | Washington, |
| Corliss, | Knox, | Pickler, | Watson, Ind. |
| Cousins, | Kyle, | Pitney, | Watson, Ohio |
| Curtis, Iowa | Lacey, | Poole, | Wheeler, |
| Curtis, Kans. | Latimer, | Prince, | Willis, |
| Dayton, | Lefever, | Pugh, | Wilson, Idaho |
| De Armond, | Lewis, | Ray, | Wood, |
| Dinsmore, | Linney, | Reeves, | Woodard, |
| Dockery, | Little, | Richardson, | Wright, |
| Dolliver, | Livingston, | Royse, | Yoakum. |
| Doolittle, | Lockhart, | Russell, Conn. | |

NAYS—99.

| | | | |
|---|---|---|---|
| Adams, | Crowley, | Hadley, | Johnson, N. Dak. |
| Aldrich, Ala. | Crump, | Hager, | Kem, |
| Aldrich, Ill. | Curtis, N. Y. | Hainer, Nebr. | Lawson, |
| Allen, Miss. | Danford, | Halterman, | Leighty, |
| Allen, Utah. | Daniels, | Harmer, | Leisenring, |
| Avery, | Denny, | Harris, | Leonard, |
| Baker, Kans. | De Witt, | Hart, | Lester, |
| Baker, N. H. | Ellis, | Hartman, | Linton, |
| Bartholdt, | Erdman, | Henry, Ind. | McCall, Mass. |
| Blue, | Fairchild, | Hill, | McClellan, |
| Brewster, | Fischer, | Hitt, | McCulloch, |
| Bromwell, | Foote, | Howe, | McEwan, |
| Brosius, | Gardner, | Howell, | McRae, |
| Brumm, | Gillett, Mass. | Hubbard, | Minor, Wis. |
| Burton, Ohio | Griffin, | Hunter, | Moudell, |
| Catchings, | Griswold, | Hurley, | Moody, |
| Colson, | Grout, | Jenkins, | Odell, |
| Cook, Wis. | Grow, | Johnson, Ind. | Otjen, |
| Robinson, Pa. | Sparkman, | Tayler, | Walker, Mass. |
| Sauerhering, | Sperry, | Thomas, | Wellington, |
| Scranton, | Stahle, | Tracewell, | Wilber, |
| Shafroth, | Stone, C. W | Treloar, | Williams, |
| Shannon, | Stone, W. A. | Turner, Ga. | Wilson, N. Y. |
| Simpkins, | Sulzer, | Underwood, | Woomer. |
| Southard, | Taft, | Wadsworth, | |

NOT VOTING—112.

| | | | |
|---|---|---|---|
| Acheson, | Cox, | Jones, | Powers, |
| Aitken, | Crisp, | Joy, | Price, |
| Anderson, | Crowther, | Kulp, | Quigg, |
| Andrews, | Culberson, | Layton, | Raney, |
| Apsley, | Cummings, | Lorimer, | Reyburn, |
| Arnold, Pa. | Dalzell, | Loud, | Robertson, La. |
| Babcock, | Dingley, | Loudenslager, | Rusk, |
| Bankhead, | Downing, | Maguire, | Settle, |
| Barham, | Draper, | Mahany, | Sherman, |
| Barney, | Elliott, S. C. | Mahon, | Skinner, |
| Beach, | Foss, | McCleary, Minn. | Smith, Mich. |
| Bell, Colo. | Fowler, | McClure, | Sorg, |
| Bell, Tex. | Gillet, N. Y. | McCormick, | Southwick, |
| Bennett, | Graff, | McKenney, | Spalding, |
| Bingham, | Hall, | Mercer, | Spencer, |
| Black, N. Y. | Harrison, | Miles, | Stallings, |
| Boutelle, | Heiner, Pa. | Miller, Kans. | Stewart, N. J. |
| Broderick, | Henderson, | Miller, W. Va. | Stewart, Wis. |
| Buck, | Hendrick, | Miner, N. Y. | Stokes, |
| Bull, | Henry, Conn. | Morse, | Strode, Nebr. |
| Chickering, | Hermann, | Moses, | Strong, |
| Clarke, Ala. | Hicks, | Murphy, | Tate, |
| Codding, | Hooker, | Neill, | Tucker, |
| Coffin, | Howard, | Newlands, | Wanger, |
| Cooke, Ill. | Huff, | Overstreet, | White, |
| Cooper, Fla. | Hulick, | Patterson, | Wilson, Ohio |
| Cooper, Wis. | Hutcheson, | Pearson, | Wilson, S. C. |
| Cowen, | Hyde, | Phillips, | Woodman. |

So the motion to reconsider was agreed to.

The following additional pair was announced:

Mr. PENDLETON with Mr. CULBERSON on this vote.

The SPEAKER pro tempore. The question now recurs, Shall the bill be engrossed and read a third time?

Mr. GROSVENOR. Have we not passed that stage?

The SPEAKER pro tempore. Not yet; that is the question which now recurs.

Mr. DOCKERY. Let us have the regular order.

Mr. CHARLES W. STONE. Mr. Speaker, the reconsideration of this vote takes the bill, as I understand, from under the operation of the previous question, and it is now open for debate and amendment.

Mr. DOCKERY. I insist on the regular order.

Mr. CHARLES W. STONE. I believe I have the floor, Mr. Speaker.

Mr. DOCKERY. Debate is not in order.

Mr. DALZELL. Oh, yes; the previous question has been exhausted.

The SPEAKER pro tempore. The question is open, the Chair understands now, to debate or amendment. The previous question has spent itself, and the question now is, the Chair repeats, open for discussion or amendment, and the gentleman from Pennsylvania [Mr. CHARLES W. STONE] has been recognized.

Mr. DOCKERY. I hope the Chair will permit me just a moment. The previous question is operating upon the bill to its passage——

Mr. CHARLES W. STONE. No; only to the engrossment and third reading, and it has spent its force.

The SPEAKER pro tempore. The Chair so understands, and the question now is on the engrossment and third reading of the bill, upon which the previous question has been exhausted. It is now open to discussion and amendment.

Mr. GROSVENOR. I respectfully protest against the ruling of the Chair.

Mr. DOCKERY. Why, certainly.

Mr. GROSVENOR. The ruling has been made in this House within the last two weeks, where a bill had been defeated. There the previous question had been ordered and had exhausted itself when the question of reconsideration was before the House. That is to say, the previous question had reached its end and the bill was before the House for such action as it might see proper. But when the only question reconsidered is, Shall the bill pass? that is the only question under consideration. The previous question is still operating on the bill, and debate or amendment would certainly not be in order as long as the previous question is operative.

Mr. CHARLES W. STONE. This vote was not on the passage.

The SPEAKER pro tempore. The Chair will read a paragraph from the Digest which bears directly upon the point:

When a vote, taken under the operation of the previous question, is reconsidered, the question is then divested of the operation of the previous question and is open for debate and amendment. * * * These decisions apply only to cases where the previous question was fully exhausted by votes taken on all the questions covered by it before the motion to reconsider was made. In any other case the pendency of the previous question would preclude debate.

Mr. GROSVENOR. May I ask what was the first vote taken this morning?

The SPEAKER pro tempore. On the engrossment and third reading of the bill.

Mr. GROSVENOR. Then we have not yet voted upon the passage?

The SPEAKER pro tempore. Not yet; that stage of the bill has not been reached.

Mr. LACEY. If the Chair will permit me, the Digest further along, just at the point where the Chair was reading, shows a change in the rule and consequently a change in the practice in that regard. It says:

But such motion is not debatable under the practice which prevailed for many years,

Calling attention to the fact that this change of practice has been sanctioned by rulings since the Twenty-seventh Congress.

Mr. CHARLES W. STONE. That is in reference to a motion to reconsider, which, of course, is not debatable.

Mr. DOCKERY. I think the decision of the Chair was given under a misapprehension of facts, and I have no doubt that on examination he will reverse his ruling.

The SPEAKER pro tempore. If the previous question had been ordered on the passage of the bill, then the position taken by the Chair would, unquestionably, be wrong. The Chair was informed that the previous question was ordered on the engrossment and third reading of the bill, and upon that ground the Chair sees no reason for changing his ruling.

Mr. CHARLES W. STONE. That is correct.

The SPEAKER pro tempore. The House acted upon the matter on yesterday, and the RECORD will show the fact.

Mr. DOCKERY. But waiving that—although I think the Chair is in error—the RECORD will disclose the fact that the previous question was ordered generally, and went to the engrossment and third reading and passage of the bill.

The SPEAKER pro tempore. The Chair has examined the Journal, and it does not show that the previous question was ordered on the passage of the bill. It speaks of the state which the bill had reached and says, "The previous question was then ordered" and stops there. The Chair thinks the previous question only extended to the third reading of the bill, as that was the only question then before the House. The Chair still adheres to the ruling made. Perhaps, however, the gentleman from Pennsylvania, if he is heard for a moment, will bring the matter to a conclusion.

Mr. CHARLES W. STONE. If the House will bear with me, I simply desire to state the present position, and for the purpose of saving time and avoiding motions for amendments or debate, and perhaps further roll calls. This bill having come up on the call of the committee, I ask unanimous consent to withdraw it from the consideration of the House.

Mr. DOCKERY. The bill having taken up the time of the House for practically two days, we had better finally dispose of it now.

Mr. DINGLEY. I hope the gentleman from Missouri will not object.

Mr. DOCKERY. We have spent two days on it and might as well dispose of it. If we send it back to the committee it can come up again at any time. I move to lay the bill on the table.

Mr. CHARLES W. STONE. Is objection made to my request?

The SPEAKER pro tempore. The gentleman from Missouri objects.

Mr. CHARLES W. STONE. Then, in order to enable the bill to receive proper consideration, as far as its form is concerned, because the gentleman from New York desires to amend it——

Mr. STEELE. He voted for it, all the same.

Mr. CHARLES W. STONE (continuing). I move that the bill be recommitted to the Committee on Coinage, Weights, and Measures.

Mr. BARRETT. Mr. Speaker, pending that motion, I demand the previous question.

Mr. GROSVENOR. We do not need the previous question. If everybody agrees to its going back, let it go back to the committee.

Mr. CHARLES W. STONE. Let it go back to the committee.

The SPEAKER pro tempore. The question is on recommitting the bill to the Committee on Coinage, Weights, and Measures.

The question was taken; and on a division (demanded by Mr. DOCKERY) there were—ayes 130, noes 59.

Accordingly the bill was recommitted to the Committee on Coinage, Weights, and Measures.

### SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1892—to the Committee on the District of Columbia.

Joint resolution (S. R. 112) donating a condemned cannon and some shells to the Guilford Battle Ground Company, near Greensboro, N. C.—to the Committee on Naval Affairs.

A bill (S. 250) for the relief of W. H. L. Pepperell—to the Committee on Claims.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1858) for the relief of Edward Rice; and

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill and joint resolution of the following titles:

A bill (S. 249) granting a pension to Charles E. Jones; and

Joint resolution (S. R. 116) "authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind in one volume."

The message also announced that the Senate had passed with amendments the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

A bill (H. R. 6425) for the relief of Clifton R. Anderson.

The message also announced that the Senate had passed without amendment the following House concurrent resolutions:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound in paper covers 25,000 additional copies of Bureau of Education circular of information No. 300, catalogue of the American Literary Association Library, 5,000 copies for the Senate, 10,000 copies for the House of Representatives, and 10,000 copies for the Bureau of Education.

Also:

*Resolved by the House of Representatives (the Senate concurring)*, That the Public Printer be, and he is hereby, authorized and directed to print, for distribution by the Department of State, 2,500 copies of Commercial Relations for 1894 and 1895, and (in separate form) 10,000 copies of the "Review of the world's commerce," etc., being pages 1 to 235, inclusive, of said Commercial Relations.

Also:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of the Report of the Director of the Mint for the fiscal year ended June 30, 1895; 2,000 copies for the use of the Senate, 5,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Director of the Mint.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State.

### CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which will only take a minute.

The resolution was read, as follows:

*Resolved*, That the committee on the dedication of the Chickamauga and Chattanooga National Park be, and they are hereby, authorized to expend the sum of $100 for stenographic work, typewriting, and copying, in the compilation of their report of the dedicatory exercises, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

### FOG SIGNAL, MENOMINEE, MICH.

The SPEAKER laid before the House the bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Wisconsin, with an amendment striking out the word "Wisconsin" and inserting the word "Michigan" in the body of the bill and in the title.

The Senate amendments were concurred in.

### RAILROADS IN INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds, with a Senate amendment thereto.

The SPEAKER. The Chair does not know what disposition of this bill is desired by the gentleman in charge of it, and if there be no objection, it may be presented to-morrow.

Mr. SAYERS. I ask that the bill lie upon the table until to-morrow.

There was no objection.

AMERICAN SAILING VESSELS IN THE COASTING TRADE.

Mr. PAYNE. I am directed by the Committee on Merchant Marine and Fisheries to call up the bill (H. R. 2673) to remove discriminations against American sailing vessels in the coasting trade.

The SPEAKER. The gentleman from New York [Mr. PAYNE], chairman of the Committee on Merchant Marine and Fisheries, calls up in the morning hour a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 2673) to remove discriminations against American sailing vessels in the coasting trade.

Mr. PAYNE. Mr. Speaker, it was my purpose to ask the House to vote upon this bill this afternoon, but the consideration of the last bill has taken so much time that gentlemen on the other side are desirous to have the time for debate extended. I should like to have it fixed now, so that we can know when we can vote. The gentleman from Florida [Mr. COOPER] has some suggestion to offer.

Mr. COOPER of Florida. We only desire to have a reasonable time to discuss the bill. It is a very important one and affects the ports represented by gentlemen from a number of districts. I have consulted with members on the floor, and it seems to me that the least time in which we could have adequate discussion of this bill would be to fix the time to vote at 2 o'clock to-morrow. I am willing to do that, and make that proposition.

Mr. PAYNE. I am willing to do that, and to have the previous question considered as ordered at 2 o'clock.

The SPEAKER. The gentleman from Florida asks that the vote be taken at 2 o'clock to-morrow, the bill to be considered during the remainder of to-day and until 2 o'clock to-morrow. Is there objection?

There was no objection.

Mr. COOPER of Florida. I presume it is understood that the time will be controlled by the chairman of the committee [Mr. PAYNE] and by myself as making the minority report.

The SPEAKER. That will be as gentlemen agree.

Mr. PAYNE. There will be no objection to dividing the time equally and to having the negative controlled by the gentleman from Florida [Mr. COOPER].

The SPEAKER. That will have to be done by consent of the House. The gentleman from Florida [Mr. COOPER] asks that the time may be evenly divided, one-half to be controlled by himself and the other half by the gentleman from New York. Is there objection?

There was no objection.

Mr. PAYNE. I desire to have the bill read first.

The bill was read, as follows:

*Be it enacted, etc.*, That section 4442 of the Revised Statutes be, and is hereby, amended by adding thereto the following: "Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade, claiming to be a skillful pilot, offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and, if satisfied, from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill and is trustworthy and faithful, they shall grant him a license for the term of one year to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any of the provisions of this title."

SEC. 2. That section 4444 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4444. No State or municipal government shall impose upon pilots of vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this title; nor shall any pilot charges be levied by any such authority upon any vessel piloted as provided by this title, nor upon any vessel of the United States employed in the coastwise trade being towed into or out of any port of the United States by a steam vessel under command of a pilot licensed for such port under the laws of the United States; and in no case shall the fees charged for the pilotage of any vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this title shall be construed to annul or affect any regulation established by the laws of any State requiring vessels entering or leaving a port in any such State, other than coastwise vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State."

SEC. 3. That section 4237 be, and is hereby, amended to read as follows:

"SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam or sail, or against national vessels of the United States, and all existing regulations or provisions making any such discrimination are annulled and abrogated."

SEC. 4. That this act shall take effect six months after its passage.

Mr. PAYNE. Mr. Speaker, the object of this bill is well stated in its title—to remove discriminations against American sailing vessels in the coasting trade. The discriminations are these: Steam vessels sailing under the American flag and engaged in the coasting trade are not obliged to pay pilotage fees unless they require and have the services of pilots. On the other hand, sailing vessels under the American flag engaged in the coasting trade are required by the laws of nine States of this Union to pay pilotage fees whenever entering ports of those States, whether they require the services of a pilot or not; whether the pilot puts foot on board the vessel or not. This anomaly in the law has grown up under the provisions of the law of the United States passed in 1789, which provides:

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be and under such laws as the States may respectively enact for that purpose.

It will be observed right here that Congress reserved the right, which it would have without any express reservation under the statute, and also gave notice that the pilotage laws were to be regulated by the legislatures of the States until further provision is made by Congress. So I take it that no question will be raised here as to the right of Congress or on the ground of any question of State rights to preserve these discriminations.

This law of Congress remained substantially unchanged until 1871, when Congress exempted all steam vessels bearing the American flag and engaged in the coasting trade from the payment of compulsory pilotage. It left it voluntary with these vessels and with the masters of these vessels to make an agreement with the local pilot for pilotage on entering the port. Previous to this many of the States had made no regulation by law whatever. Others had required a uniform system of fees, placing it both upon the foreign and domestic vessels. Of course in 1789 sailing into the harbors and the different ports of the United States was a very different thing from what it is to-day. During the century we have spent millions upon millions of dollars in improving the entrances to those harbors, in making the road in and the road out, so that in many of them the entrance is as well defined as Pennsylvania avenue for the ordinary traveler. Another condition of affairs has resulted in the course of this time, and that is that vessels, instead of sailing in, are enabled, by the system of tugboats that has been established at every port, to employ a tugboat on which there is an experienced pilot, licensed under the laws of the United States, not only to haul the vessel within the harbor, but the pilot is competent to guide the vessel as well as the boat in safety into the inlet of the port.

Mr. HENDERSON. Do not the pilots that have to be paid have tugboats of their own?

Mr. PAYNE. Not generally.

Mr. STEPHENSON. They have sailing boats.

Mr. PAYNE. So that it often happens——

Mr. SPARKMAN. Who licenses that pilot on the tugboat?

Mr. PAYNE. I hope that gentlemen will allow me to complete my statement without propounding questions, and I believe they will gather the information they desire from my statement, and if not, at the conclusion of my remarks I will be glad to yield for questions.

Under this system it has come to pass that sailing vessels generally employ these tugboats. But under the laws of 9 States, in addition to paying the tugboats, they are obliged to pay the pilot also. He sometimes goes on board and rides in as a passenger; sometimes he goes on board and directs the master of the vessel to follow the tugboat; and sometimes he does not go on board at all, but simply meets the vessel at the wharf to demand his pilotage; and often the pilotage paid for these vessels exceeds the sum paid for the services of the tugboat in conducting the vessel into the harbor. I say there are 9 States which compel sailing vessels to pay pilotage fees—the States of Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, and Texas. Until recently the State of Maryland also exacted those compulsory fees, but on the 11th day of last month a law was passed by the State of Maryland exempting coastwise sailing vessels from the payment of compulsory pilotage. So that there are but 9 States left which compel this exaction and this tax upon sailing vessels.

Formerly the New England States, my own State, and the State of New Jersey, exacted these compulsory fees; but they have long since been abolished by positive enactment of the legislatures of those States. In 36 of the States there are no compulsory pilotage fees. Some of them are inland States, and many of them border on the Great Lakes, on our seacoast, on the rivers—the Mississippi, the Missouri, and the great rivers—where there is often need of pilots to manage their whole system of inland navigation. These States compel no master to employ a pilot, or to pay any tax in case he does not employ a pilot, and they are still maintaining their system.

The State of Virginia says by its law that if a vessel will pay 10 cents per ton on her tonnage as an annual license she may navigate any of the waters and ports of Virginia without a pilot and without the assistance of a pilot. In other words, it is perfectly safe for a vessel in the coastwise trade to enter any port in the State of Virginia if she begins by paying a tax of 10 cents a ton upon the tonnage. That hardly amounts to as much as the pilotage fee for a single entrance and departure, but it is "safe" in

such a case for the vessel to enter any of the ports of Virginia without a licensed pilot. There is a similar provision, not quite so liberal, in Georgia. The law of that State provides that by paying a tax of 25 cents per ton and one fee an annual license will be given, not to the master or to the mate of the vessel, but to the vessel itself. Whoever may sail her in, it is perfectly safe for that vessel to enter any port in the State of Georgia by paying a tax.

A MEMBER. Paying it to the State?

Mr. PAYNE. No; to the association of pilots. In Alabama it is not safe for a vessel to enter a port of that State without paying full pilotage fees unless she pays one-half fee and sails in without a pilot. If a vessel pays the pilotage fees she is permitted by the laws of Alabama to enter any port of that State without a pilot licensed either by the State board or by any board of the United States. The law of Texas is similar. If a vessel pays one-half fee she can enter and navigate any of the ports of that State without a pilot.

Mr. KEM. Do I understand the gentleman to say that these fees are paid to the association of pilots?

Mr. PAYNE. Yes; to the association of pilots in each port.

Mr. KEM. The fees are not paid to the State?

Mr. PAYNE. No; to the pilots. In South Carolina it is not safe for an American vessel to enter any port in that State, no matter how competent the master or the mate may be without paying pilotage fees if the vessel has started from the port of another State, but she can enter with perfect safety if she has started from some other port in the State of South Carolina and she is exempt from any fee. So we see that in six of these States, by acts of the State legislatures, it is perfectly safe to sail in a vessel without the assistance of a local pilot or of a United States pilot, provided the vessels conform to certain conditions and pay certain moneys as a tax upon their tonnage. Let us see how this works. For twenty-five years steam vessels engaged in American carrying trade have been exempt from this exaction of pilotage fees, and yet those steam vessels come into direct competition with the sailing vessels engaged in the same coasting trade. Sailing vessels are required to pay a pilotage tax when they enter these ports, and these annual taxes, burdensome as they are, being a direct tax upon commerce, are a small matter compared with the actual pilotage fees that are exacted in a State like South Carolina, where sometimes it occurs that the pilotage fee is equal to more than one-third of the net receipts for freight for the entire voyage.

A gentleman from Connecticut told me of a case that had come under his personal observation where the pilotage fees paid at Charleston were more than the entire freight receipts for the voyage. That did not appear before the committee; the other fact did. The gentleman who made the statement is the gentleman from Connecticut [Mr. SPERRY]. It has often happened—and that was the testimony given before the committee—that the pilotage fees, even where the pilot did not lift his hand, were very oppressive. There was one case mentioned where the pilot got on the vessel at the wharf and had such confidence in the pilot on the steam tug which was towing the vessel out of the harbor that he got into a hammock and fell asleep, so that the master had actually to wake him up from his nap in order to get him off onto the tug.

Mr. CLARDY. By what authority are these fees fixed?

Mr. PAYNE. The State legislature generally fixes the fees; that is, it fixes a maximum, and the maximum is generally lived up to, though not always. I have been requested by a gentleman sitting near me [Mr. HENDERSON] to say something about the amount of these fees. I have before me a law of the State of Virginia, which provides that vessels drawing 10 feet and under shall pay $2.50 per foot for entering a harbor; that would be $25 for entering and $25 for going out. A vessel drawing over 16 feet is required to pay $4.50 per foot, which would make $72 for entering and the same for going out. Of course, up to 20 or 24 feet the proportion is much greater. In North Carolina a vessel drawing 6 feet and under 6½ pays $18. Graduated up from 18 feet to 18½, it pays $143 for entering and the same for leaving the port. South Carolina, 6 feet draft or under, $15; 18 feet or under, $130; each additional 60 inches above 18 feet, the further sum of $10. These classifications go up into a draft of 28 feet, amounting to $230.

Mr. HENDERSON. Going out and going in?

Mr. PAYNE. Going out and in at the port of Charleston, S. C.

Mr. SHAFROTH. Each way?

Mr. PAYNE. Each way; so much for going in and so much for going out.

At Savannah, Ga.: Six feet draft or under, bar pilotage and to Cockspur, $10.76; from Cockspur to Savannah, $6.46; total, $17.22; 24 feet, $210 to go in and $210 to go out.

At Brunswick, Ga.: Six feet or under, $16.75; 23 feet or under, $195.

St. Marys: Eighteen and one-half feet, $92.50.

Alabama—Mobile: Twenty-two and one-half feet, $135.

Florida: Over 20 feet, $6 per foot.

Louisiana: Bar, per foot draft each way, $4.50; river, regular rate, $80; under contract sometimes done for $40.

Texas—Galveston: Pilotage $4 per foot draft.

I have not time to read all these figures, but I think from what I have read the House will get some slight idea of the amount of the tax that is put upon these sailing vessels in their struggle to maintain an existence against the steam vessels. Perhaps I ought to say a word as to the decline of the sailing vessels.

The total number of sailing vessels bearing the American flag has declined from over 28,000 in 1874 to 17,000 in 1895. On the Atlantic and Gulf coasts there are over 12,000 American sailing vessels, 4,000 of which are over 50 tons. These are engaged in competition with 2,000 steam vessels of over 40 tons.

Right here I want to make a suggestion, because it has been claimed that this bill will operate to deprive the poor man of his chance to make a livelihood; that it is in favor of the rich vessel owner. Now, the fact of the business is that but very few steam vessels belong to anybody who has not a competence. If there are any vessel owners who are rich more than others it is the owners of steam vessels. But very often—almost uniformly—it is the case that a sailing vessel is the product of a joint venture, five, ten, twenty, thirty men clubbing together and putting in their savings—often mortgaging their property—generally to help one of their number to the means of making a livelihood by sailing the vessel. And the owners of these sailing vessels, who are engaged in the business in this way, are generally poor men.

But it is said that the pilots are poor. Sir, I have seen a circular which I picked up——

Mr. DINGLEY. As I understand the gentleman from New York, his point is that the steam vessels are exempted from the payment of these compulsory pilotage fees——

Mr. PAYNE. Yes, sir.

Mr. DINGLEY. And that the sailing vessels are compelled to pay the fees?

Mr. PAYNE. Yes, sir. As it is to-day, the rich proprietors (if you please) of the steam vessels are exempt from the payment of this tax; and the poor men who own the sailing vessels are compelled to pay it, whether they receive any service for it or not.

The House will bear in mind that the competition for the coastwise carrying trade is sharp between the sailing vessels and the steam vessels. It was in testimony before the committee that the rate of freight had been by this severe competition cut down as low as 60 cents, and even 50 cents, a ton for carrying coal from Virginia to the New England States. The man who happens to be the owner of a sailing vessel suffers directly by this competition, because he is obliged to pay pilotage fees, while the owner of the steam vessel, having his licensed pilot, can enter any of these ports without being compelled to pay a dollar; and he has the privilege of making a contract directly with the pilot, paying him a reasonable compensation for the services he may render in piloting the vessel into port.

These pilots were heard before the committee, as they have been heard before individual members of the House, for they have been in the lobbies here from the time this bill was introduced until this moment buttonholing members and presenting their side of the case. They are intelligent men. The pilots have been able to keep these intelligent men here for the purpose of explaining their side of this bill. They said it would take away from them their livelihood. And perhaps the strongest opposition to this bill came from the pilots at Pensacola, Fla., who claimed that the measure would be a peculiar hardship upon them. These pilots did not seek to enlighten the committee as to the amount of their fees. They did not volunteer any information on the subject, except that one of them from Pensacola said that there were 41 pilots on the bar there, and that they did not average much above $1,500 a year each for their services.

Mr. TALBERT. Would not the effect of this bill be to take the question of pilotage entirely out of the hands of the States, depriving them of any authority to act in regard to it, and putting the whole question under the control of the General Government?

Mr. PAYNE. Oh, no.

Mr. TALBERT. That was my impression. I simply put the question for information.

Mr. PAYNE. This bill leaves the States entirely free to exact compulsory pilotage of all foreign-going vessels, just as they do now, and to fix the rates that pilots shall charge on foreign-going vessels. So that if the present rates are not sufficient to maintain the system the States are entirely able to take care of it by fixing such rates upon foreign vessels as will maintain the system. Of course they can fix the rate upon any vessel whose master chooses to employ a pilot, although his vessel is engaged in the coasting trade.

I said there were 41 pilots on the bar at Pensacola. The committee made some effort to find out the amount of fees that were being received by these pilots; and Mr. R. R. Freeman, of Boston, took some pains to inquire of the collector of customs and other

United States officials to ascertain the amount of pilotage fees received from foreign vessels actually entering these ports. These were taken from the customs records; the draft of each vessel was taken from the records, and the fees figured out, the rate allowed by law and the rates charged by the Pilot Association of Pensacola, and the result was as stated in this letter.

Mr. COOPER of Florida. Will the gentleman permit me one moment just there?

Mr. PAYNE. Certainly.

Mr. COOPER of Florida. These figures were never exhibited to the committee——

Mr. PAYNE. They were presented to the committee at the same time that the gentleman presented some letters from some of the Southern States bearing upon the subject, but they were not, through some oversight, printed in the printed report of the committee.

Mr. COOPER of Florida. They were never called to the attention of the committee, and so far as I have undertaken to verify them they are very wide of a correct statement of the facts.

Mr. PAYNE. Well, this statement was laid before the committee at the same time the gentleman called up some papers to which I have referred.

Mr. COOPER of Florida. What I mean is, that I never saw them. I never heard of them as being official documents before the committee. They are not correct at all events.

Mr. PAYNE. I think the gentleman is correct in stating that they were not before the committee in the sense of having been presented to his personal attention there. When the statement was presented it was submitted by myself, and I did not know what it contained.

I find, however, at Pensacola, Fla., according to the statements which come from the official custom-house records——

Mr. COOPER of Florida. If the gentleman will permit me, in the majority report it is not stated that these figures are official. The gentleman from New York stated that they were presented to some members of the committee from some source. I understand that they were prepared by a Mr. Freeman, but are not official records.

Mr. PAYNE. The paper was handed into the committee by Mr. Freeman, and is derived from the sources to which I have already referred.

Now, from these figures it appears that at Pensacola, Fla., the receipts for pilotage from foreign tonnage in the year ended June 30, 1895, was $49,221, to be divided among 41 men. This would amount to $1,200 and upward for each man. That, you will observe, relates to the pilotage fees on foreign vessels, without taking into any account the steam or sailing vessels in the coastwise trade that paid pilotage fees at that port. Mr. O'Brien, a very intelligent pilot, who appeared before the committee, stated that there had been 19 or 20 steam vessels engaged in the coastwise American trade entering that port during the year, and that they had all taken on a pilot and paid pilotage fees, and that they did it voluntarily. The amount of fees paid by these vessels the committee has no means of knowing. Mr. O'Brien stated further that the pilotage association were at some considerable expense. He said the pilot boat cost some ten or twelve thousand dollars to build, and that every two or three years it would require some repairs, new sails, etc. He did not say what the expense of the repairs would be, but if out of the $49,000 received from foreign tonnage they paid $8,000 a year in repairs, these 41 pilots would clear an income of upward of a thousand dollars a year, and evidently they would not starve under that system in the port of Pensacola.

What further do they say of this port of Pensacola? Why, that even if the compulsory system of pilotage were abolished, no sailing vessel could be sailed in by a sailing master even though skillful as a pilot; that the sand and the shoals shifted so much that the master of the vessel could not sail his vessel in, as he could not be familiar with the shifting currents and the changing conditions of the entrance to the harbor; or, in other words, that he would be compelled to employ the services of some pilot even if this bill passed. Evidently if that be true these gentlemen in Pensacola will not be cut down below the $1,500 a year which they are now receiving—41 of them—to pilot in and out of that harbor these vessels that may come there each year.

At Tampa there were but four pilots, and the fees were excessively large. The income was so great that the board of pilot commissioners of the State of Florida cut the fees down one-half, they having that power under the statute. And still these gentlemen must receive a very comfortable income; because the pilotage fees paid on foreign vessels alone in Tampa amount to over $6,000 a year, to be divided between four pilots, making $1,500 each, even if they did not receive a dollar from the American coastwise vessels.

But, Mr. Speaker, it is evident that the American sailing master can get his own vessel into the port of Charleston, he can get it into the ports of Virginia, the ports of Georgia or Alabama or Texas, without the aid of a licensed pilot, because their legislatures have solemnly declared that such was the fact. That being the case, we say that this tax, for it is nothing more or less than a tax, should be removed from the vessels—the small vessel owners—and that there should be some chance afforded to the American sailors as well as to the American pilots.

But what are the objections urged against the passage of the bill? They say it will deprive some of the pilots of their comfortable living; that it will cut down their salaries or cut down the number of pilots. Well, Mr. Speaker, if that is true, are we to tax the commerce of the country for the support of individuals? Are we to tax the American carrying trade to support comfortably some gentlemen who, under the laws of the State, constitute the pilots of that port or the pilots' association?

They say that it will destroy the value of a million dollars' worth of boats owned by these pilot associations throughout the United States. Why, they come to us from Pensacola, Fla., and say that they have already themselves destroyed the value of six pilot boats; because a few years ago they had eight boats, but they have consolidated. "Now, do not think this is a trust," says a pilot from Pensacola, "because we have consolidated, but we found that with eight boats we were eating each other up, and now we use only two boats and have an association." Forty-one pilots standing in each other's way in two boats. And what are these associations? Why, Mr. Chairman, I have a letter from Fernandina, Fla., which says:

> Now, I want to give you a little idea of the condition of things here and the close corporation that our Florida laws make for these associations. You will see by consulting our Florida law on this subject that the business of bar pilots is turned over to the association at each bar, and that business is transmitted to the heirs and family and kindred of those in position with the certainty and regularity of an English land estate. No one can be a pilot without apprenticeship of four years, and so no one but a relative in some degree of the active pilots can get into the circle. I have been familiar with the workings of the pilot business here for twenty years, and I know of nothing short of Tammany that equals it as an organization for power and plunder. The board of pilot commissioners are changed with considerable regularity, and always at the dictation of the pilots' association. That association is the most efficient for political management and influence of any or all the forces in any locality where they operate.

I can well believe this from what I have seen of it since this bill has been before our committee.

> There are 13 pilots now combined in one organization in this place. They divide among them not less than $30,000 per annum, as I am assured. Some of these are boys just out of their apprenticeship, who could not in any of the other associations of life for which their education would fit them command $40 per month. They are all of the younger descendants of the old pilots, or in some way descended from them or the relatives.

Mr. HENDERSON. Mr. Speaker, if it will not disturb my friend, I want to know whether this pilotage is charged so much for each trip, or is that the amount they pay for one year's service to the particular boat?

Mr. PAYNE. So much for each trip. Every man who takes a pilot in one of these States pays these fees for every trip in and every trip out. Five of the States have said that by paying an annual fee the pilot need not go aboard. The owner of the vessel can sail it in and out, the fee in that case, as in the other, going directly to the pilot association. Oh, no, this is a tax every trip, and twice every trip. It is paid at the entrance and the going out, and they have to pay it every time out of the freight paid to the sailing vessel.

A specious argument is sometimes whispered in the ear of members who go out in the lobby that the sailing master puts this on his bill and that the man who pays the freight pays also the pilotage fee; but gentlemen of the House will remember that these sailing vessels come in direct competition with the steam vessels. The steam vessels are not obliged to pay it. The sailing vessels must cut down their freight to that point where they can, by deducting the amount of pilot fees, equalize what the shipper has to pay to the steam vessel, or else the sailing vessel does not get the freight. It is an absolute, discriminating tax against the sailing vessel, the sailing master, and the sailor of the sailing vessel.

I am in favor of helping the labor of this country, but not to build up a class that is fattening over the earnings of men who go out to sea.

A great deal is said about the bravery, courage, and endurance of these pilots, and I will not say a word in detraction of them. There are brave men among them, who risk their lives, for it is a dangerous occupation; but is it as dangerous as the occupation of the men who go down to the sea in ships, and who can not run into the nearby port if the storms and winds come too hard, as can these pilot boats?

Will you discriminate against the brave men who stand on the deck, who go before the mast, receiving, some of them, $10 a month and their board? Will you discriminate against that class in favor of a class of men who do not want you to cut down their annual income below $1,500, for doing a work that requires no more bravery, no more endurance, and involves no more danger than the life of a sailor?

Mr. Speaker, this bill may cut down the number of pilots in

some of the Southern ports. I have seen a statement which has been sent, I think, to every member of the House except myself and perhaps some members of the committee, accusing the committee of ignorance and all that sort of thing, and stating that there are nearly 1,000 pilots in the United States. Well, the statistics may be correct; but if they are, there is only a fraction of a thousand pilots in these nine States that insist on keeping up this old and unjust discrimination. The number is small, and the percentage of them that will have to retire is very, very small. If they tell the truth, in most of these Southern ports, if you pass this bill, every sailing vessel will still be obliged for safety to hire a pilot.

Oh, but they say, it will be unsafe to life and property if you pass this bill; that there are not regulations enough to make it safe for a vessel to enter a port if they do not take one of these local pilots; that the methods of examination are not sufficiently definite to get a good man every time.

Why, Mr. Speaker, we constitute the same board to license pilots that have licensed pilots for steam vessels for the past twenty-five years, and there never has been a whisper of complaint that these boards do not do their duty as to masters licensed to act as pilots on board the steam vessels, who have carried these vessels into the harbors for twenty-five years. These pilots do not bring up the record of a single place where these men had blundered in taking their vessels into port, or had endangered property or human life. If they were capable of examining pilots and licensing them for these steam vessels, why not for sailing vessels?

Then we have added another clause to this bill which they say is not safe. We say that if there is no licensed pilot on the vessel, but if she employs a tug which has a licensed pilot on board, the vessel may go into port without paying any pilotage fees to the local pilot. These steam-tug men know the channels, know the shifting shoals and bars of the harbors. They are as capable of taking a vessel in as the pilots themselves. The pilots themselves acknowledge it, when they go on board of the vessel and trust the safety of their own lives to the pilot on the tugboat, telling the master of the vessel to follow the tugboat in. There is no danger from the enactment of this law to human life or property.

But they say that the pilotage system will go down in the Southern States; that they can not keep up on the fees on foreign commerce.

Mr. Speaker, this table shows that in 19 Southern ports the pilots receive $555,000 a year. If that is not sufficient to establish a competent system of pilots for those ports, great heavens! we had better issue more bonds and sell them or provide some other way except taking the money out of the hard earnings of these men who tread the decks of American coastwise trading vessels and work hard for what they get. What did they do at Tampa? Why, they reduced the number of pilots to 4; and 4 men do all the business. They state they would have to reduce the number at Pensacola one-half. That was the testimony of one pilot before the committee. There are 41 men at Pensacola. Well, if the 41 men at Pensacola can not get a living in dividing the $49,000 received from foreign commerce there, I suppose that 20 men will have to step outside and get into some other occupation. If they are as competent in sailing vessels and as competent pilots as they profess to be, let them take places on American vessels, beneath the American flag, as masters or mates of vessels sailing out on the seas and earn a living, even as these men earn their living to-day upon whose earnings they are levying this unjust discrimination and tax. [Applause.]

Mr. HENDERSON. Can you tell us the number of vessels that arrive at Pensacola each day in the year?

Mr. PAYNE. We have no statistics of that kind as to the coastwise trade. These tables give the number of foreign vessels that arrive there in a year, and they are found in the report.

Mr. HENDERSON. I should think that that would be an essential fact to know in order to judge of the necessity.

Mr. PAYNE. I find from the tables that 348 vessels entered and 317 departed in a year. That would be about one each way each day. Why, this shows that they voluntarily reduced the number of their boats from 8 to 2, and did it of their own motion. They can reduce that number still. These men at Pensacola can earn a living. They can go before the mast. They can go and take the places as masters, pilots, or mates on vessels. They can find employment. It is not argument to say there is no other way open to them except levying tribute on some other industry.

Now, Mr. Speaker, there is one further point I want to advert to that appeared before the committee, and it is this: That while these pilots formed associations that were very effective in dividing up their fees, if a pilot made a mistake and grounded a vessel the owner could not go back on the association, because that was not in law an entity, and he could not sue it. His redress must be upon the pilot himself; while the owners of these tugboats were generally men of responsibility, corporations of responsibility; and if the pilot on a tugboat made a mistake there was some redress on the part of the vessel owner.

Mr. Speaker, I have already consumed more time than I expected. I reserve the balance of my time. [Loud applause.]

Mr. COOPER of Florida. I yield such time as he may desire to the gentleman from Wisconsin [Mr. MINOR], a member of the committee, who favors the minority report.

Mr. MINOR of Wisconsin. Mr. Speaker, I believe it is due to the committee and to the House that they should know why I dissented from the report made on this bill. Day in and day out, sir, we listened to arguments made before the committee by sailors, by pilots, by shipowners, by merchants, by manufacturers' associations, and by all the great interests involved in the question; and these arguments, together with the limited experience I have had upon the water, lead me to the conclusion that, while there may be abuses practiced—and no doubt they are practiced by the pilots of the South—the remedy sought through this bill is entirely inadequate. It is impracticable, and not founded on good common sense or equity.

This is the first attempt, so far as I know, to license a pilot on board of a sailing vessel. Heretofore the laws have required that only steam vessels shall have licensed officers as masters, pilots, and engineers. We have established local steamboat inspectors whose duty it is to grant licenses to applicants who are qualified to receive them, but never before in the history of this country have we been called upon to empower a board to grant a pilot's license on a sailing vessel.

Now, what is the composition of the local boards in the South who examine these pilots? They are composed of business men, mostly members of boards of trade and chambers of commerce, with one practical sailor on each board. Where there is not a practical, experienced pilot on the board, the services of such men are drafted for the purpose of passing upon the qualifications of applicants for license. They dare not even trust the business men and the sailor to pass upon those questions without the opinion and judgment of a practical pilot. This bill proposes to take the matter entirely out of the hands of these pilot commissions and transfer it to the steamboat inspectors.

Now, Mr. Speaker, while the steamboat inspectors throughout the length and breadth of this land are good men, true men, and intelligent men, there is not one local inspection board in five hundred that will claim to have the information required to pass upon the qualifications of a sailing-vessel master or a pilot. Their education is in an entirely different direction. There is scarcely a rule that applies to steam vessels that will apply to sailing vessels. The sailing vessel simply floats and depends upon the elements for propulsion. The steam vessel depends upon her engine and boiler for her motive power. The requirements for the management of the two types of vessels are entirely different; and let me say right here that no sailing master, however competent, is qualified to go on board a steamboat and take charge of her, or act as a first-class pilot on her, until he has served an apprenticeship. That is the law of the United States.

Now, sir, how much time will our local inspectors have to examine pilots for sailing vessels? They are already loaded to the gunwales with work. Some of my friends and others have been compelled to lay up their steamboats—and I have had a similar experience—for want of proper inspection, because the inspectors were overburdened with work. For that reason we have been compelled to tie our steamboats up to the docks and await the action of the inspectors. There are about 12,000 of these coasting sailing vessels, every one of which will need a pilot. Now, in the name of common sense, how far will these steamboat inspectors be able to proceed with the business of passing upon the qualifications of these bar pilots, and granting licenses to them, and also doing the steamboat-inspection work which is their regular business?

This bill is impracticable in that respect. While the steamboat inspectors are not in fact qualified to do this work properly, yet even if they were qualified they have not the time to do the work, and they will not do it. Again, I ask the chairman of this committee if he believes that the local board of steamboat inspectors in Boston, or New York, or in Portland can possibly be competent to pass upon the qualifications of a bar pilot on the Southern coast, where the channels are constantly changing? The channel in most of those waters may be here to-day and elsewhere to-morrow. It may change 600 feet either way, and there may be barely room to squeeze through. Now, it is evident that no man can pass upon the qualifications of a bar pilot unless he is in and out of these channels continually. And, Mr. Speaker, this is not merely my opinion. It is based upon the highest authority in this country. I have here a communication from an eminent officer, a man who can have no possible interest in the fate of this bill or of the pilots, except in so far as it may be related to the interests of the commerce of the country. I refer to Major Mahon, of the Corps of Engineers of the Army, who is in charge of Pensacola Harbor and Navy-Yard and the improvement of rivers in Georgia, Florida, and Alabama, a man who has served for years and won

his stars as one of the best authorities upon questions of this kind that can be found in the United States. I read:

Mr. Basel requested me to state to you my opinion as to whether a person who visits the harbor of Pensacola only at long intervals could expect to keep pace with and be thoroughly posted on the changes which are taking place. I do not hesitate to say that, in my opinion, such could not be the case. It requires a person to be constantly on the ground to follow these changes for the purpose of navigation; nor can any inspector, however conscientious he may be, pass on the capability of a navigator under such conditions of change unless the inspector be constantly engaged in following up all these changes.

I ask this House what opportunity a local inspection board in New York, or in Massachusetts, or in Maine can have of following up the changes to which Major Mahon refers and passing upon the qualifications of applicants for license as pilots? Hundreds of them have never been in those waters at all, but even if they have been there it would still be necessary that they should be in and out of these channels very frequently in order to be competent to judge of the qualifications of pilots for those waters. That was the testimony before the committee. I do not propose to drag in testimony that was smothered and brought in upon this floor without an opportunity being given to rebut it.

Mr. PAYNE. Was not that matter printed in the report of the committee weeks ago?

Mr. MINOR of Wisconsin. Not the figures you read here.

Mr. PAYNE. All of them.

Mr. MINOR of Wisconsin. The receipts of the fund?

Mr. PAYNE. Certainly.

Mr. MINOR of Wisconsin. Only in part.

Mr. PAYNE. All of them.

Mr. MINOR of Wisconsin (continuing to read):

I know that it is necessary at Pensacola for the pilots to be sounding continually to keep abreast of the changes which take place, and I think it would be impracticable for a person who is not constantly on the ground, no matter how great his intelligence may be, to act as a pilot where sand bars are under consideration.

Now, I understand, Mr. Speaker (and this was the testimony before the committee), that the pilots are authorized by the Engineer in Chief of the War Department to change the buoys as the channel shifts from side to side. If you or I should do that we would be subject to a heavy fine. The engineers acknowledge the competency of these pilots, and hence give them a power that no other men on earth are allowed to exercise.

Mr. HENDERSON. I should like to ask the gentleman a question, for I am trying to understand this legislation. The purpose of this pilotage system, as I understand, is to save life or property—which?

Mr. MINOR of Wisconsin. Both.

Mr. HENDERSON. Do the sailing vessels carry passengers?

Mr. MINOR of Wisconsin. They carry their crews.

Mr. HENDERSON. Only the crews?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. HENDERSON. Then this system, in the case of sailing vessels, would be chiefly for the protection of the property?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. HENDERSON. And in the case of steam vessels chiefly for the protection of life?

Mr. MINOR of Wisconsin. The sailing vessels carry crews, the numbers of which are in proportion to the size and tonnage of the vessels. The crews average from four to fifteen or twenty, according to the size of the vessel and the canvas to be handled.

A MEMBER. Do not the sailing vessels sometimes carry passengers?

Mr. MINOR of Wisconsin. I think that as a rule they do not.

Mr. HENDERSON. Is it not true, then, that the vessel owner is more largely interested than anyone else in having a pilot, if a pilot is needed for the protection of the property?

Mr. MINOR of Wisconsin. Let me say to the gentleman from Iowa [Mr. HENDERSON] that there is no man on earth—at least I never met one—who will not take more chances for the almighty dollar than he will for anything else; and a vessel owner, if he can save pilot fees, will take the chances of putting his vessel on a bar.

Mr. BRUMM. Is it not true that the owners of these vessels are relieved from risk by the insurance companies—that the insurance companies take the risk and the vessel owner runs no risk?

Mr. MINOR of Wisconsin. Certainly; that is correct.

Mr. STEPHENSON. Can not the vessels depend upon being towed in by the tugs?

Mr. MINOR of Wisconsin. That depends altogether upon the condition of the weather. Just a word right there in reply to my friend from Michigan. When everything is favorable—when the weather is fine and no risks are to be taken—the tugs tow the vessels in; but I want my friend to understand—I know that he knows it—that there are often times when the tugs can not go out to tow these vessels in. The pilot boats can go out and live in weather that would drown the tugs.

Mr. HENDERSON. And the pilot boats are compelled to be there?

Mr. MINOR of Wisconsin. Yes, sir; they are compelled by the laws of the State to be there. And the purpose of this bill is to take the business away from these pilots and give it to the tugboats. So long as the weather is fair the tugboats will go out to tow the vessels in; but when the storms are heavy they will not be on hand.

Mr. STEPHENSON. When the tug takes charge of a vessel the tug master is the pilot, and the management of the vessel is at his risk. The captain of the vessel is no longer responsible. In the Chicago River a big vessel is often compelled to put on two tugs; otherwise the tug masters will not take the risk.

Mr. MINOR of Wisconsin. There have been a number of decisions of the admiralty court on this subject. Formerly a tugboat was held responsible for every mishap that befell a vessel if the tug had a line to it. That is not the condition under more recent decisions. At present, under the rulings of the courts, unless you can prove incompetency on the part of the tug master—unless you can establish carelessness or inefficiency on his part, as the cause of the damage—the court will not hold the tug liable. All the inquiry that the courts will make is whether the tug master has shown ordinary seamanship.

Mr. STEPHENSON. If the captain of the vessel does not follow the tug he makes himself liable.

Mr. MINOR of Wisconsin. The courts have held that when the vessel fails to follow her tug the tug is not responsible. There is no trouble with the sailing vessels; if they follow the tug they have their right of action against the tug.

Mr. STEPHENSON. And most of them have to follow the tugs.

Mr. MINOR of Wisconsin. If the weather permits they follow the tugs. But we are not legislating for the Chicago Harbor tugs.

Mr. DOOLITTLE. How much of the coast line of the United States is affected by this bill?

Mr. MINOR of Wisconsin. From Virginia down to Texas—nine States.

Mr. CUMMINGS. And also California and British Columbia.

Mr. MINOR of Wisconsin. There are nine States affected.

Mr. DOOLITTLE. Does it affect the Pacific Coast?

Mr. MINOR of Wisconsin. I understand not.

Mr. SIMPKINS. Does the gentleman understand that there is any compulsory pilotage on the Pacific Coast?

Mr. MINOR of Wisconsin. I do not.

Mr. CUMMINGS. The matter is under the control of the State legislatures.

Mr. MINOR of Wisconsin. I think there are only about eight States affected.

Mr. SIMPKINS. It does not affect the Pacific Coast at all.

Mr. MINOR of Wisconsin. Now, Mr. Speaker, very much has been said about the purpose of this compulsory pilotage bill, and I want to say, before touching on that point, that I yield to no man on the floor of this House, or anywhere else, in desire to build up our merchant marine. It is a business that I have been interested in during nearly my entire life, and no man will give more hearty support than I will to legislation proposed in its behalf if such legislation is based upon sensible lines. So far as my observation goes, every vessel that was ever chartered first considers the port charges before fixing its rates of freight——

Mr. GARDNER. Will the gentleman from Wisconsin allow me to ask him a question?

Mr. MINOR of Wisconsin. Certainly.

Mr. GARDNER. Has it not been stated over and over again that the sailing vessels are in competition with the steam vessels in reference to freight charges?

Mr. MINOR of Wisconsin. Yes, sir.

Mr. GARDNER. Is not the freight rate fixed by the bids made by the steam vessels, which are not subject to these port charges?

Mr. MINOR of Wisconsin. Why, my friend, let me tell you that a sailing vessel of anywhere from 500 to 1,500 tons burden can beat a steam vessel right out of the water in making low rates on freight. Every sailing vessel on the lakes, every sailing vessel on the coast of this country engaged in our commerce, can carry freight cheaper than any steamboat that ever was built, and for the very reason that the expense of running a steamer, the fuel, the men, the necessary repairs, everything that enters into the expense account, involves the necessity for an expenditure that does not exist with reference to the sailing vessel.

Mr. BRUMM. To say nothing of the first cost.

Mr. MINOR of Wisconsin. You have in your steam vessels engines, boilers, and the necessary pipes, and you have all of these to take care of, including their repairs; you have fuel, and you have from twenty to twenty-five men on the ordinary-sized steamer. But you can run your sailing vessel at a much less expense, with a crew of only from six to twelve men.

Mr. GARDNER. The answer to the inquiry would seem to make the building of steamboats a mystery.

Mr. MINOR of Wisconsin. Well, the answer is straight to the point. These are facts that can not be disputed. There are some advantages, I suppose, on the side of the steamers. They can

make quicker trips, and they can also navigate certain waters that perhaps a sailing vessel could not safely enter. But I adhere to my proposition, and I can prove it by the traffic on the lakes around Chicago and Milwaukee, and I am sure on the coast as well.

Mr. BRUMM. The gentleman did not include, as I understand it, the first cost of the vessel, nor also the room which is necessarily taken up by the steam boilers, the machinery, and fuel, all of which would be utilized for freight purposes on a sailing vessel.

Mr. MINOR of Wisconsin. That is a very pertinent suggestion. A vessel that will carry fifteen hundred tons of freight will cost on the lakes, say, $25,000, at the outside, complete; while a steam vessel on the lakes that will carry the same amount of freight will cost anywhere from $75,000 to $100,000. That is the difference. And the estimate by conservative sailors, practical shipowners, and masters of vessels shows that it costs five times as much to run a steamboat as a sailing vessel.

Mr. FOOTE. Will the gentleman permit me to ask him a question?

Mr. MINOR of Wisconsin. Certainly.

Mr. FOOTE. Is it not so that the freight carried by the steamers is really of a more perishable nature than that carried by the sailing vessel as a rule?

Mr. MINOR of Wisconsin. That is a very proper inquiry. Now, I am going over this subject and giving only my own judgment and experience in talking of the cost. But so far as my observation goes, it is a fact that the steamboat comes in competition rather with the railroad than with the sailing vessel. Sailing vessels carry freight that steamboats do not, as a rule, carry. The steam vessel carries fruit and such freights as are required to make quick transit—perishable articles as a rule—and the sailing vessel, on the contrary, carries gross articles not of a perishable character.

Mr. PAYNE. Will the gentleman yield to me for a question?

Mr. MINOR of Wisconsin. Well, I did not ask you any.

Mr. PAYNE. I know. May I ask you one?

Mr. MINOR of Wisconsin. Well, yes.

Mr. PAYNE. Does not this law leave the pilotage system of Wisconsin (your State) just as it is now in regard to compulsory pilotage?

Mr. MINOR of Wisconsin. That law was in existence probably before my time——

Mr. PAYNE. But does it not leave it just as now?

Mr. MINOR of Wisconsin. We have no pilot system in Wisconsin.

Mr. PAYNE. Do you not have pilots there?

Mr. MINOR of Wisconsin. Why, I am a pilot.

Mr. PAYNE. Has there been any difficulty with your present system?

Mr. MINOR of Wisconsin. The question has no relevancy whatever to this matter and is out of order.

Mr. PAYNE. I accept your answer. [Laughter.]

Mr. MINOR of Wisconsin. I think one of the most intelligent gentlemen who came before the committee during the consideration of this matter was Colonel Lamb, of Virginia, and I want to say to some of our Republican friends here that Colonel Lamb, whom I believe to be an honest and intelligent gentleman, is chairman of the Republican State central committee in Virginia. In speaking of his experience and his knowledge of these practical questions he commenced in this way: He states that he resides in Norfolk and does business there, and then he says:

I am a merchant largely engaged in shipping. I suppose I may safely say that I have more seagoing vessels consigned to my house than there are consigned to any other house south of Baltimore.

In 1884—

Now you will know by this that he is a Republican—

before Mr. Cleveland's fatal policy of free raw material was to some extent carried out, Lamberts Point, which I manage as a part of my business, was a busy hive of industry. That year we shipped over 2,000,000 tons of Pocahontas coal, and bunkered nearly 500 foreign steamships sailing under the British, the Spanish, the German, and other flags, for which Virginia coal we received sterling bills equivalent to gold. Besides these, I had some 1,500 seagoing vessels. Of that amount shipped, about 1,250,000 tons of coal went to the New England States. On that we paid freight exceeding $1,000,000.

I read this, Mr. Speaker, that gentlemen may know that this man has a thorough knowledge of the subject that he is discussing. He says:

I make this statement to show you that I have a personal knowledge and am largely interested in this question of pilotage, for, with all due deference to my New England friends, for whom I have the kindest regard, I think we pay the pilotage and license, and that they do not pay it.

Reading still further along, he says:

Before the present tariff prices in New England were controlled by domestic competition, we knew at what price the different factories and railroads were offered coal and we had to meet that price. We had, in order to compete, to put Pocahontas coal down there at that price in order to get the trade. Then, of course, we had to look after the freight; and, whatever my friends may say, when they fix the freight they put the pilotage on the rate. Now, since the "party-perfidy tariff" has gone into operation Queen Victoria has gone into New England, for every ton of coal that comes from Nova Scotia pays the Crown 12 cents royalty. They have fixed the price there, and we are compelled to come to it; and we still pay the pilotage.

* * * * * * *

I contend, gentlemen, that this is a State matter. We at home pay this pilotage. If it is an obstruction to trade, pray who suffers but Virginia? They say it is a tax for the privilege of sailing in Virginia waters. Oh, no! If they want to come into the harbors for refuge they can do so without paying. If they want to get our Virginia coal as freight, we say, "You can have the privilege of coming and taking this coal if you will help to keep up our Virginia pilotage system, so as to help our foreign trade."

This is but the grand doctrine, after all, of protection, and if you have navigation laws to protect sailors living in New England and the North, can not we have protection for the sailors living in Virginia?

And let me say right here that the protection given to coasting vessels is absolutely prohibitory. I am a protective-tariff man, but I never went so far as that. No vessel coming from a foreign port and going into an American port can unload a cargo and there take on a load for another American port. The law absolutely prohibits it. That is protection with a vengeance. And now they come in and want to abolish this pilot system on top of it. This gentleman further says:

Mr. Chairman, I told you a moment ago that in 1894 we paid more than $1,000,000 for coal shipped from Lamberts Point to New England. I have the figures. I think I showed the statement to the Committee on Ways and Means during the last Congress. Of that million dollars at least fifty thousand was paid because we could not employ foreign bottoms. Part of my business is chartering ships. I represent in the port of Norfolk probably 125 foreign shipowners. I charter a great many of their ships for different purposes, and I know at what they can be obtained; and I tell you, sirs, without fear of contradiction, that we could have had our freight carried to New England in 1894 for $50,000 less but for our navigation laws.

There is the sum of $50,000 that went for the pilots all right, through just one institution in Norfolk.

Mr. GARDNER. There is no compulsory pilot system in New England, where this freight was shipped.

Mr. MINOR of Wisconsin. I am speaking of the freight rate, and the pilotage being included in the freight rate, on freights taken from Southern ports to New England.

Mr. GARDNER. But the freight was shipped to New England, where there is no compulsory pilotage system.

Mr. MINOR of Wisconsin. But they had to pay it down in Virginia. You have got hold of the wrong end of the string, my friend. That is all that ails you. The State of Virginia has a compulsory pilotage law, and every vessel going to the State of Virginia for coal has to pay a pilot, that is all.

Mr. GARDNER. The gentleman states, does he not, that he would have shipped his coal $50,000 cheaper if it had not been for that system?

Mr. MINOR of Wisconsin. No, sir; the gentleman states that if he had been allowed to ship in foreign bottoms this freight could have been shipped for $50,000 less than our American coastwise vessels would take it for. That is what he said, and I say that a part of that $50,000, at least, went to pay these pilot fees. Now, I want you gentlemen to listen to this. It is good doctrine. Continuing, Colonel Lamb says:

Now, I am not opposed to the navigation laws, and we cheerfully pay that amount for the protection which it gives to the American sailor. And why? That same grand policy of protection has ribbed this country with railroads; it has put steamers on every stream, and it has built factories all over our land, and those factories, those steamers, and those railroads help to consume our coal. I say I am not opposed to the protection granted by those navigation laws which prevent me from shipping coal from Lamberts Point in foreign bottoms.

He is not opposed to it, and would rather pay his just proportion of the pilot fees.

Now, gentlemen, there has been something said about the property of the pilots. Everyone knows, I suppose, that they are obliged to have an outfit, boots and rubber coats and the necessary paraphernalia, to enable them to go out in all kinds of weather, because the laws that create this system are so stringent that every pilot who fails to respond when on duty, or who is absent from the bar for a continuous forty-eight hours is in danger of having his license revoked and of being relegated to private life. No matter what the weather is, or the danger to be encountered, he must be there.

Mr. SIMPKINS. I would like to ask the gentleman if some of these Florida pilots have not been absent from the bar for more than forty-eight hours and present in this city of Washington for nearly forty-eight days?

Mr. MINOR of Wisconsin. I will answer the gentleman by saying that I believe that to be the fact, and I know that the laws of Virginia and Florida compel them to be there, or else they forfeit certain rights. I know that a statute of the United States requires you to be here. How much have you been absent? [Great laughter.]

Mr. TALBERT. I would like to ask the gentleman a question for information.

Mr. MINOR of Wisconsin. I hope gentlemen will not bother me much longer with questions.

Mr. TALBERT. Is it not a fact that those States spoken of are the best judges of what the fees of the pilots should be, and would not this deprive them of the right to determine that matter?

Mr. MINOR of Wisconsin. In answer to that question I will simply say this, that in the State of Florida, although the general law fixes the maximum rate for which the services may be rendered, there are seven ports, not one of which agrees with another. They change their rules according to the local conditions

of the port. That being the case, and that being the legislation enacted by men who are interested in the matter, I ask you, Mr. Speaker, how can this Congress regulate the pilotage and make everything fair and equitable in nine whole and different States?

Mr. TALBERT. They are the best judges of their own business.

Mr. MINOR of Wisconsin. That is the point exactly. They ought to be, and I believe are, competent to judge of their own local wants.

Mr. TALBERT. That is the idea I wanted to get out.

Mr. MINOR of Wisconsin. In the committee, in considering this bill, I suggested an amendment as to the time of its going into effect. I saw that it was vicious. I know that every dollar that these men accumulate goes into boats and paraphernalia to fulfill the functions of their business and to perform their duties satisfactorily to the marine interests, and I know they own these boats. I proposed in this bill to give them at least one year before it went into operation, to give them an opportunity to dispose of their property. But no, sir; the majority of the committee could not see it as I did, and, as intelligent a leader as he is in the House, the chairman of the committee could not see it. He has had no practical knowledge. I know that a pilot boat is good for little else except as a pilot boat. They can not be used as freighters, they can not be used as yachts, nor as fruit boats, to any advantage. They are built expressly for pilot boats. I want these men down there, who have been frugal and industrious, and who have saved a few dollars, to be able to dispose of that property at the highest market rate, and they can not do it under this bill, for there is not the time allowance.

Now, a great deal has been said about paying the pilot whether you use him or not. I want to say to the chairman of the committee that I assume he is a taxpayer. I assume that he is a man of good character. I want to say to him that every day of his life he is paying to maintain jails, and yet I know he is a moral man and one of whom I would say that he was never in a jail in his life except as a visitor. [Laughter.] I want to say to him he is supporting a fire department, if he lives in a city, for the preservation of his property, and yet he may never have had property destroyed by a fire. But he is taxed just the same. I want to say to this House that we print statutes at the expense of the United States, but we have not a surfeit of good lawyers. There are many of them that we could dispense with, but they are not the good ones.

Now, Mr. Speaker, I believe that one of the most sacred pledges that was ever given by the Republican party is the pledge given to the honest laboring men in these United States; and I say to you that if this bill passes it will seriously cripple the labor of these ports, especially in this branch. That is admitted on all hands. I have been flooded both in committee and out of committee with resolutions adopted by commercial organizations, by Grand Army posts, by engineers' beneficial associations, by steamboat captains, by shippers and merchants, and everyone who has a practical knowledge of this subject to do my utmost to defeat this bill. It has been asserted here that the occupation of pilot is handed down from father to son as a sort of heirloom. I say that is untrue. A gentleman who was before our committee went from New York only a few years ago, served an apprenticeship of four years, was licensed as a bar pilot, and is to-day president of the pilots' association of Florida; and he is the son of a brave and gallant Union officer during the war of the rebellion.

It is not my purpose, Mr. Speaker, to take up very much more time on this matter. I just want to say this that I respect the Republican party to-day above all other political organizations on earth, not for the promises it has made, but for the pledges it has kept, and for its faithfulness to the people of the country. It is one of the cardinal principles of our party to promote and elevate the labor of this country; but if you pass this bill you are treading on tender ground. It should be your duty to make the humble homes of the pilots as respectable and as happy as possible; to keep the fires burning brightly; to give as much sunshine as possible and disperse the cloud of despair; for I say to you that around the hearthstones of these hardy pilots there is plenty of pure patriotism and loyalty to this country. Maintain it, and encourage your humble working people in pure and intelligent citizenship, and give them opportunities to live and thrive, and your Government is safe and enduring. [Loud applause.]

Mr. SIMPKINS. Mr. Speaker, before continuing the argument so well and ably begun and carried through by the gentleman from New York, the chairman of the Committee on the Merchant Marine and Fisheries [Mr. PAYNE], I wish to reply to the last gentleman who spoke [Mr. MINOR of Wisconsin], answering his personal remark in reply to my question concerning his statement that the pilots are required to be constantly on duty or else lose their positions. When he made this assertion I called the gentleman's attention to the fact that the pilots of Florida, representatives of the pilots' association, seemed to have an abundance of time and to be free from duty to come here to Washington to lobby in season and out of season against this bill; and he replied by asking me how much I had been absent.

Now, although I was willing to join in the laugh which that response excited, I do not concede that the gentleman's answer was an adequate and convincing argument; but since he has called attention to that particular point, I wish to say that I have been present so constantly at every hearing of the committee, and so constantly in the House, that if the law of which he spoke as applying to pilots in Florida had been applied to me I would not have lost pay or place by reason of absence. [Applause.]

Now, however, Mr. Speaker, let us take up the bill. What is the proposition which we are considering? Let us take it up in a business way, for it is purely a business proposition, and ascertain exactly how we are steering, in order that we may cross the bar of this difficulty with or without a pilot. In the first place, there are two classes of American vessels engaged in our commerce. The first class is composed of vessels engaged in the foreign trade, vessels sailing to England, to Germany, to China, to India, or to some other foreign land. All these vessels are compelled to pay pilotage, and this bill does not affect them in any way. The second class is made up of vessels engaged in our coastwise trade. The vessels engaged in that trade are of two classes, steam vessels and sailing vessels, and the gentleman who last spoke is himself a representative of steam vessels. His vessels are not affected in any way by this bill. It will thus be seen that this bill proposes to do one thing. It proposes to put sailing vessels on an equality with steam vessels in this matter of pilotage. Both are engaged in the same business. They carry on the same business in the same waters. The sailing vessel comes in competition with the steam vessel. The sailing vessel is obliged to pay compulsory pilotage whether she takes the services of a pilot or not, while the steam vessel is allowed to exercise its option. The steam vessel is not required to pay pilotage unless it accepts the services of a pilot.

Now, I wish to call the attention of gentlemen of the opposition to this point: Under this bill, if it becomes a law, if a sailing vessel takes a pilot she pays pilotage; if she does not take a pilot she is no longer obliged to pay compulsory pilotage. Let me say to the pilots of the Southern States that in opposing the passage of this bill they are being for a time—for only a very short time—penny wise, but that, in the long run, they are being decidedly pound foolish. How can this be?

Mr. Speaker, in spite of the arguments of gentlemen here, everyone knows that the steam vessel is rapidly driving the sailing vessel from the sea; and if you drive the sailing vessels out you reduce the number of chances to render pilot service. The total number of American sailing vessels has already declined from 28,000 in 1874 to 17,000 at the present time. We know that there were only some 600 sailing vessels flying the American flag engaged in foreign voyages last year. We know that to-day over 2,000 steam vessels of over 50 tons are engaged in the coasting trade in competition with the American sailing ships that are left, larger in number, it is true, but smaller in tonnage and dwindling day by day. If those vessels are compelled to bear the burden of paying pilotage, they will be rendered less able to keep up the contest which they have to engage in to hold the sea against their steam competitors.

Mr. Speaker, let us briefly consider what these pilot laws are in several of the States. Let me direct your attention to some of the ports where pilots are needed and to some of those that may be safely navigated without the services of a pilot.

In the first place, then, take the State of Virginia. In that State vessels engaged in the coasting trade are obliged to pay for the services of a pilot whether they require those services or not, unless the owner of the vessel is willing to pay a tonnage tax of 10 cents per ton. In connection with that law of the State of Virginia, let me call the attention of the House to that clause of the Constitution which provides that—

> No State shall, without the consent of Congress, lay any duty on tonnage.

In spite of that provision of the Constitution certain States have taken advantage of the authority given by Congress to the States to impose pilotage fees, and now impose a tonnage tax, saying to the vessel owner: "Unless you pay a tonnage tax you must take a pilot; but if you buy a license by the payment of this tonnage tax your vessel will be perfectly safe and you will have no need of the services of a pilot."

How is it in South Carolina? The laws of that State exempt vessels sailing from ports within the State from pilotage charges, and in doing so they come in direct conflict with that clause of the Constitution, or at least with the spirit of that clause of the Constitution, which says that—

> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

That provision of the law of South Carolina is also in direct antagonism to the act of Congress, which provides that—

> No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States.

Under the general authority granted by Congress in 1789, several Southern States have passed laws which are in direct conflict

with at least the spirit of these two clauses of the Constitution that I have cited, and also in violation of the act of Congress I have referred to.

Take Alabama. That State discriminates in its laws in this way: It allows vessels sailing between Pensacola and New Orleans to enter the port of Mobile without the payment of a fee, but says to a vessel from Texas, or Maine, or Massachusetts, or New York, or any other State: "If you come into the port of Mobile carrying exactly the same cargo as this vessel from New Orleans or Pensacola brings to this port, you must pay compulsory pilotage whether you agree to accept the services of a pilot or not." Thus the laws of the Southern States vary in many particulars; but they all agree in providing that pilotage shall be levied whether the services of the pilot are accepted or not. Mr. Speaker, where else is any such principle adopted? Where else is there such a discrimination against one class and in favor of another?

Mr. COOPER of Florida. Will the gentleman permit me to answer that question?

Mr. SIMPKINS. Certainly.

Mr. COOPER of Florida. Great Britain authorizes compulsory pilotage, the rates of which vary at different ports; and, so far as I know, the same is true of every commercial nation in the world.

Mr. GARDNER. Has the gentleman taken into consideration the different conditions in those countries as to the ebb and flow of the tides?

Mr. COOPER of Florida. I did not catch the gentleman's remarks.

Mr. GARDNER. My suggestion was simply this: At Liverpool, for instance, you have an ebb and flow of the tide to the extent of 32 feet; so that there are entirely different conditions from those which exist here.

Mr. COOPER of Florida. And on account of those varying conditions the local pilotage rates vary; in some parts of the British coast pilotage is compulsory, and in others it is not.

Mr. SIMPKINS. I am delighted to meet the suggestion of the gentleman from Florida. He tries to compare the conditions existing in Great Britain with those existing here in the United States. I have pointed out that the laws of the different States on this subject are in violation of clauses of the Constitution, and in reply the gentleman says that England has compulsory pilotage, varying in rates at the different ports. Now, let me call attention to the laws of England on this subject. I have here a book entitled Dock and Port Charges of the United Kingdom. There are in the United Kingdom some ports owned by individuals, some owned by corporations. Nothing of that sort exists in this country. Turning to page 176 of this book I find the dock charges at one port in the Kingdom of Great Britain, Dundrum Bay, a subport of Newry, in latitude 54° 13′ N., longitude 5° 50′. It is the property of the Marquis of Downshire—his sole property. He has recently made considerable improvements——

Mr. BRUMM. The book to which the gentleman refers gives dock charges, not pilotage rates.

Mr. SIMPKINS. And this other volume relates to pilotage.

We thus see that the ports in Great Britain are in some instances owned by individuals and in other instances—for example, in Folkestone—the port is under control of the corporation. It is the property of the Southeastern Railroad Company. There are no pilots, but boatmen charge only from 15 to 30 shillings per vessel, according to size. These individuals or corporations have the power under the law to regulate their dock charges, and pilotage is very light. Turning to the pilotage charges, we find on page 371 of the merchant shipping act of 1894 this provision:

> There shall be no compulsory pilotage, and no restriction on the power of duly qualified persons to obtain licenses as pilots in any new pilotage district constituted under this section or in an area included in a pilotage district under this section.

If I had time to go through the different laws of England at length we would find a great many variations in the law, as the gentleman from Florida has said; but we would find in every instance some specific reason for the discrimination where it exists. But in no one place—this is the point I wish to make—either in England or in any other country, do we find the nation making a discrimination between the two classes of vessels engaged in the same waters and the same trade, such as is made in this country between sailing vessels and steam vessels entering Southern ports to-day.

Mr. COOPER of Florida. Will the gentleman allow me to ask him a question?

Mr. SIMPKINS. Certainly.

Mr. COOPER of Florida. Is there anything in this bill to regulate or prevent discrimination? In Florida there are no discriminations. Why, then, bring in a sweeping bill which, in our opinion, virtually destroys the local pilotage system instead of correcting the abuses of the existing system, if there are any?

Mr. SIMPKINS. The gentleman says there are no discriminations in Florida. But there are. They exempt a certain class of vessels drawing less than 6 feet of water. They also make a discrimination between vessels that carry the United States mails and those that do not. Vessels carrying the United States mails (if I have read the pilotage laws of Florida correctly) pay only one-half pilotage. If you go to a foreign city you may have to pay taxes for things that you do not care for and do not receive. In the fashionable resorts in Germany or in Switzerland you will have to pay a band tax and other local taxes, although you may get no benefit from them. That is the foreign system, although it does not prevail in England. You have to pay these taxes if you wish to visit those places. Here in America the principle has been, and I hope it will continue—this compulsory pilotage law is the only variation from it that I know anything of—that those who enjoy a benefit shall pay for it. Nowhere else do we have taxation without return.

Now, Mr. Speaker, let me call attention to the condition of our harbors as it was when Congress passed the law which gave the States charge of this pilotage system. That was in the last century. Our bays, our rivers, our harbors were then as God made them—in a state of nature. Since that time this Government has spent over $81,000,000 in improving those waterways, simply for the purpose of assisting the navigator, of giving aid to commerce. In Galveston over $7,000,000 have been spent for the improvement of that harbor. At Pensacola $100,000 is appropriated in the bill of this year, and many millions of dollars have been spent at New Orleans and other Southern ports; and let me call your attention to the fact that it was Senator HOAR of Massachusetts who first and foremost originated that work and urged it. He knew no State lines, and did not discriminate as between the North and South, but he saw that great work could be done, and went voluntarily forward to champion the cause of the improvement of these Southern ports and voted willingly for the appropriation of sums larger than any amount that was ever spent for the harbors in Massachusetts.

Now, it seems to me that after the Government has done this great work in every harbor that can float a merchant vessel we should not continue this system against our commerce unless the other side shows very good reasons why a few pilots who may have their salaries or yearly stipends cut down a trifle by this legislation should be privileged and considered to the exclusion of everybody else.

The gentleman from Florida asks me, why not bring in a bill to accomplish this in some other way? I know of no other way in which it can be accomplished. Gentlemen seem to apprehend that the pilot system will be injured if this is carried into execution. I do not think the pilotage system will be injured in the South. I wish to direct your attention to the fact that we had the compulsory pilotage system in Massachusetts, New Jersey, Connecticut, and New York, and that the compulsory pilotage system was abolished years ago, and when it was abolished at the North the very same arguments were used that are now used.

Gentlemen appeared before our State legislatures and said, "Why, if you abolish this compulsory pilotage system not only will the pilot system be destroyed, but you can not get into the ports of Fall River or New Bedford or across the shoals at Nantucket with safety." But it was done away with, and since then not a word has been said or a voice raised to ask that it be resumed; and nowhere either in the Southland nor in the Northland will you find a better system of pilotage, or braver and bolder men, or men who will go farther out to the sea, taking all the risks of that dangerous calling, than the pilots who go out from the ports of Boston and New York. I am glad, Mr. Speaker, to pay that tribute to the bravery of men who go away out to the Banks and to the Georges, far out to sea on our dangerous northern coast. They go out bravely in search of vessels and pilot them in safety into port.

Mr. CUMMINGS. Will the gentleman yield for a question?

Mr. SIMPKINS. Certainly.

Mr. CUMMINGS. Does not the gentleman know that these pilots of whom he speaks are opposed to this bill?

Mr. SIMPKINS. I know that the gentleman [Mr. CUMMINGS] who represents the pilots is opposed to it. I also know that one of the members of the New York Pilotage Association has been before our committee, and I understand that he is employed by the pilot association of the South to oppose the bill. But I can not see how the pilots——

Mr. CUMMINGS. I will correct the gentleman right there, if he will allow me. He is employed by the New York and Sandy Hook pilots, and is a competent pilot who has had over forty years of service himself.

Mr. SIMPKINS. I was going to say, Mr. Speaker, that I could not see what interest the pilots of Boston and New York can have in opposing the bill. It does not affect the ports of Boston and New York or any other ports until you come to the ports of Virginia, unless it be that they simply have a kind of sympathy for the pilots of the South because they are engaged in the same business.

Mr. CUMMINGS. If the gentleman will allow me, I will answer that right there. They desire that the pilots of the South shall have the same privilege as the pilots of the North.

Mr. SIMPKINS. They will have exactly the same privilege

when this bill is passed; exactly the same. To-day the pilots of the South have greater privileges. To-day the pilots of the South under the law receive pilotage fees for no services performed. The pilots of the North, on the contrary, receive pay for the performance of services which are actually and well performed. We are only asking in this bill that you will have the same equality for them; that you shall not discriminate between the two classes of service, or between the vessel owners engaged in commerce on our coast. The vessel owners are perfectly willing to pay for the pilot if they use the services of one. But they do insist that they ought not to be obliged to pay a tax without any return whatever.

Mr. TYLER. Will the gentleman allow me an interruption?

Mr. SIMPKINS. Yes.

Mr. TYLER. Is it not true that at one time the compulsory pilotage system extended throughout the Northern States, and was done away with by the action of the State legislatures themselves when they saw fit to do so? Is it not true that New York had the compulsory system, and that it was done away with by the action of the State legislature of New York because they believed it would not interfere with the efficiency of the system?

Mr. SIMPKINS. Well, I will say——

Mr. TYLER. And one moment more, with the gentleman's consent. The other question is, Is it not still a fact that the system in the Northern States is maintained by taxation levied upon foreign vessels?

Mr. SIMPKINS. Well, I am very glad, Mr. Speaker, that my remarks have had the effect of rousing the gentleman, who wishes to make me go over again what I have been endeavoring to say all along in my own feeble manner.

Mr. TYLER. I was not present during the first part of the gentleman's speech.

Mr. SIMPKINS. It is a fact that the system is kept up by the pilotage fees collected from foreign vessels. It is a fact that in the North we had the compulsory system at one time, and it was abolished in the face of the opposition of the pilots themselves; and no one now desires to return to that old system.

Mr. TYLER. By State legislature?

Mr. SIMPKINS. By State legislature.

Mr. BRUMM. Why do you not let State legislatures do the same in the South? Why do you interfere with them?

Mr. SIMPKINS. If the pilots' associations have so much power politically before Congress, how much more power do they have before the legislatures of their own States? They can block there legislation which would be good for the nation and good for the country. The vessel owners have been obliged to come to Congress for relief. This is not the first time they have been here. They have been here during the past twenty years, and I wish to cite this in evidence of the fact that nothing will be settled finally until it is settled right.

But in spite of their many attempts, this is the first time that this bill has been discussed in this Congress or in any Congress, although it has been here year after year. A favorable report was made a few years ago, but it was killed on the question of consideration. So this question never has been debated before in the American Congress, and that is the only reason, in my opinion, Mr. Speaker, why this bill was not passed long ago.

I wish now to bring forward a few facts and figures obtained from the collectors of Southern ports showing to what extent vessels engaged in the coastwise carrying trade employ tugs in entering Southern harbors. Telegrams from the collectors of these ports show the following facts: The collector at Pensacola states that 25 per cent of the vessels coming in there use tugs; in Wilmington 50 per cent of the vessels employ tugs; in Charleston 85 per cent use tugs; in Mobile 90 per cent employ the services of tugs; at Brunswick, Ga., 50 per cent entering and 90 per cent leaving use tugs; in Savannah 85 per cent of the vessels employ the services of tugs; in Norfolk 95 per cent, in Fernandino 95 per cent, and in Shieldsboro 95 per cent. So you see, Mr. Speaker, that in addition to being compelled to use the services of a pilot——

Mr. TALBERT. Will the gentleman allow me to ask him a question.

Mr. SIMPKINS. In one minute. In addition to being obliged to employ a pilot and pay him whether they need his services or not, they also, for convenience and quickness and safety, employ the services of tugs.

Mr. TALBERT. I should like to ask the gentleman if it is not in clear and good weather that they use these tugs, and when it is stormy and unpleasant weather if they are not compelled to use pilots, and can not get along without them?

Mr. SIMPKINS. I have just stated, Mr. Speaker, that from 25 to 95 per cent of the vessels entering these harbors use tugs. Now, I do not know whether it is because there is clear weather during that percentage of the time or not. In the case of the vessels which, for example, enter the harbor of Norfolk——

Mr. TALBERT. My question is whether they use tugs in fine, clear weather and pilots in bad weather?

Mr. PAYNE. The gentleman is trying to answer that question.

Mr. SIMPKINS. In Norfolk 95 per cent of the vessels employ tugs. Now, it is possible that 95 per cent of the vessels come in during clear weather, and that only 5 per cent come in during stormy weather. I hope they always have such smiling skies in the South.

Mr. TALBERT. Statistics are very deceiving. I wished to know what the facts are.

Mr. SIMPKINS. If they have that much clear weather down there, I do not see that these pilots have to endure much of the hardship in the performance of their duties upon which so much stress has been laid.

Mr. COOPER of Florida. Are these figures anything more than guesses?

Mr. SIMPKINS. I stated that these figures are the replies from the collectors of these ports. They are the best judgment of these collectors, and the telegrams stated that the information was the best information that could be received from the ports where these vessels entered.

Mr. COOPER of Florida. They keep no official record, do they?

Mr. SIMPKINS. This Government does not provide that official records should be kept; so how can there be any official records? The gentleman is well aware that it is impossible to obtain an official record. The gentleman is also well aware, Mr. Speaker, that it is impossible to obtain official records of the amount of money that the pilots receive. They have charge of their own books.

Mr. COOPER of Florida. And it is impossible to obtain an official record of the moneys that the owners of sailing vessels receive for freight.

Mr. TALBERT. The gentleman admits that his statistics are not reliable.

Mr. STEELE. They come from Democratic sources—Democratic collectors?

Mr. TALBERT. The gentleman is simply giving us his own conclusions.

Mr. SIMPKINS. These figures that I have presented are the opinions of the collectors of Southern ports, the best opinions of these Democratic officials; and gentlemen from the Southland may take them for what they are worth. I do not admit they are not reliable. I think they are reliable.

Mr. TYLER. Does the gentleman take the position that a tugboat does away with the necessity for a pilot or takes the place of one?

Mr. SIMPKINS. Why, I leave that to the gentleman himself. If he is the owner of a schooner engaged in the coasting trade, and if he gets his vessel down off the bar of one of these ports and employs the services of a tug, which is obliged to have on board a licensed, skillful pilot, and his vessel is at one end of a hawser, with a tug towing him into harbor, I leave it to his own judgment whether he thinks, in addition to that, he needs a pilot or not. But I will also say that it was in evidence before our committee that in a case where the pilot was taken on board when these tugs had hold of the vessel the pilot thought his services were so little needed that he went below and slept in a hammock during the whole trip.

Mr. COOPER of Florida. The gentleman says he would leave it to our judgment. Now, I would like for the gentleman——

Mr. SIMPKINS. I suggest that the gentleman can occupy his own time.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Massachusetts yield?

Mr. SIMPKINS. I am perfectly willing, so far as I am concerned, to answer any question that may be asked; but the chairman of the committee points out to me that to yield further would be to consume time that other gentlemen desire to occupy.

Mr. COOPER of Florida. Then the gentleman does not leave it to our judgment.

Mr. PAYNE. I submit to the gentleman that he can make his own statement. He will have plenty of time.

Mr. SIMPKINS. I wish to call the attention of the House, Mr. Speaker, to a few figures showing what proportion the pilotage fees bears to the whole net freight and to the gross freight of a voyage. These are figures from owners' books. They will show gentlemen very well what the gross freight of a coasting schooner is, just how much she receives for freight, and what she has to pay out for pilotage charges. For example, here is a schooner of 519 tons. She makes a voyage from Providence to Newport News, Key West, Port Tampa, and back to Providence. Her gross freight is $4,348. (No insurance, no depreciation charges enter into this computation.) Her net freight is $846. Her pilotage charges were: Newport News, $51.90; Key West, $104.50; Port Tampa, $7.65; New Orleans, $140; a total of $364.40 paid for pilotage. That is 43 per cent of the net freight of the vessel.

Mr. LESTER. Will the gentleman yield to a question?

Mr. SIMPKINS. Certainly.

Mr. LESTER. Did that vessel that you speak of make all these ports in one voyage?

Mr. SIMPKINS. She made all of these ports in one voyage.

Mr. LESTER. She went first from Providence?

Mr. SIMPKINS. She went first from Providence to Newport News, then to Key West, Port Tampa, New Orleans, and back to Providence; and in that one trip she paid $365 for pilotage charges.

Mr. COOPER of Florida. What is the gross freight?

Mr. SIMPKINS. Her gross freight was $4,348 and her net freight $846.

Mr. COOPER of Florida. How do you make that enormous difference?

Mr. SIMPKINS. I will say right here that pilotage charges, as a rule, amount to one-third of the net freight.

Mr. FOOTE. What is the net freight made of? What is taken out of the gross freight to make that?

Mr. SIMPKINS. No insurance is charged, but I suppose it would be the expenses, the pay of the crews, etc.; but I do not know all the items that go to make up the charge.

Mr. FOOTE. Interest on the investment, I suppose?

Mr. SIMPKINS. No; interest on the investment is not charged.

Mr. BRUMM. It was the net profits.

Mr. FOOTE. If the gentleman will allow me, although I do not desire to interrupt him, it robs the figures of all their significance if we do not know what comes out of the gross freight.

Mr. SIMPKINS. I will give you the case of a schooner of 515 tons, from Boston to Savannah Light. The gross freight was $1,831. There was no insurance and no depreciation charged, and the net freight was $458. The pilotage charges at Savannah were $125. That is to say, the pilotage charges amounted to 27 per cent of the net freight.

Mr. FOOTE. Will the gentleman allow me? I do not see how you can tell what the net freight is until you get the charges that come out of the gross freight.

Mr. SIMPKINS. I do not know what they are. The gentleman can look at the figures, if he desires to. The figures will show what a large proportion is paid as fees for pilots, even if their services are received. In other words, Mr. Speaker, all the people engaged in carrying on this coastwise trade, and there are hundreds of them indirectly and directly engaged in it, have to pay this pilotage. Those who are interested in one of these vessels are the people who own the vessel, the people who ship freight in her, the sailors who receive their wages, all of which can only be in proportion to what the vessel receives. All of these people are engaged in carrying on this trade, and yet the pilot, who only takes her over the bar, receives in compensation for his services, or receives whether he gives service or not, one-third of the return. The steam vessel does not have to pay these charges, and the sailing vessel is in direct competition with the steam vessel.

Mr. BRUMM. When you say they receive one-third of the return, you do not mean to say that the net return is made up before the pilotage is deducted, do you?

Mr. SIMPKINS. I mean to say this, Mr. Speaker, that the vessel making this trip that I have spoken of, while her gross freight was $1,183, her net freight was $458, and while there was no insurance charges, she had to pay for pilotage the sum of $125.47, which is 27 per cent of the net freight. These are the figures of the owner, taken from his own books, kept in the usual business way, and gentlemen can see just exactly what they mean.

Mr. BRUMM. He does not take out the freight. The net freight is the balance after the pilotage is paid.

Mr. FOOTE. I desire to ask the gentleman if he will permit me to ask him a couple of questions?

Mr. SIMPKINS. There are other figures here, Mr. Speaker. These examples can be multiplied indefinitely. The gentleman who furnished me this statement, Mr. Freeman, says of them himself that they can be multiplied indefinitely, that they are actual accounts, "and can be verified from his own books."

Mr. FOOTE. If the gentleman could tell us the length of the voyages and the value of the ship it would give us some idea of the profits in a year.

Mr. SIMPKINS. If the gentleman from New York is not in favor of the great principle that a man should not pay for something that he does not receive; if he does not believe that we should not discriminate against sailing vessels and in favor of steam vessels, then, Mr. Speaker, in my opinion, no amount of figures that I could bring to him as to the amounts paid for pilotage and to sailing masters would convince him and induce him to give his vote to this bill. I need only say that in the gross amount this is a great burden for the American sailing vessels to bear, and I say that nowhere else in the United States is this system of tribute levied.

I say that it is un-American, un-Republican, and un-Democratic. It does not belong to any system in this country. In their minority report the gentlemen in opposition say that compulsory pilotage is as old as commerce. They speak of the Hanseatic league, which, as you all know, was a league of northern German towns for the benefit of themselves to give them a monopoly of commerce. They say that compulsory pilotage is found away back beyond the Christian era and from that time down to the present. We grant it. We say that we have compulsory pilotage to-day, and that we will have compulsory pilotage after this bill is passed; but it will be pilotage levied equally, levied without unjust and unfair discrimination, levied fairly and honestly. If they wish to make comparisons with the laws of former times they had better make it between the system in vogue to-day in the Southland and the system that was in vogue along the coast of the Mediterranean when American and English vessels had to pay tribute to the Barbary States and along the coast of Algiers—a system of tribute that was so abhorrent to the American people that away back in 1803–1805 they sent an American fleet and forced a treaty upon those people and compelled them to cease levying tribute upon the commerce of the United States. [Applause.]

Mr. CUMMINGS. Mr. Speaker, in my nine years in Congress this bill has appeared periodically and surreptitiously. Sometimes it has sought a resting place in the Committee on Merchant Marine and Fisheries, and again it has been popped into the Committee on Interstate and Foreign Commerce. It was favorably reported in the Fifty-first Congress and defeated on the question of consideration. In other Congresses it has hibernated in committee. It is a bill drawn in the interest of shipowners at the expense of pilots. The shipowners are already drawing largely on the bounty of the Federal Government. Not a foreign vessel is allowed to engage in our coastwise trade. All of this trade, therefore, is practically in the hands of the shipowners of New England. Call it protection, if you please. I say these shipowners are already sufficiently protected. They pay no tonnage dues. They pay no light-house dues. They do not even pay entrance and clearance fees in the United States custom-houses. This last, small as it may seem, is a gratuity to them from this Government, amounting to between seven and eight million dollars a year. And yet they appear here and demand further Federal favor at the expense of the pilots.

Now, Mr. Speaker, the most important duty devolving upon Congress is that of legislation. It carries with it grave responsibilities and graver consequences. We are to legislate for the whole people, not for the few. Above all, we should not favor one trade or profession at the expense of another. The rich should not be privileged at the expense of the poor. Life and property should not be imperiled unless the safety of the nation is endangered. I have said that the shipowners are already sufficiently protected. Practically the Government has built a Chinese wall around them. No competition is allowed. My friend from Massachusetts [Mr. SIMPKINS] said that coastwise vessels were entitled to the same privileges that steam vessels engaged in coastwise trade enjoy, but he did not tell you how coastwise steamers secured these privileges. The robbery of the pilots has been crafty and persistent. The steamship slice was put as a rider upon an appropriation bill and sneaked through Congress. The same cunning hand is at work upon this bill. Here is Senate bill 2162, entitled "A bill to amend certain sections of Title LII of the Revised Statutes relating to steam vessels and to codify therein all existing amendments relating to the same enacted by Congress since the close of the Forty-fourth Congress"—truly an innocent title. On page 25, however, I find this pilotage bill which we are considering snugly hidden away, ready to be run through the House under cover the same as the bill exempting steam vessels was run through years ago. And for aught I know, it may turn up in some other secret nook or corner of the Capitol before this Congress adjourns.

Now, Mr. Speaker, let us compare the protection—call it protection, if you please—given to the shipowners with the protection given to the pilots. The Government has done nothing whatever for the pilots. It has simply left them to the care of the States. The State legislatures enact laws for them and prescribe their fees and duties.

Before our Constitution was formed pilotage was regulated by each separate colony. England did not interfere. After the Union was formed and the Constitution was adopted Congress continued the jurisdiction to the different States. Each colony had controlled it and each State was left in control of its pilots. It was thought that certainly no State would adopt any measure that would injure its own commerce; on the contrary, each State would secure all the commercial advantages possible by legislative action. The New England States then had compulsory pilotage. New York had it, and so had the Southern States.

The law authorizes each State to regulate its own pilotage dues and to fix them for its own ports. "Compulsory pilotage," as gentlemen call it, was then the general rule. It lasted in each of the original States just as long as it was to the interest of each State to maintain it, and no longer. It has been repealed in some of the seaboard States and it exists in others. The States in which it has been repealed are the States in which most of the vessels engaged in the coastwise trade have been built and are owned. It was to their own interest to abolish compulsory pilotage in their own States. Their ports were frequented by their own vessels.

Their ships traded with the South, but no Southern-built or Southern-owned ships entered their ports. It was to their interest to repeal the law, and it is to their interest to invalidate it in all the other States, if possible. They ought to seek its invalidation, if at all, at the hands of the State legislatures; but they prefer

to level the heads of all the pilots at one fell swoop by deftly using the sword of Federal legislation.

The manly way would have been to seek the repeal through the legislatures of the States interested, but they prefer another road.

Having received the full benefit of the law in their own States, they now appear before Congress and ask you to deprive citizens of other States of the very privileges that they themselves have enjoyed to their heart's content. Their own action was voluntary. They kept the laws upon their own statute books while they served their own interests, and repealed them when their own interests required.

They are not willing to allow their sister States to do the same. Their action, however, proves that each State is alive to its own commercial interests and may be safely trusted to care for them. And this is precisely why Congress left the matter to the legislatures of the different States. They would assuredly try to foster and not to injure their own commerce. They would endeavor to increase and not to decrease it. They were the most competent to deal with the question. They certainly knew what was best for their own commercial interests and for the interests of commerce at large. No State will maintain compulsory pilotage longer than it is necessary for the safety of life and property. It is this very safety that insures the increase of its commerce. When life and property are safe without it, its retention must injure its commerce, and its legislature is sure to act.

To illustrate this: After over fifty years of compulsory pilotage, the State of New York, in 1845, repealed all its pilotage laws. For eight years any person could lawfully act as a pilot if desirous of doing so. A captain could take a pilot or not take one, just as he pleased. The pilots made regulations to suit themselves, and were held to no accountability for neglect of duty. Captain and pilot each took advantage of the other as the exigencies of the situation admitted. So things went along until 1853.

Now, mark the sequel. In that year the ship *New Era* appeared off the New Jersey coast with a load of immigrants from Antwerp. Its captain was hailed by a pilot, but refused to take one. He declared that, even if it did take him until next day, he was fully capable of piloting his own ship into the harbor. That night a tempest arose. Before daylight the ship was a total wreck. Hundreds of lives were lost. Four hundred and eight bodies drifted ashore and were buried in a huge grave on the site of what is now Asbury Park.

This disaster appalled the country. All classes were aroused. The merchants of New York were stirred to the very core. Moses H. Grinnell, Charles H. Marshall, John I. Boyd, E. K. Collins, David Ogden, the Howlands and Aspinwalls, George and Nathaniel Griswold, and others whose names have been woven into the commercial prosperity of New York City, petitioned the legislature for the reenactment of the compulsory pilotage law. [Applause.]

The legislature heeded the appeal. The law was reenacted. For seventeen years it remained upon the statute books. The State enforced the law until she had enough foreign trads to support her pilots without it. Then she repealed it so far as it applied to coastwise vessels and Sandy Hook pilots. It was continued at Hell Gate until General Newton's operations had made the navigation of that channel comparatively safe. After Newton's work the Hell Gate pilots began to exact tribute from coasting vessels under the compulsory law. The vessel owners complained to the State legislature and not to Congress, and the legislature again repealed the law as to coastwise vessels. It is not now on the statute books of New York, because it is not needed. The pilot service can be maintained without it. The compulsory fees from vessels engaged in the foreign trade keep it efficient.

If you are going to repeal here the fees as to coastwise vessels, why not repeal all pilotage laws? Why not let all vessels, foreign as well as American, come in free? You call the pilotage system "robbery." Why rob foreigners? If you let the coastwise vessels come in free, why not allow foreign vessels the same privilege and open up your coastwise trade to them? Their captains and vessel owners would gladly pay pilotage fees if allowed the same privileges as these domestic coastwise craft.

Seven of the original thirteen States have reaped all the advantages of the act passed by the First Congress giving them control over the pilotage on their own coasts. Why should the others be debarred from the same right? What have the States which have entered the Union since the adjournment of the First Congress done that they should be robbed of this right, acquired when they entered the sisterhood of States? Are Massachusetts, Connecticut, and Rhode Island entitled to any more privileges than Maryland, Virginia, the Carolinas, and Georgia? Why rob the Gulf States of the privileges acquired when they entered the Union? Why rob the Pacific Coast of its rights in this matter? My friend from Massachusetts [Mr. SIMPKINS] says there is no compulsory pilotage there. I do not know whether there is or not; but the legislatures of California, Oregon, and Washington ought to have the privilege of placing compulsory pilotage on vessels entering their ports if the safety of life and commerce requires it. New York had this privilege, Massachusetts had it, and certainly the other States of the Union ought to have the same.

Above all, why deny to New York the right to again reenact the law if another *New Era* shipwreck should occur and she deems it necessary for the protection of life and property? She has proved that she can safely be trusted to legislate upon this matter for herself. And so can all the other coastwise States. In time, if left alone, they will undoubtedly follow in the footsteps of New York and of the New England States and repeal the law; but it will not be done until they have developed enough foreign commerce to sustain the pilots necessary to insure the safety of vessels and of human life.

To abandon this system south of New York would destroy the excellent pilotage system which now exists there. There are not enough foreign vessels arriving and departing to make it pay. But, sir, if you repeal the compulsory pilotage laws as applied to all coastwise sailing vessels, why not repeal all other State laws concerning pilotage? Why not wipe out the whole system? If it is wrong in one State it is wrong in another. If it is wrong in one part of the country it must be wrong in all parts. Why allow the States to control in one case and refuse them control in another? Why not take from New York all of her pilot jurisdiction? Why not wipe out the system of State pilotage entirely and give the Federal Government complete control? Why specify this law and the coastwise sailing vessels? Why rob the States of all control of such pilotage to secure special legislation for a favored few whose interests are already more protected than those of any other American citizens engaged in any industry, maritime or otherwise?

One argument, Mr. Speaker, advanced in favor of this bill is that the compulsory fees have almost ruined shipowners. You have heard the figures given. Let us see how true that is. Here is an extract from a recent number of the Marine Journal, a New York newspaper published in the interest of the shipowners:

Mr. DINGLEY argues that the impoverished condition of the merchant marine calls for the abolishment of this pilot's fee, while the fact is (and we have it from the best authority, a large schooner owner) that coastwise vessels of modern build have been earning annually 30 per cent net for the past three years.

Another gross misrepresentation was made by Mr. Van Brunt, of this city. At a recent meeting of the vessel owners he said that the pilots of the eleven Southern States where the compulsory pilotage existed received $500,000 per annum from coastwise vessels, when the fact is they do not receive above $100,000.

Now, sir, listen to the Savannah News, a leading newspaper in the South:

These shipowners, on account of their wealth, are able to exert a great deal of influence at Washington. They have the means to pay attorneys and lobbyists, and therefore are remarkably successful in getting such legislation as they want. Within the last year or two they have succeeded in getting their vessels released from all custom-house fees and about all other fees. They have the benefit of the light-houses, buoys, and other aids to navigation free of cost.

And I might add, sir, that under our laws they have the exclusive use of the sea for coastwise purposes.

A few years ago they paid into the custom-houses, for various things from which they received benefits, about $1,200,000 yearly. Now they do not pay a cent. These shipowners do not get any subsidies directly, but they get them indirectly.

And I will add, sir, that their monopoly is more valuable than any subsidy.

They can not truthfully complain that coastwise shipping is suffering. As a matter of fact, it is prospering. The shipowners are getting rich, their investments in vessels paying them from 25 per cent to 50 per cent. Ship builders can not supply the demand for sailing vessels. There does not seem to be any reason why aid should be extended directly or indirectly to any interest that does not need it. It is our foreign trade that is languishing, not our coastwise trade.

Sir, if American vessels engaged in our foreign trade can have to-day the same monopoly and the same privileges enjoyed by those in our coastwise trade, you will never hear a whimper from their owners concerning their pilot dues; American shipping would quickly revive and the American flag float in every sea.

The facts and the figures bear out the statement of the newspapers. The shipbuilding interest in this country is as prosperous to-day, or nearly as prosperous, as it ever was. It at least has not suffered more than any other industry in these hard times, and vessel owners are not entitled to special legislation in their behalf at the expense of other and poorer citizens. Here is the Marine Journal, which I exhibit, and here is a clipping of two columns in one week of ships being built, and its editor did not begin to get all of them that were under way at that time. I will not read it. There are over two columns in all. But the names of the vessels and of the builders are given. I will not read them, but simply exhibit them, with two columns printed in the succeeding week.

Do these lists indicate that either shipowners or shipbuilders are growing poorer? Could there be stronger evidence of their prosperity in proportion to the prosperity of other trades and industries?

Another argument advanced in support of this measure is that steam coasting vessels are not required to take State pilots. I have already described how this provision was smuggled through the House. But the conditions are different. The motive power

of the one is on board and under perfect control; that of the other is the elements. One is run by a steam engine; the other depends upon the winds and waves. The steamship can run into harbor in the teeth of a gale and keep the channel without effort. The sailing vessel is at the mercy of the gale. Adverse winds drive her from her course and she is ever in danger from a lee shore. Currents may twist her and tides throw her from her course. Oft-times, in very sight of port, she is compelled to put back to sea. The steamship is free from these hindrances. Nor is this all. Steamships usually make regular and frequent trips between certain ports. The officers acquire sufficient knowledge of the route to sail their vessels into and out of harbors which they are visiting regularly every few days.

Sailing vessels as a rule have no regular routes. They may not visit a particular port more than once a year. They are dependent upon the winds and the waves, and their officers can have no such knowledge of the harbors they enter as the officers of the steamships running on regular trips. State pilots can pilot any vessel, steam or sail. They know the channel and currents, day and night. Not so with United States steamboat pilots. Put one of them upon a sailing vessel near a strange port and he would be like a fish out of water. He would not always go where he wanted to go and he would be eternally listening for the music of the bells. He might be ready to stop and start and back her, but the winds would bother him. He would never know when to bring her into stays, slack her jib sheet, or lower a topsail. [Applause.]

Now, Mr. Speaker, right here this bill proposes to make a pilot out of the captain or the mate or the second mate of any ship.

Mr. FOOTE. Or the cook?

Mr. CUMMINGS. Or the cook, as my friend says. So that if this bill becomes a law a vessel could leave the port of Seattle or Tacoma, come around Cape Horn, and up to Sandy Hook. Her mate or her cook, licensed by a Government inspector at Seattle, who may never have seen the Hook, is authorized—and his owners would probably compel him—to try the Gedney Channel, the Swash Channel, or the main ship channel, and bring the ship into the port of New York.

Mr. PAYNE. Well, he can do that now, can he not, under the present law?

Mr. CUMMINGS. He can try to do it under a State law, but not farther south. Even New York pilots sometimes fail in entering the port of New York. One put a vessel ashore the other day in the main ship channel; and if a regular pilot who has served his apprenticeship in the waters around New York has such trouble in taking ships into that harbor, what chance would a Seattle pilot have? Still your law would give him that privilege in ports unknown and in defiance of State laws. The owner of the vessel does not care, for if she is wrecked she is well insured.

Mr. SIMPKINS. Will the gentleman yield to me?

Mr. CUMMINGS. The gentleman was kind enough to yield to me, and I will, with pleasure.

Mr. SIMPKINS. I should like to ask the gentleman in what way this bill affects the port of New York in the slightest degree?

Mr. CUMMINGS. It affects the State of New York to this degree, that if another vessel goes ashore at Long Branch with a loss of 400 lives, you deprive the legislature of the State of New York of the power to reenact that law for the safety of life and property. [Applause.]

Mr. SIMPKINS. Mr. Speaker, I should like to know the name of the sailing vessel that carries passengers and that goes ashore in this way?

Mr. CUMMINGS. Oh, there are plenty of them. There are yachts that carry guests, and they are passengers. There is a yachting fleet that goes out from New York each year——

Mr. SIMPKINS. You do not contend that this compulsory pilotage law is enforced in New York State now?

Mr. CUMMINGS. I contend that the lives of the crew of a vessel are just as valuable as the life of any passenger on board. [Applause.]

But we are told by the gentlemen who desire to destroy the present system that the tugboat is to be utilized. Tugboat pilots are to supplant State pilots. Let us see. A tugboat pilot is a fair-weather pilot. He can not go out of port unless the weather is fair. It is in stormy weather that a pilot is most needed. There is not a man in this House who knows anything about a steam tug who would trust himself in one outside of any harbor in a gale. He knows that the boat would be swamped. The steam-tug pilot would be unable to serve sailing vessels when his services were needed the most. At such times he would be like the Dutchman's anchor, always ashore in a storm. How much use to a ship would a pilot be who was in charge of a tug towing it in a tornado or blinding storm? New York pilots last year cruised three, four, and five hundred miles to sea. No tugboat ever goes that distance. You rarely find one 20 miles out, and unless there is every prospect of continued fair weather you will not find one out of sight of land.

Another point. Destroy the pilot boats and you are at the mercy of the tug owners. They would raise the rates for tows, and eventually it would cost as much, if not more, to get into port as it does now under the existing pilotage system.

The pilots are no fair-weather birds. In storm and in sunshine they hover around our ports like gulls, ever ready to bring the weary mariner into a safe harbor. There are tempests so fierce that even the gulls are driven into our bays and estuaries, but the pilot is ever at his post. No gale, however terrible, drives his boat to harbor. His ship never sails home till all its crew are transferred to vessels needing their services. One word in regard to the New York pilots. I have been with them on their cruises. I have been nineteen days at sea with them out of sight of land. You have little idea of the dangers to which they are exposed. The New York pilots own their own boats. The loss since 1853 has been 37 pilot boats owned by New York and New Jersey pilots. In the blizzard several years ago 9 boats went down, and 2 were never afterwards heard of. During the blizzard in March, 1895, 2 boats were lost. Not a word has ever been heard from one, the *Waring*, since she left port. All pilots are subjected to similar dangers.

These are the men whom you propose to cripple so as to add to the profits of wealthy shipowners and shipbuilders. They earn their bread facing death upon the ocean while those who seek to reduce their fees are asleep upon downy beds in steam-heated rooms. Did avarice and greed ever join hands for a more unworthy purpose?

Some one has said that this is the reign of greed. Truly, so it seems.

It will be observed that this bill proposes to license pilots under the Steamboat-Inspection Service. I venture to say that there is no bureau under the Government to-day more incompetent for this service. What does the local inspector at Norfolk know about the coast line south of him that would warrant him in commissioning a pilot for any harbor between Norfolk and Savannah, the next port where a local inspector is to be found? Would a pilot thus licensed begin to compare with a local pilot who has been familiar with the harbor at which he is stationed since boyhood?

State pilotage laws are made for the protection of the public and commerce and not for the benefit of the pilots alone. Compulsory pilotage works both ways. It not only compels coastwise sailing vessels to take pilots, but it compels the pilots to guard the approaches to your harbors. A pilot must be at his station at all times, vessel or no vessel. The law appears to have been made in justice to the pilot as well as to the public. He is compelled by State laws to board any vessel that hoists her signal. Let her be infected with disease, short of provisions or of spars or sails necessary for safe navigation into port, and he must board her and take his chances with those on board. Even if the vessel be leaky and unseaworthy, he must take the wheel. No condition of the ship relieves him of his sworn obligation to board and take her into port. This being the case, what is more just than that the vessel should bear the same relation to the pilot in point of compulsion that the pilot bears to the vessel? The same legislative power that makes a pilot's duty compulsory makes it compulsory on the part of the vessel to take a pilot when hailed by one.

The mere granting of authority by inspectors of boilers and hulls can not make a pilot. He must have a progressive course of training. The State commissioners of pilotage, who now grant licenses, insist upon an apprenticeship at the port at which the pilot is to be stationed. In Georgia it requires ten years' service before authority is given to pilot a vessel. This is four times as long as it takes to make a doctor or a lawyer. These pilots are placed under bonds and oaths. In New York a preparatory training of five years is required. After that, to make sure that the pilot is fitted for his work, he is examined by the board of pilotage commissioners and two of the oldest pilots of the port. He must have an accurate knowledge of the tides, soundings, bearings, and distances of the several shoals, rocks, bars, and points of land and night lights of navigation and other matters. He must be of good moral character and temperate habits. If, with all this, he has sufficient skill and experience to act as a pilot, then, and then only, the commissioners grant him a license for piloting vessels to and from the port of New York by way of Sandy Hook. But even then, before the license is granted, the pilot must give bond, with two sureties, each in the penal sum of $500, that he will diligently and faithfully perform his duties and observe the rules and regulations of the board. He is liable to forfeitures, fines, and penalties for any mismanagement or neglect of duty.

Thus you see that this compulsory business is even more binding upon the pilot than upon the vessel owner.

One main feature of the bill is that it virtually forces the master or mate of coastwise sailing vessels to secure a license from the local inspector whether he wants it or not. It is necessary to take it out to save his situation. A few captains may own shares in their vessels, but the majority of the captains and mates are undoubtedly employees. They are not urging the passage of

this measure. It is their employers who urge it. Their wages would probably not be increased one dollar, while their responsibilities and risks would be more than doubled. If the captains, mates, and crews of these big schooners were consulted they would beseech this House upon bended knees not to throw upon them the risk of piloting their vessels into our ports. No men know the advantage of the present system better than they do. They know that they will be held responsible for the navigation of their ships when entering dangerous harbors. They know the dangers of taking the chances of losing a vessel to save a pilotage fee of five or twenty-five dollars. It is a risk which they do not seek. It is a responsibility which if they could be heard would be left with the trained pilots. These depend not upon the charts of the Coast Survey for their knowledge of shifting channels and varying tides and currents, but upon actual observation. The officers and crews know well that if the vessel is lost the owner gets his insurance and can buy another, but if they lose their lives no insurance can reach their wives and little ones. These officers and crews are not asking Congress to destroy the business of pilotage as it has existed since the first Congress. They would send in a protest against this measure that would shake the walls of the Capitol if they dared.

I say that the passage of this bill will not only endanger property and human life, reduce the fees of the State pilots, and in some cases destroy their business altogether, but that it is inhuman to force upon the captains and the crews of our coastwise sailing vessels the additional risks and dangers.

My friend from Massachusetts [Mr. SIMPKINS] said that the laborers took no interest in this bill. Well, he apparently does not read labor newspapers. The Knights of Labor, the American Federation of Labor, and numberless trades unions have passed resolutions asking Congress to defeat this bill. Sir, you must have received a Knight of Labor paper last week. I found one in my letter box, and it convinced me that they did take an interest in the bill, and a very lively interest.

The SPEAKER. The time of the gentleman has expired.

Mr. CUMMINGS. I ask the gentleman to allow me ten or fifteen minutes more.

Mr. COOPER of Florida. I understand the gentleman only wishes a few more minutes to conclude. I yield him ten minutes.

Mr. CUMMINGS. Now, Mr. Speaker—I see you are in the chair [laughter]—[Mr. DALZELL had occupied the chair]—it is made the duty of the pilots of Delaware Bay to remain always outside of the bay to succor any vessels that need aid. It is their duty under a provision of the State legislature. I hold up before the House a list of the vessels that they have helped in one year. Here you see it. There are three columns of it. There are over 90 vessels named on the list.

The Virginia pilots are also required to be outside of Hampton Roads "on station"; and the pilots of nearly all the Southern ports are in the same list. They are required to be there by law, and the shipowners kick because they are taxed under the State law to support this service. The State law requires their presence. If this State law is satisfactory to you, the law that requires compulsory pilotage, as you call it, ought not to be repudiated. You want all the cream and somebody else is to take the skim milk. Favors ought to be easy.

Now, Mr. Speaker, I do not like to refer to England. I have no particular love for England, for English laws, for English customs, Englishmen, or English ambassadors; but I do say this: England is a maritime country. She finds it necessary to sustain a coastwise pilotage system. All coastwise vessels over 100 tons burden are subjected to pilotage dues in England to-day. Other European countries employ the same system. Here is the Kingdom of Norway and Sweden. Norway only a few years ago repealed its coastwise pilotage laws, but its Folksthing, or Congress, has passed a bill restoring these laws, and they are in force to-day.

We ought to glean wisdom from the experience of others. In addition to all the arguments that I have made against this bill, the practice to-day on the other side of the Atlantic speaks for itself, for if there is anything free that England can get and that she does not get, including free trade, I have failed to discover it. [Applause.]

My friend from Massachusetts [Mr. SIMPKINS]—and I believe he is honest—laid great stress upon the fact that there had been old pilots hanging about the corridor of this House for the last forty days endeavoring to defeat this bill. Well, they had good cause to hang around the corridor. I saw in the corridor a myrmidon of mugwumpery—one Chamberlain, the champion of this bill, the Commissioner of Navigation of the United States—lobbying in the interest of this bill. I know three members whom he importuned to vote for it. Grover Cleveland, President of the United States, has removed from the governorship of Arizona one Mr. Hughes, accused of telegraphing to members of Congress urging them to aid in the passage of some school bill. If my friends on the other side have any regard for the Commissioner of Navigation they will allow this bill to be defeated, for if carried, and President Cleveland proves true to the rule that he has laid down in the case of Governor Hughes, of Arizona, Mr. Chamberlain will "navigate" out of Washington very speedily. [Applause.]

There is very good reason for the presence here of old pilots. One of them, who has seen over fifty years of service, has importuned me time and time again until he has made me very tired sometimes; but he has the starving widows and orphans of the dead pilots ever before him. These men are organized. They have a sort of cooperative society, as my friend from Massachusetts [Mr. SIMPKINS] has intimated; but it is a cooperative society for the benefit of the widows and orphans of pilots who have lost their lives at sea. They have a pension fund, and 300 widows and orphans are sustained by it to-day. They do not come to Congress to seek pensions; they pension their own widows and orphans; and if this bill is passed, away goes that pension fund, and those widows and orphans are again thrown upon the mercy of the world. And all this to increase the profits of shipowners!

One point I had forgotten. I speak of it because I am personally familiar with it. No chart issued by the Government can accurately lay down the channels in the Southern ports. They shift with the action of the rivers which empty into the sea. Take the port of New Smyrna, Fla. I have been there and know whereof I say. The sands on the outer bar shift at least once every six weeks—sometimes every two weeks. The pilots are day and night sounding these bars, gauging the shifting of the sands. I have been with them engaged in the work. Twenty years ago Captain Swift, of New Bedford, was cutting live oak in Turnbull Swamp, back of New Smyrna. Without the services of the Florida pilots some of his vessels would have been lost. The schooner that left the port in one month found the channel changed on her return in the next month. The shifting of the sands resulted in the death of Gen. A. E. Torbert, who was on the ill-fated *Vera Cruz*. They also caused the death of Gen. Orville E. Babcock, who was constructing a Government light-house at Mosquito Inlet. They lost their lives before they could secure the services of Florida pilots who knew the shifting of the sands on the bar. If other vessels had tried to enter the port by chart, even with a pilot's certificate from steamboat inspectors in Norfolk, many lives would have been lost. The tides and currents would have shifted the channels, and false charts would have shipwrecked their vessels. The loss of the *Kearsarge* on Roncador Reef is a case in point.

The SPEAKER. The gentleman's time has expired.

Mr. CUMMINGS. I ask the gentleman from Florida to allow me two or three minutes more.

Mr. COOPER of Florida. I yield the gentleman three minutes.

Mr. CUMMINGS. Mr. Speaker, a statement was made on this floor concerning pilotage in cases where service was not rendered. I find in the New York Herald this morning a statement relating to that subject, a portion of which I will read. Speaking of this matter the writer says:

> The law requires that pilot boats shall be cruising day in and day out, month in and month out, year in and year out, at sea, watchful sentinels at all times, in all kinds of weather, as long as the best sea boats can live, compelled by law, and never shrinking, to render aid and assistance to all vessels seeking or requiring it, riding upon the storm for days at times without the reward of one dollar, perilling and sometimes losing their lives and property in the performance of this duty; at all times at the call of those desiring a pilot, though licensed, and often in bad weather piloting them to safety; a sure and certain restraint upon tugboats and others from exorbitant charges for services to masters of vessels, because the State pilots' charges are fixed by law; bound to succor them if their crews are ill or their vessels disabled from any cause; a living and ever-present safeguard to master, owner, and insurance companies, and, lastly, quarantine officers to the adjacent ports and life-saving stations to worn out and wretched crews.
>
> If this is not full and complete service for the paltry sum of 10 cents per ton for one year, then we can not comprehend sufficient recompense for so small a charge.
>
> H. HORBINSON,
> *President American Pilot Association.*
>
> WASHINGTON, D. C., *April 7, 1896.*

This explains itself. I thank the gentleman from Florida and the House for its courtesy.

[Here the hammer fell.]

## AGRICULTURAL REPORT.

Mr. WADSWORTH. Mr. Speaker, I rise to present a privileged report.

The report was read, as follows:

> The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 5161) "making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendments numbered 2, 9, 10, 13, 14, 15, 20, 33, 34, 35, and 46.
>
> That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, and 52, and agree to the same.
>
> Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:
>
> In lieu of the matter stricken out by said amendment insert the following: "One appointment clerk, $2,000."
>
> And the Senate agree to the same.
>
> Amendment numbered 4: That the House recede from its disagreement to

the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert the following:

"Ninety-four thousand three hundred and forty dollars."

And the Senate agree to the same.

J. W. WADSWORTH,
V. WARNER,
JOHN S. WILLIAMS,
*Managers on the part of the House.*
S. M. CULLOM,
WILKINSON CALL,
*Managers on the part of the Senate.*

The statement of the managers on the part of the House was read, as follows:

The managers on the part of the House beg to submit the following statement in regard to the action of the conferees:

The bill as passed by the House carried $3,215,392, and as passed by the Senate $3,353,652.

The committee of conference has agreed to a net reduction from the amount carried by the bill as passed by the Senate of $78,120; and the amount carried by the bill as agreed to in conference is $3,302,792.

The increases agreed to by the conferees are:

| | |
|---|---|
| Salaries, office of Secretary, appointment clerk (net increase) | $200 |
| Salaries, Division of Soils | 5,300 |
| Salaries, Division of Agrostology | 8,100 |
| Total increases | 13,600 |

The reductions agreed to by the conferees are:

| | |
|---|---|
| Division of Seeds | $13,720 |
| Soil investigations | 5,000 |
| Grass investigations | 8,000 |
| Publication of reports on cattle and dairy farming | 65,000 |
| Total reduction | 91,720 |
| Total increase as above | 13,600 |
| Net reduction | 78,120 |

Amendment numbered 6 was agreed to by the House conferees because, after consideration, it was deemed unnecessary to change the existing organization in the Department.

Amendment numbered 11, increasing the amount appropriated for the Division of Chemistry by $5,000, was agreed to on the part of the House managers, as it restores the amount to the sum estimated for; and the managers, after consultation and further investigation, concluded that the amount estimated for was not excessive.

Amendment numbered 15 (which must be considered in connection with No. 50) strikes from the bill the clause making statutory certain salaries in the Division of Seeds. This clause was stricken out for the reason that under the new method of procuring the seeds for distribution no more than three or four temporary employees will be necessary, and the lump-sum appropriation of $150,000 will be more than ample for the purchase and the general expenses of distributing even an increased allowance of seeds.

Amendment numbered 30 was agreed to on the part of the managers of the House for the reason that the usefulness of the work of investigating irrigation processes, so far as the Agricultural Department is concerned, is at an end, and that future work in this direction can only properly be done by the Geological Survey.

Amendments numbered 40, 41, and 42: The managers on the part of the House agree to the rearrangement of the different sums provided by this section of the House bill for the reason that after consultation they are agreed that the House was mistaken as to the amount of money which will be expended during the fiscal year ending June 30, 1896, for farmers' bulletins, and that $50,000 will not be more than sufficient for the publication of these bulletins during the fiscal year ending June 30, 1897, there being a constant and growing demand for these publications; and also that the sum of $15,000 for illustrating, engraving, lithographing, etc., will be ample.

The other amendments which have been agreed to by the House conferees are mostly immaterial to the substance of the bill, and refer chiefly to its language.

J. W. WADSWORTH.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the conference report, and on that I ask for the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I wish to be heard on this report for a few moments.

The SPEAKER. If the previous question is ordered there will be twenty minutes on either side for debate; or the gentleman from New York can yield to the gentleman from New Hampshire and then move the previous question.

Mr. WADSWORTH. Pending the demand for the previous question, I yield ten minutes to the gentleman from New Hampshire.

Mr. BAKER of New Hampshire. Mr. Speaker, I notice that the statement which accompanies this report says that the House was mistaken as to the amount of money required to defray the necessary expenditure for farmers' bulletins. Certainly the records of the Agricultural Department, as they have been given us, do not justify that conclusion. For the fiscal year ended June 30, 1894, less than $10,000 was expended for Farmers' Bulletins. For the fiscal year ended June 30, 1895, there was less than $25,700 expended for that purpose; and as the statutes then in existence required, and as the present statutes require, that an equal two-thirds of all the farmers' bulletins shall be given to Senators, Representatives, and Delegates, to be distributed by them, it is impossible that any growing demand on the part of the people at large for these bulletins can be satisfied legally unless the quota of Senators, Representatives, and Delegates be also increased, and that has not been done.

Now, as only one-half of $50,000 has been expended for this purpose in any one fiscal year prior to this time, I would like to have the gentleman in charge of this bill explain how it is possible to expend $50,000 legitimately for that purpose in the coming fiscal year. There does not seem to be any possible way of doing it.

Mr. WADSWORTH. Mr. Speaker, in the fiscal year 1894 the work of publishing the farmers' bulletins was in its beginning, and it is true that very little of the appropriation was expended that year, because the Department was not really prepared; it could not get the bulletins in proper form for publication in time. It is also true that in 1895 there was only about $25,000 expended, for substantially the same reason. But during the present fiscal year they have expended already $32,000, and, going on at the same ratio, they will have spent by the 30th of June next, the end of the fiscal year, between forty-five and forty-six thousand dollars, and the Department urged that this appropriation of $50,000 should not be reduced, because the demand for the bulletins is constantly growing.

Mr. BAKER of New Hampshire. Mr. Speaker, that is an explanation which does not explain. The whole number of these bulletins now issued is, I believe, 34. About 26 of them were in print before the beginning of the present fiscal year. Now, everyone knows that it costs less to print from the plates already prepared than it does to set the bulletins in type and print the necessary number of copies. As the number of these bulletins can not be increased without the increase of the quota of Members, Senators, and Delegates, and as no such increase has been made, it seems to me impossible that the explanation of the Department can be correct, and therefore I think we ought not to appropriate this extra amount of money. Therefore, it seems to me that we are appropriating $25,000 extra in this individual case, in order that the Secretary of Agriculture, with his accustomed verbosity and inaccuracy, may say in the coming fiscal year he has made a great saving upon the appropriations of Congress, an opinion which somebody in the Department, according to the statement of the chairman of the committee, seems to have induced the committee to adopt.

I do not care to say anything further on this point; but I do wish it put on record that the statement made by the committee on this point is not accurate.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PAYNE. I move that the House adjourn.

The SPEAKER. Before putting the question on the motion to adjourn, the Chair will lay before the House a report of the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 626) providing for disposals of lands on abandoned portions of the Fort Assiniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws;

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers;

A bill (H. R. 1141) granting a pension to Miss Mary A. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion; and

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States.

Mr. GROUT addressed the Chair.

Mr. PAYNE. I withdraw the motion to adjourn, if the gentleman from Vermont [Mr. GROUT] wants to present a conference report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTCHESON, indefinitely, on account of sickness in his family.

To Mr. NEILL, indefinitely, on account of important business.

To Mr. STEWART of Wisconsin, for ten days, on account of important business.

To Mr. OVERSTREET, for two weeks, on account of important business.

To Mr. MILES, for ten days, on account of important business.

To Mr. BARRETT, for ten days, on account of important business.

To Mr. COLSON, for ten days, on account of important business.

To Mr. PEARSON, for ten days, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT addressed the Chair.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] desires to present a report to be printed and recommitted.

Mr. MCMILLIN. I reserve all points of order.

Mr. WHEELER. There are other gentlemen, I think, who may want to reserve some points. As there is no quorum here, I

think this matter might better go over until the morning. If I understand the nature of the report, it is a very important measure.

Mr. GROUT. There is no purpose to ask any action on the report.

Mr. WHEELER. I think some gentlemen wish to reserve some points——

The SPEAKER. The Chair suggests to the gentleman from Alabama [Mr. WHEELER] that the gentleman from Vermont [Mr. GROUT] asks merely that the report be printed and recommitted.

Mr. RICHARDSON. What is the report? It has not been announced.

Mr. GROUT. It is the report on the District of Columbia appropriation bill.

Mr. WHEELER. I shall not make the point of no quorum.

Mr. GROUT. I simply ask that it be printed and recommitted.

Mr. McMILLIN. I reserve all points of order.

The SPEAKER. All points of order will be reserved. The question will be, of course, whether the bill must go again to the Committee of the Whole.

Mr. McMILLIN. There has been some question of that kind with reference to preceding bills.

The SPEAKER. Without objection, the bill will be printed and recommitted.

There being no objection,

Mr. GROUT reported back, with amendments, from the Committee on Appropriations, the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; which was ordered to be printed and recommitted.

And then, on motion of Mr. PAYNE (at 5 o'clock and 40 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for contingencies, Indian Department, for the current fiscal year, was taken from the Speaker's table and referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1164); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington, reported the same with amendment, accompanied by a report (No. 1165); which said bill and report were referred to the House Calendar.

Mr. VAN VOORHIS, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 7210) to amend section 5138 of the Revised Statutes, to provide for the organization of national banks in towns of not exceeding 3,000 inhabitants, reported the same with amendment, accompanied by a report (No. 1166); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: A bill (H. R. 8037) for the relief of John McLain, alias Michael McLain, reported in lieu of House bill No. 5579. (Report No. 1166.)

By Mr. HULL, from the Committee on Military Affairs: The bill (S. 1203) for the relief of the persons who sustained damage by the explosion of an ammunition chest of Battery F, Second United States Artillery, July 16, 1894. (Report No. 1167.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 8038) for the protection of yacht owners and shipbuilders of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. MEREDITH: A bill (H. R. 8039) to authorize the Washington, Arlington and Falls Church Railway Company to enter the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTEY: A bill (H. R. 8040) to regulate the reserves and the redemption of the notes of national banks—to the Committee on Banking and Currency.

By Mr. EDDY: A bill (H. R. 8041) for the relief of certain Indians residing upon the ceded portion of the Red Lake Reservation—to the Committee on Indian Affairs.

By Mr. CATRON: A bill (H. R. 8042) authorizing and directing the distribution of certain cannon in the Territory of New Mexico abandoned by the Confederate forces—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City—to the Committee on the Judiciary.

By Mr. DRAPER: A bill (H. R. 8044) donating one condemned cannon and four pyramids of condemned cannon balls to George K. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., and for other purposes—to the Committee on Naval Affairs.

By Mr. LACEY: A bill (H. R. 8071) to amend "An act respecting the limits of reservations for townsites upon the public domain," approved March 3, 1877—to the Committee on the Public Lands.

By Mr. BLUE: A concurrent resolution (House Con. Res. No. 41) modifying the rule in regard to the employment of the Capitol police force—to the Committee on Accounts.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 7562) for the relief of Isaac W. Blake—Committee on Claims discharged, and referred to the Committee on Military Affairs.

Petition for the relief of Jessee Combs—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 8045) for the relief of Dearborn Foundry Company, of Chicago, Ill.—to the Committee on Claims.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8046) granting a pension to Henry C. Holter, late of Company D, Forty-fifth Pennsylvania Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. BARNEY: A bill (H. R. 8047) for the relief of William J. Norton—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 8048) granting a pension to Bethany Bostwick, daughter of John Bostwick—to the Committee on Pensions.

By Mr. DOVENER (by request): A bill (H. R. 8049) for the relief of Joseph Culley—to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 8050) granting a pension to Joseph Gerstle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8051) for the relief of James A. Stewart—to the Committee on Military Affairs.

By Mr. HULING: A bill (H. R. 8052) granting a pension to Elizabeth Horrah, widow of Thomas Horrah—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 8053) granting a pension to Alice Gard—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 8054) to increase the pension of Jesse R. K. Lamb, Company D, Seventh United States Infantry—to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8055) granting a pension to Hannah C. Rich—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 8056) to remove charge of desertion against Hiram Robbins—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 8057) for the relief of Mrs. Mary M. Carrico—to the Committee on War Claims.

By Mr. WALKER of Virginia: A bill (H. R. 8058) to remove the charge of desertion from the military record of Edward Fountain, of the U. S. S. *Agawam*—to the Committee on Naval Affairs.

Also, a bill (H. R. 8059) to correct the military record of David F. Sergent—to the Committee on Military Affairs.

Also, a bill (H. R. 8060) to correct the military record of Jasper L. Bailey—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 8061) for the relief of heirs of Jacob Bloomstein—to the Committee on War Claims.

Also, a bill (H. R. 8062) to pension John Morris—to the Committee on Pensions.

By Mr. WILSON of New York: A bill (H. R. 8063) for the relief of Eliza Percival—to the Committee on Invalid Pensions.

By Mr. FOOTE: A bill (H. R. 8064) for the relief of Charles Lamar—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 8065) to remove the charge of desertion against Ebenezer G. Seamens—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 8066) for the relief of the estate of William Parham Butterworth, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8067) for the relief of the estate of T. P. Lloyd, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. CHICKERING: A bill (H. R. 8068) for the relief of the city of Watertown, N. Y.—to the Committee on Appropriations.

Also, a bill (H. R. 8069) for the relief of J. L. Pede—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: A bill (H. R. 8070) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased—to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Resolutions of the city council of Salt Lake City, Utah, favoring an appropriation to aid an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Appropriations.

By Mr. BABCOCK: Petition of citizens of Washington, containing 31 names, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

By Mr. BRUMM: Petition of Camp No. 62, Patriotic Sons of America, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CRUMP: Remonstrance and petition of citizens of Kawkawlin, Mich., regarding the Marquette statue—to the Committee on the Library.

By Mr. CURTIS of Kansas: Petition of citizens of North Topeka, Kans., asking that religious matter be admitted as second class in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DOCKERY: Petition of T. H. Belt and others, of Cowgill, Mo., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Papers to accompany House bill for the relief of James A. Stewart—to the Committee on Military Affairs.

By Mr. EVANS: Petition of J. R. Pollard and others, of Louisville, Ky., respecting the Marquette statue—to the Committee on the Library.

By Mr. GILLETT of Massachusetts: Petition of members of West Springfield Grange, of West Springfield, Mass., in favor of the bill relating to the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. HADLEY: Petition of Woman's Christian Temperance Union of Laclede, Ill., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Edwardsville, Ill., in reference to the appropriation of unclaimed pension and bounty money due the estates of deceased colored soldiers to educational purposes—to the Committee on Education.

Also, remonstrance and petition of citizens of Moweaqua, Ill., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. HANLY: Evidence to accompany House bill No. 8022, granting pension to Catharine A. Gaylord—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of Washington Presbytery, of Washington, D. C., urging the passage of House bill No. 7441, to prevent interstate gambling by telegraph—to the Committee on the Judiciary.

By Mr. LINTON: Petition of the Argus Publishing Company, favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Trotter, of Vassar, Mich., favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance and petition of citizens of the States of West Virginia and Wisconsin, regarding the Marquette statue—to the Committee on the Library.

By Mr. LIVINGSTON: Petition of the heirs of John Harris, deceased, late of Fulton County, Ga., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: Resolutions of the board of county commissioners of Nicollet County, Minn., in favor of having the Minnesota River declared nonnavigable above the rapids near the city of Chaska—to the Committee on Rivers and Harbors.

Also, resolutions of the city council of the city of St. Peter, Minn., requesting that the Minnesota River be declared nonnavigable between the city of Chaska and the city of Mankato—to the Committee on Rivers and Harbors.

By Mr. McEWAN: Petition of citizens of Trenton, N. J., asking protection to Christians in Armenia, etc.—to the Committee on Foreign Affairs.

Also, petition of citizens of Hudson County, N. J., asking passage of bill for establishing the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Fabian Society, of Seattle, Wash.; also resolution of the Trade and Labor Assembly of Massillon, Ohio, asking for the passage of House bill No. 184, favoring the appointment of a commission of inquiry as to direct legislation—to the Committee on Rules.

By Mr. OGDEN: Petition of members of the Board of Trade of Shreveport, La., favoring the reduction of letter postage to 1 cent, and to correct certain abuses of the second-class mail-matter rates—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of Oxford, N. Y., in favor of prohibiting the manufacture of filled cheese—to the Committee on Ways and Means.

By Mr. SMITH of Michigan (by request): Petition of Linton Loyal Orange Lodge, No. 315, of Grand Rapids, Mich., praying for the passage of bill prohibiting the use of public funds for sectarian purposes—to the Committee on the Judiciary.

By Mr. CHARLES W. STONE: Petition of Prof. E. A. Furtis and other citizens of the United States; also memorial of Dr. A. J. Darrah & Co., of Newhall, Mo., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TERRY (by request): Paper to accompany House bill to remove the charge of desertion against Hiram Robbins—to the Committee on Military Affairs.

By Mr. WALKER of Massachusetts: Resolutions of the Boston Boot and Shoe Club, against the free coinage of silver, and favoring the maintenance of the existing gold standard of value—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER: Petition of James N. Maples, of Jackson County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

## SENATE.

THURSDAY, *April 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of January 13, 1896, relative to the jails in the Indian Territory, transmitting letters from the United States marshals for the three districts of the Indian Territory, answering some of the inquiries in the resolution, and also a report made by Mr. Howard Perry, of that Department, of a recent examination of the jails of the Indian Territory; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a joint resolution calling for estimates of cost of further improvement of Providence River and Narragansett Bay, Rhode Island, a report of the Chief of Engineers of the Army on the subject; which, with the accompanying report, was referred to the Committee on Commerce, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the assembly of the State of New York, praying for the passage of House bill No. 306, granting a pension to soldiers and sailors who were confined in so-called Confederate prisons; which was re-

ferred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE,
*Albany, April 7, 1896.*

DEAR SIR: In accordance with the directions of the assembly of the State of New York, I have the honor to transmit herewith a certified copy of a resolution passed by the assembly on the 3d day of April, 1896.

Very respectfully, yours,

JNO. PALMER, *Secretary of State.*

Hon. ADLAI E. STEVENSON,
*United States Senate, Washington, D. C.*

STATE OF NEW YORK, IN ASSEMBLY, *Albany, April 3, 1896.*

On motion of Mr. Maccabe—

Whereas a bill is now before the Congress of the United States granting pensions to soldiers and sailors confined in so-called Confederate prisons;

Whereas many officers, soldiers, sailors, and marines of the Federal Army and Navy were confined in so-called Confederate prisons for a great length of time, suffering unusual hardships and contracting diseases and disabilities difficult to fully prove under existing pension laws:

Therefore, for the purpose of doing justice to a specially deserving class of surviving veterans of the war,

*Be it resolved*, That the senators and representatives of the State of New York, in legislature assembled, believe in the justice and equity of House bill No. 306, to those that served our Government as prisoners of war during the war of the rebellion, and request the Senators and Representatives from this State in the Congress of the United States to use their influence in favor of the passage of said bill.

*Resolved*, That copies of these resolutions, properly attested, be transmitted by the secretary of state to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this State.

By order of the assembly.

A. E. BAXTER, *Clerk.*

STATE OF NEW YORK,
*Office of the Secretary of State:*

I have compared the preceding copy of resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 7th day of April, in the year 1896.

JNO. PALMER, *Secretary of State.*

The VICE-PRESIDENT presented a petition of the Central Union Mission of the District of Columbia, and a petition of the District Epworth League of the Methodist Episcopal Church of Washington, D. C., praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relation to crime, pauperism, taxation, and the general public welfare; which were referred to the Committee on Education and Labor.

Mr. GALLINGER. Yesterday I presented a petition of the mayor and a large number of citizens of Portsmouth, N. H., in reference to the Armenian question. I have a letter from the general secretary of the Armenian Relief Association. After expressing gratification at the fact that the citizens of New Hampshire had moved in this matter, he says:

It is not necessary for us to add any words to tell of the extreme urgency of the cause of the persecuted Armenians and other Christians in Turkey, who are doomed to extermination by the fanatical fury of the Sultan and his people unless the Christian world will awaken to its clear duty before God and humanity. Will you permit us to express the earnest hope that you will use your influence to urge upon the United States Senate the absolute necessity of not only taking every necessary measure for the protection of American interests and of American honor and prestige in Turkey, but also, as the supreme legislature of earth's greatest country, to take the opportunity as well as to respond to the duty which is before them in the defense of the cause of justice and humanity by the suppression of the most appalling and inhuman atrocity ever recorded in the history of the world? I have the honor to be, dear sir,

Very faithfully, yours,

HERANT MESROB KIRETCHJIAN,
*General Secretary.*

I wish I could know that it is in our power to do something for this suffering people. It is not for me even to make a suggestion to the Committee on Foreign Relations of this body, but I desire to have the letter referred to that committee, and trust that at some time in some way we may be able to exert some influence in behalf of the people who are suffering such terrible atrocities in Asia Minor.

The VICE-PRESIDENT. The letter, in the nature of a petition, will be referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of the executive committee of the Grand Army of the Republic, of Kings County, N. Y., praying for the enactment of legislation providing for the protection of Americans in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

Mr. BURROWS presented a memorial of Council No. 11, American Protective Association, of Grand Rapids, Mich., remonstrating against the appropriation of public money for sectarian purposes; which was referred to the Committee on Appropriations.

Mr. SEWELL presented a petition of the congregation of the Methodist Episcopal Church of Barnegat, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Ambrose Secor and 78 other citizens of Bayonne, N. J., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. BATE presented a petition of 47 citizens of Centerville, Tenn., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. VEST presented resolutions adopted by the Merhcants' Exchange of St. Louis, Mo., relative to the improvement of the Mississippi River; which were referred to the Committee on Commerce.

Mr. ELKINS presented the petition of W. E. Adams and 237 other citizens of West Virginia, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented additional papers to accompany the bill (S. 1268) for the relief of Daniel K. Shields, heretofore introduced by him; which were referred to the Committee on Military Affairs.

Mr. HOAR presented a petition of the Presbytery of Washington, D. C., praying for the passage of House bill No. 7441, to protect State antigambling laws, etc.; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of the International Association of Machinists of Denver, Colo., praying for an investigation of the treatment of employees in the Brooklyn (N. Y.) Navy-Yard and other navy-yards in the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of the North Side Woman's Club, of Highlands, Colo., praying that the statue of Père Marquette be allowed a place in Statuary Hall; which was referred to the Committee on the Library.

He also presented a memorial of sundry citizens of Erie, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the Christian Endeavor Society of the First Congregational Church of Denver, Colo., praying for the enactment of legislation regulating the sale and taxing of intoxicating liquors; which was referred to the Committee on Finance.

He also presented a petition of Theodore H. Dodd Post, No. 3, Grand Army of the Republic, Department of Colorado and Wyoming, of Golden, Colo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Federal Union, No. 6332, of Lincoln, Nebr., a petition of the Cotton and Woolen Workers' Union, No. 6499, of Galveston, Tex., and a petition of the American Federation of Labor, of Dowagiac, Mich., praying for the free and unlimited coinage of silver; which were ordered to lie on the table.

Mr. THURSTON presented a petition of the city council of Council Bluffs, Iowa, a petition of the Commercial Club of Fairhaven, Wash., and a petition of the Chamber of Commerce of Denver, Colo., praying that an appropriation be made for the transmississippi international exposition to be held at Omaha, Nebr., in 1898; which were ordered to lie on the table.

He also presented a petition of Kilpatrick Post, No. 82, Grand Army of the Republic, Department of Nebraska, of Oakdale, Nebr., praying for the passage of a service-pension law; which was referred to the Committee on Pensions.

### AMENDMENT OF HOMESTEAD LAWS.

Mr. PETTIGREW. I ask that the argument made by Hon. H. R. Pease, before the Senate Committee on Public Lands, April 3, 1896, relative to the existing policy respecting the manner of disposing of the public lands known as the Indian reservation lands, be printed and referred to the Committee on Public Lands, to accompany Senate bill No. 1571.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

### REPORTS OF COMMITTEES.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. CARTER on the 7th instant, making an appropriation to continue the construction of buildings at the Fort Harrison Military Post, Mont., intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 163) to amend the act approved August 1, 1894, making appropriations for fortifications and other works of defense, etc., reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. HILL on the 2d instant, providing for the establishment of gas buoys in the St. Lawrence River, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 279) to remove the charge of desertion

from the military record of Bernhard Steuber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. MITCHELL of Oregon February 20, 1896, providing for the appointment of a commission to determine the correct boundary lines of the Klamath Indian Reservation, in the State of Oregon, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 122) granting a pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 2585) to establish a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2782) to establish a life-saving station at or near Fort Gratiot, Mich.; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2383) to provide a life-saving station at or near Hampton, in the State of New Hampshire, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, submitted a report, accompanied by a bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts, between Hampton and the Merrimac rivers; which was read twice by its title.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1959) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, to report it with amendments, and to submit a report thereon.

I give notice that I shall ask the Senate to take the bill up and continue its consideration as soon as the Indian appropriation bill is finished.

The VICE-PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. WHITE, from the Committee on Territories, to whom was referred the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof, reported it without amendment, and submitted a report thereon.

### LIEUT. HERBERT CUSHMAN.

Mr. DAVIS. I move to reconsider the vote by which the bill (S. 110) for the relief of Lieut. Herbert Cushman was indefinitely postponed, and that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

### BILLS INTRODUCED.

Mr. TURPIE introduced a bill (S. 2784) amending section 1225 of the Revised Statutes, concerning the detail of army officers as instructors at educational institutions; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2785) for the relief of Ira Miller, of Valparaiso, Ind.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PRITCHARD (by request) introduced a bill (S. 2786) for the relief of Alexander Swicegood and H. H. Swicegood; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 2787) granting a pension to Simpson Everett Stilwell; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2788) for the creation of a United States commissioner to treat with a commissioner for each Christian nation of the world for the correction of the intolerable evil, so persistently and still continuing, in the shape of the Ottoman Empire, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also (by request) introduced a bill (S. 2789) to elect the Board of Commissioners for the District of Columbia by popular vote; which was read twice by its title.

Mr. GALLINGER. If I may be permitted a single word, I will state that this bill, which I have only casually looked at, provides that the Board of Commissioners of the District of Columbia shall be increased to five members, who shall be elected by popular vote. I will say that if I had my way, I would put the District of Columbia under the well-established doctrine that there shall not be taxation without representation. But that is impossible under existing conditions. If a change in the number of the Commissioners were to be made and if I were to have my way I should reduce the number from three to one in place of increasing it to five.

I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. FRYE introduced a bill (S. 2790) for the relief of Sophronia S. Stowell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 2792) granting a pension to Henry Stutsman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2793) increasing the pension of Mrs. Hulda Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 2794) concerning the trial and punishment of contempts in the United States courts herein mentioned; which was read twice by its title, and referred to the Committee on the Judiciary.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CARTER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs.

Mr. WARREN subsequently, from the Committee on Military Affairs, to whom was referred the amendment submitted by himself on this day, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the extension of the barracks and to make necessary sanitary improvements at Fort D. A. Russell, Wyo., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

### CONSIDERATION OF THE RIVER AND HARBOR BILL.

Mr. FRYE. I should like the attention of Senators for just one moment.

The Committee on Commerce have instructed me to give notice that they will be in session Friday, Saturday, and Monday next from half past 10 in the morning and during the entire day; that during those three days they will hear any Senators who desire to propose amendments to the pending river and harbor bill, and will not hear any afterwards.

Mr. ALLEN. I should like the attention of the Senator from Maine for a moment. Under the law as it now exists, I understand that it requires a joint resolution to get the information necessary for the offering of an amendment to the river and harbor appropriation bill.

Mr. FRYE. In order to obtain from the War Department an

estimate of a project, it is necessary to have a joint resolution passed.

Mr. HOAR. I thought it could be done by a concurrent resolution.

Mr. ALLEN. I wish to state that I had a joint resolution to obtain such an estimate passed through the Senate yesterday. It has gone to the other House, and I hope it will be passed there to-day, but I hardly think it can be signed by the President and the information obtained within the time indicated by the Senator from Maine.

Mr. FRYE. As a matter of course, whenever a Senator presents an exceptional case like that the committee will hear him later.

Mr. ALLEN. Very well; that will be satisfactory.

ORDER OF BUSINESS.

Mr. PETTIGREW. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. BUTLER. I gave notice that I would desire to submit some remarks this morning on the postal telegraph bill, and I ask the Senator from South Dakota to allow me to proceed at this time.

Mr. PETTIGREW. I should like to get the appropriation bill before the Senate first, and then I will yield.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and the bill is before the Senate.

Mr. PETTIGREW. Now I yield to the Senator from North Carolina [Mr. BUTLER].

Mr. MANTLE. I do not wish to stand in the way of the Senator from North Carolina, but I gave notice that I should like to consume a little of the time of the Senate to-day, and I believe that my notice was given in advance of that of the Senator from North Carolina, as is shown by the Calendar.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from North Carolina to the previous notice given by the Senator from Montana.

Mr. BUTLER. I give way to the Senator from Montana, of course, as a right to which he is entitled; and it would be a matter of courtesy if he did not have the right. I shall ask leave to follow him this morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

THE REVENUE BILL AND SILVER COINAGE.

Mr. MANTLE. I send to the desk the resolution submitted by my colleague [Mr. CARTER] some days ago, and ask that it be read for information.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. CARTER February 19, 1896, as follows:

*Resolved*, That the bill H. R. 2749, reported by the Committee on Finance with an amendment, be recommitted to that committee for further consideration.

Mr. MANTLE. Mr. President, I wish to say it had not been my expectation or intention thus early in my service in this Chamber to take any active part in debate, my desire having been to first familiarize myself as much as possible with the methods of conducting and transacting the public business before presuming to claim the attention or take up the time of this body. More than this, Mr. President, I recognize in myself a very humble member of this great legislative forum, and being profoundly impressed with the great learning which distinguishes its membership, I have felt and now feel that possibly nothing which I might say could throw any additional light upon the questions here discussed. But events of a somewhat unusual character have recently transpired here, involving an apparent disagreement among Republicans as to certain alleged party measures, and these events have in turn brought forth from certain newspapers of the country such a continuous storm of unqualified abuse and misrepresentation, directed at myself and four of my Republican colleagues as well as the constituency which we in part represent, that as a simple matter of duty I am led to abandon my original intention and to beg the considerate indulgence of the Senate for a brief time while I give utterance to a few words in support of my position and in contradiction of the unwarranted aspersions which have been cast at those of us who have refused blindly and unquestioningly to accept a programme of tariff legislation which fails to commend itself to our judgment as being either wise or just or in accord with Republican principles.

I wish to say in advance that, while I have my own convictions as to the justice and wisdom of certain policies relating to the conduct of our Government, and while I shall vote to sustain those convictions until convinced by argument or changing conditions that I am in error, at the same time I shall always do so with the utmost respect for the opinions of those who differ with me. I have no sympathy whatever with those advocates of any policy who indulge the opinion that all who are opposed to them are actuated by selfish or unpatriotic motives.

Mr. President, I have grown up from childhood among the people of the West, in what are now known as the silver States. I think I may therefore justly say that I know something of their character, something of their lives, their hopes, and their ambitions. And it is for this reason that I feel impelled to say a few words in their defense and to repel the unjust and indiscriminate charges of lawlessness, of selfishness, and lack of patriotism which it seems to be the fashion just now upon the part of the metropolitan press of the East to bring against them, as well as their representatives upon this floor—charges which I deeply regret to note have recently found expression to some extent through the Chief Executive of the nation, and that, too, in a notable Christian gathering which, it would seem to me, over and above all others, should have been found exercising that rare virtue of charity which was the distinguishing trait of Him in whose name and for whose cause they were gathered together, rather than to have made it the occasion for a wholesale, uncharitable, and untruthful arraignment of a great mass of their fellow-citizens who are bound to them by every tie of kindred, of religion, and of citizenship.

But, Mr. President, these ill-natured charges against the Western States, and particularly against what are known as the silver States, are not true. I believe I may truthfully say that they have their origin in the fact that the representatives of those States in this body hold financial opinions and have seen fit to cast their votes in opposition to the views and the wishes of the present Administration and its Republican sympathizers and supporters. I assert without fear of successful contradiction that in every attribute of good citizenship, in industry and sobriety, in respect for law and property, in obedience to constituted authority, in reverence for religious forms, and in point of public spirit the citizens of the silver States will easily take rank with those of any other State in this Union. Further than this, Mr. President, I assert that within a radius of 5 miles of Carnegie Hall, in the city of New York, where the Presbyterian Home Mission Society recently held its meeting to beg funds with which to convert the wicked people of the "badly regulated municipalities" and "undesirable States" of the West, there is twenty times more of squalid poverty, of pauperism, of ignorance, of crime and criminals, than can be found in all the silver-producing States of the West combined.

I do not make these declarations lightly nor without some investigation of the subject. In order to bear out my statement I have made a few comparisons between the five silver-producing States of the West which are characterized as "rotten boroughs," "pocket boroughs," "mining camps," "corrupt communities," etc., and five of the very old, very respectable, and highly civilized States of the East, namely, New Hampshire, Vermont, Rhode Island, New York, and Pennsylvania, all of them except one being members of the original thirteen States which formed the Union. I have prepared some tables of comparison, which I will ask permission to have printed with my remarks, as I do not wish to take up the time of the Senate in reading them at length. I may state, however, briefly, that these tables show, for instance, that in the so-called silver States the percentage of illiterates to the total population is 4.3, while in the five Eastern States named it is 6.9, or greater in the East than in the West.

Among the foreign-born population of the silver States the percentage of illiteracy is 8.9, while among the foreign-born citizens of the 5 Eastern States it is 21, or nearly three times as great.

The wealth per capita of the 5 silver States is $2,839. For the 5 Eastern States it is $1,145, being less than half as much.

The total State, county, municipal, and school debt per capita in the 5 silver States is $13.71. In the 5 Eastern States it is $27.58, being more than double.

The expenditure of money for the support of the schools may be taken as a fair index of the character of a people. In the silver States I find that it is $15.58 per capita per annum. In the 5 Eastern States it is only $11.27 per capita per annum.

The percentage of debt in force against the value of all taxed real estate in the 5 silver States is only 6.64. In the 5 Eastern States it is 18.73, being nearly three times as much.

The number of paupers in a community may also safely be taken into account as reflecting in some degree its moral and material status. The number of paupers to each 100,000 of population in the 5 silver States is 53.1. In the 5 Eastern States it is 188.2, being nearly four times as great.

The percentage of increase in population during the decade from 1880 to 1890 in Colorado, Montana, Utah, and Idaho was 110.56, while in the 5 Eastern States it was only 14.85.

The tables are as follows:

SOME COMPARISONS OF THE FIVE SILVER-PRODUCING STATES OF MONTANA, COLORADO, UTAH, NEVADA, AND IDAHO, AND FIVE EASTERN STATES, TO WIT, NEW HAMPSHIRE, VERMONT, RHODE ISLAND, NEW YORK, AND PENNSYLVANIA.

*Percentage of illiterates to whole population.*

| | | | |
|---|---|---|---|
| Montana | 4.1 | New Hampshire | 6.8 |
| Colorado | 4.8 | Vermont | 6.7 |
| Utah | 5.1 | Rhode Island | 9.6 |
| Nevada | 4.2 | New York | 5.4 |
| Idaho | 3.5 | Pennsylvania | 6.4 |
| Average | 4.3 | Average | 6.9 |

*Percentage of illiterates among foreign-born citizens.*

| | | | |
|---|---|---|---|
| Montana | 8.2 | New Hampshire | 26.3 |
| Colorado | 7.8 | Vermont | 25.8 |
| Utah | 10.3 | Rhode Island | 22.1 |
| Nevada | 10.0 | New York | 13.1 |
| Idaho | 8.3 | Pennsylvania | 17.8 |
| Average | 8.9 | Average | 21.0 |

*Wealth per capita.*

| | | | |
|---|---|---|---|
| Montana | $3,429.00 | New Hampshire | $363.00 |
| Colorado | 2,780.00 | Vermont | 739.00 |
| Utah | 1,681.00 | Rhode Island | 1,459.00 |
| Nevada | 3,941.00 | New York | 1,430.00 |
| Idaho | 2,464.00 | Pennsylvania | 1,177.00 |
| Average | 2,859.00 | Average | 1,145.00 |

*Per capita of total debt—State, county, municipal, and school.*

| | | | |
|---|---|---|---|
| Montana | $19.54 | New Hampshire | $21.64 |
| Colorado | 18.67 | Vermont | 11.39 |
| Utah | .81 | Rhode Island | 37.75 |
| Nevada | 22.48 | New York | 33.64 |
| Idaho | 7.05 | Pennsylvania | 13.51 |
| Average | 13.71 | Average | 27.58 |

*Amount per capita per annum expended for schools.*

| | | | |
|---|---|---|---|
| Montana | $20.61 | New Hampshire | $9.52 |
| Colorado | 15.40 | Vermont | 6.47 |
| Utah | 10.84 | Rhode Island | 16.50 |
| Nevada | 22.80 | New York | 15.21 |
| Idaho | 8.18 | Pennsylvania | 8.67 |
| Average | 15.58 | Average | 11.27 |

*Percentage of debt to force on all taxed real estate in proportion to value.*

| | | | |
|---|---|---|---|
| Montana | 4.78 | New Hampshire | 13.12 |
| Colorado | 13.08 | Vermont | 22.05 |
| Utah | 6.48 | Rhode Island | 11.92 |
| Nevada | 4.80 | New York | 30.62 |
| Idaho | 4.29 | Pennsylvania | 17.18 |
| Average | 6.64 | Average | 18.73 |

*Percentage of increase of population from 1880 to 1890.*

| | | | |
|---|---|---|---|
| Montana | 237.49 | New Hampshire | 6.51 |
| Colorado | 112.12 | Vermont | .04 |
| Utah | 44.42 | Rhode Island | 24.94 |
| Nevada | None. | New York | 18 |
| Idaho | 156.77 | Pennsylvania | 22.77 |
| Average | 110.56 | Average | 14.85 |

*Number of paupers per 100,000 population.*

| States. | Population. | Paupers. | Number of paupers per 100,000 population. |
|---|---|---|---|
| Montana | 132,150 | 122 | 99 |
| Colorado | 412,198 | 87 | 21 |
| Utah | 207,905 | 62 | 29 |
| Nevada | 45,761 | 43 | 94 |
| Idaho | 84,385 | 20 | 23 |
| Total | 882,408 | 344 | 266 |
| New Hampshire | 376,530 | 1,143 | 303 |
| Vermont | 332,422 | 543 | 163 |
| Rhode Island | 345,506 | 490 | 141 |
| New York | 5,997,853 | 10,272 | 171 |
| Pennsylvania | 5,258,014 | 8,653 | 164 |
| Total | 12,310,325 | 21,101 | 942 |

Mr. President, one of the chief sources of complaint against the silver States is that they have an insufficient population to entitle them to the privileges of statehood, and yet there are four Eastern States—New Hampshire, Vermont, Rhode Island, and Delaware, three of them being members of the thirteen original States—which have a less population than the State of Colorado and which to-day have but a few thousand more than the States of Utah and Montana; and yet we hear of no one charging that these States are "rotten boroughs" or that their people are lacking in intelligence or patriotism because of their limited population. Two years ago the States of Montana and Wyoming were held up to public scorn and ridicule by the Eastern press as being totally incapable of self-government because their legislatures had failed to elect Senators. It was well known that the failure in these cases was due to the fact that there were three political parties represented and that neither had a majority of the votes necessary to elect; hence no election could be had except upon a surrender of their political convictions by one party or the other, and still the Eastern press, ignoring the exceptional conditions there existing, with one accord united in pouring upon the devoted heads of the citizens of those States a stream of the most bitter and insulting denunciation because of their failure.

Last spring we witnessed the spectacle of the legislature of the well-"regulated" and "desirable" State of Delaware, possessing a clear Republican majority, indulging in an unseemly and disgraceful wrangle for months without electing a Senator. The air was filled with insinuations and rumors of corruption in connection with that struggle, and finally a Senator was alleged to have been elected, and was sent here under circumstances which place a serious cloud upon his title; and, strange to say, not one of the great Eastern newspapers, to my knowledge, has yet charged that Delaware is therefore incapable of self-government and that it was a stupendous mistake that she was ever permitted to enter the family of States. And only a few days ago the Commonwealth of Kentucky, one of the proudest and richest of all the great States east of the Mississippi River, brought to a close a session of its legislature which, in its exhibition of bitter partisan and personal strife, has perhaps never been equaled in the history of this nation. Its closing hours were marked by scenes of great violence and disorder, barely escaping bloodshed, and to this was added the strange, sad, and humiliating spectacle of armed troops invading the very sanctity of its legislative halls. This condition of affairs in Kentucky was also brought about by a Senatorial contest which resulted in no election, but so far I have failed to discover in any Eastern newspaper a charge that the people of Kentucky are ignorant, fanatical, unpatriotic, and generally unfit for the responsibilities of statehood.

Mr. President, I think it will be admitted by every fair-minded and unprejudiced critic in the light of the facts revealed by the census reports, that there is no basis whatever for these vindicative charges of inferiority, so freely brought by Eastern newspapers and others against Western communities. The simple truth is that the people of the silver States, in point of intelligence and moral worth, in their home lives, in their love of order, in their social status, in their civil and political organizations, and above all in their unswerving loyalty and devotion to everything that is truly American, are the peers of the citizens of any other section of our common country.

And why should they not be? The very localities along the Atlantic coast from which these unjust and unnatural criticisms of the West mainly come, have in fact furnished us with a very large percentage of our population. In the past they have been the chief sources of that great stream of migration which has spread beyond the great rivers, over the mountains and plains, and along the valleys, bearing aloft as it went the torch of civilization, blazing the trails and carving out of those barren wastes the vigorous, growing, and splendid young commonwealths which to-day stand as magnificent monuments to their sacrifices, their sufferings, and their indomitable courage.

The West is the child of the East. The same undaunted spirit, the same individual strength of character, the same enterprise and industry which have marked the wonderful growth and progress of the East, have also successfully met and conquered every obstacle and brought to its present phenomenal development that great empire of the West, which ought to be, and which I believe is, the pride of every fair-minded citizen of the Republic, no matter in what part of the Union he may dwell. Mr. President, there is not one of the older States that has not sent out to the silver States some of its most promising and ambitious sons and daughters, there to seek their fortune and to carve out for themselves, by their own thrift and energy in that land of equal opportunities, where the worship of Mammon has not yet supplanted the rule of equality, a niche in the temple of honest fame.

There is no story of hardship or danger, of suffering or privation, no act of self-sacrifice or tale of heroism, to be found in the history of the grand old Commonwealths of this Union, from the settlement of Jamestown and the landing of the Pilgrims on Plymouth Rock, that has not found its parallel in the struggles and trials attending the settlement and development of the Western States. And as the experiences of the pioneers in the earlier history of our country who settled upon the shores of the Atlantic Ocean, and of the Great Lakes, and upon the borders of the great rivers flowing into them, developed a race of men whom no danger could appall and whom no misfortune could long discourage, so also the hard experiences of the pioneers of the West have developed a brave, self-contained, and self-reliant people—a people who possess the courage of their convictions, a people "who know their rights, and knowing, dare maintain." The people of the West, like the people of the East, have a just pride in their achievements, in their institutions, and in their States. They also have their honest beliefs and opinions upon public questions and public policies, and in common with all self-respecting, independent people they claim the right to uphold and defend that which they believe to be just, and that, too, without being subjected to the ignorant, senseless, and baseless slanders which of late have filled the columns of the Eastern press.

It might be well for some of those who are just now engaged in traducing the West to take the census reports and a map, and make a brief study of that portion of the United States, to which most of them at present seem to be strangers. If they do, they will discover that the day is not so very far distant when the West is likely to dominate the East. They will find that "Westward the star of empire" still takes its way, and that every year the center of population of the United States is slowly

but surely shifting in the direction of the setting sun. It is to the West that the crowded cities of the East must soon look for relief from the congested condition which now afflicts them, largely as a result of the depression in agriculture. It is to the West that the ambitious youth of the land must ere long turn for those opportunities in life which day by day are growing rarer and rarer in the overcrowded East. It is to the West that the immigrant from the Old World must soon journey in order to find the home which he seeks in the New. And in the near future it is from the great West, with its vast areas of territory, with its inexhaustible treasures of gold, silver, and copper, of lead, and coal, and iron; with its immense forests of timber, with its great rivers and water powers, and with its wonderful variety of soil, and its matchless climate, that must come a very large share of the wealth and resources which are to hold us in the front rank as the richest and most impregnable nation upon the face of the earth.

Mr. President, the immediate cause of the recent unqualified defamation of the people of the silver States is, first, because the Western Senators voted to substitute a free-silver-coinage bill for the House bond bill; and, secondly, because five Republican Senators from the silver States, in the exercise of their discretion and their constitutional right, recently voted against the consideration of the substitute for the House revenue bill at what seemed to them an inappropriate moment. In view of the criticisms which have since been passed upon our action, it may perhaps be well to examine briefly into the reasons which led to the introduction of the House revenue bill—known as the Dingley bill—and then to consider the bill itself for the purpose of ascertaining whether it is quite as unselfish and patriotic a measure as some would have us believe. And also to determine whether there is any ground for the charge of treachery to the Republican party, which has been preferred against those of us claiming to be Republicans who have taken the position that, in its present form, it ought not to become a law. In making this examination it is necessary to take into account the status of all the factors which must necessarily enter into the calculation when an attempt is to be made to formulate legislation and crystallize it into law. Any proposed legislation must of necessity be so framed as to command the support of a majority of both branches of Congress and so as to secure the approval of the President or insure its passage over his veto.

In the House at this time there is an overwhelming Republican majority in favor of a protective tariff—a majority sent there, I may add, not in opposition to silver, as is claimed, but rather as a protest of the people against the free-trade, gold-standard, and bond-selling policy of the present Administration. In the Senate there is a majority against a protective tariff, while the President is well known to be opposed to the protective system in general and to duties on raw material in particular. It was therefore manifestly essential to bear these varying conditions in mind, in the construction of any revenue measure which it was sincerely desired should become a law. The reason assigned for the hurried formulation and passage of the House revenue bill through the other branch of Congress, with scarcely a moment's time for deliberation or debate, was the imperative necessity for additional revenue to meet the current expenses of the Government, and the prompt action of the House was intended to be regarded as a generous and patriotic effort upon the part of the Republicans to rescue the Democratic Administration from the dangers and difficulties into which its own lack of statesmanship and unwise policies had plunged it. It was in this light that Republican orators and Republican newspapers presented the Dingley bill to the country. And I sincerely believe, Mr. President, that the great majority of Republicans in the other branch of Congress voted for the House revenue bill with this unselfish and patriotic purpose in view. But an examination of the measure leads me to feel that those who framed it sacrificed all possibility of its success and nullified its patriotic purpose by permitting selfish and sectional considerations to dictate its provisions.

The McKinley law was a high protective measure, so high, in fact, that many Republicans freely criticised the wisdom of its enactment; and there are Senators upon this floor who have charged the overwhelming defeat of the Republican party in 1892 to the McKinley law, and who would no doubt oppose its reenactment should the Republican party be restored to the control of the Government. There has probably never been a tariff measure proposed to Congress that so aroused Democratic opposition as did the McKinley bill, and yet in the face of these well-known facts the Ways and Means Committee of the other branch of Congress—and I refer to that committee with all proper courtesy and respect—have framed and sent to this body, with its antiprotection majority, and further propose to send to a free-trade Democratic President, for his approval, a so-called revenue measure which reenacts many of the extreme protective provisions of the McKinley law, and which restores to manufactures of woolens and carpets in particular, in some instances *all* and in others *nearly all* of the McKinley rates of duty!

Mr. President, it is upon this view of the matter that some of us have been inclined to believe that the authors of the House revenue bill never really expected it to become a law, and that its introduction and passage through the House was designed merely for political effect. If the authors of the House bill had been actuated by a sincere and patriotic desire to stop the deficit which is draining the Treasury, and if, as is claimed, that was their chief aim and purpose, the question naturally arises, why did they not frame a revenue measure that would have met the varying views upon revenue legislation held in this body, and one in line with the well-known opinions of the Chief Executive? Such a bill might have passed and become a law, as I believe there are Senators upon the other side of this Chamber who share with Republicans the view that the revenues of the Government are insufficient to meet its expenditures, and who might have joined in passing a measure not designed for partisan or special advantage. It is true that a "tariff for revenue only" is not in accord with Republican tradition; but neither is the ad valorem system, nor the horizontal system, yet both these vicious principles are recognized in the Dingley bill. And this fact of itself leads me to the inference that *some* Republicans are willing to sacrifice the principles of the party and to adopt any sort of tariff doctrine, provided only that it gives protection to certain sections and certain interests.

There seems to be two classes of Republicans who criticise us for our vote on February 25 last against the consideration of the Dingley bill. One class asserts that it is a revenue and not a protective measure, and that its provisions will yield $40,000,000 additional revenue per annum for the needs of the Government. The other class asserts that it *is* a protective measure, and that by our opposition we are viciously preventing our American manufacturers from supplying the home market. Now, it is manifestly impossible for both of these propositions to be true. If the bill would exclude foreign goods from our markets it certainly would not raise revenue, and if it did not exclude foreign goods from our markets then it would not help our manufacturers. Thus our critics may take either horn of the dilemma they choose. For myself I incline to the belief that it would not greatly increase the revenues. In the conference held between certain Philadelphia manufacturers and five Republican silver Senators of this body a few weeks ago, and which has since become somewhat famous, the only advocacy of the Dingley bill by the manufacturers present was upon the ground that it would shut out the products of other countries and thus leave to them the home market. If their statement of the case is true, how can anyone assert that the Dingley bill would increase the revenue? It must be that those who put forth the claim that this bill would increase the national income $40,000,000 per annum have simply computed the increased amount of duty on present importations, forgetting the important consideration that high tariffs may possibly lead to low revenues. If the Dingley bill is a mere revenue producer, then no manufacturing interest of this country has been injured by its failure to become a law. If, upon the other hand, its effect would be to stimulate home industry and exclude foreign goods to the extent claimed by our Republican critics, then I make the suggestion that it might very materially decrease instead of increase the national income.

Mr. President, it is charged by the Eastern Republican press that the five Republican Senators who voted against the Dingley bill are traitors to the Republican party. In order to sustain this charge it must be of course shown that the Dingley bill *is* a Republican measure. I deny that it is such; and in support of this denial I quote the distinguished Senator from Ohio [Mr. SHERMAN]. In his remarks made on February 26 last, in speaking of the bill, he said:

> That bill does not belong to any party; it is not the representative of any party. * * * I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone upon that ground. * * * It is a bill prepared for an occasion, not a political one.

This authority ought to be accepted by the Eastern Republican press as conclusive upon this point as it is upon many others, the financial question in particular. The Senator from Ohio says that the Dingley bill is not even a partisan measure, and so I hope that those Republican journals which have been busy of late in reading us out of the party, for having refused to support what they mistakenly call a Republican measure, will kindly reconsider their action, and graciously permit us to remain until it can be shown that we have violated some cardinal principle of Republican faith.

Mr. President, when all the circumstances surrounding the occasion are considered, and when all the factors to be reckoned with are taken into account, I am forced to believe—with all due respect to those who framed it—that the House revenue bill is an unwise as well as unfair measure. It is an admixture of free trade, tariff for revenue only, and extreme protection. It utterly neglects some interests, and shows unusual favor to others. It protects the manufacturer of woolens and carpets, but fails utterly to give protection to the woolgrowers. It is therefore inequitable, unrepublican, and unjust, and does not deserve the support of the Republicans in this body.

Mr. President, my distinguished colleague, in his able and

unanswerable speech a few days ago, so thoroughly dissected and exposed the incongruities and inequalities of this measure that it is unnecessary for me to discuss it fully in detail. I wish to say, however, that some time ago I addressed a letter to Judge William Lawrence, the president of the National Wool Growers' Association of the United States. He is beyond question the highest and best-informed authority upon the wool question, from the woolgrower's point of view, to be found in this country. This entitles his utterances upon this subject to great weight.

I will take the liberty of sending Judge Lawrence's reply to the Secretary's desk, and, with the permission of the Senate, I will ask to have it read. It is not very long, and as it is pertinent to this subject I should like very much that the Senate should hear it.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

Hon. LEE MANTLE,
*United States Senate, Washington, D. C.*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 17th on the subject of the Dingley wool-tariff bill.

* * * * * * *

You are correct in saying that "the bill takes pretty good care of the woolen manufacturers, while it fails utterly to afford the necessary protection to woolgrowers."

You will see it is shown in Senate Document No. 17, pages 47, 49, and 52, that woolgrowers in competition with Australian skirted merino get but little over half the nominal duty fixed by the law. The nominal duty of 6.6 cents in the Dingley bill (60 per cent of 11 cents) is in practical effect only 3.5 on our Ohio washed and less than 2 cents on unwashed. Thus the so-called tariff of 6.6 is not half the amount it appears to be, and will deceive people who do not understand it.

The wool manufacturer has in the law what is called a "compensatory duty"; that is, a duty given him because of the duty on wool. Now, the "compensatory duty" is in fact considerably more than "compensation," even if the duty on wool was what it seemed to be, but when you consider that it is not, the result is the "compensatory duty" is largely more than it seems to be—more, in fact, than the normal compensation. I have never alluded to this in any speech or publication, but the time is very nearly here when woolgrowers must raise the standard of revolt against the low duties afforded them and the vastly better duties given the wool manufacturers. I have never indulged in prejudice against New England, but it is about time that New England should recognize the fact that woolgrowers have some rights that New England is bound to respect.

* * * * * * *

I notice your remark that if the Dingley bill becomes a law there is danger that the wool manufacturers, so well provided for, may hereafter confront us with the proposition that "it would be unwise to reopen the tariff discussion for fear of disturbing business conditions." Certainly there is danger of that, and if so, the free-wool men, backed by that argument and those who maintain it, would prevent any fair wool tariff hereafter. In view of the urgent necessity for even a little relief—a very little—to woolgrowers, I have not felt it proper for me to advise the defeat of the Dingley bill, but I have letters from able men—true friends of wool manufacturers and woolgrowers—who do think it is better to defeat the bill and take our chances for the future.

* * * * * * *

I invite your attention to the draft of a bill in Senate Document No. 17, pages 218-221, as one we might hope to have passed, except that possibly you might have to reduce the rates specified in paragraphs 10, 11, and 12. This draft omits the "skirting proviso" of the McKinley Act, which is, of course, retained in the Dingley bill. This omission would help us some. We suffer much by light shrinkage in scouring of Australian merino.

Yours, truly, WILLIAM LAWRENCE.

Mr. MANTLE. Mr. President, I wish to call special attention to what Judge Lawrence says respecting the "compensatory duty" given to woolen and carpet manufacturers. He shows conclusively that while this "compensatory duty" is nominally given to the manufacturer to compensate him for the duty on wool, as a matter of fact it gives him far more than a fair compensation. The Dingley bill gives to woolgrowers 60 per cent of the McKinley rates, but it gives to carpet manufactures *all* the specific duties of the McKinley law, and also the full ad valorem duties of the Wilson law. On four classes of carpets the ad valorem duties of the Wilson law are the same as the McKinley law. On three classes they are a trifle less, while on one class it is 2½ per cent higher. So that in one case the Dingley bill actually gives a higher protective duty than the much-abused McKinley law itself. I here attach a table showing the ad valorem duties of the McKinley and Wilson laws, which I ask to have printed with my remarks:

*Table showing the ad valorem rates of the McKinley and Wilson laws.*

| Class of carpets. | Paragraph of McKinley law. | Paragraph of Wilson law. | Ad valorem duty, act of 1890 (McKinley law). | Ad valorem duty, act of 1894 (Wilson law). |
|---|---|---|---|---|
| | | | *Per cent.* | *Per cent.* |
| Aubusson, axminster, moquette, and chenille | 399 | 287 | 40 | 40 |
| Saxony, Wilton, and Tourney velvet | 400 | 288 | 40 | 40 |
| Brussels | 401 | 289 | 40 | 40 |
| Velvet and tapestry velvet | 402 | 290 | 40 | 40 |
| Tapestry brussels | 403 | 291 | 40 | *42½ |
| Treble ingrain | 404 | 292 | 40 | 32½ |
| Wool, Dutch and trophy, etc. | 405 | 293 | 40 | 30 |
| Druggets, bockings, etc. | 406 | 294 | 40 | 30 |
| Other classes of wool, flax, cotton, or in part of either | 407 | 295 | 40 | 30 |

*Higher than the McKinley law.

Mr. President, I desire to add further that the McKinley law placed a duty of 11 cents per pound upon wool of the first class; but owing to the "skirting clause," to which Judge Lawrence refers, and other defective provisions, the actual protective benefit which Western and Texas woolgrowers received was not one-third of that amount. I wish also to call attention to the fact that the price of wool steadily declined during the period that the McKinley law was in force, showing conclusively to my mind that it did not furnish the woolgrowers adequate protection. The Dingley bill fixes the rate on first-class wools at 6.6 cents per pound; but as it also reenacts all the loose and defective provisions of the McKinley law, the Western woolgrowers would manifestly receive no protective benefits worth speaking of.

Before leaving this subject I wish to call attention to the greatest danger which, in my judgment, menaces the majority of the woolgrowers in the United States. It lies in the constantly increasing importation of cheap, coarse wools. Formerly these wools were used only in the manufacture of carpets. Owing, however, to improved machinery and changing fashions, and because of their cheapness, these coarse wools are now being extensively used in the manufacture of clothing. Last year the importation of this class of wools exceeded by far that of all others combined. Among them was nearly 27,000,000 pounds of Chinese wool, the average import price of which, duty paid, was 5.15 cents per pound. Owing to its light shrinkage, this amount would equal upward of 40,000,000 pounds of a similar grade of American wool. The Dingley bill imposes an ad valorem duty of 32 per cent upon this class of wool, which, based upon last year's price, would amount to a specific duty only of 1.65 cents per pound. It is manifest that this rate of duty would afford no protection whatever, and but little revenue either.

I have taken some tables from the memorial of the National Woolgrowers' Association to Congress, bearing upon prices and other statistics relating to wool, which, if there is no objection, I will ask leave to print as part of my remarks:

SHOWING EFFECT OF THE "SKIRTING CLAUSE" OF THE M'KINLEY LAW, WHICH THE DINGLEY BILL PROPOSES TO REENACT.

*2. The provisions of the McKinley Act to prevent frauds.*

383. The duty upon wool of the sheep or hair of the camel, goat, alpaca, and other like animals which shall be imported in any other than ordinary condition, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: *Provided, That skirted wools as now imported are hereby excepted. Wools on which a duty is assessed amounting to three times or more than that which would be assessed if said wool was imported unwashed, such duty shall not be doubled on account of its being sorted.* If any bale or package of wool or hair specified in this act imported as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

The words in *italic* are the so-called "*skirting*" clause, which includes the *sorting* of scoured wools.

3. The ruinous effect of *the "skirting" clause, operating also to permit the import of sorted scoured wools without additional duty on account of the sorting or skirting, practically reduced the wool duty of 11 cents per pound down to a mere nominal amount, and in part defeated the provision for giving treble duty on scoured wools. It should be omitted from a new wool-tariff law.*

This fatal "*Provided,*" excepting "skirted" wools and scoured "sorted" wools from the prohibitions against frauds, was incorporated at the instance of some of those desiring wools imported in a shape to secure a great advantage over American wools. The skirting, in practice, removed so much of the fleece as to result not only in "skirting," but in "sorting" also.

The effect was that Australian "skirted" merino of no better quality than, and with a fiber not as good as, our American wools would command in our markets all of 2 cents per pound more than American whole fleeces of the *same shrinkage* in scouring. The skirting had three effects to increase the selling price of Australian merino:

(1) The effect of securing the *most valuable* light shrinkage part of the fleece in practical effect not only "*skirted,*" but "sorted" also.

(2) To save the labor and consequent expense of "sorting"; and

(3) To admit sorted scoured wools of all classes without an increase of duty.

* * * * * * *

It was in view of *these conditions*—the light shrinkage of Australian merino and the "skirting" clause—that at the meeting of the National Woolgrowers' Association at Chicago, October 5, 1893, Hon. John T. Rich, governor of Michigan, in an able address, said:

"The effect * * * is to let in [Australian *unwashed* merino] wool, worth quite as much as Ohio washed fleece, at a duty of only 11 cents per pound, when, if it came in whole fleeces, washed, it would pay 22 cents per pound.

"So that on fine wool there is little, if any, more than *one-half the protection provided* [intended] *by law.* Another thing which helps to wipe out a portion of this is the fact that in *Australia much larger flocks are kept, and it is much easier to get a large amount of uniform quality, and as the wool is skirted the manufacturers buy only such wool as they need.* I have myself seen in Philadelphia invoices of this grease wool free from any hay seed or other vegetable matter, uniform in quality, with no twine, and which paid only 11 cents per pound duty and which was *sold at from 40 to 42 cents when the best unwashed* [American] *full-blood merino wool would bring 18 to 20 cents.*

In brief, the result is that under the McKinley Act of 1890 (a result not foreseen by Congress or by woolgrowers) Australian merino unwashed and "skirted," shrinking in scouring less than Ohio washed merino, was admitted at 11 cents duty, when the law was intended to give 22 cents on such wools.

TABLE SHOWING AMOUNTS OF FIRST, SECOND, AND THIRD CLASS WOOLS IMPORTED FOR THREE YEARS.

1. The imports of third-class wools and the aggregate of first and second class entered for consumption in the United States were for specified fiscal years as follows:

| Year. | Quantities, third class. | Value. | Duties. | Total of first and second class. |
|---|---|---|---|---|
| | *Pounds.* | | | *Pounds.* |
| 1892 | 90,560,125.25 | $8,742,454.00 | $2,885,012.26 | 44,062,211 |
| 1893 | 133,197,581 | 10,312,237.00 | 3,289,646.54 | 42,438,460 |
| 1895* | 144,488,265 | 13,135,901.75 | | 121,237,612 |
| Total | 368,245,971.25 | 32,190,592.75 | | 207,738,283 |

*For 1895, total imports.

2. Thus in the three years specified the third-class wools aggregated 368,245,971.25 pounds, and the first and second classes combined only 207,738,283 pounds.

Most of these third-class wools *came in for the manufacture of clothing, supplanting American merino and long wools of the mutton breeds.*

*In view of all these considerations this memorial respectfully asks that all imported wools shall be subjected to specific duties.*

IMPORTS OF CHINA WOOL.

Prior to 1869 there were no imports of China wools. Since then imports have gradually increased, as indicated by specified fiscal years, as follows:

| Year. | Quantity. | Value. | Import price per pound. |
|---|---|---|---|
| | *Pounds.* | | *Cents.* |
| 1870 | 9,016 | $1,312 | 10.45 |
| 1880 | 66,751 | 9,188 | 13.76 |
| 1890 | 8,587,575 | 814,264 | 9.48 |
| 1893 | 29,758,893 | 1,812,250 | 6.74 |
| 1894 | 10,186,264 | 818,157 | 8.03 |
| 1895 | 26,089,418 | 1,699,414 | 5.15 |

Yet this wool, at an import price of 5.15 cents per pound, is of lighter shrinkage than the average American shropshire and other coarse wools. American woolgrowers can not endure Chinese competition.

McKINLEY RATES ON WOOL.

*On class 1 wools.*—Merino, etc., unwashed, 11 cents per pound; merino washed, double duty; merino scoured, treble duty.

*On class 2 wools.*—Down and other long wools, washed or unwashed, 12 cents per pound; scoured, treble duty.

*On class 3 wools.*—Native coarse sheep, if of the value of 13 cents or less per pound, 32 per cent ad valorem; if the value exceed 13 cents, duty 50 per cent ad valorem.

NOTE.—The Dingley bill proposes to reenact the ad valorem duty on third-class wools.

The following table gives a comparison between the prices in Boston of fine Ohio fleece, scoured, and of Australian average fleece, scoured, in London:

*Comparison of prices of Ohio and Australian scoured wools.*

| Year. | Price of fine Ohio fleece, scoured. | Price in London of Australian average fleece, scoured. | Difference of the two prices. |
|---|---|---|---|
| 1881 | $0.95½ | $0.53 | $0.42½ |
| 1882 | .90½ | .53 | .37½ |
| 1883 | .86 | .51 | .35 |
| 1884 | .80½ | .48 | .32½ |
| 1885 | .71½ | .41 | .30½ |
| 1886 | .74 | .41 | .33 |
| 1887 | .73½ | .42 | .31½ |
| 1888 | .68 | .42 | .26 |
| 1889 | .73½ | .48 | .25½ |
| 1890 | .73½ | .44 | .29½ |
| 1891 | .70½ | .40 | .30½ |
| 1892 | .69 | .54 | .39 |
| 1893 | .55 | .33 | .22 |
| January, 1894 | .50 | .32 | .18 |
| March 1, 1894 | .45½ | .32 | .13½ |

Average difference, 29 cents.

This shows a decline from 73½ cents in 1890 to 45½ cents in 1894.

NOTE.—The McKinley law went into effect October 1, 1891, and was repealed August 15, 1894.

*Table showing the price per pound for the leading grades of American wool in the Eastern market and on the farm on January 1 and July 1 for the years 1891, 1892, 1893, 1894, and 1895.*

| Grades. | 1891. | | | | 1892. | | | | 1893. | | | | 1894. | | | | 1895. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Price in market, Philadelphia and Boston, Jan. 1. | Price on farm Jan. 1. | Price in market, Philadelphia and Boston, July 1. | Price on farm July 1. | Price in market, Philadelphia and Boston, Jan. 1. | Price on farm Jan. 1. | Price in market, Philadelphia and Boston, July 1. | Price on farm July 1. | Price in market, Philadelphia and Boston, Jan. 1. | Price on farm Jan. 1. | Price in market, Philadelphia and Boston, July 1. | Price on farm July 1. | Price in market, Philadelphia and Boston, Jan. 1. | Price on farm Jan. 1. | Price in market, Philadelphia and Boston, July 1. | Price on farm July 1. | Price in market, Philadelphia and Boston, Jan. 1. | Price on farm Jan. 1. | Price in market, Philadelphia and Boston, July 1. | Price on farm July 1. |
| Fine merino: | | | | | | | | | | | | | | | | | | | | |
| Ohio XX fine washed fleeces | $0.33 | $0.30 | $0.30½ | $0.27½ | $0.30½ | $0.27½ | $0.29 | $0.26 | $0.28 | $0.25 | $0.24½ | $0.21½ | $0.23½ | $0.20½ | $0.20 | $0.17 | $0.17½ | $0.14½ | $0.16½ | $0.13½ |
| Michigan and Wisconsin X or fine washed | .29½ | .26½ | .27½ | .24½ | .27 | .24 | .25½ | .22½ | .25 | .22 | .22 | .19 | .20½ | .17½ | .15 | .12 | .15½ | .12½ | .15½ | .12½ |
| Ohio XX fine unwashed | .32 | .19 | .31½ | .18½ | .31½ | .18½ | .31 | .18 | .30½ | .17½ | .17 | .14 | .15 | .12 | .14 | .11 | .13 | .10 | .13 | .10 |
| Ohio XX scoured | .69 | ..... | .68½ | ..... | .63½ | ..... | .60½ | ..... | .58 | ..... | .51 | ..... | .49 | ..... | .42 | ..... | .36½ | ..... | .34½ | ..... |
| Half blood: | | | | | | | | | | | | | | | | | | | | |
| Ohio medium washed fleeces | .37 | .34 | .36 | .33 | .36 | .33 | .34½ | .31½ | .33½ | .30½ | .27 | .24 | .24½ | .21½ | .20½ | .17½ | .20 | .17 | .20½ | .17½ |
| Indiana, Illinois, Wisconsin, Kentucky, and Missouri medium unwashed | .29½ | .25½ | .28½ | .25½ | .27½ | .24½ | .26½ | .23½ | .25½ | .22½ | .20½ | .17½ | .19 | .16 | .15½ | .12½ | .16½ | .12½ | .15 | .12 |
| Kansas, Nebraska, and Dakota medium unwashed | .24 | .20 | .23 | .19 | .23 | .18 | .22 | .18 | .21 | .17 | .15 | .11 | .15 | .11 | .12½ | .09½ | .12 | .08 | .12 | .08 |
| Ohio medium scoured | .64½ | ..... | .60 | ..... | .60 | ..... | .57½ | ..... | .55 | ..... | .48 | ..... | .40½ | ..... | .34 | ..... | .33 | ..... | .34 | ..... |
| Ohio, Wisconsin, and New York coarse washed | .35½ | .32½ | .33½ | .30½ | .33½ | .30½ | .33½ | .30½ | .30 | .30 | .27 | .24 | .23½ | .20½ | .20½ | .17½ | .21½ | .18½ | .20½ | .17½ |
| Quarter blood: | | | | | | | | | | | | | | | | | | | | |
| Indiana, Illinois, Wisconsin, and average Kentucky coarse unwashed | .27½ | .24½ | .26½ | .23½ | .25½ | .23½ | .25½ | .23½ | .24½ | .21½ | .20½ | .17½ | .18½ | .15½ | .16½ | .13½ | .16½ | .13½ | .17½ | .14½ |
| Kansas, Nebraska, and Dakota coarse unwashed | .24 | .20 | .23 | .19 | .23 | .19 | .22 | .19 | .21½ | .17½ | .17 | .13 | .15½ | .11½ | .15½ | .09½ | .14½ | .10½ | .15½ | .11½ |
| Ohio coarse scoured | .47 | ..... | .44½ | ..... | .44½ | ..... | .44½ | ..... | .44 | ..... | .36 | ..... | .31 | ..... | .27½ | ..... | .28½ | ..... | .27½ | ..... |
| Territorial: | | | | | | | | | | | | | | | | | | | | |
| Montana fine average, California fine, choice Nevada, and choice fine Wyoming | .19½ | .14½ | .19½ | .14½ | .18½ | .13½ | .16½ | .11½ | .16 | .11 | .13 | .08 | .11 | .06 | .09 | .04 | .10 | .05 | .10 | .05 |
| Montana, California, Nevada, and Wyoming fine scoured | .65 | ..... | .65 | ..... | .61½ | ..... | .55 | ..... | .53 | ..... | .43 | ..... | .36½ | ..... | .30 | ..... | .33½ | ..... | .33½ | ..... |
| Montana and Wyoming medium or half blood | .20½ | .15½ | .20½ | .15½ | .19½ | .14½ | .19½ | .14½ | .17½ | .12½ | .15 | .10 | .13 | .07 | .09 | .04 | .11 | .06 | .11 | .06 |
| Montana and Wyoming medium scoured | .58½ | ..... | .58½ | ..... | .55 | ..... | .55 | ..... | .50 | ..... | .42½ | ..... | .34 | ..... | .26 | ..... | .31½ | ..... | .31½ | ..... |
| Montana and Wyoming coarse or quarter blood Shropshire | .20½ | .15½ | .20½ | .15½ | .20½ | .15½ | .20½ | .15½ | .20½ | .15½ | .16 | .11 | .14 | .09 | .12½ | .07½ | .12½ | .07½ | .12½ | .07½ |
| Montana and Wyoming coarse or quarter blood scoured | .51 | ..... | .51 | ..... | .51 | ..... | .51 | ..... | .51 | ..... | .40 | ..... | .35 | ..... | .31 | ..... | .31 | ..... | .31 | ..... |

Mr. President, in closing this subject I wish to be understood as criticising no interest and no section. My objection is against the inequalities of the bill in question, and not against any industry.

I have no sympathy whatever with that sentiment which seeks to array one section of our country against the other. In common with every loyal American I look with pride upon the magnificent strides, in every branch of manufacturing industry,

which have been made in the past thirty years. I regard this phenomenal progress as a splendid tribute to the Republican system of protection. It is this system which has stimulated and called into full play the astonishing inventive genius of our people, and which, in this respect, has made us the wonder and the admiration of the world. I am a believer in the principle of protection because it gives the work of this Republic to our own workingmen, to whom of right it belongs. Employment is essential to the well-being and happiness of the people. It brings prosperity and content and inspires patriotism. Idleness, upon the other hand, is prolific of discontent and social disorders of every character. I am therefore in favor of that policy which will light the fires in our own furnaces, start the wheels in our own factories, furnish labor for our people, develop our own magnificent resources, furnish a home market for our own products, and which will come nearest to making us a self-sustaining, independent nation in every particular. The protective principle, wisely and justly applied, will aid greatly in bringing about these desirable ends. But it ought never to be invoked for the benefit of any special interest, class, or section, or be permitted to foster any monopoly or combination against the public interest. It must protect the woolgrower as well as the wool manufacturer, the producer of raw materials as well as the producer of the finished product. In short, it must be as broad as the Union itself, and must be adjusted to guard every American industry which needs its sheltering arm to shield it from the cheap and degrading competition of other lands.

But, while I am an ardent advocate in the principle of protection, I am also a firm believer in the principle of true bimetallism, which I construe to mean the unlimited coinage of gold and silver upon equal terms and at a ratio to be fixed by law. My preference being for a ratio of 16 to 1, because in the light of history and all experience I believe that to be the natural and just ratio. I am in favor of the adoption of this policy independently by the United States, believing it to be a sound policy and in the interest of the great mass of the people, and that as a nation we are great enough, rich enough, and strong enough to establish and maintain our own financial policy, just as we maintain a tariff policy and a political policy without asking or waiting for the consent of any other nation of the world.

The recent enormous advance made in the industrial development of Japan, and which is now spreading to China, has demonstrated to reflecting men who have given the subject thoughtful consideration, that a protective tariff will no longer alone successfully guard our manufacturers and wage earners from the stream of cheap manufactured products which has begun to flow from those countries to our shores, and which is at last exciting the serious alarm of great numbers of our citizens engaged in the manufacturing industries. This is evidenced by the fact that boards of trade, chambers of commerce, and other organizations are appointing committees to investigate the nature, character, and extent of this Asiatic industrial invasion.

There are those who affect to believe that the industrial situation in Japan involves no serious menace to the labor and industries of this nation. Those who take this position are foolishly and fatuously blind to the real conditions. The Japanese nation numbers 40,000,000 of people, who, in point of skill and ingenuity, and in the power of adaptability and imitation, have no superiors among any of the nations. It is stated on good authority that a Japanese workman can make anything he has ever seen, and that his ingenuity is such that he can reproduce and put in operation without instruction the most difficult and complicated modern machinery of every character. It is this astonishing faculty which enables the Japanese to avail themselves of all the latest inventions of this and other countries, and it is this marvelous power of imitation and adaptation which has not only enabled them in a few short years to become a dangerous rival of our own at this moment, but is destined in a very short time to place Japan among the great manufacturing nations of the world.

But, Mr. President, it is not Japan alone that our manufacturers and wage earners now have cause to fear. Back of Japan is the Empire of China with its 400,000,000 of population. The recent war with Japan has brought about a remarkable change in the conditions existing in the more accessible portions of that vast domain. The rude shock of battle has aroused it from the dormant state in which it has lain for centuries. Her overwhelming defeat and the laws of conquest have compelled China to open up many of her ports to the introduction of modern machinery. Railroads and telegraphs and other great civilizing and modernizing influences are also performing their part in the general awakening process, and soon we are likely to see this giant of the Orient, until now unconscious of its strength and opportunities, shaking from its limbs the shackles of tradition and superstition which have enchained it for ages, and emulating the example and following in the footsteps of its successful rival and neighbor, Japan, entering as an active and terrible competitor in the race for the commercial and industrial supremacy of the world.

The Chinese Empire possesses in great abundance and variety every natural resource necessary to make her a great producing and manufacturing nation. Her soil and climate and her immense territory are such as to enable her to produce enormous supplies of cotton and wool, as well as other raw material. Her people are equal to the Japanese in respect to industry and in their imitative and adaptative faculty, and superior to them in respect to their powers of application and endurance. Wages in Japan are ridiculously low as compared with American and European standards, but in China wages are even lower than in Japan. As a fact of much importance I may here state that Japanese manufacturers are even now building cotton factories in China, because they can there get cheaper labor.

As bearing upon this subject, Mr. President, I have taken from consular and other reports tables relating to the industrial growth of Japan as well as to the rate of wages paid and other matters relating to Asiatic competition. I ask permission to print them with my remarks. I wish also to add that the industrial wage workers of the United States may wisely and profitably study these significant statistics.

The following tables are taken from an article written by Mr. W. E. Curtis upon "The industrial revolution in Japan," and published in a bulletin issued by the Department of Labor in January, 1896:

*Japanese imports.*

(a) Values stated in American gold on the basis of 2 silver yen to the dollar:

| | |
|---|---|
| Raw cotton | $9,551,981 |
| Machinery, etc | 7,974,543 |
| Sugar | 6,062,261 |

*Exports and imports, 1885 to 1894.*

| Year. | Exports. | Imports. |
|---|---|---|
| 1885 | $18,573,346 | $14,678,484 |
| 1887 | 26,203,841 | 22,152,126 |
| 1890 | 28,301,753 | 40,864,290 |
| 1892 | 45,551,377 | 35,663,040 |
| 1894 | 56,623,043 | 58,740,978 |

*Exports by countries, 1890, 1892, and 1894.*

| Country. | 1890. | 1892. | 1894. |
|---|---|---|---|
| United States | $9,910,719 | $19,337,486 | $21,661,779 |
| France | 4,177,197 | 9,046,847 | 9,749,388 |
| Hongkong | 4,693,263 | 6,644,270 | 8,099,740 |
| China | 2,613,748 | 3,179,430 | 4,406,994 |
| Great Britain | 2,819,490 | 1,960,870 | 2,975,080 |
| British India | 295,393 | 711,145 | 1,844,079 |
| Germany | 423,461 | 470,391 | 758,774 |

*Imports by countries, 1890, 1892, and 1894.*

| Country. | 1890. | 1892. | 1894. |
|---|---|---|---|
| Great Britain | $13,309,551 | $10,394,666 | $21,094,937 |
| China | 4,424,843 | 6,254,705 | 8,755,753 |
| United States | 3,457,205 | 2,894,027 | 5,491,279 |
| British India | 4,455,446 | 3,831,002 | 5,280,224 |
| Hongkong | 2,747,956 | 3,482,861 | 4,499,859 |
| Germany | 3,428,478 | 3,187,524 | 3,954,771 |
| France | 1,934,696 | 1,810,250 | 2,174,024 |

The Japanese coinage is based on the decimal system and corresponds with that of the United States. A rin was originally the same as a mill. Ten rin make 1 sen and 100 sen make 1 yen, which used to be as good as a gold American dollar, but is now worth about 51 cents. Therefore, a man who goes to Japan from the United States or Europe with money that is at par with gold finds his funds almost doubled immediately.

*Monthly rates of wages, Japan.*

| Occupation. | Highest. | Lowest. | Average. |
|---|---|---|---|
| Confectionery makers and bakers | $12.00 | $1.00 | $5.74 |
| Weavers (men) | 12.00 | 1.00 | 4.83 |
| Weavers (women) | 12.00 | 1.00 | 3.30 |
| Farm hands (men) | 5.00 | 1.00 | 2.31 |
| Farm hands (women) | 3.50 | .49 | 1.28 |
| House servants (men) | 5.00 | .50 | 2.13 |
| House servants (women) | 3.00 | .50 | 1.16 |

*Daily rates of wages paid in Yokohama.*

| Occupation. | Rate per day. | Occupation. | Rate per day. |
|---|---|---|---|
| Blacksmiths | $0.36 | Porcelain makers | $0.24 |
| Carpenters | .28 | Pressmen, printing offices | .19 |
| Carpenters, ship | .29 | Roofers | .26 |
| Compositors | .29 | Sake brewers | .22 |
| Confectionery makers and bakers | .17 | Sauce and preserve makers | .24 |
| Cotton beaters | .17 | Screen makers | .26 |
| Dyers | .24 | Silk spinners (female) | .17 |
| Joiners | .29 | Stonecutters | .31 |
| Laborers, ordinary | .19 | Tailors, foreign clothing | .48 |
| Lacquer makers | .24 | Tailors, Japanese clothing | .24 |
| Matting makers | .24 | Tea-firing men | .14 |
| Oil pressers | .24 | Tea-firing women | .10 |
| Paper hangers | .24 | Tea pickers | .29 |
| Plasterers | .26 | Tilers | .31 |
| Porcelain artists, ordinary | .38 | Tobacco and cigar makers | .24 |
| Porcelain artists, superior | .72 | Wood sawyers | .29 |

The following are the rates of wages paid by the month: (a)

| | |
|---|---|
| Farm hands (men) | $1.44 |
| Farm hands (women) | 1.20 |
| Silkworm breeders (men) | 1.92 |
| Silkworm breeders (women) | .96 |
| Weavers (women) | .96 |
| House servants (men) | $2.80 to 7.20 |
| House servants (women) | 2.40 to 4.80 |

Factory labor is paid even less than these prices. Middleton & Co., one of the most prominent tea-shipping houses in Japan, employ in their establishment a large number of persons, men and women, who work from 5 o'clock in the morning until 6 o'clock at night, with three intervals at 8, 12, and 3 o'clock, respectively, when they eat their rice and what other refreshments they bring with them and rest for twenty minutes or a half hour. The highest wages paid by the Messrs. Middleton are 42 sen a day, which is equivalent to 21 cents in United States currency. This is received by men who are experts in handling tea, and have acquired their proficiency by natural ability and long years of experience.

The lowest wages are paid to young boys and girls who pick over the tea leaves to remove the stems and other foreign substances. They receive 13 sen (6½ cents) a day for about twelve hours' work, not including their resting spells.

Of the entire force in the establishment 20 are paid 21 cents (United States currency) a day, 90 are paid 18 cents, 50 are paid 15 cents, 335 are paid 12 cents, 278 are paid 10 cents, 5 are paid 9 cents, and 30 are paid 6½ cents—and they board themselves.

*Chinese wages at Shanghai.*

[United States Consular Report.]

Wages of Chinese at Shanghai September 30, 1895, reduced to American currency:

| Description. | Wages with food. | |
|---|---|---|
| | Per day. | Per month. |
| Blacksmith | $0.13 | |
| Brass worker | .16 | |
| Barber | .03 | |
| Bootmaker: | | |
| Native | .10 | |
| Foreign | | $5.28 |
| Bamboo cabinetmaker | .11 | |
| Bricklayer | .10 | |
| Compositor: | | |
| Native | | 5.28 |
| Foreign | | 7.92 to 15.84 |
| Carpenter | .11 | |
| Cabinetmaker | .13 | |
| Cooly* | .13 | |
| Bookbinder: | | |
| Native | | 4.22 |
| Foreign* | | 6.34 |
| Lithographer* | | 10.56 |
| Furniture polisher | .21 | |
| Tailor: | | |
| Native | .10 | |
| Foreign | | 6.34 |
| Pressman | | 6.34 |
| Coachman: | | |
| Native | | 3.17 |
| Foreign | | 6.34 |
| House boy: | | |
| Native* | | 2.11 |
| Foreign | | 4.75 |
| Cotton-mill machinist* | .11 to .22 | |
| Cotton-factory hand* | .18 | |

* Without food.

Mr. President, there can be but little doubt in the mind of any unprejudiced student of the industrial development of India, Japan, and China, and of the remarkable progress which these countries have made in the past twenty years and are still making, that these changes are mainly due to the demonetization of silver by Europe and the United States and the consequent appreciation in the purchasing power of gold. An examination of the record shows that when, after silver's demonetization, silver bullion began to fall in value, the price of wheat and cotton began to fall in sympathy. It also shows that as these staples began to fall in price the exports of wheat and cotton from India and other silver-using countries to Great Britain began to increase in volume, and that for twenty years these reciprocal operations have continued with a sufficient degree of regularity and uniformity to satisfy the most skeptical mind that there must be some related cause which has produced such continuous and uniform results. In the light of experience and of the facts contained in the records, it is not, it seems to me, difficult to explain the process by which these results have been brought about. It is a fact that Great Britain during these years has been the chief purchaser of silver bullion and also the chief importer and consumer of wheat and cotton.

It is also a fact that for a great many years an ounce of silver in Liverpool has generally exchanged about evenly for a bushel of wheat; therefore the price of wheat in Liverpool would generally be the cost of an ounce of silver bullion plus the amount of freight on a bushel of wheat from India to Liverpool. Thus it will be readily understood that the lower the price of an ounce of silver bullion the lower will be the price of a bushel of wheat, and what is true of wheat is also true of cotton, the other great export staple of this country. Then if we bear steadily in mind the fact that silver has substantially the same purchasing power to-day in India and other silver-using countries with reference to the commodities of those countries, including labor, that it had twenty years ago, it becomes apparent at once how the demonetization of silver and the resultant fall in the price of silver bullion has operated to lower the price of wheat and cotton. The natural and logical effect of this condition of affairs was to artificially stimulate the growing of wheat and cotton in India and to cheapen its price in the Liverpool market, and the inevitable result has been to bring ruin to the agricultural interests of Great Britain and to render wheat and cotton growing in the United States a profitless undertaking. The folly of this policy is magnified when we reflect that we have been the great producers of silver, as well as of wheat and cotton, and that by degrading and discrediting one of our own great products (silver) we deliberately placed in the hands of our chief commercial and manufacturing competitor a club with which to strike down the wheat and cotton producers of our own country.

I have referred to wheat and cotton because they were the first of our products to feel the blighting effects of the competition with silver-using countries. The second effect of the cheapening of silver, operating in precisely the same manner as it did in respect to wheat and cotton, has been to artificially stimulate the development of manufacturing industries (so far chiefly in the line of textile fabrics), first in India, then in Japan, and now in China. The cry of the British farmer which went up when he found himself being crushed by the cheap competition of India was scarcely heard; but when the Lancashire cotton spinners found that the cotton factories at Bombay and Calcutta, with their cheap labor, paid in cheaply bought silver, had monopolized their business, they sent up a wail of anguish that attracted the attention of English statesmen, and which resulted in the inauguration of a bimetallic movement which has enlisted the support of the ablest public men in that country.

The same thing has happened in the United States. So long as the farmers were the chief sufferers but little attention was given to their cry of distress. But the situation has changed. The wall of protection erected by the Republican party around the manufacturing industries of this country served for a long time to shield them and the men employed in them from this cheap competition. But that wall was broken down by the Wilson tariff act, and this fact, taken in connection with the phenomenal industrial advance which Japan has made within the last two or three years, has opened the eyes of a large and growing number of manufacturers and of the industrial wage earners of this country, and they begin at last to realize that a protective tariff alone can no longer protect them. They are beginning at last to grasp the great fundamental fact underlying the demand for the restoration of silver and to understand that just so long as silver retains its present purchasing power over labor and commodities in Asiatic countries just so long will the Chinese and Japanese manufacturer be able to bring their wares to our markets, sell them for gold, buy the bullion equivalent of 2 silver dollars with each gold dollar, and go back to China and Japan and repeat the process. A protective tariff might equalize the conditions arising from the difference in the standards of living and the rates of wages, but no attainable tariff can possibly equalize the enormous advantage which these silver-standard countries now enjoy through being able to buy from us the material (silver) out of which their money is made at one-half of its real purchasing value to them.

In the light of these significant facts, it must be apparent to the industrial wage earners of the United States that unless this difference in the money standards existing between gold and silver using countries can be equalized one of two results must ultimately follow. Either the wages and standards of living of the Japanese and Chinese must be raised to our level or else our wages and standards of living must be reduced to theirs. When looked at from this standpoint it is not difficult to say what the result must inevitably be.

Mr. President, I here offer and ask permission to print with my remarks an excerpt from the prize essay on bimetallism written by Mr. George Jamison, esq., British consul-general at Shanghai, China. I have read nothing which states so forcibly and brings out in such clear light the danger of the industrial situation in China and Japan as it relates to British manufacturing interests. His showing appeals with still greater force to the United States because of our geographical location and the fact that as a rule the American industrial wage earner has been better paid than his English brother:

Let us consider, firstly, the effects when the gold price falls and, by consequence, the silver price is steady.

Suppose two cotton mills working, the one in England and the other in Japan or China, and competing with one another for the sale of their productions, and contrast the position of the two in 1873 and in 1896. Let us assume that in 1873 they were competing on even terms—that is, that each realized to the owners the same profit. In 1894 each employs the same amount of labor as it did in 1873, which the English pays for in gold at the old rates and the Japanese in silver, also at the old rates. The Japanese mill owner still pays his men, as he used to, 18 to 20 cents a day, and his women 8 to 10 cents a day. In 1873 that meant 9 pence to 10 pence per day for men, and 4 pence to 5 pence for women. Now it means just one-half—that is, 4 pence to 5 pence and 2 pence to 2½ pence. Multiply this over 2,000 mill hands and see what the saving will be on labor alone. But this is not all. The same advantage accrues on the coal bill. Japanese coal cost them, say, $4 to $5 a ton, which meant 16 shilling to 20 shillings. They still can be got at $4 to $5 a ton, but that now only means 8 shillings to 10 shillings. The same thing applies to rent, wages, taxes, and all fixed charges whatsoever. They are all payable in silver and have nowise varied with the rise in gold. Only in the single item of raw material is the old equality maintained. Both are free to buy that wherever they can find it cheapest on the world's market, the only advantage being proximity to the best source of supply and, consequently, economy of transport.

Now, so long as the gold price went on falling and the silver price consequently kept steady there was no great manifest advantage resulting to the Japanese manufacturer from a fall in exchange. He continued to get the same prices for his products, and his outlay was the same year by year, both being in silver. Any improvement he could effect by economy of management or by getting his raw material cheaper would be so much extra profit, otherwise his position was unaffected. In any case exchange fluctuations would not trouble him.

The English manufacturer, on the other hand, has to meet the same fixed expenditure from ever-decreasing returns. He is able to buy his raw material cheaper, owing to the general fall in commodities, but his wages bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met as before. His profits begin to dwindle; it is only by the greatest economy of management that he can keep open at all. The best mills only manage to pay a fair profit, the worst struggle to the verge of bankruptcy, always hoping for a turn of the tide, and finally are forced to close.

Suppose, in the second place, that the silver price rises and, as a consequence, the gold price remains steady.

The gold manufacturer is, for the time being, in an easier position, his returns do not fall off, and, though his expenses are the same, he is in a position to profit by any economy of manufacture or management.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is thus a clear gainer by the extra price he gets for his products. If silver prices have risen, say, 10 per cent, his profits will be increased by just 10 per cent on his turnover. The natural result of this will be to attract more capital, more mills will be built, and the output will increase. Competition will lower prices, and the gold manufacturer will again be driven into a corner.

Whatever happens, the manufacturer in the silver-standard country has a great advantage, and simply for this reason, that he can obtain his labor at half the cost, relatively to gold wages, which he formerly paid. And this advantage must remain to him (unless silver can in the meantime be brought back to something like its old value) until either wages in gold countries have fallen 50 per cent or till they have risen 100 per cent in silver-using countries, or till some common meeting ground has been found between the two. In other words, the old equilibrium will not be restored until the standard of living and comfort among the working classes in England has greatly fallen, or till the standard in silver-using countries has greatly risen.

Mr. President, in concluding this subject I desire to express it as my honest conviction that the unfortunate condition in which our farmers, our wage earners, and our manufacturers now find themselves is largely the result of twenty years of constantly falling prices; that this steady and continual fall in prices is directly traceable to the fall in the value of silver as measured in gold, and that this fall in the value of silver has in turn operated as a powerful stimulus to silver-using countries, first, to enormously increase their production of wheat and cotton, with which they supply the market our own farmers formerly enjoyed; and second, to bring into existence great manufacturing enterprises which are utilizing their inexhaustible supply of cheap labor in the production of goods that are coming into practically unrestricted competition with our own. And it is because I am convinced that the present distressful conditions have been brought about largely by these causes that I am in favor of uniting the policies of bimetallism and protection. I believe that these two policies are allied in principle; that they are logically connected, and that the effect of each if put into operation will be to check the importation of the products of Asiatic and European labor, which are now so disastrously affecting all our interests. There is no argument which can be made in support of the protective system which can not be applied quite as consistently and with equal force in support of the policy of bimetallism, and for the reason that the natural and logical effect of each of these policies is to destroy the great advantage which foreign producers now hold over us because of their cheaper labor, their cheaper money, and their lower standards of living.

In view of the harsh criticisms which are being so freely indulged against the silver Republicans upon this floor, it may not be out of place for me to call attention to the fact that the Republican party in this Chamber has been powerless in the past, as I believe it will be for years in the future, to carry out its protective policy without the aid of the votes of the Senators from the silver States. It was these votes that enabled the Republicans to pass the McKinley law in 1890. They gave their support to that measure in return for the Sherman law. It was a reciprocal arrangement, a mutual recognition, so to speak, of protective tariff and of silver, but no sooner had President Cleveland called Congress together in extra session, for the purpose of repealing the Sherman law, than a large number of the Republicans of this body, turning a deaf ear to the justly indignant protests of the silver Republicans who had stood by them in the struggle for protection, and permitting themselves to be stampeded by the false cry that the Sherman law was the cause of the panic, proceeded to repudiate their own party platform and party pledges and to help repeal a law which they had themselves proposed and enacted, and which it would seem in common fairness they were obligated to uphold. And all this was done upon the demand and at the request of an Administration whose stubborn determination to force upon the country its pet policy of free trade and the gold standard was chiefly responsible for the industrial and business paralysis which prevailed and for which it then sought to make the Sherman law the scapegoat.

The silver Republicans can not be blamed if they are disposed to regard this action upon the part of their Republican colleagues not only as a surrender of a Republican principle, but as a betrayal of their confidence as well. Under these circumstances the Republican silver Senators, had they so desired, would have been quite as fully justified in aiding Democrats to repeal the McKinley law as were their Republican colleagues in joining a Democratic Administration in securing the unconditional repeal of the Sherman law.

There is probably no section of our country that derives so little direct benefit from the protective system as the silver States. They are producers solely of what are called "raw materials" and purchasers of finished products. They are also large and increasing producers of gold, and as gold is constantly appreciating in purchasing power, it may be openly questioned whether they would not be the greatest gainers by a policy which would permit them to buy their manufactured commodities in the open markets of the world, unrestricted by tariff or other legislation. But up to this time the Republicans of those States have not permitted themselves to be swayed by selfish considerations in the discussion of the tariff question. They have always taken the broad ground that the protective system was correct in principle, and that it meant the greatest good to the greatest number. But with the policy of protection they have also united the policy of bimetallism, believing that that, too, was a cardinal principle of Republican faith. Upon this platform of protection and bimetallism they have won their political battles in the past and held their States in the Republican column.

They believe that protection and bimetallism are fundamental principles of Republican policy, and in common with a vast number of Republicans in every section of the country they have witnessed with disappointment and chagrin the total abandonment of one of these principles by their fellow-Republicans in Congress, and that, too, in defiance of the last official utterance of the party upon that subject.

It was upon the platform of "protection and bimetallism, not one, but both," that I was elected and sent here, and I regard it as my solemn duty to cast my vote in whatever direction, in my judgment, gives promise of securing the adoption of these policies.

Mr. President, the weakest and I think I may add the most contemptible of all the arguments against bimetallism, and at the same time one most frequently used, is that which falsely asserts that the only ones who would be benefited by the restoration of silver are the people engaged in the silver-mining industry, and which attributes to the wholly insignificant number of men engaged in silver mining the responsibility for the great movement in behalf of bimetallism which extends all over Europe as well as the United States, and which to-day comprises among its advocates many of the greatest statesmen and political economists of the age. Such an argument is dishonest and demagogic, because it ignores alike our own experience and the truth of history, and because it cunningly seeks to evade the real fact, which is, that an overwhelming majority of those who urge the restoration of silver have no interest whatever, directly or indirectly, in the silver-mining industry. It is an argument craftily designed, and intended as an appeal to prejudice rather than to reason, and which attempts upon false premises to array public sentiment against a class of worthy citizens engaged in a lawful enterprise. The men who first went out and discovered and developed the silver mines of the West did so under the authority and encouragement of laws which fully recognized silver as money, and which had been in force from the very inception of the Government. They believed, as many yet believe, that the Constitution itself

contained a guaranty that silver was always to be a full standard money of this country. They were unjustly deprived of the fruits of their labor and enterprise by the passage of laws which destroyed the value of their product and which rendered many of their investments utterly worthless. And if it now be said that these people are selfish in wishing to restore the old laws and their prosperity, then I reply it is simply the kind of selfishness which can be found in Massachusetts as well as in Montana, in Connecticut as well as in Colorado, in New Hampshire as well as in Nevada. It is that common selfishness which animates humanity everywhere, in the East as well as in the West, and which springs naturally from the instinct of self-preservation. It is the manifestation of a natural law which has ever been and ever will be a most potent factor in shaping human progress.

It is also charged against the men engaged in the silver-mining industry that they want the Government to give them $1.29 an ounce for their silver bullion; but that is not true. They ask nothing of the kind. They believe that the opening of the mints of the United States to its free and unlimited coinage will restore silver to a parity with gold, and so believing, and in proof of their faith they have always stood ready, as they now do, to accept a free silver-coinage law which will give all the seigniorage—in other words, all the difference between the coining and the market value of silver—to the Government. Such a law would render it impossible for other countries to unload their silver upon us, as many seem to fear would be the result of a free-coinage measure.

Mr. President, I have already said that I have no sympathy whatever with any attempt to array one section of this nation against another, either upon the financial or any other question. That policy has produced nothing but evil in the past, and in the light of experience, no citizen who truly loves his country will attempt to foster or encourage such a sentiment in the future. So far as the people of the silver States are concerned, I have no hesitation in saying that they will be found among the very first to repudiate and condemn any attempt to array them upon sectional lines, no matter what issues may be involved. An intense national pride is their chief characteristic, and nowhere in this broad land does the sight of our country's flag inspire greater enthusiasm or compel more profound respect. And in this connection I may also add that from no portion of this Union has there been heard a more prompt, unanimous, or enthusiastic response to the patriotic chord which recent events have stirred in the hearts of the American people. Their patriotism is untainted by that sordid spirit which of late has been so conspicuous in the great financial centers of the land, and which, if it could have its way, would subordinate the very honor and dignity and future of the nation to the cold-blooded greed and avarice of manipulators and dealers in stocks and bonds.

The records of Congress will show that the votes of the silver States have invariably been cast upon broad national lines—for battle ships and coast defenses to guard our great cities on the seaboard; for the improvement of rivers and harbors, and for every measure designed to foster, to protect, and to facilitate the trade and commerce of the whole country or to add in any way to the nation's security and strength. And they have done this because they have ever been and are now profoundly conscious of the fact that although we live thousands of miles apart, although we may differ upon financial and other policies, although we may disagree as to the meaning of party platforms, we are nevertheless at the same time citizens of a common country, having a common ancestry and a common destiny.

In conclusion, I hope that the resolution of my colleague to recommit the Dingley bill to the Committee on Finance will be taken up and passed, and that the bill will then be returned to the Senate in the form of a just and equitable Republican measure, based upon recognized principles of protective tariff legislation, and accompanied by a provision for the reestablishment of bimetallism. To such a bill Republican Senators can consistently and logically give their hearty indorsement and support, conscious that in so doing they are standing squarely upon Republican ground, and making an honest and sincere effort to redeem Republican pledges.

Mr. President, during all its long and splendid career, I believe there never has before been a time in the history of the Republican party when it failed to correctly estimate the necessities of the hour, or refused to respond to the just requirements of the masses of the people. At this moment, however, it seems to be wavering upon this financial question and to have been partly driven from its course by the intolerant, interested, and noisy clamor of a press largely owned and controlled by a comparatively small, but rich and powerful, class—a class that knows no party and no political creed, but which seeks by every means at its command to dominate and control all parties in its own special interest. The Republican party in the past has justly claimed to be the party of the people. It had its inception in the sacred cause of human liberty. In its time it has successfully met and solved many grave and vexed problems of government, and has made for itself a record that commands the respect and admiration of all mankind. If it should perish to-morrow, in my humble opinion it would still go down into history as the best and bravest political party the world has ever known. Bearing in mind its past grand achievements, and remembering the liberal spirit and love of justice which has ever characterized its action, I still have faith to hope and believe that when the time comes it will yet refuse to be guided in its future policy by the dictates of selfishness and greed; that it will refuse to be placed in the attitude of being the representative of the great corporate and moneyed interests of the country; that it will remember that this is still a government of the people, by the people, and for the people, and that when it meets in national convention it will put forth a platform and a candidate that shall give assurance of a just regard for the happiness and welfare of the toilers and producers of the land. If it shall do this its next victory will not be the mere passing expression of a universal discontent to be followed again by a humiliating defeat, but it will be the glad harbinger of another period of Republican supremacy whose beneficent rule shall outrival in splendor the glory of its magnificent past. [Applause on the floor and in the galleries.]

Mr. HAWLEY. Mr. President, I should like to say a few words upon one or two matters to which the Senator from Montana [Mr. MANTLE] referred. I wish to correct what is apparently a misapprehension upon the part of the distinguished Senator, who has just made a very able speech. He spoke at some length of the woolen question. I wish to read to him just a few figures.

For the seven months of the current fiscal year, that is, from the 1st of last July to the end of last January, the imports of woolen manufactures, not including carpets and some minor classes, aggregated $38,206,376. In the corresponding seven months of the previous fiscal year they were $17,500,000, an increase of $21,000,000 in the imports of woolen goods. Why? The trade journals of Great Britain will show the Senator the exultation there—I do not blame them—over the enormously increased production of woolen goods in Great Britain; and the same might be said of Belgium and some woolen centers of France.

On the other hand, I could show the Senator something from my own county which is illustrative in the same line. I have received a letter—not a whining one, for our people can bear adverse conditions—in which a woolen manufacturer says that of his 120 looms 30 are idle, and that the town, which contains a very considerable population, almost wholly devoted to woolen manufactures, is running on reduced wages and five days in the week. Of the $21,000,000 increase in the imports of woolen manufactures probable five-sixths were before that manufactured in the United States. In short, with the new act a cyclone struck us in many towns and many communities in New England.

Now, one other matter and I shall be through, although the temptation is strong to continue the discussion. I do not call to mind a single New England Senator who ever moved to take off the duty on wool or who ever voted against a duty. I do not remember one. One sits by me here, the Senator from Massachusetts [Mr. HOAR]. I know my colleague [Mr. PLATT] did not. I know the distinguished and venerable Senator from Vermont [Mr. MORRILL] did not vote to bring in wool free of duty. We have not played false. The friends of protection in New England have not played a double game on our friends of the West. We understand perfectly well their local interest in the production of wool, and we understand perfectly that whatever prospers one section of the country affects every section. We are as broad as the nation in our protective policy, and we shall try to show it hereafter.

Mr. MANTLE. There is no difference of opinion between the distinguished Senator from Connecticut [Mr. HAWLEY] and myself on that point. I am not charging anything of the sort. What I said was directed at the bill in question. I say it is unequal, inequitable, unjust, and therefore an un-Republican measure.

I do not dispute the facts which the Senator from Connecticut states; I doubt not that there is suffering, as he says; that the mills are idle, and all that, but what I say is that if a measure is to be passed here it should be a fair one, treating all sections, all interests, and all classes alike.

Mr. HOAR. Before the Senator from Montana sits down, if he will allow me, I think he said a little more than that. I think he implied that he and those who agree with him might well be justified in suspecting that the Eastern manufacturers and their representatives, if the bill which came from the House of Representatives at the present session had passed, would have been perfectly willing to have left them in the lurch, having got sufficient protection for their own manufactures.

I wish to remind my honorable friend, in the line of what the Senator from Connecticut [Mr. HAWLEY] has just said, that he can not find a New England Senator who ever failed to stand by protection on wool through thick and thin. On the other hand, Oregon has sent a free-wool Senator here; Kansas has sent a free-wool Senator here; Texas has sent two free-wool Senators here; Ohio has sent three or four free-wool Senators here. There have been

almost enough free-wool Senators from the wool-producing States voting for free wool to vote down the entire New England delegation voting for protection.

Mr. MANTLE. I think that is all true. I agree with the Senator from Massachusetts that they have supported those measures. At the same time they have supported the Dingley bill, which is an unjust measure and which discriminates against the woolgrowers of the country in favor of the woolen manufacturers. But that is not the whole ground of my opposition to the Dingley bill. It is not necessary to repeat my argument. I have just stated what my views are upon the protective tariff, upon the Dingley bill, and upon the question of bimetallism. I tried to make myself plain, and I did not accuse the Senators from New England of ever having opposed a tariff upon wool. I do, however, believe that the manufacturers, the woolen manufacturers and the carpet manufacturers, of the country are really opposed to a fair tariff upon wool. I have some letters here from Judge Lawrence bearing particularly upon that question, in which he gives a correspondence with woolen manufacturers. He asked them to give their support in favor of a just tariff upon wool, and they wrote back and told him that the time had not yet arrived when that effort should be made. At the same time they are willing to accept the full McKinley rates, as I have shown, in many instances on their own product, upon their own industry.

Mr. MILLS. Mr. President, I wish to add a little to the truth of history, something that has not been said in this debate by any one of the gentlemen who have occupied the floor. It has been intimated by the Senator from Connecticut [Mr. HAWLEY] that the woolen manufacturers have suffered loss by the introduction into the country of cheaper woolen goods and cheaper wool. The fact is, and the official statistics show it, that there has been a much larger introduction of wool into the country than has ever taken place under any protective tariff. The fact is still further shown that every pound of that wool has been manufactured by American labor and has found a market. The fact is still further shown that the people of the United States have gotten their woolen goods that were imported nearly 50 per cent cheaper than they got them under the tariff that was repealed. The fact still further appears that the Government has got more revenue from the woolen goods than it has ever received under the protective tariff. The fact still further appears that wool instead of going down in price has turned back again, and the protective tariff has never added one solitary cent to the price of domestic wool in the United States. Now, my friend stated a while ago that wool had continued to fall.

Mr. HOAR. Will my friend allow me to add one fact to his list? And the fact still further appears that woolen manufacturers are failing, that the woolgrowing is stopped, and that the Government finds itself with a diminished revenue, and we have increased bankruptcy.

Mr. MILLS. No, sir; nothing of the sort. Mr. President, the woolen manufacturers are going nearer to the sheep. Some of them, perhaps, are going down in New England, but they are going nearer to where their raw material is. Woolen manufacturing is springing up in one part of the country and perhaps dying away in the other, but the fact remains that with nearly 200,000,000 pounds more wool imported into the country every single, solitary fiber of it has been manufactured by American labor, and it has given additional employment to nearly 100,000 more laborers than it hitherto did under the protective tariff.

Mr. President, a protective tariff is a protective humbug, and it has proven to be so through our whole history.

Mr. MITCHELL of Oregon. May I ask the Senator from Texas a question?

Mr. MILLS. Several of them.

Mr. MITCHELL of Oregon. I ask the Senator from Texas if it is not a fact that since the Wilson bill went into operation there has been a vast decrease in the number of sheep in Texas; and if so, how does he account for it, if he can account for it?

Mr. MILLS. I do not believe there has been a vast decrease of sheep in Texas.

Mr. MITCHELL of Oregon. The official records of the comptroller (I believe that is the name of the State official of Texas, perhaps it is auditor) show that there has been an immense decrease in the number of sheep in Texas in that time.

Mr. MILLS. The statistics are made by sheep men under the delusion that a protective tariff on wool is some benefit to them. It has been proven in the whole history of the wool tariff that wool was at a higher price in 1859 and 1860, when it was comparatively free, than it has ever been since, and it has been falling year by year from 1860 to the present time.

Mr. MITCHELL of Oregon. I do not know whether the officials in Texas are sheep men or not.

Mr. MILLS. I do not know who gathers the official statistics. I find that in the agricultural reports made up by some of these people they make a reduction in the number of sheep, but there has been no reduction in the price of wool since the last tariff was made, and you can not say that there has been. Then, if there was no reduction in the price of wool, what was the tariff upon wool for? It did not add anything to it. It added compensation to the manufacturer of wool, and compensation for a tax that he never paid.

Mr. MITCHELL of Oregon. The Democratic party had passed a free tariff bill, so far as wool was concerned, some years ago, and the election of a Democratic President had discounted the whole business before the Wilson bill went into operation.

Mr. MILLS. Somebody discounted you in 1892. Who did that?

Mr. BUTLER. This is a sham battle even before the campaign commences. I ask that Senate bill 2567 be laid before the Senate.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 249) granting a pension to Charles E. Jones;

A bill (S. 626) providing for disposals of lands on abandoned portions of the Fort Assiniboine Military Reservation, in Montana, and for the relief of certain settlers thereon;

A bill (H. R. 1141) granting a pension to Miss Mary A. Hull, dependent sister of John A. Hull, deceased, late of Company F, Eighty-first Regiment of Illinois Volunteer Infantry, in the late war of the rebellion;

A bill (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

A bill (H. R. 5083) granting an increase of pension to A. H. McLaws; and

A bill (H. R. 6644) granting a pension to Gen. John M. Thayer, United States Volunteers.

## POSTAL TELEGRAPH AND TELEPHONE SYSTEM.

Mr. BUTLER. I now call up Senate bill 2567.

The VICE-PRESIDENT. The Chair lays before the Senate the bill.

The SECRETARY. A bill (S. 2567) to establish a postal-telegraph system and to enlarge the postal facilities of the people of the United States.

Mr. BUTLER. I send to the desk an amendment which I wish to have read and printed.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read as follows:

Amend section 3 by striking out all of the remainder of the section after the word "service," in line 17, and inserting in lieu thereof the following:

"*Provided*, That the Postmaster-General shall establish a telephone instead of a telegraph instrument in every post-office at which, in his judgment, a telephone can render sufficient service, and effect a saving of expense to the Department. Whereas long-distance messages may be sent from or destined for a post-office at which a telephone is used, the Postmaster-General shall prescribe regulations designating the post-office using telegraph instruments to which the telephone messages in any case may be sent to be forwarded by telegraph."

Amend the title of the bill to read as follows: "A bill to establish a postal telegraph and telephone system, and to enlarge the postal facilities of the people of the United States."

Mr. BUTLER. Mr. President, the purpose of this bill is to extend, improve, modernize, and bring up to date the postal service of the United States. It directs and empowers the Postmaster-General to utilize all of the most effective agencies for the transmission of intelligence. No one will question that this bill, providing for the use of the telegraph and telephone by the Post-Office Department, will have that effect.

Bills similar to this one have been before nearly every Congress since 1866. In all more than 70 bills have been introduced to provide for equipping the postal service with the modern facilities of electric mails by the use of the telephone and the telegraph. Committees of the House and the Senate have made 18 reports on these various bills. Of these 18 reports only 2 have been adverse, while 16 of them have strongly favored the provisions of a postal telegraph. Of the 2 adverse reports, one was in 1869, and was based on the ground that the five years allotted to the telegraph companies had not expired. This was just and proper, however strongly the committee might have favored the principle of a postal telegraph. The other was a short report mildly disapproving of the bill, but not attempting to argue the matter or to give any substantial reasons against it.

The 16 reports favoring the bill are able and exhaustive. Even the most casual examination of the hearings before the committees and the conclusions of the committees thereon will convince any fair-minded man who may have any doubt as to the wisdom, constitutionality, or necessity of such a provision. These reports show beyond controversy that the present telegraph system is, first,

imperfect and slow in the delivery of messages; second, that it is too expensive, not only because the offices are too distantly removed from the great bulk of the population, but because the rates are so high that citizens engaged in legitimate industries, or who wish to correspond immediately on social or personal matters, can not afford to pay the rates except in cases of the greatest emergency; third, that the telegraph companies make no effort to establish offices for the convenience of the people, but are guided solely by whether or not any particular office will pay a handsome dividend to the company; fourth, the present system builds up a monopoly that exacts large dividends from the people on watered and fictitious stock, thereby creating a number of millionaires, who, to protect the agencies of their ill-gotten gains, use their influence and money too often to corrupt legislation; fifth, that the postal system and the telegraph system would both be better and more effective if they were combined in one and operated at cost on the principle of the greatest good to the greatest number, instead of as a private monopoly for the greatest gain to the few selfish managers without regard to the interests of the public; sixth, that the present management is not only unsatisfactory, imperfect, and dangerous, but it is absolutely unconstitutional.

The VICE-PRESIDENT. The Senator from North Carolina will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open to public entry all that part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEFFER. I ask that the regular business may be temporarily laid aside in order that the Senator from North Carolina may conclude his remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from North Carolina will proceed.

Mr. BUTLER. I have just given a brief summary of what these 18 reports of Congressional committees on the postal telegraph show. I hold in my hand a statement by Prof. Frank Parsons, published in the Arena of January, February, March, and April, 1896, in which he condenses and analyzes these 18 reports. He quotes from them and edits them. I ask permission to have this condensed statement of the reports of these 18 Congressional committees printed as a document for the benefit of the Senate and the Committee on Post-Offices and Post-Roads in considering this matter.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. Let us examine the constitutional question first. I shall undertake to prove, not only by these Congressional reports, but also by the opinion of other able constitutional lawyers, by the decisions of the Supreme Court of the United States, and by the Constitution itself that this bill is constitutional, but further, that it is plainly and positively unconstitutional for Congress not to provide for the use of the telegraph and telephone as agencies of our postal system under the management of the Post-Office Department.

Section 8, Article I of the Constitution enumerates the powers of Congress. Among the powers expressly and specifically stated is the following:

> The Congress shall have power to establish post-offices and post-roads.

That this is an exclusive power no one will question. It is so admitted and stated by even the extreme strict constructionists of the Constitution.

Senator John C. Calhoun, the leader of the strict constructionists, who denied to the General Government all power not clearly and expressly granted, in a report made by him as chairman of the committee of the United States Senate in 1836, said:

> It must be borne in mind that the power of Congress over the post-offices and the mails is an exclusive power.

This power, as stated in the Constitution, is interpreted by the Supreme Court to mean the transmission of intelligence in any form and by any means. I call particular attention to the decision of the Supreme Court in the case of Pensacola *vs.* Telegraph Company (96 U. S., 1), in which it was held that the telegraph and telephone was within the grant of power to establish the post-offices. The opinion was delivered by Chief Justice Waite, and the court was unanimous in sustaining the same. I ask the Secretary to read an extract from the decision of the court. Here is an extract from a unanimous decision of the court declaring practically the present management unconstitutional by saying that it is constitutional and the duty of Congress to use the postal telegraph.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

> The powers thus granted are not confined to the instrumentality of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country, and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach; from the sailing vessels to the steamboats; from the coach and steamboats to the railroads, and from the railroads to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth.

Mr. BUTLER. Thus we see by the plain language of the Constitution and the expressed decision of the Supreme Court thereon that the Federal Government is a constitutional agent of the people for the transmission of intelligence.

The Government is therefore bound to use the telephone and the telegraph and any and every other improved agency that can be found in the transmission of intelligence in the most speedy and effective manner.

I ask permission at this point to insert in my remarks a very able statement as to the duty of the Government as the agent of the people in the transmission of mails to use all the new and improved agencies, from Prof. Frank Parsons, as published in the January number of the Arena.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair hears no objection, and permission is granted.

The article referred to is as follows:

> It is a well-settled principle of law and justice that an agent is bound to be loyal to the interests of his principal, bound to execute his trust in at least as enlightened and energetic a manner as he does his own business of a similar nature, bound to use modern methods and improvements of established value in the transaction of business of the sort that has been intrusted to him. An agent to build a house would not discharge his duty by building a log cabin in the style of olden times; he must avail himself of the architectural science of the day and build a good modern house just as if he were building for himself, or better. An agent who uses one method in his own affairs and an inferior method in similar affairs of his principal is clearly neglecting his duty, to put it as mildly as possible.
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> Clearly the Federal Government is the agent of the people for the transmission of intelligence; clearly it ought to adopt new and better methods of transportation as advancing civilization reveals them; clearly the superiority of the telegraph has long since been revealed; therefore, clearly it has been and is the duty of the Federal Government to utilize the telegraph and telephone in the carriage of the people's correspondence. To hold the contrary, to say that Congress is not bound to adopt new methods as they are discovered and proved to be superior, is to say that it would have done its duty by continuing to carry all the mails by foot and horse, refusing the aid of steam. Any rule that would relieve Congress of the duty of using electricity in the service of the nation would equally relieve it of the duty of using steam or even horsepower in their service, and any principle that establishes the duty of the Government to use the power of steam in the people's business establishes with still greater emphasis its duty to use the telegraph and telephone.

Mr. BUTLER. On this constitutional question I want to quote on this point from no less an authority than Henry Clay. As early as 1844 Henry Clay was advocating Government ownership of the telegraph and the use of it exclusively by the Post-Office Department. He wrote as follows:

> It is quite manifest it is destined to exert great influence on the business affairs of society. In the hands of private individuals they will be able to monopolize intelligence and to perform the greatest operations in commerce and other departments of business. I think such an engine should be exclusively under the control of the Government.

Mr. PEFFER. What date did the Senator give?

Mr. BUTLER. That was in 1844. Right in this connection, too, I will call attention to what Hon. Cave Johnson, the Democratic Postmaster-General under James K. Polk, said, and that was a strict-constructionist Administration. Here is what he had to say with reference to the postal telegraph in 1846:

> It becomes a question of great importance how far the Government will allow individuals to divide with it the business of transmittting intelligence—an important duty committed to it by the Constitution. * * * The use of an instrument so powerful for good or evil can not, with safety to the people, be left in the hands of private individuals.

I quote now from the Report of Postmaster-General Wanamaker in 1892. In commenting on the same he says:

> Almost every succeeding Postmaster-General has pressed the same question upon Presidents and Congresses. For the fourth time I urge its consideration—not for revenue to the Department, but for the public good.
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> * * * * * * * *
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> I am fully convinced that the Government will never properly do the postal work committed to it until it uses electricity in some form, and therefore I advocate the utilization of both the telegraph and the telephone at the earliest practicable day. To receive letters and other mail and store them away for shipment in bulk, more or less slowly, once a day or even every hour, when a wire and a telegraph instrument for the needed quick messages, or telephone, might connect the major part of the post-offices, seems an antiquated anomaly. It is true that a large part of the mails must always go by rail, but there is another considerable part that seeks quicker transit; that does not find convenient the 10,000 railroad-telegraph offices, often distant from villages; that does not find the telegraph tariff within the reach of working people. The mail and the telegraph are the life currents of business and, to a large degree, of social life, and the private monopoly of either system must result in creating a preferred class to whom high rates may not be objectionable. The humbler citizens must do without.
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> It was said long ago that the telegraph must be a monopoly, and so is the postal system; but the difference is that one is operated for private gain and the other for the public good. The Government follows a settler across the plains and into the mines, and establishes a post-office in order that his family may have letters and newspapers and be more content in a frontier home. The telegraph goes where it can find paying business only; and so it falls out that only a sixtieth part of the people of the United States, owing not to the need but to the inconvenience and the charges, employ the telegraph. The post-office helps to settle, serve, and satisfy the country—literally to make the country—and of all its adjuncts the most important, that which would afford the quickest mode of communication between families near and far, apparently can not be made available in any way.
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> The fact is that in some respects the telegraph seems to get farther and farther away as the capital and power of the great corporation increase. Many telegraph companies have been established from time to time, but to-day there are but two independent companies. All but one have been in some form identified with the one corporation, and the one to be excepted, that is not yet known to have surrendered, is admittedly operated in concert with the other by joint traffic agreement. Practically, so far as the public is concerned, there is but one telegraph company, and however ready parties might be to invest capital in a company to erect lines and contract with the

Government for a low-rate limited postal telegraphic service, the fear of bankruptcy by reason of such formidable opposition debars all such enterprises. It is not alone the powerful syndicate of owners of the telegraph company that must be met and persuaded, but there are other interests connected with the telegraph business that stand out against all measures looking to a telegraphic service in any form by the Government. The growing strength of this corporation, whose capital stock is quoted in 1858 as standing at $358,700, may be better understood from the following paragraphs taken from its last annual report:

"But since the expiration of the fiscal year some action has been taken which should not pass unnoticed in this report. By order of the board of directors a meeting of stockholders has been called for October 25 instant to vote on the question of authorizing an increase of $13,800,000 in the capital stock of the company, making the aggregate capital stock $100,000,000.

"In the last previous report it was shown that the surplus earnings remaining uncapitalized on the 30th of June, 1891, was $13,015,925. It has been shown in the foregoing statements that the surplus has increased during the year covered by this report, and was, on the 30th of June, 1892, $15,174,310.94, to which several hundred thousand dollars have been added during the first quarter of the ensuing year. Of this surplus it is proposed to capitalize $13,800,000 by the issue of that amount of additional capital stock, and make the total capital stock an even $100,000,000."

The Postmaster-General then proceeds to show not only how great and illegitimate the profits of this company are, but also how the Post-Office Department was handicapped by the demand of this great agency for performing its constitutional functions.

Hon. C. A. Sumner, of California, before the House Committee on Post-Offices and Post-Roads on March 25, 1884, said:

I lay it down as a proposition that I want to have duly considered by this committee and the country that the Constitution of the United States, as interpreted by a century of unchallenged legislation, does imperatively require that the Congress of the United States shall establish a postal system. I lay it down as a fundamental proposition that the postal telegraph is a part of the postal system of the Government, the postal telegraph of the United States having been established for the purpose of transmitting intelligence between inhabitants of the land.

The Senate Committee on Post-Offices and Post-Roads of 1874, which numbered among its members such men as Hannibal Hamlin and Alexander Ramsay, said in its report on a bill similar to this one:

The Constitution devolved upon Congress the duty of transmitting all correspondence, including that by telegraph as well as that by mail.

Probably one of the most convincing statements that has been made on this question was by the Ways and Means Committee of the House in 1845. The Government had already built the first telegraph line and the question of extending the service under Government ownership as a part of the postal system was under consideration by the committee. The committee unanimously took the position that it was the duty of the Government to have the Post-Office Department to use every new and improved invention to assist in transmitting intelligence in the most rapid and effective manner, and that therefore it was the plain duty of the Government to use the telegraph, that "last and most wondrous birth of this wonder-teeming age," as an instrument for the functions of the Post-Office Department.

I ask permission to insert as part of my remarks the following extract from that able and clear statement of the case by the Committee on Ways and Means in the year 1845.

The PRESIDING OFFICER. The Chair hears no objection.

The matter referred to is as follows:

The Government is authorized and required by the Constitution to carry intelligence. The function thus devolved on the Government of performing for the people the office of universal letter carrier and news carrier is a matter of the very highest consequence in every light in which it can be viewed. The bare fact that our ancestors refused to leave it dependent on individual enterprise or State control and rested it expressly in Congress abundantly attested their anxious sense of its importance and their conviction of the impracticability of realizing the requisite public advantages from it otherwise than by giving it Federal lodgment and administration. But though not anticipated or foreseen, these new and improved modes were as clearly within the purview of the Constitution as were the older and less perfect ones with which our ancestors were familiar, and there being no doubt entertained either on this point or as to the obligation of the Government to lay hold of the best and most rapid methods of transmission which the improvement of the age puts in its reach, steam power commended itself at once to adoption and has long been extensively employed both on land and water for the carriage of the mail.

It is not without full reflection that the committee insist on the principle that it was the duty as well as the right of the Government thus to avail itself, even at heavy additional expense, of the powerful agency of steam for the purpose of accelerating the mails. It would have been a gross and manifest dereliction to have permitted that vitally important concern, the transportation of the mail—a concern so anxiously intrusted by the Constitution to Federal authority—to lag behind the improvements of the age, and to be outstripped by the pace of ordinary travel and commercial communication. Such is the view which the Post-Office Department takes of its own obligation and upon which it habitually acts. To be outstripped by private expresses is deemed discreditable to the Department, injurious to the general interests of the country, and a thing therefore not to be permitted.

This great and fundamental principle upon which the Department acts (of not being outstripped in the transmission of correspondence and intelligence) led necessarily to using the steam engine in the service of the post-office, and it must and will lead with equal certainty to the adoption of any other newly discovered agency or contrivance possessing decided advantages of celerity over previously used methods. The same principle which justified and demanded the transference of the mail on many chief routes from the horse-drawn coach on common highways to steam-impelled vehicles on land and water is equally potent to warrant the calling of the electro-magnetic telegraph—that last and most wondrous birth of this wonder-teeming age—in aid of the post-office in discharge of its great function of rapidly transmitting correspondence and intelligence.

Mr. BUTLER. Judge Brown, a member of the present Supreme Court of the United States, a man who is recognized as one of the ablest members of that august body, in a leading article in the August number of the Forum, said:

If the Government may be safely intrusted with the transmission of our letters and papers, I see no reason why it may not also be intrusted with the transmission of our telegrams and parcels; as is almost universally the case in Europe.

Judge Walter Clark, of the supreme court of North Carolina, one of the ablest lawyers and one of the most profound economic thinkers in the United States, in a leading article in the December (1895) number of the Arena, said what I shall ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as indicated.

Mr. BUTLER. I will say in this connection that Judge Clark has probably given as much thought to this question as any other man in America.

The Secretary read as follows:

Many who admit the great advantages, nay, the necessity of the telegraph and the telephone being operated as a part of the postal system are deterred by the inquiry, "Is it constitutional?" In truth it is unconstitutional for this essential branch of the postal system to be operated by a private monopoly or in any other manner than by the Government. When the Constitution placed the post-offices in the hands of the Government it conferred its exclusive operation upon the Government, and with it all means of operating it to the best advantage. The bestowal of exclusive right and duty to operate the post-offices carried with it beyond question the exclusive right and duty to use all the agencies that would make the post-office most highly efficient as such agencies, from time to time, should be improved or invented. On this principle the first telegraph line was built by a Congressional appropriation under an Administration which, by that period in its history, had become a strict-constructive Administration (Tyler's), and the telegraph belonged to and was operated by the Government from 1844 to 1846, in Polk's Administration.

Mr. BUTLER. Judge Clark in addition has prepared a very clear, yet short and concise statement as to the constitutionality of a postal telegraph, showing that it is unconstitutional for the Government not to take charge of the telegraph and telephone as instruments of the postal system, which was published in the American Law Review a few months ago. For the convenience of the Senate, and especially the Committee on Post-Offices and Post-Roads, in considering this bill, I ask that it be placed in the same Senate document with the summary of the hearings of the committee by Professor Parsons.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. BUTLER. When, under a mistaken notion of economy, the telegraph system was turned over to private ownership, Henry Clay, the great Whig leader, and Cave Johnson, the Democratic Postmaster-General at that time, were among the public men who went on record as earnestly protesting against such a step. They not only pointed out the unconstitutionality of such a course, but also called attention to the absolute necessity for the Post-Office Department to use this and every other invention that would extend the scope and increase the efficiency of the postal service of the United States.

The strong position taken by these two eminent men in public life caused Congress, when it passed the act of July 24, 1866, to reserve the right to take charge of all telegraph lines thereafter built as a Government function on demand, at any time after five years, upon payment of the actual value of the poles, wires, etc.

I ask the Secretary to read the three important provisions of this significant act of Congress, because my bill empowers the Postmaster-General to proceed under that act of Congress (July 24, 1866) as one method of establishing the postal telegraph.

Mr. CALL. Will the Senator allow me to ask him the date of that act of Congress?

Mr. BUTLER. The act was passed July 24, 1866, I will say to the Senator from Florida.

The PRESIDING OFFICER. The Secretary will read as requested by the Senator from North Carolina.

The Secretary read as follows:

The act provides in substance as follows:

"First. That Government business shall have priority of transmission over all other business and shall be sent at rates to be annually fixed by the Postmaster-General.

"Second. That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or persons: *Provided*, That the United States may at any time after the expiration of the five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any company at an appraised value to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, and two by the company interested, and one by the four so previously selected.

"Third. That before any telegraph company shall exercise any of the powers and privileges conferred by this act such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by this act."

Mr. BUTLER. We can see there how careful the Government was to protect itself when it temporarily turned over the telegraph system to a monopoly. It will be observed that this act distinctly recognizes the telegraph as a governmental function

and expressly provides that the Government can take charge of any and all telegraph lines after five years whenever it sees fit for postal or other services. Therefore the bill which I have offered is not only in harmony with that act, but it is in harmony with the Constitution of the United States, which makes it the duty of Congress to provide for a postal telegraph system and for using any other new, advanced, and improved agencies that may be invented for the transmission of intelligence.

The five-year limit referred to above expired in 1871. Mr. Creswell, of Maryland, who was Postmaster-General at the time under President Grant, called the attention of Congress to the fact in his annual report in December of that year. He also urged Congress to take charge of the telegraph and use it as an agency of the Post-Office Department for extending and improving the mail facilities, and also for the purpose of putting the telegraph in reach of the people. He was surprised to find that Congress did not act on his recommendation. But he continued to investigate the matter and to recommend a postal telegraph more strongly each year.

In his annual report of 1873 Postmaster-General Creswell, after being disappointed at the inertness and indifference of Congress, says:

> There are now but two parties in the controversy over the postal telegraph—on one side the people, on the other the Western Union Telegraph Company.

That was the way in 1873 in which the Postmaster-General sized up the situation and pointed out the reason why the postal telegraph was not established. I quote his words exactly: "On one side the people, on the other the Western Union Telegraph Company." That same condition exists to-day, and Congress is here as the judge between the people and the Western Union Telegraph Company. Will our verdict be for the people and for justice, or will it be for the telegraph monopoly?

The testimony of Postmaster-General Creswell, of Postmaster-General Wanamaker, and of other Postmasters-General, in addition to the 18 reports by committees of Congress, show conclusively that we have the poorest telegraph service in the world, not a country excepted, and that we pay a higher price for this poor service than any other country pays for a better service.

But, Mr. President, there is plenty of evidence outside of the reports of Congressional committees and of Postmasters-General to prove that. Prof. Richard T. Ely, of the University of Wisconsin, who has studied the telegraph system of this country and Europe by personal investigation and experience, in the December number of the Arena for 1895 says:

> Certainly the contrast between the service in this country and the service in Germany is most painful to one who has lived in both countries. The service in this country is so defective and so irregular that frequently the telegraph is not used when it would be a great convenience. It is impossible to send a telegram and to be sure that a prompt reply will be received. The writer of this article has sent a telegram the distance of some 400 miles, and has given the telegram a start of twenty-four hours, and then taken a train and arrived at the destination on the same day on which the telegram was delivered. This is by no means an isolated experience.
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> So far as the writer's experience goes, it is seldom that a telegram is received in the United States which in spelling and every other particular is absolutely correct. Whereas he does not remember to have received a telegram in Germany in which there were any mistakes whatever. Why this should be the case is apparent when one visits the telegraph offices in both countries. Experienced and tried men, with comparatively short hours, are employed in Germany; while in the telegraph offices of this country one finds very young lads, and they are frequently overworked.
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> The telegraph service in the United States is poor because the offices are so frequently closed. A few years since, when it was of virgin importance that a telegram should be sent from Richmond, Va., not an office could be found open until 7 o'clock in the morning. Offices are closed on the whole or a great part of Sunday. No one will be hypocrite enough to pretend that this is due to any scruples with regard to the observance of Sunday. It is simply due to pecuniary consideration. The convenience of the public is lightly considered and neglected, when it does not bring in any net returns to minister to this convenience. A comparison with the post-office is again to the disadvantage of the telegraph, although the telegraph service is more urgent. When it is remembered that telegrams so often deal with matters of life and death, even the strictest Sabbatarian must acknowledge that there is strong reason why telegraph offices should be open every day. The service of the United States is poor because the number who are accommodated with the convenience of a telegraph office is far smaller than it should be. The Post-Office Department plants a post-office even in rural districts, and attempts to provide all of the people with postal facilities at a uniform rate of postage. Every post-office should be at the same time a telegraph office, and might be one if the telegraph were a part of the postal service.

There are 70,000 post-offices in the United States, but there are only 21,000 telegraph offices. True, the report of the company shows over 21,000 offices, but inasmuch as there are often in cities three or four telegraph offices around one post-office, it may be safely estimated that for the purpose of this comparison there are only 15,000 telegraph offices in the United States; that is, that only 15,000 post-offices have telegraph offices near them, while there are 55,000 country post-offices with no telegraph office nearer than, possibly, the county seat, and often none at county seats. If the Post-Office Department should use the telegraph and telephone as a part of the postal system, then a telegraph or a telephone could be put in every one of these 70,000 post-offices, and the cost of each message could be reduced to one-fourth what it now costs. Some may question that statement, but after a careful examination of the reports of these committees and an investigation as to the management of the telegraph in other countries I feel safe in repeating that the cost can be reduced to one-fourth, and besides, telegraph operators could be paid better wages, the messages could be sent with more rapidity and accuracy, and 60,000,000 people who do not now use the telegraph would at once have this great lightning mail facility extended to their doors at a cost within the reach of all. All of this can be done at a less cost to the American people than the present imperfect private monopoly system.

Not only that, but I say, Mr. President, that if the Post-Office Department would take charge of the telegraph and telephone and put them in every post-office in America, they could reduce the cost and still make enough money to give free rural mail delivery to every home in the United States. The Postmaster-General says that would cost $20,000,000. Take his estimate as correct, and I stand here and challenge contradiction when I say that the Government can use the telegraph and telephone and reduce the cost and still make enough revenue for the Post-Office Department to give every home in America the same free mail delivery that the people in the cities and towns now get. That is, we can extend the telegraph or the telephone to every one of the 70,000 post-offices and reduce the cost of messages, and, in addition, have a special free rural mail delivery, without any extra cost to the people. What a wonderful improvement this would be! Will Congress do it, or will it ignore the Constitution and the people in the interests of the telegraph monopoly?

In 1870 England took charge of the telegraph as a part of her postal system. "Extortion, error, and inadequacy" were the charges which Gladstone brought against the private telegraph monopoly; and under his leadership Parliament took charge of the telegraph as a Government function. At once the Government doubled the number of offices, and extended the service to every quarter of the Kingdom. Not only this, but the rates were reduced one-half. What was the result? While the private monopoly owned the telegraph only 1 telegram was sent to every 121 letters. Under the Government management the number of telegrams increased 600 per cent; that is, that 1 telegram was sent for every 23 letters. In this country, where the people have more need for rapid communication over great distances than in the Old World, it is safe to estimate that the number of telegrams would increase to ten times the present number if it were used as a public function, at cost, for the public good. Every country in Europe uses the telegraph as a government function and as an agency of the post-office department.

In this connection, Mr. President, I want to ask to have printed, not as a part of my speech, but as an executive document, a report made by our consul at Southampton, England, in consular reports for April, 1895. I do not desire to have the whole report published; but Judge Clark, of my State, has condensed and edited it, and in the form in which he has condensed and edited it and published it in the Arena of August, 1895, it is very instructive and readable, and I will ask that it be printed with the other two documents for the convenience of the Senate.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made.

Mr. BUTLER. Mr. President, the usual rate for a telegram in England is 10 cents for 20 words and one-half a cent for each additional word. It may be charged by some that the distances are shorter in Europe than here, but the fact is that the rate per mile in Europe is less than one-half of what it is in this country; and there, where messages have to go over a great distance they have to be transferred from one Government system to another in passing over different Kingdoms, which adds to the cost. Here each message would be conveyed by the same system, which would enable us to send a message perhaps 50 per cent cheaper per mile than in Europe—that is, under Government management, a message could, in this country, be sent for one-fourth what it now costs under private monopoly.

Postmaster-General Wanamaker testified before the Bingham committee—one of the committees to which I have referred—that a message of 20 words could now be sent to any and every point in the United States at the uniform rate of 10 cents. We are now charged 25 cents for 10 words for even the shortest distance, and as the distance increases the cost increases. A few days ago I sent a message of 10 words to Chicago. It cost me 69 cents. About 5 cents of that amount went to pay for operating expenses, etc. The other 63 cents went to make up the enormous dividend of 300 per cent on watered and fictitious stock. Five cents went to labor and legitimate business. Sixty-three cents went as a tribute to the Goulds, the Astors, the Sages, the Vanderbilts, and other multimillionaires who run this monopoly as a millionaire machine. Postmaster-General Wanamaker testified that the profits of this telegraph monopoly were so enormous that a man who invested $1,000 in Western Union Telegraph stock is now drawing at least $3,000 a year in profits from that $1,000 invested.

Is there any other business in the world that pays $3,000 profit in the year on $1,000 invested? Yet Congress sits still, seeing that agency used by that tremendous private monopoly, while the Post-Office Department and the people suffer thereby. Would any man outside of a lunatic asylum allow his business to be run without the benefit of the latest improvements? Would any telephone company to-day attempt to do business without using the latest inventions to assist in sending telephone messages? Yet the Government, which is given the exclusive duty under the Constitution of transmitting intelligence, uses simply the old and antiquated methods, and allows private monopolies to come in and use all the new improvements in competition with it. It is worse than that. The Government allows a private monopoly to take absolute control of the fastest and swiftest and most wonderful agency that could be used for the transmission of intelligence to the people and use it for private gain without any regard to the interests of the public. Private monopolies use exclusively the telegraph and telephone, the most rapid agencies for the transmission of intelligence, to multiply millionaires, while the Post-Office Department and the public suffer thereby. Is this the will of the people or is it the will of monopoly? Is this the rule of the people or the rule of monopoly?

This testimony of Postmaster-General Wanamaker shows where 63 out of the 68 cents went that I paid on one telegram. It was to make $3,000 profit on $1,000 of investment.

At this point I will ask to insert an extract from Postmaster-General Wanamaker's testimony.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made.

The extract referred to is as follows:

Because of the manifest advantage to the country at large in the use of the post-offices for a quicker communication, not possible now in any other way than with the electric current, I hoped for some of the public spirit shown to the mail service by the railroads. But it appears that neither reduced rates nor conveniences are made by the telegraph companies except under the compulsion of competition. The influence and power of these corporations and, with some encouraging exceptions, the members of the press associations dependent upon them are, if not openly antagonistic, silently opposed to these conveniences that can only be obtained through the operations of a Government service that treats all people and all localities exactly alike.

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It may be said that operators are paid more in this country than in foreign countries, and that that is a reason why rates should be higher. But the fact is known that American operators perform double the amount of work usual for operators abroad. The bankers and the speculators, who, it is stated, are the principal clients of the telegraph companies, may be content with present rates, but the resolutions of boards of trade, chambers of commerce, and working people's organizations sent to the Department show that business people generally, and wage people almost wholly, are far from being satisfied. And from the best information I have I believe that a telegraph company could make a great deal of money on a uniform 25-cent 20-word message to all parts of the country.

Mr. BUTLER. The Postmaster-General goes on to quote from the annual reports of the Western Union Telegraph Company to show how the stock of the company has been watered from a small amount up to over $100,000,000, and that, in addition to the large dividends declared on this watered stock, the new lines built by the company are not from additional capital invested but from the enormous earnings of the company.

The Western Union Telegraph Company, though it draws such enormous dividends on the little amount of stock actually invested, probably treats its employees more niggardly than any other corporation in America. It now works its operators from nine to sixteen hours a day, and pays them only about $40 per month on an average. No matter how long a man works for the company or how great his merit, his salary is never increased. If he complains and asks for higher wages, he is dropped and some boy, often with little experience, is substituted in his place at less pay. Hence it is that we see such a large number of small boys in the service of this monopoly, and simply because they can grind the life from them at less cost than from older and more experienced men. The policy of our Government with reference to the clerks in the Post-Office Department is exactly the opposite. The object of the Government is not only to pay fair prices for labor, but to increase wages upon the merit system. A postal clerk under the Government gets an average of $84 per month, and works only eight hours per day. The same policy could be pursued by the Government under a postal telegraph system, paying the laborer a better price, reducing the number of hours of work, promoting the employees on merit, and at the same time saving millions of dollars annually to the people. Under the present system the people get a poor service; the employees get small pay, while the telegraph monopoly draws from the people millions of dollars on fictitious and watered stock. The Post-Office Department does not charge high rates and overwork and underpay its employees to make millions; but this is just what would be done if it were run by a private monopoly for private gain.

Postmaster-General Wilson is one of the few Postmasters-General who oppose a postal telegraph. He gave his objections in the January number of the Arena. They are, in substance, as follows:

First. The postal telegraph would not pay. And in this connection he intimated that it would be better—I do not think I misunderstand him; I think it is plainly intimated—if the Post-Office Department should be turned over to the hands of the telegraph monopoly or the express company instead of being run by the Government. This is an alarming statement, coming from one who is supposed to be placed on guard as the trusted representative of the people over this great and important function of the Government.

The second objection is that there is no popular demand for it, because the telegraph is used chiefly for business purposes and by the newspapers, and not for correspondence. This last statement, that the telegraph is not much used by the public generally, I regret to say, is true; but it is due, as the Postmaster-General is bound to admit, to the management of the Western Union Telegraph system, and therefore is one of the strongest arguments against the present system and in support of a bill like the one which I have offered. He forgot to state that the same thing existed in Europe while private monopolies owned the telegraph; but that as soon as the governments used this great agency as a government function the tables were turned, and instead of 8 per cent of the telegrams being for social correspondence 60 per cent of the telegrams, under low rates and proper management and extended facilities, were at once used by the people. These are matters of record.

Third. The Postmaster-General concludes with the old threadbare veil behind which monopoly has so long hidden and thrived, that the Government should not do anything for the people that it could keep from doing.

I think that is a fair interpretation of the last objection of the Postmaster-General. According to his idea, we should allow private monopolies to run the asylums, because certainly it can be done by private individuals if they can find some way to make profit out of it; we should abolish our public-school systems, and let them be run by monopolies; we should abolish our jails and courts, because can not each man protect himself after some kind of a brute fashion? A man can protect his personal liberty without the help of the courts or police officers as well as he can protect himself against the telegraph monopoly or any other monopoly, and better, too.

On the same reasoning it would be just as sound to say that the jails and the courts should be left to private management. On the other hand, I hold that the correct theory is that the Government is simply an agent of the people to do for all of the people what can be better done by a public agent than by each private individual in his own behalf. I challenge contradiction of that statement as being the correct theory of a republican form of government. Those businesses which affect society in general, standing on the same plane with that duty of the Government for wanting peace and the preservation of law and order, should not be intrusted to individual management, judgment, or patriotism, but should be performed by the agent of all the people, for the benefit of all the people alike. That agent is the Government, and if this be not correct, then you need no Government.

Corporations want dividends; the people want a good service at low rates. Therefore no monopoly per se should ever be placed in the hands of a private corporation; but should in every case be used as a Government function for the public good. Thomas Jefferson and the other leading patriots who formed our Constitution and laid down the chart for our future liberty were uncompromisingly opposed to all kinds of monopolies. They considered monopoly the greatest menace to liberty and the deadliest foe to free institutions. They took the position that any business that affected all or a great portion of the people under circumstances where there could be no successful competition by men of small means was a Government function, and should be owned and operated by the Government at cost for the benefit of all of the people alike.

They were not only opposed to all monopolies, but they were unalterably opposed to allowing private individuals or corporations to have charge of or control any business that was a monopoly per se. They foresaw that private corporations would run such a business, not for the benefit of the people, but would take advantage of their monopoly to bleed the people for the benefit of a few. They knew that this would result in a poor and imperfect service for the people at a very high cost, and besides be a constant and growing menace to good government. The postal system of this country is a monopoly per se. Therefore, for this reason the framers of our Constitution decided that the postal system should be owned and operated by the Government instead of by private corporations. It could not be operated by private corporations except as a private monopoly itself, a monopoly by nature. Therefore it is the duty of the Government to use it as a Government function.

If the same parties who are now managing the Western Union

Telegraph Company had charge of the postal system it would cost no less than 10 cents, and probably more, to send a letter where it can now be sent for 2 cents under Government management. And, besides, the people could not get a post-office or a mail line where they needed it until they convinced the mail monopoly that such an office and such a postal line would independently pay a profit into the pocket of the private corporation, or until the people could be forced to vote by townships and counties to tax themselves to issue bonds to raise thousands of dollars to give to the mail monopoly as a bonus, as the people now often have to do to get a telegraph line or a railroad for their community.

I wish to repeat that statement. No community could get a post-office or star route run into it if the mail were in the hands of a private monopoly until they convinced the private monopoly that that special post-office out in that special neighborhood would pay expenses. Then the people in a majority of the country districts would not get a post-office until they raised money by taxation and gave it as a bonus or a subsidy to the mail monopoly to establish a post-office in their community. Nobody will question that, for that is exactly what every corporation does to-day which is situated in the same way with reference to the transmission of intelligence or of freight and passengers.

Had it not been for the wisdom, the foresight, and patriotism of our forefathers we would to-day be cursed by a tremendous mail monopoly which would be daily absorbing the substance of the people on one hand and building up another class of haughty and oppressive millionaires on the other hand, who would probably be styled "postal kings." Yes; if the Post-Office Department were to-day in the hands of a private corporation over one-half of the citizens of America would be even without the facilities of a post-office. Half of them would have to ride ten miles at least to mail a letter, and then pay five or ten times as much as they pay now.

But this is not the worst side of such a system of private monopoly, for when the people would begin to complain of bad and expensive management of the mails under private operation and call upon the State legislatures and Congress to regulate the price of postage and to correct said abuses those postal kings would at once begin to dispense franking privileges to every prominent politician who would take them, a kind of free pass for their letters, as the telegraph monopolies now dispense to politicians and to legislators when they will take them. I would not be surprised if the telegraph monopoly has offered a frank to every member of Congress. Certainly then the mail monopoly, if we had one, would offer its franks.

Not only this, but the postal kings in the next campaign would use a part of the millions they had wrung from the people to try to defeat every honest candidate for any legislative branch of the Government; and if perchance a majority should be elected against them they would send a hired horde of lobbyists to our legislative halls to try to defeat the will of the people. The people might by a supreme effort overcome the corrupt use of money in the elections and in the legislative halls and get some law passed for their protection, or they might even get a postal commission established with full power to regulate the price of postage, with full power to force the mail monopoly to establish new offices and postal lines where necessary, and to deliver the mail oftener and in a manner more convenient to the people; but from some cause, whether from a want of courage or because the postal kings manage to make friends with them, such a commission would probably never rise to the point of correcting the abuses or forcing the monopolies to do justice. But even if the members of the commission should be pure and incorruptible men and should attempt to execute the law and do their full duty, what would happen? A lot of newspapers, which would be owned and run by the postal kings, would at once begin a tirade of abuse and misrepresentation. They would brand the members of the postal commission as anarchists, and make many good men believe that the members of the commission were bad and dangerous men.

Is this not exactly what the railroad corporations, telegraph monopolies, and express companies are doing to-day? If it was necessary for the Government to own and operate the postal system to give the people a good mail service at cost, to protect their rights, and to prevent the creation of rich monopolies who attempt to corrupt the Government, then is it not criminal in us, the sworn representatives of the people, to allow a private monopoly to take, usurp, and use the greatest and most powerful agency necessary for the equipment and perfection of the postal system? We are allowing a private monopoly not only to use the most powerful and profitable agency for operating an effective postal system, but we are allowing it to use it for private gain. We are allowing them to misuse it, I may say, while the post-office of the people suffers thereby.

The policy of our Government in managing the post-office is to try to extend facilities to every corner of the country, whether or not a special post-office on the frontier or in a farming community pays. In fact, whether or not the amount of mail carried to one office is one-tenth enough to pay its expenses, it has been the policy of our Government to try to extend its facilities to every portion of our country and to every class of our people. Is this the policy that any private monopoly follows? Is there a single monopoly in America of any kind which is moved by such a motive? No. On the contrary, the Western Union Company do not establish a single office unless they think that the office will pay not only expenses but also a rich dividend in addition by itself.

The Government maintains post-offices and post lines in sparsely settled communities. How? By the profits it gets by maintaining post-offices in thickly settled communities. That is the true theory, to take the profits that are made from operating mails in thickly settled communities and pay the expenses of operating the mail system where it will not pay more than one-tenth of its cost.

Now, should we have our telegraph and telephone systems managed on the same just and equitable plan as the Government post-office? Which theory is correct? Which is the more conducive to the happiness and the welfare of the people? That is the question for Congress to answer.

But instead of Congress trying to bring the improved agency of the telegraph on the same plane as the post-office, I regret to say that there are some evidences that there is a growing sentiment among a few—I hope only a few—to try to change the post-office system to the low monopoly plane of the Western Union Telegraph system; that is, to try to bring the Post-Office Department to the principle of not extending mail facilities except where that special line will pay. It seems to be the purpose to have the Government mail facilities operated on the principle of a private monopoly.

There is now pending at the other end of the Capitol a bill which I am afraid is a step in this direction. It is known as the Loud bill. It seems to be a first step. It proposes to deny to certain newspapers and periodicals the privilege of passing through the mails at second-class postage rates. The argument which is advanced to support this bill is that each kind of matter carried through the mails should be set off to itself, and a separate account kept with it, and made to pay expenses by itself without reference to the other matter sent through the mails. As I said, I fear that this is but the first step, and if it is not checked here and now that the next step will be to discontinue every mail line in country districts the receipts from which are not great enough to pay the operating expenses.

If the theory of the Loud bill is correct, then on the same reasoning you can discontinue every post-office in the country that is not self-sustaining, as well as every postal line. It is passing strange to hear men who advocate such measures basing their arguments on the ground of their great desire and interest in seeing the Post-Office Department made self-sustaining. They say they fear the people will be taxed to support the post-office and that we should cut down its expenses in some way.

I take this opportunity to warn the people from ocean to ocean that this measure known as the Loud bill can not result in any good to the people. It can not result in the diffusion of intelligence, but is bound to result in checking it. There may be more in it than we see on its face. At any rate, as I said, it is the first step backward—the first step in the wrong direction. The theory on which it is based is vicious and dangerous. If it passes other bills will be sure to follow on that line.

Mr. President, I do not charge that the bill is prompted in the least by monopoly, but one thing is clear, that such a bill would result to the benefit of the monopolies and to the detriment of the people. It would be a deathblow to small newspapers and cheap current literature and the dissemination of intelligence among the poorer classes of our people. But the monopoly newspapers would not be affected by such a bill. In this connection I wish to say that such a bill would break down competition for monopoly papers and practically give them a monopoly of the field if it is carried out to its full extent. Mark you, the telegraph system is now used so that the people can not avail themselves of information through it in a popular sense, and now a step is taken to deprive the people of even the slow and antiquated method used in the Post-Office Department for getting their information unless they take it from such papers as can get through the Post-Office Department under these regulations.

One of the greatest reasons why the telegraph should be used as a part of the Government postal system is to reduce press rates so that every newspaper in the country could receive each night telegraphic dispatches at a low rate and publish the news from one end of the country to the other each morning contemporaneously with the big papers in the large cities of the country. To-day this vast monopoly has its crushing and blighting grip upon the intelligence and news of the country. A paper in California should be able to get from its special correspondent in Washington the telegraphic dispatches from this point as cheaply as a paper in New York. Not only that, but opportunity should be furnished dozen of rival news agencies to gather the news and

send it over the wires in competition with each other and at low rates from one end of the country to the other. It is impossible to do it now.

No people can defend their liberty unless they are intelligent; no people can be intelligent if false statements are given to them as facts, if news is suppressed or perverted, because then they cast their votes, acting on wrong premises, to enslave themselves and enthrone monopolies. The present telegraph system operates to this end, if not for this purpose. To-day, therefore, the liberty as well as the perpetuity of this Government depends upon tearing the hands of greedy and oppressive monopoly from the information and intelligence of the country and allowing the people the freest, cheapest, and widest possible use of the most rapid agencies for communicating intelligence.

I wish in this connection to call attention to a part of Postmaster-General Wanamaker's report for 1892, page 29, where he said that the postal telegraph is vastly more important to the people than subsidies for fast mails. I call attention to this fact, because it was only last Tuesday that the Senate by a large vote granted a special subsidy to one railroad line for the purpose of fast mail in the face of the statement of the Postmaster-General that such a subsidy is not necessary, in the face of the statement of the Postmaster-General that the subsidy of $196,000 would not add to the efficiency of the postal service. Yet the Senate voted that subsidy, and the reason given was that the Postmaster-General might be wrong and that it might increase the mail facilities and give the people in New Orleans mail from Boston a few hours sooner.

Now, I offer a bill which will reduce the time of the mail from forty-eight hours to forty-eight minutes, and if fast-mail facilities constitute a controlling influence and if the necessity for fast-mail service is the reason why that much money was voted under doubtful conditions, then how can we refuse to vote for a bill to reduce the mail from hours to minutes, that can give the people intelligence in forty-eight minutes instead of forty-eight hours, and at a cost within the reach of all? It is true that there is one monopoly opposed to such action, but surely the wishes or interests of that monopoly will not keep us from giving the people the facilities of a very fast mail.

It is an outrage upon civilization that one of the greatest inventions of all ages should be permitted to be captured by corporate greed, kept out of reach of the great mass of the people, and reserved for uses in which the business of gamblers form the chief part, and even given the priority of transmission over all other business. A company that manages the telegraph with such little wisdom and public spirit ought not to be allowed to control it. Franklin interceded with Heaven to secure the use of the lightning as a servant of the people; but behold, this last gift of Heaven has been wrested from the people and seized by a monopoly—a moneyed aristocracy—and used as their servant for private gain. Think of it. Fifty years since the lightning was harnessed to language and literature, and the people can not even yet avail themselves of the discovery; fifty years, and gamblers are still the main beneficiaries; fifty years, and Wall street is still in possession, and a great Government lying apparently helpless to take charge of it and use it for the common good.

Yes; it is as true to-day as it was in 1873, when Postmaster-General Creswell said that there were but two parties to this question. On one side are the people, and on the other is the Western Union telegraph monopoly. The case is before Congress; we are the sworn representatives of the people. Will the verdict be in favor of the selfish profits of this most monstrous monopoly, or will it be to give the people their constitutional rights?

Mr. President, I ask that the bill with the amendment and this Senate document which I have asked to be printed be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. It will be so referred.

## INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the Indian appropriation bill be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. I wish the Senate would revert to and dispose of the reserved amendment on page 28. It is a committee amendment. I think we might as well dispose of it now as at any other time.

The PRESIDING OFFICER. If there be no objection, the amendment indicated will be stated.

The SECRETARY. On page 28, after the word "dollars," in line 19, the Committee on Appropriations report to strike out:

*Provided*, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

Mr. JONES of Arkansas rose.

Mr. HOAR. Before the Senator from Arkansas proceeds, will he allow me for one moment? Yesterday I moved to strike out the provision that the members of the commission proposed on page 50 should be of different political parties. The motion which I made to that effect was lost. Then it was followed by another provision in the bill that the Secretary of the Interior should make certain negotiations with other Indian tribes, and I proposed, rather as a method of reductio ad absurdum, a provision that he should also associate with himself some person of a different political faith from his own. That was adopted by a very thin Senate. I did not suppose it would be adopted when I moved it. It was a way of showing what I thought was the unreasonableness of the position on the other side. I should like to have the amendment reconsidered before the Senate proceeds with the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 28, reported by the committee, which has been stated.

Mr. PETTIGREW. At the request of the Senator from Arkansas [Mr. JONES], we will pass over this amendment. I withdraw any objection to rejecting the amendment to the amendment adopted yesterday on motion of the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. Let the amendment to the amendment which I moved be reconsidered.

Mr. JONES of Arkansas. The other amendment can be disposed of in a second. I requested that the amendment on page 28 should go over on account of the absence of the Senator from Wisconsin [Mr. VILAS]. I hope it will not be taken up until his return unless, in the meantime, the bill shall reach its final stage.

The PRESIDING OFFICER. The amendment referred to by the Senator from South Dakota [Mr. PETTIGREW] and the Senator from Arkansas [Mr. JONES] will be passed over, if there be no objection. The Chair requests the Senator from Massachusetts [Mr. HOAR] to restate his motion.

Mr. HOAR. On page 3175 of the RECORD——

Mr. PETTIGREW. Page 51 of the bill.

Mr. HOAR. I ask the Senate to reconsider the vote by which it agreed to the amendment to the amendment inserting in line 1, page 51, the words "associating with himself some other person of different political faith from his own."

Mr. PETTIGREW. I have no objection to having those words stricken out.

Mr. HOAR. It is merely to reconsider the action of the Senate.

The PRESIDING OFFICER. By unanimous consent, the vote by which the amendment to the amendment was agreed to will be reconsidered. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. ALLEN. I ask the Senator from South Dakota to allow the amendment which I offered yesterday to the amendment on page 33 to be amended so as to use the word "woolen" in the amendment wherever the word "flannel" occurs. The amendment I offered, which was accepted yesterday, has not been printed. It was an amendment to the committee amendment appearing in lines 1 to 3 on page 33 of the bill.

The PRESIDING OFFICER. The Chair understands that the amendment to the amendment was adopted yesterday by the Senate.

Mr. ALLEN. Yes, sir; but I wish to have this correction made. The amendment to the amendment which was adopted yesterday uses the word "flannel" in speaking of certain clothing. The treaty of 1889 calls for woolen clothing, and I wish to have the word "woolen" used in place of the word "flannel" in the amendment to the amendment.

Mr. PETTIGREW. I accept the modification. I think that is what the Senator from Nebraska intended.

The PRESIDING OFFICER. By unanimous consent, the modification indicated will be made in the amendment of the committee as amended.

Mr. PETTIGREW. I wish to dispose of the amendment I offered yesterday to the amendment of the committee on page 51. It has been printed.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 51, in lieu of the amendment of the committee embraced in lines 16 to 20, inclusive, insert:

For the survey of lands in the Cheyenne River and Rosebud Indian reservations in South Dakota, the sum of $30,000, to be immediately available; and the Commissioner of the General Land Office is hereby directed to survey the lands embraced in said reservations.

For examination in the field of the survey of lands within the Cheyenne River and Rosebud Indian reservations in South Dakota, under the direction of the surveyor-general, including clerical work in the office of the surveyor-general, the sum of $6,000.

Mr. JONES of Arkansas. Let the amendment be read again. I do not understand it exactly.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary proceeded to read the amendment, and was interrupted by

Mr. JONES of Arkansas. That is sufficient. I do not care for a full reading.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from South Dakota [Mr. PETTIGREW], proposed as a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. I should like to dispose of the paragraph at the bottom of page 50 which was reserved yesterday.

The PRESIDING OFFICER. The amendment of the Committee on Appropriations at the bottom of page 50 will be stated.

The SECRETARY. The Committee on Appropriations report, on page 50, at the beginning of line 15, to strike out "to enable the Secretary of the Interior" and insert:

That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts [Mr. HOAR] has an amendment pending to this amendment. The amendment to the amendment will be stated.

The SECRETARY. Amend the amendment of the committee by striking out, in lines 17 and 18, the words "not more than two of whom shall be of the same political party."

Mr. WILSON. The form of the amendment of the committee is an old form, and it has been used upon several occasions. When the Puyallup Commission was created we used the same language that the committee has used here. I understand, however, that the amendment to the amendment will not be pressed.

Mr. HOAR. I do not want this very vicious principle of legislation to pass when I am present without protesting against it. I think the idea of dividing the commission on such a matter between two political parties is utterly vicious. It recognizes the spoils system in the most offensive way to say that each party must have a member on a public commission. There is no reason why politics should be considered in this matter at all. The bill puts some of these matters into the power of the Secretary of the Interior, who is to make the negotiation himself; others are put into the hands of a commission, and others are made through single officers who are to be sent out.

Why we should treat the public service of the country in this way I can not understand. I have always raised my voice against such provisions when they have come under my notice, and in several instances they have been stricken out by the Senate by general consent. As this is a comparatively unimportant matter and the Senate is thin, and to force a yea-and-nay vote on it would delay the bill for half an hour and compel a call of the Senate, I shall not press a vote on the amendment to the amendment at this time, but will abandon it.

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts withdraws his amendment to the amendment. Therefore the question recurs upon the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations passed over was, on page 50, after the word "desirable," at the end of line 22, to strike out "by said Secretary of the Interior"; so as to make the paragraph read:

That the President of the United States is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State, to negotiate with the Yakima Indians in the State of Washington for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable, any agreement thus negotiated being subject to subsequent ratification by Congress, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The PRESIDING OFFICER. On page 51 the Senator from Utah [Mr. CANNON] proposed an amendment to the amendment of the committee, which will be read.

The SECRETARY. At the end of the committee amendment, line 13, on page 54, insert:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. PETTIGREW. I accept the amendment to the amendment.

Mr. JONES of Arkansas. The amendment of the committee was adopted yesterday, and I understand an amendment now offered to it is not in order.

Mr. PETTIGREW. The whole paragraph was reserved when the amendment to it was offered yesterday. The question was not disposed of because of the fact that there was not a quorum present.

Mr. JONES of Arkansas. I did not think that the reservation covered the amendment of the committee on page 51. I should like to have the amendment again read.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

Mr. JONES of Arkansas. Let the whole amendment be read if we are going to amend an amendment.

Mr. PETTIGREW. I think the Senator will distinctly understand it if the amendment to the amendment is read without reading the amendment of the committee. It is to come in at the end of the paragraph.

Mr. JONES of Arkansas. I should like to have the whole paragraph read if we are going to amend it.

The PRESIDING OFFICER. The Secretary will read the amendment reported by the Committee on Appropriations.

The SECRETARY. The committee report to insert the following, beginning at line 1, on page 51:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with the Indians residing upon the Fort Hall Reservation in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000; and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

The PRESIDING OFFICER. The amendment of the Senator from Utah to the amendment of the committee will now be read.

The SECRETARY. It is proposed to add to the amendment just read the following:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

Mr. CHILTON. I did not understand the Senator from South Dakota to reserve the right to bring this question up at any time. I supposed that when he said it would be passed over he meant that we would pass over it until the clerks had finished the reading of the bill, and that we would then go back and take up this amendment.

Mr. PETTIGREW. These questions were passed over yesterday because it was apparent there was not a quorum then present——

Mr. CHILTON. I did not so understand it.

Mr. PETTIGREW. And a vote was demanded upon the question. However, I am willing that it shall go over, if the Senator from Texas desires.

Mr. CHILTON. I think it had better go over until we act upon the other amendments.

The PRESIDING OFFICER. If there is no objection, the amendment of the committee and the amendment offered by the Senator from Utah to the amendment will be passed over. The amendment which was pending at the time of the adjournment yesterday will be stated.

The SECRETARY. The Committee on Appropriations report to insert, on page 55, after line 3, the following:

That the claim of the Fond du Lac band of Chippewa Indians of Lake Superior for compensation arising from the difference in area of the reservation as actually set apart to them and that provided to be set apart under the fourth subdivision of article 2 of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, made and concluded at Lapointe, in the State of Wisconsin, on the 30th day of September, in the year 1854, proclaimed January 29, 1855, be, and the same is hereby, referred to the Court of Claims; and jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty, if any, at the rate of $1.25 per acre, the said action to be brought by the said Fond du Lac band of Chippewa Indians against the United States by petition, verified under oath by any duly authorized attorney for said Indians, within thirty days from the passage of this act; and the Attorney-General shall appear and answer said petition within thirty days from the filing thereof, unless the time for pleading be extended by the court for cause shown; and said action shall have precedence in said court.

Mr. JONES of Arkansas. I should like to ask the Senator in charge of the bill a question for information. This proposed amendment reads:

And jurisdiction is hereby conferred on said court, with right of appeal as in other cases, to hear and determine the same and to award judgment against the United States for the difference between the area of the reservation actually set apart to said Indians and that provided to be set apart in said treaty.

I wish to ask if there is any other treaty modifying the treaty referred to here?

Mr. PETTIGREW. There is no other treaty modifying it as to the area of the reservation, as to the question in dispute.

Mr. JONES of Arkansas. There is no question as to what the treaty area of the reservation is?

Mr. PETTIGREW. There is question about it, because it was decided by natural boundaries, and the exact acreage is not known.

Mr. JONES of Arkansas. Were those actual boundaries ever adopted in any agreement with the Indians as being the proper area?

Mr. PETTIGREW. The treaty itself went on to mark out the boundaries and said that it should be bounded by certain rivers and lakes which the Indians thoroughly and familiarly understood.

Mr. JONES of Arkansas. Is the first treaty the one referred to here?

Mr. PETTIGREW. Yes, sir.

Mr. JONES of Arkansas. Was there any other treaty which modified that treaty, is the question I asked the Senator.

Mr. PETTIGREW. Not to my knowledge. There is nothing in the papers to show it.

Mr. JONES of Arkansas. If there was there ought to be provision made here that the court shall take into consideration which one of those treaties was binding, and Congress ought not by its act to declare that one of the treaties was binding if there was a subsequent treaty which modified the provisions of that treaty.

Mr. PETTIGREW. I know of no other treaty modifying this question in any way. There is nothing in any of the papers submitted to the committee to show it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. PETTIGREW. I ask that the next amendment, beginning at line 4, on page 56, be passed over until to-morrow, and that we proceed to the amendment at line 15, page 57.

The PRESIDING OFFICER. If there be no objection, the amendment indicated will be passed over for further consideration.

Mr. JONES of Arkansas. The paragraph beginning at line 15, on page 57, and ending at line 12, on page 58, will, I hope, be passed over. I doubt very much whether this provision should be adopted by the Senate at all; but I do not care to raise the question now, and prefer that it shall go over until the bill has been read through.

The PRESIDING OFFICER. If there be no objection, the amendment of the committee beginning at line 15, on page 57, will be temporarily passed over.

The Secretary resumed the reading of the bill on page 58, line 12. The next amendment of the Committee on Appropriations was, on page 58, line 16, to increase the appropriation for support of Indian day and industrial schools and for other educational purposes from $1,135,000 to $1,335,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the paragraph, at line 5, page 59, the paragraph as amended reading as follows:

SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of architect and draftsman, to be employed in the office of the Commissioner of Indian Affairs, $1,335,000, of which amount the Secretary of the Interior may, in his discretion, use $5,000 for the education of Indians in Alaska. And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools, and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools: *Provided*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

Mr. GRAY. I should like to ask the Senator in charge of the bill, or the committee, what is meant by "sectarian schools"? I understand in a broad and general way that sectarian schools ought not to be the object of legislative bounty, and that money taken by taxation from the pockets of the people ought not to be appropriated to the support of any school that is ostensibly, really, apparently, or professedly for the purpose of propagating the doctrines of any sect, Christian or Mohammedan.

But the word "sectarian," as used in this clause of the bill, is, I think, equivocal. I should like to know whether it applies to such a school as the Lincoln Institution. I have had a communication from some very worthy people who have devoted themselves to the cause of education among the Indians, benevolent people, whose views are worthy of consideration, valuable citizens of the Commonwealth in which they live, valuable citizens of the United States, who are as much imbued with the true American notion in regard to this matter as anyone on the floor of the Senate, and whose views, as I have said, are entitled to consideration. I, at all events, intend to give them consideration, and if this is the proper place in which to bring up the matter of the Lincoln Institution, I will do it now. If not I will wait until a more appropriate place is reached.

Mr. PETTIGREW. I think that that matter would come up on page 65.

Mr. LODGE. It comes up later. The appropriations for the school at Hampton, Va., and the Lincoln Institution at Philadelphia, and which the committee report to strike out, are on page 65.

Mr. GRAY. All right. I will accept the suggestion and postpone what I have to say.

Mr. CARTER. I desire to ask the Senator in charge of the bill if the enforcement of this provision will not leave without any educational facilities provided by the Government about 5,000 Indian children now in certain schools partly sustained by Government aid on reservations where the Government has no facilities of any kind, character, or description for the education or care of these children? I propound that question.

Mr. PETTIGREW. In my opinion this provision will leave about 3,000 Indian children without any school facilities whatever. The provision, however, ought to be changed.

Mr. CARTER. I understand the fact to be that a change of policy upon this question was determined upon some years ago by the General Government. With that policy, intended to extend governmental control and supervision to the schools, I am in sympathy and accord. It was, however, determined at the inception of this movement that it should be advanced only when the Government had provided upon the different reservations educational facilities to be substituted for those now existing. In harmony with that thought and theory appropriations for private institutions have steadily decreased of late years. No opposition to this decrease has emanated from any source in the legislative council as far as I am advised. But Congress has heretofore acted upon the theory that when the contract school was deprived of support the Government school should be open to receive the pupil and thereafter give such education as the conditions required.

I understand that now, before the Government has facilities of any kind, character, or description for the education of the children, for instance, on the Flathead Reservation, in my State, it is proposed to withdraw absolutely from these wards of the Government all educational facilities, and to throw out upon the commons, to cast upon the open prairie, the children of the Flathead Reservation until in due time buildings can be constructed by the Government wherein they may be collected and educated in the future.

I do not conceive this to be in accord with sound public policy. It will result either in throwing upon private charity the whole burden of educating these infant wards of the Government or it will deprive them absolutely of all educational advantages for a number of years to come.

In view of the fact that the chairman of the Committee on Indian Affairs admits that this will be the result, I move to strike out of the bill all after the word "Alaska," in line 20, page 58, to and including the word "for," at the end of line 5, page 59.

Mr. PETTIGREW. I will state that we are proceeding under a unanimous-consent agreement to dispose of the committee amendments first, and that this amendment will be in order after we have gone through the bill.

Mr. CARTER. I make the motion to amend so as to reserve the right to take it up afterwards.

The PRESIDING OFFICER. The Chair understands that the Senator from Montana withdraws his motion to amend at this time, as the Senate is proceeding under a unanimous agreement.

Mr. CARTER. I was not apprised of the agreement, and only bring the matter up at this time to save whatever right may exist in regard to amendments.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. LODGE. I understand, then, that this matter will come up for debate later?

Mr. PETTIGREW. If the Senator from Montana chooses to renew his motion. He withdraws it.

Mr. LODGE. The amendment is not pending now?

Mr. PETTIGREW. It is not pending.

Mr. JONES of Arkansas. I understand that if the reading proceeds this paragraph will be open to amendment in the Senate at any time by any Senator.

Mr. ALLISON. As I understand it, the entire bill will be open to amendment after the committee amendments have been disposed of.

Mr. JONES of Arkansas. Yes, after the reading of the bill has been concluded and action has been had upon the amendments of the Committee on Appropriations.

The PRESIDING OFFICER. The Chair so understands.

The Secretary resumed the reading of the bill at line 6, page 59. The next amendment of the Committee on Appropriations was, on page 59, line 7, to increase the appropriation for construction, purchase, lease, and repair of school buildings and purchase of school sites from $40,000 to $140,000.

The amendment was agreed to.

The next amendment was, on page 60, line 13, after the word "built," to strike out:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of erecting additional buildings for the Mount Pleasant Indian School at Mount Pleasant, Mich., namely, $30,000 for the erection of a girls' dormitory and dining hall, and $10,000 for the erection of a schoolhouse: *Provided*, That upon the completion of said buildings the Secretary of the Interior shall make no

further contract for the education of Indian children in sectarian schools in the State of Michigan.

So as to make the clause read:

"For the purpose of erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near Rapid City, in the State of South Dakota, which buildings are to be constructed under the direction of the Secretary of the Interior, upon plans and specifications to be approved by him, $25,000; out of which sum the Secretary of the Interior is hereby authorized to purchase not exceeding 160 acres of land near Rapid City, at a cost of not exceeding $3,000, to be immediately available, upon which said buildings shall be built."

The amendment was agreed to.

The next amendment was, on page 60, after line 23, to insert:

For the erection and completion of suitable buildings, including the necessary furniture of all kinds for the same, for an industrial boarding school at or near the reservation of the Sac and Fox Indians in Tama County, Iowa, and for the purchase of a suitable site for the same, $35,000.

The amendment was agreed to.

The next amendment was, on page 62, line 4, before the word "thousand," to strike out "four" and insert "one"; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil; and for transportion of pupils to and from said school, and for general repairs and improvements, $100,000; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $101,000.

Mr. ALLISON. I ask that that amendment may be passed over for the present. I desire to offer an amendment which will change the footings somewhat; but I do not wish to do so under the rule that the committee amendments be first considered.

The PRESIDING OFFICER. The amendment proposed by the Committee on Appropriations will be passed over temporarily, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, after line 4, to insert:

For the erection and completion of additional buildings, including furniture of all kinds for the same, at the Indian school at Flandreau, S. Dak., so as to increase the capacity of said school to 300 pupils, $50,000; for the purchase of shade and ornamental trees and shrubbery for planting on school grounds, $300; in all, $50,300.

The amendment was agreed to.

The next amendment was, on page 63, after line 11, to insert:

For payment to Joseph Schwarz, of Sioux Falls, S. Dak., for making plans and estimates for an Indian school building at Flandreau, S. Dak., $350.

The amendment was agreed to.

The next amendment was, on page 63, after line 15, to insert:

For payment to E. H. Dow & Co. for plumbing and completing water system for said school, $1,200.

The amendment was agreed to.

The next amendment was, on page 64, line 15, before the word "thousand," to strike out "two" and insert "three"; in the same line, after the word "dollars," to insert "for steam-heating plant, $10,000"; and in line 18, before the word "thousand," to strike out "fifty-four" and insert "sixty-five"; so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoal Nebr., at $167 per annum each, $50,100; for general repairs and improvements, $3,500; for steam-heating plant, $10,000; for pay of superintendent of said school, $1,700; in all, $65,300.

The amendment was agreed to.

The next amendment was, at the top of page 65, to strike out:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. FAULKNER. I ask if the chairman of the subcommittee of the Committee on Appropriations, who is in charge of the pending bill, will not consent that that amendment be disagreed to?

Mr. PETTIGREW. I can not comply with that request. The Senate will have to dispose of that matter.

Mr. JONES of Arkansas. I suggest, in view of the fact that we have agreed to take up another order of business at 4 o'clock, that it will be impossible to dispose of the Indian school question at this sitting of the Senate, and that this amendment be passed over, as the same question will undoubtedly be raised in connection with the other clauses about Indian schools.

Mr. LODGE. Is the proposition to pass over that part of the bill in relation to the Hampton School and Lincoln Institution?

Mr. PETTIGREW. I consent that they both be passed over for the present.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. DANIEL. It seems to me that the pending amendment might be very soon disposed of. It is a matter which has been up here year and year again. It is an old story.

Mr. PETTIGREW. I wish to say to the Senator from Virginia that we have agreed to take up at 4 o'clock pension bills on the Calendar, and it is now within ten minutes of that hour.

Mr. DANIEL. We can get through with this amendment in ten minutes.

Mr. PETTIGREW. I do not believe we can dispose of it in ten hours.

Mr. GRAY. I should like to say that the next amendment, which is striking out the provision for the Lincoln Institution at Philadelphia, is upon the same basis with that of Hampton, and I suppose will be included in the motion of the Senator from West Virginia [Mr. FAULKNER]. I will not make any distinct motion myself in regard to it, if that be so, but otherwise I shall.

Mr. SEWELL. I wish to say that the school at Hampton, Va., is in no sense sectarian, nor is the school provided for in the following paragraph of the bill, and I think the question can be disposed of in a very few minutes if taken up and considered now. This school was instituted some years ago——

Mr. FAULKNER. I suggest to the Senator from New Jersey that we have not reached the paragraph to which he refers. The paragraph before the Senate is the one before that.

Mr. SEWELL. I have reference to that particular appropriation.

This school was established some years ago by philanthropic people in this country, and they have had for some years a number of Indian children there. It is in no sense sectarian; the management of it is composed of persons of different denominations, and even Catholics have contributed very largely to it. The school is supported by funds provided by that eminently philanthropic gentleman, the late George Peabody, of London.

I wish to present a statement of the case a little more clearly and definitely than has been heretofore made for want of knowledge, and I ask that it be read.

Mr. HAWLEY. Are we proceeding with the consideration of the paragraphs which the committee have reported to strike out on page 65?

The PRESIDING OFFICER. The Chair will state that the question before the Senate is upon agreeing to the amendment reported by the Committee on Appropriations, to strike out the clause from line 1 to line 3, on page 65.

Mr. HAWLEY. An amendment to the committee amendment?

Mr. FAULKNER. No; the question is on agreeing to the amendment reported by the committee.

Mr. HAWLEY. I hope some one will renew, or I will renew, the request that the amendment in regard to Hampton and Lincoln Indian schools go over. It is one of those things which require the consideration of a full Senate, and I should not consent to go on with it otherwise. I wish a full audience here while the discussion proceeds. We should have the full judgment of the Senate. I ask that the amendment go over.

The PRESIDING OFFICER. The amendment will be passed over, if there be no objection.

Mr. SEWELL. I ask that the paper which I have sent to the desk may be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, the paper referred to by the Senator from New Jersey will be printed in the RECORD. The Chair hears none, and it is so ordered.

The paper referred to is as follows:

HAMPTON NORMAL AND AGRICULTURAL INSTITUTE,
*Hampton, Va., April 6, 1896.*

DEAR SIR: For a number of years Congress has made an annual appropriation of $167 each for 120 Indians at the Hampton School.

I am informed that although the House has continued this appropriation, the action of the committee of the Senate has been unfavorable to its continuance on the ground of its alleged sectarian character.

I have the honor to call your attention to the following facts in regard to the Institution and its work.

The Hampton School was incorporated by the general assembly of the State of Virginia in the year 1870.

The purposes of the school as stated in its charter are as follows:

"The instruction of youth in common-school, academic, and collegiate branches, the best methods of teaching the same, and the best mode of practical industry in its application to agriculture and the mechanic arts."

It is governed by a board of 17 trustees, representing 6 different religious denominations, no one of which has a majority.

It receives help from the land-scrip fund through the State of Virginia to the amount of $10,000 per year as being an agricultural institution. A board of curators appointed by the governor of Virginia have a supervision of the use of these funds and make annual reports to the State authorities.

It also receives help from the Morrill Act fund, the Peabody and the Slater funds. You are aware that no aid is given by the Peabody fund to sectarian institutions.

The school receives aid from the board of no church, nor is it connected with any religious organization. It has among its staff and students both Catholics and Protestants. Its present chaplain was connected with both Congregational and Presbyterian churches before coming to the school. The church service includes the silent prayer of the Friends, a part of the service of the Episcopal Church, and the usual forms of the nonritualistics. The assistant chaplain is a member of the Episcopal Church; and communion service is administered on the school grounds to students belonging to the Baptist Church by a minister of that denomination.

The school receives help from Hebrews, Protestants, and Catholics, one of its donors being a Catholic priest. It has had among its guests and friends people of all denominations, and has prided itself upon the fact that wherever its meetings had been held throughout the country clergymen and laymen have been willing to speak in its behalf whatever denomination they represented. Its graduates have gone out to work in different churches; one of them is archdeacon in the Episcopal church; another has charge of a large institution supported by the Methodists; a number have gone as teachers into Catholic schools.

Hampton has a special claim upon the people of the country, because here the Government system of industrial education of Indians was first started. From its founding in 1870 until 1878 the school had been devoted to the education of negro youth.

After the Indian massacres and outrages of 1875, 70 Indians captured in the Indian Territory, representing the five tribes there in rebellion, the Cheyennes, Comanches, Kiowas, Arapahoes, and Apaches, were sent under the care of Capt. R. H. Pratt, United States Army, as prisoners and hostages to Fort Marion, St. Augustine, Fla.

After remaining in prison for three years under the instruction of Captain Pratt and some good ladies from the North, 15 asked to be allowed to receive further education. They were brought to Hampton because that was the only place that would receive and give them what they seemed especially to need, industrial education.

Captain Pratt spent one year at Hampton, then went out and established the Carlisle School. Out of the successful experiment of industrial education of the Indians in these two schools grew up the industrial schools of the West, to which the Government now appropriates hundreds of thousands of dollars.

Although the great work of the education of Indians must be carried on at the West, it is a very great advantage for the young people of this race to have a school like Hampton, giving opportunities such as can be provided by no Western school for the training of teachers and for instruction in the industrial arts.

The benevolent people from all parts of the country have here invested half a million of dollars in its 16 workshops, farm, and schoolrooms, and to the carrying on of this institution more than $80,000 a year is contributed.

Here between three and four hundred Indian youth have been educated and sent back to their homes, 87 per cent of whom are, by actual investigation, found to be satisfactorily engaged in regular occupations.

The strongest testimony to the value of the school's work has been made by Catholics and Protestants. Gen. Frank Armstrong, formerly United States Indian Inspector, and Assistant Commissioner of Indian Affairs, a Catholic, has repeatedly said that no other school could show such good results.

United States Indian Inspector Major McLaughlin has borne similar testimony. Bishop Hare, of Dakota, in a letter published March, 1886, says: "I can not shut my eyes to the incalculable service which well-conducted Eastern schools have done the Indians, and I am filled with alarm when I hear that their work should be either discontinued or crippled." Later he says: "My yearly visit at Hampton Institute is not made more to see our students than it is to show my gratitude for what the institution is doing for them."

The honorable Secretary of the Interior, the Commissioner of Indian Affairs, and the Superintendent of Indian Schools are in thorough sympathy with the school, and believe it to be of great advantage to the Indian schools of the West that a limited number of their more promising pupils should be sent here.

To this institution General Armstrong, its founder and for twenty-five years its principal, gave his life. It certainly seems proper that Congress should appropriate the amount of $30,000 a year in order that the work of this great institution may go on.

I shall be very glad to forward to you documents which will more fully explain the working of the school.

Respectfully, yours, H. B. FRISSELL, *Principal.*

Mr. DANIEL. I have a similar paper for which I should have made the same request as that which has been made by the Senator from New Jersey, being a memorial setting forth the facts about the Hampton Institute by its principal; but it being, as I understand, identical, I shall not make the request.

Mr. ALLEN. With the consent of the Senator from South Dakota, I will ask the unanimous consent of the Senate for the present consideration of Senate bill 1306.

The PRESIDING OFFICER. The question before the Senate is the request made by the Senator from Connecticut [Mr. HAWLEY] that unanimous consent be granted that the two amendments on page 65, from line 1 to line 7, may be passed over for the present. Is there objection? The Chair hears none, and it is so ordered.

Mr. PETTIGREW. I will yield to the Senator from Nebraska. As we are to take up a special order at 4 o'clock, I shall not insist upon going on further with the appropriation bill to-day.

### TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor. I do not think it will lead to any discussion.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The Secretary read the bill.

Mr. CHANDLER. I am warmly in favor of this bill. I do not rise, however, solely for the purpose of making that statement, but to say that I shall ask the Senate to take up on Monday next the resolution admitting Mr. Du Pont to a seat in this body as a Senator from Delaware for the purpose of submitting a few remarks thereon. I understand that there are other Senators who also desire to speak on the resolution on that day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska to take up the bill which has been read?

Mr. SHERMAN. I have listened to that bill. It is somewhat involved, and I should like to have time to consider it before we enter upon another exposition. I hope, therefore, without entering a formal objection to the bill, that it may be laid over until some other time. It seems to me it involves the Government in a large expenditure, and it ought to be carefully examined.

Mr. HAWLEY. The matter of expenditure is carefully guarded against and expressly provided for in the bill.

Mr. SHERMAN. We have not time to properly consider it now. The hour has arrived for taking up pension bills under the agreement made yesterday, and I hope we shall proceed with that order.

Mr. ALLEN. I hope the Senator from Ohio will withdraw his objection. I was not able to hear the grounds on which the Senator based it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I do not think I would be justified in allowing the bill to be passed now. I hope it may be passed over now and taken up in the morning hour to-morrow. I do not want to displace it, but I want an opportunity to examine it. Congress has been seriously mistaken two or three times in regard to the expense which it was said would be involved in such expositions.

Mr. ALLEN. I ask that the bill may be made the special order after the conclusion of the routine morning business to-morrow—between that and 2 o'clock.

Mr. SHERMAN. I have no objection.

Mr. PETTIGREW. Not to interfere with the appropriation bill?

Mr. ALLEN. No, sir; not to interfere with the appropriation bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

### JOHN C. CUTTER.

Mr. LODGE. I ask the Senator from New Hampshire to allow me to call up a simple bill to correct a soldier's record. It will take but a moment. It has been reported unanimously from the Committee on Military Affairs, and unanimously passed the other House.

Mr. GALLINGER. I will yield to the Senator from Massachusetts for that purpose, but give notice that after that bill is disposed of I shall insist on proceeding with the consideration of pension bills.

Mr. LODGE. I ask unanimous consent for the present consideration of House bill No. 83.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry. It directs the Secretary of War to revoke the order accepting the resignation of First Lieut. John C. Cutter, Thirty-sixth Massachusetts Volunteer Infantry, on January 2, 1864, "for the good of the service," and to issue to him an honorable discharge as of that date; but nothing in this act shall be construed so as to allow him any pay, bounty, pension, or other allowances to which he would not have been entitled under the terms of his original discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. Under the order adopted yesterday the private pension bills on the Calendar will now be considered.

### EMMA BROUGH GERARD.

The bill (S. 1414) granting a pension to Emma Brough Gerard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, after the word "Volunteers," to insert "at the rate of $16 per month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Brough Gerard, widow of C. W. Gerard, deceased, late a private in Company H, Eighty-third Regiment Ohio Volunteers, at the rate of $16 per month.

Mr. SHERMAN. I hope the Senator from New Hampshire will consent to increase that amount to $25. The circumstances are peculiar. This lady is the daughter of the late Governor Brough, of Ohio, who was very highly respected. Her husband died recently, leaving her without any property. It seems to me that $25, owing to the circumstances of the case, should be the least that ought to be allowed, and I hope the Senate will indulge me in this request.

The VICE-PRESIDENT. Does the Senator move to amend the amendment?

Mr. SHERMAN. I move to strike out "sixteen" and insert "twenty-five."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio to the amendment reported by the committee.

Mr. GALLINGER. That amendment will not be resisted by the committee. This woman has two small children.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. I move to strike out the word "deceased," at the close of line 6; it is superfluous.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### CELESTHIA A. WHITNEY.

The bill (S. 1148) granting a pension to Celesthia A. Whitney was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Celesthia A. Whitney, widow of Ingerson Whitney, late a private, unassigned, in the Fourteenth Maine Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA E. KUTZ.

The bill (S. 1036) granting a pension to Rebecca E. Kutz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca E. Kutz, mother of George F. Kutz, late of Company F, Seventeenth Ohio Veteran Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA C. GARBER.

The bill (S. 725) granting a pension to Anna C. Garber was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, Anna C. Garber, widow of the late Samuel A. Garber, deceased, late private Company B, Nineteenth Regiment Iowa Infantry Volunteers.

The amendment was agreed to.

Mr. GALLINGER. I move that the word "deceased," in line 6, after the name "Garber," be stricken out. It is a superfluity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. BELL.

The bill (S. 1523) granting a pension to Benjamin F. Bell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "seventeen"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Bell, late second lieutenant, Tenth United States Cavalry, and pay him a pension of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAM P. BARBEE.

The bill (S. 1684) granting a pension to Sam P. Barbee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sam P. Barbee, late of Company B, Second Regiment Kentucky Infantry of Mexican War, at the rate of $20 per month, in lieu of the pension now received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW B. KEITH.

The bill (H. R. 994) granting an increase of pension to Andrew B. Keith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew B. Keith, late private in Company F, One hundred and twentieth Regiment Ohio Volunteer Infantry, at the rate of $30 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE J. CORBETT.

The bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie J. Corbett, widow of William Corbett, late of Company K, Second Regiment of Rhode Island Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE A. PITMAN.

The bill (H. R. 995) granting a pension to Kate A. Pitman, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of $8 per month, the name of Kate A. Pitman, widow of George Pitman, late a private in Company C, One hundred and second Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ALLARD.

The bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry.

Mr. GALLINGER. I move to amend by striking out the word "formerly" and inserting the word "late"; so as to read "late of Company E."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. EUNICE IDA RHOADES.

The bill (S. 1936) to increase the pension of Mrs. Eunice Ida Rhoades was announced as next in order.

Mr. GALLINGER. A bill identical with the Senate bill has passed the House of Representatives and is on the Calendar, reported from the Committee on Pensions. I move to substitute it for this bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). If there be no objection, the House bill will be substituted for the Senate bill.

The bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades was considered as in Committee of the Whole. It proposes to increase to $50 a month the pension of Mrs. Eunice Ida Gallup Rhoades, widow of William W. Rhoades, late lieutenant-commander, United States Navy, in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that Senate bill 1936, on the same subject, be indefinitely postponed.

The motion was agreed to.

MARTHA BROOKS.

The bill (H. R. 2800) granting a pension to Martha Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Brooks, dependent mother of John M. Brooks, late of Company L, Second Regiment Nebraska Volunteer Cavalry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE PARKER.

The bill (H. R. 2340) granting a pension to Caroline Parker was considered as in Committee of the Whole. It proposes to place on the pension roll, at $12 per month, the name of Caroline Parker, dependent mother of Asbury M. Parker, alias Asbery Parker, who enlisted in the Fourteenth Kansas Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUSSELL R. KING.

The bill (S. 1127) granting an increase of pension to Russell R. King was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "authorize," to insert "and directed"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls the name of Russell R. King, late a member of Company A, Eighth Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON STEVENS.

The bill (S. 2238) granting an increase of pension to Simeon Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon Stevens, late of Company A, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $20 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP T. GREELY.

The bill (S. 856) granting a pension to Philip T. Greely was considered as in Committee of the Whole. It proposes to place

on the pension roll the name of Philip T. Greely, late a private in Company D, Twenty-fourth Massachusetts Volunteer Infantry, at $40 a month, in lieu of the pension which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Philip T. Greely."

CORNELIA DE PEYSTER BLACK.

The bill (S. 1117) granting a pension to Cornelia De Peyster Black was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty"; and in the same line, after the word "act," to insert "in lieu of the pension she is now receiving"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia De Peyster Black, widow of Henry M. Black, late colonel of the United States Army, and to pay the said Cornelia De Peyster Black a pension of $50 per month from the date of the passage of this act, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting an increase of pension to Cornelia De Peyster Black."

LUVICEY J. SUMMERS.

The bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, who was also a soldier in the Mexican war, and pay her a pension of $17 per month in lieu of the sum of $8 per month now paid to her.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. HAUGHEY.

The bill (S. 1880) to increase the pension of Thomas J. Haughey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "twenty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Thomas J. Haughey, a soldier in both the Mexican war and the war of the rebellion, and pay him a pension of $20 per month in lieu of any pension which he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HELEN LARNED.

The bill (S. 1679) for the relief of Helen Larned was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "at the rate of $50 per month"; and in line 7, after the word "pension," to insert "at the rate of $30 per month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Helen Larned, widow of the late Frank H. Larned, major, First Regiment United States Artillery, and pay her a pension at the rate of $30 per month on and after the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA R. RODGERS.

The bill (S. 601) granting a pension to Clara R. Rodgers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara R. Rodgers, widow of Robert Edwin Rodgers, late major Fourth Ohio Cavalry.

Mr. GALLINGER. I move to strike out the word "late," after the name "Rodgers," in line 6, where it reads "late widow of." It is a manifest error.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. WELTHA POST LEGGETT.

The bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the general pension laws, the name of Mrs. Weltha Post Leggett, widow of Maj. Gen. Mortimer D. Leggett, at the rate of $50 per month.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the bill by striking out the word "general," in line 5, so as to read, "the limitations of the pension laws."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CHRISTINE C. BARNARD.

The bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christine C. Barnard, widow of Maj. Moses J. Barnard, of the Voltigeurs, Company H, from the State of Pennsylvania, Mexican war, and pay her a pension at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN C. ABBOTT.

The bill (S. 2220) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty"; and in the same line, after the word "month," to insert "in lieu of that she is now receiving"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Ellen C. Abbott, widow of Joseph C. Abbott, late colonel of the Seventh Regiment New Hampshire Volunteer Infantry, and brevet brigadier-general United States Volunteers, and pay her a pension at the rate of $30 per month, in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott."

JULIA D. RICHARDSON.

The bill (S. 2035) granting a pension to Julia D. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia D. Richardson, widow of Chesley Pratt, late of the Third Minnesota Light Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RITA STINE.

The bill (S. 1665) granting a pension to Rita Stine, amounting to $20 per month, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company Q, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and that said Rita Stine be allowed a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Rita Stine."

ELIZABETH L. LARRABEE.

The bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, deceased, late colonel of the Twenty-fourth Regiment of Wisconsin Volunteers, and to pay her the sum of $30 per month, in lieu of the pension which she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DELIA GILMAN.

The bill (S. 2353) granting a pension to Delia Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia Gilman, widow of Alvin Gilman, late of Company H, Fifth New Hampshire Volunteer Infantry, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCY ORD MASON.

The bill (S. 1960) granting an increase of pension to Lucy Ord Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Ord Mason, widow of First Lieut. John S. Mason, jr., late of the First United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. BRADBURY W. HIGHT.

The bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the word "months," in line 8, in the following words:

And that he be so paid at said rate of $72 per month from the 24th day of December, 1894, the date he became totally blind and required the regular personal aid and attendance of another person.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Bradbury W. Hight, late of Company C, Second Regiment Vermont Volunteer Infantry, at the rate of $72 per month, in lieu of his present pension of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Pensions reported to strike out the preamble of the bill; which was agreed to.

WILLIAM H. MORGAN.

The bill (S. 2300) granting a pension to William H. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Morgan, late of Company F, First Connecticut Heavy Artillery, at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Morgan."

BENJAMIN FRANKLIN DOWELL.

The bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856, was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 a month the name of Benjamin F. Dowell, late employee of Quartermaster C. S. Drew, in the Rogue River Indian war, in Col. Joseph Lane's Oregon and California Battalion, and as a chief packer of the First Oregon Regiment in the Oregon and Washington Indian war of 1855 and 1856.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO MESERTH.

The bill (S. 2255) granting a pension to Lorenzo Meserth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Meserth, Company F, Fiftieth Pennsylvania Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

P. F. CASTLEMAN.

The bill (S. 511) granting a pension to P. F. Castleman, of Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 5, before the word "dollars," to strike out "twenty" and insert "fifteen," and in line 6, after the word "as," to strike out "second lieutenant and acting"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $15 per month, the name of P. F. Castleman, who served as assistant quartermaster of Oregon Volunteers in the Indian war in Oregon of 1855 and 1856.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMELINE C. SEWELL.

The bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the limitations of the pension laws, the name of Emeline C. Sewell, widow of George Sewell, late chief engineer, United States Navy, at the rate of $30 per month.

Mr. SEWELL. I ask the chairman of the committee why the pension is proposed to be reduced from $50? I will state that while the name is the same as mine I have no knowledge other than the fact that the late chief engineer was one of the most distinguished men in the Navy. He served all during the war. Within five minutes we have passed a bill granting a pension of $50 in the case of an officer of an assimilated rank, that of colonel in the Army. In view of the fact that this gentleman was one of the best men in the Navy, holding some of the highest positions; that he was notoriously gallant, having saved some vessels on certain occasions, and that he left his family destitute, I ask that the amount be restored to $50 per month.

Mr. GALLINGER. I think that ought to be done.

The PRESIDING OFFICER. The Senator from New Jersey suggests that the amendment reported by the Committee on Pensions be disagreed to.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE L. FAGG.

The bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Mrs. Jane L. Fagg, widow of Col. John A. Fagg, who was a soldier in the Mexican war, $12 per month, in lieu of $8 per month she is now receiving.

Mr. GALLINGER. I ask the Senate to nonconcur in the committee amendment. The committee have looked the case over carefully since making the report and are satisfied that the amount named in the bill ought to stand.

The amendment was rejected.

Mr. GALLINGER. In line 4, I move to strike out the word "pay" and substitute the words "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of"; so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane L. Fagg, etc.

The amendment was agreed to.

Mr. GALLINGER. I further move to amend by inserting, before the word "twenty," the words "at the rate of"; so as to read:

At the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. EVANS.

The bill (H. R. 3432) for the relief of John E. Evans was considered as in Committee of the Whole. It proposes to place the name of John E. Evans, late sergeant, United States Marine Corps, on the pension roll at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. SLOCUM.

The bill (S. 574) granting a pension to Caroline A. Slocum was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "one hundred and twenty-five" and insert "fifty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Slocum, widow of Willard Slocum, deceased, late lieutenant-colonel One hundred and twentieth Regiment Ohio Volunteers, at the rate of $50 a month.

The amendment was agreed to.

Mr. GALLINGER. I move to amend by striking out the word "deceased" at the end of line 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. HALL.

The bill (S. 1269) granting an increase of pension to John S. Hall was considered as in Committee of the Whole. It proposes to increase the pension of John S. Hall, heretofore allowed by special act of Congress, to $72 per month for total blindness.

Mr. GALLINGER. Reference to the report accompanying the bill shows that the committee recommended an amendment, in line 5, to substitute the word "fifty" for "seventy-two"; that change was not made in the printed bill. I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 5, before the word "dollars" it is proposed to strike out "seventy-two" and insert "fifty"; so as to read "$50 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOUK.

The bill (S. 2581) granting an increase of pension to Mary B. Houk was announced as next in order.

Mr. GALLINGER. A bill identical in terms with Senate bill 2581 has passed the House of Representatives and was reported favorably from the Committee on Pensions. I ask that it be substituted for the Senate bill and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection, the House bill will be substituted for the Senate bill, which is in exactly the same terms.

There being no objection, the bill (H. R. 4606) granting a pension to Mary B. Houk was considered as in Committee of the Whole. It proposes to pay Mary B. Houk, widow of Col. Leonidas C. Houk, late colonel of the Third Regiment of Tennessee Volunteer Infantry, a pension of $30 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2581, on the same subject, will be indefinitely postponed.

RILEY W. PIERCE.

The bill (S. 2223) granting a pension to Riley W. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Riley W. Pierce, a soldier of the Mexican war, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SUSAN M. SESSFORD.

The bill (S. 1510) to pension Mrs. Susan M. Sessford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "month," to strike out "from the date of the decease of her son, the said Thomas J. Martin"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan M. Sessford, the mother of Thomas J. Martin, who died June 3, 1895, and who, at the time of his death, was receiving a pension from the Government under certificate No. 599845, and that she be paid at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANNIE E. COLWELL.

The bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Annie E. Colwell, widow of Thomas W. Colwell, sergeant of Company C, Second Regiment Ohio Infantry, Mexican war, and first sergeant of Company H, Fifth Ohio Cavalry, war of 1861 to 1865, and to pay her a pension at the rate of $20 per month in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGNES A. BLACKMAN.

The bill (S. 2513) to restore to the pension roll the name of Agnes A. Blackman was announced as next in order.

Mr. GALLINGER. A bill identical with this bill has passed the House, which I report from the Committee on Pensions and ask that it be substituted for the Senate bill.

The PRESIDING OFFICER. If there be no objection, the House bill will be substituted for the Senate bill.

The bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman was considered as in Committee of the Whole. It proposes to restore to the pension rolls the name of Agnes A. Blackman, widow of George C. Blackman, brigade surgeon, United States Volunteers, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2513, to restore to the pension roll the name of Agnes A. Blackman, will be indefinitely postponed.

HESTER A. ROBINSON.

The bill (S. 2290) granting a pension to Hester A. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hester A. Robinson, widow of James S. Robinson, late a brevet major-general, United States Volunteers, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER P. GOODING.

The bill (S. 2456) granting a pension to Oliver P. Gooding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver P. Gooding, late a brigadier-general, and brevetted a major-general for gallant conduct in action in the late war for the Union, and now an inmate of St. Elizabeth Hospital for the Insane on account of injuries received in battle and under fire in the line of duty, at the rate of $75 per month; said pension, when granted, to be paid to the lawfully appointed guardian of the said General Gooding.

The amendment was agreed to.

Mr. GALLINGER. I move to amend the bill by striking out the word "General," in line 13, and inserting the words "Oliver P."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TALBOT A. ROUTON.

The bill (S. 1508) granting a pension to Talbot A. Routon was announced as the next pension bill on the Calendar.

Mr. ALLISON. That is an adverse report.

Mr. PEFFER. The bill has been adversely reported, and should be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

EDMUND WOOG.

The bill (S. 504) to increase the pension of Edmund Woog was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Woog, late sergeant in Company C, Sixty-eighth Regiment of New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSON HAYS.

The bill (S. 400) granting a pension to Johnson Hays was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "one hundred and thirty-four thousand and thirty-five," to strike out "is not pensioned"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to add to the disabilities for which Johnson Hays, late private of Company G, of the Seventh Regiment Missouri State Militia Cavalry Volunteers, now pensioned under certificate No. 134035, "hernia-hydrocele and three broken ribs on left side," and grant him a rate of pension proportioned to the degree of disability to perform manual labor.

The amendment was agreed to.

Mr. GALLINGER. I move to amend in line 6, after the word "Volunteers," by inserting the word "is," striking out the comma after the word "Volunteers."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES RICHARDSON.

The bill (S. 737) granting a pension to James Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Richardson, late a private in Company B, Nineteenth Regiment Kansas State Militia Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. BOYD.

The bill (S. 2557) granting a pension to Sarah E. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Boyd, widow of George Boyd, late captain Company E, First Regiment Minnesota Infantry Volunteers, and pay her a pension at the rate of $17 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALEB M. WRIGHT.

The bill (S. 1817) granting a pension to Caleb M. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb M. Wright, captain Company C, Fourth Regiment New Jersey Volunteers, and to grant him a pension at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caleb M. Wright."

HARRIET R. MATLACK.

The bill (S. 2045) granting a pension to Harriet R. Matlack was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Volunteers," to insert "at the rate of $8 per month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet R. Matlack, widow of Joseph Matlack, sergeant of Company H, Twelfth Regiment New Jersey Infantry Volunteers, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLATSKANIE RIVER IMPROVEMENT.

Mr. MITCHELL of Oregon. The Senator from New Hampshire yields to me a moment to introduce a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon, was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the Secretary of War be, and he is hereby, directed to transmit to the Senate, at his earliest convenience, an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon, from its mouth to the town of Clatskanie, based upon report transmitted to Congress and printed in House Executive Document No. 330, Fifty-third Congress, third session, and other data in possession of the War Department.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. CHAMBERLAIN.

The bill (S. 2274) granting an increase of pension to Mary E. Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Chamberlain, widow of Lowell A. Chamberlain, late a captain in the First United States Artillery, and pay her a pension of $40 a month in lieu of the pension she is now receiving or of that to which she is entitled.

The amendment was agreed to.

Mr. GALLINGER. I move to strike out all after the word "receiving," in line 9, being the words "or of that to which she is entitled."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY O. H. STONEMAN.

The bill (S. 205) granting a pension to Mary O. H. Stoneman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "two thousand" and insert "seventy-five"; and in the same line, after the word "per," to strike out "annum" and insert "month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. H. Stoneman, widow of the late George Stoneman, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension from the passage of this act at the rate of $75 per month in lieu of any other pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. GEN. JULIUS H. STAHEL.

The bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel was considered as in Committee of the Whole. It proposes to increase the pension of Julius H. Stahel, late major-general of volunteers in the Union Army, to $100 per month in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE WATKINS.

The bill (S. 2635) granting a pension to Caroline Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Watkins, of Baltimore, Md., daughter of Gassaway Watkins, an officer of the Revolutionary war in Colonel Smallwood's regiment of Maryland Volunteers, and to allow her a pension of $30 per month during her natural life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. LE ROY.

The bill (S. 2524) to increase the pension of Mary B. Le Roy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

*Be it enacted, etc.*, That from and after the passage of this act there be paid, out of the naval pension fund, to Mary B. Le Roy, widow of the late Rear-Admiral William E. Le Roy, United States Navy, the sum of $75 per month, that sum to be in lieu of her present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY WILSON.

The bill (S. 613) granting an increase of pension to Henry Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilson, late a private of Company H, Fourth Regiment of Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH J. COOK.

The bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in July, 1846, volunteered and served as a United States soldier in the war with Mexico, in the First Arkansas Mounted Infantry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES G. HARTZELL.

The bill (S. 1737) granting a pension to James G. Hartzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James G. Hartzell, late of Company C, Sixty-sixth Illinois Volunteer Infantry, at the rate of $12 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BYRNE.

The bill (S. 1635) granting a pension to James Byrne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out the word "twenty" and insert "seventeen"; and in the same line, after the word "month," to insert "in lieu of the pension he now receives"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Byrne, late of Company H, Twenty-fifth New York Cavalry, and Company G, First United States Cavalry, at the rate of $17 a month, in lieu of the pension he now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to James Byrne."

JOHN G. B. MASTERS.

The bill (S. 1636) granting a pension to John G. B. Masters, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "pension to date from August 25, 1890," and to insert "at the rate of $8 per month"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. B. Masters, late of Company C, Forty-ninth Kentucky Volunteer Infantry, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW M. CALLAHAM.

The bill (S. 2578) granting a pension to Andrew M. Callaham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Callaham, late second lieutenant Company H, Seventy-third Indiana Volunteer Infantry, and to pay him a pension of $50 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. LANDON.

The bill (S. 890) granting a pension to John N. Landon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-six" and insert "sixteen"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Landon, late private in Company K, Fifteenth Pennsylvania Volunteers, and Company H, One hundred and thirty-fifth Pennsylvania Volunteer Infantry, said pension to be at the rate of $16, in lieu of the pension he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. I move to insert the words "per month" after "dollars," in line 9; so as to read: "At the rate of $16 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to John M. Landon."

EUGENIA WOOD.

The bill (S. 706) for the relief of Eugenia Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugenia Wood, widow of Josiah Wood, private Company K, Second Regiment New Jersey Infantry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH M. STEVENSON.

The bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth M. Stevenson, of San Francisco, Cal., widow of Jonathan D. Stevenson, colonel of the First New York Regiment, in service in California during the Mexican war, and to pay her at the rate of $30 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER B. PALMENTEER.

The bill (H. R. 2797) granting a pension to Peter B. Palmenteer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter B. Palmenteer, late a private in Company D, Seventh Michigan Cavalry, and to grant him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS D. BOX.

The bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box was considered as in Committee of the Whole. It proposes to amend the act approved February 8, 1895, so as to read:

That the Secretary of the Interior is hereby authorized and directed to place upon the invalid-pension roll the name of Marcus D. Box, late a private of Company D, First Missouri Volunteer Infantry, afterwards First Missouri Artillery, subject to the limitations of the pension laws, at the rate of $25 per month, in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA PARKER.

The bill (S. 1809) granting a pension to Joshua Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty," and insert "forty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Parker, late a private in Company F, Twelfth Regiment Indiana Volunteer Infantry, and in Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, at the rate of $40 per month, to date from the final passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. S. LOUDERMILK.

The bill (S. 1139) granting an increase of pension to A. S. Loudermilk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. S. Loudermilk, of Company E, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, at the rate of $40, in lieu of $24 now received.

The amendment was agreed to.

Mr. GALLINGER. After the word "dollars," in line 8, I move to insert the words "per month"; so as to read:

At the rate of $40 per month.

The amendment was agreed to.

Mr. GALLINGER. In line 8, after the words "in lieu of," I move to strike out the words "$24 now received" and insert "that he is now receiving."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS E. HOOVER.

The bill (H. R. 1094) granting a pension to Francis E. Hoover was considered as in Committee of the Whole. It proposes to place on the pension rolls, at the rate of $50 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH DESHLER WHITING.

The bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting, United States Marine Corps, and to pay her a pension of $25 per month in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LOYD YOUNG.

The bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "received," to add "so that he shall receive $17 per month in lieu of the pension he is now receiving"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers, for injury to right hip, in addition to the pension by him now received, so that he shall receive $17 per month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH PORTER.

The bill (H. R. 3993) granting a pension to Joseph Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Porter, late a private in Company K, Sixth New York Heavy Artillery, at the rate of $30 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CORIGAN.

Mr. ALLISON. I ask the Senator from New Hampshire if he will not call up the Corigan case, which was agreed to be reported by the Committee on Pensions this morning?

Mr. GALLINGER. I will report at this time from the Committee on Pensions, with a favorable recommendation, the bill (H. R. 1838) granting an increase of pension to Thomas Corigan. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the invalid-pension roll the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. CLIFFORD NEFF FYFFE.

Mr. GALLINGER. From the Committee on Pensions I report favorably, with an amendment, the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe. I ask unanimous consent for its present consideration. Several Senators have made that request of me.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 6, before the word "dollars," strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late a rear-admiral, United States Navy, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. COOPER.

Mr. BAKER. I am instructed by the Committee on Pensions to report favorably, without amendment, the bill (H. R. 2234) granting a pension to Joseph A. Cooper. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Joseph A. Cooper, late a brevet major-general in the United States Army, at $100 per month, in lieu of the pension he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. TUMBLIN.

Mr. GALLINGER. I report from the Committee on Pensions favorably, and without amendment, the bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of William W. Tumblin, of Bradford County, Fla., a soldier in the Florida Indian war of the year 1835, and pay him $20 a month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. JAMES REGAN.

Mr. CLARK. I ask unanimous consent for the consideration at this time of the bill (S. 1011) for the relief of Capt. James Regan, United States Army.

Mr. GALLINGER. I desire to call the attention of the Senator from Wyoming to the fact that the order under which we are proceeding this afternoon, if I remember it correctly, confines us to the consideration of pension bills. I do not propose to object to this bill, and I think it may be well to let it go through, with the understanding that no further business shall be done this afternoon.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1011) for the relief of Capt. James Regan, United States Army, which had been reported from the Committee on Military Affairs with amendments, in line 5, after the name "Regan," to insert "Ninth United States Infantry, as first lieutenant and"; in line 6, after the word "quartermaster," to strike out "Ninth Regiment of Infantry, United States Army," and insert "of said regiment"; in line 10, after the words "part of," strike out "Captain" and insert "said"; in line 11, after the word "thousand," to strike out "five hundred and ninety-eight dollars and fifty-seven" and insert "four hundred and fifty-five dollars and eighty-two"; and in line 13, before the name "Regan," to strike out "Captain"; so as to make the bill read:

*Be it enacted, etc.*, That the proper accounting officers of the Treasury are hereby authorized and directed to credit the account of Capt. James Regan, Ninth United States Infantry, as first lieutenant and regimental quartermaster of said regiment, for a shortage of subsistence stores at Fort D. A. Russell, occasioned by the dishonesty of Com. Sergt. James Boling, without misconduct on the part of said Regan, with the sum of $2,455.82, and said Regan is discharged from paying the same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 10, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *April 9, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

### WILLIAM H. SCHOFIELD AND OTHERS.

Mr. FAIRCHILD. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7338) for the relief of William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofeld.

*Be it enacted, etc.*, That William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield be, and they are hereby, released from any liability as sureties on the bond of Neil Hepburn by reason of the defalcation of Neil Hepburn, as late postmaster at City Island, N. Y. And the Secretary of the Treasury is hereby authorized and directed to discontinue as against said William H. Scofield, Jacob Brady, James Ketcham, Annie Booth, as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield any action that may have been instituted against them to enforce such liability.

Mr. FAIRCHILD. Mr. Speaker, this bill has been unanimously reported by the Judiciary Committee; and the object in asking its consideration now is that it may be passed before the action against these parties is reached on the calendar of the New York court. The report is long; but I can make briefly any statement that may be required.

Mr. DOCKERY. What is the amount involved?

Mr. FAIRCHILD. The bill does not call for any appropriation. It proposes to release these parties from a liability of nearly $5,000. I have conferred with the Sixth Auditor, the Auditor for the Post-Office Department, and it is admitted that this amount accrued against these sureties by the default of that Department in failing to obey the law, which requires the Department to notify the sureties as soon as any liability on their part is incurred. These sureties are a number of poor pilots and oystermen; it required quite a number of them to make up the amount which the bond called for. The default on the part of the postmaster for whom they were sureties occurred from May, 1893, to March, 1894. During all that time, with the knowledge of the Department that the books showed a defalcation on the part of the postmaster, the postmaster himself being meanwhile notified to make good the default, the Department continued to furnish supplies to him until what would have otherwise been a liability of only several hundred dollars was swelled to nearly $5,000. If the prosecution against these sureties be pushed it will wipe out everything they have in the world.

Mr. BARTLETT of New York. Would it not be a somewhat dangerous precedent to exonerate the sureties from liability in every case of this sort?

Mr. FAIRCHILD. This is an unusual case. The Auditor for the Post-Office Department tells me that since this case occurred such stringent instructions have been given that the case could not be repeated in the administration of the Post-Office Department. The only reason the Department has given to me for not settling this matter without exacting the amount from the sureties is that the law does not allow such settlement to be made unless in the opinion of the Department the amount can not be collected from the sureties. It is admitted in this case that it can be collected, although the collection would wipe out all the little accumulations which have been made by these people during a number of years through building associations or otherwise.

Mr. BARTLETT of New York. I would like to ask the gentleman whether he thinks it right for us to give away in this manner the money of the people of the United States?

Mr. FAIRCHILD. This is not a question of giving away the people's money. If this was a suit brought between private parties there would be a legitimate defense in the courts. It is only because the United States is a party that they are unable to set up the defense which would be admissible in any other case.

Mr. BARTLETT of New York. You mean that laches would be a defense in an ordinary action, but not in a case where the Government is involved?

Mr. FAIRCHILD. It has been so held.

Mr. McMILLIN. Let me ask the gentleman, on what principle is the United States Government liable for this defalcation? I have listened to the statements made by the gentleman, but I have been unable to see on what principle he bases his request for this action.

Mr. FAIRCHILD. Simply because, if the law had been obeyed by the Department officials, the sureties on the bond of this postmaster would have been notified on the 1st day of July, 1893, and the defalcation would not have occurred.

Mr. McMILLIN. Have you a statement of that from the Postmaster-General?

Mr. FAIRCHILD. I have from the Auditor of the Treasury Department for the Post-Office Department.

Mr. McMILLIN. Will you please have that read?

Mr. FAIRCHILD. I find that I have not the paper with me, as I thought I had.

Mr. McMILLIN. Did the gentleman submit this to the Postmaster-General?

Mr. FAIRCHILD. I submitted it to the Auditor for the Post-Office Department; and the only reason given to me by the Auditor for the Post-Office Department why he would not have the action withdrawn was because, under the statutes, the only ground on which he could do so was inability to collect it from the sureties. He put it wholly on the ground that he had not the power, and that subsequent to this defalcation more stringent orders had been given to prevent the repetition of such an occurrence.

Mr. McMILLIN. I would suggest to the gentleman from New York to let this go over until he has the communication from the Post-Office Department to which he has referred. I think it proper that we should have some such statement from the Department to go with unanimous action releasing these sureties. As indicated by the gentleman, these defalcations are frequent, and we should be careful not to make a precedent that would involve difficulties in the same direction in the Department hereafter.

Mr. FAIRCHILD. The object in pushing it now, I will state to the gentleman, is that an action is on the calendar in New York against these parties that may be reached to-day or to-morrow unless this action is taken.

Mr. McMILLIN. Well, you can abandon the judgment just as well as you can abandon the claim against these people. There ought to be a clear statement of the facts that the responsibility for the defalcation and for the condition that now exists is not with the official himself or his sureties on the bond, but is with the Government of the United States. That ought to go into the record concomitant with the unanimous action that is proposed to be taken here.

Mr. CANNON. Will the gentleman allow me to make this inquiry? I find in the report this language:

It also appears that the Post-Office Department failed during all that time to notify the sureties of said postmaster of his neglect to make returns, although the law requires such notification to be given.

Does the law require that?

Mr. FAIRCHILD. That is a fact.

Mr. CANNON. And they did not comply with the law?

Mr. FAIRCHILD. They did not. I ask for a vote.

The SPEAKER. The question is whether the House will give consent to the present consideration of the bill.

Mr. BARTLETT of New York. I think this matter should go over for the reason that we are substantially censuring a Department of the Government without allowing an opportunity to the Department to be heard.

Mr. FAIRCHILD. It has no such effect as that.

Mr. BARTLETT of New York. The Postmaster-General has not been heard and no opportunity afforded him to make excuses for the action involved in this transaction. Now, whether that case is going on to trial or not it makes no difference.

The SPEAKER. Is there objection?

Mr. BARTLETT of New York. I ask to let it go over until to-morrow. I object.

### COMPULSORY PILOTAGE.

Mr. PAYNE. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the further consideration of the bill (H. R. 2673); and the gentleman from New York is recognized.

Mr. PAYNE. The gentleman from Florida desires to be heard in opposition.

Mr. COOPER of Florida. Mr. Speaker, having presented the minority report upon this bill, and being possibly more familiar with the facts involved in the hearings before the committee than gentlemen who may have an equally good understanding of the general subject, but who are not members of the committee, I deem it necessary that I should state to the House somewhat of the points involved in the controversy. I shall compress that statement into as few moments as possible, because this is a bill of such far-reaching importance, and gentlemen representing so many districts and parts of the country are directly affected by it, that I shall endeavor to cut short my own time for the purpose of trying to give some opportunity to them to represent the interests of their constituents on the floor of the House.

Now, let the House understand in the beginning what the legislation is that is involved. You have heard a great deal about the bill to abolish compulsory pilotage. Get this clear in your minds, in the first instance, that this bill is one that simply proposes to abolish all that is compulsory on the vessel owners, and that it intends to leave intact and untouched all that is demanded, and all that is obligatory on the pilots of the country.

Now, the interests affected are large and manifold. This is not simply a controversy between vessel owners and pilots, although the controversy would be important if it were no more than that. But this law affects life and property far outside of those interests. This act, if passed, will, in the judgment of every man who is familiar with the conditions, injuriously affect every port upon hundreds of miles of the seacoast of this country. The law will injuriously affect every marine insurance company in this country. It will put at risk and hazard the lives of the seamen of this country, who will have no voice in determining when a vessel shall take a pilot, and who will be left wholly unprotected.

You will understand that under the present State laws a pilot is an officer. He is just like a policeman or a fireman, only that he is officially licensed. He has to serve an apprenticeship. He has to have the pilot boat, the appliances for carrying on his business. He has at all times to be present at the bar. He has to take soundings every day, or every few days. He has to go to every vessel in fair weather or foul. He can not absent himself from the bar. He has got to be there, ready with his services at all times and at all hazards. For those services he receives certain compensation fixed by law. If he catches a vessel in a storm he can not charge her any more because his services are more necessary. He can not exceed the legal fees. If he does not discharge his duties properly, he is liable to be fined or have his license taken away by the board that supervises him. He is an officer, paid certain fees, compelled to perform certain duties, and to be ready to perform them at all times.

Now, a remark was made here upon the floor yesterday in the nature of a sneer, which remark I regretted much to hear. It was that there was a Florida pilot who appeared before the committee and represented the interests of his associates, and who had made representations to some members of the House. If that pilot was here, he could be here only because he had leave of absence from the pilot board. He could not be absent without leave.

And, Mr. Speaker, he is a free American citizen, representing a hardy, courageous, useful body of American seamen, and he had as much right to come before a committee of this Congress and represent the side of his associates as though he had been a millionaire shipowner and had owned a fleet of vessels. [Applause.]

Who appeared before the committee to speak in favor of this bill? My information is that there was not a man who appeared who had not made a fortune in the owning and operating of these vessels. What is the interest that is asking this legislation? It is an interest, and the only interest in the United States, that receives absolutely prohibitory protection. Now, I am not protesting against that. It is outside of my argument. It may be that it is right. It is not the practice of the other maritime nations of the world. England has no such laws, nor has Norway, nor have the other principal maritime nations with which we compete; but it may be that it is right. If so, why is it right? That we may foster and protect a body of American seamen, so that in time of peace the country may have that nursery and supply of seamen to man its vessels and meet its foes in time of war. And yet this interest, exclusively protected, receiving a bounty of millions upon millions of dollars from the citizens of this country for the exclusive benefit of these shipowners—for it is admitted that the freight could be carried much more cheaply in foreign bottoms—asks the passage of this bill.

There is no limit to their demands. They have been relieved of all custom-house dues, and the taxpayers of this country are paying for services necessary to be rendered to them, for which a few years ago the vessel owners paid millions of dollars. I do not complain of that. I want to see the American marine encouraged. What I do complain of is that they come here and demand that another body of American seamen shall be crushed, that the vessel owners may possibly add a few dollars to their profits. Who will the bill benefit? In my deliberate judgment, Mr. Speaker, the bill will benefit no interest whatever in this country, and it will endanger every interest affected. I wish that we could submit this matter to the candid judgment of those members of the House who have no local interest, one way or the other. I should be entirely willing to submit it to any impartial jury.

What is to be the effect of the bill? You will understand that the pilot system in those States south of Maryland is kept up by certain dues on coastwise shipping and foreign shipping. In the States north of that point, as their foreign commerce has increased, and as they have been enabled to support their pilot systems without any dues imposed upon domestic vessels, the States themselves have abolished them.

Now, Mr. Speaker, it is entirely demonstrated that just as soon as any port can get along by fees on foreign shipping the local interests compel the abolition of the charges upon coastwise shipping. It has been done gradually and safely. As the foreign commerce of each State has increased it has abolished these dues on domestic commerce. It was done but a few weeks ago in Maryland. I have no kind of doubt that as the foreign commerce of Norfolk, Va., increases, in a few years they will abolish the charge upon coastwise vessels. And so, just as fast as the interests of commerce permit, it will be abolished, wisely and safely, as it has been done heretofore, by State legislation. But this bill, ignoring all local conditions, seeks by one sweeping enactment, not undertaking to regulate pilotage, not undertaking to provide for any adequate system, but just simply undertaking to strike down the means by which any system can be supported, at one sweeping enactment impairs or destroys the pilot system of thousands of miles of seacoast.

Mr. Speaker, I wish to make my discussion of this matter as brief as possible, and I desire to call the attention of the House to some impartial and very competent authorities that have more weight than anything which I can say. I ask the attention of the House for a moment to the decision of the Supreme Court in the case of Cooley *vs.* The Port Wardens of Philadelphia (12 Howard's Report, page 312). The court in that case say:

> Compulsory pilotage laws rest upon the propriety of securing lives and property exposed to the perils of a dangerous navigation by taking on board a person peculiarly skilled to encounter or avoid them; upon the policy of discouraging the commanders of vessels from refusing to receive such persons on board at the proper times and places, and upon the expediency and even intrinsic justice of not suffering those who have incurred labor and expense and danger to place themselves in a position to render important service, generally necessary to go unrewarded, because the master of a particular vessel either rashly refuses their proffered assistance or, contrary to general experience, does not need it.

So, in another portion on this same decision, the Supreme Court says:

> The act of 1789 contains a clear and authoritative declaration by the First Congress that the nature of this subject (pilotage) is such that until Congress shall find it necessary to exert its power it should be left to the legislatures of the States; that it is local and not national; that it is likely to be best provided for, not by one system or plan of regulations, but by as many as the legislative discretion of the several States should deem applicable to the local peculiarities of the ports within their limits.

That was the expression of the Supreme Court of the United States. It has been justified by all experience.

Mr. Speaker, this question was examined in England by a Parliamentary committee. It was given that careful attention that they give such subjects. They are constantly studying, being the largest maritime nation in the world, as to how they can give all possible advantage to their merchant marine; and yet, after a full examination, after the very arguments had been advanced that have been made on this floor, they declined to abolish compulsory pilotage, and the pilotage in England is regulated by local boards, according to the local wants. Mr. Chamberlain, the present secretary for the colonies, introduced a bill in the eighties for the abolition of compulsory pilotage. After full investigation and discussion the bill failed to pass, and he ultimately abandoned and withdrew it. The Bristol Times and Mirror, in speaking upon that subject and in connection with that investigation, says:

> It is a notorious fact that the number of wrecks occurring annually in the United Kingdom is very much smaller in those places on the coast where pilotage is compulsory than in those which are exempt from compulsion.

So about this contention about tugboats. That was fully examined in the British Parliament, and in their report they say:

> The strongest evidence has been given that steam tugs are no substitute for pilots, and that a pilot is as much needed with a steam tug as without.

Now, Mr. Speaker, while I am upon this subject of tugs I will call the facts to your attention right here. When there is fair weather and a vessel approaches a bar, the steam tug may run out and tow her in; but when she needs a pilot, in heavy weather the steam tug can not go to her; you can not have pilots unless you support an adequate pilotage system, and when the pilot is needed most the tug is of no service. Again, one of the greatest services that pilots render is cruising outside in their pilot boats. They give their bearings to vessels, lead them safely to the approaches of the bars before they reach the bars. The tug renders no such service. The pilots not only constantly sound the bars and report them, but they mark the shifting of the sands, and assist the Government buoy tenders in placing their buoys. Then, when a vessel takes a tug she is connected with the tug at the end of 50 or of 100 fathoms of hawser, hardly ever less than 300 yards of rope. The tug may draw from 6 to 8 feet while the vessel may draw from 15 to 20 feet, and that being so, the tug is no guide to her without a pilot. If the hawser parts she would be a wreck in all likelihood unless she had a pilot. The tug can run over portions of the bar that the vessel can not take. The tug in steering around shoals does not necessarily control the course of the vessel. That subject was covered thoroughly by the British Parliament. They reported upon that very question, and their report was that a pilot is as much needed with a steam tug as without.

Mr. Speaker, I have said that this bill would benefit no one. The vessel owner himself would really get no benefit, for it is admitted upon all hands that the pilotage charges are assessed and collected in the freight. There is no question about that. The shipper knows as much of these matters as the vessel owner; and when you abolish compulsory pilotage the result will be only that the shipper will know it and will insist that the pilotage fee shall be deducted from the freight; and when the vessel actually needs and

has to take a pilot then it will actually come out of the vessel itself. I wish for a few moments——

Mr. TERRY. It would increase the charges for marine risks, too.

Mr. COOPER of Florida. Yes, sir; I will in a moment call attention to that.

Mr. WILLIS. Will the gentleman repeat that last remark?

Mr. COOPER of Florida. What I said last was this: That at present, when you come to charter a vessel, you figure it out when you make the charter, and the shipper pays the pilotage fees as a part of his freight or port charges. If compulsory pilotage is abolished the shipper would demand an elimination of the pilotage charges from the freight when he comes to make his charter, and every time the vessel has to take a pilot by stress of weather the pilot charges will fall directly upon her, because there is no allowance for it in her freight.

Again, it is said that the vessel owners are the most interested parties. The vessel owners are insured. Mr. Speaker, we know by all experience that men will take great risks to avoid a small present expenditure. Our laws are based upon that knowledge. Why do you compel the steamboat to carry a licensed engineer? You may say that the owners would not take the risk of the vessel being blown up, that they would employ a competent man; yet the law compels them to employ a competent man. Why do you compel them to carry life-saving appliances? Why do you have boiler and hull inspectors to examine the steamers and order necessary repairs? Because you know from experience that the owners will not do it if they can save a little money for the time being unless compelled by law.

Now, how is the case as to pilotage? The vessel is insured. The master is under pressure from the owners to run her as cheaply as possible. He comes to a port; if he can run in without a pilot he saves a few dollars for the owners. If he wrecks the vessel in trying it, the insurance company pays the loss and the shipper or the insurer of the cargo loses the cargo. But the port is injured in its reputation, and that is our great interest in this matter. It goes out in the commercial reports that a vessel drawing so much water was wrecked in trying to get in to Jacksonville, Fla., for instance. Up go our freight rates; up go our insurance rates. We have to take lighter-draft vessels, because the deeper-draft vessels hesitate to come into the port on account of the danger. The result of it all is that you injure the port and you injure the marine insurance companies. I have not spoken of the lives of the crews, because the life of a sailor is not considered a matter of very great consequence; but there are those seamen on board the vessel who have no voice in determining the question whether they shall be run to destruction in order to save a few dollars for the owner. The captain really has no voice in the matter, because if one reckless captain takes the risk, all the others are obliged to imitate him in order to make as good returns to their owners. The port is injured, the marine insurance company is injured, the lives of the crew are risked, the vessel owners themselves are really injured—and all for what? Simply to give them the possibility on some occasions of saving a few dollars.

I have here a letter from the agent of Lloyds for those coasts, a man who has had as much experience as a marine underwriter as any man in this country. I will ask to have the letter read, but first I will say that everything that has been heard from the marine insurance companies so far as I am aware in respect to this matter is a protest against this bill. I have letters from the marine insurance company men of Savannah, of Charleston, and I have seen a letter from one of the largest marine insurance companies in New York City. These are the men who have to take the risk, and they protest against this bill. I ask the Clerk now to read the letter which I send to the desk.

The letter was read, as follows:

JACKSONVILLE, FLA., *March 25, 1896.*

DEAR SIR: As I desire to express my views upon the pending pilotage bill in Congress, setting forth the abolition of compulsory pilotage in the Southern States, I write to you with the hope that it will have some weight with the members of Congress.

I have occupied the position of underwriters' agent for domestic and European companies for over forty years, and can safely say that the abolition of compulsory pilotage on coastwise vessels would be detrimental to the maritime interest of the South. During this time I have known of instances where pilots, being entirely disinterested, have risked their lives and property to render assistance to vessels in distress, wholly from a standpoint of humanity, and of my personal knowledge have saved many lives and millions of dollars worth of property; further, I do not consider it safe for a master of a vessel drawing from 15 to 20 feet of water to attempt to follow a tugboat drawing from 6 to 10 feet of water, because the master does not know sets of currents, and should his hawser part, which is about 100 fathoms in length, there would be no alternative for him but to be entirely at the mercy of the numerous currents; whereas should a a pilot be aboard of his vessel he would at once know (being familiar with all of these dangers) what step to take to save his vessel, which as you will see may be the means of saving many lives and thousands of property. I would sincerely trust that Congress will not pass the present pending measure, as I consider that it would be detrimental to the interest of commerce in the Southern States.

I am, most obediently, yours,

THOS. S. EELLS,
*Agent American and Foreign Underwriters, including Lloyds, London.*

Hon. C. M. COOPER,
*Washington, D. C.*

Mr. McCALL of Tennessee. Will the gentleman permit me to ask him a question?

Mr. COOPER of Florida. Certainly.

Mr. McCALL of Tennessee. I am not very familiar with the navigation laws, living as I do in the interior, but will the gentleman be kind enough to explain why it is that the present pilotage law applies only to coastwise sailing vessels and not to steam vessels?

Mr. COOPER of Florida. I am obliged to the gentleman. I had intended to explain that. The gentleman asks why this law applies only to sailing vessels and not to steamers. It is for these reasons: Some years ago a clause which exempted steamers from the obligation to take bar pilots at these ports was slipped into a long bill. The judgment of Congress was never really exercised upon the provision; but let that pass. I doubt the wisdom of that law, but certainly it is much less hazardous for steamers than for sailing vessels to do without pilots. A steamer runs regularly to certain ports. She goes in there every few days, and her officers become actually familiar with the bar, and oftentimes do not really need a pilot, because, going to that port so frequently, they are able to keep up with the changes. A sailing vessel, as a general rule, goes to no regular port, but simply where she is chartered to go. She may enter a given port once a year, once in six months, or once in three years, and therefore her officers can not become competent by experience.

Again, the steam vessel commands her own motive power. She can feel her way along an unknown channel and, if she finds herself in danger of getting aground, she can stop or back. A sailing vessel can not. She is at the mercy of the winds to a certain extent. If she finds herself going upon a shoal, she can not back off. Therefore she has need of somebody to guide her who knows the channel. In point of fact, the officers of steamers which frequent certain ports are often men who have actual practical knowledge of the channel and the bar, yet very often, as I have already said, they do in fact take pilots. It has been stated here that the United States has so improved these bars that pilots are no longer needed. That is not at all correct. The Government has deepened the channels on these bars so that vessels of deeper draft can enter the ports, but that does not lessen the necessity for pilots. A few years ago the Navy Department made an order that our war vessels should not take pilots, because their officers ought to be familiar with the entrances to all our ports, and certainly they have the best charts and better facilities than a merchant vessel has. So many United States war vessels grounded that that order had to be revoked; and now the war vessels of the United States in all these harbors take pilots, who are paid by the Government.

More than that, it has been said that by reason of the marking of buoys, etc., these pilots have become unnecessary. Why, sir, there was presented in these hearings a letter from the commander of the *Wisteria*, the buoy tender that places the buoys on a large portion of these coasts—a letter stating that the bars are constantly shifting or changing, and it is a fact that the very buoy tenders themselves often take pilots when they go out to correct the bearings of the buoys.

Mr. TALBERT. I agree with the gentleman's view on this question, but I wish to ask him whether the parties who succeeded in getting that provision passed in regard to steamships are not the same who are now seeking to have this bill passed?

Mr. COOPER of Florida. I do not know as to that.

I hold in my hand a letter from Maj. F. A. Mahan, of the United States Corps of Engineers, who has charge of the harbor improvements upon a great portion of those coasts where it is said the employment of pilots may be dispensed with; and he states in strong and specific language that such contentions are groundless. I have not time in my few minutes to have this letter read.

I stated a moment ago that it would be injurious even to the ships themselves to abolish this pilotage system. I have here a letter (which I will ask the Clerk to read) from a New England shipmaster, commanding a New England schooner, protesting against the passage of this bill on the ground that it will be injurious even to the vessels of New England.

The Clerk read as follows:

PENSACOLA, FLA., *January 23, 1896.*

*To whom it may concern:*

In my opinion, the abolishment of compulsory pilotage, even on coastwise vessels, would be a detrimental move against vessels, from the fact that where there are some ports with fixed channels and are easy to navigate through there are also ports where a person would be compelled to continually sound in order to keep up with the changes, and as the passage of the bill now pending in Congress would allow the shipper to not figure on pilotage among the port charges. When a master of a coastwise vessel was compelled to take a pilot the payment of said pilotage would come directly out of a vessel, it now being paid out of the freight. This port (Pensacola) has such sudden changes on its sand bars that any master coming here would use good judgment in taking a pilot, except possibly under the very best of conditions of weather and a very light-draft vessel. I have been running to this port about thirty years.

Very respectfully,

PETER KAVANAGH.
*Master American Schooner Willie L. Newton.*

Mr. COOPER of Florida. Mr. Speaker, it has been said that the pilots are earning large sums of money, and that they have not made before the committee any showing of what their earnings are. Sir, a representative of the pilots stated before the committee that in the port he came from no pilot earned more than $1,500 a year; and that is an exceptionally good port. He declared himself willing to answer any questions; but there was no question put to him in regard to that point. The shipmasters did not undertake to show what their expenses and earnings were; but there was read and filed during the hearing a statement showing the earnings of one of those vessels. The returns were surprisingly large, amounting, according to my recollection, to as much as 40 per cent a year. For some reason that statement, although read to the committee, has not been printed in the report of the hearings; therefore, I am not able to state the matter more accurately.

Mr. LOW. Did the gentleman ever know or ever hear of a rich pilot?

Mr. COOPER of Florida. I never did. Mr. Speaker, those men earn their daily bread facing the tempest, undergoing the hardships of the winds and the waves; they earn it at the daily risk of their lives. They take care of the widows and orphans of those who perish at one point or another, we might say, almost every day in this service. And one of the things that this bill undertakes to do in effect is to turn adrift upon the cold charities of the world those widows and orphans now dependent upon the pensions contributed from the hard earnings of the self-denying associates of those whose lives have been sacrificed in this service.

Mr. Speaker, why is it that the laboring men all over this country, whether upon the seashore or in the interior, are protesting against the passage of this bill? Apart from the pilots they have not a dollar of interest in it; it does not affect the immediate calling of any great number of them; yet, as I said in the beginning, it is a bill that proposes simply to abolish every provision of law that is compulsory upon the capitalist and the shipowner, leaving in full effect every law that is compulsory upon the pilot and the laborer. That is the reason that the president of the Knights of Labor and the president of the Federation of Labor have opposed this bill in this city. That is the reason that all over this country it is felt, and justly felt, that this is purely class legislation.

Figures have been filed here that were never submitted to the committee—I will not say they were never submitted, but certainly they were never called to the attention of the committee—as to the earnings of pilots in different ports. Those figures could have no value unless accompanied with figures showing the expenses incurred. But in point of fact, so far as I have been able to test the accuracy of these figures, they are not correct. Let me show how inaccurate they are in respect to my own port of Jacksonville, Fla. The St. Johns River has a large coast commerce, but scarcely any foreign commerce. Nine pilots are kept there, that number having been found to be necessary. Gentlemen will understand that these pilots are everywhere under the control of official boards. Apprentices are entered under such control; the pilots are examined and licensed under the authority of such boards. These boards generally consist of merchants and seafaring men and other leading citizens at every port. It is the interest of the mercantile classes to keep down the port charges. They do keep down the pilotage charges. It was stated to you that these charges in Florida are $6 a foot. That was a very unfair statement. That sum is the maximum that can be allowed in any case. In point of fact in Jacksonville, Fla., the charge never exceeds $3 a foot, and is frequently less.

Mr. MINOR of Wisconsin. Is it not a fact that in the State of Florida no vessel under 6 feet draft has to pay pilotage fees?

Mr. COOPER of Florida. I think that is so. But I was going on to say that in the table to which I was referring, a table wholly unofficial, is a statement that at Jacksonville, Fla., pilots receive between $4,000 and $5,000 a year from foreign commerce. I hold in my hand an official certified copy from the records of the board of pilot commissioners at Jacksonville, Fla., wherein it is stated that the total receipts from foreign vessels for the year ended December 1, 1895, that being the latest date of computation, were but $663.65. Now, instead of being nearly $5,000 collected from this source, as has been stated on the floor during this discussion, it is shown by this report to be very little over $600, and that shows the liability to error in making these wild estimates, and also the unreliability of the table of figures which has been set before the House, coming from some unknown source, I know not what, to members of the committee.

Now, Mr. Speaker, I said that there was nothing said as to the expenses to which these pilots themselves are subjected. I hold in my hand a statement, taken from reliable sources, that shows that the expense of running their pilot boats and keeping them ready at all times to perform the services required of them in Pensacola for the last five years aggregated over $70,000. That is an average of nearly $15,000 a year that they are compelled to pay. So, when you hear large sums named as coming to them in the way of pilot fees and for services performed, you must consider also that there are necessary expenditures to be kept up to enable them to perform the duties on the other hand.

But, sir, I wish to call this to the attention of the House, that, as I have said to you, in every port there is a large and influential and strong local interest devoted to the lessening of the pilot charges just as much as possible, and to abolish them on all classes of commerce as fast as local conditions permit. These charges are wholly paid by shippers, and it is to the interest of the whole mercantile community, as fast as possible, to lessen or abolish them. The experience of every locality has been that in point of fact this very operation has taken place as speedily as may be. All that we ask of the House at present is to leave these forces to work their way down as commerce increases or demands. A few weeks ago they were abolished in the port of Baltimore. It will be done elsewhere as it can be; but to bring in a sweeping bill, making no allowance for local conditions or local necessities or differences of trade or traffic, not undertaking to keep up the pilot system, not undertaking to relieve the pilots of any burden, but simply to relieve the shipowners of paying the small sums required for the expense of keeping up the system, is a most unwise, pernicious, and unjust proposition.

Gentlemen have said that this is a compulsory system. They say that because a ship's owners come forward and say, "Our own officers know the coast and we happen to need no pilot," it is unjust to compel them to pay for one. But that is looking at the question in a very narrow sense. It is only since the war that we have, in my part of the country, made effective our public-school system, and how often have I heard men say who were actuated by an independent spirit, a spirit that had its merits, which in former years led our citizens to lay stress on the doctrine that every man should bear his own burdens, that he should look out for the interests of his own family and maintain at his own expense the education of his own children—how often have I heard men say, "I do not send my children to the public schools; I make no use of those schools, and it is unjust for you to make me pay any portion of the expense." And that is exactly the argument that gentlemen are using to-day.

The pilot system has got to be kept up for the protection of life and property. They must have their boats of a certain sort; they must cruise out to meet incoming vessels in all kinds of weather, whether they are employed or not; they can not charge a penny more than the law allows them to charge, and if they board a vessel in a storm they can not hold her up for ransom, they can not get salvage from her; they have to be there all the time; they must be on hand ready to meet any occasion that arises, and in order to have these pilots for the benefit of commerce generally each vessel pays small sums in the shape of fees. It is unreasonable, therefore, for a vessel owner to say, if his captain happens to know the entrance to the port, "I do not want to pay anything to keep up that system," just as some of our citizens have said, with reference to the public-school system in former days, that because they did not send their children to the public schools it was unjust to make them pay any part of the expense. Why, you might just as well say that the policeman should not be paid except when he is making an arrest. But, whether he is making arrests or not, we have got to keep up the system as a matter of protection. That is precisely the same principle for which I am contending now.

Now, I will put it before the House that the judgment of every man who has expressed himself on the subject, except the shipowner, is against the bill. It came before the last Republican Congress and was defeated.

Mr. ALLEN of Utah. Will the gentleman allow me to ask him a question? What would be the effect on insurance rates if this bill should pass?

Mr. COOPER of Florida. In my judgment, and in the judgment of every marine insurance man that I have heard from as far as I know—I see my friend from Massachusetts shakes his head, but if there are any to the contrary I have not seen them—I have statements here bearing out what I say, that the judgment of every marine insurance man is that it would increase largely the risks, and necessarily the charges for marine insurance.

Mr. ALLEN of Utah. How would that increase compare with the pilotage charges that the vessels now pay?

Mr. COOPER of Florida. Of course that is largely a matter of guesswork; but the opinion is expressed by a number of these gentlemen, by boards of trade as well as by marine insurance men, and by exchanges, that the rates would be increased to a considerable extent, and would be more burdensome than the compulsory pilotage charges.

Mr. WILLIS. More than an equivalent.

Mr. COOPER of Florida. More than an equivalent; and the protests are not from the pilots alone. They constitute a most meritorious and deserving class, but the protests are from the commercial classes of the whole South Atlantic and Gulf Coast, because their ports will be injured, because their freight charges

will be raised, because their insurance will be raised. The protest is from the labor organizations, because the lives of seamen will be endangered, and the means of living of others will be destroyed or largely diminished.

Now, Mr. Speaker, if there is one ground upon which the monopoly that we give to American vessels can be maintained it is the ground that it is for the protection and maintenance of American seamen; and you have a large body of seamen here who perform many public services. They guard the quarantine interests of this country. They stop the invasion of epidemic diseases. It is necessary to have somebody at these ports to perform this duty, and they are required to assist therein. If you have no efficient pilotage system it becomes wholly voluntary.

They have numerous duties that they perform all the time. You can not have an efficient volunteer pilotage system any more than you can have an efficient volunteer police force or, in a large city, an efficient volunteer fire department.

As to the tugs, they are under no law. If you wipe out the pilots, who keep down the tug rates because they can bring in the vessels without them, then the tug owners can charge what they please. The pilots are limited by law. The tug owners are under no discipline. It is said that pilots are not responsible. We exhibited to the committee bills paid where vessels had got aground while in charge of pilots, and the pilot association paid damages. We exhibited the actual receipts for such payment.

Now, it is unjust to other gentlemen that I should take up more of the time of the House. My argument has been somewhat disconnected, because I have been trying to hasten it. Possibly I should have made it in less time, and in better shape, if I had started out without any attempt to limit myself. I simply say to the House, in conclusion, that we are the people most concerned; that we pay these charges in freight. If we have not yet foreign trade enough to put it wholly upon that, that may be a reproach to our enterprise. It may be simply our misfortune, because we have not the capital; but it is the profit of these gentlemen; and if we furnish their vessels with freight, they certainly ought to be willing to contribute a little something to keep up an adequate pilot system. There ought to be some mutuality, and if they are going to leave the pilots subject to the burdens and obligations of the law, they ought to be willing to take some of that burden upon themselves.

I know that gentlemen upon the other side honestly differ with me; but certainly I was never more sincere in any belief than I am in the belief that this bill will prove an evil to all interests concerned, and will prove a benefit to nobody; that it will work an injury to property; that it will work an injury to commercial interests, and, greatest of all, that it will put in peril the lives of seamen who ought to be protected and who will have no voice in this matter.

Mr. PAYNE. I yield ten minutes to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Speaker, the gentleman who has just taken his seat has suggested that he would be glad to leave the determination of this question to those who are wholly disinterested. Now, Mr. Speaker, as a member of the committee reporting this bill I came to the consideration of it without any prejudice whatever. My location, of course, has not qualified me from a practical standpoint to speak as other gentlemen can speak with reference to the workings of this system along our coast. But in my investigations, after giving careful attention to the hearings before the committee, it has seemed to me that there are but one or two propositions involved here, and that they are very simple.

The first question is as to whether sailing vessels should have the same privileges and opportunities along our coast that we grant to steam vessels. I have been unable myself to hit upon any good reason why there should be a discrimination against the sailing vessels, which, as it seems to me, are in other respects at a disadvantage in competing with steam craft.

Now, for another thing, it has seemed to me that there has been much confusion in dealing with the general proposition of compulsory pilotage. There is no proposition in this bill to relieve our foreign trade of compulsory pilotage. Much that has been quoted with reference to the importance or the necessity of providing compulsory pilotage has referred, in my judgment, to our foreign trade. Now, I think it is the fact that the only suggestion coming to our committee in opposition to this bill has been from that class and the representatives of that class who are the beneficiaries of the retention of a compulsory pilotage upon the sailing vessels in our coastwise trade.

Now, then, I quite agree with all that has been said with reference to the worthy character of the men who constitute these pilotage associations. I have no doubt that they are worthy of all that they earn. I have no doubt that their necessities are many times great; but, Mr. Speaker, the same suggestion can be made with reference to numerous classes of our fellow-citizens. The proposition is whether by law we should compel the patronage of these men to a certain specific extent annually. Now, we do not do this with reference to any other class of citizens, no matter how worthy we may regard them to be.

Nothing has been established to demonstrate that the passage of this bill will destroy the pilotage system along the coast. Much has been said here in reference to Pensacola. As to Pensacola, Mr. O'Brien, one of the pilots on that bar, who appeared before our committee, represented that every vessel seeking that port would be compelled by the exigencies of the case to take a pilot, and, therefore, in response to a question of the chairman of the committee, Mr. O'Brien said: "It would affect us in this way, the tugboat captains would do the piloting." Not but what the piloting would be done, but that he feared it might be taken from his association and given to some one else. As to Wilmington, the statement was that all except possibly 25 per cent would be compelled to take a pilot. So that the same necessity and patronage for pilotage would exist at those ports as now.

Now, then, it is also represented, and it seems to me singularly represented, that we are to support this compulsory pilotage, because, as Colonel Lamb, of Norfolk, represented, it is a part of the grand idea of protection. If that be true, it is somewhat remarkable that my Southern friends should appear here on this floor as the champions of this grand idea of protection; but that I deny. I say that the principle of protection as advocated upon this side of the House is to give an equal opportunity to all our people, without discrimination.

Mr. ALLEN of Utah. Will the gentleman permit me to ask him a question?

Mr. PERKINS. I will, if it is a brief one. The gentleman knows that my time is very limited.

Mr. ALLEN of Utah. Do not the minority in their report say that these tugs can not go out in heavy weather and that the pilot boats have to do the work then?

Mr. PERKINS. Now, Mr. Speaker, with reference to that, I can see why compulsory pilotage as to our foreign trade might be desirable, where a large number of lives are involved and where many interests are concerned that are not concerned in our coastwise trade. But here are small vessels, given to the carrying of heavy freight, with small crews, and every interest involved in that, so far as I know, is here appealing to this House to be relieved of these compulsory pilotage charges. What interests above the interests of those who sail in these vessels and who own these vessels or who are dependent upon the commerce done in these vessels are to be regarded as superior? Mr. Speaker, so far as I am aware, in all the hearings upon this question there was no appeal from any shipping interest, from any marine-insurance interest in opposition to this bill.

I come back to the simple question, then, as to whether, in the interest of those who control this pilotage business at those ports now, we will compel the retention of that pilotage, and if I may be permitted simply to refer to the views expressed by the minority, on page 2, it will be observed that the strength of the argument is based upon our sympathy with those men who now control this business.

Mr. PAYNE. I yield five minutes to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not know that I can add anything to the words that have just been uttered by the gentleman from Iowa [Mr. PERKINS]. As a member of the Committee on Merchant Marine and Fisheries, and standing upon the floor of this House as the only Democrat elected from the six New England States, it seems to me proper that I should give utterance in the few moments at my disposal to the views of the people of that section of the country upon this bill.

As has been stated upon the floor of this House, almost all the coastwise vessels now plying from one port to the other in these United States are owned in New England. Judging from the statements and from the letters and from the resolutions that I have received from every State in New England, from every chamber of commerce, and from every marine association, all New England is in favor of this bill.

Those gentlemen who are against this measure have dwelt with great stress upon the privileges and the immunities that sailing vessels obtain; and yet with all these privileges, with all the immunities that have been granted to them by the United States, in the year 1874 there were 28,000 vessels under sail, and in the year 1895 that number had decreased to 17,000. Does not that show that some further privileges and some further benefits should be given them? Years ago it was the proud privilege of every American going to a foreign port, in Europe, in Asia, or in Africa, to see the waters dotted with the white sails of American vessels, to see the Stars and Stripes [applause], Old Glory, proudly floating from the topmast of every ship; but now that has all gone, and the American merchant marine has disappeared from the waters of the earth, and practically all that we have left is the small number of vessels that ply from one port of our country to another.

American sail vessels have been driven almost wholly out of the

foreign trade. In 1894 only 684 out of our total of 16,686 sail vessels made voyages to Europe, Asia, Africa, South America, Hawaii, and Oceanica. The coasting trade is thus almost the sole means of supporting our sailing vessels, their owners, masters, and seamen, and the tendency of existing law is to destroy that means of support by the imposition of heavy pilotage charges, from which steam vessels are exempt.

The present laws of some States tend to insecure navigation, as they do not require that a State pilot shall actually be employed, but enable the master, by paying a lump sum, to navigate without a pilot for the period of one year.

The proposed bill restores equality of treatment of sail and steam vessels. It reduces charges on American vessels, and thus establishes more favorable conditions for competition between vessels and railroads. It tends toward reduced cost of transportation. It tends toward safer navigation by providing for the examination of masters and mates of sail vessels as to their qualification to pilot their vessels, while now they are subject to no such tests.

The millions of dollars spent within the last twenty years on improvements of harbors where these charges are now imposed should have rendered these harbors easier of access and reduced the necessity for State pilots.

The principal ground of opposition to the bill is that the receipts of pilots will be so reduced that an efficient pilotage system can not be maintained. Assuming that the present receipts are necessary to maintain the several pilotage systems, the amount may be maintained, if necessary, by an increase of pilotage charges on vessels in foreign trade, which are mainly foreign vessels. The situation created by the present Federal and State laws not only discriminates against American sailing vessels in favor of American steam vessels, but, if the argument of the opponents of the measure holds good, lays a taxation on American vessels in order that foreign steamers may pay less pilotage than would otherwise be necessary, and thus discriminates against American and in favor of foreign vessels.

Such pilotage charges are against the public interest, as the people of all sections are interested in removing from commerce unnecessary burdens. The law, as it stands at the present time, exacts payment for pilots' services neither needed nor in a great many cases rendered; it discriminates without reason between classes of vessels. It maintains a monopoly, as compulsory pilotage is exacted now in only 9 States out of the 45; and for the benefit of a few pilots of a few ports it puts the vast coastwise commerce of the United States under contribution. The decadence of our foreign-going merchant marine has left the coastwise fleet the only source from which to recruit our Navy during war. The present law operates in favor of the rich as against the poor, inasmuch as coastwise tonnage is generally held by small owners in multiples of sixty-fourths, while on the other hand coastwise steamers, which for many years have been relieved from this tax, are, in the main, owned and controlled by powerful corporations, and it is but simple justice that the small investor should be put on the same footing as the large and powerful corporations. [Applause.]

To show how unjustly our sailing vessels are discriminated against it is only necessary to cite this instance: A steamer can make 20 trips between New York and Charleston in a year and pay no pilotage fees. The schooner *Thomas A. Ward*, from January, 1895, to January, 1896, paid Charleston pilots $1,298.23, and in no instance was the service of a pilot asked for or required; yet this vessel paid this tribute because the laws of South Carolina demanded it. From statistics gathered from the collectors of customs in the different Southern ports it is shown that 76 per cent of the vessels entering and clearing at these ports employed towboats manned by skillful pilots, yet they were compelled to employ pilots in addition and to pay this pilotage tax whether the services of the pilot were accepted or not.

To show how great an expense and burden this system is it is only necessary to state that the pilotage charges average 33 per cent of the net freight. The Constitution of the United States says that no State, without the consent of Congress, shall lay duty on tonnage, and the levying of this tribute by these 9 States is to my mind a clear infraction of the Constitution.

Every vessel carrying a ton of coal, a bale of cotton, or any of the necessaries of life from one of these Southern ports to the great industrial centers of the North is compelled to pay this extra tax, and as a consequence the burden falls unjustly on the poor people of the North, who are made to pay a higher price for these great necessities. [Applause.]

The district which it is my privilege and honor to represent on the floor of this House is composed largely of working people, persons who toil from early morn until late at night to earn their daily bread, and it is only with the greatest care and economy that they save enough to educate their children to the proper responsibilities and duties of American citizenship.

To this great class of the American people every cent cheapened in the matter of transportation charges means another cent saved, and when you remove these unjust taxes on the American sailing vessel you immediately lay at the door of every laboring man in this country cheaper coal and cheaper food products.

I appeal, therefore, to the members of this House, in behalf of the great wage-earning class of our population, to remove the fetters that now bind our merchant marine and give the struggling sailing vessel the same rights and privileges that are now enjoyed by the more powerful steam vessel and the gigantic corporations behind it. [Loud applause.]

Mr. COOPER of Florida. I yield five minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, in five minutes' time I can not discuss the principle involved in this bill. There might be a time when, under other and different circumstances, I would support this bill, but I am opposed to it at this time and under existing circumstances for reasons which I will briefly state. We are in the midst of a condition of depressed labor. From one end of this country to the other the laboring man is either without employment or without adequate and just remuneration for his labor. I know that some of our friends on the other side are inclined to say that we are entering upon a period of better times. I do not find it so among the laboring men whom I represent. In my district there are 9,000 coal miners, men who work by the ton, mining coal out of the earth for a price less than one-half of a fair remuneration for their labor, taking into account, first, the rate per ton, and second, the limited employment which they are enabled to obtain.

Now, these people—and they are only types of a mighty host in the United States, found not only in Ohio and in the West, but in Massachusetts and the East—these people are looking to this Congress to do something for them. This Congress is not going to do anything for them, but certainly they are not expecting that this Congress is going to interfere with long-established rules of labor in any section of the country to the detriment of the laboring men of the country. I do not stop here and now for want of time to defend their views of this subject. Nobody knows better than the gentleman whose handsome face is in front of me at this moment [Mr. SIMPKINS] how difficult it is to argue upon principle with a hungry man, and when the representatives of millions of laboring men are called upon they heed the voice of labor and laboring men.

Mr. STEELE. Will the gentleman yield for a question?

Mr. GROSVENOR. Certainly.

Mr. STEELE. I understand that 17,000 ships, as has been stated on this floor, were thrown out of commission last year. I understand that the compulsory pilotage fees amount to about one-third of the total net receipts of this class of vessels. Now, is not that discouraging to the shipping interest, and is it not discouraging to labor?

Mr. GROSVENOR. The gentleman is assuming as a fact that which has been vigorously disputed by the gentleman from New York [Mr. CUMMINGS].

Mr. LOW. The statement, I think, was that that number of ships had been thrown out of commission in twenty years.

Mr. GROSVENOR. Ah, in twenty years. That makes quite a difference. The gentleman from New York [Mr. CUMMINGS] exhibited here yesterday the orders that are being given for new ships, which would indicate quite a different condition of things from what is implied in the question of the gentleman from Indiana.

Mr. CUMMINGS. Every week you will find in the Marine Journal a page of orders for new ships with the names of the people ordering them and the names of the builders.

Mr. GROSVENOR. Yes; and every week you will find lists of other industries closed up and broken down. Now, my proposition is this; here is a law in relation to pilotage which has been in existence for a quarter of a century. Ever since I have been in Congress bills to repeal it have been here, and ever since I have been in Congress they have been defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROSVENOR. I certainly have not occupied five minutes. [Laughter.]

The SPEAKER pro tempore. It is the ruling of the clock that the Chair goes by.

Mr. GROSVENOR. That may be so, but other gentlemen have occupied the time.

Mr. COOPER of Florida. I yield five minutes more to the gentleman from Ohio.

Mr. GROSVENOR. I hope it will be longer than the last five minutes. [Laughter.] I was going on to say, Mr. Speaker, that it is possible that all that has been said in advocacy of this bill is true, but even if that be so, why can not these shipowners wait? I put that question in the hearing of the representatives of the laboring men of this country.

A MEMBER. They have waited twenty years.

Mr. GROSVENOR. They have waited twenty years, and they have done pretty well by it. They have had the exclusive monopoly of all the coastwise trade of this country, the greatest trade that we have. While the laws of internal transit lay the whole business open to competition, the laws of coastwise transit close the doors to competition.

Mr. SIMPKINS. There are 4,000,000 of tonnage engaged in competition with themselves in the coastwise trade——

Mr. GROSVENOR. Very well.

Mr. SIMPKINS. Over ninety acts have been passed by the Congress of the United States—you will find that in the statement of Mr. Blaine in his reply to Mr. Beck in the Senate—over ninety acts of Congress have been passed for the regulation of internal transportation. Many millions of dollars have been given to aid the railroads. These railroads come in direct competition with the coasting vessels——

Mr. GROSVENOR (interposing). Mr. Speaker, I can not allow the gentleman to use up the remainder of my time. [Laughter.]

Mr. SIMPKINS. I simply want to ask the gentleman if that is not competition enough?

Mr. GROSVENOR. I will answer the gentleman. During the period he has spoken about, the railroads of this country have reduced their freights on the average down to 22 per cent of the maximum rate in 1867, and during that time 270,000 men employed upon the railroads of this country have had their wages reduced to less than 50 per cent of the former rate, and during that time the men who provide the articles for transportation upon the railroads and the ships have had their wages cut down in like proportion. Subsidies to railroads have nothing to do with my proposition, which is this: In the midst of a time when labor is depressed and when the laboring men of the country are prejudiced against an enactment like this, why is it necessary to press this bill upon the Congress of the United States? Why not wait, and in the fulfillment of the prophetic vision that seems to be ahead of us, when better times shall come, why not then regulate this matter and let the oncoming tide of prosperity be joined by the benefit to the shipping along the northern Atlantic coast? [Applause.]

That, Mr. Chairman, is all I desire to say. The residue of my time I yield back to the gentleman from Florida [Mr. COOPER].

Mr. PAYNE. I yield five minutes to the gentleman from Virginia [Mr. ELLETT].

Mr. ELLETT of Virginia. Mr. Speaker, I desire to read resolutions passed by the Chamber of Commerce of the city of Richmond, Va., favoring the passage of the bill now before this body:

Resolutions adopted by the Richmond Chamber of Commerce February 17, 1896.

*Resolved*, That the board of directors of the Richmond Chamber of Commerce indorses most heartily the bill now before the United States House of Representatives, No. 2673, which has for its object the abolition of compulsory pilotage on coastwise sailing vessels, and respectfully petition the Senators and Representatives from Virginia to give their support to said measure.

The compulsory payment by the masters of coastwise sailing vessels of compulsory pilots' fees for services which are not needed nor even rendered is an unjust tax upon the citizens and an onerous burden upon the commerce of the country. The fact that such an exaction is permitted by law in no way relieves it of its injustice, but demands its speedy repeal by the law-making power.

S. H. HAWES, *President*.

Attest:
R. A. DUNLOP, *Secretary*.

These resolutions, Mr. Speaker, come from a body composed of the most conservative, intelligent, and substantial business men of Virginia; men thoroughly acquainted with the true interests and rights of their community and State, and knowing those rights dare maintain them. Their ports are not only Richmond, but West Point and Newport News as well, and they are largely interested in commerce.

Sir, a great deal has been said about labor organizations opposing this bill. I can state, without fear of contradiction, that the 100,000 inhabitants of the city which I represent are almost to a unit, laboring men as well as business men, in favor of this bill. The farmers of my entire district favor it. And why? All take a broad view of the commerce of this country. They know that it will be beneficial to Southern trade to have as free ingress and egress into and from her ports as possible. They know that while this tax may now be paid by the shipowner it must in the end come back upon the consumer in that portion of the country which I represent. They know but too well that at certain seasons of the year, because of this heavy tax, it is almost impossible to get sailing vessels to come to our ports at all.

Mr. BRUMM. As a matter of information, may I ask the gentleman——

Mr. ELLETT of Virginia. I have but little time allotted me.

Mr. BRUMM. Why do not your people go to the State for relief?

Mr. ELLETT of Virginia. They do go there, and there they are asked why they do not come to Congress, which, under the Constitution, has full control of this subject. It is unfortunate that both there and here the political influence and activity of the National Pilots' Association is so great with both parties that it is almost impossible to secure a fair, impartial, and businesslike consideration of this question.

Mr. Speaker, a great deal has been said by the opponents of this bill about States' rights being involved in this matter. This is a specious claim, and every lawyer when he makes it knows that it is incorrect. They must or should know that the fathers of the Constitution, who so carefully strove in every way to preserve and protect the rights of the States, delegated to the General Government the absolute control of the foreign and interstate commerce of the country.

The provision of the Constitution is as follows:

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes. (Constitution United States, item 3, section 8, Article I.)

In colonial times such of the thirteen colonies as established pilotage systems confined their operations to the shipping trade to and from their own ports. They protected their systems by making it a punishable offense for anyone to act as a pilot for any such vessel without their license.

After the Declaration of Independence, although the Colonies succeeded to the rights of the Crown, an independent exercise of sovereignty over the waters in the several States would have been inconsistent with the Union, whether we regard their confederation as an alliance of thirteen States or as a single nation. But when the Constitution was adopted and the Federal Union formed in 1789, if such powers existed in the States, their exercise was precluded by the common right of all the States to free and equal navigation in all the public navigable waters of the United States.

The First Congress, as early as August 7, 1789, which was assuredly familiar with the subject, passed as its ninth act a bill entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Among its provisions it provided that—

Until further provision is made by Congress all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, enact for the purpose. (Act 9, August, 1789, page 54; Revised Statutes United States, section 4235.)

The navigable waters of the United States are defined, namely:

And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when in their ordinary condition, by themselves or by uniting with other waters, they form a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water. (*The Daniel Ball*, 10 Wallace, 563; *The Monticello*, 11 id., 411.)

The act of 1789 is a clear and authoritative declaration that the Federal Government, under the said provision of the Constitution, reserved to itself the control of all pilotage legislation, and by this act permitted the several States to pass laws regulating pilotage in their ports until such time should arrive when Congress would consider the subject and pass general laws in respect to the same.

When this act became a law the seacoast of the United States was limited from Maine to Georgia. Neither Louisiana nor Florida had been purchased; the boundaries of Oregon were unascertained and undetermined; Texas had not made its gallant fight for and achieved independence, and California was not acquired until more than a half century thereafter.

Mr. Speaker, it has been the policy of this Government since the adoption of the Constitution to have the navigable waters of the United States as free as possible, and to have all necessary charges on these waters as uniform and without preference as the circumstances would permit. Sections 8 and 9, Article I, of the Constitution provide:

That all duties, imposts, and excises shall be uniform throughout the United States.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No State shall, without the consent of Congress, lay any duty of tonnage.

Again the ordinance of 1787 for the government of the territory of the United States northwest of the River Ohio provided that—

The navigable waters leading into the Mississippi and St. Lawrence and the carrying places between the same shall be the common highways and forever free as well to the inhabitants of said territory as to the citizens of the United States, and those of any other State that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Now, while it will be observed from the above quotations that the policy of the United States has been to make all laws governing interstate or foreign commerce uniform and without preference among the States, yet in the wisdom of Congress in 1789 it was determined to leave pilotage to be regulated by the laws of the respective States. This was done then because of the necessity of leaving it to local pilots and giving them every encouragement in the then condition of commerce, and also because of the condition of the various harbors, rivers, and channels, which were as nature made them, full of rocks, windings, and other impediments to commerce. Now, however, things have changed. Over $100,000,000 has been expended in straightening, dredging, and deepening Southern channels. Dangerous

places have either been removed or marked by light-houses and buoys, until any master of a vessel can take her, either himself or with the aid of a tug, into port without assistance. Especially is this the case at Hampton Roads, where any mariner may sail in as easily and safely as any member of this House can walk up Pennsylvania avenue from the Capitol to the White House. In fact, I submit that the course of the mariner would be the safer of the two under certain conditions of the Congressman in the dark hours of the night. The conditions having changed, I therefore submit that the old law should be repealed, and the General Government should enact one law to apply to all ports of this country.

Again I submit that the law as it exists in those States where licenses are granted is unconstitutional. In many States laws were originally passed which exempted vessels plying between their own ports and those of neighboring States. When these laws were declared unconstitutional because repugnant to that clause of the Constitution forbidding any State to give a preference to the ports of one State over those of another by any regulation of commerce, several States, including Maryland, Virginia, and Georgia, in order to get around these decisions, passed laws permitting the pilots to license sailing vessels for a year, scaling the tax according to the registered tonnage of the vessel, as, for instance, in Virginia, it is 10 cents per ton on her registered tonnage. This, I maintain, is in conflict with that provision of the Constitution which says:

No State shall, without the consent of Congress, lay any duty of tonnage. (Section 9, Article I, Constitution of the United States.)

The law remained substantially as passed in 1789 until 1837, when New York pilots had a complete monopoly, and they became both so exacting and negligent that because of the loss of the emigrant ships *Bristol* and *Mexico* on Long Island public attention was drawn to them and the State of New Jersey established a pilot system, broke up the New York monopoly, and Congress passed a law empowering the master to take a pilot from either State when going to a port situated on waters constituting the boundary between States. (Revised Statutes United States, section 4236.)

In 1871 Congress again intervened and again assumed partial control of the subject by enacting a law abolishing compulsory pilotage as to all coasting vessels propelled by steam. (Revised Statutes United States, section 4438 et seq.)

Having reviewed the historical and legal aspect of this subject, let us now consider exactly what this bill seeks to do and the justice of, and reasons for, doing it.

This bill simply provides that coastwise sailing vessels shall be put on the same basis as our steam vessels, by allowing the licensing of their masters or mates to pilot their own vessels when found competent by the local inspectors, as contained in section 4442 of the Revised Statutes of the United States, and by exempting them from the payment of State pilotage when not used and when their vessels are towed by tugs under the charge of United States pilots.

This bill in effect provides that an American coastwise sailing vessel already adequately piloted by a United States pilot shall not be obliged to pay a State pilot who has performed no service for the vessel, and whose services are not needed.

That the permissive act of Congress of 1789 that—

All pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further legislative provision shall be made by Congress—

has now become an inequitable discrimination by eight States against the citizens of the rest of the Union engaged in the coastwise sailing trade; and besides, as the bill simply embodies the well-recognized rule of justice that no person should be compelled to pay for services not accepted nor rendered, it is incumbent on those who oppose it to give most cogent reasons for retaining laws which give State pilots authority to collect fees from vessels already adequately piloted that do not accept nor need their services.

No work, no pay, is the principle of this bill. The reasons why in justice and right this bill should be enacted into law by Congress are as follows:

First. The law should be the same with sailing vessels as with steam vessels. No reason exists why steam vessels should be released from the payment of pilotage fees while sailing vessels are held to such payments. Especially is this true and the unfairness of the distinction made more glaring now that steam tugs with two United States licensed pilots on board are ever at hand to tow any and all vessels needing their services into port. It is urged, Mr. Speaker, that these State pilot laws keep down the price of towage. The answer to this is that competition in this, as in every other business, will keep the towage at a reasonable figure. The absurdity of this argument will be at once noted when the cost of pilotage and towage are compared as given in the following table.

The following is a comparison of pilotage and towage, copied from the vessels' accounts, for entering and leaving the following ports, and shows the onerous tax upon those engaged in this trade:

CHARLESTON, S. C.

Schooner *Genevieve*, drawing 15 feet of water:

| | |
|---|---|
| Pilotage in and out | $130.00 |
| Towage in and out | 50.00 |

Distance from sea buoy to city, 11 miles.

SAVANNAH, GA.

Schooner *Genevieve*, drawing 15 feet of water:

| | |
|---|---|
| Pilotage in and out | 131.28 |
| Towage | 68.00 |

Distance from sea buoy to city, 30 miles.

WILMINGTON, N. C.

Schooner *Kate V. Athen*, drawing 13½ feet:

| | |
|---|---|
| Bar pilotage in and out | 57.00 |
| River pilotage in and out | 58.00 |
| | 115.00 |
| Towage from sea to city and back to sea | 50.00 |

Distance from sea buoy to city, about 50 miles.

BRUNSWICK, GA.

Schooner *Angie L. Green*, drawing 13½ feet:

| | |
|---|---|
| Pilotage in light (8 feet) and out loaded | 82.50 |
| Towage in light and out loaded | 25.00 |

Distance from sea buoy to city, 9 miles.

FERNANDINA, FLA.

Schooner *Angie L. Green*, drawing 13½ feet:

| | |
|---|---|
| Pilotage in light and out loaded | 73.00 |
| Towage out | 10.00 |

Distance from sea buoy to city, 8 miles.

MOBILE, ALA.

Schooner *Millie S. Derby*, drawing 13 feet:

| | |
|---|---|
| Pilotage in and out lower bay | 78.00 |
| Pilotage in and out upper bay | 125.00 |
| | 203.00 |
| Towage from sea to city and out | 125.00 |

Distance from sea buoy to city, 23 miles.

GALVESTON, TEX.

Schooner *Oscar C. Schmidt*, drawing 13½ feet:

| | |
|---|---|
| Pilotage in and out | 99.00 |
| Towage in and out | 56.00 |

Distance from sea buoy to city, 10 miles.

The foregoing charges in said ports show what the pilotage fees amount to on vessels when towed, and it is apparent no service was rendered by the State pilot. The distance is also shown, so that anyone can see how long it would take to earn the double fees which are exacted from the vessels in the coastwise trade.

In Hampton Roads the difference in pilotage and towage is about the same; in nearly every case the pilotage exceeds the towage more than 100 per cent.

It is certainly a rank injustice to exempt steamers, which are usually owned by wealthy corporations, from contributing to the support of State pilots, and at the same time compel the comparatively poor owners of small coastwise sailing vessels, doing business in competition with these steamers, and often owned in thirty-second parts by small owners, to pay this tax, so entirely unnecessary.

Second. The law as it exists is unjust, as it obliges the coastwise trade, who do not need pilots, to pay for the maintenance of a staff of pilots for those who do need them—namely, foreign vessels.

Moreover, inasmuch as three-fourths of the vessels which require pilots are foreign vessels, the practical effect of the laws of the eight States which this bill would modify is to compel the owners of American vessels to contribute to the support of pilots for foreign vessels. We know of no reason why foreign vessels should not pay the expense of maintaining pilots for their own use if they need them.

Experience has shown, in the States which have no laws compelling coastwise vessels to pay State pilots not used, that all the ports are as well supplied with necessary pilots as they were before, although generally the number is less than before the change, for the reason that now the supply is only equal to the demand, whereas when compulsory fees existed the temptation existed to maintain numbers beyond the demand.

In Hampton Roads, however, there has been such an increase of the number of vessels that the 28 pilots now employed would be kept busy, as they are now, from year's end to year's end, and would, with compulsory pilotage abolished, still derive handsome yearly incomes from the foreign pilotage alone. Maryland has taken this view, and her legislature has just abolished compulsory pilotage on coastwise vessels.

Third. That the compounding of pilotage fees by the pilot authorities in the States of Virginia and Georgia in granting exemptions to shipmasters upon payment to them of a specified sum is an unconstitutional exaction, as we have before seen, is repugnant to our institutions, and is a burden on interstate commerce.

The Virginia law covering this point is as follows:

PORTS OF VIRGINIA.

SEC. 1967. Pilots shall appoint agents, one for Norfolk City and one for Richmond, who shall grant licenses for coasting vessels trading in all the rivers of

this State; for which license such agent shall receive 10 per cent per ton for one year; and coasting vessels having such licenses shall be free to sail without pilots to or from sea; but all vessels sailing under coasting licenses of the burden of 70 tons or more, coming from or going to sea, without having obtained a license from such agent shall be subject to the same regulations and pilotage as registered vessels belonging to citizens of the United States.

SEC. 1999. Nothing in this chapter shall be construed to apply to vessels bound for any point on the Potomac; and no vessel bound to or from any point on the Potomac shall be required to pay pilotage.—*Code of Virginia.*

Thus, Mr. Speaker, it will be seen that in Virginia we have not only this unconstitutional tax provided by section 1967, but the remarkable anomaly of a State discriminating between her own ports. All points on the Potomac, such as Alexandria, are free, while Richmond, Fredericksburg, and West Point, and all other ports in Virginia are still taxed.

This state of affairs was brought about in 1872, when the pilots, represented by Mr. John S. Wise, in order to prevent the total abolition of compulsory pilotage in Virginia, compromised with the representatives of Alexandria by excluding them from the provisions of the State law.

Comment on the unfairness of such a status of affairs is entirely unnecessary.

Let us revert for a moment to section 1967. If permission be granted to a licensed American vessel of 1,000 tons burden to navigate American waters said vessel will be compelled to pay $100 to go up James River to Richmond, or to Newport News, or Norfolk. and if the master desired to go to Savannah the permission to navigate the river leading thereto would cost him $267, making the sum of $367 (and not one particle of service rendered), to be deducted from the gross earnings of the trip.

There is no service rendered for the money paid, nor is any examination made as to the qualifications of the master to act as his own pilot; in fact, the master is not known in the matter; his name does not even appear on the permission granted. The printed forms are left with ship brokers and commission merchants to be filled in whenever a master in the coastwise trade desires to purchase permission to sail over certain waters of the United States, and there is hardly a vessel that is engaged in the coastwise trade that does not some time during the year visit Newport News, Lamberts Point (Norfolk), or Savannah.

Mr. Speaker, I can not better impress this House with the injustice and folly of continuing compulsory pilotage than by reading the following extract from the testimony of Mr. John A. Curtis, a prominent citizen of Richmond, and then a member of the Virginia legislature, before the House Committee on Merchant Marine and Fisheries of the Fifty-first Congress. Mr. Curtis was born in Hampton, Va., the home of the pilots, and has been a seafaring man nearly all of his life. Mr. Curtis said:

They keep a pilot boat at Cape Henry. The Virginia law provides that every vessel inward bound shall take the first pilot that approaches and offers his services at Cape Henry, bearing west of south. Therefore, belonging to one association, they lay their boat within that line, at the gateway of the waters of that State, and demand tribute of every vessel that passes, whether any service is rendered or not.

I have a statement here of the income for the year ended October 1, 1889, which is authentic, certainly, as to Newport News, that they receive the sum of $95,763.43. Out of that amount $25,000 was received from American coasting vessels, for which the said pilots rendered no service. If that amount were taken from the pilots, which would be done under the proposed bill, they would then have $70,000 to divide between 27 men. * * * The pilots have been increasing in business for years. * * * When Newport News and Lamberts Point became coaling points for steamers crossing the Atlantic, the business of pilotage increased wonderfully. They are busy from one year's end to the other. * * * We have pleaded with these people and said to them, "You are making a far better living than the majority of the people with the same amount of capital, and we beg you, as people of this State, to go to the legislature of Virginia and ask to have that act repealed levying this tax upon the coasting vessels trading in the waters of Virginia, for which the people of Virginia must pay." * * * I am not here to take away the living of any of the pilots, * * * but I ask that a tribute which Virginia has imposed upon American vessels, shall be taken off, in order that we may have more vessels in Virginia waters, where we need them, and that our people may have better facilities for sending their produce to Northern markets. Our farmers are poor and are getting poorer daily. They have gone to getting out railroad ties, lumber, and staves to send North, in order that they may realize ready money. It is for them it is asked that every obstruction be taken away, in order that these vessels may be free to trade in the State of Virginia and carry this freight of my people at less rates than they are with this burden of taxation put upon them by the State of Virginia, * * * and for which no service is rendered. * * *

Mr. Speaker, thus do the discriminating and unjust pilot laws of Virginia weave a web around the mouth of Chesapeake Bay and Hampton Roads, the grandest and most accessible harbor on the Atlantic seaboard, and permit 28 pilots there to lie in wait for their prey—the American sailing vessel—the home and nursery of American seamen, and to pounce upon them and sap their lifeblood, greatly to the injury of Virginia's people and Virginia's commerce.

Fourth. That in the United States the owner is not exempted from liability for the acts of the pilot. In England and Germany compulsory pilotage carries with it exemption from liability. Not so here.

A shipowner is not exempted from liability for the damage done by his vessel when the same is placed in charge of a pilot by compulsory Federal or State laws. (Steamship *China* vs. Walsh et al., 7 Wallace, 61.)

There is no immunity to the owner nor responsibility of the pilot other than a slight fine or suspension. This followed to its logical conclusion is absurd and most injurious to the interests of commerce.

Fifth. That the masters and mates engaged in the coastwise trade, from their acquaintance with their vessel and crew and experience in these waters, are more capable to handle the vessel, even in the pilotage waters of said States, than a pilot to whom the vessel is strange; and to compel the master to surrender her to the pilot sometimes leads to disaster.

Sixth. That the system tends to create a body of protected monopolists, whose interests are not identical with those of the shipowners, who know they must be employed, and whose independent services are probably not so readily or effectively given as if their employment depended on their efficiency. In Virginia the pilots are appointed by a board of commissioners appointed by the courts of the city of Norfolk and the county of Elizabeth City; but no one can apply for a license unless he has served a five years' apprenticeship to a Virginia pilot; and as there is no law compelling a pilot to accept an apprentice, the present pilots, who all belong to one association, have a close monopoly of the most pronounced type. Unlike most public servants, they make no report or return to the Commonwealth, but all fees collected go into their private pockets and not one cent into the State treasury.

I am well acquainted with many of the Virginia pilots and I esteem them to be a brave and worthy band, but it is wrong to permit them to tax others for their own benefit when no service is rendered. It is wrong in principle to permit 8 States thus to levy tribute on the commerce of the other 37.

It is wrong in principle to permit one citizen to levy a tax on another citizen when the first citizen renders no service whatever to the one compelled to pay the tax. The mere statement of such a proposition is abhorrent to every sense of equity and justice and totally repugnant to the principles of our republican form of government, the foundation stone of which is the equality of every citizen under the law.

Every farmer, every miner, every laborer, as well as the merchant and manufacturer, and, above all, every consumer of all their products in the Southern States, are interested in cheap freight rates, and are therefore vitally concerned in maintaining the commerce of our Southland and in securing to all shippers of freight the amplest and cheapest transportation facilities. The Southern States have too long allowed such antiquated laws to impede their progress and general prosperity. Compulsory pilotage on coastwise vessels has been abolished everywhere in this country on the Atlantic and Pacific seaboards save in the South. Maryland has just indorsed the wisdom of this bill by abolishing compulsory pilotage. Why should not Congress make the law on this subject uniform throughout the land? By so doing not only will all classes of our citizens be greatly benefited, but another blot will be thus removed from the symmetry of our Federal laws. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. ELLETT] has expired.

Mr. ELLETT of Virginia. I trust the gentleman from New York [Mr. PAYNE] will grant me two minutes more.

Mr. PAYNE. I can not do it.

Now, Mr. Speaker, I think the gentleman on the other side should use his time, and that we on this side should close the debate.

The SPEAKER pro tempore. Five minutes remain to the gentleman from Florida [Mr. COOPER], and twenty minutes to the gentleman from New York [Mr. PAYNE].

Mr. COOPER of Florida. I yield one minute to the gentleman from South Carolina [Mr. ELLIOTT].

[Mr. ELLIOTT of South Carolina addressed the House. See Appendix.]

Mr. TYLER. Mr. Speaker, of course it would be utterly impossible for me to make anything like a proper argument in support of the position I take on the pending bill within the short time allowed to me. It is enough, I think, for me to call the attention of the House to two salient objections to the passage of the bill, and before doing that I want to refer briefly to what my colleague from Virginia [Mr. ELLETT] has said in regard to the interest taken by the people of his metropolis for the repeal of the compulsory pilot law.

If you refer to the statistics appearing in the report of the majority of the committee upon this bill you will see that at Richmond, Va., under the head of "Estimated pilotage receipts from tonnage entered from and cleared to foreign ports for the year ended June 30, 1895," that it amounted, in sailing vessels, to 3 vessels entered and 2 cleared; in steamers, to 8 entered and 15 cleared, and the total amount of pilotage fees collected at that port during that period was $1,530.

I have the honor of representing the greatest seaport town in Virginia, that guards the mouth of the Chesapeake Bay, and also

that young city whose site was but yesterday a mere uncultivated old field, but which has become to be, with a magic growth, one of the most flourishing cities in our Republic; I refer to Norfolk and Newport News; and I will show the interest that our people take in this question because of the great interests of commerce at these points.

At Newport News the number of foreign sailing vessels entering that port during the same period to which I have referred was 11, with a registered tonnage of about 8,000; cleared from the port 28, with a tonnage of more than 22,000; of steamers, 81 entered and 149 cleared, with a tonnage of 247,000. The receipts that year from pilot fees amounted to $19,146. In Norfolk, during the same period, the number of vessels entering that port—sailing vessels—was 12, and 60 cleared therefrom (these are foreign vessels; I wish to call the attention of the committee to that fact), and of steam vessels the number entering was 31, the number cleared 79, with a tonnage of 122,000. The amount of pilotage fees collected was $13,000, and the fees collected at the two points named represent interests in favor of continuing the compulsory pilotage system, as against the $1,500 paid by Richmond.

Norfolk and Newport News, with their immense foreign and coastwise trade, with their thousands of merchants and shippers dependent for their prosperity upon marine traffic, desire that the present excellent pilotage system shall remain under local control, while Richmond, an inland city, having comparatively no interest in the matter, bearing an infinitesimal portion of the cost for the maintenance of the system, appears on this floor advocating the passage of a bill which, if it became a law, would be a destructive blow to the rapidly increasing commerce of our Virginia ports; and for the selfish advantage of a few tugboat owners she asks that Virginia be deprived of the power to control her own pilot laws and calls upon the Federal arm to do that which the State has done so well for more than a hundred years.

Mr. Speaker, I presume that the most extreme supporters of this bill will not deny the paramount necessity of a thorough and efficient system of pilotage as well for the protection of life and property as for the safety and advantage of trade and commerce. And it must further be admitted that such an efficiency can not be maintained unless the reward for the services rendered is sufficient to induce men who enter this vocation to devote their time and means to the arduous duties demanded of them. There can be no such thing as a voluntary pilot system. It must be supported either by salaries paid by the State or by fees imposed on those who need such service. The latter method of providing the necessary means to defray the cost of a pilotage system has been always deemed the better one, and exists in all the States of the Union. At one time the system of compulsory pilotage prevailed in every State on all vessels—American and foreign. At this day it is still continued in every port of the United States on the foreign marine, sail and steam. And this tax imposed on commerce is levied because an efficient pilot corps could not be had without it. If this were not true, if the efficiency of the system did not depend upon it, such a tax would be equally indefensible as applied to the shipping entering our ports from foreign nations as to our domestic trade.

Having this in view, no State has ever abrogated the compulsory feature in her pilot laws so far as it related to the coastwise vessel until it appeared evident that the fees collected from the foreign ship would be adequate to keep up the efficiency of the system. It has happened in several instances, in New York and Maryland, that the compulsory system has been prematurely repealed, and the result was so disastrous to commerce that in a few years the former law was restored by the legislature. The North Atlantic States have a very large foreign trade, and the fees arising from compulsory pilotage on foreign vessels are adequate for the support of their pilotage systems, while the nine States south of Maryland have not as yet sufficient foreign commerce to justify a reliance upon it alone for the maintenance of an efficient pilot service. In these States the statistics show that the pilot fees collected at their ports on coastwise sailing vessels average more than 50 per cent of the total fees. If this means of support were withdrawn from the Southern pilots, as this bill proposes to do, the pilotage systems at these ports would be seriously affected if not entirely destroyed, and their commerce, which is so rapidly increasing, would be driven away on account of the risks and danger of entering their harbors. I can conceive of no greater injury to the commercial prosperity of a nation than an unreliable, inefficient pilotage system.

It has been sought by the supporters of this bill to arouse prejudice against the brave, hard-working men who compose the pilot corps of the South by representing them as a close corporation, enjoying the enormous profits of a huge monopoly. Nothing can be more false than this. Reliable evidence produced before the committee having this bill in charge clearly shows that these men who have devoted their lives to this exacting, and ofttimes dangerous, occupation, who have invested their money in perfecting and keeping up this splendid service, get from it little more than a bare competency for themselves and their families. The pay received by these pilots averages not more than $1,200 apiece in the most favorable years, and sometimes it falls below this sum. Surely this can not be considered an excessive remuneration for the hard and perilous duties performed by these men. It must be remembered that these pilots are required by the State laws to do other work than simply bringing vessels in and out of port.

Under the law of Virginia they have to assist in quarantining our ports. They have to take any vessel with contagious disease on board to the nearest quarantine station, and are compelled to remain themselves in quarantine until the health officer releases the vessel. They often risk their own lives in seeking bravely to rescue those on a ship in peril, and thus they form a part of the life-saving service of this country. I have not time to read to this House the stringent laws of Virginia (which differ little, I believe, from those of other States) controlling and regulating the local pilotage system. They were passed with a single eye to securing and maintaining the efficiency of our service, and the legislative intent has been fully carried out.

And now, Mr. Speaker, I will close by stating what I regard as a conclusive reason why this bill should not pass. For more than a century this subject of pilotage has been safely and wisely left to the control of the several States. It has always been regarded as a proper subject for local regulation, and no one even now asserts that a general system would be beneficial. The Constitution of the United States by the act of 1789 referred this matter to the legislative discretion of the States, and except in one instance the Congress has declined to interfere with that discretion. State after State, as the exigencies arose, have amended, modified, or changed their regulations for the perfection of the pilotage system. The States have acted cautiously and wisely, in obedience to the local needs. Where it has been found possible without marring the efficiency of the service to reduce charges, to release certain classes of vessels from the pilotage tax, and to free commerce from all unnecessary restrictions, State legislatures have never failed to do so. Maine has acted on this subject in such manner as she deemed conducive to her own interests without the strong arm of the Federal Government being called on to interfere. We ask that Virginia be allowed also to exercise her discretion in this matter. With all the disaster and changes through which the old State has passed in these latter years, we still believe that her people have not lost the power of self-government, that she can be trusted as well as Massachusetts to protect the interests of her people and to decide what is best for her commerce and for the protection and safe conduct of the stranger who seeks her ports. [Applause.]

[Here the hammer fell.]

Mr. PAYNE. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. Twenty minutes.

Mr. PAYNE. Then that, of course, belongs to those in favor of the bill.

The SPEAKER pro tempore. The gentleman from Florida had one minute that was not assigned, but the two gentlemen to whom he assigned four minutes occupied five.

Mr. PAYNE. I yield all but five minutes of the remaining time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Speaker, pilotage is an instrumentality of commerce, and as such its regulation is exclusively under Federal control. The only way in which any State in the Union has been enabled to pass laws relating to pilotage within its jurisdiction has been by permission of Congress, given simply until Congress should choose to otherwise legislate.

Pilotage should be a matter of Federal legislation for the reason that it relates to the navigable waters that are under the exclusive control and jurisdiction of the United States. The object of pilotage is not to benefit pilots, but to facilitate and protect commerce; to benefit the great commercial interests of the nation.

Pilots are the servants of commerce, the servants of the commercial interests of the nation, and whatever is progressive in this direction must be adopted in and under national legislation. It is inevitable that our pilotage regulations and legislation should be progressive in this nation. It is astonishing that it has not been more so. In 1789, when the first pilotage laws were enacted, there were scarcely any light-houses marking the approach to the ports of the country. There were few beacons and buoys, and there had not been a single harbor improvement inaugurated from one end of the country to the other. There was not a vessel within the limits of the United States, nor even of the world, whose motive power was steam. It was inevitable that in the progress of events there should have arisen a necessity for some modification of the pilotage system.

In 1837 Congress stepped in and modified the system. In 1866 Congress stepped in and further modified the system. And beginning with 1852, and ending with 1871, there came that large mass of legislation having relation to the fact that the navigation of this country had been largely changed from propulsion by wind to propulsion by steam.

In 1871 there was finally enacted an important law relating to pilotage legislation. It provided that from and after that date

any American vessel in the coastwise trade propelled by steam, when piloted by her master or mate or by a United States pilot, licensed as such, should be exempted from the payment of pilotage fees to State pilots whose services had not been used and were not needed.

This legislation marked a new era in pilotage regulations in this country. It was the nation stepping in and assuming its exclusive authority to regulate pilotage so far as this class of vessels was concerned.

It was objected then, when this legislation was had, that it would break down the pilotage system of the country. Nothing of the kind occurred. Less pilots were required at many points, greater economy of pilotage was secured, and the result was, that instead of breaking down the system it in point of fact strengthened it. Then followed legislation by all the Northern States, lately followed by Maryland, applying the same principle to American sailing vessels engaged in the coastwise trade, providing that where an American sailing vessel engaged in the coastwise trade shall be piloted by a United States licensed pilot, whether an officer of that vessel or the master of a tug towing that vessel, then that vessel shall not be required to pay fees to a State pilot whose services had not been used and were not needed.

To-day all the States in this Union but nine have applied to American coastwise sailing vessels precisely the rule that in 1871 was applied by Congress to all the steam vessels of the United Stated engaged in this trade. A discrimination had existed in all the States against American sailing vessels in the coastwise trade up to that time. All the States but nine have lifted this discrimination. The nine States which remain and still compel American sailing vessels in the coastwise trade to pay pilotage fees to pilots that they do not use and do not need are Virginia, North and South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas; and the only reason that those States have not lifted this unnecessary and unjust burden is that in those States it so happens that there is very little tonnage owned. Hence there is no interest to oppose the pilotage lobby and secure what other States regard as just and proper legislation.

What reason is there, Mr. Speaker, that an American coasting vessel, piloted by its own officer, licensed by the same board which licenses a pilot for a steam vessel engaged in the same trade, or towed by a tug piloted by a United States pilot, when entering Pensacola, Fla., for example, thus entirely and sufficiently piloted for the protection of life and property, needing no further pilotage, should be met, when that vessel arrives at the wharf, by a State pilot, demanding, as in some cases, $70, $80, or $90 pilotage fee, when not a particle of service has been rendered by that pilot, and the tug which has rendered the service, piloted by a United States pilot, has actually piloted and brought that vessel in safely, expeditiously, and economically, and has been paid by the vessel for such service?

This is not a bill to abolish pilotage. It does not touch the question of compulsory pilotage at all. It simply provides that where a vessel is adequately piloted by a United States pilot who may be on board a tug guiding that vessel and towing it in, that then such vessel shall not be obliged to pay another fee to a State pilot who has not performed any service. It is simply a bill to abolish compulsory fees when no service is performed. If we were to judge of the merits of this bill as we judge other measures, there could be but one opinion respecting it. It is just; it removes a discrimination that exists without cause. It does for these nine States that have not moved forward in these years precisely what has been done by the legislatures of all the other States in the Union, and what was done twenty-five years ago for American vessels in the same trade. If this bill should pass, the law would then be the same as that which exists on the lakes in Wisconsin, in Michigan, in Ohio, in every Northern State.

You ask if the passage of this bill would increase danger to life and property. Not at all. There is not a Northern State but what is under the same principle as is provided in this bill with respect to pilotage. And yet there never was so efficient a system of pilotage as exists to-day in all these Northern States under precisely the principle enunciated by this bill. Moreover, every marine insurance company in Boston, which is the headquarters of marine insurance in this country, has petitioned for the passage of such a bill as this on the ground that there would be greater security to property and to persons under the policy proposed by this bill, whereby no one could collect pilotage fees unless he performed service. There is no inducement for a pilot to perform good service when he can collect pay whether he does anything or not. There is not a State in this Union—all but nine of whom have adopted the system provided in this bill—that would to-day go back to the old system. There is no necessity for it. It does not secure additional protection to life and property. It imposes an unnecessary expense and is contrary to all principles of equity. More than that, Mr. Speaker, it must be borne in mind that in the passage of a bill of this kind we simply put the two classes of coasting vessels engaged in the same trade upon precisely the same basis.

The only excuse that has been rendered for compelling American sailing vessels when piloted by a United States pilot, either attached to the vessel or in command of a tugboat towing such vessel into port, to pay a State pilot also for services not rendered or needed, is that such a contribution is necessary in order to maintain a system of pilotage in the nine Southern States for the use of vessels in the foreign trade.

If this were true—which it is not—then on what ground are steam vessels in the coastwise trade exempted from contributing their share? The sailing vessel is in competition with the steam vessel for freight in the coastwise trade, and if the former is to be compelled to contribute to maintain a pilotage system for vessels in the foreign trade, then, of course, justice requires that the latter shall no longer be exempted.

But why should not the vessels in the foreign trade support a system of State pilotage maintained for their benefit? Why should any American vessels in the coastwise trade be called upon to contribute to pilotage for foreign vessels?

There is no foundation, Mr. Speaker, for the claim that a pilotage system can not be maintained by the system proposed by this bill as well in the nine States of the South as in the North Atlantic States. We have been told that these Southern States have very little tonnage in the foreign trade entering and clearing from their ports. But this is not so. The entrances and clearances on the North Atlantic are more concentrated in the three ports of Philadelphia, New York, and Boston than they are in the South. Outside of these three ports the tonnage entered and cleared from Northern ports in the foreign trade is far less than similar tonnage in the South, arising from the fact that so large a proportion of Southern products—cotton, naval stores, and lumber—are exported.

Mr. Speaker, let me compare the statistics of tonnage entered and cleared from most Southern ports outside of Baltimore, New Orleans, and Galveston with the tonnage entered and cleared from the largest Northern ports outside of the three ports named:

*Tonnage entered and cleared during the fiscal year 1893.*

| Port. | Tons. | Port. | Tons. |
|---|---|---|---|
| Key West | 286,388 | Beaufort, S. C | 150,000 |
| Pensacola | 770,000 | Portland | 250,000 |
| Mobile | 390,000 | New Bedford | 17,000 |
| Savannah | 488,000 | Bangor | 18,000 |
| Wilmington | 120,000 | Bath | 2,250 |
| Brunswick | 280,000 | Fall River | 6,250 |
| Charleston | 190,000 | Gloucester, Mass | 27,000 |
| Fernandina | 100,000 | New London, Conn | 4,200 |
| Newport News | 308,000 | New Haven | 23,000 |
| Norfolk | 148,000 | | |

It will be seen from this table that the Northern ports outside of Philadelphia, New York, and Boston have far less foreign tonnage to maintain a pilotage system than the leading Southern ports outside of Baltimore, New Orleans, and Galveston. And yet these Northern ports have no difficulty in maintaining an efficient State pilotage system without compelling American vessels in the coastwise trade to pay pilotage fees to State pilots for services not rendered. Why can not Southern ports do the same?

There is not the slightest justification in the South for the continuation of their unjust pilotage laws. The suggestion that it leaves the obligation on State pilots to go out and offer their services to incoming vessels in the coastwise trade and takes away their compensation for going out when their services are not required has no foundation, for there will be no such obligation as to vessels in this trade. The obligation will only extend to the offering of services to vessels in the foreign trade.

There is not involved in this bill anything that relates to labor, as has been absurdly argued. I have been astonished to hear gentlemen talk about this bill having some relation to labor. What are the interests that are concerned in legislation relating to labor? Are men receiving $1,500 a year as pilots to be included in the ranks of labor enrolled in labor organizations? Not at all. It is the wage earners that we care for through labor organizations, and not a monopoly like this. If any labor organizations have been induced to protest against this bill they have certainly been grossly deceived as to its character.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, the question is, shall we continue to discriminate against sailing vessels and in favor of steam vessels in the coastwise trade? Shall we still permit nine States to levy a tribute upon the shipowners of the other States for entering their ports, a tribute exacted often without one finger raised in return in the way of service? The gentleman from Ohio [Mr. GROSVENOR] intimates that he might vote for this bill at a proper time, but thinks that this is not the proper time because of the general depression of wages throughout the country. He says we have waited twenty years and can wait a little longer. In that twenty years, Mr. Speaker, the 17,000 sailing vessels owned by citizens of

the United States have disappeared. For twenty years, while we have sought to have this restriction removed, under the peculiar rules of Congress there has not been a moment given for hearing upon this bill until this present day. But he says, in the interest of labor, he would have it postponed. Why in the interest of labor? Most of these pilots receive $1,500 a year. Forty-one of them man two little pilot boats at Pensacola, with an average of entrance and clearance of one vessel for each day. Must they be supported at $1,500 a year while the poor sailor who treads the deck shall only receive $10 a month? Is it in the interest of labor to postpone the consideration of this bill—to postpone removing the tax upon the laboring men before the mast a single instant?

I am aware, Mr. Speaker, that some officers of the Knights of Labor have written to members of this House, without giving a single reason, asking them to vote against this bill. But the Knights of Labor—I do not mean the officers; I mean the laborers who stand behind them—will look to you and me for intelligent action. They will overthrow the action of their leaders. They will say, "You had a chance to act, and when it came to an opportunity to vote away this tax upon labor, the real labor, entering into this business, you voted still to allow this little coterie of men to levy this tribute, which comes out of the wages of the seamen." Sentiment is invoked. They say they ask you to continue a pension system to the widows and orphans of pilots. What other business in the United States furnishes a private pension for civil services performed? I would rather give something to the men who are struggling against adverse circumstances, who are struggling to maintain their families on a small wage, than to try to keep up by levying upon their industry a tax to support men—42 of them in two little pilot boats, required for one vessel entering and one clearing a harbor every day. No; in the interests of labor, in the interests of commerce, in the interests of keeping our flag floating over the seas, in the interests of training up the American sailor to prepare us not only to take care of our commerce in time of peace, but to take care of our country and our flag in time of war, every patriotic citizen should rise to the occasion and vote "yea" upon the passage of this bill. [Loud applause.]

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. MORSE. Mr. Speaker, my constituents are interested in this bill, and I ask permission to print some remarks on the bill in the RECORD.

Mr. MINOR of Wisconsin. I object.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 52, noes 117.

Mr. McCALL of Massachusetts. I ask for the yeas and nays.

The question was taken.

The SPEAKER. Eleven gentlemen have risen; not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. On this question the ayes are 52, the noes 117; the noes have it, and the bill is refused a third reading.

On motion of Mr. COOPER of Florida, a motion to reconsider the vote by which the House refused to order the bill to a third reading was laid on the table. [Applause.]

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I report back from the Committee on Appropriations and call up for consideration the bill making appropriations for the District of Columbia.

The SPEAKER. The gentleman from Vermont reports from the Committee on Appropriations the bill making appropriations for the District of Columbia, which was recommitted to the committee.

Mr. McMILLIN. I reserve points of order upon the bill, if there should be any doubt.

Mr. GROUT. Mr. Speaker, the report tells the whole story with reference to the bill. It tells just what is stricken out and just what is inserted; and if the Clerk will read the report to the House, it will explain fully just what the committee have done to the bill.

The SPEAKER. The gentleman can have the report read as a part of his remarks.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a point of order. I submit that this bill should be first considered in Committee of the Whole, as it involves an appropriation from the public Treasury.

The SPEAKER. The Chair will hear the gentleman upon that point.

Mr. DINGLEY. The bill has been considered in Committee of the Whole and reported from that committee to the House.

Mr. GROUT. Mr. Speaker, I will say, for the information of the Chair and of the House, that the bill as reported back by the committee carries precisely the same sum of money that it carried as it was reported from the Committee of the Whole to the House. It is simply in a little different form; that is all the change that is made in the bill.

Mr. McMILLIN. Mr. Speaker, I have no anxiety myself as to whether this particular bill shall be considered in one way or in the other; but it is well, when these questions come up, to have a correct ruling upon them. Therefore I think it is not improper for me to take time enough to state that to all intents and purposes this appropriation bill is as if it had not been considered before. The action of the Committee of the Whole was disapproved by the House, and the House, as I now remember, though I will not be positive, recommitted the whole bill to the Committee on Appropriations.

The SPEAKER. Not the whole.

Mr. McMILLIN. Well, even if the House did accept certain parts, it recommitted the bill to the Committee on Appropriations, with instructions to recast a portion of it. That portion had not been considered and disposed of by the Committee of the Whole. On the contrary, the House recommitted the bill to the Committee on Appropriations for the readjustment of that portion of it, and the committee has readjusted it, involving, I believe, about $100,000, though the amount is immaterial. That portion of the bill has not had the consideration in Committee of the Whole which the rules of the House contemplate. To hold differently, Mr. Speaker, would leave us in this attitude: That if, at any time, it should be desired to escape the rule which provides that appropriation bills and bills making donation or dedication of public lands shall have their first consideration in Committee of the Whole, all that it will be necessary to do will be to go into Committee of the Whole, to consider one or two or three sections of the bill, to become dissatisfied apparently with one section or more, and to recommit it, and when that bill came back it would escape consideration in Committee of the Whole if this bill is entitled to escape such consideration. That, I think, is all that it is necessary to say in this case; but it strikes me that beyond that, when the rule is construed with that breadth which gives full intendment to the power of the Committee of the Whole over money and land bills, this whole bill comes up, under our rules, for consideration in Committee of the Whole. I have said thus much, not having any special anxiety as to this bill. If consent were asked for consideration in the House I would not myself object, but I have thought it proper to state what I believe to be the proper interpretation of the rule. This is to all intents and purposes a new section. I am not proposing by this to criticise what the committee has done, but to defend the right to have any appropriation bill considered in Committee of the Whole.

Mr. BARTLETT of New York. Mr. Speaker, it is a matter comparatively indifferent to me whether this bill be considered in Committee of the Whole or in the House, but I should like to have the rule settled. It is hardly necessary for me to say anything as to the remarks of the distinguished gentleman from Tennessee, but I want to call attention to the fact that no specific instructions were given to the Committee on Appropriations. On the 5th of February, 1896 (CONGRESSIONAL RECORD, page 1342), I find this:

> Mr. GROSVENOR. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to reexamine and report a new paragraph of so much of the bill as appears under the subhead "For charities."

That is, that whole portion or subdivision of the bill is sent back to the Committee on Appropriations with no specific or limited instructions, but the whole matter is left open. Now, I find that on February 7, 1893, in the Fifty-second Congress, when a resolution introduced by the gentleman from Missouri [Mr. DOCKERY], in reference to the appointment of a commission, was considered as part of the legislative, executive, and judicial appropriation bill, it was considered in Committee of the Whole, although the words of the resolution were identical with a provision adopted or considered in the appropriation bill. In this case the words are not identical and the general subject is left open to the Committee on Appropriations.

Mr. DINGLEY. If the gentleman will permit a suggestion, I think this very question was decided by Speaker Carlisle in the Fiftieth Congress on an appropriation bill. The bill having been considered in Committee of the Whole and reported to the House, was recommitted by the House to the committee which had originally reported it. When that bill was reported back to the House the point of order was made that it should be considered in Committee of the Whole, but the Speaker ruled that, there being no additional appropriation involved, the bill was not required to be considered in Committee of the Whole.

Mr. McMILLIN. In that connection, if my friend from New York [Mr. BARTLETT] will permit me, I would suggest to the gentleman from Maine that when he examines this bill he will find that there were certain objects of appropriation in the bill as originally reported to the House that are entirely omitted from the bill in this form. The amount may be the same, but the object is different.

Mr. DINGLEY. They might have left out the whole of the

appropriation without the point of order being affected at all. If no additional appropriation has been incorporated in the bill since it was considered in Committee of the Whole, the point of order fails.

Mr. BARTLETT of New York. In reply to the gentleman from Maine, I desire to say that there is an additional appropriation in this bill, because we find here some $94,700 given to the Commissioners of the District of Columbia. And in the bill previously considered nothing was given to the Commissioners under that head. So it matters not whether the amount proposed to be appropriated by the bill is identical or not with a large aggregate of sums devoted to particular charities, the fact is that the Commissioners—new beneficiaries—receive the gift, receive $94,700, whereas before they received nothing.

Mr. GROUT. Oh, Mr. Speaker, the Commissioners receive no "gift." They are simply intrusted with the expenditure of the money. That is all.

Mr. CANNON. Mr. Speaker, I can say in a minute all that I desire to say about this question of order.

Under the rule, the Committee of the Whole considered the District of Columbia appropriation bill, took action thereon so far as recommendation was concerned, and reported it back to the House. Then it was entirely competent for the House to defeat the bill, amend, recommit it, or make any other disposition of it that might be deemed proper. The House chose instead of amending it, to refer it back to the committee with a specific instruction—namely, to recast the paragraph touching charities. In pursuance of the order of the House, the bill is reported back for consideration. The House was competent to deal with it before it was recommitted; and it is competent to deal with it now, the whole matter, so far as the Committee of the Whole is concerned, having been formally considered.

Mr. WHEELER. Mr. Speaker, this matter involves a very important question. If the position taken by the gentleman from Illinois [Mr. CANNON] and the gentleman from Vermont [Mr. GROUT] be correct, then it is competent for this House to consider a bill embracing numerous items, like a sundry civil bill, and then recommit it with instructions to recast it, and have it come back here in the form of a bill appropriating sums of money for purposes other than those originally in the bill; for instance, to maintain the Navy—something entirely different.

The SPEAKER. How could that be done under the rules of the House, which declare that upon a motion to recommit no amendment can be ordered, even by the House itself, which is contrary to the rules?

Mr. WHEELER. Strictly according to the rules it could not be done, but very frequently those things are done in violation of the rules.

The SPEAKER. If done, they must be done by unanimous consent.

Mr. WHEELER. But it is not necessary to go as far as that. The proposition involved here goes at least to this extent, that this bill may be recommitted and may come back recast in a form involving new legislation. There is presented to us now in this bill legislation which many might contend to be violative of the Constitution. It proposes to appropriate money for other purposes than those designated in the bill when formerly before us without considering the new legislation in Committee of the Whole. To tolerate such a practice would be to utterly nullify the force, effect, and purpose of the rule which I believe prevails in all parliamentary bodies, and has always prevailed in our Congress, that (I read from clause 3 of Rule 23)—

> All proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, shall be first considered in a Committee of the Whole.

Of course we understand that the reason the gentlemen in charge of the bill desire to demand the previous question and put the bill upon its passage without going into Committee of the Whole is to cut off amendments. Now, I desire to offer the following amendment, to get the judgment of this House upon it:

Insert, after the word "control," line 13, page 42:

> But this shall not apply to any institution which invites, receives, and cares for all needy and proper persons without discrimination as to their religious belief or creed.

I believe if the House were permitted to vote upon this amendment they would adopt it.

To say that this measure need not now be considered in Committee of the Whole is certainly violative of the rule requiring measures which appropriate money to receive their first consideration in Committee of the Whole. I do not wish to detain the House. I simply make this suggestion. It seems to me it would be the safer practice to go into Committee of the Whole.

The SPEAKER. Under the third section of Rule XXIII——

Mr. McRAE. Before the Chair decides the point of order, I want to call attention to the instructions given to the Committee on Appropriations when this bill was recommitted to it. The language of the instructions was "to reexamine and report a new paragraph of so much of the bill as appears under the subhead 'For charities.'" I understood some gentleman to say that the committee had reported back substantially the same paragraph. That is not correct. Under the instructions the committee was required to report a new paragraph. I am perfectly indifferent as to what the ruling may be, but I thought it proper to call the attention of the Chair to the fact that the instructions were that we should have a new paragraph, not a recasting of the old.

The SPEAKER. In the third clause of Rule XXIII there is a provision that "all motions or propositions involving a tax or charge upon the people and all proceedings touching appropriations of money shall first be considered in a Committee of the Whole." Taken alone, that expression is very ample, and seems to cover everything. But it is quite evident that it has very many limitations, as gentlemen will see if they consider the practice of the House. After a bill has been reported by a Committee of the Whole to the House, the House has power then to add any other amendments which it sees fit to add, in conformity to the rules, without any reference of them to the Committee of the Whole. If the recollection of the Chair is correct, a number of important bills, such as general tariff bills, after having been very much modified in the Committee of the Whole, were, upon their return to the House, changed by the adoption of a substitute, which substitute involved taxes and charges on the people, but which nevertheless was not considered in Committee of the Whole. In fact, it is a matter of almost everyday occurrence that bills coming under this general description, having amendments which also come under this description, are acted upon by the House without any previous examination by the Committee of the Whole, the examination of the whole subject generally being supposed to inform the House upon the question.

In the Fiftieth Congress—unless the Chair is mistaken as to the time—this question arose in very much its present form; and the Speaker pro tempore decided that the bill would not under the rule go to the Committee of the Whole, because if it did all the paragraphs which had been passed upon and approved by the House would have to be gone over again, or else the anomaly would be presented of a bill partly in Committee of the Whole and partly not. Without going any further than that decision, or undertaking to say what would be the effect if a general recommittal was ordered on the whole bill, the Chair thinks that this is not within the rule cited, and therefore that it should be considered by the House.

Mr. GROUT. Now, Mr. Speaker, if the Clerk will read the report, as I have said, it will explain very fully all that is provided in this bill since its recommittal, and show what the committee has done with respect to it.

Mr. BARTLETT of New York. Mr. Speaker, I understand that this report is to be read as a part of the remarks of the gentleman from Vermont.

The SPEAKER. As a part of his remarks.

Mr. BARTLETT of New York. I desire to raise two points of order. Will I be debarred from making the point of order if the Clerk commences to read the report?

The SPEAKER. What point of order is made by the gentleman? It depends, of course, on the nature of the point of order.

Mr. BARTLETT of New York. I desire to raise the point of order that this is a change of existing law. The point is made against that part of the appropriation contained in the bill reported from the committee on pages 41 and 42, and also against the item, "Industrial Home School," on pages 43 and 44. If there is to be any question in the mind of the Speaker as to whether the point of order will lie——

The SPEAKER. The Chair will hear the gentleman.

Mr. BARTLETT of New York. Now, I assume, Mr. Speaker, that the point of order can be taken now; that is, that the point of order can be raised at this time.

The SPEAKER. It is a question whether it can, after the instruction given by the House.

Mr. BARTLETT of New York. Then, Mr. Speaker, I will address myself to that question first.

If specific instructions had been given to the Committee on Appropriations to insert a specific item or adopt any special line of legislation, I concede that the point of order could not now be raised. But in view of the language selected by the gentleman from Ohio [Mr. GROSVENOR] when he moved to recommit the bill, which was simply a motion to recommit to the committee, to do what? With instructions to reexamine and report a new paragraph on the subject of charities in the District of Columbia, or with reference to so much of the bill as appeared under the subhead "For charities"; that is, the whole subject-matter of charities was turned over, and therefore no restriction or limitation was put upon the Committee on Appropriations, the whole matter having been recommitted to them.

I call the attention of the Speaker to a decision on February 7, 1893, in Committee of the Whole. That decision is referred to in the Manual; that is, a reference is made to the portion of the

CONGRESSIONAL RECORD in which it appears. On an investigation of the subject, I find that that decision was made in Committee of the Whole, the gentleman from Tennessee [Mr. RICHARDSON] being in the chair; and the question came up on the following resolution, which had been referred to the Committee on Appropriations in considering the legislative, executive, and judicial appropriation bill. It was a resolution introduced by the gentleman from Missouri [Mr. DOCKERY], and was embodied in the following language, which I will read:

*Resolved*, That the resolution of Mr. DOCKERY be, and the same is hereby, referred to the Committee on Appropriations, and said committee is hereby authorized to insert in one of the general appropriation bills a provision authorizing the creation of a commission for the purpose indicated in said resolution.

Then some remarks were made by the gentleman from Maine [Mr. BOUTELLE], and the Chairman said:

The CHAIRMAN. If there were such a precedent the Chair would be glad to have it, in order to try to conform his ruling with it, if it is in order and is applicable to this case. Here is a resolution, however, reported in an appropriation bill, that is in identically the language of the resolution considered by the House. The Committee on Rules reported the resolution and submitted a report instructing or authorizing the Committee on Appropriations to include these words in an appropriation bill. The Chair hardly thinks that it would be proper, or in order, for a committee of the House to undertake to say that the House did wrong in instructing the Committee on Appropriations to report this provision.

The Chair then went on and held that because—that is, pursuant to the reasons stated—the identical words had been used and were inserted in the bill, a point of order would not lie; plainly implying that if it were a general instruction the point of order would lie.

That is the only precedent I have been able to find.

Mr. GROUT. Mr. Speaker, I have been listening to the gentleman from New York to ascertain, if possible, the point of order, but have been unable so far to ascertain what it is.

Mr. BARTLETT of New York. I understood the Speaker to state that I was first to address myself to the question as to whether the point of order would lie.

The SPEAKER. The Chair will hear the gentleman on the whole subject.

Mr. BARTLETT of New York. I naturally did not wish to trespass on the time of the House or the Speaker if my point of order was clearly untenable.

Now, I submit, sir, that the language incorporated by the committee in this bill in the paragraph on pages 41 and 42 is a change of existing law. That paragraph reads as follows:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

By a provision which is substituted here for the direct appropriation we delegate a part of our legislative function, a function of a legislative body such as this—for our duties are twofold, to legislate and to appropriate money; but now the Committee on Appropriations, or the House, if you please, abdicates its ordinary legislative function of appropriating money and delegates that function to the Commissioners of the District of Columbia. In other words, these Commissioners, having no power to-day under any provision of the statutes, having no power, sir, because it would contravene the express provision of the Federal Constitution that exclusive authority over the District shall be vested in the Congress of the United States, we abdicate our constitutional power and undertake to delegate it in part to these Commissioners of the District of Columbia.

Now, suppose that point were not well taken in so far as I have already stated it. If the Speaker will examine the Revised Statutes for the District of Columbia, that is, the volume compiled by Messrs. Abert and Lovejoy, in chapter 19, referring to the District of Columbia and its organization, will be found two sections, 25 and 36. What do those sections provide? They limit explicitly and expressly the power of the Commissioners of this District to appropriate not only the taxes but all the other revenues. What are the limitations? That the taxes and all other revenues shall be used or expended by the Commissioners for certain defined purposes, for the police, for the fire department, for the schools, for the payment of current debts, and for the payment of debts to the employees and laborers and board of works of the District. Section 25 is a little broader than section 36, but like express limitations are found in the two sections. Section 25 is a little more expansive; but we find words of limitation contained in both sections. Now, if under existing statutes, if under a statute which has existed since 1875 or 1878, the Commissioners of the District of Columbia have no power to spend one dollar of revenue—because the term is broad—one dollar coming in to them from any source whatever except for certain express purposes, I say that we can not now, in a general appropriation bill, give them a new power of expending money unless we first repeal sections 25 and 36 of chapter 19, referring to the organization of this District.

Mr. WILLIAM A. STONE. Will the gentleman allow a question?

Mr. BARTLETT of New York. Yes.

Mr. WILLIAM A. STONE. I do not understand that you claim that there is any existing law which requires Congress to appropriate any money to these various charitable institutions.

Mr. BARTLETT of New York. No; certainly not.

Mr. WILLIAM A. STONE. Now, as I understand, you raise the point that the appropriation changes existing law.

Mr. BARTLETT of New York. May I ask the gentleman from Pennsylvania whether this is a question or an argument? If it is an argument I should like to have the gentleman wait until I finish.

Mr. WILLIAM A. STONE. Oh, well——

Mr. BARTLETT of New York. But if it is a question I will answer it.

Mr. WILLIAM A. STONE. I asked you whether you made any claim that there was any existing law that required appropriations to be made to these institutions?

Mr. BARTLETT of New York. No; the point I make is this, that there is by existing statute a limitation upon the powers of the Commissioners, and until we change that existing law we can not give them any money to be expended for any purpose other than those purposes provided in the existing statute.

Mr. GROUT. Will the gentleman allow a question?

Mr. BARTLETT of New York. In one moment. Now, Mr. Speaker, I make the further point of order against the rider which is contained on page 42, and which provides that no part of this money shall be given to any institution or society which is under sectarian or ecclesiastical control—I say that it is a change of existing law, a change of the provision now found in section 52 of chapter 19, which says that these institutions shall do only one thing—that they shall report to the Government. That is now the only limitation. Here we change the law, and provide, in reference to these charitable institutions, that they can not receive any money.

Further, in reference to the Industrial Home School, I raise the point of order that the provision contained therein, on page 44, that the appropriation shall not take effect unless the charter be surrendered, is a change of existing law and that it imposes an impossibility. That is, the only condition upon which the money can take effect is the going out of corporate existence of the present entity. That is, it is a gift conditioned on the corporation ceasing to exist, involving, it would seem to me as a lawyer, a manifest absurdity.

Mr. GROUT. Will the gentleman allow me a question there?

Mr. BARTLETT of New York. I ask the Chair to send for the statutes of the District of Columbia if there is any doubt in the Speaker's mind.

The SPEAKER. The Chair has no doubt, as the gentleman states the matter, that the statute exists with regard to the Commissioners as he describes it.

Mr. GROUT. Will the gentleman from New York allow me a question or two? I think I shall not need to say anything further on the subject if he will allow that.

Mr. BARTLETT of New York. Certainly.

Mr. GROUT. Then I ask, in reference to the Industrial Home School, if the condition is not that it shall be transferred to the board of children's guardians, an institution now in existence in the District, which institution shall afterwards manage that school?

Mr. BARTLETT of New York. I should like to say to the gentleman from Vermont that I have never found in my practice—and it has covered considerable corporation practice—any provision of law by which a corporation could transfer its charter and go out of being and yet the charter be kept alive. I do not know any general provision of law which covers that. They may do it in Vermont.

Mr. GROUT. Not at all, and that is not done here. Another question with reference to the first point which the gentleman made, if he will answer, whether the sections he has read provide that the Commissioners shall not pay money which has been appropriated to them to pay? I ask if there is anything in the sections which the gentleman has read prohibiting that? If so, I should like to have him call special attention to it. Is there anything prohibiting them from paying out money appropriated by Congress to them with an order to pay it?

Mr. BARTLETT of New York. Mr. Speaker, in answer to the distinguished gentleman from Vermont, I would say that I understand it to be a familiar principle in law that the expression of

one is the exclusion of the other, and it being provided in the statute that the Commissioners shall have certain express powers—that is, it being provided that they can use the public moneys in only one way or in several ways—necessarily, by implication at least, they can not expend money in any other way, for the reason that they are not part of the legislative power. That is contained in the Congress of the United States. They are by statute the executive. They form the executive, and it would be manifestly improper for them to dole out largesse in this way.

Mr. GROUT. Now, one other question, if the gentleman will permit me. The first item on this subject is, "For the relief of the poor, $13,000." That is as it appeared in the bill before recommittal; and it has always been expended by the Commissioners. Would not the Commissioners, if the gentleman's construction of the statute be correct, be prohibited from paying out that?

Mr. BARTLETT of New York. I am not discussing that part of the bill. I am limiting my point to the part under consideration.

Mr. GROUT. But is not this paragraph first reported by the committee an extension of the first paragraph, which is stricken out, for the relief and care of the poor; and then, further, for these other charitable enterprises? Is not that a fact?

Mr. BARTLETT of New York. I charge that this is a radical change, and I regard it as an extraordinary piece of legislation.

Mr. GROUT. As a matter of fact, the $13,000 appropriated in this first item is the same, and has to be paid out by the Commissioners to the poor.

Mr. BARTLETT of New York. I do not know anything about that.

Mr. GROUT. Is not that the way the bill reads?

Mr. BARTLETT of New York. You are giving more power to the Commissioners in this bill. It is a piece of legislation without precedent.

Mr. GROUT. It is the same power more largely exercised.

Mr. BARTLETT of New York. Section 25 provides, referring to the Commissioners, in the first sentence:

> And shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works.

And section 36 provides:

> The Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of current expenses thereof, to the support of the public schools, the fire department, and the police, etc.

Now, I submit that here we have a statutory board, a complex or joint executive, created by statute, without any general powers, with all their powers expressly defined and limited by statute. We can not give them any powers except those which are already set forth here.

The SPEAKER. Does the gentleman think no power can be given to an individual?

Mr. BARTLETT of New York. I do not think we can delegate our legislative power to any individual.

The SPEAKER. Can not we employ an individual to do certain work?

Mr. BARTLETT of New York. I do not think, Mr. Speaker, that we can give $94,700 to anybody to distribute among charities; certainly not in an appropriation bill.

The SPEAKER. The ultimate thing to be sought after in this matter is what the appropriation is. The appropriation is for the care of the poor and destitute, and for charitable and reformatory work. It is evident that such an appropriation as that is not contrary to law; at any rate not for the present purposes. That question has been fully considered in Committee of the Whole, and no point of order was made in regard to it. Hence, for the purpose of this decision, it must be taken to be true that Congress has the right to make the appropriations named, as it has already been making such appropriations. If it has a right to appropriate, then it has the right to select whatever instrumentalities it thinks suitable for the purpose; and the fact that the Commissioners are officers, also, of the Government does not, in the judgment of the Chair, interfere with the matter at all, because Congress can impose that duty upon individuals, and certainly upon the Commissioners. As to the absurdity, or supposed absurdity, involved in the appropriation for the Industrial Home School, that is a matter for the House to pass upon, as it would be upon a constitutional question, the Chair not being able to decide upon either a constitutional question conclusively or upon a question of absurdity. The Chair overrules the point of order. The gentleman from Vermont.

Mr. GROUT. Mr. Speaker, the distinguishing feature of the amendment reported by the committee is, that it strikes out the private institutions and places the money heretofore appropriated in the hands of the Commissioners of the District for the same purposes heretofore used. If the Clerk will read the report, it will be sufficiently understood.

The report was read, as follows:

The Committee on Appropriations, to whom was recommitted the bill (H. R. 5210) making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1897, and for other purposes, having considered the same, report it back herewith and recommend its passage, amended as follows:

Strike out of the bill, as indicated on pages 37, 38, 39, 40, and 41, the following:

"For relief of the poor, $13,000.

"For municipal lodging house and wood and stone yard, $4,000.

"For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.

"For the Women's Christian Association, maintenance, $4,000.

"For Central Dispensary and Emergency Hospital, maintenance, $15,000.

"For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

"For the Children's Hospital, maintenance, $10,000.

"For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $8,500.

"For the Freedmen's Hospital and Asylum, as follows:

"For subsistence, $22,500;

"For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

"For rent of hospital buildings and grounds, $4,000;

"For fuel and light, clothing, bedding, forage, transportation, medicine and medical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500; in all, $54,000.

"Reform School for Girls, as follows: For superintendent, $1,000; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; in all, $4,425.

"For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $5,500; in all, $9,925.

"For the Washington Hospital for Foundlings, maintenance, $6,000.

"For the German Orphan Asylum, maintenance, $1,800.

"For the National Association for the relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.

"For Young Women's Christian Home, $1,000.

"For the Industrial Home School, for maintenance, including repairs, $9,900.

"Board of children's guardians: For the board of children's guardians, created under the act approved July 29, 1892, namely: For administrative expenses, including salary of agent, not to exceed $1,600, expenses in placing and visiting children, and all office and sundry expenses, $4,000.

"For the care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $43,200; in all, $47,200: *Provided*, That the institutions for children, including industrial and reformatory, namely, the Church Orphanage of St. John's Parish, the German Orphan Asylum, including its care of colored foundlings, the St. Ann's Infant Asylum, the Association for Works of Mercy, the St. Joseph's Asylum, the House of the Good Shepherd, and St. Rose's Industrial School, heretofore receiving aid by specific appropriation, are hereby remitted, except as herein specifically appropriated for, to the appropriation herein made, and to the said act of July 29, 1892, to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians, for all rights and benefits they may have under the provisions of the said act.

"For Hope and Help Mission, maintenance, $1,000.

"For Newsboys' and Children's Aid Society, maintenance, $1,000.

"For Eastern Dispensary, maintenance, $1,000.

"For Washington Home for Incurables, maintenance, $2,000.

"That no part of any money appropriated by this act for charities or charitable institutions shall be paid to any institution named in this act until the charter or articles of incorporation thereof shall be so amended as to accord to the Commissioners of the District of Columbia, or their designated agents, authority to visit and inspect such institution, and to control and supervise the expenditures therein of all public funds paid out of appropriations made by Congress: *Provided, however*, That no money herein appropriated is to be used for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking, which is wholly or in part under sectarian or ecclesiastical control."

And insert in lieu thereof, as indicated, the following:

"For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

"For municipal lodging house and wood and stone yard, $4,000.

"For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000.

"Freedmen's Hospital and Asylum: For subsistence, $22,500;

"For salaries and compensation of the surgeon in chief, not to exceed $3,000; two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $16,000;

"For rent of hospital buildings and grounds, $4,000;

"For fuel and light, clothing, bedding, forage, transportation, medicine, and medical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, $11,500; in all, $54,000.

"Reform School for Girls: For superintendent, $1,000; matron, $600; two teachers, at $480 each; overseer, $720; engineer, $480; night watchman, $365; laborer, $300; in all, $4,425;

"For groceries, provisions, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicine, medical attendance, hack hire, freight, furniture, beds, bedding, sewing machines, fixtures, books, horses, stationery, vehicles, harness, cows, stables, sheds, fences, repairs, and other necessary items, $5,500; in all, $9,925.

"Industrial Home School: For maintenance, including repairs, $9,900: *Provided*, That before this appropriation shall become available the board of managers of said Industrial Home School shall transfer the control and management of said institution, with all its right, title, and interest in and to the same, to the board of children's guardians, who shall thereafter control and manage said institution as an industrial home school and for such other child-caring work as shall be approved by the Commissioners of the District of Columbia, drawing moneys for supplies and maintenance of said institution by requisition upon said Commissioners and paying over all income of said institution to the said Commissioners. Said transfer shall include a surrender of the charter and corporate franchises of said institution, and the filing of an irrevocable release and surrender of all control of the same with the said District Commissioners.

"Board of children's guardians: For the board of children's guardians, created under the act approved July 26, 1892, namely: For administrative expenses, including salary of agent, not to exceed $1,600, expenses in placing and visiting children, and all office and sundry expenses, $4,000.

"For care of feeble-minded children; care of children under 3 years of age, white and colored; board and care of all children over 3 years of age, and for the temporary care of children pending investigation or while being transferred from place to place, $23,400; in all, $27,400."

Mr. GROUT. Mr. Speaker, it is the desire not only of the committee, but of members generally, so far as I have heard, to dispose of this bill in as little time as possible. The whole subject was discussed at length when the bill was before the House on a former occasion, and the newspapers of the city have published in full the amendment, showing just what is proposed to be done, so that every member probably knows what they are. Gentlemen on the other side have said that they wanted some time for debate. I have had some doubt whether they really desired to debate this question, but if they do, I am willing to make an arrangement for reasonable time.

Mr. TALBERT. I notice from the reading of the report that the committee recommend striking out pages 37, 38, 39, 40, and 41. I wish to ask the gentleman in charge of the bill if the same amount of money is appropriated here as the bill appropriated in its original form?

Mr. GROUT. Precisely the same.

Mr. BARTLETT of New York. Mr. Speaker, as I am a member of the subcommittee which considered this bill, I should like time to take part in the debate to a limited extent.

Mr. GROUT. The gentleman from New York is on the subcommittee and has indicated a desire to be heard on the bill, and, if he insists upon it, should be heard. Otherwise I should be glad to move the previous question. How much time does the gentleman want?

Mr. BARTLETT of New York. One hour for this side.

Mr. GROUT. Oh, we ought to reach a vote in less time than that.

Mr. BARTLETT of New York. Say forty-five minutes, then.

Mr. GROUT. I understood the gentleman to say once to-day that thirty minutes would satisfy him.

Mr. BARTLETT of New York. Yes; but other gentlemen—the gentleman from Alabama and others—on this side desire to speak. I shall not occupy more than half an hour myself.

Mr. GROUT. Can not the gentleman carve out of half an hour time enough for himself and the gentleman from Alabama [Mr. WHEELER]?

Mr. BARTLETT of New York. Make it forty minutes.

Mr. McMILLIN. Mr. Speaker, it strikes me that an entire change of the system which has prevailed for many years in relation to a considerable number of the charities of this city ought to be entitled to some discussion, and that three-quarters of an hour for that purpose ought not to be begrudged. I say that, not wishing myself to take any part in the debate, but in the interest of others who do.

Mr. CANNON. I suggest to the gentleman that he ask consent that a vote be taken upon this bill at 4 o'clock, or earlier if the member who has control of the time does not see proper to use it; the gentleman from New York [Mr. BARTLETT] being allowed forty-five minutes.

Mr. GROUT. I accept the suggestion and make that request.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

Mr. McRAE. Mr. Speaker, I want five minutes, and as I have no arrangement yet by which I can get it, I shall object unless I am provided for.

Mr. CANNON (to Mr. BARTLETT of New York). I suppose the gentleman from New York will give the gentleman from Arkansas five minutes?

Mr. BARTLETT of New York. I will yield five minutes to the gentleman with pleasure if he is in favor of my views.

Mr. McRAE. I have not heard your views. I prefer this provision to the old arrangement, but am not satisfied with it.

Mr. BARTLETT of New York. I suggest that the gentleman from Vermont give the gentleman from Arkansas five minutes, as he is on his side.

Mr. GROUT. I shall have but fifteen minutes, but will give the gentleman five minutes; but nobody else must ask. [Laughter.]

MRS. MAYBRICK.

Mr. HITT. Mr. Speaker, I ask the gentleman from Vermont [Mr. GROUT] to allow me to present at this moment a privileged report which will not bring on any discussion.

Mr. SAYERS. But it will take time.

Mr. GROUT. The vote on this bill is to be taken at 4 o'clock, and gentlemen on the other side are entitled to forty-five minutes.

Mr. HITT. But you have fifteen minutes' leeway.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. GROUT. Yes, sir, if no discussion follows.

Mr. HITT. Mr. Speaker, I present a privileged report.

The report was read, as follows:

Mr. HITT, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, to whom was referred the accompanying House resolution No. 240, having had the same under consideration, beg leave to report the same back with the recommendation that it be adopted, namely:

"*Resolved*, That the Secretary of State be directed to communicate to the House, if not incompatible with the public interests, such correspondence and other information as the State Department has in its possession in regard to the imprisonment of Mrs. Florence E. Maybrick, formerly of Mobile, Ala., and the steps that have been taken by our Government to secure her liberation or an inquiry by the Government of Great Britain into the merits of the case in which she was condemned."

The resolution was adopted.

On motion of Mr. HITT, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BARTLETT of New York. Mr. Speaker, and gentlemen of the House, I am not responsible for the injecting into our deliberations of a religious or semireligious question. It would be far from my wish personally to bring up this question again for discussion, but, having been a member of the subcommittee of the Committee on Appropriations, to which subcommittee this District appropriation bill was referred, I feel bound, not only for myself, but for the Democratic party, to call the attention of the House and of the country to the very peculiar condition of affairs existing with reference to the bill now under consideration. It will be remembered that some weeks ago the District of Columbia appropriation bill was brought into this House and was taken up for consideration in Committee of the Whole. There was then presented to the House, by the unanimous report of the Committee on Appropriations, a schedule providing for the appropriation of certain sums of money for the charities of this District.

The bill came into the House with the unanimous report of the Committee on Appropriations, Republicans and Democrats alike, and it was not until we got into Committee of the Whole that an onslaught upon the whole bill was made by the gentleman from Nebraska [Mr. HAINER].

In consequence of his attack, after deliberation of one or two days, certain charities were excised or cut out from the bill, those charities being Episcopal or Roman Catholic in nature, or at least alleged so to be, while other charities were allowed to remain within the bill. A conflict arose with reference to a Lutheran charity—the German Hospital—and although that charity had been cut out in the Committee of the Whole, yet, owing to the enormous number of telegrams with which members of the House, it is said, were deluged, a more favorable spirit attended our deliberations in the House, and the Lutheran charity was returned to favor. The outcome of the whole matter was that the bill failed to pass; that the onslaught of the gentleman from Nebraska was successful in so far only as it defeated for the time being the appropriation bill, but was not successful in so far as it was intended to carry out the views of himself or his followers.

Now, what is the question before the House to-day? I say that to the newly reported bill we find two salient objections. The bill, you will find upon examination, cuts out every specific appropriation for charities, but gives the whole sum, amounting to some $94,700, to the Commissioners of this District to be expended according to their discretion. In other words, the Committee on Appropriations says: "We are too cowardly; we dare not exercise our legitimate legislative functions; we dare not appropriate this money to these specific charities; but we throw the whole onus, the whole burden, upon the Commissioners of this District and authorize them to expend this money as they see fit."

Whether the point of order which was overruled by the Speaker was well taken or not—and I must assume for the purposes of this argument and in the light of such high authority that the point of order was not well taken—I say that this character of legislation is not healthy legislation. It lies at the fundamental basis of all constitutional governments that the three departments shall exist concurrently, but that the powers and functions of the one department shall never be trenched upon by the other; that is, that the legislative, the judicial, and the executive departments shall each in its particular sphere remain unassailable and inviolate.

I say that that is not only the rule in this country—in the United States of America—but in every sovereignty forming part of our Federal Union or our confederation. I could cite the decisions of the various courts of last resort in State after State, laying down this as a fundamental doctrine. I could call your attention to a great decision by the supreme court of Indiana—the case of The State *vs.* Jameson—where it was laid down as fundamental that

the powers of one department should never be trenched upon or violated by either of the other departments, and that the legislature of the State of Indiana could not exercise the appointing power, that function properly belonging to the executive department. I could call your attention to a decision in the court of appeals in the State of New York, which will be found reported in the fifty-fifth volume of its reports—the case of The People on the relation of Bolton *vs.* Albertson—where it was laid down that that was the most essential underlying principle in the State of New York; that it was absolutely essential that that principle should be maintained for the preservation of our existing system of local self-government in the various subdivisions of the State—counties, cities, towns, and villages. So I say that the first objection to the measure now under consideration is that in it we abdicate our legislative functions, that we give to these purely executive officers the right to legislate with reference to the charities of the District of Columbia; and for that reason I submit that this bill should not become a law.

What is the other objection? It is the provision, the "rider," which is in its nature similar to one of the planks of the platform of the American Protective Association. I refer to the sixth article of the creed of the American Protective Association, which declares that—

> We condemn the support, out of the public Treasury, by direct appropriation or by contract, of any sectarian school, reformatory, or other institution, not owned or controlled by the public authority.

I say that the provision now submitted to the House for approval, contained in these words:

> *Provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control—

I say that this "rider," this new provision inserted in this appropriation bill, is in essence the same as the plank of the American Protective Association, to which I have just called attention. I wish the members of this House could read the recent exultant article contained in the Illustrated American, signed by a member of the American Protective Association, in which he denounces everyone who believes in the Roman Catholic creed, and says in reference to the A. P. A.:

> It wields the balance of power in Congress to-day.

Now, gentlemen, the position I take is this: For years these charities have grown up in this District; for many years we have had in force the system of making specific and special appropriations for the benefit of these various institutions; we have appropriated money to these institutions, because they have been found to be excellent in character and efficient in their working capacity. These appropriations have been made without regard to the creed or the sect to which it might be claimed any one of these institutions belonged.

Now, it must be borne in mind that when this bill was considered in the Committee of the Whole certain charities were cut out. Two of those charities were under the control, or alleged to be under the control, of members of the Protestant Episcopal Church. I refer to the Church Orphanage of St. John's Parish and the reformatory institution known as the Association for Works of Mercy. These two charities were cut out; and in addition four Roman Catholic charities were deprived of the benefits which they had received in years past under this bill. I refer to the St. Ann's Infant Asylum, the House of the Good Shepherd, the St. Rose Industrial School, and St. Joseph's Asylum. I propose to devote the remainder of my remarks to the consideration of these specific charities. And I should like to ask the gentleman in charge of this bill, the gentleman from Vermont [Mr. GROUT], whether it is or is not his assumption that the Commissioners of the District of Columbia under the power given them in the bill would be obliged to refuse any aid to these charities which were excised from the bill when we had it under consideration before?

Mr. GROUT. Does the gentleman wish a reply now?

Mr. BARTLETT of New York. I should like to have an answer to the question.

Mr. GROUT. The gentleman ought not to be in doubt upon that point; he should remember that I stated distinctly, on the occasion when the bill was before the House heretofore, that I considered these institutions to be of a sectarian character, all of these institutions, and consented that they should be stricken out of the bill, and voted to strike them out.

What the Commissioners may do I will not undertake to say. It is for them to determine. The administration is with them.

Mr. BARTLETT of New York. Then I assume that the four charities which I have named, which are alleged to be under the control of the Catholic Church, and the Protestant Episcopal charities named, will be debarred from any benefit derived from this general fund placed in the hands of the Commissioners.

Mr. CANNON. Will the gentleman allow me just there?

Mr. BARTLETT of New York. Certainly.

Mr. CANNON. We enact legislation; the judiciary construes it, and the powers of the Commissioners under this provision and appropriation will be construed by the judiciary, or that which stands for it—the Comptroller—when the law is presented to him for construction by the Commissioners.

The claim of gentlemen in debate on this bill that any given charitable institution comes within the provision limiting the appropriation does not bring it within the limitation and should not and will not affect the action of the judiciary when it comes to construing the scope of this limitation. It is not what is in my mind or what is in the mind of the gentleman from New York or any other gentleman that would control or ought to control in the construction of this legislation when enacted. This, like all other acts, will be construed in the light of the real facts, and not according to the hopes, fears, or prejudices of anyone.

Mr. BARTLETT of New York. Do I understand the gentleman from Illinois that he concedes that there will be so much doubt under this provision that it will be necessary to have a contest in the courts?

Mr. CANNON. Oh, the gentleman from New York understands that the accounting officers of the Treasury pass the accounts, and under our law the District Commissioners have the right to ask the accounting officers of the Treasury for the construction of any act. What would be the construction they might put upon it, of course I do not know, nor could the gentleman from New York know. But it seems to me only proper, as we could not affect it, if we are satisfied with the legislation enacted, that we had better not attempt to construe it by affirming or admitting what may or may not be the facts upon which the law will operate when it does come to be construed.

Mr. BARTLETT of New York. The action of the accounting officers of the Treasury is not always satisfactory, I believe. I might call the attention of the gentleman from Illinois to the action with reference to the sugar-bounty cases. There the accounting officer of the Treasury acted, construed the law, and yet litigation was not avoided.

Now, is it a good thing for us to undertake to pass bills here which are doubtful in their character, or which would involve the necessity of an appeal to the accounting or auditing officers of the Treasury before their construction can be understood?

Mr. CANNON. Our fathers—practical men—in the inception of this Government, thought it proper to create a legislative and judicial department entirely distinct and separate from each other. They may have been very foolish old fellows, and I would be very glad if the gentleman from New York and myself were perfect and could legislate and adjudicate and construe. But I suggest to him that until the Constitution is changed he can not do it.

Mr. BARTLETT of New York. I am glad the gentleman from Illinois has in his mind so clearly defined the separation between the various functions of government, and in view of that condition of mind I should like him to account to the House for the fact that he supports a bill which gives the District Commissioners functions clearly not executive, but which are unquestionably legislative in their character, and certainly do not belong to any executive officers under ordinary circumstances.

Mr. CANNON. The gentleman and I do not want to switch off on a discussion of something else. The District Commissioners, under this and all other appropriations, expend the appropriation because they are authorized to do so by the law. They are the mere servants, the instruments used by Congress for expending the money in this District, but they have to expend the appropriation according to the law we create, and the judiciary passes on that law if there is any doubt as to its meaning—the Comptroller standing for the judiciary in this instance.

Mr. BARTLETT of New York. We did not start out in this case with the broad assumption that it is wrong for the State or the Government to give public money in aid of charity. Some gentlemen in the House believe it to be wrong in any case to take the funds of the Government derived by taxation and give them for the benefit of private charities. That position may be a logical one. I think some argument can be made in its favor, although Cooley, who is certainly the greatest authority on constitutional law, tells us that the maintenance of charities is clearly a public use, and has been so held in every country and State for many years past.

The subcommittee on appropriations—its majority—does not say that we must not give public money in aid of proper charities, but say that we have not enough knowledge, we have not enough intelligence to apportion the money which has been apportioned by our predecessors satisfactorily, but that we must delegate our functions in that regard to the Commissioners of the District of Columbia. In the first place, because they are better fitted than we are to discharge that duty or that function; and in the second place, because we escape all responsibility, although it would seem to be somewhat cowardly, still it would relieve us of all onus and all responsibility.

No charity can appeal to us for aid. The question whether an institution be sectarian or not can not be determined by us, but all these charities are referred to the Commissioners of the District of Columbia, in what hope? In the hope, perchance, that

they will evade the very terms of the law which we enact. In the hope, perchance, that they may give to a charity clearly debarred by the provisions of the law some portion of this money, or, if they fail to give it, that all the responsibility for such failure will rest, not upon the Congress of the United States, but upon the Commissioners of the District of Columbia.

So the position that the majority take in reference to this bill is that it is all right to give $94,700 of the public money to the various charities of the District, but that there must be one limitation placed upon the power of giving, and that is, that no money shall be given to any institution which is influenced or controlled to the slightest extent or in the faintest degree by any Christian sect, by any religious body, by any member of any religious body. In other words, we proscribe not only Roman Catholicism, not only the Protestant Episcopal Church, but we proscribe every Christian sect, and we make the belief in any Christian faith almost a crime. We say that if the institution be an institution where a voice is raised in prayer that that institution shall be debarred from any benefit of the provisions of this gift made to the Commissioners of the District of Columbia.

Now, are you willing to take that position? Are you willing to go back to your constituents and say, "We are against religion; we do not believe in it; we think it is wrong; we think it is a crime?"

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-four minutes.

Mr. BARTLETT of New York. There are special reasons why the gift to these charities—that is, to the four Roman Catholic charities and to the two Protestant Episcopal charities—should be continued. I will call attention to two or three of these charities, because in the limited time which remains I can not call attention to the others.

The Church Orphanage of St. John's Parish receives girls and small boys, regardless of creed. The St. Joseph Male Orphan Asylum is an asylum in this District where the daily attendance of orphan boys is about 100, and these inmates are orphan boys of the city and District, and are received irrespective of creed.

In reference to St. Ann's Infant Asylum, that is the best foundling or infant asylum in the District, and I was informed only two or three days ago by a distinguished physician of this city that it is the best administered institution of the kind in the country, and that if this institution were not kept up, the cases of infanticide would increase enormously in the District of Columbia, and that the police authorities were unanimous in their recommendation of the practical working of this infant asylum. In the official report to the Government it is stated that no worthy application for admission to the asylum was refused; that children of all nations and creeds, white and colored, Protestant and Catholic, are admitted and cared for.

Now, I submit, gentlemen, that charities of this kind and character should not be debarred from the benefits of this appropriation, and I shall offer as an amendment to the section under consideration the whole of the former section reported to the House by the Committee on Appropriations, with a further proviso added that no part of the money shall be paid to a teacher or professor of theology or religion, making my amendment conform exactly to the amendment with reference to Howard University, which received the support of this House only a few days since.

Mr. GROUT. Of course the gentleman understands that that amendment would not be in order. The previous question takes effect at 4 o'clock.

Mr. BARTLETT of New York. That is neither here nor there. It shows the true position which should be taken. The purpose of offering this amendment may be to call the attention of the House to the legislation which should find favor here.

The proper thing for the House to do to-day would be to vote down the section absolutely and to force the adoption of the section recommended by the Committee on Appropriations when this bill first came up for consideration; that is, giving to these various charities the specific sums which we all favored when the bill was first considered, and adding thereto the qualification or proviso which we adopted a few days ago in reference to Howard University. For if that were considered proper for Howard University, it certainly should be considered proper in reference to all these other charities.

I reserve the balance of my time, and yield now to the gentleman from Alabama [Mr. WHEELER].

Mr. CANNON. Is there any theological chair in St. Ann's Asylum?

Mr. BARTLETT of New York. I would say to the gentleman from Illinois that the object of the amendment adopted in reference to Howard University was to prevent the expenditure of any of the public money for the teaching of any special doctrine. Now, if that is what they aim at in this proviso or amendment offered to-day, I say in behalf of all these charities, we will not expend one dollar for instruction in any doctrine, or in any creed, or in any system of theology. All we want is the money for the poor and helpless, for the orphan boys, for the little children of the District of Columbia.

Mr. CANNON. If the gentleman will allow me, I will state that if the gentleman wants to take care of the children, in my judgment this bill takes care of every child that is entitled to care at the hands of the public Treasury and has been receiving care heretofore.

The SPEAKER. The gentleman from New York has fifteen minutes remaining. How much time does he yield to the gentleman from Alabama?

Mr. BARTLETT of New York. I yield the gentleman eight minutes.

Mr. WHEELER. Mr. Speaker, I am opposed to the amendment which has been incorporated in the bill upon several grounds.

The amendment should be defeated, because it is not in the line of economy and good legislation. It takes away money where it has been economically, judiciously, and usefully expended and puts it in a new field where there has been no experience in this line of work, and the inhibitions in the proviso are such that it can not be used to the best advantage and may result in casting upon the District an expenditure of more than a million dollars which heretofore has been assumed by the charitable people of this city.

The amendment inhibits the use of any of the money appropriated for any of the charitable institutions of the city which are controlled in any manner by religious associations or are under sectarian or ecclesiastical control.

This is legislation upon religion.

Heretofore we have appropriated money for all of the charitable institutions of the city without inquiring into or considering the religion of those who controlled them.

This amendment appropriates in such a manner that the money must all go to those institutions which are not under religious control, and none of it can go to the institutions which are superintended or controlled by any of the various churches.

PROPOSED LEGISLATION VIOLATES THE CONSTITUTION.

There is no one who will go further than myself in opposition to any legislation which tends to build up any one church or creed over another, and it was to prevent this that our forefathers incorporated in the Constitution the prohibitions on this subject which are contained in that instrument.

Article VI of the Constitution says:

No religious test shall ever be required as a qualification to any office or public trust under the United States.

The duties reposed in the charitable institutions by virtue of appropriations as formerly made were in the nature of a public trust, and for thirty years the Congress of the United States has given such appropriations to these institutions; and now, for the first time in our country, a religious test is imposed requiring a qualification as a condition to this public trust, which is certainly violative of the spirit if not the letter of our Constitution.

Also, the first amendment to the Constitution provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Now, Mr. Speaker, one effect of this provision is most certainly to inhibit the exercise of religion.

Judge Story, in referring to the constitutional prohibitions, section 1877 of his work on the Constitution, says:

The real object of the amendment was not to countenance, much less to advance, Mahometanism, or Judaism, or infidelity, by prostrating Christianity, but to exclude all rivalry among Christian sects and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the National Government. It thus cuts off the means of religious persecution (the vice and pest of former ages) and of the subversion of the rights of conscience in matters of religion, which had been trampled upon almost from the days of the Apostles to the present age. The history of the parent country had afforded the most solemn warnings and melancholy instructions on this head; and even New England, the land of the persecuted Puritans, as well as other colonies where the Church of England had maintained its superiority, would furnish out a chapter as full of the darkest bigotry and intolerance as any which could be found to disgrace the pages of foreign annals. Apostasy, heresy, and nonconformity had been standard crimes for public appeals, to kindle the flames of persecution, and apologize for the most atrocious triumphs over innocence and virtue.

Judge Story here mentions that New England was at one time guilty of the darkest bigotry and intolerance, and singularly the intolerance which we object to in this bill is largely due to the intolerant expression in the Republican platform lately adopted in the Massachusetts State convention.

I contend that it is a dangerous innovation for Congress to legislate in any manner about religion.

WRONGS COMMITTED BY WELL-MEANING PERSONS.

I do not doubt the good intentions of the gentlemen who framed this bill, but the history of the world shows that all persons who have attacked the cause of religion in any form have believed they were actuated by the best possible intentions. Certainly no one will question that in his persecutions of the Christians before his own conversion, St. Paul was actuated by the best intentions. It is even contended by historians that Nero, Trajan, Diocletian, and other Roman emperors thought they were serving the gods they worshiped when they tried to destroy Christianity.

I suppose that no one will deny but that the Mohammedan Turks believe that they are obeying the mandates of the God they worship in the cruel crimes now being committed by them. I by

no means charge the gentlemen responsible for this objectionable clause with any intentional wrong or any intention to assault the Christian religion or any intention to injure that sacred cause, but according to them, if you please, excessive religious zeal, I with confidence predict that this action is of a character which enlightened history will some day denounce as a species of religious persecution, animated by the same spirit of intolerance which actuates the Turks in the murders of the Christian Armenians and which actuated the persecutors in the darkest days of the inquisition.

It was to prevent people with good intentions assailing the Christian religion and Christian forms and Christian worship that our forefathers placed the restrictions in the Constitution. It may be contended, Mr. Speaker, that this measure does not violate it; but what is the fact? Here are a number of institutions; some under religious control, and some not. Ninety thousand dollars is appropriated, and then a proviso is put in that none of this $90,000 shall be used for those institutions which are controlled by religious or ecclesiastical denominations. That is an inhibition of religion. It is legislation upon religion; and if we establish a precedent of legislation upon religion in one form, it is a precedent which may be used to violate every purpose which was sought to be prevented when our Constitution was framed, and might finally destroy religion itself.

The effect of the objectionable and, as I contend, unconstitutional proviso will be to, at least in a measure, paralyze the Christian work of those who are doing much in the cause of charity.

ALL DENOMINATIONS ENGAGE IN THIS CHRISTIAN CHARITY.

These God-anointed, Christ-anointed, heaven-anointed, saintly beings, whose entire lives are devoted to Christ's service; these beings who connect this earth to heaven; these beings likened unto angels, who bring earth and heaven together, who, possessing the form of humanity, are endowed with angelic attributes; these beings whose daily appeal to heaven is, "Lord, what wilt Thou have me do?" And the answer is: "Charity; be charitable"—and in the language of Christ's greatest apostle, St. Paul:

And though I have the gift of prophecy and understand all mysteries and all knowledge, and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.

In obedience to this admonition, this character of people of all denominations—Methodists, Presbyterians, Episcopalians, Baptists, and Catholics—by contributing their own fortunes and their entire time and by procuring donations, have built up charitable and reformatory institutions which now own property to the amount of $1,283,000.

The beneficiaries of these institutions are the kind of people who are cared for by the municipalities of all civilized countries. The institutions have not been able to meet the many demands upon their charity, and for many years it has been the custom of the Government to appropriate small sums to these institutions on condition that they would care for the orphans, the sick, the reformed, and the aged, the indigent, and unfortunate of ever kind to whom civilized people extend comfort and care. To show how almost entirely these people have been cared for by the institutions, and how little aid they have had from the Government, I have prepared the following table, the figures being taken from the report of Colonel Tracey, the superintendent of charities:

*Table showing the amount which was proposed to be appropriated to certain institutions when the bill was first reported to the House, and the average number of inmates during the past year.*

| Institutions. | Proposed appropriation. | Average number of inmates. |
|---|---|---|
| Woman's Christian Association | $4,000 | 91 |
| Washington Hospital for Foundlings | 6,000 | 34 |
| Church Orphanage Association of St. John's Parish | 1,800 | 95 |
| German Orphan Asylum | 1,800 | 39 |
| St. Ann's Infant Asylum | 5,400 | 130 |
| Association for Works of Mercy | 1,800 | 26 |
| House of the Good Shepherd | 2,700 | 91 |
| St. Rose's Industrial School | 4,500 | 65 |
| St. Joseph's Asylum | 1,800 | 100 |
| Young Women's Christian Home | 1,000 | 328 |
| Total | 30,800 | 999 |

This shows that the annual cost to the Government for the care of each of these persons is $31.03, the daily cost being but 8 cents, and the cost to the Government of St. John's Episcopal Asylum is only about 4 cents per capita per day.

BURDEN THAT THE PROPOSED LEGISLATION MAY CAST UPON THE GOVERNMENT.

These institutions alone own private property valued at $594,000, and all the institutions engaged in this charitable work own private property amounting to $1,283,000, and if the entire burden were assumed by the District government it would cause an immediate outlay of at least, if not more than, that sum of money. Now, to ascertain the least possible cost to the Government for maintaining these institutions, we will compare them with three institutions which are so conducted, and which all will concur are conducted with most commendable economy and with much more economy than is common in Government institutions:

*Table showing amount expended by the Government to maintain the Reform School, the Girls' Reform School, and the Washington Asylum.*

| Institutions. | Appropriation. | Average number of inmates. |
|---|---|---|
| The Reform School | $41,902 | 201 |
| The Girls' Reform School | 9,425 | 60 |
| The Washington Asylum | 62,415 | 522 |
| Total | 113,742 | 783 |

This shows that these economically conducted institutions now cost the Government $145.26 annually for each beneficiary, about five times as much as the cost of maintaining them in institutions which have so long and so commendably done this work. It is therefore plain that if the entire burden of these dependents were placed upon the Government, we would have to appropriate at least $1,283,000 for buildings, and for maintenance the cost would be at least five times as much as is now being contributed by the Government.

The reason why so much good has been done with but little means is that good ladies of this city of all denominations devote their time, their energies, and their means to this work.

PRACTICAL ECONOMICAL WORKING OF THE OLD PLAN.

The practical working of the plan which is sought now to be overturned is this: Take the Church Orphanage of St. John's Parish as an illustration. They have their buildings and property, all of which have been donated by charitable people, and are worth $60,000. The contributions last year from private sources amounted to $7,521. Every cent of this was spent in the maintenance and education of orphans, not one farthing, as shown by the superintendent of charities in his report, page 73, being paid for salaries. The income of the asylum was not sufficient to maintain and educate all the orphans that could be sheltered in their buildings. The asylum, therefore, received about 36 orphans which otherwise the District Commissioners would have been compelled to provide for; and all will admit that to provide education, shelter, clothing, and food for 36 orphans, under ordinary circumstances, would cost the Government about $6,000 or $7,000 a year, and yet all this is done by St. John's Orphanage at an expense to the Government of $1,800. I make these calculations upon the basis of the average cost of maintenance in that most economically managed institution, the Reform School, which we have seen cost the Government $41,902 for 201 inmates, the cost for each inmate therefore being $208.41 per annum, of course making proper allowance for necessary expenses, heat, light, etc. In a word, my contention is, that the $1,800 given to St. John's by the Government enables them to maintain 36 more orphans than they could without that contribution, and that for the Government to give these children the same advantages where the District would have to bear all expenses would cost at least six or seven thousand dollars.

But we should also remember that all the inmates of St. John's Orphanage numbering, as they frequently do, as many as 115 are public charges upon the District, and were it not for the charitable people who have maintained that asylum, the District would be compelled to bear the entire expense, which at the rate expended by the Reform School would be $23,967.95 a year. And this would apply equally to all the institutions; therefore we see if it were not for these charities, an enormous burden would be cast upon the District, appropriations for which Congress would be compelled to make.

CONSTITUTIONAL FATHERS ON RELIGION.

People who oppose legislation simply because its effect will be to aid and encourage the cause of religion, and who seek to justify their action by the clause of the Constitution on that subject entirely misapprehend the purpose sought to be attained by our constitutional fathers. Before the adoption of that instrument our fathers in the Congress of the Confederation unanimously adopted the following:

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The debates upon this subject by those who adopted the Constitution show that the purpose they sought to attain was—

To exclude all rivalry among Christian sects and to prevent any ecclesiastical establishment from having exclusive patronage of the National Government.

They were emphatic in their expressions of advocacy of the cause of religion.

STORY'S COMMENTARIES ON RELIGION IN THE CONSTITUTION.

Judge Story, in referring to the constitutional prohibition, paragraph 1873, says:

Now, there will probably be found few persons in this or any other Christian country who would deliberately contend that it was unreasonable or unjust

to foster and encourage the Christian religion generally as a matter of sound policy as well as of revealed truth.

Further down the same paragraph, this eminent writer on the Constitution says:

Indeed, in a republic there would seem to be a peculiar propriety in viewing the Christian religion as the great basis on which it must rest for its support and permanence.

Paragraph 1874, Judge Story says:

Probably at the time of the adoption of the Constitution and of the amendment to it now under consideration, the general if not the universal sentiment in America was that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and the freedom of religious worship,

I will now read from the next paragraph, No. 1875:

It yet remains a problem to be solved in human affairs, whether any free government can be permanent where the public worship of God and the support of religion constitute no part of the policy or duty of the state.

The entire text of Judge Story's chapter on the "freedom of religion" shows that he alludes to the encouragement and support of the Christian religion in general as a necessary safeguard of the Constitution.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT of New York. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. BARTLETT of New York. I yield five minutes to the gentleman from Massachusetts [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, an enforced absence on account of illness at the time this matter was discussed before must answer for my wearying you at this time.

If I understand the present parliamentary status of this appropriation bill it is too late for any amendment to be offered, and the members of the House must content themselves with voting in the affirmative or in the negative when the vote is taken.

When this matter was discussed before the gentlemen who advocated striking out the provisions for the so-called sectarian institutions proclaimed in the strongest terms their freedom from any religious bigotry and prejudice, and said they were actuated by a desire to rid the Government of all contact with denominational or sectarian institutions.

Yet I find during this very week, when the bill appropriating money for the Howard University, a private denominational school, was being considered, these very same men, having found a way to distinguish between "tweedledum and tweedledee," voting in favor of that proposition.

Mr. Speaker, there is no need of any concealment as to who are the real instigators of this movement to take away these appropriations from the Catholic institutions.

It is an open secret that on the night before this bill was reported a committee of the American Protective Association waited upon the members of the Committee on Appropriations and demanded that they strike out of the bill the provision granting aid to the Catholic institutions in the District of Columbia.

They gave no reasons. They did not deny that those institutions were worthy in every respect or that they expended in an economical and praiseworthy manner every dollar that was appropriated for them and were doing a noble and Christian work in this city, helping the orphans and taking care of the unfortunate.

The members of this notorious organization have taken an oath against the Roman Catholic Church and its members, and the hand of the organization has been clearly shown here in Congress in the defeat of appropriations for Catholic institutions in the District of Columbia, and for Catholic Indian schools.

Appended is the oath taken by every member of the American Protective Association:

I do most solemnly swear that I will not allow anyone a member of the Roman Catholic Church to become a member of this order, I knowing him to be such; that I will use my influence to promote the interests of all Protestants everywhere in the world; that I will not employ a Roman Catholic in any capacity if I can procure the services of a Protestant; that I will not aid in maintaining or building by my resources any Roman Catholic Church or institution of their sect or creed whatsoever, but will do all in my power to retard and break down the power of the Pope; that I will not enter into a controversy with a Roman Catholic upon the subject of this order, nor will I enter into any agreement with a Roman Catholic to strike or create a disturbance whereby the Roman Catholic employees may undermine and substitute the Protestant; that in all grievances I will seek only Protestants and counsel with them to the exclusion of all Roman Catholics, and will not make known to them anything of any nature matured at such conferences; that I will not countenance the nomination in any caucus or convention of a Roman Catholic for any office in the gift of the people, and that I will not vote for nor counsel others to vote for a Roman Catholic, but will vote only for a Protestant; that I will endeavor at all times to place the political positions of this Government in the hands of Protestants. To all of which I do most solemnly promise and swear, so help me God.

Is this free America that such an organization as this can live in our midst? And is it necessary in this, the enlightened nineteenth century, for Roman Catholics to apologize for serving God in any manner they see fit? I stand upon the floor of this House a Roman Catholic born and bred and proud of it, and I deny the right of any secret, oath-bound organization to come before the legally chosen representatives of the great American people and, by its dark, deep, and insidious methods, seek to deprive me and the members of the church to which I belong of the honest rights and privileges of American citizenship.

These same men, if war should break out to-morrow with England on account of the Venezuelan matter, or with Spain on account of the Cuban resolutions, would be found taking the steamer for the British provinces to put themselves under the protection of Queen Victoria and the British flag, as their fathers did in the war of the rebellion.

I challenge any member of the A. P. A. organization or any member of this House in sympathy with it to name any instance in the history of our country where the Roman Catholics, either individually or collectively, have been false or recreant to their trust.

Are not the Roman Catholic people of this country entitled to fair treatment and consideration? Was not the banner of the cross the first symbol of religion waved upon these shores? Was not the holy sacrifice of the mass the first form of worship paid to Almighty God here, and were not the hymns to the Blessed Virgin the first notes of music wafted from one end of this broad land to the other?

Was it not the genius and energy of a Roman Catholic—Christopher Columbus—that opened up to the Old World the treasures and resources of the New? And only a few years ago, on the occasion of the four hundredth anniversary of the discovery of America, did not the people of two worlds, without distinction of race or country, join warmly and sincerely in honoring the name of this great Catholic?

All over America the people with one accord commemorated the event and honored the discoverer.

The historian, the artist, the poet rivaled one another in their desire to do honor to the memory of that great man. Statues and monuments were erected and pageants and processions formed in every part of our glorious Union.

Every city, every State, and the nation itself appropriated thousands and thousands of dollars, and vied with one another in organized movements to do honor to this great discoverer.

Thus we have seen the celebration of the discovery of Christopher Columbus, who was the true offspring of the ages of faith of the undivided church Catholic, enlisting strongly and powerfully the sympathies of the great American people. How grandly before our eyes loom up the record of the daring deeds and heroic martyrdom of the Catholic missionaries. Their noble sacrifices will forever stand as a beacon light for the admiration of all mankind. Look at Père Marquette. Look into the life of the brave priest whose mobile face now gazes on the multitude as they throng to and fro through Statuary Hall and reflect on the trials of that great discoverer and missionary, who labored far from the haunts of civilization, with no hope of personal reward and animated solely by a desire to promote the cause of the Almighty and His church.

Contrast with this if you will the base minds and ignoble souls of those who, blinded by ignorance and prejudice, demand the removal of that noble work of art from yonder hall.

The divinity of that religion which nerved the hearts and gave strength and force to the arm of that great hero will never permit that sacrilege. What a glorious record the Catholics made for themselves during the war of the Revolution! Who can forget the kind and noble words uttered by George Washington when speaking of the valor and faithfulness of the Catholics in that great struggle? And does history not tell us that some of his closest friends and advisers were the Catholic members of his staff?

What American can ever forget the name of Capt. John O'Brien, who achieved the first naval victory against Great Britain off the coast of Maine? What American does not reverence the name of Commodore Jack Barry, the father of the American Navy? Did not Catholic France, when the army of Washington lay starving and in rags during that cold, bleak winter at Valley Forge, send food and money and munitions of war? And did not the aid received from France at that time mark the turning point in the war? Consider carefully the names of the great heroes of that struggle, and you find the names of Barry and Kosciusko and Pulaski and Lafayette going down to posterity with those of Washington and Adams and Hancock and Warren. In those days you could not find men banded together in secret, stealthily creeping around from one end of the country to the other stabbing their fellow-citizens in the back and intriguing against their religion. Broader and nobler sentiments guided the minds of the American people in those days.

A great many of my fellow-members here can testify from personal experience to the bravery and devotion of the Catholic soldiers in the war of the rebellion.

Were not your eyes gladdened on many a bloody field by the sight of the green flag waving side by side with Old Glory as those Irish Catholic boys charged against the enemy, and did you ever see that green flag waver or fall back?

Whichever way, says a Northern general with a splendid record, we turn for the history of Irish-America, the case is the same; we

meet with nothing but cause for honest pride; they are true patriots, good citizens, splendid soldiers.

Said General Longstreet, the manner in which the Irish Catholic Brigade breasted the death-storm from Maryes Heights, Fredericksburg, was the noblest sight in the war. Six times in the face of withering fire before which whole ranks were mown down as corn before the sickle, did the Irish Brigade rush up the hill, rush to inevitable death. I looked with my field glass, said the adjutant-general of General Hancock's staff, and I looked for a long time before I was certain of what I saw. I at first thought that the men of the brigade had lain down to allow the showers of shot and shell to pass over them, for they lay in regular lines. I looked for some movement, some stir, a hand or a foot in motion, but no, they were dead; every man of them, cut down like grass.

Again and again, they had braved the terrific fusilade, and out of twelve hundred who bore a green badge at the beginning of that eventful day, 1,000 lay upon the field, mown down like grass.

This story of men Irish by blood, American by birth and adoption, was seen on every battlefield from the Potomac to the Gulf, and their brave deeds and heroic actions will be held in sacred memory by their offspring for all time.

It is the undisputed testimony of every officer in that war that no braver or more heroic men ever fought for the Union than those who wore the green badge and plume.

Let the men who fought under Sheridan and Rosecrans and Meagher testify to the love and devotion with which they followed the Stars and Stripes.

Did anyone stop to consider when Sheridan was riding toward Winchester town whether he was a Catholic or not?

Will the brave men of 1861–1865 ever forget the devotion and love with which the white-robed Sisters of Charity ministered to the wants of those famished and dying soldiers, and did they not move about from bed to bed in Southern hospitals and prisons like white-winged angels of peace, comforting the sick and ministering to the dying?

Mr. Speaker, I have briefly outlined the story of the devotion of the Catholic people to this great nation of ours. Their work and history speak for themselves and need no defense at my hands.

By their blood have they shown their loyalty to American institutions, and the past four centuries have been the witness of their noble lives, their heroic labors, and their glorious sacrifices.

They have toiled in the forest and on the sea, in the mountain and on the prairie, amid the pleasant scenes of the village and in the dark surroundings of the cities, and in every walk of life have they been faithful and true.

They have aided in the construction of our railways; they have cultivated the soil; they have dug from the mountains their vast treasures of gold and of silver, of iron and coal, and they have linked their destinies and their children's destinies forever with those of this great Republic.

If the glory of nations springs from the graves and brave deeds of their sons, then surely gratitude and justice demand that the services performed by the Catholics of America should be transmitted to posterity with admiration and reverence, not with calumny and abuse. Side by side with the oath taken by the members of the A. P. A., I wish to place the words of our noble martyred President, Abraham Lincoln, who when asked forty years ago in regard to the Know-nothing movement, said:

I am not a Know-nothing; that is certain. How could I be? How can anyone who abhors the oppression of negroes be in favor of degrading any classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring that "all men are created equal." We now practically read it, "All men are created equal except negroes." When the Know-nothings get control it will read, "All men are created equal except negroes and foreigners and Catholics." When it comes to this I shall prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for instance, where despotism can be taken pure and without the base alloy of hypocrisy.

William H. Seward, who has been termed the father of the Republican party, said, in answer to a question regarding the Know-nothing movement:

Secret societies, sir! Before I would place my hand between the hands of other men in a secret lodge, order, class, or council, and bending my knee before them enter into combination with them for any object, personal or political, good or bad, I would pray to God that that hand and that knee might be paralyzed, and that I might become an object of pity and even of the mockery of my fellow-men. Swear, sir! I, a man, an American citizen, a Christian, swear to submit myself to the guidance and direction of other men, surrendering my own judgment to their judgment, and my own conscience to their keeping? No, sir; no!

Proscribe a man because he was not born in the same town or country in which I was born? No! Mr. President, you know now the length and breadth of my connection with the new and mysterious order of patriots, the Know-nothings.

Our glorious Washington said in 1790, answering an address of Catholics of America:

As mankind become more liberal, they will be more apt to allow those who conduct themselves as worthy members of the community as equally entitled to the protection of the civil government. I hope ever to see America among the foremost nations in examples of justice and liberality, and I presume that you, fellow-citizens, will not forget the patriotic part which you took in the accomplishment of their Revolution and the establishment of their Government, and the important assistance they received from a nation in which the Roman Catholic religion is professed.

Mr. Speaker, these sentiments express the opinions of three of the greatest Americans that ever lived.

It is in the spirit of their utterances that I appeal to this House to be fair, to be liberal, to be just in their treatment of these Catholic charities. [Loud and long-continued applause.]

Mr. BARTLETT of New York. I reserve the residue of my time—two minutes—until the other side has been heard from.

Mr. GROUT. I yield to the gentleman from Arkansas [Mr. McRAE] five minutes.

Mr. McRAE. Mr. Speaker, I propose the following amendment, which I will read so as to save time:

Transpose the proviso in lines 8 to 13, on page 42, to the end of the new paragraph, after line 25, page 44: "*And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination or any institution or society which is under sectarian or ecclesiastical control."

Mr. Speaker, while I do not approve all the provisions of the new paragraph on charities, and while I think the Committee on Appropriations has not met this question with that courage which should characterize a matter of this importance, I admit that it is a vast improvement upon the unjust and inconsistent paragraph that was in the bill at the time it was recommitted. I am in favor of the largest freedom and right of conscience, and I shall always insist that all religious denominations shall have what our Constitution guarantees to them, the right to worship God according to the dictates of their own consciences. Nothing has conduced more to the honor and glory of our country than the protection against all enemies of its religious and personal liberty. The Christian churches have done much for the poor, for the unfortunate children and feeble women of this city; but if they desire to continue as worthy instruments in the enforcement of God's great laws of mercy, humanity, and compassion they should not ask any aid from the Government. The church that must appeal to the Federal Treasury for charity to be by it dispensed among the unfortunates of its charge will soon become spiritually dwarfed and ruined so far as its influence for good is concerned.

This paragraph looks to me as if Congress were now turning its attention in the direction in which I have insisted it ought to have gone years ago—that of providing some rational and just system of public charities in the District of Columbia. The committee has not proposed a complete and permanent system, as it should have done; yet if the provision be amended as I have proposed it will put the whole of the appropriations in the hands of and under the control of the District Commissioners and treat all private institutions alike.

I will not undertake to say whether any of the institutions mentioned in this or the other paragraph are sectarian or not. Their friends say that they are not; others allege that they are; but all admit that they are not public and not under public control. No religious organization or private institution should ask to be aided in the works of charity which it does by appropriations from the public Treasury. If the Committee on the District of Columbia will devise some proper system for distributing such public charities as should be dispensed within this District, I dare say that every man in this Congress will give his hearty support to a liberal appropriation for that purpose. Some of us may insist that all of the appropriations for such purposes shall be taken out of the District funds, but whatever the source from which the money comes, there should be a sufficient sum appropriated to feed the hungry, clothe the naked, shelter the houseless, and care for the sick and feeble of all ages, sexes, and color; and I hope that no amount of clamor in favor of or against one or another religious denomination of this country will prevent Congress from doing that which it ought to do for the helpless unfortunates who are here.

While I myself believe that the appropriations for all these charities should be paid from taxes collected from the people of the District, yet I do not insist that we should withhold all charitable appropriations for the current year because that method of payment can not be adopted. I do not subscribe to the doctrine advanced by some gentlemen that we can determine the correctness of our appropriations by the nonsectarian test, for there are many other ways of misappropriating money than that of aiding religious organizations, and I think this bill is an example of it. If we grant aid to private institutions because they are controlled by people who profess no religion, and refuse it to those managed by God-fearing Christians, it is a discrimination against religion. I deny the right to do this and insist that the greatest good will be accomplished by keeping the public, private, and church charities separate and independent of each other. I think the amendment now proposed by the committee is subject to much criticism and objection, unless my amendment is adopted. The proviso declaring that no part of the money appropriated shall be paid to or be used for sectarian purposes should attach to every institution in the District, and not merely to a part of them. The insertion of this proviso in the midst of the committee's amendment, I think, will make a discrimination against some institutions in favor of others. Some have money given

them directly, while others have none, but are remitted to the Commissioners. I hope the gentleman in charge of the bill will consent that the amendment I have proposed may be adopted, so that none of the institutions will have any preference, and will all have the same opportunity to be employed by the District Commissioners. [Applause.]

[Here the hammer fell.]

Mr. GROUT. I ask now that the gentleman from New York [Mr. BARTLETT] use his time.

The SPEAKER. The gentleman from New York [Mr. BARTLETT] is entitled to two minutes.

Mr. BARTLETT of New York. Mr. Speaker and gentlemen, if this debate has served no other purpose——

Mr. McRAE. I had proposed this amendment which I read. I suppose it will be considered pending.

Mr. GROUT. I yielded to the gentleman for remarks, not for an amendment. Of course it is subject to objection.

Mr. BARTLETT of New York. Mr. Speaker, if this debate has served no other purpose, it has at least demonstrated the lack of wisdom and political judgment on the part of the majority of the Committee on Appropriations in bringing in an amendment such as that now under consideration. I do not believe that the majority of the gentlemen on the other side of this House believe that the injection of this religious question into the discussions of this House is a wise political move. I do not believe that they would favor any such amendment as that which has been offered by the gentleman from Vermont if they had a fair opportunity to express their opinions thereon.

There are two objections to this proposition—first, that it is a blow, and is designed to be a blow, struck at the Roman Catholic religion; and in striking that blow I say that you gentlemen of the Republican party make a great mistake, because you necessarily alienate from yourselves the Roman Catholic voters who have heretofore cast their ballots for your candidates.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, there is left me only one minute in which to close this debate, but that is all that is necessary.

I deny that this amendment is an attack on the Roman Catholic Church. If so, the Democratic party in 1876 made an attack on the Roman Catholic Church, because they put into their national platform precisely the same principle contained in the limitation to the expenditure of the money herein appropriated. The whole charge of the gentleman is false. No church is attacked. The limitation simply provides that none of the public money shall go for the support of any church or of any institution under sectarian or ecclesiastical control. The hour for this discussion has been entirely consumed, except this minute, by the other side of the House, and the more they have talked against it the more it has become apparent that this it is the only ground on which the American people can safely stand.

[Here the hammer fell.]

The SPEAKER. The question is on agreeing to the amendment.

Mr. McRAE. Mr. Speaker, I desire to have a vote on my amendment first.

The SPEAKER. The difficulty is, however, that the time for taking the vote agreed upon by the House has arrived.

Mr. McRAE. But, Mr. Speaker, I moved the amendment in time. This is simply to transpose the words——

Mr. GROUT. I made no agreement with the gentleman to allow an amendment to be offered. I yielded him time, but not for an amendment.

Mr. McRAE. I did not suppose that it would require your consent to offer an amendment.

The SPEAKER. The difficulty is that the gentleman read the amendment himself, and did not send it up to the Chair until after the gentleman from New York [Mr. BARTLETT] had taken the floor, when it was too late.

Mr. McRAE. I read it in order to save the time of sending it to the desk, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman will see that it would be inadmissible now, under the agreement, because the previous question is practically ordered, it having been agreed that the vote should be taken at 4 o'clock.

Mr. McRAE. This is simply for the transposition of the language. I hope the gentleman from Vermont will not object to it.

Mr. GROUT. Well, the gentleman has read the amendment. I do not see any necessity for transposing. I must object.

The question being taken on the adoption of the amendment reported from the Committee on Appropriations, the House divided; and there were—ayes 134, noes 21.

Mr. SULZER and Mr. FITZGERALD demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. GROUT, a motion to reconsider the last vote was laid on the table.

### ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I desire to call up for present consideration the bill reported from the Committee on Ways and Means with reference to filled cheese.

The SPEAKER. If the gentleman from Ohio will permit the Chair first, there are some House bills with Senate amendments that the Chair will place before the House.

Mr. GROSVENOR. Certainly; I yield for that purpose.

### BRIDGE ACROSS THE CHATTAHOOCHEE RIVER.

The SPEAKER laid before the House the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala., with Senate amendments.

The amendments of the Senate were read at length, and concurred in.

### RAILROAD DEPOT FACILITIES IN THE INDIAN TERRITORY.

The SPEAKER also laid before the House the bill (H. R. 5672) to grant to railroad companies in the Indian Territory additional powers to secure depot grounds, with Senate amendment.

The Senate amendment was read at length, and concurred in.

### POST-OFFICE APPROPRIATION BILL.

The SPEAKER. Does the gentleman from California desire to call up the Post-Office appropriation bill?

Mr. LOUD. I do.

The SPEAKER. The Clerk will read the Senate amendments.

Mr. LOUD. I do not ask for the reading of the amendments, Mr. Speaker, and will not ask the House to consider them at this time. I shall move, when the bill is laid before the House, that we nonconcur in the Senate amendments, and ask a conference on the disagreeing votes.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897.

Mr. LOUD. I move to nonconcur in the Senate amendments, and ask a conference on the disagreeing vote thereon; and I ask also that the bill with the amendments be printed.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE.

### JURISDICTION OF THE CIRCUIT COURTS OF APPEALS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to be permitted to-morrow to file a minority report on the bill H. R. 7370.

Mr. DINGLEY. What is the bill?

Mr. BAILEY. This is a bill relating to the jurisdiction of the circuit courts of appeals and the Supreme Court over matters of appeal from the supreme court of the Territories.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.; in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895;

A bill (S. 321) granting a pension to James W. Dunn;

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry; and

A bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1853) for the relief of Edward Rice—to the Committee on Claims.

Concurrent resolution—

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 5,000 additional copies of Senate Document No. 181 of the first session of the Fifty-fourth Congress, being the report of the delegates of the United States to the Fifth International Prison Congress, held at Paris, France, in July, 1895; 1,000 copies for the Senate, 2,000 copies for the House of Representatives, and 2,000 copies for distribution by the Secretary of State—

To the Committee on Printing.

A bill (S. 972) to provide for the continuance in office of customs officers and assistant treasurers until successors shall have been appointed and qualified—to the Committee on the Judiciary.

A bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 6425) for the relief of Clifton R. Anderson;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson; and

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan.

LEAVE TO PRINT.

Mr. COOPER of Florida. Mr. Speaker, I wish to ask consent that gentlemen who have spoken to-day on the compulsory pilotage bill have leave to extend their remarks in the RECORD. It will be remembered that a number of gentlemen had only a minute or two.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

FILLED CHEESE.

Mr. GROSVENOR. Mr. Speaker, I call up for present consideration the bill H. R. 8008, which is a substitute for the bills H. R. 3010 and 5213, and is known as the filled-cheese bill.

The SPEAKER. The gentleman from Ohio calls up a bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purposes of this act the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream, and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

SEC. 2. That for the purposes of this act certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese.

SEC. 3. That special taxes are imposed as follows:

Manufacturers of filled cheese shall pay $400 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $250 per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufactdrer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax and who sells only filled cheese of his own production at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Retail dealers in filled cheese shall pay $40 per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed: *Provided*, That all special taxes under this act shall become due on the 1st day of July in every year, or on commencing any manufacture, trade, or business on which said tax is imposed. In the latter case the tax shall be reckoned proportionately from the first day of the month in which the liability to the special tax commences to the 1st day of July following.

SEC. 4. That every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 and not more than $3,000; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $250 nor more than $1,000; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $40 nor more than $500 for each and every offense.

SEC. 5. That every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not more than $500 or be imprisoned not more than one year.

SEC. 7. That all retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than 6 inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not more than $200.

SEC. 8. That every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of filled cheese who neglects to affix such label to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined $50 for each package in respect to which such offense in committed.

SEC. 9. That upon all filled cheese which shall be manufactured there shall be assessed and collected a tax of 1 cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SEC. 10. That whenever any manufacturer of filled cheese sells or removes for sale or consumption any filled cheese upon which the tax is required to be paid by stamps, without paying such tax, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 11. That all filled cheese as herein defined imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of 8 cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

SEC. 12. That any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of $50 for each such offense.

SEC. 13. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax herein provided for shall be liable, for each offense, to a penalty of $100 and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 or imprisoned not less than ten days nor more than six months.

SEC. 15. That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

SEC. 16. That all packages of filled cheese subject to tax under this act that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided to be deleterious to the public health, shall be forfeited to the United States.

SEC. 17. That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this act.

SEC. 19. That this act shall go into effect on the ninetieth day after its passage, and all wooden packages containing 10 or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

And then (on motion of Mr. GROSVENOR) the House resolved itself into the Committee of the Whole on the state of the Union for the consideration of the bill, with Mr. HULL in the chair.

Mr. GROSVENOR. Mr. Chairman, it is my purpose to have the general debate proceed for a short time this afternoon, with the

hope that at an early period we can make an agreement to limit general debate. Not desiring to proceed at this time, I yield to the gentleman from Wisconsin [Mr. COOK].

Mr. COOK of Wisconsin. Mr. Chairman, I had the honor to introduce a bill (H. R. 3010) on this subject soon after the present Congress convened, which bill was the basis of the investigation made by the Committee on Ways and Means that resulted in the reporting by the committee of the pending substitute bill. For this reason and because I am deeply impressed with the necessity for the proposed legislation I avail myself of the courtesy of the House to submit a brief statement in support of the measure. I believe the propositions contained in the bill are sound and good, and that they are asked for and will be indorsed by 95 per cent of the people of the United States. The object of the bill is to correct a great wrong that is being perpetrated upon the dairy interests of the country. It contains no proposition that can fairly be called an injustice to anyone. The real purpose of the measure is to put a stamp of disapproval upon a gigantic and ruinous fraud, for it can be shown to the satisfaction of every unprejudiced person that the manufacture and unrestricted sale of the article known as "filled cheese" is a fraud and an imposition upon the people of the country. "Filled cheese" is an imitation cheese and is sold to the people by means of deception which disguises the facts as to what the article really is. Such deception is a fraud and should be publicly branded as a fraud.

The proposed bill is practically in line with the legislation by Congress a few years ago controlling and regulating the manufacture and sale of oleomargarine. What oleomargarine is to pure dairy butter "filled cheese" is to pure dairy cheese. Every argument that was presented in favor of the oleomargarine legislation will apply with equal force to the legislation contemplated in the pending bill. If the proposed legislation will cut down the income of any persons in this country, those persons are the "filled cheese" manufacturers, who number, according to the statistics of the Department of Agriculture, about 200 in the United States. On the other hand, under the existing conditions, nearly 70,000,000 of people of this country are being imposed upon and wronged by the unrestricted sale of "filled cheese." If this imposition is to continue, as it is shown by the testimony of dairymen and produce dealers and Government officials, the great dairy industry of the United States will be seriously crippled, if not ruined.

I desire to say, Mr. Chairman, that the introduction of the measure was not the result of a hasty conclusion on my part, nor did I introduce it altogether on account of the vast amount of facts and figures furnished me by those who were in a position to give direct and reliable information in regard to this article known to the trade as "filled cheese," and the damaging effect it has had upon the market for pure cream cheese, and the far-reaching and ruinous effect it is having on a great industry in the United States; but I have observed the situation for several years, and from a plain, business standpoint, and from all the facts I could collect, I became convinced that one of the great industries of the United States was being steadily and surely undermined and would soon be in the deplorable state in which we find it to-day. This condition of the legitimate cheese industry is due very largely to the article called "filled cheese" and the manner in which it is placed upon the market, it being usually branded as "cream cheese." Many of the facts to which I shall briefly invite your attention are well known, and the situation generally presented should cause every American citizen who is aware of the facts to blush because of the reflection it casts upon us in all countries that purchase our dairy products.

As evidence of the feeling among the dairymen of the Northwest with respect to the filled-cheese business and its effect upon the pure-cheese industry, I have to say that ex-Governor Hoard, of Wisconsin, whose thorough knowledge of the dairy interests of the United States is unquestioned, writes me in response to my inquiry relating to filled cheese, the amount manufactured in the United States, and its effect on the market for our dairy products:

> The article filled cheese is a fraud, and the manufacturers of same keep it as secret as possible, but the wretched effect of it seems to require scarcely any argument to prove. Protests were sent the late Secretary Rusk and to me while governor of Wisconsin, and to Wisconsin's present governor, W. H. Upham, from foreign markets, appealing to them to stop this swindle, declaring it to be destructive to the entire confidence of foreign markets as to the character of our cheese, and that there can be no question as to the fact of the very serious falling off in our exports of cheese from the United States to English markets, amounting to nearly 40 per cent in the last few years, due to the filled cheese, which is doing tremendous damage to the dairy interests of the United States.

Since the original bill 3010 was introduced I have had a large amount of correspondence with dairymen, manufacturers, and dealers in cheese concerning the objects and purposes of the measure. Among the first letters I received was one from Hon. H. C. Adams, dairy and food commissioner of Wisconsin, who commended the measure very warmly and suggested such amendments as he deemed needful, several of which were embodied in this substitute bill by the committee.

I am of the opinion that it would be a benefit to the great dairy interests of the United States if the manufacture of skimmed-milk cheese could be prohibited, or so plainly branded that it would have to be sold for what it is, and it is well to keep in mind the fact that, in justice to producer and consumer, every product known as cheese should be branded to indicate precisely what it is, whether "full cream," "skimmed-milk cheese," or "filled cheese."

Filled cheese is made at butter factories, where they have centrifugal machinery to take all the cream or butter fat out of the milk. The cream is made into butter and sold for "finest creamery," and then they take the skimmed milk that is left and put lard and neutral oils into it. This is done by "heating the milk and injecting the neutral into the milk," and this is made into what is known to the trade as filled cheese.

According to advices I have secured from well-informed persons, the ingredients of the article are as follows: Raw materials—skimmed milk, lard, neutral oils, rennet, salt, and coloring. These cost about as follows: One hundred pounds of skimmed milk, 18 cents; 3½ pounds of lard and neutrals, 10½ cents; sundries, 4 cents; making a total of 32½ cents to produce 10 pounds of filled cheese. Approximate cost, 3¼ cents per pound.

The manufacturers of the filled article get this skimmed milk practically for nothing, and they, not the farmers, get what benefit there is in its production. The cost, therefore, of filled cheese is practically the cost of the lard, neutrals, or whatever foreign fat is introduced into it, and something for the coloring, bandage, and boxing. The labor can hardly be considered, because the manufacturers are compelled to have the labor for the production of their butter. Filled cheese is produced at a very low cost, and the profit to the manufacturers, in my judgment, is enormous.

This cheese has been sold quite recently as high as 7½ to 8 cents a pound at wholesale, and some time ago, before the trade had become so badly demoralized from the effect of placing filled cheese on the market, when cream cheese was selling for 11 cents a pound, filled cheese was sold in competition for 10 cents a pound, being branded, of course, as cream cheese, showing a profit of over 6 cents a pound, while the manufacturers of full-cream cheese could hardly realize a profit of ¼ cent a pound.

It will be seen, Mr. Chairman, that, while the producer of cream cheese is damaged to an alarming extent, the consumer of "filled cheese" is not benefited, for he pays very nearly the price of cream cheese, and at the same time pays at retail from three to five times as much as this filled article cost to produce it, besides being deceived as to what he is using as a food, being misled by the brand. Many jobbers are forced to use this class of goods, because they are obliged to meet competition.

I can not give with absolute certainty the amount of filled cheese made, but it is estimated at not less than 20,000,000 pounds per annum, which is an enormous quantity, all of it a surplus that is not needed, and takes the place of the genuine article, and as an inevitable consequence destroys the value of pure cheese and lessens the consumption of pure cheese about 50 per cent.

Mr. Chairman, I ask any member of this House who may feel inclined to oppose this bill: Who is benefited by the manufacture and sale of filled cheese? Not the farmer; not the manufacturer of pure goods; not the consumer, for the latter pays about the same price for filled cheese as for the pure dairy article, and very often it is sold to him for cream cheese. It may give employment to a few persons who are required to operate the factories wherein is produced the spurious product. The enormous profit is to the less than 200 manufacturers of this article, and this profit to the few who are engaged in producing it is insignificant when compared with the great loss to our country by reason of the manufacture of the article "filled cheese," and the manner in which it is marketed. It is no argument in favor of it to say that filled cheese is an article of "cheap food," as it has been shown that the consumer pays about the same price for it as for cream cheese. A proper tax should be placed on the manufacture and sale of filled cheese, with a stamp on each and every box, package, or wrapper containing the article bearing the words "filled cheese," as is well provided for in the bill, and be so stamped before it leaves the factory where it is manufactured. As showing the necessity for this safeguard, I will relate an incident which illustrates the point very clearly:

An official of the Agricultural Department, while visiting various parts of the United States looking up facts concerning this product for official information, found a lot of 200 boxes of filled cheese on the sidewalk in front of the store of a large dealer in cheese in Chicago, Ill. The boxes bore the mark of having been returned to him. This fact attracted the official's attention particularly to the article, and he saw that the boxes were also marked "Wisconsin cream cheese." He stepped into the office and inquired regarding the cheese and the cause for its being returned. He was informed by the dealer that it was a lot of 200 boxes of filled cheese that had been ordered by a customer of his in the South, who had asserted that to maintain his trade he required some cheaper goods, and that they "must send him 200 boxes of filled cheese." The firm claimed that they disliked to deal in the article, but this Southern dealer was one of their good customers

and they decided to fill his order. They shipped the 200 boxes of filled cheese at about 7 cents per pound; the customer tried it, found he could not use it, and returned it. The question was asked how it came to be marked "Wisconsin cream cheese," and the answer was that they knew nothing about that, as it had no such mark upon it when it was originally shipped. This is only one of thousands of such cases, but it serves to illustrate the damaging effect such traffic must have in foreign markets and the distrust that is created with respect to our American products, resulting in a great falling off in the demand in foreign markets for American dairy cheese.

I understand, Mr. Chairman, that the Agricultural Department sent officials who were practical men into various States and Territories to gain the most reliable information possible as to the amount of filled cheese sold and the manner in which it is placed upon the market. I am credibly informed that of seven principal cities in the Southern States in six of those cities they did not find a pound of pure dairy cheese on sale. But they found plenty of filled cheese, and most of it branded "cream cheese," "dairy cheese," or some fictitious name that was misleading, and the consumers were paying the price of pure dairy cheese.

Many communications have been sent to this country from various boards of trade in Liverpool, London, Bristol, and Glasgow, appealing to governors, legislatures, and other agencies in the West to stop the manufacture of this swindling article, declaring it to be destructive to the entire English market for American dairy cheese. These communications referred to can be obtained from the Secretary of Agriculture or from governors of Wisconsin and other States.

The statistics show that filled cheese is driving our cream cheese out of the best foreign markets on account of the distrust it has produced, because the fraudulent article is placed in those markets under the name of "American cream cheese." This practice has bred a distrust as to the quality of our best dairy cheese (which in outward appearance the filled article very much resembles), and the result is that foreign buyers are choosing to buy cheese from countries whose governments see to it that the manufacture of filled cheese is prohibited, or that it is branded and registered and sold for just what it is. But we see that this "filled cheese" has caused foreigners to lose confidence in American cheese, thereby depriving us in an important degree of those markets.

Mr. Morton, the Secretary of Agriculture, gives us the fact that to one foreign country alone the shipment of our cheese has fallen off about 13,100,000 pounds in eight months, while Canada, our immediate neighbor and competitor, has not only held her own, but has increased her shipments into that country. Shall we, as American citizens, acknowledge that Canadian cheese makers are superior to American cheese makers? Such is not the case, but the Canadian's advantage is due to the rigid manner in which the Canadian Government guards against the manufacture of adulterated goods, together with the interest it takes in convincing the Canadian people of the necessity of keeping up a high standard in the quality of their dairy products.

Mr. OTEY. Will the gentleman from Wisconsin allow an interruption?

Mr. COOK of Wisconsin. Yes, sir.

Mr. OTEY. What part of the cheese is it that is filled? I desire to obtain some information on this subject.

Mr. COOK of Wisconsin. If the gentleman had attended any one of the dozen hearings, he would have found plenty of information and all the filled cheese he would care to eat.

Mr. OTEY. Cheese is composed of certain things, and I should like to know what the articles composing this cheese are.

Mr. COOK of Wisconsin. I stated that. Perhaps the gentleman did not hear my statement.

Mr. OTEY. I was listening to the gentleman, and tried to hear what he was saying.

Mr. COOK of Wisconsin. Filled cheese is made from skimmed milk, rennet, neutral oils, salt, and coloring.

Mr. OTEY. What part is taken out of the milk that is supplied or filled in in the making of filled cheese?

Mr. NORTHWAY. The butter.

Mr. COOK of Wisconsin. The butter fat. Every particle of butter fat or cream is taken out of the milk and other fats put in in the place of it in the form of lard or neutral oils. This is done by heating the milk and injecting the oils, or "neutrals," as they are called, into the milk.

Mr. OTEY. The object of this bill is to tax that article, as I understand. Now, is there any reason why we should tax the manufacturers of this cheese if they put in something else that is just as good as the cream?

Mr. COOK of Wisconsin. The object is to brand it so that the sale of it can be controlled; and I will ask the gentleman, does he think lard or such fats or oils "just as good as cream"?

Mr. OTEY. This seems to be on the same principle as oleomargarine, and I can not tell that from butter.

Mr. TAWNEY. The gentleman ought to have his taste revised.

Mr. BRUMM. I should like to see you, or anybody else, tell good oleomargarine from butter.

Mr. COOK of Wisconsin. There is no desire to tax filled cheese out of existence. It is simply to get it branded, so that it may be sold for what it is.

Mr. OTEY. You do not propose to tax it, then?

Mr. COOK of Wisconsin. Yes, sir.

Mr. OTEY. Do you tax it for revenue?

Mr. COOK of Wisconsin. Yes, sir; and to so brand it that it may be sold for what it really is.

Mr. OTEY. To get revenue, and not tax it out of existence?

Mr. McMILLIN. The gentleman stated in the beginning that the principle object of this was to brand a fraud.

Mr. COOK of Wisconsin. Yes; to brand a fraud and place it under the control of the revenue officers.

Mr. McMILLIN. So the gentleman admits that the question of taxation is a secondary question, if it is involved at all.

Mr. GROSVENOR. Well, Mr. Chairman, we do not want to get too many admissions of record at this time. There may be developments. [Laughter.]

Mr. McMILLIN. As the gentleman opened the case, I took him on his own statement, and I have correctly stated his position.

Mr. CHICKERING. There may be some additional evidence later on.

Mr. McMILLIN. This much the gentleman will admit—and I state it in justification of the gentleman who has made that statement—that the report does not state the necessity for the raising of the revenue proposed to be raised.

Mr. CHICKERING. Everybody knows that.

Mr. GROSVENOR. I want to say that I have not to-day stated that there is necessity for the sun to shine nor the rains to fall; but there are a few things in this country that we have learned so thoroughly that we do not need to keep stating them.

Mr. McMILLIN. But I suppose that with a Treasury that has $262,000,000 of money now——

Mr. TAWNEY. That we have borrowed. [Laughter.]

Mr. McMILLIN. Whether borrowed or not it is there, and subject to all the uses of the Government. I think it would not be contended that we require additional taxation.

Mr. DALZELL. But we have to pay it back.

Mr. GROSVENOR. We will quote Philip sober against Philip's present statement.

Mr. COOK of Wisconsin. Now, Mr. Chairman, let us consider the evidence of a Government official as to the condition of our cheese export trade. Secretary Morton, of the Department of Agriculture, in speaking of the American cheese trade, offers the following significant comments on the subject of the falling off in our export trade in cheese:

> Throughout the year United States cheese has commanded the minimum figure upon the English market, and as by the operation of an invariable law the lower grades always suffer the most by a material fall in prices, our cheese has suffered disproportionately to other makes by the depressed condition of the English cheese markets, and has reached in 1895 the lowest price yet quoted for American cheese in that country, namely, $2.17 per 100 pounds.
>
> Our agent and correspondent reports in explanation that "United States cheese is, as a whole, the poorest in quality that reaches the English market, and the British public are not only aware of the fact, but are prejudiced against it because so much in the past has been adulterated." While accusations that "filled cheese" is being dumped on the British markets from the United States go unrefuted, the very first statement impugning the Canadian product in the same manner was met with cabled denials from the Canadian Government, denials from the Canadian agent-general in London, and Canadian exporters. The incident, it seems, has actually turned out to be an excellent advertisement for Canadian cheese, and it is now perfectly well understood by the British public that Canada is maintaining with strenuous care the quality of her exports.
>
> During the first eight months of 1894 Canada and the United States stood side by side in supplying the English market with cheese; but whereas Canada, in 1895, not only held her own, but made a gain, shipments from the United States have fallen off 13,100,000 pounds. In fact, every country shipping cheese to Great Britain did in 1895 increase its trade to that country except the United States, which has lost over 21 per cent of its last year's business.

N. Simonds, esq., of the firm of Simonds & Co., one of the largest manufacturers and dealers in dairy products in Wisconsin, and, as I am informed, the only manufacturer of edam cheese in the United States, writes me that he personally knows that the report of the Secretary of Agriculture is correct as to the manner in which our markets for dairy products have suffered and fallen off by reason of the distrust in foreign countries of American cheese, caused by filled cheese being shipped there branded as American cream cheese.

> The dairy business of this country has been a profitable one for the United States until two years ago, when they commenced to manufacture filled cheese to a large extent and placed it on the market branded as cream cheese, since which time the filled cheese has done a great damage to the dairymen of the United States, with the exception, perhaps, of a few who are interested with the filled-cheese manufacturers.

I do not claim, Mr. Chairman, that the large decrease in the export of cheese is due entirely to the flooding of the European markets with filled cheese. There is no doubt that the shipment

of adulterated goods has had a great deal to do with it, but the greatest damage to our manufacturers of pure cheese comes from the flooding of manufacturing, mining, and other large purchasing centers in our own country, especially in Southern sections, with filled cheese, many thousands of boxes being shipped, taking the place of the genuine cheese, much of it bearing the brand "New York," "Illinois," "Minnesota," and "Wisconsin cream cheese," as the dealer may choose to have it branded. I am not prepared to say that all manufacturers of filled cheese do this, or that they would not prevent it being done by others on goods manufactured by them if they knew it and could prevent it; but it passes out of their hands with a brand that is easily erased, or with no brand at all upon it, and much of this false branding is done after it passes from their control.

It may be well to mention in this connection that vigorous efforts have been made by the legitimate cheese makers and dairymen in several States to stamp out the filled-cheese frauds.

I am informed by Hon. H. C. Adams, dairy and food commissioner of Wisconsin, that there was at one time in Wisconsin alone about 150 factories manufacturing filled cheese, and the annual product of the article was about 8,000,000 pounds. But with a prohibitory law passed last winter by the State legislature of Wisconsin it is supposed that no filled cheese is now being made in Wisconsin. In round numbers the dairy cheese manufactured in Wisconsin for the year, including parts of 1894 and 1895, was about 50,000,000 pounds, and the butter for the same time about 70,000,000 pounds. The total value of the dairy products of Wisconsin for that year was in the neighborhood of $30,000,000.

I have received petitions, memorials, and letters numbering among the thousands from various parts of the United States on this subject. I invite your attention to a few that time will permit me to present. I will read an appeal from the Provision Trade Association of Glasgow, Scotland, to the governor and legislature of the State of Wisconsin, furnished to the committee by Hon. H. C. Adams, of Wisconsin:

GLASGOW, *March 13, 1895.*

*To the Governor, Senate, and Assembly of the State of Wisconsin, U. S. A.*

GENTLEMEN: We, the Glasgow Provision Trade Association, in view of the serious and, we fear, permanent injury which is being done to the trade here and in Scotland generally in Wisconsin cheese by the large imports from your State of filled or spurious cheese made of skim milk, lard, beef fat, etc., hereby beg most respectfully to call your attention thereto.

The matter has now become so serious that we venture to say, unless immediate action is taken by you to prohibit the manufacture and shipment of these spurious cheese, it will be quite impossible to sell Wisconsin cheese in this country, in consequence of the suspicion attached to them under existing conditions by all honest dealers, who are liable to prosecution and conviction for selling what they bought as genuine Wisconsin cheese, but which on analysis were found to be, not cheese, but a compound as above stated. We further regret to say that there are a number of dealers on this side who, for the sake of the large profits on the sale of this compound, do not scruple to force it on the public as genuine cheese, and are therefore content to run the risk of being fined from time to time by the authorities here.

In view of these facts, we therefore most respectfully beg to call upon you to at once take steps to put a stop to this nefarious and dishonest trade, by making such laws as will prevent the manufacture and shipping of these goods, and thereby remove the odium and suspicion attached to all cheese presently coming from the State of Wisconsin.

In name of and by authority of the association.

JAS. HAMILTON, *President.*
A. G. WATSON, *Secretary.*

UNITED STATES CONSULATE,
*Glasgow, Scotland:*

I, Allen B. Morse, consul of the United States of America at Glasgow, Scotland, do hereby certify that James Hamilton and A. G. Watson signed the foregoing memorial in my presence, and that I know the said James Hamilton to be president and the said A. G. Watson to be secretary, respectively, of the Glasgow Provision Trade Association therein mentioned, and duly authorized to act for such association.

Witness my hand and consular seal this 13th day of March, 1895, at Glasgow aforesaid.

[SEAL.] ALLEN B. MORSE,
*United States Consul, Glasgow, Scotland.*

I will append a statement furnished by the Department of Agriculture, giving statistics as to filled cheese.

The attention of the House should be called to the able and interesting statement made before the committee by Mr. T. F. Shields, of the New York Produce Exchange. Mr. Shields showed that for many years American cheese was very popular in England and throughout Great Britain. It was exported from this country in large quantities, and with this continued good demand, together with a constantly growing home trade in all our large cities, prices were well maintained, and the manufacturers, and through them the dairy farmers, received a fair return for their product.

I quote the following from Mr. Shields's statement, together with the figures submitted by him:

In our own city, within ten years, we had at one time over 40 different exporters whose business was almost entirely confined to the purchasing and exporting of cheese to Great Britain, and many, if not all, of these gentlemen were sent over here by the large importing houses of Great Britain as their agents to buy and ship their cheese to them. Unfortunately within the past few years this has all changed; the "filled cheese" made its appearance in England, having been sent over there by some enterprising Western dealers as fine full-cream cheese.

At first the English buyer was deceived. To be sure, the cheese did not taste the same to him, nor did the cheese have the keeping qualities of the genuine article, but for a time the deception was kept up, but gradually it dawned upon him that large quantities of adulterated cheese were being exported from this country and sold to him as pure, full-cream cheese, and soon it was discovered that all cheese imported from the United States was more or less suspected of being adulterated. The English dairy farmer was not slow to use this to his advantage, for he had long felt the competition of our fine, full-cream cheese and was only too glad to discredit our goods, if possible. Through their efforts laws were passed in Great Britain compelling, under penalty of the forfeiture of the goods, that all cheese imported into the United Kingdom from the States must bear on the package in plain letters the words "Product of the United States."

American cheese was already discredited in England; there was no longer the demand for it that there had been, but to more completely discredit them and prevent the sale of the genuine article on its merits these laws were passed, so that intending buyers would be affected by the prejudice against our goods which existed in the minds of the English buyers. The result has been a continued decrease in our export trade. Where ten years ago we had 40 exporters here in our city, ready at all times to buy our goods, we have to-day not over 10. While we exported in 1879 from New York City to England 2,775,800 boxes of cheese, valued at over $16,500,000, we have been decreasing in our exports every year, until this year our total exports from the city of New York will not be over 600,000 boxes, valued at $3,000,000—a falling off of $13,000,000 and over in seventeen years. When you consider the percentage of this shrinkage it is astonishing—a falling off of over 80 per cent in seventeen years.

There must be some good reason for this great decrease in our exports. I do not think I will be contradicted when I say that the explanation of this is the discredit which has been cast upon our goods by unscrupulous dealers, who have sent the substitute abroad and sold it to unsuspecting buyers as the pure article. The low cost of producing these substitutes and the prospective large profits in selling them as the genuine article has furnished a strong temptation to unconscientious dealers, and the evil has grown.

It can not be said that the English people are not using as much cheese as formerly. Like the English dairy farmers, Canada was not slow to help us along in our decreasing exports. The Canadian Government passed laws prohibiting the manufacturing for export of anything but full cream cheese. They appropriated large sums of money to foster and encourage the manufacture of cheese among the farmers. They sent into our State and hired at liberal salaries American expert cheese makers to teach the farmers and manufacturers how to reach our high standard of quality. They went further than this. They fitted out perfectly equipped cheese factories on large wagons and traveled from town to town, teaching the farmer how to care for his milk and how to manufacture the cheese, until now, from Montreal to the Detroit River west, there are thousands of cheese factories running constantly, not to mention those around the Quebec section, Prince Edward Island, and Manitoba. These efforts have borne good results, for while the exports of cheese from Montreal in the year 1879 were 525,000 boxes, valued at $3,150,000, they have increased every year, until this year they foot up the enormous total of 2,148,854 boxes, valued at nearly $13,000,000. What a tremendous increase in seventeen years and what a lesson for us! These cheeses all go to England and are consumed by the English people.

Thus we see that from an export of 2,775,829 boxes of cheese, valued at over $16,000,000, in 1879, we have dwindled down to 600,000 boxes this year, valued at $3,000,000; while Canada, from an export of 525,000 boxes, valued at $3,150,000, in 1879, has steadily increased every year until now they have shipped the year just passed 2,148,854 boxes, valued at nearly $13,000,000. Canada has increased every year and we have declined, until now there is so little business passing in the article for export that it is almost a waste of time to engage in it.

*Exports of cheese from May 1 to April 30.*

[Submitted by Mr. Shields.]

| Year. | New York. | Montreal. | Year. | New York. | Montreal. |
|---|---|---|---|---|---|
| | *Boxes.* | *Boxes.* | | *Boxes.* | *Boxes.* |
| 1879 | 2,775,829 | 525,000 | 1888 | 1,389,000 | 1,186,000 |
| 1880 | 1,949,060 | 535,212 | 1889 | 1,291,000 | 1,229,000 |
| 1881 | 2,368,635 | 353,800 | 1890 | 1,264,000 | 1,347,000 |
| 1882 | 2,217,024 | 671,094 | 1891 | 1,329,000 | 1,628,000 |
| 1883 | 1,633,724 | 842,912 | 1892 | 1,107,000 | 1,575,000 |
| 1884 | 1,840,580 | 999,680 | 1893 | 1,279,405 | 1,847,546 |
| 1885 | 1,750,566 | 1,256,495 | 1894 | 852,186 | 1,893,412 |
| 1886 | 1,538,000 | 1,298,000 | 1895 | 966,014 | 2,016,616 |
| 1887 | 1,211,000 | 1,025,000 | 1896 | 600,000 | 2,148,854 |

Think of it, Mr. Chairman! Such a vast industry, still practically in its infancy, being ruined to the sole end that a very few may be allowed to make some money manufacturing filled cheese! But it is the quality of filled cheese and not the quantity alone and the manner in which the spurious goods are sold to consumers that have done so much to injure the market for dairy products. New York, Wisconsin, Ohio, Minnesota, and many other States have passed prohibitory laws against filled cheese, but such laws do not totally prohibit. They prohibit a person making it in New York, Wisconsin, or such States as have passed the prohibitory laws, but they do not prevent the outrageous practice that is carried on by some manufacturers and dealers in filled cheese in different parts of the United States, and also in Europe, who place a brand on the article, "Full cream cheese," "from New York, Wisconsin, Minnesota," or some other State noted for the fine quality of its cream cheese, thereby giving to such State the reputation for sending out filled cheese branded as cream cheese.

Moreover, the fact that New York, Wisconsin, and other States have passed prohibitory laws against the manufacture of filled cheese only serves to make it answer the purpose of the people handling filled cheese to use the "full-cream" brands of these States to mark the spurious article, and then say to their customers, "This must be good cheese, as those States have stringent prohibitory laws against the manufacture of filled cheese." And it is

to prevent this damaging practice that I ask the cooperation of this House in the passing of this bill. It meets the approval of the great masses of the people of these United States. I am sure that every manufacturer and every person who supplies the milk and every dealer in unadulterated cheese will cooperate with you and welcome the passage of the bill.

This business of making and selling adulterated cheese is confined to a small section of the United States, a few dealers in cities who are apparently willing to sell anything so long as the business is profitable. Like oleomargarine, it is well understood that filled cheese will not be sold on its merits except under compulsion. While the manufacturers and wholesale merchants who handle it know, and perhaps sell it for what it is, when it goes to the consumer, like all other adulterated foods, it is sold for genuine; and as it is generally sold to and consumed by the laboring people and poorer classes of the community, the outrage seems to be greater as these people, at least, should have honest goods and all they can get for their money. The production and sale of filled cheese is a serious injury to the manufacturer who is making honest cheese.

Mr. Chairman, there is surely no good reason why the filled-cheese business, if it is to be carried on, should not be put under such regulations as will clearly and unquestionably show to the dealer, the consumer, and to the markets of the world that it is not cream cheese.

It has been shown that 4 to 5 cents a pound is about the difference between the cost of making filled cheese and dairy cheese. I believe, however, that with a license of $400 per annum on manufacturers at each and every factory, $250 for wholesale dealers, $40 for retail dealers, and a revenue tax of 2 cents a pound, to be paid by the manufacturer, with revenue stamp and marks placed on each and every cheese before it leaves the factory (as provided for in this bill), together with the penalty clause, the industry can be fairly well regulated.

Every dealer and manufacturer of cheese now understands that we have almost lost the English markets for our cheese, and this has resulted from the fact that the English have lost confidence in our goods and have transferred their orders for cheese to Canada, where the law is very strict and no adulterations are allowed; nor are the Canadians permitted even to make skim cheese for export, so that the English buyer has no fear of being imposed upon with Canadian adulterations.

Mr. LACEY. Is there a law in Canada prohibiting the manufacture and export of this kind of cheese?

Mr. COOK of Wisconsin. There is.

Mr. McMILLIN. I believe they are allowed to make cheese from skimmed milk here.

Mr. COOK of Wisconsin. Yes, sir.

Mr. Chairman, only a few years ago the export of cheese from New York City alone amounted to about 75,000 boxes and often to 100,000 boxes in a single week. The exports in two months at such times amounted to about as much as they do now in a whole year. This is a serious and damaging situation for the cheese-making interests of our dairy sections, and if there is any class of people in this country who need protection against fraud of any kind it is our farmers and dairymen. In fact, the agricultural interests of our country—the people who do the hard work on the farms—are above all others entitled to the special care and protection of the Government.

I hope, gentlemen, that you will give this bill your support; and I am sure that every manufacturer, dealer, and believer in honest goods will sustain you. No doubt there are large profits in the manufacture and sale of filled cheese; and the people who are engaged in the business exert a great influence when any legislation is attempted against this great evil, and what to most men appears to be a dishonest business. What we should have in this country and what there should not be opposition to by honest and loyal men throughout these United States is a general law prohibiting adulterations of all food products, and it does seem that no man could oppose a measure of this kind. There is not an intelligent person who does not know that the first object of all adulterations is to cheat somebody, to sell something by misrepresentation, and thereby obtain an unwarranted profit. This is the prime and real motive that every man has in the adulteration of anything. Therefore, on behalf of the farmers, manufacturers, dealers, and consumers of dairy products of these United States I appeal to you that you support this bill to regulate and control the manufacture and sale of filled cheese, that it may be enacted into law. [Loud applause.]

## APPENDIX.

[United States Department of Agriculture, Bureau of Animal Industry, Dairy Division.]

### DATA AS TO CHEESE AND FILLED CHEESE.

*Cheese production of the United States according to the census.*

| | Pounds. |
|---|---|
| 1849 | 105,535,893 |
| 1859 | 103,663,927 |
| 1869 | 162,927,382 |
| 1879 | 243,157,850 |
| 1889 | 256,761,883 |

NOTES.—Nine-tenths of this cheese is made in the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named.

The New York product alone is almost one-half the total, and this State and Wisconsin together make over two-thirds of all. The reputation of these two States as to quality of cheese is about the same, and they have such a preponderating influence that they give character to the entire cheese output of the country.

It requires the entire milk of about 1,000,000 cows to make the cheese annually pressed in the United States.

The value of the annual cheese product of the United States varies from $20,000,000 to $25,000,000.

Cheese imported annually into the United States, about 9,000,000 pounds.

Rate of consumption of cheese in the United States, about 3 pounds per capita per annum. Consumption apparently on the decrease.

Composition: Good cheese is approximately composed of one-third water, one-third milk-fat, and one-third casein, with some sugar and ash.

*Exports of cheese from the United States and Canada.*

[For single years and yearly averages for five-year periods.]

| Period. | United States. | Canada. | Period. | United States. | Canada. |
|---|---|---|---|---|---|
| | *Pounds.* | *Pounds.* | | *Pounds.* | *Pounds.* |
| 1850 | 10,384,189 | 17,100 | 1881–1885 | 118,813,685 | 61,502,949 |
| 1860 | 15,515,799 | 124,320 | 1886–1890 | 88,303,513 | 83,737,133 |
| 1861–1865 | 35,081,855 | 473,550 | 1891–1895 | 75,977,114 | 135,679,207 |
| 1866–1870 | 47,432,032 | 3,750,224 | 1893 | 81,350,923 | 153,946,365 |
| 1871–1875 | 90,688,546 | 20,114,561 | 1894 | 73,852,134 | 154,977,480 |
| 1876–1880 | 113,606,609 | 40,676,850 | 1895 | 60,448,421 | 146,004,650 |

NOTES.—For the year ended June 30, 1895, value of cheese exported from United States, $5,497,539, or $9.09 per hundredweight; from Canada, $14,253,002, or $9.76 per hundredweight.

Nearly 10,000,000 pounds of cheese made in the United States annually are exported to Canada to be reexported to Great Britain.

Since 1869 the increase in quantity exported by Canada is a thousandfold; then Canada exported less than one-hundredth part of the quantity sent from the United States. Now, the cheese export of the former is more than double that of the latter in quantity and nearly 10 per cent greater in value per pound.

Canada prohibits by law the manufacture or sale of skimmed cheese and of filled cheese, and there are no indications of effort on the part of makers or merchants to evade or violate these laws.

The reputation of Canadian cheese in the British markets has increased very greatly in consequence of a knowledge of these facts.

The very best cheese from the United States now sells more readily in London if bearing a Canadian brand than under the names which but a few years ago were accepted as a guaranty of all that was honest and best in cheese.

### FILLED CHEESE.

Factories and product in the United States as estimated:

1895: Factories in Wisconsin, 200; in Illinois, 65; total annual product, 14,000,000 pounds.

1896: Factories in Illinois, 90; elsewhere, 10; total annual product, 12,000,000 pounds.

HENRY E. ALVORD,
*Chief of the Dairy Division.*

FEBRUARY 4, 1896.

Mr. GROSVENOR. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 8008, and had come to no resolution thereon.

Mr. HUBBARD. I move that the House do now adjourn.

The SPEAKER. Pending that motion, the Chair desires to present the following personal requests of members.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER of Maryland, for three days, on account of important business.

To Mr. HANLY, indefinitely, on account of important business.

To Mr. WALSH, for four days, on account of death in family.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. L. Trimble against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 665) to authorize the President of the United States to appoint and confer the rank of first

lieutenant of infantry upon the director of gymnastics and instructor of swordsmanship at the United States Military Academy, reported the same without amendment, accompanied by a report (No. 1172); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3965) making an appropriation for duplicating machinery at the United States Armory at Springfield, reported the same with amendment, accompanied by a report (No. 1174); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 319) for the relief of telegraph operators who served in the war of the rebellion, reported the same without amendment, accompanied by a report (No. 1175); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the House (H. Res. 90) to revive the grade of Lieutenant-General in the United States Army, reported the same without amendment, accompanied by a report (No. 1177); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7320) to prevent trespassing upon and providing for the protection of the Chickamauga and Chattanooga National Military Park, reported the same with amendment, accompanied by a report (No. 1183); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2489) to authorize the Secretary of War to deliver obsolete or unserviceable cannon balls to any of the National or State Homes for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 1178); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4149) in relation to taxes and tax sales in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1180); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, reported the same with amendment, accompanied by a report (No. 1182); which said bill and report were referred to the House Calendar.

Mr. ODELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 6179) for the incorporation of associations for the improvement of the breed of horses, and to regulate the same, and to establish a racing commission, reported the same with amendment, accompanied by a report (No. 1184); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 7264) to provide for the drainage of lots in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1205); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FISCHER, from the Committee on Indian Affairs: The bill (H. R. 1475) for the relief of Basil Moreland. (Report No. 1170.)

By Mr. GRIFFIN, from the Committee on Military Affairs:

The bill (H. R. 5999) to correct the military record of Elbridge McFadden. (Report No. 1171.)

A bill (H. R. 8075) to remove the charge of desertion from the military record of Anton Ernst, reported in lieu of the bill H. R. 4900. (Report No. 1173.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 6298) to correct military record of Charles K. Jenree, etc. (Report No. 1176.)

By Mr. SHERMAN, from the Committee on Indian Affairs: The bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams. (Report No. 1179.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 719) to restore a pension to Harriet M. Knowlton. (Report No. 1185.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 2035) granting an increase of pension to Peter Anderson, of Strong City, Kans. (Report No. 1186.)

The bill (H. R. 4517) granting a pension to Washington Baker. (Report No. 1187.)

By Mr. HULICK, from the Committee on the District of Columbia: The bill (H. R. 6104) for the relief of Anton Gloetzner. (Report No. 1188.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 7688) for the relief of John M. Laughlin. (Report No. 1189.)

The bill (H. R. 7079) to increase the pension of Henry O. Hyre. (Report No. 1190.)

The bill (H. R. 7073) to increase the pension of Solomon Kline. (Report No. 1191.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6497) granting a pension to William C. Estill. (Report No. 1192.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 3402) granting a pension to William Sheppard, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry. (Report No. 1193.)

The bill (H. R. 7422) for the relief of Lydia W. Holliday, of Wheeling, Ohio County, W. Va. (Report No. 1194.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 4841) granting a pension to Silas Adams. (Report No. 1195.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 3787) for the relief of H. C. Herndon. (Report No. 1196.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 5540) for the relief of Richard Hawley & Sons. (Report No. 1197.)

By Mr. COX, from the Committee on Claims: The bill (H. R. 1150) for the relief of the city of Cairo, in the State of Illinois. (Report No. 1198.)

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 5597) for the relief of Charles Deal. (Report No. 1199.)

The bill (H. R. 981) for the relief of William C. Dodge. (Report No. 1200.)

The bill (H. R. 3851) to reimburse Col. Phillip Kirshner for money paid for the services of a band for the Sixteenth Regiment of Ohio Infantry Volunteers. (Report No. 1201.)

By Mr. HANLY, from the Committee on Claims: The bill (H. R. 2949) appropriating money to pay the claim of George W. McCray for improving Hanna street, adjacent to the United States arsenal, at Indianapolis, Ind. (Report No. 1202.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 69) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind., for services and expenses. (Report No. 1206.)

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 5280) for the relief of George W. Freeman. (Report No. 1207.)

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. HULICK, from the Committee on the District of Columbia, reported adversely (Report No. 1181) the bill (H. R. 4356) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.

Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1203) the bill (H. R. 4886) removing charge of desertion as to George H. Williams, late of Company H, Eleventh Pennsylvania Cavalry.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORSE: A bill (H. R. 8072) to provide for a commission on the subject of the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, a bill (H. R. 8073) granting officers and enlisted men of the Army who are members of the Society of Veterans of the Indian wars permission to wear the badge of that society on certain occasions—to the Committee on Military Affairs.

By Mr. CHICKERING: A bill (H. R. 8074) to appropriate $550,000 to widen the locks in the Oswego Canal so as to permit the passage of modern torpedo boats for the protection of the lake cities—to the Committee on Railways and Canals.

By Mr. LOUD: A bill (H. R. 8076) granting to the Yosemite Valley and Merced Railway Company a right of way over and station sites in the reservation established by an act of Congress of the United States entitled "An act to set apart certain tracts of land in the State of California as forest reservations," approved October 1, 1890—to the Committee on the Public Lands.

By Mr. ARNOLD of Rhode Island: A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon—to the Committee on Naval Affairs.

Also, a bill (H. R. 8078) granting to Charles C. Baker Post, No. 16, Grand Army of the Republic, of Wickford, R. I., 5 condemned cannon and 25 cannon balls—to the Committee on Naval Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8079) granting a pension to honorably discharged officers, soldiers, and sailors of the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 8080) to amend section 9 of an act passed August, 1894, establishing bonded warehouses for manufacturing purposes—to the Committee on Ways and Means.

By Mr. GROW: A bill (H. R. 8104) providing that the widows of pensioners married before the close of the late war shall receive the same rate of pension that the pensioner was receiving at the time of his death, provided that the rate of her pension shall not be less than $12 a month—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 8108) to increase and equalize the trade of the United States with foreign countries—to the Committee on Ways and Means.

By Mr. BINGHAM: A resolution (House Res. No. 243) of inquiry, calling upon the Secretary of the Interior for information looking to the reorganization of the Northern Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. WATSON of Ohio: A concurrent resolution (House Con. Res. No. 42) to provide for the printing of the Handbook of Experiment Station Work—to the Committee on Printing.

By Mr. SHERMAN: A memorial of the New York State legislature, asking for pension bill for soldiers confined in Confederate prisons—to the Committee on Invalid Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8081) granting a pension to Andrew J. Baker, late of Company H, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8082) to remove the charge of desertion against the name of Samuel Kerr, late of Company E, Sixty-second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. BARHAM: A bill (H. R. 8083) for the relief of James Q. Shirley and the estate of Francis De Long, deceased—to the Committee on Claims.

By Mr. COLSON: A bill (H. R. 8084) for the relief of L. D. Hutchison—to the Committee on War Claims.

Also, a bill (H. R. 8085) for the relief of W. J. Mullins, of McWhorter, Laurel County, Ky.—to the Committee on Claims.

Also, a bill (H. R. 8086) granting a pension to Mary E. Herd, widow of Lieut. Col. A. J. Herd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8087) granting an increase of pension to Gideon B. Runyon, of Metcalfe County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8088) granting an increase of pension to James K. P. Davidson, of Phil, Casey County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8089) granting a pension to Sarah Floyd, widow of James Crow, Company H, Twenty-fourth Kentucky Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: A bill (H. R. 8090) providing for the allowance and payment of the account of William Spiegelberg—to the Committee on Claims.

By Mr. HULING: A bill (H. R. 8091) to carry out the findings of the Court of Claims in the case of Isaiah Curry—to the Committee on War Claims.

By Mr. JENKINS: A bill (H. R. 8092) to remove the charge of desertion against John Bewley—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8093) granting a pension to D. C. McIntire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8094) granting a pension to Alfred D. Johnson—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: A bill (H. R. 8095) granting a pension to Mary M. Cartwright, of Fort Wayne, Ind.—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 8096) to remove the charge of desertion from the record of John Haug, alias John Hogg—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 8097) for the relief of the heirs of the late J. H. McVeigh, of Alexandria—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 8098) authorizing and requiring the District Commissioners to pay the funds of the estate of Peter Von Essen, deceased, to his heirs and distributees—to the Committee on the District of Columbia.

By Mr. SMITH of Illinois: A bill (H. R. 8099) to increase the pension of Stephen A. Knowlan, a recruit of Deman's detachment of United States Mounted Riflemen, in the war with Mexico—to the Committee on Pensions.

By Mr. SNOVER: A bill (H. R. 8100) granting a pension to Anna M. Buerger—to the Committee on Invalid Pensions.

By Mr. SORG: A bill (H. R. 8101) to correct muster of Albert Kellar—to the Committee on Military Affairs.

By Mr. SOUTHARD: A bill (H. R. 8102) to pension Dora Jones, invalid daughter of the late Orson H. Jones, Company I, Fifty-seventh Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 8103) to correct the military record of Edward T. Jennings—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 8105) for the relief of J. J. Lautenschlager—to the Committee on War Claims.

By Mr. WOODMAN: A bill (H. R. 8106) for restoration of pension to Mary J. Egbert—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 8107) granting a pension to Matthew J. Graham—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the select and common councils of Philadelphia, Pa., opposing the filling up of the back channel of League Island, connecting the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Philadelphia, Pa., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ALDRICH of Alabama: Paper to accompany House bill No. 7781, to provide an American register for the barge *Black Diamond*—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARHAM: Petition of Petaluma Grange, No. 23, Patrons of Husbandry, of California; also petition of citizens of San Francisco, Cal., for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. BINGHAM: Resolution of the select and common councils of Philadelphia, Pa., requesting Congress not to authorize the filling up of the back channel connecting the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. COLSON: Paper to accompany House bill No. 7150, for the relief of Adam Petrey—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of citizens of Rock County, Wis., for the removal of the statue of Marquette from Statuary Hall—to the Committee on the Library.

By Mr. CRUMP: Resolutions adopted by Loyal Orange Lodge, No. 84, signed by Thomas McKenzie and 116 others, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, papers relating to the pension claim of Sadie M. Kleine, widow of Louis P. Kleine—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of 121 citizens of New York City; also petition of 35 citizens of New York City, in support of House bill No. 2626, for the protection of agricultural staples by an export bounty, in order to equalize the benefits and burdens of the protective system—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of one-armed and one-legged soldiers in the Twenty-second Congressional district of Pennsylvania, in favor of House bill to adjust the pensions of those who have lost limbs or have been totally disabled in them—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Pittsburg, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. ELLIS: Petition of Oswego Grange, No. 175, of Oswego, Oreg., asking for the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. HENDERSON: Petition of Ellis E. Wilson and 145 other citizens of Blackhawk County, Iowa; also petition of B. E. Brown and 103 others, of Blackhawk County, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof, or some method to close the space between the roofs of cars to prevent persons from falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 2950, relating to the claim of the Western Paving Company, of Indianapolis, Ind.—to the Committee on Claims.

By Mr. HITT: Petition of Prof. S. L. Boothroyd and 76 other citizens of Mount Morris, Ill., in favor of House bill No. 2758, to

fix the standard of weights and measures by the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HOWELL: Petition of citizens of Perth Amboy, N. J., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LAYTON: Resolutions of the Tower Bible and Tract Society, asking for legislation that will give religious matter in the mail every advantage under the act of July 16, 1894—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Papers to accompany House bill granting a pension to Mary M. Cartwright—to the Committee on Invalid Pensions.

By Mr. MCEWAN: Petition of Palisade Council, No. 140, Junior Order United American Mechanics, asking for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of F. Herbert Snow and 13 other civil engineers of Brockton, Mass., asking passage of bill for establishing the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Curtis Club, of Taunton, Mass., objecting to the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: Petition of Hon. O. P. Sperra and 16 other citizens of Ravenna, Portage County, Ohio, in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. OGDEN: Petition of C. B. Yeager and 50 other citizens of Pineville, La., favoring the admission of certain religious publications to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of Binghamton, N. Y., in favor of bill for the relief of Ross W. Titus—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of Stephen Von Essen Essex, Hallie C. Essex, and Francis B. Essex, of the District of Columbia, asking that the District Commissioners be authorized and required to pay over to them the funds of the estate of their deceased ancestor, Peter Von Essen—to the Committee on the District of Columbia.

By Mr. SAUERHERING: Petition of Rev. H. O. Jorris, of Reeseville, Wis., favoring the enactment of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SCRANTON: Petition of Col. H. M. Boies and other citizens of Scranton, Pa., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SHERMAN: Resolutions of Waterville Grange, No. 61, Patrons of Husbandry, in favor of the bill relating to the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. SORG: Papers to accompany House bill to correct the muster of Albert Kellar—to the Committee on Military Affairs.

By Mr. STEELE: Petition of Hon. J. P. C. Shanks and 50 other citizens of Jay County, Ind., asking that a pension be granted to Annie B. Gaunt, the helpless child of Nev. Gaunt, of Company A, Eighth Indiana Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of the General Synod of the Evangelical Lutheran Church of the United States, asking for the appointment of an impartial commission to investigate the alcoholic liquor traffic, etc.—to the Committee on Alcoholic Liquor Traffic.

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## SENATE.

FRIDAY, *April 10, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair presents a petition of the New York Credit Men's Association, praying for the passage of the so-called Torrey bankruptcy bill. The association, in transmitting its petition, asks that it be printed as a Senate miscellaneous document. Is there objection? The Chair hears none. The petition will be printed as a document, and referred to the Committee on the Judiciary.

The Chair also presents a petition of the Grand Lodge of Independent Order of Good Templars of the State of Ohio, praying for the appointment of an impartial national commission of inquiry to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which will be referred to the Committee on Education and Labor.

Mr. TURPIE presented sundry petitions of John Craig Post, No. 86, Department of Indiana, Grand Army of the Republic, of Jeffersonville, Ind., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. VILAS presented petitions of the Methodist Episcopal churches of Centerville, Galesville, and Trempealeau, all in the State of Wisconsin; a petition of the German Reformed Church of Reesville, Wis., and a petition of the Free Baptist Church of Greenbush, Wis., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. MCMILLAN presented the petition of L. M. Houghton and sundry other citizens of Baraga County, Mich., praying that the pension of John O'Connor, of L'Anse, Mich., be increased from $12 to $30 per month; which was referred to the Committee on Pensions.

He also presented the petition of George A. Johnson and sundry other members of the National Association for the Protection of Game, Birds, and Fish, praying for the passage of House bill No. 5729, to amend an act entitled "An act to regulate commerce"; which was referred to the Committee on Commerce.

He also presented the petition of Mr. Justice Brown, Gen. Rufus Saxton, and sundry other citizens of Washington, D. C., praying that the circle known as Hancock Circle, situated at the intersection of Sixteenth and U streets NW., in the city of Washington, be retained; which was referred to the Committee on Appropriations.

Mr. WARREN presented a memorial of sundry citizens of Wyoming, remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. CALL. I present a communication from S. J. Ritchie, of Akron, Ohio, relating to an appropriation for the improvement of the Oklawaha River, in Florida, to connect the navigation of that river with Lakes Griffin, Eustis, and Dora. I move that the communication and accompanying paper be referred to the Committee on Commerce, and that it be printed as a miscellaneous document for the use of that committee.

The motion was agreed to.

Mr. CAMERON presented a memorial of the National Board of Steam Navigation of Pittsburg, Pa., remonstrating against the passage of Senate bill No. 187, amending the navigation laws; which was referred to the Committee on Commerce.

He also presented a petition of Valley Grange, No. 52, of Millville, Pa., praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a memorial of Pickering Garrison, No. 8, Grand Army of the Republic, of Erie, Pa., remonstrating against the enactment of legislation increasing the Marine Corps; which was ordered to lie on the table.

He also presented a memorial of Newcastle Council, No. 24, of Newcastle, Pa., and a memorial of the Ministerial Union of Philadelphia, Pa., remonstrating against the appropriation of money for sectarian institutions; which were referred to the Committee on Appropriations.

He also presented a petition of the Woman Suffrage Society of the county of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution of the United States extending suffrage to women; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of M. D. Barndollar, of Pennsylvania, praying for the enactment of legislation to provide 1-cent letter postage per half ounce, and also to amend the postal laws relating to second-class and free mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Protective Association of Carlisle, Pa., and a memorial of sundry citizens of Pennsylvania, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

He also presented a petition of the State board of agriculture of Columbia, Mo., praying for the passage of House bill No. 6452, providing for the establishment of engineer experiment stations in connection with the colleges established in the several States under the act of July 2, 1862; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a memorial of the board of directors

of the Merchants' Exchange of St. Louis, Mo., remonstrating against the provision contained in the river and harbor appropriation bill providing for the improvement of the Mississippi River from St. Louis to Vicksburg; which was referred to the Committee on Commerce.

Mr. WALTHALL. I present a memorial of the committee of the National Association of State Universities, signed by Robert B. Fulton, chairman, chancellor of the University of Mississippi; William O. Thompson, president of Miami University; R. H. Jesse, president of the University of Missouri; A. S. Draper, president of the University of Illinois; and James B. Angell, president of the University of Michigan, in support of the bill (S. 1246) to make an adjustment of the grants of land in the several States of the Union for seminaries of learning or universities. The memorial relates to a matter of general interest, and I move that it be referred to the Committee on Public Lands, and that it be printed as a document.

The motion was agreed to.

Mr. SQUIRE presented a memorial of sundry citizens of Seattle, Wash., remonstrating against placing the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

He also presented a petition of the Whatcom County Press Association, of New Whatcom, Wash., praying for the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry engineers employed on steamers in Hawaiian waters, praying for the passage of Senate bill No. 1172, to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve; which was ordered to lie on the table.

He also presented a petition of the Federal Labor Union of Everett, Wash., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lewis County, Wash., praying that William R. Munroe, of that county, be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Tolt, Wash., remonstrating against the appropriation of money for sectarian institutions; which was referred to the Committee on Appropriations.

He also presented a petition of the Junior Order United American Mechanics of Williamsport, Md., praying for the enactment of legislation to increase the efficiency of the Naval Reserve; which was ordered to lie on the table.

### STATEMENT OF THE PUBLIC DEBT.

Mr. COCKRELL. I ask to have printed as a document a paper prepared by the Chief of the Bureau of Statistics, Treasury Department, containing a statement of the principal of the public debt, the interest paid, the premiums, the reduction of the principal of debt, and the increase of the principal of debt. I move that it be printed as a document.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (S. 2671) providing for the election of a Delegate from the District of Alaska to the House of Representatives of the United States, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 320) to authorize the construction and operation of an electric railroad within the Yellowstone National Park, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling, reported it with an amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2463) to regulate certain prosecutions in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. MCMILLAN, from the Committee on the District of Columbia, reported an amendment providing for the erection of a brick or stone wall to inclose the grounds upon which the jail of the District of Columbia now stands, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment providing for the resumption of work on the Washington Aqueduct tunnel and its accessories and the Howard University reservoir, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. ELKINS on the 16th ultimo, providing for the placing of per diem employees in the street and alley cleaning service of the District of Columbia on the permanent roll at an annual salary, intended to be proposed to the District of Columbia appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 20th ultimo, providing for the paving of Florida avenue, in the city of Washington, intended to be proposed to the District of Columbia appropriation bill, reported it favorably, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment regulating the personnel of the Metropolitan police force of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1315) to redeem outstanding certificates issued by the board of audit and the board of public works of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1040) to amend the act of June 2, 1890, for the relief of holders of District of Columbia special-assessment certificates, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 2501) for the relief of James Sims, of Marshall County, Miss., reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin (for Mr. WHITE), from the Committee on Finance, to whom was referred the amendment submitted by himself on the 7th instant, providing for the relief of James W. Murphy, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. HILL on the 1st instant, providing for the widening of the northern entrance to the Wallabout Channel, Brooklyn, N. Y., intended to be proposed to the naval appropriation bill, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce; which was agreed to.

### CARE OF DEPENDENT CHILDREN.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians," approved June 26, 1892, to report it favorably without amendment. As this is a matter designed to settle a question of jurisdiction between Dr. Gallaudet, of the Deaf and Dumb Asylum, and the board of children's guardians, I ask the immediate consideration of the bill.

I will simply state that under the old law the authorities of the Deaf and Dumb Asylum had jurisdiction over feeble-minded children. When the board of children's guardians was established it was intended to transfer that jurisdiction entirely to the new board, but it seems there was a little lapse in the law and the authorities of the Deaf and Dumb institution now have to certify, but have no further jurisdiction, and they want to get rid of it. I trust that the bill will be immediately passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### IMPRISONMENT OF EUGENE V. DEBS.

Mr. CALL. Mr. President, I rise to a parliamentary inquiry. I am in receipt of a letter from Mr. Eugene V. Debs, one of the leaders of the labor movement, representing himself and a large number of the different associations, asking me whether the Committee on the Judiciary have taken any action in reference to the resolution for inquiring into and reporting legislation relating to the restraint of the power of judges of the United States courts in matters of contempt, and requesting that there shall be some expression by which he may be advised in regard to the fact. I know of no other method of ascertaining it than to ask the question

of the chairman of the Judiciary Committee. Mr. Debs represents a great body of the most important and deserving class of the American people, and I wish to give respect and consideration to their wishes on this subject, agreeing, as I do, with Mr. Debs in the opinion that this legislation is important.

The PRESIDENT pro tempore. If there is no objection, the question may now be asked, though it is out of order.

Mr. HOAR. Will the Senator repeat his question? I did not know that he was addressing his remark to me.

Mr. CALL. I made a request for information on the part of Mr. Eugene V. Debs, one of the leaders of the labor movement in the United States, as to whether the Judiciary Committee of the Senate have taken any action in relation to reporting legislation restraining or modifying the power of judges of the United States courts in matters of contempt.

Mr. HOAR. Mr. President, I suppose there is no impropriety in stating what has taken place in the committee on the subject and the circumstances.

It is a very important question, and one which the committee have meant to deal with thoroughly and faithfully. The Senator from New York [Mr. HILL] who is now absent undertook to make a careful collection of the law upon this subject and to prepare a measure to be submitted to the committee by the subcommittee. The matter has been somewhat discussed in the committee, but his report has not yet been made. However, the result of the discussion has been that one or two separate measures have been prepared. One was sent to the committee yesterday morning by the Senator from Nebraska [Mr. THURSTON], who is a member of that committee, which is a careful and thoroughly prepared bill dealing with the whole subject.

So the matter has not been overlooked. The committee are dealing with it as rapidly as the nature of the case seems to admit. How soon the matter will be ripe for a report by the committee is a question that had better be addressed to the Senator from New York who ordinarily sits on the left of the Senator from Florida, but who is not now in his seat, and who is, I believe, the chairman of the subcommittee on the subject.

I think I am not indiscreet in stating that I understand and believe every member of the committee is of opinion that there ought to be some careful legislation on the subject which shall preserve the rights of the citizens and preserve also, of course, the authority of the law, and that that careful legislation would probably contain a right to go by appeal or on exceptions to higher courts from lower in proper cases, where the contempt does not exist in the actual presence of the court and where its immediate suppression is not necessary for the due and orderly proceeding of the business of the court, which I suppose would be probably what the Senator from Florida himself would approve.

### SALARY ACCOUNTS OF SENATORS.

Mr. MITCHELL of Oregon. From the Committee on Privileges and Elections I report a substitute for the resolution introduced on the 4th of March by the Senator from Colorado [Mr. WOLCOTT], and submit a report thereon. It relates to the salary accounts of two Senators, and I ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT pro tempore. The substitute reported from the committee will be read for the information of the Senate.

The Secretary read as follows:

*Resolved*, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

The PRESIDENT pro tempore. The Senator from Oregon asks for the present consideration of the resolution.

Mr. COCKRELL. I think we had better see the report on the subject in print.

Mr. MITCHELL of Oregon. Then let the resolution be printed, and also the report.

Mr. COCKRELL. Yes; let the resolution and report be printed.

The PRESIDENT pro tempore. The resolution will be printed and go over.

Mr. MITCHELL of Oregon. I ask that it do not go to the Calendar. Let it lie on the table.

Mr. COCKRELL. Let it lie on the table.

The PRESIDENT pro tempore. The resolution will lie on the table for the present. The report will be printed under the rule.

### BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 2795) granting a pension to the Rev. Philip McKim, of Norfolk, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2796) to establish an Indian training school and industrial farm at Madison, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TURPIE introduced a bill (S. 2797) granting an increase of pension to Charles W. Sentman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2798) to increase the pension of George Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2799) amending the military record of William Howell, late a private of Company H, Forty-eighth Indiana Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2800) granting an increase of pension to Thomas H. Ballard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2801) to amend the charters and enlarge and extend the powers and franchises of certain railway companies of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WARREN introduced a bill (S. 2802) granting a pension to Margaret Rowsell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2803) granting an increase of pension to J. F. Crawford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 2804) for the relief of Mrs. Marian W. Pollard; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2805) granting an increase of pension to Mrs. Lucy Keenan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2806) granting a pension to Andrew J. Baker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2807) to remit penalties and interest on arrears of taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PRITCHARD introduced a bill (S. 2808) to regulate internal-revenue assessments, and to modify the law so as to leave assessments in certain cases to the court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 2809) to provide for the elevation of the tracks of the Baltimore and Ohio Railroad in the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SQUIRE introduced a bill (S. 2810) granting a pension to Orson B. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2811) to authorize the purchase of a site for the Government Printing Office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE introduced a joint resolution (S. R. 127) proposing amendments to section 73, paragraph 32, of the act of January 12, 1895, providing for the public printing and binding and distribution of documents; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 128) proposing an amendment to section 89, paragraph 2, of the act of January 12, 1895, providing for the public printing and binding and the distribution of public documents; which was read twice by its title, and referred to the Committee on Printing.

### WASHINGTON CITY POST-OFFICE BUILDING.

Mr. COCKRELL. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the Secretary of the Treasury be, and he hereby is, directed to construct the upper story and roof of the Washington City post-office building, in the District of Columbia, of the best modern fireproof material, in order that said building may be thoroughly fireproof in all its parts, as required by the several acts authorizing the construction of said building; and all material heretofore used in the construction of the upper story and roof of said building not of

the best modern fireproof kind and character shall be removed and the best modern fireproof material substituted therefor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. PETTIGREW. What difference does this measure make in the cost of the building?

Mr. COCKRELL. It will make no difference, I suppose, because the existing law requires it to be done just as the joint resolution specifies. Instead of the pine that is being put upon the roof now, the most inflammable material that they could select, this is simply to cause the law to be carried out.

Mr. PETTIGREW. It seems to me that we ought to put as much combustible material into that building as possible, and that when finished it should be set on fire. Architecturally it appears to me that it is an eyesore and always will be to every citizen of this country. It mars the appearance of the Avenue. I am very sorry to see anything done that will prevent it from being burnt up.

Mr. COCKRELL. The lower part of the structure can not burn as it is now, and we do not want the upper part, containing valuable records, to be burned.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

### IMPRISONMENT OF MRS. FLORENCE E. MAYBRICK.

Mr. CALL. At the request of one of the intelligent women of the United States who are much interested in the subject, I introduce a joint resolution and ask that it may be read and referred to the Committee on the Judiciary. In doing so, I take pleasure in saying that as far as I am concerned I concur entirely in the request of the joint resolution and in its spirit and purpose. I ask that it be read at length.

The joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the people of the United States sympathize with Mrs. Florence E. Maybrick, formerly of Mobile, Ala., in her sufferings, under a sentence of life imprisonment at hard labor in England; that they almost universally believe that she is innocent, and it would be an act of gracious respect to the public opinion of this people, speaking the English language, in large part of English descent, governed by the same laws, inheriting the same love of law and order, the same abhorrence of crime, the same love of liberty and the protection of the weak and helpless against arbitrary power, for the Government of Great Britain to pardon Mrs. Maybrick and restore her to her country and her family.

*Resolved*, That the President of the United States be, and he is hereby, requested to communicate this resolution to the Government of Great Britain.

Mr. SHERMAN. If in order, I will move to lay the joint resolution on the table. It ought not to be introduced here. I happened to be in England at the time of the trial of this person. There was great difference of opinion as to whether she ought to have been convicted, but certainly it is a subject over which the Senate of the United States has no jurisdiction. I trust that the joint resolution will lie on the table.

Mr. CALL. I will ask that it may lie on the table for the present. I should like to have a vote of the Senate on the proposition of the Senator from Ohio, though it is not in order to discuss it at this time. It is the opinion of a great body of people of the United States that this person has been very unjustly treated. This is a respectful request in response to a great public opinion. There is nothing in it offensive to the Government of Great Britain, but it simply expresses a sympathy and an opinion on the part of the people of her innocence. I have never yet seen anyone who would deny the fact that the trial was a harsh one, and that the probabilities were altogether in favor of innocence on the part of this person. I ask that the joint resolution may lie on the table for the present.

The PRESIDENT pro tempore. The joint resolution has been read twice.

Mr. SHERMAN. I move that it lie on the table.

The PRESIDENT pro tempore. The Senator from Ohio moves that the joint resolution be laid on the table.

Mr. CALL. I ask the Senator from Ohio to withdraw that motion and let it lie upon the table subject to be called up when we may have some consideration of it. I think disposing arbitrarily of a petition and request from so large a portion of the people of the United States is somewhat improper, and will be prejudicial to the application of the friends of this person for a pardon.

The PRESIDENT pro tempore. The question is on the motion to lay the joint resolution on the table.

Mr. CALL. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WALTHALL. Why not let the joint resolution go over under the rule? Is there any objection to that course?

Mr. COCKRELL. One objection carries it over.

The PRESIDENT pro tempore. It is a joint resolution. The question is on the motion of the Senator from Ohio, to lay it on the table, on which the yeas and nays have been ordered.

Mr. TELLER. Let us have it read.

The PRESIDENT pro tempore. The joint resolution will be again read.

The Secretary again read the joint resolution.

Mr. CALL. I ask unanimous consent to say a word on the joint resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Florida will proceed.

Mr. CALL. I should be very glad to hear from the Senator from Ohio or any other Senator some reasonable objection to the reference of the joint resolution to the Committee on the Judiciary. If there is anything in it that may seem to be improper toward a foreign government, it can be amended by the committee.

Mr. SHERMAN. In order to dispose of the matter, I am perfectly willing that it shall be referred to the Committee on the Judiciary, if the Senator from Florida desires.

Mr. TELLER. That is right.

Mr. CALL. That is all.

The PRESIDENT pro tempore. Without objection, the Senator from Ohio withdraws his motion to lay the joint resolution on the table.

Mr. ALLISON. And moves to refer it.

Mr. SHERMAN. I move to refer it.

The PRESIDENT pro tempore. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted eight amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Claims.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

### SOUTHERN FEDERAL PRISON.

Mr. BACON. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask be referred to the Committee on the Judiciary and ordered to be printed.

In moving the reference of the proposed amendment to the Committee on the Judiciary, I beg the indulgence of the Senate to state that it relates to the construction of a Southern Federal prison, and that I offer the amendment at the suggestion and with the approval of the Attorney-General. In order that the importance of it may be suggested to the Senate, rather than undertake myself to state the reasons therefor, I beg leave to read one paragraph from the last annual report of the Attorney-General on this subject. It is as follows:

The necessity for suitable United States prisons and reformatories has been heretofore urged in the reports to Congress from this Department, and I believe that the time for adequate provision to that end has fully arrived. In considering the subject the question of economy should not be deemed the only one of importance. The fact that the entire practice with regard to the imprisonment of United States convicts is antiquated and inefficient is but too evident, and furnishes sufficient warrant for the substitution of better methods.

An act was passed by the Fifty-first Congress authorizing the purchase of sites for the erection of three United States prisons, but was held to be inoperative because it carried no appropriation. Should it be deemed inexpedient now to make an appropriation sufficient to carry out all the original purposes of that law, it is suggested that at least one penitentiary should be established in a Southern State for the confinement of convicts from Southern districts. This measure seems to me to be imperatively demanded for reasons of humanity as well as economy. But few State institutions in that section

can be used for Federal prisoners, who are consequently sent to penitentiaries in Northern districts. The change of climate involved results injuriously, and Executive clemency is frequently invoked and exercised on the ground alone that the prisoner's health has been permanently broken and incurable disease contracted by the severity of the Northern winters.

I have ascertained that there are in the South quite a large number of reservations belonging to the Government, military and otherwise, among which a suitable site for a prison could doubtless be selected. If not, offers made after the passage of the act just mentioned show that the land required would doubtless be furnished free of cost to the Government.

It is not the purpose of this amendment to ask for an appropriation sufficient for the completion of the prison. The original amount contemplated in the act of 1890, which is referred to by the Attorney-General, is much larger than that named in the proposed amendment. The purpose of the proposed amendment is to secure an amount sufficient to defray the necessary expenses in procuring the site, the making of the plans, and the beginning of the work.

I trust that the amendment may meet with the approval of the committee and of the Senate.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on the Judiciary and printed.

### CLAIMS FOR RENT OF BARRACKS AND QUARTERS.

Mr. LINDSAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate at as early a day as practicable of the present session the cases of Kentucky claimants for rents for barracks and quarters allowed by the accounting officers of the Treasury and reported to Congress January, 1895, in House Executive Document 234, and not appropriated for.

### TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. PETTIGREW. Have we finished the morning business?

The PRESIDENT pro tempore. The morning business is completed, the Chair believes.

Mr. ALLEN. I ask that the special order be laid before the Senate this morning.

The PRESIDENT pro tempore. The Secretary will state the special order.

The SECRETARY. A bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor.

The PRESIDENT pro tempore. This bill has been read in full, and the question is on the first amendment reported by the Select Committee on International Expositions.

Mr. PETTIGREW. I consented that the bill might be taken up, with the understanding that it would not lead to debate. If it leads to debate I shall object to its consideration, in order that we may proceed with the Indian appropriation bill.

Mr. ALLEN. I understand that this bill, and the RECORD so reads, was to be taken up and considered between the conclusion of the routine morning business and the hour of 2 o'clock. That is the RECORD, I think.

The PRESIDENT pro tempore. The RECORD shows that its consideration is not to interfere with the appropriation bill.

Mr. ALLEN. Yes, sir; "not to interfere with the appropriation bill."

Mr. PETTIGREW. I shall insist upon taking up the Indian appropriation bill, if this bill leads to debate, without reference to the hour of 2 o'clock, as I so understood the agreement.

Mr. ALLEN. I hope the Senator from South Dakota will permit the bill to be disposed of, although it may lead to some slight inquiries.

Mr. ALLISON. If the Senator from Nebraska will allow me a moment, I will state that I have for the first time examined this bill. I think there are some changes which should be made in the phraseology. I have not had time to prepare those changes. I hope the Senator from Nebraska and others will consent that it may go over until the Indian appropriation bill is completed. I do not think it will take long to dispose of it then.

Mr. ALLEN. That course is satisfactory to me, if it can be retained as a special order after the conclusion of the Indian appropriation bill.

Mr. ALLISON. There is some phraseology in the bill to which I should like to call the Senator's attention, and I think he will see that it ought to be changed.

Mr. ALLEN. Then I ask unanimous consent that the bill be made a special order after the conclusion of the Indian appropriation bill.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the bill may be taken up for consideration after the Indian appropriation bill is disposed of.

Mr. HOAR. Does that displace all special orders?

The PRESIDENT pro tempore. No; it is unanimous consent that is asked for the consideration of the bill immediately following the disposal of the Indian appropriation bill.

Mr. HOAR. If that is to postpone to an indefinite period all special orders, I shall object. If, however, as I understood the suggestion of the Senator from Iowa, the Indian appropriation bill is to be disposed of to-day, I shall not make any objection, with the understanding that this bill is not to go beyond to-day. That will be satisfactory, undoubtedly, to the Senator from Nebraska.

Mr. ALLEN. I hardly believe the Indian appropriation bill can be concluded to-day. This bill will not——

Mr. HOAR. I will state to the Senator that I wish very much indeed to reach the measure abolishing the death penalty, which has now two special orders before it. There are quite a number of poor wretches who are likely to be sentenced to death. I suggest to the Senator to confine the order to to-day. I think it will be finished.

Mr. ALLEN. Very well, then; let it stand as the order for to-day after the conclusion of the Indian appropriation bill.

Mr. HOAR. Not to extend beyond to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. BROWN. There is objection. We have been for weeks trying to get up the joint resolution which is the unfinished business, and we have been constantly met with interruption.

Mr. ALLEN. I did not hear the remark of the Senator from Utah.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Nebraska.

Mr. BROWN. The Uncompahgre joint resolution is the unfinished business.

Mr. ALLEN. If the Senator will pardon me, I will state that this would not at all interfere with the unfinished business. My request simply was that it might be taken up this afternoon after the conclusion of the Indian appropriation bill.

Mr. ALLISON. By unanimous consent.

Mr. ALLEN. By unanimous consent.

Mr. BROWN. If it will not interfere, let it take its place after the Uncompahgre joint resolution is disposed of.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Nebraska.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds; and

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

The message also announced that the House had passed the following bills:

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.; and

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in said company."

The message further announced that the House had passed a bill (H. R. 5210) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUD, Mr. SMITH of Illinois, and Mr. KYLE managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 569) granting a pension to Sophia J. Hamilton, widow of Charles S. Hamilton, major-general of volunteers;

A bill (H. R. 1499) to correct the muster of Lieut. Gilman L. Johnson;

A bill (H. R. 5363) authorizing the construction of a fog signal on the north pier of the entrance to Menominee Harbor, Michigan; and

A bill (H. R. 6425) for the relief of Clifton R. Anderson.

### INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I move that the Senate proceed to the consideration of the Indian appropriation bill. I suppose, however, a motion is not necessary. I think it is the order of business.

Mr. HOAR. A motion is necessary in the morning hour.

The PRESIDENT pro tempore. A motion must be made.

Mr. PETTIGREW. I move, then, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with at page 65.

Mr. PETTIGREW. The committee amendments on page 65 were passed over, and we will go on through with the bill before we take them up.

The reading of the bill was resumed at line 8, on page 65. The next amendment of the Committee on Appropriations was, on page 65, after line 22, to insert:

For the purpose of erecting additional buildings for the Mount Pleasant Indian school at Mount Pleasant, Mich., namely: For the erection of a girls' dormitory and dining hall, $30,000; for the erection of a schoolhouse, $10,000; in all, $40,000.

The amendment was agreed to.

The next amendment was, on page 67, line 1, after the word "dollars," to insert "for the construction and furnishing of bathrooms, $1,000"; so as to read:

For support and education of 150 Indian pupils at the Indian school, Pierre, S. Dak., at $167 each per annum, $25,050; for pay of superintendent of said school, $1,500; for general repairs and improvements, $1,000; for the construction and furnishing of bathrooms, $1,000.

Mr. PETTIGREW. I move to amend the amendment by striking out the word "one" before "thousand," and inserting "two"; so as to read "$2,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, on page 67, in line 3, before the word "thousand," to strike out "twenty-seven," and insert "twenty-eight"; and in line 4, after the word "dollars," to strike out "for the construction and furnishing bathrooms for the said school, $1,000"; so as to read:

In all, $28,550.

Mr. PETTIGREW. The footing should be changed in consequence of the amendment just adopted. I therefore move to amend the amendment by striking out "twenty-eight" and inserting "twenty-nine"; so as to make the amount "$29,550."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 4, on page 71, line 18, after "June 30," to change the date "1896" to "1897"; and in line 21, after "July 1," to change the date "1895" to "1896"; so as to read:

*Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1897, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1896.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE FORT BELKNAP INDIAN RESERVATION IN MONTANA.

SEC. 8. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the 9th day of October, A. D. 1895, conclude an agreement with the Indians of the Fort Belknap Reservation in the State of Montana, which said agreement is in words and figures as follows (Senate Document No. 117, Fifty-fourth Congress, first session), to wit:

Agreement concluded October 9, 1895, with the Indians of the Fort Belknap Reservation in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

This agreement, made and entered into this 9th day of October, A. D. 1895, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, residing upon and attached to the Fort Belknap Indian Reservation in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, witnesseth that:

ARTICLE I.

For and in consideration of the sum to be paid and the obligations assumed on the part of the United States, as hereinafter set forth, said Indians of the Fort Belknap Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation, in the State of Montana, lying and being within the following described lines, to wit: Beginning at the 54-mile boundary monument, at a point about the middle of the crest of Mission Butte, and following a straight line, bearing (magnetic) north seventeen degrees thirty minutes west, to the highest point on a limestone ridge on the south side of the north fork of Peoples Creek, and running at right angles to the course of said creek at this point; thence in a straight line, bearing (magnetic) north two degrees forty-five minutes west, to a rounded, timbered knob on the crest of the limestone reef on the north side of the north fork of Peoples Creek and parallel with its general course; thence easterly, following the crest of the last-mentioned limestone reef north of the north fork of Peoples Creek to a low, rounded hill on said limestone reef, where it dips down to the valley of Lodge Pole, or Red Mountain Creek; thence in a straight line north seventy-four degrees east (magnetic) to the wooded limestone ridge known as Travois Butte, where a line drawn from the summit of Granite Butte (the peak south of the 61½-mile boundary monument) north fifteen degrees east (magnetic) would intersect it; thence along said straight line to the southern boundary line of the present reservation; thence along said southern boundary line of the present reservation to the point of beginning.

ARTICLE II.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made, the United States hereby covenants and agrees to advance and expend during the period of four years, beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the 11th day of February, A. D. 1887, and ratified by Congress on the 1st day of May, A. D. 1888, under the direction of the Secretary of the Interior for the Indians, the sum of $80,000. It is agreed that the said money shall be deposited in the Treasury of the United States immediately upon the expiration of the payments under the said agreement of 1887, to bear interest at the rate of 4 per cent per annum, and there shall be expended the sum of $90,000 yearly, or so much thereof as may be necessary, as hereinafter provided. It is provided that any surplus accumulated under and remaining at the expiration of payments under the agreement of 1887 shall also bear interest at the rate of 4 per cent per annum.

Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements; in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans; in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops, as may be necessary; in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

ARTICLE III.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation who are well qualified for such positions, and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time in such manner as shall best promote the objects specified.

ARTICLE V.

As the scarcity of water on this reservation renders the pursuit of agriculture difficult and uncertain, and since the reservation is well adapted to stock raising, and it seems probable that the main reliance of these Indians for self-support is to be found in cattle raising, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract, upon which their herds may feed undisturbed; and that after the expiration of this agreement the land shall continue to be so held until such time as a majority of the adult males of the tribes shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribes may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he has made on the same, and the filing of such description shall give the said member of the tribes the right to take such land when allotments of the lands in severalty shall be made.

ARTICLE VI.

So soon as this agreement shall have received the approval of Congress, the boundary lines described in Article I shall be surveyed, designated, and marked by monuments not more than one-half mile apart. The expense of such survey shall be borne by the United States, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

Such survey and the markings of the above-described boundary lines shall be done immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

ARTICLE VII.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

ARTICLE VIII.

All of the provisions of the agreement between the parties hereto, made February 11, 1887, not in conflict with the provisions of this agreement, are hereby continued in full force and effect.

ARTICLE IX.

It is understood and declared that whenever the word Indian is used in this agreement it includes mixed bloods as well as full bloods.

ARTICLE X.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at the Fort Belknap Agency, Mont., on the 9th day of October, 1895.

[SEAL.] WILLIAM C. POLLOCK.
[SEAL.] GEO. BIRD GRINNELL.

HOUGA DJU SHI NA, his x mark (LITTLE CHIEF), and others.

FORT BELKNAP AGENCY, MONT., *October 9, 1895.*

We, James Matt, Charles Buckman, Chas. Perry, and James Perry, do certify that the annexed and foregoing agreement by and between the United States and Indians residing upon and attached to the Fort Belknap Indian Reservation in Montana was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians, whose names appear subscribed to said agreement, signed the same in our presence.

We further certify that said Indians are members of said tribes and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hand at the Fort Belknap Agency this 9th day of October, 1895.

CHARLES PERRY,
CHARLIE BUCKMAN,
JAMES MATT,
JAMES PERRY.

FORT BELKNAP AGENCY, MONT., *October 9, 1895.*

I hereby certify that there are 181 male adult Assiniboine and 153 male adult Gros Ventre Indians, making a total of 334 male adult Indians residing on this reservation and drawing rations and annuities at this agency, as shown by the records of the agency office.

LUKE C. HAYS,
*United States Indian Agent.*

Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

That for the purpose of making the survey of the boundary lines described in article I as provided for by article 6 of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,500, or so much thereof as may be necessary, the same to be immediately available.

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat of survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase, under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That said lands shall be sold at $10 per acre: *And provided further*, That the terms of this section shall not be construed to authorize the occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey.

The amendment was agreed to.

The next amendment was, on page 82, after line 3, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE BLACKFEET INDIAN RESERVATION IN MONTANA.

SEC. 9. Whereas William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, did on the 26th day of September, A. D. 1895, conclude an agreement with the Indians of the Blackfeet Reservation, in the State of Montana, which said agreement is in words and figures as follows (Senate Document No. 118, Fifty-fourth Congress, first session), to wit:

Agreement concluded September 26, 1895, with the Indians of the Blackfeet Reservation, in Montana, by William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners.

This agreement, made and entered into the 26th day of September, A. D. 1895, by and between William C. Pollock, George Bird Grinnell, and Walter M. Clements, commissioners on the part of the United States, and the undersigned Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in the State of Montana, the same constituting a majority of the male adult Indians belonging upon said reservation, both full bloods and mixed bloods, the latter's rights to participate in all business proceedings of said tribe and to share in all the benefits accruing to said tribes from a sale of land or otherwise being hereby recognized as equal to the full bloods, witnesseth that:

ARTICLE I.

For and in consideration of the sums to be paid and the obligations assumed upon the part of the United States, as hereinafter set forth, said Indians of the Blackfeet Reservation hereby convey, relinquish, and release to the United States all their right, title, and interest in and to that portion of their present reservation in the State of Montana lying and being west of the following-described line, to wit:

Beginning at a point on the northern boundary of the reservation due north from the summit of Chief Mountain, and running thence south to said summit; thence in a straight line to the most northeasterly point of Flat Top Crag; thence to the most westerly of the mouths of Divide Creek; thence up said creek to a point where a line drawn from the said northeasterly point of Flat Top Crag to the summit of Divide Mountain intersects Divide Creek; thence to the summit of Divide Mountain; thence in a straight line to the western extremity of the lower Two Medicine Lake; thence in a straight line to a point on the southern line of the right of way of the Great Northern Railway Company 4 miles west of the western end of the railway bridge across the north fork of the Two Medicine River; thence in a straight line to the summit of Heart Butte, and thence due south to the southern line of the present reservation: *Provided*, That said Indians shall have, and do hereby reserve to themselves, the right to go upon any portion of the lands hereby conveyed so long as the same shall remain public lands of the United States, and to cut and remove therefrom wood and timber for agency and school purposes, and for their personal uses for houses, fences, and all other domestic purposes: *And provided further*, That the said Indians hereby reserve and retain the right to hunt upon said lands and to fish in the streams thereof so long as the same shall remain public lands of the United States under and in accordance with the provisions of the game and fish laws of the State of Montana.

ARTICLE II.

For and in consideration of the conveyance, cession, and relinquishment hereinbefore made the United States hereby covenants and agrees to advance and expend during the period of ten years beginning from and after the expiration of the payments provided for in the agreement made between the parties hereto on the 11th day of February, A. D. 1887, and ratified by Congress on the 1st day of May, A. D. 1888, under the direction of the Secretary of the Interior for the Indians, both full bloods and mixed bloods, now attached to and receiving rations and annuities at the Blackfeet Agency, and all who shall hereafter be declared by the tribes located upon said reservation, with the approval of the Secretary of the Interior, entitled to membership in those tribes, the sum of $1,500,000.

It is agreed that said money shall be paid as follows: The first year after the expiration of payments under the agreement of 1887, $500,000, one-half of which shall be deposited in the United States Treasury and bear interest at 4 per cent per annum, and one-half, or so much thereof as shall be necessary, shall be expended as hereinafter provided; and annually thereafter for eight years the sum of $150,000: *Provided*, That any surplus accumulated under and remaining at the expiration of the agreement of 1887, and any surplus that may remain from any annual payment provided for herein, shall also be placed in the United States Treasury to the credit of said Indians, and shall bear interest at the rate of 4 per cent per annum. Such sums, or so much thereof as may be necessary in any one year, shall be expended in the purchase of cows, bulls, and other live stock, goods, clothing, subsistence, agricultural implements, in providing employees, in the education of Indian children, in procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and of helpless orphans, in the erection and keeping in repair of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops as may be necessary, in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

ARTICLE III.

It is agreed that in the employment of all agency and school employees preference in all cases be given to Indians residing on the reservation, who are well qualified for such positions; and that all cattle issued to said Indians for stock-raising purposes, and their progeny, shall bear the brand of the Indian Department, and shall not be sold, exchanged, or slaughtered, except by the consent of the agent in charge, until such time as this restriction shall be removed by the Commissioner of Indian Affairs.

ARTICLE IV.

In order to encourage habits of industry and to reward labor, it is further understood and agreed that, in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided in Article II, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil and engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time, in such manner as shall best promote the objects specified.

ARTICLE V.

Since the situation of the Blackfeet Reservation renders it wholly unfit for agriculture, and since these Indians have shown within the past four years that they can successfully raise horned cattle, and there is every probability that they will become self-supporting by attention to this industry, it is agreed that during the existence of this agreement no allotments of land in severalty shall be made to them, but that this whole reservation shall continue to be held by these Indians as a communal grazing tract upon which their herds may feed undisturbed; and that after the expiration of this agreement the lands shall continue to be held until such time as a majority of the adult males of the tribe shall request in writing that allotment in severalty shall be made of their lands: *Provided*, That any member of the tribe may, with the approval of the agent in charge, fence in such area of land as he and the members of his family would be entitled to under the allotment act, and may file with the agent a description of such land and of the improvements that he has made on the same, and the filing of such description shall give the said members of the tribe the right to take such land when allotments of the land in severalty shall be made.

ARTICLE VI.

So soon as this agreement shall have received the approval of Congress the boundary lines described in Article I shall be surveyed and designated by two engineers, one of whom shall be selected by the Indians and one by the Secretary of the Interior; the said boundaries shall at once be marked by monuments, not more than one-half mile apart; the points at the mouth of Divide Creek and the westernmost extremity of the lower Two Medicine Lake, after they have been marked, shall be fixed and remain unchanged, no matter what alterations may hereafter take place in the course of said creek, or in the level of said lake. The expense of such survey shall be shared equally between the United States and the tribes occupying this reservation, but the unskilled laborers employed in the work shall be hired from among the Indians residing on this reservation.

Such survey and the marking of the above-described boundary lines shall be begun immediately—not later than ninety days after the approval of this agreement by Congress—and completed as speedily as possible, and the ceded portion of the reservation shall not be thrown open to occupancy by the whites until after the new boundaries of the reservation shall have been established and marked.

ARTICLE VII.

It is further agreed that whenever, in the opinion of the President, the public interests require the construction of railroads or other highways, telegraph or telephone lines, canals and irrigating ditches, through any portion of this reservation, right of way shall be, and is hereby, granted for such purposes, under such rules, regulations, limitations, and restrictions as the Secretary of the Interior may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians.

ARTICLE VIII.

It is further agreed and provided that none of the money realized from the sale of this land shall be applied to the payment of any judgment which has been or may hereafter be rendered upon any claim for damages because of depredations committed by said Indians prior to the date of this agreement.

ARTICLE IX.

The provisions of Article VI of the agreement between the parties hereto, made February 11, 1887, are hereby continued in full force and effect, as are also all the provisions of said agreement not in conflict with the provisions of this agreement.

ARTICLE X.

It is understood and declared that wherever the word "Indian" is used in this agreement it includes mixed bloods as well as full bloods.

ARTICLE XI.

This agreement shall not be binding upon either party until ratified by Congress.

Dated and signed at Blackfeet Agency, Mont., on the 26th day of September, 1895 (A. D. 1895).

[SEAL.] WILLIAM C. POLLOCK.
[SEAL.] GEO. BIRD GRINNELL.
[SEAL.] WALTER M. CLEMENTS.

O NIS TAI PO KAH, his x mark (WHITE CALF), and others.

Witness:
J. E. WEBB.
A. B. HAMILTON.
GEORGE STEELL,
*United States Indian Agent.*

BLACKFEET INDIAN AGENCY, *September 28, 1895.*

I, J. W. Schultz, hereby certify that I wrote the names appearing upon the foregoing pages, the same being those that were signed by the parties by making their mark; that the same was done by them freely and voluntarily, and the names appearing thereon are Indians, both full bloods and mixed bloods, belonging upon and attached to the Blackfeet Indian Reservation.

Given under my hand at the Blackfeet Agency this the 28th day of September, 1895.

J. W. SCHULTZ.

BLACKFEET AGENCY, MONT., *September 28, 1895.*

We, Charles Simon, James Perrine, and Richard Sanderville, do certify that the annexed and foregoing agreement by and between the United States and Indians, both full bloods and mixed bloods, residing upon and attached to the Blackfeet Indian Reservation, in Montana, was fully interpreted to said Indians and they made to understand the same; that after said interpretation the said Indians whose names appear subscribed to said agreement signed the same in our presence.

We further certify that said Indians are members of said tribe and reside upon said reservation, set apart for said Indians in Montana, and that said subscribers are male adults over the age of 21 years.

Given under our hands at the Blackfeet Indian Agency this 28th day of September, 1895.

CHARLES SIMON,
*Special Interpreter.*
JAMES PERRINE,
*Indian Interpreter.*
RICHARD SANDERVILLE,
*United States Agency Interpreter.*

BLACKFEET AGENCY, MONT., *September 28, 1895.*

I, George Steell, United States Indian agent at Blackfeet Agency, Mont., hereby certify that the male adult population of the Indians belonging to the Blackfeet Reservation, both full bloods and mixed bloods, is 381.

This certificate is made upon my best knowledge, information, and belief, derived from the records of my office and fortified by all other sources of reliable information as to ages.

Given under my hand at the Blackfeet Agency this 28th day of September, 1895.

GEORGE STEELL,
*United States Indian Agent.*

Therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

That for the purpose of paying one-half of the expense of making the survey of the boundary line described in Article I, as provided by Article VI of said agreement, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as may be necessary, the same to be immediately available; and the Secretary of the Interior is hereby authorized to use so much of any appropriation heretofore or hereafter made for the benefit of the Indians of the Blackfeet Reservation as may be necessary to pay one-half of the expense of the survey of the said boundary line by the said Article VI of the agreement to be borne by the Indians.

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat or survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert as a new section the following:

AGREEMENT WITH THE INDIANS OF THE SAN CARLOS INDIAN RESERVATION IN ARIZONA.

SEC. 10. Whereas Province McCormick, United States Indian inspector, did, on the 25th day of February, 1896, in accordance with the provisions of the act of Congress of March 2, 1895 (28 Statutes at Large, page 894), conclude an agreement with the Indians of the San Carlos Reservation, Ariz., for the cession and relinquishment to the United States of the lands of the reservation embracing the coal fields, which said agreement is in words and figures as follows (House Document No. 320, Fifty-fourth Congress, first session), to wit:

This agreement, made on the 25th day of February, 1896, pursuant to an item in the act of Congress making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1896, as follows: "The Secretary of the Interior is authorized to negotiate with the Indians on the San Carlos Reservation, Ariz., through an inspector, for the cession or relinquishment to the United States of the lands embracing the coal fields, and that any agreement made shall be submitted to Congress for its action," by Province McCormick, United States Indian inspector, on the part of the United States, and the Apache, Mohave, and Yuma Indians, residing on the San Carlos Indian Reservation, in the Territory of Arizona, by their chiefs, headmen, and members of said tribes, embracing a majority of all the male adult Indians occupying said reservation, witnesseth:

ARTICLE I.

That the said Indians do hereby cede, grant, and relinquish to the United States all right, title, and claim which they may have in and to all the land embraced within the following-described tract, now a part of the said San Carlos or White Mountain Indian Reservation, to wit:

All the land lying south of a line, commencing at a point on the present eastern boundary of the said reservation, 1 mile south of Goodwin Spring; thence in a general direction west to the highest point on Mount Turnbull; thence in a westerly direction to a point on a line between the agency building proper and Stanley, or the Saddle Butte, 7 miles from said building in a southerly direction; thence in a westerly direction at longest possible tangents to the mouth of Hawk Canyon, not crossing said canyon; thence down the Gila River, following the south bank to a point where said Gila River crosses the present western boundary of the reservation.

ARTICLE II.

That in consideration of the lands ceded, relinquished, and conveyed, as aforesaid, the United States stipulates and agrees to place in the Treasury of the United States to the credit and for the sole benefit of the said Apache, Mohave, and Yuma Indians and to account therefor annually to them, through their agent, the net proceeds accruing from the disposal of such coal and mineral lands lying within the ceded territory under the laws applicable thereto; and that said money shall be paid to them in cash from time to time as the same shall become available, pro rata, share and share alike to each man, woman, and child of the tribes now living upon and entitled to the privileges of the said reservation: *Provided*, That none of the money credited to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

ARTICLE III.

That for the purpose of segregating the ceded land from the diminished reservation the new boundary line described in article I of the agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments; and that the cost of said survey shall be chargeable to and be paid out of the proceeds of said ceded lands.

ARTICLE IV.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

Dated and signed at San Carlos Agency, Ariz., on the 25th day of February, 1896.

PROVINCE McCORMICK,
*United States Indian Inspector.*

The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs, headmen, and members of the several bands of Apache, Mohave, and Yuma Indians, attached to and receiving rations at the San Carlos Agency, in the Territory of Arizona, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at San Carlos Agency, Ariz., this 25th day of February, 1896.

(Here follow 603 signatures of the adult male Indians of the San Carlos Reservation.)

Witness:

ALBERT L. MYER,
*Captain Eleventh Infantry, Acting Indian Agent.*
D. G. CHEESMAN,
*Agency Clerk.*

We hereby certify that the foregoing articles of agreement were carefully read and explained to the Indians, parties hereto, in open council, and were thoroughly understood by them before signing the same, and that the agreement was executed and signed by said Indians at the San Carlos Indian Agency, in Arizona Territory, on the 25th day of February, 1896.

JAMES STEVENS,
*United States Special Interpreter.*
CONSTANT BREAD,
*United States Agency Interpreter, Apache.*
MIKE BURNS,
*United States Special Interpreter.*
ARTHUR DUCAT,
*United States Agency Interpreter, Mohave.*

Witness:

ALBERT L. MYER,
*Captain Eleventh Infantry, Acting Indian Agent.*
D. G. CHEESMAN,
*Agency Clerk.*

I certify that the records of this office show that the total number of males on this reservation over 18 years of age, according to last census, was 1,113, of whom 30 are scouts in the United States service and permanently absent, leaving 1,083.

ALBERT L. MYER,
*Captain Eleventh Infantry, Acting Indian Agent.*

SAN CARLOS AGENCY, ARIZ., *February 25, 1896.*

SAN CARLOS AGENCY, ARIZ., *February 25, 1896.*

I certify that the records of this office show 1,083 male adult Indians over 18 years of age now residing on this entire reservation, and that the foregoing agreement has been duly signed by a majority thereof.

PROVINCE McCORMICK,
*United States Indian Inspector.*

Therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

The Secretary of the Interior shall cause the said boundary line (estimated length 45 miles), as described in Article III of the agreement quoted and made a part of this act, to be surveyed, marked, and established by permanent and durable monuments of stone, the same to be set at each mile and half-mile point and at the angles formed on said line, and set, marked, and witnessed in conformity with instructions to be furnished by said Secretary of the Interior relating thereto; the compensation to be allowed for executing said survey not to exceed the sum of $40 per mile, including the monuments.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,800, or so much thereof as may be necessary, to carry into effect the provisions of the preceding section, said amount to be immediately available: *Provided, however*, That from the proceeds of the sale of the lands ceded by said agreement there shall first be deducted an amount sufficient to reimburse the United States for the expenditure authorized by this section.

Every person above the age of 21 years who is a citizen of the United States or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter any quantity of vacant coal lands upon the ceded portion of said reservation, not exceeding 160 acres to such individual person, or 320 acres to such association, to be taken as near as practicable in square form, upon payment to the receiver of $5 per acre for such lands: *Provided, however*, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

Any person or association applying to purchase such coal lands shall file with such application a plat and field notes of the land sought to be entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the land claimed, which shall be distinctly marked by monuments on the ground and connected by course and distance with a permanent fixed monument within 2 miles, which monument shall be established as the initial point of all surveys within such distance.

Mining claims upon said ceded lands, for deposits of minerals other than coal, whether lode or vein, or placer, may be located and purchased in accordance with the terms of the general mining laws of the United States, as found in Title XXXII, chapter 6, of the Revised Statutes of the United States and amendments thereto.

All locations of the character specified in section 6 heretofore made upon

said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

All locations of the character specified in section 6 heretofore made upon said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

Mr. PETTIGREW. I move to strike out all of the amendment reported by the committee after line 17, on page 100, to the end of the section, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). If there be no objection, the amendment reported by the committee to the end of line 17, on page 100, will be regarded as agreed to. Is there objection? The Chair hears none. The amendment of the Senator from South Dakota will now be stated.

The SECRETARY. It is proposed to strike out all the amendment after line 17, on page 100, as follows:

Every person above the age of 21 years who is a citizen of the United States or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter any quantity of vacant coal lands upon the ceded portion of said reservation, not exceeding 160 acres to such individual person or 320 acres to such association, to be taken as near as practicable in square form, upon payment to the receiver of $5 per acre for such lands: *Provided, however*, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

Any person or association applying to purchase such coal lands shall file with such application a plat and field notes of the land sought to be entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the land claimed, which shall be distinctly marked by monuments on the ground and connected by course and distance with a permanent fixed monument within 2 miles, which monument shall be established as the initial point of all surveys within such distance.

Mining claims upon said ceded lands for deposits of minerals other than coal, whether lode or vein or placer, may be located and purchased in accordance with the terms of the general mining laws of the United States, as found in Title XXXII, chapter 6, of the Revised Statutes of the United States and amendments thereto.

All locations of the character specified in section 6 heretofore made upon said land are hereby validated, but no application for the purchase of any coal or mineral lands shall be received at the local land office prior to the official filing of the plat provided by section 2 of this act.

And to insert:

That upon the filing in the United States local land office for the district in which the lands surrendered by Article I of the foregoing agreement are situated of the approved plat or survey authorized by section 2 of this act, the lands so surrendered shall be open to occupation, location, and purchase under the provisions of the mineral-land laws only, subject to the several articles of the foregoing agreement: *Provided*, That the terms of this section shall not be construed to authorize occupancy of said lands for mining purposes prior to the date of filing said approved plat of survey: *Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by section 2 of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment of the committee.

Mr. ALLISON. I shall be very glad if the Senator from South Dakota in charge of the bill will state wherein the provision that he now proposes differs from the existing provision in the bill as printed.

Mr. PETTIGREW. The bill as printed provides that the coal and other mineral lands shall be sold and the proceeds held for the benefit of the Indians and paid to them each year. It also provides that the coal lands shall be sold at $5 per acre, which is a reduction of one-half of the price charged under the existing statutes of the United States. The agreement made with those Indians provides that such lands shall be disposed of under the coal and mineral laws of the United States, and that they shall have the proceeds. Therefore we agreed when we made the contract with those Indians that they should have practically not less than $10 an acre for the coal lands, while in ratifying the agreement as passed by the committee they would receive only $5 an acre. It is for the purpose of correcting the error that I offer the amendment which I have sent to the desk.

Mr. ALLISON. I of course do not know precisely what amendment is necessary, but the amendment to the amendment as read at the desk provides with respect to other minerals than coal. The proviso on page 101 reads:

*Provided, however*, That any person or association qualified as above, who in good faith prior to the passage of this act had discovered and opened a coal mine, etc.

I do not know whether any other minerals have been discovered on those lands.

Mr. PETTIGREW. I think not. There is nothing in the notes of the agreement to that effect.

Mr. ALLISON. So the only effect of the change proposed is to make the price of these lands $10 an acre instead of $5.

Mr. PETTIGREW. Yes, sir; to accord with the agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FAULKNER. There was an amendment on page 65 which was passed over.

Mr. JONES of Arkansas. There are a number of amendments which were passed over.

Mr. PETTIGREW. A number of amendments have been passed over. We will take them up in their order. The first one is on page 28.

The PRESIDING OFFICER. The Secretary will report in their order the amendments which have been passed over.

The SECRETARY. After the word "dollars," in line 19, page 28, the committee report to strike out:

*Provided*, That the sums of money mentioned in this and the preceding paragraph shall be paid to said Indians by an officer designated by the Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. PETTIGREW. The next amendment which was passed over is on page 51.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 13, page 51, it is proposed to amend the amendment by inserting:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment reported by the committee.

Mr. CHILTON. Mr. President, I am reluctant to take up a question which has been so well worn in discussions before the Senate heretofore, but it does seem to me that the proposition of the Senator from Utah ought not to be adopted. The State from which I come has nothing beyond a general interest in the selection of officers such as those touched by his amendment. So far as my information goes there never has been one of the many Indian agents or Indian treaty commissioners throughout the West appointed from Texas. I have not the slightest expectation that any such will be appointed in future.

I will say further that I have no sort of inclination to widen unduly the bounds of discretion vested in the Secretary of the Interior or the Commissioner of Indian Affairs or any other executive officer.

I am fully in accord with the Senator from Utah [Mr. CANNON] on the general policy of localizing the appointments to Federal offices so far as practicable, but it seems to me that that rule ought not to be applied where it may prove an obstruction. Home rule is a good rule, but exceptions to it are necessary, and it seems to me this case affords a marked instance of the desirability of exception.

All the States have United States judges, marshals, attorneys, clerks, and commissioners. Hence a general policy of appointing these officers from local applicants works equitably as well as efficiently.

But in the very nature of things, the places at which Federal business is disposed of can not be geographically distributed in fair proportion among the States. There will be more or less concentration in the location of sites upon which to conduct the operations of the Federal Government.

It is a perversion of a good principle to say that because the discharge of the duties of a Federal officer happens to call him within the boundaries of a certain State or Territory the officer shall necessarily be appointed from the people of that State or Territory.

Mr. President, we must not lose sight of reasonable distinctions. When we say that marshals, attorneys, and judges in Maine should be appointed from among the residents of Maine we give to that State a monopoly of those offices, but we counterbalance it by insisting that marshals, attorneys, and judges in Texas shall be appointed from among the citizens of Texas. When you extend the doctrine to offices of a strictly national character, about which no knowledge of State laws or special intercourse with local affairs is needed, you reach, in my opinion, a dangerous ground. The Senators from Kansas might, with equal reason, claim that the superintendent of the national penitentiary at Leavenworth should be appointed from among the citizens of their State, or the Senators from Texas urge that the national-bank examiners in our State should be appointed from the citizens of Texas.

It seems to me that the Senator from Utah ought to admit that his good rule deserves an exception in a case like this. When the question of procuring Indian lands by treaty arises we all know how much local influence and local enterprise become involved in a particular policy and how much such considerations control the final disposition of the matter. The same tendency would exist if the reservation were located in Texas or in any other State. I can not see why a function like that of making a treaty with Indians should be subjected to any special influence of local development.

There is another thing, sir. Whatever one might think of a general policy of local appointments to Federal offices, is it proper

that we should act upon different lines in dealing with like reservations and like offices? We should not make fish of Utah and fowl of Montana. We should not force upon a Senator from one State, as for example Washington, one line of policy, and upon a Senator from another State, as for example Texas, another line of policy; but we should endeavor to pursue a consistent policy throughout. At least we might afford to make it consistent through one session of Congress.

Besides all this, Mr. President, I wish to submit to the Senate the question whether in any event it is within the authority of Congress to limit in advance the power of the President in making appointments. Can Congress pass a law to restrict eligibility to Federal offices to the inhabitants of a particular State? Can we, in creating an office, make an arbitrary limitation upon the power of appointment vested in another jurisdiction? It seems to me not. If Congress can provide by law that certain officers shall be appointed from Utah alone, it can also provide that all the Federal officers shall be appointed from the State of Utah. Under the same warrant it would be constitutional to provide that none of the Federal officers shall be appointed from Utah. In that way we could confer upon the citizens of that State an absolute monopoly of all the offices of this Government, or, on the other hand, we could disfranchise them altogether.

While, of course, it is improbable that such extreme cases will occur, yet the question of power is as directly involved here as it would be in those cases. I would rid this question of all partisanship and submit to Senators the proposition that a law which restricts Federal appointments by specified State lines is violative of that deep underlying policy of nationality and equality among the States upon which our Federal Union is founded. I believe such an enactment is clearly contrary to the great principles which evoked our present system from the old Confederation and should be held unconstitutional as in conflict with the organic structure of our Government.

Mr. President, there is no branch of Federal employment which is further removed from the general policy of local appointments than the Indian service. If there is any duty the discharge of which depends less upon local knowledge and local motives than every other, it is the duty of making treaties with the Indians. We all know how piece by piece the Indian lands have passed from the control of the aboriginal owners and how great bands which once roved and claimed a continent have been scattered to fragments and to poverty. I know, sir, that sentimental considerations have been and will be powerless to arrest this fate. Anglo-Saxon civilization tramps on to its destiny over mountains and deserts and even over solemn compacts. Everything yields to the instinct of expansion and the overruling law of self-preservation; but while we can not close our eyes to this great march, if there is any one line which should be guarded by prudence, by disinterestedness, by absolute freedom from local influence, by a broad survey of American national obligations, it is the work of obtaining from the Indians the surrender of their tribal and hereditary homes.

Mr. CANNON. Mr. President, there are three points of objection raised by the Senator from Texas [Mr. CHILTON] to the proposed amendment. One is that if carried it will put an obstacle in the way of the public service; another, that it is an invasion of the Executive prerogative for Congress to provide the method of selection of commissioners to treat with the Indians; and the third is an appeal in behalf of the downtrodden aboriginal race of the United States.

Instead of being an obstacle, the carrying of the amendment would be the first step toward an execution of the purpose of Congress in this direction. But $15,000 is proposed to be provided for treating with three tribes of Indians, the Uncompahgres, the Uintahs, and those on the Fort Hall Indian Reservation. Unless we shall have a local board or commission to treat with those Indians the $15,000 will not provide the preliminary expenses, if we are to judge by the record of the past. I have in my possession here an abstract of the expenditures made by the commission appointed to treat with the Uncompahgre and Uintah Utes, a commission recently turned loose on furlough. They have spent $16,000. They have not begun treating with the Uintah Utes, and so far as practical results are concerned the Department has done nothing with regard to the treaty which was to have been carried out with the Uncompahgre Indians in the opening of their reservation according to stipulations.

Mr. President, it is a long way from the Eastern part of this country to the West. Men here know very little about the condition prevailing there, as is evidenced by the report of the gentlemen who went out to treat with the Uncompahgre Utes. Their statement of expenditures shows that they spent nearly $4,000 before they were able to perform the first day of labor under the commission which they received from the President of the United States. I will guarantee, sir, that if a local board had been appointed no such extravagant misuse of the public money would have been permitted or attempted. The whole of the $15,000 now proposed will be insufficient, and grossly insufficient, if we shall have a continuation of the rule which prevails in the Interior Department at the present time in the selection of men who know nothing about the conditions which they are to confront.

Mr. President, concerning the second point, that this will be an invasion of Executive right: In the section of this very bill directly preceding the matter now under consideration is a clause which requires that the President in appointing a commission shall not appoint more than two members from a certain political party. Is it any less of a distress upon Presidential prerogative to define the political lines within which he shall make his selection than to define the geographical lines? It seems to me that people residing within States where certain large interests exist, upon the development of which much of the community's progress may depend, have quite as much right as the adherents of political parties to petty spoils and patronage. I did not hear anyone raise an objection from the other side of the Chamber upon this particular point of the proposition. The only one who objected to it was the distinguished Senator from Massachusetts [Mr. HOAR]. He objected to that clause of the preceding section, but the Senator from Texas did not notice apparently that it was an invasion of Presidential right or prerogative.

Mr. President, so far as the rights of the Indians in the Rocky Mountain region are concerned, I believe they will best be maintained by having commissions appointed from men who have dwelt near the Indians, who have had some fraternity with them. In Utah we have had a motto for many years, "It is better to feed the Indians than to fight them." We have taught them the arts of peace. There has been no attempt on the part of the residents of that State to take from any Indian that which was his right by inheritance. On the contrary, we have spread the knowledge of irrigation among them. The best farmers in the Indian communities of the United States are those who dwell in the State of Utah, and they have obtained that knowledge by the charitable consideration of men not appointed by the Government, but from members of the communities who have volunteered to go among the Indians and labor, that some remnant of the mighty race which once inhabited this continent may preserve its identity to future generations.

There is nothing political or personal in the proposition of this amendment. On the contrary, I care not whether all three of the men to be appointed on the commission to serve in Utah shall belong to one political party or the other. I care nothing as to the individuality of the men so long as they be competent; but I do object to having a question of such magnitude as this juggled with; I do object, sir, to having the Congress of the United States make appropriations year after year, to be frittered away in the accomplishment of no possible public good.

The very reason which the Senator from Texas [Mr. CHILTON] asserted why these places should be at the disposal of the citizens of the United States is the reason why I think they should not be. People are hunting for place. We see away off 2,500 miles from the community in which we live some possible position procurable through political influence, and we say, "This will be for us." A man is appointed to the position. He wants to hold it just as long as he can. He cares nothing whatever for the distress imposed on the local interest by his lack of action. He cares nothing for the local sentiment so long as he can draw the salary of that position, and he will hold it just as long as he can. Whenever any local protest goes up to the appointing power he will reply that it is simply the attempt of some monopoly to seize improperly and unwisely and nefariously the rights of Indians; whereas if the officers are appointed from local people they are controlled by local sentiment, and they will attempt to carry out the law.

I think the amendment ought to carry in the interest of the public service and in the interest of the economy which we all ought to serve in this Chamber.

Mr. CHILTON. Mr. President, I wish to make one suggestion. The Senator from Utah [Mr. CANNON] calls attention to a provision in the appropriation bill which precedes the amendment he offers. This provision is to the effect that in the appointment of one of the Indian commissions no more than two of the members shall be from the same political party. Individually, I have always doubted the constitutionality of a limitation of that sort. But I wish to call attention to a distinction between that clause and the one now under consideration.

The theory upon which our Constitution was founded was that of nationality. The Constitution contains a clause that Senators and Representatives shall reside in the States from which they are chosen. But when you go beyond that and attempt to make eligible to other offices citizens of particular States only, you are, in my judgment, trenching upon the essential principle that pervades our Constitution—the principle of nationality in the powers clearly granted to the Federal Government.

It does seem to me, sir, as I said a moment ago, that if we can provide by law that these officers shall come from Utah, we can go further and provide that all the statutory officers shall come

from particular States. Have you not then reached the very point which the framers of the Constitution intended to guard against when they established it upon a national basis?

The Senator from Utah speaks of the friendliness to the Indians on the part of those who live around them. I know nothing of the citizenship of Utah particularly, but the history of this Government is full of instances where those who stood neighbors to Indian reservations have looked upon them with envious eyes. You have only to turn back in our history to the case of Georgia, where there was almost civil war, almost armed conflict between Governor Troup, acting for the Georgia people, and the forces of the United States, about the reservation of the Cherokees and other Indian tribes in that State. That has been the history of such proximity from the beginning of our Government down to this time.

I can not believe that gentlemen who live in daily contact with Indians will give the same considerate, patient attention to those matters as do men who are sent from other States. Of course I have no disposition to exclude the people of Utah, but my idea is that we ought not to attempt to put limitations upon Executive discretion in this respect; that it is unwise; that it will return to plague us. Whatever an individual Senator might do, if called to vote on the confirmation of an officer, as a matter of policy addressing itself to him, when it comes to forcing our notion upon the Executive by limiting his power of appointment I submit that we are transcending the proper limitations of Congressional authority, and it ought not to be done.

Mr. CANNON. Mr. President, if this brief debate shall have resulted in bringing the Senator from Texas [Mr. CHILTON] to that splendid comprehension of nationality as against the rights of the States and the sovereignty of the States which he has seemed to indicate, I shall feel that I did not raise the point in vain. I love to hear expressions from either side of the Chamber in behalf of having no lines between the people of the United States. I think, however, that we have shown on this particular occasion a devoted attention to the national spirit which might better be given to it when some broad national question is under consideration. I should like to hear such declarations from the other side of the Chamber on an occasion of that kind.

Mr. President, if the treatment of the Indians by the United States has been such as to drive the Indians as far from civilization, as far from their rights, as the Senator from Texas describes, it is time that there should be some local influence at work to preserve that which is left to them. I regard the treatment of the Indians of this country by the Government of the United States as that of dishonor and cruelty; and one of the blackest chapters of all our history will be that which records the manner in which we have invaded the rights of the aboriginal races, the manner in which we have seized that which their God gave to them. In this particular matter I desire to see the rights of the Indians preserved, and I believe that the people who dwell in the States where the tribes are located will do better justice than the Administration now in power, will do better justice more generously by and more considerately for the Indians than the Interior Department, especially under the management of the gentleman who now controls its destinies.

The one thing which corrupted the Indians of the West is going on now. They are held upon their reservations, with vast tracts of land which excite the cupidity of men from all sections of the United States, and steadily, without coming into immediate intellectual contact with the Anglo-Saxon race to be taught the arts by which they can be preserved, they are being corrupted physically and mentally. If we can have a separation of their lands, if we can have allotments in severalty, if the Indians can learn methods of irrigation and other arts necessary to be practiced for the preservation of their community life in the West, they will be saved as a people. But if we shall go on in the manner now practiced by the Interior Department there will not be any Indians left in any one of the three reservations now under consideration to insure the perpetuity of the race.

Mr. PALMER. May I ask the Senator from Utah in what respect the present management of the Interior Department is defective? What particular objection can he point out? Is it because citizens of other States are sent to those reservations as agents? What is there in the present management that differs from the past?

Mr. GRAY. It is Democratic and not Republican.

Mr. CANNON. It would be much easier to tell wherein the present administration of the Interior Department is not defective than to go through a long recital of mistakes, obstinate mistakes, willful mistakes, perpetrated by the gentleman who now stands at the head of that Department. I shall confine myself to one particular instance, sir—the treatment of the land and Indian questions of the West.

Congress passed an act by which the Indian reservation known as the Uncompahgre could have been thrown open to settlement and ownership by the people of the United States without taking from the Indians one scintilla of their rights. By treaty obligation it was provided that when the Government should choose to do so it might allot the lands in severalty, and all not so allotted or not selected should become public domain, to be settled upon by the citizens of this country. The Secretary of the Interior appointed a commission to go and treat with the Uncompahgre Utes, backed by an appropriation of $16,000 for that purpose. It is a fair charge that when the Secretary of the Interior sent that commission into Utah he gave to them oral instructions not to carry out the law.

It is a fair charge to make for the simple reason that that commission, had it been instructed by the Interior Department to carry out the law, certainly would have done something in that direction.

Mr. PALMER. Will the Senator from Utah allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. PALMER. It may be something more than a question. That charge the Senator says is a fair charge. Is it a true charge? Has the Senator any proof of its truth?

Mr. CANNON. I do not know the difference between a fair charge and a true charge. If a charge be not true, certainly it is not fair. As to whether I have proof or not, the records are full of proof of special instruction given to the commission for a special purpose. That commission never was expected to carry out the law, and the correspondence had between the members of the commission and the Interior Department afford ample proof of it. The commission could have allotted the lands in severalty within the Uncompahgre Reservation in less than three months' time. It was delayed month after month, pending which time the Secretary of the Interior sent his communication to Congress stating that he did not favor having the lands allotted in that way. What further evidence does the Senator from Illinois want of the truth of the charge, when the work of that commission was delayed at the expense of the Government month after month, passing over a period of fifteen months, when the whole work could have been done at the outside within three months, pending which time the Secretary of the Interior sends a communication to Congress that this is a method which he does not propose to follow and does not think ought to be followed in the disposition of these lands? I say that the charge is a fair one, that the commission had special instructions.

Mr. President, it was notorious in the vicinity of the reservation that it would not be opened by the work of this particular commission. Some few words from one member after another of the commission leaked out until men dwelling in that locality were prone to say, "The reservation will not be opened." That prediction was absolutely fulfilled. The Secretary, before the work of the commission had been anywhere near concluded, sent his communication to Congress by which he proposed in effect to say that some other method must be adopted, or else the law would not be carried out.

Mr. PALMER. Mr. President, I think I can see how the interests of the white people who desire to enter and occupy these lands were in some measure affected, but the Senator from Utah has not yet told me how the interests of the Indians were unfavorably affected.

I am not entirely familiar with the history of the administration of Indian affairs by the Interior Department. I know the present Commissioner of Indian Affairs. I know that he is a citizen of Illinois of the highest possible character, integrity, and competency. He was the judge of one of our courts for a number of years. It will be a surprise to the people of Illinois who know him to hear that he has been used as an instrument of wrong, willful wrong, as the Senator from Utah characterizes the conduct of the Secretary of the Interior.

Mr. President, it is quite the habit, not of Senators exclusively, but of those who criticise the acts of executive officers, to deal in generalities. Such generalities are accepted as good change in the ordinary political market, but to those who have responsibilities they ought not to be regarded as furnishing evidence. I do not know as to the particular communication to which the Senator from Utah refers. I have not seen it. I am not a member of the Committee on Indian Affairs, nor am I interested particularly in the administration of Indian affairs, but the charge made by the Senator from Utah of a willful disregard of duty on the part of the Secretary of the Interior deserves something more, in my judgment, if it is to be made the basis of action, than the mere general form in which the charge is made. Perhaps the practice of the law has made me somewhat skeptical of what is termed secondary evidence. The Senator hints that it was quite understood the lands were not to be allotted; that something leaked out which satisfied the people interested. I suppose he refers to the adjacent white people, for whatever may be said of the people of the West, whatever may be said of people anywhere, they have been eagerly desirous of lands occupied by the Indians from the beginning; from the time the Pilgrim Fathers landed upon the

rock and my own immediate ancestors landed in Virginia. This desire for Indian lands is one which has always characterized the white people, and I distrust these claims on the part of the immediate neighbors of Indian reservations; I distrust their impartiality.

I confess that I would prefer that a citizen should be selected who is not interested, one who simply desires the welfare of the Indians and the proper administration of his office, that he should be selected wherever he may be found, and that he should be sent to these reservations as an impartial person having no other desire than to serve the Indians and to do right. I prefer that sort of nursing fatherhood to the tender mercies of those who are around the Indians and desire to make profit out of their condition. I say nothing against the citizens of Utah. I presume they are as good people as there are in the world; but I have no doubt that they are now hungering and thirsting for the valuable lands that belong to these Indians. I see by the newspapers that whenever a reservation is opened there are thousands of people camping around ready and eager to be in that happy class called "sooners" in the occupation of Indian lands. I say I have no doubt about the excellence of the inhabitants of the State in which the Senator lives, but I must confess that I have more faith in the impartiality of some disinterested, capable, honest man, such as can be found in this country, who neither desires the lands, who has no feeling about it, but simply regards the remnants of that race as objects of sympathy and care, and who seeks to protect them in their unhappy situation. Their situation is unhappy. That they are going the pathway of the deer and the buffalo and all the aborigines, both animal and human, is a very fair proposition.

I confess to the Senator that conceding all he claims, that it is a matter of interest to those who reside near these reservations, I would prefer that the authority of the Government should not be limited; that it may go where it can find proper men, and appoint them and send them there. It is a national duty; it is not a local duty. Its responsibility rests upon us all. We all owe a debt, perhaps a debt of humiliation and shame, for our conduct toward the Indians, and a larger debt, I think, to Almighty God for the sins we have committed upon that race. How that debt ever will be satisfied I confess I do not know. My friend on my right [Mr. MILLS] suggests that we should go into bankruptcy. Yes, bankruptcy crimes can not well be atoned for.

But I desire to protest against these severe criticisms, these charges of a willful wrong; that is, that the Secretary of the Interior meant to do wrong and did not intend to do right; that he tried to do wrong and did not try to do right; that he was eager to do wrong and was unwilling to do right. It is the imputation of an official crime which the Senator from Utah has made against the Secretary of the Interior. I am willing to concede that there may be mistakes in judgment. The Secretary of the Interior may not be wise. I understand, indeed, he is not very wise, because I remember the Senator from Colorado [Mr. WOLCOTT] said a few days ago that he is down in Georgia making speeches that are actually converting men to the other way of thinking. He may not be wise, but still I am not willing to sit by and listen to these charges of a willful disregard of his duty in the absence of something which ought to be sufficient according to the rules of criminal justice. There ought to be evidence at least strongly probable. I do not insist that there should be proof beyond reasonable doubt. I have no particular reason for defending the Secretary of the Interior, except my desire that the administration of the public affairs shall be proper and that those who are called upon to administer them shall be treated at least with ordinary fairness.

Mr. CANNON. I hope the Senator from Illinois [Mr. PALMER] did not construe any remark of mine as a reflection upon the Commissioner of Indian Affairs or the Commissioner of the General Land Office. In this Sahara desert of official incompetency at the Interior Department there have been two very bright green spots for Western men, and they have been the offices of the Commissioner of Indian Affairs and the Commissioner of the General Land Office. So far as I know, there is no complaint to find with either one of these gentlemen; and had the advice which I think the official correspondence shows that they have given on the subject been followed, we would not be here making such charges as to lead the Senator from Illinois to suppose that we imagine the Secretary of the Interior to be eager to commit crime. I do not care whether he is eager or whether he does it reluctantly. He does it with a great avidity; I am certain of that. He does it constantly on the two great questions which affect the West, the treatment of the Indian reservations and the treatment of the public-land question there.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment of the Committee on Appropriations.

Mr. CHILTON. I wish to raise the question whether the amendment is in order or not. I wish to submit it to the Chair without further debate before we come to the main question. Is it not general legislation? I make that point. The appropriation bill does not provide for any commissioners, I understand; it does not provide for any board; but here comes an amendment providing that when a board or a commission is appointed there shall be a majority of the board or commission appointed from the State or Territory in which the reservation is located. I submit that that is general legislation. It affects all the people of this country. It is an exclusion; it is a disfranchisement of the people of 44 States of the Union, and it does seem to me, while the term "general legislation" is one very vague and indefinite, that this is legislation of a description so far-reaching and comprehensive that it comes properly within the inhibition of our rules in that respect.

The PRESIDING OFFICER. The Chair rules that the amendment to the amendment is in order.

Mr. GRAY. Can not the amendment be read? I do not think many have heard it.

Mr. HOAR. Let the amendment be read before the Chair rules on the point of order.

The PRESIDING OFFICER. The amendment of the committee, to which the amendment of the Senator from Utah is proposed, will be read.

The SECRETARY. On page 51, beginning at line 1, the committee report to insert:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation, in the State of Utah, and with the Indians residing upon the Fort Hall Reservation, in the State of Idaho, and, in his discretion, with any other Indians, for the surrender of any portions of their respective reservations, or for such modification of existing treaties and agreements as may be deemed desirable by said Indians and the Secretary of the Interior, $15,000; and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah [Mr. CANNON] to the amendment of the committee will be read.

The SECRETARY. At the end of the committee amendment, line 13, page 51, insert:

And a majority of the members of any board or commission to be paid from this appropriation shall be appointed from bona fide residents of the State or Territory in which is located the particular reservation concerning which such board or commission is appointed to negotiate.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PEFFER. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Kansas asks the unanimous consent of the Senate that the unfinished business may be temporarily laid aside that the consideration of the appropriation bill may be continued. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside. The question is on the adoption of the amendment of the Senator from Utah [Mr. CANNON] to the amendment of the committee, upon which the Senator from Texas [Mr. CHILTON] has made a point of order. The Chair will hear debate upon the point of order.

Mr. GRAY. I was going to ask whether the Chair had decided the point of order.

The PRESIDING OFFICER. The Chair will hear debate upon the point of order if any Senator desires to be heard. The Chair was about to rule upon the point of order when a request was made that the amendment be read.

Mr. CHILTON. Now, I want to make an additional point of order. It is that the amendment itself proposed by the committee is general legislation. I make that point of order upon the amendment of the committee.

The PRESIDING OFFICER. The Chair will rule upon the first point of order that it is——

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from Tennessee.

Mr. HARRIS. I simply desire to make an inquiry of the Chair. The amendment of the committee, I believe, proposes to create a commission or some agency to be appointed to negotiate with certain Indians. If that be true, as I think it is, the appointing power could select that agency from any part of the United States. If the amendment of the Senator from Utah to the amendment shall be agreed to the appointing power has not the same breadth of discretion in his selection. In other words, under the law as it exists he has the broad field of the entire Union within which to select. If the amendment to the amendment shall be agreed to, the general law as it exists is changed by limiting the jurisdiction

of the territory within which he can make the selection. It seems to me it is legislation, and that sort of legislation which falls within the rule that prohibits general legislation upon a general appropriation bill.

The PRESIDING OFFICER. Does any other Senator desire to be heard upon the point of order?

Mr. GRAY. I should rather be heard upon the second point of order. I shall wait until that point comes before the Senate.

The PRESIDING OFFICER. The Chair is of opinion that the amendment to the amendment is in order. The original amendment, if it is in order, proposes to direct the Secretary of the Interior to enter into certain negotiations with Indian tribes to accomplish certain results. The Chair holds that as incidental to that purpose it is in order to impose any limitation or restriction which Congress may choose to impose upon the Secretary of the Interior. If the original amendment is in order it is the opinion of the Chair that the limitation and condition which is proposed by the Senator from Utah is also germane and in order.

Mr. HARRIS. I ask that the amendment of the committee be read again. I do not understand the amendment as the Chair stated it.

The Secretary again read the amendment of the Committee on Appropriations embraced between lines 1 and 13, inclusive, on page 51.

Mr. HARRIS. Now let the amendment proposed by the Senator from Utah to the amendment be read.

The Secretary read the amendment to the amendment.

The PRESIDING OFFICER. The Chair has ruled that the amendment to the amendment is in order. The Senator from Texas raises the further point that the original amendment is not in order.

Mr. GRAY. Being general legislation.

Mr. CHILTON. Yes, sir.

Mr. GRAY. Coming within the third section of the sixteenth rule, if the Senator from Texas will pardon me, which reads as follows:

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Upon the ground that it is general legislation, I presume.

Mr. SHOUP. Mr. President, I wish the attention of the Senate for a few minutes in explanation of the necessity of this appropriation. I do not regard it as general legislation. In 1880, as I remember it—the Senator from Colorado [Mr. TELLER] will correct me if that is not the date—a treaty was made with the Uncompahgre Indians then residing in the State of Colorado. The treaty was confirmed by Congress. Congress supposed at the time that the treaty wholly enabled the Secretary of the Interior to give these Indians their allotments without further legislation. They were to have taken lands on the Grand River in the State of Colorado if a sufficient quantity of land could be found in that vicinity or on that river. It was ascertained that there was a sufficient quantity of land. They were then put on a temporary reservation in the Territory of Utah by Executive proclamation.

Secretaries of the Interior one after the other have thought that the law was insufficient to authorize them to parcel out the land in allotments to the Indians without further legislation. Two years ago Congress enacted a law authorizing the appointment of a commission, making an appropriation of $16,000, I believe, for the purpose of placing these Indians on their lands and segregating the balance of the reservation for public entry. The same Congress provided that the same commission should negotiate with the Uintah Indians in Utah. The commission was appointed. The commission exists to-day. It was appointed to carry out these provisions of law. This is not new legislation. It is to carry out the provisions of a law now on the statute books.

As to the Fort Hall Reservation in Idaho, the Government has made a contract for the construction of a canal at a cost of $90,000. That canal is well under way. Water will be on that reservation under the conditions of the contract on the 1st day of June of this year. While water will be on the reservation, there is no provision made to place the Indians on their allotments. Hence the water can not be utilized unless this amendment is incorporated in the bill. It merely enables the Secretary of the Interior to go on and carry out the provisions of the law now on our statute books.

Mr. HOAR. I should like to make an inquiry of the Senator who has just addressed the Senate, and I should like to have the attention of the Chair also to the inquiry, because it is pertinent to the ruling that is asked for. Beginning in the tenth line of the amendment of the committee, it reads:

> And all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments, but no agreement made shall take effect until ratified by Congress.

Now, does not that not merely limit the authority for the negotiations previously mentioned in the paragraph, but make a general law applicable to all authority given formerly or to be given hereafter for the purchase of Indian land and limit the agreement so that it shall not take effect until a ratification by Congress? It seems to me that that provision very clearly goes beyond directing how the previous appropriation is to be applied and establishes a general rule for all cases, and therefore it is general legislation.

The PRESIDING OFFICER. The Chair desires to be informed whether the $15,000 appropriated by this clause has been estimated for or is in order as an appropriation?

Mr. SHOUP. It was estimated for by the Interior Department. The estimates were sent in with the other estimates to the House committee, but for reasons that I can not explain in full the provision was not incorporated in the bill. The amount named is the original estimate made by the Secretary of the Interior.

The PRESIDING OFFICER. The Chair would like to see the estimate.

Mr. FAULKNER. I think this is an important amendment, and I should like very much to see it placed in the bill for the reason suggested by the Senator from Idaho; but when we read the amendment and take into consideration his remarks, it will be seen at once that it is general legislation. It does not cover simply the question that he refers to, but under the amendment the Secretary of the Interior is not only authorized not to confine the commission that is to be appointed to the carrying out of the contracts and the agreements and the treaties heretofore made with this particular band of Indians, but he is, in his discretion, authorized to make the treaty with any other Indians on reservations who have not had allotments made to them.

Mr. SHOUP. Will the Senator permit me to interrupt him for a moment?

Mr. FAULKNER. Certainly.

Mr. SHOUP. I wish to say that the provision to which the Senator has just now alluded, authorizing the Secretary of the Interior to make these negotiations, has been incorporated in the Indian appropriation bill for a number of years.

Mr. FAULKNER. If that be true, and there is not already a provision of law authorizing him to extend this investigation and these negotiations to other Indians, of course, then, this would be new and general legislation. You can not avoid that conclusion.

Mr. BROWN. Mr. President, one word on the subject of the amendment being general legislation. It can not be general legislation to provide a fund for the purpose of making a treaty with any particular tribe of Indians, and, in doing that, to authorize a treaty to be made. Now, as the general provision here authorizes a treaty to be made, it is a proper limitation upon it to say what shall be put into the treaty, and to provide the proper protection to the Indians who accept the allotment. This is a general provision merely, that in the treaty with several tribes of Indians the taxes of those who hold their land in severalty shall be provided for. It seems to me an entirely proper limitation.

Mr. HOAR. I ask the Senator from Utah how he construes lines 10 and 11, which read, "and all agreements made for the purchase of the unallotted lands in any Indian reservation shall provide a fund," etc.? Does not that come under the general rule?

Mr. BROWN. I should not so construe it. I should construe it in reference to the particular reservation we have in charge.

Mr. HOAR. I suggest to the Senator that the difficulty might be remedied by putting in after the words "and all agreements" the words "under the authority herein given," or something of that kind.

Mr. BROWN. I think it might be; but it is not subject to the point of order. I am simply speaking of that limitation of the agreement, and also the limitation suggested by the Senator from West Virginia [Mr. FAULKNER].

Mr. HOAR. If the Senator will pardon me, my suggestion was that, as it stands, it seems to me rather a question of order. To make a general rule for all cases under authority heretofore given or hereafter to be given is general legislation, but if it had read, as the Senator seems to have in mind, "all agreements made under authority given by this act," then it would be a special limitation on the authority of the Secretary of the Interior and not subject to the point of order.

Mr. BROWN. I have already replied, and I repeat to the Senator from Massachusetts, that as it now reads, although the words "any other Indians" are used, the language must be construed with reference to the subject-matter of this treaty. It can not be held to apply to other statutes and other treaties, and this is a treaty with the three particular tribes named. The agreement would refer to this treaty without any such clause, although I think it appropriate to make it more definite by naming them again.

As to the phrase to which the Senator from West Virginia [Mr. FAULKNER] has called attention, "with any other Indians," the objection has not been made to that, but I think it ought to be. That clause should be stricken out, because we are only dealing with the particular tribes named in the clause—the Uncompahgre, the Uintah, and the Indians on the Fort Hall Reservation.

The PRESIDING OFFICER. The Chair will direct the Secretary to read from the House of Representatives Document No. 248, Fifty-fourth Congress, first session.

The Secretary read as follows:

TREASURY DEPARTMENT, *February 17, 1896.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 15th instant, submitting an estimate of appropriation ($5,000) to enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians and with the Indians residing upon the Uintah Reservation, in the State of Utah, for modification of treaties.

Respectfully, yours, S. WIKE, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

* * * * * * *

*Draft of item proposed to be inserted in the Indian appropriation bill.*

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for such modification of existing treaties and agreements with said Indians, and such change in their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, $5,000, or so much thereof as may be necessary, the same to be immediately available; but no agreement made shall take effect until ratified by Congress.

Mr. FAULKNER. It seems to me that the amendment embraces a good deal more than is contained in the estimate.

The PRESIDING OFFICER. The Chair is ready to rule on the point of order.

Mr. SHOUP. Mr. President, when I stated that $15,000 was the amount estimated by the Secretary of the Interior or the Commissioner of Indian Affairs, I had not examined the reports, but I stated it on the authority of the Commissioner of Indian Affairs.

The PRESIDING OFFICER. The Chair rules that, so far as the first part of the amendment is concerned, it would be in order if the appropriation were in order. The estimate which has been called to the attention of the Chair was for $5,000 for negotiations with the Indians of the Uncompahgre tribe and the Indians residing upon the Uintah Reservation. The appropriation has been changed so as to include the Indians residing upon the Fort Hall Reservation, in the State of Idaho, and any other Indians; and the amount has been increased from $5,000 to $15,000. Unless there has been some estimate made beyond that submitted to the Chair, the Chair is of opinion that so much of the amendment as increases the appropriation from $5,000 to $15,000, and so much as includes the Indians residing on the Fort Hall Reservation and any other Indians, is out of order.

The Chair is also of opinion that the last clause of the amendment is general legislation, unless the language be so modified as to confine the provision to a fund for the payment of taxes to the Indians upon the reservations specified in the first part of the clause.

Mr. FAULKNER. Do I understand the Chair to decide that he can segregate such amendments as he deems proper to come within the rule? The amendment is offered by the committee as a whole amendment, and certainly it must be taken by the Chair as a whole and decided either to be in order or to be not in order.

The PRESIDING OFFICER. The Chair is pleased to recognize the point as well made by the Senator from West Virginia, and under the circumstances is obliged to rule the amendment out of order.

Mr. CANNON. Mr. President, before so ruling I should like very much to call the attention of the Chair to the estimates of the appropriation from the Treasury Department, which, under the head of "Indian affairs," on page 162, contain the following clause:

Negotiating with Indian tribes: To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

So it appears that the statement of the Senator from Idaho [Mr. SHOUP] that this was the estimate is correct. There does not appear anywhere else in this bill, I think—the Senator in charge of the bill will correct me if I am in error—any other clause of similar character; and the enumeration of the three reservations, the Uncompahgre, the Uintah, and Fort Hall, do not change in any way the general proposition of this clause, which is in accordance with the estimate furnished by the Treasury Department.

The PRESIDING OFFICER. Will the Senator send the estimate to the desk?

Mr. CANNON. Yes, sir.

Mr. HOAR. I desire to call the attention of the Chair to this suggestion: Suppose what the Senator from Utah says be correct—and I have no doubt it is—still a general estimate to negotiate with all Indian tribes can not support a particular amendment confining that negotiation to three or four tribes. Suppose the Secretary of the Navy had sent in an estimate for the support of the Navy of $500,000 or $5,000,000 a year. That would not support a particular appropriation of $5,000,000 a year to one special purpose.

I understand that there is nobody who objects to the amendment of the committee, but the objection is to putting on, what is regarded by several Senators as bad policy, of limiting the appointing power to citizens of some particular State. If that provision had not been contained in the clause the point of order would not have been made on the other provisions. If the Senators should be willing to forego that little thing, which they can not regard as very important, and be content with the rest of the clause, I think the point of order would be withdrawn, and the amendment would be adopted.

Mr. ALLISON. I think the difficulty arises from the fact that the estimate read by the Senator from Utah [Mr. CANNON] is a general estimate for Indian treaties. Then there was a special estimate sent in by the Secretary of the Treasury for specific negotiations.

Mr. HOAR. Of $5,000 more.

Mr. ALLISON. Of $5,000 more, making $20,000 in all. This amendment was prepared, I believe, by the Committee on Indian Affairs, consolidating these two estimates and reducing them, making the appropriation $15,000 in all. So it seems to me, taking into view the two estimates, one special estimate and the other found in the Book of Estimates, that there is fair reason to suppose that this amendment is within the purview of the estimates of the Department.

Mr. CANNON. I merely wish to call the attention of the Senator from Massachusetts to the language of the amendment, which says, "and, in his discretion, with any other Indians," which would make it general. I was not quoting from the Book of Estimates in defense of any proposition of my own, but rather to correct a mistake concerning the attitude of the Senator from Idaho.

If it be necessary to withdraw this amendment in order that this clause may not fail, which I understand to be quite important to some of our neighbors, I should be inclined to do it; but in that case we fail of what I think is very much more important than the mere expenditure of the money this year on Indian reservations, and that is the proper and economical execution of the law. With that in view I can not consent, notwithstanding the request, to withdraw the amendment.

The PRESIDING OFFICER. Is the point of order insisted upon?

Mr. CHILTON. Yes, sir.

The PRESIDING OFFICER. The subject is not without difficulty. The Chair ruled before with knowledge of only one of these estimates. The members of the Committee on Appropriations were most of them absent from the Chamber at the time the point was raised. The question is somewhat doubtful. Undoubtedly it would be in order to move the amendment precisely as it is estimated for in the Book of Estimates. The difficulty is that an amendment has been made up by combining two or three estimates in one, to some extent enlarging the scope of the estimates, and then annexing a provision of general legislation at the close. Undoubtedly an amendment might be drawn which the present occupant of the chair would hold to be in order; but not finding an estimate sufficiently corresponding, in the opinion of the Chair, to this clause, the Chair adheres to the ruling, that the amendment is not in order.

Mr. WILSON. Do I understand that the bill is now open to amendment, or are there further committee amendments?

The PRESIDING OFFICER. The Senate is considering various reserved amendments in their order.

Mr. WILSON. On that very point I desire to offer an amendment, if it be in order.

The PRESIDING OFFICER. The Senator will be in order after the reserved amendments have been considered. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment of the Committee on Appropriations is, on page 56, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians, through their authorized commissioners, in the prosecution of their claim, appropriated for by act of Congress approved August 23, 1894 (28 Stat. L., page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely.

Mr. PETTIGREW. I should like to have that amendment passed over for the present. I think there are some Senators now absent who wish to be heard on the amendment.

The PRESIDING OFFICER. The amendment will be passed over, and the next reserved amendment will be stated.

Mr. PETTIGREW. The next amendment is on page 61, in reference to the Carlisle School.

Mr. TELLER. I did not understand, and I wish to understand, just what the Chair held in regard to the amendment on page 51. Did the Chair rule it out of order?

The PRESIDING OFFICER. The Chair ruled the whole amendment out of order.

Mr. TELLER. I give notice that I shall move an amendment to take the place of that at the proper time.

The PRESIDING OFFICER. The Chair suggested that an amendment might be drawn, based upon the various estimates, that would be in order in the opinion of the Chair.

Mr. JONES of Arkansas. There was an amendment on page 57, which has not been disposed of, which was passed over.

The PRESIDING OFFICER. That has been passed over at the request of the Senator in charge of the bill.

Mr. JONES of Arkansas. The Senator, then, does not wish to take that up now?

Mr. PETTIGREW. Not just now.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is on page 62, line 4, before the word "dollars," to strike out "one" and insert "four"; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $167 for each pupil; and for transportation of pupils to and from said school, and for general repairs and improvements, $100,000; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, $1,000; in all, $101,000.

Mr. ALLISON. At that point I wish, with the consent of the Senator in charge of the bill, to insert after the word "hundred," in line 1, page 62, the words "and ten," and after the word "thousand" to insert "six hundred."

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "hundred," in line 1, on page 62, it is proposed to insert "and ten," and after the word "thousand," in the same line, to insert "six hundred"; so as to read "$110,600."

Mr. ALLISON. I will state that that amendment is in exact accordance with the estimate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. ALLISON. I move, in the same clause, line 4, on page 62, to strike out the words "one hundred and four thousand" and insert "one hundred and eleven thousand six hundred"; so as to make the total "$111,600."

The amendment was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN were appointed.

ADJOURNMENT TO MONDAY.

Mr. MILLS. I move that when the Senate adjourn to-day, it adjourn to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. ALLISON. I had hoped that we should have a session to-morrow so as to progress with the appropriation bills, as their passage is imperative and their consideration will necessarily require considerable attention and debate. We have already had notice that Monday is to be occupied in the discussion of the Du Pont case, so that it will probably be impossible to take up an appropriation bill on that day, or, if at all, at a very late hour. Another notice has been given for Tuesday, which will occupy an hour or two of the time of the Senate on that day. It seems to me, therefore, if we are to make progress with the appropriation bills, we should either proceed with them or with other business on Saturdays. I do not know whether it is the wish of the Senate to make progress with these bills or not. I do not, however, desire to stand in the way of the evident judgment of the Senate as to adjourning over to-morrow. I know there are some committees which have work to do which is necessary to facilitate the business of the Senate; but I want to give notice that for one I shall insist upon the whole of next week being occupied with the appropriation bills, to the exclusion of other matters, except those which have been already noted.

Mr. MILLS. I simply wish to say that every Senator knows that we have other business to attend to here besides our legitimate legislative business, that we have Department business, and I for one wish to-morrow to attend to that business, and I think some others do. I am, however, perfectly willing to let the Senate determine the question.

The PRESIDING OFFICER. Debate has been proceeding by unanimous consent. The question is on the motion of the Senator from Texas, that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REPORT OF COAST AND GEODETIC SURVEY.

Mr. HALE. Mr. President, the joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume contains an error in referring to section 75 of chapter 23 of the printing act of January 12, 1895. I ask that a message be sent to the President requesting the recall of the joint resolution.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maine, that the President of the United States be asked to return to the Senate the joint resolution named? The Chair hears none, and that order will be made.

Mr. HALE subsequently said: I find that the request I made a little while ago in reference to the recall of a joint resolution providing for the printing of the report of the Coast and Geodetic Survey needs to be in the form of a concurrent resolution. I now offer such a resolution, to which, I think, there will be no objection.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the enrolled joint resolution (S. R. 116) "authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume," for the purpose of correcting errors in the text.

Mr. HOAR. I do not rise to object to the resolution of the Senator from Maine. My impression is very strong, however, that it does not require a concurrent resolution, but that the body which sent the resolution to the President may ask him to return it without the assent of the other body. There might be many cases where one body wanted to correct a mistake of its own where the other branch would not want to have it corrected. It does not do any harm to have it a concurrent resolution in this instance; but I merely wish, for the sake of future precedent, to enter my caveat.

Mr. HALE. I had that impression when I asked before that the Senate should send a message to the President asking for the return of the joint resolution, but I am informed at the desk that the practice has been the other way.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SEACOAST DEFENSES.

Mr. SQUIRE. I give notice that on Tuesday, the 14th instant, I shall ask the Senate to take up the bill to provide for fortifications and other seacoast defenses for the purpose of submitting some remarks to the Senate thereon. I do so in view of the fact that we shall have before us in the near future the bill for the support of the Navy. I desire to make some remarks also with reference to the provisions of that bill, but more especially to call up the bill which was reported by the committee of which I am chairman, so as to make my remarks particularly applicable to that measure.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is, at the top of page 65, to strike out:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, Pa., at $167 per annum each, $33,400.

Mr. PETTIGREW. I think we had better take up the entire school question at one time. It will all have to be discussed together.

If a certain amendment were placed in the bill with regard to sectarian schools, to come in a few pages before this amendment, I should then vote to disagree to the committee amendment as to the Hampton and Lincoln schools. As the bill now stands, there are no schools provided for but those which are strictly Government schools. Those two were stricken out by the committee

because they were the only ones left which were not strictly Government schools.

The bill as it stands abandons absolutely the practice of contracting for the education of Indians. Therefore, this whole question will come up for discussion upon these two amendments. I think it proper, in view of the fact that an amendment will be offered on page 59 with relation to sectarian schools, that that amendment be considered now in connection with these two amendments. With the consent of the Senate, we shall now so proceed.

Mr. GRAY. Is the amendment to which the Senator refers in print?

Mr. PETTIGREW. It has been printed, and the Senator from Montana [Mr. CARTER] will offer it.

Mr. CARTER. I move to strike out all after the word "Alaska," in line 20, on page 58, to and including the word "schools," in line 3, on page 59, and in lieu thereof to insert what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. In line 20, on page 58, after the word "Alaska," it is proposed to strike out:

> And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools, and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

And insert:

> *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during the fiscal year 1897, but shall only make such contracts at places where Government schools of adequate capacity can not be provided for such Indian children and to an amount not exceeding 60 per cent of the amount so used for the fiscal year 1895; and it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any other than National Government schools as soon as it is possible for provision to be made for their education in such schools, and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1899.

Mr. CARTER. Mr. President, the question involved in this amendment is one of more than passing importance. The Indian tribes of the United States assumed a different relation to the Government, or the Government assumed a different relation to the tribes, after the close of the civil war. In 1870, under what became generally known as the "peace policy" of General Grant, a system of general education was attempted in connection with the work of Indian civilization. Thereafter the work of reducing Indian reservations from year to year to smaller compass progressed steadily, agencies were established upon reservations of certain definite and prescribed limits, army posts were established in the Indian country with a view to keeping the Indians within the limits of the reservations. It being manifest that the work of herding the Indians with the Army and confining them in idleness upon reservations would be interminable and fruitless unless accompanied by some process which would lead to their civilization, the General Government in 1870 issued an invitation to the Christian people of the country to cooperate with the Government in this work which seemed so important and so nearly allied to the plain demands of humanity. The invitation did not go out to the representatives of Mohammedan civilization, nor did the invitation extend to those who believe in the peculiar form of worship prevalent throughout India. It proceeded from the Executive of the nation in various ways to the people who believed in the methods of Christian civilization, without reference to church or creed. So nicely, so cordially, so handsomely, did the Christian spirit of the nation respond, that in 1873 the Commissioner of Indian Affairs in his annual report to the Secretary of the Interior used this language:

> The question of the civilization of Indians reduced to its last analysis is twofold: First, whether the Government is willing to make sufficient appropriation to teach barbarous men how to live in a civilized way; and second, whether the expenditure of such an appropriation can be fairly made through the administration of persons fitted to become their teachers. Without suitable provision for the necessary expenditures, the best efforts of the best men will be comparatively futile; and with the most abundant provision that the resources of the nation can make, nothing will be accomplished worthy of the effort unless there can be found persons ready and fitted to go to these Indians, in the spirit of kindness and Christian love, with a faith in God, and a faith in man strong enough to sustain them amidst the degradation and perversities of barbarism, and cheer them on in the full conviction that no being made in God's image is incapable of improvement. No effort for lifting the poor and degraded can succeed which is not guided by the enthusiasm which comes from this faith. The agent and his employees will not give full work without it, and the Indian will not throw off his suspicion and wake out of his indolence until he feels this touch of human sympathy.
>
> For this reason the Government is specially to be congratulated on the response which the Christian people of the country have made to the proposition of the President that they should take a certain supervision of Government labor for the Indians by nominating agents and furnishing employees suitable to represent the Government in its beneficent efforts with these tribes, as well as in sending missionaries and teachers for religious labor among them.

Every report of the Indian Commissioner and of the various Commissioners from that time up to 1889 is in perfect harmony and accord with the theory and principle set forth in what I have just read from the Commissioner's report of 1873.

In 1889 the Commissioner of Indian Affairs concluded that it would be wise to give to the blanket Indians of the plains a higher form of education, and he mentioned, among other things, as almost indispensable a knowledge of electricity and general philosophical propositions that should be given to this breech-clout fellow in order to bring him into the pale of civilization in its highest and best aspect. Thereafter, in 1894, Congress seems to have determined upon a departure from the Indian policy established under the Administration of General Grant in 1870. Good reasons may be asserted in support of this departure. The work of Christian civilization had been steadily progressing and the time had probably approached when the Government school could be substituted for the Christian mission. Barbarism had been supplanted by a certain degree of civilization. Through the agency of this Christian endeavor, in which the people of all denominations participated, we had in some sections of the country witnessed the gratifying result of Indians whose parents had been savages accepting and discharging the responsibilities of American citizenship. That period having arrived, in the judgment of the Government it seemed eminently proper that a system of national education should be supplied which would endure through time and be at the disposal of these new citizens as they came into the enjoyment of the birthright of American citizenship.

But the Government was confronted with the necessity of acting in good faith with the people who had undertaken the work of assisting in this civilizing process. From the pockets of charity all over this broad land, from Jew and from Gentile, there had been buildings erected, educational institutions established and partially maintained throughout the years that had passed. In conformity with this invitation Christian men had preceded the armies of the Republic into the midst of the regions where the savage prevailed and made it possible to conquer and invade without the aid or the necessity for bloodshed.

Therefore, in view of the vast energy of the Christian people of the country, invested in obedience to the request of the Government, it appeared to fair-minded and just men that this new departure should be made with due regard for the kindly impulses of those who had pioneered the ways of civilization. Instantly to cut off all Government support to pioneer missions would not only involve injustice to the kindly spirited people who had erected them, but a gross and glaring injustice, involving evident principles of inhumanity to the unfortunate children who, after meager education, would thus be thrown out upon the prairies or in the woods to mingle again in savage life.

The Secretary of the Interior in the report for 1894 manifestly partook of this humane and just judgment which commended itself to impartial men, regardless of their political affiliations or their religious inclinations. I find in the report of the Secretary for 1894 the following statement:

> The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education which is showing itself all over the land to induce the Department to disregard existing conditions. We need the schools now, or else we need a large appropriation to build schools to take their place.
>
> It would scarcely be just to abolish them entirely—to abandon instantly a policy so long recognized. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist, and during this time the Bureau would gradually be prepared to do without them, while they might gather strength to continue without Government aid. This is the policy which is now controlling the Department, and unless it is changed by legislation it will be continued. The decrease in the appropriation for the present fiscal year is 20 per cent.

It is now proposed by the provisions of the bill absolutely to disregard moral or legal obligations to the generous, humane, and kind-hearted people over this country who continued this system throughout a period extending for nearly a quarter of a century. Further still, it is proposed absolutely to deprive of any possibility of education in any form under Government auspices or Government aid in the neighborhood of 4,000 Indian children who have been for a series of years carefully educated and looked after in contract schools.

At the Cœur d'Alene Reservation in the State of Idaho there is no Government school. There is not even a Government shed into which the children could be driven after the Government had abandoned them in the manner proposed by the bill. The same is true of the Flathead Agency in the State of Montana, the Tongue River Agency in the same State, the Turtle Mountain Reservation in the State of North Dakota, and the Puyallup Reservation in the State of Washington. Those agencies have an aggregate of 2,139 pupils, for whom the Government can not in the very nature of things make any provision. So the passage of the bill in its present form would involve, as I suggested yesterday, one

of two things—either the abandonment by the United States of its duties to those wards of the Government, of its duty to human civilization, and their return to the ways of barbarism, from which we have been endeavoring through various ways and agencies to drag them, or it would leave upon charity a burden which properly belongs to the Government. I submit that as to those agencies where the Government has no facilities whatever for schools, the bill as it stands is inequitable and unjust to the Indian tribes to whom we owe certain definite obligations.

But it is suggested that an appropriation of $100,000 is made in the bill for the purchase of additional buildings which may now be in existence. In reply to that it is quite sufficient to refer to the last report of the Commissioner of Indian Affairs, whereby it is made to appear that if the Government schools, the contract schools, and the charity schools receiving no Government aid have their capacity taxed to the utmost, not to exceed 60 per cent of the Indian pupils can be provided for. If all the facilities now existing only accommodate an enrollment of 60 per cent of the pupils, if it is to require a million and a half dollars to supply the necessary educational facilities to accommodate all, I ask in the name of reason how between now and the 1st day of next July you are going to provide the necessary facilities with the paltry sum of $100,000?

The amendment proposes to continue the policy outlined by the Secretary of the Interior in his report for 1894, to continue to diminish from year to year the aid to contract schools until the year 1899, and in the meantime the Secretary of the Interior is directed to provide facilities for the education of the Indian children independent of contract schools. This humane policy regarding not only the duties of the Government to the Indians, but likewise its apparent obligation to the good Christian people throughout this country who have assisted in Indian civilization, is sought to be abandoned, and in the abandonment of the policy we propose to abandon the Indians, to abandon those children, and let them out of the schools to resume the blanket, to return to the Indian tepee, to fish and hunt for a living, without any educational advantages. I do not think that this proposed policy is in accordance with the dictates of honesty or humanity.

It is suggested that because some of the contract schools were inaugurated and have been partially maintained under denominational control therefore some injury will follow to the Indian children committed to their care. This suggestion comes from men who know least about the Indian. I do not know of any form of Christianity which can be injected into a North American Indian to the detriment of the Indian. No creed has been sufficiently vicious to injuriously affect the savages whom we have corralled upon the reservations.

While upon the floor on this subject I call attention to the fact that it is proposed to strike down the Lincoln Institution and the Hampton School, I presume because of certain clauses in the constitution of the one or its organic act, and in the reports of the superintendent of the other. Here is the seriously objectionable feature urged against the Lincoln Institution. It was incorporated under an act of the legislature of Pennsylvania, approved May 9, 1866. Section 3 of that act provides:

> The affairs and concerns of the said Lincoln Institution shall be conducted by a board of managers consisting of 30 ladies and a board of council consisting of 30 gentlemen; of which board the bishop of the Protestant Episcopal Church of the diocese together with the rectors of the churches which shall be represented in the board of managers shall be ex officio members.

Section 4 provides that—

> Applicants may be admitted without regard to their religious belief, but the inmates shall, in all cases, have respect for the faith of the Protestant Episcopal Church of the United States, and submit to the religious exercises of the household, which shall always be in accordance with the belief of that church; and all children received under 12 years of age shall be trained in that faith.

How can it injuriously affect an Indian, the son or daughter of a savage, to be instructed in some form of religion, and particularly the religion taught by the Protestant Episcopal Church of the United States? If taken there under the age of 12 I should say that the doctrines of that church ought to be taught to a young Indian as regularly as the A B C's, and for this reason: That church teaches a doctrine which is the unit of modern civilization—respect for parents, respect for the marriage relation, and in thus providing for the establishment of respect for the home you destroy some of the most vicious elements that have led to the continued barbarous condition of the Indians.

Again, it is proposed to strike down the Hampton Home in Virginia.

Mr. HAWLEY. Will the Senator from Montana pardon me right here? I do not know whether his attention has been called to the entire change in the organization and policy of the Lincoln School.

Mr. CARTER. That cuts no figure with me. I will support it just as it is.

Mr. HAWLEY. I understand.

Mr. PETTIGREW. It has not been changed so far as the charter is concerned.

Mr. CARTER. Not so far as the charter is concerned. I understand that to be the fact.

Mr. MITCHELL of Oregon. Is it a charter of the State of Pennsylvania?

Mr. CARTER. Yes, sir, of the State of Pennsylvania.

It is proposed to strike down the Hampton School in Virginia, and the reason assigned for the incompetency and unfitness of the Hampton Institute to teach the Indians rests in the fact that the reports of the superintendent of that school to the superintendent of schools of the State of Virginia breathe a certain kindly, loving, Christian spirit. I will read only one extract from the report of 1893:

> Missionary work is an important feature in our training. Our graduates are a little army of Sunday-school workers.

I do not care what denomination controls the Sunday school, it would be a grand and glorious fact to announce that every young Indian between the two oceans was inclined to teach a Sunday school. The work of civilization and the necessity for Government aid to Indians begins to cease when the child becomes a Sunday-school teacher. That is but one of many expressions of similar kind found in the report of the Hampton School. I honor the superintendent of that school for attempting to inculcate some principle of moral responsibility into the young savages committed to his care. I question not the religion he teaches; I question not the creed he represents; but he teaches a doctrine which leads the youthful savage to follow the kindly ways of the humble Nazarene who trod the weather-beaten hills of Judea two thousand years ago. That is sufficient for me.

I am in favor of even-handed justice in dealing with these Christian people, and that involves a gradual rather than an abrupt withdrawal of Government aid. I am in favor of yielding to the dictates of humanity by providing for the unfortunate Indian charges of the Government the best schools that we have available at the time. I am in full sympathy and accord with the extending of a national school system to the reservations and to the Indians who live upon them. I do trust that we may live to see this remnant of an unfortunate race absorbed in the body politic of the nation and taught the duties and responsibilities of citizenship under the guiding hand of the General Government rather than under the agency of sect or creed. But we have not reached the point where that may be fully achieved at a single bound.

The amendment I think embodies justice, fairness, and honesty, and I trust it will be adopted.

Mr. LODGE. Mr. President, ever since I have been in Congress there has been a contest over what are known as sectarian Indian schools, and every effort to do away with them has been met by the same stubborn resistance. On the last Indian appropriation bill I remember that we had in the Senate a sharp debate which ended in striking from the bill the House provision for the gradual reduction of these appropriations and the gradual abolition of those schools. This year the other House has met the case with decisive action and has put a stop finally to appropriations for sectarian schools.

The argument is always the same against this change, that we are going to cast some thousands of Indian children out without education onto the prairies. Nothing of that sort is intended, I think, Mr. President.

The money is there to do the teaching; to supply the instruction. The only question is whether the teaching shall be by Government officials, as is the case now in many of the existing schools, or whether it shall be continued through denominational teachers. The children will be educated in any event. They ought to be educated where the Government money is spent by Government teachers.

There is no doubt, as the Senator from Montana [Mr. CARTER] has said, that any form of Christian faith is of the greatest advantage to the Indians. The sole question which concerns us, as it seems to me, is whether we have the right and whether it is in accordance with American principles to make appropriations of this kind. The Constitution says that—

> Congress shall make no law respecting an establishment of religion.

Thomas Jefferson, in the statute of Virginia known as the statute of religious freedom, said that "to compel a man to furnish contributions of money for the propagation of opinions in which he disbelieves is sinful and tyrannical."

I think that sentence in Jefferson's statute of religious freedom covers all that is at stake in this matter and it is a vital principle.

It seems to me that the Government should not make appropriations for any sectarian or denominational schools. If the various Christian denominations of the country desire to carry on Indian education and do it from funds contributed by charitable and benevolent persons, it is a great and good work for which everyone feels the highest respect, and with which no one would be disposed to find the slightest fault. But when we come to appropriating the money of the people for purposes of education it seems to me perfectly clear that that money ought to be expended by Government officers and by Government officers only, and that the schools

that the Government maintains should be secular schools, like public schools throughout the country.

The Senator from Montana gave the impression in what he said that the Hampton School, of Virginia, and the Lincoln Institution, of Philadelphia, had been swept out of this bill by the same force that put in this nonsectarian provision which he proposes to strike out. The reverse of that is the case. The House put in this provision putting an end to sectarian schools, but the House also left in the appropriations both for Hampton and the Lincoln Institution. The attack on the Hampton School and the Lincoln Institution has come since the bill reached the Senate, and I am sure did not originate among those who are anxious to put an end to sectarian teaching at Government expense. Personally, I think the school at Hampton is absolutely nonsectarian. I think it is entirely entitled to the appropriation which we have always made. It is a very noble charity; it has done a great work. To it was devoted unselfishly the life of General Armstrong, as we all know.

I have here a statement in regard to the school, furnished me by the superintendent, from which it appears that the Hampton School was incorporated by the general assembly of the State of Virginia in the year 1870. The purposes of the school, as stated in its charter, were "the instruction of youth in common school, academic, and collegiate branches, the best methods of teaching the same, and the best mode of practical industry in its application to agriculture and the mechanic arts." It is governed by a board of 17 officers, representing six different religious denominations, no one of which has a majority. It receives help from the land-scrip fund, through the State of Virginia, to the amount of $10,000 per year, as being an agricultural institution. It also receives help from the Morrill Act fund, the Peabody and the Slater funds; and the Peabody Fund can not give to any sectarian institution. It receives help from no board of any church, nor is it connected with any religious organization. It has among its staff and students both Catholics and Protestants. The present chaplain was connected with both the Congregational and Presbyterian churches before coming to the school. The assistant chaplain is a member of the Episcopal Church. The school receives help from Hebrews, Protestants, and Catholics, one of its donors being a Catholic priest. It has had people of all denominations among its friends, and its graduates have gone out to work in different churches. It was here at Hampton that the Government system of industrial education of Indians was first started. It was then taken to Carlisle, and thence has been introduced in the Western schools.

I think it is not necessary for me to enter further into a description of Hampton or the work that has been done there. I believe that it is thoroughly familiar to all Senators; it has been discussed heretofore; and, indeed, the work of that institution, I think, is known to all Americans who are interested in work of that kind for the benefit of the Indians and of the negroes, to which it has been particularly devoted.

The Lincoln Institution, in Philadelphia, has the clause in its charter which has been read by the Senator from Montana. When the charter was amended to allow them to educate Indians they made an express agreement with the Secretary of the Interior—

That we were to comply with the rules of the Department and were not to be sectarian, and also that the pupils were to be allowed to attend whatever church their parents desired, which we have always done.

Mr. PETTIGREW. Do you say they have changed their charter?

Mr. LODGE. No; I did not say that. I say they amended their charter to admit Indians, which is precisely the fact, and when they did it and took Indians they made an agreement with the Department which I have just read.

The Lincoln Institution is performing the same work as that of Hampton; they are doing it at as low a price as is done per head, I think, at any of the Government or sectarian schools, and it seems to me that there is no reason why the Senate should cut out of the bill the usual appropriations for these two excellent institutions. As to the broad general question which is included in the House clause which the Senator from Montana seeks to strike from the bill, I think I have already said enough. It seems to me that the House provision is in accordance with the well-recognized principle of our Government that public money should not be spent for sectarian purposes. The very fact that such debates as this arise year after year over this appropriation seems to me of itself to demonstrate the wisdom of putting an end to it. The feeling is constantly growing more heated and such a policy can only do grave harm in the long run. The House, which inserted that clause putting an end to sectarian teaching, left in both Hampton and the Lincoln Institution, and it seems to me that the Senate may well leave the bill as the House has sent it to them.

Mr. GALLINGER and Mr. GRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I will yield to the Senator from Delaware. I think he undertook to get the floor yesterday on this question. I will follow him, with the permission of the Chair.

Mr. GRAY. I am much obliged to the Senator from New Hampshire for his courtesy.

Mr. President, I do not intend to trespass upon the patience of the Senate, and only rise to say a single word in pursuance of the notice that I gave yesterday that I should move a disagreement to the amendment striking out from the bill the appropriations for the Hampton and Lincoln schools. Since then I have listened to the exceedingly interesting and eloquent remarks of the Senator from Montana and to the Senator from Massachusetts. I shall vote with great pleasure for the amendment offered by the Senator from Montana, and as far as I can gather the feeling of the Senate there will be very little opposition to it. Therefore, it is not necessary that I should detain the Senate by any remarks in addition to what has been already said. But I want to put upon the record, if I may be allowed, before I sit down, the circular letter issued by the Lincoln Institution at Philadelphia, because I know some of those who are interested in that institution. I ask that it may be read from the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

LINCOLN INSTITUTION, INDIAN DEPARTMENT,
324 SOUTH ELEVENTH STREET,
*Philadelphia, April 4, 1896.*

MY DEAR SIR: It is due to us and to you to explain the character of our school in regard to religion.

After the war was over, in 1866, the legislature of the State of Pennsylvania, through Mr. Burrows, the State superintendent of soldiers' orphan and public schools, wrote to a children's institute with which I was connected, asking if we could take some soldiers' orphans whose parents were mostly Episcopalians, as they had no place then where they or other Protestant children could be brought up in the faith of their fathers.

We at once went to work and instituted the Lincoln Institution, and to carry out their wishes had our charter so worded that all children under the age of 12 years should be instructed in conformity with the Protestant Episcopal faith.

The managers at no time, neither man nor woman, nor the officers of the Home, were obliged to be of any particular faith. We have had and now have members of almost all denominations in our boards and in charge of the school.

The Educational Home was organized as a branch of the Lincoln Institution for the younger children.

In 1882 our work for the soldiers' orphans was finished and our building closed for two years; then, having a charter and board of management, owning two large buildings, we decided to use them for the benefit of educating Indians. We applied to the Government and it consented to let us have 200 Indian children. We amended our charter in 1885 so as to extend our benefits to Indian pupils placed under our charge by the Government of the United States.

It was understood when we received these pupils that we were to comply with the rules of the Department, and were not to be sectarian, and also that the pupils were to be allowed to attend whatever church their parents desired, which we have always done.

It would be impossible to conduct a Christian institution without some form of worship, and Carlisle, Fort Totten, Lawrenceville, Haskell Institute, etc., all have one form of family worship.

I add to this the testimony of our officers, employees, and pupils to prove that we are not sectarian. I would also state that our pupils are showing the benefit of their Eastern training, as we have just sent two girls and one boy as teachers in Government schools, and they are proving most satisfactory.

Many of our children are attending public school here so as to train them for teaching their own people by the most improved methods.

We trust that this explanation will be satisfactory to you and that you will allow us to continue the work that has so far been of inestimable benefit to the Indians. The management consists of volunteer men and women who give their money, time, and interest to this work without remuneration of any kind, but simply from patriotic and benevolent motives.

We are under the control of no denomination, nor do we receive any money from any church society. The buildings and grounds of both our departments and the small endowment fund we have was most all given us by Quakers and others of various faiths.

Eighty-six of our girls are of Protestant parentage and 14 Roman Catholic. Of the boys 62 are Protestants and 46 Roman Catholics.

Yours, respectfully,

MARY McHENRY COX,
*First Directress.*
MARGARET DAVIS,
*Secretary Board of Managers.*
G. THEO. ROBERTS, *President.*
SAMUEL BELL,
*Secretary Board of Council.*

We, the undersigned officers and employees of the Lincoln Institution, do hereby testify that we are members of the several denominations affixed to our names, and that we have never been interfered with in regard to our religion. This is not a sectarian institution; officers, employees, and pupils are permitted religious freedom in every respect.

*Girls' department*—Superintendent, Wm. M. Hugg, Baptist; matron, Mrs. Wm. M. Hugg, Methodist; assistant matron, Alice M. Cogbill, Methodist; house mother, P. B. Tyler, Episcopal; music teacher, A. W. Tyler, Methodist; teacher, A. F. Allen, Episcopal; teacher, M. E. Allen, Congregational; industrial teacher, M. Stewart, Episcopal; cook, Bridget Taylor, Roman Catholic; housemaid, Anna McGee, Roman Catholic; waitress, Eliza Wilkinson, Presbyterian; laundress, Anna Finnegan, Roman Catholic; shoemaker, Ellis Chapel, Greek Church; janitor, David VanWert, Roman Catholic.

*Boys' department*—Superintendent, George Jackson, Roman Catholic; assistant superintendent, Jos. T. Mercer, Episcopal; matron, M. Deeble, Methodist; assistant matron, Mrs. Murphy, Presbyterian; head teacher, Noble Haigh, Anglican Church; assistant teacher, Daisy Allen, Congregational; nurse, Carrie Emrick, Presbyterian; seamstress, P. Kendall, Methodist; seamstress, Kate Lawson, Baptist; shoemaker, M. Biocella, Roman Catholic; chambermaid, Sophia Heck, Roman Catholic; chambermaid, Delia Coleman, Roman Catholic; chambermaid, Kate Carroll, Roman Catholic; chambermaid, Lizzie McBurney, Presbyterian; laundress, Mary Harvey, Roman Catholic; laundress, S. Cunningham, Roman Catholic; laundress, Mary Harvey, Roman Catholic.

Mr. GRAY. That circular was sent to me from this institution by a friend in Philadelphia, and a very distinguished member

of the bar there. I shall take the liberty of reading his letter, because I want to say that his indorsement of the statements made in that circular are to me absolutely conclusive. With that statement in regard to the writer of the letter, I wish to read it to the Senate. It is very short. Addressing me, he says:

I venture to call your attention to the Lincoln Institution (Indian department), which is located here.

That is, in Philadelphia.

An appropriation in its aid is opposed, I understand, on the ground that it is sectarian in character. I am sure that the objection is without foundation. I inclose a circular, and its statements may, I feel entirely confident, be accepted as candid and truthful. The school is supported by the best people of our city, and without regard to creed. And I venture to hope that when the question of an appropriation comes before the Senate you will be able to give it your support.

Believe me to be, yours, very truly, HENRY FLANDERS.

I understood the chairman of the subcommittee who has charge of the pending bill to say that if the amendment proposed by the Senator from Montana should be adopted by the Senate he would not object to the rejection of the amendment striking out the appropriation for the Hampton and the Lincoln schools, and I am content that that should be so, for I would be heartily in favor of the amendment of the Senator from Montana without even that agreement or understanding.

I believe it would be a very discreditable thing to this Congress and to the American people if we could gain our own consent to interfere with and thwart the efforts of Christian men and women to carry civilization among these Indians simply because they happen to belong to a church or to a creed that is not our own. I fully agree that it is impossible in this country to appropriate public money taken from public taxation for the support of any school or institution that is sectarian in its character. But at the same time we ought to be able so to control ourselves as to act reasonably and with that saving common sense which enables us to do justice and to accomplish results without being borne down by ignorance and fanaticism. It is a very melancholy thing that in this last decade of the nineteenth century there should still survive that unchristian feeling among Christian sects which compels an interference with Christian work. It is very hard indeed to believe that the gospel of Christ can not be carried to the dark parts of this continent or any other and the simple faith of the Great Teacher of our religion preached in its simplicity because of creeds and because of clashing and jealous denominational feeling. But so it is, and I recognize the fact, and I recognize the necessity of steering clear of this clashing, warring, unchristian Christianity.

Mr. President, the people who are connected with the Lincoln Institution at Philadelphia are many of them known to me. They are people imbued with Christian zeal and benevolence. They give their time and they give of their means in order to support this institution and to educate Indian children, and I rejoice to believe that the Senate is going to restore that appropriation for the education of the wards of the nation for which we have a constitutional right and a moral duty to use money raised by taxation of the country.

Mr. GALLINGER. Mr. President, it is gratifying to me to note the calmness and kindliness of expression that thus far has marked this discussion. I trust that I may be fortunate enough to utter no word that will engender religious feeling or that will operate to the detriment of either myself or the body of which I have the honor to be a member. I am on record, Mr. President, in reference to this matter, and I have seen nothing in the past two years to change the expressions that fell from my lips in this Chamber when a somewhat similar proposition was then under consideration.

I listened with interest to the earnest remarks of the Senator from Montana [Mr. CARTER]. I listened carefully to the reading of his amendment and have since read it myself. If I understand the amendment correctly, it purposes to accomplish two things. First, it proposes that what I regard as a vicious system, that of appropriating money for sectarian schools, shall be continued in this country; and, in the second place, it proposes that we shall declare it to be the settled policy of the Government that, when we are prepared, and when the time arrives for dispensing with the contract school system, all further appropriations shall be withheld from schools like Carlisle and Hampton. The amendment, therefore, is designed to continue for a time, and no one knows how long, appropriations to sectarian schools, schools confined largely, almost exclusively, to one religious denomination, and it contemplates that when those appropriations are finally discontinued that no further appropriations shall be made to any schools other than those exclusively under Government control.

Mr. President, I do not give my assent to either of these propositions, and I do not propose to vote for the amendment. The battle to divorce church and state is not a new one. It was fought in Holland nearly four hundred years ago, and it was settled there. It was settled afterwards in England. It strikes me as being a strange and unaccountable thing that at the close of the nineteenth century, in this free Republic of ours, we should be discussing a proposition such as this in the American Senate. I can not for the life of me understand how it is that we have drifted into a condition of things, so far as the appropriation of public funds for sectarian purposes is concerned, which precipitates upon the Senate almost every year a discussion of this great and vital question.

The Senator from Montana says that if we pass the bill as it came from the House of Representatives we will turn nearly 4,000 Indian children out into the world without shelter and without educational advantages. The Senator from South Dakota [Mr. PETTIGREW] on yesterday put the number at 3,000. But, Mr. President, I take it that if we pass the bill precisely as it came from the House we will not necessarily turn a single Indian child out into the world, or deny to a single one of them the same advantages, or better advantages for education, than they possess to-day.

If we dispense with contract schools, as the bill proposes, and provide that the Government shall educate its own wards, the school buildings that are on those reservations will remain, and I do not see why the Government can not rent those buildings and go along with the system of education precisely as it is being conducted to-day, with the evils of sectarian teaching eliminated. Does the Senator from Montana presume to say, in behalf of those for whom he so eloquently pleads, that they will refuse to rent those buildings to the Government until such time as the Government can either erect buildings or purchase existing buildings from the parties who own them now?

I take it that the Senator from Montana will not contend that that will be the result. For that reason it seems to me that the argument that we are going to throw out upon the cold charities of the world three or four thousand Indian children and deprive them of shelter and of educational advantages falls to the ground. This great Government will see to it that they are all provided for and that every obligation that we owe to those people is faithfully observed and carried out.

Mr. President, I do not care to discuss at length the two schools, Hampton and Carlisle, that the Committee on Appropriations of the Senate have seen fit to strike from the bill. They were stricken out, as I believe, solely because the House refused to continue appropriations for schools that are openly and notoriously sectarian. The Hampton School has a history of its own, and it is a history that is one of brightness and of glory. It has come down to us as an inheritance of which we are justly proud, and I do not believe that any Senator, whatever his religious opinions or his prejudices may be, will finally vote against continuing the usual appropriation to this most worthy institution of learning. On the contrary, I take it that Hampton is going to stand in the bill, whatever action may be taken in regard to sectarian schools.

The benevolent people of this country have contributed half a million dollars to erect buildings at Hampton for the purposes of education, and they are contributing $50,000 every year to help on the grand work of that noble school. We will not, I feel sure, by any vote of this body or of the other House of Congress, put ourselves on record as striking a blow at the progress and prosperity of this great educational institution.

Mr. President, Hampton is not a sectarian school, and I challenge any man to show that in the proper sense any tenet of a church or of a sectarian denomination is taught at that institution. It has a special claim upon the people of this country, and I am glad to stand here, as I have stood before, to say a good word for Hampton, and to contend that it shall be dealt with fairly, liberally, and justly by the American Congress.

In regard to the Lincoln Institution, I will say substantially what I have said about Hampton. It is a nonsectarian school. It may happen to have in its charter a declaration that it has outgrown. Some religious denominations in this country if tested in that way, Mr. President, would not stand before the intelligence and the enlightenment of the American people as well as they stand to-day. It may have an obsolete provision in its charter regarding the matter of religious teaching, but the fact is that Protestant and Catholic children there assemble, and a large proportion of the board of managers, officers, and employees of the school are Roman Catholics at the present time. It is not a sectarian school in any proper sense of the term, almost every religious denomination being represented in it.

The Senator from Delaware [Mr. GRAY] suggested that he would vote for the amendment submitted by the Senator from Montana [Mr. CARTER], and thought that there would be little opposition to it. I trust that there may be a great deal of opposition to it, and I hope that the votes of a majority of this Senate will be cast against that amendment, and that the bill shall be permitted to stand precisely as it came from the House of Representatives.

Mr. President, it is well to remember that another body, fresh from the people, reflecting, I think, at least as accurately the

views and feelings of the American people as does this Senate, by an overwhelming vote rejected the proposition embodied in the amendment of the Senator from Montana, and I trust that the Senate may be equally as thoughtful, as wise, and as patriotic.

Mr. President, I believe in the public-school system of the United States. I believe in it thoroughly and profoundly, and I deprecate more than I can express any efforts, from whatever source they may emanate, to weaken or to undermine it. I am also unalterably opposed to appropriations of public money for sectarian purposes, and I want to say, Mr. President, in all kindness, by way of suggestion if not of prophecy, that if the storm now raging in this country against that system is not strong enough to end it this year, it will gather strength until the desired end is accomplished. The people of the United States are not going to sit idle, whatever their religious opinions or views or prejudices may be, and see the National Congress year after year violate the spirit if not the letter of the Constitution by appropriating money for institutions that are notoriously sectarian in their teachings. I am against the entire scheme, and I will take pleasure and pride here to-day and at any other time when I may have an opportunity in casting my vote against any such proposition. Let us here and now end the system, and rescue our Government from a practice that is indefensible, mischievous, and un-American.

Mr. HAWLEY. Mr. President, I do not know that what are called sectarian schools are especially wicked. I have seen none anywhere that were not, on the whole, to be spoken of with entire respect. At the same time, there is a growing indisposition to have the Government support or make contracts with Catholic schools, Episcopalian schools, Methodist schools, or schools of any one of the numerous subdivisions of the Christian world. The churches themselves have substantially come to that conclusion.

It occurs to me that I am quite ignorant as to what a strictly nonsectarian school is, and I would inquire what sort of a school the Government is to conduct? Would it be out of order, would it be unparliamentary, so to speak, to incidentally refer to God in one of those schools?

Mr. GRAY. Yes.

Mr. HAWLEY. It would? I was afraid so. Now I am getting light about nonsectarian schools.

I do not see why the general doctrines of Christianity could not be taught—the duty of man to his neighbor, obedience to God, the Ten Commandments, the Lord's Prayer, the Golden Rule, and a great many other things that we all agree upon without any controversy whatever.

Mr. MITCHELL of Oregon. And the Declaration of Independence.

Mr. HAWLEY. Yes, and the Declaration of Independence, without reference to party. [Laughter.] I do not see why we could not agree in some such things as those. But then I am troubled, as I proceed, to find further that we may have a few Mohammedans, who might be shocked by these simple declarations, or even mere ethical declarations; and then by and by we should come to an atheist, and we would be trampling upon his rights if we permitted the Lord's Prayer to be said or the Ten Commandments to be read in the schools.

I have little sympathy, endeavoring to consider it from the standpoint of broad statesmanship, with a great deal of what has been said upon the subject of sectarianism. The Christian Church is, unfortunately perhaps, divided; but it is only like an army. Some men like to serve in the infantry, some in the artillery, some in the cavalry, some in the engineers, and some like a powerful organization, like that magnificent machine, the Roman Catholic Church, which moves with majestic power and steadiness and eternity of purpose. Read Macaulay's description of it in his review of Ranke's History of the Popes, and you will have a respect for that church, even if you dislike its semipolitical tendency at times, and however you may be disposed to criticise some of its particular practices and requirements.

I can speak in a similar respect of all the churches—not sects—churches of the Lord, intended to teach man that there is something supernatural in the future; that there is, perhaps, a heaven and a hell; at any rate, that there is happiness and unhappiness in the next world—that there may be a place where some men could not expect to go, for they are not fit to enter into good society in this world or the next—they would not be at home. [Laughter.]

I am for the amendment of the Senator from Montana [Mr. CARTER]. The proposition as it stands in the bill says that we shall stop short now, to-day; stop giving any money whatever or making any contracts with a church which does not teach just exactly what we believe in. The amendment of the Senator from Montana says if you do this there will be thousands of Indian children who will have no schoolhouse whatever until the benevolence of the people, the Christian missionary spirit of the United States, shall come forward and supply the deficiency. I think there is great force in that.

I do not see why we should not let this thing down slowly and reasonably, and circumstances will adjust themselves to necessities. Very few of the churches will give up any of the schools they have now; they will not lease or sell their schoolhouses; they will rather redouble their vigor; and many of us who are mighty poor churchmen of any kind would be very glad to help in the work. Do not say, "Lock the doors! Close the schools! Quit! Come away from that unholy place! Let the children scramble the best they can and wait a year or two or three years before they get other schoolhouses." I will not agree to it. Suppose you were to conduct a line of ocean steamers upon a like policy, and to give notice that you will not take a certain class of people on your ships; that they can not travel over your line, and you come to that decision in mid-ocean, are you going to throw them overboard instantly? No, I think not; you would certainly take them to the wharf and tell them you do not want them to go any more on your line. That is all that is contained in the amendment of the Senator from Montana.

I am glad to see such a friendly spirit exhibited. I am glad to see the kindly tone in which the Lincoln School and the Hampton School are spoken of. I know less of the Lincoln School, but I have known the Hampton School a great many years, and I esteem it a good part of an education to have known General Armstrong, the great president of that institution, a man who had deep religious belief; but you would know him a long time before being able to tell with what sect he was associated. With that belief, "Rich in saving common sense," as Tennyson said of Wellington, he was acceptable everywhere; a man of force, of character, he impressed himself upon the black men and the red men of that institution; he cautioned them against thinking that a little book knowledge would make honorable and successful people out of them, and he taught them how to be active, true, sincere men and women and good citizens; and that school is still permeated with his spirit. The managers of that school are from all churches; its general spirit is splendid—patriotic, religious, moral, and intellectual.

The original form of the Lincoln Institution, as was said by a Senator here a while ago, arose from the circumstance that it was founded by Episcopalians and was requested to take charge of certain children whose people wanted them educated in the doctrines and ritual of the Episcopal Church.

Mr. GRAY. They were soldiers' orphans.

Mr. HAWLEY. Yes; soldiers' orphans; but their people wanted them to go to that particular school. Now, they have broadened it and have provided for a governing board, without mentioning a bishop, or a church, or anything of the sort, and they have made a contract with the Government under which the pupils may go to whatever church they please and shall not be at all restricted in that respect. The whole of the circular sent here by the officers of the institution—and I am glad they sent it—has been read, but I wish to call attention, as establishing the character of the school, more particularly to the officers and managers of it.

They mention in the circular the facts that 86 of the girls are of Protestant parentage and 14 Roman Catholic. Of the boys, 62 are Protestants and 46 Roman Catholics. I read a few names of officers only—not all. The superintendent of the boys' department is George Jackson, a Roman Catholic; the assistant superintendent, Joseph T. Mercer, is an Episcopalian; the matron, M. Deeble, is a Methodist; the assistant matron, Mrs. Murphy, is a Presbyterian; the head teacher, Noble Haigh, is an Anglican; the assistant teacher, Daisy Allen, is a Congregationalist. The first six officers and teachers in the boys' department are, therefore, each of them of a different church.

In the girls' department the superintendent, Mr. Hugg, is a Baptist; the next, the matron, a Methodist; the next, the assistant matron, a Methodist; the next an Episcopalian, the next a Methodist, the next an Episcopalian, the next a Congregationalist, the next an Episcopalian; the next, the cook, is a Roman Catholic; the house maid, a Roman Catholic; the waitress, a Presbyterian; the laundress, a Roman Catholic; the shoemaker belongs to the Greek Church, and the janitor is a Roman Catholic. [Laughter.] If that is not an absolutely harmless arrangement I do not know how to make one.

I want to maintain these schools, and I want to let them down into nonsectarianism and lack of religious instruction as easily as I can.

Mr. PALMER. Mr. President, with respect to the pending amendment, I desire to make a very few observations. I have known for a long time that the answer to a question is sometimes determined by the manner of stating it. In the particular instance before the Senate I understand it to be conceded that it is the duty of the United States to educate or to provide the means of education for Indian children on the reservations. I understand that duty is conceded. I understand, further, that it is a fact, about which there is no dispute, that the United States Government is not quite ready by its own facilities and its own means to educate all of these children, but that there are certain sectarian schools—

I use that term because I apprehend that I can employ no stronger one—existing in the reservations which can supply an education beyond the immediate facilities which the Government possesses; and the question is whether they shall be employed or not to supply that which the Government can not do by its own means.

It seems to me that if that is a fair statement of the proposition there has been a good deal of discussion here which might well have been spared, because, this duty existing, the Government being unable by its own means to afford the facilities for education to all these children, there are certain persons who are entirely competent who have been employed heretofore, and whose method has given us, so far as I know, entire satisfaction; the question is, Shall we continue to employ them, shall the Government avail itself of these private agencies in order to discharge its whole duty, or shall we, upon some fancied impression, say we now abandon those children, and say to them "after a while we shall be able to educate you, but for the present the schools must stop, for the present you must cease attending the schools"?

I can not understand why there is anything improper in availing ourselves of the facilities afforded by schools already established. I understand the Roman Catholic schools have heretofore educated Indian children in a very satisfactory way; I understand that the Methodist schools and the Presbyterian schools and all others have substantially discharged their duties toward the Government, and that no particular complaint has heretofore been made that they have forced their peculiar dogmas upon the Indian children. If that be true, what is there to be considered except to continue to pay the schools, or the managers of the schools, for aiding us in the discharge of the duties which we admit exist?

Mr. President, in Illinois, and I believe all over the country where the public schools exist, I do not remember that I have ever known a school board to inquire whether an applicant for the position of a teacher was a Methodist, a Baptist, or a Roman Catholic. I have always supposed that the teacher was employed with reference to his or her qualifications, and I must confess that I can not see now what objection there can be to the employment of a Roman Catholic teacher or the subsidizing of a Roman Catholic school, or a Presbyterian or a Methodist school, to instruct the Indians in the rudimentary branches of education; and that is all. I believe, we propose to extend to them.

I know the term "sectarian" has an odious sound; I know that with some the Roman Catholic faith is regarded as objectionable; the Methodists are opposed by some; the Presbyterians by others; the Baptists by others; and so of that gentle denomination called Friends. I believe down in some of the New England States at one time the Friends were persecuted and driven out; their very innocence made them the object of local opposition. But it seems to me we are sticking in the bark, and that the noise being made over this question just now is a sort of contribution to a sentiment which every now and then arises in the country, and makes an enormous noise about exceedingly unimportant things.

I shall vote for the amendment upon the simple ground, preferring secular education as I do, that at present the United States Government is not prepared to furnish the means of education to all these children. To the extent that we need to subsidize these sectarian schools, let it be done; but beyond that, after that, I am willing to agree with any Senator who may prefer a strictly secular education. I am not able to see that any question is involved here beyond the mere question of convenience. If we owe this duty we ought to discharge it. If we can not do it with our present methods, there are those who have the facilities whom we can employ, whom we can subsidize. If we can use them, why shall we not do it?

The Senator from Montana [Mr. CARTER] made some observations in regard to the probable improvement of the Indians by almost any form of faith. It seems to me in respect to barbarians, if the Indians are to be so regarded still, although I understand that many of them are American citizens, any form of faith would be an improvement. I am sure that there will be no danger to them arising from that cause, and Senators need not give themselves so much anxiety about the methods of teaching in those schools, because I am sure that no such impression will be made upon the Indians as will be injurious to them. They need improvement; and any method of instruction would be an improvement upon their present condition. They would be wiser and better taught in any of these sectarian schools than they would be if left entirely without education.

Mr. PEFFER. Mr. President, the objection raised by the Senator from Montana to the provision of the bill as passed upon by the House contained on page 58 is that a large number of Indian children will be deprived of school facilities under the provisions of the bill as it now appears before us. I propose to insert on page 59, in line 3, after the word "schools," what I now read:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

I think that will obviate the difficulty spoken of by the Senator from Montana [Mr. CARTER]. I wish to say for myself in this connection that I have no objection of any kind or character to the creed, to the ritual, to the form of worship, or the polity of any denomination or religion.

I think the religion of the Master as He taught it is broad enough to cover all mankind and all the various denominations that are trying to be Christian. So my objection to sectarian schools is not based upon any objection to a particular denomination. I think men and women can worship as well in one form as in another, provided the heart is right, when it is "out of the abundance of the heart the mouth speaketh." I ask the Secretary to read the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "schools," in line 3, page 59, it is proposed to amend by inserting:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities, the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. HOAR. Where does the amendment come in?

Mr. PEFFER. It is to be inserted immediately after the word "schools."

Mr. FAULKNER. Is it a substitute?

Mr. PEFFER. It is to be inserted immediately after the word "schools," in line 3, page 59, leaving the rest of the matter to stand.

Mr. MITCHELL of Oregon. That is at a different point in the bill.

Mr. PEFFER. My amendment is to come in on page 59, line 3.

Mr. PETTIGREW. After the other amendment is disposed of?

Mr. PEFFER. I understand that the amendment of the Senator from Montana [Mr. CARTER] is to strike out certain words, and I propose to amend the original text by adding what I have sent to the desk.

Mr. HOAR. The Senator's amendment is not to take the place of the amendment of the Senator from Montana [Mr. CARTER]?

Mr. PEFFER. It is not to take the place of the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PEFFER].

Mr. TELLER. Let the amendment of the Senator from Kansas be read. We do not know what it is.

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. After the word "schools," in line 3, page 59, it is proposed to insert:

And in any case, if such there be, where the provisions of this act shall operate to deprive Indian children of present school facilities the Secretary of the Interior is hereby authorized to provide such temporary school accommodations, including teachers, as may be necessary for the time being, and report to Congress at the opening of the next regular session.

Mr. CARTER. Do I understand the Senator from Kansas to offer the amendment as a substitute for the amendment I propose?

Mr. PEFFER. No. My object is to save the present wording of the bill and to add what the Secretary has read, so as to obviate the objection raised by the Senator from Montana, with the hope that by the adoption of my amendment the Senator's objection would be satisfied and that he would urge no further objection.

The PRESIDING OFFICER. The motion of the Senator from Montana [Mr. CARTER] is to strike out and insert. The motion of the Senator from Kansas [Mr. PEFFER] to insert, being to perfect the text of the part proposed to be stricken out, is in order. So the question before the Senate is on the amendment of the Senator from Kansas.

Mr. CARTER. Mr. President, the amendment of the Senator from Kansas [Mr. PEFFER] is open to the serious objection which applies to the provision in the bill.

I call attention to page 8 of the report of the Commissioner of Indian Affairs for the year 1895, where the statement is made that not to exceed—to be more accurate I will read it:

These figures do not include schools among the Five Civilized Tribes nor those which the State of New York provides for her Indians. Therefore it is peculiarly gratifying to note the fact that from the remaining tribes 23,036 Indian pupils are now gathered together under the civilizing influence of schools and brought into daily contact with enlightened ideas and customs.

The 23,036 represent the full capacity of the Government schools and the contract schools, and the full capacity of certain schools supported exclusively by charity without Government aid. This he suggests is over 60 per cent of the entire Indian school population exclusive of New York and the five Indian tribes. The report for the preceding year suggested that the total school capacity did not exceed 50 per cent. It is obvious when construing the two reports together that school facilities have been increased by the Government to accommodate about 10 per cent of the school population in addition to those theretofore supplied.

I have here a table showing the condition on 20 Indian reservations, from which it is manifest that on those reservations the

total school population is 15,488, while the Government has accommodations for only 5,733.

Mr. TELLER. What are the reservations?

Mr. CARTER. The Cœur d'Alene Reservation, in Idaho; the White Earth Agency, in Minnesota; the Crow Agency, in Montana; the Fort Belknap Agency, in Montana; the Tongue River Agency, in Montana; the Blackfeet Agency, in Montana; the Pueblo Agency, in New Mexico; the Turtle Mountain Reservation, in North Dakota; the Osage Agency, in Oklahoma; the Pine Ridge Agency, in South Dakota; the Crow Creek Agency, in South Dakota; the Rosebud Agency, in South Dakota; the Tulalip Agency, in Washington; the La Pointe Agency, in Wisconsin; the Green Bay Agency, in Wisconsin; the Shoshone Agency, in Wyoming; the Mission Agency, in California; the Flathead Agency, in Montana, and the Umatilla Agency, in Oregon.

The table is as follows:

*Table showing school facilities on reservations where contract schools are in operation.*

| Reservation or agency. | School population. | Capacity of schools. | | | Children unprovided for. |
|---|---|---|---|---|---|
| | | Government. | Contract. | Total. | |
| Colville Agency, Wash. / Cœur d'Alene Reservation, Idaho | 628 | 75 | 450 | 525 | 103 |
| White Earth Agency, Minn. | 1,925 | 711 | 300 | 1,011 | 914 |
| Crow Agency, Mont. | 365 | 160 | 200 | 360 | 5 |
| Fort Belknap Agency, Mont. | 293 | 110 | 300 | 410 | ---------- |
| Tongue River Agency, Mont. | 299 | 30 | 55 | 85 | 214 |
| Blackfeet Agency, Mont. | 407 | 125 | 540 | 665 | ---------- |
| Pueblo Agency, N. Mex. | 2,323 | 285 | 515 | 800 | 1,523 |
| Turtle Mountain Reservation, N. Dak. | 1,043 | 150 | 175 | 325 | 718 |
| Osage Agency, Okla. | 464 | 220 | 175 | 395 | 69 |
| Pine Ridge Agency, S. Dak. | 1,515 | 1,000 | 200 | 1,200 | 315 |
| Crow Creek Agency, S. Dak. | 465 | 280 | 175 | 455 | ---------- |
| Rosebud Agency, S. Dak. | 1,282 | 678 | 235 | 913 | 369 |
| Tulalip Agency, Wash. | 365 | 50 | 150 | 200 | 115 |
| La Pointe Agency, Wis. | 1,139 | 341 | 530 | 871 | 282 |
| Green Bay Agency, Wis. | 726 | 470 | 170 | 640 | 86 |
| Shoshone Agency, Wyo. | 394 | 150 | 125 | 275 | 119 |
| Mission Agency, Cal. | 1,391 | 808 | 300 | 1,108 | 193 |
| Flathead Agency, Mont. | 387 | ---------- | 450 | 450 | ---------- |
| Umatilla Agency, Oreg. | 229 | 100 | 150 | 250 | ---------- |
| Total | 15,488 | 5,733 | 5,185 | 11,018 | 4,995 |

To resume, the total school population is 15,488; the aggregate capacity of the Government schools is 5,733; the aggregate capacity of the contract schools is 5,185; the total capacity of the schools on those reservations is 11,018, leaving 4,995 children unprovided with school facilities in either Government or contract schools at the agencies named.

The proposition presented in the amendment of the Senator from Kansas would leave the bill as it stands and provide that the Secretary of the Interior shall proceed betweeen now and the 1st day of next July, when the pending bill becomes the law of the land, prohibiting absolutely a contract with any of these denominational schools, and requires the Government to furnish buildings independent of them. I submit that it is practically impossible. The buildings can not be constructed and the facilities provided within the limit of time suggested.

Mr. PEFFER. Does the Senator from Montana mean to say that there are no buildings on the ground now where the schools are at present conducted? If there are, could not those buildings be rented?

Mr. CARTER. Those buildings might be rented, but that might involve the process of confiscation. It may be that many of those good people will desire to prosecute their work notwithstanding Government schools are erected on the reservations, and I do not understand it to be in harmony with the policy of the Government to compel people to dispose of their property, property which they were encournged to construct by acts of Congress and by the country.

Mr. TELLER. I should like to ask the Senator if he thinks there is anything in the bill prohibiting them from conducting such schools if they desire?

Mr. CARTER. There is not.

Mr. TELLER. Then, if it is impossible to rent their buildings and they prefer to go on furnishing their own facilities, of course no children will be turned out.

Mr. PETTIGREW. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. Certainly.

Mr. PETTIGREW. There are two schools in South Dakota under the control of the Catholic Church, one at Pine Ridge and the other at the Crow Creek Agency. They are both very many miles from any other school whatever or any other building. They were built there at the invitation of the Government, and permission was given to build them on ground at those agencies. I undertake to say that if the bill passes as it is framed they will not rent those schools, and that instead of there being 300 children in them next year there will probably be 50 in each school, and they will wait until they can collect money enough to go on.

If we make a gradual reduction of 20 per cent a year they will keep the children, and the schools will go on as heretofore. But the church will not rent the building and turn their teachers out for a year or so, until the Government can build other schools, leaving their property unoccupied, without any equipment so far as teachers are concerned. But if we make a reduction of 20 per cent—and it is the only way you can take care of the children—they will raise money enough to conduct the schools at the present capacity.

Mr. HOAR. Mr. President, it seems to me there is another practical difficulty which has not been considered in the debate. Suppose the sectarian schools are discontinued on the 1st of next July and they go on under the denominations, as many of them I suppose will, with decreased funds, but still keeping up the school in a private way. Here in those schools at various stages of their education are the children who have been entered there by the Government and the charge of whose education has been defrayed by the Government. Perhaps one child is within six months of graduation, another within a year, and so on. It is very hard to take those children away from the school where they are going through. They may have a prospect of becoming teachers or finding places in the school if they graduate. It is very hard to compel them to go to an entirely new school, where they are unknown to the teachers and where the teachers are unknown to them.

Suppose, although I do not imagine it is likely to happen, we should make it illegal to make a further contract with Hampton. We have all seen those children there, how much they are attached to the school and how well they are doing. It would be a gross injustice to compel the discontinuance of the education of a child there who had got within one or two years even of his or her graduation. The amendment of the Senator from Montana [Mr. CARTER], if I understand it, provides pretty well, I think, for such a case. It is not in print.

Mr. ALLISON. It is not in print.

Mr. HOAR. I hope it will be printed if it goes over until tomorrow morning. If I recollect it aright, it provides for such a case, and I am sure the Senator from Kansas [Mr. PEFFER] would desire to modify his amendment in that respect so far as it might be advisable.

Although I rose only for this purpose, I should like to say a few words on the general subject, and they will be very few indeed, because it is not necessary to argue the question with a view to convincing Senators, and my own opinions on this subject are known to anybody who is or ever will be curious about them.

The sectarian school plan was started by General Grant, who had a personal interest in it to a very large degree. I think he prided himself on it as one of the best things he did in his time. At any rate, if it was not originated by him it was heartily indorsed by him, and I myself have heard him speak of it in private. The whole public service had become to some extent demoralized during the war, and the Indian service had been particularly a reproach to the country; and the idea was that if instead of having influential politicians or other influential people in Congress or out select Indian agents and teachers of Indian schools, as a reward for political service, the religious bodies of the country would propose persons for appointment as Indian agents and teachers and to carry on and conduct the schools, then so far as the schools were concerned it would make a great improvement.

At the same time unquestionably it was founded on a vicious principle. The Senator from Illinois [Mr. PALMER] says: "What harm does it do to teach an Indian child, just coming out of barbarism, the tenets of some particular religious sect? It is a great deal better than to leave him without any education at all." But the trouble is, you can not do that without exciting a strife between the religious sects for the opportunity of giving that instruction, and without compelling the Government to make a choice between the religious sects, which must stand equal before our law, in making the selection in every particular case.

I suppose there are religious denominations in this country which would take upon themselves the task of furnishing the entire religious and secular education of the Indian children in the country—certainly there is one—and do it very well. I suppose the Catholic Church would do it. I presume the American Missionary Association would do it. They would raise the funds so far as would be necessary beyond Government appropriations. But the result would be an invasion of the principle which lies at the foundation of our Government. You can not expect religious denominations to give religious instruction to children without giving the instruction in accordance with the tenets of their own sects.

There are religious sects in this country and in the world, powerful in influence and large in numbers, which believe that the failure to accept particular statements of faith, views of theology—even

if the failure exists from never having heard of them—condemns a person in that condition of unbelief to eternal misery and alienation from the favor of God in this world and the next. How can anybody who entertains such a belief fail to instruct any human being who comes within his influence in the faith which in his judgment is essential to salvation? Therefore the only way is to adhere to the principle of our Constitution, that there shall be no connection between any religious instruction and the state. I never liked that scheme when it was adopted, and I am heartily in favor of discontinuing it as soon as it can be discontinued with justice to the children who are now under process of instruction and to those religious bodies which have undertaken these duties at the invitation of the Government itself. But I think we should carefully provide for the completion of the education of all children whose education has begun under the present scheme.

I suppose it is not necessary for me to say that I have no sympathy whatever with any attempt at exclusion from all the functions or privileges or rights of American citizenship of anybody on account of his religious belief. The Catholic, Congregationalist, Unitarian, Methodist, Episcopalian, as well as all others, stand equal before the law, equal in their rights of American citizenship. If a person is to be attacked because of any supposed bigotry or intolerance, or because his faith, his opinions, are in conflict with American freedom, it should be done not by making religious faith a test of admission to or exclusion from public office, not by making religious faith the reason for giving or withholding the support of political parties or the votes of citizens, but by making the application of the principle to the individual himself. If a person who is bigoted, who is narrow, who owes an allegiance to a foreign potentate which is inconsistent with his allegiance to the Constitution and laws of his own country is proposed for public office or as teacher in a public school, apply your principle to him, but never incorporate into the political creed of any party or into the political conduct of any association of men the doctrine that because of religious faith alone an individual is to be excluded from the functions of American citizenship.

I hope, therefore, that the policy of divorcing the schools of the Government—whether they are the common schools in the States or the Government schools for the benefit of the wards of the nation—of denominational influence or control will go on and will be consummated. But it can not be done in an hour or in a day. If I understand the amendment of the Senator from Montana [Mr. CARTER] it provides for a continuance of the present scheme to such an extent as will prevent injustice to the persons with whom the Government is contracting or injury to the individual. If I understand the amendment of the Senator from Kansas [Mr. PEFFER] it will on the 1st of July next take children from schools where they are now being educated, and where in many instances they have nearly completed their education, and remove them arbitrarily and in a mass to other schools which may be insufficient, and, at any rate, where their education has not so far begun. I am sure the Senator from Kansas does not desire that, and I presume that before he brings his amendment to a vote he will in some way modify it so as to prevent that evil.

I ask that all amendments of which notice has been given may be printed for the use of the Senate.

The PRESIDING OFFICER. It will be so ordered, if there be no objection. The Chair hears none.

Mr. ALLISON. Mr. President, I wish to occupy the attention of the Senate as to these provisions long enough to say in reply to the Senator from Illinois [Mr. PALMER], who I regret is not in his seat, that it is a mistake to suppose that the Committee on Appropriations, in presenting this bill, did so with the idea or understanding that the children now enjoying educational advantages either at Government schools or at contract schools would be deprived of such facilities by means of the provisions contained in the bill. It will be observed, in the first place, that the Senate Committee on Appropriations increased by $200,000 the amount of the appropriation provided by the other House. It will be observed in the next place that we have increased the appropriation for the construction, purchase, lease, and repair of school buildings and the purchase of school sites $100,000. So there is provided in the appropriation bill for additional public schools $230,000 in round numbers, which may be applied either to the purchase or rent of any of the schools that are denominated as sectarian schools. The committee did intend fairly to provide for such schools as under the provisions of the bill might be discontinued.

It is not true, as stated, that the effect of these provisions will be to discontinue the education of from three to four thousand children. It may be that a certain number of children will be deprived of means of education unless the school buildings can be rented, as in the case suggested by the Senator from South Dakota [Mr. PETTIGREW] and in the case of the Flathead Agency instanced by the Senator from Montana [Mr. CARTER]. It is also a mistake to suppose that these contract schools embrace within them any considerable amount of the money annually appropriated for the education of Indian children.

I have before me a statement which I have collated from the report of the Commissioner of Indian Affairs for the present year, in which it is shown that there are now educated at the public day schools of the different States 487 pupils, which, by the amendment suggested by the Senator from Montana, will be absolutely deprived of the power of going into schools, because his amendment confines the education of Indian children to National Government schools. It is the consensus of opinion of the Superintendent of Indian Schools, the Commissioner of Indian Affairs, and those most familiar with the education of Indian children that the best way to educate them is to have them mingle with the white children in the different schools, where that is practicable, and it is practicable to the extent of 500 children during the current year.

Mr. CARTER. Will the Senator from Iowa allow me?

Mr. ALLISON. Certainly.

Mr. CARTER. There is no objection whatever to the amendment to the amendment providing that the education shall be given in Government schools or in public schools under the control of the respective States and Territories.

Mr. ALLISON. I only speak of the amendment as proposed by the Senator; and it will be printed in that way unless it is modified.

The Commissioner of Indian Affairs was before the Committee on Appropriations and stated that this method of education is growing in popularity not only with the Indian children, but with the schools in the neighborhood of Indian children where the General Government provides for 15 or 20 children, paying a specific amount for the tuition at the schools, and thus enlarge the local schools in the interior of our country.

I will state the number educated at nonreservation Government schools, schools controlled wholly by the Government at this time. Perhaps the average attendance is somewhat less, but at non-Government schools where the school buildings are erected and the schools in operation there is a capacity for 4,673 children. There are Government reservation schools, known as Government boarding schools on the reservation, of a capacity sufficient now to take care of 7,845 Indian children, there being 75 reservation Government schools in all and 19 nonreservation Government schools.

There are upon Indian reservations 110 day schools controlled and paid for by the Government, with a capacity of 4,145, making in all of nonreservation and reservation Government schools and day schools a capacity of 17,150 children—schools which are now wholly controlled by Government expenditure and Government supervision.

Now, let us examine from this same report the Government contract schools and see how they are distributed and what is the character of those schools. All the Government contract schools are enumerated on pages 11 and 12 of the current report of the Commissioner of Indian Affairs. I have not computed the exact number, but I believe there are 39 in all. There are in all these contract schools in the neighborhood of 3,800 pupils. Of these pupils, 348 are in contract day schools mentioned here. I do not know whether they are sectarian; probably some of them are, probably not; but there are 348 pupils in day schools, with an average annual expenditure of from $10 to $30. They do not come within the range of the expensive contract schools—of the contract schools known as boarding schools—where we pay from $108 to $150 per annum for each pupil or for each term of ten months. The Senator from Montana will see that although this appropriation begins on the 1st of July, the school year does not begin until the 1st of September, or in most cases as late as the middle of September, and then it continues only up to July. The school vacation for Indian schools continues from two to three months, as the vacation for other schools is from two to three months.

Mr. PEFFER. Four weeks are regarded as a month.

Mr. ALLISON. Yes; four weeks are regarded as a month, I believe.

I have shown that 348 of the 3,800 pupils are in day schools. The largest number in the day schools, according to my recollection, is 25. So these 348 pupils are scattered through day schools ranging from 10 to 25 pupils each.

I find there are of boarding schools 14 where the attendance numbers 50 or under. If anyone will take pains to examine the details, to be found as I have stated, he will see that these small boarding schools are scattered all over the United States, some of them on reservations. I do not know but all of these are on reservations, but they are in California, Arizona, Oregon, Washington, Idaho, and so on. Three of them have 60 pupils; one of them has 65; one of them has 70; one of them has 90; four have 95; one of them has 105; one, 110; one, 130; one, 140, and one, 145; making only 1,925 pupils, exclusive of the 348 who are at the day schools.

In addition to that there are, as shown by this report, certain other schools specially appropriated for by Congress which are

not included in the pending bill, but have been included in Indian appropriation acts hitherto, at least for one or two years. Among these are included, of course, the school at Hampton, Va., and the Lincoln Institution at Philadelphia, which together have 320 pupils. The Flathead school in Montana, which the Senator from Montana mentioned especially, has 300 pupils. So in addition to the 1,925 classified as I have shown, the larger portion of them being at schools where there are 70 pupils or less, there are a few schools specially provided for in other appropriation acts and not included in this bill.

The Commissioner of Indian Affairs said to us that he did not believe there would be any great difficulty in providing for most of the children at these schools if he had an additional sum of money. He admitted that it would be somewhat inconvenient to do so, but with $100,000 additional he could practically provide for them all.

Mr. President, it is a mistake to suppose that this school system of ours, especially as respects contract schools, had its origin a quarter of a century ago. It had its origin with the Hampton school, as I remember. There was before that time no contract school. It was never dreamed of by President Grant during his whole term of service. The idea was that the religious people of our country should have the control and direction of these Indians; that they should become the agents and employees; and that the patriotic and charitable people connected with the different churches would themselves establish mission schools whereby religion should be taught as well as secular education. But it was never supposed or dreamed that I know of during the period of his term of office that there should be what are known as contract schools. Some time ago there was a great massacre in the Indian Territory or in that neighborhood. It was the Wichitas and Cheyennes, was it not? The Senator from Arkansas [Mr. JONES] will remember.

Mr. JONES of Arkansas. It was.

Mr. ALLISON. Three hundred of those Indians were transported under military authority to Pensacola or some place in Florida. They were there three years in prison, practically under the military authority and under the care of Captain Pratt. When they were to be removed some twelve or fifteen of those people desired to be educated. They were not children; I believe all of them were mature men and women. Some place was sought in the Northern States were these adult Indians, whose hands were red with the blood of white men, could have an opportunity to learn, if you please, the rudiments of our English language, and to be educated as respects our civilization. How many applications were made I do not know, but Hampton Institute had been organized by the State of Virginia as a normal and agricultural school for the education of the colored race in order to fit them to go out among their brethren in the South and educate them in the common schools, and Hampton Institute, with General Armstrong at its head, said: "Bring your 15 Indian people here and we will educate them as best we may." Captain Pratt landed them at the Hampton Institute, and the Government paid for the cost of their keeping and their education there. Captain Pratt remained there a year, training and educating those Indians. Then it was for the first time that the idea was projected into our policy of carrying away from the reservations and from the homes of the Indians the young children who were roaming over the plains of the West.

It was my fortune, Mr. President, to visit the Sioux tribes in 1875. I saw there as intelligent and enlightened men as respects their judgment and their brain power as any set of men I have seen. But I saw at their agencies more than 1,100 children playing upon the high plains without a single schoolhouse within 50 miles of them, although in 1868, under the treaty which was made by General Sherman and ratified by Congress, we agreed that from the day of its ratification we would provide them with schools for all the children between the ages of 7 and 16 years. Yet schools were not provided for them. In a report which I made to the Commissioner of Indian Affairs as a member of an Indian commission, I stated as my belief then that the best way to execute the obligation which we had made to those Indians would be to segregate the young people from the wild tribes and educate them as white children are educated. That was not done. But afterwards a few of those and a few belonging to other tribes were found at Hampton.

After Captain Pratt had remained at Hampton, I believe, one or two years he separated from that institution and established the institution at Carlisle, which has been so well and so ably managed by him from that time to this. It will be seen by the roster, if I may call it so, of the Indian schools that Captain Pratt's school has a capacity of 800 pupils. But within two weeks he has told me that he has 1,200 in his school. His policy is to allow the young Indian children to go out among the farmers at intervals and earn wages, and come in at other intervals and receive the benefits of the school at Carlisle. So the policy of making contracts began at Hampton and was pushed at Carlisle for some time.

The Senator from Massachusetts alludes to the growth of this policy. That growth is largely to be attributed to the Senator's late colleague, Mr. Dawes, who was chairman of the Committee on Indian Affairs, and who, in season and out of season, begged the Committee on Appropriations for a constant increase of the appropriation for the education of Indian children.

Mr. HOAR. I spoke of the contract with religious bodies for the education of Indian children.

Mr. ALLISON. The contract with religious bodies came after Hampton and after Carlisle. I have here a table showing that up to eighteen hundred and——

Mr. HOAR. I do not want to interrupt the Senator from Iowa in his very interesting statement, but I think perhaps I may claim a little of the credit of that change for myself without boasting or vanity.

Mr. ALLISON. I have no doubt the Senator is right about that.

Mr. HOAR. I was about to say, if the Senator from Iowa will pardon me, that I made a speech on the subject of the Indian question before my colleague, Mr. Dawes, went upon the Indian Committee, in which I gave, after a great deal of study, the entire cost of the Indian wars from the beginning of the Government, and showed that it would have been cheaper for the Government to have supported all Indian children of school age and put them into costly schools, they being then, of course, hostages for the good behavior of their parents, than it would be to defray the cost of the Indian wars. In that speech I quoted from the report of my honorable friend the Senator from Iowa himself, who was then as now a member of the Committee on Appropriations, and moved an appropriation of $2,000,000 that year for Indian education.

The Senator from Iowa replied then that, while he recognized the obligation which he had stated in his report, it was utterly impracticable to expend so large an amount on Indian education in a single year, because the teachers were not there, the schools were not there, the machinery was not there. He said if I would make it, I think, $300,000—I have forgotten what the sum was, but it was a very great advance on what was ever granted before—he would support it. He did support it, and that amendment, supported by the Senator from Iowa, with which I had become the means of stirring him up a little, was the first large increase of the appropriation for Indian education. I do not know whether my friend remembers that or not, but it is the fact.

Mr. ALLISON. I do remember it very well.

Mr. HOAR. So the first large increase which originated the present policy of Indian education, taking all the children we could get from a particular band and putting them into a school, was due to an amendment to an appropriation bill which the Senator from Iowa himself espoused, and which without his great influence in the Senate never would have gone through.

Mr. ALLISON. I thank the Senator from Massachusetts. I remember very well his remarks upon that occasion and his array of facts as to the cost of Indian wars, and especially the Indian war which followed our failure to carry out our obligations to the Sioux tribe. I remember also his amendment and my promise to aid him. That only reenforces what I was about to show from a table which is found in the report of the Commissioner of Indian Affairs. In 1877 we appropriated only $20,000 for the education of Indian children. In 1881, four years later, we appropriated only $75,000. Then we began to increase the appropriation. I think that was about the time the Senator from Massachusetts pressed upon us the importance of Indian education. We then began to increase the appropriation until, in 1886, we appropriated $1,100,000. The largest appropriation made was in 1893, when we appropriated $2,315,612. So, from 1881 to 1893 we increased our appropriations for the education of the Indian tribes from $75,000 to $2,315,000. If you will compute the appropriations made in the pending bill, you will find that they are equal to the largest appropriation that has ever been made for Indian education, I think, although I have not computed it with accuracy.

Mr. President, the education of the children of our Indian tribes has been a growth, and it has been a rapid growth. It has grown so that from a small number of children there are 23,000 children educated under the provisions of our laws, 18,000 of whom are educated at Government schools and schools under the immediate control of the Government. So the progress we have made in educating Indian children has been the progress of the appropriations made by the Government.

There is one result that I think has followed it, although I have not examined it with care, except to see what has been the result for the last two or three years. As the Government increased its benefactions to the Indian tribes for educational purposes the donations, if you please, or collections for education by means of private munificence, have correspondingly diminished. So, although this expense is nearly $2,300,000 by the Government there

is less than $200,000 provided for the education of all the children at the mission schools, if you call them mission schools. When Senators come to examine this whole system of education they will find that the Government has made the chief provision.

If injustice has been done, if we have not made adequate provision here for the support of the contract schools, the proposed change is not one which was first inserted in this bill, but which was proposed two years ago, and agreed to by both Houses at that time. This provision is simply in pursuance of what we did then. We then solemnly declared that the Government of the United States should itself provide for the education of Indian children under its own authority and under its own direction at the earliest day practicable. We have, therefore, segregated these schools with a view to show that it is within the power of the Commissioner of Indian Affairs, in my belief, to provide for most, if not all, of the Indian children who are now at the contract schools. The Senator from Illinois [Mr. CULLOM] reminds me that the Commissioner of Indian Affairs stated before the committee that that could be done.

As to Hampton, I voted to strike out the provision in relation to that school, because the information I had at the moment, and which was before the Committee on Appropriations, led me to believe that Hampton was a sectarian school within the reasonable purview of the statute, but I have since had ample information to convince me that it is not sectarian in any sense. I think Lincoln Institute at Philadelphia is a little nearer to being so, but I think that, too, may be fairly excluded.

So the Committee on Appropriations, in endeavoring to adjust the differences of views and opinions as to this great subject of Indian education, had not in mind the idea that we were turning any Indian child out of a school or that we were depriving any Indian child of an opportunity of receiving an education under the provisions of this bill. If it can be fairly shown that that would be the effect of our action I, for one, am willing to make just provision in order that that may not happen.

Mr. ALLEN. In view of the fact that we can not get through with the discussion of the Indian appropriation bill to-night, I ask the Senator from South Dakota to yield to me to have the bill for the holding of a transmississippi exposition at Omaha taken up.

Mr. PETTIGREW. I am very desirous of disposing of the appropriation bill. I presume there are no other speeches to be made upon the pending question, and I think we might have a vote upon it.

Mr. ALLEN. From the fact that I saw the Senator from Montana [Mr. CARTER] getting together a pile of books, and other Senators getting up data, I concluded that probably there would be more speeches.

Mr. CARTER. If the Senator will permit me, I desire to submit an amendment.

Mr. ALLISON. I yield to the Senator from Montana.

Mr. CARTER. The Senator from Iowa seems to object to the word "National" in reference to the Indian schools.

Mr. ALLISON. The Senator is mistaken; I do not object to the words "National Government schools."

Mr. CARTER. To what does the Senator object, then?

Mr. ALLISON. I stated to the Senator that using that phrase might prevent the children who are now attending the State schools from attending the national schools. If the Senator prefers that language, I do not object.

Mr. CARTER. In order to meet the objection of the Senator from Iowa, which, by possible construction, might exclude the public schools of the country, for which I have a reverence which will compare equally with that of any Senator on the floor, I suggest that the word "National," in line 10, be stricken out immediately before the word "Government," and after "Government" the words "or public" be inserted; so that the amendment will read "Government or public schools."

Mr. MITCHELL of Oregon. The amendment of the Senator from Montana has not been printed. It is made up from a printed amendment proposed by the Senator from Missouri [Mr. COCKRELL] originally, doctored to suit the Senator from Montana, and now it is proposed to amend it again. For one I confess that I do not understand it. Had we not better adjourn and think over it? Let the amendment be printed as it is now proposed.

Mr. CARTER. Very well.

The PRESIDENT pro tempore. The amendment of the Senator from Montana will be printed as modified, in the absence of objection.

Mr. TELLER. I ask leave to offer an amendment to the pending bill, to come in at the top of page 51, and I ask that it be printed.

The PRESIDENT pro tempore. Does the Senator desire to have the amendment read?

Mr. ALLISON. I ask that the proposed amendment be printed in the RECORD.

The PRESIDENT pro tempore. It will be so ordered, in the absence of objection.

The amendment intended to be proposed by Mr. TELLER is to insert at the top of page 51 the following:

To enable the Secretary of the Interior to negotiate with the Uncompahgre tribe of Indians, and with the Indians residing upon the Uintah Reservation in the State of Utah, and with any other Indians, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000.

TRANSMISSISSIPPI EXPOSITION AT OMAHA.

Mr. ALLEN. I now ask unanimous consent for the consideration of Senate bill 1306, displacing the pending measure merely temporarily.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1306) to authorize and encourage the holding of a transmississippi exposition at the city of Omaha, in the State of Nebraska, in the year 1898, and making an appropriation therefor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLEN. The bill has been read.

Mr. ALLISON. I wish to suggest one or two amendments to the Senator from Nebraska. I wish to strike out section 5, and to substitute for it an amendment which I will send to the Secretary's desk.

The PRESIDENT pro tempore. The committee amendments have not yet been acted upon.

Mr. ALLEN. Let the committee amendments be first acted on.

Mr. ALLISON. I will withhold my amendment for the present.

The first amendment reported by the Select Committee on International Expositions was, in section 1, line 3, after the word "transmississippi," to insert "and international"; and in line 6, after the word "transmississippi," to insert "and international"; so as to make the section read:

That a transmississippi and international exposition shall be held at the city of Omaha, in the State of Nebraska, in the year 1898, under the auspices of the Transmississippi and International Exposition Association: *Provided*, That the United States shall not be liable for any of the expense attending or incident to such exposition nor by reason of the same.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the word "transmississippi," to insert "and international"; and in line 8, after the words "fifty thousand dollars," to strike out:

And for the fiscal year ending June 30, 1896, there is hereby appropriated for said building or buildings, out of any money in the United States Treasury not otherwise appropriated, the sum of $50,000.

So as to make the section read:

SEC. 4. That the Secretary of the Treasury shall cause a suitable building or buildings to be erected on the site selected for the transmississippi and international exposition for the Government exhibits, and he is hereby authorized and directed to contract therefor, in the same manner and under the same regulations as for other public buildings of the United States: but the contract for said building or buildings shall not exceed the sum of $50,000. The Secretary of the Treasury is authorized and required to dispose of such building or buildings, or the material composing the same, at the close of the exposition, giving preference to the city of Omaha, or to the said Transmississippi and International Exposition Association, to purchase the same at an appraised value to be ascertained in such manner as may be determined by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 5, beginning in line 1, to strike out: "That for the purpose of paying the expense of transportation, care, and custody of exhibits by the Government and the maintenance of the building or buildings hereinbefore provided for, and the safe return of articles belonging to the said Government exhibit, and other contingent expenses to be approved by the Secretary of the Treasury upon itemized accounts and vouchers, there is hereby appropriated for the fiscal year ending June 30, 1896, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary: *Provided*"; and in line 16, after the word "aggregate," to fill the blank by inserting "250."

Mr. ALLISON. Now, I offer my amendment to the amendment of the committee. My amendment covers the striking out of the whole of section 5 and inserting what I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out all of section 5, and in lieu thereof to insert:

The United States shall not be liable on account of said exposition for any expense incident to or growing out of same, except for the construction of the building or buildings hereinbefore provided for, and for the purpose of paying the expense of transportation, care, and custody of exhibits by the Government and the maintenance of the said building or buildings and the safe return of articles belonging to the said Government exhibit and other contingent expenses to be approved by the Secretary of the Treasury upon itemized accounts and vouchers; and the total cost of said building or buildings shall not exceed the sum of $50,000, nor shall the expenses of said Government

exhibit for each and every purpose connected therewith, including the transportation of same to Omaha, and from Omaha to Washington, exceed the sum of $150,000; amounting in all to not exceeding the sum of $300,000.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Select Committee on International Expositions was, in section 6, line 4, after the words "sum of," to insert "ten."

Mr. ALLISON. I wish to suggest to the Senator that that amendment be not agreed to; and that instead of "$10 per day" there be inserted "a reasonable sum to be fixed by the Secretary of the Treasury."

Mr. ALLEN. That is agreeable, Mr. President.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In section 6, line 4, it is proposed to strike out the words, "the sum of ten dollars per day," and insert, "a reasonable sum, to be fixed by the Secretary of the Treasury."

Mr. COCKRELL. Let the section be read as it will stand if amended.

The PRESIDENT pro tempore. The section will be read as it will stand if amended.

The Secretary read as follows:

SEC. 6. That the commission appointed under this act shall not be entitled to any compensation for their services out of the Treasury of the United States, except their actual expenses for transportation and a reasonable sum, to be fixed by the Secretary of the Treasury, for subsistence for each day they are necessarily absent from home on the business of said commission. The officers of said commission shall receive such compensation as may be fixed by said commission, subject to the approval of the Secretary of the Treasury, which shall be paid out of the sums appropriated by Congress in aid of such exposition.

The amendment was agreed to.

The next amendment of the Select Committee on International Expositions was, in section 7, after the word "transmississippi," at the end of line 2, to insert "and international"; so as to make the section read:

SEC. 7. That medals, with appropriate devices, emblems, and inscriptions commemorative of said transmississippi and international exposition and of the awards to be made to the exhibitors thereat, shall be prepared at some mint of the United States, for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

The amendment was agreed to.

The next amendment was, in section 8, line 4, after the word "Transmississippi," to insert "and International"; so as to read:

SEC. 8. That the United States shall not in any manner, nor under any circumstances, be liable for any of the acts, doings, proceedings, or representations of said Transmississippi and International Exposition Association, its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of stock, bonds, mortgages, or obligation of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind whatever attending such corporation or accruing by reason of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The amendments reported to the preamble will now be stated.

The Select Committee on International Expositions reported to amend, in line 2 of the first clause of the preamble, after the word "transmississippi," by inserting "and international"; so as to make the clause read:

Whereas it is desirable to encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898, for the exhibition of the resources of the United States of America and the progress and civilization of the Western Hemisphere, and for a display of the arts, industries, manufactures, and products of the soil, mine, and sea; and

The amendment was agreed to.

The next amendment was, in the last clause of the preamble, in line 1, after the word "Transmississippi," to insert "and International"; in line 3, after the words "day of," to strike out "August" and insert "June"; and in line 4, after the words "day of," to strike out "October" and insert "November"; so as to make the clause read:

Whereas the Transmississippi and International Exposition Association has undertaken to hold such exposition, beginning on the 1st day of June, 1898, and closing on the 1st day of November, 1898: Therefore,

The amendment was agreed to.

The preamble as amended was agreed to.

The title was amended so as to read: "A bill to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898."

BLUE MOUNTAIN IRRIGATION AND IMPROVEMENT COMPANY.

Mr. MITCHELL of Oregon. I ask unanimous consent that I may be permitted to call up a local bill, which is very short, and which I think will occasion no debate. It is Senate bill 1468.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Reservation, in the State of Oregon. It proposes to extend for five years the time prescribed by the act of Congress approved January 12, 1893, for the construction and completion of the irrigation ditch or canal and reservoirs of the Blue Mountain Irrigation and Improvement Company across the Umatilla Indian Reservation, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. CHANDLER. It has been my desire for some time to call up the resolution of the Senator from Nebraska [Mr. ALLEN] for an investigation into the Alabama election. I understand the senior Senator from Alabama [Mr. MORGAN] is not well, and therefore I have not pressed the resolution, but there is an order of the Senate allowing the minority of the committee to submit their views against the passage of the resolution. I am desirous that that minority report shall be made, and I ask the Senator from Delaware if he can tell me how soon it will be made?

Mr. GRAY. Mr. President, it should have been made and would have been made before this but for want of time on my part to prepare it, as it was rather intrusted to me to do. I have been delayed the last two or three days by the illness of the Senator from Alabama, with whom I was to consult with regard to the report, but I shall endeavor to have the report in early next week.

Mr. CHANDLER. I always want to extend all possible consideration to the Senator from Delaware, who is well, and the Senator from Alabama, who is sick; but I really wish that that minority report might be made, as the majority report was made some three or four weeks ago.

Mr. MITCHELL of Oregon. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, April 13, 1896, at 12 o'clock meridian.

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## HOUSE OF REPRESENTATIVES.

FRIDAY, *April 10, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

LATE HON. WILLIAM COGSWELL.

Mr. MOODY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

*Resolved*, That Saturday, April 18, 1896, beginning at 1 o'clock, be set apart for paying tribute to the memory of William Cogswell, late a member of the House of Representatives from the Sixth district of the State of Massachusetts.

The SPEAKER. Without objection, the resolution will be considered as agreed to.

There was no objection.

HARRIET C. GREGG.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50.

The bill was read, as follows:

*Be it enacted, etc.*, That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McCLELLAN. We had better have the report read, Mr. Speaker.

Mr. TALBERT. I just want to ask the gentleman in charge of the bill if it has been considered at a Friday night session?

Mr. MAHON. The report is long, and I can make a brief statement that would answer as well.

The SPEAKER. The gentleman from Pennsylvania.

Mr. MAHON. Colonel Gregg, this officer, served in the Mexican war as a private until he was promoted to the office of lieutenant. He went into the Regular Army and served in the Indian wars on the frontier. At the breaking out of the war of the rebellion he was placed in command of a brigade of cavalry, known as the famous Gregg Cavalry. He commanded the brigade throughout the war, and was engaged in all the battles in which the Army of the Potomac was engaged. He died in 1892. This lady had been his wife from 1847 to 1892. He left his widow without any property or any means of support.

Now, this old lady, I am authorized to say, is in destitute circumstances, and we are asking an increase of this pension not to $100, but from $30 to $50 a month. We have pensioned the widows of many generals as high as $100 and $200 a month who never rendered as much service to this country as this man did.

Now, this is very little to ask for, to give this widow $50 a month; and she does not ask for more. My only reason for asking unanimous consent, and not waiting until the case could be called up, is because it is so far down on the Calendar that it will never be reached at this session and, therefore, on account of the destitute circumstances of this woman, the widow of this gallant soldier, I ask that the measure may be considered now.

Mr. LOUD. I would like to say to the gentleman that so long as it is in my power, no officer's widow shall have her pension thus increased. In saying this, I do not desire to single out this case as one specially for objection, but I avail myself of that opportunity, and I object.

Mr. MAHON. I will take the same opportunity with the gentleman.

Mr. LOUD. You will have to wait a long time.

### FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska, from the Committee on Appropriations, reported the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HAINER of Nebraska. I give notice that to-morrow, after the approval of the Journal, I will ask for the consideration of the bill.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred as follows:

A bill (S. 2490) to amend an act entitled "An act to establish a national park at Gettysburg, Pa.," approved on the 11th day of February, 1895—to the Committee on Military Affairs.

A bill (S. 321) granting a pension to James W. Dunn—to the Committee on Invalid Pensions.

A bill (S. 2412) to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry—to the Committee on Ways and Means.

A bill (S. 1828) to authorize the Auditor for the Interior Department to settle and adjust the account of E. C. Chirouse, Indian agent at the Tulalip Agency, Wash.—to the Committee on Indian Affairs.

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa—to the Committee on Rivers and Harbors.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1414) granting a pension to Emma Brough Gerard;
A bill (S. 1148) granting a pension to Celesthia A. Whitney;
A bill (S. 1036) granting a pension to Rebecca E. Kutz;
A bill (S. 725) granting a pension to Anna C. Garber;
A bill (S. 1528) granting a pension to Benjamin F. Bell;
A bill (S. 1684) granting a pension to Sam P. Barbee;
A bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry;
A bill (S. 1127) granting an increase of pension to Russell R. King;
A bill (S. 2238) granting an increase of pension to Simeon Stevens;
A bill (S. 856) granting a pension to Philip T. Greely;
A bill (S. 1117) granting a pension to Cornelia De Peyster Black;
A bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war;
A bill (S. 1880) to increase the pension of Thomas J. Haughey;
A bill (S. 1679) for the relief of Helen Larned;
A bill (S. 601) granting a pension to Clara R. Rodgers;
A bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett;
A bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard;
A bill (S. 2220) to pension Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott;
A bill (S. 2035) granting a pension to Julia D. Richardson;
A bill (S. 1665) granting a pension to Rita Stine;
A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers;
A bill (S. 2353) granting a pension to Delia Gilman;
A bill (S. 1960) granting an increase of pension to Lucy Ord Mason;
A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight;
A bill (S. 2200) granting a pension to William H. Morgan;
A bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856;
A bill (S. 2255) granting a pension to Lorenzo Meserth;
A bill (S. 511) granting a pension to P. F. Castleman, of Oregon;
A bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy;
A bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg;
A bill (S. 574) granting a pension to Caroline A. Slocum;
A bill (S. 1269) granting an increase of pension to John S. Hall;
A bill (S. 2223) granting a pension to Riley W. Pierce;
A bill (S. 1510) to pension Mrs. Susan M. Sessford;
A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell;
A bill (S. 2290) granting a pension to Hester A. Robinson;
A bill (S. 2456) granting a pension to Oliver P. Gooding;
A bill (S. 504) to increase the pension of Edmund Woog;
A bill (S. 400) granting a pension to Johnson Hays;
A bill (S. 737) granting a pension to James Richardson;
A bill (S. 2557) granting a pension to Sarah E. Boyd;
A bill (S. 1817) granting a pension to Caleb M. Wright;
A bill (S. 2045) granting a pension to Harriet R. Mattack;
Joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon;
A bill (S. 2274) granting an increase of pension to Mary E. Chamberlain;
A bill (S. 205) granting a pension to Mary O. H. Stoneman;
A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel;
A bill (S. 2635) granting a pension to Caroline Watkins;
A bill (S. 2524) to increase the pension of Mary B. Le Roy;
A bill (S. 613) granting an increase of pension to Henry Wilson;
A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;
A bill (S. 1737) granting a pension to James G. Hartzell;
A bill (S. 1635) granting a pension to James Byrne;
A bill (S. 1636) granting a pension to John G. B. Masters;
A bill (S. 2578) granting a pension to Andrew M. Callahan;
A bill (S. 890) granting a pension to John N. Landon;
A bill (S. 706) for the relief of Eugenia Wood;
A bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal.;
A bill (S. 1809) granting a pension to Joshua Parker;
A bill (S. 1139) granting an increase of pension to A. S. Loudermilk;
A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;
A bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe;
A bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla.; and
A bill (S. 1011) for the relief of Capt. James Regan, United States Army.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant Thirty-sixth Massachusetts Volunteer Infantry;
A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;
A bill (H. R. 995) granting a pension to Annie J. Corbett, of Providence, R. I.;
A bill (H. R. 995) granting a pension to Kate A. Pitman;
A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;
A bill (H. R. 2800) granting a pension to Martha Brooks;
A bill (H. R. 3340) granting a pension to Caroline Parker;
A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 4606) granting an increase of pension to Mary B. Houk;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1050) to grant an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan; and

A bill (H. R. 2234) granting a pension to Joseph A. Cooper.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. FLYNN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 2141, to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company."

The bill was read, as follows:

*Be it enacted, etc.*, That the power to construct and operate branches, including those mentioned in section 2 of this act, conferred in and by section 4 of the act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company," shall be exercisable in the Indian Territory only after maps showing the location of such branches shall have been filed with and approved by the Secretary of the Interior.

SEC. 2. That the powers conferred by said section 4 shall extend to branches intended to aid the development of any coal or timber territory contiguous or tributary to the lines of railroad of the said Choctaw, Oklahoma and Gulf Railroad Company, whether owned or controlled by said company or by others, said branches not to exceed in length 5 miles, and to the construction and operation of a branch from any point on its existing line of railroad to the northern line of the State of Texas, and for this purpose the said company shall have the like rights, powers, and franchises, as to the acquisition of a right of way and depot grounds, and as to the construction and operation of the said branch, and shall be subject to the like conditions and restrictions as it possesses or is subject to under or by virtue of the provisions of the said act of August 24, 1894, as to the line of railroad acquired or constructed thereunder.

SEC. 3. That the line of railroad which has been heretofore constructed shall be regarded and treated as a full compliance by said company with the requirements of the act applicable to it, by which it was required, as a condition of further construction thereafter, to complete its main line prior to February 18, 1896, and said company may exercise from time to time the rights, powers, and franchises heretofore or by this act conferred as to further extensions of or branches from its existing line.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I would like to ask the gentleman whether this bill has been considered by any committee?

Mr. FLYNN. Yes, sir. A like bill was introduced and favorably reported by the House committee, and the committee have recommended the substitution of the Senate bill for the House bill, they being alike.

Mr. BARTLETT of New York. Does not this bill propose to authorize one corporation to transfer or assign its corporate rights to another?

Mr. FLYNN. No. I will state for the information of the gentleman and of the House that the report explains this matter quite clearly, and if I be permitted to read a few lines of it I think they will understand just what is the intention of this bill. It was drawn to meet the objection of the President, who, at the last session of Congress, required an agreement to be made that this legislation should be asked for by the railroad company. The report says:

The act of August 24, 1894, gave the company power to construct these branches, but the act did not in terms require the filing and approval by the Secretary of the Interior of maps showing the lines and locations. Before the President would sign the bill passed August 24, 1894, he required Mr. Gowen, the president of the company, to agree that he would not construct nor attempt to construct any of the branches contemplated by the act until the bill had been so amended by another Congress as to require maps to be filed with and approved by the Secretary of the Interior. This section is intended to meet that objection, and to keep that promise made to the President.

This is the bill approved by the Department, to meet the suggestion of the President.

Mr. BARTLETT of New York. Has the Secretary of the Interior approved this bill?

Mr. FLYNN. Yes, sir. The bill originated there and was prepared in order to comply with the President's requirement.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. FLYNN, the House bill (H. R. 5975) was laid on the table.

JOHN S. BURWELL, ADMINISTRATOR.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being the bill (H. R. 7816) for the relief of John S. Burwell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law: *Provided*, That the said Commissioner is satisfied that said tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to said date had actually been paid thereon.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I desire to reserve a point of order on the bill.

Mr. SWANSON. Mr. Speaker, in explanation of this bill, I will state that in 1868, as the gentleman from Maine well knows, the law was changed with reference to the payment of the tax on tobacco. Prior to that time, when tobacco was shipped from the factory to an agent, it was required to be shipped tax-paid, unless a bond was given for the payment of the tax. On the 1st of July, 1868, the law was changed so as to require the stamps to be put on the box of tobacco itself. At that time this tobacco had been shipped to Ohio to an agent of the Burwell manufactory, which was situated in Franklin County, Va. They required him at that time to go and get the manufacturer's stamps and put them on the tobacco. He had shipped the tobacco without giving bond. The evidence is clear that he paid the tax twice—first when it was shipped from the factory, and then when he was required to buy the stamps and put them on the tobacco. This bill has been submitted to the Commissioner of Internal Revenue, and it has been reported favorably by different committees of Congress. The pending bill is a substitute which the Commissioner of Internal Revenue under a former Administration recommended should be passed in place of the original bill.

Mr. DINGLEY. Will the gentleman have that communication from the Commissioner read?

Mr. SWANSON. I will ask the Clerk to read it from the report.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
*Washington, January 26, 1889.*

SIR: I am in receipt of your letter of the 17th instant, and of its inclosure of a copy of a bill (H. R. 9774) for the relief of the estate of A. L. Burwell, together with certain affidavits and other papers in support thereof. These inclosures are herewith returned to you.

You ask for such information as the records of this office may disclose, and for such recommendation as I may see proper to make in the premises.

The bill proposes to authorize the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, the sum of $1,499.56.

From an examination of the papers you inclosed it appears that this sum of $1,499.56 is the aggregate amount paid for tobacco stamps sold by the collector of the Sixth district of Ohio to Thomas and John Peale, of Lynchburg, Ohio (who were agents for A. L. Burwell & Co.), between April 14, 1869, and March 18, 1872; and it is alleged that these stamps were used to stamp tobacco manufactured by said A. L. Burwell prior to July 20, 1868, and that the tax imposed by law in force prior to July 20, 1868, had previously been paid thereon.

In reply I have to remind you that the act of July 20, 1868, made a radical change in the mode of collecting the tax on tobacco. Then the present system of paying the tax by the purchase and use of stamps denoting the tax on the tobacco at the time of its sale or removal from the factory premises was substituted for the previous system of making returns of sales by the manufacturers or their agents, and of assessments and collections based on those returns.

Prior to the act of July 20, 1868, the law and regulations prescribed that goods sent by a manufacturer to his agent were regarded as being still in the factory. In such case the tax was not due until the goods were sold or removed from the agent's hands.

The fair presumption, therefore, is that the tax imposed by law prior to July 20, 1868, was not paid on that tobacco; and that a second tax was not paid by the use of stamps denoting the tax, that were purchased by said agents subsequent to that date.

Therefore, in order that the Government may have opportunity to fully examine the matter, I respectfully suggest the following as a substitute for House bill 9774:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. Burwell, administrator of the estate of A. L. Burwell, deceased, such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law: *Provided*, That the said Commissioner is satisfied that said tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to said date had actually been paid thereon."

Yours, respectfully,

E. HENDERSON,
*Acting Commissioner.*

Hon. GEORGE E. BOWDEN,
*House of Representatives, Washington, D. C.*

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrosed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SWANSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANT OF LANDS TO COLORADO SPRINGS.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 1317, to grant certain lands to the city of Colorado Springs, Colo.

The bill was read, as follows:

*Be it enacted, etc.*, That the following-described tracts of land, situate in the county of El Paso and State of Colorado, namely, that part of Pikes Peak Military Reservation described as follows: Beginning at corner numbered 2 as designated in the field notes of the United States military reservation survey, and running thence along the boundary line of said reservation, south sixty-six degrees west, 7,700 feet to corner numbered 3 of said survey; thence north thirty-eight degrees fifty-five minutes west, 8,240 feet to corner numbered 4 of said survey; thence north nineteen degrees twenty-five minutes west, 8,680 feet to a point on line 4-5 of said survey; thence east 2,160 feet; thence south forty-four degrees forty-seven minutes east, 14,136.4 feet; thence north sixty-three degrees thirty-nine minutes east, 2,400 feet to the northwest corner of the Colorado Springs reservoir grant; thence south twenty-six degrees twenty-one minutes east, 2,595 feet along west line of said grant to a point on line 1-2 of said reservation survey; thence south sixty-three degrees thirty-nine minutes west, 363 feet to corner numbered 2, the place of beginning; also the southeast quarter of section 14, and the east one-half of section 23, and the northeast quarter of the northeast quarter of section 26, and all that portion of section 13 lying west of said reservation, and all that portion of section 24 lying west of said reservation, and the north one-half of the northwest quarter of section 25, and all that portion of the northeast quarter of said section 25 lying west of said reservation, and all that portion of the northeast quarter of section 14 lying west of said reservation, all in township 14 south, range 69 west, of the sixth principal meridian, containing 3,097.48 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by said city to the United States, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the waters contained in any natural or constructed reservoirs upon said premises.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I will ask the gentleman how many acres are to be conveyed under this bill?

Mr. SHAFROTH. About 3,000.

Mr. DINGLEY. They are not mineral lands?

Mr. SHAFROTH. No, sir; they are not mineral lands. They are lands which it is desired to acquire for the purpose of increasing the water supply of the city of Colorado Springs. That city has now about 20,000 population and is increasing rapidly, and its water supply is inadequate. It has become necessary to get some reservoir sites, and these lands have been selected. Enough land is taken for the reservoirs and also sufficient additional to prevent the contamination of the water. The lands are really worthless for any other purpose. They are not timber lands; they are not fit for agricultural purposes; they are nothing but rocky barrens, and the price at which they are sold to the city is far in excess of their value to anybody else.

A MEMBER. What is the price?

Mr. SHAFROTH. A dollar and a quarter an acre.

Mr. CANNON. Whereabouts are they situated?

Mr. SHAFROTH. About 8 or 10 miles from the city, on the western slope of Pikes Peak. They are above Manitou—up in that direction.

Mr. DINGLEY. Is this an abandoned military reservation?

Mr. SHAFROTH. Yes, sir; there are no houses or anything of that kind on it; it is nothing but a barren waste.

Mr. LACEY. Photographs of the sites have been examined by the committee.

Mr. SHAFROTH. Yes, sir; photographs were exhibited to the Committee on Public Lands; and they have unanimously recommended the passage of the bill. The bill received the sanction of the Public Lands Committee of the Senate, and was passed by that body.

Mr. CANNON. The bill if enacted will grant this land for reservoir sites for water supply, and for nothing else?

Mr. SHAFROTH. For nothing else.

Mr. CANNON. If the land ceases to be used for that purpose it will revert to the Government?

Mr. SHAFROTH. I think so. I understand that such would be the legal effect.

Mr. BOWERS. The land is worth nothing at any rate except for this purpose.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none. The question is on ordering the bill to a third reading.

Mr. BELL of Colorado. I have just received a petition relative to this bill, which I desire to have read, and then I wish to offer an amendment.

Mr. LACEY. This is a favorable petition, I understand, and why consume time in reading it?

Mr. BELL of Colorado. I wish, after the petition is read, to offer a small amendment. I do not oppose the bill.

Mr. LACEY. What is the nature of the amendment?

Mr. DINGLEY. Unanimous consent was given to the consideration of the bill as it stood.

Mr. BELL of Colorado. Some farmers on the stream below do not want this grant to interfere with their prior rights to water from Bear Creek. I therefore wish to ask the adoption of a small amendment.

Mr. SHAFROTH. This can not interfere with them, at any rate.

Mr. DINGLEY. If amendments are to be offered the whole character of the measure might be changed. Consent was given to the proposition as embraced in the bill. It seems to me, under the circumstances, the gentleman from Colorado [Mr. SHAFROTH] should not yield for an amendment.

Mr. SHAFROTH. I can not yield for the amendment.

Several MEMBERS. Let us have the previous question.

Mr. SHAFROTH. I move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHAFROTH, a motion to reconsider the last vote was laid on the table.

SAMUEL M'KEE.

Mr. EVANS. I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress.

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. COLSON) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of $1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of $1,718, as appears from the itemized account of the said McKee duly verified.

It further appears that no part of said sum has ever been paid.

The committee also find that Hon. John D. Young has been paid the sum of $2,509 for his expenses incurred in said contest.

This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

Your committee would therefore report back the bill and recommend that it do pass.

Mr. BARTLETT of New York. I ask for an explanation of the bill, with the view of ascertaining why there has been so long delay in the settlement of this claim.

Mr. EVANS. Mr. Speaker, Mr. McKee, whom I know well, and who lives in my district, was elected to the Fortieth Congress—a long time ago, it is true. His seat was contested by Mr. Young. The House decided in favor of Mr. McKee. Mr. Young's expenses were paid. For some reason, I do not know what, Mr. McKee's expenses were not paid. From that time to this, occasionally, one House or the other upon a favorable report has passed a bill similar to this; but thus far no bill of this kind has passed both Houses at the same Congress. This gentleman is very poor; nobody needs the money more than he does; and I entreat the House to let this bill pass, because these expenses were actually incurred and have not been paid, though the expenses of the contestant who failed to show his right to the seat have been paid.

Mr. BARTLETT of New York. Is Mr. McKee living?

Mr. EVANS. He is. He lives in my city. I know him well.

Mr. COX. From what committee does this bill come?

Mr. EVANS. From the Committee on Claims. I hope no objection will be made to its consideration and passage.

Mr. CANNON. Has the gentleman examined to see why the Fortieth Congress (which sat pretty nearly a generation ago) did not pay this successful contestant?

Mr. EVANS. I have not examined that matter and can not make any statement in regard to it. I only rely upon what the Committee on Claims has found. These claims have been audited and approved by the Elections Committee.

Mr. CANNON. What Elections Committee?

Mr. EVANS. I do not know; the committee of that House, I presume.

Mr. CANNON. Can not some member of that committee inform us on that point?

Mr. EVANS. It was not the Committee on Elections of this House; it must have been the Committee on Elections in that Congress.

Mr. CANNON. I do not know anything on earth about this case. I do not know of any reason why this money should not be paid to this man, nor do I know any reason why it should be.

Mr. EVANS. The report of the committee is favorable.

Mr. CANNON. But it seems the committee is not prepared to give us any information whatever.

Mr. EVANS. The gentleman who reported this bill, Mr. COLSON, is at home on leave of absence, I understand.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. Before that question is put, allow me a word. This case has been favorably reported from the Committee on Claims. There are quite a number of these claims, reaching back, like the present one, for some years. At the last Congress all of these were embodied in a single bill by the committee, and submitted to the House. The present Committee on Claims have examined them very carefully, and find the accounts itemized as the law provides, and therefore a favorable report was made in this case to which the gentleman from Kentucky now refers. It did not come from the Committee on Elections at all, I will say to the gentleman, but must come from the Committee on Claims. It is one of the claims of this character, of a number probably embracing a half dozen or more, which have been reported favorably by the committee.

Mr. NORTHWAY. Is the gentleman a member of the Committee on Claims?

Mr. COX. I am, sir.

Mr. CANNON. Will the gentleman allow me a moment in that connection?

In 1878 there was legislation enacted for the first time which limited the amount that contestants or contestees in election cases could receive to $2,000. Theretofore and up to that time the most liberal policy had obtained in payment of the expenses in contested elections. I think up to that legislation that as a rule we paid five, six, or eight thousand dollars, and in the opinion of Congress it became necessary to restrict the amount in such cases.

Now, this bill goes back to a period of twelve or fourteen years prior to the enactment of the legislation to which I refer, and I have not yet heard from the Committee on Claims the statement that they have gone back and examined the debates to see whether the claim was taken up, why it was rejected, and why it was not paid if presented, or what possible reason could be assigned for allowing his election expenses to a contesting member who was refused his seat when the member who was allowed to retain the seat was denied his. The presumption is that the Fortieth Congress would do justice to a member of its own body who was present and had a vote. But the men who constituted that Congress are all dead or absent, and we are in receipt of no accurate information touching the origin of the claim or any of the facts in connection with it to show why it had not been paid before.

Now, I should not have made this remark were it not that the gentleman from Tennessee has already notified us that this is another Trojan horse that is to open up another line. All I claim and all I ask, so far as I am concerned, is that this matter shall go to the Committee of the Whole House, and I am perfectly content that on Friday of next week, when the House goes into the consideration of private bills, it should be privileged for consideration. In the meantime I hope the matter will be duly examined by the Committee on Claims, if that order is made.

Mr. COX. Mr. Speaker, a moment only in reply to the gentleman from Illinois. I am aware when the act was passed that limited the compensation in these election contests to $2,000; but the Committee on Claims, in the examination of these matters, went further than that. They would not pass or permit any claim to be reported favorably unless it contained an itemized statement of the expense incurred. This claim, for some reason or other, I do not now recall what, has been delayed. As my memory serves me, I think the bill was introduced many times, though——

Mr. EVANS. And favorably reported both in the House and Senate for many years.

Mr. COX. And I am neither advocating nor opposing the bill, but simply stating the facts as they appear of record with regard to the action of the committee. I am perfectly willing that the suggestion of the gentleman from Illinois may be adopted. This, however, is not such a Trojan horse as the gentleman seems to apprehend. There are only about four or five of these cases in all.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PITNEY. I object, for the purpose of enforcing the suggestion of the gentleman from Illinois.

### J. J. LINTS.

Mr. POOLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 145) for the relief of J. J. Lints.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated to pay to J. J. Lints, of Syracuse, N. Y., the sum of $1,289.33, in full for his services as custodian of the public property at Erie, Pa., from the 8th day of April, 1857, to the 10th day of September, 1859, inclusive.

Mr. POOLE. Mr. Speaker, the claimant in this bill performed public services for the United States in 1857 as custodian of property in Erie, Pa. This property consisted of timber, and during a very severe storm some damage was done and a portion of the timber was washed away, he not having a sufficient force of help at his command to keep it in order and protect it; and his pay, on account of the loss, was stopped to the extent of $1,289.33. In 1860 a report was made to the Secretary of War by an officer of the Corps of Topographical Engineers, in which it is shown that this man was employed as the custodian of the property, and the services were performed, and that the amount to which I have referred was improperly retained from his pay by the Government.

This claim has been before Congress, I think, in eight or ten different sessions, in every one of which there has been a favorable report from the Committee on Claims, and in three Congresses the bill passed one House and failed to pass the other.

This man is now 85 years old, and is an inmate of the poorhouse in the county in which he resides. If any relief is ever to be afforded to him it must be done now. I do not believe it possible for him, from my knowledge of the man, to live to obtain justice unless we pass the bill promptly. I hope, in consideration of the facts, therefore, as the report is very clear, that no gentleman will object to its present consideration.

Mr. BARTLETT of New York. Let me ask the gentleman a question. Is this money going to the individual or the county officers?

Mr. POOLE. I would say in answer to my colleague's question that this is going to the individual; and, further, that this man is well educated; that he has a standing in the community; that he is in his old age a pauper, depending upon public charity, and this money would relieve him of his present necessities—money that is properly due to him. And, further, I should say that there is no one living that he can look to for aid or support. His wife is in a distant State, cared for by some relatives, and there is no one to help him where he resides.

Mr. NORTHWAY. Why was the pay withheld?

Mr. POOLE. For this reason, that he was the custodian of this public property at Erie in 1857. The property was timber, and during a very severe storm, when he had no help to take care of it, it was lost. The value of the timber lost was estimated at $1,289.33, which was kept back from his compensation. He was only paid $2 a day; and that represents the whole case.

Mr. LOUD. If the gentleman will permit me, I would like to inquire in reference to this case, as I remember it very indistinctly, having been on the Committee on Claims heretofore, but it seems to me, as I now recall it, that this man, as it was alleged, did not perform the duty which he was required to perform, and that in consequence of his neglect the Government lost this property.

Mr. POOLE. That was the charge, Mr. Speaker, but the charge was disproved by the report of the topographical engineer, who decided that it was not his fault, and if the gentleman will read the report carefully he will find that to be the case.

Mr. LOUD. But my recollection is that the reports are very conflicting as to that. My recollections are, as I say, vague about it, but I recollect opposing this case myself in the Committee on Claims. I do not remember the full merits of the case.

Mr. POOLE. Mr. Speaker, this claim has been before ten different committees, and every one has made a favorable report. They have done so largely on the reports made by the topographical engineer.

Mr. LOUD. Reports mean very little sometimes.

Mr. POOLE. I am aware of that, but I think there is no such charge to-day, and I think the Committee on Claims are fully aware of the merits of the bill.

Mr. LOUD. I do not know that I shall object, but I am satisfied that there was dereliction of duty. He did not perform the duty for which he was employed.

Mr. POOLE. He had no assistants.

The SPEAKER. Is there objection?

Mr. PITNEY. I should like to ask what tribunal settled the question at the time, whether this man's pay should be charged out of his pay with this timber loss, as alleged, by his neglect?

Mr. POOLE. It was kept back by the officers of the Treasury Department who had charge of that particular work. Just who they were, I can not now state.

Mr. PITNEY. When was the first application made to Congress?

Mr. POOLE. In 1860, in the Thirty-sixth Congress.

Mr. PITNEY. According to an official paper contained in the report of this committee, it seems that the amount of that claim was only $881.

Mr. POOLE. If you will read all the report carefully you will find that there were different reports made. The entire aggregate was $1,289.

Now, I will say, Mr. Speaker, that in the last Congress, for some reason unknown to myself, the Committee on Claims did reduce the amount to $1,000; but the committee of the present Congress, after looking over the facts in the case, recognized the fact that this man had been unjustly kept out of his pay for thirty-five years, and realizing the fact that he is now an old, broken-down man, recognizing the justice of the claim, and believing that if he was entitled to anything he was entitled to the original amount, they have reported in favor of allowing the original amount, which is $1,289.33.

Mr. PITNEY. Is that the amount carried in this bill?

Mr. POOLE. Yes.

Mr. PITNEY. I think it ought to be reduced to the amount due at the time.

Mr. POOLE. That is the amount due at the time. There is no interest or anything of that kind. That is the exact amount found due by the Department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. POOLE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. GROSVENOR. I call for the regular order.

Mr. WATSON of Ohio. Mr. Speaker, before that is done——

Mr. DOCKERY. I hope the gentleman will allow me to offer a little innocent bill, which carries no expense to the Government.

REPRINT OF A BILL.

Mr. WATSON of Ohio. I wish to ask for the reprint of a bill.

Mr. GROSVENOR. I withdraw the demand for the regular order long enough to allow the gentleman to obtain a reprint of his bill.

Mr. WATSON of Ohio. I ask for a reprint of the bill H. R. 7860, the supply having been exhausted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. DOCKERY. I ask the gentleman from Ohio to yield to me, to allow me to ask for the consideration of a bill which carries no money?

Mr. GROSVENOR. Mr. Speaker, I would be glad to comply with the request of the gentleman, but the same trouble will arise immediately again, as there are forty gentlemen here who desire to obtain recognition.

Mr. PICKLER. Mr. Speaker, I demand the regular order. I do it in the hope of getting some pension business before the House.

The SPEAKER. The gentleman from Ohio demands the regular order.

FILLED CHEESE.

Mr. GROSVENOR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," and pending that motion, I desire to inquire of the friends and opponents of the bill if we can agree on a limit of general debate on the bill.

Mr. PICKLER. Pending that, I desire to ask the gentleman from Ohio as to how long, if he knows——

The SPEAKER. The gentleman is submitting a proposition as to time.

Mr. GROSVENOR. I want to submit a proposition to the House to limit general debate to two hours. The bill will have to be read afterwards, under the five-minute rule.

Mr. McMILLIN. I will state to the gentleman from Ohio that I do not think that will accommodate gentlemen who desire to speak upon the subject. In that connection, I will also state to him that there is no disposition whatever, and I do not think there will be any, to prolong debate unnecessarily. There is a minority report on this bill, and it is not a partisan question at all; but there are other gentlemen than those on the committee who desire to speak upon the bill.

Mr. GROSVENOR. What proposition does the gentleman from Tennessee make?

Mr. McMILLIN. I would suggest to the gentleman from Ohio that for the present we should allow the debate to run, and later, a little later, and during the day, we can fix a limit to debate, because the gentleman from Pennsylvania, the gentleman from Virginia, and others have appealed to us for time; and I think that there will be no difficulty in coming to a conclusion within a reasonable time as to the length of time to be consumed in debate.

Mr. GROSVENOR. I would very much like to have this debate go along. The bill ought to be disposed of to-day, and we can only sit until 5 o'clock.

Mr. McMILLIN. But the gentleman will remember that we have gone along by unanimous consent until we have consumed about one-fifth of the day that can be devoted to other business. I can assure the gentleman that there is no disposition whatever to prolong unnecessarily the debate on the bill.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that general debate be limited to 4 o'clock this afternoon. It seems to me that ought to be sufficient.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate be limited until 4 o'clock this afternoon. Is there objection?

Mr. PICKLER. Pending that, I desire to ask the gentleman from Ohio as to——

The SPEAKER. Is there objection?

Mr. HOPKINS and others. I object.

The SPEAKER. Objection is made.

Mr. GROSVENOR. Pending the motion to go into Committee of the Whole House on the state of the Union, I move that general debate on this bill be limited to three hours.

Mr. McMILLIN. Before any action is taken, will the gentleman from Ohio permit me to ask whether it is proposed to divide the time equally between the friends and opponents of the bill, taking into consideration the time that has already been consumed on the part of those in favor of the measure?

Mr. GROSVENOR. I would have no objection to that.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8008; and, pending that, moves that all general debate be limited to three hours.

Mr. McMILLIN. I ask that the gentleman make it 5 o'clock, so that we close general debate to-day. That will bring us to consideration under the five-minute rule the next session. [Cries of "Oh, no!" on the Republican side.]

Mr. GROSVENOR. There would be no opportunity to obtain a vote on the bill to-day.

Mr. McMILLIN. None at all. I do not see how you can get to consider it within one hour if general debate is closed at 4 o'clock.

Mr. HOPKINS. I will suggest to my colleague on the committee that there are several members of the Committee on Ways and Means who have not had a hearing on this bill who desire to speak; and it seems to me that to limit debate to three hours might cut them off.

Mr. GROSVENOR. Well, Mr. Speaker, I want to do what is desired. I will make the proposition that general debate close at 5 o'clock and that the previous question be considered as ordered to-morrow at 2 o'clock.

Mr. McMILLIN. I hope the gentleman will not insist on that. That fixes the time when the previous question shall be considered as ordered before the consideration of the bill is entered upon in Committee of the Whole, and we may not even get through the reading of it in the Committee of the Whole.

Mr. GROSVENOR. Oh, no; not at all. There will be two hours to-morrow.

Mr. McMILLIN. The gentleman surely does not think we can get through with the consideration of the bill in two hours under the five-minute rule.

Mr. GROSVENOR. Well, then, Mr. Speaker, I move that general debate on this bill be closed at 4.30 this afternoon.

The SPEAKER. Pending the motion to go into Committee of the Whole the gentleman from Ohio moves that general debate be closed at 4.30 this afternoon.

Mr. HOPKINS. Mr. Speaker——

Mr. GROSVENOR. And on that motion I demand the previous question.

Mr. HOPKINS. Mr. Speaker, I rose to make a motion to amend.

The SPEAKER. On that motion the gentleman from Ohio demands the previous question. The gentleman from Ohio has the right to demand the previous question.

Mr. HOPKINS. And the House has the right to vote it down.

Mr. GROSVENOR. If the House chooses to do so, it has that right.

Mr. McMILLIN. Mr. Speaker, my friend will not encounter any difficulty in limiting debate on this bill and the conclusion of its consideration in a very reasonable time.

Mr. GROSVENOR. Mr. Speaker, I have made every reasonable proposition, and the gentleman from Tennessee has used every means to prevent its success; and I insist on this question. The House can vote it down if it chooses.

Mr. HOPKINS. The only point is this: I do not propose to talk on this bill, but I know several of the members of the Committee on Ways and Means have prepared themselves to speak

upon this subject; and it has always been the custom, so far as I know, of this House that the members of the committee should have their hour if they saw fit. Now, the gentleman from Minnesota and the gentleman from Iowa——

Mr. GROSVENOR. Why, that would be seventeen hours.

Mr. HOPKINS. Suppose it is. Suppose it takes seventeen hours. This is one of the most important bills that comes before this House at this session.

Mr. CHICKERING. That is why it ought to be passed.

Mr. HOPKINS (continuing). And it ought to be fully debated, and if it takes one or two days more I do not see that it is any injustice.

Mr. GROSVENOR. This debate is all out of order.

The SPEAKER. The gentleman demands the previous question——

Mr. DINGLEY. One moment. I suggest to the gentleman, my colleague on the committee, that he ask unanimous consent to close general debate at 5 o'clock, without going further. I think there is only half an hour involved.

Mr. GROSVENOR. I am willing to do that.

The SPEAKER. The gentleman from Ohio asks unanimous consent that general debate upon this bill close at 5 o'clock to-day. Is there objection?

Mr. PICKLER. Pending that, Mr. Speaker——

The SPEAKER. Is there objection?

Mr. PICKLER. I object.

The SPEAKER. Objection is made. The gentleman from Ohio demands the previous question on his motion that general debate close at half past 4 o'clock to-day.

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. HOPKINS and others asked for a division.

The House divided; and there were—ayes 107, noes 31.

So the previous question was ordered.

The motion of Mr. GROSVENOR that general debate close at half past 4 o'clock was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union for further consideration of the bill was then adopted.

The House accordingly resolved itself into Committee of the Whole, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the pending bill. By a vote of the House, general debate will close at half past 4 o'clock to-day.

Mr. GROSVENOR. Mr. Chairman, before I proceed with the argument, I wish to inquire whether any gentleman opposed to the bill desires to have charge of the time for debate in opposition to the bill?

Mr. McMILLIN. I understand that the gentleman who occupied the floor yesterday evening occupied it thirty-one minutes. I shall want a little time, not a great deal, in my own personal right.

Mr. GROSVENOR. I presume the gentleman from Tennessee will allow me to say that there are a good many more gentlemen who desire to speak for the bill than there are who oppose it.

Mr. McMILLIN. I thought the gentleman, by limiting the debate so closely, was cutting off some of his friends.

Mr. GROSVENOR. My proposition is that the remaining time be equally divided, and that the gentleman from Tennessee [Mr. McMILLIN] have charge of the time in opposition.

Mr. McMILLIN. The other side being charged with the time already occupied by it?

Mr. GROSVENOR. I think not.

Mr. McMILLIN. I understood the gentleman to say that he would agree to that.

Mr. GROSVENOR. If the short time I proposed had been accepted I was willing to agree to that, but I am not now. I will say to the gentleman that of the members of the Ways and Means Committee not more than three who are present will oppose this bill, and of the members of the same committee not fewer than eight or nine will favor it.

Mr. McMILLIN. Does the gentleman say that not more than three will oppose the bill?

Mr. GROSVENOR. Not more than three members of the Ways and Means Committee.

Mr. McMILLIN. You were never more in error in your life.

Mr. GROSVENOR. Very well. Possibly I may be in error all along the line, but if so I have the satisfaction of knowing that I am very often in company with the gentleman from Tennessee. [Laughter.]

Mr. McMILLIN. There will not be fewer than six members of the committee who will oppose the bill.

Mr. BRUMM (to Mr. GROSVENOR). At any rate, why not stand by your agreement that the time consumed on your side should be charged against you in the division of the remaining time?

Mr. GROSVENOR. Why did not gentlemen accept my proposition?

Mr. BRUMM. It was agreed to.

Mr. GROSVENOR. Not at all. My proposition was objected to.

Mr. BRUMM. But the objection was made by the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Yes, it was. I want to see an end of this thing and to get some pension legislation.

Mr. GROSVENOR. I was compelled to force the conclusion of the debate. My proposition was rejected all along the line.

Mr. BRUMM. But it was rejected by the friends of the bill.

Mr. GROSVENOR. By gentlemen on both sides.

The CHAIRMAN. Unless there is an agreement made, the Chair will recognize the gentleman from Ohio [Mr. GROSVENOR] to control half the remaining time and the gentleman from Tennessee [Mr. McMILLIN] to control the other half.

Mr. McMILLIN. I hardly think, after half an hour was consumed yesterday on one side and with so short a time allowed to-day for the discussion of this important measure, that the even division of the remaining time is quite equitable. However, whatever the Chair does I shall, of course, cheerfully abide by.

The CHAIRMAN. The Chair has no power to arrange these difficulties, and as no agreement has been come to by the gentlemen on the opposing sides, there is nothing left for the Chair to do but to divide the time equally.

Mr. GROSVENOR. Mr. Chairman, the bill under consideration is a provision for the control and management by the Federal Government of the manufacture, exportation, and sale, in every form, of the commodity known as "filled cheese." Filled cheese, Mr. Chairman, is the designation of a food product that is somewhat new to a large majority of the American people. I therefore shall begin by describing it very briefly, and will then proceed to explain the lines upon which this legislation proceeds and the reasons why, in my judgment, this class of legislation is justifiable and applicable to the particular subject-matter of this bill.

Filled cheese is a food product manufactured from milk and neutral oil. The process is that of taking the milk of the cow and by a modern process extracting from the milk all butter fat, leaving the milk simply skimmed milk—nothing else. Seventy per cent of this milk and 30 per cent of neutral oil constitute the product known as filled cheese. The neutral oil is manufactured from the leaf lard of the hog. The process of rendering and preparing for use is by the application of heat. There was some dispute in the testimony before the committee as to the degree of heat that has been applied to the commodity. In the beginning of our investigation it was stated that about 120° of heat were applied and that this was not sufficient to render the article digestible. The weight of the evidence, however, places the degree of heat at a point very considerably higher.

Now, in the first place, a few words about the history of this legislation so far as this bill is concerned. The first bill on this subject was introduced by the gentleman from Wisconsin [Mr. COOK] and was No. 3010. It was introduced on the 28th day of December last. Later, on the 31st of January, House bill No. 5213 was introduced by Mr. WILBER of New York. The two bills went to the Ways and Means Committee, and were subsequently referred to the subcommittee, which proceeded early in February to notify the dairy interests of the whole country that hearings upon this question would be had by the subcommittee. After a full hearing of all comers—whoever desired to be heard—hearings were practically closed in such time that the bill might have been reported back to the House a long time ago (I do not undertake to fix the exact period of time). I may say in this connection—and I do it for a reason that will be apparent later on—that there was but one opponent to this legislation who ever made his appearance before the committee. All the friends of the legislation from Ohio to the Rocky Mountains came, through their agents, and had a patient and full hearing before the committee. A single gentleman from the State of Illinois came there and in a most respectful manner and conservative language opposed the passage of the bill, defending the product, of which he was a manufacturer, "filled cheese," from the assertion that it was deleterious to public health and simply inveighing in mild terms against the proposed legislation. Outside of that gentleman, so far as I now remember, not a single opponent of the bill was heard by the committee.

A very great amount of misunderstanding, however, grew up in the country as to the promptness and energy and purpose of the committee; and so at last there began to come to us telegrams and circulars and letters with all sorts of demands, claiming that the committee was not acting with promptness, and finally claiming that the committee had made a bill that was injurious to the dairy interests—a measure which would not promote the cause for which we had enlisted.

At this point in my remarks I will print a circular letter issued by the Ohio Dairy Association, condemning the committee and making specific charges against us; and I will in the same connection put in a reply to that circular which was written by a

distinguished gentleman connected with the Agricultural Department, showing in what manner the mistaken idea had gotten abroad:

OHIO STATE DAIRY ASSOCIATION, *March 26, 1896.*

DEAR SIR: In 1894 the United States exported cheese to the value of only $7,180,000, a decrease in fourteen years of 40 per cent.

In 1894 Canada exported cheese to the value of $15,500,000, an increase in fourteen years of 400 per cent.

Owing to our weak and inefficient laws favoring manufacturers and exporters of adulterated goods the markets of the world have lost confidence in our cheese.

The Canadian Government have laws prohibiting the exporting of any but full cream cheese; thus the confidence and demand for the Canadian products.

Hon. D. F. WILBER, of New York, has introduced a bill in Congress known as "the Wilber filled-cheese bill, No. 5213," restricting the manufacture and practically prohibiting the exportation of filled cheese.

This bill is indorsed by leading dairymen, farmers, and all interested in the reputation of our food products.

The subcommittee of the Ways and Means Committee have reported another bill to Congress, which is directly against the interests of producers and consumers, and would legalize and promote an industry which has already nearly ruined the reputation of American cheese.

We earnestly urge every farmer and others interested in pure food products, and their reputation in the markets of the world, to send at once a telegram, letter, or postal card to their Representative in Congress, insisting that they support the Wilber filled cheese bill, No. 5213, together with the amendments as suggested by Mr. WILBER.

The oleo and filled-cheese interests are represented in the national capital, backed by millions of money, demanding legislation favoring adulterated products. Do not despair. The voice of the millions of yeomanry, through pointed, personal letters to our lawmakers, must and will be heeded.

Keep an eye open for legislation, State and national, touching the farming interests. Be prompt to let your Representative know your position. Honest demands, backed by the voice of the people, dare not be disregarded.

This circular is issued by order of the Ohio State Dairy Association, which has carefully examined all features of the Wilber filled cheese bill, and consider it a measure of vast importance to the dairy and pure-food interests of the country.

L. N. BAILEY, *Secretary.*
T. F. HUNT, *President.*

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[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
*Washington, D. C., April 2, 1896.*

MY DEAR SIR: To-day I have received the circular of your association, dated March 26, and signed by yourself and Secretary Bailey, about filled cheese legislation by Congress.

I am sorry about it. Evidently somebody has been sending out very misleading information.

There has been an unseemly strife here for the rôle of leader in the anti-filled cheese crusade. If all who profess to desire action upon this really important matter had pulled steadily together on the main issue, leaving details to be fixed by the proper committee, the matter would have been in much better shape at the present time.

And now, with the prospect of a bill being favorably reported to the House, instead of efforts to unite all opponents of cheese frauds in its support we find divided counsels and these sensational appeals to "down the committee" and its bill. There could be no greater mistake.

The bills introduced upon the subject were duly referred to the leading committee of the House and placed in charge of a subcommittee, of which the chairman is General GROSVENOR, the most experienced and influential member of your own State delegation. I have followed the hearings of this committee and believe that it has endeavored in all respects to do the fair thing.

Neither of the bills referred to it would answer the purpose. The simplest way was to combine their merits and remedy their defects by a new draft. While such a substitute has been prepared by Mr. TAWNEY, it has not yet been reported from the Committee on Ways and Means, and no one has a right to denounce it in advance of its appearance in perfected form.

The original draft of Mr. TAWNEY does not suit me in some particulars, but this is not time to pick flaws. In my opinion it is full as good a bill as WILBER's, better in some respects, and I think the description given of it in your association circular is extremely erroneous and unjust.

I have seen no evidence whatever of improper influences or even of very active opposition to this general plan of legislation in the interest of honest trade in cheese on the part of the filled-cheese and oleo people.

It is certainly absurd and worse than unjust to accuse this committee or the subcommittee having this subject in charge of being under such influences.

Moreover, this effort to discredit this committee and its expected bill in advance and to organize opposition to it on the floor of the House is impolitic to the last degree.

The most carefully constructed and influential committee of the House has had this matter under deliberate consideration and is about to arrive at a conclusion. The character and intentions of this committee can not be challenged. Serious opposition to what this committee deems the best present action on the subject is morally certain to defeat, for this session at least, and probably for this Congress, all remedial legislation on the filled-cheese fraud.

Of course my position is such that I must not "officially" take any part in the matter aside from furnishing information, as instructed at the Department or called for by Congress. But a private letter to you, as a personal friend, can do no harm. I felt impelled to express my regret that your association has been induced, probably by misrepresentation, to take what seems to me such injudicious and injurious action.

With personal regards, very truly, yours,

HENRY E. ALVORD.

Prof. THOMAS F. HUNT,
*President Ohio State Dairy Association.*

For the information of General GROSVENOR, chairman of the subcommittee: Somebody is trying to make trouble, as is unfortunately successful in some places.

Respectfully,

HENRY E. ALVORD,
*Chief of Dairy Division.*

The purpose of the committee had been to report a bill made up of the best provisions, in our judgment, of both the bills to which I have referred and with some improvements suggested by what we had learned or thought we had learned through the investigations in the committee. The bill which we have submitted to the House has been reported with the assurance first that it is a more equitable and just measure than either of the others. It is also a more drastic provision, in our judgment, in the right direction, with some limitations of a conservative character that will render the bill less obnoxious to the assaults of its enemies and make it quite as effective if not more so for the purpose for which it has been framed.

Mr. BRUMM. I should like the gentleman to give me some information on this point: The committee in their report state that in 1893 the number of factories in the United States making this commodity amounted to about 265, and the total product to 14,000,000 pounds; while in 1895 there were about 100 factories and the product amounted to 12,000,000 pounds. Can my friend tell me why this decrease? How does he account for it?

Mr. GROSVENOR. I dislike very much to turn aside at this point——

Mr. BRUMM. I beg the gentleman's pardon. I thought he was about to sit down.

Mr. TAWNEY. If the gentleman from Ohio [Mr. GROSVENOR] will yield, I will answer the gentleman's question.

Mr. GROSVENOR. I can answer; but I prefer to do it a little further on.

Mr. BRUMM. I will wait.

Mr. GROSVENOR. Now, Mr. Chairman, the legislation provided in this bill is along the line and practically identical in legal principle with the oleomargarine bill. The committee has been very careful to adhere with considerable tenacity to the line of that bill, because it was an enactment anomalous in our legislation; it was passed in this House after a long struggle, in obedience to a popular demand, was submitted to the severest tests of litigation in all the courts of the country, clear up to the Supreme Court of the United States, and finally in all its essential provisions was held to be legal and constitutional. So, inasmuch as the evil sought to be remedied here is practically the same evil as was the promiscuous manufacture and sale of the oleomargarine product, the committee thought it wiser to pursue the beaten pathway of settled and established precedent than to go into untried fields and imperil the legislation which we sought to make effectual.

We are learning a great deal in this country, Mr. Chairman, on that subject, and I may refer, in passing, to a current event. In the great State of New York, with all of its mighty intelligence and wisdom in legislation, yet they seem to have just discovered that a law revolutionizing their whole regulations on the subject of excise or liquor traffic has turned out to be not in any respect what it was expected to be, or to perform the functions which it was expected to perform, but has succeeded in destroying a whole line of valuable legislation that the legislators of that State themselves did not understand they were assailing; and they even accidentally, as is said, repealed a law regulating the sewerage system of one of the great counties of the State. I refer to it not for the purpose of criticism or reflection upon the system, but to show how the statesmanship of to-day, if it can accommodate itself in the enactment of needed reforms by following the lines of well-settled principles of law, so that the legislation enacted can become at once effective, it will be recognized by the public as binding and conclusive, and will be obeyed as a lawful decision of the highest authority in the country, and not become, as we so often find it in other cases, at once the target for litigation, objection, and dispute.

Now, what is the proposition and what the necessity of the pending legislation? The product of filled cheese is manufactured, as near as I can now recall the figures, at the cost of about 4½ cents a pound. Incidental to the manufacture of cheese is the creamery butter manufacture. The butter fat is extracted from the milk and made into butter, and the refuse of the milk is put into this cheap article of food. Now it is claimed by the friends of this legislation that the product is seriously deleterious to the health of the human species. There is strong evidence in the record tending to estabish that fact, but there is contradictory evidence; and upon the whole case I think that a conservative view of it would be this, that it is a product unnatural, that it is a chemical combination that is not consonant, and that it is not so healthful an article of food as pure cream cheese or full milk cheese, and that under many circumstances it may be seriously detrimental. I do not go to the full extent of the opening statement in this case made by General Hatch, of Missouri, but there is sufficient evidence in this record to raise a doubt as to the general healthfulness of this product, and in any event there is sufficient evidence to make it imperative that it should be sold for what it is and not for what it is not.

It is one of the duties of the hour, Mr. Chairman, not only in Congress but in the State legislatures, to do all that is possible for legislation to do to protect the producer of any article of food product against the imposition of counterfeit or fraudulent articles of the same species, and it is the duty of legislation in all its branches to protect the consumer of food products against the

purchase by him, innocently or unknowingly, of fraudulent articles under the guise of pure food products—articles essentially different from that which he thinks he is buying and for which he is required to pay. It is precisely on that principle that the oleomargarine act was passed. Not that the best and purest of the oleomargarine product was deleterious to human health, not that it is a crime to produce it, except where it is inveighed against by statute, but that the public—the purchasers, the consumers—should be protected against the imposition of a spurious, fraudulent, or counterfeit article.

Now, in the case of cheese it becomes vitally important that the producer of pure cheese—of the cheese of this country—shall have the chance of the markets of the country and of the world open to him, and shall not be affected injuriously by the introduction into those markets of a counterfeit or spurious article, cheaper in its production and ruinous to the market itself. We charge here, on the evidence in the case, that the introduction of this article into the markets of this country and its exportation abroad have been largely conducive to a practical ruin of the American trade in the pure article. And it has been evident to the satisfaction of the committee that that condition of affairs exists. It has been shown in practice. It has been done fraudulently and viciously, as the record abundantly shows. The real article can not be produced at an average, I think, of perhaps less, according to the testimony before the committee, than about 9 cents a pound, so that this product costs only about one-half as much, and yet we find that the system—I am not talking now of an occasional invasion of fair dealing—but the system has made it possible for the product to grow as it has grown here; that it is manufactured and sold as a fraud, that is to say, it is put on the market as a fraud under the similitude of the dairy cheese of the country, wrapped just as cheese is wrapped, boxed the same, and placed in the same manner on the market without a single identifying mark upon it to indicate its fraudulent character.

It is put upon the market in enormous quantities, and there are large sales of it made each year in the markets of the country. We have evidence here that is indisputable that the fraudulent dealer—the dealer who proposes to deal in fraudulent cheese—orders from the commission house, where this product is sent by the manufacturer, what is known as "filled cheese;" but he directs that it shall be branded as full cream cheese; "Orange County full cream cheese," "Badger State full cream cheese," or whatever brand is best adapted to his market, or that which has acquired the best reputation in the market where this fraudulent dealer operates, and he orders that brand to be put upon it. The fraudulent commission merchant who supplies the dealer puts this brand upon it and sends it to him, and through him it goes out to the consumers.

Mr. OTEY. I would like to ask the gentleman a question just there—if this bill does not license the very fraud which he claims he is trying to prevent?

Mr. GROSVENOR. Well, I will come along to that presently. But let me answer the gentleman at once with reference to his suggestion. We are not licensing the manufacture or trying to avoid the manufacture of filled cheese, but we are trying, and that is the purport of this legislation, to avoid the sale of it under a false name—that is to say, we are trying to avoid the sale of it as full cream cheese, thereby permitting a fraud upon the public, and that is an answer to the whole question. We do not license its manufacture, and we do not prohibit its manufacture. We neither promote it nor discourage it, and we say to the manufacturers of the filled cheese, "Make just as much as you please, manufacture all you please; but when you come to manufacture it the first thing you shall do will be to tell the truth about it, and at every step of the way along the line you shall continue to tell the truth about it." [Applause.] That is all there is of it. That is the principle of the oleomargarine bill. We do not license the making of oleomargarine, but we say, "You shall sell it for what it is"; and that is the first step toward honest dealing in this product.

Now, what has been the effect? We had a very large foreign demand for our cheese. And I may turn aside here at this point in the line of an argument that I heard this morning of a most interesting character. Very many of the products of our country have names that have become more valuable than the plants in which they are manufactured. I was told this morning that in the great whisky producing State of Kentucky there might be a quarter of a million of dollars invested in a plant for the manufacture of whisky, and it would not be worth 10 cents on the dollar as compared with a plant that cost no more or greater sum, but which for twenty-five years or upward had been establishing the character of its products in the market. And it is the brand of the article that makes its value, and not alone its cost of production. Now, in the States of Wisconsin, Ohio, Illinois, New York, and other States—I am only referring to a few by way of illustration—the manufacturers of cheese have builded up the character of their article by a long and patient adherence to the rule of honest dealing. They have manufactured a full milk cheese. They have branded it truthfully. They have entered the market and sold it honestly, and the market has grown until the fraudulent dealer recognizes it and orders from the fraudulent commission merchant the putting of a fraudulent brand upon this fraudulent cheese. It is put upon the market by the fraudulent dealer, and he at once becomes the controller of the market, through the reduced cost of the cheese, and, while putting money in his own pocket, destroys the value of the product of the man who for twenty-five years, perhaps, has been building it up as an honest dealer in an American product.

Mr. Speaker, I will consume as little time as possible. For the purpose, and I may say for the sole purpose, of eradicating that evil and forcing by law an honest manufacture and an honest sale of this commodity we have proposed this legislation. I will not go over the details of the bill.

Mr. BRUMM. I think it would be unsafe for you to go over the details of the bill?

Mr. GROSVENOR. Well, there is one thing to be said. Always while the gentleman from Pennsylvania is near by, nobody need fear that the details will not be carefully examined. There are some amendments which the committee will propose at the proper time, possibly unimportant, but in order to meet the views of some of the friends of this legislation; and there are other amendments which will be offered, probably, which the committee can not consent to.

Now, in general terms, this is the proposition of the law. The manufacturer of filled cheese will pay a tax upon his business of $400 a year. We put it $200 less than the oleomargarine tax, because the object has not been in this bill to destroy the manufacture nor yet to lessen it.

Mr. TALBERT. Will the gentleman allow me to ask him just one question for information?

Mr. GROSVENOR. Yes; certainly.

Mr. TALBERT. In advocating the passage of this bill does the gentleman not advocate the licensing of what he considers to be a very grievous wrong?

Mr. GROSVENOR. Not at all.

Mr. TALBERT. I ask for information.

Mr. GROSVENOR. I have not been happy in my expression, or the gentleman would have understood me.

Mr. TALBERT. I understood the gentleman to say that the dealing in filled cheese was an evil and he wants to crush it out; but he wants to pass a bill legalizing it.

Mr. GROSVENOR. Now, the gentleman only wants me to repeat what I have already fully stated. I will now place it in language that I am sure the gentleman from South Carolina can understand. This bill does not license the manufacture at all; but for the purpose of placing the Government in a position to compel the regulation and manufacture and sale it charges a tax upon the manufacture.

Now, secondly, it is not claimed in this legislation that the manufacture and sale of filled cheese is an evil. Therefore we have not licensed it.

Mr. TALBERT. It seems that the gentleman makes a distinction without a difference?

Mr. GROSVENOR. The gentleman's mind may be without a difference. We do not say that it is an evil to manufacture it. So far as this legislation is concerned, it may be that it is not an evil to manufacture it, it is not an evil to sell it, it is not a very great evil to eat it. I should not like to eat it, with my knowledge of it. We say you shall not manufacture it as something else, and you shall not sell it as something else, and you shall not sell it to a man to eat as something that it is not.

Mr. TALBERT. You mark it so that it can be known what it is. I am asking for information.

Mr. GROSVENOR. Well, that is all right; I have given the gentleman information.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. GROSVENOR. Yes, sir.

Mr. CANNON. I have not fully read this bill. I understand that this fixes a tax of so much a pound?

Mr. GROSVENOR. At 1 cent a pound.

Mr. CANNON. And then fixes the license for the wholesale merchants.

Mr. GROSVENOR. Fixes the tax for the manufacturer, the wholesaler, and the retail dealers.

Mr. CANNON. Now, why not fix the tax at one-tenth of a cent a pound and make the license tax a dollar instead of $200. In other words, why not put a brand on this article for what it is, and then prevent the selling of it for something else, and not interfere with the people who make a product that other people think is a good product to buy?

Mr. GROSVENOR. This is an argument that ought to be made in the form of a speech against this bill.

Mr. CANNON. I am not making a speech against the bill.

Mr. GROSVENOR. That relates, as I have said, to the details of this bill, and not to the general principles to which I am talking at this time. I am not trying at this time to discuss the propriety or impropriety of the licenses, forfeitures, or fines of this bill. I can say to the gentleman, in a general way, that the high tax upon oleomargarine—and we have been guided largely by that—has not only not suppressed the manufacture nor curtailed the sale nor limited the profit, but under the provisions of that law the manufacture has largely increased, although in fewer hands; the quality has greatly improved, and the consumption has largely increased, and, at the same time, returns to the Government about $1,000,000 of actual revenue upon the business. We have put these licenses far below the oleomargarine law—far below—the most of them I think two-thirds. The propriety of it probably lies in the fact that this commodity has been used fraudulently in the country, and is cheaper, as I was going on to say, largely so, than the price of that article and is enormously profitable to the manufacturers. Therefore these charges that we put upon it are a bagatelle in comparison to the sale of the article, that costs 4½ cents a pound, nearly up to the full price of pure cheese in the market.

Mr. CANNON. It was in the best faith that I interrupted the gentleman, desiring to get at wise legislation; and by way of suggestion I would elicit information, and if the gentleman will allow me——

Mr. GROSVENOR. The propositions that you are making are well worthy of consideration.

Mr. CANNON. If the gentleman will allow me a minute, I want to state in connection with this discussion, and it will not take me more than a minute or two——

Mr. GROSVENOR. Certainly.

Mr. CANNON. My experience touching the tax on oleomargarine. I voted for it without much understanding of what oleomargarine was. Now, since that time I have regretted that the oleomargarine tax is as high as it is, for the reason that it interferes with and places burdens upon an industry which your constituents and mine are greatly interested in, namely, the growing of cattle. This matter interferes in the first place with the product of hogs, as I believe neutral lard takes the place of butter in the milk or the cream in the milk.

Mr. GROSVENOR. That is right.

Mr. CANNON. Now, I have no hesitation in saying that oleomargarine is a product which is consumed by all, and that it is better than the average product of butter produced in the country; and for that reason much criticism, and I have thought just criticism, has been used in connection with the oleomargarine legislation—that it puts a tax of 2 cents upon the people who use it.

Mr. GROSVENOR. Yes.

Mr. CANNON. And therefore I should be opposed to making the license so high. I fully agree in such legislation, if we have power to make it, and I suppose we have, as will brand this and all other products so that they will tell the truth; but there I want to stop. Certainly no man in the House ought to be opposed to putting a tax upon this product at the minimum and the license at the minimum, so that an industry shall not be burdened.

Mr. BRUMM. Place the tax at the minimum and the penalty at the maximum.

Mr. GROSVENOR. The experience of the oleomargarine law has been that after all the high taxation and penalties the manufacturers of that product have gone right on making vast profits and violating the law in every possible way that they could. The evidence before our committee, which it has had in its hearings, is that the law is violated a thousand times a day in the city of Washington.

Mr. McMILLIN. If that is true is it not a proof that your efforts here to proceed with the destruction of this industry by taxation will be wholly unavailing?

Mr. GROSVENOR. We do not want to "proceed to the destruction of this industry." The gentleman is using language that has no application here.

Now, Mr. Chairman, on this point of the high rate of license and tax, 1 cent a pound upon the manufacture of filled cheese in this country, with the licenses provided for in this bill, if the consumption is not to be greater than it was during the last year, will not amount to any very considerable sum above the expense of the administration of the law. Take a retail dealer who pays a license of $40 a year, and who sells, perhaps, 100 pounds of filled cheese every day—a very low estimate for a retailer of that commodity—and assuming that the consumer pays the tax, it amounts to a dollar a day upon the consumption. You have got to have something in the form of taxation that will point out these places, regulate their construction, investigate their modes of procedure, and make the business as nearly respectable as it can be made. It is not a very high-toned business in any country that makes an article in the similitude of a well-known food product and, even when the name is printed upon it, steals the form and part of the name of the genuine product and puts the imitation upon the market in that way.

Now, I have gone over the principles of this bill. It is not intended to give to the manufacture and sale of filled cheese the indorsement of the Government. It neither indorses it nor condemns it. It neither licenses it nor prohibits it; but it aims, all along the line, under the power of the legislative department of the Government, to levy this tax, to make it absolutely certain that in this country these fraudulent practices shall cease. I will put into my remarks an illustration of the operation of this business, showing the destruction of our foreign market for cheese and the declarations of dealers in foreign countries that it has been the introduction of this fraudulent cheese that has driven the product of our farmers out of the markets of England, Ireland, and Scotland. So vicious has this matter become that the Dominion of Canada, which is a large exporter of cheese to England and other foreign countries, has prohibited as criminal the manufacture and sale of this imitation cheese, and a large number of the States of the Union have done the same thing.

The gentleman need not be afraid that Congress is going to run into the teeth of public sentiment upon this subject. The great State of New York, with its magnificent dairy interests, has made it a crime to manufacture or sell this imitation cheese, and the commission merchant in Chicago or Cincinnati who handles this article for the foreign market is compelled to ship it through the State of New York, but dare not sell a pound of it there. The States of Wisconsin and of Minnesota have also made it a criminal offense to manufacture or sell this article.

Mr. CHICKERING. And at this session of the Ohio legislature there has been similar legislation.

Mr. GROSVENOR. Yes; the State of Ohio has made a regulation to insure the honest handling of the article. That, I believe, is as far as we have gone.

Mr. BRUMM. Have any of the States taxed it as you propose to tax it in this bill?

Mr. GROSVENOR. Not so largely.

Mr. BRUMM. Anywhere near as largely?

Mr. GROSVENOR. Yes; and I do not know but that some of them have taxed it even more largely. In many of the States, however, they have made it a crime to manufacture or sell the article, and the courts of your own State have upheld the regulation——

Mr. BRUMM. As to oleomargarine, yes. Now, will the gentleman be kind enough to answer the question I asked him?

Mr. GROSVENOR. The gentleman asked me why there was a slight falling off in the production of this article between 1894 and 1895.

Mr. BRUMM. Fifty per cent falling off in the number of factories.

Mr. GROSVENOR. The same is true of oleomargarine. There are vastly fewer oleomargarine factories now than there were when the oleomargarine law went into effect, yet the production of the article is much greater than it was then. That is because the law has driven the manufacturers into the production of a better article. Fewer men can engage in the manufacture now, because of the tax; but larger plants are employed, because they can manufacture on a larger scale and pay the tax. It has come to our knowledge that one man owns 30 filled-cheese factories; but after awhile perhaps those will all be consolidated into one. This accounts for the reduction in the number of places where the article is manufactured; and the reduction in the number of factories has been accompanied by an improvement in the quality of the article produced. We had evidence relative to the operation of the oleomargarine law, as the gentleman will remember, showing that very much of the materials that went into oleomargarine was absolutely villainous and poisonous. That condition of things has been relieved by our legislation. We have evidence now that some of the matters that enter into filled cheese are as objectionable as those which entered into the manufacture of oleomargarine, but we know that the quality of oleomargarine has been improved by the legislation upon that subject, while the product has not been increased in cost to the consumer. The only answer I can give to the gentleman's question as to why the manufacture has been reduced in quantity is that so many of the States are prohibiting its manufacture and sale. With that, however, we have nothing to do here.

Mr. CHICKERING. If the gentleman will permit me, I will say that whereas 12,000,000 pounds were manufactured in 1895, it is estimated that 18,000,000 pounds have been already manufactured between the 1st of January, 1896, and the 1st of April, 1896.

Mr. GROSVENOR. Showing that the growth of the manufacture is rapidly augmenting.

Mr. BRUMM. The table that I have referred to runs up to 1896.

Mr. GROSVENOR. Up to 1896, but it does not include any part of 1896. I need not appeal to the House on this subject. Gentlemen understand the matter quite as well as I do. There is a demand for this legislation from every dairy-promoting community in the Union. The demand is unanimous from these producers with the bare exception of the few who are engaged in the

production of this article. If, nevertheless, this demand is unjust and unreasonable, the universality of the demand ought not to control our action. But if upon the whole case we are compelled to say that this legislation is simply in the line of fair and honest dealing—simply in the line of giving to the public the fullest knowledge of that which they are buying—then the fact that there is a universal demand from our constituents for such legislation ought to be conclusive of the action of every member of this House.

Mr. PICKLER. Do the butter makers object to this?

Mr. GROSVENOR. I have not heard anything of the kind. The interest of the agriculturists is the interest of the common people of this country. If we have prosperity, it must be cornerstoned by agriculture. If we dominate as a nation on the face of the earth, we must dominate because of the strength and integrity of our agricultural interests. Too much of our legislation has omitted the farmer; too much of our legislation has been bestowed upon others and not upon him. Representing as I do an agricultural district, I stand here identifying this interest as an agricultural interest. I recognize the principles upon which this demand is made as true and faithful exponents of good legislation and as justice between man and man. Singular it may be, but its aim is honesty. Anomalous it may be, but its purpose is to do the fair thing among the people of the country. A nation that will not deal honestly will never prosper. A nation which does not promote fair dealing will be driven from the markets of the world.

Because I believe this provision is one of wisdom and justice and fairness, justified by legislative precedent, upheld by the judgment of the courts, and in the interest of the great mass of the American people, I sustain the report of the committee and shall support the passage of this bill.

[Mr. GROSVENOR took his seat amid loud applause.]

Mr. McMILLIN. I yield fifteen minutes to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, I think this measure ought to be entitled, "A bill to manufacture crime." Sir, we have enough crime under human and divine laws without the House of Representatives undertaking to manufacture more. The purpose of all civilized countries ought to be to curtail crime rather than to increase it.

I am opposed to this bill, first, because it enlarges the scope of the internal-revenue system, which in my opinion it is our duty to curtail, cut off, and get rid of as soon as possible. It is laying the mailed hand of taxation on the people, which it should be our duty to relax and remove. What do we see now? When we get up in the morning we draw on a pair of socks that are taxed; we put on our undergarments, every thread of which is interwoven with taxation. We draw on our clothes, every pocket of which is full of taxation, and nothing else.

Mr. GROSVENOR. Will the gentleman allow me a question, as I answered his question?

Mr. OTEY. Certainly; I yield to the gentleman.

Mr. GROSVENOR. What commodity do you find in your pockets in the morning that is the highest taxed by the Government?

Mr. OTEY. I did not exactly understand the gentleman.

Mr. GROSVENOR. The gentleman said that we got up in the morning to find our pockets full of taxed articles.

Mr. OTEY. I did not say that.

A MEMBER. "Full of taxation, and nothing else."

Mr. GROSVENOR. I thought the gentleman said taxed articles. I thought he referred to something that had been left over the night before, upon which was levied a high tax.

Mr. OTEY. I am ready to yield to the gentleman at any time for a question. If I had two or three hours, I would answer every one of his questions, for I think I could do so. Throughout my whole life I have made it a point when I go about a mule always to stay in front of him, never to get behind him. [Laughter.]

I was going on to say—the gentleman interrupted me right in the middle of my beautiful allegory—we get up in the morning, we go to the washstand, and there we pick up a cake of soap that is imprinted with taxation; we go on and wash, with a bowl and pitcher, the towel, the toothbrush, and everything about which is taxed except the water. We go and sit down to our table and our knives, our forks, our spoons, our cups, our saucers, our tablecloths—everything on that table is taxed except, perhaps, the sweet milk and the cheese, "filled cheese," if you please, as no one, it seems, can discern the difference except by an internal-revenue stamp.

You get up and you walk across a tax-ridden carpet. Everything around you—sunshine and shade—everything you see, everything you feel, everything you taste, everything you hear, single or married, young or old, all, all are taxed, taxed, taxed! Even the nails in the coffin are taxed. And when you go to put the tombstone over your friend or relative that is taxed. [Laughter.]

And now you come here with this bill and propose to do what? To tax cheese! What kind of cheese? Filled cheese! I started to ask the gentleman from Ohio a question, but I was so much embarrassed I had to sit down, because he is one of the old members of this House and I am one of the young ones—that is, young so far as term of service is concerned. I understood the gentleman to say that about 70 per cent of this matter that they put into this cheese is foreign to the milk. I do not know whether I quote him correctly or not. But, sir, the authorities which I consulted (which I lost on the cars this morning, and they have just come back to me) do not say so. But I will not go into that question now.

Take this bill as you find it. You propose to tax cheese. The deputy collector comes into your house or into the nice little cottage of some hospitable countryman; he calls in there to stay all night. The tenant in his hospitality consents that he shall stay. This collector takes particular notice what is on that table, and he sees some "filled cheese." He arrests that man and carries him off to jail, probably, and the cheese he takes somewhere else.

Mr. TAWNEY. Will the gentleman allow a question?

Mr. OTEY. Certainly.

Mr. TAWNEY. In what part of the bill does the gentleman find any authority for such action as he supposes on the part of a deputy collector?

Mr. OTEY. The bill provides for paying a penalty of $500, and when a man does not pay a fine, he is generally arrested.

Mr. TAWNEY. Who pays the tax under this bill, the consumer?

Mr. OTEY. The man violating the law.

Mr. TAWNEY. The manufacturer pays it.

Mr. OTEY. The man who has the commodity and sells it without tax—knowingly, I believe, is the word—is to be fined.

Mr. TAWNEY. But your remark implied that the consumer, not the dealer, was to pay the tax and suffer the penalty.

Mr. OTEY. Very well; let us refer to the bill.

Mr. McMILLIN. Here is the bill. Section 12 is the one to which the gentleman from Virginia has referred.

Mr. OTEY. Section 12 reads as follows:

SEC. 12. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of $100 and to a forfeiture of all articles so purchased or received or of the full value thereof.

Mr. RAY. Will the gentleman permit me a moment?

The provision just read applies to the person who buys this article for sale and not for consumption. If the gentleman will note the language he will observe that distinction; that is, that it prohibits the dealing in it.

Mr. TAWNEY. The section the gentleman has read corroborates my statement, that every person who knowingly receives for sale this fraudulent article becomes subject to the provisions of the law.

Mr. OTEY. Well, I have not got time, as you all must see, to answer everybody. "You all" is an old Southern expression. I do not object to being questioned if I had time.

Now, you go before your constituents after passing this bill—and I will necessarily have to be desultory in my remarks, for I expected to make an hour and a half speech and have only fifteen minutes—but you go before your constituents and answer them this question—and I call your attention to the language here in the bill, which I will read:

Retail dealers in filled cheese shall pay $40 per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed.

Now, you are going to vote on this bill repealing some 12 sections of the Revised Statutes or making them apply to the provisions of this bill, and I desire to ask what man among you has read them? I mean who has read them since this bill came up, to know just what he is voting on? If there is a man who has done so, let him stand up.

Mr. RAY. Here is one.

Mr. OTEY. Are you on the committee?

Mr. RAY. No, sir.

Mr. OTEY. Well, you are an exception. [Laughter.]

Mr. RAY. Yes; I have read them, and since this bill was presented to the House. I have read them carefully, and let me say to the gentleman that this bill is good law.

Mr. OTEY. Then out of the whole House we have one gentleman who has read these statutes.

Mr. CHICKERING. Here is another.

Mr. OTEY. You are entirely too late, my friend. You are out of time. [Laughter and applause.]

Mr. RAY. I would like to ask the gentleman if he has read them himself?

Mr. OTEY. No, sir; and I would not undertake to do it, for I am not interested in that particular subject. The Revised Statutes are good enough for me, without applying them to cheese. I will take them as they are. I am not engaged in remodeling them.

I am not the man who proposes to do anything of that kind. You are trying to do that, and it is your duty to know what you are doing, and I want it to go in the RECORD that only one member has read these sections of the Revised Statutes. But when you go before your constituents on the stump, when people come up and ask about this legislation, then I want you to be able to tell them candidly whether you have or have not read these statutes. Now, one gentleman says that he has read them. He is an exception. [Laughter.]

But why do you tax this article? Do you tax it for revenue? You know you do not. Why, then, do you tax it? You say it is "a fraud." Why, have you any right to tax fraud? If you tax one kind of fraud why do you not tax all frauds? Why, my dear sir, a man with a wooden leg is a fraud to some people, some in this House. [Laughter and applause.] What is the meaning of fraud? Why, it means deceit, deception, with a view of obtaining an unlawful end, such as obtaining goods under false pretenses. It is deception, cheating, deceit, and so on. [Laughter.] Why, the hair on the top of your head is a fraud when it is a wig; it is a fraud when it is dyed. [Great laughter.] The false teeth in your mouth is a fraud; but it does not come under the provisions of this bill. [Laughter.]

Bring me [addressing a page] a decaliter of the protoxide of hydrogen. [Laughter and applause.] I have not got time to go over this whole subject of fraud and show you exactly what it is. I wish I had. There is some interesting matter here. Shakespeare says that—

> The welfare of us all
> Hangs on the cutting short that fraudful man.

Then cut him off. If he is a fraud do you wish to protect him? I ask again, are you doing it for the purpose of taxation? I asked the gentleman from Ohio that question, if he was not licensing fraud by this bill. He dodged the question and would not answer it. He knows that this bill is simply licensing fraud. He said that there were counterfeits of pure cheese.

Now, have you ever undertaken to tax counterfeits before? Suppose you did. Would not a tax on counterfeits license them to counterfeit? Would not it license them to make counterfeit money, as well as counterfeit butter? You condemn lotteries as a fraud. Did you license them by taxing them? No, sir; you passed a law that completely wiped them out of existence. Do you wish to destroy filled-cheese factories? Let a man go into Swift's or Armour's and compare the cleanliness of their food products, compare their fats with the fats in the dairies through the Northwest. But you propose to encourage what you claim to be a fraud by affixing the seal of your approval to it. I am opposed to any interference with legitimate business, and if I had the time I would show you that this is a legitimate business. If it is a fraud, then you can not license it. You can not, in justice to yourselves, consistently license a fraud; and yet you say here that if they will put the United States stamp on the thing that it may go all over the country, when you know it is a fraud.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLIN. I yield five minutes more to the gentleman.

Mr. HOPKINS. Will the gentleman from Virginia allow an interruption?

Mr. OTEY. Yes.

Mr. HOPKINS. As I understand, it is not contended that filled cheese is a fraud, because the testimony before the committee is that it is a wholesome product. The point about having a stamp upon it is so that the dealers and consumers can discriminate between that and the full-cream cheese.

Mr. OTEY. I want to ask the gentleman if it is necessary to tax it in order to do that? Why, in my own State we have inspectors of tobacco, inspectors of internal revenue, and all these things. Why can you not have them inspect this thing and see wherein the deleterious stuff lies? Why, Mr. Chairman, I wish I had time to read what was stated to us in the hearings. One of the gentlemen says that the fat from the hog is a great deal more wholesome than the fat from the cow, and that the cow is a great deal more liable to disease. I would like to go on and tell you all about the bacteria and the microbes that they kill in this process. They subject it to 200 degress of heat, whereas this butter, as they call it, is only heated to about 70 degrees.

Mr. TAWNEY. That statement was made by the only filled-cheese manufacturer who appeared before the committee, was it not?

Mr. OTEY. No; it is made by a distinguished gentleman that you are all fond of—the Hon. Sterling Morton. You had him before your committee, and that is his evidence.

He said:

> What is now known as filled cheese was formerly called margarine cheese, and oleo cheese, and is designated as imitation cheese in the laws of several States. It is apparently a perfectly legitimate food product and properly called cheese. It has the characteristics of cheese, although not of high grade, and is similar in chemical composition. The only essential difference between filled cheese and that made from whole milk is in the substitution of the fat of the hog for that of the cow. The natural fat of the milk being extracted, or separated, is replaced by a good quality of lard, at the rate of 2 or 3 pounds of the latter to 100 pounds of skim milk.

And:

> The liability to use raw materials containing the germs of disease is about the same in making genuine cheese as in making filled cheese. It is possible to thus convey the germs of disease from cows and hogs to the human family; but the danger can not be regarded as serious in either case. It is probably true that at the present time in those districts where cheese is largely made insidious diseases which are dangerous to man are more prevalent among cows than among hogs.
>
> Medical authorities and others differ as to the relative digestibility of different fats, such as butter fat and pork fat or lard; but the fact is known to all that immense quantities of pork fat in all forms are consumed by various classes of people without detriment to health. There is no just ground for claiming that filled cheese is necessarily unwholesome or deleterious to health. Large quantities of it are daily sold and consumed without apparently injurious effects.

But the gentleman says, "About how much of this stuff is in the cheese?" I have tables here which will show, but I have not time to read them. I asked the gentleman in charge of this bill, and I wish he would answer, what is the principle of the cheesy matter in milk?

Mr. GROSVENOR. Why, butter.

Mr. OTEY. No; it is not at all. It is what they call casein. Do you want to know what casein is? It is an albuminoid substance found in milk, soluble in alkali. It is coagulated by animal membranes. It dries into a yellow mass, and contains less nitrogen than albumin. A similar substance, called vegetable casein or legumin, occurs in peas, beans, etc.

That is the principle in cheese. Take that out and you could not make any cheese at all. But by putting in the oil with that you make cheese. And how do you get it? Why, you take the stomach of a calf, a sucking calf. Some of the authorities say it is the third stomach and some say that it is the fourth stomach. They dry it, and after drying it and smoking it and all that sort of thing they mix it in with the milk, and it produces the curd. Now, what does the curd contain? It contains 92.95 per cent of water, 0.24 per cent of butter, 0.81 per cent of casein, 5.27 per cent of milk, sugar, and lactic acid, and 0.73 per cent of mineral matter.

Now, what proportion of cheesy matter is there? The authorities which I get out of the Library say from 8 to 10 per cent.

Now, Mr. Chairman, cheese is a solidified production from milk, the essential constituent of which is the proteinous or nitrogenous substance called casein. It is the basis of cheese, or purified curd of milk. Is any of this taken out of filled cheese? Not one particle. The butter is taken out, and then this oil is put in, and the testimony of all the experts is that the oil or fat is much purer than the butter itself. The testimony of everybody who testifies on the subject is that this neutral oil is much purer than the butter.

Now, these rich cheeses with which we are familiar commence to ripen very soon. They ripen from the outside to the inside, and if a poor man gets one of them it very soon spoils, whereas this filled cheese is a wholesome article of diet, and lasts. They can get it from 5 to 6 cents cheaper than they can get the other cheese. Now, you propose to put a tax upon it to debar the poor people from getting this wholesome product, except at the price of the other cheese manufacturers.

I believe that filled cheese can be and is made pure; that unfilled cheese can be and is made impure.

Cheese has been an article of food from the time of the early Jewish patriarchs.

The manufacture of cheese, whether filled or unfilled, in this day is a process both chemical and mechanical. Chemistry is playing a great part in the economy of things. In producing filled cheese it has conferred a benefit on mankind, cheapened the food of the millions, and given employment to thousands of our deserving fellow-citizens.

Strike it down by taxation, and you but add other burdens to the already overburdened and oppressed laboring people of our country.

Mr. TERRY. It is a proposition to tax the poor man's cheese.

Mr. OTEY. Yes, sir.

[Here the hammer fell.]

Mr. McMILLIN. Mr. Chairman, my time is so limited, and I have promised to yield so much time to other members, that I will ask the Chair to notify me when I have occupied fifteen minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for fifteen minutes.

Mr. McMILLIN. Mr. Chairman, it is not possible within the too limited time given for this discussion to give this important measure that care and attention which should be given to a measure proposing to add heavy penalties, fines, imprisonment, and additional taxes upon the people of the United States; but we have to take it as we find it. I will state, Mr. Chairman, the facts in such a way that I do not think any member of the committee will disagree with me. First, the weight of the testimony taken by the Committee on Ways and Means is to the effect that filled cheese is a healthful article of food; not so fine as the best cream cheese, but healthful; secondly, that it is cheaper than the cream cheese; thirdly, that the wholesale manufacturers of this commodity, all over the United States, manufacture and sell it as filled cheese and not as cream cheese.

These are propositions which will not be denied in the light of the evidence before me. Recurring to the question of the wholesomeness of "filled cheese," it will not be denied that the testimony shows that the milk that is used in the production of this cheese is raised to the same temperature as is the milk in the production of full cheese or full cream cheese; and in addition to this, that, by the processes of manufacture, the leaf lard and the skimmed milk of which this product is made become heated to 200° F., which is a higher degree of heat and more likely to destroy germs than that which is used in the production of full cream cheese.

Having said this much concerning the nature of the commodity, I will during this debate insert the testimony of Secretary Morton on this subject, as he has given us a fair and most lucid statement concerning filled cheese.

Mr. Chairman, two articles are used in the manufacture of "filled cheese," skimmed milk and the leaf lard of the hog. From the milk is taken by skimming the fat of the cow and the finest portion of the fat of the hog substituted. The ingredients are about 3 parts of lard to 100 of milk.

Sir, no man can or could object more than I do to any fraud or imposition on the public. If that were the only question involved we would have no difficulty. No man can be more the friend of our great dairy interests than I. But I am not willing to legislate for any industry purely to benefit another. That is what is proposed here.

Only a few years ago, Mr. Chairman, we were urged to pass the oleomargarine tax bill, because if we did not our dairy interests would suffer. It was done. I said then it would not accomplish the object. It has not. More oleomargarine is made here and consumed since the tax than before. In 1888, the first total year after that law went into effect, we produced 34,325,000 pounds. Last year we produced 56,958,000 pounds. To show how powerless is the statute to regulate and stop the use of oleomargarine, listen to the following from the statement of Hon. William H. Hatch, author of that bill, given before the Ways and Means Committee the other day:

> But right here in the capital of the country, right here in your hotels, boarding houses, and restaurants, right here in the city of Washington, that law has been oftener and more outrageously violated than in any city in any State in this Union, and I defy any man on this committee to go to any first-class restaurant of the city of Washington to-day and take what they will put before him as butter one time in ten with an absolute certainty he is going to get pure butter. I have seen oleomargarine handed out to me within the last ten days. I did not eat it, but it was given to me to eat in what are known as the best restaurants in the city of Washington.

Now, sir, we are again told we must legislate for the dairy interest, this time to stop the use of competing cheese.

Sir, where is this vicious system to end? You taxed oleomargarine before, and you tax "filled cheese" now for destruction. What industry will you assail next? When will you cease to lay your blighting hand on struggling industry. In your tariff bills you pretend to build up by taxation, and by your internal-revenue bills you tear down. Wherever you turn you hamper or destroy. You had far better let the citizen regulate his own business.

Sir, I do not hesitate to say, in view of all that has occurred both in the committee and in this House, that the purpose of this legislation is not to raise revenue, but it is to appeal to the taxing power to destroy or injure the filled-cheese manufacturers. It is the creation of new penalties; it is the imposition of new taxes; it is the subjection of the citizen to new surveillance; it is the right to take up and hold in the Federal courts citizens of the United States for things that were not heretofore criminal and are not now criminal per se; only criminal because they are made so by this statute. Given the right to legislate, you do not even say a single word about the necessity of this tax for revenue. Go and examine the condition of the Treasury, and you will find there are $272,000,000 of net funds in the Treasury, $172,000,000 in addition to the $100,000,000 of gold reserve which it has been the custom of the Government to keep there. This is a vicious intermeddling on the part of the Congress of the United States with the business of the citizen for the purpose of regulating that business and crushing it out for the benefit of somebody else, and against that kind of legislation and injustice I raise my protest here, as I have ever done and ever will do, whether my constituents or anybody else's constituents are involved in the question. Let the States crush it if they wish. Let the Government require that it be branded when it goes from State to State or to other countries if they wish, but do not use the taxing power to destroy.

We have the most magnificent form of government ever devised by the human mind. It would seem that the great Jefferson was almost inspired, Mr. Chairman, when he conceived the idea that he could avoid the centralized government and despotism which had been its inevitable consequence from the rise of the first republic to the downfall of the last despotism. He wisely concluded to frame a government that should consist of smaller governments within a great government, leaving the citizen all he could do without the interference of the government, State or national; leaving to the State government all it could do without the interference by the National Government; and giving to the Government of the United States the right to control the citizen only in those matters wherein it was permitted to do so by the Constitution, and wherein the State could not do it so well, and wherein the citizen could not do it so well.

That principle of government we wrested from Great Britain by blood and suffering; that principle of government we embodied in a written Constitution. Here was the beginning of State rights—of "home rule." But in the same Constitution we put the necessary power to tax the people for the purpose of supporting and maintaining the structure and to enable it to carry out those wise and proper functions of government. This right to tax the citizen for the common good has been perverted in these latter days, and a lot of legislators, conceiving themselves wiser than the framers of the Constitution, wiser than the masses of the people, wiser than the States and peoples who sent them here, have wrested the power or are perverting this great function to the purpose of private gain and for the purpose of crushing out an industry that does not happen to suit their taste. That is the situation now. Jefferson's conceptions are disregarded and his system of government is being assaulted.

Mr. TALBERT. That has been done upon the same principle as imposing the 10 per cent tax on State-bank circulation, for the purpose of preventing their existence.

Mr. McMILLIN. It is done on the same principle as the imposition of the 10 per cent tax on State-bank circulation, which was not to raise revenue but to crush the banks. It is the same principle involved as in the oleomargarine bill, where the tax was proposed and levied at a time when we had a big surplus revenue, and it was done for the purpose of crushing out that industry. The gentleman from Ohio [Mr. GROSVENOR] has confessed the impotency of human ingenuity to do that thing against the protest of the American people by admitting here to-day—as the author of the bill, Mr. Hatch, admitted in the hearing, as I have shown you—that in the city of Washington there is more oleomargarine consumed than in any other city of its size in the country, and the law has proved itself wholly inefficient.

Mr. RAY. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. With pleasure.

Mr. RAY. While you are complaining of the imposition of the 10 per cent tax on the issues of State banks, is it not true that that piece of legislation has brought us a better and a safer system of banking in the United States than we ever had before?

Mr. McMILLIN. It is wholly untrue that any tax imposed for destruction ever in the end benefited the American people. It is wholly untrue that we have the best currency system on the earth. On the contrary, any man who is satisfied with the present situation is easy to please, and I do not envy him his intelligence.

Mr. RAY. Whether I have any intelligence or not, would the gentleman now return to the old State-bank system?

Mr. McMILLIN. I did not mean to nor could I reflect on the gentleman's intelligence. I am not going to be diverted generally from the important question that is before us for consideration, but I will answer you because I avoid nothing. I favor the repeal of that tax. I would repeal it on the presumption that the people at home have as much sense as you and I, and can take care of themselves if we let them alone. [Applause.]

Now, Mr. Chairman, this bill is off the same piece of cloth out of which was cut the oleomargarine tax law. There is no excuse for this legislation. One class of persons engaged in this business you tax $400 a year, another class you tax $200 a year, and others you tax $40 a year. You propose to further fill Federal courts with these prosecutions. And you propose to appoint and send out a lot of "tasters and smellers" to go to every kitchen and churn in the country and see whether they are pleased with the methods by which cheese and butter are made in those places.

Mr. CULBERSON. Spies.

Mr. McMILLIN. Spies, as my friend from Texas, Judge CULBERSON, says—spies and informers. Furthermore, this measure goes further than any other to which my attention has been called, by providing in one of its sections that the citizens shall submit to any "surveillance" that the Secretary of the Treasury and the Commissioner of Internal Revenue shall impose. Not only do you enact this law, fixing the penalty and providing for its enforcement, making and punishing new crimes that are devised, but you launch out in the criminal field on a great terra incognita where you propose to allow the Secretary of the Treasury to make new regulations to which the citizen is compelled to submit.

Mr. TAWNEY. Does not the gentleman know that the oleomargarine law contains the same provision?

Mr. McMILLIN. I have not had an opportunity to compare this with the oleomargarine law.

Mr. TAWNEY. That is the fact.

Mr. McMILLIN. Well, so much the worse for the oleomargarine act. Then, I will say, as I said at the beginning, that the oleomargarine law and this proposed legislation are two of a kind.

Mr. TAWNEY. You said that was an original proposition in this bill and I simply wanted to correct you.

Mr. McMILLIN. I did not say that it was an original proposition in this bill; at least I did not purpose to say so. What I said was that this was the first time such a provision had been called to my attention.

Mr. Chairman, you have heard the gentleman from Ohio [Mr. GROSVENOR] who reported this bill. Did he put the right to tax this article on any higher ground than the purpose to injure this industry? Not a bit of it. If any word placing it on any higher ground escaped his lips I do not now recall it, and I tried to catch everything he said. You heard yesterday the gentleman who opened the debate in favor of this bill [Mr. COOK], who comes from the State of Wisconsin, and who boldly admitted that the object was to "put a brand" upon this article as a fraud. They are not after revenue; they are out to destroy.

Mr. Chairman, we take a different view of the question from that which those gentlemen take. We insist that if you want to brand you ought to stop with branding; that you ought to go with this matter to a different committee; that you ought to apply a different process; that if you simply want to designate this article as it passes from State to State you should simply provide that when it is to be shipped it shall be properly branded, and let it come under the interstate-commerce regulation, instead of yourselves perpetrating "a fraud" upon the people by the very bill which you propose to enact into law. My friend on the left [Mr. OGDEN] has called my attention to another thing which I had intended to reach later, but which I may as well mention now. You provide that the dealer in this commodity shall put up a sign in his store. He may have paid every tax required by the law. He may not have a single package of cheese not marked as required by law; he may have complied with every legal provision as to the tax; yet if he has not stuck up on the door facing or somewhere within his establishment a statement "Filled cheese kept for sale here," he, too, goes to the Federal courts, passes through the Federal gin mill, and is mulcted in costs and fines.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. McMILLIN. With pleasure.

Mr. GROSVENOR. In the provision to which the gentleman now refers is there anything different in principle from that which has always been in our internal-revenue laws in relation to the manufacture and sale of cigars and the manufacture and rectifying of distilled spirits?

Mr. McMILLIN. Mr. Chairman, when the dealer in spirits has paid his tax he has discharged his obligation to the Government. The gentleman will not dispute that proposition.

Mr. GROSVENOR rose.

Mr. McMILLIN. But whether that is so or not, here is a tax you do not need; here is a tax for the imposition of which there is no excuse, except that you want to help some persons in a rival business, and for that purpose you subject the citizen to the payment of fines and costs, and also to imprisonment if he fails to put up on his shop door the sign, "Filled cheese for sale here." And when this legislation has worked out its full purpose, when you have taken possession of vast business interests through the oleomargarine law and through this bill and through your other prohibitory and restrictive laws, both internal and external, as applied to the tariff, when you shall have further filled the Federal courts with oppressive prosecutions, when you have accomplished all this, you will find another sign over your Federal courts, the sign which Dante has described so graphically in his Inferno, where he says that over the portal of the seventh circle of hell was seen this inscription, "Who enters here leaves hope behind." [Applause.]

[Here the hammer fell.]

Mr. GROSVENOR. I yield thirty minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, as a member of the subcommittee which first considered the subject of "filled cheese" with a view to the enactment of a law to regulate its manufacture and sale, and which drafted the bill now under consideration, I deem it a duty to myself and to the proposed measure to say a word in its behalf.

This bill, as my colleague on the committee said, has been drawn upon the lines of an act approved August 2, 1886, commonly known as the oleomargarine law, modified, however, so as to be applicable to the conditions attending the manufacture and sale of cheese and imitation cheese. These modifications consist principally in the reduction of the special tax, the licenses, the fines, and penalties; in the definition of cheese and filled cheese; in the definition of wholesale and retail dealers in filled cheese, and in the marking and branding of that article. The reduction of the tax and licenses was not made wholly upon the responsibility of the subcommittee. Experience, as shown by the testimony of the Commissioner of Internal Revenue, in the administration of the oleomargarine law has demonstrated that a lower tax and a lower license will afford the public and the honest dairymen of the country greater protection against the fraud now practiced upon both. It will enable the Internal Revenue Department of the Government to more rigidly enforce the law than it could if the tax and these licenses were so high that the manufacturer and dealer, rather than pay them, would assume the risk of incurring the penalties of a violation of the law as they are now doing in the case of oleomargarine.

So much for the general differences between the bill now under consideration and the oleomargarine law upon which it is based. When we come to consider the bill in detail these changes and modifications and the reasons for them will be more fully discussed.

Mr. Chairman, in determining whether or not this bill should become a law, we should be satisfied first that it is constitutional; second, that it is necessary and that its provisions are calculated to promote the public welfare; and third, will it injuriously affect any legitimate private interest? A careful consideration of the bill, its purposes and effect, will, I believe, show that the first two propositions can be incontrovertibly answered in the affirmative, and that the last may, with equal positiveness, be answered in the negative.

### IS IT CONSTITUTIONAL?

By the Constitution the power of taxation for the purpose of revenue is vested in Congress. The amount of revenue is not essential to the exercise of the power. Whether this bill, therefore, will raise much or little revenue is not material. If it raises any, it is the legitimate exercise of a constitutional power, provided the revenue be raised by a tax levied upon an article which Congress may properly tax. The gentleman who has just taken his seat [Mr. McMILLIN], when driven to the wall to find a peg on which to hang his argument against the constitutionality of this bill, proceeds to assail the motives of the friends of the measure. Taxation, he says, is not the motive, but annihilation. If that were true, Mr. Chairman, the bill would nevertheless be constitutional. In that case the destruction of the filled-cheese industry would be due to the exercise of a power incident to the power of taxation, which power, as Chief Justice Marshall in effect has said, carries with it and legalizes all that may result from its proper exercise. If, therefore, Congress has the power to impose the tax and does it, neither the amount of revenue, the effect upon the article taxed, nor the particular motive that prompted the legislation will have any legal significance whatever. Judge Collamer, that distinguished jurist and eminent statesman, in a case reported in 11 Vermont, 22, said:

> Improper motives can never alter the character of a legal act. Whatever a man has a legal right to do he may do with impunity.

The same is true of a legislative act, which, if constitutional, will not be affected by the motive which prompted it, nor by the arguments used against its passage.

But, Mr. Chairman, the fact that the report accompanying the bill does not state that more revenue is necessary is urged by the gentleman from Tennessee [Mr. McMILLIN] to prove that revenue has no place among the purposes of the measure. He also argues that because there is in the Treasury to-day, of borrowed money, an available cash balance of over $170,000,000; therefore a bill to increase the revenue is not necessary. It is true, Mr. Chairman, that the report is silent as to the necessity for more revenue; but why was it necessary to expose the incompetency of the Democratic party and the insolvency of the Government in this report when the facts are known and admitted by every man, woman, and child in the land, except perhaps the gentleman from Tennessee [Mr. McMILLIN]. The fact that more revenue is needed has been published almost daily. In the statements showing the condition of the Treasury and the receipts and expenditures of the Government which we have received every morning since the Wilson-Gorman perfidy bill went into effect in 1894, we have all the evidence that any man needs to determine the fact.

I have before me these daily statements for April 7, 8, and 9, 1896. What do they show? We see that on the 7th the Government expended $978,083.29 more than it received. On the 8th it expended $545,354.95 more than it received, and on yesterday the excess of expenditures over revenue receipts from all sources reached the enormous sum of $1,041,318.73. The total excess of expenditures over receipts during the first nine days of this month was $5,768,874.95, and for this fiscal year $24,519,577.16. The following figures, taken from these official statements, will show the receipts and expenditures more clearly and in detail:

APRIL 7, 1896.

| | This day. | This month. | This fiscal year. |
|---|---|---|---|
| Receipts: | | | |
| Customs | $232,694.48 | $2,936,716.13 | $129,903,015.66 |
| Internal revenue | 256,966.23 | 2,462,909.85 | 112,867,053.82 |
| Miscellaneous | 23,305.95 | 216,560.75 | 13,455,957.30 |
| Total receipts | 532,966.71 | 5,616,186.73 | 256,226,026.78 |

APRIL 7, 1896—continued.

| | This day. | This month. | This fiscal year. |
|---|---|---|---|
| Expenditures: | | | |
| Civil and miscellaneous | $148,000.00 | $1,303,000.00 | $67,464,619.37 |
| War | 378,000.00 | 503,000.00 | 41,002,476.44 |
| Navy | 35,000.00 | 251,000.00 | 20,813,615.32 |
| Indians | | 208,000.00 | 10,186,033.30 |
| Pensions | 600,000.00 | 3,753,000.00 | 109,004,815.79 |
| Interest | 350,000.00 | 3,720,388.00 | 30,667,370.04 |
| Total expenditures | 1,511,000.00 | 9,798,388.00 | 279,158,930.26 |
| Excess of expenditures over receipts | 978,033.29 | 4,182,201.27 | 22,932,903.48 |

APRIL 8, 1896.

| | | | |
|---|---|---|---|
| Receipts: | | | |
| Customs | $396,804.96 | $3,745,633.44 | $130,711,932.97 |
| Internal revenue | 470,500.88 | 3,224,765.81 | 113,028,909.78 |
| Miscellaneous | 18,375.43 | 254,113.80 | 13,493,510.35 |
| Total receipts | 884,681.27 | 7,224,513.05 | 257,634,353.10 |
| Expenditures: | | | |
| Civil and miscellaneous | 1,293,000.00 | 2,975,000.00 | 69,136,619.37 |
| War | 100,000.00 | 703,000.00 | 41,202,476.44 |
| Navy | 43,000.00 | 306,000.00 | 20,868,615.32 |
| Indians | 34,000.00 | 330,000.00 | 10,248,033.30 |
| Pensions | 300,000.00 | 4,053,000.00 | 109,904,815.79 |
| Interest | 156,000.00 | 4,026,388.00 | 30,993,370.04 |
| Total expenditures | 1,926,000.00 | 12,093,388.00 | 282,353,930.26 |
| Excess of expenditures over receipts | 1,041,318.73 | 5,768,874.95 | 24,519,577.16 |

APRIL 9, 1896.

| | This day. | This month. | This fiscal year. |
|---|---|---|---|
| Receipts: | | | |
| Customs | $413,112.35 | $3,349,828.48 | $130,316,128.01 |
| Internal revenue | 291,355.08 | 2,754,264.93 | 113,158,408.90 |
| Miscellaneous | 19,177.62 | 235,738.37 | 13,475,134.92 |
| Total receipts | 723,645.05 | 6,339,831.78 | 256,949,671.83 |
| Expenditures: | | | |
| Civil and miscellaneous | 379,000.00 | 1,682,000.00 | 67,843,619.37 |
| War | 100,000.00 | 603,000.00 | 41,102,476.44 |
| Navy | 12,000.00 | 263,000.00 | 20,825,615.32 |
| Indians | 28,000.00 | 296,000.00 | 10,214,033.30 |
| Pensions | 600,000.00 | 4,353,000.00 | 109,604,815.79 |
| Interest | 150,000.00 | 3,870,388.00 | 30,837,370.04 |
| Total expenditures | 1,269,000.00 | 11,007,388.00 | 280,427,930.26 |
| Excess of expenditures over receipts | 545,354.95 | 4,727,556.22 | 23,478,258.43 |

In view of the facts thus made plain, I am surprised, Mr. Chairman, that any gentleman should assert on this floor that the Government does not need the revenue which this bill will raise. It not only needs that amount, but a great deal more, which the Republicans of the House at the beginning of this session of Congress attempted to raise by the passage of the Dingley revenue bill, which met its fate in some subterranean passage of a silver mine in the other end of the Capitol. Revenue, Mr. Chairman, is necessary, and one of the purposes of this bill is to meet that necessity by imposing a tax on an adulterated food product, manufactured and sold for that which it is not. Those who say we have a surplus in the Treasury of $171,000,000 forget that every dollar of that balance and more has been borrowed from the American people or from foreign syndicates. Why, Mr. Chairman, it can conclusively be shown that every loan negotiated by this Administration was occasioned primarily by a deficiency of revenue. There is every reason to believe that this deficiency in revenue will continue to the end of this Administration. We should therefore do something at this time to increase our revenue.

Mr. McMILLIN. Will the gentleman permit an interruption?

Mr. TAWNEY. I will yield for that purpose.

Mr. McMILLIN. If the deficiency should continue even as it has been shown to exist for the last year, would it not still require more than three years to absorb the fund now in the Treasury in excess of the $100,000,000 of gold reserve?

Mr. TAWNEY. Well, that depends altogether on whether gold will be withdrawn from the Treasury under this Administration as it has been withdrawn in the past and whether the present deficiency in revenue will continue at a diminished or increased rate.

Mr. McMILLIN. It is not a question of gold; but how much is there in excess beyond the ordinary requirements of the Government and the reserve of one hundred million?

My assertion was, and my assertion is, that even if the revenues continue as now and the expenditures shall continue as they are it will require more than three years, or over four in fact, before you would need additional taxation on account of the deficiencies in the revenue.

Mr. TAWNEY. The assertion of the gentleman from Tennessee is based on the assumption that the only draft on the surplus in the Treasury will be to make up the deficit in revenues. This is not a fact by any means. He also ignores the fact that the apparent surplus consists of redeemed greenbacks and Treasury notes which if used to meet deficiency in revenue will afford the brokers of Wall street and Lombard street an opportunity to again raid the Treasury, deplete the gold reserve, and necessitate another Government loan.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. PAYNE. Is it not a fact that there is less money in the Treasury to-day than this Administration has borrowed within the last three years?

Mr. TAWNEY. Yes, sir; that is true, as shown by the statements from the Treasury Department, and being true it shows conclusively that the money in the Treasury to-day is borrowed money or the proceeds of borrowed money.

Mr. Chairman, when the oleomargarine law was under consideration in the Forty-ninth Congress the same argument was used to defeat it. It was said that revenue was not its purpose. Since its enactment some of its provisions have been assailed on the ground of their being unconstitutional, but no lawyer has ever presumed to question in the courts of the United States the constitutional right of Congress to enact that law as a whole. This measure, being drawn upon the lines of that act, will for the same reason be unassailable on constitutional grounds.

Mr. Chairman, the motive behind this bill is not, as claimed by its enemies, the destruction of one branch of industry for the benefit of another with which it competes. That argument is only used for the purpose of scaring members. Those who make this claim fail to distinguish between a law that is expressly intended to destroy one legitimate industry legitimately conducted and a law, such as this is intended to be, which will raise revenue, and in addition prevent fraud and deception by compelling those engaged in a certain industry to conduct their business honestly and to sell their product for what it is, and which, to accomplish these two purposes, uses the taxing power of the Government. If the filled-cheese industry is destroyed in consequence of the passage of this bill it will owe its destruction to the fact that it can no longer practice a fraud upon the people by selling its product for what it is not, and because the people will not buy filled cheese when offered for sale as such. But the law can not be charged with its destruction, except in so far as it requires those engaged in the business to deal honestly with the people. If the filled-cheese industry can not live when conducted honestly, who upon this floor will say it has the right to live at all? [Applause.]

Nor can it be successfully claimed that the tax of 1 cent a pound imposed by this bill will even injure the business of manufacturing filled cheese.

From the evidence before the committee it appears that this product can be manufactured at a cost not to exceed 4½ cents a pound. It is even offered to the wholesale trade as low as 2½ cents a pound. So that with the tax and license fees added to the cost of production there would be a margin of profit to the manufacturer and dealer in this spurious product. It is sold to-day in competition with genuine cheese, which costs from 11 to 12 cents a pound to produce. If compelling its sale for what it is reduces the price, the manufacturers of filled cheese, after paying the tax, would still reap as large if not a larger profit than the manufacturers of genuine cheese receive. These are facts which members should consider in determining the effect of this proposed tax upon the filled-cheese industry.

If, therefore, more revenue is needed, and we can show that this industry as now conducted is fraudulently conducted, and to raise revenue and prevent this fraud the constitutional power of taxation is invoked, the bill is constitutional and we are not only justified, but it is our duty in levying the tax to make suitable provisions to protect the public against a glaring and stupendous fraud now practiced by the manufacture and sale of an article of food deleterious to health made and sold in the semblance of that which it is not and against which the people are powerless to protect themselves. [Applause.]

THIS LEGISLATION NECESSARY.

But, Mr. Chairman, the demand for revenue is not the only necessity for this legislation. If in the future we are to enjoy permanent prosperity, the great and overshadowing agricultural interest of our country—the very basis of our material progress and national prosperity—must receive from its representatives and the representatives of the people every consideration and all the protection to which it is entitled. New markets for the products of the farm should be discovered; old ones protected, enlarged, and preserved. And when, by the aid of science or through the dishonesty of man, the products of the farm are so counterfeited, adulterated, or imitated that the imitation, stealing the name and

appearance of the genuine product, drives it out of the market through deception and fraud which can only be detected by the aid of chemical science, it is time for the lawmaking power of the Government, through the representatives of the people, to interfere and require the sale of the artificial product for what it is, and thus protect the honest producer of genuine food products. This is demanded not alone in the interest of the producers, but also in the interest of the consumers; and is especially our duty when the deception and fraud is practiced in respect to food products. [Applause.]

FILLED CHEESE DEFINED.

Mr. Chairman, what is filled cheese and what methods are employed in its manufacture and sale? Filled cheese is a compound or counterfeit cheese, the constituent parts of which are skimmed milk and uncooked animal fat, known to the trade as neutral oil. This neutral oil is substituted or put into the skimmed milk to take the place of the butter fat extracted by the use of the centrifugal separator. This substituted fat is not made by those who manufacture filled cheese, but is bought by them from the manufacturers of neutral oil or pork-packing establishments. It is claimed by the manufacturers of filled cheese that nothing but pure hog leaf is used in making this oil. They admit, however, that it may be, and doubtless is in many instances, made from the fat of diseased animals or from impure refuse or putrid fats, and that when they receive it they do not know and have no means of knowing whether it is pure or filled with the germs of disease. The percentage of skimmed milk and neutral oil used in making filled cheese is about 70 per cent of the former and about 30 per cent of the latter. To this is added a certain amount of rennet, with the necessary coloring and flavoring matter. It is made in the form and semblance of pure cheese, with absolutely no mark or brand of any kind to identify it as filled cheese.

The following are the ingredients used in some of the patents for making filled cheese:

Patent No. 136051, February 18, 1873: Skimmed milk, with tallow, lard, or butter of low grade; 15 pounds of fat to 1,000 pounds of skimmed milk; 8 ounces of saltpeter added to milk; heated and mixed.

Patent No. 264516, September 19, 1892: Artificial cream for making butter or cheese. Materials used: Skimmed milk, with olive oil, lard, oleomargarine, butter oils, other animal or vegetable oils, heated and mixed.

There are in all some 8 or 10 patents for making this bogus cheese.

Mr. CLARDY. I should like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. CLARDY. Was there anything before the committee that showed that this product is unwholesome; that it is not suitable for food?

Mr. TAWNEY. There is. If the gentleman will turn to the hearings he will find on page 60 a very able article on the subject of whether or not filled cheese is deleterious to health.

Mr. CLARDY. Does their examination show that it is deleterious to health?

Mr. HOPKINS. No; I do not think that anybody can successfully claim it is deleterious to health when it is properly made.

Mr. CLARDY. That is what I want to find out.

Mr. TAWNEY. That question depends upon whether it is properly made, as suggested by the gentleman from Illinois, and upon the strength of a man's digestive organs.

Mr. CLARDY. So it is with eating bacon.

Mr. TAWNEY. If the uncooked fat of an animal is as easily digested as the butter which is extracted from the milk, and the uncooked fat is free from disease germs, then it is not an unwholesome product; but if the uncooked fat of an animal is not as easily digested, and if—as is the fact—some people can not digest it at all, then when they eat filled cheese they are eating that which is indigestible, and therefore unwholesome; and, further, if—as is the case in many instances—the fat is taken from a diseased animal it is not only unwholesome, but absolutely dangerous to health.

Mr. CLARDY. Is not that the fact with reference to almost any other article of food, that it disagrees with some particular stomachs?

Mr. TAWNEY. Yes; I think that is perhaps the fact, but I think as a general rule the doctors will admit that uncooked fat is not as digestible as the butter fat extracted from the milk.

Mr. HOPKINS. I think my colleague will agree with me that the Agricultural Department, on an examination of filled cheese, decided that there was nothing deleterious in it?

Mr. TAWNEY. No; the Agricultural Department did not so decide. But there was a chemist up here in the Internal Revenue Department who made that claim.

Mr. CLARDY. Mr. Chairman, that is a very important question.

Mr. TAWNEY. Chemistry and physiology are two entirely different things; and if a man relies upon chemistry for the purpose of ascertaining whether that which he takes into his stomach is digestible he may in a very short time have an acute case of dyspepsia.

Mr. LACEY. Will the gentleman allow me to ask him, is only leaf lard or uncooked lard used in this manufacture, or do they use the rendered lard also?

Mr. TAWNEY. They do not use the rendered lard. The testimony shows that in the manufacture of this cheese they heat the leaf lard just to such a degree of temperature as will enable them to use it conveniently, about 130°. It is not cooked as we cook hog fat when we render it into lard. It does not reach that degree of heat that will destroy the disease germs, if there are any, in the fat.

The neutral oil used in the manufacture of this cheese is made by the pork-packing establishments and the neutral-oil factories and the oleomargarine factories. These men are not more scrupulous than the rest of mankind and do not make post-mortem examinations to determine whether the animal died from disease or other cause. What they are after is the fat, and when you eat filled cheese you have no assurance whatever that you are not taking into your stomachs the germs of some fatal disease.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. HOPKINS. The gentleman was speaking about the temperature to which leaf lard was subjected before being used in the manufacture of filled cheese. I have before me the evidence that was taken before the committee, and with the permission of my colleague I will read one sentence.

Mr. TAWNEY. I will not consent to it, unless the gentleman will read the evidence on the other side.

Mr. HOPKINS. But it says that it is raised to a temperature of 200°.

Mr. TAWNEY. By the injection of a live-steam jet; that is far from cooking.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I should like ten minutes more.

Mr. DOLLIVER. I ask unanimous consent that the gentleman be permitted to proceed for ten minutes.

There was no objection.

EXTENT AND METHODS OF THE BUSINESS.

Mr. TAWNEY. Mr. Chairman, the number of factories and the amount of filled cheese produced in the United States can be only approximately estimated. There are no reliable statistics on the subject. Some investigation has been made by the Agricultural Department to ascertain the facts, and the result shows that in 1894 there were in Wisconsin and Illinois about 266 filled-cheese factories, which produced that year about 14,000,000 pounds. The legislature of Wisconsin having since then prohibited its manufacture in that State, some of the largest factories have, I am informed, moved across the line into the State of Illinois, and in that State there was produced in 1895 12,000,000 pounds of filled cheese.

This suggests to me one of the points urged with much force by the enemies of this measure. It is this: That the matter of regulating and controlling the manufacture of this product should be left exclusively to the States. The answer to that is very simple. Suppose every State in the Union except the State of Illinois prohibited the manufacture of this product; that would simply concentrate the business in that State or in any other that did not see fit to legislate on the subject, and the injury to the legitimate dairy interests of the country and the danger to the public health would be as great as it is to-day. The only effective way to put a stop to the fraud and compel the manufacturer and dealer in filled cheese to conduct his business honestly and to sell his product for what it is is by national legislation.

But gentlemen claim this is an honest industry, honestly conducted, and that this bill if passed will unjustly discriminate against it. This argument depends solely upon assertion. There is not a single fact to sustain it. It is true, as claimed, that the manufacturers do not put any brand upon their product. But this is not done to enable the wholesale and retail dealer to sell it as filled cheese. On the contrary, the wholesale dealer wants it without brands so as to enable him by the use of the stencil to sell it for "Wisconsin full cream cheese," "New York cream cheese," "Badger State cheese," "Young American cheese," or any other special brand that has an established reputation in the cheese market of the world. The evidence taken before the committee shows conclusively that such is the practice of those who deal in this product. It also appears that it is sold to the consumer at about the same price paid for the genuine cheese of which it is the counterfeit. Why, Mr. Chairman, from the testimony of the expert from the Agricultural Department, Mr. Alvord, who investigated the subject, it appears that this fraud is practiced upon the people to such an extent that in the city of Columbia, S. C., he did not find a single full cream cheese, but found filled cheese bearing the New York and Wisconsin brands of full cream cheese. In the city of

Macon, Ga., he found but 1 merchant out of 11 who had any genuine cheese on his premises. So extensively is this fraud practiced and the demand for pure cheese destroyed that the loss to the great dairy interests of the country is enormons. This is shown by the third and fifth annual reports of the dairy and food commissioner of Minnesota. From them I learn that in 1890 we had 130 cheese factories in that State, producing about 10,000,000 pounds. In 1895 there were only 35 factories, producing less than a million pounds of cheese. In 1890 there were more than 5,000 farmers supplying our cheese factories with milk; in 1895 only 1,250.

It may be true that we can not prove this result to be due entirely to the manufacture and sale of filled cheese, but the fact remains that until within a year there was in the adjoining State of Wisconsin more than 200 filled-cheese factories turning out this spurious product at the rate of 10,000,000 pounds annually. This was put upon our market at a price just a little below the amount for which genuine cheese could be manufactured and sold; hence the farmers have sought in the manufacture of butter a more profitable market for their milk, and are abandoning the cheese business. What is true, Mr. Chairman, of Minnesota is doubtless true of many other States, and until this blight upon the cheese market first made its appearance no State gave promise of grander results in this dairy industry than did the State which I have the honor in part to represent. I might add that no State in the Union possesses advantages for the production of all kinds of dairy products superior to those enjoyed by the farmers of Minnesota. Our climate is unexcelled; we have an abundance of the most nutritious grasses; a purer water supply no State can boast of. Every condition essential to the production of the best and purest dairy products are enjoyed by the farmers of my State. All they ask and all that is essential to their success in the matter of producing butter and cheese is to be protected against fraudulent competition.

There is another important fact disclosed by the census which shows how filled cheese is affecting the production of genuine cheese in this country. I will print with my remarks a table showing the cheese production in the United States since 1849:

[United States Department of Agriculture, Bureau of Animal Industry, Dairy Division.]

DATA AS TO CHEESE AND FILLED CHEESE.

*Cheese production of the United States according to the census.*

| | Pounds. |
|---|---|
| 1849 | 105,535,893 |
| 1859 | 103,663,927 |
| 1869 | 162,927,382 |
| 1879 | 243,157,850 |
| 1889 | 256,761,883 |

NOTE.—Nine-tenths of this cheese is made in the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named.

From this table it appears that in 1869 we produced 162,927,382 pounds of cheese; in 1879 243,157,850 pounds, the increase in 1879 over that of 1869 being 80,230,468 pounds. In 1889 we produced 256,761,883 pounds, the increase being only 13,604,033 pounds over the product of 1879, or 66,022,000 pounds less than during the preceding decade, and when we deduct from this increase the amount of filled cheese manufactured in 1889 the census shows no increase whatever in the production of genuine cheese in that year over the year 1879. This, Mr. Chairman, is an astonishing fact, one that does not exist as to any other important industry in the land, and one, too, that should impress every member of this House who wishes to see our great agricultural industry prosper and grow, with the necessity of finding the cause of the decline in the manufacture of one of our principle dairy products, and a remedy for the same. We believe, Mr. Chairman, the cause is the fraudulent manufacture and sale of adulterated, counterfeit cheese and that the pending bill affords a complete remedy.

OUR FOREIGN MARKET.

Mr. Chairman, the effect of the manufacture and sale of this spurious product upon the consumption and demand for genuine cheese is shown with greater accuracy in our foreign trade than in our domestic market. I have here a statement of the exports of cheese from the United States and Canada, which I will also print with my remarks:

*Exports of cheese from the United States and Canada.*

[For single years and yearly averages for five-year periods.]

| Periods. | United States. | Canada. | Periods. | United States. | Canada. |
|---|---|---|---|---|---|
| | *Pounds.* | *Pounds.* | | *Pounds.* | *Pounds.* |
| 1850 | 10,361,189 | 17,100 | 1881-1885 | 118,813,685 | 61,502,949 |
| 1860 | 15,515,799 | 124,320 | 1886-1890 | 88,306,513 | 83,737,133 |
| 1861-1865 | 35,081,855 | 473,550 | 1891-1895 | 75,977,114 | 135,679,207 |
| 1866-1870 | 47,432,602 | 3,750,224 | 1890 | 81,350,923 | 133,946,385 |
| 1871-1875 | 90,688,546 | 20,114,561 | 1894 | 73,852,134 | 154,977,480 |
| 1876-1880 | 113,606,609 | 40,676,856 | 1895 | 60,448,421 | 146,004,650 |

From this statement it will be seen that in 1885 we exported 118,813,685 pounds of cheese, while Canada the same year exported only 61,502,949 pounds. In 1895 we exported only 60,448,421 pounds, a decline in ten years of more than 58,000,000 pounds. Canada in 1885 exported 146,004,650 pounds, an increase during the same period of more than 85,000,000 pounds. Canada prohibits the manufacture of filled cheese; we do not. We manufacture and sell it abroad. Our export trade declines; theirs increases. That is the result, Mr. Chairman, of the difference between a Government that looks after and protects the interests of the agriculturists against imposition and fraudulent competition and a Government that does not. Had we guarded and watched over the cheese industry of this country as carefully as did our neighbor to the north of us by such legislation as we now propose Canada would have never taken from us our foreign market for genuine cheese.

Mr. CLARDY. Will the gentleman yield to me for a question?

Mr. TAWNEY. I will not; I have not the time. [Continuing.] But we would have held our supremacy in that market, as we were capable of doing, had it not been for the injury to the reputation of all American cheese caused by the sale of filled cheese to foreigners for that which it was not. [Applause].

Mr. Chairman, American manufacturers of cream cheese, knowing that because of the reputation of American cheese in the British market they can not sell their product in that market for what it is worth, are to-day exporting their cheese to Canada for reexport to Great Britain, not as American but as Canadian cheese. It is estimated that more than 10,000,000 pounds of American cheese is annually exported to Canada for this purpose, and that, too, as Canadian cheese. Mr. James Neal, consul at Liverpool, in his report says:

The Provision Trade Association, in criticising the cheese, say that the trade in American cheese in considerably prejudiced by the large shipment of bogus or filled cheese, manufactured chiefly in Illinois and Wisconsin, and are of opinion that it should be put a stop to. They make the following recommendations: Absolute prohibition of export of filled cheese and greater care in the manufacture of the best, so as to equal the Canadian in quality.

On the same subject Mr. Robert J. McBride, consul at Leith, Scotland, reporting on the subject of dairy products, says:

On this subject I again wish to quote from the testimony of Mr. Osborne before the select committee of the House of Commons. He said in substance that the public was often imposed upon by the cheese sent here from America, as there is no means of ascertaining the composition of these American cheeses except by analysis. His remedy for both butter and cheese is that foreign governments should be made responsible for the quality of the article shipped. If the foreign governments decline to accept the responsibility, then he would recommend that the articles from such countries should be prohibited from being imported into Great Britain. He would propose that the packages in which the articles were brought to this country should have a government stamp put upon them, and also that there should be a certificate of genuineness. He believed that most of the filled cheeses come from the Western States of the United States and that they were made principally of lard. They looked very like full milk cheeses, but they corrupted very quickly. He attributed the excellent trade in butter at present enjoyed by Denmark simply to the fact that the Danish Government are particular not to allow adulteration. In his opinion it is to the interest of foreign governments to make themselves responsible for the character of the dairy products they export, because it will improve their trade.

Mr. Allen B. Morse, consul at Glasgow, says:

The great trouble with the market for United States cheese in Glasgow is that too many cheeses of an inferior grade and poor quality are being sent here. Lately there has been coming into Great Britain, more notably from Wisconsin, what is called "filled" cheese, among the constituents of which are beef fat, lard, and like substances. This importation has been so marked and so deleterious to the trade in United States cheeses generally that the associations of provision dealers in Glasgow and Liverpool have this winter memorialized the legislature of Wisconsin to enact laws or to provide some means to prevent these filled cheeses being passed off upon dealers and consumers for other than they really are. The dishonesty of these manufacturers will, if not speedily prevented, ruin the market for United States cheese in this country.

Mr. Chairman, in addition to the reports of our consuls abroad upon the effect of the sale of counterfeit cheese in foreign markets on the demand for our genuine cheese I will print in connection with my remarks a protest against filled cheese by the Home and Foreign Produce Exchange, Limited, of London, addressed to the governor, senate, and assembly of the State of Illinois:

PROTEST AGAINST FILLED CHEESE.

HOME AND FOREIGN PRODUCE EXCHANGE, LIMITED,
HIBERIAN CHAMBERS, LONDON BRIDGE, S. E., ENGLAND.

*To the Governor, Senate, and Assembly of the State of Illinois, U. S. A.:*

A question of vital importance to the interest of the cheese-making industry of your State has for some time past been receiving the serious attention of the London provision trade, viz, the importation from your State of imitation or filled cheese, made of a mixture of foreign fat and poor skim-milk curd. This article has none of the properties of cheese, as the added fat merely disguises the poverty of the curd and rapidly becomes rancid and offensive. By reason of the difficulty of detection from outward appearances, unscrupulous dealers here are pushing it into consumption as genuine, with the result that a very grave taint is being attached to all cheese coming from Illinois, and consumers generally will be prejudiced against cheese as an article of food. This matter is of so serious import to your farmers, as it is most desirable that the good name of Illinois cheese should remain unsullied. The trade here, therefore, most respectfully urge your senate to legislate this matter without delay, and in such a way as will stop the manufacture

of the spurious article altogether. Such action will at once remove all suspicion attached to the importations from your State and place the trade upon a creditable and honorable basis.

JOHN D. COPEMAN,
*Chairman.*
JOSEPH R. WEBB,
*Chairman Subcommittee.*
C. J. HIGGINSON,
*Secretary.*

Mr. Chairman, this memorial has been sent here by one of the leading commercial organizations of Europe, asking the people of the State of Illinois, in the interest of public health, in the interest of honesty, and in the interest of our farmers and the foreign market for one of their principal products, to legislate upon the lines proposed in this bill. Could there be more conclusive evidence of the great injury suffered by those interested in the production of honest dairy products than this? If not, why should members of this House shut their eyes to the necessity for this legislation? I believe it to be our highest duty to protect our agricultural industries from unfair rivals or fraudulent competition from within or from without, and I believe it to be our especial duty also to protect consumers against impositions and frauds in the matter of all food products, and against which they are powerless to protect themselves, and so believing I shall cheerfully support this measure. I do so because it is within the legislative limitations fixed by the Constitution, because it is necessary from a revenue standpoint and also necessary for the protection of the producing and consuming classes, because it will promote the public welfare by preventing fraud and deception, and finally, because it is demanded in the interest of the cheese eater as well as in the interest of the cheese maker. [Applause.]

[Here the hammer fell.]

Mr. GROSVENOR. I desire that the other side should use their time. We have only about thirty minutes left on this side.

Mr. McMILLIN. I yield ten minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. Mr. Chairman, I am opposed to this bill, because in my judgment it is the most infamous bill that ever was brought in this or, I think, in any other properly organized legislative body. I say "infamous." It is infamous, because it is not honest to start with. It does not mean what it says, and it does not say what it means. The advocates of this bill have already developed that fact. The gentleman who has just preceded me says that he wants to encourage foreign importation of this cheese, and yet in the same breath he says that he does not mean to destroy the manufacture of filled cheese. Now, I would like to know how you are going to encourage the importation of the pure cheese unless you absolutely destroy the manufacture of filled cheese?

Mr. TAWNEY. Will the gentleman permit me?

Mr. BRUMM. I have not time.

Mr. RAY. You misstate what he said.

Mr. BRUMM. It can not be done, because you can not prevent the false branding of the cheese after it leaves your country. As long as we can manufacture filled cheese—I do not care how you brand it here—the moment it leaves your jurisdiction they will brand it themselves as they please; and the only way to help you in a foreign market is to absolutely destroy the manufacture of filled cheese, and yet gentlemen tell us they do not mean anything of the kind. Another thing; you certainly do not mean revenue by this bill.

Mr. HOPKINS. If they make filled cheese in foreign countries, there is no reason why we should not; and in fact they do make it there. There is not a market in Europe where you do not find it.

Mr. BRUMM. Then how will this bill help you in the foreign markets? It will not help you there. You are trying to gull the people with the idea that it will, but it can not possibly do it. The argument of the gentleman from Ohio proves that conclusively. He says that in Kentucky there are whisky establishments that are worth more than half a million dollars, and yet that if they were deprived of the use of the brand they would not be worth more than 10 per cent of the amount invested in them. The brand, therefore, is the value. They have earned that brand by making a good whisky. There is no law imposing taxation for the purpose of purifying their whisky, and there are many different grades of whisky, from the very best down to the meanest rot-gut, yet the better brands are worth more than the original plants that make them, because their reputation has been built up by making a superior article. That is the only way we can compete with the Canada cheese or with any other cheese—by establishing a reputation for making a superior brand. We can not compete with them by legislation.

Mr. TAWNEY. How are you going to protect your brands when these people counterfeit them?

Mr. BRUMM. You can not stop counterfeiting, especially in foreign countries.

Mr. TAWNEY. Well, I think we ought to try.

Mr. BRUMM. I want to say to the gentleman that any law that he will propose here that will prevent counterfeiting I will support. He can not go too far in that direction for me. I am willing that you shall brand; I am willing that you shall punish; but I am unwilling that you shall tax this article out of existence. I am unwilling, Mr. Chairman, that they shall tax it out of existence, first, because that policy is antirepublican, is against the genius of our institutions. I am unwilling, in the next place, because by doing so they take a cheaper food product out of the market and compel the poor man to use a dearer one. And let me say right here that butter and cheese as articles of food are not comparable. Butter is a luxury, cheese a necessity.

Mr. LACEY. Filled cheese a necessity? [Laughter.]

Mr. BRUMM. Yes, sir; filled cheese a necessity. Butter is a relish. Filled cheese is a food, and, being a food, it is a necessity. Of course there are other foods; but the man that will make two blades of grass grow where heretofore but one blade grew is a greater benefactor than he who wins a battle, and the man who introduces a new food product which will tend to cheapen the food of the poor man is equally a benefactor, because he supplies a necessity. Of course there are different meats and not any particular one is absolutely necessary, but there are families in which cheese is one of the leading articles of food, and if filled cheese can be made pure and can be properly marked, then I say, let everybody be his own judge as to whether he wants filled cheese or cheese of the other kind. Again, I am opposed to this bill because it tends to monopoly. I am opposed to it because it does not benefit the farmer. I am opposed to it because it does not benefit the dairyman.

Mr. CHICKERING. Are you opposed to monopolies in general?

Mr. BRUMM. I am always opposed to them.

Mr. CHICKERING. What is there about this that is a monopoly?

Mr. BRUMM. I am going to tell you, if you give me a chance. I say this legislation does not benefit the farmer or the dairyman. It helps only the monopolist. Even your oleomargarine law did not help the farmer. The cry for that legislation did not come from the individual farmer. Your butter is made now in the creameries. Those establishments are found dotted all over the land. Their agents collect the milk and cream and take it to the creameries and there the butter is made. So it is with your cheese. It is made in cheese factories. The agents of the cheese factories collect the milk from the farmers all around, and, as has been stated, there is evidence before the committee that one man owns 30 of these factories. This legislation means the greater concentration of the business. It means just what you say yourselves has been the result of the oleomargarine law, a reduction in the number of factories and the concentration of the business in fewer hands.

Mr. LINNEY. It breaks down healthy competition.

Mr. BRUMM. As suggested by my friend from North Carolina [Mr. LINNEY], it breaks down healthy competition, drives the cheap cheese out of the market, and by thus reducing the supply enables the few cream-cheese manufacturers to raise the price of all cheese.

Mr. TAWNEY. Fraudulent competition.

Mr. BRUMM. I will go with the gentleman to prevent fraudulent competition.

Mr. TAWNEY. That is what it is.

Mr. BRUMM. No; there is the trouble. You do not mean what you say in your bill, and you do not say what you mean. Your bill is an infamous bill. You attempt to tax entirely out of existence these manufacturers of filled cheese and the dealers in it. I would like to go over the provisions of this bill. My friend did not want to go over them; none of you gentlemen on that side seemed to want to go over the individual sections of the bill.

I say you absolutely tax this industry out of existence. Why, sir, just think of a grocer in a country town paying $40 license to sell filled cheese! No dealer can afford to pay such a tax as that. The provision of the bill means that no man dare sell the article; and it seems to me nonsense, an insult to our intelligence, to think that an American Congress would permit a bill to pass so filled from beginning to end with fraud and deception, carrying on its face a meaning different from that which you intend shall be its operation.

Mr. LACEY. Will the gentleman allow me a question?

Mr. BRUMM. I am sorry I can not yield. If my time were extended I should be glad to do so.

You wipe out the filled cheese, or the cheese of the poor man, and you diminish the supply of cheese.

Mr. TAWNEY. Does the gentleman know that the filled cheese of the "poor man" is sold for the same price as genuine cheese?

Mr. BRUMM. I have no doubt of that. And the gentleman knows very well, because he is a judge of the article, that poor whisky is sold at the same price as good whisky.

Mr. TAWNEY. Yes, and I want to suppress the sale of the bad article wherever I can.

Mr. BRUMM. But you can not do it by a law. That is the point. [Applause.]

[Here the hammer fell.]

Mr. McMILLIN. I yield the gentleman from Pennsylvania [Mr. BRUMM] five minutes more.

Mr. BRUMM. Mr. Chairman, I say this bill will produce no revenue. You can accomplish the prevention of fraud much better by imposing a fair, reasonable tax, as suggested by my friend the chairman of the Committee on Ways and Means.

Mr. LACEY. Now that the gentleman's time has been extended (and I hope he will have additional time if he wishes), will he yield for a question?

Mr. BRUMM. Certainly.

Mr. LACEY. Has the gentleman had occasion to eat this cheese? Has he tried it, so as to be able to tell us whether it is a good article or a bad one?

Mr. BRUMM. I am no judge of cheese myself.

Mr. LACEY. That is what I thought. [Laughter.]

Mr. BRUMM. But if the gentleman is such a good judge of cheese and does not like the filled cheese, he need not eat it; that is all. [Laughter.] The question whether men are judges of cheese themselves or whether they are not is a matter that does not touch this argument. I am willing that this article shall be branded. I do not care how black a brand you put upon it. But I am unwilling to put our legislation in such a shape that if any man wants to buy this article with its black brand upon it, he is practically prohibited from doing so, for you say that no man shall sell it in my district. That is what your bill means.

I am opposed to this bill because it is against the doctrine of protection. I am opposed to it because it introduces a system antagonistic to our ideas of revenue. And I want to say here that the 10-per-cent tax on banks is not a case to be cited here, because our Government has absolute jurisdiction over the coinage, the issue, and the value of money. Therefore, the 10-per-cent tax on banks has no relevance in this case. But when you come to tax food products in an internal sense, you are only justified in doing so, first for revenue, and next because of an absolute necessity in the sense of self-preservation. There is no other ground on which you can justify yourselves.

Let me state how this bill is inconsistent with the doctrine of protection. Protection encourages home production; this bill does not. Protection destroys monopolies; this bill creates monopoly. Protection cheapens the article; this bill makes the article dearer. Protection raises revenue; this bill does not raise any revenue. Protection makes the foreign producer pay the tax; this bill makes the home producer pay the tax, notwithstanding my friends on the other side may disagree with me. Therefore, I say that by passing this measure you are striking at the very essence and root of the dogma that we are so proud of as Republicans. And, therefore, I shall oppose this bill.

Mr. GROSVENOR. I yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, I am absolutely amazed at the language used and statements made by the gentleman from the great State of Pennsylvania [Mr. BRUMM]. I am amazed that any man from that State can in so short a time show himself possessed of so much absolute and appalling ignorance. [Laughter.] Now, I was brought up on a farm, and although for the last thirty years engaged in the law business, I have during most of that time managed farms, conducted dairies, had to do with cheese factories, and with butter, and with the people of this country interested in the maintenance of those industries. I think I know something about dairying, something about cows, something about butter, something about lard and other hog products, and also something about the habits of our people.

The gentleman from Pennsylvania [Mr. BRUMM] started out by absolutely misrepresenting the gentleman from Minnesota [Mr. TAWNEY]. The gentleman from Minnesota stated that the filled-cheese business was destroying the legitimate cheese business of the country——

Mr. BRUMM. I must——

Mr. RAY. The gentleman from Minnesota stated that this filled-cheese business had so interfered with the legitimate cheese industry that our farmers and business men——

Mr. BRUMM. I deny the gentleman's statement.

Mr. RAY. That our farmers and business men are sending our pure cheese to Canada, where it is being branded as Canada cheese and shipped to England, thus giving us a market. That is what the gentleman stated.

Mr. BRUMM. I was not talking of what the gentleman from Minnesota said. I was speaking of the gentleman from New York.

Mr. RAY. The gentleman from Pennsylvania misrepresented the gentleman from Minnesota——

Mr. BRUMM. I was not talking about him.

Mr. RAY. By stating that he had said we were endeavoring to pass this bill for the purpose of giving a market abroad to this filled cheese.

Mr. BRUMM. That is what the gentleman from New York said.

Mr. RAY. The gentleman from Minnesota stated no such thing, and the gentleman from New York stated no such thing.

Mr. BRUMM. I did not say he did. [Laughter.]

Mr. RAY. I think, Mr. Chairman, that the gentleman from Pennsylvania must have filled himself with some sort of product except the genuine stuff. [Laughter.]

Mr. BRUMM. You seem to have nothing in you at all. [Laughter and applause.]

Mr. RAY. Now, Mr. Chairman, I hope that this merriment will not come out of my limited time, because I want to state two or three other things with reference to this measure.

The gentleman from Pennsylvania says that butter is not a food, but is a luxury. This is the first I have heard of that. It is surprising to me that a man should make such a statement. The farmers and the laboring men all up through the northern part of Pennsylvania, through New York, New England, and all of the cheese-producing States, and the great West use butter as a food—understand it to be food.

Mr. BRUMM. Let me ask a question right there. Did you ever have any butter issued to you while you were in the Army?

Mr. RAY. Oh, yes; I was in the Army——

Mr. BRUMM. But did you have butter issued to you?

Mr. RAY. Yes; I had butter issued to me occasionally; and we bought it once in a while, when we could find it and had the price.

But, sir, the evidence before the committee demonstrates beyond all peradventure that nearly all of the fat that goes into the manufacture of filled cheese is lard; and still the gentleman says that filled cheese is a magnificent, healthy, life-sustaining, pure-food product, because there is lard in it and no butter, and the people want it, long for it, and I suppose that in his district the "babies cry for it."

Now, when the laboring man and the people of this country who use these articles want lard, they can buy it for themselves in a pure form and by its proper name; and if they want to eat lard they can do so, and eat it as lard. When they want cheese, let them have cheese; and the main object and purpose of this bill is to compel the dealers in this article known as "filled cheese" in the cities and villages all over this country to sell cheese as cheese and filled cheese as filled cheese. The main purpose is to prevent the commission of a fraud upon the customer by selling him one thing under the name of another. We purpose to pass this bill that the purchaser may know when he goes into a store exactly what he is buying and what he is paying for and using.

I regret, sir, very much that time will not permit of a more extended consideration of the question, but I wish, at all events, to call attention to the fact that there was very much fallacy in the position occupied by the gentleman from Pennsylvania [Mr. BRUMM], and to impress upon gentlemen the fact that this is not a question of taxation, but one of honesty, pure food, and the protection of the agricultural interests of the dairying States of the Union.

This bill defines and imposes a tax upon and regulates the manufacture, sale, importation, and exportation of what is known as filled cheese. The bill says that all substances made of milk or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils or compounds foreign to such milk, and made in imitation or semblance of cheese shall be known and designated as filled cheese.

Mr. Chairman, the people of this country who use any article as food have the right to know what they are consuming. Cheese is understood to be the product of the dairy, an article made from milk and containing the substantial constituents of milk. Filled cheese is not manufactured from milk, but from lard, the product of the hog, and thus the hog is placed in opposition to the cow as a producer of cheese. I am opposed to this imposition upon the American food consumer. I am not opposed to the American hog or to those who desire to ally themselves with the American hog, but I am opposed to the product of the hog being used as the milk of the cow, and am opposed to any such imposition upon the American bovine.

Under date of March 5, 1896, H. W. Wiley, chief of Chemistry Division in the Agricultural Department, tells us that a sample of filled cheese is composed as follows:

| | Per cent |
|---|---|
| Ash | 5.44 |
| Casein | 22.25 |
| Fat | 34.02 |
| Water | 31.09 |
| Sugar and undetermined matter | 7.20 |
| Reichert No. | 1.80 |
| Iodin No. | 50.07 |

He further tells us that the fat found in filled cheese is composed almost exclusively of lard stearine. Stearine, as its name might imply, is not extracted from the steer, but is a hog product, and the residue or offscourings resulting or obtained from the manufacture of lard oil. The only milk used in the manufacture of filled cheese is that from which the cream has been removed by the separator. In other words, filled cheese is the result of mixing refuse lard with skim milk and so combining the two as to produce an article that is sold to the laboring masses of this country as the product of the dairy, when, in fact, it is not cheese and does not contain the life-sustaining power found in cheese. Filled cheese is a fraud and an imposition upon those who would purchase and use cheese as a food. Filled cheese is an imposition upon the farmers of the United States, for it substitutes in our city markets an article that is not cheese for cheese—substitutes a fraudulent article that is sold as cheese. Filled cheese is an indigestible mass of lard or other animal oils flavored with skim milk.

This bill seeks to compel manufacturers and dealers in this article to brand it as filled cheese and to sell it as filled cheese, and it imposes penalties for failing to comply with the law in this respect. The bill seeks to protect the honest farmers and also the consumers of cheese.

In the first instance, the bill proposes to raise revenues for the support of the Government by imposing a tax upon all persons who deal in filled cheese. If any person desires to enter into competition with the American cow and produce and sell "filled cheese" by combining skim milk with lard, he is permitted to do so by first taking out a license and paying a tax entitling him to engage in this business. Then the retail dealer must put up a sign indicating that he is dealing in filled cheese and not in cheese the product of the dairy.

Again, these filled cheese when manufactured and ready for the market must be plainly branded, so that he who buys may know that he is purchasing the fraudulent article instead of the genuine. The bill imposes fines upon those who deal in filled cheese without first having paid the tax and secured a license.

It is the duty of the American Congress to see to it that the farmers are protected in the legitimate industry of butter and cheese making. It is the duty of the Congress to see to it that the food consumers are not imposed upon. This bill seeks to accomplish the three objects: First, the raising of revenue for the support of the Government, of which we are sadly in need; second, to protect the dairying interests of the United States, and third, to protect the food consumers against fraud and imposition. Those who undertake to claim that butter is not a food product, but only a luxury, need only to inquire at the dinner table of the laboring man to know that they are sadly deceived or grossly ignorant.

The cow has held her place in the affections of the people of all countries in all ages, and will continue to hold her place, and butter and cheese will hold their places in the affections of food consumers for all time. It is only recently that certain individuals, who care much for the almighty dollar, but nothing whatever for the stomachs of the American citizens, have started the manufacture of this bogus, fraudulent article known as filled cheese. The proposition now before this House is to prevent imposition and permit those who desire cheese to have cheese, and those who desire lard to have lard. When the roll is called on this bill the friends of the farmer, of the agricultural interests of the United States, will vote aye, while those who favor fraud will vote no.

The same cry that is now raised against this bill was raised against the bill that sought to tax oleomargarine or bogus butter. It was claimed that that law would be unconstitutional. But it was passed, and it has stood the test in the courts and has been pronounced constitutional in every feature. This bill is framed upon the same lines, and will be found constitutional in every respect. It is a just bill. As the gentleman from Minnesota has already stated, this filled cheese, this fraudulent article, has been largely manufactured and shipped abroad as genuine cheese, as the product of the American dairy.

The people over the water were not slow to discover the imposition, and the result has been that American cheese has been brought into disrepute, and the market for the genuine article has been almost destroyed. As stated by him, our farmers have been compelled to send our genuine cheese to Canada, have it there branded as Canadian cheese, and shipped thence to England and the Continent of Europe in order to obtain for it a market. All this we have done because Canada has prohibited the manufacture or sale of this filled and fraudulent cheese, and hence has maintained for herself a market abroad, not only for the products of her own dairies, but for the products of dairies in the United States. It seems strange to me that any member of the American Congress can for a moment oppose the passage of a bill that seeks to sustain, and that will sustain, the character of the product of the American dairy and restore to us a profitable market in foreign countries for the legitimate article.

Mr. Chairman, I have no sympathy with those gentlemen who oppose this bill because it seeks to tax the business of manufacturing filled cheese. We have the right to tax it for the purpose of raising revenue. Incidentally we have the right to tax the business for the purpose of protecting legitimate cheese and butter making in the United States. If we have not this right, then the United States of America had better go out of business, and the farmers of the United States would do well to resign at once in favor of fraud and imposition.

Every legitimate business has a right to every lawful protection we can throw around it, and no honest man will complain. The tillage of the soil is an honorable employment, and the hard-worked farmer has the right to appeal to the American Congress for such laws as will give him the benefit of the business in which he is engaged.

It has been stated here that filled cheese is a wholesome article of food, not deleterious to health. With this statement I can not agree. I do not suppose that a small amount of lard taken into the human stomach is very detrimental provided the digestive apparatus is in good condition. But I am quite certain that no human being can eat lard in any form in the same quantities he would eat cheese and survive the operation unless he has the digestive apparatus of an ostrich.

It may be that an Eskimo in the very highest northern latitudes might eat filled cheese with impunity, but it is quite certain that no human being in our latitude can eat filled cheese as cheese and long maintain a decent degree of health or a respectable equanimity of temper.

If any of the gentlemen who oppose this bill desire to consume filled cheese and thus add to the market for hog products, I have no objection, but I do insist that it is our duty to see to it that they are protected in having filled cheese when they desire it. I insist that the retail dealer shall sell cheese when he purports to sell cheese and only sell hog cheese or filled cheese when he purports to supply his customer with that article. The passage of this bill will secure protection not only to the hog-cheese eater but to the consumer of the legitimate product of the dairy.

It is a conceded fact that filled cheese can be sold at a profit and at from 5 to 7 cents per pound less than the genuine cheese, and it is also a conceded fact that manufacturers and dealers in filled cheese are now quite generally selling the bogus article as genuine and for the same price that the genuine article commands. Therefore it is not at all strange that the lobby of this House is crowded with the hired attorneys of these manufacturers of filled cheese, who are using every possible effort to prevent the passage of this bill.

The Fifty-fourth Congress owes to itself the duty of rebuking these men who would fatten at the expense of the honest farmers of the United States engaged in a legitimate business. If we fail in our duty now we shall be held responsible by the great army of American farmers and that other great army of honest workingmen who consume the products of the farm, now marching side by side under the Republican banner justly expecting that our pledges to them will be redeemed. This should not be made a political question, but the bill seems to excite opposition only from the Democratic side of this House. The plea is that we are unjustly taxing an honest industry. If the industry of manufacturing filled cheese is an honest one, why this excited and strenuous opposition to those features of the bill which require filled cheese to be plainly branded, advertised, and sold as such?

If the industry of manufacturing and selling filled cheese is an honest one, why have those engaged in it heretofore sold the article as genuine cheese, the genuine product of the dairy? Why have they not given the article some other name? The answer is plain. Filled cheese has maintained itself in the market only by false pretenses. The manufacturers of this fraudulent article have borrowed the name cheese and applied it to this sham in order to impose upon the trade and upon the consumer. As already stated, the production of the genuine article has largely fallen off since the manufacture of this fraud commenced. Our farmers are suffering; the market for their legitimate product is being destroyed; and at the same time the consumers of cheese are being imposed upon, and an extravagant and exorbitant price is being demanded and received of them in exchange for the fraudulent article which they have no intention of purchasing. In effect, the consumer is being fraudulently deprived of the fruits of his honest toil, while his health is at the same time being steadily impaired without his knowing the cause.

Justice to the farmer, justice to the consumer of food products, and justice to the national character all demand that this bill speedily become a law.

Mr. MCMILLIN. I yield ten minutes to the gentleman from Missouri [Mr. TRACEY].

Mr. TRACEY. Mr. Chairman, I sincerely trust that this bill will not pass in its present shape.

The question raised by the bill has in it more than appears on

the surface, and goes to the very bottom of the exercise of the taxing power.

Now, so far as the product itself is concerned, the testimony, as stated, shows, I think, conclusively that it is not deleterious to health. If it is deleterious to health, then the bill does not go far enough. If it is not deleterious to health, it goes entirely too far.

Now, if the testimony is in accord with what I have stated—and so far as I have been able to examine it it seems to be in entire accord with it—that the food product known as filled cheese is not deleterious to health, then the bill is unquestionably wrong in principle, because the tax it seeks to impose on the manufacture and sale of this article is one that will make its manufacture and sale impossible. Therefore the question presented by the bill is whether the taxing power shall be exercised in the interest of or to the prejudice of the people. If it is to the interest of the people to so exercise the taxing power as to abolish an institution or an industry, then I am in favor of it on the ground that the institution or industry abolished was injurious. But if it is to the prejudice of the people, or any large class of them, to exercise the taxing power to the extent of abolishing or destroying an industry, I am opposed to the exercise.

This seems to be an instance, Mr. Chairman, where we are attempting to use the taxing power of the Government so as to destroy an industry that has grown to considerable proportions in this country, that employs a considerable number of people, and that furnishes a food product of which chemists and others testify that it is not injurious to the health of those who consume it, and a food product that can be furnished at from 5 to 6 cents a pound less than the genuine article.

Now, in so far as the bill proposes to compel the manufacturers of filled cheese to brand their products so that every purchaser will know precisely what he is getting, I am in favor of the bill. I believe that both those who manufacture and those who sell it should be compelled to brand it, in so far as the law can compel them to do so, to the end that every purchaser may be advised as to what he is purchasing. When you have provided for such branding and have provided the means of enforcing it upon all manufacturers and dealers, have you not accomplished all that is really desirable? In its present shape the bill is not in any sense a revenue measure; it is a bill for the destruction of what appears to be a legitimate industry. It may be said also of the industry itself that it is not a competitor of the cow, nor does its prosecution in any way interfere with or limit the usefulness of the cow; on the contrary, it extends that usefulness by using the skim milk, after the cream cheese has been extracted from it, for the manufacture of filled cheese.

We have taken that course with oleomargarine, that is, required its marking and branding, and the growth of the manufacture of oleomargarine has proceeded right along, for the reason that there are millions of people in this country to-day who use no butter on their tables or in their houses except oleomargarine. It is used in more than one-half of the hotels of America to-day, and I have no doubt that there are plenty of men upon this floor who use oleomargarine, many and many a time—I had almost said every day of their lives—without knowing whether it is oleo or whether it is genuine butter.

Now, these products and these industries that fill a place in our industrial system, and that furnish cheaper food products to a large class of people, and which products are palatable and healthful, are in my opinion doing a good thing instead of a bad thing. While I should be in favor of levying a sufficient tax upon the manufacture and sale of the product to pay for the supervision of it, I am opposed to the levying of one single cent more than will pay for the complete supervision of the business by the Government. Whenever it can be determined just what amount of tax is necessary to that end, I am in favor of that tax. I believe that a tax of $50 a year upon the manufacturer, $25 a year upon the wholesale dealer, and $1 a year upon the retail dealer will pay for all the supervision necessary upon the part of the Government in order to insure to the people the sale of the genuine product, if they want the genuine, and the liberty to purchase the filled cheese if they want that.

This, Mr. Chairman, seems to be the question at issue, the question raised by this bill. I have read a portion of the testimony, but have not had time to read it all. I heard the statement made a while ago that the motive which prompts an act is of no consequence if the act itself is legal. Now, I undertake to say that that is not sound philosophy. The motive which prompts an act is always a question to be inquired into, especially by those who engage in the making of laws. The motive that prompts an act is the best index to the character of that act itself, and therefore ought to be inquired into. It may be true that the motive which prompts an act does not determine its legality or illegality, but it may determine its morality or its beneficence, or the contrary. It may determine that to a very considerable extent.

I have listened to the statements relative to the manner in which this cheese is made. Now, while there is some conflict in the evidence, there seems to be a preponderance of testimony that there is a sufficient cooking of the raw fat which enters into the makeup of filled cheese to absolutely destroy every disease germ there is in it, if there are any. There is a sufficient cooking, according to the testimony given before the committee. It is true that one man stated that the temperature at which the raw fat was cooked was 130 degrees; but he was informed by the chairman of the committee that the testimony showed that statement to be incorrect. So we have from the committee itself the statement that there is a sufficient cooking of the principal ingredient that enters into the makeup of this food product to make it healthful so far as the cooking is concerned.

I undertake to say, however, that this is not so much a question of digestion as it is a question of exercising the taxing power to promote the welfare of the people, or to impede that welfare. It is not so much a question of the economy of health as it is a question of the economy of the pocketbook upon the part of a very large class of the people of this country.

Now, Mr. Chairman, I will not use any more time at present, and whatever time I may have left I yield back to the gentleman from Tennessee [Mr. McMILLIN].

The CHAIRMAN. The time of the gentleman is exhausted.

Mr. McMILLIN. I yield fifteen minutes to my colleague on the committee [Mr. EVANS].

Mr. EVANS. Mr. Chairman, it was not my purpose to trouble the House with any remarks on this subject, but it has seemed to me, since the discussion of this bill began, that it was due to myself that I should state the views I entertain, in justification of the vote I shall cast in opposition to this bill should it not be materially amended and modified.

In my short experience in this House I have found an exceeding disposition upon the part of some one interest, whether it be one sort of interest or another to obtain some kind of Congressional legislation in aid of itself, as against a rival interest.

Now, if I am not mistaken, that is largely the germ and origin of this proposed measure. I believe I can say with accuracy that until this discussion began in the Committee on Ways and Means I never consciously heard of the article called "filled cheese." I have heard but little of anything else since. I have no constituent, so far as I know, who feels much interest in the bill. So that I have come to the consideration of this question without any feeling or any kind of prejudice for or against the article called "filled cheese." If this article were a mere luxury, and a possibly injurious luxury, as is or may be alleged against whisky, if there were doubts of its being a good thing for the country and the people, I should not oppose this bill; but it is nothing of that kind. Filled cheese is unquestionably a meritorious food product. It is a product made of skimmed milk in which rennet, pure lard, and other harmless substances take the place of the butter or cream, and the milk being filled in this way, the product is called "filled cheese" in contradistinction to cream cheese made without skimming the milk. Doubtless it is not as meritorious a food product as full-cream cheese, but that it is healthful, or rather that it is not unhealthy, is demonstrated by the fact that 12,000,000 pounds of it have been made and consumed in this country annually and not one single particle of proof has ever been heard or suspected to exist that those who use it as a food have in any wise been injured by its consumption.

Now, while that may not demonstrate that it is as good a product as full-cream cheese, unquestionably it demonstrates that it is not a deleterious article of food. That being so, the question is, as presented in this bill, Shall this food industry be in any wise injured by legislation discriminating against it and in favor of another food product, I do not care if that other product is a better food product than this? I am a protectionist of the straightest sect; but I have not so learned the doctrine of protection as to believe that under it you can either wisely, justly, or fairly legislate in the interest of one meritorious home industry against the interest of another meritorious home industry, though the latter may not be so fully meritorious as the former; but let each stand upon its own merit. I am willing to protect a home industry against a foreign industry every time, but never one meritorious home industry against another home industry. Let each of these food products stand on its own merit; and in order that that may be done I am inclined to favor that part of this bill which provides that these manufacturers of filled cheese shall be required to brand it, shall be required to identify it in such a way that the marks of identification shall remain with the article until it goes into the hands of the consumer, so that when he buys and eats he may know exactly what he is doing.

Mr. HILL. Will the gentleman allow me to ask him a question? Is not the proposition to abolish the tax on alcohol for the arts directly in the interest of the manufacturer of wood alcohol?

Mr. EVANS. Whether that is so or not is a question I may discuss at the proper time, should there be any legislation submitted to the House to call for it. It can not be denied that if this bill is passed it will be greatly to the discredit of filled cheese,

as something that Congress thought not quite as fit for food as cream cheese and that it ought to be legislated against to the extent at least of putting a tax upon it, and requiring that those who deal in it should pay a license fee for so doing.

Mr. TAWNEY. I understood the gentleman a moment ago to say that he was in favor of branding this filled cheese.

Mr. EVANS. I am.

Mr. TAWNEY. Would not that discredit it fully as much as taxing it?

Mr. EVANS. Not at all. It only makes it say what it is; and I shall favor that, though somewhat doubtingly, and only because I am willing that far to aid the great foundation industry of farming, coupled as that object is with the equally meritorious one of furnishing the consumer with the means of knowing what he is getting.

Mr. TAWNEY. What right has Congress to legislate as to that?

Mr. EVANS. If you will allow me, I will develop my idea. I did not interrupt you, and have not interrupted any gentleman; and perhaps it would conduce to the clearness of my expression, and I may cover the whole field—if I can in fifteen minutes—if I can be allowed to proceed without interruption.

I doubt very much whether Congress ought, as an original proposition, ever to legislate upon this or kindred subjects unless there should be some overwhelming reason for it. But I say, so far as this bill is concerned, my opposition to it is not so radical as that I would say I would not support it if you reduce the taxes to nominal sums and immensely modify the severity of the punishments prescribed. I do not say that I would not support it in that event. On the contrary, I would. But you must remember that the only power that Congress has to pass such legislation as this lies in the fact, as I understand it, that it may levy a tax upon any article, it makes no difference what it is.

If you want to raise revenue it is perfectly legitimate for Congress to tax any article. It may tax this or it may tax that; and if the object of this bill were to raise revenue for the Government—if we needed this revenue—then I might support it even in its present form. But that is not the purpose behind the proposed legislation. The object to be accomplished by this bill is to protect cream cheese and the public who use it, and this end is to be reached by requiring filled cheese to be branded and marked. That far I am willing to go and to put a nominal tax upon it, so as to give Congress jurisdiction of the subject, and thus secure the accomplishment of the great object of identifying this cheese, and giving everybody notice of what it really is. But I do not believe that anybody will contend, on the evidence produced before the Committee on Ways and Means, that this industry is one which gives a product which is injurious either to the morals or to the health of the people. In this connection I will read a statement from one of those who were most intelligent upon the subject, Mr. Adams, food and dairy commissioner of Wisconsin. In his testimony he made this statement, which, I believe, is a frank declaration, and the truth in the case. He said, on page 122 of the hearings:

> This question is not one of public health; it is not one of hygiene; it is not one of dietetics; nor is it one of digestion; it is simply and purely one of honesty and trade.

That is all. I say that he exactly gave the facts in this statement. He stated them with accuracy and with fullness. Then, so far as the merits of the bill may be concerned, the question is one affecting only honesty in trade. There is no question of health in it.

Mr. STEELE. Will my colleague allow me a question?

Mr. EVANS. Certainly.

Mr. STEELE. Will you not read the statement of the Chemist of the Agricultural Department, where he says that the heat that is applied in making this filled cheese is not sufficiently great to kill the trichinæ?

Mr. EVANS. I will say this: That it is and must be a wonderfully small, feeble, insignificant germ that has been put into this filled cheese, when there has been 12,000,000 pounds of it manufactured and used per year and not one of those germs has been in the business of injuring anybody at any time since this manufacture was started. [Laughter.] No, this is a matter of requiring honesty in trade, and I say all right. Make these people place marks of identification on this cheese. I am very doubtful whether, in your efforts to bring this about, you ought to charge the expense of it to the industry. You ought to make the Government pay for it instead of taxing this one industry. You ought not to tax one industry in a business to make it pay for protecting the public where you are discriminating against it and in favor of another industry.

What is the principle involved? It is that Congress can sit in judgment upon every industry, and if it shall decide that the product of one is being sold as a counterfeit resemblance of another it can for public protection require the placing upon it of such identifying marks as will distinguish it from the genuine. I doubt, I say, if this is within the constitutional power of Congress, unless coupled with the taxing power or as a regulation of interstate commerce. In this bill that difficulty is relieved by the taxation provided for. But another one arises when the question is viewed from the standpoint of taxation.

We ought not to single out one individual food product even though it be a rival of a better one and tax it. If we do it here, we do not know where we shall stop. We may be called upon to try every inferior and cheaper product of every industry, thus necessarily making it higher in order to protect the dearer products. In my judgment we should go no further than to require branding, etc., and impose no tax high enough to increase the price of this food to men whose taste or poverty leads them to buy it.

Now, it seems to me, Mr. Chairman, that this matter is narrowed down to a very small compass. It is, in my judgment, a question whether you are going to tax the filled-cheese interest in order to build up the cream-cheese industry, or at least to keep it from retrograding. In this age we can not undertake to keep down modern ideas or modern inventions. In almost every field of production you will find industries that were well established and had gone on prosperously for years when some great modern improvement came in and cut under them, and undermined them. Those superseded industries might come here and claim that the new processes which produced the goods cheaper ought to be taxed for the benefit of the old industries, but would anyone concede the claim? Not at all.

I do not believe that the taxing power of Congress ought to be exercised upon individual products unless upon articles, like whisky and beer, which may be alleged to be deleterious to the public health. But no such charge as that is made with regard to filled cheese. Therefore, what we have here is simply the case of one industry seeking to discredit another industry in order that its own interests may be built up. I am willing, though I have some doubt as to the propriety of the step, I am willing to vote for this bill in so far as it proposes to require the branding and identification of this product, but I do insist that the other discrediting elements in the bill, the subjecting of this business to such severe punishments and to overtaxation, ought to be eliminated.

If you are going to tax this article at all, make your tax nominal. It is necessary to impose a nominal tax in order that Congress may get authority over the matter. I am willing to impose a nominal tax, so as to give Congress jurisdiction, although as a rule I believe it would be safer to discourage legislation of this character altogether. I believe the first effort that was made in this direction was when the oleomargarine act was passed, and I think that was a step in the wrong direction. The only ground upon which legislation of this character can be justified is that it is immoral for any man to attempt to palm off upon the public an article under a false designation. I am willing to go far enough to prevent that. I am willing to say that this article shall be marked and branded, so that it can be distinguished and known for what it is, but I think we ought not to go any further than that in this kind of legislation.

Mr. Chairman, if I have any time left I yield it back to the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. McMILLIN. I yield five minutes to the gentleman from North Carolina [Mr. LINNEY].

Mr. LINNEY. Mr. Chairman, I am somewhat startled at this proposition. One thing that shook my confidence in the patriotism and wisdom of the Democratic organization, to which I more than ten years ago belonged, was its disposition to drift away from what I have thought, ever since I have given any attention to public matters, to be the proper system of taxation to support the Government of the United States, to wit, the tariff system; and I have been taught to believe and I do believe to-day as firmly as I believe anything, that the true policy of this great Republic of ours is to abstain totally from the imposition of excise taxes. The laying and collecting of internal or excise taxes can be justified only by some great overpowering necessity. The history of this Republic, from its foundation down to the present, I think, establishes that proposition.

In the earliest period of the country's existence resort was had to a system of direct taxation. That resort was brought about by a war necessity, to wit, the burdens of the Revolutionary struggle. Subsequent to that period, the statesmen of the past contented themselves with a properly regulated system of indirect taxation, or rather of customs dues, by reason of its beneficent operation upon the industries of the country, while at the same time it supplied revenue enough to meet the demands of the Government, and thus obviate the necessity of the hand of the taxgatherer being placed upon the industries and the energies of the individual citizens of the Republic.

I think it is very easy to prove that the present system of internal revenue can be defended only as a war necessity. The war between the States necessarily imposed upon the Republic a war debt, the pressing weight of which can hardly be estimated. Hence the same necessity was upon us that had come upon us immediately subsequent to the Revolution and subsequent to other wars that we had after the Revolution; but the very moment that the necessity ceases, wisdom and patriotism dictate that this kind of tax, which is imposed as a necessity, shall likewise cease. Hence I have indulged the fond hope and the people of the South have indulged the hope that the time was near at hand when, instead of putting additional articles upon the list for internal taxation, we would be able to wipe out the whole internal-revenue system, and it gladdened my heart only a few days ago when the distinguished gentleman from Pennsylvania [Mr. BRUMM] said that he was willing to do that now.

But, Mr. Chairman, this bill, I respectfully submit, goes far beyond anything that has hitherto entered the mind of any careful, painstaking, conservative thinker in the United States. Now, let me see whether I can not prove that proposition. The system of excise taxes hitherto existing, being a necessity visited upon our people by reason of war, has been confined to certain articles which were regarded as luxuries, things which were not necessary to human existence, which did not answer the purpose of food—such articles as whisky, that the great State of Maine, I believe, has dispensed with long ago; such articles as tobacco, without which the citizen can probably exist in a better state of health than with it. But what does this bill propose? As I understand, it proposes to lay the hand of the taxgatherer upon a product of industry fit for human consumption. Not only that, but it proposes to effectually blockade some lines of hope—yes, thousands of lines of hope—that are now open to the poor, the energetic, and the industrious people of the country. Pass this bill, and the hundreds and thousands of people who are engaged in this legitimate business will have to seek employment elsewhere. That is what I understand to be the effect of the measure.

Besides, Mr. Chairman, I doubt our power to pass such a bill as this. The Constitution of the United States yet exists. Every member of this House swears to support it. How far may we go in the direction of such legislation as this? If we may tax this particular class of manufacturers of cheese in order to benefit the manufacturers of another class, why can we not tax the yellow-corn in order to benefit the white-corn grower? Why can we not tax spring wheat in order to benefit the grower of wheat of other varieties? Why can we not tax the inferior kind of potatoes that are grown in some parts of the country in order to benefit the sellers of the "White Rose"? Tell me, some one who is in the habit of thinking about these matters—who has made great questions of state a specialty for years and years—tell me where is the limit? Because I think this bill passes the true limit of our constitutional power I oppose it.

When the oleomargarine bill was passed many of the best thinkers of this country believed that we exceeded our constitutional authority. Unquestionably we took then a step beyond anything that ever received the sanction and encouragement of the best thinkers of the country in its earliest days. This bill goes a step beyond the oleomargarine legislation. And if this House in its wisdom should conclude to add this article to the list of those coming within the system of excise taxes, as we now have it, where is the limit of our authority?

Besides, sir, if we go on adding to the articles covered by this system of excise taxes, when can we begin to reduce and finally abolish that system? Instead of making additions, something ought to be lopped off somewhere. If gentlemen in charge of this bill will agree to strike out its provisions and substitute therefor a proposition to repeal the tax now imposed upon fruit brandies, I will vote for it. Why? Because that would be one step in the right direction; it would lop off a portion of our excise taxes. I believe that the great leader of thought in the other end of the Capitol—that conservative, painstaking, philosophic thinker, Senator SHERMAN—has already advocated legislation in this direction. He has declared, I believe, that the time has now come when, instead of enlarging our system of excise taxation, instead of placing additional articles upon the list, the Government of the United States should dispense with this system of taxation entirely, leaving all the articles now subjected to this species of taxation to be taxed by the States, if need be, in order to relieve local burdens. [Applause.]

[Here the hammer fell.]

Mr. McMILLIN. I yield five minutes to the gentleman from North Carolina [Mr. SHAW].

Mr. SHAW. Mr. Chairman, there is one feature of this bill which very forcibly affects the people of my district in the State of North Carolina. I refer to the $40 tax which it is proposed to lay upon the retail dealer. In my section of North Carolina we have a great many country stores—stores which are away from the railroads 25, 30, or it may be 40 miles. Many of these stores do not sell perhaps $100 worth of cheese during a year. But there are some people who want cheese—everybody wants cheese occasionally—and if a tax of this kind is imposed upon these small dealers, a great many people will be absolutely deprived of a cheap article of food.

As a matter of fact, Mr. Chairman—I do not know how it is in other sections of the country—in the South labor has been reduced year after year during the last few years, until to-day in the cotton fields and in the turpentine forests of the South the laboring man can not make half as many dollars within a given time as he did ten years ago. But under the provisions of this bill, instead of doing something to reduce the price of food in proportion to the reduction in the price paid for labor, you increase the price of food upon which the laborer must subsist.

I would not object to this bill, Mr. Chairman, provided there were no tax attached to it. I think it would be right that when a man offers an inferior class of cheese for sale he should brand that cheese as a cheap or inferior article. But, sir, if this bill be enacted, then in addition to the great horde of spies and revenue officers that we now have in my State we shall find the courts crowded with numerous indictments which ought never to have been brought.

My friend from Pennsylvania [Mr. BRUMM] has stated that cheese is a necessity, while butter is a luxury. That is not so in my State. Where we live, almost any poor man living out in the sand hills can keep a little cow and have butter occasionally, but a number of cows are required if one wishes to engage in making cheese; and if one wishes it for his own consumption it takes money with which to buy it. I submit, sir, as a matter of fact, that if this bill is passed in its present state there will be numbers of poor people throughout this country who have heretofore been able to eat cheese who must do without it in the future.

Now, if the bill is so amended as to strike out the clause imposing the tax on the country stores, and all taxes, I think I shall vote for it, but not otherwise.

Mr. McMILLIN. I yield five minutes to the gentleman from Kentucky [Mr. CLARDY].

Mr. CLARDY. Mr. Chairman, there has been so much said on the pending bill that I shall occupy the time of the committee but for a very few moments.

If this bill sought only to require the manufacturers of filled cheese to brand it what it really is, then I should have no possible objection to it. In fact, when I first saw the caption of the bill, and believed that to be its purpose, I thought I would vote for it. It seemed to propose to do what was just and fair. When I come to examine it more particularly, however, I see that it goes very far beyond that.

I believe that every manufacturer of goods should sell them for what they really are, and not for what they are not. I do not object to that restriction. If that were the only restriction, I should certainly favor it. But it goes, as I have said, far beyond what is reasonable and seeks to crush out one industry apparently for the benefit of another.

It is not only against the genius of our country, Mr. Chairman, and our system of government, but it is a bill that is decidedly to the disadvantage of many of the citizens of our country. A man who manufactures filled cheese does it as a legitimate industry, just as much as any other manufacturer, and he has as much right to make filled cheese as the other man has to make any other kind of cheese or any other class of goods.

Now, there is just one other question. It is admitted that this product is not injurious to health; that is to say, it is a healthful article for human sustenance. If that be so, why should we tax one healthful article to make another healthful article sell higher or give it a better or more extended market? The great masses of the people of this country are compelled to use cheap food, which they are able to purchase or produce. Now, if this healthful food is a cheap food, and not deleterious to health, why should not the people be allowed to exercise their own option and buy it and use it instead of paying the higher price that they would be compelled otherwise to pay for the genuine article?

There is one other point, and I propose to be very brief. I have stated two propositions connected with the matter, but there is still another. Gentlemen say that this bill seeks to protect the products of agriculture. I represent one of the best agricultural districts in this country, and have at present no other interest except in farming. But there is not a single article used in the manufacture of filled cheese that is not an agricultural product. I ask your especial attention to this statement: There is not a single article entering into the manufacture of this cheese that is not a part of the agricultural products of this country just as much as milk is. My district is not a cheese-making district, it is not a butter-producing district, it is not a dairy district; but it is a district that raises in large numbers hogs and cattle for the markets of the country, and these, you gentlemen say, are the products which

enter largely in the manufacture of filled cheese. I claim that they are just as healthful as any other products of agriculture.

Gentlemen say that with some stomachs this filled cheese might disagree. I say the same statement might be made of bacon and many other products which we produce on our farms. The healthiest farming people I have ever seen or known, either in my experience as a farmer or a physician, were the negroes of the South when they lived almost exclusively upon bacon and corn bread. There never was a healthier people. If these are facts, and they have not been denied here in this discussion, then this bill seeks to benefit one class of our farmers to the detriment of another, and I am opposed to it on that ground; and the only reason I rose, Mr. Chairman, was to express these views from the standpoint of a farmer.

[Here the hammer fell.]

Mr. McMILLIN. I yield five minutes of the remaining time to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, this bill is introduced for one of two purposes—either for the purpose of driving this filled-cheese industry out of existence, or it is for the purpose of allowing another industry to come in competition with it. In other words, the purpose is to build up one industry at the expense of the other.

Now, if the bill comes before the House for the purpose of driving this industry out of existence, why is it brought here at all? Does the committee claim that filled cheese is deleterious to the health of the community where it is used? Not at all. After considering the question, and hearing a great deal of testimony on one side and the other, the committee comes in here with a report in which it is stated that the evidence on one side pointed to the fact that the product was deleterious to health, and on the other, with equal force, that it was not. It did not bring before the House, in a conclusive manner, any evidence which the committee itself accepted. It reported no conclusion upon the subject. The report of the committee does not claim that the sale of the product should be prohibited on that ground.

If it is injurious to the health of the consumer, the people of the States, through the powers vested in the legislatures of the different States of this country, can and will prohibit its sale. I think we can safely count on the fact that the governments of the States of this country will protect their citizens from the sale of injurious commodities. It does not require the aid of the Government of the United States to see that the people of this country shall be protected from the sale and use of deleterious food. Therefore I can not see why the committee should bring this bill before Congress for the purpose of absolutely prohibiting the sale of the commodity. If it is only to prevent a fraud, if the committee only intends to see that these filled-cheese manufacturers shall not impose on the people of the United States by selling them one article when they think they are buying another, Congress has the power to require that this cheese shall simply be branded "filled cheese," and wherever it goes it will carry on its face a statement of what it is, without any taxation accompanying it. That being the case, there can be but one conclusion we can come to, and that is that this bill is introduced here for the purpose of protecting one class of people at the expense of another.

Now, there are numbers of farmers in this country who raise cotton, who sell their cotton seed for the purpose of having it manufactured into cotton-seed oil. Cotton-seed oil is one of the ingredients that largely goes into the composition of this filled cheese. Why should this House, by its legislative action, seek to prevent the sale of that commodity, seek to destroy the market for cotton-seed oil for the purpose of benefiting those gentlemen who are engaged in dairy farming?

[Here the hammer fell.]

Mr. McMILLIN. Mr. Chairman, in the remaining time I want the statement of the Secretary of Agriculture on this subject read.

The Clerk proceeded to read the communication. Before he had concluded,

Mr. TURNER of Georgia said: Mr. Chairman, I ask unanimous consent that this very clear and excellent statement by the Secretary may be printed in the RECORD.

There was no objection.

The communication is as follows:

WASHINGTON, D. C., *February 27, 1896.*

GENTLEMEN: In connection with the proposition to legislate on the subject of filled cheese, now under consideration by your committee, the following statement may be of some interest:

The matter of filled cheese having been brought to the attention of this Department of late, from various directions, a thorough investigation has been made as to this article, and it is hoped an impartial one, including the materials which enter into its composition, methods of manufacture, its position in the markets, and its relation to other cheese of commerce.

What is now known as filled cheese was formerly called margarin cheese and oleo cheese, and is designated as imitation cheese in the laws of several States. It is apparently a perfectly legitimate food product and properly called cheese. It has the characteristics of cheese, although not of high grade, and is similar in chemical composition. The only essential difference between filled cheese and that made from whole milk is in the substitution of the fat of the hog for that of the cow. The natural fat of the milk being extracted, or separated, is replaced by a good quality of lard, at the rate of 2 or 5 pounds of the latter to 100 pounds of skim milk.

At different stages in the development of this industry various fats and oils have been used, including oleo oil, margarin, cotton oil, and unmerchantable butter, as well as others still cheaper and of doubtful origin. But objectionable results have led to the rejection of all except neutral lard. At the present time the only fat not natural to milk which is used in making 95 per cent or more of the filled cheese produced is neutral lard, and this of a superior quality, tasteless, oderless, and usually selling at about 1 cent per pound more than the best family lard. The wholesale price of "neutral" has been for some months in the vicinity of 7 cents per pound.

In view of these facts the most correct and significant legal designation of this article would be "lard cheese."

In the process of manufacture the bulk of the milk is raised to the same temperature as in making ordinary cheese, while part of the milk and all of the neutral lard is raised to a temperature of at least 200° F. This is about as high a temperature as pork fat is subjected to in cooking, and much higher than the fat of milk is heated in ordinary cheese making. The places and processes of manufacture of lard cheese, or filled cheese, and the same where whole-milk or full-cream cheese are made are practically equal, so far as care and cleanliness are concerned.

The liability to use raw materials containing the germs of disease is about the same in making genuine cheese as in making filled cheese. It is possible to thus convey the germs of disease from cows and hogs to the human family, but the danger can not be regarded as serious in either case. It is probably true that at the present time in those districts where cheese is largely made insidious diseases which are dangerous to man are more prevalent among cows than among hogs.

The materials used in making filled cheese are all products of the farm and recognized, separately and combined, as wholesome articles of food.

Medical authorities and others differ as to the relative digestibility of different fats, such as butter fat and pork fat or lard; but the fact is known to all that immense quantities of pork fat, in all forms, are consumed by various classes of people without detriment to health. There is no just ground for claiming that filled cheese is necessarily unwholesome or deleterious to health. Large quantities of it are daily sold and consumed without apparently injurious effects.

But there are many people who can not safely consume hog fat in any form, and many more who will not do so knowingly. These people very properly claim a right to be reasonably guarded against the imposition of having lard cheese sold to them under the guise and name of cream cheese. This practice has been found to prevail in all parts of the country where there are not stringent State laws of exclusion and prohibition, with special agencies for their enforcement.

No merchant or consumer who is any judge of cheese would, upon examination, mistake the best filled cheese which is made for a first-class, full-cream cheese. It is devoid of true cheese flavor, and seldom attains the dry and crumbly consistency of a well-cured cheese. But the imitation has the appearance of a fresh or mild cheese, and can be, as it is, successfully and generally substituted for the genuine article of second or third quality.

The filled cheese is made and placed in market without any brand or marking on cheese or package indicating its real nature. It is held in large quantities by the wholesale merchants in this form. These merchants generally (although not in all cases, it appears) sell it for what it is. But it is the common practice, after sale to jobbers or the smaller wholesalers, to place all sorts of misleading and false brands and marks upon it, which enable it to pass into the retail trade and be sold to consumers under false pretenses. No additional information on this point is necessary. Cheese designated as "filled," or "imitation," or "lard," is nowhere to be found in local trade, but the "filled" article is always sold under some other name.

It is this element of fraud which constitutes the serious objection, and about the only one, to the manufacture and sale of filled cheese, and which is the only just ground for restrictive legislation in regard to it. But the imposition and deceit systematically practiced is indefensible and so injurious to public morals and to trade as to demand prompt and effective measures for its repression.

The sole object to be obtained by legislation on the subject seems to be to enforce honesty and prevent fraud by compelling this form of cheese to be made and sold for exactly what it is. The same principles apply to all other articles of food and general merchandise in which deception is possible. The simpler the form of attaining this the better.

An enactment directed solely against deceit and fraud, with severe penalties for violations of the same, appears far more reasonable and just than any perversion of the taxing power of the Government for the real purpose of securing police regulation.

If there be reasons why it is deemed necessary to accomplish the object under cover of a "revenue measure," the facts stated herein certainly sustain the conclusion that minimum rates should govern the fixing of licenses and special taxes rather than such as would prove prohibitory to an industry not reprehensible itself, although indirectly responsible for much imposition on consumers, deception in trade, and injury to the purely dairy interests of the country.

This latter phase of the subject is sufficiently presented in the last annual report from this office for the year ended June 30, 1895, at pages 24 and 25.

Yours, very respectfully,

J. STERLING MORTON, *Secretary.*

The COMMITTEE ON WAYS AND MEANS,
*House of Representatives, Fifty-fourth Congress.*

Mr. GROSVENOR. Mr. Chairman, is the time on the other side exhausted?

The CHAIRMAN. The time on the other side is exhausted.

Mr. GROSVENOR. I hold in my hand an analysis, made by the Chief of the Chemistry Division of the Department of Agriculture, and I ask unanimous consent that it be printed in the RECORD, to accompany the statement of the Secretary of Agriculture which has just been read.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have certain documents printed in the RECORD, to accompany the statement from the Secretary of Agriculture which has just been read. Is there objection?

There was no objection.

The letters referred to are as follows:

[Inclosure. Subject: Filled cheese.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D. C., February 13, 1896.*

SIR: I have the pleasure of handing you herewith a copy of an analysis by the chemist of this Department of the specimen of cheese received from you on the 11th instant, marked "Family's Favorite, Jersey Creams." The chemist

reports that he is able to determine the foreign fats determined in cheese, and that this one has at least three-fourths of this foreign fat. It is a well-marked case of filled cheese.

Very respectfully,

J. STERLING MORTON,
*Secretary.*

Hon. D. F. WILBER,
*Committee on Agriculture, House of Representatives.*

—

[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF CHEMISTRY,
*Washington, D. C., February 13, 1896.*

SIR: The sample of cheese sent by you, and obtained from Mr. WILBER, of the House Agricultural Committee, has been analyzed with the following results:

| | Per cent. |
|---|---|
| Fat | 31.13 |
| Casein | 32.19 |
| Water | 29.81 |
| Ash | 3.93 |
| Undetermined | 3 |

The fat derived from this cheese was composed of one-fourth butter fat and three-fourths foreign fat, which, from its high melting point, was thought not to be cotton-seed oil. The cheese was made from skim milk, which retained about one-fourth of its butter fat. It is, therefore, a well-marked case of filled cheese. No substance other than the added fat was detected as a make-weight.

Respectfully,

H. W. WILEY, *Chief of Division.*

Hon. CHARLES W. DABNEY, Jr.,
*Assistant Secretary of Agriculture.*

—

[Copy.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF CHEMISTRY,
*Washington, D. C., March 5, 1896.*

SIR: The large sample of filled cheese which you sent for examination has been analyzed with the following results:

| | Per cent. |
|---|---|
| Ash | 5.44 |
| Casein | 22.25 |
| Fat | 34.02 |
| Water | 31.09 |
| Sugar and undetermined | 7.20 |
| Reichert No. | 1.8 |
| Iodin No. | 50.7 |

A microscopic examination of the extracted fat, after crystallization from ether, showed that it was unmistakably composed almost exclusively of lard stearine. The flat rhombic crystals so characteristic of this glyceryl were easily obtained and definitely shown under the microscope.

The low iodin absorption number of the fat, viz, 50.7, also shows that it is a lard stearine. The low Reichert number, viz, 1.8, indicates that the cheese was made from milk from which the cream had been removed by a separator. The ordinary creaming of milk—by allowing it to stand in shallow pans—would not remove a sufficient quantity of the butter fat to give as low a Reichert number as indicated.

In summarizing the results of the analysis it may be said that the cheese in question was made from milk skimmed by mechanical means, leaving not to exceed half a per cent of butter fat therein, and that the abstracted fat was replaced by lard stearine, presumably the residue from the manufacture of lard oil.

Respectfully,

H. W. WILEY, *Chief of Division.*

Hon. CHARLES W. DABNEY, Jr.,
*Assistant Secretary of Agriculture.*

[Inclosure.]

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D. C., March 6, 1896.*

DEAR SIR: I have the honor to transmit herewith for your information a copy of the report of the Division of Chemistry of this Department, containing results of the analysis of the last sample of cheese submitted by you for examination.

I have the honor to remain, very truly, yours,

CHAS. W. DABNEY, Jr.,
*Acting Secretary.*

Hon. D. F. WILBER, M. C.,
*House of Representatives, Washington, D. C.*

*Analysis of samples of cheese.*

| Serial No. | Pounds fat for 1 pound casein. | Pounds fat for 1 pound solids not fat. | Water. | Fat. | Ash. | Casein. | Reichert No. | Cream removed. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | *Per ct.* |
| No. 1—14429 | 0.97 | 0.90 | 29.81 | 31.13 | 3.93 | 32.19 | 7.29 | 65 to 75 |
| No. 2—14662 | 1.21 | .67 | 12.20 | 40.82 | 4.85 | 28.21 | 5 | 75 to 85 |
| 14432* | | | | 44.35 | 5.60 | 45.78 | | |
| 14662* | | | | 46.49 | 5.52 | 38.38 | | |

* Calculated to dry substance.

Mr. GROSVENOR. I yield three minutes to the gentleman from Wisconsin [Mr. SAUERHERING].

Mr. SAUERHERING. Mr. Chairman, the State of Wisconsin stands second in the United States in the manufacture of dairy products. The Second Congressional district of that State, which I have the honor to represent, stands first on the list. The measure before the House is intended to protect the dairy industry against a fraud which has greatly injured it. The only objection I have to this measure is that it does not impose a tax of 2 cents a pound upon filled cheese instead of 1.

I regret that so short a time has been allotted to me in which to defend the interests of my constituents and the interests of 9,000,000 people of the United States, for it is impossible to say too much in favor of this bill.

The protection of the dairy interests of the United States against a bold-faced fraud which is gradually but surely drawing the life-blood out of that great industry is to-day a burning question. The dairying industry is to-day one of the great commercial factors of the world. In importance and magnitude it ranks higher than any one industry known to commerce, and its wealth-producing power has far outstripped our world-famous "king cotton." It directly affects over 9,000,000 men on American farms, and involves a money business of $800,000,000 annually.

In late years this great industry has been much hampered and imperiled by the manufacture of a spurious imitation of cream cheese, called "filled cheese," which has been placed upon the markets of the world and offered for sale as a pure and unadulterated food product. The process of manufacture is quite simple and inexpensive. By the use of a modern cream separator the butter fat is extracted from the milk and manufactured into good creamery butter; then the skimmed milk is taken, and, by a peculiar process known to the trade, lard and neutral oils are forced into it to take the place of the butter fat which has been extracted. From this skimmed milk, so "filled" with lard and neutral oils, "filled cheese" is made. By a comparison of figures furnished by good authorities we find that the cost of producing a pound of filled cheese is about 3½ cents. As a rule, the producer of filled cheese pays no more for the milk he gets from the farmer than does the producer of pure full cream cheese, while, on the other hand, he sells his cheaply produced spurious article at practically the same price that is paid for full cream cheese. It can be easily seen that the profits accruing to the manufacturer of filled cheese must be enormous. Whatever may be the merits of filled cheese, it is not equal to full cream cheese, and should not be placed upon the market as such. The fraud has been detected, and has materially affected our foreign trade in cheese, all of which ultimately must result in a loss to the American farmer.

It is the purpose of this bill to compel the manufacturer of filled cheese to sail under his own colors and to reestablish our good name in foreign markets so far as our dairy products are concerned.

It is a matter of great surprise to me that a bill of this nature should require so much time for debate or call forth any opposition in this House. I have observed on numerous previous occasions during the present session, when opportunity offered itself, gentlemen on both sides of this Chamber eagerly clamored for recognition by the Chair so that their voices might be heard in defense of the interests of the American farmer. Why, Mr. Chairman, so impressed was I with the apparent loyalty of the members of this House to the agriculturists of the United States that I thought any measure to the interests of that class of our fellow-citizens would pass this body without debate and by a unanimous vote.

When the Agricultural appropriation bill was before this committee a great interest was manifested in the subject of securing for the farmer the publication of a book on dairying which had been out of print for many years and contained nothing but statistical abstracts of dairying in foreign countries. Although the appropriation required to republish that book would have been small in comparison with general appropriations, I am convinced that I voice the sentiment of the farmers of the Second district of Wisconsin in saying that while the farmer does not object to the expenditure of large sums of money to support this Government in maintaining its dignity and making proper provision for the happiness and welfare of its people, he does most emphatically object to the expenditure of one cent for anything that will not serve a good purpose. Had the House consented to the Senate amendment calling for the republication of the book referred to, it would have been an insult to the American dairyman, an injustice to the American farmer, to attempt to satisfy these people by giving them a cheap book that has been out of print for years and containing nothing but out-of-date statistics about the dairy interests of foreign countries. It is a universally recognized fact that we lead the world in the superior quality of our dairy products when untainted by fraud. Now, Mr. Chairman, the point I am trying to get at is that the farmer is not benefited by nor is he satisfied with windy talk, so often indulged in by members of this House in his behalf. What the farmer wants and demands is good, honest, square legislation, and he fully expects that every member of Congress will assist in the enactment of laws which will be of lasting benefit to the farmer as well as all the people of the United States.

The object to be accomplished by the so-called "filled-cheese" bill now before the House for consideration is of the greatest importance to 95 per cent of the American people. It is intended by this measure to give a proper reward to honest labor and honest industry, to protect the producer and manufacturer of pure

products against a fraud which has grown up in this country by false labeling of dairy products. During the past seven years this pernicious practice has caused a falling off in the exports of American dairy products of 58 per cent. The great decline in the exportation of our cheese since 1889 is plainly shown by the following table:

*Cheese exported from the United States.*

| Year. | Pounds. | Year. | Pounds. |
|---|---|---|---|
| 1889 | 98,140,486 | 1893 | 67,925,712 |
| 1890 | 91,014,571 | 1894 | 68,607,186 |
| 1891 | 77,148,794 | 1895 | 40,610,242 |
| 1892 | 81,589,361 | | |

It is shown by authentic reports that in the year 1884 the exports of cheese from the United States reached the enormous figure of 111,950,686 pounds, while in 1895 the exports from all parts of the United States amounted to only 40,610,242 pounds, showing a falling off in eleven years of 63 per cent in this one article alone, while it is a fact that its production during the same period has increased 25 per cent. As a result of this, a great surplus of cheese for consumption has been thrown upon the home market, and the producer has received ruinous prices. The question naturally presents itself, Where has our trade gone to, who has been benefited by this enormous falling off in our exportations of cheese, and what is the cause of the great decline? Mr. David Muir, cheese exporter from New York and Montreal, Canada, presented to the National Dairy Union, at its annual meeting last year, statistics showing that for every pound of decrease in the cheese exports from the United States those of Canada increased to a corresponding amount; also that the increased demand over what little was taken from the United States, and what Canada was able to produce, was obtained from New Zealand and Australia. In fact, it was conclusively shown from letters received by exporters that foreign importers were taking all the cheese they could obtain from other countries where they were certain of getting pure goods before they would take the risk of buying from the United States. The reason given for this was that these foreign importers had been deceived by having filled cheese shipped to them when they had ordered and thought they were getting the pure and unadulterated article.

It has been urged by gentlemen who are opposing this bill that the regulation and suppression of this fraud should be left to the various States, and that Congress has no authority to act in the matter. I will say that some of the States have made desperate efforts in that direction, and the legislature of my own State passed a very stringent law, entirely prohibiting the manufacture and sale of filled cheese in Wisconsin. While this absolutely guarantees the purity of cheese produced in Wisconsin, it does not prevent the filled-cheese producers of other States from branding their fraudulent goods "Wisconsin full cream cheese," and thus robbing us of the benefits to be derived from a good name and savory reputation. State legislation, however stringent, has failed to give the desired relief, and the farmer and producer of pure cheese now look to Congress to help them by enacting a national law which will compel filled cheese to stand on its merits before the world by being properly marked and branded. All they ask is simple justice, and honesty in marketing dairy products; so that the consumer may be able to buy the pure article when he chooses without fear of getting filled cheese when he pays full cream cheese prices.

In the year 1889 the State of Wisconsin stood first among the States of the Union in the per capita production of dairy products. Her fame as a producer of pure goods was well known throughout the commercial world, and she found a ready market for all she could produce. However, with the advent of the filled-cheese fraud that favorable reputation became an element of danger. How could the manufacturer of filled cheese find a better and wider market for his goods than by branding them as a Wisconsin product? The fraud was soon discovered in foreign markets, and our goods have been regarded with suspicion ever since. While we have suffered greatly during the past seven years from this parasitic fraud called filled cheese, Wisconsin even to-day stands second in the amount and value of dairy products.

The statistics for 1895 show that there are within the State 1,337 cheese factories, valued at $1,000,000, with an output of over 50,000,000 pounds, valued at $4,000,000; also 800 creameries, valued at one and one-half million dollars, with an output of 75,000,000 pounds, valued at over $12,000,000. The Second district of the State which I have the honor to represent stands first on the dairying list, having 245 cheese factories, valued at $201,000, with an output of 8,600,000 pounds, valued at $594,000, and 250 creameries, valued at $426,000, with an output of 14,101,600 pounds, valued at $2,397,000. I simply mention these facts to show that I come from a section of country where this subject is thoroughly understood and where the need of legislation like that proposed in the pending measure is fully appreciated.

The line of argument followed by gentlemen in opposition to this bill is characteristic of the argument of a lawyer when he knows he has a bad case. Instead of meeting the issue fairly and squarely, gentlemen shoot off on a tangent, expatiating with great enthusiasm on the elements of a finely spun theory of constitutional construction and State's rights.

These are the same arguments that were used in opposition to the oleomargarine bill when that measure was considered in this House. Almost the entire debate against that bill was based upon the ground of its want of constitutionality. But what do we find as a matter of fact? In every case that was carried to the courts on that point the law was declared constitutional, and it stands to-day firmer than ever.

It is urged that the tax feature of this bill is not only unconstitutional, but un-American and unjust. I have devoted a great deal of study to this particular feature and can not, for the life of me, discover any difference between this tax and the ordinary tax paid for engaging in the liquor and cigar business. The principle is precisely the same in both cases, and nothing is clearer than the right of this Government to impose this tax.

The gentleman from Alabama says that if filled cheese is injurious to the health of the consumer, the people of the States, through their legislatures, can and will prohibit its sale. I will say to the gentleman that as a matter of fact many States have passed such laws, but find that they do not give the desired relief. As long as anyone may produce this filled cheese in some other State and with impunity label it "Full cream cheese," how is the consumer of any State to be protected? Further than this, the gentleman seems to forget that there are other and broader principles involved in this question. What we contend for is commercial honesty and simple justice. We demand that every producer of a commodity shall offer it for sale for just what it is, and most emphatically object to the dishonest practice of passing off a cheap, impure, and unhealthy article for something it is not. The States which have taken a stand on this question and declared their disapproval of the pernicious practice of cheating our foreign customers and robbing our farmers of their just dues are to-day being preyed upon by the filled-cheese sharks of other States, who brand their goods as the product of the States having these prohibitory laws. It is the plain duty of the United States to protect the people of one State against imposition by citizens of other States when they are powerless to protect themselves. In this matter it is simply impossible for a single State to assure its own rights, the gentleman from Alabama to the contrary notwithstanding.

Quite an elaborate argument was made by the gentleman from Pennsylvania on the point that the tax clause of this bill endeavors to tax out of existence an industry, and therefore is unconstitutional, unjust, and antirepublican. Even if it were true that this clause does tax out of existence an industry, we have a very good precedent for such an act. There is upon our statute books to-day a law imposing a tax of 10 per cent upon State bank issues, for the sole purpose of taxing them out of existence, and, thank heaven, it is doing it very successfully, too. The constitutionality of that act has never been questioned except by Democratic national conventions, and although the present Administration was elected on a platform pledging the repeal of that 10 per cent State bank issue tax, they have not had the moral courage to live up to their pledge, because they know the law is good law and in the interest of public policy.

But the tax imposed by this bill would in no wise destroy the filled-cheese industry. The profits in that business are so large that it could easily stand three times the proposed tax without any serious results, provided that filled cheese could, as it is at present, be sold for the same price that is obtained for the pure article. If anyone cares to use filled cheese rather than full cream cheese, we are perfectly willing that he should have it, but, Mr. Chairman, when I go into a grocery store for the purpose of buying full cream cheese and pay the price demanded for full cream cheese, as an American citizen I most seriously object to being hoodwinked and cheated by being given a fraudulent and unwholesome imitation of the article I paid for.

The merits of this bill are so evident, the justice of it so plain, that it ought not to require much argument to secure for it the support of every member of this House. Without saying one word against filled cheese as such, if it has the merits claimed for it by gentlemen who oppose this bill, what possible objection can there be to making it stand or fall on those merits. When your purposes are honest and your cause a good one, why endeavor to shun the light of day? We desire the passage of this bill because it strikes at the root of an evil which is fast destroying our foreign markets for dairy products, curtailing the possibilities of the dairy farmer, reducing the value of his stock in trade, and defrauding millions of consumers of cheese. The filled-cheese industry as carried on to-day is a detriment to every one of the 70,000,000

people who live in this country, and a benefit to only about 200 people who are engaged in this nefarious business and who are getting wealthy at the expense of all the rest of the country. Filled cheese is sold at practically the same price that is demanded for the pure article, hence it does nothing in the way of supplying a cheaper article for the poorer classes, a claim made for it on this floor.

This bill should be enacted into law and strictly enforced after being enacted, because it stands for honesty and justice. It is a step in the direction of that grand Republican principle, protection. There is no class of people in this country who work more hours per day and more days per year and who receive smaller remuneration for their labor than the honest, thrifty farmer. The duties of his calling are so numerous and exacting that he usually finds little time to take a hand in public affairs and see that his interests are properly protected. He is rarely represented in Congress except by so-called professional farmers, who rather misrepresent him. Let us pass this bill and secure to the American farmer what properly belongs to him. Let us protect him against the impositions of a few wealthy monopolists who are growing rich at his expense. The farmer is universally recognized as the backbone of a nation, and those nations that have made his welfare one of their first considerations have always endured longest. It is impossible to secure the welfare of the nation without securing to the food-producing part of our population those advantages which nature has provided for them. Let us protect the farmer in his right and thus bring prosperity to all our people.

Mr. Chairman, I represent an agricultural district. I am proud of the fact, and glad of this opportunity to speak in behalf of my people. I am proud of the Republican party, because it stands for protection to all the people and has always been the friend of the farmer. I feel certain that that grand old party will not be found wanting when the time comes to take a vote on this important measure.

The CHAIRMAN. The gentleman from Wisconsin asks to extend his remarks in the RECORD.

Mr. DINGLEY. I ask that all gentlemen who speak on this bill may have permission to extend their remarks in the RECORD.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] asks unanimous consent that all gentlemen who speak on the bill may have permission to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. I yield three minutes to the gentleman from Wisconsin [Mr. BARNEY].

Mr. BARNEY. Mr. Chairman, in the short space of time allotted to me I can hardly expect to be able to present a detailed argument upon the important bill before the House.

In my humble opinion no measure has been or will be presented to the present Congress of greater moment to the people of this country than the bill now under consideration. The last three years of financial depression have borne heavily upon all the people of this country, but no class has suffered so much as the farming community. For some reason which I can not explain, the Democratic party seemed to owe this class a particular grudge, and has fully paid it by the enactment of the Wilson-Gorman tariff measure, which took away every vestige of protection which had theretofore been given to the farmer. Free wool and free barley have brought down the prices of these staple products of the farm to such a low figure that it is no wonder that the agricultural classes are bitterly complaining that their interests have been neglected, if not entirely forgotten, in the legislation of Congress. For this reason it is no wonder that they have turned their attention to the dairy products of the farm, trusting that in this direction at least they would not be brought into competition with foreign labor and that some reasonable remuneration might be received in this way for the hard labor of the farm. This fond hope has been blasted; and in this business the farmer has been met with the meanest and most dangerous of all competition—that of the fraudulent manufacturer and counterfeiter.

I submit to the Republican members of this House that if it is good policy for this Government to protect the American laborer from the competition of the pauper and poorly-paid laborer of foreign lands, it is equally good policy to protect the American farmer from the competition of the counterfeiter at home. I am not surprised that the Democratic side of this House opposes this bill, for such opposition is entirely consistent with members of a party which has declared in substance that taxes levied for the purposes of protection are unconstitutional. But I trust when this bill is put upon its final passage no Republican member will record his vote against it. This legislation is along the lines of the settled policy of the Republican party and is as loudly called for as the protection of any industry in this country. Members of this body who come from some of the sections of this country are too apt to belittle the industry of dairy farming and to underrate its importance to the prosperity of this country and to the farmer in particular. It is the chief farming industry of many of the States of this Union and ranks first in importance among all the varied products of the farm.

The dairy products of the State which I have the honor in part to represent for the year 1895 are estimated at $30,000,000, and would have been much more were it not for the competition of this composition of skim milk and soap grease, improperly called "filled cheese." Our foreign exportation of cheese, which a few years ago amounted to $16,500,000, last year dwindled to $3,000,000 because of the discredit brought upon the American dairyman by the exportation of the products of filled-cheese factories falsely branded as "full cream American cheese."

The Government of Canada has already passed a similar but more stringent law than this, and is rigidly enforcing it. As a result the Canadian dairyman has driven us out of the European market and American cheese has been denounced and refused as a fraud. In order to get some market abroad for his cheese the American farmer has been compelled to first export it to Canada, there to receive the Canadian stamp of excellence, before he puts it into the foreign market. Think of it, that the dairymen of the richest agricultural country in the world are compelled to filch the stamp of a neighboring province to sell their goods! And this, not because their pure cheese is a poor article (for the world makes no better), but because the filled-cheese counterfeiter has robbed the farmer of his good name by filling the market with a fraud and a lie.

This is not the full measure of the injury done, for this counterfeit product in the markets of our own country is rapidly destroying the best market in the world, the American home market. It is destroying the taste of our people for this article of food, and is rapidly diminishing the demand for any kind of American cheese.

My own State has already passed a stringent law on this subject and several other States have done the same thing; but history has shown, and it needs no argument to prove, that individual State legislation is powerless to remedy this evil. After the passage of this law by the State of Wisconsin, the filled cheese factories there were loaded up and carted over into the adjoining State of Illinois, adjacent to the great grease-extracting city of Chicago, and there skim milk is loaded with hog fat and put upon the market branded as "Wisconsin full cream cheese." In this way a double crime is committed—the putting upon the market of an article called cheese which is not cheese, and stealing from the farmers of a neighboring State the good name which they sought to establish by the enactment and enforcement of a law against the perpetration of a fraud.

They have argued long and loud upon the other side of this House that the tendency of this law will be to build up a monopoly and to destroy an honest industry. I must say that this is the first time I ever heard a fear expressed that the farmers of this country were in danger of becoming monopolists! They ask, and by the passage of this law will receive, no monopoly except that which every principle of equity and justice gives to them—the right to place upon the markets of the world the honest products of the farm without the unjust competition of counterfeiters. And a business can not be called honest which depends for its success upon stealing the good name of another. An industry which has prospered and been built up by false representations, and by cheating both the honest producer and the consumer, is entitled to no consideration at our hands. The counterfeiter of our currency is sent to prison and the counterfeiter of our food can not complain if his business is placed under the restrictions of the law.

Neither can it be justly said that the passage of this bill will tend to increase the price of the food of the American consumer; for when you take into consideration the real value of the article, judged either by the standard of the cost of production or its value as a food, American cheese will be made cheaper instead of dearer. The pure article may be enhanced a little in price to the wholesaler, but the consumer, if he wishes to get it, can buy the counterfeit article for what it really is, and consequently, for what it is really worth. The reports show that filled cheese, the cost of production of which is about one-half that of the genuine article, is sold to the consumer at retail for three times its actual cost, and for but little less than that of pure cheese. Who gains anything by this fraud but the grease extractors and the skim-milk "fillers"? And the loss is upon the consumer as well as upon the American farmer.

From another standpoint this bill commends itself to this legislative body and to the approval of the American public. The people of this country have the right to know the kind of food they are eating and of what it is made. A system of food adulteration has been rapidly increasing in this country for the last twenty-five years, and it is high time that one step at least should be taken to stop it. The charge made against our Connecticut forefathers of having manufactured nutmegs out of basswood may not be true, but it can not be denied that there is some proof of its truth in the fact that there are people in this country to-day who are adulterating and counterfeiting almost every manufactured article of food which is used upon our tables. This is the reason, and the

only reason, why, if you go into a grocery store to-day and ask prices, you will find that the imported article of food sells for about twice as much as the same kind of domestic goods; and this is why the honest American manufacturer of these goods is compelled to brand them with some foreign name in order to get a fair price in the market for them. This state of things is a disgrace to the American people. Every food product of this country ought to stand at the head in excellence and in price in the markets of the world; and it would if we would enact more just such laws as this against counterfeiting and then see that they are strictly enforced.

Then I say that from every reasonable point of view this legislation is justifiable and is demanded. The farmers of this country do not often knock at the doors of Congress asking legislation in their behalf. They have no system of organization which makes them heard, as they have a right to be heard, in our legislative halls. Even under the present mixed tariff system of free trade and protection enacted by the last Congress the manufacturer and the miner are afforded a measure of protection, but the farmer is left "out in the cold," to protect himself as best he can and "to root hog or die."

Let us, then, give the American farmer this just measure of relief from a dishonest fraud at home, and when we have the power, as we expect to have after the 4th of March next, we will give him the further relief of protection from cheap labor abroad.

Mr. GROSVENOR. Mr. Chairman, I yield the balance of the time to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, what has been said by the gentleman from Ohio [Mr. GROSVENOR] in charge of the bill and by my colleague from Minnesota [Mr. TAWNEY] makes it unnecessary for me to occupy the attention of the committee in talking about the constitutionality of this measure or about the general character of the article of commerce commonly called "filled cheese." I think the committee understands exactly what problem we have to deal with. So far as I am personally concerned, I intend to speak with absolute candor of the phases of this matter that are involved in the debate. I have nothing to conceal from anybody on the filled-cheese question. I intend to support this bill for three different reasons, each one of them, in my judgment, good and sufficient; and the first reason is that the enactment of the bill will have a tendency to bring into the public Treasury additional revenue.

A MEMBER. How much?

Mr. DOLLIVER. I do not pretend to know how much, but I know it will be visible to the naked eye, and in these times of shortage and deficiency even that is of some importance to the Government. [Applause.]

I am a little sorry that that question should have been brought into the discussion, because there is a large number of fairly good people in this country, like my friend from Tennessee [Mr. MCMILLIN], who have adopted the higher mathematics which emanates from the Treasury Department, and who regard the national finances as entirely above the common rules of arithmetic and bookkeeping. There has grown up in these later months in this country a school of Democratic opinion which treats every dollar that comes into the Treasury in the orderly process of taxation as in some way the social inferior of the choice and selected funds that have come in under the auspices of the syndicate. [Laughter.]

It seems to me that no man ought to make such an objection as that against any increase in the revenues of this country. But when a proposal is made to bring in a few extra dollars in a perfectly legal way, the cry goes up on all hands that there is money enough, that the funds are ample, that the Treasury is overflowing; and yet everybody in this House, unless possibly my friend from Tennessee [Mr. MCMILLIN] may be excepted, knows perfectly well that the President of the United States has borrowed money at the rate of $167 a minute from the day of his inauguration until this hour, and that he has fastened upon the people of the United States an additional burden of interest equal to $20.26 a minute for the next thirty years, and yet when a man stands up here and honestly suggests some method of producing a little additional revenue it is met with a statement that the funds are ample and that there is no deficiency.

Now, I wish to say to my friend from Tennessee—and I speak to him because he has put forward the idea, and it is a rather general idea in the Democratic party—that the precise logic which is used to show that there is money enough in the Treasury of the United States, that its receipts and its expenditures are in accord—the very same logic that is used to show that could be fairly employed to demonstrate that the Prodigal Son was an itinerant capitalist in search of a live-stock investment and eating husks for his health under the advice of his physician. [Great laughter.] The exact logic that has been brought in here by my friend from Tennessee to show that the national income needs no addition could be properly used to show that Lazarus, luxuriating among the rich man's dogs, was in reality engaged in organizing a loan and trust company and collecting bread crumbs for his personal amusement. [Great laughter.] Every man, it seems to me, who has in his heart a lingering prejudice in favor of national solvency ought to welcome every dollar that comes in the direction of the Treasury of the United States. The oleomargarine law of 1886 ran the gauntlet of the exact objections that have beset us in this debate, and yet that law has produced an aggregate revenue of more than $10,000,000, nearly $2,000,000 annually being brought into the Treasury of the United States. I support this bill, therefore, as a revenue-producing measure.

Again, I support the bill because it offers an appropriate legal protection against the adulteration of the people's food. In the process of taxation it identifies a fraud and escorts a notorious swindle into the light of day. [Applause.] You have read the precept of Scripture which exhorts you to take no thought of what ye shall eat or what ye shall drink or wherewithal ye shall be clothed. That Scripture will need a new interpretation unless we can in some way manage to rescue the food and drink and clothing of the people of the United States from the hands of the counterfeiters. As the case now stands neither the clothes on our backs nor the food on our tables nor the common weapons for fighting thirst between meals have escaped suspicion. In this carnival of deceit the rich and the poor alike suffer.

Look at it. Even the expert appraisers at our custom-house in New York are hardly able to tell the difference between a standard sample of woolen cloth and a bogus imitation, gently softened by glycerin and brought up to full weight by adding a solution of raw tin. Only last year, in the State in which my friend from Pennsylvania [Mr. BRUMM] resides, a package of oleomargarine took the first prize offered for "butter" at the Pennsylvania State fair [laughter]; an award almost worthy of that early governor of Pennsylvania who used to complain of the people of Connecticut because they were selling his people nutmegs made out of basswood instead of the genuine sassafras. [Laughter.]

Mr. HARDY. The gentleman from Pennsylvania was a judge of butter at that time.

Mr. DOLLIVER. I have no doubt of it, or at least I have no doubt that he would have approved the award of the committee. [Laughter.]

Mr. BRUMM. That is not saying anything against oleomargarine, though.

Mr. DOLLIVER. Now, Mr. Chairman, I undertake to say that this world in which we live will not go on permanently under a system like that. It will not go on forever buying coffee grains delicately molded out of blue mud. [Laughter.] It will not go on buying tea that has been generously commingled with the dried leaves of the forest. [Laughter.] It will not go on drinking wine that has been manufactured in a cellar without the intervention of grapes, nor those other and more penetrating beverages that have entered into partnership with such a fatal assortment of explosive chemicals as to greatly facilitate the descent of our fellow-citizens, as the old negro preacher expressed it, down the lubricated steeps to the opaque profundity of damnation. [Great laughter.]

Oh, but says the gentleman from Tennessee, this is a matter for the States. Well, that is partly true. I admit that it is a matter for the States, and right manfully the States are grappling with the question. But, Mr. Chairman, it is a matter for this House also; and wherever Congress can get a legal hold on it, it comes within the jurisdiction of the Representatives of the United States. I have great respect for the doctrine of State jurisdiction, though so far as the old-fashioned doctrine of State rights is concerned, the gentleman from Tennessee ought to know that thirty years ago that doctrine was so disabled by a collision with the United States of America that in 1886, on this very question, even the lowly American cow was able to kick it into a cocked hat. [Laughter.] That was on the oleomargarine bill. Fortunately for the public health, every principle upon which this bill stands has been already justified at the bar of our highest court. There is not one of those principles that is any longer open to dispute. The business of manufacturing filled cheese is a fraud. I do not mean to say that the manufacturers are all guilty of fraud——

Mr. MCMILLIN. Then this bill is not for the purpose of taxation for revenue, but for the purpose of suppressing this business?

Mr. DOLLIVER. I am now engaged in telling the gentleman the three things that this bill is for, and before I get through he and the House will understand them perfectly. I do not say that all the manufacturers in the present stage of the industry are guilty of fraud. I will not even go so far as to say that all the wholesalers habitually perpetrate a fraud. But I do say that the evidence is sufficient to show that the business itself is a fraud, and for one I am here for the purpose of looking a little to the rights of the man who orders "Iowa full cream cheese" and is furnished by the wholesale dealer with a spurious and inferior article. I am here looking to the rights of the citizens of this country who go into a store for the purpose of buying cheese and take home with them an objectionable admixture of skimmed milk and soap grease. [Laughter.]

I am speaking here for the victims of the American boarding-

house system who eat cheese for the purpose of promoting the digestion of pie, and then have to take another pie in order to secure the digestion of the cheese. [Laughter.] The American dairymen understand this question thoroughly. The dairy commissioner of my own State, Mr. W. K. Boardman, has been especially vigilant in the investigation of this question, and I will read an extract from his letter received this day indorsing this bill and urging the friends of American agriculture to stand by it in exposing the commercial fraud known as "filled cheese":

You will be performing a great service to the people of Iowa by championing this bill when it is before the House for final action. I have this day received from the chemist of the experiment station of the Iowa Agricultural College a report of two analyses of samples of cheese which was being sold in this city. The cheese that these samples represent was purchased from Chicago parties by wholesalers here as full cream cheese. The sample of one of the cheeses was branded on the outside in red letters, "Wisconsin full cream." Both samples are pronounced filled cheese by the chemist. Following are the words used by the chemist for the analysis of the cheese marked "Wisconsin full cream": "From the above result I would say that this sample of cheese was made from milk having its content of butter fat almost entirely removed and replaced by an animal fat of the nature of lard. It is, in other words, a filled cheese."

I give you this information in order to show no matter how closely this business is watched the dealers at Chicago will, through deception and other means, get their fraudulent goods before the people. With the provisions of the bill now before Congress enacted into a law, the branding and stamping of such cheese would at once make known its true character, and no jobber or retailer could then be deceived.

That is the fraud, which has become bold and naked in the commerce of this country, which this bill, by the process of taxation, the only jurisdiction we have in the matter, aims to identify and thereby in some degree seeks to arrest.

So far as the licenses and penalties provided by the bill are concerned, nobody need be troubled about them. They are barely sufficient to induce the trade to keep clear of the fraud.

But somebody says here that the real object of this bill is not to raise revenue, nor even to identify a fraudulent article of commerce, but to protect the interests of the American dairy against a new business which injuriously competes with the old one. And that enables me to speak very briefly (for I have only six minutes left) of the final reason that leads me to give my hearty support to this bill.

The morbid researches of modern chemistry have been able to do some very curious things. They have substituted a cheap vegetable oil for the old-fashioned pork fat and put it upon the American market under the label of "prime steam lard," and at the same time they have taken the animal fats out of milk and substituted neutral animal oils and made two products, one of which for the sake of its color they call "butter," and the other for the sake of its shape they call "cheese." [Laughter.] Now, butter has had friends enough in the past to take care of it and protect it by law with more or less success. The law has been a little more slow in coming to the protection of cheese—probably because many varieties of cheese have been thought able to take care of themselves. [Laughter.] It would seem, for example, that limburger cheese, now safely domesticated in the district from which my friend SAUERHERING comes, is endowed by nature with means of defense that require very little assistance from an act of Congress. [Laughter.]

It is not necessary for me to deny on this floor that the possible effect of this bill will be to give an advantage to American agriculture. The bill is not objectionable to me on that account. On the contrary, every profound student of human affairs teaches us that agriculture is the basis of civilization itself, and that no possible prosperity can exist in this world under conditions that do not yield to the cultivation of the soil a fair return. So that if a new business, begotten in the laboratory of the chemist, by false pretenses, threatens to narrow the opportunities of the American farm by occupying its market place at home or by destroying its reputation abroad, as my friend from Minnesota indicated, and the law comes in and levies a tax on that new business, it does not alarm me that the tax may operate in some measure, at least, to promote the welfare of the most ancient and honorable occupation of the human race. [Applause.]

One-half the American people live on the farm; and nearly all the rest of them that are worth mentioning were born there. [Laughter.] The general welfare, to provide for which our institutions were established, requires that the food-producing millions should be secure in their pursuits; nor should any adroit imposition, however backed by money, be allowed to take from the farm any portion of its legitimate earnings. "Oh, but," says one, "this business which you are condemning and complaining of has simply taken the butter fat out of milk and substituted lard; therefore this is a fight between the cow and the hog." Now, I happen to represent a State that is first in the production of swine and first in the production of improved milk kine, and I feel authorized for one to say that the American hog does not ask my friend from Tennessee, who has already, for the sake of cotton-seed oil, helped to drive him out of the lard business—does not ask him to repair the injustice by trying to stick his nose into the butter and cheese business.

Mr. McMILLIN. We ask you to keep yours out of it. [Laughter.]

Mr. DOLLIVER. I was making no reference to my friend's nose; but the law, for the protection of the public, proposes to put its nose in because the integrity of the business concerns the American people. I say, give the American cow a fair chance. She has been the faithful servant of man. She landed with our ancestors at Plymouth Rock [laughter]; and, tied behind the old weather-beaten emigrant wagon, she has marched, with the household goods of the pioneers who have taken possession of this continent, from ocean to ocean. [Applause.] She has increased and multiplied and replenished the earth, until to-day the industries which she has made possible contribute annually to the wealth of the world more money than the great combinations of modern capital—more than iron and steel, more than lumber and coal, more than cotton and wheat, more than all the looms of New England, more than all the mysterious riches of gold and of silver. Yet there are men in this House whom I have heard to-day sneering at this bill who spend most of their time trying to get protection for some insignificant local enterprise or "talking through their hats" in the silver debate. [Laughter.] I say, give the American cow a fair chance! For myself, I am in favor, Mr. BRUMM, of her monopoly—a monopoly that God gave her—in the production of butter and cheese. [Laughter.]

Mr. BRUMM. Then you ought to encourage the production of her cheese rather than cut it down.

Mr. DOLLIVER. That is one monopoly that I am in favor of. And if every man in this House who in the days of his boyhood got up at daylight to feed the cows and stayed up after dark in order to milk them; if every man who has churned actual cream with a reliable upright churn and has watched with a boy's enthusiasm the old-fashioned process of making cheese in the days of its honor and repute, will stand by this bill, we will drive from the American barnyard the horde of counterfeiters and cheats at common law and keep them out "till the cows come home." [Long-continued applause.]

Mr. OGDEN. The gentleman has astonished both the boy and the cow by the enthusiasm he has invoked over this measure.

The time for general debate having expired, the Clerk proceeded to read the bill by paragraphs for debate and amendment under the five-minute rule.

The following was read:

SEC. 3. That special taxes are imposed as follows:

Manufacturers of filled cheese shall pay $400 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $250 per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Mr. CANNON. May I ask, Mr. Chairman, if that is considered a paragraph, or if the entire section must be read before amendments are offered?

Mr. GROSVENOR. That is only one of the paragraphs of the section.

Mr. CANNON. Is it proper to offer an amendment here, or to wait until the entire paragraph is read?

Mr. GROSVENOR. I think we should go to the end of the section.

The CHAIRMAN. The Chair thinks that this paragraph is open to amendment now.

Mr. CANNON. Then, Mr. Chairman, I move, in line 2, on page 3, to strike out "400" and insert "50."

Mr. McMILLIN. We can not understand the amendment of the gentleman here.

The CHAIRMAN. It has not yet been reported from the desk.

Mr. CANNON. I offer that amendment.

Mr. GROSVENOR. Mr. Chairman, a great many gentlemen have retired from the Hall under the impression that no votes will be taken on this bill this afternoon, a suggestion having been made to that effect, and therefore, pending the amendment of the gentleman from Illinois, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 8008, and had come to no resolution thereon.

REPRINT OF BILL.

Mr. GROSVENOR. Mr. Speaker, the print of this bill (H. R. 8008) both in the House and Senate was exhausted on yesterday, and by an oversight I failed to ask for a reprint. Inasmuch as it is now open to amendment, I ask for a reprint of the bill and the report also, which is very brief.

The SPEAKER. Is there objection?

Mr. HENDRICK. I object.

Mr. BRUMM. I hope the gentleman will not do that. The more the bill is distributed and read the less support it will have.

Mr. GROSVENOR. A number of gentlemen have asked that the bill be reprinted——

Mr. HENDRICK. Very well, I will withdraw the objection.

So, there being no further objection, the reprint was ordered.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook—to the Committee on Pensions.

A bill (S. 205) granting a pension to Mary O. H. Stoneman—to the Committee on Invalid Pensions.

A bill (S. 298) granting an increase of pension to William W. Tumblin, of Bradford County, Fla.—to the Committee on Pensions.

A bill (S. 400) granting a pension to Johnson Hays—to the Committee on Invalid Pensions.

A bill (S. 504) to increase the pension of Edmund Woog—to the Committee on Invalid Pensions.

A bill (S. 511) granting a pension to P. F. Castleman, of Oregon—to the Committee on Pensions.

A bill (S. 574) granting a pension to Caroline A. Slocum—to the Committee on Invalid Pensions.

A bill (S. 601) granting a pension to Clara R. Rodgers—to the Committee on Invalid Pensions.

A bill (S. 613) granting an increase of pension to Henry Wilson—to the Committee on Invalid Pensions.

A bill (S. 706) for the relief of Eugenia Wood—to the Committee on Invalid Pensions.

A bill (S. 714) granting a pension to Benjamin Franklin Dowell, of Oregon, for services with the Oregon Volunteers in the years 1853, 1854, 1855, and 1856—to the Committee on Pensions.

A bill (S. 725) granting a pension to Anna C. Garber—to the Committee on Invalid Pensions.

A bill (S. 737) granting a pension to James Richardson—to the Committee on Invalid Pensions.

A bill (S. 830) granting a pension to Mary Allard, widow of John Allard, formerly of Company E, Seventh Connecticut Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 856) granting an increase of pension to Philip T. Greely—to the Committee on Invalid Pensions.

A bill (S. 890) granting an increase of pension to John N. Landon—to the Committee on Invalid Pensions.

A bill (S. 1036) granting a pension to Rebecca E. Kutz—to the Committee on Invalid Pensions.

A bill (S. 1127) granting an increase of pension to Russell R. King—to the Committee on Invalid Pensions.

A bill (S. 1139) granting an increase of pension to A. S. Loudermilk—to the Committee on Invalid Pensions.

A bill (S. 1148) granting a pension to Celesthia A. Whitney—to the Committee on Invalid Pensions.

A bill (S. 1356) to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers—to the Committee on Invalid Pensions.

A bill (S. 1414) granting a pension to Emma Brough Gerard—to the Committee on Invalid Pensions.

A bill (S. 1602) granting an increase of pension to Mrs. Jane L. Fagg, widow of Col. John A. Fagg—to the Committee on Pensions.

A bill (S. 1635) granting an increase of pension to James Byrne—to the Committee on Invalid Pensions.

A bill (S. 1636) granting a pension to John G. B. Masters—to the Committee on Invalid Pensions.

A bill (S. 1665) granting a pension to Rita Stine—to the Committee on Invalid Pensions.

A bill (S. 1684) granting a pension to Sam P. Barbee—to the Committee on Pensions.

A bill (S. 1694) to increase the pension of Maj. Gen. Julius H. Stahel—to the Committee on Invalid Pensions.

A bill (S. 1737) granting a pension to James G. Hartzell—to the Committee on Invalid Pensions.

A bill (S. 1809) granting a pension to Joshua Parker—to the Committee on Invalid Pensions.

A bill (S. 1817) granting an increase of pension to Caleb M. Wright—to the Committee on Invalid Pensions.

A bill (S. 1949) granting an additional pension to Capt. Bradbury W. Hight—to the Committee on Invalid Pensions.

A bill (S. 2035) granting a pension to Julia D. Richardson—to the Committee on Invalid Pensions.

A bill (S. 2045) granting a pension to Harriet R. Matlack—to the Committee on Invalid Pensions.

A bill (S. 2055) granting an increase of pension to Mrs. Christine C. Barnard—to the Committee on Pensions.

A bill (S. 2200) granting an increase of pension to William H. Morgan—to the Committee on Invalid Pensions.

A bill (S. 2216) granting an increase of pension to Elizabeth M. Stevenson, of San Francisco, Cal.—to the Committee on Pensions.

A bill (S. 2220) to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott—to the Committee on Invalid Pensions.

A bill (S. 2223) granting a pension to Riley W. Pierce—to the Committee on Pensions.

A bill (S. 2238) granting an increase of pension to Simeon Stevens—to the Committee on Invalid Pensions.

A bill (S. 2255) granting a pension to Lorenzo Meserth—to the Committee on Invalid Pensions.

A bill (S. 2353) granting a pension to Delia Gilman—to the Committee on Invalid Pensions.

A bill (S. 2456) granting a pension to Oliver P. Gooding—to the Committee on Invalid Pensions.

A bill (S. 2578) granting a pension to Andrew M. Callaham—to the Committee on Invalid Pensions.

A bill (S. 2557) granting a pension to Sarah E. Boyd—to the Committee on Invalid Pensions.

A bill (S. 2635) granting a pension to Caroline Watkins—to the Committee on Pensions.

Joint resolution (S. R. 125) directing the Secretary of War to transmit an estimate of the cost of the improvement by the General Government of the Clatskanie River, Oregon—to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.;

A bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897; and

A bill (H. R. 5672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAHON, for three days, on account of sickness in family.

To Mr. LAWSON, for ten days, on account of important business.

To Mr. JOHNSON of North Dakota, for ten days, on account of important business.

To Mr. BISHOP, for one week, on account of important business.

JOHN R. BIGELOW.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7436) for the relief of the estate of John R. Bigelow.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eunice P. Bigelow, administratrix of the estate of John R. Bigelow, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $284.66 as rent of a tract of land, with the buildings thereon, known as Clermont, in Fairfax County, Va., 3 miles from Alexandria, as found and set forth by the Court of Claims in its findings of fact reported in House Miscellaneous Document No. 19, Fifty-second Congress, second session, and that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby, and its subsequent occupation by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I will explain the bill in a few brief moments, if the House will give its attention.

John R. Bigelow, now deceased, whose estate is the claimant here, was enlisted as a surgeon in the Union Army. In the year 1864 he bought some land which was condemned by the United States Government as belonging to a man who was then in the Confederate service. He bought the land under condemnation proceedings, for which he paid the sum of $1,900. He supposed that he was getting a title in fee simple to the property, but it turned out afterwards that under the law the Government could only confiscate the life estate of the man, and he dying soon after the war, Mr. Bigelow was unable to occupy the property for a longer period than some three or four years. Immediately after the purchase of the property the United States Government took possession and occupied it for the purpose of a smallpox hospital.

This claim was referred, I think, under the Bowman Act, to the Court of Claims; and the findings of the court are precisely as I have stated. They found that the estate was entitled to receive only the rent for the use of the property for the time the Government occupied it at the rate of $20 per month, which they say was a reasonable rental, although it is very much less than the claimant

says it ought to have been rented for. The estate loses altogether the $1,900 which was paid into the Treasury; and all that is derived from this rental is the small sum of $284, which is the amount of the rent of the premises as a smallpox hospital for the time the Government occupied it.

Mr. COX. Will the gentleman allow me to ask him a question? What time was this property occupied by the Union forces?

Mr. PAYNE. The report shows that it was occupied at the rate of $20 a month for about fourteen months.

Mr. COX. But what time; in what year?

Mr. PAYNE. From early in 1864.

Mr. COX. Then the occupation by the Government began in 1864?

Mr. PAYNE. Yes.

Mr. McMILLIN. Was the occupation before or after the death of the owner whose interest had been confiscated by the Government on account of treason?

Mr. PAYNE. It was before the death of the owner. It was occupied immediately after the sale by the Government, which took possession of it for a hospital. The party by whose death it reverted back to the estate lived only three or four years; but the occupation by the Government was for the period of time I have mentioned and was before the death of the party.

Mr. McMILLIN. That is to say, the Government occupied the property before the death of the owner, whose interest had been confiscated?

Mr. PAYNE. Yes; it was occupied by the Government as a smallpox hospital for fourteen months at the rental fixed—$20 a month—and was occupied during the lifetime of the party whose property was confiscated——

Mr. McMILLIN. What I am trying to get at is——

Mr. PAYNE. During the lifetime of the party whose estate was confiscated.

Mr. McMILLIN. That is the important question. Because if it was after that it would be the property of the heirs. What I wish to ask is whether any portion of this was after the death of the original owner?

Mr. PAYNE. Oh, no; it was all during his lifetime.

Mr. RICHARDSON. I understand the gentleman to state that this is a claim which has been found by the Court of Claims.

Mr. PAYNE. Found by the Court of Claims. The findings are in the report.

Mr. RICHARDSON. What reason is there for making an exception in favor of this case when there are something like $950,000 of similar cases that have been favorably decided by the Court of Claims and are now on the Calendar of this House?

Mr. PAYNE. This is a small amount.

Mr. RICHARDSON. I know, but there are a great many similar cases coming from my section of the country, and the aggregate of all is something over $900,000, on which there have been favorable findings by the Court of Claims. Now, I want to know why this case should be allowed, while the others should not be?

Mr. PAYNE. I will say to the gentleman that in the first place this party paid the Government $1,900 for this title which he received from the Government in 1864, over thirty years ago. He is out that money, and all he can get back is this pittance of $284 and a few cents. It seems to me that this is different from any other claim, because it is a case where the party is out actual money paid into the Treasury of the United States for this title which failed.

Mr. RICHARDSON. The gentleman does not understand that there was any warranty of title in the case, of course?

Mr. BRUMM. Where is this place located? Was it within the Union lines? We have a number of cases before my committee, and I should like to know about that.

Mr. PAYNE. The property was located in Alexandria.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. COX. Unless we can get some further explanation about this matter—I do not want to be forced to the point of objecting, but I want to ask——

The SPEAKER. The Chair understood that there was no objection.

Mr. COX. No; I want to get at one point.

The SPEAKER. The question is before the House for consideration.

Mr. COX. As I understand the gentleman's statement, this property was confiscated?

Mr. PAYNE. Yes.

Mr. COX. And it was sold?

Mr. PAYNE. By the Government.

Mr. COX. Sold by the Government, and your party bought it and paid the money into the Treasury of the United States for the property?

Mr. PAYNE. Yes.

Mr. COX. Now, did the rental under which you claim occur after the sale or prior to the sale?

Mr. PAYNE. It occurred after the sale and before the party whose property was confiscated died. I want to say further that there was a litigation brought by the heir to the property. One French Forrest was the party whose property was confiscated, and his son, after the death of French Forrest, brought an action in ejectment, and that action was defended and afterwards affirmed, I think, by the Supreme Court, ousting him from the premises. The occupation was after the sale and before the party died whose property was confiscated.

Mr. COX. In other words, the Government got the use of the property after the sale?

Mr. PAYNE. Yes.

Mr. COX. And this is a claim for the rental after the sale by the Government?

Mr. PAYNE. It is.

The bill was order to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

JOHN WALLER.

Mr. ODELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to John Waller, late postmaster at Monticello, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of $800, to reimburse him for moneys expended in carrying the United States mails and for damages consequent therefrom.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Reserving the right to object, let us have the report read to see what the foundation of this claim is.

The report (by Mr. BRUMM) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5253) to reimburse John Waller, former postmaster at Monticello, N. Y., for money expended in carrying the mails, have carefully considered the same, and report:

A bill in all respects similar to the present bill was introduced into the Forty-eighth Congress, and was referred to the Committee on Claims, and by that committee reported favorably. Your committee adopt the report of that committee and recommend that the bill do pass. Said report is as follows:

"The committee find that the said John Waller was, during the months of February, March, April, and May, in the year 1875, the postmaster at Monticello, in the county of Sullivan, and State of New York; and at that time Monticello was at the head of the railroad route, and the mails were received via the Port Jervis and Monticello Railroad and via the Midland Railroad at Fallsburg Station.

"The committee further find that during the months aforesaid the said railroads were compelled at various times to abandon their service as carriers of the mail, on account of snow obstructions, which prevented running of trains. This stoppage was a serious embarrassment to the business interests of Monticello and the surrounding country. The post-office at Monticello became choked with the letters of adjoining towns. To give relief the postmaster employed O'Neil & Co., who were running passenger sleighs between Monticello and Liberty, in said county, and between Monticello and Middletown, in the adjoining county of Orange, to perform the temporary service of carrying the mails, and thereupon reported the facts to the Second Assistant Postmaster-General.

"In providing for this temporary service the postmaster relied upon section 259 of the Rules and Regulations of the Post-Office Department, which had been furnished him for his guidance in the discharge of his duties. That section reads:

"'Whenever any contractor fails to commence the service stipulated in his contract, or abandons the same, it is the duty of the postmaster at the head of the route to employ temporary service at the lowest rate possible, and report the facts to the Second Assistant Postmaster-General immediately.'

"The postmaster followed these instructions. The railroads were the contractors. They abandoned the service, and the postmaster employed temporary service and made report of the facts as required.

"When O'Neil & Co., the temporary contractors, made out their bill and demanded payment of the Second Assistant Postmaster-General, it was refused on the ground that there were no funds applicable to the payment of the claim. Thereupon they brought suit against Waller and recovered judgment against him, and he was compelled to pay, and actually did pay on the 29th day of March, 1883, the sum of $420.25.

"In addition to this, the said postmaster has paid, in part, and incurred obligations to the amount of $375, for his counsel fees and costs and necessary disbursements in defending suit.

"Your committee is of opinion that the claim is a just and meritorious one, and therefore reports the bill back favorably, with a recommendation that it pass."

STATE OF NEW YORK,
*County of Sullivan, Village of Monticello, ss:*

John Waller, of said village, being duly sworn, says that during the months of February, March, April, and May, 1875, he was postmaster at Monticello, and that mails were received by the Port Jervis and Monticello Railroad, and via the Midland Railroad at Fallsburg Station.

That during the months named heavy falls of snow in this section of country blockaded said railroads, and that great quantities of mail matter accumulated at the Monticello post-office.

Deponent further says that in the rules and regulations furnished him for his guidance as postmaster there was a certain provision known as section 259, which was as follows:

"SEC. 259. Whenever any contractor fails to commence the service stipulated in his contract, or abandons the same, it is the duty of the postmaster at the head of the route to employ temporary service at the lowest rate possible, and report the facts to the Second Assistant Postmaster-General immediately."

Deponent further says that, believing it was his duty to attend to the forwarding of the mails which had accumulated in his office as aforesaid, and relying upon the directions in said section 259, he employed O'Neil & Co.,

who were running passenger sleighs between Monticello and Liberty, in said county, and between Monticello and Middletown, in the adjoining county of Orange, to perform the temporary service of carrying the mails, and thereafter reported the facts to the Second Assistant Postmaster-General.

That upon the completion of such service the said O'Neil & Co. made out their bill, which was duly presented to the Second Assistant Postmaster-General, and payment demanded, but refused.

That thereupon the said O'Neil & Co. sued this deponent for said services and recovered judgment, and this deponent was compelled to pay, and actually did pay, on the 29th of March, 1883, $426.25.

That no part of the money thus paid has ever been refunded to him.

JOHN WALLER.

Sworn to before me this 21st day of March, 1884.

PETER E. PALER, *Notary Public.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COX. There is quite a number of these claims that have come out of the Committee on Claims. One is just about as meritorious as another. As there is a question about that sort of legislation in a special bill, I think the bills ought to take the regular order; and I object to the present consideration of this bill.

JOHN R. BIGELOW.

Mr. PAYNE. Mr. Speaker, the bill that I asked the attention of the House to was a House bill, and there was a Senate bill passed which I desire to have substituted for it.

The SPEAKER. The House bill that was passed at the request of the gentleman from New York was the House bill instead of the Senate bill. If there be no objection, the Senate bill can be substituted for the House bill.

Mr. McMILLIN. Are they exactly the same?

Mr. PAYNE. They are.

The SPEAKER. The Chair hears no objection.

The bill is as follows:

A bill (S. 100) for the relief of the estate of John R. Bigelow.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eunice P. Bigelow, administratrix of the estate of John R. Bigelow, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $294.66, as rent of a tract of land with the buildings thereon, known as Clermont, in Fairfax County, Va., 3 miles from Alexandria, as found and set forth by the Court of Claims in its findings of fact reported in House Miscellaneous Document No. 19, Fifty-second Congress, second session, and that this sum be paid to her in full satisfaction of all claims against the United States on account of the purchase of the Clermont property in July, 1864, by John R. Bigelow and Westel Willoughby, and its subsequent occupation by the United States.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REV. EDWIN WARRINER.

Mr. HILL. Mr. Speaker, I ask unanimous consent for the present consideration of this bill. It will take but a minute.

The bill was read, as follows:

A bill (H. R. 505) for the relief of Edwin Warriner.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to place the name of Edwin Warriner on the rolls of the First Battalion Connecticut Cavalry Volunteers as chaplain, and to recognise him as of that grade and organization in the service of the United States from the 1st day of December, 1861, the date of his commission, to the 12th day of March, 1864, the date of the acceptance of his resignation by the governor of the State.

Mr. HILL. Mr. Speaker, it will take but a minute to state the object of this bill to the House. This gentleman is a leading Methodist clergyman in my district. He served as chaplain for nearly three years in the First Battalion of Connecticut Cavalry. That regiment was organized into two battalions, and he served with the First Battalion. He was paid for his services by the State of Connecticut during all that time, but the regimental organization was not completed until about two months before his resignation, and consequently he never was mustered. I will not detain the House by reading this report, but will only read the last sentence, which is sufficient:

The case is a plain one, and the reasons why he was not mustered into the service of the United States ought not to prejudice his claim nor prevent the Government of the United States from doing an act of simple justice to one who had rendered his country valuable service in the hour of trial and danger.

There is no question of money involved in the case; there is no claim for a pension or back pay about it. It is simply for the correction of an honorable record.

Mr. LOUD. Who said that?

Mr. HILL. It was the unanimous report from the Committee on Military Affairs.

Mr. LOUD. That is the committee's report.

Mr. McMILLIN. Let the report be read.

The report by (Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 505) for the relief of Rev. Edwin Warriner, have had the same under consideration, and report it back to the House with the recommendation that it do pass.

The facts in the case, as indicated by the papers and documents submitted to the committee, are as follows:

Rev. Edwin Warriner was commissioned as chaplain of the First Battalion of Cavalry Volunteers from the militia of this State (Connecticut) by Governor William A. Buckingham December 3, 1861, and served as such until the 12th of March, 1864, when he tendered his resignation, which was accepted, and he was honorably discharged the service.

Mr. Warriner was never mustered into the service of the United States for the reason that there was no legal vacancy for a chaplain of that regiment during his alleged incumbency of the office, the regiment not having completed its organization until about the time of his discharge, as shown by the records of the War Department and communicated to Hon. Ebenezer J. Hill, member of Congress from the State of Connecticut, by Col. F. C. Ainsworth, under date of December 5, 1895.

Mr. Warriner was paid his salary as chaplain by the State of Connecticut during the entire period of his service, which sum was refunded to the State of Connecticut by the United States, and which tends to prove that the United States recognized the validity of the commission, appointment, and service of the claimant.

The service of Mr. Warriner as chaplain is further substantiated by Colonel (afterwards General) Blakeslee and First Lieut. William T. Cook, who submit affidavits upon that point and testify to his fidelity and efficient service.

The case is a plain one, and the reasons why he was not mustered into the service of the United States ought not to prejudice his claim nor prevent the Government of the United States from doing an act of simple justice to one who had rendered his country valuable service in the hour of trial and danger

Mr. McMILLIN. Mr. Speaker, it seems that this party has already been paid by the State of Connecticut and that State has been reimbursed by the Government of the United States. Now, what is the object of this proceeding?

Mr. HILL. It is simply this: This gentleman has served as a member of the Union Veterans League and also in the Grand Army of the Republic, and he finds to-day, much to his surprise, that he was never mustered into the United States service, and that he has no right to a membership in those organizations.

Mr. McMILLIN. Where was his regiment?

Mr. HILL. His regiment was organized into two battalions, and his service was all, except about three months of his three years, with the First Battalion, before the regimental organization was complete.

Mr. McMILLIN. Where was he engaged?

Mr. HILL. He was with the First Battalion of Cavalry Volunteers of Connecticut, and served with them. This is simply to correct his record, and carries no money whatever,

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNED CANNON AND CANNON BALLS FOR L. W. COOPER POST, GRAND ARMY OF THE REPUBLIC, OF LATHROP, MO.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the passage of a little bill.

The SPEAKER. The Chair thinks that probably there is hardly time to pass another bill.

Mr. DOCKERY. There are two minutes, and it will take but a minute if nobody objects.

The bill was read, as follows:

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to L. W. Cooper Post, Department of Missouri, No. 81, of the Grand Army of the Republic, of Lathrop, Mo., one condemned cannon and five cannon balls: *Provided*, That the same can be spared without detriment to the service, and that no expense is hereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER. Executive Document No. 346, being a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Hannah S. Crane, Mary Ives Crocker, Kate Mary Dillon, and James S. Boyd against The United States, should have been referred to the Committee on Claims instead of the Committee on War Claims, and without objection the change will be made.

There was no objection, and it was so ordered.

The SPEAKER. In accordance with the rules the House is now in recess until 8 o'clock this evening, and the gentleman from New York, [Mr. PAYNE] will please act as Speaker.

Accordingly (at 5 o'clock) the House took a recess until 8 o'clock p. m.

## EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m., and was called to order by Mr. PAYNE as Speaker pro tempore, who directed the Clerk to read the special order.

The order was read, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political

disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

JONATHAN SCOTT.

The SPEAKER pro tempore. The first business in order is a bill which was ordered to be engrossed and read a third time at last Friday evening session, when the reading of the engrossed bill was demanded. The Clerk will report the engrossed bill.

The Clerk read the engrossed bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The bill was passed.

On motion of Mr. PICKLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

J. S. COCHENOUR.

Mr. WOOD. Mr. Speaker, a week ago I gave notice that I desired to call up the bill which I now send to the desk and ask to have considered by unanimous consent at this time.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of J. S. Cochenour, late captain of Company H, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month.

Mr. ERDMAN. Mr. Speaker, I desire to have the report in that case read.

Mr. WOOD. Let it be read, Mr. Speaker. It is very brief.

The report by (Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3139) to increase the pension of J. S. Cochenour, submit the following report:

John S. Cochenour was enrolled December 24, 1861; was mustered as second lieutenant of Company H, Sixtieth Illinois Volunteers, February 17, 1862, and as captain of said company November 6, 1863.

On September 1, 1864, in the battle of Jonesboro, Ga., his left foot was shot off, and his leg amputated 10 inches below the kneejoint. It appears from the evidence on file in the Pension Office that this wound never entirely healed; that the flaps receded, rendering the end of the stump sore and ulcerated, and from that time to the present it often bleeds, discharging pus, and is painful. He has for this reason been unable to wear an artificial limb a portion of the time.

He is now confined to his bed and has been most of the time for nearly six months past. He has heretofore frequently been confined to his bed, and the evidence clearly shows that he requires the frequent services of an attendant. As early as May 25, 1866, his medical examination shows him "totally incapacitated for manual labor" on account of this wound. He is now 55 years of age, and his condition appears to be growing worse, rather than better, with his advancing years. His last medical examination, May 31, 1893, disclosed that the "end of the stump is sore and ulcerated."

Claimant was discharged on account of his wound December 14, 1864, from which time he was pensioned at $20 per month, which was increased to $24 from March 3, 1883, and to $30 from August 4, 1886, which sum he is now drawing. Applications for increase were rejected August 20, 1875, and August 22, 1890.

The committee have examined the affidavits now on file in the Pension Office of the following physicians: Z. D. French, J. H. Hundley, H. A. Lemen, M. D. Foster, and E. J. French, in addition to the reports of the medical boards. The affidavits of the following laymen have also been examined: O. C. Palmateer, Sylvester Utterback, Elizabeth Utterback, John C. Rush, Caroline C. Cochenour, D. Burnett, A. J. West, John A. Berry, Emily S. Clark, Calvin U. Fishel, also that of Hon. J. C. Allen, a former member and Clerk of this House.

These affidavits show applicant entirely incapacitated for the performance of manual labor, and also that at times the attendance of another person upon him is absolutely necessary. The witnesses have personal knowledge of his condition, and under the circumstances the committee are unable to perceive why the evidence of a layman is not as accurate and valuable as that of a physician.

There is no question but that $30 per month is insufficient for applicant's care and support or that he ought not to have $50 under existing law unless the same be very strictly construed. He requires "frequent" though not "periodical" attendance of another person.

In view of all the facts and the gallant record of this soldier the committee recommend the passage of the bill with these amendments: Change name in bill and title to "John S. Cochenour," and also add to the end of bill "in lieu of the pension he is now receiving."

The amendments recommended in the last paragraph of the report were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided; and there were—ayes 70, noes none; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order. The Clerk will report the first bill.

SOLOMON HYAMS.

The Clerk read as follows:

A bill (H. R. 2002) for the relief of Solomon Hyams.

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Solomon Hyams, of Charleston, S. C., Indian war survivor, to $30 per month, in lieu of the pension now received by him, under certificate No. 1352.

The report (by Mr. ELLIOTT of South Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2002) granting an increase of pension to Solomon Hyams, have considered the same and report:

Solomon Hyams was a private in Captain Robinson's company, Washington (D. C.) Volunteers, and served from June 20, 1836, to December 31, 1836, in the Seminole Indian war.

On October 5, 1882, he filed an application at the Pension Bureau, declaring that while in said service he incurred a rupture from a fall in line of duty. The testimony filed in support of the claim showed that he had been a sufferer from hernia ever since his discharge from the service, but being unable to furnish the required proof as to the circumstances attending the injury his claim was disallowed.

Subsequently, however, he was granted the pension of $8 per month provided by the Indian war service-pension act of July 27, 1892, and he is now in receipt of that sum.

The claimant is now over 90 years old, and in addition to the disabilities incident to that great age, he is suffering from the hernia above mentioned. He is absolutely without any property or income, aside from the pension, and can do nothing whatever to aid in his support. The facts are shown by the affidavit of Dr. T. P. Whaley, of Charleston, S. C., and by the statements of the claimant and others.

There are many precedents for an increased allowance to the aged and destitute veterans of these old wars, and in the light of the facts stated above the passage of the bill is recommended with an amendment striking out the word "fifty," in line 6, and inserting in lieu thereof the word "twenty," so as to fix the rating at $20 per month.

Mr. TALBERT. Mr. Chairman, I am requested by my colleague, Mr. ELLIOTT, to state that he is personally acquainted with this old man, who is 90 years old and in indigent circumstances. He lives in the city of Charleston, and has no means of support except the pension he is receiving. I do not know him myself, but that is the statement which my colleague authorized me to make.

The amendment recommended in the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY JANE LYNN.

The next business on the Private Calendar was the bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania, under General Wayne, in the war of the Revolution, and allow the said Mary Jane Lynn a pension at the rate of $12 per month.

Mr. McCLELLAN. Let the report be read.

The report (by Mr. HALTERMAN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 483) granting a pension to Mary Jane Lynn, and appropriating money therefor, having had the same under consideration, submit the following report:

Mary Jane Lynn, the applicant, is now over 79 years of age, and resides in the city of Altoona, Pa. She was born in Union County, Pa., November 23, 1817, and is the only surviving child of John R. Lynn and Jane Lynn. John R. Lynn, her father, enlisted as a private in Captain Gill's company of Colonel Moylan's regiment of Pennsylvania Volunteers in 1780, to serve during the war, and resided at the time of his enlistment at Lancaster, Pa., and was honorably discharged from service. At the age of 63 years he was granted a pension as a Revolutionary veteran, his application being dated April 6, 1818. He died in Union County, Pa., September 28, 1847, and left to survive him a widow and the applicant, who continued to reside with her mother until her mother's death, in 1854.

Miss Lynn, the applicant, is a maiden lady and is in indigent circumstances, and has made her living as a seamstress. She is now of such an age and is so infirm that she is unable to follow her employment, and is dependent to a very large degree upon her friends (she having no relatives) for support.

All the facts relative to the service of the soldier are shown in the papers on file at the Pension Bureau, and competent evidence was given your committee as to the age, relationship, and dependence of the beneficiary.

There are several precedents for the proposed legislation, and, in the light of the claimant's necessitous circumstances, your committee believe that the small pension proposed in the bill should be allowed to her. The passage of the bill is therefore recommended.

Mr. TALBERT. Mr. Chairman, I notice that the report in this case says that there are several precedents for such legislation. I would like to ask the chairman of the Committee on Pensions if he can cite any of those precedents?

Mr. LOUDENSLAGER. There are several precedents, not only in this Congress, but in the Fifty-third. The precedent that has been established by the committee and by Congress as to the amount of pension is $12 a month, and the Committee on Pensions have adhered strictly to it. This case comes within the line of the precedents referred to in the report. The facts have been proven to the satisfaction of the committee.

Mr. TALBERT. This strikes me as a very exceptional case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL PETTIS.

The next business on the Private Calendar was the bill (H. R. 3007) granting an increase of pension to Michael Pettis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Michael Pettis, First Mounted Rifles, regular service, who performed conspicuous service in the war with Mexico, to $30 per month.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3007) granting an increase of pension to Michael S. Pettit, have considered the same, and respectfully report as follows:

The claimant, Michael S. Pettit, was a private in Company F, First United States Mounted Rifles, and served from August 25, 1846, to April 11, 1848, in the war with Mexico.

On January 23, 1893, he filed an application at the Pension Bureau declaring that at Chapultepec, near the City of Mexico, December 13, 1847, he fell from a scaling ladder and broke his foot, and at the same time a shell exploded near his head, bursting the tympanum of the right ear, entirely destroying the hearing of the ear.

The claimant was discharged from the service on a surgeon's certificate of disability, which recites that he was at that time suffering from deafness and lameness to such a degree as to be unfit for further duty with the Army.

The report of the examining surgeons, dated August 2, 1893, shows severe deafness of right ear, an injury of the right foot, and other disabilities, causing total inability to perform manual labor, but owing to the long time that has elapsed since the service was rendered he has failed to secure the testimony required to complete the application, and no allowance of the disability application has over been made.

After the passage of the Mexican war service-pension act of January 29, 1887, Mr. Pettit made application thereunder and was allowed the pension of $8 per month provided by that act. Since then the pension has been increased to $12 per month under the act of January 5, 1893, because of the claimant's destitution and inability to earn a support by manual labor.

Mr. Pettit is now about 74 years old, without property of any kind, and an inmate of the Soldiers' Home at Marion, Ind. His statement concerning his services and the reasons for asking the increased allowance provided by the bill are as follows:

SOLDIERS' HOME, *Marion, Ind., December 8, 1895.*

DEAR SIR: In the latter part of the last Congress there was a bill introduced by Mr. McNagny in my behalf, granting me an increase of pension. I will state the facts in my case as briefly as I can:

In 1846 I enlisted in the First Regiment of Mounted Rifle Regulars, under Persever F. Smith as colonel and John C. Fremont as lieutenant-colonel, and served all through the war with Mexico. I was in every engagement from Vera Cruz to the capture of the City of Mexico. I served as pioneer for Company E at the storming of Chapultepec; was with the storming party at that time; lost one shoe, and got my foot cut with glass, but tied it up and still kept with our regiment. Between the castle and the Belen Greety Gate, while we were going from one arch to another, and when near the gate, a shell burst close to where I was standing in one of the arches and the concussion bursted the tympanum of my right ear, and totally destroyed my hearing in that ear. I still kept with my company, and on the morning of the 14th of September, 1847, helped place our flag over the capitol. After we had been in the city some time my foot and leg became badly inflamed, my ear ran corruption constantly, and I became so bad that I was forced to be sent to the hospital, where I remained until discharged on April 12, 1848. At that time our company (E) was disbanded, and while I was in the hospital I was transferred to Company F, and discharged from Company F.

We had but a short time before got a new surgeon, Newton by name, and our captain being away at home, and I myself not thinking anything about pensions at that time, and being anxious to get away on the next wagon train, paid no attention to the advice of our acting surgeon in chief, who told me at the time that I was entitled to a pension. Now, the facts are these: I have been deaf in my right ear from that time, and I have been lame from the day I was discharged, and I received it all in the line of duty. There was not a stouter or more healthy man in the regiment, as all who knew me would testify. Through neglect I never applied for a pension until a short time before the bill passed giving the Mexican veterans $8 per month at 62 years of age. Out of the number who were with the colors on the 14th of September, 1847, there are only two living, as far as I can ascertain, myself and Jacob Tourga. Captain Roberts, of the "Rifles," was in command of the colors on that day. He died in Washington a few years ago.

Now, I suppose that all of the papers that I signed at the time I got my pension are on file in the Pension Department, and the testimony there will show that I have stated facts.

Congressman Martin had a copy of my discharge, but I do not know what he has done with it.

I am at this time an inmate of our grand Home here, and it could be almost a paradise for the "vets" if they would make it so—sheltered from storms and rain, every comfort provided by a grateful country that is denied to thousands, and as far as I am concerned, if it were not for family ties at home, I could be content; but one that has always been surrounded with a happy family can not be happy away from them.

Now, if it is just and right for me to be granted an increase, or back pay, so that I can spend the few remaining days with loved ones at home it is all I ask. I am now nearly 74 years old, and I am certain that I have been entitled to a pension ever since I was discharged.

I need not say one word in regard to the Rifle Regiment. Every reader of history knows its record, and as for the fact in regard to planting the first flag over the Capitol, see Scott's Official Report, or Goodrich's History of the War with Mexico.

I should not ask anything, even now, had it not been for adversity unavoidable.

Now, if it is possible to help me I will be very thankful, and I am very thankful for what I already receive. If I should be allowed a small increase it would not be for long.

I enlisted at Logansport, Ind. Spear Tipton was first lieutenant. There is not a prominent business man in Logansport but will testify to my moral character—such men as Judge Chase, Judge McConnell, Baldwin & Nelson, Murdock, or any old resident there.

I am, very respectfully, yours, truly,

MICHAEL S. PETTIT,
*First Regiment United States Mounted Rifles.*

Hon. C. W. STEELE.

P. S.—Senator DAVID TURPIE ought to do all he can for me, as he is an old acquaintance; used to live in the same town.

I do not know if you are a kinsman of Uncle Charley Steele, of Wabash, or not, but if you are, I have a right to call him uncle, as he was uncle to my wife. Colonel Butler was her grandfather.

Many of the material facts set forth in the foregoing statement are fully shown by the papers on file at the Pension Bureau, and the claimant's reputation for truthfulness and reliability is fully vouched for by Hon. William D. Owen, secretary of state, and by other prominent citizens of Indiana.

The passage of the bill is respectfully recommended, with an amendment striking out the word "thirty," in line 6, and substituting therefor the word "twenty," so as to fix the rate of pension at $20 per month; also amend by adding the initial "S." to claimant's Christian name, and by changing the spelling of his surname to "Pettit."

The amendments recommended in the last paragraph of the report were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. HELEN MORRELL CARROLL.

The next business on the Private Calendar was the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Helen Morrell Carroll, widow of Samuel Sprigg Carroll, late a major-general in the United States Army, at the rate of $75 a month, in lieu of the pension she is now receiving.

Mr. ERDMAN. Let the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 730) granting a pension to Helen Morrell Carroll, have carefully examined the same, and, adopting the accompanying Senate report (No. 53) as their own, respectfully recommend its passage.

[Senate Report No. 53, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 730) granting a pension to Helen Morrell Carroll, have examined the same, and report:

A similar bill was introduced in the Fifty-third Congress, referred to the Committee on Pensions, examined, reported favorably, and passed the Senate.

The facts are as follows:

Mrs. Carroll is the widow of the late Maj. Gen. Samuel Sprigg Carroll. She is now drawing a pension of $30 per month. She is in feeble health and without property. General Carroll's military record is one of conspicuous merit. Entering the service in 1856, he gained great renown, especially in the late civil war, as will appear from the appended statement from his military service furnished by the War Department. He was promoted to major for gallant and meritorious services in the battle of Chancellorsville; to lieutenant-colonel for gallant and meritorious service in the battle of Gettysburg; to colonel for gallant and meritorious service in the battle of the Wilderness; to brigadier-general for gallant and meritorious service in the battle of Spottsylvania, and to major-general for gallant and meritorious service in the field during the war.

The record is one of great brilliancy, and your committee are of opinion that it entitles the widow to a much higher rate of pension than she is now receiving.

Your committee recommend, therefore, the passage of the bill.

—

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, December 22, 1894.*

*Statement of the military service of the late Gen. S. S. Carroll, of the United States Army, compiled from the records of this office.*

Cadet United States Military Academy, July 1, 1852, to July 1, 1856; was graduated and appointed brevet second lieutenant, Ninth Infantry, July 1, 1856; promoted to second lieutenant, Tenth Infantry, October 1, 1856; promoted first lieutenant April 25, 1861; promoted captain, November 1, 1861; commissioned colonel, Eighth Ohio Infantry, December 7, 1861; commissioned brigadier-general of volunteers, May 12, 1864; honorably mustered out of volunteer service, January 15, 1866; promoted lieutenant-colonel Twenty-first Infantry, January 22, 1867; retired with rank of major-general under act of July 28, 1866, June 9, 1869.

Brevetted major United States Army May 3, 1863, for gallant and meritorious service in the battle of Chancellorsville, Va., lieutenant-colonel July 3, 1863, for gallant and meritorious service in the battle of Gettysburg, Pa.; colonel May 5, 1864, for gallant and meritorious service in the battle of the Wilderness, Va.; brigadier-general March 13, 1865, for gallant and meritorious service in the battle of Spottsylvania, Va.; major-general March 13, 1865, for gallant and meritorious service in the field during the war, and major-general of volunteers March 13, 1865, for gallant and meritorious service during the war.

SERVICE.

He was on duty at Fort Columbus, N. Y., October 10, 1856, to March 9, 1857; joined his regiment, Tenth Infantry, May 25, 1857, and served with it at Fort Ridgely, Minn., to June 9, 1857; en route to and in Utah to July 8, 1859; on leave to January 5, 1860; on duty as quartermaster at the United States Military Academy to November 11, 1861; commanding regiment, Eighth Ohio Volunteers, in the field in West Virginia to May 23, 1862; commanding a brigade in General Shield's division to August 14, 1862; and was engaged in the actions at Kernstown, March 22, 1862, and Port Republic, June 9, 1862; battle of Cedar Mountain, August 9, 1862, and skirmish on the Rapidan, August 14, 1862, where he was wounded on sick leave to September, 1862; commanding brigade in Army of the Potomac (on sick leave July 24 to August 5, 1863) to May 13, 1864; and was engaged in the battles of Fredericksburg, Va., December 13, 1862; Chancellorsville, Va., May 2 to 4, 1863; Gettysburg, Pa., July 1 to 3, 1863; Bristow Station, Va., October 14, 1863; Wilderness, Va., May 5 and 6, 1864, and Spottsylvania, Va., May 9 to 13, 1864, where he was twice wounded. He was absent on account of wounds to December 6, 1864; he was on duty in the Department of the East and Washington, D. C., to February 21, 1865; commanding Department of West Virginia to March 8, 1865; commanding Second Division of that department to April 2, 1865, and the Fourth Provisional Division, Army of the Shenandoah, and First Division, First Corps, to July, 1865; on duty at Camp Stoneman, District of Columbia, and awaiting orders to August 14, 1865; commanding the district of northeast Virginia and district of central Virginia to January 15, 1866; on ordinary leave to April 18, 1866; on recruiting service to April 1, 1867; with regiment (Twenty-first Infantry) and in command of Petersburg, Va., to January 24, 1868; on twenty days' sick leave, and permission to delay to February 22, 1868; on duty at headquarters Department of Washington to April 1, 1868; on duty as acting assistant inspector-general, Division of the Atlantic, to March 19, 1869, and awaiting orders and

undergoing examination before a retiring board to June, 1869. He was examined by a retiring board at New York City, June 1, 1869, and the board found in his case as follows:

"That Bvt. Maj. Gen. S. S. Carroll, lieutenant-colonel, United States Infantry, is incapacitated for active service, and that said incapacity results from wounds received in battle, while commanding two brigades of from 15 to 17 regiments in the battle of Spottsylvania, Va., May 13, 1864, and the board recommend that he be retired in conformity with the thirty-second section of the act of July 28, 1866."

General Carroll was therefore retired from active service June 9, 1869, with the full rank of major-general, being the rank of the command held by him when wounded. He died January 28, 1896.

J. C. GILMORE,
*Assistant Adjutant-General.*

Mr. TALBERT. I think, sir, that we should stop a while and discuss the merits of this proposed legislation. There has been no objection raised to a single bill out of, I believe, four that we have passed which appear to be meritorious. But when we strike this case we can see that the purport of the bill is to discriminate in favor of the widow of a major-general. She is already under the law, and according to the regulations and rating of the law, drawing $30 a month. This bill proposes to give her in addition $45, making her pension $75 a month, when the very first bill we passed to-night, providing for that gallant old soldier, Captain Cochenour, who was proven to be a gallant soldier, grants him only $50 a month.

Now, you propose to give the widow of this major-general $75 a month for no other reason on the face of the earth than that she was the widow of a major-general. I submit, Mr. Chairman, that that is not a sufficient reason why this woman's pension should be raised from $30 to $75 a month. I submit there is not a man in this House to-night who will get up here and claim that there is sufficient evidence in this case for thus increasing this widow's pension. If so, let him speak out, or forever hold his peace. No doubt her husband was a gallant soldier. He served in two wars, and his memory should be revered. I respect him for what he did for his country. He was a grand and gallant man. But there are to-day, all over this Union, thousands of widows of as gallant men as this major-general ever could have been, and yet those widows are drawing only eight, ten, or twelve dollars a month. I submit it is not just to those women and their departed husbands, lying to-day in the cold and silent grave, to make this unjust discrimination in favor of the widow of a major-general. It is wrong in every sense of the word.

There may be precedents for this bill, but if so they are based on exceptional cases—cases where there were distinguished services on the part of the wife as well as the husband. If I mistake not, the very next bill which we shall reach is one proposing to increase the pension of the widow of General Doubleday, she having actually taken her gun and gone forth to perform the service of a soldier. That is an exceptional case. There may be some reason in such an exceptional and distinguished case for granting an exceptional pension, but this is only an exception to the rule.

In this case there is a long report, the statements of which, of course, I do not undertake to deny. No doubt the report is truthful in stating the gallant services of this man in the Mexican war and in the "late unpleasantness." I do not deny those statements. Yet I say there is an insufficiency of evidence to justify raising his pension from $30 to $75 a month.

I appeal to the distinguished chairman of the Committee on Invalid Pensions [Mr. PICKLER] to come to my aid to-night and to show his faith by his works. He has stood on this floor and urged the claims of the private soldiers and their widows; he has stood up for their rights as against the rights of major-generals and others. I do not think he can sit here to-night and complacently vote $75 a month to a widow for no other reason than that she is the widow of an officer. If he does he will depart from his assertions.

It will be borne in mind that there is, if I am correctly informed, no rating above that of a lieutenant-colonel. The general law makes no provision for any higher pension than to the widow of a lieutenant-colonel at the rate of $30 a month, the same pension which the officer himself would receive; and that possibly is just and right. But, sir, I submit that when you propose to increase a pension of this kind, without any testimony except that the applicant's husband was a gallant officer, it is not just toward the thousands of widows of soldiers who were just as true and just as brave as this general and who suffered privation away down at their homes through many dreary days and nights alone.

Now, one word as to the way in which cases are presented in these reports. I wish to send to the desk to be read a letter which I received some time ago from a gallant soldier in regard to a pension already passed. This letter shows the misrepresentations upon which reports may be made. It is a letter written to me in regard to the pensioning of Mollie Crandall. I would have had it read on a previous Friday evening if I could have obtained the opportunity when the bill to which it refers was under consideration. This letter is written by an old soldier who knew Captain Crandall. I desire the letter read in my time, and I ask that the House give it attention, for although it does not bear directly upon the pending case it shows that misrepresentations sometimes find their way into the reports of committees, that our committees may be imposed upon by misrepresentation, and upon such incorrect information they sometimes bring forward their reports. Let the Clerk read.

The Clerk read as follows:

WASHINGTON, D. C., *March 30, 1896.*

DEAR SIR: If you care to continue opposition to the granting of an increase of pension to Mollie Crandall, widow of the late Capt. Clark Crandall, when final action is to be had by the House, I beg to suggest that you call the attention of the two members who came to your assistance on the evening of the 20th instant to what I have to claim for Captain Crandall, and reasons why I object to the kind of excuses given why the captain did not apply for a pension under the general law, and fifty others of his comrades who knew him as well and intimately as did the three or four who were called upon to, and did, certify as printed in the report of the committee. As one of his personal intimate friends, I protest against any record being made, under any pretext or for any purpose, that will reflect to the discredit of the good name for integrity and intelligence he bore among his comrades and all others who knew him best.

One certifies that he knew of his physical condition and advised him to apply for a pension. This advice was not taken by the captain, for he was a pension attorney, familiar with the pension laws, and knew that he could not support a claim for a pension under the law in force at the time the advice was given to apply. "Poor and in distress" at that time, it is true, and "proud," he made no claim, or he would have been pensioned, as he was entitled, at $20 per month. I claim for him and the good name he left that it was because he was an honorable man, well knowing that under the law he was not entitled, and never for one moment did he harbor the thought of applying and supporting the claim by false testimony.

Another certifies to the frequent talks he had with the captain and how he related his experiences and attributed all the ills he suffered to his army life. This would make Captain Crandall a liar with his army record before us. But no one who knew him would agree that he was a liar. Another certifies that he frequently talked with him over the effect the firing of cannon had on the sense of hearing, and leaving the impression that the captain claims his deafness was the result of shooting of cannon. I do not believe he would lie, and do not believe he even said one word to leave the impression that he ever saw any such service as is now claimed for him in support of this bill.

The chairman of the committee points to the certificate of Senator MITCHELL, who says he knew Crandall several years before and ever since the service, etc. At least two Representatives in Congress know Captain Crandall and of his service as well as did Senator MITCHELL, and one of them rose in his seat in Congress and stated it, but that testimony is not to be considered. The chairman of the committee also stated that Crandall made no application for pension until driven by poverty to do so, when the facts are he applied under June act of 1890, and was at the time in receipt of $1,440 per year as an employee of the Senate. Mr. Crandall was an honest man, and I object to any record being made that will prove him to have been otherwise. I claim for him that he applied for pension and it was granted him under June, 1890, act, because he knew it was justly due him, and in doing so he did not represent that he was starving, neither was it necessary for him to have done so. If it was, then the captain lied. But he was not a liar, and I again object to the record as now made up. Give the widow $20 if you will, but not at the expense of the good name of my deceased friend and comrade.

Respectfully, J. B. BURKE.

Mr. TALBERT. Mr. Speaker, that letter speaks for itself. I have no comment to make upon it. I only want to say that the widows of the common soldiers suffered privations, poverty, and want during the war, and are suffering in the same way now, while the widows of officers were living "in clover" and having a fine time.

Mr. Chairman, I will ask this House to agree that this bill be laid aside with an unfavorable report. Let this widow remain just where she is, drawing a pension of $30 a month. I move that the bill be laid aside with an unfavorable recommendation. I hope there will be no objection to this motion.

The CHAIRMAN. The question "Shall the bill be laid aside with a favorable recommendation?" takes precedence of the motion of the gentleman from South Carolina.

Mr. TALBERT. I insist, Mr. Chairman, that I have offered an amendment to that motion.

The CHAIRMAN. The Chair so understood; but the question on laying the bill aside with a favorable recommendation takes precedence of the gentleman's motion.

Mr. TALBERT. You consider the principal motion before you do the amendment?

The CHAIRMAN. Yes, in cases of this kind.

Mr. TALBERT. That is strange parliamentary law; but, however, go ahead with your rat killing.

Mr. BAKER of New Hampshire. Pending this question, I move to strike out "$75" and insert "$50."

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New Hampshire, to amend the bill as stated by him.

Mr. ERDMAN. In the absence of the gentleman from Maryland [Mr. MILES] who reported the bill, and as there seems to be some opposition to it and no one here to defend it, being a Senate bill, I ask that it be passed over, not to lose its place on the Calendar, until Mr. MILES returns.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was so ordered.

MRS. MARY DOUBLEDAY.

The next business on the Private Calendar was the bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Doubleday, widow of Maj. Gen. Abner Doubleday, and pay her a pension of $100 per month, in lieu of the pension she is now receiving.

The report (by Mr. ERDMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1203) granting an increase of pension to Mary Doubleday, quote from the report of this committee in the Fifty-third Congress the following, which they adopt as their own:

The beneficiary under this bill is the widow of Bvt. Maj. Gen. Abner Doubleday. She is now far advanced in life, is in feeble health, and requires care and medical attendance, which she is not able to secure with the amount provided for in the existing pension. We find that after General Doubleday's retirement from the Army he lived very economically in the village of Mendan, N. J., and devoted all his income above the amount necessary for his support to the providing of a policy of insurance in behalf of his widow; that shortly before his death the insurance company failed, and that his last hours were clouded with the fear that his widow would come to want.

We find that independent of the notable services of her husband in behalf of the Union, she herself, during a long life as his companion upon the frontier and in campaign, rendered valuable service to the country. Particularly was this the case in the Florida wars, when she remained with her husband in the wilderness, and by her presence and influence over the soldiers assisted in maintaining discipline and good order; also at Fort Sumter, when it was besieged and the garrison very small, she took her regular turn in relieving the guards and in keeping watch of the approach of the enemy, and also in securing medical supplies from Charleston.

In view of all these facts the committee have unanimously decided to recommend the increase asked for, so that the few remaining years of her life may be at least surrounded by necessary comforts, and earnestly recommend the passage of the bill.

If long-continued, distinguished services merit recognition at the hands of the Congress, such recognition should be accorded in this case, especially in view of the advanced age, physical infirmities, and necessitous condition of the beneficiary.

Your committee therefore recommend that the bill do pass.

Mr. ERDMAN. As this would seem to come within the line of the last bill, I ask that the gentleman from Pennsylvania who introduced the bill say a word in regard to it.

Mr. DALZELL. I have no desire to occupy the time of the committee unless there be some objection. I prefer that we have a vote.

The CHAIRMAN. The question is, Shall the bill be laid aside with favorable recommendation?

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House favorably.

JOSEPHINE FOOTE FAIRFAX.

The next business on the Private Calendar was the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeill Fairfax, of the United States Navy, at the rate of $100 per month.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, have examined the same, and, adopting the accompanying Senate report (No. 248) as their own, respectfully recommend its passage with the following amendment:

In line 8, strike out "one hundred" and insert "fifty."

[Senate Report No. 248, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1784) granting an increase of pension to Josephine Foote Fairfax, have had the same under consideration, and submit the following report:

The applicant is the widow of the late Rear-Admiral Donald McNeil Fairfax, of the United States Navy, and the daughter of Rear-Admiral Andrew Hull Foote. Both these officers served with great distinction, and their careers reflect credit to a remarkable degree upon the American Navy.

Rear-Admiral Foote was born in Connecticut September 12, 1806. He was a son of United States Senator S. A. Foote, of that State. Entering the Navy as a midshipman in 1822, he saw active service almost immediately under the elder Porter in breaking up the piratical haunts in the West Indies. He became lieutenant in 1830.

During the years 1849, 1850, and 1851, while in command of the *Perry*, he did effective service in the suppression of the African slave trade. While commanding the *Plymouth* in China, in 1856, protecting American property during hostilities between Great Britain and China, he was fired upon by the forts on Canton River. An apology being refused, he attacked the forts, carrying them by storm. At the outbreak of the war of the rebellion he was selected to command the flotilla forming on the western waters. His conduct in connection with this and similar subsequent duty was so conspicuously fine that in June, 1862, he received the thanks of Congress and was made a rear-admiral. In June, 1863, he was selected to succeed Rear-Admiral Dupont in command of the fleet off Charleston, but while on his way to assume this command he died in New York, June 23, 1863.

Rear-Admiral Fairfax was born in Virginia March 10, 1821, and appointed midshipman in the Navy August 12, 1837. During the Mexican war he served on the California station and took part in the capture of Mazatean and Lower California. At the outbreak of the war he had been promoted through successive grades to lieutenant, and was serving as executive officer of the *San Jacinto*. The boarding of the British mail packet *Trent*, and the taking therefrom Mason and Slidell and their secretaries, Eustis and MacFarland, was directed in person by Lieutenant Fairfax, a most delicate and important event.

In May, 1862, he was ordered to command the *Cayuga*, reporting to Admiral Farragut, off New Orleans. In January, 1863, he was ordered North to command the monitor *Nantucket*, just built at South Boston. He was afterwards transferred to the *Montauk*, and participated in all the principal operations before Charleston. He was commissioned as rear-admiral July 11, 1880, and in the following year was placed on the retired list, having been forty years in active service, twenty years of which were spent at sea. He died at Hagerstown, Md., January 10, 1894.

The Fifty-third Congress granted Mrs. Fairfax a pension of $30 a month, and the present bill proposes to raise this sum to $50 per month. There can not be a more worthy case for a pension of $50, in accordance with so many precedents.

In an affidavit filed with the committee by Mrs. Fairfax she states that "her husband died on the 10th day of January, 1894, leaving no estate or support for her. She has herself and three unmarried daughters to maintain, and is without means to do so, having but a small income of her own, entirely inadequate for her support."

These facts are also testified to by several citizens of Hagerstown, Md., where Mrs. Fairfax resides, and by the county clerk.

In consideration of the high character of her husband and her father, and of her limited resources, the committee recommend the passage of the bill.

Mr. TALBERT. This bill was also reported by the gentleman from Maryland, who is absent. I ask that this also be passed over without prejudice.

Mr. PICKLER. I think this bill ought to pass.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PICKLER. I object.

This bill passed the Senate since the report by the House committee was ordered; and therefore I move now to substitute the Senate bill for the House bill.

The CHAIRMAN. Is this bill identical with the House bill?

Mr. PICKLER. I do not know whether it is identical in language or not. It is the same amount.

The CHAIRMAN. The Chair has some doubt whether it is proper to entertain the motion.

Mr. TALBERT. I submit that it is out of order in Committee of the Whole. It must be done in the House if it is done at all.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. PICKLER. I do not know why it would be out of order to substitute the Senate bill for the House bill, the committee having authorized it to be done. The bills are identical, and the committee recommend that the Senate bill pass as a substitute.

The Senate bill has been before the committee, and the House committee has ordered the bill substituted, which I did not state in the first place,

The CHAIRMAN. Is the bill on the Calendar?

Mr. PICKLER. I suppose so; it ought to be.

The CHAIRMAN. If it is on the Calendar it can be taken up out of its order and the substitution made.

Mr. PICKLER. That was the action of the committee when the House bill was reported from the committee. This bill came from the Senate, and Mr. MILES, a member of the committee, was directed to substitute that for the House bill.

The CHAIRMAN. The Chair will submit the request of the gentleman from South Dakota. The gentleman asks unanimous consent to substitute the Senate bill for the House bill under consideration. Is there objection?

Mr. TALBERT. I object.

Mr. PICKLER. Then I move that it be substituted for the House bill.

Mr. TALBERT. I make the point of order against that motion.

The CHAIRMAN. The Chair understands the bill is not on the Calendar, and is of opinion that it is not competent to entertain the motion of the gentleman from South Dakota.

Mr. PICKLER. Then I join in the request of the gentleman from South Carolina that the bill be passed over without losing its place on the Calendar.

The CHAIRMAN. Is there objection?

Mr. WOODMAN. I object.

Mr. BAKER of New Hampshire. Mr. Chairman, I notice that the committee in this case approves the bill with an amendment to strike out "one hundred" and insert "fifty"; so as to make it read "$50 a month."

I wish the Committee on Invalid Pensions, or some member of the committee, would explain why the widow of Rear-Admiral Fairfax should have a pension of $50 a month and the widow of Gen. Abner Doubleday have $100 a month; and pending that explanation, I yield the floor for the purpose of hearing it.

Mr. PICKLER. Mr. Chairman, there is no such record, in my opinion, in this country, and I doubt whether there ever will be again, as that made by the widow of Gen. Abner Doubleday during the late war. Not only was her husband a soldier throughout his life, and not only did he render very gallant and meritorious services, but his widow was with him in the Florida war, with him at Fort Sumter, with him for years and years in the active service; and I call the gentleman's attention to the fact that the report shows that at Fort Sumter she took her place with the other soldiers and stood guard. She herself was a soldier, Mr.

Chairman, and the committee thought she was entitled to some consideration on that account.

I may say, Mr. Chairman, while I am on my feet, that I am not so much in favor of these large pensions for the widows of generals as some other members of this House are. I believe that rank should be respected; it always is respected in law; but I do not believe in as great a difference as appears occasionally between what a general's widow should receive and what the widow of a private should receive. There are some of these bills reported at a higher figure than I individually should have recommended; but the majority of the committee recommend these bills and we present them to the House. Now, as far as the comparison made by the gentleman is concerned, I have only to say that I think $50 is a large pension, as a general thing, for the widow of anybody, and I think that $50 is ample in this case before us, of the widow of Admiral Fairfax. While I would not detract from the service of Admiral Fairfax one iota, I do say that there is no other case like that of Mrs. Doubleday and her husband. That is the difference, and that is the view taken by the committee.

Mr. BAKER of New Hampshire. Mr. Chairman, it is not my disposition to detract or attempt to detract in the slightest degree from the well-earned reputation of Major-General Doubleday. He was as worthy an officer as one could expect any country to have in its service, and I did not oppose pensioning his widow at the unusual rate of $100 a month; but it seems to me that there should be some rule of practice, some rule of procedure in the matter of these pensions. If one widow is entitled to $100 a month, I know no reason why the widow of an officer having equal rank should not receive the same.

Mr. TALBERT. Mr. Chairman, a parliamentary inquiry——

Mr. BAKER of New Hampshire. It certainly is not competent for the chairman of the committee, or for any member of the committee, to undervalue the services of Rear-Admiral Fairfax. He served his country away back in the twenties, in the suppression of the African slave trade. He was very instrumental in the capture and holding of California, that grand territory, in behalf of the Government which he represented.

Mr. TALBERT. Will the gentleman allow me a question?

Mr. BAKER of New Hampshire. Wait one moment. He was the man who first raised the flag in Southern California at Monterey, and when the time came for him to serve his country in the war of the rebellion he served it as faithfully as his opportunity and capacity would permit. I had no personal acquaintance with him and have none with his widow, but I honor the record which he made as a naval officer, and I stand here to ask that this House shall give to his widow like consideration with that which it gives to other widows.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. One moment. The gentleman from South Carolina asked me to yield to him, and I will yield to him first and then to the gentleman from South Dakota.

Mr. TALBERT. I only wanted to get information from the gentleman that I could not get from the Chair. What are you talking about? What is the motion? [Laughter.]

Mr. BAKER of New Hampshire. I am talking about the general propriety of passing this bill, and I presume the gentleman from South Carolina recognizes that as a sufficient subject for discussion here to-night.

Mr. TALBERT. Which bill?

Mr. BAKER of New Hampshire. The bill in favor of the widow of Rear-Admiral Fairfax.

Mr. TALBERT. We had agreed to pass that over.

Mr. BAKER of New Hampshire. It has not been agreed to do that. That is where you are mistaken.

Mr. TALBERT. Then I am mistaken, and I stand corrected.

Mr. PICKLER. Let us find out who is objecting to laying this bill aside. I thought it was agreed to.

Mr. BAKER of New Hampshire. The gentleman sitting immediately in front of me [Mr. WOODMAN] objected.

Mr. TALBERT. I myself asked that the bill be laid aside. I should not object to my own motion.

Mr. PICKLER. What I want to ask the gentleman from New Hampshire is whether he wants to give this widow more than $50 a month?

Mr. BAKER of New Hampshire. I am not in favor of any of these large pensions——

Mr. PICKLER. The committee have cut this amount down.

Mr. BAKER of New Hampshire. But when the committee have cut down one and approved the other, I want the committee to find some level ground upon which it can stand in all cases and then let us determine whether this House will stand by and sustain the committee upon that grading of pensions which they may recommend.

Mr. PICKLER. Mr. Chairman, will the gentleman yield further?

Mr. BAKER of New Hampshire. Yes.

Mr. PICKLER. I have tried to give the gentleman the reason which actuated the committee. Mrs. Doubleday was a soldier herself, in the thick of the danger with her husband, and the committee thought that any woman who displayed such bravery as that was entitled to the pension which her husband would have been entitled to, and he would have had this under the law. [Applause.] That is the reason we did it. If the gentleman thinks that a woman who withstands the shock of battle and is in the thick of the conflict is not entitled to any credit for that, then he disagrees with the committee; but he ought to have made his objection when that bill was before the House.

Mr. BAKER of New Hampshire. Mr. Chairman, if the gentleman from South Dakota will assert that Mrs. Fairfax was not with her husband in California and that she did not bear some of the rigors of that campaign when that grand territory was annexed to the United States I shall be glad to have him say so.

Mr. PICKLER. I do not want to try to prove a negative. I do not know anything about that. The only thing I do know is that Mrs. Doubleday did what we have alleged.

Mr. BAKER of New Hampshire. But it is unfair to institute a comparison like this, and not be willing to assert the facts that make the comparison.

In order to test this matter, Mr. Chairman, I move to strike out the word "fifty" and insert the words "one hundred" in this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire to the amendment recommended by the committee, by striking out "fifty" and inserting "one hundred."

Mr. BAKER of Kansas. Mr. Chairman, I was a member of the committee that had this question under consideration, and the gentleman from Maryland [Mr. MILES] who had charge of this bill agreed to $50 per month, stating that the widow was satisfied, surrounded as she was, that she could be made comfortable with a pension of $50 a month. It was considered, I believe, the same day as the other case which has been spoken of. It was satisfactory to the widow and satisfactory to the members of the committee that we should report the bill. [Cries of "Vote!" "Vote!"]

Mr. ALLEN of Utah. Mr. Chairman——

Mr. WOODARD. Mr. Chairman——

Mr. ALLEN of Utah. The gentleman from New Hampshire, Mr. Chairman——

The CHAIRMAN. The gentleman from Utah is recognized.

Mr. WOODARD. Mr. Chairman——

Mr. ALLEN of Utah. I think there is only one gentleman from Utah.

The CHAIRMAN. The gentleman from Utah was recognized.

Mr. ALLEN of Utah. The gentleman from New Hampshire, with his usual desire to consume the time of this committee, has overlooked the fact that in the case of the widow of General Doubleday there was poverty, according to the report, and that in this case the report states that Mrs. Fairfax has some property of her own. That is one difference, which is a vital one, in the two cases. [Cries of "Vote!" "Vote!"]

Mr. BAKER of New Hampshire. Mr. Chairman——

The CHAIRMAN. The question is on the amendment to the amendment of the committee.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment recommended by the committee.

Mr. BAKER of New Hampshire. Mr. Chairman, I should not have claimed the attention of the committee again had it not been for the gratuitous assertion of my friend from Utah. I have never yet attempted to consume the time of this committee or of this House. I have endeavored sometimes to enforce upon this committee as best I might convictions which I honestly entertain in regard to legislation pending before the committee. Now, I wish this committee to fully understand the question as submitted by the gentleman from Utah. It is that if a family of a high officer in the Army or Navy of this country shall, through their personal extravagance, when he has received a salary greater than the salary of a member of Congress, and expended it from day to day, so when death comes penury enters their household, at the same time this Government shall pay a large pension to keep that widow and that family in affluence.

If that is the proposition of the gentleman from Utah, I am happy to say I am not with him; and I do not believe that the people of this country will justify such legislation upon our part here or upon the part of our successors. These high officers of the Army or Navy receive salaries ranging from $4,000 to $6,000 a year, about four or six times that which the average citizen of the United States receives. Of course I grant that their condition in life, the position which they are compelled to maintain, requires of them greater expenditures than the ordinary citizen; but for that very reason the Government has given them an increased salary; and it is as much their duty to save something out of that salary for old age,

for sickness, and distress as any other citizen of the United States; and it is a bad practice and an extremely bad precedent, in my opinion, for this House of Representatives to pass pensions here for $50, $75, or $100 per month to the widows of these officers and leave the widows of the veterans who carried the musket and preserved this country in want and suffering for $8 a month. [Cries of "Vote!" "Vote!"]

Gentlemen, if you are willing to go on record bestowing the gratuities of this Government at the rate of $100 a month, or $50 a month even, in these cases and leave the poor soldier and the soldier's widow, who is debarred by some technicality from receiving any gratuity or pension at all, you are willing to do that which I am not. [Cries of "Vote!" "Vote!"]

Mr. ALLEN of Utah. Mr. Chairman, I think that the assertion which I made has been proven by the gentleman from New Hampshire himself. The gentleman says that Mrs. Doubleday's husband lived in affluence. That "affluence" consisted in a life of economy, and he invested his savings in a life-insurance policy and the company failed, and now the gentleman from New Hampshire implies that he squandered what the Government paid him for his services. The gentleman from New Hampshire, in discussing this subject, has the air of that class of men who, because they have bank stocks or because they own houses from which they derive income or because they are wealthy though the railroad stocks or bonds which they hold, look with intolerance upon those who in a different line of life have not been able to accumulate wealth to provide for their families; so when a man gives a lifetime of faithful service to his country, and when his widow comes here to ask for a pension because of the services of her husband, that husband is held up to reproach before the people of this country for not having accumulated a competence for the support of his family.

Mr. Chairman, I have not consumed the time of this committee upon these questions, but it seems to me that the time has come when gentlemen who do so ought to be asked to cease.

Mr. BAKER of New Hampshire. May I ask the gentleman a question? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TALBERT. Mr. Chairman, for the same reason that I was opposed to increasing the pension of the widow of General Carroll, I oppose increasing the pension of the widow of Admiral Fairfax. The only reason given is that he was an officer, and I submit that that is not a sufficient reason. I agree with the gentleman from New Hampshire [Mr. BAKER] that we ought to have some common ground upon which we can stand in pensioning the widows of soldiers, and I suggest that that common ground is $30 a month which the law gives them, and I would like to have the gentlemen come upon that ground with me and let us all stand there. I am opposed to increasing the pension of this widow above $30 a month. I shall oppose it to the last ditch in every honorable way that I can. I hope the bill will not be laid aside with a favorable recommendation, but if you are determined to recommend its passage, I shall demand that you do it by the vote of a quorum.

Mr. CLARK of Iowa. But, Mr. Chairman, the motion, with which the gentleman from South Carolina agreed, was the motion of the gentleman from New Hampshire, that the pension should be increased in this case to $100 a month, and then the gentleman from New Hampshire gave very good reasons why we should agree with the report of the committee and keep it at $50 a month, and we are all in favor of that.

Mr. TALBERT. The gentleman is only talking through his hat. [Laughter.] I favored no such amendment. I am opposed to increasing it over $30.

Mr. CLARK of Iowa. Oh, no. The gentleman mistakes a member from the State of Iowa for a Representative from the State of South Carolina. [Laughter.]

Mr. TALBERT. The gentleman persists in talking "through his hat" although it is in the cloakroom. [Laughter.]

Mr. ERDMAN. Mr. Chairman, I again ask unanimous consent that, in the absence of the gentleman from Maryland [Mr. MILES], this bill be laid aside until his return without losing its place on the Calendar.

Mr. POOLE. I object.

The question being taken on the amendments recommended by the committee, the Chairman declared that the ayes seemed to have it.

Mr. TALBERT. I demand a division.

The committee divided; and there were—ayes 102, noes none; so the amendment was agreed to.

The CHAIRMAN. The question is, Shall this bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. TALBERT. Mr. Chairman—— [Laughter and cries of "Vote!" "Vote!"]

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman from South Carolina has already spoken twice upon this question, while he has no right to speak more than once.

Mr. TALBERT. I have not spoken upon this bill at all.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. TALBERT. Now, if the gentleman from New York will just be quiet and sit down and let his hair grow [laughter] I will occupy only a very short space of the time of the committee. [Cries of "Good!" "Good!" and laughter.]

Mr. Chairman, gentlemen may laugh, gentlemen may hiss, but I for one propose to stand here in my place in this House and speak out, sir, against what I consider to be an outrage upon the people of this country. I claim the right to advocate that which I think is right and just and proper, and no groaning, or hissing, or laughing, or "pints" of order, or quarts of order will prevent me doing that which I claim is my right. [Laughter.]

Gentlemen stand up here and plead the poverty of this widow and the poverty of that widow, the poverty of this man and the poverty of that man, when that is not at all the question that is before us for consideration in these pension claims. The question in each case is the justice of the claim as it is presented here. Why, sir, all over this broad land, from one ocean to the other, from the Gulf to the Lakes, we have poor people, some of whom have hardly clothes to wear or food to eat; so if we intend to use this body as a board of charity for all those people we shall have our hands full. Truly this is a great, a rich, a magnificent country; and some one has suggested that it is a small business, in view of the greatness and magnificence of this country of ours, to object to small pension claims.

Sir, I know this is a great and grand country, the richest upon the face of God's green earth. This is a country with 150,000 or 160,000 miles of railroad, with great towns and cities springing up like mushrooms, with factories and great marts of trade and other evidences of growth and prosperity. But, sir, go out into the interior among the masses of the people and you hear nothing but the harrowing song of hard times. There is a cry of distress among the people who pay a large percentage of the money we are appropriating here in this Hall. It is that class of people that I stand here to represent.

Truly this is a great country, with all its wealth and power; but, Mr. Chairman, beneath all this greatness and grandeur is the canker of a distressed and downtrodden and poverty-stricken people who are crying to Congress for relief. You turn a deaf ear to them. You pass your resolutions about Cuba and Venezuela; you pass a bill to stop prize fighting; you appropriate money for various objects; but you do nothing for that class of people who are the bone and sinew of this land and upon whose shoulders rests the support of this mighty Government of ours.

When I think of the condition of these people I think it right to oppose the increase of the pension of a widow of a general from $30 to $50 a month for no other reason than that she is the widow of a general. I raise my voice against such a proposition; I enter my protest. I say that when gentlemen in the majority here pass such bills as these they do wrong, they outrage justice. And, sir, I want to see the day come when this looting of the Treasury for political purposes will be stopped—this electioneering with the Treasury of the United States for votes, by voting away the money of the people here to undeserving pensioners. It is a hypocritical pretense of patriotism and love of the soldier, because many of you turn your backs upon the private soldier who smelt powder, who withstood the shot and the shell, and who bore the heat and burden of the day. This is done in the interest of the officers, many of whom were in bombproofs. Here is an effort to pension the widow of an officer. His life as an officer was a short one. For only a few days or months he was an officer.

Now, you want to raise the pension of his widow from $30 to $50 a month. I say to gentlemen on the other side who are in the majority here, do this thing if you will. I can only protest; and you will find me steadily protesting against such proceedings. In passing such a bill, you do that which is wrong; you outrage justice; you insult the widows of the gallant private soldiers who bore the brunt of the battle, who bore the heat and burden of the day; and this wrong you are doing in the interests of the officers. You discriminate against the widows of men who endured toil and privation. If you want to do this, do it; but you shall do it after I have protested, after I have exhausted every honorable means to prevent your doing it. If you will do it, the responsibility rests on you, but I will take no part in such infamous plundering of the public purse. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, there were—ayes 97, noes 1.

Mr. TALBERT. I make the point of no quorum.

The CHAIRMAN (having counted the committee). There are 123 members present—more than a quorum. The bill is laid aside to be reported favorably to the House.

MRS. ELIZABETH RICHARDSON.

The next business on the Private Calendar was the bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension rolls of the United States the name of Elizabeth Richardson, mother of Robert F. Richardson, late a private in Company A, in the Eighth Regiment of Missouri State Militia Cavalry, and who was killed during the war, and pay to her a pension at the rate of $20 per month.

The amendment reported by the committee, to strike out "$20" and insert "$12," was read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson, submit the following report:

Mrs. Elizabeth Richardson, an old lady of 77 years, is the dependent mother of Robert F. Richardson, who was a private in Company A, Missouri State Militia Cavalry, a company which afterwards became Company A of the Eighth Missouri State Militia Cavalry. He enlisted in December, 1861, to serve during the war in Missouri. He was admitted to the post hospital at Jefferson City, Mo., January 4, 1862, with measles, and returned to duty February 23, 1862. February 28 he was reported on the company roll as absent on furlough, and on the muster-out roll of the company, January 25, 1865, the remark was made, "was killed near Osceola, Mo., February 8, 1862, by guerrillas."

There is an apparent discrepancy in the dates, but the testimony shows conclusively that the soldier was killed by guerrillas near Osceola while absent from the command on furlough.

The case appeals strongly to the sense of right in almost every human breast. This soldier gave his life for his country, not in battle, it is true, but in a desperate encounter with those roving enemies of all government who infested that section of Missouri at the time. In consequence of that loss, the mother is now on the verge of the grave and in want.

Your committee, in view of the facts, beg to report favorably and recommend that the bill do pass, with the following amendment:

Strike out "twenty" in the last line and substitute "twelve."

Mr. McCLELLAN. I wish to ask the gentleman who made this report whether this was one of the militia organizations of Missouri coming under paragraph 3, section 4693 of the Revised Statutes. Was it called out by the President, and did it act under the orders of the United States?

Mr. CROWTHER. Yes, sir.

Mr. McCLELLAN. I wish to call the attention of the Committee of the Whole to the point made in this report on the subject of line of duty. As the bill stands, I have no objection to voting this pension to this dependent mother if it is done on the ground (which I assume was the fact) that this man was a gallant and brave soldier. But the report states that he was killed while in the line of duty—on an individual furlough, presumably—by guerrillas.

Mr. CROWTHER. He was not on an individual furlough. He was on a furlough by order of the post commander and the officer in charge of the post hospital at the time.

Mr. McCLELLAN. Still it was a furlough.

Mr. CROWTHER. It was not an "individual furlough."

Mr. McCLELLAN. Then I correct my statement as to its being an individual furlough.

Mr. CROWTHER. The soldier was in the line of duty.

Mr. McCLELLAN. Mr. Chairman, every Secretary of the Interior from the period of the war until 1889 held that a man was in the line of duty when he came under the terms of the opinion of Attorney-General Cushing, delivered May 17, 1855, that opinion holding that "while in the performance of those things which the law requires of him as a military duty, the soldier is in the line of duty."

When the new Administration came in in 1889 the Assistant Secretary of the Interior made a number of decisions overruling the previous practice of the Department and the decisions of the Secretaries who had gone before him. He held in one case that a man who had been hurt by the collapse of some seats in a circus was hurt in the line of duty. He held in another case that a man who was thrown from a horse which he was riding against the orders of his captain was in the line of duty. He held in another case that a man who, while returning to his command, stopped—against the orders of his captain—had supper, took some drinks, and then fell downstairs into a cellar and was injured—the Assistant Secretary held that this happened in the line of duty. When the present Administration came in various decisions of the last Administration were overruled; and in the case of James E. Harrison (7 Pension Decisions, 97, the decision being rendered December 22, 1893) the following was laid down as "line of duty":

While in performance of those things which the law requires of him as a military duty, the soldier is in the line of duty. [Attorney-General Cushing's decision, May, 1895.]

In cases involving the line of duty, the vital question is, Was it, the cause of disability, appurtenant to, dependent upon, or otherwise eventually connected with the claimant's duty as a soldier; or was the disability incurred while the soldier was acting in a personal matter independent of, or adverse to, his military duty? If the disability was incurred under the latter circumstances the soldier would not be pensionable as one in line of duty.

Now, according to this report, assuming that the purpose of this bill is to pension this lady because her son was killed in the line of duty, it is proposed in this case to revert back to the rule laid down by Assistant Secretary Busey, a rule which established not only a ridiculous but a dangerous precedent. The rule of the present Administration, on the contrary, has worked well and has been adopted by every Secretary, as I have shown, except in the last Administration, by Secretary Noble.

Mr. CROWTHER. Mr. Chairman, in connection with this report and this bill, let me say that this is one of the most meritorious cases that has been considered by the committee during this session, and I care not what rules have been laid down by the Department to the contrary.

I care not what decisions have been laid down by the officials connected with the Bureau, this is the last court of resort for a case of this character. This is the place for the final adjudication of the question. This unfortunate soldier was in the line of duty. His father—and this fact does not appear in the record, but the evidence is before the committee to sustain it—his father went to Jefferson City, obtained a furlough not only from the post commandant, but from the hospital authorities, and while taking his son home, who was sick with the measles and unable to perform military services at the time, both the father and son were murdered by the guerrillas who infested Missouri at that time in large numbers, and every support this poor woman had was completely wiped out and destroyed. These are the facts.

Mr. ERDMAN. Mr. Chairman, this is an exceedingly brief report, and I would like to have the gentleman who made it further explain the matter as to whether this mother was dependent on the son for support at that time.

Mr. CROWTHER. Let me answer by stating that this remarkable administration of the Pension Office has decided that she was not dependent on the son because the son was murdered first, when the Department has no authority for any such decision.

Mr. ERDMAN. Now, I will have a word to say about this "remarkable administration" of which the gentleman speaks.

Then, the gentleman has concealed the fact in the report that his claim was rejected by the Pension Bureau.

Mr. CROWTHER. Of course; the bill could not have been here otherwise.

Mr. ERDMAN. The report is flagrantly defective in failing to contain the facts which should be set forth, in order that the House may act intelligently. It is about on a par with what occurred in a coordinate branch of the Government on yesterday, where seventy-odd cases in a very brief time—by the titles alone, I judge from the RECORD—were passed.

Mr. PICKLER. They are in favor of pensions over there. That is the difference between them and the gentleman.

Mr. ERDMAN. Yes, sir; they are, and the gentleman from South Dakota is. He is in favor of all kinds of pensions, with or without merit——

Mr. PICKLER. And you are not in favor of any.

Mr. ERDMAN (continuing). And I say probably for votes, as the gentleman from South Carolina states. I can not conceive of any other purpose than probably for the same reason that Indiana, Ohio, and Kansas are to-day full of pensioners, while my State, New York, and other States have had to stand back until doubtful States were properly taken care of.

Mr. HARDY. Your State is not doubtful, and has had its proportion.

Mr. ERDMAN. No, sir; not for the number of men she sent into the war.

Mr. MINOR of Wisconsin. Your State is only doubtful for the Democracy.

Mr. ERDMAN. When we get through with Ohio and Kansas and Indiana, when they give them their "share" and pension all of these people, then perhaps we may expect something at this end of the line.

Now, I was saying that in the coordinate branch of the Government on yesterday, probably——

Mr. CURTIS of Kansas. Will the gentleman permit me?

Mr. ERDMAN. Yes.

Mr. CURTIS of Kansas. Do not you know it to be true that there are thousands of old soldiers in Kansas not drawing pensions? If the gentleman does not know it and will examine the records he will find it to be true.

Let me say to him, further, that Kansas furnished more soldiers according to her population than any other State in the Union. [Applause.]

Mr. ERDMAN. And the three States I have named have more pensioners on the roll in proportion to the soldiers furnished than any other State in the Union.

Mr. CROWTHER. And so it would have been with the State of Pennsylvania if certain gentlemen who are now opposing pensions had gone to the war, as they ought to.

Mr. ERDMAN. The statement has been made before, in the Halls of Congress, and it was not contradicted, that it was done for political purposes.

Mr. HULICK. I understood the gentleman to say that in Ohio and some other States so many soldiers were placed upon the pension rolls for political purposes. Do you mean to assert that again as true?

Mr. ERDMAN. I mean to say the three States I have named have more soldiers on the rolls, as I have stated, and that I verily believe it was brought about for political purposes.

Mr. HULICK. My question is, do you say that the roll has been increased and the soldiers of Ohio pensioned for political purposes? Do you assert that?

Mr. HARDY. And the soldiers of Indiana?

Mr. ERDMAN. I have said, and I say again, that the rolls show in the past for the three States that I have named such a proportion that I verily believe it was brought about for political purposes.

Mr. PICKLER. That is old straw that has been thrashed out before.

Mr. LEWIS. How many soldiers have been put on the rolls for political purposes by this Administration?

Mr. ERDMAN. This Administration is not engaged in that——

Mr. HARDY. I want to ask how many soldiers has this Administration cut off the pension rolls? [Applause.]

Mr. ERDMAN. Well, if the gentleman had stayed longer in the Pension Bureau, he might perhaps have answered the question himself. [Laughter.] Now, gentlemen, a coordinate branch of the Government yesterday passed some seventy-odd bills, putting upon the rolls pensioners at $20 a month, $100 a month, $75, $50, $30, $17, $25, $50, $40——

Mr. CROWTHER. Will the gentleman answer a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. ERDMAN. Yes, certainly.

Mr. CROWTHER. What has that got to do with the present bill?

Mr. ERDMAN. I will tell the gentleman before I get through what it has to do with it. Pensions were granted at $25 a month, $30 a month, $8 a month, $16 a month, $50 a month, $8 a month, $17, $12, $12, $50, $75, $30, $100, $75, $40, $8, $25, $17, $50, $75, $20, $12, $8, $50, $30, $50, $30, $12, $50, $50, $15, $12, $30——

Mr. ELLIS. Is this an auction?

Mr. ERDMAN (continuing). Seventy-two dollars, $30, $12, $12, $30, $12——

Mr. HARDY. And a half. [Laughter.]

Mr. ERDMAN (continuing). Twelve dollars, $50, $20, $17, $15, $40, $12, $12, $12, $50, $8——

A MEMBER. Going, going, gone. [Laughter.]

Mr. ERDMAN. Twenty dollars, $17, $8, and six more cases where the dollars are not stated.

A MEMBER. Last call.

Mr. ERDMAN. Now, gentlemen, is not that a record that we are likely to follow now? How do the soldiers who get $6, $8, $10, and $12 a month like that? What do they say to you? Do they say it is right? They tell me not. Do you say it is right?

Mr. CROWTHER. Yes.

Mr. ERDMAN. They are not saying that it is right.

Mr. PICKLER. The gentleman votes for the highest general's pensions of any man on our committee, always?

Mr. ERDMAN. I did; and the gentleman from Pennsylvania, who introduced the bill, promised to tell the House why I reported that bill.

Mr. PICKLER. Because I could not vote you down, for one.

Mr. ERDMAN. And the gentleman, if he is in the House, I presume, will tell you why I reported that bill favorably. It is known to almost all, but I want to call your attention——

Mr. PICKLER. I was not talking about any particular bill. Now, if the gentleman will yield, is it not a fact, as the gentleman has gone into that subject——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. ERDMAN. Certainly.

Mr. PICKLER. Is it not a fact that the gentleman from Pennsylvania insists on large pensions being given for rank in our committee, and against my objection, too? Is it not a fact that the gentleman, who so frequently criticises this House, does that?

Mr. ERDMAN. I want to say this——

Mr. WATSON of Ohio. You have not answered the question yet.

Mr. ERDMAN. I am in favor of doing justice to the officer as well as to the soldier, and I am in favor of doing justice to the widow as well as to the soldier, and to the orphan, too; and as to the large pensions that we have reported, a number of bills for officers above the rank of lieutenant-colonel, I say it is legitimate that we should report them, because the general law makes no distinction over and above the grade of lieutenant-colonel, and it is right and proper that we should, by private bills, take care of the rank and services of officers.

Now, gentlemen, what I complain of is that this report does not set forth sufficient facts for you to act intelligently on; and I say to you that it is the purpose of the committee of which I am a member to make these reports briefer and briefer—I want to call the attention of the House to it—and you demand more information, so that you may act intelligently and with reason upon these bills as they come up before you. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLOTTE WEIRER.

The next business on the Private Calendar was the bill (H. R. 2689) granting a pension to Charlotte Weirer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Weirer, widow of Antonio Weirer, late of Company E, Second Regiment United States Artillery, and pay her a pension of $24 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2689) to pension Charlotte Weirer, having considered the same, respectfully submit the following report:

The evidence before the committee demonstrates that the claimant, Charlotte Weirer, is the widow of Antonio Weirer, late a sergeant of Company E, Second Regiment United States Artillery, who served in the Army for a period of fifteen years; that his widow is now drawing a pension of $8 per month; that her physician's affidavit on file with the committee shows that the claimant is now over 70 years of age; that by reason of her extreme age her physical condition has degenerated into senile debility, she being wholly unable to attend to her personal necessities; that she is wholly dependent, and has neither kith nor kin upon whom she can rely for assistance, and that she is required to have assistance most of the time.

In view of these unfortunate surroundings and conditions, your committee are of the opinion that the bill should pass, with the following amendment:

Strike out the word "twenty" and insert the word "twelve" and insert after the word "month" the words "in lieu of all pension granted."

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is, Shall the bill as amended, be laid aside with a favorable recommendation?

Mr. ERDMAN. Mr. Chairman, you will observe that this is a bill where we propose to take care of a necessitous widow. She is getting $8 a month, the same as all other widows get, but you intend to give her $12 because she is old, because she is dependent, and because she is suffering from senility. Does it not strike you as fair that you should take care of all and not single out one of them? Shall we adopt it as a rule that anyone who can get up here and establish her claim in this way shall be given $12 a month? If she is of a class that is entitled to more than $8 a month, she ought to have it.

Mr. PICKLER. Are you objecting to this old woman, who is 70 years of age, getting $12 a month?

Mr. ERDMAN. I am opposed to any——

Mr. PICKLER. Are you opposed to a helpless old woman of 70 getting $12 a month?

Mr. ERDMAN (continuing). I am opposed to any woman who does not prove that she is entitled to more than all the others are paid getting any more. My judgment is they are not entitled to it. And does the chairman of the Committee on Invalid Pensions say that we will lay down that as a rule hereafter?

Mr. PICKLER. Yes, sir; I would be willing to give every woman who has attained the age of 70 years, and who is the mother or widow of a good soldier and has nothing to live on, $12 a month. [Applause.]

Mr. ERDMAN. Why do you not introduce a bill to that effect?

Mr. HARDY. Will you vote for it?

Mr. PICKLER. Why do you not introduce a bill to that effect yourself?

Mr. HULL. Will the gentleman from Pennsylvania yield to me for a question?

Mr. ERDMAN. Certainly.

Mr. HULL. We have passed two bills for major-generals' widows, one at $75 and one at $100 a month.

Mr. ERDMAN. One at $100 and one at $50.

Mr. HULL. One rear-admiral's widow at $50, or a rear-admiral's daughter also at $50. Now, the ranks there were the same. I did not hear the gentleman from Pennsylvania raise any particular objection to them on the ground that they were different degrees of pension. Why does he not make a uniform pension for the widows of major-generals?

Mr. ERDMAN. If I thought I could get a majority of this House to support it I would.

Mr. HULL. There is no doubt you could if you did not make it too high.

Mr. ERDMAN. I want to say to the gentleman from Iowa that had the gentleman from Pennsylvania who introduced the bill for General Doubleday's widow explained that bill, as he said he would, it would not be brought up in judgment against me every time I rise upon this floor. That lady was pensioned in her own right, and in the right of the memory of her husband.

Mr. HULL. I would like to ask the gentleman if it was necessary to have it explained, why did he not explain it. He had the floor.

Mr. ERDMAN. I understood the gentleman from Pennsylvania [Mr. DALZELL] was going to explain it, or else I should have done so. [Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

MRS. H. J. KIERNAN.

The next business on the Private Calendar was the bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, at the rate of $50 per month, in lieu of a pension which she is now receiving.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to $50 per month to Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, in lieu of her present pension, beg leave to submit the following:

Gen. James L. Kiernan was born in New York City in 1837, and graduated from the medical department of the University of New York in 1857.

He entered the service as assistant surgeon of the Sixty-ninth New York Infantry. A few months subsequently he was transferred to the Fifth Kentucky. He was a volunteer in the First Missouri Cavalry, and was in the lead in pursuit of Price into Arkansas. For brave conduct during the Pea Ridge campaign he was promoted to major of Sixth Missouri Cavalry.

In one of the skirmishes in which he was engaged he was wounded in the shoulder. Suffering from wound and injuries he was borne to a hospital in the town, which was entered by a detachment of the enemy's cavalry. He laid in bed, disabled and in pain, but declined to be paroled. While in bed he overheard a conversation between a Confederate officer and a friend, the substance of which was that a large force of cavalry and artillery was about to concentrate in the town and make a sudden attack upon a large supply train which was about to leave Grand Gulf the following night for Grant's army. Major Kiernan dressed as quickly as possible, and by the help of a negro made his way through the pickets and reached Bayou Pierre, where, launching a log, he paddled across to Grand Gulf, a distance of 8 miles. The timely information saved the train.

On August 1, 1863, he was appointed brigadier-general by President Lincoln, upon the written request of Generals Grant, Logan, Schofield, McPherson, and 14 other generals, and also colonels and 4 governors of States. He served with distinction until the close of the war. He was wounded six times, once through the lungs, and from that he suffered continually, and his death on November 27, 1869, was directly attributable to this wound.

The following is a copy of his recommendation for promotion as brigadier-general:

"MILLIKENS BEND, LA., *April 13, 1863.*

"The undersigned officers of the United States Army would most respectfully recommend Maj. James L. Kiernan to His Excellency the President of the United States for promotion. After having been surgeon in the Army for two years, performed the most varied and active service, and did his duty with activity and zeal, he is about to retire from the medical department in order to enter the line. We respectfully trust that the President, taking into consideration his services and our recommendation, will consider his case favorably.

"U. S. Grant, major-general; Frank P. Blair, major-general of volunteers; John A. McClernand, major-general, commanding; Alvin P. Hovey, brigadier-general, commanding Twelfth Division; S. A. Hurlbut, major-general; J. M. Schofield, major-general; Maj. John F. Hartranft; John C. Sullivan, brigadier-general; P. Jos. Osterhaus, brigadier-general, United States Volunteers; John A. Logan, major-general; Jas. B. McPherson, major-general; A. J. Smith, brigadier-general; S. G. Burbridge, brigadier-general; W. P. Benton, brigadier-general of volunteers; T. F. Quimby, brigadier-general; E. B. Brown, brigadier-general; David Shunk, colonel Eighth Indiana Infantry; H. D. Washburn, colonel Eighteenth Indiana Volunteers; Richd. Owen, colonel Sixtieth Indiana Volunteers; Wm. S. Hillyer, colonel and provost-marshal-general, Department of the Tennessee; Wm. T. Hall, colonel Eleventh Iowa, commanding Third Brigade, Sixth Division; Clark Wright, colonel Sixth Cavalry Missouri Volunteers; W. J. Landrum, colonel Nineteenth Kentucky, commanding Second Brigade, Tenth Division, Third Army Corps; Grantham I. Taggart, lieutenant-colonel and C. P.; Davis W. Cheek, captain Thirteenth Regiment Infantry."

In view of the meritorious services of this gallant officer, we earnestly recommend the passage of this bill.

Mr. TALBERT. Mr. Chairman, I make the same objection to this bill that I did to the two other bills we took action on before. I see no reason why the pension of this officer's widow should be raised to $30 by this bill.

The CHAIRMAN. The question is, Shall this bill be laid aside with a favorable recommendation?

Mr. HEMENWAY. One question I would like to ask is, what property has this lady?

Mr. FISCHER. She has none. She has to depend upon her own resources to earn a livelihood.

The question was taken on ordering the bill to be laid aside with a favorable recommendation, and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 86, noes 2.

Mr. TALBERT. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman makes the point of no quorum. [After counting.] One hundred and eleven gentlemen are in the Hall. On this question the ayes are 86, the noes are 2; the motion is agreed to, and the bill is laid aside with a favorable recommendation.

MRS. CATHERINE GAFFNEY.

The next business on the Private Calendar was the bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of Interior be, and he hereby is, authorized and directed to place on the pension roll of the United States the name of Catherine Gaffney, widow of Michael Gaffney, formerly of Company I, Second Kentucky Volunteer Infantry, and to pay her a pension at the rate of $12 per month during her life.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney, would respectfully report:

Your committee have examined the facts in connection with this claim, and report in favor of the passage of the bill. The facts disclosed are somewhat remarkable. The claimant, while yet a minor, about the year 1846 married one Thomas Madigan. He was intemperate in his habits, and occasionally left home, always returning, however, after a brief interval. They were married near Buffalo, N. Y. In the year 1852 he left for Cleveland. Soon afterwards she heard from relatives at Cleveland that he had been accidentally killed while loading a vessel. Madigan has never returned to her since that time, and neither she nor any of her kindred have ever heard from him. A diligent search of the city directories of Cleveland and Buffalo fails to disclose his presence in either of those cities after the year when the report of his death was received. Later, about the year 1858, she married one Cornelius Sullivan, who enlisted in the Army at the beginning of the war and was killed in battle in the year 1862. As the widow of Sullivan she applied for and obtained a pension, and also a pension as guardian of each of two minor children who have since died.

On November 4, 1864, she married Michael Gaffney, at Buffalo, N. Y., a soldier in the war, who lived with her until October, 1885, when he died at Cleveland. The evidence discloses that his death was caused by a hemorrhage, which, according to the evidence, was contracted in the service. Her marriage to Gaffney, his military service, his death from a cause resulting from his military service, all appear to be clearly proven by the evidence, but her claim has been rejected at the Pension Office on the ground that there is no adequate proof that her first husband, Thomas Madigan, who disappeared in 1852, is dead.

Other circumstances are brought to our attention, namely, that she is now nearly 70 years of age, lives in two rooms scantily furnished, with one child, who is a cripple, supports herself as a washerwoman, and notwithstanding the difficulties of her situation bears a most excellent reputation among her neighbors for industry and moral character.

Your committee recommend that the bill do pass.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. LAYTON. Mr. Chairman, this bill was introduced by my colleague from Ohio [Mr. BURTON], who is unavoidably absent this evening, and through courtesy to him as well as justice to the beneficiary of this bill, I cheerfully assume the burden of stating the facts. The case is a very plain one, a very simple one, and a very just one. This lady married a man by the name of Madigan in 1846 or thereabouts. He was an intemperate, worthless sort of fellow——

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. LAYTON. Yes, sir.

Mr. BAKER of New Hampshire. Is there any reason why this lady can not get a pension at the Pension Office under the law as it now stands?

Mr. LAYTON. Yes, sir.

Mr. BAKER of New Hampshire. What is it, please?

Mr. LAYTON. Her claim was rejected there because there was no satisfactory proof of the death of her first husband.

Mr. BAKER of New Hampshire. Is not the gentleman aware that Congress has passed a law which provides for the presumption of death in such cases, so that that objection can no longer be raised?

A MEMBER. That does not apply to the case of a previous husband.

Mr. BAKER of New Hampshire. She is now eligible for pension by renewing her application at the Pension Office, and I suggest to the gentleman that it may be to her advantage to pursue that course, because the application being renewed now, the pension when granted, will date back and she will get a higher pension. Therefore, in the interest of the very person whom he is trying to serve, I suggest to the gentleman that he give that point some consideration, and let this bill go over at least for one week.

Mr. LAYTON. I will say to the gentleman that I have no personal interest in this case. It is not my case; it is the case of my colleague from Ohio [Mr. BURTON]. [Cries of "Vote!" "Vote!"]

Mr. ERDMAN. If the gentleman from Ohio has information on the subject, I would like him to explain how it came that this claimant filed her original claim July 14, 1886, alleging that the soldier died in October, 1885, from rheumatism contracted in the service?

Mr. LAYTON. I presume that is all correct.

Mr. ERDMAN. The soldier was killed, was he not?

Mr. LAYTON. She married three times, and two of the husbands were soldiers. The first one, Sullivan, enlisted at the beginning of the war, and was killed in battle in 1862. She married the second soldier, Gaffney, in 1864. He died some time in 1885 from disease contracted in the service, and her claim for pension as his widow was rejected by the Pension Office, as I was about to state when interrupted, by reason of the fact that no satisfac-

tory proof was furnished of the death of her first husband, to whom she was married about 1846, and who deserted her in 1852 and was never heard of afterwards.

Mr. ERDMAN. Can the gentleman explain this? She alleged a prior marriage to one Sullivan, a soldier in Company E, One hundred and sixteenth Regiment New York Infantry, and was pensioned as Sullivan's widow in her own right, and also (after remarriage, October 30, 1864, to Gaffney, alias Kelly) as the guardian of the minor children of Sullivan.

Mr. LAYTON. Yes, sir; she had two children by Mr. Sullivan who have since died.

Mr. ERDMAN. The claim was submitted to a special examination to ascertain if possible the identity of the soldier, alias Kelly, as the husband of claimant, Gaffney, and this fact is fairly established. Is that true?

Mr. LAYTON. I am not familiar with the facts except so far as they are set out in the report.

Mr. ERDMAN. This woman married a second time without waiting seven years for the presumption of the death of her first husband to arise.

Mr. LAYTON. That is true. It was only about six years after the death of her first husband when she married again.

Mr. ERDMAN. And you are now asking this House to say that six years is good enough?

Mr. LAYTON. No, sir. I am asking this House to say that about forty-four years are good enough. Her first husband disappeared in 1852, and has never been heard of since.

Mr. ERDMAN. Yes; but she remarried in less than seven years after his disappearance.

Mr. LAYTON. Yes; in about six years. I see that my colleague from Ohio [Mr. KERR] who made the report is present. If I had noticed his presence sooner, I would have asked him to explain the case more fully than I can do it.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. EMILY M. VAN DERVEER.

The next business on the Private Calendar was the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, at the rate of $100 per month.

The amendment reported by the committee was read, as follows:

Strike out "one hundred" in the seventh line of the bill and insert "seventy-five," so as to make the pension $75 a month.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, having carefully considered the same, submit the following report:

It is shown by the report of the Record and Pension Office that Ferdinand Van Derveer (the deceased husband of the beneficiary of this bill) was enrolled May 21, 1846, and mustered into service June 26, 1846, as first sergeant, Company I, First Ohio Volunteers, Mexican war, to serve one year. He is reported on the muster rolls of the company, present; elected first lieutenant September 2, 1846, and captain October 5, 1846. He was mustered out with the company as captain June 12, 1847.

Ferdinand Van Derveer was mustered into service September 24, 1861, as colonel of the Thirty-fifth Ohio Infantry Volunteers, to serve three years. He is reported as present with the regiment on January 28, 1863; from that date to August 31, 1863, in command of the Third Brigade, Third Division, Fourteenth Army Corps; and thereafter, on June 28, 1864, in command of the Second Brigade, Third Division, Fourteenth Army Corps. After June 28, 1864, he is reported absent in Ohio on sick leave. He was mustered out of service, as colonel of the above-named regiment, August 26, 1864.

Ferdinand Van Derveer was appointed brigadier-general of volunteers October 4, 1864, with rank from the same date, and accepted the appointment November 29, 1864. He was assigned to the Department of the Cumberland January 13, 1865; was ordered on duty in the Fourth Army Corps, January 21, 1865; was assigned to the Second Brigade, Second Division, Fourth Army Corps, February 8, 1865; and continued on duty in command of said brigade until June 14, 1865, when he was ordered to Hamilton, Ohio, to await action on his resignation. His resignation was accepted and he honorably discharged the service to date June 15, 1865, in special orders from this Department dated June 16, 1865.

The report from the Bureau of Pensions shows that General Van Derveer died November 5, 1892; that he drew $8 per month for services in the Mexican war (service pension), but never received or applied for any pension during his lifetime for service in the war of the rebellion; that he was married to the beneficiary December 14, 1848; that she, as his widow, is now receiving a pension of but $8 per month under the act of January 29, 1887, dating from November 6, 1892.

The sworn testimony of a reputable physician, who was intimately acquainted with General Van Derveer during the last forty-five years of his life, shows "that his disease and death was the direct result of his army service."

Other testimony presented to your committee shows that Mrs. Van Derveer is now about 67 years of age; that she has no income whatever except the pension she is now receiving; that she has no property whatever except an old homestead in the city of Hamilton, Ohio, which is encumbered and will soon be sold at forfeited-land sale for delinquent taxes unless this relief is afforded her by Congress.

The military services of General Van Derveer in both the Mexican war and the war of the rebellion were exceptionally gallant, meritorious, and valuable. In Gen. George H. Thomas's report of the battle of Chickamauga (the battle in which General Van Derveer won his star) he very highly commends the courage, valor, and the distinguished services of General Van Derveer during that long and bloody battle.

History of Ohio in the War furnishes many other instances of his courage and valor during the war.

For the foregoing reasons, and in accordance with many precedents, your committee recommend the passage of this bill with the following amendment:

Strike out "one hundred," in the seventh line thereof, and insert "seventy-five"; so as to allow her $75 per month.

Mr. McCALL of Tennessee. Mr. Chairman, I have been coming to these meetings with a considerable degree of regularity for the purpose of aiding in making a quorum to enact legislation pensioning Federal soldiers and their widows who have been unable to obtain pensions at the Department under the general laws. I have sat here to-night, Mr. Chairman, and have found that two-thirds of these bills which have been passed have been to increase the pensions of officers of the recent war all the way from fifty to one hundred dollars a month. I have observed that but two or three bills for the relief of private soldiers or their widows have been presented to the Committee of the Whole; and I have observed that each time when such a bill carried a larger sum than $12 a month, the rate allowed by law, the Committee on Invalid Pensions has with remarkable regularity reduced the pension to the $12 limit; but in each case where the beneficiary was an officer or an officer's widow there has been an increase of from twenty to seventy dollars a month above the amount allowed by law.

Now, I yield to no man on this floor, or off of it, in my conviction that this Government ought to take care of those that are entitled to pensions; that it ought to take care of the old soldier and his widow and his children, where they are dependent. I will go as far as any gentleman for the purpose of attaining that object; but in justice to myself, and in justice to the constituency I represent—and there are a great number of private soldiers and their widows and children in my district—I can not sit here longer without entering my protest against the course we are pursuing in our pension legislation at these Friday night sessions.

I have no doubt that the beneficiary named in this bill is an excellent lady. I have no doubt that the widow of General Doubleday is an excellent lady. I have no doubt that she went with her gallant husband through the late war; that she stood guard; that she did picket duty; that she was brave and loyal; but, Mr. Chairman and gentlemen of the committee, we must not forget the many thousands of soldiers' widows all over this broad land who stayed at their homes through long and dreary days, maintaining their children and themselves, while their husbands were away, and doing this with a degree of courage and fortitude that was unexcelled by the wife of any general who may have taken part in the conflict.

Mr. PICKLER. I suppose the gentleman does not intend to misrepresent the facts or the committee.

Mr. McCALL of Tennessee. No, sir; and I want to say——

Mr. PICKLER Let me show you where you have done so.

Mr. McCALL of Tennessee. One moment right here.

Mr. PICKLER. You have stated what is untrue. That is what you have done.

Mr. McCALL of Tennessee. I say I have not stated an untruth on this floor.

Mr. PICKLER. I say you have.

Mr. McCALL of Tennessee. I say to you that every bill brought here to-night except one or two has been to increase the pensions of the widows of officers.

Mr. PICKLER. That is not true. No such bill has been brought here. The statement shows the gentleman's ignorance of the facts.

The CHAIRMAN. The gentleman from South Dakota is out of order.

Mr. McCALL of Tennessee. I shall not call upon my friend from South Dakota for information, since I can find it in the reports.

Mr. PICKLER. The gentleman had better inform himself from some source.

The CHAIRMAN. The gentleman from South Dakota is not in order.

Mr. PICKLER. So I understand the Chair to say.

Mr. McCALL of Tennessee. Now, if the gentleman will permit me, and I do not offer this as an apology to the gentleman from South Dakota——

Mr. PICKLER. I do not want any apology.

Mr. McCALL of Tennessee. But I want to explain this matter for my own satisfaction, so that the House may understand what I intended to say. It was not my purpose to criticise unjustly the Invalid Pensions Committee, nor do I do so now. But I

have called the attention of this Committee of the Whole to the peculiar condition of facts presented by this Calendar. I do not attempt to say, nor do I wish to be so understood, that the committee has purposely arranged this condition of affairs. I would not be so unjust as to say that. But I was only pointing out the peculiar condition of affairs presenting themselves here. And for one, representing my constituents, whom I said were among those that fought in the ranks, I must protest against giving the widow of every colonel or general from $50 to $100 a month, while the widow of the private soldier can not be allowed to have more than $12 a month.

Mr. PICKLER. In that position I agree with you.

Mr. McCALL of Tennessee. That is all I have attempted to say. That is all I say now. If the gentleman thinks I have made any reflections upon his committee it has been because my remarks have been misunderstood, not because I intended to do so, because I agree with the gentleman at the head of the Invalid Pensions Committee. I believe in taking care of the widows of private soldiers and also of the officers; but I do not believe in giving to the widows of colonels and generals whatever they may ask—pensions of from $50 to $100 a month—while the widow of the private soldier is compelled to receive the pittance of $12 a month, without regard to her pitiable condition and her surroundings.

Mr. PICKLER. What I complain of the gentleman from Tennessee about is what the gentleman claims to give as the facts in connection with the action of the committee. He says that the Committee on Invalid Pensions, with equal regularity, have cut down the pension of every soldier's widow to the lowest possible notch, when the record shows to-night that the three pensions granted to widows of soldiers are fixed by the committee at sums that they could not possibly have received from the Department, because there was no law by which they could receive any amount there. The gentleman, therefore, I claim is unfair to the committee, and it is not right to make a statement of that kind which the facts do not warrant.

Mr. McCALL of Tennessee. Mr. Chairman, I want to keep myself entirely within the facts. If I have made a statement which is not correct, the RECORD will show it. What I was trying to show was that this committee—not the Committee on Invalid Pensions, but the Committee of the Whole House—has agreed to each amendment offered to-night to reduce the pension of a private soldier, or of the widow of the private soldier, from twenty, or twenty-four dollars in one case, to twelve dollars a month, while each of the bills presented to give to the widow of an officer a pension of from $15 to $60 per month more than they are entitled to receive, with a surprising degree of regularity has been acted upon and agreed to. It is this committee, not the committee over which the gentleman from South Dakota presides, to which I was referring.

Mr. HEMENWAY. I would like, with the permission of the gentleman from Tennessee, to ask the chairman of the Committee on Invalid Pensions this question——

Mr. PICKLER. I do not know whether I can answer the gentleman's question in the time of the gentleman from Tennessee.

Mr. McCALL of Tennessee. I will yield in a few moments.

Mr. HEMENWAY. I would like to ask it just in this connection.

Mr. McCALL of Tennessee. Very well; I yield to the gentleman.

Mr. HEMENWAY. I notice here that the pension recommended for Catherine Gaffney is $12 a month. That is the pension she would get under the law if her case were proven in the Pension Office. I notice also that all of the claims presented of this class are recommended at just the amount the law would allow. Now, I ask the gentleman in charge of the Pension Committee, with reference to Calendar number 159, which is reported at $75 a month, is that the pension that she would be granted if she could make out her case at the office?

Mr. PICKLER. Whose claim is that?

Mr. HEMENWAY. The claim of Mrs. Helen Morrell Carroll, which is reported from the committee at $75.

Mr. PICKLER. I will answer in my own time.

Mr. HEMENWAY. The gentleman from South Dakota can answer in my time. The gentleman from Tennessee has yielded to me. I ask him if that would be the pension to which she would be entitled?

Mr. PICKLER. Oh, Mr. Chairman, the gentleman knows that there is no pension of that rank.

Mr. HEMENWAY. Then, again, is $75 the amount of the pension that the widow of General Doubleday would receive if her case were allowed in the office?

Mr. PICKLER. No, sir; it is not.

Mr. HEMENWAY. Then take the next case, reported at $50, the case of Mrs. Fairfax. Is that the pension that she would be entitled to receive under the law if her case were allowed in the office? And the other two cases—Calendar numbers 165 and 167—what about them?

Mr. PICKLER. I suppose the gentleman understands the pension laws——

Mr. HEMENWAY. Because I want to call attention to the fact that the gentleman intimated that the gentleman from Tennessee [Mr. McCALL] lied when he spoke about the way pensions were reported from this committee. The gentleman from South Dakota said he was not informed as to the pension laws. But the gentleman himself demonstrates the fact that he is not informed, because in these five cases he recommends a larger amount than the law would allow in the case of officers' widows, when in the only case of a widow of a private soldier the committee recommends exactly what the law allows and no more.

Mr. PICKLER. No, sir; the law does not allow anything. The gentleman does not understand this question.

Mr. HEMENWAY. And we are asked here to indorse the action of this committee.

Mr. PICKLER. Now, Mr. Chairman, let me say to the gentleman——

Mr. McCALL of Tennessee. I must decline to yield any further.

Mr. PICKLER. Well, the gentleman does not want his question answered, I suppose.

Mr. McCALL of Tennessee. The gentleman can answer any question he pleases after I conclude.

I wish to say that it was not my purpose to misrepresent facts; but when you get to the bottom and examine this Calendar you will see that I was somewhere in the neighborhood of being correct in my statement as to what we are doing here.

Now, what are we doing? I have sat here Friday night after Friday night for the purpose of aiding pension legislation, keeping as quiet as I could, and endeavoring to secure the passage of these bills by my presence. When the last case reported by the gentleman from New York [Mr. McCLELLAN], the bill H. R. 468, was considered, if that had been the last one of this kind I would have kept quiet. But I find the second bill from that, the one that is now under consideration, grants an increase of pension to Mrs. Van Derveer, and if you take this Calendar that condition exists in connection with these claims right through I do not know in how many cases.

Now, Mr. Chairman, if we are to come here Friday night after Friday night to increase the pensions of these ladies who are already getting $30 a month, to give them fifty, seventy-five, or a hundred dollars a month, I for one propose not to come again. But if you come here to pension the widows of the poor soldiers, those who went to the front, those who fought in the ranks, and to pension their widows who stayed at home and nursed the baby, took care of the minors in their poverty and distress, and whose condition of want is augmented now by the approach of old age, I am ready to come here every Friday night and give my aid to procure relief for them, the relief that they are entitled to under these bills and so much need.

That is all I have to say upon this question.

Mr. PICKLER. Mr. Chairman, this is the same old straw we have to thrash over every evening. Now, when gentlemen complain of the widows of generals having consideration in this committee they simply complain of themselves. Those bills come before the Committee on Invalid Pensions for action, and we take action thereon. I agree with the gentleman from Tennessee [Mr. McCALL] to a large extent. I believe that there is growing up an impression that too much difference is made between generals' widows and the widows of private soldiers, and I say for myself individually that there are few generals' widows for whom I would go above $30, and there is only an exceptional one—one out of a hundred—for whom I would go beyond $50 for any general's widow. I am speaking now of my own individual impressions and belief.

Mr. McCALL of Tennessee. So was I a little while ago.

Mr. PICKLER. These bills come from the committee and come before the House for action. Now, the gentleman from Tennessee, when I complained of his being unfair to the Committee on Invalid Pensions, had said he observed that the Committee on Invalid Pensions cut down the bills for the widows of private soldiers to the lowest possible amount. Now, does the gentleman realize the fact that we take these bills for the widows of privates in the same way that we take these other bills? You introduce the bills. Each member of the Committee on Invalid Pensions is a subcommittee; and they take up the bills which you urge them to take up. You bring these bills before the committee. The committee do not introduce the bills. We take the bills which individual members introduce.

Now, these bills for the benefit of the widows of privates that we have passed to-night are bills for the relief of widows who are entitled to nothing under the pension laws. Contrary to the statement of the gentleman from Tennessee [Mr. McCALL] and contrary to the statement of the gentleman on my left [Mr. HEMENWAY], these widows of privates, for whom these bills were passed, are entitled to nothing under the general law. They can get nothing in the Pension Office.

Mr. HEMENWAY. Will the gentleman yield for a question?
Mr. PICKLER. No; I will not.
Mr. HEMENWAY. You dare not.
Mr. PICKLER. You purposely misrepresented facts. You do not want any explanation.
Mr. HEMENWAY. You dare not permit a question.
Mr. PICKLER. You do not want any information. You want to try to make the RECORD misrepresent the facts.
Mr. HEMENWAY. You let me have a minute and I will make a record that will represent the facts.
Mr. PICKLER. There is one thing I want to say, and that is, while I am in favor of some difference on account of rank, and while the law has always made some difference in rank, yet for my individual self I am opposed to as much difference as appears on some of these bills. It is against my personal objection, but the majority of the committee say otherwise, and we always bow to the majority.

Mr. Chairman, there is one thing to be said, however, in favor of these widows of officers and in favor of these officers' pensions. When the law was passed making the total pension of a private soldier $8 a month, a lieutenant-colonel was given $30 a month. Above the grade of lieutenant-colonel there was no higher amount. Everything above that was put in at the same figure, and we never have had a grade, in direct terms, for colonel, or brigadier-general, or major-general, under the law. There is nothing there yet.

Now, while the pension of the private has been increased from $8 to $18 and $30, while a private who is totally incapacitated to perform manual labor can draw $30 instead of $8, as formerly, under the general statute, a lieutenant-colonel's widow or a general's widow has never had her pension increased one dollar under general law. There is the difference. Whereas the private soldier's pension has been increased nearly fourfold—four times $8 would be $32—if you were to multiply the $30 that a general's widow gets, four times $30 would be $120. That would be the amount to which she would be entitled if an increase had been made in the same ratio as that which we have given to the private. So I say it is not fair to come here and say that such great things are being done for the generals and such small things for the privates. I do not believe in that kind of an advance. I believe that $30 a month is a good pension, and, as I say, there is not one case in a thousand in which I would go over $50 as far as I individually am concerned.

I agree with much that the gentleman from Tennessee [Mr. MCCALL] has said. I do not want to see this pension roll increased by large pensions for generals' widows. I want to see the pension roll kept within bounds, in order that the thousands of old soldiers and their widows who are not yet drawing a dollar of pensions may be placed on the rolls.

Mr. Chairman, I move that the committee do now rise.
The motion was agreed to.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration the bills H. R. 2602, 3007, 3112, 3932, and 2689, and had instructed him to report the same with amendments and with the recommendation that as amended they do pass; also that the committee had had under consideration the bills H. R. 483, S. 1203, H. R. 486 and 4475, and had directed him to report the same to the House with the recommendation that they do pass.

SOLOMON HYAMS.

The SPEAKER pro tempore. The first business reported from the Committee of the Whole is the bill (H. R. 2602) for the relief of Solomon Hyams.

The amendment recommended by the committee was agreed to.
The question was taken on the engrossment and third reading of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.
Mr. TALBERT. Division.
The House divided; and there were—ayes 50, noes 4.
So the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY JANE LYNN.

The next business reported from the Committee of the Whole was the bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL PETTIS.

The next business reported from the Committee of the Whole was the bill (H. R. 3007) granting an increase of pension to Michael Pettis, with amendments.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY DOUBLEDAY.

The next bill reported from the Committee of the Whole was the bill (S. 1230) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPHINE FOOTE FAIRFAX.

The next bill reported from the Committee of the Whole was the bill (H. R. 3112) granting a pension to Josephine Foote Fairfax, with an amendment.

The amendment recommended by the Committee of the Whole was agreed to.

The question was taken on ordering the bill to be engrossed for a third reading; and the Speaker pro tempore announced that the ayes seemed to have it.
Mr. TALBERT. Division, Mr. Speaker.
The House divided; and there were—ayes 49, noes 1.
Mr. TALBERT. No quorum.
The SPEAKER pro tempore. The gentleman from South Carolina makes the point that there is no quorum. The hour of 10.30 o'clock having arrived, under the rule the Chair declares the House stands adjourned until to-morrow at 12 o'clock noon.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MEIKLEJOHN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 280) to prohibit the sale of intoxicating drinks to Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 1209); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Iowa, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1904) to regulate marriages in the District of Columbia, reported the same with amendment, accompanied by a report (No. 1211); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve, in northern Arizona, reported the same with amendment, acccompanied by a report (No. 1212); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT of Massachusetts, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 7259) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, reported the same with amendment, accompanied by a report (No. 1215); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City, reported the same with amendment, accompanied by a report (No. 1216); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TYLER, from the Committee on Military Affairs: The bill (H. R. 2153) to amend the military record of George F. Miller. (Report No. 1210.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 5612) granting a pension to Nathan Mitchell. (Report No. 1213.)

By Mr. CURTIS of New York, from the Committee on Military Affairs: The bill (H. R. 4609) for the relief of William R. Steinmetz. (Report No. 1214.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENDERSON: A bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States—to the Committee on the Judiciary.

By Mr. LOUD: A bill (H. R. 8111) for establishing a fog-signal vessel at San Francisco Bar, California—to the Committee on Interstate and Foreign Commerce.

By Mr. WILBER (by request): A bill (H. R. 8112) to extend Eleventh street northwest from Florida avenue to New Jersey avenue extended—to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 8113) to extend New Jersey avenue northwest from Brightwood avenue to Whitney avenue—to the Committee on the District of Columbia.

By Mr. RUSK: A joint resolution (H. Res. 166) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies—to the Committee on the District of Columbia.

By Mr. WASHINGTON: A joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury—to the Committee on Ways and Means.

By Mr. HARDY: A resolution (House Res. No. 245) to pay George H. Strattan $33.34 for services performed by him as a messenger in the post-office of the House of Representatives from November 22, 1895, to December 2, 1895—to the Committee on Accounts.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 3331) to pension Col. James Lindsay—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 7951) to pension Rhoda L. Day and Jettie Annis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALDRICH of Illinois: A bill (H. R. 8114) granting a pension to S. V. Cornish—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8115) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer aid in the late war—to the Committee on Military Affairs.

By Mr. CLARDY: A bill (H. R. 8116) to grant a pension to Mrs. Sarah D. Lightfoot, of Owensboro, Ky.—to the Committee on Invaid Pensions.

Also, a bill (H. R. 8117) for increase of pension of Charles B. Eades, of Hopkinsville, Ky.—to the Committee on Invalid Pensions.

By Mr. COFFIN: A bill (H. R. 8118) to relieve the heirs of John H. Waring, etc.—to the Committee on War Claims.

By Mr. COUSINS: A bill (H. R. 8119) to remove the charge of desertion from the military record of Henry E. Cady—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8120) for the relief of John Bost—to the Committee on Military Affairs.

Also, a bill (H. R. 8121) granting a pension to Sarah H. Eldred—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 8122) for the relief of Herman J. Miller, of Union County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 8123) to increase the pension of Harvey N. Dail—to the Committee on Pensions.

Also, a bill (H. R. 8124) to increase the pension of Creede N. Welsh, of Mossycreek, Tenn.—to the Committee on Invalid Pensions.

By Mr. HAGER: A bill (H. R. 8125) granting a pension to Joseph D. Williams—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 8126) to pension James M. Miller—to the Committee on Invalid Pensions.

By Mr. LINTON: A bill (H. R. 8127) amending the military record of Frederick Soloten—to the Committee on Military Affairs.

Also, a bill (H. R. 8128) granting an increase of pension to John Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8129) amending the military record of Erastus Confer—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 8130) to pension Mrs. Lucy Munday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8131) for the benefit of Crab Orchard Baptist Church—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8132) for the relief of Walter Masten—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 8133) for the relief of Frederick Fisher—to the Committee on Pensions.

Also, a bill (H. R. 8134) for the relief of Rachel R. Martin—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 8135) granting an increase of pension to A. S. Loudermilk—to the Committee on Invalid Pensions.

By Mr. RAY: A bill (H. R. 8136) removing the charge of desertion against and correcting the military record of Elmer Stickle, late Company D, Fifteenth New Jersey Infantry Vounteers—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 8137) granting a pension to Sarah E. Daub—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8138) granting an increase of pension to William H. Oliver—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of citizens of Fremont County, Colo., against the passage of bill granting lands to Colorado Springs—to the Committee on the Public Lands.

By Mr. COOPER of Wisconsin: Petition of the Methodist Episcopal Church of Fayette, Wis., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Wisconsin, for the adoption of a resolution and the creation of a commission to promote and carry out principles of arbitration in all matters of dispute between the United States and England—to the Committee on Foreign Affairs.

By Mr. COX: Papers relating to the claim of Joseph Williamson, of Pulaski, Tenn.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: Remonstrance and petition of citizens of Leavenworth, Kans., against the continuance of the Marquette statue in Statuary Hall—to the Committee on the Library.

By Mr. GILLETT of Massachusetts: Petition of residents of Amherst, Mass., in favor of the bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HANLY: Paper of John T. Ross, to accompany House resolution relating to the claim of George W. Strattan, for services—to the Committee on Accounts.

By Mr. HENRY of Connecticut: Petition of the Connecticut Temperance Union, for the appointment of a national commission of inquiry to report on the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 7117, to grant a pension to Gen. O. P. Gooding—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: Petition of citizens and postmasters of California, in favor of the passage of House bills Nos. 3341 and 3351, relating to compensation of fourth-class postmasters and against the reduction of letter postage from 2 cents to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of the Grand Lodge of Virginia Independent Order of Good Templars, praying for a national commission of inquiry to report on the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. PAYNE: Petition of teachers and board of education of Penn Yan, N. Y., for a law requiring the study of the Declaration of Independence in public schools—to the Committee on Education.

By Mr. POWERS: Petition of James E. Adams and others, of South Shaftsbury, Vt., praying that the statue of Père Marquette be removed from Statuary Hall—to the Committee on the Library.

By Mr. RAY: Petition of Eunis M. Stickle, widow, for removal of charge of desertion against Elmer Stickle, deceased, late private in Company D, Fifteenth Regiment New Jersey Infantry Volunteers—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: Petition of Lockwood Council, No. 33, Order United American Mechanics, of Danielson,

Conn., favorable to the Sperry or Lodge immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Connecticut, in favor of a national graduated inheritance tax—to the Committee on Ways and Means.

By Mr. SNOVER: Petitions of the Methodist Episcopal Church, the Christian Church, and the Congregational Church, of Romeo, Mich., for the passage of a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: Petition of the heirs of Jonathan Ford, deceased, late of Morgan County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *April 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

### EXPLANATION.

Mr. OTEY. Mr. Speaker, on page 3833, in my remarks on the filled-cheese bill, when I was discussing the question of the penalty of $500, the gentleman from Minnesota [Mr. TAWNEY] I understood asked me, "Who paid the penalty?" and asked if the consumer paid it. I replied that the man who violated the law paid it. In the RECORD it is, "Who pays the tax under this bill?" I simply want to state that I thought he said, "Who pays the penalty?" If I had understood his question to be "Who paid the tax?" my answer would have been, "The consumer."

The SPEAKER. The Chair thinks that is hardly a correction of the RECORD.

Mr. OTEY. It is in the RECORD that he said "tax." I thought he said "penalty." Certainly my answer to his question, "Who paid the tax?" would have been "The consumer."

### IMPROVEMENT OF NEBRASKA SIDE OF MISSOURI RIVER AT SIOUX CITY.

Mr. MEIKLEJOHN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate joint resolution 123, directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa.

The joint resolution was read, as follows:

*Resolved, etc.*, That the Secretary of War is hereby directed to cause to be prepared and submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa, in accordance with the report of Capt. H. F. Hodges, Corps of Engineers, dated November 16, 1894, and printed in House Executive Document No. 42, Fifty-third Congress, third session.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

### SURVEY OF WATERWAY CONNECTING WATERS OF PUGET SOUND AND SALMON BAY, WITH LAKES UNION AND WASHINGTON.

Mr. HERMANN. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to ask consideration of a Senate joint resolution.

The Clerk read as follows:

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

*Resolved, etc.*, That the Secretary of War be, and he is hereby, directed to transmit to Congress the report of Capt. Thomas W. Symons, Corps of Engineers, dated August 29, 1895, together with the accompanying report of the assistant engineer, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; also to submit an estimate of the cost of constructing the said waterway on the route described and laid down in the aforesaid report.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. I would like to know what it means. I would like some little explanation. That does not convey any information to me.

Mr. HERMANN. The information which is now in the hands of the Secretary of War recently reached him from the regular engineer. Previous to the consideration of the river and harbor bill by the House and the committee that information was not at that time in the hands of the Secretary of War. It is now there. The Senate committee has to consider this matter. It is unable to obtain the information, because of a rule or statute which we have prohibiting the Secretary of War to furnish any information of this character to Congress unless Congress shall demand it through a joint resolution.

Mr. CANNON. Where is this waterway?

Mr. HERMANN. It is in the State of Washington.

Mr. CANNON. It has not been received in time to get in the river and harbor bill this time?

Mr. HERMANN. It did not reach the Secretary of War in time to be considered.

Mr. CANNON. It seems to me something ought to be left for the next session of Congress. I object.

Mr. COOPER of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas.

Mr. CANNON. I ask for the regular order.

### ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. GROSVENOR. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

Mr. CANNON. I want to submit a suggestion to the gentleman from Ohio. I think we can pass the fortifications bill inside of an hour and a half, and several of us have thought that the best way would be for the gentleman from Ohio to yield and let the gentleman from Nebraska [Mr. HAINER] who has charge of the bill call it up and have it disposed of by the House, and I appeal to my friend from Ohio to let us do that.

Mr. GROSVENOR. The trouble is, Mr. Speaker, that I shall not be here at all next week. I think we can pass the pending bill in an hour's time. Now, let us try it and see.

Mr. CANNON. The point is, that a proposition to tax a product which will not yield a great amount of revenue seems to be not so important as a proposition to defend the country in these times of rumors of war.

Mr. GROSVENOR. Let us try and see whether we can not dispose of the pending bill in a short time.

Mr. CANNON. Well, if the gentleman will not accept my suggestion now I will appeal to him later.

### FILLED CHEESE.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of further considering the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese." The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I will withdraw that amendment and offer another. I move to strike out the word "four," in line 2, and insert the word "one." I offer this amendment with modesty and hesitation, and I want to ask my friend from Ohio [Mr. GROSVENOR], as he and I do not disagree about what it is desirable to do by legislation in the premises, if he does not see his way clear to accept the amendment?

Mr. GROSVENOR. Mr. Chairman, I appreciate that there may seem to be a strong reason in the mind of any person who takes a casual view of this question why this amendment should be adopted, but we carefully considered the whole subject in committee. There was present a very able and distinguished member of the committee who favored, I think, the exact provision which the gentleman from Illinois now proposes, and the committee felt, and further consideration of the subject has strengthened my own opinion, that the manufacturer of this article and the wholesale dealer are taxed low enough in the bill as it stands. We have reduced the tax upon the oleomargarine manufacture 33⅓ per cent, and we have made a greater reduction in the tax upon the wholesale dealer. When we come to the retailer there may be some concession agreed to by the committee; but the manufacture of this product naturally concentrates and gets into fewer hands as improved processes covered by patents developed the perfection (if that term may be applied to it) of this manufacture. We are told that already there are 30 factories held and controlled by a single proprietor—a corporation, I suppose; I do not know—and we believe that the business can be better regulated by a tax of not less than $400 upon the manufacturer and $250 on the wholesale dealer than by any reduced rates. If you put this tax at $100 you will find that the revenue department will run in debt rather than derive any revenue from the business, and while I know that the gentleman from Illinois is sincere, I think his amendment had better be voted down.

Mr. CANNON. I ask the gentleman now to yield me five minutes.

Mr. GROSVENOR. Certainly.

Mr. CANNON. Mr. Chairman, I ask the attention of the committee for five minutes. This is a revenue bill; revenue, however, not being the primary object of the bill. It is necessary, in order that Congress may regulate the making of filled cheese and prevent its being passed off as genuine cheese, that it should exercise the revenue power. I have no quarrel with that. I do not believe in counterfeits anywhere—counterfeit men, counterfeit money, or counterfeit products. I think that each entity upon the Lord's footstool should stand upon its own merits. And when I say that I say it in defense of the principle of this bill, and I say it also as the basis of an attack upon extreme provisions in the bill.

Now, what is the trouble? We have an industry in this country—the dairy industry—which makes cheese. It is a laudable industry. It is supported by the people of this country. But there is another industry which makes so-called filled cheese. That product is made, as they tell us, by using neutral lard and milk that has the butter element taken out of it. It is not claimed that this is not a laudable industry. It, also, is one that the people of this country have a right to engage in—just as much right as the dairyman has to engage in his industry. But it is claimed that filled cheese is made to look like real cheese and is sold and imposed upon the public as such, thus unduly discriminating against the makers of cheese proper. They are both laudable and legitimate industries. The object of this proposed taxation is primarily to make certain that the consumer shall know what he gets and that one industry shall not be dishonestly competed with by the other. That is the whole matter, as I understand it, in a nutshell. I am for it.

Mr. McMILLIN. Will the gentleman permit me to make him a suggestion in the line of his discussion at this point?

Mr. CANNON. Yes, sir.

Mr. McMILLIN. I think the gentleman will find on examination that the dealer in oleomargarine will pay a certain tax, and then that the same dealer will be compelled to pay this tax in addition, so that there will be a double tax on him for the two articles in which he deals.

Mr. CANNON. Oh, certainly. Now, Mr. Chairman, I want to state another thing. I am not in harmony with any suggestion from anybody about anything that, within our borders, will tax any citizen engaged in a lawful industry for the benefit of some other citizen engaged in a competing industry. I am a protectionist, but I am a protectionist of our own people against the balance of the world. I am a protectionist for the benefit of our own people. I am not such a protectionist that I would tax my colleague from Illinois for the benefit of my colleague from Iowa. So I am not in harmony with the doctrine of protection as it is brought in here, improperly and illogically, in favor of this proposed tax.

Now, what are the facts? Take the twin product of oleomargarine. We taxed that 2 cents a pound some years ago; and we provided considerable license fees for the manufacturers and dealers. What is the result? The result is that revenue to the amount of ten million and a half of dollars has been collected from oleomargarine. Last year there were 57,000,000 pounds of oleomargarine made in this country. What is it made from? Tallow, leaf lard, and a small quantity of cotton-seed oil, churned through milk. It is a good product, a healthful product, economically a cheap product to the consumer. Who furnishes the raw materials? The men on the Iowa and Illinois prairies who raise the cattle and the hogs.

"But," it is said, "this product is sold for butter." If the dealers sell it for butter, strip off the mask. But would not a tax of one-tenth of a cent a pound and a license fee of $100 for the manufacturer mark the oleomargarine as well as it is marked now?

"But," says somebody, "we ought to raise tax enough to pay the cost of administration." How much is that? I went this morning to the Internal-Revenue Office, and I said, "Last year you collected a million and a half dollars from oleomargarine. How much did the collection cost?" "Why," was the reply, "it cost so little that the expense can hardly be estimated." "Well, how much?" "Twenty thousand dollars, at the outside, would be a liberal allowance." That is the estimated cost of collecting one million and a half of dollars on oleomargarine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like to occupy five minutes more.

Mr. McMILLIN. I ask that the gentleman's time be extended for five minutes.

There was no objection.

Mr. CANNON. "But," say those who favor this tax, "the manufacturers can well afford to pay the tax; we do not much like the making of oleomargarine anyhow." Ah, gentlemen, within our own borders no tax can be levied upon any article that is consumed without the producer of the raw material, the manufacturer of the finished product, or the consumer paying that tax; and it is generally divided among all three.

Now, I would not vote for a law (if we had the power to enact it) that would prohibit the making of oleomargarine. Why, sir, it is a legitimate industry, and the product is a cheap—economically cheap, I mean—and valuable food. The farmer and the consumer strike hands, and the manufacturer is a mere incident.

So I would be glad to see legislation that would strike off this million and a half dollars of tax on oleomargarine and place upon the industry a tax which would yield, we will say, $25,000, which would be ample to police the business just as well as it is policed now, and would relieve large numbers of our citizens from a tax which they ought not to pay.

But the question here is filled cheese. I listened yesterday to the gentleman from Iowa [Mr. DOLLIVER], to whom I always listen with great interest. I enjoyed his clear, cogent, poetical, oratorical effort; it was splendid—magnificent; and the appeal he made in behalf of the cow coming home early was irresistible. But I would say to my friend from Iowa that down in central Illinois we have the "American cow"—perhaps not to larger extent than the people over in Iowa, but quite as many. And a great multitude of people there are interested in the price they get for their beef, and for the hog when it is driven to market. We would not interfere with the dairy interest; let that interest stand; its merits entitle it to stand. But I do not want you to tax the multiplied thousands of farmers throughout the length and breadth of this country who market their cattle and their hogs, a portion of the product going into oleomargarine and a portion into filled cheese. Those people are your peers and the peers of your constituents. They have a right to engage in those agricultural industries.

I say again, tax this industry so far as may be necessary to police it, and there stop. Any other tax than that which will truthfully brand filled cheese as such is oppression, and shall not have my support if I can get a modification of it. That is all my contention.

Why should a man who makes filled cheese pay $400 a year license? Do you say that this tax is necessary in connection with the system by which Government officers shall see what he is doing, that this tax is necessary by way of policing the industry for revenue purposes, making it absolutely certain that the manufacturer shall not palm off his filled cheese as cream cheese? If that is your purpose, I strike hands with you. But when I say to you that a license fee of $100 a year, instead of $400, and a tax of a tenth of a cent a pound upon the product would ten times over pay the cost of collection and prevent counterfeiting just as well as a license fee of $10,000 and a tax of even 10 cents a pound, I say to you that in my judgment the case is made out. I ask gentlemen of the House to look at this matter coolly, without prejudice. "Let every tub stand on its own bottom;" do not tax one class for the benefit of another.

[Here the hammer fell.]

Mr. GROSVENOR. I should like to make a statement——

Mr. TERRY. I desire to offer an amendment in the nature of a substitute, and have it pending. It is rather hurriedly written and I will read it myself:

Strike out all after the enacting clause of the bill and insert the following:

"That every manufacturer or dealer in any manufactured article intended for interstate commerce who shall manufacture, sell, ship, or offer for sale any inferior or low grade or class of such article purporting, claiming, or pretending by brand, label, circular, advertisement, or otherwise, that it is of a superior quality or higher grade or better class than it really is, shall be deemed guilty of a fraud and misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $1,000."

Mr. GROSVENOR. Mr. Chairman, I make the point of order that that proposition is not germane to the pending amendment.

The CHAIRMAN. It would not be in order to offer it at this time, at all events, as a substitute for the bill.

Mr. TERRY. Mr. Chairman, I desire to say that the ostensible object of the pending measure is to prevent fraudulent practices in regard to the manufacture of cheese. The claim is made that an inferior grade of cheese, or that which is not cheese at all, is manufactured and palmed off upon the general public under the name of cheese. Now, if you be in earnest, if you wish to prevent frauds on the public, why not prevent them from being defrauded in various other kinds of manufactures, by shoddy or inferior merchandise of all kinds, which are palmed of on the public as first-class goods? Complaints come from all over the country that such practices are constantly resorted to with regard to sales of merchandise; and you are now attempting to drive from competition one class of goods by putting a tax upon it and insisting that it shall be branded a fraud, under the ostensible claim that you are trying to prevent frauds on commerce. Let us go a little further, if that is your real object.

Now, sir, what you are really after—those who are persistently pressing this bill—is, under the guise of taxation, to stamp out one industry at the expense of another.

Mr. DINGLEY. Mr. Chairman, I understood the question of order had been raised upon the proposed amendment or substitute.

Mr. TERRY. I am addressing myself to the point of order. I am showing that this proposition is perfectly in line with what you proposed to adopt here. This is precisely the same proposition, but going a little further than the bill we are now considering.

Mr. DINGLEY. The gentleman from Ohio made the point of order.

The CHAIRMAN. The gentleman from Ohio stated that it was not in order, and the Chair so held, at this time. The Chair understood the gentleman from Arkansas to read the proposition as the basis of his remarks.

Mr. DINGLEY. The point of order was raised, however.

The CHAIRMAN. The Chair is aware of that.

Mr. TERRY. I will send up the substitute and have it pending, to be offered at the proper time. I know it can not be presented now for action.

Mr. McMILLIN. It can be offered now, but not acted upon, until the original proposition is perfected.

Mr. TERRY. I send it up at this time.

Mr. GROSVENOR. It is not in order and can not be offered at this time, I submit, Mr. Chairman. I understood it to be read merely as the foundation of the gentleman's remarks.

Mr. TERRY. It is offered as a substitute for the bill.

Mr. GROSVENOR. Then it can not be done at this time.

Mr. TERRY. It can be pending at this time.

Mr. GROSVENOR. The pending amendment is a single proposition, suggested by the gentleman from Illinois [Mr. CANNON]. This is a proposition that embraces the whole bill, and could not possibly be in order now.

Mr. McMILLIN. If the gentleman from Ohio will permit me to interrupt him, I will say the pendency of an amendment does not prevent the introduction of a substitute, for the rule expressly provides that there may be pending at the same time the original proposition and amendment thereto, and an amendment to the amendment, also a substitute for the proposition, and an amendment to the substitute. Of course the substitute can not be disposed of until the original proposition is perfected.

Mr. TERRY. I so understand the rule.

Now, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTHWAY. Mr. Chairman, I trust the amendment of the gentleman from Illinois [Mr. CANNON] will not prevail. It proposes to reduce the tax carried by the bill from $400 to $100.

Mr. GROSVENOR. If the gentleman from Ohio will allow me a moment; I do not care to occupy time in discussing the matter. I would simply state that there are about 100 of these factories or places of business in the United States. The proposition to reduce the tax, as suggested by the gentleman from Illinois, would result in a collection of only about $10,000, which would not be half enough to pay the expense of enforcing the law.

Mr. CANNON. If the gentleman from Ohio will permit me—I do not wish to occupy his time, but I am sure it will be extended—$20,000 collects the oleomargarine tax and more than collects it, and there are three or four times as many of them.

Mr. GROSVENOR. If you reduce the tax it will not produce enough to secure the enforcement of the law.

Mr. NORTHWAY. Mr. Chairman, I would like to have my time begin now.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. NORTHWAY. As I have said, Mr. Chairman, I hope the amendment of the gentleman from Illinois will not prevail.

I have not time, of course, within the five minutes allotted to me to discuss the general features of this bill. I do not agree to the proposition laid down by the gentleman from Illinois and others during this discussion on this floor, that the manufacture of filled cheese is such a business that we ought to encourage it by legislation. It is said to be a healthy food product. I do not know, and do not care, whether that is true or not. I do not believe that we ought to encourage the business in any form. Rats are said to be healthy as an article of food; Chinamen eat them, and claim that they are healthy and not deleterious, but I doubt very much whether the American Congress would be willing or ought to encourage the canning of rats, because they are healthful, for sale to Chinamen. [Laughter.] I would object to it, and I doubt whether anybody in this country would propose to can and sell them to Chinamen or anybody else because they are said to be healthy.

I do not know that filled cheese is a product that is healthy or otherwise, but it is a business that ought not to be encouraged. It may not be unhealthy, but in whatever light you look at it it is a swindle upon the public. It proposes to make use of the name of cheese for the purpose of covering up a fraud on the people. That great business industry—the manufacture of cheese—was built up in this country by the honest farmers of the land during years and years of hard toil until all the civilized world knows the meaning of the word "cheese." We know—all civilized beings know—that the word "cheese" means the product of the pure milk of the cow——

A MEMBER. Or the goat.

Mr. NORTHWAY. But we propose now to allow manufacturers to make a product with lard, trash, soap grease, skimmed milk, and other commodities, mix them together, label them "cheese," and sell them to the world, and all that we shall require them to do under this law is to affix to it the adjective "filled." It is not cheese in any sense of the word, and ought not to be allowed to go under the name. We ought not to encourage this manufacture, but, on the contrary, ought to discourage it by every means at our disposal.

The cheese business has conquered its way in the world. The making of cheese from the pure milk of the cow has been a matter of slow growth. Men have sacrificed their lives and their money to clear away the farm, to build up the industry, and have gone out into the markets of the world and conquered those markets by honorable dealing until those markets understand the meaning of the word "cheese"; but here are men now proposing to take hog grease, soap grease, and skimmed milk and to steal the word "cheese" and to go into a market which has been already conquered by the honest yeomanry of this country and to sell their product in the place of cheese. I submit that they ought to pay for that. It is worth something. The farmers of my district, many of whom are cheese makers, have helped to conquer the markets of the world, until the world understands the meaning of the word cheese.

Now, these men from Chicago and other places propose to take soap grease and skimmed milk and manufacture something they call cheese, and go into the markets of the world with it and sell their product. It ought to be worth thousands of dollars to them. They find the market already made. It would be a different thing if they started out and conquered a market, but they find a trade-mark built up by the honest yeomanry of this country, and they propose to steal that trade-mark. You may brand this product "filled cheese," but the word "cheese," nevertheless, is there.

Mr. OTEY. Will the gentleman permit a question?

Mr. NORTHWAY. I have not time in five minutes.

Mr. COOPER of Wisconsin. They ought not to be allowed to use the word "cheese" at all.

Mr. NORTHWAY. No; they ought not to be allowed to use the word "cheese" at all, and the use of that word ought to be worth more than $400 apiece to the manufacturers. The world understands what that word means, and now to undertake to allow these manufacturers to invade a market which has been created by the farmers of this country, to allow them to do that for $100 as a manufacturer's license, is an outrage. Already the farmers feel that they are being burdened, and they are asking Congress to protect them, and if Congress will not protect them by imposing a tax, where in heaven's name shall they appeal for protection? I protest in the name of decency, in the name of manhood, in the name of the honest yeomanry of this country, that a tax of $400 is not too large. It is too small, if anything. I submit that to engage in the manufacture of soap grease and skimmed milk, and send it out to the world stamped as "cheese" and to sell it as such, is an outrage on honest industry, and I would prohibit it if I had my way. At all events, I would tax it more than $400 if I had my way. [Applause.] So I am opposed, Mr. Chairman, to striking out this $400 and inserting $100. In the name of God, if you can not do something for the protection of the farmer, let us adjourn and go home. [Applause.]

Mr. BOWERS. Do you not know that protection is for manufacturers and bankers, not for farmers and miners? That is the way it seems to be understood in this House.

Mr. BRUMM. If you want to help the farmer, why do you not introduce the wool schedule of the McKinley bill, and give them some substantial relief?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. NORTHWAY] has expired.

Mr. HOPKINS. Mr. Chairman——

Mr. RAY. Mr. Chairman, a parliamentary inquiry. Would it be in order at this time to offer an amendment to the amendment?

Mr. HOPKINS. I have the floor, I believe, and if I can get order, I should like to occupy the floor a minute or two.

Mr. RAY. I want to make a parliamentary inquiry.

Mr. HOPKINS. The parliamentary inquiry can come later.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] is recognized. The committee will be in order.

Mr. HOPKINS. Mr. Chairman, I have known my esteemed friend from Ohio [Mr. NORTHWAY] for a numbers of years, and I confess that I am greatly surprised at the intemperate speech that he has just made to the members of this committee. I can not understand it.

Mr. NORTHWAY. I will explain it to you, if you will come around.

Mr. HOPKINS. I do not believe you could explain it, except upon the theory that you are possessed of a distempered mind. Now, the idea of comparing the manufacture of filled cheese to canning rats is a comparison that nobody but my friend from Ohio would make.

Mr. NORTHWAY. You see the point, do you?

Mr. HOPKINS. And if the gentleman had read the testimony that was taken before our committee, and had exercised his usual honesty, he never would have indulged in such an intemperate speech or such an unsavory comparison.

Now, what is filled cheese? It is the result of the new method of separating the fatty substance from new milk. By the centrifugal force that is used milk can have the fatty substance taken from it and made into butter, and that milk thus relieved of its fatty substance, which is perfectly fresh and wholesome, is, under this new method, manufactured into cheese. How? By taking leaf lard and subjecting it to certain heat, so that it becomes oil, and mixing a certain number of pounds of that with a hundred pounds of this milk, and then the process of manufacture is the same as the manufacture of other cheese. The leaf lard is as pure and clean a product as the fatty substance in the milk itself. The only difference between a full-cream cheese and this filled cheese is the fact, as I have just indicated, that in the one case it is the fatty substance that comes from the cow and in the filled cheese it is the fatty substance that is taken from the leaf lard of the hog.

The testimony before our committee was that the farmer receives 25 per cent more for his milk by reason of the manufacture of filled cheese than he would without. Unless you permit the use of this milk in the manner that is indicated here in the manufacture of filled cheese it is of little value to the farmer; but by permitting its manufacture to go on, as was stated by one gentleman living in my district, the farmers of my section get 25 per cent more for their milk than they would without this.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. HOPKINS. I yield to the gentleman.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Illinois if he thinks there would be this increased price for milk provided the manufacturers of filled cheese did not sell their filled cheese for full cream cheese?

Mr. HOPKINS. I will reach that point, and I propose to do that before I get through; and I will state to the gentleman right here that I voted for this bill in committee, and I propose to vote for it here and vote for it in the House, but the fraud does not——

Mr. RAY. I would like to ask the gentleman one question.

Mr. HOPKINS. One at a time. Let me answer this gentleman and then I will yield to you. There is no manufacturer that has ever manufactured these cheeses that has sold them for other than they are—that is, filled cheese; and when full cream cheese is bringing 10 cents, 12 cents, and 13 cents per pound in the market the manufacturer is selling filled cheese for 5 and 6 cents per pound. Now, where the trouble comes——

Mr. TAWNEY. Will the gentleman allow me?

Mr. HOPKINS. Let me get through, and then I will. Where the trouble comes in is here, that when filled cheeses leave the hand of the manufacturer and go into the hand of the dealer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. If I can be recognized I will yield my time to my colleague.

The CHAIRMAN. The gentleman has no time to yield.

Mr. CANNON. Then I will ask unanimous consent that his time be extended, and that he may have so much time as he desires.

There was no objection.

Mr. HOPKINS. Where the trouble comes in, as I was about to observe when interrupted, is here—that after the cheeses leave the hands of the manufacturer and go into the hands of the dealer the retail dealers frequently sell them for full cream cheese. I am opposed to that, as every other honest man ought to be. I favor a system of legislation that will cause these cheeses to be marked for just what they are.

Mr. RAY. Will you submit to a question right there?

Mr. HOPKINS. Yes.

Mr. RAY. I understand you to state that you are in favor of the bill, and you voted for it in committee. May I be permitted to ask if you assented to the report of the committee?

Mr. HOPKINS. I have not read the report. I only committed myself to such parts as I voted for. What has been stated in the report I may or may not subscribe to.

Mr. RAY. Let me call your attention to a statement and ask if you assented to that. The report says:

> Large quantities of this cheese for shipment to the South have been discovered in the city of New York, branded "New York State full cream cheese," "Fine cream cheese," "Badger State full cream cheese"; and other brands representing fancy brands of cheese are borne upon the article known as "filled cheese."

Now, is that true or not? That is in the report of the committee.

Mr. TAWNEY. That was the testimony before the committee.

Mr. HOPKINS. That was the testimony of one of the parties there. And another party testified that the great object in getting this bill through was to drive out the filled cheese in the South and allow the skimmed-milk cheese of New York to go there to be sold as full cream cheese.

Mr. RAY. You do not dispute the proposition that in the great Southern seaport towns that this filled cheese is sold in large quantities under false pretense as full cream cheese?

Mr. HOPKINS. Well, now, if the gentleman understood my remarks, I stated that I am in favor of legislation that will prohibit the selling of this cheese for other than it is, and if it is sold for Wisconsin full cream cheese, New York full cream cheese, or Illinois full cream cheese, I am opposed to it, and you will find as we go on in the consideration of this bill that ample provision is made to absolutely prohibit such an imposition upon the public as you mention. The amendment which we are now considering is not that. The question is as to whether the manufacturer who, as the testimony shows, has never sold his product for other than it is shall be taxed $400 per annum for manufacturing or only $100 per annum.

Mr. GROSVENOR. Does not the evidence show that the entire manufacture of this article is shipped unmarked and unprinted, and is not that the highest evidence possible that the manufacturers are parties to the proposed fraud on the wholesale dealers?

Mr. TAWNEY. The evidence also shows that this article is made in the semblance of cheese.

Mr. HOPKINS. Made in the semblance of cheese? It is a kind of cheese.

Mr. TAWNEY. Oh, no.

Mr. HOPKINS. Yes, it is; and the evidence is that it is better cheese than much of the skimmed-milk cheese that we find in the market.

Mr. TAWNEY. The gentleman from Illinois made that statement, but nobody else did.

Mr. HOPKINS. The evidence that is reliable and that people can be guided by is that this article is a better cheese for consumption than much of the skimmed-milk cheese that is sold by the manufacturers of New York.

Now, the gentleman in charge of the bill has said that this article is shipped unmarked. I agree to that. But the bill which we are about to enact proposes to provide for having it marked. But when you require it to be marked, there is no reason why we should compel the manufacturer to pay a license fee of $400 a year when $100 will meet the requirements of the Government. The point that I make is, that we should legislate so that filled cheese can not be sold for full cream cheese, but that in our legislation we should do no injury to any man, and as long as the evidence before our committee is that no filled cheese has been sold by the manufacturer as full cream cheese, I hold that we should not tax this manufacturer out of existence. Put your tax upon the party that commits the fraud. Fix it there, and then you will do no injustice.

Mr. GROSVENOR. Does not the gentleman admit that selling an article of this character unbranded and unmarked, with full knowledge of the use that it is to be put to, is the highest evidence of a contemplated fraud on the part of the manufacturer?

Mr. HOPKINS. The gentleman ought to remember the evidence given before our committee, which was that the manufacturers never sell this for anything different from what it is; that it goes to the dealer, and that if any fraud is perpetrated it is by the individual dealer. The manufacturers have never sought to put this article upon the market for other than it is.

Mr. GROSVENOR. Why do not they mark it, as other people mark their products?

Mr. HOPKINS. Anybody who is familiar with cheese can easily distinguish this from full cream cheese.

Mr. GROSVENOR. He can by cutting it and eating it.

Mr. HOPKINS. The men that the manufacturers deal with can tell by inspecting the cheese that it is not full cream cheese, and as long as you have subsequent provisions in the bill which will take care of the marking, so that no fraud can be perpetrated, it seems to me that a tax of $100 is as good as a tax of $400 for the protection of the public and the prevention of fraud. But, Mr. Chairman, I simply rose not to discuss the full provisions of the bill, but to meet the argument that was made by the gentleman from Ohio [Mr. NORTHWAY], who undertook to say that this filled cheese was not a wholesome product and that it was to be compared

with rat meat. Now, the Agricultural Department has said——

Mr. NORTHWAY. You do not desire to misrepresent me, I suppose?

Mr. HOPKINS. I do not.

Mr. NORTHWAY. I did not compare it to rat meat. I said that rats were said to be healthy, and I asked would the gentleman therefore encourage the sale of rat meat.

Mr. HOPKINS. Well, you sought to put filled cheese in the same category with rat meat. You made that reference or comparison to prejudice the minds of members against filled cheese. Now, the Agricultural Department has decided that there is nothing unwholesome in this product. Mr. Adams, of Wisconsin, who is as competent to speak upon the subject as any man in America, did not attack the manufacture upon the ground that it was an unwholesome product, but for the reasons set forth yesterday by my colleague on the committee, Mr. EVANS. Mr. Sherwin, of Elgin, also testified that from a long experience in the business he was prepared to say to the committee and the country that there was absolutely nothing unwholesome in this filled-cheese product.

The whole contention here is largely between the skimmed milk cheese makers of the country, represented by New York and Ohio, and the filled-cheese makers, who are competing for the Southern market. The testimony is that the filled cheese has driven out of that market, not the full cream cheese, but the skimmed-milk cheese, and as long as it is a contention between those two interests I think the one product ought not to be taxed out of existence while the other passes without any tax at all. I do not wish to have my position misunderstood. I favor legislation which compels the manufacturer and dealer to sell this product for just what it is; but I have no sympathy with the spirit that would utterly destroy it. I have always favored legislation that is in the interest of the farmer, and believe that in saying what I have here to-day I better represent him than my friend from Ohio who has just addressed the committee.

Mr. GROSVENOR. I rise to a question of order. Under what rule is this debate proceeding? Has the gentleman from Illinois [Mr. HOPKINS] the right to proceed without limitation of time?

The CHAIRMAN. The Committee of the Whole gave the gentleman from Illinois unlimited time. The Chair stated the proposition to the committee, and there was no objection.

Mr. GROSVENOR. I was not present, then, when that was done. I supposed that the gentleman from Illinois, who represents the only filled-cheese industry in the United States, was, in his zeal for his constituents, exceeding the time allowed him under the rules.

Mr. DINGLEY. Mr. Chairman, not having participated in the general debate, I desire, before stating my views on this question, unanimous consent to occupy ten minutes.

The CHAIRMAN. Is there objection to allowing the gentleman from Maine [Mr. DINGLEY] to occupy ten minutes?

Mr. MCMILLIN. I hope that request will be granted.

There was no objection.

Mr. DINGLEY. Mr. Chairman, I sustained the oleomargarine law when it was before the House several years ago, as I have voted in Committee on Ways and Means for the present bill. Yet I do not desire to be understood as sustaining this bill on some of the grounds which have been urged before this committee.

This is exceptional legislation. It is an appeal to the taxing power of the General Government for the purpose of accomplishing indirectly an end that is in the nature of the exercise of the police power which belongs to the States. That, I think, must be conceded. While the measure is constitutional, under the decision of the Supreme Court of the United States, as an exercise of the taxing power of the General Government, yet I am frank to concede that the purpose had in view beyond the raising of revenue involves indirectly the exercise of a police power which, in general, should be exercised by the States.

Now, what are the circumstances which justify, from the point of view I have suggested, such legislation as the oleomargarine law and such legislation as is proposed in this bill? It seems to me that the circumstances to be considered are these: A great and overshadowing interest in this country, the most important interest in the country, has been seriously interfered with illegitimately by the discovery of certain methods of imitating products which have belonged to the farm. In my judgment, the name "butter" and the name "cheese," though not legally trade-marks, are, to all intents and purposes, from the point of equity, trade-marks that belong to the farmers of this and other countries; and any attempt on the part of anyone to palm off on the community imitations of these products and to sell them as the genuine products is contrary to the public interest, and so contrary to the public interest that if this illegitimate interference can not be reached efficiently and effectively by the States there is a justification in an appeal to the General Government to exercise its taxing power for the purpose of saving to the farmers of this nation the rights which properly and equitably belong to them in the trade-marks "butter" and "cheese."

Now, if it were possible for State legislation to accomplish all the ends proposed to be accomplished by this legislation, then this subject should be left to State legislation. But experience has shown that it is not possible for legislation by the States to reach the evil which is complained of; and it is an evil of gigantic importance, affecting the most important interests in this country.

The gentleman from Arkansas [Mr. TERRY] has suggested an amendment which, if it were within the jurisdiction of Congress to enact such a law, might reach the end. But the gentleman very well understands that Congress could not take jurisdiction of such legislation as he proposes with reference to the exercise of the police power, a power which as such belongs to the States and which can not be exercised in the direction suggested by Congress. Therefore——

Mr. TERRY rose.

Mr. DINGLEY. I can not be interrupted now.

Therefore there has come an appeal to Congress from this great and overshadowing interest to exercise the taxing power to accomplish an end which thus far the States have been unable to accomplish on account of the impossibility of securing concurrent and uniform laws of all the different States on this subject.

Hence this legislation, I am frank to say, is here because of this overshadowing necessity. Under the guise of an exercise of the taxing power of Congress we are endeavoring to correct the great evils which have come upon the farming interests in connection with this subject. I sustained under that guise the oleomargarine law when it was enacted by Congress. I sustain this bill because, it seems to me, the farmers of this country have an equitable right to the use of the trade-marks, so to speak, of "butter" and "cheese" for their dairy products. It appears to me that it is the duty of Congress to secure the protection of that great interest, if it can be accomplished, even in this indirect way.

I would not use this power under ordinary conditions. It is a power that must be exercised cautiously. But under the extraordinary conditions existing, the exercise of the power seems to me justifiable; and on this ground I justify the vote which I gave in 1886 on the oleomargarine law and the vote which I propose to give in favor of this bill.

Now, from another point of view, the bill proposes to so mark this imitation product that whenever the purchaser comes to buy it he may know what he is buying. The bill does not propose to destroy the manufacture of this imitation cheese. The bill does not propose that the tax on the manufacturer or the wholesale dealer or the retail dealer (and I think the tax on the retail dealer should be less than that proposed in the bill) shall be such as to interfere unduly with the manufacture or sale of this article. There may be some difference of judgment as to the extent of such a tax; but experience has shown that it has not interfered with the manufacture and sale of oleomargarine and that in the form proposed in this bill it will not unduly interfere with the manufacture and sale of this imitation cheese. I confess that if the tax were such as to prohibit the manufacture there would be very serious doubt about this legislation—not only serious doubt, but to my mind there would be an objection which could not be overcome as against such legislation. But to my mind, Mr. Chairman, the taxation proposed here does not go to the extent of improperly interfering with or suppressing the manufacture.

I remember very well when the oleomargarine law was discussed before the House it was objected to the enactment that it would break down the manufacture in this country. But the result of it was simply to secure the marking of the article that was sold in the markets of the country for just what it really is. Now, have the people, the public, reaped any advantage from the enactment of that law? It seems to me that they have. I remember before the passage of that act that this product, oleomargarine, was everywhere sold as butter, and sold, too, at the same price as butter, but to-day under the oleomargarine law—and the product is branded for what it is—you can hardly go into a store in this country where it is sold at all that you can not find it under its proper name, and sold at a much less price than the genuine butter. Those who desire to buy pure butter are enabled to do so, and those who want to buy oleomargarine on the ground that it is a cheaper product can get what they want at a less price. So it will be with this "filled cheese," as it is called. To-day it is being sold not as filled cheese, not as a substitute for cheese, but as genuine cheese, being sold as if it were genuine cream cheese, and at the full price.

Now, when you enact this law and require it to be branded for what it is, instead of being sold at 10 or 12 cents, the full price of genuine cream cheese, it will be sold for 5 or 6 cents, and that is the inevitable result. In other words, the purchaser who desires to use filled cheese will be able to buy it every time and for about one-half the price that he has to pay to-day.

So, Mr. Chairman, it seems to me that two great public interests are accomplished by the enactment of this legislation. First, that the dairy interests—the farming interests of the country—which have the right, it seems to me, to all the benefits that can

be gained from the trade-marks of butter and cheese, will be enabled to have those rights preserved to them without the menace that exists from the sale of an imitation article. Second, that all persons who want to buy cream cheese—the pure dairy product of milk—will have the opportunity to do so. That all persons who want the cheaper product—the imitation product of cheese—will have the opportunity, so far as Congress legislates, to purchase that for what it is, and at the lowest possible price, and hence the dealer can sell either, as he sees fit, and the consumer can purchase either, as he sees fit. If any State finds it desirable, in its opinion, to prohibit the sale of any article whose use it believes to be harmful, it possesses the police power under which it can so legislate.

[Here the hammer fell.]

Mr. OTEY. Mr. Chairman, I ask that the gentleman from Maine be permitted to proceed. He is giving us very interesting information.

Mr. GROSVENOR. If the gentleman from Maine wants additional time——

Mr. DINGLEY. I have stated the reasons, briefly, on which I support the bill. I do not desire to commit myself to the idea that the taxing power of the Government ought to be invoked in simple and ordinary business transactions, even to prevent fraud. That is a matter within the power of the State to control, and should not come here. But the question presented by the pending bill is so exceptional, and the evils resulting from it are so exceptional, that properly, in my judgment, we can exercise a power which the Supreme Court of the United States has decided we possess; and yet I admit it is a power that we ought to exercise only on those occasions where the interest to be protected is of great moment, and where the State legislation is powerless to effect the desired result. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. STEELE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate insisted upon its amendments to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, agreed to the conference asked for by the House of Representatives, and had appointed Mr. ALLISON, Mr. PETTIGREW, and Mr. BLACKBURN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form, and to bind it in one volume, for the purpose of correcting errors in the text.

FILLED CHEESE.

The committee again resumed its session, Mr. HULL in the chair.

Mr. MCMILLIN was recognized.

Mr. OTEY. I hope the gentleman from Maine will permit me to ask him a question before he takes his seat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GROSVENOR. I rise to move to limit the debate on this proposition.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. MCMILLIN. Mr. Chairman, I have listened with no little interest to the remarks of the gentleman from Maine [Mr. DINGLEY]. He has spoken with his usual clearness, but not with his usual consistency. He confesses, with that candor which ordinarily characterizes him, that this is the invocation of the taxing power for other purposes than for raising revenue. That much at least has been gained by the debate. That much we have settled after a whole day of denial. The chairman of the Committee on Ways and Means, which reports this bill, confesses the object to be police regulation. He says that you may invoke the taxing power for this particular purpose, but draws a distinction, which I am a little unable to follow him in, by saying that you may invoke it in part, but you can not invoke it to destroy.

It strikes me, Mr. Chairman, that there is only one true dividing line on a question of this character: The Government of the United States has power to regulate commerce between this and other nations and between the States by commercial regulations, but its taxing power can not be invoked for the purpose of destroying anything without violating the spirit, if not the letter, of the Constitution. I want to warn the gentleman, and I know he is a thoughtful student of political affairs, that when he enters on this wide field of regulating all of the industries of foreign countries and their imports by tariff laws, and enters upon the broad field of undertaking to control all the industries of this country by internal taxation, he has a job on his hands which even Solomon, if here in all of his glory, could not discharge acceptably.

How simple government is when left to its proper and legitimate functions. How complex it is when the legislator, puffed up with a little brief authority, his head expanded by temporary triumph, thinks he is wiser than the people at home and greater, and that he can control everything by statute. He can make prosperity and regulate all industries by his legislative wisdom.

It is utterly futile if you desired to do it, and you ought not to attempt it, even if you could by perverted or usurped power do it. Now, I am in favor of the amendment offered by my friend from Illinois [Mr. CANNON]. It is right. It is in the line of the recommendations of the Commissioner of Internal Revenue. He came before the Committee on Ways and Means; he said that the taxes on retail dealers in oleomargarine were higher than they should be, and that the law could be better enforced with lower taxes than with the rates that were already imposed, and yet this committee recommends that the House adopt a tax upon filled cheese that is almost as high as that which the Commissioner of Internal Revenue has admitted was too high for practical purposes on oleomargarine. I will read to the committee his statement:

Commissioner MILLER. One great objection to the oleomargarine law as it stands, and which makes it difficult of enforcement, is the high rate of the special tax. I think it is worse than if the tax were lower, because the incentive to go crooked is great. The law starts with a special tax of $600, and a man selling at wholesale $480, and at retail $48. Most of these small dealers, rather than pay the $48, will run the chances of violating the law. We would get better enforcement if the tax were not so high.

The CHAIRMAN. Where do you suggest it is too high?

Commissioner MILLER. All the rates are too high. I think you would find that you would have much better observance of the law if the rates were lower.

Mr. TAWNEY. If an oleomargarine manufacturer wanted to engage in the "filled cheese" business, would he have to pay this license also?

Commissioner MILLER. Yes. If he were in the oleomargarine business he would have to pay another in this business.

So that, so far from adopting the Commissioner's recommendation to reduce the rate of taxation, you have left on the retail dealer within a few dollars of what he said was too high on retail dealers in oleomargarine. Now, one word more and I will suspend.

Mr. GROSVENOR. The gentleman is undertaking to state what was said in the committee room.

Mr. MCMILLIN. I am undertaking to state what is published in the hearings.

Mr. GROSVENOR. I understand that.

Mr. MCMILLIN. I am not undertaking to say it, but I have said it, word for word.

Mr. GROSVENOR. Have you said another thing, my friend? Have you said that after hearing that statement by the Commissioner we reduced the rate of tax upon the manufacturer from $600 to $400? And one further word, have you stated that after that recommendation we reduced the wholesale tax from $300 to $250?

Mr. MCMILLIN. You did reduce a part of them, but the Commissioner told you that $48 tax on a retail dealer in oleomargarine was too high. Disregarding that admonition, you put a high tax on the retail dealer in filled cheese.

Mr. GROSVENOR. Oh, no; not at all. Forty dollars.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GROSVENOR. Information and knowledge are incidental to intelligent debate.

Mr. MCMILLIN. Then, if they will give it I will ask my friend to follow the example of Solomon, and get wisdom.

Mr. GROSVENOR. You get your bill and read it, and you will find you are arguing on a wrong basis.

Mr. MCMILLIN. All right. In what I quoted I did not vary a word from the printed report of what the Commissioner said. I did not vary a word from his examination in the printed report. If you will read my remarks in the RECORD you will find that I did not interpolate one word or comma.

Mr. GROSVENOR. Mr. Chairman, I move that debate upon this section and the amendments thereto be closed in five minutes.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. What paragraph of the bill are we considering?

The CHAIRMAN. Beginning on line 2, page 2.

The motion of Mr. GROSVENOR was agreed to.

Mr. GROSVENOR. I yield the time to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the amendment under consideration comes very appropriately from the State of Illinois. It is in the interest of the filled-cheese manufacturers, and that State in 1895 produced 14,000,000 pounds of filled cheese, and has within it almost all the filled-cheese factories in the United States, a fact that I want the members of the House to understand before they vote upon the pending proposition.

Mr. Chairman, in reply to the argument of the gentleman from

Illinois [Mr. CANNON] and the gentleman from Illinois [Mr. HOPKINS] against the proposed manufacturers' license, I will say that they have not stated a single fact concerning the relative market value of filled cheese and pure cream cheese, which should be the only basis upon which the tax or license should be fixed. Aside from the fact that the manufacturers of filled cheese in branding and designating their product "cheese" are infringing upon the trade-mark of the farmer and the manufacturer of genuine cheese, the relative difference between the cost of production of the two articles is of itself sufficient to sustain this license.

We impose a tax of 1 cent a pound on the product, and then, in addition to that, we impose a license upon the manufacturer, the wholesaler, and the retailer. Now, when you come to ascertain the aggregate tax per pound upon the product, it is less than one cent and a quarter a pound, including all the licenses and the special tax of 1 cent a pound. Filled cheese is manufactured at a cost of 4 cents a pound, and can be manufactured for 3 cents a pound; and, in my opinion, if we pass this bill it can be manufactured for 2 cents a pound.

Mr. HOPKINS. Now, let me interrupt you there.

Mr. TAWNEY. No; I have not the time.

Mr. HOPKINS. The object is not to cause the consumer to pay as much for filled cheese as cream cheese.

The CHAIRMAN. The gentleman from Minnesota declines to yield.

Mr. HOPKINS. He yields to me. But only to require them to sell it for what it is, and give it to the consumer for half of what full cream cheese costs.

Mr. TAWNEY. I say, Mr. Chairman, that the cost of producing filled cheese is from 3 to 4 cents a pound, so that an increase in the cost of production resulting from this tax will not exceed 1¼ or 1½ cents; and the aggregate cost, with the tax, will not be more than 4½ to 5½ cents a pound.

Now, to produce full cream cheese it costs from 11½ to 12½ cents a pound. These two products have heretofore been sold in the market for the same price, or nearly so. If this bill results in reducing the price of filled cheese to those who desire to eat it, there will still be a wide margin for profit after paying these licenses and the special tax. Men talk about the poor man having the benefit of cheaper cheese! He has not had that benefit in the past, and one of the results of the oleomargarine tax, which is higher than the tax imposed by this bill, was to reduce the price of oleomargarine to consumers. How, then, can gentlemen say, in the face of that fact, that this tax, this license, will destroy the manufacture of filled cheese, or that it will increase the cost of the filled cheese to the consumer? It will simply be compelling them to sell their product for what it is, and when that is done they will still have a fair profit on their product.

There has been a great deal said by the gentlemen from Illinois concerning the purity and value of this article as a food product. A great deal has been said about the evidence taken before the committee on that subject, but it is unnecessary for me to allude to that now. That branch of the subject was fully covered in the remarks I submitted yesterday. I will repeat, however, that the evidence referred to does not show that filled cheese is a wholesome product.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"] The question is on the amendment of the gentleman from Illinois, to strike out "four" and insert "one."

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BRUMM. Division.

Mr. CANNON. Well, we will have a stand up upon that.

The committee divided; and there were—ayes, 38; noes, 76.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman——

Mr. GROSVENOR. Mr. Chairman——

Mr. CANNON. I want to offer an amendment.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. Not at this point. I will offer an amendment to the retail dealers.

Mr. CANNON. All right. In line 6, page 2, Mr. Chairman, I move to strike out the words "two hundred and." Is debate exhausted on this paragraph?

The CHAIRMAN. It is.

Mr. CANNON. Then let the Clerk read "so that it will read," etc.

The Clerk read as follows:

Wholesale dealers in filled cheese shall pay $50 per annum.

Mr. CANNON. That is right.

The question was taken; and the amendment was rejected.

Mr. TRACEY. Division.

The CHAIRMAN. The call for a division came too late.

The Clerk read as follows:

Retail dealers in filled cheese shall pay $40 per annum——

Mr. GROSVENOR. Mr. Chairman, the balance of that paragraph relates only to the application of certain sections of the Revised Statutes, and therefore I ask unanimous consent to make a motion to amend the sentence that was read by the Clerk. By direction of the committee, I move to strike out the word "forty" and insert the word "twenty-four."

The CHAIRMAN. If there be no objection, that amendment will be agreed to.

Mr. CANNON. Mr. Chairman, let the amendment be read again.

The Clerk read as follows:

On page 2, line 17, after the word "pay," strike out "forty" and insert in lieu thereof the word "twenty-four"; so as to read: "Retail dealers in filled cheese shall pay $24 per annum."

Mr. CANNON. Now, Mr. Chairman, I will ask the gentleman if he can not see his way to make it $10.

Mr. BRUMM. Say $5.

Mr. HENDERSON. Do not ask the earth.

Mr. CANNON. That is not asking the earth.

Mr. GROSVENOR. Let this be voted on. I think I can not consent to the proposition of the gentleman from Illinois, and the question is on striking out "forty" and inserting "twenty-four."

Mr. CANNON. Mr. Chairman, I move to amend the amendment by striking out "twenty-four" and inserting "ten." Now, if I can have the attention of the gentleman from Ohio [Mr. GROSVENOR], I wish to say that no man on the Ways and Means Committee, nor, in my judgment, any member of this House, including the gentleman in charge of this bill, will say that $10 will not meet every requirement, police or otherwise, except the bare amount of revenue, that $24 will. I pause to see if any gentleman will deny that proposition.

Mr. GROSVENOR. Mr. Chairman, we want to do nothing but what is just in this matter. The other two licenses are the important features of the bill, and I am willing, at the suggestion of the gentleman from Maine [Mr. DINGLEY], to fix this one at $12 per annum.

Mr. CANNON. I will accept that if I find that after I have made one more statement the gentleman will not agree to make the amount less.

Mr. GROSVENOR. No; a dollar a month is low enough.

Mr. CANNON. In my little city of 20,000 people there are 70 grocery and provision establishments that supply in a small way groceries and provisions to the population of the city and of the surrounding country. They deal in what goes in the market, and this is a legitimate object of dealing. Now, from those 70 establishments, at $12, there will be a revenue of $840 a year; and what is true of my city is true of like places all over the country. I appreciate the willingness of the gentleman in charge of this bill to reduce the amount of this license to $12, but I appeal to him to say whether it can not be further reduced.

Mr. GROSVENOR. We can divide 12 by 12 and that will be a dollar a month. I think that is low enough.

Mr. CANNON. Very well; I will not insist further.

Mr. BRUMM. Mr. Chairman, I want to offer an amendment to the amendment. I propose to reduce this license to $5, and on that I want to be heard for a minute.

Mr. TAWNEY. I make the point of order that the amendment of the gentleman from Pennsylvania is not in order, because there is an amendment to the amendment pending.

Mr. BRUMM. I beg the gentleman's pardon. That amendment has been accepted.

The CHAIRMAN. Does the Chair understand the gentleman from Ohio to modify his amendment so as to make it a motion to strike out "forty" and insert "twelve"?

Mr. GROSVENOR. Yes.

Mr. BRUMM. Therefore my amendment is in order.

Mr. GROSVENOR. I hope my friend will allow a vote to be taken. We all understand the matter.

Mr. BRUMM. I am not so sure that we all do understand it. If revenue is what you are after, you will get more revenue by making this license $5 than by making it $12. The majority of the stores in which this article will be sold are not stores that sell only one particular article or class of articles. They are, for the most part, what are known as country stores, and are to be found in all the country towns and in cities having a population of 20,000, and if you put this tax at $5 a year there will not be a storekeeper who will not pay it; so that by putting it at this low figure you will really collect more revenue than you will if you fix the license at $12. These small, promiscuous stores, as they are called, can not afford to pay a tax of $12 for the purpose of selling one kind of cheese alone, and the result of fixing the license fee so high will be not only to give you less revenue, but to concentrate the sale of this article in the hands of a few storekeepers instead of having it sold everywhere. Therefore, if you are honest in the purpose which you avow in enacting this bill, you ought to permit this amendment to be adopted putting the tax at $5 a year, and I shall insist on a vote upon it.

Mr. GROSVENOR. I want to say a word, Mr. Chairman, and only a word. When we come to the definition of a retail dealer it will be seen that the provision of the bill is made so broad and liberal that the retailer may sell 10, 15, or 100 cheeses at a time; so that we give the retail dealer the advantage of position so far as the definition is concerned.

Mr. BRUMM. But how does that help the storekeeper who perhaps buys only one or two cheeses at a time and sells the article by the pound?

Mr. GROSVENOR. My friend will bear witness to the fact that this article is sold largely in the companies' stores at the mines and factories, where they sell thousands and thousands of cheeses at retail every year; and to put the tax at $5 a year would not pay for the inspection and care which the Government would have to exercise.

Mr. BRUMM. Why, your revenue collectors will attend to it. You have them already in every district—your liquor and tobacco tax collectors. It is all nonsense to say that this tax can not be collected.

Mr. MORSE. Mr. Chairman, I do not rise to speak to this particular amendment. I intend to occupy only two or three moments, and in that time to state a few reasons why I propose to vote for this bill as it comes from the committee and to vote against all amendments that will impair the bill. For one I do not wish to butter my bread with soap grease or to eat cheese made out of soap grease, if it has been chemically treated. The gentleman from Illinois [Mr. HOPKINS] said just now that this filled cheese was a healthful product, that it was healthful food. I deny that proposition; and in doing so I speak advisedly. If I am rightly informed in regard to the manufacture of filled cheese and the treatment of lard to which the gentleman refers, neither the manufacturer of oleomargarine nor the manufacturer of filled cheese heats this pork grease to such a point as to destroy the globules or microbes. They heat the pork oil only to such temperature as will make it run.

When this matter was under consideration before the Massachusetts legislature the State board of health of our Commonwealth was appealed to for information in regard to the healthfulness of this product; and that distinguished body, second to none in this country, said that in the manufacture of these products the door was wide open for implanting the seeds of disease into the human system. They said and clearly showed that there was danger in this uncooked hog oil that trichinæ and other hog diseases might be communicated to the consumers.

Now, in regard to the protection supposed to be obtained from branding filled cheese or oleomargarine, I claim that the branding affords no protection whatever to the consumer. It is the man who butters his bread in the hotel or private residence or boarding house that I am solicitous about. He does not have any brand on the plate showing that the article placed before him is filled cheese. In my State, if oleomargarine or the products of hog oil are used as butter, the boarding house or hotel keeper is required to hang up a sign "Imitation butter (or imitation cheese) served here." That is what we want in every State of the Union. That is what we want in this capital city. I venture to say that most of the members of this House to-day are, at their hotels or boarding houses, buttering their bread with imitation butter manufactured from hog oil or soap grease or something else than the product of the cow. We want a wholesome, decent enforcement of the law in the District of Columbia for our own protection.

Now, I submit to members of the House one proposition which I have learned from eminent medical authorities: The oldest medical books do not record a single instance of a Jew, living strictly as a Jew and not eating pork in any shape, who ever died of cancer. I submit that this uncooked hog oil is dangerous; that it contains the germs of trichinæ, cancer, and other hog diseases. I am first, last, and all the time for this bill as it came from the committee, and am opposed to any amendments which may impair the efficacy of its provisions.

Mr. CANNON. Mr. Chairman, I desire for a moment the attention of the Committee of the Whole and also of the gentleman from Massachusetts [Mr. MORSE]. I have great respect for that gentleman. His great business ability has brought him a liberal fortune, a fact in which I rejoice. We all understand what his product is. [Laughter.] Now, in my part of the country there is an establishment which sets itself up as a rival in his branch of business; there is a gentleman there engaged in making a similar product to that of the gentleman from Massachusetts, and that gentleman claims—I am inclined to think it is a slander—that the product of the gentleman from Massachusetts, a product used in the polishing of iron [laughter], contains arsenic, strychnine, injurious acids, and other chemicals that make its use absolutely dangerous to life. That gentleman out in my region of country urges this as the reason why the product of the gentleman from Massachusetts should not be used, and fears the gentleman from Massachusetts will sell his product in packages similar to those used by the Illinois factory, and I am expecting every day to receive a letter demanding that I introduce a bill here to tax the product of the gentleman from Massachusetts because it is dangerous to the health of the community. [Laughter.] But I am going to stand out against it [laughter] until I have further evidence that the product of the gentleman from Massachusetts is really deleterious to health. If the gentleman from Massachusetts, however, should, in the fullness of time, find out that my constituent is competing successfully with him by selling an article that is about to drive him out of the market, and should the gentleman from Massachusetts, while proclaiming that his product is a healthy article, seek to counterfeit the product of my constituent, then I rather think I would favor legislation which would require the gentleman from Massachusetts to truly brand the article of his manufacture. [Laughter.] But when I had made him truly brand it I would stop there. I would not put a cent or a mill of tax upon the product of the gentleman from Massachusetts in the interest of my constituent. [Laughter.]

Mr. MORSE rose. [Cries of "Vote!" "Vote!"]

Mr. MORSE. Mr. Chairman, I think I am entitled to reply to the gentleman from Illinois [Mr. CANNON].

The gentleman from Illinois [Mr. CANNON] has seen fit to introduce the subject of blacking here.

Mr. Chairman, there is no question but that we make good blacking in New England; there is no doubt about that; but I have never seen or known of any person recommending that anyone should eat that article or butter his bread with it. If the gentleman from Illinois will find any person who is trying to have the article consumed in that way the analogy between the product the gentleman has introduced here and that now under consideration, namely, cheese made of hog oil, may appear.

Mr. Chairman, I have said that we make good blacking in New England, but I have never seen any so good but that it would make a white mark on any man who would stand on this floor and defend imitation butter or imitation cheese, or would advocate the continuance of this fraud on the consumers and farmers of the country. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania, to strike out "twelve" and insert "five."

Mr. CANNON. I will only say, Mr. Chairman, before the vote is taken, that this is another good advertisement for the gentleman's stove polish, if he needs any. [Laughter.]

Mr. RICHARDSON. I just wanted to ask the gentleman from Illinois if there was any agreement between him and the gentleman from Massachusetts to aid in advertising his product here? [Laughter.]

Mr. CANNON. I do not think the gentleman ought to be too inquisitive about that.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The question recurred on the motion to strike out "forty" and insert "twelve."

The amendment was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the fourth section of the bill, as follows:

SEC. 4. That every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $400 and not more than $1,000; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than $200 nor more than $1,000; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than $50 nor more than $500 for each and every offense.

Mr. BARTLETT of New York. Mr. Chairman, I have an amendment to offer here.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amend by striking out section 4.

Mr. BARTLETT of New York. Now, I would like to ask the gentleman from Ohio in charge of the bill to allow me ten minutes at this point.

Mr. GROSVENOR. I have no objection.

I ask unanimous consent that the debate on the amendment be limited to ten minutes, and that the gentleman from New York may be permitted to occupy the time.

Mr. McMILLIN. The gentleman from New York is entitled to five minutes. I think there will be no disposition to prolong the debate; and I ask unanimous consent that he have ten minutes. It may be that others would like to be heard.

Mr. GROSVENOR. Mr. Chairman, I move to limit the debate to fifteen minutes, and ask unanimous consent that ten minutes be given to the other side.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROMWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians," approved July 26, 1892;

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898;

A bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Indian Reservation, in the State or Oregon; and

Joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof.

FILLED CHEESE.

The committee again resumed its session, Mr. HULL in the chair.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, when I first read the bill that is now under consideration I was in some doubt as to the vote I should cast in regard to it. It was not until after I had read the report submitted by the Committee on Ways and Means that my mind was made up against the bill; and that impression, adverse to the proposed legislation, was strengthened by the frank avowal of the leader of the majority on the floor, the distinguished gentleman from Maine [Mr. DINGLEY], who said this morning in reference to this bill that it was an attempt on the part of the Congress of the United States to exercise the police powers of the Government or to enforce police regulations within the States.

The gentleman from Minnesota [Mr. TAWNEY], also of the committee, said he favored the bill because it was in the nature of a police regulation. That was in substance his statement—I do not pretend to give his exact words—and if I mistake not every gentleman who has spoken in favor of the bill has urged its passage, for what reason? Because it would stop fraud. In other words, because it would be, in its natural outcome, a police regulation for the enforcement of the protection of the health of the people.

What do the Committee on Ways and Means say in their report? They tell us they think the bill ought to pass—

So as to prevent fraud and furnish complete protection to the purchasers against the purchase of an inferior article sold to them by unscrupulous or ignorant dealers.

So it is not a bill to collect revenue; not a bill to tax—and I for one am not opposed to the indirect method of taxation known as excise. I believe that to be a proper method of taxation; but here is a frank avowal that this is not a measure of taxation; nor is it claimed for a moment that it is a measure to be adopted to regulate interstate commerce. It is in no sense of the word a regulation of commerce. What is it? It is an act to prevent fraud, to protect public health, and to have what is claimed to be a deleterious article of food sold in the open market for what it really is.

Mr. RAY. Will my colleague allow a question?

Mr. BARTLETT of New York. I will yield for a question.

Mr. RAY. Right there let me ask are you opposed to all laws that will prevent fraud, or any law that will prevent it?

Mr. BARTLETT of New York. Mr. Chairman, I should be perfectly willing to leave that question to be answered by the gentleman from New York himself. He knows me——

Mr. RAY. But really, is that the basis of your objection—because this law will prevent fraud—or are you against it on the ground that we have no right, under the Constitution, to pass the bill at all?

Mr. BARTLETT of New York. In answer to the gentleman from New York, the basis of my objection is that this sort of legislation is unconstitutional; that it has been so declared by the Supreme Court of the United States, and I will call attention to three decisions—one in 1869, by the then Chief Justice, Salmon P. Chase; one in 1890, if I mistake not, by the present Chief Justice, Fuller; and one in 1894, by Mr. Justice Harlan.

Now, what is the rule laid down by the Supreme Court in these decisions? That each State has plenary power in all matters of police regulations; that is, that the police power of the States can only be exercised by the States themselves, and not by the central authority. The Supreme Court of the United States goes further, and it says that the fourteenth amendment has not changed that rule; that the rule has always existed, and if there be any power which should remain in the State it is the exercise of the police power.

Now, the question came up, I think, in the case of The United States *vs.* De Witt, which was decided in 1869, in 9 Wallace. It was there held by the Supreme Court of the United States that a section of a statute which was manifestly not enacted in the aid of the power to collect a tax, but in reality was a police regulation, was unconstitutional, and that any such provision of law had no force whatever beyond the District of Columbia. So I say pass this act if you will, but it will have no force or effect beyond the limits of this District or outside the Territories of the United States.

Mr. RAY rose.

Mr. BARTLETT of New York. I will answer the gentleman in a minute. The distinguished gentleman from New York is so good a lawyer——

Mr. RAY. I do not want to interfere with you at all.

Mr. BARTLETT of New York. I will answer the gentleman's former question now, while it is fresh in my mind. I am opposed to every fraud in the production or sale of any article of food or drink, but I say the State of New York, the State of New Jersey, the State of Massachusetts, the State of Minnesota, should take care of the food within their own limits; and the gentleman is well aware that it was decided in reference to the State of Massachusetts that the State itself could control the sale of all articles of food deleterious in their nature coming within the borders of the State.

Mr. TAWNEY. Will the gentleman permit an interruption? Can the State of Massachusetts prevent the manufacture of adulterated food products in the State of New York? And if it can not do it, then can not those adulterated products be brought into the State of Massachusetts and sold there?

Mr. BARTLETT of New York. No, sir. The State of New York and the State of Massachusetts and any State of the Federal Union can control the manufacture or sale of the articles manufactured within its own borders; and one step further, each State can control the sale of articles of food coming within its borders, although manufactured in another State. That answers the question of the gentleman from Minnesota. I do not speak without authority. Now, take the first case, of The United States *vs.* De Witt. There Chief Justice Chase said what?

Mr. WATSON of Ohio. May I ask the gentleman a question? Has not Congress regulated the sale and manufacture of oleomargarine, and has not the Supreme Court held that it had the power to do that?

Mr. BARTLETT of New York. The only instances where the exercise of this power by the Congress of the United States has been held good have been in cases where it was manifest or apparent, or could be urged with some degree of plausibility at least, that it was an exercise in aid of the power to collect a tax, but where it is apparent from the report of the committee, where it is apparent from the debate, where it is apparent from the admissions of the gentlemen who are urging the passage of this measure, that it is only an invocation of the police power, then I say the act is manifestly unconstitutional and beyond our power to enact.

Now, let me call the attention of the committee to what was said by Chief Justice Chase in the case of The United States *vs.* De Witt, the old case reported in 9 Wallace, in the year 1869. There the question before the court was whether the twenty-ninth section of the internal-revenue act of March 2, 1867, in reference to selling naphtha mixed with other oils or inflammable petroleum and making it a misdemeanor punishable by fine and imprisonment——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BARTLETT of New York. I should like to have an extension of time.

Mr. GROSVENOR. I can not consent to a removal of the limit of debate, but the gentleman from New York may have the whole of the time in which to combat the decision of the Supreme Court of the United States. I believe the Supreme Court will get the better of him. [Laughter.]

Mr. RAY. I ask unanimous consent that I may print in the RECORD with these remarks, but as a part of my own, some extracts from the decision of the Supreme Court of the United States in the case of Plumley *vs.* Massachusetts, reported in 155 United States, page 461.

Mr. BARTLETT of New York. Oh, certainly; print the whole book.

The CHAIRMAN. The gentleman asks unanimous consent to print certain extracts in the RECORD. Is there objection?

There was no objection.

[For the decision referred to by Mr. RAY, see below.]

Mr. BARTLETT of New York. Mr. Speaker, I have no objection to printing that decision in its entirety.

Mr. RAY. I would not ask to do that.

Mr. BARTLETT of New York. Of course I propose to call the attention of the committee to that decision. Now, the gentleman from Ohio [Mr. GROSVENOR] attempts to ridicule the decisions of

our court of last resort, and it may well be, because unless we take a position in contravention of the justices of the Supreme Court we can not pass this act.

What was said by Chief Justice Chase? Owing to the numerous interruptions from the other side, it is somewhat difficult to reach the words of the Chief Justice. He said, in reference to the provision of the act to which I called attention—it being plainly an evasion, not an effort to collect the internal-revenue tax on petroleum and naphtha—as follows:

As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all State legislation, as, for example, in the District of Columbia.

Now, that decision applies directly to the question under consideration. The other two cases to which I call attention are the matter of Rahrer (140 U. S.), where the opinion was rendered by Mr. Chief Justice Fuller, and where he says:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the Constitution necessarily infringing upon any right which has been confided expressly or by implication to the National Government.

And the last case to which I shall call the attention of the committee is the case to which reference was made by the gentleman from New York [Mr. RAY]. That is Plumley against Massachusetts. There Mr. Justice Harlan said:

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

Mr. TAWNEY. Will the gentleman read where Justice Harlan speaks of the right of Congress under the Constitution to legislate on the subject.

Mr. BARTLETT of New York. It was held in that case by the Supreme Court of the United States that the statute of Massachusetts which forbade the sale of the article claimed to be injurious, oleomargarine, although coming from another State, was a proper exercise of the police power of the State.

You can find no authority of the Supreme Court of the United States which will sustain the constitutionality of the measure under consideration. While I am opposed to any frauds and shall not vote for any measure that will sustain them, we certainly ought not to pass an unconstitutional law merely because gentlemen think that some filled cheese will be sold within the borders of some particular State.

Mr. RAY. Mr. Chairman, the extracts from the decision of the Supreme Court of the United States in the case of Plumley *vs.* Massachusetts (155 U. S., 461), which I obtained the leave of the House to print in connection with the remarks of the gentleman from New York [Mr. BARTLETT] are as follows:

Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers, who do not closely scrutinize the label upon the package in which it is contained, to buy it as and for butter produced from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded, by such coloration, into believing that they are getting genuine butter. If anyone thinks that oleomargarine, not artificially colored so as to cause it to look like butter, is as palatable or as wholesome for purposes of food as pure butter, he is, as already observed, at liberty under the statute of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character. He is only forbidden to practice, in such matters, a fraud upon the general public. The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food. It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not. Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which, in fact, is wholly different from that which is offered for sale?

* * * * * * *

If there be any subject over which it would seem the States ought to have plenary control, and the power to legislate in respect to which it ought not to be supposed was intended to be surrendered to the General Government, it is the protection of the people against fraud and deception in the sale of food products. Such legislation may, indeed, indirectly or incidentally affect trade in such products transported from one State to another State. But that circumstance does not show that laws of the character alluded to are inconsistent with the power of Congress to regulate commerce among the States.

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In People *vs.* Arenburg (105 N. Y., 123, 129, 130), the precise question now before us came before the court of appeals of New York. That court, after referring to its decision in People *vs.* Marx (99 N. Y., 377, 385), adjudging a statute of New York relating to the manufacture of oleomargarine to be in violation of the fundamental right and privilege of every American citizen to adopt and follow such lawful industrial pursuit, not injurious to the community, as he may see fit, said: "Assuming, as is claimed, that butter made from animal fat or oil is as wholesome, nutritious, and suitable for food as dairy butter; that it is composed of the same elements and is substantially the same article, except as regards its origin, and that it is cheaper, and that it would be a violation of the constitutional rights and liberties of the people to prohibit them from manufacturing or dealing in it, for the mere purpose of protecting the producers of dairy butter against competition, yet it can not be claimed that the producers of butter, made from animal fat or oils, have any constitutional right to resort to devices for the purpose of making their product resemble in appearance the more expensive article known as dairy butter, or that it is beyond the power of the legislature to enact such laws as they may deem necessary to prevent the simulated article being put upon the market in such a form and manner as to be calculated to deceive."

"If it possesses," continued the court, "the merits which are claimed for it and is innocuous, those making and dealing in it should be protected in the enjoyment of liberty in those respects, but they may legally be required to sell it for and as what it actually is and upon its own merits, and are not entitled to the benefit of any additional market value which may be imparted to it by resorting to artificial means to make it resemble dairy butter in appearance. It may be butter, but it is not butter made from cream, and the difference in cost or market value, if no other, would make it a fraud to pass off one article for the other."

Again: "The statutory prohibition is aimed at a designed and intentional imitation of dairy butter, in manufacturing the new product, and not at a resemblance in qualities inherent in the articles themselves and common to both." The court, therefore, held that artificial coloring of oleomargarine for the mere purpose of making it resemble dairy butter came within the statutory prohibition against imitation, and "that such prohibition is within the power of the legislature and rests upon the same principle which would sustain a prohibition of coloring winter dairy butter for the purpose of enhancing its market price by making it resemble summer dairy butter, should the legislature deem such a prohibition necessary or expedient."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New York to strike out section 4.

The amendment was rejected.

The Clerk read as follows:

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SEC. 5. That every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than $5,000; and the amount of said bond may be increased from time to time and additional sureties required, at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Mr. TAWNEY. I have an amendment to which the attention of the chairman of the committee has been called, and I desire to offer it, after which I will make an explanation.

The Clerk read as follows:

*

On page 4, line 17, after the word "revenue," insert the following:

"Any manufacturer of filled cheese who fails to comply with the provisions of this section or with the regulations herein authorized shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $500 nor more than $1,000."

Mr. TAWNEY. Mr. Chairman, I desire to say, in explanation of that amendment, that the section is an exact copy of section 5 of the oleomargarine law, and that under that section the Commissioner of Internal Revenue made certain regulations governing the manufacture of oleomargarine, and also requiring the specific kind of books they should be required to keep. There was a violation of that section, and the Government attempted to prosecute for such violation. And in that case, which went to the Supreme Court, the court held that the violation of that section could not be punished, for the reason that the section itself did not specify any penalty. The prosecution was commenced under section 10 of the oleomargarine act, which was a general penalty; hence the Supreme Court, in the opinion in the case of United States *vs.* Eaton (144 U. S.), held it could not be done; and I offer that amendment simply in order to perfect that section.

The amendment was agreed to.

Mr. TERRY. Mr. Chairman, I move to strike out section 5. In reply to the suggestion made by the distinguished chairman [Mr. DINGLEY] of the Ways and Means Committee, that the substitute offered by me is unconstitutional, I desire to state that if the bill itself is constitutional then my substitute certainly is. If we take the report of the committee, what they aim at is the suppression of fraudulent practices. I quote from their report:

The claim is made, and we sustain it, that it is a fraud upon the purchaser to sell him a manufactured article branded falsely or unbranded, and the principle upon which we have proceeded is to regulate the manufacture and sale by wholesale and retail, and also for export of the commodity known as "filled cheese," so as to prevent fraud and furnish complete protection to the purchaser.

Now, in regard to the constitutionality of the bill I will not undertake to give my judgment or opinion, but will simply quote from the decision of the Supreme Court of the United States in the original-package case (135 U. S., p. 110), simply premising that the amendment which I offer applies only to manufactured articles intended for interstate commerce. The Supreme Court says that—

As to the power to regulate commerce, none of the evils which proceeded from the feebleness of the Federal Government contributed more to the great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress, and that the grant should be as extensive as the mischief, and should comprehend all foreign commerce and all commerce among the States.

Further on, page 111, referring to a former decision (125 U. S., 465), the court says:

It is there shown that the transportation of freight or of the subjects of commerce, for the purpose of exchange or sale, is beyond all question a constituent of commerce itself.

Further on they say:

The transportation of passengers or of merchandise from one State to another is, in its nature, national, admitting of but one regulating power, and it was to guard against the possibility of commercial embarrassments which would result if one State could directly or indirectly tax persons or property passing through it or prohibit particular property from entrance into the State that the power regulating commerce among the States was conferred upon the Federal Government.

Again they say, page 116:

And Congress, under its general power to regulate commerce with foreign nations, may prescribe what articles of merchandise shall be admitted and what excluded, and may therefore admit or not, as it shall deem best, etc.

Still further on in the same opinion, page 119, the court says:

Where the subject is national in its character and admits and requires uniformity of regulation affecting alike all the States, such as transportation between the States, including the importation of goods from one State into another, Congress can alone act upon it and provide the needed regulation.

Now, here is a proposed regulation which its advocates claim is intended to prevent fraud in a matter which is the subject of interstate commerce, and yet the gentleman from Maine [Mr. DINGLEY] claims that an amendment to extend this bill to all fraudulent impositions and practices in articles of interstate commerce is unconstitutional. I submit that if this bill is constitutional the substitute which I have offered certainly is.

Mr. TAWNEY. Let me ask the gentleman a question. In all of the cases before the Supreme Court involving the oleomargarine act, or any of its provisions, has there ever been a lawyer who has questioned the right of Congress under the Constitution to pass that act?

Mr. TERRY. The right was doubted, but the Supreme Court having settled that the oleomargarine act was constitutional, that question is res adjudicata. So in this case, the Supreme Court having given its decision in the original-package case, the gentleman from Maine is estopped from saying that the amendment offered by me is unconstitutional, because that question was settled by the Supreme Court in the original-package case so far as it relates to interstate commerce; and it is a novel contention to argue that the Constitution can be invoked to prevent fraudulent impositions in the matter of cheese, but not in the matter of shoddy goods and spurious articles of other kinds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

Mr. TERRY. I withdraw the amendment, Mr. Chairman.

The Clerk read as follows:

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than 2 inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than 2 inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not more than $500 or be imprisoned not more than one year.

Mr. CHICKERING. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 22, page 5, after the word "offense," insert "not less than $100 and."

Mr. CHICKERING. This amendment simply fixes the minimum penalty in cases of violation of the law and provides that it shall be not less than $100. Under the present provision of the bill a man could be brought into court for a violation of this act and be fined $1 and the requirements of the law would be met. I wish to say, in regard to this amendment, that such of the members of the committee that reported the bill as I have spoken to seem to be in favor of the amendment.

Mr. RAY. Will not the gentleman modify that amendment so as to make the amount $50 instead of $100? My experience as a lawyer is that if you make the minimum penalty too large you never get a conviction.

Mr. CHICKERING. I have no objection to accepting that suggestion, and I will modify the amendment accordingly.

Mr. CANNON. With all due respect to the gentleman, I trust that he will further modify it by withdrawing it entirely.

Mr. CHICKERING. That the gentleman declines to do.

Mr. CANNON. Very well; then I have only to say a single word. This section 6 is a very severe section. It provides that—

Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue.

Under this bill there is imposed upon hundreds of thousands of dealers in the country the duty of literally and strictly complying with these provisions. If any retail dealer, by accident, mistake, or otherwise, should wrap a piece of this cheese in any other than the specified covering he is subjected to what penalty? A fine of not more than $500 and imprisonment not more than one year. If you propose to make your penalties severe, that is a wise provision.

Mr. GROSVENOR. Will the gentleman allow me a moment? These penalties are imposed only upon men who knowingly violate the law; who falsely brand these commodities. Now, is there any equity or pity to be invoked in behalf of a man who will falsely brand a food product?

Mr. CANNON. But I am speaking of the retailer.

Mr. GROSVENOR. So am I.

Mr. CANNON. Every man is charged with a knowledge of the law; the gentleman will not dispute that.

Mr. CHICKERING. But in the provision defining this offense the word "knowingly" is used.

Mr. CANNON. Certainly; he must "knowingly" put the article in the package. It is not necessary of course to provide that he shall know the law.

Mr. GROSVENOR. He must know that he has falsely branded the article, or he can not be convicted.

Mr. CANNON. That is presumed.

Mr. GROSVENOR. Not at all; it must be proved.

Mr. CANNON. Does the gentleman deny that the presumption of knowledge of the law runs against the man, and can not be contradicted?

Mr. GROSVENOR. This is a question of fact; and the presumption of fact runs in favor of the man's innocence, not in favor of his guilt. The Government must prove the offense beyond reasonable doubt.

Mr. CANNON. That he knows the law?

Mr. GROSVENOR. It is not a question of knowing the law. This is a question of doing a thing. The offense is in doing it knowingly and doing it falsely.

Mr. CANNON. Let us see. An ignorant man engaged as a retailer is presumed to know the law. Although he may be unable to read or write, he is not allowed to dispute the presumption that he knows the law. Now, when a customer comes in, this cheese may be on the counter. The wooden packages or other coverings prescribed by the law may be exhausted. The customer says, "I want a pound of that cheese." The dealer passes out a pound, without putting it in the required package. I suppose he "knowingly" does that. Now, the bill as reported provides that each case shall stand upon its own merits; that the judge may grade the fine down to a dollar or up to $500; that he may send the person to prison for a day or for a year. The gentleman from New York [Mr. CHICKERING] now comes in and proposes to amend by providing that the judge shall fine the accused not less than $50. This is all I desire to say about the question. If the House wants to vote for such an amendment, let it do so.

Mr. MCMILLIN. Mr. Chairman, I trust that the gentleman in charge of this bill will insist on the provision as reported by the committee rather than that just offered by way of amendment. I will give very briefly my reasons for this suggestion. I speak in the presence of men of experience in the conduct of legal affairs, some of whom have acted in the capacity of judges, others of whom have exercised the pardoning power as chief magistrates of their States, and many others of whom, without having occupied such official positions, have had experience as lawyers.

Now, I think it will be conceded by all the legal fraternity that, so far as may be, minimum penalties ought to be abolished, and, a maximum penalty being provided, the question of the extent of the penalty within the maximum should be left to the court trying the case. It is the experience of those who have participated in legal proceedings that where penalties are made excessive there will inevitably be acquittals in minor cases, the costs of which must fall on the Government. Thus there will often happen a failure of what seems to be a proper prosecution because of the unwillingness to inflict what is deemed too heavy a penalty.

While it is true, as has been stated by the gentleman from Ohio, that the law presumes every person innocent until he is proved guilty, there are certain presumptions arising from the surroundings of the accused. For instance, the possession of goods in a certain condition suggesting a violation of the law devolves upon the person in possession of those goods the necessity of showing affirmatively that there has been no violation of law in the transaction. I believe that the ends of justice will be best subserved and the administration of the law most effectually secured by leaving this provision in the form proposed by the committee, naming simply the maximum penalty, but allowing the court the discretion of fixing any penalty below that maximum which may seem to be proper.

This is no new doctrine with me, nor does it apply to this case alone. In many cases arising under the internal-revenue laws

we have already, by acts of Congress since I have been here, abolished minimum penalties and left the maximum standing, thereby confiding the extent of the penalty to the discretion of the court. Others have been recommended to the House, and the tendency of wise legislation, of wise administration in these modern times, has been in the direction indicated, rather than in that which is suggested by the proposed amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. McMILLIN) there were—ayes 62, noes 37.

So the amendment was adopted.

Mr. CHICKERING. I offer a further amendment, Mr. Chairman, which I ask to have read.

The Clerk read as follows:

Insert in line 23, page 5, after the word "not," the following: "less than thirty days, nor."

Mr. CHICKERING. It is the same principle involved in the other amendment.

The amendment was adopted.

Mr. MORSE. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in section 6, in line 10, page 5, after the word "packages," the following:

"Which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury,"

And insert the following:

"And shall pack the filled cheese sold by them in suitable wooden or paper packages, which shall be marked and branded with the words 'filled cheese' in black-faced letters not less than one-half inch square, in three places equidistant from each other, upon the outside of each package, and in such a manner that at least one of said marks shall be plainly visible on the outside of said package when sold and delivered to the purchaser thereof."

Mr. MORSE. Mr. Chairman, the bill of the committee in the particular part proposed to be amended here seems to be defective. Suppose, for instance, that the Commissioner of Internal Revenue does not prescribe any regulation for the branding of this commodity. It is simply permissive, and not mandatory. The amendment makes it absolutely obligatory to brand the product for what it really is.

These gentlemen tell us that there is protection in branding soap grease called "filled cheese." This amendment, if adopted, allows the purchaser anywhere in this country, if he chooses to purchase this article, to do so, and he knows exactly what he is getting. There is no mistake about it. There is nothing covered up in the transaction.

I hope the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, this proposition was considered very carefully by the committee, and in view of the fact that it will be an inflexible regulation which the retailer may successfully evade, and that it will be impossible in the future to overcome that evasion except by an amendment of the law, which may be difficult to do, the committee adopted the provision which has been successfully administered with reference to the sale of oleomargarine. As the provision now stands in the bill the matter will be left with the Internal Revenue Department of the Government, where it properly belongs, and where suitable regulations may be made for stamping the retailers' packages. No advantage can be gained by the adoption of the proposed amendment. The matter can be better regulated by a rule of the Department. Then, if the regulations are evaded by the dealers, they can be changed.

Mr. WILBER. Mr. Chairman, with reference to the rules prescribed by the Internal Revenue Bureau with regard to the oleomargarine business, I wish to state that these rules and regulations as made by the Department are not enforced by their own officers. Packages of oleomargarine have been purchased within the past four weeks in open market—in fact, I made a purchase myself in the market here—and the rules and regulations of the Department for branding such oleomargarine, which regulations require that the word "oleomargarine," in letters of a half inch or a quarter of an inch in length, shall be placed on the outside of the package, in a position conspicuous and plainly visible on the package, were not observed; but as a matter of fact the package I purchased was not so branded at all, because from the outside it could not have been determined what it was, for the brand was on the inside of the paper which wrapped the article.

Now, we have agreed to this section, prescribing the branding by the manufacturer, explicitly, and I see no reason for leaving it to the Internal Revenue Department to determine how this branding shall be done, so far as the retailer is concerned. It is right that the public, the people, the consumers, shall be protected, and that the necessary rules and regulations shall be prescribed in every statute governing such matters whereby they may be properly protected, and not be left to the Internal Revenue Department.

I think it is the invariable case that where such specific regulations are laid down in the law they are far more liable to be carried out and followed by the dealers than regulations which may be framed by a Department of the Government.

I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 52, noes not counted.

Mr. CANNON. There is some misunderstanding, Mr. Chairman——

Mr. GROSVENOR. Mr. Chairman, there is evidently a misapprehension as to the vote being taken.

Mr. DINGLEY. Will the Chair cause the amendment to be again read?

The amendment was again reported.

The CHAIRMAN. The Chair will submit the question anew, as there seems to have been some misapprehension before.

Mr. DINGLEY. This amendment is to make the marks, as I understand it, as large on a pound of this cheese as on the whole package. It seems to me that the regulation ought to be left to the Commissioner of Internal Revenue. We ought not to go into legislation on a little matter like this.

Mr. MORSE. I make the point of order, Mr. Chairman, that debate is not in order. Certainly it is not in order to carry debate on when a vote is being taken.

Mr. DINGLEY. I was showing that the amendment was misunderstood.

The CHAIRMAN. The Chair will submit the question again.

The question was taken; and on a division there were—ayes 55, noes 62.

Mr. MORSE, Mr. SHERMAN, and others demanded tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That all retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than 6 inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not more than $200.

Mr. CHICKERING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in section 7, line 8, page 6, after the word "offense," the words "not less than $100 and."

Mr. CHICKERING. To make it conform to the other amendment, I will make that $50; so that it will read: "For each and every offense not less than $50."

The CHAIRMAN. The gentleman modifies his amendment so as to make it read $50 instead of $100.

The question was taken; and the amendment was rejected.

Mr. CHICKERING. I move to strike out the last word. I did not hear the Chair make the announcement. I demand a division.

The CHAIRMAN. The Chair thinks the gentleman should have made the demand before the announcement was made.

Mr. CHICKERING. I did not hear it.

The CHAIRMAN. The gentleman says he did not hear it, and the Chair will recognize the demand.

Mr. BRUMM. I rise to a point of order. It is entirely too late to call for a division.

The CHAIRMAN. If the gentleman from New York says that he did not hear the announcement, the Chair will now recognize the demand for a division.

Mr. BRUMM. It was made a long time after the Chair announced the result.

The CHAIRMAN. The Chair had announced the decision, but the gentleman stated that he did not hear.

Mr. BRUMM. Well, a month after he might say he did not hear the result of the division.

The committee divided; and there were—ayes 75, noes 33.

So the amendment was agreed to.

Mr. CHICKERING. Mr. Chairman, the measure now under consideration is of vital importance to the people that I have the honor to represent in this body, as it directly affects every dairyman in three of the leading agricultural counties in the greatest cheese-producing State of the Union. At the last annual meeting of the New York State Grange, held in the city of Binghamton, represented by progressive farmers from every county in the State, a resolution was unanimously passed urging upon Congress to take some action in this important matter. The resolution was sent to me at Washington, containing a request to do all in my power to look after such legislation in connection with this subject as would best conserve the interests of the farmers of the State of New York. Since that time I have received, as doubtless other members of the New York delegation have received, numerous petitions from the various agricultural organizations throughout the State in favor of immediate action by Congress.

The article known as "filled cheese," which has not been manufactured in the United States to any great extent until recently, is produced by a process which has arrived at such a state of perfection as to deceive the public. There are now about 100 factories for the manufacture of this article in the United States, 90 of which are in the State of Illinois, and nearly all in the vicinity of what is known as the Elgin or butter district, in the northern part of the State. The amount produced in the year 1895 was 12,000,000 pounds. The cost per pound is from 3½ to 4 cents. This year, however, the manufacture has increased to such an extent that it is estimated that from the 1st of January to the 1st of April, 1896, 18,000,000 pounds have already been manufactured. According to the report of those best informed, this article is sold on an average of from 1 to 2 cents per pound less than the price of full cream cheese. This being the case, the net profit on last year's production would aggregate $500,000, which goes into the hands of a few manufacturers, jobbers, and retailers who own all the factories, do all the business, and control the entire market.

I do not wonder, Mr. Chairman, that these men oppose the passage of this bill; but I ask, who are better able to pay the tax imposed by the Government than the men who are engaged in destroying the great cheese industry in this country, and thereby adding annually a million dollars to their bank account? The method of manufacturing this article briefly is as follows. This is given that the members of this House may know what they eat when filled or lard cheese is placed before them. "This statement is substantially from a gentleman who owns 30 out of the 90 factories in the State of Illinois. He states that in connection with his creameries he buys the milk from the farmers, and by a a process of separation, and by the use of the latest and most improved machinery for that purpose, separates every particle of fat from the milk, leaving what is called skimmed milk. The cream is made into butter and sold as such. The skimmed milk is then taken and there is added to it sufficient uncooked lard to replace the butter fat taken from the milk. Remember, the lard is not cooked, but raised to a temperature of about 130° and the oil pressed out of it. Thirty per cent of that oil is mixed with 70 per cent of skimmed milk, and after adding coloring matter the mixture is manufactured into fancy full cream cheese.

In many cases the article is not branded until the seller gets an order with a request to put such a brand upon it as will please the people of the locality where it is to be sold, and in other cases the retailer puts his own brand upon it. In no case, however, is the cheese sold to the consumer for what it really is, and here is where the greatest fraud is perpetrated. Experts who have examined this article tell us that when first made it is with great difficulty that the fraud can be detected; but after a short time the real quality of the article becomes discovered, and the consumer becomes an enemy of all kinds of cheese, and the whole cheese-making industry is brought into disrepute on account of the fact that the consumer has been made to believe that he has purchased the best quality of the genuine article. There is no question that the reputation of American full cream cheese has been greatly injured by the sale of this article not only in this country but also abroad.

Secretary Morton, in his annual report of 1895, states the case clearly when he says:

> Throughout the year United States cheese has commanded the minimum figure upon the English market. Our cheese has suffered disproportionately to other makes, by the depressed condition of the English cheese market, and reached in 1895 the lowest price ever quoted for American cheese in that country. Our correspondent reports in explanation that the United States cheese is not in favor with the British public, because so much in the past has been adulterated. During the first eight months of last year Canada and the United States stood side by side supplying the English market with cheese; but whereas Canada has this year not only held its own but made a small gain, shipments from the United States have fallen off 117,000 hundredweight, an amount corresponding to the increased shipments of Australasia and Canada and to the falling off in the whole shipments to Great Britain. In fact, every country shipping cheese to Great Britain has this year enlarged its trade with that country except the United States, which has lost over 21 per cent of its last year's business.

While it is hardly fair to attribute this entire loss to the flooding of the European markets with filled cheese, there is no doubt that the shipments of these adulterated goods have had a very unfavorable influence. But the largest damage to our manufacturers of pure cheese comes from the flooding of the manufacturing and mining centers of our own country, especially in Southern sections, with these spurious goods, where thousands upon thousands of boxes are shipped every fall and winter to take the place of genuine cheese. This article goes to Southern markets with the most elegant brands upon it, such as "Extra New York cream," "Added cream," "Double-extra cream cheese," or "Extra Wisconsin cream cheese." It will be observed that while manufacturers may sell it for what it really is and the jobbers may sell it to the retailers in like manner, yet the retailer perpetrates a fraud upon the consumer.

Mr. Chairman, I believe that the statement can be safely made that not a pound of the 12,000,000 sold during the year 1895 has been given to the public for what it really was, and that a very large proportion of this worthless article would to-day be decaying on the counters of the dealers if the unsuspecting public had any conception of its real character. The great loss that our American dairymen have suffered in consequence of the prejudice that has arisen by reason of the sale of filled cheese is best illustrated by the great decline in the exports of American cheese from 118,813,685 pounds in 1885 to only 60,448,420 pounds in 1895, while Canada, where the manufacture of filled cheese is prohibited by a law which is strictly enforced, has increased her exports from 61,502,949 pounds in 1885 to 146,004,650 pounds in 1895, and the very best cheese from the United States now sells more readily in London bearing the Canadian brand than under the names which but a few years ago were accepted as a guaranty of all that was honest and best in cheese. Since 1860 the increase in quantity exported by Canada is a thousandfold. Then she exported less than one-hundredth part of the quantity sent from the United States. Now the cheese exports of the former are more than double that of the latter in quantity and nearly 10 per cent greater in value per pound.

Mr. Chairman, in view of these startling facts the question comes to us as the representatives of the people, What can we do to place the American dairymen upon a par with the rest of mankind when his goods reach the markets of the world? I insist that this bill does not go far enough. We should follow the States in our own country and our neighbors across the border, and absolutely prohibit the manufacture and sale of this fraud within the limits of the United States. There is no more reason why the people of Illinois should conduct a business injurious to the great masses of the country than the people of any other State. But let us pass this bill that proposes to tax the manufacturers, wholesalers, and retailers, and compels all to brand the article, so that no one can be deceived by it under heavy penalties for violations, with the hope that in this way some good will be accomplished along the line that I have indicated.

Why should any member of this House vote against this proposition, which proposes to make every man who engages in this business honest in his transactions, which treats all alike and makes no discrimination? The benefit of the manufacture and sale of this article without these restrictions does not come to the men whose business, as I have shown, is being ruined by it, and who in these days of financial depression are struggling in many cases under the burden of debt, hoping for relief from the products of their daily toil; nor to the majority of business men who believe in square dealing and honest business methods, but only to a few manufacturers, jobbers, and retail dealers, who are disgracing the great mass of honest producers of a wholesome and necessary article of food and making their pure product a byword wherever this American fraud enters into competition with them in the markets of the country.

Mr. Chairman, I am glad to have the honor in behalf of the farmers of the State of New York to make a final appeal to the members of this House for favorable action upon this important matter. Statistics tell us that more than nine-tenths of all the cheese produced in this country comes from the States of New York, Wisconsin, Ohio, Illinois, Vermont, Iowa, Pennsylvania, and Michigan, ranking in the order named; but the State of New York, for whose interests I especially plead in this connection, produces alone about one-half of the total product of the United States, and the reputation of the Empire State gives character to the entire cheese output of the Union. It requires the milk of 1,000,000 cows to produce the $25,000,000 worth of cheese made annually in this country; and the State of New York maintains one-half of that number, and adds one-half of that fabulous sum to the material wealth of the country by the manufacture of this one article of food.

Do you wonder, Mr. Chairman, that the people of New York are demanding this legislation? The farmers of New York are passing through the greatest crisis in their history. They have recently seen the prices of all the products of the farm reduced by the action of Congress in breaking down the wall of protection between them and Canada, under the operation of the infamous Wilson bill, which placed upon the free list many articles which they produced and greatly reduced the duty upon all the rest. They have seen the products of a foreign country coming over into their own splendid home markets, which have been built up by the protective policy of the last thirty years, only to destroy and break them down. They have seen the only measure of relief which has thus far been offered, and which passed this House in the early part of the session, expiring in the Senate of the United States at the hands of those who profess to be their friends. And now they come asking Congress to give them relief from this filled-cheese fraud, which, as I have said, is destroying the industry upon which they now depend and which is making their great food product a byword wherever it goes, at home or abroad.

Mr. Chairman, I trust that when the vote is taken upon this question, and the result of our action to-day is flashed from one end of the country to the other and through the public press finds

its way to the homes of the farmers of the United States, they will have reason to rejoice that we, as their representatives, have been true to the trust reposed in us, not only by restricting the manufacture and sale of this great fraud, but also in taking a step in the direction of the final overthrow of one of the worst evils that to-day curses the American dairymen. [Great applause.]

Mr. SHERMAN. Mr. Chairman, it is not surprising that New York manifests great interest in the pending measure; it is not strange that her Representatives on this floor take unusual interest in its consideration. It would indeed be surprising did they not use their utmost exertion to perfect it, to incorporate into it every possible provision to protect the honest producer of good wholesome milk cheese from unfair competition with the spurious article; manufactured not from pure milk, the combined product of the effort of the farmer, the growth on his beautiful fields, and the natural gift of the docile bovine quadruped, but from a combination or conglomeration of skimmed milk and animal fats with artificial coloring, and having thus, as nearly as may be within their power, perfected the measure, earnestly advocate its passage. And the closer this bill resembles the Wilber bill, the nearer perfection, in my judgment, Mr. Chairman, will it be. I would like that bill, but if I can not get it, I will take what most nearly resembles it.

I say, Mr. Chairman, that our special interest should surprise no one, for New York State, the Empire State, first in population, in wealth, in education, in charities, first in commerce, is also first in the dairy industry. Not only first in comparison with any other State, but she lacks but little of being so as compared with all others. Her dairy products nearly equal those of all the other States combined. New York farmers ask no protection from honest competition with their fellows of their own or other States. They do ask—aye, demand—that that competition shall be honest, shall be fair, shall be in the open. They will compete in kind at all times and in all places. They shall not longer be subjected, if their Representatives can prevent it, to an unjust, and to some extent, at least, fraudulent competition with a cheap and inferior article, which hides its real interior beneath a cover which deceives the purchaser and consumer. This bill does not contemplate preventing the manufacture of "filled cheese." It does tear from it the mask behind which it has been parading as full cream cheese; it does deny to its manufacturers the right to reap unreasonable profits at the expense of the dairymen and everyday consumer, and makes the article face the world for what it is, and pay a moderate tax for the privilege of being here at all. The principle involved in the bill is not new. A decade ago a like deception upon butter in the form of oleomargarine, which had increased upon the market to enormous proportions, was regulated by Federal action. That action met, as does this bill, the very earnest opposition of the producers of the substitute, both before and after the passage of the oleomargarine law, but the highest judicial tribunal of the land declared the law constitutional.

I do not know that it is strange to encounter this opposition. The millennium is not here, and few men are satisfied with a moderate profit when it is possible to obtain a large one. You know—

They used to sing some time ago
A rather plaintive song—
Man wants but little here below,
Nor wants that little long.
But nowadays the song is set
To a different rhyme—
Man wants as much as he can get
And wants it all the time.

[Laughter.]

But, Mr. Chairman, while it is in our power to prevent that profit becoming abnormal through deception, and by this measure it is possible, we should exercise that power and the House will to-day do so.

This filled-cheese industry, Mr. Chairman—for I must so denominate a business that last year aggregated 12,000,000 pounds, and if continued unchecked during this year would treble that amount—if unrestricted will absolutely ruin the American cheese industry. But a few years ago the United States cheese led in the markets of the world. Why, Mr. Chairman, but a few years since when wandering through the market of San Francisco, filled as it was with the bounteous products of the beautiful and fertile Pacific Coast, coming to the cheese market I asked from whence came the best cheese, and was answered, "Herkimer County, N. Y." That is within my Congressional district, and the other county in that district, Oneida County, makes just as good. The statement was true then. It is true to-day. The same answer would then have been given at Liverpool. Not so to-day. The answer now at Liverpool would be "Canada." Why? Not because we do not make the same high grade now as then, but because so much of this spurious cheese has crept into the market from the United States that it prejudices the buyer against all.

Meantime Canada has shown the greatest wisdom in furnishing every protection to her farmers that is possible. She has amply protected them from the spurious articles of oleomargarine and filled cheese, and as the result has given to them larger and better markets, and withal a reputation everywhere for pure products that have carried into the farmers' pockets a large increase in money. The very fact that under her wise laws her exports have doubled in ten years while ours have decreased is a most eloquent argument why we should follow her example in this kind of legislation. It is a curious fact that American cheese in the Liverpool market bearing a Canadian brand will bring a higher price than the same cheese bearing an American brand. Pass this bill and the prestige of the American cheese will be restored. The price will return to its former plane. The American farmer will be materially aided. The profit that now goes into the hands of the few manufacturers of filled cheese will be distributed among the thousands of farmers all over the land. A slight remedy will be afforded the farmer for the ugly competition of the Canadian farmer, which has worked so disastrously to our citizens upon the frontier.

This bill is a wise one, moreover, because it furnishes a protection to the purchaser. It is a travesty upon our national honor that we allow a spurious article to pass current with a false brand. To label lard cheese as full cream cheese is a crime and is unjust to the innocent purchaser. If it is to be manufactured at all, let it be sold in the open for just what it is. Let the customer know without equivocation just what he is purchasing. If the manufacturers and retailers do not care to be honest in their transactions in this article, let the American Congress compel them to be. [Applause.]

This bill compels honest dealing. Do we want it, or shall the American market be a perpetual masquerade ball? It provides additional revenue. Do we need it? Let the $262,000,000 of bonds issued in time of peace give answer. It furnishes a measure of protection to the American farmer. Does he need it? Let the price of farm products, the condition of the farming communities throughout the land, during the past year or more give answer. The New York farmer, the American farmer, wants protection from fraud within and protection from cheap wages and poor homes without, and after he has had an opportunity to speak at the ballot box he will have it. [Loud applause.]

Mr. CANNON. I call the attention of the gentleman in charge of this bill to section 9, where I propose to offer an amendment.

Mr. GROSVENOR. Mr. Chairman, so far as I was concerned, I had consented to a change in the amount of the tax in that section; but there is now brought back to my mind the fact that the representatives of this filled-cheese industry asked us to strike out of the bill as it was originally prepared the 2-cent tax, the oleomargarine tax, and agreed that if this product was to be taxed at all the rate should be 1 cent per pound. Therefore I think the gentleman from Illinois ought not to try to do that which the parties directly interested did not ask to have done.

Mr. CANNON. Mr. Chairman, on page 7, line 2, before the word "one," I move to insert the words "one-half of," so that it will read, "one-half of 1 cent," etc.

The gentleman from Ohio says that the manufacturers asked that this tax should be reduced from 2 cents to 1 cent a pound. I am in no sense representing the manufacturers of filled cheese. We can afford to be honest with each other, whether we are honest with the balance of the world or not. [Laughter.] I represent in part the men who furnish the milk that goes into this product, and in part those who raise the hogs from which the neutral lard is obtained; and those two classes are a majority of the people of this country. Gentlemen agonize here about protecting "the farmer," but when you scratch them you find that what they are after is not protecting the farmer, but protecting the dairyman who is engaged exclusively in that branch of agriculture and who is seeking not to raise revenue by this bill, but to wipe out competition.

Mr. TAWNEY. Fraudulent competition.

Mr. CANNON. I am perfectly willing to join hands with my friend to prevent the counterfeiting of any food product in this country, and I have no reason to say that he has at heart any desire to go beyond that; but I do say that there are gentlemen here who have avowed within the last fifteen minutes that this bill is but one step toward preventing competition, toward prohibiting the making of this article at all.

Mr. CHICKERING. That is just what I said and just what I meant.

Mr. CANNON. That is just what the gentleman said and just what he meant. Now, then, we have the issue sharply and squarely drawn. I would not, if I had the power, prevent any citizen of the United States from making this or any other food product. I will prohibit him from coming with a falsehood in his mouth and in his hand, representing that his product is something which it is not. But, Mr. Chairman, I have yet to learn that we are to establish a system of economy in this country that is to tax one citizen who is engaged in an industry for the benefit of another citizen. I was never instructed in that school of economy, and, when the purpose is openly avowed, it shall not be carried out here without my protest being uttered against it. When it goes

to the extent of proposing to wipe out competition by a law enacted for that purpose, and when it is avowed that the suppression of a counterfeit is a mere pretext, if that is "the size of it," I will have none of it by my vote. Other gentlemen may if they want to. Now, I want to say, after inquiry, that a tax of one-half a cent a pound, with the license fees, will pay all the expense of collecting this tax twenty times over.

Mr. NORTHWAY. But will you get any revenue?

Mr. CANNON. Revenue! We do not want to get any revenue in this way. God forbid that we should get revenue by any form of internal taxation any longer than it is necessary. Correct principle forbids that in the name of revenue we should come in here and tax the man who has skimmed milk to sell or the man who has hogs or neutral lard to sell because he makes a product that competes with some other citizen's product.

Mr. CHICKERING. Will the gentleman permit a question?

Mr. CANNON. Yes, sir.

Mr. CHICKERING. Why does the gentleman propose a tax of one-half a cent a pound, then?

Mr. CANNON. Because I believe in branding this article truly, and I am willing to use the agency of the Government for that purpose.

Mr. GROSVENOR. The cost of this product is shown by the figures, about which there is no controversy, to be not greater than 4½ cents a pound. A tax of 1 cent, which is half of the original tax upon oleomargarine imposed by the law for which, I rejoice to say, my friend from Illinois voted as a member of the House——

Mr. TAWNEY. He made a speech for it.

Mr. GROSVENOR. Yes; he made a very eloquent speech on behalf of that bill; a better one, if possible, than the one he has made just now. [Laughter.] But I say, Mr. Chairman, that a tax of 1 cent per pound has been fixed upon at the suggestion of the manufacturers themselves. They came to the committee and said, "We are entirely willing, if you are going to pass this bill at all, that you shall lay a tax of 1 cent a pound instead of 2 cents, as was the original proposition."

Just a word further. Something has been said about standing by the poor man—the man who eats poor cheese, as I understood the illustration. Let me tell the gentleman from Pennsylvania [Mr. BRUMM] something that he will probably value more in the future than he does in the present. These manufacturers and wholesale dealers and retailers of filled cheese have been selling this cheese, as the record here abundantly shows, as high as 11 and 12 cents a pound. How were they able to do that? By suppressing the fact that it was filled cheese—not the genuine New York, Wisconsin, or Ohio full cream cheese.

Mr. BRUMM. Now, will the gentleman permit a question?

Mr. GROSVENOR. Wait a moment. If it is wise to legislate so that some people can get "cheap cheese," let us force these manufacturers and dealers to tell the truth to the man to whom they offer this article, and he will very soon learn that the actual value of this filled cheese does not exceed one-half the value of what they are trying to sell it for.

Mr. BRUMM. Permit me right there. You contend, then, that by the passage of this bill you will prevent the maker of filled cheese from asking an exorbitant price for it; that, in other words, you will bring him down to a fair profit?

Mr. GROSVENOR. I am arguing that by the passage of this bill we will compel the filled-cheese man to "tell the truth."

Mr. BRUMM. But the object is to bring down the price.

Mr. GROSVENOR. I knew a man once to get elected President of the United States by using just that form of expression. [Laughter.]

Mr. BRUMM. I hope you will not shirk the question. You say, do you not, that the object of this bill is to cheapen the price? If not, why do you assert that the manufacturers or dealers now get 10 or 12 cents a pound?

Mr. GROSVENOR. I do not say that the object is to cheapen the price.

Mr. BRUMM. What is the purpose, then?

Mr. GROSVENOR. Just what I have repeated over and over again. But when the gentleman says that we are going to enhance the price——

Mr. BRUMM. Oh, I did not say that.

Mr. GROSVENOR. That he wants his constituents to get "cheap cheese," we say the way to get cheap cheese is to put a brand on this filled cheese which will indicate the cost, and thus we cheapen the production beyond all reasonable doubt.

Mr. BRUMM. Will you not cheapen the article still more by reducing the tax to half a cent a pound?

Mr. GROSVENOR. Nobody who is in favor of this bill wants the tax reduced.

Mr. BRUMM. That is no answer to my question. Now, permit me to ask one more question, and I will not trouble you further.

Mr. GROSVENOR. I yield to the gentleman with very great pleasure.

Mr. BRUMM. You are always very kind. The tax on oleomargarine, as I understand, is 2 cents a pound?

Mr. GROSVENOR. That is right.

Mr. BRUMM. And you want to put a tax of 1 cent a pound on filled cheese?

Mr. GROSVENOR. That is just what we are going to do.

Mr. BRUMM. Now, what is the retail price of oleomargarine on an average?

Mr. GROSVENOR. I can not say.

Mr. BRUMM. What is the cost price?

Mr. GROSVENOR. Seven or eight cents a pound. We have tried to put all these figures at about the relative proportion there is between filled cheese and oleomargarine.

Mr. BRUMM. Then I have only to say that if the cost of oleomargarine is only 7 cents a pound your oleomargarine law did not reduce the price of oleomargarine at all, because the article is selling as high as butter to-day, and the tax you now propose on filled cheese is much higher in proportion.

Mr. GROSVENOR. I am not working here for filled cheese or for low-priced cheese; but I am determined that the people of this country, so far as my humble efforts may avail, shall have the opportunity to know when they are buying filled cheese that they are buying an article which has not cost as much as the full milk cheese.

Mr. OTEY. Will the gentleman please tell me how much revenue this bill is expected to yield? What is the estimate?

Mr. GROSVENOR. We expect to get enough to pay expenses and to do something to help out the Democratic Administration. [Laughter and applause.]

[Here the hammer fell.]

Mr. OTEY. I should like the gentleman to answer my question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. OTEY. Does the gentleman decline to answer my question? I want to know what is the estimate of the committee as to the amount of revenue which will be derived from this tax of 1 cent a pound.

Mr. GROSVENOR. We have never made any estimate.

Mr. OTEY. Then, this is a tax bill without an estimate.

Mr. GROSVENOR. That is right. But there is one estimate——

Mr. OTEY. Mr. Chairman, is a substitute in order?

The CHAIRMAN. A substitute for what?

Mr. OTEY. For the pending amendment.

The CHAIRMAN. The gentleman can offer an amendment to the amendment.

Mr. OTEY. Can I offer a substitute for the amendment?

The CHAIRMAN. The gentleman can move to amend the amendment.

Mr. OTEY. Very well. I move to amend the amendment so as to strike out "half a cent" and insert "1 mill."

Mr. GROSVENOR. The gentleman is thinking about "millimeters" now. [Laughter.]

The question being taken on Mr. OTEY'S amendment to the amendment, it was rejected.

Mr. OTEY. Can I not have time to answer the gentleman from Ohio? He asked me a question, as I understood.

The question being taken on the amendment of Mr. CANNON, it was rejected.

The Clerk proceeded with the reading of the bill and read section 14, as follows:

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding $50 or imprisoned not less than ten days nor more than six months.

Mr. OTEY. Mr. Chairman, I move to strike out section 14.

This brings up, sir, the question of imprisonment for what is really not a crime, again.

I understood the gentleman from Michigan [Mr. TAWNEY] on yesterday to ask me a question——

Mr. TAWNEY. I desire to correct the gentleman—Minnesota.

Mr. OTEY. I accept the correction, and beg your pardon. A much greater State, I expect, in minerals than Michigan.

The gentleman from Minnesota asked me a question on yesterday as to who paid this tax. I understood him to ask who paid the penalty, and answered, "The man who violated the law." Of course if I had known that he asked the question, "Who paid the tax?" I would have stated the consumer. I wanted the correction made this morning, but as it was not then in order, I desire to put it in here.

But now you propose to imprison a man because he does not destroy some little package that had a 1-cent stamp on it. The stamp has been already canceled, and there is no reason to subject the citizens of this country to punishment of this character by revenue officers coming up and arresting them for not doing a trifling act of that kind that may have been forgotten, and I

hope very much that the section will be stricken out of the bill. It ought not to be there at all.

The question being taken on the amendment of Mr. OTEY, it was rejected.

The Clerk proceeded with the reading of the bill, and read section 18, as follows:

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this act.

Mr. HAINER of Nebraska. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert as a new section, to be known as section 19, between sections 18 and 19 of the printed bill as follows:

"SEC. 19. That no existing law or part of law which authorizes or allows compromises or settlements with offenders shall apply to any offenders under this act after the first violation of any of the provisions hereof."

Mr. HAINER of Nebraska. Under the general provisions of law relating to the Internal Revenue Bureau, we find section 3229, which provides in terms for compromises in cases of violation of the internal-revenue law, and in such cases there shall be filed in the office of the Commissioner the opinion of the solicitor of internal revenue, with his reasons therefor, including a statement of the amount of tax assessed, and the additional tax or penalty imposed by law because of the neglect or delinquency of the person against whom the tax is assessed, as well as the amount actually paid under the compromise.

Mr. Chairman, I am opposed to extending the provisions of any law which authorizes a minor officer of the Government to compromise cases against violators of law. As a matter of fact, it places the pardoning power in the hands of an officer connected with the Internal Revenue Bureau. This should not be done.

The amendment I have offered relates only to subsequent violations. It is a violation of the law, which must be presumed to be a willful violation, that we propose in this wise to bring to sure punishment. There is a real need for an exhibition of the "strong hand" on the part of the Government.

I have in my hand, for instance, the hearings before the Committee on Ways and Means upon this bill, and find, from the testimony presented, that it has been the general practice to compromise cases of this character; and certain parties make a business of compromising. They find it cheaper to compromise than to comply with the law; and on page 78 of the hearings I find that a single firm in Washington has paid some $3,000 in the past few years in the way of compromises. That ought not to be allowed. When a person has once violated the law and been convicted of the violation, there should be no further compromise in his case, but he should be compelled to bear the penalties of the law, be brought into court and branded by the proper judgment as a willful violator of the law.

I repeat we ought not to place in the hands of the internal-revenue officers the power to pardon such crimes as this.

Mr. DINGLEY. If the gentleman will allow me, I would like to have this amendment again reported.

The amendment was again read.

Mr. HAINER of Nebraska. The gentleman will see the purpose of this amendment——

Mr. DINGLEY. You propose to apply that simply to this law?

Mr. HAINER of Nebraska. Yes, sir.

Mr. DINGLEY. I do not know exactly, of course, what effect that provision may have or to what extent the compromises may be authorized by existing law. But the proposition here would establish the principle that the administration of this particular law should be different from the administration of all other internal-revenue laws. Now, I think we ought not to enter upon such a course of legislation as that. I think we ought to know exactly the result before we undertake to adopt this amendment.

Mr. HAINER of Nebraska. I will call the attention of the gentleman to the statute. Let me read the entire section to which I have referred in brief. I read section 3229, which is in the following terms:

SEC. 3229. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

Now, under that provision there have been compromises in this city, with a single firm, as much as $3,500. It is made profitable for them to compromise rather than comply with the law, and I propose that on subsequent violations there shall be no such thing as compromise.

Mr. McMILLIN. Will my friend permit me to ask him a question?

Mr. HAINER of Nebraska. Certainly.

Mr. McMILLIN. The law requires—and I have no doubt it has been complied with—that the reasons for the compromise shall be filed of record. Has the gentleman examined the record and found that there was a state of facts that did not justify the compromises that the Commissioner said he made?

Mr. HAINER of Nebraska. If the gentleman will turn to the hearing, on page 77, it is practically conceded by the Commissioner of Internal Revenue, and he there promises to make no further compromises. It shows this law is abused and that it is profitable to offenders to compromise or buy immunity. I do not believe in the purchase or sale of indulgences to commit crimes.

Mr. McMILLIN. Has there been any perversion of justice by the compromises?

Mr. HAINER of Nebraska. It seems to be conceded by the Commissioner of Internal Revenue himself.

Mr. McMILLIN. No such thing was conceded by the Commissioner.

Mr. HAINER of Nebraska. Let the gentleman read the hearings before his own committee.

Mr. McMILLIN. I heard them, and I have read them in addition. Now, before the gentleman criticises what the Commissioner of Internal Revenue does, and proposes, as stated by my friend from Maine [Mr. DINGLEY], to change the whole system of the administration of internal-revenue laws as applied to this statute that we are about to enact, it strikes me that he ought to be sure that there is justice in his criticism. The reasons have been filed, and if they are wrong, it is very easy for the gentleman to show that.

Mr. HAINER of Nebraska. I am thoroughly satisfied, and I have simply taken the evidence in the hearings. I find on page 77 that persons have been given unqualified assurance that they will be protected. They are protected in their violations by the wholesale dealers, and that $3,500 has been paid by a single firm. That fact of itself proves it.

Mr. McMILLIN. And the presumption is that the officers of the Government acted wisely, and that that was the best thing for the Government to do?

Mr. HAINER of Nebraska. No; it shows that the law has been abused.

Mr. GROSVENOR. Mr. Chairman, the Commissioner of Internal Revenue, when interrogated before the committee upon this subject, stated in answer to a question by my colleague [Mr. TAWNEY] as follows:

Mr. TAWNEY. When they come up and pay, do you dismiss the case?

Commissioner MILLER. It depends on what they pay and what the circumstances are. Compromise is vested in the office; but we exercise it only where we are satisfied. We always get a favorable report from the district attorney. There was one case in which we required $2,200 or $2,250 to be paid. There was one case in my own State where we got $1,800 recently. He had been indicted before.

Again, Mr. Miller says:

I do not want to be misunderstood. In all cases where there are cases in court action by the Department is never taken without the consent of the district attorney.

Mr. McMILLIN. Exactly.

Mr. GROSVENOR. And now, Mr. Chairman, I submit that to take one single item of the internal-revenue law and put a different rule upon the Commissioner of Internal Revenue with reference to that is not wise. What may be the wisdom of a change of the whole power given to the Commissioner is not a pertinent question here and now, but to single out this item as though the violation of this law was a greater offense than that of "all those upon whom the tower in Siloam fell" is, it seems to me, unwise, and on that I differ with the gentleman from Nebraska.

Mr. DINGLEY. Not only that, but it will tend to bring this law into disrepute.

Mr. GROSVENOR. It will tend to bring this law into disrepute; it will tend to rouse public sentiment against a law like this. Let this law be put upon the same plane of administration as all the other laws upon kindred subjects.

Mr. HAINER of Nebraska. Mr. Chairman, I want to call attention to some of the facts, because we ought to legislate intelligently here. We are not changing the body of internal-revenue law as it exists now, but we are passing a law relating to this subject which is a new one. This law ought to be right. Now, let me again call attention to page 78 of the testimony of Mr. Oyster, president of the National Dairy Union, who knows whereof he speaks. He says, speaking of this matter of compromises, they are made by the Department, and that cases were compromised before the parties had any hearing. He says that one firm are selling four or five hundred tubs of oleomargarine per week, and of course the small fine of $50 does not cut any figure. Here is his exact language:

Mr. OYSTER. They assured me at the Department that cases were compromised before they had any hearing. A firm selling oleomargarine sells from four to five hundred tubs a week. The small fine of $50 does not cut any figure. I am told that one firm paid $3,500 in fines; but that is nothing compared to the money they make. They make more money in a week selling oleomargarine than that fine would amount to.

I submit, gentlemen, that you ought not to place a premium upon wrongdoing, on willful violations of the law. Where a man willfully persists in violating the law, let him be brought into court and submit to the judgment of the court. In that way he will find it profitable to cease doing wrong. We ought to make it difficult to do wrong and easy to do right, and we never can accomplish that by making it easier for a man with kid gloves to slip around behind the door and settle his offenses instead of going into court, where the average poor criminal has to come and submit to the sentence of the court.

Mr. WILLIAM A. STONE. Would not your amendment and your argument apply with equal force to all violations of the internal-revenue law?

Mr. DINGLEY. Certainly.

Mr. HAINER of Nebraska. It would, but we are making new law on this question, and I am not willing that the abuses of the past shall be carried into the new law.

Mr. WILLIAM A. STONE. But in making this new law, you make a distinction between that and the whole system of administering the internal-revenue law.

Mr. HAINER of Nebraska. I do that because, as the gentleman well knows, and as every other person well knows, we are dealing here with an actual fraud. Nobody denies it. Neither can a person who has been convicted of a violation stand up and claim that he is innocent. Let us deal with this subject frankly. The man who knowingly uses this "filled cheese" is the exception.

The great majority intend to use full cream cheese and buy it as such, paying full price therefor. The manufacturer and wholesale dealer, while he does not deceive his immediate purchaser as to the character of the product, knows full well that somebody along the line will practice a fraud and impose the product upon the consumer—that the spurious inferior product will be palmed off on the swindled consumer for a pure and superior article and at a good price. Its very inferiority makes it profitable to carry on the business, and the manufacturer and wholesaler usually pay these compromises. Even in the name the stuff bears the dishonest practice is made manifest. It is the best illustration I know of "stealing the livery of heaven in which to serve the devil." There can be no such thing as a legitimate trade in a counterfeit. Willful counterfeits in either money or a food product should be punished. The practice should be wiped out.

Mr. WILLIAM A. STONE. But also does not your amendment say that the officers, the district attorney and the Commissioner of Internal Revenue, will all unite in making it possible for willful violators of this law to take advantage of his violation——

Mr. HAINER of Nebraska. Nothing of the kind. I simply take away from them the discretion to pardon crime; and that power ought not to be vested in any officer connected with the Internal Revenue Bureau.

Mr. WILLIAM A. STONE. But does not the history of these violations of the internal-revenue law establish the fact that where persons have willfully and repeatedly violated the internal-revenue law they have to pay large sums for a compromise?

Mr. HAINER of Nebraska. They have not to pay large sums. The gentleman well knows, because of his investigation, that this very fact has led to a constant increase of crime. While it has placed some money in the Treasury, it has increased crime in those States where compromises have been practiced. It is only where we know that crime will certainly be punished that crime ceases.

Mr. WILLIAM A. STONE. Does the gentleman regard this as a crime, while these internal-revenue laws are not really crimes in a great many instances?

Mr. HAINER of Nebraska. There is hardly a more indefensible crime against every honest sentiment of honor and virtue in the country than the adulteration of an important food product, and a man who knowingly sells this stuff, which they call filled cheese, as full cream cheese can make but small claim to honor.

Mr. WILLIAM A. STONE. That may be; but while it may be a violation of the law, he may do it unwittingly.

Mr. HAINER of Nebraska. For that reason I provide it shall not apply on the first violation, but after the first violation.

Mr. WILLIAM A. STONE. But your amendment provides that it shall apply after the first violation. Why do not you make it apply after the first conviction, and not after the first violation? A man may violate a law a number of times and never be called to account for it.

Mr. HAINER of Nebraska. And never will be convicted if you allow them to sneak out in this sort of way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. It strikes me this would be applying a very severe penalty for what may be practically a technical offense. [Cries of "Vote!" "Vote!"]

Mr. RAY. Mr. Chairman, while no man on the floor of this House is more earnestly in favor of the passage of this bill than myself, yet I hope this amendment will not be adopted. The Government of the United States has established a policy in treating with offenders against the internal-revenue laws of the United States, and if we want a law to be popular and to be effective, to be enforced, we must be consistent in our legislation, in our acts; and if we single out this bill, if it becomes law—and I have no doubt it will—if we single this bill out and provide special penalties, and then provide that there shall be no compromise in certain cases, we shall attract the attention of the whole country to it; we shall invite criticism, we shall invoke antagonisms, and the law will be ineffective and unpopular. Now, I hope every friend of this bill will vote against this amendment.

Mr. HAINER of Nebraska. I will modify my amendment by striking out the words "violation of" and inserting "conviction on"; so that it will read "after the first conviction on any of the provisions hereof."

Mr. BRUMM. Mr. Chairman, it seems to me that the more you discuss this bill the more you develop the fact that the bill is a fraud from beginning to end. Here is an amendment offered to put into your bill the same provision that you have in the revenue bill; and yet you get this bill upon the floor of the House because it is a revenue bill. You can not get it here in any other way this session. You get it here because, as my genial friend from Iowa [Mr. DOLLIVER] says, "we want revenue." You put it in here under the pretext of being a revenue bill. It can not be here in any other way; and when you do that you should apply to it the same rules that you apply to your internal-revenue law. Then you all get up and say, "Do not do that," because it will let the cat out of the bag and develop the true hideousness of the bill. It will invite criticism from everybody in the country, and every man of you will vote against it. I submit that those who are honest in this matter will apply the same rule to this that we shall apply to every other internal-revenue law. I am with you, brother, and I will vote with you. [Laughter.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nebraska.

Mr. DINGLEY. One moment. The gentleman from Pennsylvania has certainly misapprehended the character of the amendment. As it stands it applies the internal-revenue laws exactly as they exist.

Mr. BRUMM. I understand what the amendment is.

Mr. DINGLEY. You have got it wrong end to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken.

The CHAIRMAN. The noes seem to have it; the noes have it, and the amendment is lost.

Mr. HAINER of Nebraska. Mr. Chairman, what has become of my amendment?

The CHAIRMAN. The amendment has been submitted to the committee and voted on and declared lost. [Laughter.]

Mr. HAINER of Nebraska. Mr. Chairman, I am satisfied that not one gentleman in twenty-five heard the result.

The CHAIRMAN. There were about three ayes and a large volume of noes. The Chair announced that the noes appeared to have it, the noes have it, and the amendment is lost. The gentleman from Nebraska and the gentleman from Pennaylvania were engaged in a little private conversation and he did not hear the result, but the amendment was declared lost.

Mr. HAINER of Nebraska. I certainly did not hear the result.

Mr. DINGLEY. I hope the amendment will again be submitted.

The CHAIRMAN. If there be no objection, the Chair is perfectly willing to submit it again. [After a pause.] The Chair hears no objection, and the Chair will again submit the question on the amendment.

The question was again taken; and the amendment was rejected.

Mr. BRUMM. Mr. Chairman, I wish to offer an amendment in the form of a new section, to be numbered 18½.

Mr. PAYNE. There is no such section.

Mr. BRUMM. I am going to offer one and call it that, as I have a perfect right to do. I want to offer something that will be of real benefit to the farmer.

Mr. GROSVENOR. Mr. Chairman, I make the point of order that there is no question before the House.

Mr. BRUMM. This is an amendment which the gentleman will not oppose.

Mr. GROSVENOR. Let us know what it is.

Mr. BRUMM. I know you can not oppose it, because you are a friend of the farmer and you want revenue.

Mr. GROSVENOR. What is it?

Mr. BRUMM. I want to offer as section 18½ the wool schedule of the McKinley bill. [Laughter.] I know you will not oppose that, will you?

Mr. GROSVENOR. Yes.

Mr. BRUMM. You will! Then I shall have to withdraw it. [Laughter.]

The Clerk read as follows:

SEC. 19. That this act shall go into effect on the ninetieth day after its passage, and all wooden packages containing 10 or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section 8 of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

Mr. TALBERT. Mr. Chairman, I have listened very attentively to the discussion upon this bill, I have listened to its reading twice, and I have come to the conclusion that it is a vicious piece of legislation from beginning to end. It is protection run mad. There is only one redeeming feature in the bill; that is the provision requiring manufacturers of filled cheese to mark their product so that those who buy it to sell or for consumption may know just what they are doing, may know the kind of goods they are dealing in.

Mr. Chairman, I submit that this bill seems to be a proposition to license that which is wrong, dodging the question by calling the license fee a "tax." It seems to me that the very term "filled cheese" is a misnomer. The idea which it conveys to my mind is that of an external case composed of something comparatively good, the interior being filled up with impure matters, destructive of health and of life, and I believe that in licensing it under cover of this bill you are giving the countenance of the Government to the carrying on of a business that is wrong, and you will be taxing one party for the benefit of another.

On the other hand, if it is admitted that this product is not injurious to health, then this bill is wrong in principle, wrong in theory, destructive in practice, and in violation of the theory of the Government under which we live. It is framed and based upon the same principle upon which Congress acted when they imposed a tax of 10 per cent upon State banks of issue, so as to crush them out of existence and give the business of banking into the hands of national banks, thus enabling those institutions to levy tribute upon all other kinds of business enterprises by demanding exorbitant rates of interest upon all loans, thus imitating the robber barons of the Rhine of old, who from their palaces fired a shot across the bow of every passing craft, and descending like hawks from the rocks robbed and tore their victims till their greed was satisfied or the strength of the victim became exhausted.

These national banks have arranged themselves to so adjust the finances of the country as to utilize them for the benefit of one class, and that a very small class of the country. That is what they have done, and it has been completely done. The result has been that by means of their monopoly they have acquired such power that they now control this whole country, they manipulate conventions, control State and national legislation; they corrupt the jury box, control the judges, control the decisions of the courts; and if we pass this bill it will have a like effect in respect to this business of the manufacturing of cheese. It will create a monopoly for the manufacture of cheese of all kinds. The small fish will be driven out, the large ones will swallow them up, and the business will be entirely monopolized by a few, so as to raise the price to the consumer, and the great mass of the people will at last be the sufferers by having the price of all grades of cheese raised enormously.

I am opposed to the principle of this bill. It is vicious in tendency; it is destructive in practice; it is against the very theory of our Government, and I hope that every part of the bill will be stricken out except the provision requiring the manufacturers of these products to mark it so that those who buy it either for dealing or consumption may know what they are buying and see just what they are doing. If you wish to enact that part of the bill, I see no objection to it; but let us not go on and establish a monopoly and give it power to crush out the small industries of the country, which have a hard time to make a living now. Let the small fry have the right to continue business without a tax. Equal rights to all, and special privileges to none, should be our motto; and let us in shaping legislation beware lest we should tax one industry to build up another, which is both undemocratic and un-American. [Applause.]

Mr. TAWNEY. Mr. Chairman, on page 9, in line 24, I move to strike out "eight" and insert "nine."

The amendment was agreed to.

Mr. GROSVENOR. I move that the committee rise and report the bill and amendments to the House.

The CHAIRMAN. The gentleman from Arkansas [Mr. TERRY] desires to offer a substitute.

Mr. TERRY. Mr. Chairman, if there are no other amendments to be offered, I ask that my substitute be read.

The substitute proposed by Mr. TERRY was read as printed above.

Mr. TERRY. I desire to state that this amendment is in line with the professed object of this bill. In this connection, I wish to submit an extract from a letter received from a worthy farmer in my district, Mr. John Nesbitt, and relating to just this question. He says:

Everything that farmers have need of is sold to them in every shape and form under a false brand, and very inferior articles seem to be sent down to us in the Southern States, and the plows are duplicated and of inferior grade, trace chains not half welded and of inferior iron, our harness filled with scraps of leather, our wagons of inferior timber, our clothing of shoddy, and our shoes of paper or scraps of wood in sole, shavings of leather glued together, and the first wet they fall to pieces—and other things too numerous to mention.

Now, sir, if the gentlemen supporting this bill are in earnest, if they want to stop fraud upon the purchasers of these articles of interstate commerce, why not make the bill apply to all such articles? Why single out the one commodity cheese and apply these provisions to it? I tell you, sir, when gentlemen speak of fraudulent practices, this bill itself is a miserable fraudulent pretense, which, under the guise of protecting the consumer, tries to strike down a competitor in a particular branch of industry, who, as the testimony shows, furnishes an article just as good as that which this bill seeks to protect. I have heard very reputable gentlemen on this floor who have eaten both kinds of cheese say that they can not tell one from the other; and the fact that the two articles command, as has been stated here, nearly the same price, shows what is the real merit of the article which you propose to strike down. But when you have imposed all the onerous restrictions of this bill upon what you call "filled cheese," the price of the other will be raised, or its grade be lowered, to the injury of the consumer, and the poor and the country merchant will get the worst of it.

Gentlemen who are supporting this bill want simply to get rid of a competitor in a particular industry under the guise of trying to protect the public. And I want to say that when this legislation has been enacted, and when the people see the results of it, you will hear from them. You are proposing to tax the little country merchant $40 for the privilege of selling the people the kind of cheese that they want.

Mr. GROSVENOR. Oh, no; $12.

Mr. TERRY. It was $40 in the bill as you offered it; but no matter what may be the amount. Even $12 is perhaps more than the profits of the cheese that the country dealer sells in a whole year would amount to. Virtually, this bill will amount in the rural districts to prohibition against dealing in this article of cheese, which is cheaper and just about as good as the other. You will hear from the people on this subject, and the majority of them will be found opposed to such vicious legislation as this. [Applause.]

Mr. GROSVENOR. Mr. Chairman, step by step everything is coming our way in this country. I certainly find myself in a most delightful condition when a gentleman purporting to belong to the late Democratic party is found solemnly——

Mr. TERRY. You have sung that requiem before. You and your party have assumed several times that the Democratic party was dead; but you will find it a very lively corpse when you have put up your candidate.

Mr. GROSVENOR. A gentleman belonging to the late Democratic party comes here with a proposition that the United States shall undertake to regulate the manufacture of all the commodities that the people of his State are engaged in making or consuming. This is an obliteration of the old doctrine about which we have had considerable trouble heretofore both in war and peace; and I welcome the gentleman into the purer light and better atmosphere of the great party which believes that the Congress of the United States has some power to legislate in the interest of the people of this country.

Mr. TERRY. Democracy does not deny the power of Congress to legislate in the interest of the people, but that is not your bill. Certainly the "party of great moral ideas" when it undertakes to do a thing should not do it under false pretenses. If you are sincerely seeking the benefit of the consumer you should adopt some consistent and general legislation—not this cheeseparing legislation proposed here.

Mr. GROSVENOR. The gentleman has fired his "farewell shot o'er the grave where his hero is buried." He has repeated the same speech which we heard upon the oleomargarine bill not very many years ago. Yet I have not heard that the people of this country have ever risen up in opposition to that bill. I think that the gentleman is entirely too anxious for the future of the men who are going to vote for this bill. This bill is upheld by the popular demand of an immense interest in the country. We will do our duty and look to the future for our vindication.

Mr. MOODY. Mr. Chairman, I wish to ask the gentleman in charge of this bill whether in any section it is made clear that the enactment shall in no way affect the administration of the State

laws relating to the traffic in filled cheese? I am prompted to ask this question because I find in the oleomargarine law an express provision that the laws of the States shall not be affected by the passage of a national law on the subject. In a recent case before the Supreme Court the point was made that the oleomargarine statute affected the laws of the States; and the court held that it did not, because it contained an express provision which prevented any repeal of State statutes by the United States statute. If that point has not been considered in connection with this bill——

The CHAIRMAN. The Chair must remind gentlemen that the question is now upon the substitute offered by the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. In answer to the suggestion of the gentleman from Ohio [Mr. GROSVENOR], I will state that this amendment applies only to articles which are the subjects of interstate commerce; and it is in harmony with the decisions of the Supreme Court of the United States.

The CHAIRMAN. The question is on the substitute proposed by the gentleman from Arkansas.

The question was taken; and on a division there were—ayes 31, noes 109.

So the substitute was rejected.

Mr. MOODY. Mr. Chairman, I move to amend by adding a new section at the end of the bill in the following words:

That section 3243 of the Revised Statutes shall be, so far as applicable, extended to the provisions of the present act.

The CHAIRMAN. That can only be done now, the Chair thinks, by unanimous consent.

Mr. HENDERSON. I think, Mr. Chairman, that this is already included in the bill, on page 3.

Mr. MOODY. I rose, Mr. Chairman, for the purpose of making an inquiry. I find the section is already in the bill, and withdraw the amendment.

Mr. GROSVENOR. I now renew the motion that the committee rise and report the bill as amended to the House with favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 8008, had directed him to report the same to the House with sundry amendments, and as so amended recommend that the bill do pass.

Mr. GROSVENOR. I ask the previous question on the bill and the amendments to its passage.

Mr. OWENS. Can a motion to recommit be now submitted?

The SPEAKER. Not just at this moment.

Mr. OWENS. After the previous question is ordered?

The SPEAKER. It can then be offered.

The previous question was ordered.

Mr. OWENS. Now, if in order, Mr. Speaker——

The SPEAKER. The Chair thinks that it should be after the amendments are acted upon. The motion will be in order when the bill has been passed to a third reading.

The amendments recommended by the Committee of the Whole were adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. OWENS. Mr. Speaker, I now offer the following motion to recommit.

The Clerk read as follows:

That the bill be recommitted to the Committee on Ways and Means with instructions to report a bill providing for marking and branding packages of what is known as "filled cheese" for interstate trade, and providing penalties for violating said provisions, but omitting the tax and license fees provided for in the bill now under consideration.

The question was taken; and on a division there were—ayes 27, noes 129.

So the motion was rejected.

The question recurred on the passage of the bill.

Mr. MCMILLIN and others. On that let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 58, not voting 136; as follows:

YEAS—160.

| | | | |
|---|---|---|---|
| Aldrich, Ala. | Blue, | Cook, Wis. | Eddy, |
| Allen, Utah | Bowers, | Cooper, Wis. | Ellis, |
| Apsley, | Brewster, | Corliss, | Faris, |
| Arnold, R. I. | Broderick, | Cousins, | Fischer, |
| Atwood, | Bromwell, | Crowther, | Fletcher, |
| Avery, | Brosius, | Crump, | Foss, |
| Babcock, | Brown, | Curtis, Iowa | Gamble, |
| Baker, Kans. | Burrell, | Curtis, Kans. | Gibson, |
| Baker, N. H. | Burton, Mo. | Danford, | Gillet, N. Y. |
| Barham, | Calderhead, | Daniels, | Gillett, Mass. |
| Barney, | Chickering, | De Witt, | Graff, |
| Bartholdt, | Clark, Iowa | Dingley, | Griffin, |
| Bell, Colo. | Clark, Mo. | Dolliver, | Grosvenor, |
| Bennett, | Codding, | Doolittle, | Grout, |
| Bingham, | Coffin, | Dovener, | Hadley, |
| Hager, | Kirkpatrick, | Odell, | Sperry, |
| Hainer, Nebr. | Lacey, | Otjen, | Steele, |
| Halterman, | Lefever, | Payne, | Stephenson, |
| Hardy, | Leighty, | Perkins, | Stone, C. W. |
| Harris, | Leisenring, | Phillips, | Stone, W. A. |
| Hartman, | Leonard, | Poole, | Strong, |
| Hatch, | Lewis, | Prince, | Strowd, N. C. |
| Heatwole, | Linton, | Pugh, | Tawney, |
| Hemenway, | Long, | Ray, | Tayler, |
| Henderson, | Loud, | Reeves, | Thomas, |
| Henry, Ind. | Low, | Royse, | Towne, |
| Hepburn, | Marsh, | Russell, Conn. | Tracey, |
| Hermann, | McCleary, Minn. | Sauerhering, | Treloar, |
| Hilborn, | McClure, | Scranton, | Updegraff, |
| Hill, | Meiklejohn, | Settle, | Van Horn, |
| Hopkins, | Mercer, | Shafroth, | Van Voorhis, |
| Howell, | Miller, Kans. | Shannon, | Walker, Mass. |
| Hubbard, | Milnes, | Sherman, | Wanger, |
| Hulick, | Minor, Wis. | Shuford, | Warner, |
| Hull, | Moody, | Simpkins, | Watson, Ind. |
| Jenkins, | Morse, | Smith, Ill. | Watson, Ohio |
| Joy, | Mozley, | Smith, Mich. | Wilber, |
| Kem, | Murphy, | Southard, | Wood, |
| Kerr, | Noonan, | Southwick, | Woodman, |
| Kiefer, | Northway, | Spalding, | Wright. |

NAYS—58.

| | | | |
|---|---|---|---|
| Aldrich, Ill. | Cox, | Maddox, | Richardson, |
| Allen, Miss. | Crowley, | Maguire, | Sayers, |
| Bailey, | Dinsmore, | McCall, Tenn. | Strait, |
| Bartlett, Ga. | Dockery, | McClellan, | Talbert, |
| Bartlett, N. Y. | Elliott, S. C. | McCreary, Ky. | Terry, |
| Belknap, | Evans, | McCulloch, | Tracewell, |
| Berry, | Hall, | McDearmon, | Turner, Ga. |
| Brumm, | Hart, | McLaurin, | Tyler, |
| Cannon, | Hendrick, | McMillin, | Walker, Va. |
| Clardy, | Kendall, | McRae, | Washington, |
| Cobb, Mo. | Latimer, | Meyer, | Wheeler, |
| Cockrell, | Layton, | Moses, | Williams, |
| Connolly, | Lester, | Otey, | Yoakum. |
| Cooper, Fla. | Little, | Owens, | |
| Cooper, Tex. | Lorimer, | Pendleton, | |

NOT VOTING—136.

| | | | |
|---|---|---|---|
| Abbott, | Draper, | Lawson, | Robinson, Pa. |
| Acheson, | Ellett, Va. | Linney, | Rusk, |
| Adams, | Erdman, | Livingston, | Russell, Ga. |
| Aitken, | Fairchild, | Lockhart, | Shaw, |
| Anderson, | Fenton, | Loudenslager, | Skinner, |
| Andrews, | Fitzgerald, | Mahany, | Snover, |
| Arnold, Pa. | Foote, | Mahon, | Sorg, |
| Baker, Md. | Fowler, | McCall, Mass. | Sparkman, |
| Bankhead, | Gardner, | McCormick, | Spencer, |
| Barrett, | Griswold, | McEwan, | Stahle, |
| Beach, | Grow, | McKenney, | Stallings, |
| Bell, Tex. | Hanly, | McLachlan, | Stewart, N. J. |
| Bishop, | Harmer, | Meredith, | Stewart, Wis. |
| Black, Ga. | Harrison, | Miles, | Stokes, |
| Black, N. Y. | Heiner, Pa. | Miller, W. Va. | Strode, Nebr. |
| Boutelle, | Henry, Conn. | Milliken, | Sulloway, |
| Buck, | Hicks, | Miner, N. Y. | Sulzer, |
| Bull, | Hitt, | Mondell, | Swanson, |
| Burton, Ohio | Hooker, | Money, | Taft, |
| Catchings, | Howard, | Neill, | Tate, |
| Clarke, Ala. | Howe, | Newlands, | Tucker, |
| Cobb, Ala. | Huff, | Ogden, | Turner, Va. |
| Colson, | Huling, | Overstreet, | Underwood, |
| Cooke, Ill. | Hunter, | Parker, | Wadsworth, |
| Cowen, | Hurley, | Patterson, | Walsh, |
| Crisp, | Hutcheson, | Pearson, | Wellington, |
| Culberson, | Hyde, | Pickler, | White, |
| Cummings, | Johnson, Cal. | Pitney, | Willis, |
| Curtis, N. Y. | Johnson, Ind. | Powers, | Wilson, Idaho |
| Dalzell, | Johnson, N. Dak. | Price, | Wilson, N. Y. |
| Dayton, | Jones, | Quigg, | Wilson, Ohio |
| De Armond, | Knox, | Raney, | Wilson, S. C. |
| Denny, | Kulp, | Reyburn, | Woodard, |
| Downing, | Kyle, | Robertson, La. | Woomer. |

So the bill was passed.

The following pairs were announced until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. RANEY with Mr. COWEN.

Mr. JOHNSON of North Dakota with Mr. LAWSON.

Mr. DRAPER with Mr. TUCKER.

Mr. BARRETT with Mr. NEILL.

Mr. WHITE with Mr. HARRISON.

Mr. STRODE of Nebraska with Mr. STOKES.

Mr. LORIMER with Mr. HUTCHESON.

Mr. COLSON with Mr. PRICE.

Mr. ARNOLD of Pennsylvania with Mr. WILSON of South Carolina.

Mr. STEWART of Wisconsin with Mr. STALLINGS.

Mr. ANDREWS with Mr. MILES.

Mr. WILSON of Ohio with Mr. MCKENNEY.

Mr. SNOVER with Mr. SPARKMAN.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. OVERSTREET with Mr. BELL of Texas.

Mr. KULP with Mr. DOWNING.

Mr. PEARSON with Mr. SPENCER.

Mr. JOHNSON of California with Mr. JONES.

Mr. GRISWOLD with Mr. OGDEN.

Mr. BULL with Mr. TATE.

Mr. MILLIKEN with Mr. BANKHEAD.

On this vote:

Mr. PICKLER with Mr. SWANSON.

Mr. WELLINGTON with Mr. SORG.

Mr. HURLEY with Mr. WALSH.
Mr. HOOKER with Mr. MINER of New York.
Mr. ROBINSON of Pennsylvania with Mr. RUSK.
Mr. AITKEN with Mr. LOCKHART.
Mr. BURTON of Ohio with Mr. LINNEY.
Mr. MCCALL of Massachusetts with Mr. PATTERSON.
Mr. WADSWORTH with Mr. MONEY.
Mr. CUMMINGS with Mr. ABBOTT.
Mr. GROW with Mr. CULBERSON.
Mr. FAIRCHILD with Mr. BERRY.
Mr. CURTIS of New York with Mr. UNDERWOOD.
Mr. HARMER with Mr. TURNER of Virginia.
Mr. POWERS with Mr. BLACK of Georgia.
Mr. LOUDENSLAGER with Mr. KYLE.
Mr. PITNEY with Mr. ERDMAN.
Mr. ACHESON with Mr. SULZER.
Mr. ADAMS with Mr. RUSSELL of Georgia.
On this day:
Mr. BOUTELLE with Mr. ROBERTSON of Louisiana.

Mr. UNDERWOOD. Mr. Speaker, I voted "nay" on this bill, but find I am paired with the gentleman from New York, Mr. CURTIS, and therefore withdraw my vote.

Mr. POWERS. I voted for the passage of the bill, Mr. Speaker, but find I am paired with the gentleman from Georgia, Mr. BLACK, who would have voted against it. I withdraw my vote.

Mr. SHERMAN. My colleague, Mr. FOOTE, is unavoidably absent from the House. If present, he would vote "yea."

Mr. DOOLITTLE. I desire to ask the excuse of my colleague, Mr. HYDE, who is unavoidably detained from the House on account of sickness. He would have voted for the bill, if present.

Mr. SCRANTON. My colleague, Mr. STAHLE, is necessarily absent, but would vote for the bill, if present.

Mr. SOUTHARD. The gentleman from South Dakota, Mr. PICKLER, is absent unavoidably and paired on this bill. If present, and voting he would have voted "yea."

Mr. CHARLES W. STONE. The gentleman from North Carolina, Mr. LINNEY, is absent from the House. If present, he would vote "nay" on this question.

Mr. BARHAM. Mr. Speaker, my colleague, Mr. JOHNSON of California, is absent sick. If present, he would vote "yea."

Mr. FISCHER. Mr. Speaker, my colleague, Mr. BLACK of New York, is unavoidably absent. If present, he would have voted for the bill.

Mr. WILLIAM A. STONE. I desire to make the same announcement with reference to my colleague, Mr. ACHESON.

Mr. MAGUIRE. The gentleman from New York, Mr. SULZER, was called away on important business, and desired me to state that, if present, he would vote for the bill.

The result of the vote was then announced as above recorded.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

### RETURN OF A BILL FROM THE PRESIDENT.

The SPEAKER laid before the House the following concurrent resolution; which was read by the Clerk:

*Resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the enrolled joint resolution (S. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume, for the purpose of correcting errors in the text.

The resolution was agreed to.

### VENTILATION OF THE HOUSE WING OF THE CAPITOL.

Mr. ATWOOD. Mr. Speaker, I am authorized by the Committee on Ventilation and Acoustics to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury be asked to detail an expert on heating and ventilating from the office of the Supervising Architect, to carefully examine the plans submitted to the Committee on Ventilation and Acoustics for an improved system of ventilating the south (House) wing of the Capitol, and that he be authorized to report to said Committee on Ventilation and Acoustics at the regular meeting of the committee on April 23, 1896, his opinion of the proposed plans, with suggestions and recommendations for such alterations as in his estimation would improve the proposed plans and better the present system of ventilation.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman from Massachusetts who submits these plans, by whom are they drawn?

Mr. DINGLEY. They are plans in the possession of the Committee on Ventilation and Acoustics.

Mr. BARTLETT of New York. I wish to know by whom they were drawn?

Mr. ATWOOD. There are several plans before the committee for consideration, and we simply desire that the expert engineer having in charge the heating and ventilating of the Federal buildings under the Supervising Architect shall examine these different plans and submit to the Committee on Ventilation and Acoustics his report as an expert. This resolution carries no appropriation with it, and I hope it will pass.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HARDY. I object.

Mr. DINGLEY. This only calls for the report of an expert upon these plans.

Mr. HARDY. I will withdraw my objection if the Speaker will allow me to say a word about the matter. I understand that the Committee on Ventilation have before them a plan to appropriate $100,000 for the ventilation of this Hall. I understand further that there are other plans before the committee for the ventilation of this Hall which will not cost $10.

Mr. WALKER of Massachusetts. Well, what the committee want is to have the expert ventilating architect of the Government tell them which plan is the best, or whether either of them is good for anything.

A MEMBER. What is the proposed plan?

Mr. HARDY. One of the plans is for ventilating by some kind of a process whereby the air is driven out by chemical means. I understand further, Mr. Speaker, that the proposition before the committee to which I particularly refer not only carries an appropriation of $100,000, but there are some pet schemes before the committee——

Mr. DINGLEY. Let the expert examine them.

Mr. HARDY. If the matter is to be left to a number of scientists or to a number of gentlemen and ladies, whoever they may be, who understand these things, and if the committee will give them an opportunity to be heard, I will withdraw my objection, and I do now withdraw it.

The resolution was agreed to.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. RICHARDSON. I ask the gentleman to withdraw his motion, in order that I may offer a resolution to which I think there will be no objection.

### PRELIMINARY SURVEY, SALMON BAY, PUGET SOUND.

Mr. HERMANN. Mr. Speaker, I am directed by the Committee on Rivers and Harbors to ask unanimous consent for the present consideration of a joint resolution which I send to the Clerk's desk. It is a matter of emergency, and unless it passes to-night it will not be of any avail.

The joint resolution was read, as follows:

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

*Resolved, etc.*, That the Secretary of War be, and he is hereby, directed to transmit to Congress the report of Capt. Thomas W. Symons, Corps of Engineers, dated August 29, 1895, together with the accompanying report of the assistant engineer, upon the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington; also to submit an estimate of the cost of constructing the said waterway on the route described and laid down in the aforesaid report.

Mr. DINGLEY. I will ask the gentleman from Oregon if this is an attempt to start a new project for the river and harbor bill?

Mr. HERMANN. No; I will say that it is not. It is an old project; but the local engineer was requested to forward certain data with regard to the commerce of that section of the Pacific Coast. The data are now before the Secretary of War, but he is not permitted to transmit it to Congress until Congress shall ask him by joint resolution to send it. The Senate has passed this joint resolution, and it is necessary that it shall pass the House to-night. Otherwise the Senate committee will not be able to avail themselves of this information. It is a case of emergency.

Mr. DINGLEY. Is not the gentleman a member of the Committee on Rivers and Harbors; and if so, how does it happen that the matter was not considered when the river and harbor bill was before the House? The gentleman is very alert usually.

Mr. HERMANN. I thank the gentleman, but I will say that this information was not in the possession of the Secretary of War at the time the river and harbor bill was being considered by the Committee on Rivers and Harbors. It is now in the possession of the Secretary of War, and he desires to transmit it to Congress, but is prevented from doing so until Congress shall ask him.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

### EULOGIES ON THE LATE WILLIAM H. CRAIN.

Mr. PENDLETON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution to fix a day for eulogies in honor of the memory of the late W. H. Crain.

The resolution was read, as follows:

*Resolved*, That the session on Saturday, April 25, beginning at 2.30 p. m., be devoted to the delivery of eulogies on the late W. H. Crain.

The resolution was agreed to.

SENATE BILLS AND JOINT RESOLUTION SIGNED.

Under clause 2 of Rule XXIV, the following Senate bills and a joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1117) granting an increase of pension to Cornelia De Peyster Black—to the Committee on Invalid Pensions.

Joint resolution (S. R. 126) requiring the roof of the new city post-office building, Washington, D. C., to be fireproof—to the Committee on the District of Columbia.

A bill (S. 2426) to amend an act entitled "An act to provide for the care of dependent children in the District of Columbia, and to create a board of children's guardians," approved July 26, 1892—to the Committee on the District of Columbia.

A bill (S. 1052) increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war—to the Committee on Invalid Pensions.

A bill (S. 2524) to increase the pension of Mary B. Le Roy—to the Committee on Pensions.

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell—to the Committee on Invalid Pensions.

A bill (S. 2290) granting a pension to Hester A. Robinson—to the Committee on Invalid Pensions.

A bill (S. 2274) granting an increase of pension to Mary E. Chamberlain—to the Committee on Invalid Pensions.

A bill (S. 2194) granting a pension to Mrs. Weltha Post Leggett—to the Committee on Invalid Pensions.

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers—to the Committee on Invalid Pensions.

A bill (S. 2068) to grant a pension to Emeline C. Sewell, widow of Chief Engineer George Sewell, United States Navy—to the Committee on Pensions.

A bill (S. 1960) granting an increase of pension to Lucy Ord Mason—to the Committee on Pensions.

A bill (S. 1880) to increase the pension of Thomas J. Haughey—to the Committee on Invalid Pensions.

A bill (S. 1679) for the relief of Helen Larned—to the Committee on Invalid Pensions.

A bill (S. 1523) granting a pension to Benjamin F. Bell—to the Committee on Invalid Pensions.

A bill (S. 1510) to pension Mrs. Susan M. Sessford—to the Committee on Invalid Pensions.

A bill (S. 1269) granting an increase of pension to John S. Hall—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 995) granting a pension to Kate A. Pitman;

A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;

A bill (H. R. 1838) granting an increase of pension to Thomas Congan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 2340) granting a pension to Caroline Parker;

A bill (H. R. 2284) granting a pension to Joseph A. Cooper;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 2800) granting a pension to Martha Brooks; and

A bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.

COMPILATION OF MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution. I think gentlemen will not object to it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The Clerk read as follows:

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents."

*Be it resolved, etc.*, That the quotas of Senators, Members, and Delegates of the House Miscellaneous Document No. 210, second session Fifty-third Congress, being a compilation the title of which is "Messages and Papers of the Presidents," be delivered by the Public Printer, when printed and ready for distribution, to the Superintendent of Documents. That the Senators, Members, and Delegates of the Fifty-fourth Congress be, and are hereby, authorized to designate to the Superintendent of Documents the names of persons to whom their respective quotas of said documents shall be sent from time to time as the volumes are published.

Mr. RICHARDSON. Mr. Speaker, the object of the resolution is to provide that this publication, which I think will consist of four volumes, shall be sent to the same persons, the idea being that the sets ought to be kept in complete or unbroken form.

Mr. DINGLEY. Has this been reported by the Committee on Printing?

Mr. RICHARDSON. No, sir.

Mr. DINGLEY. It had better go to the Committee on Printing.

Mr. RICHARDSON. I conferred with the chairman of the committee. The whole work, I may say, is under my supervision. I saw all the members of the Committee in the Senate and in the House, and all agree that this resolution should be adopted now, as the first volume is about to be delivered to Congress.

Mr. DINGLEY. All right. I notice that the chairman of the committee is not present.

Mr. RICHARDSON. I know. I have seen the chairman, however, as I have stated.

Mr. DINGLEY. And the gentleman knows he is in favor of the resolution?

Mr. RICHARDSON. He favors it.

Mr. DINGLEY. All right.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. McMILLIN. I submit to my colleague that I fear the phraseology of the resolution does not accomplish the object he seeks. It will be possible under the phraseology of that resolution, I think, for any person who succeeds one who may be here to send these volumes to those whom we are not designating now. I ask that it be again read.

Mr. RICHARDSON. I will state before it is read that it is the same language which was used in the law which provides for the distribution of the Naval Records, and also, substantially, the language used in the law which provides for the distribution of the Records of the Rebellion, one being by the Sectetary of the Navy and the other being by the Secretary of War. I ask that it be reported. The resolution was carefully drawn, and I think the object is clearly expressed.

The joint resolution was again read.

Mr. McMILLIN. I see that it applies to the Fifty-fourth Congress only. That had escaped me.

Mr. RICHARDSON. The House will pardon me for saying just a word or two for the information of members. The first volume of this valuable compilation, as I esteem it, will be ready for delivery to Congress in about two weeks from to-day. The Public Printer thinks that within two weeks the first volume will be delivered. It will include the first twenty-eight years of our history as a Republic; that is, from Washington to Madison, inclusive. It is thought that the compilation will make about four volumes in all.

Mr. GROSVENOR. Can the gentleman indicate how many copies each member will receive?

Mr. RICHARDSON. The full number of the publication is 6,000, 2,000 for the Senate and 4,000 for the House; and dividing 4,000 by our number, 360, it gives about 11 copies to each member of the House.

Mr. DINGLEY. What is the estimated expense of printing the compilation?

Mr. RICHARDSON. There has been no estimate. It was ordered by the Fifty-third Congress, and no estimate has been made. The resolution ordered the Joint Committee on Printing to have the compilation made. That committee, having no one to do the work and having no money with which to do it, placed it in my hands, and I have done the very best I could to execute the task in a satisfactory manner. I entered upon the work in March, 1895, immediately upon the adjournment of the Fifty-third Congress, and, I may add, have devoted a great deal of time and labor upon it. The utmost endeavor has been put forth to make the compilation complete and exhaustive. It will include all the annual veto and special messages, proclamations, and inaugural addresses of the Presidents, from Washington to the close of the present Administration; at least I have earnestly sought to include them all. It may be, by inadvertence, some are omitted, but I trust not. It has been especially troublesome and difficult to obtain the proclamations, as the Government does not possess them in complete form.

Mr. McMILLIN. What is done with the number left over after the equal distribution to members.

Mr. RICHARDSON. The law disposes of all such fractions. The fractions, of course, are not disposed of by this resolution; but they are under the printing law, and under that law the fractions in all cases which exceed a given number are directed to be placed in the charge of the superintendent of documents, to be by him distributed mainly upon the orders of members of Congress.

Mr. WATSON of Ohio. Can the gentleman tell how long it will be before the work will be completed?

Mr. RICHARDSON. Not with absolute certainty. I would state, in answer to that question, however, that the work has all been done by myself, and the "copy" for the printer has been prepared, and is ready, down to Harrison's Administration, except the messages and communications from the President to the Senate in executive session from which the injunction of secrecy has not been removed. The injunction of secrecy had not been removed from the messages by the Senate since the Administration of President Johnson until about one week ago, when there was a further removal of the injunction that I might have access to them for this compilation. This removal was down to Mr. Harrison's Administration. The only matter which will enter into the first volume, members will understand, is that down to and including Mr. Madison's Administration. The other, down to Mr. Harrison's Administration, as I have indicated, is ready for the printer.

Mr. WATSON of Ohio. Will we have it all done this session?

Mr. RICHARDSON. It is hoped that by twelve months from this date the entire work can be delivered to Congress, and, as I have already stated, the compilation will make four volumes, as at present estimated at the Government Printing Office.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. DINGLEY. I move that the House adjourn.

The motion was agreed to.

The SPEAKER. Pending the announcement of the result, the Chair submits the following personal requests:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARIS, for ten days, on account of important business.

To Mr. GIBSON, indefinitely, on account of important business.

To Mr. OGDEN, for two weeks, on account of important business.

The result of the vote was then announced; and accordingly (at 4 o'clock and 33 minutes p. m.) the House adjourned.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENSON, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. Res. 152) to authorize the Secretary of the Interior to use Fort Bidwell for an Indian training school, reported the same with amendment, accompanied by a report (No. 1217); which said bill and report were referred to the House Calendar.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5482) authorizing the Cleveland Bridge Company to construct a bridge across the Arkansas River between Pawnee County, Okla., and the Osage Indian Reservation, reported the same without amendment, accompanied by a report (No. 1226); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 7119) for the relief of George R. Gary. (Report No. 1218.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1975) granting a pension to Mrs. Julia Jones Duncan, widow of Bvt. Maj. Gen. Samuel A. Duncan. (Report No. 1219.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 5183) granting an increase of pension to Wesley A. Pletcher. (Report No. 1220.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7647) granting a pension of $30 per month to Albert Brown, late of Company D, One hundred and fourteenth Regiment New York Volunteers. (Report No. 1221.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 6159) to increase the pension of Mrs. Helen A. De Russy. (Report No. 1222.)

The bill (H. R. 7890) granting a pension to Samuel G. Trine. (Report No. 1223.)

By Mr. LITTLE, from the Committee on Indian Affairs: The bill (H. R. 4515) for the relief of the heirs of John W. West. (Report No. 1224.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 517) for the relief of Thomas Williams, an employee of the Senate folding room, for injuries received while in the discharge of his duties in the year 1892. (Report No. 1225.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLETCHER: A bill (H. R. 8139) authorizing the Secretary of War to donate one condemned cannon and four pyramids of balls to W. Downs Post, Grand Army of the Republic, of Minneapolis—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 8163) for the relief of widows and minors of pensioners, and those entitled to pensions under the general pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. MAGUIRE: A bill (H. R. 8164) to provide tract or property indexes in the office of the recorder of deeds for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARTMAN: A joint resolution (H. Res. 168) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad—to the Committee on the Judiciary.

By Mr. BARHAM: A joint resolution (H. Res. 169) directing the Secretary of War to examine and submit estimate of cost to prevent the peninsula at Crescent Bay, California, from washing away—to the Committee on Rivers and Harbors.

By Mr. BREWSTER: A memorial of the assembly of the State of New York, in favor of the passage of the bill (H. R. 306) granting pensions to soldiers and sailors who were confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 7376) for the relief of Ezekiel Downey; and the same was referred to the Committee on Naval Affairs.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 8140) for the relief of William S. Williams, late of Company D, Forty-fifth Regiment Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. BARNEY: A bill (H. R. 8141) for the relief of William J. Norton—to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8143) to pension Mrs. Catharine Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8144) for the relief of Patrick H. Wheat—to the Committee on Military Affairs.

Also, a bill (H. R. 8145) granting a pension to C. L. Thomas—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 8146) for the relief of William Tidd—to the Committee on Pensions.

Also, a bill (H. R. 8147) to correct the muster of Arthur A. Putnam into the service of the United States and to authorize the payment of arrearages thereby accruing—to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 8148) granting an increase of pension to George Kerr, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8149) to remove the charge of desertion from the military record of David M. Rhoades—to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 8150) granting a pension to James P. Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8151) to remove the charge of desertion against William T. Grady—to the Committee on Military Affairs.

Also, a bill (H. R. 8152) to remove the charge of desertion against John Spruens—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 8153) for the relief of Andrews Chapel, of Stafford County, Va.—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 8154) for the relief of Alice Severy—to the Committee on Pensions.

Also, a bill (H. R. 8155) for the relief of Amy McCormick—to the Committee on Pensions.

By Mr. SHUFORD: A bill (H. R. 8156) for the relief of Gaither Walser—to the Committee on Claims.

Also, a bill (H. R. 8157) for the relief of Alexander and H. H. Swicegood—to the Committee on Claims.

By Mr. SOUTHWICK: A bill (H. R. 8158) for the relief of Thomas C. Ellison—to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 8159) to pension Mrs. Martha M. Gibson—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 8160) granting an honorable discharge to W. J. Gardner, and correcting the date of his muster out from the service—to the Committee on Military Affairs.

By Mr. TRELOAR: A bill (H. R. 8161) granting a pension to Mrs. Louvina Mays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8162) to increase the pension of William H. Dyer—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Petition of the Rhode Island Engineers' Association, praying for the passage of the Wilson engineering bill—to the Committee on Naval Affairs.

Also, resolution of the Board of Trade of Providence, R. I., in favor of the passage of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: Petition of Washington District Epworth League of the Methodist Episcopal Church; also of the Central Union Mission, of the District of Columbia, for legislation for the appointment of a national commission of inquiry into the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. BREWSTER: Memorial of the Society of the Sons of the Revolution in the State of New York, in favor of the passage of House bill No. 3016, to protect the American flag—to the Committee on the Judiciary.

Also, memorial of E. Knichling, E. A. Fisher, and others, of Rochester, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BULL: Resolution of the Board of Trade of Providence, R. I., in favor of the passage of the bill creating a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. CODDING: Petition of citizens of Wyoming County, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, remonstrance and petition of certain citizens of Wayne County, Pa., against the continuance of the Marquette statue in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of Wyalusing, Pa., favoring an amendment to the Constitution acknowledging the Deity—to the Committee on the Judiciary.

By Mr. COOK of Wisconsin: Petition of Rev. J. E. Chapin, D. D., of the Presbyterian Church, Neenah, Wis., and the congregation of said church, numbering 334 persons, favoring the enactment of a Sunday-rest law for the District of Columbia equal to the most efficient State Sunday law—to the Committee on the District of Columbia.

By Mr. CRUMP: Petition of John E. Bouser, of Pinconing, Mich., favoring the passage of House bill No. 4566, amending the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Remonstrance of sundry citizens of Pittsburg, Pa., against the maintenance of the Père Marquette statue in the Capitol, and a petition for its removal—to the Committee on the Library.

By Mr. DE ARMOND: Affidavits in support of House bill No. 5507, for the relief of D. W. Snider—to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: Resolutions of the Fairhaven (Wash.) Commercial Club, favoring the passage of legislation toward the organization of an exposition showing the products, etc., of Western States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Western Central Labor Union, in favor of the bill regulating the manning of vessels on the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Tacoma, Wash., praying for the passage of joint resolution No. 11, which provides that no moneys shall be appropriated for sectarian purposes—to the Committee on the Judiciary.

Also, petition of certain railway postal clerks of the State of Washington, favoring the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the city council of Centralia, Wash.; also memorial of the city council of Puyallup, Wash., favoring the passage of legislation authorizing the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Hooker Post, No. 25, of Chehalis, Wash., favoring the passage of a bill which provides for the distribution of condemned cannon to Grand Army of the Republic posts—to the Committee on Military Affairs.

Also, memorial of the citizens of Columbia City, Wash., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOVENER (by request): Petition and remonstrance of W. R. Jewell and 69 other citizens of Vandalia, W. Va., in regard to the Marquette statue—to the Committee on the Library.

By Mr. GILLET of New York: Remonstrance and petition of Charles A. Beam and 103 other persons, of Horseheads, N. Y., against the continuance of the statue of Marquette in Statuary Hall, and petitioning for its removal—to the Committee on the Library.

By Mr. HARTMAN: Petition of White Ribbon Women of Montana, favoring arbitration of differences with Great Britain—to the Committee on Foreign Affairs.

By Mr. HAGER: Petition of I. H. Moredick and 100 others, of Villisca, Iowa, praying for the passage of joint resolution No. 11, to amend the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HENDERSON: Petition of E. W. Hinshaw and 82 other citizens of New Providence, Iowa, protesting against military training in public schools—to the Committee on Education.

By Mr. HYDE: Petition of citizens of the State of Washington, favoring the passage of House bill No. 1, to reclassify and prescribe the salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Farragut Post, No. 6, Grand Army of the Republic, of Port Townsend, Wash., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Puget Sound University, of Tacoma, Wash., praying for the appointment of a commission of arbitration to adjust all troubles between the United States and England—to the Committee on Foreign Affairs.

Also, remonstrances of citizens of Tacoma, Wash., against the appropriation of public moneys to sectarian institutions—to the Committee on Appropriations.

Also, memorial of members of Lynch Post, No. 42, Grand Army of the Republic, of Lynden, Whatcom County, Wash., favoring the passage of bill to establish a national memorial university—to the Committee on Military Affairs.

By Mr. KIEFER: Petitions of Max Taltz and other civil engineers of the city of St. Paul, Minn., for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. KNOX: Papers to accompany House bill No. 5125, granting a pension to Catharine Mundie—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: Petition of Andrew W. Dunlap, of Fort Wayne, Ind., in regard to pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 2414, granting a pension to Emily E. Dennison, of Peabody, Whitley County, Ind.—to the Committee on Invalid Pensions.

By Mr. LINTON: Two petitions and remonstrances of citizens of Pennsylvania, regarding the Marquette statue—to the Committee on the Library.

Also, resolutions adopted by the National Association of Manufacturers, of Philadelphia, asking Congress to direct the Interstate Commerce Commission to cause to be prepared a classification of freight which shall be uniform throughout the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. LEONARD: Petition of citizens of Lycoming County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of citizens of Crown Point, Ind.; also petition of citizens of Farmland, Ind., asking for the passage of House bill No. 4566, favoring the reduction of letter postage to 1 cent, and to correct certain abuses of the second-class mail-matter rates—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Protest of M. Leatherman and other citizens of Minnesota, against the proposed amendment to the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McEWAN: Petition of Central Labor Union of Haverhill, Mass., asking passage of House bill No. 184, favoring the appointment of a commission on direct legislation—to the Committee on Rules.

By Mr. MEREDITH: Petition to accompany House bill for the relief of Andrews Chapel, Methodist Episcopal Church South, of Stafford County, Va.—to the Committee on War Claims.

By Mr. OTEY: Memorial and resolutions of the Lynchburg Academy of Medicine, against the bill to prevent vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OTJEN: Petition of Renhold Patitz and 33 others, of Milwaukee, Wis., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. PHILLIPS: Petition of 69 citizens of Mars, Butler County, Pa., protesting against the continuance of the Marquette statue in Statuary Hall, or in any other public national room, building, or upon any public ground—to the Committee on Public Buildings and Grounds.

By Mr. POWERS: Petition of Richmond Evans and others, of Pownal, Vt., for the removal of the statue of Père Marquette from Statuary Hall—to the Committee on the Library.

By Mr. SHERMAN: Two petitions of citizens of the Twenty-fifth New York Congressional district, asking for the passage of bill to adopt the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. TRACEWELL: Memorial of John Craig Post, No. 86, Grand Army of the Republic, of Jeffersonville, Ind., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. TRELOAR: Papers to accompany bill granting an increase of pension to William H. Dyer—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Mrs. Mary M. Carrico—to the Committee on War Claims.

Also, papers to accompany bill for the relief of B. F. Richardson—to the Committee on War Claims.

## SENATE.

MONDAY, *April 13, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Philadelphia Board of Trade, of Philadelphia, Pa., and a petition of the board of managers of the New York Cotton Exchange, praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

Mr. WOLCOTT presented a memorial of Council No. 27, of Cripple Creek, Colo., and a memorial of Council No. 59, of Holyoke, Colo., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the congregation of the Presbyterian Church of Keene, Ohio, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of 53 citizens of Ohio, remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented petitions of the Central Labor Union of Toledo; of Screwmakers' Protective Union, No. 6256, American Federation of Labor, of Toledo; of Federal Labor Union, No. 4091, American Federation of Labor, of Martins Ferry, and of Union No. 6551, American Federation of Labor, of Columbus, all in the State of Ohio, praying for the free and unlimited coinage of silver; which were ordered to lie on the table.

Mr. QUAY presented a memorial of Council No. 67, American Protective Association, of Carlisle, Pa., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. PROCTOR presented the memorial of James E. Adams and 48 other citizens of South Shaftsbury, Vt., remonstrating against the placing of the statue of Père Marquette in Statuary Hall; which was referred to the Committee on the Library.

Mr. ALLEN (for Mr. THURSTON) presented a petition of Hancock Circle, No. 12, Ladies of the Grand Army of the Republic, Department of Nebraska, of Burwell, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) presented a petition of sundry Irish-American citizens of Fort Wayne, Ind., praying for the enactment of legislation securing amnesty for all the political prisoners now confined in English prisons for alleged treason against the Government of Great Britain; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the petition of Dr. Alfred Mitchell and sundry other physicians of the State of Maine, praying for a grant of land by the General Government for the establishment of a national sanitarium; which was referred to the Committee on Public Lands.

Mr. WALTHALL presented the petition of J. G. Barr and 22 other citizens of Clay County, Miss., praying for the enactment of legislation giving second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANTLE presented the petition of Charles S. Stewart, Henry Scharf, Samuel J. Oglesby, and sundry other citizens of Wickes, Mont., remonstrating against the placing of the statue of Père Marquette in Statuary Hall and praying for its immediate removal; which was referred to the Committee on the Library.

Mr. CULLOM presented a memorial of Council No. 107, American Protective Association, of Springfield, Ill., remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. GORDON presented a petition of the Georgia Division of the Travelers' Protective Association of America, praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a petition, in the form of resolutions adopted by the Chamber of Commerce of Macon, Ga., praying for the repeal of that portion of the interstate commerce law which refers to the long and short haul, or that it be so amended that the results of the recent decision of the Supreme Court may be avoided; which was referred to the Committee on Interstate Commerce.

Mr. BUTLER presented a petition of sundry citizens of Washington, N. C., praying that an appropriation be made for the improvement of the Pamlico River in that State; and a petition of sundry citizens of Town Creek, N. C., praying that an appropriation be made for the improvement of the navigation of the stream known as Town Creek; which were referred to the Committee on Commerce.

Mr. CALL presented a joint resolution of the legislature of the State of Florida, praying for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution; which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

A joint resolution asking the Congress of the United States to provide for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution.

*Be it resolved by the legislature of the State of Florida*, That the Congress of the United States is hereby requested to provide for the payment of the unpaid depositors of the Freedman's Bank and for a settlement of the affairs of that institution.

*Be it further resolved*, That the secretary of state furnish each of our Senators and Representatives in Congress a copy of this joint resolution.

Approved May 29, 1895.

STATE OF FLORIDA, *Office Secretary of State, ss:*

I, John L. Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of a joint resolution asking the Congress of the United States to provide for the payment of the unpaid depositors of the Freedman's Bank, and for a settlement of the affairs of that institution, as passed by the legislature of 1895, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this 7th day of April, A. D. 1896.

JNO. L. CRAWFORD,
*Secretary of State.*

### REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 1823) to amend an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2521) to provide for the drainage of lots in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 2225) for the relief of Col. and Bvt. Brig. Gen. Henry L. Abbot, United States Army, and brevet major-general United States Volunteers, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2594) granting an increase of pension to William A. Beckford, reported it without amendment, and submitted a report thereon.

Mr. TELLER. The Judiciary Committee of the Senate has had under consideration the bill (S. 742) to establish a uniform system of bankruptcy, and directed the Senator from Mississippi [Mr. GEORGE] to report it with amendments. The Senator from Mississippi being absent, I ask leave to present it for him. I therefore report the bill favorably with amendments.

Mr. MITCHELL of Oregon. Representing the minority of the Judiciary Committee, I desire to present a substitute for the bill just reported by the Senator from Colorado [Mr. TELLER]. It is the bill heretofore introduced by me in the Senate with certain amendments. I ask that it may be printed.

The PRESIDING OFFICER (Mr. PERKINS in the chair). It will be so ordered, if there be no objection. The bill and proposed substitute will be placed on the Calendar.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 2748) providing that all judgments in civil causes in the District of Columbia shall bear interest, reported it without amendment, asked that the committee be

discharged from the further consideration of the bill, and that it be referred to the Committee on the District of Columbia; which was agreed to.

PROPOSED SUMMARY OF CONGRESSIONAL PROCEEDINGS.

Mr. PEFFER. I am directed by the Committee to Examine the Several Branches of the Civil Service to report back Senate bill 235 and to ask its indefinite postponement. Before the order is entered I desire to give a reason for it, so as to save the necessity of submitting a written report.

It is a bill to provide for the daily publication of a summary of the proceedings of Congress, the object of the bill being to supply the people of the country in general with a summary of Congressional proceedings at a very low price, so that the people individually can afford to pay for it the same as they would pay for an ordinary weekly newspaper.

However, upon inquiry of the Public Printer, I find that it would be practically impossible for the work to be done in the present condition of the Public Printing Office. He answers that as to printing 100,000 or 200,000 or 500,000 copies of the CONGRESSIONAL RECORD the office is utterly unable to estimate the cost of such an increase by reason of the difference in the size of the RECORD from day to day, and also owing to want of room, deficiency of presswork, labor, and all such things. I ask, in connection with my submission of the bill, that the letter of the Public Printer may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The letter of the Public Printer is as follows:

OFFICE OF THE PUBLIC PRINTER,
*Washington, D. C., January 13, 1896.*

DEAR SIR: In reply to yours of the 10th instant, making inquiry as to the probable cost of an additional issue of either 100,000 or 200,000 or 500,000 copies of the CONGRESSIONAL RECORD daily, I have the honor of saying that this office is unable to estimate the cost of such an increase, for the reason that the RECORD is not uniform in the number of its pages, and no fair basis is known by which an estimate could be made which we could safely submit with any degree of accuracy. Your suggestion relative to an increased number of the issues of the RECORD would be an impossibility under existing conditions and laws as affecting this office and the publication daily of the RECORD.

To print and issue promptly, as the RECORD is now printed, an issue of 100,000 copies or either of the other numbers named, would be an impossibility, except the RECORD press facilities were increased tenfold and the working space in the RECORD press and mailing rooms increased five hundred fold. This I intend as an offhand estimate. If you were to come here in person, I could illustrate to your practical mind what would be required in machinery and space to secure the result you have in view. It is my opinion that the RECORD as a whole could be printed more satisfactorily to Congress than any summary of it.

Very respectfully,

TH. E. BENEDICT,
*Public Printer.*

Hon. W. A. PEFFER,
*United States Senate, Washington, D. C.*

Mr. PEFFER. Now let the bill (S. 235) to provide for the daily publication of a summary of the proceedings of Congress be postponed indefinitely.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

ISLAND OF JAPONSKY.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back favorably Senate Resolution No. 211; and, as it is a resolution merely asking for information, I ask that it may be put upon its passage.

The resolution submitted by Mr. LODGE on the 7th instant was considered by unanimous consent, and agreed to, as follows:

Whereas the guardian of Michael Travers, a citizen of the United States, who has been declared a person non compos mentis, has represented to the Senate of the United States by a sworn petition that he has been unjustly deprived by the United States of certain property known as the Island of Japonsky, in the harbor of Sitka, Alaska, and the improvements thereon: Therefore,

*Resolved*, That the Attorney-General of the United States be, and he is hereby, requested to ascertain and report to the Senate the facts concerning the location and residence of the said Michael Travers upon the Island of Japonsky, the making of improvements thereon by him, their character and extent, the taking of the possession of such island and improvements by the officers of the United States, and the value thereof for the uses to which the island and property were put by the United States, which information the said Attorney-General may obtain from the governor of Alaska and the district attorney of the United States and the clerk of the United States court of Alaska, and from other sources at his command.

MRS. FLORENCE E. MAYBRICK.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 129) requesting the Government of Great Britain to pardon Mrs. Florence E. Maybrick as an act of magnanimity, to report the same with a recommendation that it be indefinitely postponed, and with a written report about three lines long. I desire to have the report read.

The PRESIDENT pro tempore. The Senator from Massachusetts submits a written report accompanying the joint resolution, which will be read.

The Secretary read the report, as follows:

The Committee on the Judiciary, to whom was referred the joint resolution S. R. 129, have considered the same, and respectfully report that in the opinion of the committee the matter is not within the jurisdiction of the Senate. They therefore recommend that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. The question is, Shall the joint resolution be indefinitely postponed?

Mr. ALLEN. The Senator from Florida [Mr. CALL], the author of the joint resolution, is not present, and I ask that it be passed over until he comes in.

Mr. HOAR and Mr. GALLINGER. Let it go to the Calendar.

The PRESIDENT pro tempore. The Senator from Nebraska might ask that it go to the Calendar.

Mr. ALLEN. Very well; let it go to the Calendar.

The PRESIDENT pro tempore. Without objection, the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2812) granting a pension to Martha M. Harrier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2813) granting an increase of pension to Joseph Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2814) granting a pension to Samuel A. Knoop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTIGREW introduced a bill (S. 2815) granting a pension to James Ballard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church of Nashville, S. Dak.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LODGE introduced a bill (S. 2817) for the relief of the Atlantic Works, Boston, Mass.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PRITCHARD introduced a bill (S. 2818) for the relief of Gaither Walser; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2819) for the relief of Matilda Haynie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2820) granting a pension to Mary F. Hawley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2821) for the relief of Isaac Marsh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. PERKINS introduced a bill (S. 2822) to increase the pension of Theodore V. Purdy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2823) for the protection of agricultural staples and American ships in the foreign trade by authorizing the payment of bounties on exports of agricultural products of the United States, conditioned on their carriage in American or foreign vessels; which was read twice by its title, and referred to the Committee on Finance.

Mr. PASCO introduced a bill (S. 2824) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2825) to remove the charge of desertion from the military record of George Pott; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (for Mr. VOORHEES) introduced a bill (S. 2826) to remove the charge of desertion from the military record of Samuel F. McConnaka; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2827) granting an increase of pension to Michael S. Pettis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2828) granting an increase of pension to Samuel E. Liscom; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2829) granting a pension to Plumy E. Marden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 2830) granting an increase of pension to Gerhard Shoemaker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2831) granting an increase of pension to John Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2832) for the relief of Daniel T. Tollett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 2833) restoring the pension of

Francis M. Ross; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2834) directing the Secretary of War to furnish a certain number of unused rifles to Harper Post, Grand Army of the Republic, at Keosauqua, Iowa; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GRAY (by request) introduced a bill (S. 2835) to establish the parity of gold and silver as measures of value; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEAR introduced a bill (S. 2836) to pension Frances E. Wickware; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2837) to increase the pension of Albert Head; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 2838) for the relief of Benjamin J. Cleardy; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MARTIN introduced a joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

### MRS. MARY R. WALKER.

Mr. MITCHELL of Oregon introduced a bill (S. 2839) granting a pension to Mary R. Walker, of Forest Grove, Oreg.; which was read twice by its title.

Mr. MITCHELL of Oregon. I ask unanimous consent of the Senate for a minute and a half to make a statement in reference to the bill before it goes to committee.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair hears no objection, and the Senator from Oregon will proceed.

Mr. MITCHELL of Oregon. The proposed beneficiary under the bill, Mrs. Mary R. Walker, of Forest Grove, Oreg., was born April 1, 1811, and is now over 85 years of age. On the 5th of March, 1838, with her husband, Rev. Elkanah Walker, she left the State of Maine to labor among the Indians as a missionary west of the Rocky Mountains. She forded every stream from the Mississippi to the Columbia on the back of a pack mule, her riding horse having been stolen in the early part of the journey after leaving St. Joseph, Mo.

She arrived, with her husband, now deceased, at the mission station of Dr. Marcus Whitman, in the Territory of Oregon, August 29, 1838. She is now believed to have resided west of the Rocky Mountains longer than any other white American citizen, either male or female, and is the only person remaining of the associates of Dr. Whitman. In the spring of 1839 she, with her late husband and the late Rev. Cushing Eels and wife, removed to Tshimakain, now Walkers Prairie, to establish a mission among the Spokane Indians. It is believed to be largely owing to the labors of those four persons that this tribe of Indians has never engaged in any of the outbreaks against the whites.

It was through the unremitting labors, accompanied with innumerable dangers and hardships in connection with her late husband and his associates, that Mrs. Walker became one of the great factors in saving the Northwestern States to the United States. Now, at the advanced age of 85 years, she is left in indigent circumstances, and is mentally and physically disabled, requiring the care of a person constantly.

In view of these facts and many others which might be elaborated, I introduced the bill, and ask the Congress of the United States to grant this estimable pioneer lady, the remaining survivor of that noble vanguard who planted the seeds of civilization in the far West, a pension of $50 a month. I hope the Committee on Pensions will give the bill their careful consideration.

The PRESIDING OFFICER. The bill will be referred to the Committee on Pensions.

Mr. MITCHELL of Oregon. I present in connection with the bill a petition of citizens of Oregon, very numerously signed, praying that the pension be granted. I move that the petition be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. LODGE submitted three amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GORDON (by request) submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Mines and Mining.

Mr. BAKER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS (for Mr. MCMILLAN) submitted two amendments intended to be proposed to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

### CIVIL SERVICE AND RETRENCHMENT COMMITTEE HEARINGS.

Mr. PRITCHARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Civil Service and Retrenchment be authorized to employ a stenographer to report hearings before it, the expense thereof to be paid out of the contingent fund of the Senate, and to have the notes of such hearings printed for the use of the committee.

### BILL BECOME A LAW.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the bill (S. 2419) to authorize the leasing of lands for educational purposes in Arizona, having been presented to the President March 26, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

### SALARY ACCOUNTS OF SENATORS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. WOLCOTT March 4, 1896, and reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections upon the 10th instant, as follows:

*Resolved*, That it is the duty of the Secretary of the Senate to credit the salary accounts, respectively, of LEE MANTLE, a Senator from the State of Montana, and CLARENCE B. CLARK, a Senator from the State of Wyoming, to the full extent of their monthly pay from March 4, 1893, the date of the commencement of the terms for which they were elected, to July 31, 1894, the date of the passage of the act of Congress changing the time when the salaries of Senators elected or appointed to fill vacancies in the Senate, and of Senators elected for a full term subsequent to the commencement of such term, shall commence to run.

Mr. COCKRELL. I ask that the resolution may lie over for the present. I have not had an opportunity to look into it, and it was not to lose its place but to continue on the table until I could have time to examine it.

The PRESIDENT pro tempore. The Senator from Missouri asks that the resolution may lie on the table without prejudice.

Mr. WOLCOTT. I call the attention of the Senator from Oregon to the resolution. I do not know that he is listening.

Mr. MITCHELL of Oregon. I have no objection to the course suggested.

The PRESIDENT pro tempore. It will be so ordered, without objection.

LIFE-SAVING STATION ON NEW ENGLAND COAST.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between Hampton and the Merrimac rivers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station on the coast of New Hampshire or Massachusetts at such point between the Hampton and Merrimac rivers as the General Superintendent of the Life-Saving Service may recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills and joint resolutions:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Brig. Gen. Abner Doubleday;

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Nebr.

The message also announced that the House had agreed to the concurrent resolution requesting the President of the United States to return to the Senate the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey, in quarto form, and to bind it in one volume.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 145) for the relief of J. J. Lints;

A bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 505) for the relief of Rev. Edwin Warriner;

A bill (H. R. 2606) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 4526) granting a pension to Jonathan Scott;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese"; and

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 61, of Lathrop, Mo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 83) for the relief of John C. Cutter, late first lieutenant, Thirty-sixth Massachusetts Volunteer Infantry;

A bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I.;

A bill (H. R. 994) granting an increase of pension to Andrew B. Keith;

A bill (H. R. 995) granting a pension to Kate A. Pitman;

A bill (H. R. 1050) granting an increase of pension to Elizabeth Deshler Whiting, widow of Lieut. Henry Whiting;

A bill (H. R. 1094) granting a pension to Francis E. Hoover;

A bill (H. R. 1838) granting an increase of pension to Thomas Corigan;

A bill (H. R. 2151) to restore to the pension rolls the name of Agnes A. Blackman;

A bill (H. R. 2234) granting a pension to Joseph A. Cooper;

A bill (H. R. 2340) granting a pension to Caroline Parker;

A bill (H. R. 2410) to amend an act increasing the pension of Marcus D. Box;

A bill (H. R. 2797) granting a pension to Peter B. Palmenteer;

A bill (H. R. 2800) granting a pension to Martha Brooks;

A bill (H. R. 3432) for the relief of John E. Evans;

A bill (H. R. 3672) to grant to railroad companies in Indian Territory additional powers to secure depot grounds;

A bill (H. R. 3749) to increase the pension of Mrs. Eunice Ida Rhoades;

A bill (H. R. 3993) granting a pension to Joseph Porter;

A bill (H. R. 4606) to grant an increase of pension to Mary B. Houk;

A bill (H. R. 5161) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897; and

A bill (H. R. 6996) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the city of Columbia, Ala.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 41, 42, 43, 48, 49, 57, 58, 61, 62, 63, 64, 65, 66, 71, 72, 74, 75, 76, 79, 94, 97, 103, 104, 124, 125, 129, 138, 141, 152, and 153.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 44, 50, 51, 52, 53, 54, 60, 67, 68, 69, 73, 77, 78, 80, 84, 85, 90, 91, 92, 93, 95, 96, 110, 111, 112, 113, 114, 123, 126, 127, 139, 140, 145, 146, 150, and 154, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $280 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $300 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119.20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of State is authorized to use not exceeding $3,120 for the services of the employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing consular and other commercial reports, out of the appropriation of $30,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 67, after line 2 of the bill, as a separate paragraph, the following: "For watchman, to care for the monument and wharf at Wakefield, Va., $300; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For chief of division of judicial accounts, $2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$194,590"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appointment clerk, $1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,960"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment strike out the words "twenty-five thousand" and insert in lieu thereof the words "twelve thousand five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the words "two terms" and insert in lieu thereof the words "a term"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: On page 106, in line 13 of the bill, strike out the word "as" and insert in lieu thereof the word "is"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"'SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.'"

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 55, 56, 82, 85, 88, 89, 98, 99, 101, 102, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 130, 131, 132, 133, 134, 135, 136, 137, 142, 144, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
*Managers on the part of the Senate.*

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEXANDER M. DOCKERY,
*Managers on the part of the House.*

Mr. CULLOM. Mr. President, I could occupy the time of the Senate, if I thought the Senate desired it, in referring to each of the amendments in detail that the Senate made to the bill as it passed the other House. I hardly think the Senate would expect that, but I do think that they probably would like to know what provisions the Senate inserted in the bill upon which the conferees of the two Houses have disagreed. I will therefore make a little statement of the facts in relation to those items.

The conferees of the two Houses failed to agree as to the following provisions:

For 25 clerks to the Senate committees, at $1,800 each;

For an increase of messengers and skilled laborers for the Senate.

The Senate will understand that on all these items the conferees of the two Houses have failed to agree.

As to 38 annual clerks to Senators;

As to an increase of the Capitol police force;

As to librarian and for the appointment of a register of copyrights;

As to the salary of an Assistant Comptroller;

As to the amendment of the Senate in relation to the contingent expenses of the assay office in Idaho;

As to a change in the time of meeting of the legislature of New Mexico;

As to provision stricken out by the Senate for employees in the Office of Naval Records;

For an additional appropriation of $11,000 for printing, binding, etc., in the Office of Naval Records;

For ten examiners, to constitute a board of examiners of surveys;

For a classification division in the Patent Office;

Amendment authorizing the Secretary of the Interior in his discretion to continue the contract for the Official Gazette and other things for one year;

Amendment continuing seven watchmen employed in the Capitol Grounds;

As to additional appropriations provided by the Senate for carrying on surveys in different States and Territories where additional appropriations were asked, except as to Colorado; the Colorado provisions were agreed to;

As to the amendments made by the Senate giving an increase of force in the office of the Attorney-General and an increased amount for the library;

As to provision for printing and distributing additional numbers of the opinions of the Supreme Court;

Also amendment providing for a messenger in the Eighth judicial circuit; and

Finally, as to all the provisions involved in the sections in relation to a change of the system of payment of United States district attorneys and marshals. I will state, however, that in the consultation of the conferees with some of the gentlemen of the Judiciary Committee, especially of the other House, a number of amendments not touching the question of salaries in the court provisions, as I term them, were agreed to informally, but lest the provisions might be mixed up by concurring in them and disagreeing to others it was thought best to disagree as to the whole batch, in the hope that at the next sitting of the conferees we might agree upon the salary provisions and then agree to those also.

These are substantially the features of the bill as to which the conferees were unable to agree, and I thought it was due to the Senate that I should call attention to them, not for the purpose of securing an expression of the Senate regarding them, but so that the Senate might know something more about what was going on with reference to the bill than they would know by having read the numbers of the items which have been disagreed to. I could give in detail the items as to which the Senate and House conferees have agreed, but I think with this explanation of the important matters yet left to be considered the Senate will understand the report of the conference committee and agree to it, and that perhaps is all the Senate will desire to know.

Mr. GORMAN. I understood the Senator from Illinois to say that all the items relating to the increase of compensation for clerks of Senators, messengers, etc., have been disagreed to by the House of Representatives.

Mr. CULLOM. They have been disagreed to by the conferees on the part of the House, and we have not been able to come to an agreement as to them. So they will go back to another conference, if another conference is had upon the subject.

Mr. GORMAN. As I understand, the conference committee have agreed to all of the appropriations for the House of Representatives, leaving the matter of the appropriations for the Senate alone standing out.

Mr. CULLOM. There were no substantial provisions in controversy between the conferees as to the provisions relating to the clerks and employees of the House. There was nothing of that kind to contend over.

Mr. GORMAN. I suppose, as a matter of course, the conferees on the part of the Senate will take care of the items relating to the Senate.

I want to ask the especial attention of the Senator from Illinois to amendment numbered 102, on page 90 of the last print of the bill. It is an amendment added by the Senate authorizing the Secretary of the Interior, in his discretion, to cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, etc., and for producing the photolithographic work for the Official Gazette of the Patent Office to be extended for the term of one year from the 1st of July next. Do I understand the Senator to say that that amendment has been agreed to?

Mr. CULLOM. I did not. The exact facts are these: The honorable Senator from Maryland [Mr. GORMAN], immediately after the passage of the bill by the Senate, and before it went to conference, suggested to me that he desired to be heard upon the amendment before it was disposed of. I therefore suggested when we reached it that I preferred the Senator from Maryland should be present and have the opportunity to say what he desired before it was disposed of. It was, however, learned that the Senator was not at the time in the city, and therefore the amendment was disagreed to by the conferees of the two Houses without much discussion.

Mr. GORMAN. Mr. President, then I prefer to make a short statement in regard to this particular amendment which was adopted by the Senate, so that it may appear in the RECORD and be used by the conferees if they so desire.

This is a provision, I think, which was offered by the Senator from Connecticut [Mr. PLATT]. If it was adopted by the Senate it escaped my observation at the time, although I was present in the body. It is a provision authorizing the Secretary of the Interior to continue in existence the contract made last year for the printing and photolithographing of the Patent Office Reports. The amount involved is about $92,000.

There has been considerable controversy on the subject, and at one time an investigation was ordered by resolution of the Senate, the distinguished junior Senator from Massachusetts [Mr. LODGE], I think, offering the resolution, directing an investigation into the contract for this work. The then chairman of the Committee on Public Printing, General Manderson; the then Senator from North Carolina, Mr. Ransom, and I entered into an investigation, and went through it very thoroughly. We found in the Patent Office, under the law as administered by the present Commissioner of Patents, that there was a looseness which, in our judgment, required legislation to correct and to prevent abuses in that work. So in drafting the printing bill, which subsequently became a law, we inserted a provision requiring that each year this work should be advertised for publicly, not let privately, as had been the custom, so as to prevent it being awarded at an excessive amount to favorites. We also provided in that law that whenever the Public Printing Office was in condition to do this work it should be transferred to the Public Printer. A part of it is being done there now.

Under that provision of the law the Patent Office asked for proposals, and went outside of the requirements of the law, opening the door to a different character of work than that which had been prescribed by the act itself. The Committee on Printing having taken the matter into consideration and having their attention called to the subject, required the Commissioner of Patents to conform to the law, and in the last contract that was made there

were three bidders, one being for $92,000, and one for ninety-four thousand and some odd dollars. The contract was awarded, as a matter of course, to the lowest bidder. Since then the Public Printing Office has been put in condition, or will soon be in condition, to do this work at a very much decreased cost from the present contract price.

The Senator from Connecticut, without knowing all the circumstances, as he is not familiar, I take it, with that branch of the work, offered an amendment to continue in force for one year longer the contract, which expires in May next. It is, in the judgment of myself and the other members of the Committee on Printing who have looked into the subject, not only a violation of law and a change of the statute, but it is probably going back to and inaugurating a system of affairs which we labored so hard to correct in the last Congress. I therefore hope that the committee of conference on the part of the Senate will agree to recede from this amendment; and if it be in order now, as I suppose it will be when the report is adopted, I shall make a motion that the Senate recede from its amendment numbered 102.

Mr. CULLOM. Mr. President, as the Senator from Maryland remembers, the history in this body of the amendment referred to was that it was first offered proposing that the Secretary of the Interior should be allowed to continue this contract for four years. It seemed to me that that was not right, and, at the risk of incurring the displeasure of the Senator who offered the amendment, I made the point of order upon it, which was sustained. Subsequently the Senator from Connecticut [Mr. PLATT] had the amendment modified, leaving it in the discretion of the Secretary of the Interior to extend the time for one year. There seemed to be some question as to whether that provision as shaped by him was subject to a point of order. I did not make the point of order, and no one else did. The Senate adopted the amendment; and the Senate can very readily see that the Senate conferees, desiring to represent the Senate itself, naturally would feel like standing by the amendment, at least until it had been ascertained whether there was any disposition on the part of the Senate to recede from it. Therefore we took no action upon it except a formal disagreement, because of what I stated with reference to the arrangement between the Senator and myself, yet I should not have felt disposed to give up the provision without first reporting it to the Senate.

So far as I am concerned, I am willing, if it be in order, that the Senate may give an expression as to what it desires to do in reference to the amendment at this time. I believe it has to be done now, if at all. I am not very familiar with these questions. Could we not agree to the conference report and then take a vote upon the amendment?

Mr. GORMAN. I submit the question to the Chair as to whether the conference report may be agreed to and the Senate can then recede from the amendment?

Mr. CULLOM. If it be in order, I am perfectly willing to have that course adopted.

The PRESIDENT pro tempore. Is the amendment as to a special item?

Mr. GORMAN. Yes; amendment numbered 102, from which I desire to have the Senate recede.

Mr. CULLOM. Is that in order before the conference report is adopted or after, or at any time?

Mr. HARRIS. Before.

Mr. GORMAN. I think at any time.

Mr. HARRIS. It must be done before the report is voted on.

Mr. GORMAN. Then I move that the Senate recede from amendment numbered 102.

Mr. CULLOM. I think that surely is not in order, because the only question, as I understand, when a conference report is made, is whether the conference report shall be agreed to by the Senate.

Mr. HALE. Is this an item which has been agreed to in conference or disagreed to?

Mr. CULLOM. Disagreed to.

Mr. HALE. It seems to me very clear that the procedure is this: The report embraces those items as items. That is not agreed to. The report is simply a recitation of what the committee has done, and this item is left open. Now, clearly it seems to me that the report should be accepted. It is only a recital of what has been done and what has not been done, and then it will be in order for the Senator from Maryland to move to recede on one of these items, which is left out.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] has precisely stated the parliamentary situation.

Mr. HARRIS. I suggested that the motion to recede would have to come before agreeing to the report, but I did not know at the time, and do not know now, what the report is.

Mr. CULLOM. The report on this amendment is a disagreement by the conferees of the two Houses.

Mr. HARRIS. Then my suggestion to the Senator from Maryland [Mr. GORMAN] was erroneous. If that be the report, of course the report may be agreed to and a motion to recede from any particular amendment will be in order afterwards.

Mr. HALE and Mr. GORMAN. Afterwards.

Mr. CULLOM. I ask that the report of the committee of conference be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

Mr. GORMAN. I now move that the Senate recede from its amendment numbered 102.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland that the Senate recede from its amendment numbered 102, which will be stated.

The SECRETARY. On page 90 of the last print of the bill, after line 13, the Senate adopted the following amendment:

That the Secretary of the Interior may, in his discretion, cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies, and copies of pending applications, and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896.

The PRESIDENT pro tempore. The question is on receding from the amendment.

Mr. PLATT. Mr. President, I was out of the Chamber when this subject came up. I understand that some statement was made by the Senator from Maryland [Mr. GORMAN] with relation to this matter, giving the reasons why the Senate should recede from the amendment. I did not hear those statements, but I desire very briefly to state why the Committee on Patents recommended the amendment.

In the years that have passed there has been a great deal of criticism of the way in which the contract for photolithographing the designs for the Patent Office Gazette has been executed. It has amounted almost to a scandal for the last twenty years. It had been done by one firm up to the commencement of this Administration, at a cost of about $150,000 a year. At the commencement of this Administration it will be remembered that the Commissioner of Patents made an arrangement with a gentleman from Boston, who was connected with the Administration in some way at that time, about which there was a good deal of talk and considerable criticism. After that the Commissioner of Patents advertised for a contract. The lowest bidder for the contract was a Mr. Graham. His bid was $11,000 below that of any other bidder. If I remember aright, it was about $90,000, when we had theretofore been paying from $140,000 to $150,000 for this work. That bid was accepted. That bidder has invested in the enterprise $100,000, more or less, for the purpose of being able to carry out his contract. There has never been a day's or an hour's failure in getting out the drawings. His contract has been complied with to the letter, under great disadvantages at times. The contract expires next July. Under the present law it is to be relet by advertisement. The same firm which has been taking $150,000, more or less, in years past for this contract can come in and, for the sake of breaking down this new contractor, bid for the work at less than it can be done for. When that contractor has thus been broken down, there is no other concern in the city of Washington that can do the work except the old concern. The Committee on Patents thought it would be very well to allow the Secretary of the Interior, in his discretion, to extend the contract for one year. If the Senate thinks that is not a good business proposition, it may recede from the amendment. It is under this statement I hope they will not recede.

Mr. GORMAN. Mr. President, the Senator from Connecticut was not here when I made my statement. The statement which he makes is exactly accurate about the troubles heretofore existing in relation to this contract. I made that statement substantially while the Senator was absent.

Upon examination by the Committee on Printing in regard to this matter, it became manifest that there must be a very radical change in this work, and that the great discretion which had been exercised by the Commissioner of Patents should be limited. After the most thorough investigation for the purpose of introducing economy and of having this contract awarded to the lowest bidder in an open, manly, and honest way, and to have a further safeguard so that the Government would be fully protected, this provision was made in the printing law:

All printing for the Patent Office making use of lithography or photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commissioner of Patents, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe, and all other printing for the Patent Office shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe: *Provided*, That the entire work may be done at the Government Printing Office whenever, in the judgment of the Joint Committee on Printing, the same would be to the interest of the Government.

Under that provision, and with open bids, there were three bid-

ders one year ago, and the gentleman who obtained the contract made a bid of about $92,000, and the next lowest bid was $94,000. The Government Printing Office at that time was not quite in condition to do this work. It is practically in condition to do it now.

Mr. President, to continue this contract by such a provision in an appropriation bill will again be entering upon a system which we tried to correct. I know the Senator from Connecticut, if he had examined this subject as thoroughly as did General Manderson and I, would see the wisdom of continuing the present system of making the contract every year, and as early as possible. A part of the work is being now done at the Printing Office, and I think this summer the whole of the work may be accomplished there at a greatly reduced cost, but it would be manifestly unjust and unwise, in my judgment, to continue the existing contract under those conditions.

I shall not go into further details. After the investigation made by the Committee on Printing the testimony was submitted to the Senate, but the committee did not attempt to criticise, as we might have done, and probably ought to have done, the action which had theretofore been taken. We rather contented ourselves in making a provision of law which would prevent such abuses in the future; and I trust that provision will not be disregarded by the retention of this amendment.

Mr. PLATT. Mr. President, it will be observed that this provision is not mandatory at all. It does not extend the contract, but leaves it discretionary with the Secretary of the Interior to do it.

One word with regard to the Public Printing Office. That office is in no condition whatever to do this work. It can not do it without an addition to its plant of $100,000.

Mr. GORMAN. Oh, no; not so much as that.

Mr. PLATT. I undertake to say that to do this work will require a very large addition to the plant of the Government Printing Office.

It is true that the Government does some portion of the work of getting out the Official Patent Office Gazette. It sets up the specifications of patents on a large scale, and yet every week all of that work is photolithographed, and has to be, and this book which I hold in my hand [exhibiting] is either weekly or once in two weeks made up by the photolithographic process. There is no process in the Government Printing Office by which it can be done, and it is not contemplated that any process is to be added to that plant for the purpose of doing it.

Mr. CULLOM. I only desire to say a word, and then I hope we shall have a vote.

As the Senate will remember, this amendment was put in by the Senate; it was not inserted on the report of the Committee on Appropriations. My own judgment at the time was in favor of the provision of law requiring the Secretary of the Interior to advertise and let this contract to the lowest bidder, but I consented to allow the amendment to go into the bill without making a point of order upon it, and the Senate adopted it. So far as the Appropriations Committee is concerned, I do not think it is very much concerned whether the amendment stays in or goes out. I hope we shall now have a vote upon it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maryland [Mr. GORMAN] to recede from amendment numbered 102.

Mr. GORMAN. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I do not see him present, and therefore withhold my vote.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. BURROWS (after having voted in the negative). I withdraw my vote, as I am paired with the senior Senator from Louisiana [Mr. CAFFERY], who is not present.

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair is informed that the junior Senator from Rhode Island has not voted.

Mr. BACON. In his absence I feel compelled to withdraw my vote, as I am paired with that Senator.

Mr. PALMER (after having voted in the affirmative). I inquire if the senior Senator from North Dakota [Mr. HANSBROUGH] has voted?

The PRESIDING OFFICER. The Senator from North Dakota has not voted.

Mr. PALMER. Then I withdraw my vote, as I am paired with that Senator.

Mr. FAULKNER (after having voted in the affirmative). I supposed when I voted that the junior Senator from West Virginia [Mr. ELKINS] had voted. I find, however, that he has not, and, as I am paired with him generally, I withdraw my vote.

Mr. BLACKBURN (after having voted in the affirmative). I inquire if the senior Senator from Michigan [Mr. MCMILLAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. BLACKBURN. I am paired with that Senator, but I transfer my pair with him to the Senator from South Carolina [Mr. IRBY], and will let my vote in the affirmative stand.

Mr. DUBOIS. I suggest to the Senator from Illinois [Mr. PALMER], as it is feared there is not a quorum present and voting, that we transfer our pairs, he being paired with the Senator from North Dakota [Mr. HANSBROUGH] and I being paired with the senior Senator from New Jersey [Mr. SMITH]. I suggest that the Senator from North Dakota be paired with the Senator from New Jersey, which will enable the Senator from Illinois and me to vote.

Mr. PALMER. That is entirely satisfactory to me. I vote "yea."

Mr. DUBOIS. I vote "nay."

Mr. BACON. I transfer my pair with the junior Senator from Rhode Island [Mr. WETMORE] to the senior Senator from Indiana [Mr. VOORHEES], and vote "yea."

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

| | | | |
|---|---|---|---|
| Bacon, | Cockrell, | Martin, | Roach, |
| Bate, | Cullom, | Mills, | Sherman, |
| Blackburn, | Gorman, | Palmer, | Wolcott. |
| Brice, | Gray, | Pasco, | |
| Chandler, | Jones, Ark. | Perkins, | |
| Chilton, | Lodge, | Pugh, | |

NAYS—21.

| | | | |
|---|---|---|---|
| Aldrich, | Carter, | Mantle, | Stewart, |
| Baker, | Davis, | Mitchell, Oreg. | Warren, |
| Brown, | Dubois, | Morrill, | Wilson. |
| Butler, | Frye, | Platt, | |
| Call. | Gallinger, | Proctor, | |
| Cannon, | Hawley, | Squire, | |

NOT VOTING—47.

| | | | |
|---|---|---|---|
| Allen, | George, | McBride, | Smith, |
| Allison, | Gibson, | McMillan, | Teller, |
| Berry, | Gordon, | Mitchell, Wis. | Thurston, |
| Blanchard, | Hale, | Morgan, | Tillman, |
| Burrows, | Hansbrough, | Murphy, | Turpie, |
| Caffery, | Harris, | Nelson, | Vest, |
| Cameron, | Hill, | Peffer, | Vilas, |
| Clark, | Hoar, | Pettigrew, | Voorhees, |
| Daniel, | Irby, | Pritchard, | Walthall, |
| Elkins, | Jones, Nev. | Quay, | Wetmore, |
| Faulkner, | Kyle, | Sewell, | White. |
| Gear, | Lindsay, | Shoup, | |

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Aldrich, | Chilton, | Lodge, | Quay, |
| Allison, | Clark, | McBride, | Roach, |
| Bacon, | Cockrell, | McMillan, | Sherman, |
| Baker, | Cullom, | Mantle, | Shoup, |
| Bate, | Davis, | Mills, | Stewart, |
| Berry, | Dubois, | Mitchell, Oreg. | Teller, |
| Blackburn, | Faulkner, | Morrill, | Turpie, |
| Brice, | Gallinger, | Nelson, | Vilas, |
| Brown, | Gordon, | Palmer, | Walthall, |
| Burrows, | Gorman, | Pasco, | Warren, |
| Butler, | Gray, | Perkins, | Wilson, |
| Call, | Hale, | Platt, | Wolcott. |
| Cannon, | Harris, | Pritchard, | |
| Carter, | Hawley, | Proctor, | |
| Chandler, | Jones, Ark. | Pugh, | |

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Maryland [Mr. GORMAN], that the Senate recede from amendment numbered 102, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], whom I do not see in his seat. I transfer my pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. CHANDLER (when his name was called). On this vote I agreed to pair with the Senator from South Dakota [Mr. KYLE], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I transfer my pair to the senior Senator from North Dakota [Mr. HANSBROUGH], who is now paired with the junior Senator from Illinois [Mr. PALMER], so that the junior Senator from Illinois and I can vote. I vote "nay."

Mr. FAULKNER (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the Senator from South Dakota [Mr. KYLE] and vote "yea."

Mr. VILAS (when the name of Mr. MITCHELL of Wisconsin was called). My colleague [Mr. MITCHELL] is unavoidably absent from the Chamber to-day and is paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PALMER (when his name was called). Adopting the suggestion of the Senator from Idaho [Mr. DUBOIS] with respect to an exchange of pairs, I will vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD] and therefore withhold my vote.

Mr. SHOUP (when his name was called). I again announce that I have a general pair with the Senator from California [Mr. WHITE].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. BACON (after having voted in the affirmative). I inquire whether the junior Senator from Rhode Island [Mr. WETMORE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island, but I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and allow my vote to stand. Otherwise I would withdraw it.

Mr. NELSON (after having voted in the negative). I have a general pair with the Senator from Missouri [Mr. VEST], whom I do not see in his seat. I therefore ask leave to withdraw my vote.

Mr. PUGH. I will state to the Senator from Pennsylvania [Mr. QUAY] that if my colleague [Mr. MORGAN] were present, he would vote "yea."

Mr. QUAY. Then I vote "yea."

Mr. FAULKNER (after having voted in the affirmative). I announced a pair between the junior Senator from West Virginia [Mr. ELKINS] and the Senator from South Dakota [Mr. KYLE]. I understand that the Senator from South Dakota [Mr. KYLE] has already been paired with the Senator from New Hampshire [Mr. CHANDLER]. I therefore transfer my pair with the junior Senator from West Virginia to the junior Senator from New York [Mr. MURPHY] and allow my vote to stand.

Mr. CARTER. I desire to announce the transfer of the pair with the junior Senator from Maryland [Mr. GIBSON] to the senior Senator from Nevada [Mr. JONES].

The result was announced—yeas 28, nays 25; as follows:

YEAS—28.

| | | | |
|---|---|---|---|
| Allison, | Cockrell, | Jones, Ark. | Pugh, |
| Bacon, | Cullom, | Lodge, | Quay, |
| Bate, | Faulkner, | Martin, | Roach, |
| Berry, | Gordon, | Mills, | Sherman, |
| Blackburn, | Gorman, | Palmer, | Turpie, |
| Brice, | Gray, | Pasco, | Vilas, |
| Chilton, | Harris, | Perkins, | Wolcott. |

NAYS—25.

| | | | |
|---|---|---|---|
| Aldrich, | Carter, | Mantle, | Stewart, |
| Allen, | Clark, | Mitchell, Oreg. | Teller, |
| Baker, | Davis, | Morrill, | Warren, |
| Brown, | Dubois, | Peffer, | Wilson. |
| Butler, | Gallinger, | Pettigrew, | |
| Call, | Gear, | Platt, | |
| Cannon, | Hawley, | Proctor, | |

NOT VOTING—38.

| | | | |
|---|---|---|---|
| Blanchard, | Gibson, | McBride, | Smith, |
| Burrows, | Hale, | McMillan, | Squire, |
| Caffery, | Hansbrough, | Mitchell, Wis. | Thurston, |
| Cameron, | Hill, | Morgan, | Tillman, |
| Chandler, | Hoar, | Murphy, | Vest. |
| Daniel, | Irby, | Nelson, | Voorhees, |
| Elkins, | Jones, Nev. | Pritchard, | Walthall, |
| Frye, | Kyle, | Sewell, | Wetmore, |
| George, | Lindsay, | Shoup, | White. |

So the Senate receded from its amendment numbered 102.

Mr. CULLOM. I suppose the House of Representatives will be notified of the action of the Senate as to the amendment.

Mr. HARRIS. Was this the only amendment left open in the bill? If not, the Senator from Illinois should move that the Senate further insist.

Mr. CULLOM. The conference report has been adopted, and this amendment has been taken out of the bill by the vote or receded from. I move that the Senate insist upon its other amendments not disposed of and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 483) for the relief of Mary Jane Lynn, daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 2606) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3189) to increase the pension of John S. Cochenour; and

A bill (H. R. 4536) granting a pension to Jonathan Scott.

The bill (H. R. 145) for the relief of J. J. Lints was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 505) for the relief of Rev. Edwin Warriner was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 61, of Lathrop, Mo., was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," was read twice by its title, and referred to the Committee on Agriculture and Forestry.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I wish to call up the privileged question, the resolution declaring Henry A. Du Pont entitled to a seat in the Senate from the State of Delaware.

I call up the resolution and desire to state that I shall not speak to-day. The Senator from Michigan [Mr. BURROWS] wishes to speak, and he will be followed by the Senator from Utah [Mr. BROWN]. Other speeches on the resolution will be delayed until to-morrow, so that the Indian appropriation bill can be taken up after these Senators shall have concluded their remarks.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

*Resolved*, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. BURROWS. Mr. President, after the clear and comprehensive statement of the facts in this case and the law applicable thereto in the opening of the debate by the distinguished Senator from Oregon [Mr. MITCHELL], chairman of the Committee on Privileges and Elections, supplemented by the able argument of the Senator from North Carolina [Mr. PRITCHARD] and other Senators in support of the claim of Henry A. Du Pont to a seat in this body as Senator-elect from the State of Delaware, together with the able and exhaustive presentation of the views of the minority by the distinguished Senators from Indiana [Mr. TURPIE] and Mississippi [Mr. GEORGE] and others in opposition thereto, I confess to no little embarrassment in asking the further attention of the Senate to the consideration of a question every phase of which has been already presented and concerning which the judgment of Senators may possibly be fully made up and concluded. Being, however, a member of the committee intrusted in the first instance with the examination of this case, and having joined with the majority in the report presented, I venture to ask the indulgence of the Senate while I discharge what seems to be a duty in briefly presenting some of the reasons which impelled me to the conclusions reached therein.

In the discussion of any question, whether of grave or trifling concern, it is always advisable at the beginning to eliminate all those matters concerning which there is not, and can not be, the slightest contention. The debate has now so far progressed as to make this course possible. If this suggestion is adopted it will be found that the vital points in the controversy are circumscribed within very narrow limits. What, then, may I ask, are the admitted facts? Let me enumerate.

It is conceded that at a general election held in the State of Delaware in November, 1894, there were elected a governor for the term of four years and a full membership of the Delaware legislature, consisting of 9 senators and 21 representatives; that in January, 1895, the governor-elect, Mr. Marvil, was duly inducted into office and entered upon the performance of his duties; that both branches of the legislature, composed of members duly qualified, were legally organized, and that Senator Watson was elected speaker of the senate; that among the duties devolving upon such legislature was the election of a United States Senator for the full term of six years beginning March 4, 1895, and ending March 4, 1901; that the legislature entered upon the performance of this duty in conformity to law and continued therein until the day of final adjournment, May 9, 1895; and that on this last-named

day the recorded vote in the joint assembly for United States Senator was 15 for Henry A. Du Pont and 15 against him, which did not give Mr. Du Pont a majority of the total recorded vote of 30, and that the legislature thereupon adjourned without day.

It is further conceded that on the 8th day of April, 1895, Governor Marvil died; and that by the constitution of the State of Delaware it is provided that—

> Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified;

That on the following day, April 9, and in compliance with this constitutional mandate, the chancellor, in the presence of the senate, administered to Mr. Watson, the speaker of the senate—and I quote the journal entry—"the oaths of office as governor," by which, among other things, Watson obligated himself to "perform the duties of the office of governor of the State of Delaware with fidelity." It is further admitted that thereupon he entered upon the discharge of the duties of such office and that he has ever since exercised and is now performing the duties of chief executive of the State of Delaware. It is further admitted that from the 9th day of April, 1895, the day Mr. Watson took the oath as governor and entered upon the exercise of that office, until the 9th day of May, 1895, the day of the final vote for United States Senator in the joint assembly, Mr. Watson took no part in the business of the senate, either as speaker or senator, or in the proceedings of the joint assembly; and that the highest vote recorded in the joint assembly for United States Senator between the 9th of April and the 9th of May was 29, and that the declared vote of 30 for United States Senator in the joint assembly of May 9th was made possible only by the appearance of Mr. Watson, then exercising the office of governor, who on that day entered the senate and the joint assembly and cast his vote for United States Senator.

It is further conceded that on the final vote Mr. Du Pont received 15 votes, and that of the 15 votes cast against him 1 of the number was the vote of Mr. Watson, and that without his vote Henry A. Du Pont would have had a majority over all, and would have been elected a Senator of the United States from the State of Delaware for the full term of six years.

In this recital I have not intended to make, nor do I think I have made, a single statement that is not conceded to be true. It will be observed, therefore, as I stated in the beginning, that the vital points in this case are circumscribed within very narrow limits and hinge primarily and chiefly upon the single question whether on the 9th day of April, 1895, Mr. Watson had the legal and constitutional right, while exercising the office of governor, to participate in the proceedings of the joint assembly and vote for United States Senator. If he had that right, then Mr. Du Pont was not elected. If he had not that right, then Mr. Du Pont was elected. This, I believe, is conceded.

Let it be borne in mind also that there is no other contestant for the seat. If Du Pont was not elected no one was.

The primary and vital question, therefore, to be considered and determined, simply stated, is this: Had Watson, while exercising the office of governor of the State of Delaware, the right to vote in the joint assembly of the legislature for United States Senator? Upon this point the Committee on Privileges and Elections were unable to agree, and this is one and the main issue presented to the Senate for its considerate and final judgment.

The majority of the committee insist that when, on the 9th day of April, Senator Watson took the oath and entered upon the exercise of the office of governor of the State of Delaware, from that moment, and so long as he continued to exercise its functions, he became and continues to be governor; and that as such he had no constitutional or legal right to discharge the functions of senator, and that his attempt to do so in the joint assembly of May 9th was an usurpation and his vote for United States Senator a nullity.

On the other hand, it is contended that although Watson entered upon the exercise of the office of governor, yet, nevertheless, he was then a senator, and continues to hold the office of senator and speaker, and that there was no constitutional or legal restraint which prevented him from discharging the functions of both offices at the same time; and that, in fact, his exact legal, constitutional, and official status was, and is, senator and speaker exercising the office of governor.

This contention presents at once an issue involving the construction of several provisions of the constitution of the State of Delaware to which it becomes necessary to invite attention.

It will be remembered that the Delaware constitution creates no such officer as lieutenant-governor, upon whom, in case of a vacancy in the gubernatorial office, the duties of governor usually devolve, but in lieu thereof it is provided that in the event of a vacancy in the office of governor, by death or otherwise, "the speaker of the senate"—in the language of the constitution—"shall exercise the office until a governor elected by the people shall be duly qualified." It was under and by virtue of this constitutional mandate that Senator and Speaker Watson, on the 9th day of April, 1895, entered upon the performance of the duties of the executive office, and still continues therein. This transfer of executive authority was accomplished by the peaceful and orderly methods prescribed by the constitution, without the slightest disturbance in any of the functions of government, and would have scarcely arrested public attention but for the extraordinary and unexampled assumption of power on the part of the newly installed executive. After assuming and entering upon the exercise of the office of governor, and while in the full and exclusive discharge of its high functions, Governor Watson presumed to reenter the senate, resume the speaker's chair, preside over and participate in the deliberations of the joint assembly, and cast his vote for United States Senator, justifying this startling exhibition of autocratic power by asserting that he was not only the executive of the State, but at the same time a member of the legislative branch of the government, and, indeed, the rightful incumbent of three offices at the same time—governor, speaker, and senator—the powers and duties of all or any one of which he was at liberty to discharge at will.

Out of this assumption of official authority has grown this protracted controversy, culminating in the issue now presented for the determination of the Senate, and which may be stated in a single line, viz: Could Watson, while exercising the office of governor, lawfully perform the functions of senator?

To this query we make emphatic denial; the opposition, equally emphatic, affirmation. And thus the issue is made up.

In support of our contention that Watson had no authority to act in the dual capacity of governor and senator, we appeal not only to the common-law doctrine of incompatibility, but we confidently invoke the express prohibition of the Delaware constitution (Article II, section 12), wherein it is declared that "No person holding any office under this State * * * shall, during his continuance in office, be a senator."

Now, the contention on the part of Mr. Du Pont is that when Senator Watson entered upon the "exercise of the office of governor" he became, and was, in the language of the constitutional provision just quoted, "a person holding an office under the State," and that therefore "during his continuance in such office" he could not "be a senator"; that the holding of the office of governor and senator by the same person at the same time is herein expressly forbidden, and that Watson's attempt, therefore, to perform the functions of senator while holding the executive office was a direct and palpable violation of the constitution, by the express terms of which he was positively inhibited. There would seem to be no possible escape from this conclusion, and the force of the deduction is conceded when opposing Senators attempt to cut their way through this constitutional barrier by boldly declaring that Watson, though entering upon the exercise of the office of governor on the 9th of April, 1895, did not in fact become governor, nor was he then nor is he now, though in the continued exercise of that office, "holding any office under the State" other than that of senator, and therefore is not within the constitutional inhibition just quoted.

I have attempted to state with accuracy the exact position of opposing Senators; but that it may appear I have in no way misrepresented their contention in this regard, permit me to quote the precise language of the Senator from Indiana [Mr. TURPIE]:

> I admit that the governor is an officer of the State, but I say that Watson never was governor and never could be governor. He may be some time, but when he becomes governor it will be after he is chosen by the citizens of the State to that office, in the language of the constitution. He will never become governor before that time. He can not be governor before that time. No other power can choose him. No other constituency can elect him. The governor of Delaware is chosen by the people. Watson was holding no other office under the State then—none whatever. He is a senator, and continues to be a senator.

The counsel even took the position that exercising the office is not an office, the point being to escape the constitutional inhibition that a person holding any office under the State can not be a senator, and so the Senator from Indiana continues:

> I admit that the governor is an officer, but, for sufficient reasons already given, it is plain that Watson never was governor, and could not be governor. The right devolved upon him only to exercise the office. That is the extent of his authority; but this right was not an office, it was simply a right; it was not an office; it was simply the exercise of an office; it was a right appurtenant, not to Watson, nor to any person; it was a right appurtenant to the speakership, to the senatorship. It was a right inherent in no person, appertaining not to Mr. Watson; but it was a right inhering in and pertaining to the speakership of the senate of Delaware and to a member of the senate of Delaware, by consequence.

It will be observed, therefore, that I have stated accurately the position of the minority in that they seek to avoid the consequences of the constitutional inhibition against any person being a senator while "holding another office under the State" by contending, in the words of the Senator from Indiana just quoted, that Watson, though "exercising the office of governor," was thereby "holding no other office under the State—none whatever."

It is interesting to note in this connection that the position now taken by opposing Senators—that Watson did not in fact become governor when he entered upon the exercise of that office—is a complete reversal and abandonment of the position taken by counsel in their argument before the Committee on Privileges and

Elections, wherein it was admitted that Mr. Watson did become and was in fact governor when he entered upon the exercise of that office. I quote from the reply of opposing counsel to the argument made in support of Du Pont's claim. They say:

Counsel devote 30 pages of their brief to a demonstration of the fact that the speaker of the senate, in case of a vacancy in the office of governor, becomes governor of the State. The matter counsel present on this head attests their industry and may interest the curious, but it supports a proposition which we do not contest.

It was conceded then that Watson became, and was in fact, governor the moment he entered upon the exercise of the functions of that office; and had that admission been made on the floor of the Senate it would have simplified, if not ended, this controversy. But opposing Senators were too astute to make this concession, knowing that under the constitution of the State of Delaware the office of governor and senator can not be held by the same person at the same time, and that as it was absolutely essential to the validity of Watson's vote for United States Senator that he should have been a lawful member of the State senate and of the joint assembly when he voted, it became equally imperative to deny that he was at that time governor, or that he was "holding any office under the State" except that of senator.

It becomes necessary, therefore, to inquire, as a matter of fact, whether Watson, while exercising the office of governor, was by that act "holding an office under the State" within the meaning of the constitution and whether Senators can successfully cut their way through this constitutional inhibition by contending that such holding was not an office.

It will not be disputed, I suppose, that the governorship is an office. Indeed, the Senator from Indiana says:

I admit that the governor is an officer of the State.

That being conceded, it would seem to follow that one holding that position holds an office. Therefore if Watson was actually governor he was, in the language of the constitution just quoted, "holding an office under the State." Our contention is that when he entered upon the exercise of the office of governor he became governor for the time being as absolutely as though he had been elected to that office, and could not, therefore, while performing its functions, be a senator. He was the constitutional governor, subject to all the limitations and restraints which that constitution imposed. It would not be contended, I suppose, that if the governor of the State chosen by the people should, during his term of office, be elected a State senator, that he could constitutionally take the office of senator and at the same time continue to hold the office of governor. In such case he could only be admitted to the office of senator by first vacating the office of governor. If the people are powerless, by an election, to confer upon one and the same person the office of governor and senator, by what process of reasoning or under what provision of the constitution of the State of Delaware is Watson clothed with the dual powers of senator and governor? The answer is, by virtue of that provision of the constitution which imposes upon the speaker of the senate the duty, in a certain contingency, of exercising the office of governor, but that in such case, while possessed of all the powers and charged with all the duties of both offices, yet he was holding but one—that of senator—and only exercising the other. And this brings us to the examination of that provision of the constitution of the State of Delaware under and in obedience to which Watson entered upon the exercise of the executive office.

Article III, section 14, provides as follows:

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Plain as this proposition of the constitution is, yet it is the storm center around which all the legal acumen of the opposition spends its force. The contention is this, that the expression "shall exercise the office," does not mean that the speaker of the senate shall become or is governor in fact, but that he is simply "exercising the office"—moving it around as though it were a thing of life, to keep its blood from stagnating; to keep the office alive until such time as a real governor can be elected by the people and be duly qualified. Is this the common-sense or legal meaning of the expression "exercising an office"? Webster defines the verb "to exercise" as follows: "To put in practice; to carry out in action; to perform the duties of; as, to exercise an office."

It is difficult to comprehend how one can exercise an office, perform all its functions, discharge all its duties, and yet not be an incumbent of such office. As was said in a well-adjudicated case, to which I shall have occasion to refer later, "How can a person fill the office of governor without being governor? Given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office." Mechem, in his work on Public Offices and Officers, a recognized authority in the profession, says:

A public office is the right, authority, and duty created and conferred by law, by which, for a given period, an individual is vested with some portion of the sovereign function of the government, to be exercised by him for the benefit of the public.

An office—

Says Blackstone—

is a right to exercise a private or public employment and to take the office and emoluments thereunto belonging.

Judge Cooley, whom the Senator from Indiana justly eulogized as a great jurist, in Troop *vs.* Langden (40 Michigan) said:

An office is a special trust or charge created by competent authority. If not merely honorary, certain duties will be connected with it, the performance of which will be the consideration for its being conferred upon a particular individual who, for the time being, will be the officer.

Judge Danforth, in Rowland *vs.* Major (83 New York), said:

Whether we look in the direction of our language, the terms of politics, or the diction of common life, we find that whoever has a public charge or employment, or even a particular employment affecting the public, is said to hold or be in office.

But it is needless to multiply authorities.

It is impossible to conceive, in the light of these citations, how Watson could exercise all the functions of governor, perform all its duties, and yet not be in fact the executive of the State. Yet, in the face of reason and authority, the contention is persistently adhered to that when Senator Watson took the oath of office as governor, and entered upon the performance of its duties, he was merely exercising the office of governor as an appendage to the office of senator, and was not in fact governor. It is contended that he was a sort of ex officio governor—speaker of the senate, and, by virtue thereof, exercising executive functions; that the two offices were linked together. True, the speaker of the senate is designated as the first in the line of succession to the vacant governorship, but it by no means follows that because of that designation the person named is vested with the powers and duties of both offices. The designation of the speaker of the senate was only for the purpose of making certain the person upon whom the executive office should devolve; and when the devolution occurs, and the individual named enters into the office, "he holds it in his natural and not his official capacity." As was well said by the court in a case to which I shall refer:

If an office be appendant to another office, the determination of the first office will determine the second. On the contrary, if the appointment to an office be by descriptio personæ of one who holds some office by the title of which he is described, and who on some contingency is to enter and fill another office, the answering the description, at the time the contingency arises, designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity.

Mr. GRAY. Will the Senator from Michigan kindly give me the citation?

Mr. BURROWS. It is a case reported in 11 Oregon, at page 389, the case of Chadwick *vs.* Earhart.

Watson's being speaker of the senate simply made him eligible to the office of governor, but when he entered upon the discharge of the functions of that office he held it wholly independent of and without regard to the office of speaker.

It was only to designate some person with certainty. It might have been the senior senator; it might have been anybody not in the senate or in the house. It was to designate some person, and if that person happened to be an official who was so designated it does not follow that he takes the duty of both offices.

But in examining the question whether Watson, in entering upon the exercise of the office of governor, actually became an incumbent of the office, it is wholly unnecessary, in my judgment, to look beyond the plain terms of the constitution itself. That such became and is his official status is clearly demonstrable, I think, from the very language employed. Indeed, any other interpretation would render the words used wholly inexplicable. Let us examine carefully, then, for a moment, that provision of the Delaware constitution under and by virtue of which Watson entered upon and is now exercising the office of governor. It is as follows:

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or—

These words have been passed over lightly by our friends on the other side—

upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

I want to call attention to the words "further vacancy happening in the office"; that is, happening in the office of governor. Here we have, in case of a vacancy happening in the office of governor, the line of succession definitely fixed. First the speaker of the senate, and after him the speaker of the house shall exercise the office. When does the exercise of the office of governor devolve upon the speaker of the senate? In the language of the provision just quoted, "upon any vacancy happening in the office

of governor by his death, removal, resignation, or inability." And when does the exercise of the office devolve upon the speaker of the house? In the language of the constitution, when there is "no speaker of the senate, or upon a further vacancy," not a continuing vacancy, "happening in the office by his death, removal, resignation, or inability."

Mr. MITCHELL of Oregon. The speaker who has become governor?

Mr. BURROWS. Yes. The "further vacancy" here referred to is clearly a vacancy caused by the death, removal, resignation, or inability of the speaker of the senate, who, upon the happening of a vacancy in the office of governor, has entered upon the performance of the executive functions. I asked the Senator from Mississippi [Mr. GEORGE] in relation to that when he was on the floor, and he said:

It means exactly what it says. It means the death of the speaker of the senate.

Mr. BURROWS. After he has entered upon the office.

Mr. GEORGE. After he has entered upon the exercise of the duties of governor.

Here we have, it will be observed, two vacancies referred to—one caused by the death, removal, resignation, or inability of the governor elected by the people; and the other by the death, removal, resignation, or inability of the speaker of the senate, who may have succeeded to the exercise of the executive office. It will be observed this second vacancy is spoken of as a "further vacancy in the office."

Mr. MITCHELL of Oregon. Of governor.

Mr. BURROWS. Of course, not the same vacancy. Mark the words "further vacancy." This presupposes a prior vacancy, and not only that, but that such prior vacancy had been filled by somebody, otherwise the expression "further vacancy" would be meaningless and absolutely senseless. There could be no further vacancy until that former vacancy had been supplied. There might be a continuing vacancy, but not a further vacancy. If Watson, when he entered upon the exercise of the office of governor, did not fill the vacancy caused by the death of Governor Marvil, and become the governor of the State, then Watson's death, resignation, or removal could not create a further vacancy in that office. It would only continue the original vacancy. It is absurd to talk about a further vacancy in an office already vacant and continuing vacant. That is an impossibility. The vacancy already existing must first be filled before it is possible to create another or further vacancy in the same office. One vacancy happening in an office, there can not be another or a further vacancy in that office until the prior vacancy has been filled. A tenant may vacate his landlord's house, but there can not be another—a further—vacancy in that house until it has been again occupied. The expression "further vacancy" is wholly inexplicable upon any other theory than that the original vacancy had been filled and, in this instance, by Governor Watson. This seems to me conclusive.

This view is strengthened by the words of the constitution, which contemplate that the person exercising the office of governor may vacate his position by death or resignation, or he may be removed or become incapacitated; but if the contention of the opposition be correct that Watson did not become and is not now governor, and further, that the exercise of the office is not in itself an office, then Watson is holding no official place in connection therewith, and, although wielding all the powers of the executive office, he is in a position—call it what you may—from which there is no escape except by death. His only hope of relief is through the interposition of Divine Providence. True, the constitution declares he may relieve himself by resignation. But if he is not an officer he can not resign, for he has nothing to surrender. How can he resign that which he does not hold? He can not be removed, for he is in the occupancy of no official position. He may become a madman or an imbecile, yet no degree of incapacity can dislodge him from an office which he does not possess.

But, more than this, if the contention of the opposition that Watson is holding no official place in connection with the gubernatorial office is correct, then an immunity and distinction is conferred upon him which no other executive, State or national, enjoys. He is placed beyond the reach and power of impeachment. The constitution of the State of Delaware (Article V, section 2) provides:

The governor and all other civil officers under the State shall be liable to impeachment for bribery or any high crime or misdemeanor in office.

Who may be impeached? First, the governor. But, in the language of the Senator from Indiana, "Watson never was governor and could not be governor;" so he could not be impeached as governor. Secondly, who could be impeached? "All other civil officers." But, in the language of the Senator from Indiana, Watson was a senator and was—

holding no other office under the State, none whatever. The right devolved upon him only to exercise the office of governor; but the right was not an office, it was simply a right; it was not an office.

If it was not an office, then its occupant was not and could not be and is not an officer; and so Mr. Watson can not be impeached as a civil officer for any crime or misdemeanor in connection with the gubernatorial office. It is no answer to declare that Watson may be impeached as senator or speaker for crimes committed in the executive office, for he may be required to exercise the office of governor long after the expiration of his term as senator. It will hardly be contended he could be impeached in an office which he has ceased to hold.

And so we have the anomaly and, I may be pardoned for adding, the absurdity of a person exercising all the functions of the great office of executive of a State with all its powers, civil and military, wholly exempt from that wholesome restraint which the right of impeachment secures. Such is the absurd result to which the contention of the opposition necessarily leads. It seems to me, therefore, from the clear and express language of the constitution itself, there is no escape from the conclusion that when Watson entered upon the exercise of the office of governor he filled a vacancy in that office, caused by the death of Governor Marvil, and, for the time being, became in fact the executive and was, therefore, within the inhibition of the constition which prohibits any person from being a senator who is "holding any other office under the State."

But if there could be the slightest doubt about the intention of the framers of the Delaware constitution to wholly divorce the exercise of executive from legislative functions by the same person at one and the same time, such doubt must be wholly dispelled by that other provision of the constitution wherein it is declared that—

No * * * person holding any office under this State shall exercise the office of governor.

It is admitted that the senatorship is an office. If Watson, therefore, was and is senator, as is contended by the opposition, he is expressly interdicted from even "exercising the office of governor." He is doubly barred from the performance of the dual functions of governor and senator.

But it is sought to evade the effect of this latter inhibition by contending that its force is suspended in the case of a speaker of the senate, who, in obedience to the mandate of the constitution, is charged with the duty of exercising the office of governor; that such case constitutes an exception. If such was the intention of the framers of the constitution, why did they not so declare? Why did they not say that "no person holding any office under this State shall exercise the office of governor, except when its exercise devolves upon the speaker of the senate or house of representatives, as in this constitution provided." The fact, however, that they made no such exception is suggestive of the conclusion that they intended none.

But it is needless to grope our way through the uncertain and bewildering paths of legal speculation when we may confidently walk with steady and unfaltering step in a course illumined with the light of judicial learning. I propose to call attention only to two or three cases out of the many which seem to bear most directly upon the issue involved in this controversy. And first I will cite a case to which the Senator from Oregon [Mr. MITCHELL] alluded in opening the debate, decided by the supreme court of the State of Maine, and reported in 7 Greenleaf, page 483. The constitution of the State of Maine contains the following provision (Article IV, section 14):

Whenever the office of governor shall become vacant, by death, resignation, removal from office, or otherwise—

Precisely like the constitution of Delaware—

the president of the senate shall exercise the office of governor until another governor shall be duly qualified; and, in case of the death, resignation, removal from office, or other disqualification of the president of the senate so exercising the office of governor, the speaker of the house of representatives shall exercise the office until a president of the senate shall have been chosen; and when the office of governor, president of the senate, and speaker of the house shall become vacant, in the recess of the senate, the person acting as secretary of state for the time being shall, by proclamation, convene the senate, that a president may be chosen to exercise the office of governor. And whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor; but his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy until his duties as governor shall cease.

On the 14th of January, 1830, Joshua Hall, a member of the Maine senate, was chosen president of that body. Soon afterwards the governor died, and Hall entered upon the exercise of the office of governor. Sixteen senators, including Hall, had been admitted and sworn. On the 26th of January the senate decided that there were four vacancies. Under the constitution these vacancies were to be filled by a joint assembly of the legislature. On the 1st of February the house of representatives sent a message to the senate requesting that body to meet the house in joint assembly for the election of senators to fill the vacancies. On the 2d of February, the senate being in session, a senator moved an adjournment, in order that the members of the senate might meet the members of the house of representatives in joint assembly. Hall, who was then exercising the office of governor, appeared in

the senate and claimed the right to act as president. The vote was taken by yeas and nays. Hall voted in the negative. His vote being counted, the result was—yeas 8 and nays 8; and the motion was lost. On the 13th of February Jonathan G. Hunton, having been meantime elected governor, submitted certain questions to the supreme court, in pursuance of a provision of the Maine constitution. One of these questions was the following:

2. Has the president of the senate, when the office of governor is vacant, and when he ought to be acting as governor, a right to preside and vote at the senate board?

The answer to this question was given by the chief justice, with the concurrence of the other justices, in the following words:

As to the second question, my opinion is that while the president of the senate, in virtue of his office as such, is clothed with the power of exercising the office of governor, he has no right to preside over the senate or to vote as a member of that body.

There is a provision of the Maine constitution which to some extent impairs, but by no means destroys, the value of this decision as an authority in the case now under consideration. It is to the effect that while the president of the senate exercises the office of governor his duties as president of the senate shall be suspended and a president pro tempore elected. Clearly Hall had no right to preside over the senate, for the constitution expressly suspended his functions as president of that body while exercising the office of governor, and the court was certainly right in so holding. But the court went further and declared Hall had no right to vote in the senate.

If this provision of the Maine constitution just quoted suspended the acting governor's duty to preside over the senate, it certainly does not suspend or purport to suspend his power or duty to vote as senator. If his power or duty to vote as senator is suspended, it must be suspended by some other provision of the State constitution. That other provision is to be found in a clause which is common to both the Maine and the Delaware constitutions, to the effect that "no person holding any office under the State shall, during his continuance in office, be a senator or representative." And this gives great value and weight to the Maine decision as an authority in the case now under consideration, for it makes the Maine case and the Delaware case, so far as this point is concerned, closely analogous. The prohibition is the same in both constitutions.

Mr. GRAY. I shall not interrupt the Senator if it annoys him, for I see he is making a close argument, and if he intimates that it will annoy him, I shall not interrupt.

Mr. BURROWS. I will hear the Senator.

Mr. GRAY. The Senator says that the answer given by the chief justice to the question propounded by the governor of Maine was founded, in so far as that answer declares that the acting governor had no right to vote as a senator, upon a provision which forbade anyone holding an office under the State being a senator. If that be true, why was it necessary for the framers of the constitution of Maine, in addition to a provision which said that no one holding an office under the State should be a senator, to also add that the person who exercises—or whatever the phrase is—the office of governor shall be suspended in his duties as speaker; for, clearly, if he could not be a senator he could not be speaker?

Mr. BURROWS. I of course do not know what was in the minds of the framers of the constitution of the State of Maine when they declared that the duties of the president or speaker should be suspended while exercising the office of governor. They might have declared also that his duties as senator should be suspended during that time; but I suppose it never entered the mind of any one of the framers of that constitution, as it had never entered the minds of the people of Delaware until recently, that anyone holding the office of senator could at the same time exercise the office of governor or would ever attempt to do so.

Mr. GRAY. It seems to me, if the distinguished Senator will allow me further, that the framers of the constitution had in their minds that it might be possible when the speaker of the senate exercised the office of governor it would be claimed that he could still be speaker, because they said in effect that it was necessary to inhibit him from remaining as speaker by express words. So the framers of the constitution of Maine have practically put a construction upon that other inhibition, to wit, that no one exercising an office under this State, or holding an office under this State, shall be a senator, by afterwards, or in the same constitution, putting an additional prohibition that the person who exercises the office of governor shall be suspended as to his duties as speaker. They have evidently put that construction on the first inhibition by deeming it necessary to add the second.

Mr. BURROWS. However that may be, I think the decision of the supreme court on the question is directly in point; for they not only declare that by the express terms of the constitution his function as speaker was suspended, but also that he had no right to vote as a senator.

I have one other case, and only one, to which I desire to call attention, which I think is very important in this connection, and it is the case reported, as I have stated to the Senate, in 11 Oregon Reports, page 389, of Chadwick *vs.* Earhart.

By the constitution of the State of Oregon it is provided:

In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected.

This case arose in this way: The governor of the State was elected to the United States Senate and resigned the governorship, and thereupon, under the provision of the constitution just quoted, the secretary of state entered upon the performance of the duties of governor. The contention was whether the secretary of state was entitled to the salary of governor.

Chief Justice Waldo, delivering the opinion of the court—and the case is stated in the opinion very fully—said:

Two questions are submitted in this case. The first and principal one is whether, when, under section 8 of Article V of the constitution of Oregon, the duties of the office of governor devolve upon the secretary of state, he has a right to the salary of the office. Second, if this question be answered in the affirmative, whether he shall continue to perform the duties of the office for the remainder of the term of the outgoing governor, or shall he perform those duties only so long as he shall continue to be secretary of state.

"In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected." (Constitution of Oregon, Article V, section 8.)

Counsel for the respondent claims that, in the contingency provided for in said section 8, the duties of the office of governor become annexed to the office of secretary of state and are discharged as duties incident to the latter office; in other words, that the duties of the office, but not the office itself, devolve upon the secretary of state.

This position seems to require, first, either that the office of governor should continue vacant during the time the secretary discharges its duties, and that such duties be in some way performed by the secretary of state, as such, consistently with a condition of vacancy; or, second, that the office be filled, and yet he who fills it be in nowise governor, but continue to be merely secretary of state.

I think the case is on all fours with the one we have here:

In the first place, it is not shown how an office can be vacant and yet there be a person—not the deputy or locum tenens of another—empowered by law to discharge the duties of the office, and who does in fact discharge them. It is not explained how in such a case the duties can be separated from the office so that he who discharges them does not become an incumbent of the office; and, in the second place, how a person can fill the office of governor without being governor.

It is the function of a public officer to discharge public duties. Such duties constitute his office. Hence, given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office. Such is the case here. The secretary of state, by force of the function cast upon him, becomes governor, and consequently entitled to the salary appertaining to the office.

In Merriam *vs.* Clinch, 6 Blatch., 9 (1867), Mr. Justice Blatchford said: "Three times since the adoption of the Constitution the President has died, and, under the provision referred to, the powers and duties of the office of President have devolved on the Vice-President. All branches of the Government have, under such circumstances, recognized the Vice-President as holding the office of President, as authorized to assume its title, and entitled to its emoluments. The Vice-President holds the office of President until a successor to the deceased President comes to assume the office at the expiration of the term for which the deceased President and the Vice-President were elected."

The case of The People, ex rel. Church, *vs.* Hopkins (35 N. Y., 74) is much in point. In 1859 a law was passed in New York establishing the office of superintendent of insurance. The superintendent was to be appointed by the governor for the term of three years, with authority to appoint clerks, one of whom was to be designated his deputy, and to "possess the powers and to perform the duties attached by law to the office of principal during a vacancy in such office, and during the absence and inability of his principal." The superintendent resigned his office, the duties of which thereupon devolved upon the deputy. The deputy claimed the salary of a superintendent during the time he discharged the duties of the office, and it was held that he was entitled to such salary.

The court, by Grover, J., supported the conclusion reached by references which are especially pertinent in this case: "But there are precedents which, though not judicial, I regard as entitled to be considered as decisive of the question under consideration. In the constitution of the State adopted in 1822 will be found the following provision: 'In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted.' (Const. 1822, Article III, section 6.) On he 11th of February, 1828, the office of governor became vacant by the death of De Witt Clinton, the then incumbent of the office, and its powers and duties, under the above provision of the constitution, devolved on Nathaniel Pitcher, then lieutenant-governor. The question arose whether he was to be regarded, in the exercise of the powers and performance of the duties so vested in him, as acting governor, or in the performance of the contingent duties of lieutenant-governor, and, as a consequence, whether he was entitled to the salary of the former office, or the compensation given to the lieutenant-governor for his services as such.

"It was held by William L. Marcy, then comptroller, that he was to be regarded as the acting governor, and entitled to the salary given by law to that officer. The same questions, under the same provision, again arose in 1829 upon the resignation of the office of governor by Martin Van Buren, and the powers and duties of the office devolving upon Enos T. Throop, then lieutenant-governor, and were decided the same way by Silas Wright, then comptroller. It will be seen that these questions were identical with that in the present case. We surely shall not go far astray in following the precedents established by these able jurists, wise statesmen, and rigid economists."

The principle on which the second question is to be decided, namely, whether the appellant shall cease to be governor when he ceases to be secretary of state, seems to be this: If an office be appendant, as the expression is in 1 Leon, 321, to another office, the determination of the first office will determine the second. This is the case where a person holding any office is ex

officio entitled to some other office. For instance, in City of Portland *vs.* Denny (5 Oreg., 160) the recorder of the city of Portland was ex officio a justice of the peace. In that case the office of justice of the peace was appendant to the office of recorder and determined with it.

On the contrary, if the nomination or appointment to an office—

Now, mark the language—

On the contrary, if the nomination or appointment to an office be by description of persons of one who holds some office by the title of which he is described, and who, on some contingency, is to enter and fill another office, the answering the description at the time the contingency arises designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity. This seems to be the principle which applies when the office of governor devolves on the secretary of state on the happening of any of the events specified in the constitution. That the president of the senate, who holds under a similar title, ceases to be president of the senate when he becomes governor seems evident, for the two offices are incompatible at common law and there is no constitutional implication that both offices shall be held together. It would follow, therefore, that the president of the senate would hold the office of governor, once incumbent, without reference to his office of president of the senate. Now, as two offices may remain distinct which are not incompatible, though the officer is the same person, it would seem that the same principle should govern the holding of the office of governor by the secretary of state.

This question therefore must also be answered in favor of the appellant and judgment be entered accordingly.

Judgment reversed.

It seems to me that this case is directly in point and on all fours with the case we are trying in the Senate to-day.

It seems to me, in conclusion, in the light of reason and authority, that when Governor Marvil died and Watson entered upon the exercise of the office of governor, he became the executive of the State and, by reason thereof, was prohibited by the constitution from discharging the duties of senator, and that his participation in the proceedings of the joint assembly of May 9th, 1895, and vote therein for United States Senator were without authority of law and wholly void.

Mr. President, it is not my desire, nor is it my purpose, to examine the other ground occupied by the opposition, namely, that whatever the fact may be as regards the legality of Watson's vote, the Senate of the United States is impotent to investigate that question. Though clothed with constitutional power to "judge of the election, returns, and qualifications of its own members," yet, in the exercise of that power, we can not cross the threshold of the legislature from which the election springs.

The governor of the State, or any other person with the consent of the legislature, may, in open violation of the organic law of the State, participate in the election of a member of this body, yet we are estopped from calling in question the legality of such act. Such a doctrine is an invitation to fraud in the legislative organization of every State; exposes this body to the machinations and intrigue of unscrupulous partisans, and menaces the very foundation of representative government. But, as I said, I shall not discuss this question, for I am persuaded if Senators are convinced that Watson had no right to vote for United States Senator, and that without his vote Du Pont was elected, they will not be restrained by any theory of estoppel from so declaring.

Mr. President, it is impossible for me to rid myself of the conviction that the course of Governor Watson, in entering the senate and the joint assembly of the State of Delaware on the final day of its session and casting his vote for United States Senator, was dictated by party necessity more than by any conviction on the part of Watson or his supporters that there was any warrant in the constitution or laws for a proceeding so unseemly and unexampled. After a struggle of nearly four months the day had come when it was conceded that Henry A. Du Pont, in a joint assembly of 29 members, would receive a majority of the votes and the election to the office of United States Senator. To prevent this result Governor Watson was summoned to the joint assembly and to vote against Henry A. Du Pont. He obeyed his party's mandate and, for the first time since his departure, reappeared and assumed legislative functions.

From the 9th day of April, 1895, when, in the presence of the senate, Watson took upon himself the oath "to support the Constitution of the United States and the State of Delaware, and to perform the duties of the office of governor of the State of Delaware with fidelity," until the 9th day of May thereafter, Governor Watson had taken no part in the proceedings either of the senate or the joint convention. On the 9th of April he received the thanks of the senate for the efficient manner in which he had discharged the duties of speaker, and thereupon vacated the chair, took leave of the senate, and retired from the chamber. From that time on, until the 9th day of May, he responded to no roll call of the senate or joint assembly. His name was not called in either body. He ceased to receive the compensation of a senator or speaker; his accounts for services in such capacity were adjusted and closed, and from that time on he has drawn and is now receiving only the salary of governor. He assumed the title of the executive of the State, and in all his official papers has subscribed himself as "governor." In all this he followed the footsteps of a long line of illustrious predecessors, no one of whom, in the whole history of the State, so far forgot the obligation of his oath of office or the proprieties of official life as to attempt to perform both legislative and executive functions.

In my judgment this whole business was an afterthought. Certain it is that it was a work distasteful to Watson himself, from which he shrank in the consciousness of its impropriety. On the very day the step was to be taken Watson declared: "I do not think it right, but my party demands it." This was the spur that "pricked the sides of his intent" and goaded him on to the consummation of the deed.

By this act Governor Watson thwarted the sovereign will of the people of Delaware and inflicted an irreparable injury upon the State by depriving her, for more than a year now, of that equal representation in the Senate of the United States to which, under the Constitution and laws of the country, she was justly entitled. I am aware of the fact that the high character and great ability of the distinguished Senator who stands sole sponsor for the State has reduced that injury to the minimum, yet this can not justify the wrong or palliate the offense. How long this disfranchisement of a State is to be tolerated and enforced it is impossible to forecast, but one thing is certain, that every hour of its continuance is a fresh grievance and an added injury. While we are powerless to make reparation for the past, the future is within our control. It is to be hoped that the judgment of the Senate will be such as to restore to the State her rightful representation in this Chamber by according to Henry A. Du Pont the seat to which he was elected and is justly entitled.

Mr. BROWN. Mr. President, Henry A. Du Pont applies to the Senate and asks to be admitted as a member thereof because he has received 15 votes in the Delaware legislature, which body consisted of 29 votes conceded to have been legal, and which Du Pont claims was the whole number of the legislature of that State at the time of his election, and that therefore he has received the vote of the majority of the members of the legislature of his State. His election is opposed on the ground that there was one other vote which was cast at the same election and which should be counted as such, and if counted does not give Mr. Du Pont a majority. That vote is the vote of Mr. Watson, and the circumstances that made his vote legal or illegal may be briefly stated: That he was elected and duly qualified as a senator of the State; that he was elected speaker of the upper house; that pending the session of the legislature, and after the voting on the subject of United States Senator had begun, the governor of the State of Delaware died, and in pursuance of the fourteenth section, Article II, of the constitution, a vacancy happening in the office of governor by his death, the speaker of the senate, Mr. Watson, exercises the office of governor. He accepted that duty; entered upon that duty; ceased to act as senator and his name was stricken from the rolls of the senate and from the roll of the legislature. His name was not called during the month that elapsed between the death of the governor and the occasion on the 9th day of May which is involved here, though every day there was a vote on the question of United States Senator and every day the roll of the senate was called in joint assembly, his name was omitted. He exercised all the functions of governor; described himself as governor; was recognized as governor by the two houses, and had his pay as governor.

As has been illustrated by the case which has been read here by the distinguished Senator from Michigan [Mr. BURROWS], it is the governor who draws the salary and not the person who occupies the office of governor. Section 6 of Article III, at the top of page 29, provides:

The governor shall, at stated times, receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

In accepting the pay under that section Mr. Watson recognized himself as the governor and described himself as such in drawing the pay. In short, in the language of the constitution, he exercised the office and exercised it to its fullest extent. Under these circumstances the committee have found eleven reasons, stated at pages 40 and 41 of their report, why Mr. Watson's vote should not be recognized as a legal one, and, therefore, why Mr. Du Pont should be sworn in as a member of this body. The minority of the committee have stated their reasons in the same report.

The distinguished Senator from Indiana [Mr. TURPIE], of the minority of the committee, who apparently drew the report and signed it, has more fully and more clearly, in the elaborate and able argument made in this Chamber, stated the reasons for their opinion. I will briefly state them before discussing the particular questions involved. In doing so I use my own language and my deductions from his argument, which, as I analyze it, consists of these reasons:

First, that the record and journal of the joint assembly shows 30 votes were cast for the office of United States Senator, and that the record can not be disputed. If I understand rightly the argument of the Senator, this point goes to the extent that the conclusions stated in the record that there were 30 votes cast must control, although the record should also show, as it is claimed on the

other side the record did show in this case, that there were but 29 votes in the legislature, and although the record should also show that 1 of the 30 votes had ceased to be a member of the legislature and had become governor. Or to take a more extreme case, the final entry in the record that there were 30, if conclusive, it would be equally conclusive though the same record had also shown that 5 or 10 of those votes had been persons who were never elected to the legislature; had never been qualified as legislators, but had been janitors or subofficers or persons on the street that had been added to make up the 30. I shall have occasion to discuss this point more at length a little later on.

The second ground taken by the Senator is that Watson did not become governor, but remained senator and speaker, exercising the office of governor.

The third, that if by chance he should continue to exercise the office of governor after the period for which he was elected to be senator or speaker he would exercise it neither as speaker nor senator nor governor, but would exercise the office as a person upon whom the constitution had devolved the duty of exercising the office of governor.

In this respect, if I understand him correctly, the learned Senator from Mississippi [Mr. GEORGE] differs with the Senator from Indiana [Mr. TURPIE]. According to the Senator from Mississippi, instead of his exercising the office as a person he claims that the office of speaker is continued—elongated, as it were—stretched out after the term for which he was elected senator, and continues on and on for the purpose of supporting the office of governor.

Fourth, that as speaker and senator he had the right and power to exercise at one and the same time all the functions of legislative and executive duty. That is, that he could sit in the Senate, preside over its deliberations, vote as a member, present bills to the same extent, and at the same time veto bills as the executive. Exercise the two functions hand in hand—pari passu.

The fifth position assumed by the Senator from Indiana—that the act of Watson going into the senate, taking the chair of the speaker a few moments before the vote on the 9th day of May at 12 o'clock m., and marching with the senate into the joint assembly and there voting without objection on the part of any other senator or any member of the assembly, was a judgment and adjudication of the senate as to his membership; and

Sixth, that the adjudication of the Delaware senate thus rendered is binding upon the Senate of the United States, even though upon its face that judgment should appear to have been rendered erroneously—that is, if upon its face it should appear and should be found that Mr. Watson was not authorized to vote at all or be present—he claims that the action of the Senate of the State of Delaware is final in this adjudication, and the adjudication is the evidence of the finality of that action.

It is claimed on behalf of Du Pont that at the common law the office of senator and governor is incompatible. Putting it in other language, the mere statement of the fact that one and the same person has assumed to be governor, or to exercise that office, and assumed to be senator, strikes the average republican mind as wrong in principle, impossible that the same man can at the same time exercise these two offices, so contradictory in their functions. This is a sentiment that grows not merely out of common law, to use the phrase which has been so much commented upon here, but it grows out of the very nature and existence of the education of all free people. It has become crystallized into all State constitutions; it is the theme of essays and discussions on political freedom. Even the distinguished counsel who argued this case before the committee (I do not speak of the members of the Senate, but the counsel who appeared before the committee) against the application of Mr. Du Pont, say at page 9 of their brief:

> It is undoubtedly true that, in the American system of government, the separation of powers into three great departments—the executive, the legislative, and the judicial—is fundamental.

This comment made by the able counsel—and I take it they are among the very ablest of the State of Delaware—who framed the brief was made before they had heard the argument of the Senator from Mississippi, in which he asserts that there was no such doctrine and that it did not exist at the common law. It is fundamental because in all the education of a free people, of all English-speaking people, the theory and thought of keeping these three functions separate has been continuous. From the earliest beginning of liberty in England the distinction was recognized, a distinction that has been made wider, and deeper, and more consistent from that day to this, a distinction which has grown with the growth of republican principles and with the growth of liberty itself.

To refer to the brief again of opposing counsel, they assert that that thought has gone back clear to the early Greeks, and I quote again from the language of that brief:

> The idea is at least as old as Aristotle, who, in his Politics, says that there are in every State three divisions—the deliberative, or legislative assembly, the magistracy, and the judiciary.

The great thinkers of republicanism have always expressed this thought as the primary corner stone of civil liberty. The report contains, the briefs of counsel contain, and there has been quoted in this debate the language of Montesquieu and Lieber and Paley, showing the unbroken thread of thought on this matter. Not only have the great thinkers expressed the same views, but it flowers in the eloquence of the orators of the United States. It is emphasized by Webster, as already quoted before this Senate. Law writers Kent, Cooley, Sutherland, etc., have echoed this sentiment. The judiciary of this country have over and over again stated this division of power as the vital one of republicanism. Judge Waite, in the Sinking Fund Case (99 U. S., page 718), says:

> One branch of the government can not encroach on the domain of another without danger. The safety of our institution depends in no small degree on the strict observance of this salutary rule.

We say, then, that these two offices of governor and senator are incompatible. Not merely incompatible at the common law, but in the sense of republicanism. Wherever there is a republic existing or has existed, the executive and legislative are incompatible positions.

The Senator from Mississippi, in his able and careful argument, has challenged us to show that at the common law the office of the executive was incompatible with that of the legislative, and since I have listened to his argument I turn to a few of the fundamental definitions, to which I wish to call attention. First, I quote from Bacon's Abridgment the language of Lord Coke. He was a judge of the common law, if anybody was, as good as the Senator from Mississippi, and this is his language:

> Offices are said to be incompatible and inconsistent so as to be executed by the same person when from the multiplicity of business in them they can not be executed with care and ability, or when their being subordinate and interfering with each other it induces a presumption they can not be executed with impartiality and honesty. (Bacon's Abridgment, title "Offices" K.)

This authority will surely be recognized as common law. Let us apply the test of it to the case we have now. Can these offices be exercised at the same time, in such manner as not to interfere with the full, free, and complete exercise of each other; or would the fact that the person claiming to exercise the office of governor was a member of the legislature interfere with his prerogative or interfere with the prerogative of the legislature? Can the legislative power be free and not be interfered with when the executive is a part of it, directing it, voting with it, casting the tie vote, exercising in that manner, to the extent that the determinative vote will, the entire power of the legislature? And on the other hand, which is the necessary counterpart to be considered, is the executive not subordinate to the legislative power when the chief executive is a member of the legislative and sits in its body subject to its orders?

These are correlative questions and go to the definition of incompatibility; yet when the question is propounded to the Senator from Mississippi he says that they are foreign to the issue; that he is not here to answer conundrums; that he can not answer it; but he states frankly and fully and completely that if the executive is a member of the legislative he must be subject to its orders and surbordinate to its commands. When the Senator from Oregon asked him the question whether the legislature could compel Mr. Watson under the circumstances in which he was situate, if a member of that body, to appear before it and attend its sessions, the Senator from Mississippi frankly answered he must obey the orders of the body of which he is a member; but when asked the result and the effect, if Watson as the chief executive was engaged in the act of putting down rebellion or sedition, whether the Senate could control him by requiring him to attend upon them, he replied, as I said above, that these were questions which were immaterial. But is it immaterial to determine whether each office can be exercised so as not to interfere with the other? The common-law definition which the Senator has challenged us to produce showing incompatibility says that they can not be exercised together if they interfere in their operation, either on account of the multiplicity of objects or on account of the nature of the functions. Other definitions show the incompatibility in the sense that they interfere with the proper performance of the functions of each other.

I will read a brief section from Throop on Public Officers, a recognized authority on this subject, I believe:

> A learned American judge, discussing this question, has forcibly said that it has been erroneously supposed from the remarks of Lord Tenterden in Rex vs. Jones (1 B. & Adol., 677) that in order to render two offices incompatible there must be some such relation between them as that of master and servant—that one must have "controlment" of the other; or that one must be charged with the duty of auditing or supervising the accounts of the other; or that one must be chosen by or have the power of removal of the other. But these are only instances of incompatible offices, not definitions; and therefore it does not follow that these are all the instances in which offices are incompatible. Thus a judicial office and a ministerial office are incompatible. And in Rex vs. Tizzard (9 B. & C., 418), Bayley, J., gave another instance of incompatibility when he said: "I think that the two offices are incompatible when the holder can not in every instance discharge the duties of each."

If we were to go to the extreme extent which it has been claimed is the test of incompatibility as laid down in the case of Rex *vs.* Jones, that one must be under the "controlment" of the other, we would in this case have an illustration of it in the fact that whenever Mr. Watson claimed to exercise the duty of a legislator he is under the control of the legislature, he is under the control of the senate, and he could not exercise the executive office freely and independently while he is under that control.

I have one or two other definitions to which I wish to call attention from very fundamental and well-recognized writers. Blackstone, who is supposed to be a common-law writer, says:

In all tyrannical governments the supreme magistracy, or the right both of making and of enforcing laws, is vested in one and the same man, or one and the same body of men, and whenever these two powers are united together there can be no public liberty. (1 Blackstone's Commentaries, page 145.)

In Rex *vs.* Hughes (12 Eng. C. L. Rep., 886,) I find the following:

By the governing charter of a borough, there were to be ten aldermen and ten capital burgesses, and vacancies in the body of aldermen were to be filled out of the capital burgesses: Held, that the acceptance of the office of alderman by a capital burgess, even under a void election, operated as a surrender of the latter office, and that a person so elected and afterwards ousted on quo warranto was not thereby restored to the office of capital burgess; and therefore where a capital burgess became an alderman de facto by means of a void election and in the character of an alderman attended and voted at the election of a mayor, but was afterwards ousted on quo warranto: Held, that he could not be considered as having attended and voted as a capital burgess.

The case of Rex *vs.* Tizzard, in 9 Barnewall and Cresswell, which is referred to, is as follows:

In the borough of W the town clerk is appointed by the mayor, aldermen, and bailiffs to hold the office during their pleasure, with a salary which they have power to control in amount or withdraw altogether; and one of the town clerk's duties is to attend all corporate meetings of the mayor, aldermen, and bailiffs and burgesses and draw up minutes of their proceedings under their inspection. Held, that the offices of alderman and town clerk are incompatible, and that an alderman by accepting the latter vacated the former office. (The King *vs.* Tizzard, 17 Eng. C. L. Rep., 418.)

I quote a few definitions from our own American writers to the same purport. In Judge Sutherland's work on Statutory Construction, page 1, he says:

In the Federal Constitution and in the State constitutions the three fundamental powers, the legislative, executive, and judicial have been separated—organized in three distinct departments. This separation is deemed to be of the greatest importance, absolutely essential to the existence of a just and free government.

Judge Wright, in the case of Bryan *vs.* Cattell, 15 Iowa, says:

Incompatibility in offices exists where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one incumbent to retain both.

That definition is adopted by Judge Dillon in his work on municipal corporations, and it is the law.

What is meant by the quotation from the Federalist upon which the Senator from Mississippi pins his argument, which he has brought here? That quotation is as follows:

The whole power of one of these departments ought not to be exercised by the same hand which possesses the whole power of either of the other departments.

What is the whole power of the legislature as referred to in this clause? The legislature must act by the majority vote of each of the houses concurring as to the particular act or measure; in the election of a Senator the majority of the joint assembly, but in determining the action of the majority, it is the action of each that constitutes it. Every member must exercise his function equally with every other. It is the vote of each individual member that is final and decisive of the particular question that may be involved. Each one determines it and each one exercises the whole power of the legislature. Each member of this Senate is equally the judge with every other in this case, and his vote is the exercise of the whole power of adjudication. When a court consists of several members, each one is a complete judge of every case. If for any reason one member of the court is so disqualified by consanguinity or otherwise that he can not sit as the sole judge in the case, the entire judgment of the court is null and void; the disqualification of one disqualifies the whole bench, and it was so held in the celebrated case of Oakes *vs.* Aspinwall, 3 New York court of appeals. It has never been denied to be the law by any law writer or by any authority.

This is an illustration of the argument that I make, that each one of a composite body is necessarily a portion of the whole, and as such is exercising the whole power. When Watson came into the joint assembly and attempted to exercise with the 29 others legislative authority, he was attempting to exercise the whole power of the legislature. His casting vote gave him the entire power of the legislature if it is to be counted. He had the whole power of the executive, and was at this same time attempting to exercise the whole power of the legislature.

On the other hand, if the senate can control Watson by arrest, by bringing him before the body when he was exercising the office of governor; if they can bring him before the legislature and make him act as a part of it when he is at the head of the army, the senate is exercising the whole power of the executive. Taking the extreme definition which the Senator from Mississippi has given us, then, we find that to permit Mr. Watson at once to exercise the office of governor and to exercise the office of senator gave the legislature the exercise of powers of both and gave him the exercise of powers of both.

The Senator from Mississippi has turned to the illustrations of our own history, and has claimed from them that they disprove this common-law rule of incompatibility of offices; that they fall within different branches of duty of the Government. The illustrations taken from our own history by the Senator, instead of disproving the general definition of republican government, all show that the founders of our institutions regarded the division into three branches as essential to republican freedom. So far as there was any departure from the division in the early organization, it was temporary in its nature and has been changed, and was intended to be changed by those that constructed the Government, as soon as circumstances would permit. The States that in their organization infringed the rule, changed their obnoxious constitutions to conform to the common standard as soon as possible, and recognized the incompatibility of the executive and legislative by abolishing that power of the executive that interfered with the legislative as soon as possible. The ordinance of 1787, to which reference has been made as being an illustration of a contrary rule, only authorized the governor and judges to select laws from those of other States for a brief period. In it it is provided that as soon as the organization of the Northwest Territory could be effected there should be a joint assembly which should consist of the governors and legislative council of the houses of representatives, and that the organized Northwest Territory was designed to be, and was, a mere temporary arrangement until that territory could be divided and the States admitted to the Union upon the common pattern and the division of the three powers into separate branches.

This incompatibility is defined and recognized by the constitution of the State of Delaware. On every occasion the constitution has to mention the duties of the person succeeding to the office of governor there is either an applied or express prohibition. The clauses have been read many times.

Section 12, Article II:

No person holding any office under this State shall be a senator.

Section 5, Article III:

No person holding any office under this State shall exercise the office of governor.

Section 14, Article III:

Upon any vacancy happening in the office of governor by his death the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

These three have been in the various constitutions of the State ever since the State was a part of the Union. These three must be construed together. They are in pari materia. When construed together it would seem that there is but one construction which shall be consistent and which gives meaning to each of them, and that is the construction which has already been given by the majority of the committee, and stated by the Senator from Michigan [Mr. BURROWS], that the language used in section 14 designates the person who shall succeed as heir to the high office of governor and does not designate an office which shall hold the office of governor ancillary or attached to it, and that when the speaker begins to exercise the office of governor he ceased to exercise the office of senator.

The distinguished Senator from Indiana [Mr. TURPIE] has argued with great ability and ingenuity that because the fourteenth section of Article III prescribes that the speaker shall exercise the office, that he does not thereby become governor, and therefore there would be no incompatibility in his continuing to be speaker and exercise the office of governor. That whole branch of the argument turns upon the distinction between "exercise the office of governor" and the governorship itself. But the prohibition of section 5 of the same article is not against an officer of the State being governor, but a prohibition that the speaker of the senate shall exercise the office of governor. "No person holding any office under the State" must include the speaker of the senate, and as long as he holds the office of senator he shall not exercise the office of governor. The prohibition is emphatic and can only be made consonant with the other section in the construction that upon his acquiring the office of governor or exercising the office of governor he ceases to be speaker.

The second position taken by the Senator from Indiana is that Watson did not become governor, but remained speaker and senator, exercising the office of governor; that the office of governor is attached to that of speaker; that the lesser office swallowed up the greater, made ancillary to it in such sense that it become one of the duties of speaker in the same manner, to use one of the illustrations of the distinguished Senator, that the Chief Justice of the United States exercises the duties of presiding over the Senate in case of impeachment of the President. The discussion as to whether Watson becomes governor or merely exercises the office is perhaps an immaterial one in the result of this case.

Whether we call him governor or merely a person exercising the office of governor, the prohibition of his exercising the two offices at one and the same time is equally strong for all reasons that may be brought therefor, and is equally strong in the language of the constitution of Delaware forbidding any person holding any State office to exercise the office of governor, and the incompatibility must certainly be as great, whether we call him by one name or call him by another. All the illustrations which the learned Senator from Indiana brings rather tend to comfirm him actually as holding the office rather than as exercising it as a part of another. He says that he acquires it as heir. He was the person whom it devolved upon as an estate devolved upon the heir at law; just precisely as the Prince of Wales acquires the title of King of England. It devolved upon him as heir. He inherits it; but does he exercise it as a part of the office of the Prince of Wales, or does he become the actual Crown itself, and does not the other office devolve upon somebody else in turn? By whatever name you call him the person that exercises the duties of the executive is the executive itself. The addition of the title neither adds to nor detracts from. He is still the supreme executive, and that vested in William T. Watson upon the death of Governor Marvil and the taking of the oath of office by Mr. Watson,

The constitution of the State of Delaware seems to differ. The whole position of the learned Senator from Indiana, that there is a distinction between exercising the office of governor and being governor itself, is set at rest and ended by the very first section of Article III: "The supreme executive power of the State shall be vested in the governor." That is equivalent to saying that he shall be the governor, in whom the supreme executive power is vested. What is meant by supreme executive power? It can mean nothing but an exercise of the duties of this great office, no matter by whom or whenever exercised. Watson was to exercise those duties when he took the office; exercise them fully to the same extent and the same manner and in the same fullness that a governor elected by the people could exercise them. The supreme executive power must be completely carried out or else he is not exercising the duties of the office. He was exercising the supreme executive power when he voted against Du Pont and was vested with that supreme power. What is vested? Webster says, "to vest, to clothe with authority; power; to put in possession." Watson was put in possession of the supreme executive power. He was clothed with the authority of supreme executive power. He could not exercise the office of governor without being vested with supreme executive power. In the language he was governor because he was vested with supreme executive power.

But suppose that the term of office of Watson—or of any other person who thus enters upon the duties of governor—as speaker expires before any governor is elected by the people and qualified as provided in the other section of the constitution? This question was put to the Senator from Indiana, and he was asked what position Watson would hold under those circumstances, and he said he would be a person upon whom would devolve the office of governor; in other words, he would cease to be speaker, he would cease to be senator, he would not be, according to the argument, governor, but he would simply be the person upon whom devolved.

Now, let us take the illustration a little further, and not an improbable one, because this constitution prescribes that in case there should be any controversy as to the office of governor, any contest, the person then exercising the office shall continue to hold over, so that at the expiration of the term of Mr. Watson, or any other of these persons similarly situated as speaker, he would be still exercising the office of governor. The contest might last three or four years. During that four years, or as long as that contest lasted, he still exercising the office of governor, another speaker is elected of a new senate; has this new speaker thus elected the right to assume the office of governor or to exercise the duties of the office of governor? If the governorship is but an appendant, a watch charm, an attachment, an auxiliary to the office of senator-speaker, if there is a new speaker elected he would be the governor, as there is no contest to his election. If Mr. Watson should continue to this office a new election is held, a new legislature takes its seat in January, 1897, a new legislature assembles, a new speaker is appointed, Watson still exercises the office of governor, the governor-elect, if any shall have been had, is contesting his seat, if it is a mere appendant and duty of the speaker of the house, as has been argued by the Senator from Indiana and the senior Senator from Nebraska, this man is by right speaker, for Watson can no longer, by any imagination, be held to be speaker, must have the right to enter upon the duty of governor, and yet we are flatly met with another prohibition in the constitution, because it is provided that the person who once begins to exercise the office shall exercise it until a governor elected by the people shall have duly qualified.

If the Senator from Mississippi meets this question by saying that there are States and there may be contingencies in which there may be two speakers, I answer, true: There might possibly be such a provision made in the constitution; but, as he reminded, us we are not making a constitution, but we are construing one, and by the constitution of Delaware there is but one speaker created. There is no provision for two speakers. There can be but one; and there is none other provided for. If the position of the Senator from Mississippi be correct and the speakership is lengthened out until a subsequent contest is decided and a subsequent governor has duly qualified, then there would be no place for Watson. If he had the right to cast a vote before, he would have the right also to cast a vote afterwards. He would become the thirty-first member of the legislature and his right would have been just as great after a new legislature had been created, after they had taken their seats, as it was when Du Pont was being elected. If he could vote for Du Pont, and there should chance to be no election for governor next year, he would have the same right, under that argument, to turn around and go in and vote again upon the senatorship and cast the thirty-first vote.

The illustration of impeachment has been made by many of the Senators asking this question, and has been answered, that if a person who thus succeeds, as Watson did, to the duties of the office of governor, should improperly exercise it, how would he be impeached? They say he is impeached as senator. But suppose that after his term of senator has expired, after he is not speaker, and another person is elected speaker, he then usurps authority and is guilty of malfeasance in office, commits the crime of treason against his State, in what capacity is he to be impeached? The Senator from Indiana says he is merely a person upon whom has devolved this great duty, not a governor, not a speaker, not a senator, but a person who holds no office, but has merely crept into and exercises the duties of one without holding it. Is it possible that a constitution which provides so fully and clearly for impeachment as this constitution does shall be construed to leave the State without the power to exert that method of punishment at the very emergency when it would be liable to be most needed? A person exercising the office of governor, not elected, simply holding it, would have more temptation and more occasion perhaps to violate the duties of that of governor than one who was duly elected. The distinguished Senator from Kansas [Mr. PEFFER] has asked for the analogy between this constitution and the laws of the United States with regard to the succession to the Presidency, and has read to the Senator from Nebraska [Mr. THURSTON] while discussing this question the last statute passed providing for that succession, and the Senator from Delaware referred to the old statute as it existed prior to 1886, when the succession devolved upon the Speaker of the House.

Let us look at the illustration for a moment. If the Secretary of State succeeds to the office of President of the United States or acts as President has he no power to create a new Secretary of State to take his place? If he should resign as Secretary of State would he resign as President? Does he not, as in the case of the Prince of Wales becoming King—does he not, too, assume the crown and leave behind him the old office for some one else to occupy; vacate the office of Secretary of State in favor of the greater office that he accepts? Under the old law was it the design or expectation of the law if the Speaker of the House of Representatives of the United States should, under the circumstances provided in the act, become President of the United States, that he would still continue as Speaker, that he would exercise the duty as a member of the lower House, originating legislation, discussing legislation, recognizing the members to speak and acting as czar and autocrat therein, as it is said the Speaker does, and at the same time have the power to veto? This is the question which the Senator from Delaware says has been affirmatively answered by one of the Senators upon this floor. This affirmative answer, however, would show that the Government of the United States might in that contingency cease to be republican in form.

The uniform construction of one hundred years of Delaware has been appealed to as the construction of this constitution. It being claimed that because four or five senators who have succeeded from the office of speaker to that of exercising the duty of governor reentered upon their duties as senator, that was a construction of the whole State of Delaware. My answer to that is, in the first place it is a construction of a fact wholly immaterial to the issue here. It makes no difference in the issue here whether after the duties of the incumbent shall cease he can retake his position as senator or not. The thing which is of vital importance is, can he exercise both at one and the same time; can he exercise the duty of senator, speaker, and governor on the same day and on the same occasion and altogether concurrently? Upon that we have the affirmative construction, not merely the construction by "neglect," as the Senator says, but the affirmative construction of the conduct of every legislature in the one hundred years. When the question has arisen we have the affirmative construction placed upon it by this very legislature, and this very officer recognizing the construction placed upon it by all the previous officers. We think the construction placed upon the constitution by the four or five going back and acting as senator when their duty as governor had ceased was an error upon the part of those gentlemen,

but it is an immaterial thing anyway. The distinguished Senator from Mississippi appeals to us and asks us to put the case of Du Pont upon the issue as to whether it was a vacancy, or a suspension, or an abeyance. It makes no difference which it was. Any one of these roads would lead to the same conclusion and lead Du Pont into the Senate. To that it is replied there is and can be but one right, and if we can not select the right one none is right. We may not be able to agree upon which is right, we may differ which is right, but know that the right is among them. One Senator may think that the office is in suspension; another may think it is vacated; another may think it is in abeyance; but as the argument arrives at the same result in each case, it must be entirely immaterial by which one of these methods we travel to that common goal.

We find another argument against the claim that the duty of exercising the office of governor is attached to the speakership in the language of the constitution at page 30, as printed, part of section 14, Article III, as follows:

> If upon a vacancy happening in the office of governor there be no other person who can exercise said office, within the provision of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect by joint ballot of both houses a person to exercise the office until a governor elected by the people shall be duly qualified.

If it had been the design that this duty should attach to the speakership as a part of it, all that would have been necessary to have been done would be when the legislature or general assembly was elected for the senate to meet and elect a speaker. He would ipso facto and by virtue of his office at once become governor. But the constitution it seems provides that he shall not be governor or exercise the office of governor at all in this contingency, as above stated. The assembly shall meet, and, of course, each House must elect its own officers, including the speaker, but instead of that speaker exercising the office of governor, the assembly shall yet proceed to elect by joint ballot of both houses, not a speaker, but a person to exercise the office of governor until a governor is elected by the people and shall be duly qualified.

Argument is made by the distinguished Senator from Mississippi that the words at the top of page 30, in section 14, "The person holding the office shall continue to exercise it until a governor shall be elected and duly qualified," must necessarily apply to some other case than to that where the speaker has succeeded to the duty of exercising the office of governor; and this is the only reason given for it, that on the previous page it had already been provided that in such case the speaker shall exercise the office until a governor elected by the people shall be duly qualified. The learned Senator says that the constitution having already provided for the office being exercised in that contingency until the governor elected by the people shall be qualified, it can not be that in the next sentence the same contingency would be provided for again, and therefore some other construction must be given to this provision. This argument must presuppose as its basis that the constitution makers of Delaware always use the most concise language and were never guilty of any repetition of thought, and use every word in its precise meaning, and so the Senator has taken occasion to tell us at various times how carefully this constitution was drawn and how accurately the language is used. A further examination of this same section, however, will show that this constitution repeats the same thought and the same protection over again in other language, even under the construction placed upon it by the Senator from Mississippi himself. We find that the command upon the speaker of the senate that he shall exercise the office until a governor elected by the people shall be duly qualified is repeated in the latter part of the section, where it is stated—

> If the trial of the contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year or the speaker of the senate or of the house of representatives who may then be in the exercise of the executive authority shall continue therein until a determination of such contested election.

Of course if he must continue until his successor is qualified he must continue until not only the contested elections are determined. but still longer, until the qualification of the successful contestant has taken place. Here we have an instance and illustration of how this constitution repeats the same provision by the same authority over and over again. It would seem to be that each one of these different commands were but different forms of repeating the authority and maintaining the protection to the people of having an executive by providing that the same person shall exercise the office and shall continue to exercise the office in different forms of language. All three mean one and the same thing, in two places describing the person who is to exercise it or continue to exercise it as speaker, and in another as the person holding the office.

Counsel who argued this case before the committee have placed in their brief, and cited at page 52, a case from Pennsylvania. It is said that the Pennsylvania constitution at that time was word for word like that of Delaware. It is cited by the counsel for the purpose of showing the construction placed upon the constitution by the acting governor and the assembly of Pennsylvania, and it is claimed and cited by the Senator from Mississippi as an authority that the speakership and the exercising of the office of governor are indissolubly blended together, and that the speakership continued after Mr. Johnston had entered upon the exercise of the duties of the office of governor. At most, the authority does not even give the opinion of Mr. Johnston except as it might be inferred from his conduct. All that can be claimed for it, then, is that by his conduct one Mr. William F. Johnston has interpreted the constitution according to the views of the Senator from Mississippi. We might ask here who is Johnston? Was he a learned lawyer, a judge, or anybody whose opinion would throw any light or weight on the action of this Senate? Decisions of courts of the highest character are not always even conclusive upon other courts or tribunals. Mr. Johnston may or may not have been a man of any weight or consequence any further than that he was elected governor of the State of Pennsylvania.

A great many governors of a great many States have been very ignorant of law, and his position as governor would give no guaranty or learning or ability. But if we look at the record a little more carefully we will see that Mr. Johnston and the Pennsylvania legislature considered the office of speaker and the duty of exercising the office of governor entirely distinct things and not indissolubly blended together. Johnston, it seems, had been elected governor after he had entered upon its duties the year before, on the 13th day of January, 1849. Whether it was before or after the time for which he had been elected expired or not does not appear; at all events upon that date he resigns, or tenders his resignation to the senate of Pennsylvania as speaker and also resigns to the speaker of the senate as senator. But reference to that record will show that while the resignation was accepted he did not enter upon the duties of governor until the 17th, four days later. On the 15th and 16th the legislature was in session transacting business as a legislature, and of course necessarily somebody was acting as governor and that somebody must have been this same William F. Johnston. So that by his conduct and his action in this very case we have the opinion of Mr. Johnston, whatever it may be worth, that he could continue in this position of exercising the office of governor to which he had succeeded under the statute only after he had ceased to be speaker and after he had ceased to be senator, and after he had actually resigned those places and his resignation had been accepted.

It is argued by the Senator from Mississippi that if the presiding officer of the senate at the time of the alleged election of Du Pont was not authorized to act as we claim, that then there was no joint assembly, no senate there, and that the election would be void for that reason. The act of Congress does not prescribe that each house shall be there, nor does it provide anyone to preside over that joint assembly. It was not necessary that there should be two presiding officers in a joint assembly, one over the senate and one over the House. It was competent and has not been uncommon for the joint assembly to select their own presiding officer. It is not the two houses that are met there, as has been so extensively argued without authority, or rather asserted, it is under the act of Congress. It is the members of the two houses who convene in joint assembly.

Discussion has been had in some of the States as to who would be the proper presiding officer where there is a lieutenant-governor, who can not take part in the election of a United States Senator. In some States they have selected a member of the senate to preside over the joint assembly, in others they have selected the speaker of the house; but they might as well select any other member of the house or any other member of the senate. The formality of one body marching in form and order into the midst of the other was an unnecessary proceeding. If, without any form members assemble that is all that the statute requires. All that is necessary is that the roll shall be called and the vote recorded. When that is done the members of the two houses have performed their duty, and it becomes then the duty of the United States Senate to act upon the record thus made. It is not for the State alone to be satisfied with this record; the United States has an equal interest in seeing that the members of the two houses have voted. As was illustrated by the question during the argument of this case, if there was a majority of all the members of the two houses, that would give jurisdiction to the joint assembly to elect a Senator although there was not a full quorum of one of the houses. In other words, 15 members of the house and 1 senator would make a majority of the members of the two houses, and they would have jurisdiction to elect a United States Senator, though there was no senate there except as represented by that 1 member. Perhaps I might even go further and say that 21 members that being a majority of the members of the two houses, might have all been from the lower house, and the senate not there at all. It is not necessary, however, to go to that extent;

but that might be, and yet be within the pale of the statute of the United States.

Mr. GRAY. Will the Senator allow me to interrupt him?

Mr. BROWN. Certainly.

Mr. GRAY. Does the distinguished Senator think that an election for Senator of the United States under the Constitution could be had where it was made by the members of one house alone, and still conform to that provision of the Constitution which says that the Senators from each State shall be chosen by the legislatures thereof?

Mr. BROWN. I think it could.

Mr. CHANDLER. I should like to ask the Senator from Delaware whether it has ever been disputed, since the passage of the act of 1866, that if there is a majority of all the members elected to both houses present, there is a competent assembly to elect a Senator, although the members may all come from one house, and there is not present any from the other house?

Mr. GRAY. It has been disputed, notably by the distinguished Senator from Vermont, Mr. Edmunds, the predecessor of the present junior Senator from Vermont [Mr. PROCTOR].

Mr. CHANDLER. I had the impression that there had been no serious dispute on that point, it being the whole object of the law to prevent the members of one house from defeating the election of a United States Senator, if there was a majority numerically of all the members elected to both houses present.

Mr. GRAY. I beg the pardon of the Senator from Utah. This is not material to his argument.

Mr. BROWN. It is not material; but the position I have taken certainly can not be disputed if the act of Congress is a constitutional and valid one.

Mr. MITCHELL of Oregon. That was one of the principal questions raised and argued when the objection was urged that the act was not constitutional.

Mr. CHANDLER. That was Senator Edmunds's point.

Mr. MITCHELL of Oregon. Senator Edmunds's objection was, as I understood him to argue very strenuously, that in his opinion the act of Congress was unconstitutional.

Mr. CHANDLER. But there has been no dispute as to the meaning of the law as it stands on the statute book.

Mr. BROWN. The distinguished Senator from Mississippi, among other positions, has insisted that the title of an officer de facto of any kind or character can not be assailed collaterally, or in any proceeding collateral or direct, unless in a suit where such officer is himself made a party and the public is represented by the State, and some Massachusetts authorities have been read here to show what a de facto officer is, and that a de facto officer applies to one as well who occupies an incompatible office as one who is wrongfully in office for any other cause, all to show that accepting incompatible office did not vacate the first. But after all the definitions and on the reasoning of all the cases which have been read or can be read, it is necessary to constitute a de facto officer that he must be in possession of the office and exercising the office. The very first case cited by the Senator from Mississippi in the 1st Allen begins with the definition by saying "one who comes into office by the forms of law," etc. The next one was the one who was in the office under color of title. To all of these we answer that Mr. Watson was not in office either with or without color of title. When, on the 9th day of April, he formally left and was thanked for the services which he had rendered as speaker, when he took the office as governor, when the legislature by its proper officer dropped his name from the roll, and in every other public manner possible showed he severed his relations with the office of speaker and of senator, he ceased to hold de facto or under color of title or had any possession or exercise of it. If he was not in possession he was not an officer de facto, whether he had the authority or did not have the authority. There can not be found a printed case where the doctrine of de facto officer has less application than to this of Mr. Watson. There always must be a person continuing consecutively and constantly to exercise the office. When he has formally renounced the office, when he has stepped out of the office and says, "I am not exercising it," he can not go back to it on some other occasion and say, "I am now de facto officer and now exercise the duties."

To this effect I quote a few authorities. First, I read an expression from The People *vs.* Carrique (2 Hill, 97):

> It is therefore said that by continuing to act in the justice's court this was rather an election to hold the first office, notwithstanding his accepting, taking the oath, and entering on the duties of the second. The contrary is entirely settled, and the effect directly opposite to that which is supposed to have followed.
>
> It is said in the book already cited (same page) that a resignation by implication may take place by being appointed to and accepting a new office incompatible with the former one. And it is added to a note (N. 4) that—
>
> This is an absolute determination of the original office and leaves no shadow of title to the possessor, so that neither quo warranto nor amotion is necessary before any other may be elected. (Vid Willock on Mun. Corp., 240-617 to the same point.) Ld. Mansfield in Rex *vs.* Trelawaney, 3 Burr., 1616; Buller, J., in Milward *vs.* Thatcher, 2 T. (87).

In Biercourt *vs.* Parker, 27 Tex., 562, the court used this language:

> On the acceptance and qualification of a person to a second place incompatible with one he is then holding the first office is ipso facto vacated. (The People *vs.* Carrique, 2 Hill, 93.) A resignation by implication will take place by being appointed to and accepting a new office incompatible with the former one. It is said to be an absolute termination of the original office and leaves no shadow of title to the possessor. So that neither quo warranto nor amotion is necessary before another may be elected. (Rex *vs.* Trelawaney, 3 Bun., 1616; Milward *vs.* Thatcher, 2 T. R., 87; Willock on Mun. Corp., 240-617; Ang. and Am. on Corp., 255.)

In The People ex rel. *vs.* Common Council (77 New York, 510), the court says:

> The moment he accepted the new office the old became vacant. His acceptance of the one was an absolute determination of his right to the other and left him "no shadow of title, so that neither quo warranto nor amotion was necessary." (People, ex rel. Whiting, *vs.* Carrique, 2 Hill, 95-97; Dill. on Mun. Corps., section 164, and cases cited in note 1.) These cases also show that this would be so at common law and independent of the statute. He was no longer alderman de facto or de jure. The plea of plenarty on which the appellany's counsel insists, or that the office was "full of him," and which is also set up in the answer to this proceeding, is in no sense well founded. It can not be sustained even by a legal fiction. The office was and is as vacant as if Mr. O'Rielly had never been born; his removal is as complete as if caused by death. When he accepted the new office, the other ceased to have an incumbent. It was not a case, therefore, for quo warranto, for that will lie only when the party proceeded against is either de facto or de jure officer in possession of the office. (King *vs.* Corporation of the Bedford Level, 6 East., 368.) And an office that is vacant is in possession of no one. Besides, such writ issues when the facts are in dispute, and one object aimed at is to ascertain the facts. Here no fact is disputed, but a mere question of law.

Yet, notwithstanding these authorities, the distinguished Senator from Indiana would argue, and did argue, if I understood him, that some action was necessary; that he must be kicked out by the senate; he must be determined by the senate of Delaware not to be in office, or he must have resigned. The action was in being sworn in as governor. That was a resignation; that was a termination of his office as senator or speaker.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. BROWN. Certainly.

Mr. CHANDLER. If the Senator from Utah will allow me at this point I should like to call his attention to what doubtless he has not hitherto seen, the very best statement of that doctrine which I have yet noticed. It is to be found in the constitution of the State of Mississippi, adopted November 1, A. D. 1890. With the Senator's permission I will read what it says.

Mr. BROWN. Certainly.

Mr. CHANDLER. Section 2 reads:

> No person or collection of persons being one or belonging to one of these departments shall exercise any power properly belonging to either of the others.

Now, I call the Senator's attention and also the attention of the Senator from Michigan [Mr. BURROWS] to the following clause:

> The acceptance of an office in either of said departments shall of itself and at once vacate any and all offices held by the person so accepting in either of the other departments.

That, to use the Senator's own expression, is the crystallization by the Senator from Mississippi as late as 1890 of the doctrine on this subject which the Senator is exhibiting to the Senate.

Mr. MITCHELL of Oregon. What is the date of the constitution, if the Senator will allow me?

Mr. CHANDLER. November 1, 1890.

Mr. MITCHELL of Oregon. I will ask whether the distinguished Senator from Mississippi [Mr. GEORGE] was not a member of that convention?

Mr. CHANDLER. I have no doubt it is the work of the great mind and brain of that distinguished constitutional lawyer, the Senator from Mississippi, who I find——

Mr. MITCHELL of Oregon. He was a member of the convention.

Mr. CHANDLER. I find that J. Z. GEORGE was a delegate at large.

Mr. GRAY. Mr. President——

Mr. CHANDLER. Will the Senator from Utah allow me to proceed?

Mr. BROWN. Certainly.

Mr. CHANDLER. The Senator from Mississippi has been drinking in constitutional law ever since boyhood, and in 1890 he crystallized the whole American constitutional law upon this subject, and here it is in the constitution of Mississippi absolutely conclusive upon the point which the Senator from Utah is making.

Mr. GRAY. If the Senator from Utah will allow me, in the absence of the Senator from Mississippi, whom the Senator from New Hampshire [Mr. CHANDLER] so felicitously says has been drinking something since childhood—I did not catch what it was——

Mr. CHANDLER. Law; law; nothing but law. No other liquid or fluid, but substantial law.

Mr. GRAY. Allow me to say that it is exceedingly interesting to find what he calls this crystallization of a proposition in the written text of the constitution, and it will be exceedingly interesting when Delaware comes to summon its constitutional convention, as it may shortly do, to consider whether it also will crystallize that provision into the written text of the constitution then to be formed. But as it stands now it seems to me that it points very decidedly in the direction which we have been arguing on this side, that it takes an express constitutional provision in order to enforce that doctrine.

Mr. CHANDLER. That is where the Senator from Delaware and I differ, as we frequently do on great constitutional questions. I hold that that has been the law for a hundred years.

Mr. GRAY. Then it was not necessary to state it in the constitution of Mississippi.

Mr. CHANDLER. No; but constitutions are full of unnecessary assertions. The Senator from Utah has already called attention to the fact that there never yet was a constitution with no unnecessary word in it. The Senator from Delaware does not contend that in every case where there is a prohibition in the constitution the thing prohibited would have been lawful without the prohibition. It is a mere assertion of the law as the Senator from Mississippi has gathered it in his long experience. It was the law before he comprehended it; it was the law before he enunciated it, and it is the law of America to-day and has been for a hundred years.

Mr. BROWN. In other words, constitutions, the same as statutes, are often merely declaratory of what is the common law. The Bill of Rights which, was supposed to have existed in this country before the Revolution, before the Constitution was organized, was merely framed in words and made a part of the Constitution of the United States. It is not necessarily a change of the law because it is made in writing.

I think I discovered in the reading which the Senator from New Hampshire has given us a reason why the argument of our friend the Senator from Mississippi deviated from the argument of the Senator from Indiana. It was the Senator from Indiana who so emphatically and so lengthily said that it would require some act; that there was no ipso facto doctrine; but that some act of Mr. Watson or some act of the legislature or some act of the senate was necessary to sever Mr. Watson's relations as senator. He must be kicked out, he must resign, is the effect of his argument. The Senator from Mississippi, however, takes a little different tact. He evidently had in view the constitution which he himself had drawn.

I wish to read another definition of the effect of accepting incompatible offices. I did not suppose it would be disputed till both Senators seemed to discuss it so lengthily. Therefore I read from an elemental authority. I read from Judge Dillon in his work on Municipal Corporations, section 164:

> An office may be impliedly resigned or vacated by the incumbent being elected to and accepting an incompatible office. The rule, says Parke, J., in a leading English case on this subject, that where two offices are incompatible they can not be held together, is founded on the plainest principles of public policy, and has obtained from very early times. The principle applies not only where the second office is the superior and more important one, but also where it is not. The rule has been generally stated in broad and unqualified terms, that the acceptance of the incompatible office, by whomsoever the appointment or election might be made, absolutely determined the original office, leaving no shadow of title in the possessor, whose successor may be at once elected or appointed, neither quo warranto nor amotion being necessary.

The same rule was applied in the case of Rex *vs.* Hughes (5 B. & C.). There were 10 aldermen and 10 capital burgesses, a house and senate. One of the aldermen was elected a capital burgess, and after being elected to that place he continued to act as alderman, as he claimed, de facto. The court held that he could not be considered as acting at all; that it was a mere nullity.

The distinguished Senator from Mississippi read authorities from Massachusetts on the subject of a de facto officer and as to its requiring some action to remove him; and as he read them I did not know but that there might be some conflict on this subject. To-day I sent down to the library, and I find that one of the very cases which he himself cited, not quoted to the Senate, also lays down the rules as strongly as any that no action is necessary; that he is not an officer after he takes that incompatible office. I read from Commonwealth *vs.* Hawkes (123 Mass.):

> By the common law, when two offices of public trusts are incompatible with each other a person holding the one is not disqualified to be appointed or elected to the other, but his acceptance of the second office is in law an implied resignation of the first, whenever it may be resigned by the mere act of the incumbent, without the assent or concurrence of a superior authority.

Then the court quotes a long list of authorities—

> There may be municipal or county offices that a person can not decline to accept, and therefore has no right to resign at his own will. But under the Constitution of the United States and of this Commonwealth, at least, a judicial office, depending upon the appointment of the Executive, no person is obliged to accept or to hold longer than he pleases, but has the absolute right to resign at any time. (United States *vs.* Wright, 1 McLean, 509.)

Did Watson not have the absolute right to resign the speakership at any time—the absolute right to resign the senatorship at any time? He did not have to ask the consent of the other members of the senate. That was an absolute right in him, and when he accepted the office of governor or accepted the duty of exercising the office, it was ipso facto a resignation—

> It follows that the defendant, by taking the seat to which he had been elected in the house of representatives—

Taking the seat of governor in this case——

Mr. GRAY. Would not his resignation have to be accepted by the senate?

Mr. BROWN. I think not. I think it is an absolute right of the senator to leave the office. I do not know that any Senator of this body is liable to resign, but if any of them should, I think he has the right to resign without the consent of the other members of the Senate.

> It follows that the defendant, by taking the seat to which he had been elected in the house of representatives, legally vacated his judicial office, unless there is something in the constitution itself which controls the general law. Upon examination of all the provisions of the constitution on the subject, we are of opinion that they affirm, rather than reverse or qualify, the rule of the common law as applicable to the case.

When the Senator referred to those authorities it seems as if he believed they disputed the doctrine laid down in the common-law cases which I have read.

Mr. GRAY. May I ask the Senator whether the case from which he has just read is one of implied resignation of the legislative office?

Mr. BROWN. No, sir. He was a justice or a judge of some kind, and he accepted the position of member of the legislature—of the senate or of the house of representatives—I do not know which.

Mr. President, on another ground I claim that the office——

Mr. GRAY. Will the Senator allow me, because the point is interesting? Which office was held to be vacated in that case?

Mr. BROWN. The first one.

Mr. GRAY. The office of justice of the peace?

Mr. BROWN. The office of judge.

Mr. GRAY. Not the position of member of the legislature?

Mr. BROWN. No, sir. Accepting the second office vacates the first. This authority is in conformity with the universal rule.

Mr. GRAY. Where the first is not a legislative office.

Mr. BROWN. It makes no difference what the office is.

Mr. GRAY. You can not get any authority——

Mr. BROWN. The first is held to be vacated.

The executive offices are incompatible with legislative offices in the meaning of that clause of the Constitution of the United States, section 4, Article IV, which provides "that the United States shall guarantee each State a republican form of government." This clause of the Constitution of the United States has had less occasion to be adjudicated and considered in courts than most any other. Decisions upon it are few, but its meaning would seem to be plain that all departments of the United States Government, in whatever manner it may be appealed to, shall maintain only the republican form in the State governments. The determination of what is a republican form probably primarily rests (7 How.) with Congress itself. It has been consigned at times by Congress to the Executive with regard to some of the States growing out of the reconstruction. It was for the Executive to determine whether the new States were republican in form or not.

In the case of the very latest State admitted into the Union, in the act of admission or the enabling act to permit the formation of a constitution it was provided that the constitution of the new State when framed should be submitted to the Executive and by him determined as to whether or not it was republican in form. But the power of the Executive to thus determine its republican form came from the act of Congress and not from the Executive duty alone. It is the duty of Congress to maintain that guaranty. It is needless here to inquire how far Congress would be called upon to interfere with the State government in purely local matters in case the State government was not republican, but whenever the State government comes before Congress itself, or any branch of it, legitimately, and the question arises incidentally whether the State has a republican form of government or not, it is the duty of such branch of Congress itself to so construe the acts and conduct of the State as to perfect and maintain that guaranty. The right and duty is recognized in Luther *vs.* Borden, 7 Howard 1, page 42.

The republican form of government had already its definition when the Constitution was created. It meant what the writers and thinkers on civil freedom had said it should mean. It meant what the common law had determined, to wit: The preservation of the distinction of the duties between the executive, the legislative, and the judiciary. No State that amalgamates these three forms into one and obliterates this distinction can be said to be republican. If a new State should be formed which should

consign to the chief justice of the State the power to pass laws and the power to exercise the office of governor and combine them all in one in his person, it could not be said to be republican in form. It would be directly the reverse. Call it by republicanism if you will, it is a contradiction of itself; the terms of the constitutional guaranty would not be kept, and it would be the duty of Congress to interfere and prevent such a State exercising the forms of a State government. If a government is not republican, in extreme cases, where all three powers are vested in one and the same person, it must be true in less extreme cases to the extent that the distinction is obliterated and wiped out. A State that says the executive shall make laws in whole or in part is just as objectionable to the guaranty of this clause of the Constitution as it would be to authorize the executive to be the judge as well as the governor. It is abhorrent to the very terms of the English tongue and abhorrent to the very idea of republican government. It is therefore contradictory to this clause in the Constitution, which says:

That the United States shall guarantee to each State a republican form of government.

It has been stated here in the debate that there is one State, or was at one time one State, in this Union where the governor was required and empowered to act as the chief legislator, with the chairman to be the presiding officer of the grand committee, the presiding officer of the senate to have the casting vote in certain cases, and to be the executive in addition. Such a State government was contrary to the prohibition contained in the section which we are considering. It would have been the duty, whenever the act of such a State came before Congress, or before the Executive of the United States, to decide that it was not republican in form and could not be enforced as a republican government. It was brought before the courts and held that Congress must decide. It might possibly have been in the power of the United States Congress to have interfered and in some manner prevented the maintaining of such a government in the State of Rhode Island. But the Constitution of the United States has prescribed no method by which this guarantee shall be fulfilled.

The constitution of that State was brought before the court in the case I referred to, Luther *vs.* Borden, and Judge Tawney, among other things in a long decision, gave this opinion:

The fourth section of the fourth article of the Constitution of the United States provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and, on the application of the legislature or of the executive (when the legislature can not be convened) against domestic violence. Under this article of the Constitution it rests with Congress to decide what government is the established one in a State. For as the United States guarantees to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the senators and representatives of the State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding upon every other department of the Government and can not be questioned in a judicial tribunal. It is true that the contest in this case did not last long enough to bring the matter to this issue, and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide that controversy. Yet the right to decide is placed there and not in the courts.

In other words, the question as to whether it would be according to a republican form of government for Mr. Watson to act as legislator and governor both is placed here, and we exercise it by admitting Senators and Representatives into the councils of the Union.

That is the expression of the judge:

When the Senators and Representatives of the State are admitted into the councils of the Union, the authority of the Government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

It is for us, when a Senator applies here for admission, to inquire whether he has been elected by a legislature under a republican form of government. One means of carrying it out we have here in this case. Now, a case where we can apply the principle and maintain the guaranty is here in this particular case of Du Pont's by saying that the constitution of Delaware must be construed as to be consistent with the idea of republicanism, and can not be so construed as to be contrary to republican form of government. Giving this constitution upon which these differences have arisen the construction which has been contended for by the minority of the committee and the Senator from Indiana empowers the governor to act as speaker at the same time, and senator at the same time, introduce bills as senator, vote upon them as senator, to decide upon their vote as speaker, and enforce them as governor; at one and the same time to exercise all classes of duty, legislative and executive, on the same day, in the same person, at the same hour, and at the same place, from the same chair.

Mr. GRAY. Does the Senator think that if that merely was embodied in the constitution of the State of Delaware it would constitute a form of government nonrepublican?

Mr. BROWN. I do.

Mr. GRAY. What does he think of the government of New Hampshire, where the constitution provided that the governor should have two votes in the legislature?

Mr. BROWN. That was passed——

Mr. GRAY. First a vote and then the casting vote.

Mr. BROWN. I do not think it was a republican form of government while it existed.

Mr. CHANDLER. Mr. President——

Mr. BROWN. Just a moment. It was the constitution prior to the Revolution. It has been changed.

Mr. CHANDLER. Will the Senator kindly allow me to refer to it? As it was stated by the Senator from Mississippi it seems he did not get it from the Constitution. He got a copy of Madison's Notes on the Constitution and read from it.

Mr. GRAY. I have it here.

Mr. CHANDLER. Yes; it was in the constitution.

Mr. GRAY. Oh, yes.

Mr. CHANDLER. It was in the constitution of 1784, and it was knocked out in the constitution of 1792 as being absolutely unrepublican. That was getting along with tolerable rapidity in the adoption of the American doctrine for which we are contending.

Now, as to Rhode Island. Rhode Island was so conservative that she did not have any constitution, I think, until 1842—until the time of the Dorr rebellion. She was content to live under her old colonial charter, and under the colonial charter the governor did preside in grand committee.

Mr. GRAY. And vote.

Mr. CHANDLER. And vote in grand committee. When I asked the Senator from Delaware the other day if he knew of any other such case, he declined to be catechised. I did not know but that he knew of some other case of that sort. He has told me to-day that he did not know of the New Hampshire case. If he had asked me I would have enlightened him about it and would then have told him that in 1792 we got rid of that monarchical and old country anomaly adopted for a little while in 1784. The Senator from Rhode Island can explain the conservatism of Rhode Island if he wishes.

Mr. GRAY. I admire the conservatism of Rhode Island.

Mr. BROWN. To obey this clause of the Federal Constitution we should so construe this constitution of Delaware that this unusual, improper, incompatible, contradictory, self-destroying position can not be maintained by one and the same person. The construction before us is a simple one of the English language and can be made consistent with the Constitution of the United States, the common law, the common understanding, and the constitution of Delaware.

Let us take up the views of the Senator from Indiana on the question of our power of inquiry. First, that the record shows 30 votes were cast, and that the record can not be disputed because it is the journal of the joint assembly. To enforce this argument the learned Senator assumes, and very properly assumes, that this entry of the journal is equivalent to the record of courts, and it has been very generally held, perhaps universally held in the United States, that this journal can not be disputed as to any fact therein stated. But all records, whether of courts of record or of courts not of record, of legislatures, or acts of the Executive, must be consistent with themselves. If they dispute themselves, then, in any collateral or direct attack they must be construed in accordance with the fact of the law applicable to such cases. The record must be a verity to itself; the verdict and judgment must agree. To illustrate, if the record had shown that there were 31 votes cast, it would show on its face that there was 1 more than the law allowed or that the constitution of the State of Delaware permitted. It could not speak a verity, because on its face it spoke a contradiction to the fundamental law. If this record had stated that there were 34 votes cast and that those 34 votes were members of the legislature, the argument of the learned Senator from Indiana would have been just as appropriate. He could have said to make a majority of 34 we must have 18, and therefore any number less than 18 would not be an election; that the record said 34 members were present and that could not be disputed. Would the Senator deny that in such a case, where there were 4 votes more than the fundamental law permitted, that it would be in the power of any court not only to examine the record but expurgate and take out the 4 illegal votes? That was the Kansas case, which has been quoted here. The fundamental law permitted but 125, and 129 voted.

The court, in determining the constitutionality of an act, inquired by the record as to who voted for the act, and finding that the 4 who were not entitled to seats voted for it, determined that the law was unconstitutional. If this is true where there were 4 extra votes, it would be true where there is 1. The record in this particular case shows that there were 30 votes cast, it is true, but it shows who cast the 30 votes, and it shows as well that there were 29

members of the legislature cast 29 of them and that the other vote was cast, not by a member of the legislature, or any senator, or any representative, or by any person that had theretofore been recognized by the legislature, but by William T. Watson, then acting governor. The record works its own contradiction. We must give verity to the record, but in giving verity we recognize that there were but 29 votes that were legal and 1 vote that was illegal; therefore Du Pont received the 15 votes, a majority of the legal votes cast, and he is unaffected by the 1 illegal vote.

The Senator from Indiana, however, says he might concede, for the sake of the argument, all that had been said for Du Pont, with the single exception that the action of the State of Delaware was final; that the clause, section 6, Article II, of the constitution, which provided that each house shall be the judge of the election and returns and qualifications of its own members, has been exercised in this case, and its action is final and conclusive upon the Senate of the United States. It is but a restatement of the first point. To maintain it the learned Senator must assume that the things that were done on the 9th day of May was the adjudication. He has said, however, in another part of his argument, that this adjudication must be the record. Let us see what was done of record and not of record on that day, as claimed by the Senator.

It is claimed in the affidavits (which are not of record) that shortly before 12 o'clock Mr. Watson appeared in the senate, assumed the place of speaker, exercised the duty and office of speaker, voted as speaker, and when 12 o'clock came marched at the head of the senate into the joint assembly room. None of this is of record and most of it contradicts the record. The record shows that he did not vote in the senate. The record is silent as to whether he ever took the seat of speaker; it does disclose Mr. Ricords, speaker pro tempore, did preside, and so far the judgment, as it is called, the adjudication behind which we are not permitted to go, is merely the affidavit of those who are attacking the seat of Mr. Du Pont. It exists wholly dehors the record; there is no record of any judgment so far. The fact that he marched at the head of the senate is not of record.

It is said here, and an eloquent argument has been made, that the sergeant-at-arms of the senate was the proper person to see to it that no intruder marched at the head of the senate and that his failure to put Mr. Watson out was an adjudication by the senate. To that it may be replied that neither the constitution nor the law nor the action of the senate could ever refer the question of its membership to its sergeant-at-arms, and the record is silent as to whether he did or did not object. As each house is to be the judge and not the joint assembly, we might pause here and say that there was no adjudication whatsoever upon this subject. By the senate alone the adjudication is to be found, not the joint assembly.

The journal of the meeting is—

> The hour of 12 m. having arrived, the senate, preceded by the speaker and attended by the clerk and sergeant-at-arms, proceeded to the hall, etc.

The record does disclose that on the first vote the speaker did vote and that that speaker was some other than Mr. Records, because there is the record of the vote, Mr. Records, speaker pro tempore, being called in his own name and some one answering to the name of speaker. The proof shows that this was Watson, that he was there, and this is claimed as an adjudication by the senate of Delaware that he was a member duly qualified as a matter of fact, and that as a matter of law he was entitled to be a member and entitled to vote, and that adjudication of fact and of law is conclusive upon us. The reply to that is that the same record shows that he was not a member because he was governor.

The record shows that the speaker, Mr. Records, was the real speaker, had already voted, and that the record thus contradicts itself by showing that somebody under the name of speaker was voting that had no right to vote. If Watson had the right to vote of course the conclusion in the record that there were 30 votes cast would be correct. The position of the right to vote gains no greater weight by the record. There is no adjudication of any fact or of any law which should change it in any manner. The record stands as a record of a judgment of a court of law would stand if it had appeared that the judge who had jurisdiction had vacated the seat, and that a mere intruder, not in any manner qualified, had usurped the function, sat upon the bench, signed the judgment roll, and rendered judgment. Such a judgment and record would be an actual nullity and could be collaterally attacked.

In an illustration the other day in this debate this case was compared to an alien sitting upon a jury and voting. Let us make the comparison more exact. It is not the case of an alien or one sitting constantly. Watson has not been sitting for thirty days. Suppose a jury of 12 is called; they sit and hear the evidence in part, a long trial, as long as the trial that was had in producing this United States Senator, from January 29 to May 9, and on the 9th day of April, upon this trial, one of the jurors should be discharged and excused, both counsel sat by and said nothing; recognize the other 11 jurors in every manner it is possible to recognize them until the final day, and after the arguments have been made and after the charge of the judge had been given, just as the jury was about to go to their jury room to ballot, in fact as they were going, another person not a member of the jury, not sworn as a juror, an interloper, should mingle in with the 11 and go to the jury room, should there participate in the deliberations of the jury, and should return with them and find with the 11 jurors a verdict, and when the roll was called as to what the verdict was, the 11 jurors should answer to their names, and the twelfth person, who never was a juror, should answer to his name, would that verdict be the verdict of any jury, or would it not on its face show that it was not the verdict of a jury, but the verdict of 11 jurors and one interloper, and could the action of that one interloper be recognized in any court of law?

But to go a little further with this adjudication, if there can be any such thing as mere adjudication by the conduct of a senate, then we have more adjudications in this case. Let us see what it was on the 9th day of April, when Governor Marvil's death was announced. Mr. Watson took the oath of office as governor; he accepted the duties of governor; he proceeded to exercise the office of governor; he vacated the seat he had formerly occupied as senator and as speaker of the senate; he adjudged as far as it was in his power to adjudge by that conduct and that act that he was not a senator.

The distinguished Senator from Mississippi says that no weight is to be attached to the fact that the oath of office as governor was taken by Watson, because it was merely extra caution or extra form; that no oath was required; that the only oath that the constitution contemplated was that applicable to all officers and stated in the constitution. The language, however, of that section would imply that each one should vary the form of oath by inserting in it the office which they are to perform the duties of; but whether it does or does not, the interpretation and construction put upon this oath by Watson, by the legislature of Delaware, and by James L. Wolcott, chancellor, was that it was necessary to take an oath, and if it was in fact unnecessary, it is all the greater proof that all these persons—the chancellor, the legislature, and Watson himself—believed that he was entering upon a new and different office from that of senator. If he had already taken the oath, and the statute did not contemplate the taking of another, as argued by the Senator from Mississippi, then the voluntary taking of it was an emphatic construction and adjudication that at that time he was entering into a new office.

Look at the record. First, the legislature passed a resolution that James L. Wolcott, chancellor, be invited to administer the oath to Mr. Watson. Next, that James L. Wolcott did administer the oath to him, and that the oath which Watson took was that he would perform the duties of the office of governor of the State of Delaware with fidelity—precisely the oath which has always been administered to the governors of that State—and this was the interpretation and construction which this same legislature that voted for Du Pont placed upon the act that they were performing. It was a construction that Watson was the governor, and became governor, as he had sworn to perform the duties of it.

Let me read the record not only with regard to what Watson did, but with regard to what the legislature did. The legislature passed the following resolution:

> *Resolved*, That the Hon. James L. Wolcott, chancellor, be, and he is hereby, invited to administer the appropriate oaths of office to William Tharp Watson, speaker of the senate, who, by reason of the death of the governor, the Hon. Joshua Hopkins Marvil, shall, under the constitution, exercise the office of governor until a governor elected by the people shall be duly qualified.

That was the act of the legislature. The Hon. James L. Wolcott then administered, in the presence of the members of the senate, to Hon. William Tharp Watson, speaker of the senate, the following oaths of office as governor, to wit:

> I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will support the Constitution of the United States of America. So help me God.
>
> I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will support the constitution of the State of Delaware. So help me God.
>
> I, William T. Watson, do solemnly swear on the Holy Evangels of Almighty God that I will perform the duties of the office of governor of the State of Delaware with fidelity. So help me God.

That was an adjudication, in their presence by them, so far as their conduct could make it, that he was entering upon a new and different office and was no longer a member of the senate. After they went there the senate dropped his name from the roll, they elected another presiding officer, and every day when the roll was called to vote on the question of electing a United States Senator Watson's name was not called. If judgment can be rendered by the joint assembly and by the senate sitting in joint assembly by their conduct, here was the most solemn declaration on the part of the senate in joint assembly that William T. Watson was not a member of the senate.

It was not one adjudication only, but every week day from the 9th day of April to the 9th day of May, and on some days many times a day, did this voting go on, and as often as it went on each time the joint assembly and the senate adjudged as solemnly as such a performance can be, an adjudication that William T. Watson was not a member of the senate and had no right to vote.

If the adjudication of the Senate of Delaware upon this subject is to be binding upon the Senate of the United States, then we have the adjudication over and over and over again; not merely in the heat and excitement of a fighting contest at the closing day, but deliberatively week after week, that Mr. Watson was governor and not senator. But, Mr. President, the Senate of the United States also has power to adjudge of the qualification and election of its own members, and in the duty of exercising that power they have the right to determine the legality of every legislature and every legislator.

The duty of the United States Senate is not performed by merely asking the State of Delaware or its legislature or any branch of its government what it decides as to its constitution or what it has decided. The legislature elects the United States Senator. Its right and duty end there. Our right and duty begin there, to determine whether that election is a constitutional one; that it was a fair election; that it was an election by the legislature within its duty and its function. We can not say what is a constitutional election without deciding upon that constitution and construing it for ourselves and determining every branch of it that is within our duty. We can not say what is an election by the legislature without inquiring who is the legislature and in determining that fact. We must decide not only which of two bodies may be the legislature, but who are the lawful components of it. That is, we have the right here to go back into the election of each and every member of the legislature, determine his election de novo. If a man has been elected a member of the legislature illegally, improperly, wrongfully, fraudulently, it is our duty in the exercise of our power to weed him out from the legislature which sends a Senator here.

The Senator from Mississippi [Mr. GEORGE] has read at great length the case of Potter *vs.* Robbins (Taft, 94) and spent a great deal of time in eulogizing the different statesmen who took part in that decision, and yet when asked what the real object in reading it was, and if it does not simply establish the fact that the Senate of the United States would have the right to determine between two bodies which was the genuine legislature, he answers yes, that that was the point of the decision. It is not only not disputed on this side, but it is one of the chains in the argument which we make, that the Senate of the United States have the right, where there are two distinct legislatures, each claiming to be the lawful one, to determine which, in the opinion of the Senate, is the lawful one, and in exercising that right the Senate of the United States may differ from the supreme court of the State from which that legislature came. There is nothing in the Constitution of the United States that says in any manner that the Senate of the United States is bound by the decision of the judges of the State or the lawyers of the State or anybody else in the State. In every case where there is a conflict between two legislatures this body must be the ultimate tribunal and when a seat of a United States Senator is at stake, and in determining that question it may be that it will be necessary to determine the proper election of some one person.

If it be conceded for the sake of the argument, and that only, that this body could not go into the details of the election of any member of the legislature where there is a conflict as to the legislature, yet in case of conflict between two legislatures, if the determination of that question would say which was the rightful legislature, it would be within the power and duty of this body to inquire into the election of one member of it. All this is certainly within the implications of the case of Potter *vs.* Robbins. It was also held by the court in the celebrated cases between Governor Garcelon and the supreme court of the State of Maine. (See Answer of Judges, 70 Maine.) There two bodies each claimed to be the legislature, each set up the plea that each house shall be the judge of its own membership. The governor had recognized one body as the lawful legislature; another body had stood out contesting that claim, and the appeal was made to the supreme court by question for them to answer, and the supreme court of Maine were just as much prevented from determining the membership of any particular member of the legislature as the Senate of the United States is. The inhibition was just as broad there as here, but for the sake of determining which of these bodies was lawfully elected the supreme court deemed it their duty and proper to examine the returns, details of election of the different members, and to determine that certain ones were lawfully elected and certain others were unlawfully elected, and that same power would be within the scope and duty of this Senate.

If the constitution fixed a definite number of the legislature—as all constitutions do, the constitution of Delaware fixing 30—and it shall appear that a crowd of 34 or 45 have been electing a Senator, it is within the scope and duty of this Senate to say that that body was not a legislature. It is not denied, but has been admitted here, that the Senate of the United States could determine which is the legislature and what is the legislature. They can determine here under that clause that 45 persons are not the legislature, and they would not be required in that determination, in case there was a vote of 45 persons for United States Senator, to say that they reject the illegal part. There may have been a legitimate 30 who had voted; it would be our duty to protect that exercise of that right. It must follow, then, as a part of our right and duty to determine which is the legal legislature and select out that part of it which is the illegal branch of the legislature, to determine, as the chairman of the committee said, whether there is an office vacant or not; to determine if any extra votes were cast, and who had usurped the place and tried to exercise the office to which they were not elected or entitled. Here we are determining whether there was a vacant office in this thirtieth place. We have the same right as to this thirtieth place as if there had been 15 extra.

The constitution of the State of Delaware providing and designating the speaker as the person who shall become governor, and that he shall cease to be speaker, it is our duty to protect our own membership and our own rights, to select out of those 30 offices that were being voted any illegal place. The constitution of Delaware so provides that upon this contingency there were but 29 in the legislature. It is our duty to see that there are but 29 votes cast and but 29 votes had the right to be cast for the office of Senator. We must select that 29; we must determine who the legal legislature were, what were the legal offices, legal holders, and strike out the illegal office of the thirtieth. In doing that we put our hand upon the record; we need not go behind the record to see who the illegal voter was. We discover that there were but 29 persons entitled to vote, and we discover from the record that the person exercising the illegal right was William T. Watson, and that he was voting for Edward Ridgley. Casting him out, as it is our duty to do, Mr. Du Pont got a majority of the votes of this joint assembly and is entitled to his seat here.

Mr. CHANDLER. I desire to speak upon the resolution, but prefer not to go on to-night. Therefore I ask that the resolution may go back upon the Calendar, and I shall request that it be taken up at the conclusion of the routine business to-morrow morning.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). That order will be made.

## EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $100,000 is needed to complete the United States court-house and post-office building at Omaha, Nebr., and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $116,000 is needed to complete the United States post-office and court-house building at Kansas City, Mo., and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, stating that a deficiency appropriation of $355,000 is imperatively needed to complete the United States post-office building at Washington, D. C., as at present designed, and that a deficiency appropriation of $115,000 additional, making a total of $470,000, will be required for the completion of the building if an independent light and power plant is to be supplied therein, and recommending that this amount be appropriated for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

## UNCOMPAHGRE INDIAN RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be read.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Is it the desire of the Senate that the unfinished business shall be laid aside informally?

Mr. CANNON. I desire, if possible, to go on with the unfinished business. It has been pending here for nearly three weeks——

Mr. MITCHELL of Oregon. I hope the Senator from Utah will yield for a motion to adjourn. It is late.

Mr. FAULKNER. I ask the Senate to pass a very short bill, that will not take a minute.

The PRESIDING OFFICER. The Senator from Utah [Mr. CANNON] has the floor.

Mr. MITCHELL of Oregon. I ask the Senator from Utah to yield to me that I may submit a motion to adjourn.

Mr. GRAY. Let us have an executive session.

Mr. CANNON. I will yield for that purpose.

Mr. MITCHELL of Oregon. Very well; I move that the Senate proceed to the consideration of executive business.

Mr. FAULKNER. I understand the Senator from Oregon is willing to withdraw the motion temporarily.

Mr. MITCHELL of Oregon. I withdraw it temporarily.

ST. JOSEPH'S CATHOLIC CHURCH, AT MARTINSBURG, W. VA.

Mr. FAULKNER. I ask the Senate to proceed to the consideration of the bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 8, after the word "full," to strike out the words "of rent and damages"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Bishop Augustine Vandebyver, trustee of St. Joseph's Catholic Church, at Martinsburg, W. Va., out of any moneys in the Treasury not otherwise appropriated, the sum of $2,880, the same to be in full for the use and occupation of said church by the Army of the United States during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MITCHELL of Oregon. I renew my motion.

Mr. CANNON. Let the Chair lay the unfinished business before the Senate, so that it may remain pending.

The PRESIDING OFFICER. The unfinished business was laid before the Senate, and the Chair is under the impression that it was laid aside temporarily.

Mr. CANNON. Very well; I simply want to have it retain its place.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 14, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 13, 1896.*

CONSUL-GENERAL.

Fitzhugh Lee, of Virginia, to be consul-general of the United States at Habana, Cuba, vice Ramon O. Williams, resigned.

COLLECTOR OF INTERNAL REVENUE.

William H. Fowle, of Virginia, to be collector of internal revenue for the Sixth district of Virginia, vice Fitzhugh Lee, this day nominated as consul-general at Habana.

ASSISTANT ENGINEERS IN THE NAVY.

John P. J. Ryan, a citizen of New York; John R. Morris, a citizen of Missouri, and Chester Wells, a citizen of Pennsylvania, to be assistant engineers in the Navy, in accordance with the provisions of public resolution No. 30, approved March 20, 1896.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 13, 1896.*

POSTMASTERS.

William E. Miller, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Bernard Indlekofer, to be postmaster at Weston, in the county of Wood and State of Ohio.

Thomas M. Greene, to be postmaster at Tifton, in the county of Berrien and State of Georgia.

Israel K. Deckard, to be postmaster at Middletown, in the county of Dauphin and State of Pennsylvania.

Felix R. Shepley, to be postmaster at Massillon, in the county of Stark and State of Ohio.

Daniel Rice, to be postmaster at Tennessee City, in the county of Dickson and State of Tennessee.

Frank Verrier, to be postmaster at Fayette, in the county of Fulton and State of Ohio.

William O. Wallace, to be postmaster at Glenwood, in the county of Pope and State of Minnesota.

Alfred G. Rodgers, to be postmaster at Wymore, in the county of Gage and State of Nebraska.

Charles S. Millen, to be postmaster at King City, in the county of Gentry and State of Missouri.

Francis Simonds, to be postmaster at Clarksville, in the county of Pike and State of Missouri.

Louis Schuknecht, to be postmaster at Mayville, in the county of Dodge and State of Wisconsin.

Mathias Melchior, to be postmaster at Ahnapee, in the county of Kewaunee and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

MONDAY, *April 13, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read and approved.

JOHN RUHM, SR.

Mr. McCALL of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Ruhm, sr., of Nashville, Tenn., late United States district attorney for the middle district of Tennessee, the sum of $295, for services rendered the United States in the case of the State of Tennessee for the use of the United States against W. J. Hill and others, and other cases.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for some explanation of the bill.

Mr. HOPKINS. Mr. Speaker, pending the right to object, I should like to hear the report read.

The report (by Mr. DE WITT) was read, as follows:

The Committee on Claims, having under consideration the bill (H. R. 1882) for the relief of John Ruhm, sr., of Nashville, Tenn., report the same back to the House with the recommendation that it do pass with the following amendment:

Strike out in line 8 of the bill the words "and ninety-five"; so that the bill will read "the sum of $200 for services rendered the United States," etc.

It appears from the proof in this case that John Ruhm, sr., was United States district attorney for the middle district of Tennessee for some years prior to 1894, when, on February 1 of said year, he retired from said office. He had received his maximum emolument up to and including the calendar year of 1893, and for services rendered by him for the month of January, 1894, there was allowed by the Attorney-General the sum of $405, the maximum being $500.

Of this sum of $405 allowed him he was paid the sum of $205. The remaining $200 was allowed for services in the cause of the State of Tennessee for the use of the United States against W. J. Hill, sheriff, and his sureties. This cause was ended February 1, 1894, the day on which General Ruhm retired from office. The Attorney-General, in approving General Ruhm's account of $200 for fees in this case, placed $100 for the fiscal year 1892 and $100 for the fiscal year 1893. These amounts were disallowed by the Comptroller for the reason that the attorney had received his maximum compensation for those years.

While it appears that the services for which this $200 was allowed were rendered in 1892, 1893, and in January, 1894, at which time the cause in which they were earned was ended, your committee is of the opinion that the fees were not due until the termination of the suit, February 1, 1894, and the attorney not having received his maximum emolument for January, 1894, that this sum of $200 should be paid him and not charged back to the fiscal years 1892 and 1893, for which years his emolument account had reached its maximum and had been closed.

Mr. HOPKINS. Was the service for which this bill proposes reimbursement rendered in 1892 or 1893?

Mr. McCALL of Tennessee. Mr. Ruhm went out of office in February, 1894.

Mr. HOPKINS. Then, as I understand the report, he was paid the maximum allowed United States attorneys for 1892 and 1893?

Mr. McCALL of Tennessee. This case had not been settled.

Mr. HOPKINS. But the service was rendered and he was paid as he went along.

Mr. McCALL of Tennessee. Not for this case. The rule of the Department is that fees are not allowed to district attorneys until the cases in which they are earned are terminated. This gentleman went out of office in January, 1894, and for the month when this case was disposed of he did not earn his maximum fee, and that was the only month in which he did not earn it.

Mr. HOPKINS. I understand, then, that the maximum fee is allowed in each case and not on the gross amount of the business of the office?

Mr. McCALL of Tennessee. So much on each case. The Attorney-General recommends the payment of this claim.

Mr. HOPKINS. I withdraw my objection, Mr. Speaker.

The SPEAKER. Is there further objection?

Mr. RICHARDSON. I should like to know why the Department did not allow this claim?

Mr. McCALL of Tennessee. The Department did make the allowance. The Attorney-General allowed the claim, but in the settlement of the account for January, 1894, the Comptroller, instead of paying the full amount allowed by the Attorney-General, paid Mr. Ruhm $200, and arbitrarily charged him with $100 for the year 1892 and $100 for 1893, the years for which he had received his maximum fees. I have a letter from the Attorney-General recommending the payment.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment recommended in the second paragraph of the report was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McCALL of Tennessee, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; had receded from its amendment numbered 102; had further insisted upon its amendments to the bill disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

UNITED STATES COURTS AT MISSISSIPPI CITY.

Mr. DENNY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8043) to amend chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City.

The bill was read, as follows:

*Be it enacted, etc.*, That chapter 58 of the Revised Statutes, being an act to provide for holding terms of the United States court at Mississippi City, approved April 4, 1888, be so amended as to insert the word "Biloxi" in lieu of and where the words "Mississippi City" occur in sections 1, 2, 3, and 4 of said act.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. DENNY. Mr. Speaker, the committee recommend certain amendments to the bill which I should like to have adopted.

The amendments were read, as follows:

Strike out the words "chapter 58 of the Revised Statutes, being," in line 3, and insert in lieu thereof the words "the act entitled."

Strike out the word "insert," in line 6, and insert in lieu thereof the word "substitute."

Strike out the words "and where," in line 7.

Strike out all of line 8, and insert in lieu thereof the words "wherever the same may occur in said act."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended by striking therefrom the words "chapter 58 of the Revised Statutes, being."

On motion of Mr. DENNY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RITA STINE.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2813) granting a pension to Rita Stine, amounting to $20 per month.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company Q, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and that said Rita Stine be allowed a pension of $20 per month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BARTLETT of New York. Mr. Speaker, I reserve the right to object pending an explanation.

Mr. CLARK of Missouri. I will ask to have the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2813) granting a pension to Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late first lieutenant Company I, Twenty-first Missouri Infantry Volunteers, at the rate of $20 per month, having carefully investigated all the facts and circumstances, respectfully submit the following:

George W. Stine enlisted as corporal and was mustered into Captain Harle's company, First Northeastern Missouri Infantry Volunteers, and transferred to Company I, Twenty-first Missouri Infantry, February 12, 1862; promoted to second lieutenant July 29, 1862, and as first lieutenant January 12, 1863, and honorably mustered out and discharged December 5, 1864.

The evidence shows that Rita Stine, a daughter of the soldier, has been helpless from infancy from hydrocephalus, and that her limbs are now rigid and out of shape, and that she is totally blind and requires almost constant care and attention.

Her mother died about 1883 from overwork and exhaustion in caring for and lifting this helpless invalid child, then 14 years of age. Her father, the soldier, died in February, 1888, and since then his small estate has been exhausted in paying at the rate of $20 per month for the care and keeping of his orphan daughter.

On March 7, 1893, there was only $34.22½ of his estate remaining, and since that was expended the county (Scotland) has contributed $10, the Grand Army of the Republic post $3, and the Christian Endeavor Society of the Presbyterian Church at Memphis, Mo., the remainder necessary to provide for Rita Stine. She has but two relatives living—an uncle in Missouri and a sister—but both too poor to contribute to her support.

In view of all the facts stated, which are thoroughly supported and shown by reliable testimony, your committee believe this soldier's child should not be turned into the poorhouse or left dependent entirely on the charity of the world, and recommend that the bill be amended by striking out the word "twenty," in line 8, and inserting the word "seventeen" in lieu thereof, and that the title of the bill be amended by striking out all after the word "Stine," and as amended that the bill do pass.

Mr. BARTLETT of New York. I wish to ask the gentleman why this bill has not been considered at a Friday night session, in Committee of the Whole?

Mr. CLARK of Missouri. Simply because we have not been able to reach it.

Mr. BARTLETT of New York. What special circumstances demand the consideration of it to-day? Why does it not take the regular order? Why do you not have it considered at a Friday night session?

Mr. CLARK of Missouri. Because we can not get to it. It is a very distressing case and ought to be attended to without delay.

Mr. BARTLETT of New York. Is not the object of this bill to relieve the county from the support of this person?

Mr. CLARK of Missouri. The object is to relieve the invalid daughter of an old soldier from the pauper's position she now occupies.

Mr. BARTLETT of New York. Is not the object to relieve your county from supporting her?

Mr. CLARK of Missouri. No, sir; I do not reside in the county at all.

Mr. BARTLETT of New York. Well, to relieve the county in which she resides from the burden of supporting her. Is not that the object?

Mr. CLARK of Missouri. No, sir. The object is to relieve the invalid daughter of a worthy soldier who lost his life in consequence of his services to his country—to keep her out of the poorhouse.

Mr. BARTLETT of New York. Does the gentleman take the position that every helpless daughter of a soldier must be supported by the Government?

Mr. CLARK of Missouri. I take exactly that position.

Mr. BARTLETT of New York. No matter how many there are in the country?

Mr. CLARK of Missouri. There is not a doubt on the subject in my mind.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment recommended in the report was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. PICKLER. The gentleman from New York inquires in regard to this idiotic or permanently helpless child——

Mr. BARTLETT of New York. I beg to correct the gentleman. I did not use the term "idiotic."

Mr. PICKLER. Well, this is a permanently helpless child, and the case comes within the general law except that she did not apply before she was 16 years of age. That is the case as I remember it.

Mr. CLARK of Missouri. That is the case.

Mr. PICKLER. The general law is, that if a permanently helpless or idiotic or insane child of a soldier is receiving a pension before 16 years of age, it continues to receive it through life, but the pension must have begun before that age. The intention of the law is to cover the cases of permanently helpless or indiotic or insane children and those only, and the Government has come up to the point of saying, under the general law, that such children shall receive $12 a month while they continue in that condition. That is all there is in this bill, but this helpless child of a soldier is not able to come within the general law on account of her age.

Mr. BARTLETT of New York. I would like to know, Mr. Speaker, why we have this speech from the gentleman from South Dakota? I did not object to the bill, nor did any gentleman object, and it was about to go through.

Mr. PICKLER. Well, I thought from the gentleman's statement that the House might get a wrong impression as to the character of this bill.

The SPEAKER. The Chair suggests that the amendment which has been adopted fixes the rate at $17 instead of $12.

Mr. CLARK of Missouri. That is just the amount to which her father was entitled.

The SPEAKER. The Chair did not desire that there should be any misunderstanding as to what the bill provided.

The bill was passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title of the bill was amended by striking out all after the name "Stine."

VESSELS PROPELLED BY GAS, FLUID, NAPHTHA, OR ELECTRIC MOTORS.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors.

The bill was read.

Mr. LOUD. I may be in favor of this bill, but I could not hear enough of it as read to understand what it is, and I listened as attentively as I could.

The SPEAKER. The House will be in order. The Clerk will again read the bill.

The bill was again read.

Mr. BARTLETT of New York. I wish to ask my colleague [Mr. BENNETT] whether the intent of this bill is not to oblige naphtha launches to employ engineers?

Mr. BENNETT. No; it is not. It specially provides that naphtha launches above 15 tons burden run for hire——

Mr. BARTLETT of New York. It would apply to them?

Mr. BENNETT. Only those that are run for hire—used generally as ferryboats.

Mr. BARTLETT of New York. Well, I object.

STRATTON H. BENSCOTER.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby empowered and directed to set aside and annul the sentence of court-martial against Stratton H. Benscoter, of Company I, Ninth Iowa Cavalry Volunteers, and to grant him an honorable discharge from the said service, said discharge to date December 5, 1865.

Mr. LACEY. As the report is somewhat voluminous, I think a brief statement by the gentleman from New York [Mr. MCCLELLAN] would be all that is needed to make the matter understood.

Mr. MCCLELLAN. I think the gentleman from Iowa [Mr. LACEY] who introduced the bill would be better qualified to make the statement. As I remember the facts, this soldier, toward the close of the war, was in a billiard room and was approached by his officer, who was wearing citizen's clothes, who was not in uniform. The officer cursed the soldier, and as I remember the soldier replied in similar language. The officer brought charges against the soldier, who was thereupon court-martialed. He was very young. He made no defense. He did not know enough to make a defense. So he was convicted and sentenced, and in consequence thereof was dishonorably discharged from the Army. The officers who constituted the court-martial have united in petitioning that the sentence be set aside, and that the soldier be granted an honorable discharge. The case is a very clear one, and the committee reported unanimously in favor of the bill.

Mr. BARTLETT of New York. Is it the object of this bill to give the man a pension?

Mr. LACEY. The object is to give him an honorable discharge. That is all there is in it. He was dishonorably discharged in consequence of the finding of the court-martial.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

E. R. SHIPLEY.

Mr. TRACEY. I ask unanimous consent for the present consideration of the bill (S. 67) for the relief of E. R. Shipley.

The bill was read.

Mr. BARTLETT of New York. I should like to hear some explanation of this bill.

Mr. TRACEY. I will cheerfully make an explanation. Let me state, in the first place, that this bill comes from the Senate, where it has been passed three or four times. I believe this is the fourth time it has been sent here from that body. It has been reported favorably by every committee to which it has ever been referred in either House.

The facts are simply these: Mr. Shipley was a postmaster, and his office was entered by burglars and one package of registered matter taken. The postmaster, without knowing exactly what were his rights under the law, paid, upon demand of the post-office inspector, the amount of money supposed to be contained in the registered package which had been stolen. This man is now asking that the money which he ought not thus to have paid be refunded to him.

Mr. LOUD. Has there been any report on this case by the post-office authorities?

Mr. TRACEY. There has been a favorable report on the bill some half a dozen times. It has passed the Senate three or four times—I think this is the fourth time. It has been reported favorably by every committee that has examined it. It is now on our Calendar, reported favorably by the House committee.

Mr. COX. What committee does it come from?

The SPEAKER. The Chair suggests to the gentleman from Missouri [Mr. TRACEY] that the official copy of the Senate bill is not at the desk.

Mr. TRACEY. Then, Mr. Speaker, I should like to have the House take up the House bill and substitute the Senate bill.

The SPEAKER. The trouble is, the Senate bill is not here.

Mr. TRACEY. Then I should like to have the House bill taken up. I do not know why the Senate bill is not here. It passed the Senate on the 5th of March.

The SPEAKER. It was, no doubt, referred to a committee in the natural course.

Mr. DINGLEY. I suggest to the gentleman from Missouri that it will further his business if he will wait until the committee reports the Senate bill. Then it can be taken up some morning and passed.

Mr. TRACEY. I understood the committee had reported the Senate bill.

Mr. DINGLEY. At any rate it does not seem to be at hand just now.

Mr. TRACEY. I did not know it had not been reported.

Mr. DINGLEY. The gentleman will not further the matter, but only complicate it, by having the House bill passed.

Mr. TRACEY. Then I withdraw my proposition for the present.

GEORGE ALCOTT.

Mr. LEIGHTY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized and directed to remove from the rolls and records of the War Department the charge of desertion now standing on said rolls against George Alcott, late a private in Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge to bear date June 13, 1865.

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

Mr. TALBERT. Has this bill been considered at a Friday night session?

Mr. LEIGHTY. It has not been.

Mr. TALBERT. I reserve the right to object until the report is read or a statement made.

Mr. BARTLETT of New York. I suggest that the report be read from the desk, as I may interpose an objection, even if the gentleman from South Carolina declines to do so.

The report (by Mr. FENTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department, having considered the same, report it back to the House and recommend its passage.

The evidence shows that this soldier did not return to his regiment after the expiration of his furlough in June, 1865, because on reporting to the proper authorities at Indianapolis, Ind., for the purpose of obtaining transportation to his regiment, he was informed that, as the war was over, no transportation was being furnished to enable soldiers to reach their commands; that he should either remain in Indianapolis or return to his home, and that he would be notified when wanted. He was not notified, and was not present when his regiment was mustered out.

The evidence submitted by officers and soldiers of his regiment seems to support the claims of the petitioner.

The following is the report in the case from the Record and Pension Office, addressed to Senator Manderson:

"WAR DEPARTMENT, *Washington City, February 14, 1891.*

"SIR: In compliance with your request (received to-day) for a transcript of the record in the case of George Alcott, late member of Company C, One hundred and fifty-second Indiana Volunteers, I am directed by the Secretary of War to inform you as follows:

"The official records show this soldier to have been enrolled February 15, 1865, for the period of one year and to have been mustered into service February 17 following. He appears to have been granted a twenty days' furlough on May 24, 1865, and failing to rejoin his command upon its expiration, he is reported on the company muster-out roll, dated Charleston, W. Va., August 30, 1865, as follows: 'Absent, deserted; left Summit Point, Va., May 24, 1865, on twenty days' furlough, and never returned.' He is regarded as having deserted June 12, 1865.

"The following is a synopsis of the testimony heretofore submitted to the Department in connection with application for removal of the charge of desertion, to wit:

"Under date of October 8, 1890, the soldier testified that he received a

furlough for twenty days from May 24, 1865, and that upon its expiration he reported to the proper officers at Indianapolis, Ind., on June 13, 1865, for transportation to his regiment, but which was refused him for the reason, as the officers alleged, that they had received orders not to forward any more men, as the war had ended and regiments were about to return to be mustered out; that the said officers took his name and post-office address, and directed him to either remain in Indianapolis or to return to his home, and they would inform him when to return for muster out; that his regiment came back and was mustered out without his knowledge, the said officers having failed to notify him; that he would have rejoined his regiment had he not been prevented from doing so by the officers in power and command at Indianapolis.

"There is no record of the man at Indianapolis subsequent to May, 1865.

"George E. Young, late lieutenant and adjutant, and George P. Alexander, late captain Company C, One hundred and fifty-second Indiana Volunteers, under dates of October 8 and 9, respectively, testified that upon their arrival home at the close of the war they learned that the soldier had attempted to rejoin his regiment and got as far as Indianapolis, but was unable to go any farther on account of the close of the war.

"On January 4, 1890, the Department held that as 'this man's service prior to May 1, 1865, amounted to a less period than six months, and as his assertion of reporting at Indianapolis and of being refused transportation is not borne out by the records, favorable action can not be taken under the law, and the application must be denied.'

"Robert Moore, under date of March 1, 1890, testified that he remembered meeting the soldier on the morning in which he said he was going to his regiment from his furlough; that he (affiant) met the soldier at his gate just as he started, and remembered distinctly what he told affiant, who had every reason to believe that he told the truth, as he had on knapsack, etc., 'and is now, and he has been, a man of good reputation.'

"James Collins testified, March 13, 1890, that he was a member of Company C, One hundredth Indiana Volunteers, and that about June, 1865, while returning to his command from furlough, he met the soldier, also on furlough, at Elkhart, Ind., the soldier declaring that he was going to Indianapolis for the purpose of rejoining his command, to which place affiant accompanied him.

"This affiant (Collins) corroborated the soldier's testimony as to reporting to the officers at Indianapolis for transportation to his regiment, and to the refusal of the officers to furnish it, on the ground that his regiment was about to return to be mustered out.

"Collins, as a member of Company C, One hundredth Indiana Volunteers, entered the general hospital at Indianapolis on May 17, 1865, and was mustered out there June 13, 1865, on an individual muster-out roll.

"On April 15, 1890, the Department held that the additional testimony presented did not warrant a reversal of the former adverse decision, and the application was again denied.

"Since that date the status of the soldier has not been changed by the introduction of new testimony.

"Very respectfully,

F. C. AINSWORTH,
"*Captain and Assistant Surgeon, United States Army.*

"Hon. CHARLES F. MANDERSON,
"*United States Senate.*"

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I submit that we have every Friday afternoon for consideration of claims of this character. They ought to be brought up regularly and we ought not to make exceptions.

Mr. DOCKERY. I hope my friend from South Carolina will waive the rule in this case.

Mr. TALBERT. I will not object to this.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LEIGHTY, a motion to reconsider the last vote was laid on the table.

PINTSCH COMPRESSING COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington.

The bill was read, as follows:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia are hereby authorized to grant to the Pintsch Compressing Company, a corporation organized under the laws of the State of New Jersey, and having a plant located in square 269 in said city, permission to lay pipes for the distribution of the gas manufactured at its plant for the purpose of furnishing light to railway postal mail cars and the gas buoys of the United States Light-House Board in the following-named streets in said city of Washington, to wit: From the works or plant of said company in square 269 along Maryland avenue to Sixth street west; thence along Sixth street to the Baltimore and Potomac Railroad depot; also continuing along Maine avenue to Third street west, and thence along Third street to B street north, thence along B street north to First street west, thence along First street west to Indiana avenue, and thence along Indiana avenue to the Baltimore and Ohio Railroad depot, and also across Thirteenth and E streets to the yards of the Southern Railway; also from their said plant or station along Thirteenth-and-a-half street southwest, or along such other street or streets as agreed upon, to the Potomac River; that said pipe lines shall be laid under the direction of the Commissioners of the District of Columbia.

SEC. 2. That said Pintsch Compressing Company shall furnish said Commission with bond or bonds or such other security as they may require to guarantee the strict compliance with the permit that may be granted said company, and to insure the complete restoration of all pavements and other public or private property disturbed in laying said pipe line as aforesaid.

The Committee on the District of Columbia recommend the adoption of the following amendment:

SEC. 3. That said Pintsch Compressing Company shall also lower or relay any pipes whenever directed to do so by said Commissioners by reason of a change in the grade of the streets or the construction of any public works therein.

The amendment was agreed to.

Mr. BABCOCK. I desire to offer two amendments so as to correct clerical errors in the bill.

The Clerk read as follows:

In line 9, strike out the words "postal mail"; so as to read, "railway cars"; and in line 2, in section 2, strike out the word "commission" and insert "Commissioners."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

TAXES AND TAX SALES, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 4149) in relation to taxes and tax sales in the District of Columbia.

The bill was read at length.

Mr. DALZELL. Mr. Speaker, this is a very important bill——

Mr. DOCKERY. Exceedingly.

Mr. DALZELL (continuing). And should properly be considered in Committee of the Whole. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. DOCKERY. Why not in Committee of the Whole?

Mr. DALZELL. Well, we will accomplish the same end.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HULICK. I would like to have the report read. It is not lengthy, and embodies the amendment recommended by the committee.

The SPEAKER. The bill is now open for general debate, and if the gentleman desires it, the report can be read as a part of his remarks.

Mr. DOCKERY. This bill now, Mr. Speaker, is being considered in the House as in Committee of the Whole. I would like to ask if that would not require the bill to be read by paragraphs for debate and amendment under the five-minute rule after the general debate is concluded?

The SPEAKER. It will have to be considered by paragraphs, just as in Committee of the Whole.

Mr. HULICK. In view of the suggestion that has just been made, and as this bill must be considered in the House as in Committee of the Whole, I ask consent to withdraw the bill for the present, as there are other matters from the committee which may be disposed of without discussion, and we can take this up afterwards.

The SPEAKER. It can be done by unanimous consent. Without objection, the bill will be laid aside to be called up under the same conditions hereafter.

There was no objection.

CONTESTED ELECTION, GOODWYN VS. COBB.

Mr. DANIELS. Mr. Speaker, the gentleman from Wisconsin yields to me for a moment to make an announcement, and also a request with reference to the case of Goodwyn *vs.* Cobb. It seems that owing to the illness of a gentleman on the minority of the committee he has not been able to prepare the minority report, which was to have been handed in on Saturday, but will be able to prepare it and hand it in on Wednesday. On account of the delay occasioned in this manner it is agreed that the case shall be called up for hearing before the House on Tuesday of next week, and that each side shall have three hours for the purpose of submitting their views.

The SPEAKER. The gentleman from New York desires unanimous consent that the views of the minority in the case mentioned may be filed on Wednesday next. The gentleman also asks that this case be called up for consideration on Tuesday next and that three hours' debate on each side be allowed, after which the vote will be taken. Is there objection?

There was no objection, and it was so ordered.

CONTESTED-ELECTION CASE, JOHNSTON VS. STOKES, SEVENTH DISTRICT OF SOUTH CAROLINA.

Mr. JENKINS, from the Committee on Elections No. 3, presented the report of the Committee on Elections No. 3 in the contested-election case of Thomas B. Johnston *vs.* J. William Stokes, from the Seventh Congressional district of the State of South Carolina; which was ordered to be printed, and referred to the House Calendar.

Mr. JENKINS. In connection with this report, I ask unanimous consent that the minority have ten days in which to present their views.

Mr. DALZELL. Is not that too long a time?

Mr. JENKINS. I will modify that request, at the suggestion of some gentlemen here, and will ask that the minority have an opportunity to file their views without fixing the time.

Mr. RICHARDSON. I should like to ask the gentleman if there has been an agreement with the minority in respect to this case?

Mr. JENKINS. It was understood that the minority should have time to present their views. It was hoped that it could be

done inside of ten days, but gentlemen whose views I respect very much say that time is too long.

Mr. DOCKERY. No representative of the minority seems to be present.

The SPEAKER. How much time does the gentleman propose?

Mr. JENKINS. I will say, for the present, five days, Mr. Speaker.

Mr. RICHARDSON. I desire to ask the gentleman, was there not some understanding when the gentleman from South Carolina [Mr. STOKES] went away as to the time in which the report would be submitted?

Mr. JENKINS. No; not that I am aware of.

Mr. RICHARDSON. I was informed that he had some agreement with the Committee on Elections in respect to this case. I understand the gentleman to say there was none.

Mr. JENKINS. Not with reference to the presentation of the report.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] asks that the minority have five days in which to present their views. Is there objection?

Mr. DALZELL. I suggest that three days is long enough.

Mr. RICHARDSON. I will say to the gentleman from Pennsylvania that the gentleman from South Carolina [Mr. STOKES] is absent, and he made the statement to me before he left that the time had been extended, as I understood him, almost indefinitely, for him to remain away, and that he expects to be gone some two weeks.

Mr. DALZELL. The leave could be extended only by the House, of course.

Mr. RICHARDSON. The committee could agree not to take up the case, of course?

Mr. HOPKINS. That sort of delay would defeat the very object for which the three Committees on Elections were established.

Mr. RICHARDSON. I suggest that the gentleman from Illinois certainly does not wish to attempt to override any agreement made with the gentleman?

Mr. HOPKINS. Nobody knows anything about the agreement, except the gentleman from Tennessee.

Mr. RICHARDSON. That is sufficient, if I know it. I made the suggestion to the gentleman from Pennsylvania [Mr. DALZELL] in view of the statement made to me by the gentleman from South Carolina, who, I know, went away with that understanding.

Mr. DALZELL. Of course I would not undertake to interfere with any agreement that has been made with the committee.

Mr. RICHARDSON. That was all I was suggesting.

Mr. BAILEY. Mr. Speaker, confirmatory of the remarks of the gentleman from Tennessee, I will suggest that the records of the House show that the gentleman from South Carolina [Mr. STOKES] has leave of absence for ten days.

Mr. DALZELL. That is no reason why there should be ten days' delay in the presentation of a report on a contested-election case—simply because the gentleman goes away.

Mr. RICHARDSON. It is the contestee himself who is away.

The SPEAKER. Is there objection to the proposition that the minority have five days in which to file their views?

Mr. DALZELL. I object.

ANTON GLOETZNER.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 6104) for the relief of Anton Gloetzner.

The bill was read, as follows:

*Be it enacted etc.*, That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Anton Gloetzner, of said District, prior to the passage of this bill be, and it is hereby, relieved and exempted from the operation of the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, and that all forfeitures incurred by force of said act in respect of such real estate be, and they are hereby, remitted.

Mr. DOCKERY. Let us have some explanation of that bill.

Mr. HULICK. I call for the reading of the report.

The report (by Mr. HULICK) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6104) for the relief of Anton Gloetzner, have given consideration to the same and recommend its passage.

The beneficiary under this bill has resided in the District of Columbia for more than twenty years. He is a professor of music, and bears the reputation of being an honest, good citizen, and well disposed to the good order and government of the District. He purchased real estate in the District in ignorance of the law prohibiting aliens from holding real estate in the District. Immediately upon being advised of his disability in this respect, he filed his application to become a citizen of the United States.

He claims that through inadvertence he failed to become a citizen, and not through any desire to retain or hold allegiance to any foreign government.

The affidavit of Mr. Gloetzner is herewith made a part of this report, as follows:

"DISTRICT OF COLUMBIA, *ss:*

"Before me, Hiram W. Barrett, a notary public in and for the District aforesaid, personally appeared Anton Gloetzner, who, being first duly sworn, deposes and says: I am a resident of the District of Columbia, and have been such continuously since September, 1873. I was born in Bavaria, Germany, January 31, 1850. I came to the United States in September, 1873, and have continuously since resided here. I am by profession a professor of music. In ignorance of the law respecting the holding of lands in the District of Columbia by aliens, I have from time to time purchased several pieces of real estate, three of which I still hold. It has long been my intention to become a citizen of the United States, but through inadvertence I have delayed taking the necessary steps to that end. My attention was called last summer to the existence of the law referred to, and I immediately took the initiative step looking to my naturalization, namely, the making a declaration of intention to become a citizen of the United States. It is my purpose to follow this with the other steps necessary to become a citizen of the United States—a step which I would have taken long since except, as already stated, through inadvertence.

"ANTON GLOETZNER.

"Subscribed and sworn to before me this 11th day of March, A. D. 1896.
[SEAL.] "HIRAM W. BARRETT, *Notary Public.*"

Also the testimony of Fred Weiler:

"DISTRICT OF COLUMBIA, *ss:*

"Before me, H. W. Barrett, a notary public in and for the District aforesaid, personally appeared Ferdinand Weiler, who, being first duly sworn, deposes and says: I am a citizen of the United States and a resident of the District of Columbia. I am by occupation chief clerk of the loan division of the United States Treasurer's Office. I know Anton Gloetzner, professor of music, and have known him for upward of twenty years. I know that during all that time he has been a resident of the District of Columbia, following his profession here, and that during my acquaintance with him he has from time to time dealt in the purchase and sale of real estate in the District, believing in his full right so to do under the law. He has, as I am informed and believe, made declaration of his intention to become a citizen of the United States, and he has declared to me his purpose to follow the same by taking the other necessary steps to enable him to become such citizen. Mr. Gloetzner is a man of unquestioned character, and I have no doubt of his honest purpose to become such citizen.

"FRED WEILER.

"Subscribed and sworn to before me this 11th day of March, A. D. 1896.
[SEAL.] "HIRAM W. BARRETT, *Notary Public.*"

The Commissioners of the District recommend favorable action.

A letter from the district attorney is appended as a part of this report, as follows:

"OFFICE OF THE ATTORNEY OF THE DISTRICT OF COLUMBIA,
"*Washington, February 21, 1896.*

"GENTLEMEN: I have considered the bill (H. R. 6104, Fifty-fourth Congress, first session) for the relief of Anton Gloetzner, which you referred to me for examination and report.

"It would be well, I think, for Congress to repeal the act of March 3, 1887, restricting the ownership of real estate to the American citizens, so far as it applies to the District of Columbia, and thus avoid repeated applications for exemption from its operation, since I do not believe the thing sought to be prevented by that act ever existed or is likely to exist in this District.

"The bill appears to be in good form, and is herewith returned.

"Very respectfully,

"S. T. THOMAS,
"*Attorney District of Columbia.*

"Hon. COMMISSIONERS, ETC."

The suggestion therein as to the propriety of repealing the act of March 3, 1887, has not been considered by the committee, and hence no recommendation thereon is submitted.

Mr. HULICK. Mr. Speaker, this is a bill for the relief of Anton Gloetzner, which proposes to relieve property purchased by him from the operations of the act of March, 1887, referred to in the bill. He is not a citizen of the District, but he purchased the property that he seeks now to have released from the operations of this act without knowing the disabilities under which he labored in regard to holding property in the District of Columbia. The testimony is that he is a good citizen, and that as soon as he ascertained that this disability existed, as far as his right to purchase or hold property is concerned, he immediately made application to become a citizen of the United States. He has resided in the District about twenty years, and he brings testimony as to his character and reputation as a good citizen. The committee are unanimous in reporting favorably on this bill.

Mr. KIEFER. Has he taken out his papers?

Mr. HULICK. He has taken out his first papers.

Mr. DINGLEY. There is no doubt that this bill is entirely proper, but I wish to call attention to a fact which I think should be suggested, although I do not desire to make the point in this case——

Mr. HULICK. Very well; I should like to hear any suggestion from the gentleman from Maine.

Mr. DINGLEY. It is that under the rule all bills in the nature of claims—and this is, in the nature of a claim—should go to the Committee on Claims. The simple fact that an applicant resides in the District of Columbia does not give the Committee on the District of Columbia jurisdiction over a claim. I call attention to the fact, in order that this may not form a precedent for sending other private claim bills to that committee, thereby giving them an advantage that they would not have if referred to the Committee on Claims.

Mr. HULICK. I thank the gentleman for his suggestion. It will relieve the Committee on the District of Columbia from these bills, and we should be glad to be relieved from the duty of considering them. A suggestion has been made by the District attorney that it is his opinion that the law of 1887 should be repealed so far as it applies to the District of Columbia. The committee have not acted upon that suggestion, but have reported in favor of the passage of this individual bill, without reference to the broad principle contained in the general bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

DRAINAGE OF LOTS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That each original lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, except human urine and fecal matter, shall flow into said sewer; and if such original lot or subdivisional lot is situated on any street in said District where there is a public sewer and water main, such original lot or subdivisional lot shall be connected with said sewer and also with said water main in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, shall flow into said sewer: *Provided*, That the connections required to be made by this act shall be made under the following conditions: When there is on any such original lot or subdivisional lot aforesaid any building used or intended to be used as a dwelling, or in which persons are employed or intended to be employed in any manufacture, trade, or business, or any stable, shed, pen, or place where cows, horses, mules, or other animals are kept, then, and in that instance, such original lot or subdivisional lot shall be connected with a public sewer and water main or with a public sewer, as may be required with this act; and whenever there is no such building, stable, shed, pen, or place, as aforesaid, on such original lot or subdivisional lot, then such lot shall be required to be connected with a public sewer only when it has been certified by the health officer of said District that such connection is necessary to public health.

SEC. 2. That it shall be the duty of the Commissioners of said District to notify the owner or owners of every lot required by this act to be connected with a public sewer or water main, as the case may be, to so connect such lot, the work to be done in accordance with the regulations governing plumbing and house drainage in said District.

SEC. 3. That if the owner or owners of any such lot neglect or refuse to make such connections as are required by this act within thirty days after the receipt of such notice, such owner or owners shall be deemed guilty of a misdemeanor, and shall, on conviction in the police court of said District, be punished by a fine of not less than $1 nor more than $5 for each day he, she, or they fail or neglect to make such connections.

SEC. 4. That in case the owner or owners of any such lot be a nonresident or nonresidents of the District of Columbia, or can not be found therein, then, and in that case, the said Commissioners shall give notice, by publication twice a week for two weeks in some daily newspaper published in the city of Washington, to such owner, directing the connection of such lot with such public sewer or with such public sewer and water main, as the case may be; and in case such owner or owners shall fail or neglect to comply with the notice aforesaid within thirty days it shall be the duty of said Commissioners to cause such connection to be made, the expense to be paid out of the emergency fund; such expense, with necessary expense of advertisement, shall be assessed as a tax against such lot, which tax shall be carried on the regular tax roll of the District of Columbia, and shall be collected in the manner provided for the collection of other taxes.

Mr. CURTIS of Iowa. Mr. Speaker, I do not believe it necessary to occupy the time of the House by the reading of the report, unless it should be desired by some member upon the floor.

Mr. BARTLETT of New York. Mr. Speaker, I should like to ask the gentleman what change in the existing law is contemplated, and what expense is to be thrown on the property owner?

Mr. CURTIS of Iowa. It is simply a sanitary measure, Mr. Speaker. It provides that where there are sewers, connection with the same shall in every case be made by the property owner. The bill is recommended by Judge Thomas S. Miller, of the police court, by the District Commissioners, by Dr. Woodward, the health officer of the District, and is also unanimously recommended for passage by the Committee on the District of Columbia. The health officer in reference to the need of such legislation, in his last report, says it has been—

demonstrated by the recent investigations which have been made to ascertain the cause of the prevalence of typhoid fever in this District. The enormous value to the community of a properly planned and constructed system of sewers can not be overestimated; but it is remarkable that, in the recent agitation for improvement in the sewer facilities of this District, so much should have been said about the need for new sewers and so little about the importance of availing ourselves of those we already have.

I do not think, Mr. Speaker, there can be any objection to this bill.

Mr. BAKER of New Hampshire. Mr. Speaker, it seems to me that this bill requires of the property owners of the District of Columbia unusual and in some instances unnecessary expense. I notice here in the beginning the bill says—

That each lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lots, whether water or liquid refuse of any kind, * * * shall flow into said sewer.

Now, I wish to ask the gentleman in charge of this bill if under it a person owning a lot in the District of Columbia is compelled to connect that lot with a sewer where there is a sewer—for instance, in an alley, where the water naturally runs down to the trap in the alley and then into the sewer? If there must be in such case an independent connection with the vacant lot, if it is required, it is an outrage on the people of the District of Columbia.

Mr. BABCOCK. I will say this, that where any lot is already drained it is not required to furnish additional drainage. It is simply where standing water becomes a menace to the health of the District, and it is intended to provide for the drainage of those lots.

Mr. BAKER of New Hampshire. The bill, unfortunately, does not say that. If it said that, there would possibly be no objection to it. The bill says that if it can be connected with the sewer it must be connected with the sewer. Now, for instance, suppose there is a lot represented by about the shape of this bill, and from it the water would run into the alley. There are usually sewer traps in the alley, and, the lot draining into the alley, the water runs off freely in case of showers. Under this bill, if the health officer or some other officer does not like the owner of that lot, he may require him to make a separate and independent connection with the sewer. Would not the bill fully justify that order? And if it does justify it, it is wrong. There is no justification for it in regard to the public health or otherwise, and such a provision if enforced will ruin many a lot owner in the District of Columbia. That is my opinion, and I would like to have some answer on that point.

Mr. CURTIS of Iowa. I do not think, Mr. Speaker, it was contemplated by the party who drew this bill to provide for drainage of lots which are already drained, or on lots located and situated as stated by the gentleman from New Hampshire. It may be seen clearly that it would be impracticable to drain them where the slope of the lot would be in the opposite direction to the sewer.

Mr. BAKER of New Hampshire. But suppose in the same direction as the sewer and the rainfall naturally runs off, leaving no standing water whatever, then under this bill that man may be compelled to make a connection with the sewer in the alley, while usually the water runs into the alley and down the alley into the sewer traps, which are provided in nine out of ten alleys in the District.

Mr. BABCOCK. If the gentleman will read the bill from line 16 down, it fully sets forth all the purposes sought to be accomplished.

Mr. BAKER of New Hampshire. I do not see any answer in that.

Mr. BABCOCK. If you will read it you will.

Mr. BAKER of New Hampshire. Suppose you read that part which will be an answer to my inquiry.

Mr. BABCOCK (reading):

When there is on any such original lot or subdivisional lot aforesaid any building used or intended to be used as a dwelling, or in which persons are employed or intended to be employed in any manufacture, trade, or business, or any stable, shed, pen, or place where cows, horses, mules, or other animals are kept, then and in that instance such original lot or subdivisional lot shall be connected with a public sewer and water main or with a public sewer, as may be required with this act; and whenever there is no such building, stable, shed, pen, or place, as aforesaid, on such original lot or subdivisional lot, then such lot shall be required to be connected with a public sewer only when it has been certified by the health officer of said District that such connection is necessary to public health.

Mr. CURTIS of Iowa. Let me call the attention of the chairman of the committee to lines 14 and 15, which he omitted to read, in which it is expressly stated as follows:

*Provided*, That the connections required to be made by this act shall be made under the following conditions.

The conditions are expressly stated, and I am sure, Mr. Speaker, fully cover the objection of the gentleman.

Mr. BAKER of New Hampshire. I think the bill is still open to the criticism I have made, and that as drawn it would become a useless, unnecessary, very expensive, and unjust charge on many of the lot owners of the District of Columbia.

Mr. HULICK. Does not the gentleman think there is need for some legislation of this kind?

Mr. BAKER of New Hampshire. I do.

Mr. HULICK. What suggestion have you to make, if any, as to an amendment to this bill?

Mr. BAKER of New Hampshire. I could not suggest any amendment upon the spur of the moment which would probably cover the whole subject as it ought to be covered, but I think the bill should apply only to such lots as contain "pockets," where water will stand and may breed disease. There should be sewer connections made in cases where there are human habitations or stables or other buildings whenever the absence of such connections shall be found by the health officer to be injurious. But this bill, as I apprehend, requires everybody who owns a lot, whether there is standing water on it or not, or whether it is occupied or not, at the beck and call of the Commissioners or the health officer, to make the connections. This is the grandest bill that has ever been presented in this House for the benefit of plumbers. I certainly must object to its passage in its present form.

Mr. CURTIS of Iowa. Has not the bill been explained to the gentleman's satisfaction?

Mr. BAKER of New Hampshire. No, sir.

The amendment was agreed to.

The question being taken on ordering the bill to a third reading, Mr. BAKER of New Hampshire asked for a division.

The House divided; and there were—ayes 40, noes 2.

Mr. BAKER of New Hampshire. No quorum, Mr. Speaker.

The SPEAKER (having made a count). There are 179 members

present. The ayes have it, and the bill as amended is ordered to be engrossed and read a third time.

The bill was passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNCLAIMED FREIGHT, BAGGAGE, ETC.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That whenever any freight, baggage, or other property transported by a common carrier to, or deposited with a common carrier at, any point in the District of Columbia, shall remain unclaimed by the owner or consignee, or the charges thereon shall remain unpaid, for the space of sixty days after arrival at the point to which the same shall have been directed or transported, or after deposit as aforesaid, and the owner or person to whom the same is consigned, or by whom the same shall have been deposited, shall, after notice of such arrival, or after notice to take away such property so deposited, neglect or refuse to receive the same and pay the charges thereon within such period of sixty days, then it shall be lawful for such carrier to sell such freight, baggage, or other property at public auction, after giving three weeks' notice of the time and place of sale, once a week for three successive weeks, in a newspaper published in the District of Columbia.

SEC. 2. That upon the application of such carrier, verified by affidavit, to the supreme court of the District of Columbia holding a special term, setting forth that the place of residence of the owner or consignee of any such freight, baggage, or other property is unknown, or that such freight, baggage, or other property is of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice or delay the sale for the period provided in the first section of this act, then it shall be lawful for such court to make an order authorizing the sale of such freight, baggage, or other property upon such terms as to notice as the nature of the case may admit of, and to such court shall seem meet: *Provided*, That in case of perishable property the affidavit and proceedings required and authorized by this section may be had before a justice of the peace.

SEC. 3. That the residue of moneys arising from any such sale, under either the first or second section of this act, after deducting the amount of charges, including charges for transportation, the cost of handling and storage, demurrage, and the costs and expenses of proceedings to authorize the sale, and of advertising and sale, shall be paid to the owner of such freight, baggage, or other property, on demand.

An amendment recommended by the committee was agreed to, striking out, in line 7, after the word "of," the words "sixty days" and inserting in lieu thereof the words "six months."

Mr. MEREDITH. Mr. Speaker, another amendment is necessary in order to conform the language of another part of the bill to the amendment just adopted. I move to strike out, in line 14, page 2, the words "sixty days" and to insert in lieu thereof the words "six months."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 416, REVISED STATUTES.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States, relating to the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That section 416 of the Revised Statutes of the United States, relating to the District of Columbia, be, and the same is, amended as follows:

"SEC. 416. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into possession of any member of the police force, and all property and money taken from pawnbrokers as the proceeds of crime, or from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the property clerk, to be fully registered and advertised for the benefit of all parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police. That whenever any money or property of deceased persons coming into the custody of the property clerk of the police department shall remain in his hands for the period of one year without being claimed by the legal representatives of such deceased person, such money or property, when not exceeding $50 in value, shall be disposed of as lost or abandoned property as provided in this chapter: *Provided*, That when the value of such money or property shall exceed $50 and shall have remained in the custody of the property clerk for one year, all records pertaining to the same shall be certified by the property clerk to the orphans' court of the District of Columbia, which shall appoint an administrator of such estate according to law: *Provided further*, That the administrator so appointed by the orphans' court shall deposit with the Treasurer of the United States, to the credit of the policemen's fund, any balance remaining in his hands after the time limited for the final settlement of the estates of deceased persons under existing law."

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2653) to provide for the appointment of a public administrator in the District of Columbia; also the bill (H. R. 4452) to amend section 416, Revised Statutes of the United States, relating to the District of Columbia, report that they have considered both of said bills together, and are of the opinion that it is unnecessary to establish the office of public administrator in the District of Columbia, and therefore report against H. R. 2653 and recommend its indefinite postponement, and in lieu thereof recommend the passage of H. R. 4452, to amend said section 416. In support of this conclusion reference is made to the letter of Richard Sylvester, chief and property clerk Metropolitan police, District of Columbia, addressed to Maj. William G. Moore, superintendent of police, Washington, D. C., as follows:

"HEADQUARTERS OF THE METROPOLITAN POLICE,
"*Washington, D. C., January 6, 1896.*

"SIR: The accompanying bill was handed to me by Hon. George Truesdell, Commissioner District of Columbia, with directions to report the necessity for such legislation and to suggest any amendment, if there should be such required.

"The 1st of July, 1884, one David Patterson died in this city intestate and without leaving any next of kin, so far as known. At the time of his death he occupied a room in the Federal Building. The coroner found on the body of deceased $236.10, which on July 19, 1884, he turned over to me, as property clerk. Several years later, in obedience to the orders of the Commissioners, as I held, in conformity with section 416 of the Revised Statutes relative to the District of Columbia, and as had been the practice for years, I deposited the amount to the credit of the policemen's fund.

"Seven years after Patterson's death, one Kurtz, who claimed to have applied a salve to the deceased's sore back during his lifetime, applied for letters of administration. The case was taken to the court of appeals, where it was held that letters as applied for should issue, and Congress appropriated the amount that had been deposited to the credit of the policemen's fund to repay the amount to the administrator thus appointed, with interest. This was the first interference with what had been the practice in over twenty years.

"All that is required, and what suggested this bill, which was arranged nearly three years ago, is legal authority to deposit the proceeds of abandoned estates with the policemen's fund. In this respect, as cited in the Patterson case, the court of appeals holds the lost and abandoned property law to be deficient (section 416, Rev. Stat., rel. D. C.).

"The records show that during the past calendar year there came into my possession abandoned estates as follows:

| | | | |
|---|---|---|---|
| Leftrick | $14.00 | Cannon | $0.50 |
| Buchanan | 1.20 | Wells | 2.00 |
| Allen | 5.00 | Yakey | .85 |
| Schultz | .25 | Harper | 5.00 |
| Monroe | 5.25 | Purcell | 10.00 |
| Bell | .25 | Ellis | 1.23 |
| Morris | .02 | Atwood | 5.00 |
| Nelson | 4.80 | | |

"It will be observed that not one of these is of sufficient value to pay the first expense attending administration, let alone the cost of advertising for heirs. Under the proposed law, the administrator could do nothing with such inferior estates. On the other hand, if the property clerk had authority to deposit such small sums, however small, they would always prove of advantage to the deficient policemen's fund.

"The above-enumerated cases illustrate the average run of estates coming into my custody each year, and include those returned to me by the coroner.

"The Patterson case is the only case I can call to mind in my thirteen years' experience where there were no heirs found and where the amount involved exceeded $100.

"I have inquired of the office of the register of wills, and learn that the business, aside from the character of cases I have just referred to, which would be assigned to a public administrator would be insignificant.

"It is clearly evident that such valueless estates would not pay the expense of filing first papers in the orphans' court, let alone desk room or fees. In other words, there would be insufficient business to maintain the office of public administrator, and the policemen's fund would be deprived of deposits which might be secured to it.

"Another objection, under which complications might arise should the bill become a law, is the deposit of balances remaining in the hands of the public administrator at the end of one year to the credit of the policeman's fund. (Section 4, lines 5 and 6.)

"Existing and immemorial laws concerning estates presume next of kin or legal claimants, etc., to be living for a period of eight years, and it would therefore be unreasonable to close the proceeds of an estate against a wife or child within a period other than that generally allowed by law.

"I have therefore to recommend that the accompanying bill be abandoned, and that in lieu thereof section 416 of the Revised Statutes of the United States relating to the District of Columbia be amended and followed by an additional paragraph, as follows:

"'When money or property of deceased persons, coming into the hands of the police, shall remain in the custody of the property clerk for the period of one year, without being claimed by an executor, administrator, or other person legally authorized to sign and receipt for and to receive the same, such money or property, when not exceeding $50 in value, shall be disposed of as other lost and abandoned money or property provided for in this chapter.

"'When the value of such money or property of any deceased person shall exceed $50 in value, and shall have remained in the custody of the property clerk for at least one year, all records pertaining to the same shall be certified to the orphans' court of the District of Columbia, and the presiding justice thereof shall appoint an administrator to dispose of such estate according to law: *Provided*, That any such administrator so appointed shall deposit with the Treasurer of the United States, to the credit of the policemen's fund, any unsettled balances remaining in his custody for a period of at least five years.'

"The present depleted condition of the policemen's fund suggests the above amendment.

"Respectfully, RICHARD SYLVESTER,
"*Chief (also Property) Clerk, Metropolitan Police, District of Columbia.*

"Maj. WM. G. MOORE,
"*Superintendent of Police, Washington, D. C.*"

The attorney for the District of Columbia is of the opinion that the proposed legislation embraced in the bill H. R. 2653 can be better attained as proposed by the bill H. R. 4452. The Commissioners of the District of Columbia recommend and favor the adoption of the latter bill.

In view of the facts and statistics set forth in the said report of the chief of police and the concurrent opinion of the officials of the District, who have been consulted, the committee recommend the passage of the bill (H. R. 4452) amending section 416, Revised Statutes of the United States.

Mr. HULICK. Mr. Speaker, this bill is a substitute for House bill No. 2653, which provided for the appointment of a public administrator for the District of Columbia. Upon consideration of that measure the bill that is now before the House was presented by the Commissioners and was approved by the District Committee. The property that is to be cared for by this bill, such as that arising from the proceeds of crime, property which is lost, property of parties who are insane, and property for which there has not been a claimant, is provided for by the existing law in this

way. If it remains one year unclaimed by the legal representatives of the parties concerned, then it is to be disposed of in a certain way, as provided in section 6417 of the Revised Statutes. The amendment of this section begins with the word "*Provided*," in line 25.

The amendment provides that an administrator shall not take possession, or be appointed by the courts to take possession, of the property until a year shall have elapsed, and then only where the amount of the property exceeds $50. Within the last year, according to the returns made by the chief of police, out of fifteen instances the total amount of property taken from this class of persons was only $56, and to have an administrator appointed for each one of the items would cost far in excess of the amount involved. The highest amount of property received during last year from the sources indicated was $14 and the lowest 2 cents. The statute as it now stands provides absolutely what shall be done with the money, and this bill amends it so as to provide that after the money has remained in the hands of the officer for twelve months then, instead of having an administrator appointed, it shall be paid over into the Treasury of the United States for the benefit of the police fund. I do not think it necessary to make any further explanation of the bill unless some gentleman desires to be informed as to special points. I therefore ask for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

### FALLS CHURCH AND POTOMAC RAILWAY COMPANY.

Mr. BABCOCK. I call up for consideration the bill (H. R. 7139) to authorize the Falls Church and Potomac Railroad Company of Virginia to extend its line into and within the District of Columbia, and for other purposes.

The bill was read.

Mr. LACEY. I desire to offer an amendment.

Mr. BABCOCK. I have an amendment which I propose to offer on behalf of the committee.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. BABCOCK] will be read.

The Clerk read as follows:

Strike out, at the end of section 1, the words "and across Seventh street to the Baltimore and Potomac Railway station at its terminus" and insert "the west building line of Ninth street northwest"; so as to read, "thence eastward on B street to the west building line of Ninth street northwest."

Mr. LACEY. That is the amendment I was about to offer.

Mr. BABCOCK. This makes the terminus of this line Ninth street instead of Sixth street.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 3, after the word "no," insert the word "horses"; so as to read: "*Provided*, That no horses, overhead trolley, or steam locomotive shall be used."

Mr. BABCOCK. There is no objection to that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the last vote was laid on the table.

### VALIDATION OF TAX-SALE CERTIFICATES.

Mr. BABCOCK. I call up the bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia are hereby authorized and directed to redeem such of the following tax-sale certificates issued by the government of the District of Columbia as shall be found to have become invalid or not collectible by reason of the neglect of the government of the District of Columbia, or of the proper officers thereof, to cause a report of the sale, in respect of which such certificates were issued, to be recorded among the land records of the District of Columbia, as required by law, by issuing to the holders and owners thereof drawback certificates for the amounts respectively found to be due them on such tax-sale certificates, including interest thereon to the date of this act, namely:

Certificate of sale of October 14, 1872, of part of sublot 64, in square 543, $97.09.
Certificate of sale of October 15, 1874, of part of lot 12, in square 535, $24.91.
Certificate of sale of October 15, 1874, of lot 15, in square 499, $15.96.
Certificate of sale of October 15, 1874, of part of lot 2, in square 767, $7.23.
Certificate of sale of October 15, 1874, of part of lot 1, in square 529, $102.09.
Certificate of sale of October 15, 1874, of part of lot 14, Holmead's addition to Georgetown, $13.97.
Certificate of sale of December 10, 1874, of part of sublot 15, in square 451, $30.39.
Certificate of sale of December 10, 1874, of part of lot 9, in square 345, $42.56.
Certificate of sale of December 10, 1874, of part of lot 10, in square 756, $48.56.
Certificate of sale of December 10, 1874, of sublot 27, in square 499, $23.30.
Certificate of sale of December 10, 1874, of sublot 31, in square 499, $13.63.
Certificate of sale of December 10, 1874, of lot 10, in square 928, $30.21.
Certificate of sale of December 10, 1874, of sublot 36, in square 737, $8.46.
Certificate of sale of February 23, 1875, of lot 18, in square 499, $25.12.
Certificate of sale of June 29, 1875, of part of lot 1, in square 529, $261.86.
Certificate of sale of January 3, 1876, of part of lot 4, in square 755, $50.02.
Certificate of sale of January 3, 1876, of lot 11, in square 81, $86.49.
Certificate of sale of January 3, 1876, of sublot 44, in square 719, $2.73.
Certificate of sale of January 3, 1876, of lot 4, in square 13, $56.86.
Certificate of sale of January 3, 1876, of part of lot 1, in square 335, $7.24.
Certificate of sale of January 3, 1876, of part of lot 16, in square 140, $27.22.
Certificate of sale of January 3, 1876, of part of lot 1, in square 940, $30.44.
Certificate of sale of January 3, 1876, of lot 5, in square 1134, $4.41.
Certificate of sale of January 3, 1876, of lot 23, in square 1037, $4.80.
Certificate of sale of January 3, 1876, of sublot 10, south of square 1059, $8.39.
Certificate of sale of January 3, 1876, sublot 11, south of square 1059, $7.85.
Certificate of sale of December 10, 1874, of east half of lot 2, in square 43, $15.81.
Certificate of sale of December 10, 1874, of east half of lot 2, in square 43, $27.79.
Certificate of sale of December 10, 1874, of west half of lot 2, in square 43, $25.69.
Certificate of sale of December 10, 1874, of lot 9, in square 928, $19.24.
Certificate of sale of December 10, 1874, of part of lot 4, in square 755, $19.54.
Certificate of sale of December 10, 1874, of part of lot 6, in square 847, $37.01.
Certificate of sale of December 10, 1874, of part of lot 7, in square 847, $17.77.
Certificate of sale of October 15, 1874, of west half of lot 2, in square 43, $21.51.
Certificate of sale of December 10, 1874, of lot 802, Uniontown, $4.08.
Certificate of sale of December 10, 1874, of lot 36, section 5, Barry farm, $4.61.
Certificate of sale of December 10, 1874, of lot 194, Uniontown, $2.31.
Certificate of sale of December 10, 1874, of lot 195, Uniontown, $2.31.
Certificate of sale of December 10, 1874, of lot 3 and improvements, section 2, Barry farm, $4.97.
Certificate of sale of December 10, 1874, of lot 17, section 5, Barry farm, $4.62.
Certificate of sale of December 10, 1874, of lot 14 and improvements, section 4, Barry farm, $4.97.
Certificate of sale of December 10, 1874, of part of lot 7, in square 847, $13.45.
Certificate of sale of December 10, 1874, of part of sublot 2, in square 556, $8.83.
Certificate of sale of September 9, 1875, of part of lot 5, in square 397, $13.53.
Certificate of sale of September 9, 1875, of sublot G, in square 116, $2.25.
Certificate of sale of September 9, 1875, of part of lot 15, in square 796, $18.
Certificate of sale of September 9, 1875, of part of lot 2, in square 56, $21.65.
Certificate of sale of September 9, 1875, of part of sublot 30, in square 327, $21.27.
Certificate of sale of September 9, 1875, of part of sublot 30, in square 327, $25.56.
Certificate of sale of September 9, 1875, of part of sublot F, in square 281, $22.
Certificate of sale of September 9, 1875, of part of lot 12, in square 317, $17.53.
Certificate of sale of January 3, 1876, of part of lot 8, in square 75, $32.25.
Certificate of sale of January 3, 1876, of part of lot 17, in square 491, $46.45.
Certificate of sale of January 3, 1876, of part of lot 2, in square 293, $29.98.
Certificate of sale of January 3, 1876, of part of lot 3, in square 938, $22.21.
Certificate of sale of September 9, 1875, of part of lot 12, in square 435, $30.06.

SEC. 2. That the drawback certificates herein provided for shall be receivable for all arrears of general taxes due and unpaid on and prior to the 30th day of June next succeeding the issue thereof.

The amendments reported by the committee were read, as follows:

In line 2, page 2, strike out the words "including interest thereon to the date of this act."

In the last line of the bill, strike out the word "succeeding" and insert "preceding."

Mr. DOCKERY. This bill, as I understand, provides that 56 tax-sale certificates, amounting in the aggregate to $1,559.04, be made receivable for taxes. These certificates have been held by the courts to be invalid because the collector of taxes did not make his report to the recorder of deeds within the time fixed by law.

Mr. HULICK. He never made a report; he failed entirely to make any report to the recorder, as the law required him to do, of the sales that had been made, by virtue of which these tax certificates were issued.

Mr. DOCKERY. And therefore the committee hold that, in view of the negligence of the officer, these tax-sale certificates should be validated by making them receivable hereafter for taxes. Now, the question I wish to ask is, whether the holders of these certificates had not some remedy at law, so that they could have compelled, in some way, the issue of tax deeds?

Mr. HULICK. The committee are of opinion that they had no remedy at law.

Mr. DOCKERY. My reason for asking the question is this: I find in a letter from the president of the Board of Commissioners this statement:

When these holders were entitled to the deeds they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

In view of this statement, the query arose in my mind, What was the legal remedy of these parties, and if there was a remedy of which they failed to avail themselves, whether they were not at fault as well as the officers of the District?

Mr. HULICK. The committee considered that question, and were of opinion that, in view of the fact that the city government received the money of these parties, they ought in equity to have it refunded to them, but without interest. The Commissioners recommended not only a refund of the money actually paid, but the payment of interest.

Mr. DOCKERY. I understand that the committee has very properly amended the bill so as to strike out the provision for the payment of interest. But the theory on which this bill is based is the alleged negligence of the officers of the District who failed to make a report within a certain time.

Mr. HULICK. Yes, sir; and that in equity these purchasers should have their money refunded.

Mr. DOCKERY. That seems to me clear, unless they themselves failed to employ some legal remedy of which they might have taken advantage. I wish to know what their remedy was, because Mr. Ross, the president of the Board of Commissioners, states that they had a remedy.

Mr. HULICK. Section 175 of the Revised Statutes of the District of Columbia required the collector of taxes when he made a sale for taxes to report it to the recorder of deeds of the District, and by him it was to be recorded among the land records. When this property was sold in the first place it was in 1874, 1875, and 1876, as stated already. These taxes had been previously anticipated and converted into revenue by the District authorities and had been used by them to discharge certain obligations of the District of Columbia. This was done through the issue of these certificates, and it was determined that a sale of such property as was in arrears and should not be redeemed within one year should be made upon application of the holders of the certificates. By an act of the legislative assembly in June, 1873, because the city of Washington then had a local government, the governor of the District had authority to anticipate these revenues from taxes in arrears in the District after July, 1873. Under the statutes, without going into detail and taking up the time of the House in stating what took place between that time and the decision of the court, the certificates were issued. Then the courts passed on the question of the legality of the certificates and decided that they were not legal. In this case the courts held that the requirement was mandatory—that is, the requirement that the officer should make the returns to the recorder, and the failure to do so would render void the deed of a purchaser at such sale—and for that reason, no doubt, the purchasers referred to in the bill failed to call for their deeds.

Mr. DOCKERY. That is the statement of the Commissioners.

Mr. HULICK. Now, the question is, Why did not they proceed to protect their rights by an action of law? The committee—for I personally could not see what right they had to sue the Government or bring action at law to obtain judgment—the committee thought that if they had any remedy at all it was a remedy in equity. You must remember that these parties attended the sale and made the purchases just as they are in the habit of doing when property is offered at tax sales and a speculation is in sight.

Mr. RICHARDSON. Will my colleague on the committee yield to me for just a moment?

Mr. HULICK. Certainly.

Mr. RICHARDSON. In answer to the suggestion of the gentleman from Missouri, I wish to say to him that the legal remedy which the Commissioners say in Mr. Ross's report that these parties failed to pursue was not a remedy to get their money back, as the gentleman seems to imply. Let me quote the language:

> The object of these suggested modifications is to restrict the interest-bearing period from the date of the issue of the certificates to the time when the holders thereon were entitled to deeds for the property. When these holders were entitled to the deeds, they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

Not that they were not entitled to their money, not that they did not pursue the remedy that they had to recover their money, but that the interest ought to be stopped at that time, and that is a reference to the question of interest upon the purchase money paid by them, as the gentleman will see.

Mr. HULICK. Now, let me propound the same inquiry to the gentleman from Tennessee: What was their remedy?

Mr. RICHARDSON. They had no remedy. I do not claim that they had, but the gentleman from Missouri says that Mr. Ross intimates that they had a remedy for the recovery of the money. That was not the question at all considered by Mr. Ross, as this extract from his letter shows. He had reference to the interest.

Mr. HULICK. But what remedy did they have, or had they any at all?

Mr. RICHARDSON. I do not say that they had any. I agree with the gentleman from Ohio in that regard, and we acted on the bill on the assumption that they had no remedy.

But the gentleman from Missouri, I think, misunderstands the suggestion of the District Commissioners; not that they had a remedy for the money paid, but that they failed to pursue some remedy which would give them additional interest.

Mr. HULICK. My judgment is, and my attempt to answer the gentleman from Missouri was, to say that they had no remedy at all.

Now, let us see what equities they have. We concluded that they had a right to the money actually paid by them into the treasury. They purchased these certificates as a matter of investment or speculation; there was a high penalty upon the holders of the property who failed to pay the taxes; and this bill, if adopted, will give to these parties the actual money paid out, and that would be evidenced by certificates to be issued by the holders in the payment of the taxes here.

Mr. DOCKERY. Mr. Speaker, I do not propose to pursue this subject further than to suggest that this bill seems to establish a dangerous precedent. The beneficiaries of this bill invested in tax-sale certificates—a speculative venture—and by the failure of the officer required to perform a certain duty in respect to them they were invalidated. In Missouri we had a similar statute some years since, authorizing delinquent property to be sold for taxes and tax deeds to be issued. A great many persons purchased land under this law, and subsequent to the time of the purchase the supreme court decided that the law was invalid. But I never heard that the State of Missouri refunded the money to the holders of tax deeds.

Mr. HULICK. Now, it appears, Mr. Speaker, that this remedy may have been the one in the minds of the Commissioners, that the legal remedy of the party was against the officer for violating the law in failing to perform his duty. I do not know but that would have been a cause of action upon his bond for damages. It was incumbent upon him to make returns of the sale in order to validate the certificates under the law, and these parties might possibly have had a just cause of action against the officer for failing to do his duty. But the committee considered that these parties were purchasers for speculative purposes, and that in order to protect themselves they should have gone and inquired about whether the report of the sale was properly certified or not; that it was their duty and incumbent upon them to see that the certificates were properly made out.

Mr. DOCKERY. Undoubtedly.

Mr. HULICK. And the purchasers, on the rule of caveat emptor, were required to see that the officer did his official duty. Now, Mr. Speaker, I ask to print this report as a part of my remarks. If there are no further questions, I will call for the third reading of the bill.

The SPEAKER. The gentleman asks that the report be printed as a part of his remarks. Is there objection?

There was no objection.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom House bill No. 3610 was referred, have considered the same and respectfully submit the following report:

There are 56 tax-sale certificates embraced in this bill which the owners ask to have redeemed, amounting in the aggregate to $1,559.04, exclusive of interest.

These certificates were issued by the District of Columbia to purchasers at tax sales held in 1874, 1875, and 1876, of property on which certain arrears of taxes were then due and unpaid.

These arrears of taxes had been previously anticipated and converted into revenue by the District of Columbia and had been used to discharge its current obligations, through the issue of lien certificates for the amount of such arrears and their payment as money to the creditors of the District.

By act of the legislative assembly approved June 25, 1873, the governor was authorized to anticipate the revenue from all taxes that may be in arrears to the District of Columbia on or after July 1, 1873, by issuing certificates therefor and disposing of the same; and it was provided in said act that to enforce the collection of these lien certificates a sale of such property as shall not be redeemed within one year should be made upon application of the holders of these lien certificates.

Lien certificates were issued as provided in said act against the various pieces of property described in this bill and paid out and utilized by the District of Columbia in discharge of its monetary obligations, and in default of their being redeemed by the respective property owners within one year sales were made upon application in 1874, 1875, and 1876, to enforce their collection as provided in said act, and at such sales the original lien certificates were surrendered and tax-sale certificates drawing 15 per cent interest per annum (those embraced in this bill) were issued. Thus the District of Columbia in effect issued its own scrip secured upon the lots mentioned in the bill and paid it out to its creditors in satisfaction of its just debts, dollar for dollar, and when this scrip became due or overdue and not redeemed, it made sale of the pledged security (the property) and issued to the holder tax-sale certificates in its place.

As no other relief to the holder was obtainable, the rule of caveat emptor would not apply to the purchaser at such sale, since the sale served the purpose only of converting the lien certificates into tax-sale certificates upon the same property.

It appears, however, that the purchaser at these tax sales or the holder of these tax-sale certificates acquired no advantage, but rather lost everything by reason of the tax-sale certificates themselves proving invalid through the negligence of the District in not perfecting the sale as required by law.

The statute (R. S. D. C., section 175) required the collector of taxes when he made a sale for taxes to report it to the recorder of deeds of the District, and by him it was to be recorded among the land records. That was not done in the present case, and the courts in this District have held that this requirement was mandatory and the failure to make such a report on the part of the District authorities would render void any tax deed of a purchaser at a sale not so reported. (MacArthur and Mackey, 56, and 6 Mackey, 574.) These 56 certificates are therefore unconvertible and worthless. By reason of these decisions no tax deeds have been issued upon these tax-sale certificates, since if issued they would be null and void and create no lien upon the property, so that the holders of these 56 certificates of sale are as great losers and as effectually without remedy as if they held tax deeds in their place.

The committee are of opinion that, as the lien of these certificates has been lost by the neglect of the District officials, and as the certificates have thus become invalid and uncollectible (this through no fault of the present holders thereof), and as the District has had the benefit of the holders' money, they should have the opportunity to convert these certificates into drawbacks receivable for general taxes, as provided by this bill.

The following letter from the assessor of the District of Columbia is referred to as a part of this report:

"OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA,
"*Washington, February 5, 1896.*

"MY DEAR SIR: I beg to call your attention to the bill forwarded to you by the Commissioners some time ago 'In relation to taxes and tax sales in the District of Columbia.' We consider this a very important measure, and hope for prompt action. On page 7 of my annual report, herewith inclosed,

I call special attention to the matter and give a few reasons for its passage. If you desire any information on the subject please inform the collector of taxes or myself, and oblige,

"Yours, very truly,

MATTHEW TRIMBLE,
"*Assessor, District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia.*"

The following is that part of the annual report of the assessor referred to:

"CANCELLATION OF TAXES.

"I deem it my duty to call attention to my report of last year on the subject of cancellation of taxes, as follows:

"'For some years past it has been customary for the Commissioners, on request of the party holding the tax-title deed, to issue orders directing this office to cancel all taxes due and unpaid prior to the date of the sale of the property. These orders are based on decisions of the supreme court of this District in the Brewer and Pilling cases, and since those decisions have been rendered a great many thousand dollars have been lost to the District revenues.

"'As the full force and effect of the ruling in this matter is becoming better known many are taking advantage of it, and, instead of paying their taxes promptly, are letting the various payments go by default, looking forward to the fact that each year as it passes with the taxes unpaid only adds to the amount to be subsequently canceled, and thereby adding additional burdens of expense upon the prompt taxpayer in order to make up deficiencies caused by these orders of cancellation.

"'Under the provisions of the act approved March 19, 1890, property which has once been advertised and sold for nonpayment of taxes can not be again advertised for the same tax, and consequently when a party other than the District is the purchaser the certificate of sale is for the tax of one year only, although twenty years and more of arrears may have been due and unpaid. After the lapse of two years the holder of the certificate is entitled to a deed, and here, I think, the issue should be made. When the deed is issued all preexisting liens or titles of every description up to the date of the sale upon which the deed is made are extinguished, so far as the District is concerned, and the beneficiary under the deed is legally entitled to the cancellation of all unpaid taxes prior to the date of the sale under which he holds title. A bill (H. R. 8295) was introduced in the House of Representatives under date of September 21, 1893, which, with some amendments, would correct the evil complained of, and I trust the Commissioners will urge its passage.'"

The Commissioners of the District have expressed their views of this bill in a letter of February 18 last:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, February 18, 1896.*

"DEAR SIR: * * * The tax-sale certificates embraced in said bill were issued to purchasers of property in arrears for general taxes at the annual sales held in the District of Columbia in the years 1872, 1873, 1874, 1875, and 1876. The amount in each certificate represents the sum paid by the purchaser to the District upon each piece thus sold. These certificates were by law convertible into tax deeds after the expiration of two years from the date of sale. The owners of property were allowed that length of time in which to redeem the property from said sales. By section 175 of the Revised Statutes, relating to the District of Columbia, the collector of taxes was required to report such sales when made to the recorder of deeds for record among the land records of the District. It appears that such report was not made as to the sales represented by the present certificates, and that this omission has invalidated the certificates in the hands of the present holders.

"The supreme court of the District of Columbia, in MacArthur and Mackey, 56, and Beale vs. Brown, 6 Mackey, 374, has decided that such report was 'an essential requirement * * * and unless it has been complied with any tax deed taken by a party is void, because the District of Columbia has not done that which justified it in proceeding to give a tax deed to the party.' Thus no valid tax deed could issue to the purchaser upon any of the certificates embraced in this bill, and the District is unable on its part to complete the terms of sale. So that the holders of these certificates have nothing for their purchase money except invalid, uncollectible, and inconvertible certificates, which, by reason of this failure on the part of the collector of taxes to report these sales to the recorder of deeds as required by law, constitute no lien upon the property sold.

"While the Commissioners are of the opinion that the holders of these certificates could not collect the amounts they paid for them through the courts of law, they believe that these owners are equitably entitled to a refund of the purchase money with reasonable interest thereon. They therefore recommend the enactment of the bill with the following modifications:

"After the word 'interest,' in line 14, section 1, insert the words 'at the rate of 6 per cent per annum.' After the word 'thereon,' in the same line, insert 'for two years from the dates on which said certificates were respectively issued.' Same line, strike out the words 'to the date of this act.'

"The object of these suggested modifications is to restrict the interest-bearing period from the date of the issue of the certificates to the time when the holders thereon were entitled to deeds for the property. When these holders were entitled to the deeds they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy they are not entitled to interest after that period.

"The Commissioners have recommended 6 per cent interest as being a fair rate in view of all the circumstances aforesaid and the policy of Congress on the subject of interest on claims against the District, as indicated in the following limitation placed by it upon the rate of interest to be allowed on judgments against the District of Columbia (U. S. Stats., volume 26, page 514): 'That hereafter interest, when authorized by law, on judgments against the District of Columbia, in suits begun after the passage of this act, shall be at the rate of not exceeding 4 per cent per annum.'

"The Commissioners recommend that the bill be further amended by striking out the word 'succeeding,' in lines 24 and 25, on page 8, and inserting the word 'preceding' in lieu thereof.

"Very respectfully,

JOHN W. ROSS,
"*President Board of Commissioners District of Columbia.*

"Hon. J. W. BABCOCK,
*Chairman Committee on District of Columbia,*
*House of Representatives.*"

The committee can not indorse the suggestion of the Commissioners as to the allowance of interest to these claimants. The equities are not in their favor. It was the incumbent duty of these purchasers at tax sales to see that the collector of taxes reported such sales to the recorder of deeds for record, as required by law. They were voluntary bidders at such sales for profit and speculation.

At law these holders of said tax certificates could not, in the opinion of the committee, collect the money paid therefor in the courts of law. And while they may be equitably entitled to a refund of the money actually paid, there is no equity in allowing them interest thereon.

Failing to see that the sales were duly certified to the recorder at the time, at the end of two years they should have demanded their deeds, and, as the Commissioners say, "failing to get them, they should have sought their remedy at law." In no respect have they exercised due diligence in looking after their interests.

The committee therefore suggest an amendment, by striking out, in line 14, first page, the words "including interest thereon to the date of this act."

The following amendment is also recommended, by striking out the word "succeeding," in line 24, page 8, and inserting in lieu thereof the word "preceding."

And with these amendments the committee recommend the passage of the bill.

Mr. CONNOLLY. If the gentleman will allow me to interrupt him, why should a different rule be applied to these purchasers from that which applies to purchasers at ordinary tax sales or judicial sales of any kind? It is well known that everybody who buys at sales of that kind buys at his own risk. If he gets nothing, why there is no mode of relief. That is the general rule which obtains in all the States in sales of this kind. Now, why should a different rule be applied to these individuals?

Mr. HULICK. The cases cited by the gentleman are not parallel to the one under consideration. Here is a public official who has certain duties incumbent upon him, to make certificate of the sales. Now, the sales referred to by the gentleman from Illinois [Mr. CONNOLLY] are sheriff's sales, assignee sales, trustee sales, and so forth, and in those sales the purchaser must be governed by that rule which I have just suggested, that the purchaser must beware and look out for the title to the property he is buying at an official sale.

Mr. CONNOLLY. That same rule obtains at any public sale.

Mr. HULICK. Let me go a little further. In all those cases, as far as my observation goes, when the money is paid over at an assignee's sale, sheriff's sale, trustee's sale, and other official sales, if the money is paid to the sheriff or the officer before the sale is confirmed, and it turns out that there is an imperfect sale, an illegal sale, that there are conditions precedent that have not been performed by the officers, the court as a rule always sets aside the sale and orders the money to be refunded to the purchaser; but after the sale is confirmed there is no remedy, and the purchaser must look to the property, and if he gets no title it is his misfortune—caveat emptor.

Mr. CONNOLLY. That is the general rule, is it not?

Mr. HULICK. That is the general rule.

Mr. CONNOLLY. Now, why except these people from that general rule?

Mr. HULICK. Because, as I have tried to state, this is a public sale in which a public officer has failed to do his duty, and the treasury of this District has been the beneficiary of his failure to do his duty, and has got this $1,500 and more.

Mr. CONNOLLY. Does not the purchaser take that chance of the public officer failing to do his duty when he makes the purchase and pays his money?

Mr. RICHARDSON. If the gentleman will pardon me, the broad distinction which the gentleman makes as a lawyer—I recognize the distinction clearly, and I think the gentleman from Illinois will—the distinction in the case he suggests is where the sale is completed and the purchaser fails to get title to the property he purchases. In that case there is no refunding, and that is the case to which the gentleman refers. There is no refunding then because the sovereign does not warrant the title to what he is selling; but in this case the difference is that the officer did not make any return of the sale at all, thereby omitting something necessary to make the sale complete.

Mr. CONNOLLY. But under the rule the purchaser takes the chance of the officer doing everything which the law requires in order to complete the sale?

Mr. RICHARDSON. The gentleman asked for the distinction and I told him.

Mr. CONNOLLY. That is not a distinction.

Mr. HOPKINS. Before the gentleman from Tennessee takes his seat I should like to say——

Mr. HULICK. I have the floor, and I do not care to yield to anybody except by request addressed to myself.

Mr. HOPKINS. As the gentleman from Tennessee was occupying the floor, I supposed he had it. But I do not care to whom I submit my question.

Mr. HULICK. I only want to know whether I retain the floor or not.

Mr. HOPKINS. I did not take you from the floor. It was the gentleman from Tennessee.

Mr. HULICK. No one as yet has taken me from the floor.

Mr. HOPKINS. I see by the report accompanying this that Commissioner Ross says:

> When these holders were entitled to the deeds, they should have demanded them, and failing to get them, should have sought their remedy at law. As they failed to resort to their legal remedy, they are not entitled to interest after that period.

Mr. RICHARDSON. We do not give it to them.

Mr. BABCOCK. We do not give them any interest after that period.

Mr. HULICK. The gentleman will observe the amendment to the bill——

Mr. HOPKINS. But you give them their money back.

Mr. HULICK. The point the Commissioner tried to make was they were not entitled to interest for the entire time, but that they should have interest from the date only on which they demanded their deeds.

Mr. HOPKINS. Not at all. The construction to be placed on the letter of the Commissioner is simply this: That these gentlemen who now seek the remedy proposed in the pending bill had an opportunity, had they exercised their rights, to have demanded these deeds, and the Commissioner expressly states in his letter that they were derelict in their duty——

Mr. HULICK. That is not the point, if the gentleman from Illinois will notice.

Mr. HOPKINS. Wait until I get my statement completed. The Commissioner states that they were derelict in their duty and failed to make application at the proper time for the execution of the deed, and he says that if they had done that, then they could have gone into court if there had been any failure. Now it seems to me——

Mr. RICHARDSON. What should they have gone into court for?

Mr. HOPKINS. It seems to me, if any credence is to be given to the letter of the Commissioner, the man who ought to know more about this than anybody else, and whose interest is certainly not to deprive any honest man of his money, that these men are at fault, and that if they have lost any money, why it is by reason of their own misconduct, and in law and in equity such men are estopped from recovering the money.

Mr. HULICK. I see the force of the gentleman's suggestion, and the committee took that into consideration in considering the letter of the Commissioner; but the committee did not agree with that view, in fact did not believe that they had any legal remedy unless, as I have just suggested, they might have had their legal action against the officer who failed to do his duty, one which was mandatory upon him in order to validate these sales.

Now, whether the Commissioner has stated a legal proposition to which we agree or disagree is not the question here. They did not demand these deeds; and if they had the deeds could not have been given, because they were based on an illegal sale.

Mr. HOPKINS. If they had demanded the deeds, then they would have discharged their duty, and they would have had some equities then to come to Congress on, if they had no legal rights; but, mark, my point is that the Commissioner says that if they had demanded the deeds then they would have had a legal remedy.

Mr. HULICK. That only bears upon the question of interest.

Mr. HOPKINS. That bears upon the question of the allowance of this money.

Mr. HULICK. We do not so understand it.

Mr. RICHARDSON. The Commissioner does not say that.

Mr. HULICK. The Commissioner is there offering an argument why these tax-sale purchasers should not have interest from the day of sale up to the end of the two years in which they had the right to demand their deeds; and he said they should not have interest from that time, but that the interest to be paid to them should be after the time they were entitled to the deeds and up to the present time. The committee did not look at it in that way; and we thought that so many years had been allowed to pass, while these persons have slept upon their rights, that they could not in equity demand interest. We therefore recommended against the allowance of interest on their claim.

Mr. HOPKINS. Then your purpose is to refund the money actually paid, without any interest at all?

Mr. HULICK. Yes, sir; to refund the money without a cent of interest. That the Government having received the money from these persons, they had the right to have it refunded and to use these certificates that were given for taxes when they came to pay the taxes upon their property.

Mr. TRACEY. Have all these sales been canceled?

Mr. HULICK. They have all been canceled and declared illegal by the court of this District. They are held to be illegal and void on the theory that it was the duty of this officer—the mandatory duty—to make reports of the sales, so that there would be notice of the sales to innocent parties, and it was decided that these tax sales were not a lien upon the property.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore (Mr. DINGLEY). The question is on the amendment reported by the committee. The Clerk will report the first amendment.

The Clerk read as follows:

Line 2, page 2, strike out the words "including interest thereon to the date of this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

In line 6, page 9, strike out the word "succeeding" and insert the word "proceeding."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question was taken on the passage of the bill; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. DOCKERY. Let us have a division, Mr. Speaker.

The House divided; and there were—ayes 48, noes 11.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point of no quorum. [After a pause.] Does the gentleman insist upon the point of no quorum?

Mr. HULICK. If the gentleman from South Carolina has any reason why the bill should not pass, I should like to hear it.

The SPEAKER pro tempore. Does the gentleman insist upon the point of no quorum?

Mr. TALBERT. I do not withdraw the point.

The SPEAKER pro tempore. The Chair will count.

A count was taken.

Mr. TALBERT. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER pro tempore. The point of no quorum is withdrawn. The ayes have it, and the bill is passed.

Mr. HULICK moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1306) to authorize and encourage the holding of a transmississippi and international exposition at the city of Omaha, in the State of Nebraska, in the year 1898—to the Committee on Ways and Means.

A bill (S. 1468) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoir and canal in and through the Umatilla Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs.

### MARRIAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 1904) to regulate marriages in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.*, That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and have not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, or in writing subscribed by a witness, who shall make oath before the clerk of said court that said writing was signed or acknowledged in the presence of said witness, by such father, guardian, or mother, as the case may be.

SEC. 2. That marriages in the District of Columbia may be celebrated by the judge of any court of record or any justice of the peace. When any minister or other person, appointed or ordained according to the rites and ceremonies of his church, shall, before the supreme court of the District of Columbia, produce proof that he is duly appointed or ordained as such, and that he is in regular communion with the religious society of which he is a member, and give bond in the penalty of $500 to comply with the conditions of this act, such court may make an order authorizing him to celebrate the rites of marriage in the District of Columbia. Marriages between persons belonging to any religious society which has no ordained minister may be solemnized by the person appointed and in the manner prescribed by and practiced in any such society.

SEC. 3. That no one but a minister or other person authorized by this act shall hereafter celebrate the rites of marriage in this District, anything in any law now in force in said District to the contrary notwithstanding.

SEC. 4. That no marriage heretofore or hereafter solemnized shall be deemed or adjudged to be invalid, nor shall the validity thereof be in any way affected, on account of any want of authority in any person solemnizing the same, if consummated with a full belief on the part of the persons so married, or either of them, that they were lawfully joined in marriage.

SEC. 5. That no license for any marriage shall hereafter be issued to which any citizen of a foreign country shall be a party until a minister or consul representing such foreign country in the United States shall certify that the conditions to the validity of the marriage of the laws of such country shall have been complied with.

SEC. 6. That any person authorized to celebrate the rites of marriage shall be paid by the husband a fee of at least $1 in each case.

SEC. 7. That if any minister or other person who has executed bond under section 2 of this act and is authorized to celebrate marriages in this District shall fail to comply with the provisions of section 8 of this act, the condition of such bond shall be deemed to be thereby broken; and if a justice of the peace shall fail to comply with the provisions of section 8 of this act he shall, upon conviction, be fined, in the discretion of the court, not exceeding $500.

SEC. 8. That it shall be the duty of the clerk to examine and ascertain the full names, ages, color, whether married previously or single, whether related or not, and, if so, in what degrees, of the parties desiring to marry, which facts shall appear on the face of the application, and shall be in the following form:

Number ——. Application for license. Date, ——; names of parties, ——; age, —; color, ——; relationship, ——; whether he or she is a citizen of the United States or of a foreign country, ——; if a citizen of a foreign

country, whether all the requirements of the laws regulating marriage in the country of which he or she is a citizen have been complied with, ——.

—— ——.

—— ——.

Licenses shall be in the following form:

Number ——.

To any minister or other person authorized to celebrate marriages in the District of Columbia, greeting:

You are hereby authorized to solemnize the rites of marriage between ——, of ——, and ——, of ——, and, having done so, you are commanded to make return of the same to the clerk's office of the supreme court of the said District within ten days, as the law directs.

Witness my hand and seal of said court this —— day of ——, A. D. ——.

—— ——, *Clerk.*

By —— ——, *Assistant Clerk.*

Said return shall be made in person or by mail on a coupon attached to and issued with said license and bearing a corresponding number therewith, within ten days from the time of said ceremony, and shall be in the following form:

Number ——.

I, —— ——, who have been duly authorized to celebrate the rites of marriage in the District of Columbia, do hereby certify that, by authority of license of corresponding number herewith, I solemnized the marriage of —— and ——, named therein, on the —— day of ——, at ——, in said District.

A second coupon of corresponding number with the license shall be attached to and issued with said license, to be given by the officiating minister or other person authorized to celebrate the rites of marriage in said District to the contracting parties, and shall be in the following form:

Number ——.

I hereby certify that on this —— day of ——, at ——, —— and —— were by me united in marriage in accordance with the license issued by the clerk of the supreme court of the District of Columbia.

Name, —— ——.

Residence, —— ——.

SEC. 9. That the clerk shall provide a record book of his office, consisting of applications for and of licenses in the forms prescribed in the preceding section, printed in blank, to be filled by him in accordance with said forms, and said blank applications, licenses, and certificates of the officiating minister or other person authorized to celebrate the rite of marriage shall be numbered correspondingly and consecutively from one upward.

And the said license when produced shall be full authority to any minister or other person authorized to marry receiving the same to proceed with the marriage of the parties named therein.

SEC. 10. That if the clerk of the supreme court of the District of Columbia shall neglect or refuse to comply with the provisions of this act, he shall, upon conviction, be fined not less than $25 nor more than $500, in the discretion of the court.

SEC. 11. That the clerk shall provide a record book of his office, in which shall be filed in the order of their number the certificates upon their return to said office, corresponding to said record book of licenses issued, and a copy of any license and certificate of marriage so kept and recorded and certified by the clerk under his hand and seal of the court shall be competent evidence of the marriage.

SEC. 12. That this act take effect from and after thirty days from the approval thereof.

SEC. 13. That sections 4, 5, 6, 8, 9, and 10 of the Maryland act of 1777, chapter 12, and sections 730, 731, and 732 of the Revised Statutes relating to the District of Columbia, now in force in this District, are hereby repealed, and all laws or parts of laws heretofore in force in this District inconsistent with or in conflict with the provisions of this act are hereby repealed.

The SPEAKER. The question is on the third reading of the bill.

Mr. BARTLETT of New York. Mr. Speaker, this is a pretty important matter, and I should like to hear an explanation of it. Why should this measure be passed? What is the trouble with the existing law?

Mr. CURTIS of Iowa. Mr. Speaker, I have no desire to occupy the time of the House longer than may be necessary to explain briefly the provisions of this bill as it is proposed to be amended by the committee. All will concede, Mr. Speaker, that there are no laws more important than the marriage laws. They are the foundation of our society. Upon them rest not only legitimacy, but the right of property. This bill having passed the Senate and containing many important provisions not incorporated in the House bill, which the Committee on the District of Columbia had under consideration at the same time, the committee, after very mature deliberation, unanimously recommend the Senate bill, with amendments, for passage, believing that when the members upon this floor understand the provisions of this bill and its necessity as the members of the committee understand it, they will permit the bill to pass without prejudice.

Mr. HULICK. Will the gentleman allow me to interrupt him?

Mr. CURTIS of Iowa. Just one moment, and then I will answer any question the gentleman desires to ask.

Mr. HULICK. I do not desire to ask a question. I just want to make a statement. The bill as reported was not the unanimous report of the committee. While a unanimous report was made, it was not the unanimous judgment of every member of the committee. It would be mine with one amendment, which I would like to have introduced.

Mr. CURTIS of Iowa. If the gentleman will excuse me, I will reach that feature to which he refers and give him ample opportunity to be heard.

This proposed measure was prepared and presented for the purpose of removing many of the absurdities and doubts in the present law, many of the provisions of the law being obscure, obsolete, and to a large majority of the people of this District are entirely unknown. I am informed that under a strict interpretation of the law, or in conformity with the law as it now exists, there has not been celebrated or solemnized a marriage in the District of Columbia for more than fifty years.

Mr. BARTLETT of New York. Does the gentleman mean to say that there have been no marriages performed in the District of Columbia for the last fifty years?

Mr. CURTIS of Iowa. I do not believe there has been one performed in strict conformity to the provisions of the Maryland act of 1877; at least I am so informed. The statement has been publicly made.

Mr. BARTLETT of New York. Then all of the marriages that have taken place have been defective and irregular?

Mr. CURTIS of Iowa. I am not raising any question as to their legality, but I am informed that there have not been any marriages celebrated in this District in strict conformity with that law; and that is my opinion.

Mr. BAKER of New Hampshire. Will the gentleman state in what particulars they have failed to conform to the law?

Mr. CURTIS of Iowa. I will, directly. The courts have wisely held such marriages to be valid under the common law, but at the same time I have serious doubts as to whether or not those who have violated the provisions of the statute are not subject to some extent to its penalty. I want to call the attention of the gentleman to the fact that there has been recently, in the Senate and elsewhere, much discussion with respect to the marriage laws of the District of Columbia, thus publicly directing attention to their obscurity and uncertainty.

Mr. BARTLETT of New York. What is the Edmunds Act? Does this bill interfere with the Edmunds Act at all?

Mr. CURTIS of Iowa. I think not. As I was saying, Mr. Speaker, there has been much recent discussion of the marriage laws of the District, by reason of which their obsolete and antiquated character have become known, hence the seeming great importance that the law be speedily amended and certain sections repealed, thus protecting an innocent public against the possible malicious persecution of the blackmailer.

As will be seen by section 1 of this bill, the age of consent is fixed at 21 years for males and 18 for females, which I believe is in exact accord with the law in nearly every State in the Union—certainly in a large majority of them. The present law treats marriage in the District of Columbia as wholly a religious rite. It provides that marriage may be solemnized only by a clergyman representing the Church of England, a dissenter from that church, a Romish priest, or a representative of the Quaker Society in accordance with the rules of that society. Under this bill it is proposed to recognize marriage as a civil as well as a religious contract or rite, and the bill provides that marriage may be celebrated by the judge of any court of record or by any justice of the peace, as well as by any minister regularly ordained according to the rites and ceremonies of his church. Section 5 of the bill is important, inasmuch as it very wisely protects our American girls (than whom there are certainly none more beautiful or attractive) from what I may perhaps call the unholy ambition of the foreign adventurer, no matter whether he be titled or untitled. I think that the laws of foreign countries with respect to marriages are not generally understood—I, at least, have known very little about them.

Mr. TALBERT. I understand that this bill applies only to the District of Columbia?

Mr. CURTIS of Iowa. It applies only to the District of Columbia. In most foreign countries, Mr. Speaker, a lawful marriage can not be contracted by a person under 25 years of age without the consent of his parents, and if he be over 25 years of age he must still notify his parents in writing of the proposed marriage, if they be living, in order that they may have an opportunity to file objections, even though their consent may not be necessary.

Gentlemen can readily see that many injustices have occurred in this country by reason of ignorance on the part of our people of these foreign laws in relation to marriage. While this bill was under discussion in the Senate the distinguished Senator from Massachusetts [Mr. HOAR] presented a communication from Mr. Wilson, formerly, I believe, our consul at Nice, supplying much valuable information on this subject and setting forth the necessity for the enactment of this section of the pending bill. Should there be serious opposition to this section, I shall ask the privilege of having Mr. Wilson's communication read from the Clerk's desk for the information of the House.

A MEMBER. What section is that?

Mr. CURTIS of Iowa. Section 5.

Mr. BARTLETT of New York. What is the present age of consent in the District?

Mr. CURTIS of Iowa. Twenty-one and sixteen are the ages, respectively.

Mr. BARTLETT of New York. And you now propose to raise the limit to 18?

Mr. CURTIS of Iowa. Yes, sir; to 18.

Mr. BARTLETT of New York. Suppose the consent of the parents has not been obtained, what effect does that have on the marriage?

Mr. CURTIS of Iowa. I do not understand that under the common law it would invalidate the marriage at all.

Mr. BARTLETT of New York. But you are inserting a provision in your bill that consent must be given. Now, suppose the consent is refused and yet the ceremony takes place, what then?

Mr. CURTIS of Iowa. Well, under the common law the marriage, as I understand, would not be invalid. The courts have so held.

Mr. BARTLETT of New York. Then what effect does your provision have?

Mr. CURTIS of Iowa. The bill provides that a judge, or justice of the peace, minister, or other person authorized to perform marriage, shall not solemnize or celebrate any marriage unless the license is produced, and the clerk of the court will not have authority to issue a license to persons under the age of 21 and 18, respectively, unless the consent of the parents or guardian has been obtained.

Mr. BARTLETT of New York. Suppose a young girl says she is 18 years of age when she is not, and upon her statement a license is issued, then what happens? If she makes the statement that she is of legal age when she is not is the subsequent marriage void or voidable or regular?

Mr. CURTIS of Iowa. I do not understand that the marriage is void or voidable. The proposed law provides that the clerk shall examine the applicant for license under oath; and he would be authorized to refuse a license if satisfied in his own mind that the statements made to him were not true. The gentleman from New York is a lawyer, and I am not. He no doubt understands questions of this kind better than I do.

Mr. MEREDITH. In such a case a penalty might be inflicted upon the clerk for granting a license, if he did so knowing that either party was not of legal age; but the marriage would not be void.

Mr. BARTLETT of New York. The gentleman from Iowa holds, as I understand, that such a marriage would hold good.

Mr. CURTIS of Iowa. I think so—at common law.

Mr. BARTLETT of New York. Then it would not be void or even voidable?

Mr. MEREDITH. Certainly not.

Mr. CURTIS of Iowa. I think that would be a question for the courts to decide.

Mr. BARTLETT of New York. One other question. Why do you impose on the husband the necessity of paying $1. Suppose a young man wants to be married and does not care to pay a dollar. Why make the payment obligatory upon him? Or, if any payment is required, why should it not be $5 or $10 just as well as $1?

Mr. CURTIS of Iowa. There are many people in the District of Columbia, I presume, who would not have the necessary $5 or $10.

Mr. BARTLETT of New York. If a man is so poor as that, why should he pay anything?

Mr. CURTIS of Iowa. It is within the power of the person celebrating the marriage to remit the fee.

Mr. HAINER of Nebraska. The gentleman might reply to the question of the gentleman from New York by asking, what business has a man to get married if he can not pay so small a fee as $1?

Mr. CURTIS of Iowa. I call the attention of the gentleman from New York to the fact that the evidence as to the validity of the proposed marriage must be filed with the clerk of the court, without which he is not authorized to issue a license.

Mr. BARTLETT of New York. Will not such a law as this make marriage very difficult in the District of Columbia?

Mr. CURTIS of Iowa. I think not.

Now, let me say that section 8 of this bill is important also, from the fact that it provides that the minister, judge, justice of the peace, or other person authorized to perform this ceremony shall file the certificate of such marriage with the clerk of the court, to become a part of the records of his office. This, Mr. Speaker, is one of the important features of the bill. Its importance has been urged upon the committee not only of the House but of the Senate.

Mr. BAKER of New Hampshire. Urged by whom?

Mr. CURTIS of Iowa. By the judges of the supreme court and by the clerk of the court of record. These persons have represented to the committees that less than one-half of the marriages celebrated or solemnized in the District of Columbia are of record in the office of the court. I call the attention of members to this provision as being, in my opinion, one of the important features of the bill.

Mr. BARTLETT of New York. Is there only one penalty imposed—that is, the fine of $25—for violating the provisions of the act?

Mr. CURTIS of Iowa. A failure to comply with this section—section 8—will subject the minister or other person performing the ceremony to a fine, as provided for in section 7, of not less than $50 nor more than $250, in the discretion of the court.

Mr. TERRY. I should like to ask the gentleman what is the object of section 5, in relation to persons who are not citizens of this country? Suppose a lady should come here from France, where, as I understand, the legal age for marriage is about 25. Would she be obliged to get a certificate of the French consul before she could get married in the District of Columbia? A similar question might be put with regard to persons from other Continental nations where the legal age for marriage is 25 or in that neighborhood.

Mr. CURTIS of Iowa. I will refer again to this section briefly, although it was discussed only a few moments ago. Let me give the gentleman as an example a case that happened in the State of Illinois. A German residing in that State was married and continued to live there for eight or ten years, having several children. He then went to his original home, taking this woman with him, and lived with her in Germany as his wife a little while. Then he married another woman, his American wife being still living; but the American marriage was held to be void.

Mr. TERRY. That may be true; but I think the general rule is that a marriage valid where performed is valid the world over. Of course there may be exceptions.

Mr. CURTIS of Iowa. I will read from the French law upon the subject of marriage.

Mr. TERRY. I say that the statement of the gentleman may be true as to some particular case, but I believe the weight of authority is decidedly the other way.

Mr. CURTIS of Iowa. A man in any foreign army can not marry except with the consent of his Government. No citizen of France can lawfully marry, whether at home or abroad, if under 25 years of age, without the consent of his parents. Such a marriage will not be recognized in his own country as legal.

Mr. TERRY. In regard to that, if the gentleman will permit me, I will state that this is the rule in the United States. Suppose, for instance, in the State of New York there is a law fixing the age at 21 years, and a man not that old, but 19, which we will suppose is the lawful age in the State of New Jersey—if he goes out of the State of New York with the intention of violating and evading its law, and marries in New Jersey and then comes back to New York—I understand it has been held that the marriage in such State is not a valid one. But unless it is shown that he went outside of his own State for the purpose of perpetrating a fraud on its laws and a marriage followed, being duly celebrated under the laws of the other State, such marriage is valid the world over.

The committee has doubtless examined the matter, but you can readily see how a lady, say from France or Germany, coming here, who had not acquired citizenship, would be placed in a very difficult situation by the enactment of such a provision. See the hardships to which she would be subjected even though she never intended to go back to the other country at all. Such hardships should be guarded against.

Mr. BARTLETT of New York. If the gentleman from Iowa will permit me, I will state that in so far as the New York law goes, it has been decided by our court of appeals that when you go out of the State, intending to violate the prohibition in a decree of divorce, and a marriage takes place contrary to such decree, the marriage will be good—that is, if a man be the offender; and if a decree of divorce against him provides that he shall not marry again, he can go into the State of Connecticut or New Jersey and violate the decree or order of the court, and although he is in contempt of court, the marriage is good, if it is a legal marriage according to the lex loci contractus, or the law of the place where the marriage takes place.

Mr. CURTIS of Iowa. It will be seen that this bill does not seek to protect the people of the District of Columbia against the laws of other States of this country, but only against the enactments of foreign Governments and foreign marriage laws, which are not in harmony with our own.

Mr. BARTLETT of New York. If the gentleman will permit me a question just there, according to the New York decisions, where it is illegal for a girl to marry until she is of a certain age, if she violates the statute and does marry she can be taken from her husband and consigned to prison. Will not that be the effect of this enactment?

Mr. CURTIS of Iowa. No, sir; not at all. If such were the case, the committee would be against the bill.

Mr. BARTLETT of New York. Now, let me call your attention to one defect which it seems to me appears in the first section of the bill. You provide if a girl be under 18 years and a man under 21, that consent must first be obtained. Consent of whom? Of the father, the mother, or the guardian. Now, let us suppose a case where the father is dead and the mother is dead and no guardian exists. Who is to give consent? If consent can not be obtained under this bill the parties can not marry.

Mr. CURTIS of Iowa. Well, I think it would be competent to

create a guardian or secure the appointment of a guardian for the minor.

Mr. BARTLETT of New York. Does the gentleman know of a procedure in any court or the statute of any State providing for an application for the appointment of a guardian to permit a minor to marry?

Mr. HULICK. Oh, I think there are many such.

Mr. BINGHAM. I would suggest in a case of that kind, where the father, mother, and guardian are all dead, that perhaps they had better have a wake instead of a wedding. [Laughter.]

Mr. CURTIS of Kansas. This bill does not seek to interfere with existing law in that regard. It may perhaps not go as far as it should in this direction. But it seems to me, and your committee believes it to be, a step in the right direction. It is a good bill, and I believe, with the committee, that the bill should be allowed to pass.

There are some amendments, Mr. Speaker, that I ask to have read.

The SPEAKER. The Clerk will report the amendments.

Mr. WALSH. Mr. Speaker, if in order, I desire to say a few words upon the bill at this time.

The SPEAKER. Certainly; the gentleman is in order. Does the gentleman desire to oppose the amendments or to favor them?

Mr. WALSH. I shall oppose the amendments; but would rather hear them read first.

The SPEAKER. The amendments will be read, after which the Chair will recognize the gentleman from New York.

The Clerk read the amendments proposed by the committee, as follows:

In section 2, strike out all after the word "member," in the eighth line, to and including the word "act," in the tenth line.

In section 4, line 1, strike out the words "or hereafter."

Strike out all of section 7 and insert the following in lieu thereof:

"SEC. 7. That if any minister, justice of the peace, or other person who is authorized to celebrate marriages in the District of Columbia shall fail to comply with the provisions of section 8 of this act he shall upon conviction be fined for each and every offense, in the discretion of the court, not less than fifty nor more than two hundred and fifty dollars."

In section 8 insert after the word "ascertain," in line 2, the words "under oath"; and after the word "relationship," in line 6, the words "number of marriage."

Strike out all of section 13 and insert in lieu thereof the following:

"SEC. 13. That sections 4, 5, 6, 8, 9, 10, 15, 16, and 17, in chapter 30, of the compiled statutes now in force in the District of Columbia, and all laws or parts of laws heretofore in force in this District inconsistent with or in conflict with the provisions of this act are hereby repealed."

Mr. WALSH. Mr. Speaker, I believe that this is a very serious matter. I believe in throwing around the marriage tie all of the safeguards that we can, because I am a firm believer in the principle that once a marriage has taken place no power on earth should dissolve it. In other words, I believe in the biblical maxim, that "what God hath joined together let no man put asunder."

At the same time I recognize the fact that diverse laws are in operation in nearly every State of the Union on that subject and that an age of consent is established by nearly every State. I think the age of consent is founded on the deliberate judgment and the best opinion of ages, and has been fixed at a period when the male and female are best supposed to understand the contract into which they are to enter.

Most of the States of this Union have fixed the age of 16 for a girl. It is a matter that should be regulated to some extent by nature. Nature can dictate better than any statute or the deliberations of any men, outside of the persons interested, what is the proper age. I think nature can tell better than any statute or the deliberations of anybody, outside of the person interested, to whom the marriage should take place, when, and under what circumstances it should occur. So I say that when a marriage is contemplated by the individuals who desire to be married, the State does an injustice if it puts any impediment or any obstruction in the way of carrying out that contract.

But this is not all. In one of the provisions of this bill it is required that—

When any minister or other person appointed or ordained according to the rites and ceremonies of his church shall, before the supreme court of the District of Columbia, produce proof that he is duly appointed or ordained as such, and that he is in regular communion with the religious society of which he is a member, such court may make an order authorizing him to celebrate the rites of marriage in the District of Columbia.

Now, that is a provision that is not, I am sure, in the statutes of as many as five States in this Union. To compel a minister of religion to furnish the court with proof of his right to act as minister of that religion, and to compel him to wait for a decree of that court allowing him authority to solemnize marriage—I do not feel there is any such provision in five of the States represented here. I do not know that such a provision exists in any State; but from my knowledge of the statutes I will say I am sure it does not exist in as many as five States. Section 3 provides that—

No one but a minister or other person authorized by this act shall hereafter celebrate the rites of marriage in this District, anything in any law now in force in said District to the contrary notwithstanding.

So that, unless a minister does get that privilege through the supreme court, unless he goes to the trouble—and sometimes the extraordinary difficulty—of furnishing proof, notwithstanding his own church, his own denomination, recognizes him as a minister, he is debarred from performing the marriage ceremony. He may be established beyond all question, recognized by his supporters, recognized by his congregation as one who, from his calling, has authority to perform the marriage ceremony. Notwithstanding that, he must go to the trouble of satisfying a court that he has been regularly ordained, and must get a decree from that court before he can solemnize a marriage.

Now, what is the trouble besides? Section 3 subjects a minister to the penalty provided in section 7. Section 7 says:

That if any minister, justice of the peace, or other person who is authorized to celebrate marriages in the District of Columbia shall fail to comply with the provisions of section 8 of this act, he shall, upon conviction, be fined for each and every offense, in the discretion of the court, not less than fifty nor more than two hundred and fifty dollars.

Mr. CURTIS of Iowa. Section 7 only provides the penalty on condition that the minister or other person performing the ceremony shall fail to comply with the conditions of section 8.

Mr. WALSH. Let us see what section 8 says.

Mr. CURTIS of Iowa. That he shall file with the clerk of the court a certificate of such marriage. It is merely a police regulation.

Mr. WALSH. That provision is in force in most of the States, but I do not even agree that that is a wise provision. It may be for the purpose of keeping statistics of marriages and statistics regarding the legitimacy and illegitimacy of children, but frequently it has a very bad effect. Where a young boy and a young girl have made a serious mistake, and want to rectify that mistake by marriage, the case arises very often where it would publish to the world the disgrace of the boy or the disgrace of the girl by the very filing of those certificates, and perhaps thereby prevent what religion and law both agree is best to be done under the circumstances. I say religion requires that these things should be looked upon with a charitable eye, and there are often very good reasons why even that provision should not be in the statute.

But the main thing is this: You should not impede or obstruct the accomplishment of something that we all recognize as a step in civilization. Marriage is a great factor in civilization. The greatest factor, in my judgment, for I believe the family is the unit of society. The freer we make it, the better, where the conditions are such that the persons entering into the contract understand it. We can not fix the age at which it is proper for a person to enter into the marriage contract minus the consent of some other person without invading individual liberty and perhaps the sanctity of a sacrament. The persons marrying are those most concerned. Theirs is the happiness involved. Theirs is the progeny which will possibly affect generations afterwards; and we can not go so far as to say that every marriage between a girl of 16 or 17 and a young man under 21 is not a proper marriage. And while I would advise all young couples to get the consent of their parents or guardians before taking such a solemn step, I think that we should, as I said before, leave the question to those concerned, except in so far as the statutes already regulate it. The statutes go far enough to prevent what it is intended by the law to prevent, and I think we should leave this now as it is upon the statute books, or, if circumstances required it, that we should even repeal the statutes as they now exist and lower the age of consent, so far as marriage is concerned, under some conditions.

Now, another thing: Here in the District of Columbia, where this bill is to operate exclusively, we have a population that comes from the South—I refer to the negro population. They mature more rapidly than the whites. They are physically fit for marriage earlier than the whites; and when they are fit by nature for marriage, and feel inclined to enter into that state, you can see yourselves it is much better to allow them permission than to discourage them by such acts as this and tempt them in some way to enter into a condition which is unlawful. Of course, morality has a great deal to do with all of these questions. It must be taken into account; and I do not impute to the colored man any immorality that I would not impute to his white brother existing under like conditions. They are just the same to me. They have both a human soul, and in that respect there is no distinction between them; but at the same time it is a physical fact, recognized by all students of sociology, that people coming from a southern or warm climate will develop earlier than those from the north. You will see, therefore, for that, as well as the other reasons I have given, we should hesitate about changing the age of consent in the District of Columbia.

Mr. BARTLETT of New York. Mr. Speaker, I wish to make a few remarks upon this bill—about five or ten minutes.

Mr. HULICK. Mr. Speaker, I wish to offer some amendments to this bill, if the gentleman will permit me to offer them now.

Mr. BARTLETT of New York. I will, if it will not deprive me of the right to debate the bill generally.

The SPEAKER. It will not.

Mr. HULICK. I send to the Clerk's desk the following amendment.

The SPEAKER. There are two committee amendments already pending.

The Clerk read as follows:

Strike out in section 1, on page 1, all of lines 3, 4, 5, 6, and 7, to and including the word "person," and insert the following: "Male persons of the age of 18 years and female persons of the age of 16 years not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage: *Provided always*, That male persons under the age of 21 years and female persons under the age of 18 years who have not been previously married shall first obtain the consent of the father or guardian, or, if there be neither of those, then of the mother of such person, which."

Mr. HULICK. I also send to the Clerk the following, which I offer as an amendment to section 13.

The Clerk read as follows:

Amend section 13 by inserting in line 10, page 7, after word "section," the word "to"; and insert in line 12, after the word "Columbia," the following: "And sections 721 and 722 of the Revised Statutes relating to the District of Columbia now in force in the District."

Mr. HULICK. Does the gentleman propose to speak now? If the gentleman does not——

Mr. BARTLETT of New York. I wish to oppose the amendments and the bill.

Mr. HULICK. I am in favor of the bill with the amendments I have offered.

Mr. BARTLETT of New York. Mr. Speaker, there are certain practical reasons why this bill should not become a law. We have a certain compilation of the statutes here referring to the District of Columbia, which has been edited by Messrs. Lovejoy and Abert, and purports to contain all the laws in force governing the District of Columbia. The measure now under consideration proposes to wipe out some nine or ten of the forty-five sections contained in chapter 30, the chapter controlling the relations of husband and wife. Now, I agree with my colleague from the city of New York in the view that no human relation is of graver importance than that of husband and wife. The other relations of guardian and ward, of parent and child, of master and servant—all the old subdivisions—are of far less importance; and yet we propose now, without any consideration, to amend, to change, to alter all existing laws. I think this is too important a matter to be disposed of in this way, and I think it should be recommitted and sent to the Committee on Judiciary; and then, after careful consideration, it can be brought before this House at some later day in the session.

The measure proposed contains some manifest absurdities on its face. One is the imposition of a tax on the husband for marriage. Does the legality, the validity, of the marriage ceremony depend upon the fee which is paid to the minister or clergyman? In a case where a man is worth thousands and thousands of dollars the clergyman is often paid little or nothing, and yet here it is to be prescribed that in every case, in order to give a sort of cachet to the importance of the ceremony, why there must be paid at least $1! Is this measure seriously proposed in the interest of the clergy of the District? Do they want a dollar for each ceremony; and will they say to the expectant parties, when they appear before them: "Have you your dollar with you?" And if the intended husband says, "Nay, not so," must the ceremony cease, or will its validity be affected? Now, is it the right thing, in so sacred a law as this, to inject provisions which are thoroughly absurd; or, if not absurd, absolutely nugatory?

Mr. ODELL. Does the gentleman think the marriage should not take place unless the money is paid?

Mr. BARTLETT of New York. I should not declare that a penalty should be imposed on a man who desires to marry. I think he should receive some reward.

Mr. BABCOCK. Would the gentleman from New York undertake a contract to solemnize the marriages in the District of Columbia for less than $1 apiece?

Mr. BARTLETT of New York. If I were a judge of a court of record in this District, or a justice of the peace, or a minister of the gospel, or a priest, I should say: "Come one, come all; I will marry you for nothing. I do not want your dollar as a penalty." Of course if a man, in the fullness of his heart, chooses to pay $50 or $100 or $1,000 to the clergyman who marries him, it is money well spent; but I say that I have never yet seen in any statute of any State a provision making it obligatory to pay $1, or any fixed sum, as the value of the marriage rite.

Mr. HULICK. How would it be to amend the bill by giving the person officiating the privilege of kissing the bride in lieu of the dollar? [Laughter.]

Mr. BARTLETT of New York. That is the old common-law privilege. There is no need of any legislative enactment on that subject. That can be settled by the clergyman and the bride. [Laughter.]

Mr. CURTIS of Iowa. I wish to correct the gentleman on one point. In the State of Iowa a justice of the peace is permitted to charge $2 for performing the marriage ceremony. He is not compelled to charge $2, but he may do so if he chooses. Now, this bill provides that the minister or the justice of the peace may charge $1, but there is nothing in the bill to prevent him from rebating the charge if he likes.

Mr. BARTLETT of New York. In answer to the position taken by the gentleman from Iowa, let me call attention to the words of the section. They are not permissive or directory; they are mandatory:

SEC. 6. That any person authorized to celebrate the rites of marriage shall be paid by the husband a fee of at least $1 in each case.

"Shall" be paid, not "may" be paid. It seems to me that that would give a right of action against the husband. It would be a contract which could be enforced as soon as the ceremony was performed.

A MEMBER. And cheap at that. [Laughter.]

Mr. BARTLETT of New York. Now, who determines the magnitude of the fee? Is it determinable upon the basis of the wealth of the husband or of the bride? What is to be the test? Let us look at the bill seriatim. In the first section it provides—

That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and has not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given, etc.

As I indicated in a question a few moments ago, if there be no parents living or no guardian, you must wait until the lady attains the age of 18 or the man attains the age of 21 before the marriage ceremony can take place. Is not that manifestly absurd on its face? There is no provision, practically, in this District, under any existing law coming down from Maryland, or in the form of a statutory enactment, for an application to the court for the appointment of a guardian—not even a guardian ad litem—but a sort of special guardian for the purpose of giving consent to the ceremony.

Mr. FISCHER. Does not my colleague consider that this is liberal enough? If he will look at the language in the sixth line he will find that special privileges are given to bigamous women who have been previously married, while no provision is made for the death of previous husbands. [Laughter.]

Mr. BARTLETT of New York. Mr. Speaker, I shall not address myself to that question. I can not answer these somewhat jocular remarks or adopt this method of treating the question. I am considering it from a serious standpoint, from the standpoint of a lawyer and a man, who, as a Representative, is interested in the well-being of this District. In everything that concerns the welfare of the District of Columbia I am interested, as I showed the other day by voting for the free-library bill. Now, it is useless to insert a provision such as this, requiring consent, if there be no way to enforce it, if it is to be simply a brutum fulmen. It is certainly a peculiar spectacle to see the Congress of the United States passing a bill to amend the marriage law of this District which can not be enforced. We have here a very serious chapter relating to the relations of husband and wife, a law which comes down to us from the time when the District of Columbia was first formed, in 1801. Here is a part of the old Maryland law, and although some gentlemen have said that it is antiquated, yet there are some very salutary provisions in it. We find in the first section a list of the degrees of kindred or affinity within which marriage shall not be contracted, and later on there is a penalty imposed for marrying persons who come within the specified degrees.

Mr. BABCOCK. We do not repeal those provisions.

Mr. BARTLETT of New York. You repeal the penalty. More than that, you repeal the penalty now imposed for celebrating a marriage when the parties are under the age of consent.

Mr. BABCOCK. I think the gentleman is in error about that. If the gentleman will look at section 13 he will discover that those sections of the law are not repealed.

Mr. BARTLETT of New York. Let us see. Section 13 says that sections 4, 5, 6, 8, 9, 10, 15, 16, and 17, in chapter 30 of the compiled statutes now in force in the District of Columbia, are repealed. Now, section 5 is one that imposes a penalty for marrying within certain degrees of kindred or affinity——

Mr. BABCOCK. Is it?

Mr. BARTLETT of New York. And section 10 is the section which imposes a penalty for marrying persons when they are under age. Now, is it wise to abolish those penalties?

Mr. MILNES. Will the gentleman inform us who can perform the marriage ceremony in the District of Columbia under the existing law?

Mr. BARTLETT of New York. Ministers of the Church of England, ministers dissenting therefrom (which would cover nearly all the others), and priests of the Roman Catholic or Romish Church.

Mr. MILNES. So that marriage is recognized under the present law as entirely a religious ceremony, not as a civil ceremony?

Mr. BARTLETT of New York. Section 718 of the Revised Statutes of the District of Columbia also provides that—

For the purpose of preserving the evidence of marriages in the District every minister of the gospel appointed or ordained according to the rites and ceremonies of his church, whether his residence be in the District or elsewhere in the United States or its Territories, may be licensed to celebrate marriages in the District.

So we see that under the Maryland law ministers of the Church of England, ministers of all churches dissenting therefrom, and ministers of the Romish Church can celebrate marriages, whereas in the Revised Statutes the old Maryland provision is enlarged so as to embrace all ministers of whatever religious denomination.

If you want to amend the marriage law of the District and authorize marriage by a justice of the peace or a judge of a court of record, propose such a provision and I will vote for it. But why change the existing law in what seems to me this absurd manner?

Mr. CURTIS of Iowa. The gentleman, I presume, recognizes the fact that there are many good, moral people who refuse to recognize marriage as other than a civil contract, and who would insist upon being married by a judge or a justice of the peace. I believe that every State in the Union allows this ceremony to be performed by a court of record or a justice of the peace. We in this bill propose to adopt that provision with reference to the celebration of marriage in the District of Columbia.

Mr. BARTLETT of New York. Now, the answer to that is simply this: A bill should have been brought in to amend section 718 of the Revised Statutes by adding the following words:

Marriages within the District of Columbia may be celebrated by the judge of any court of record or a justice of the peace.

That is the only sensible provision in this whole bill—the only wise provision. The imposition of a fee of $1 is an absurdity; it is ridiculous on its face; and it might well excite the risibilities of the whole United States to say that we measure the value of marriage by the imposition of a fee of $1.

Mr. CURTIS of Iowa. Then let the gentleman offer an amendment to make the fee larger.

Mr. BABCOCK. Or less. Suppose the gentleman makes it 90 cents.

A MEMBER. Or let the man who wants to get married give his due bill.

Mr. BARTLETT of New York. If the existing law is to be changed—if we are to have a more modern marriage law—why should it not conform to the statutes in force in the various States? If a man be a minister of any religion and is empowered to perform the marriage ceremony, why should he be obliged to apply to the court for an order—an order—that he be permitted to perform the ceremony? That is absurd. If a man is a minister of any established church, or if he is authorized by the existing provision of the Revised Statutes to perform the marriage ceremony, why do you want to abridge or take away his power? He may apply for a license now; but why should a minister apply to the court for an order directing that he be allowed to unite persons in the bonds of wedlock?

Mr. CURTIS of Iowa. Will the gentleman permit me to answer his question?

Mr. BARTLETT of New York. Yes, sir.

Mr. CURTIS of Iowa. The committee were informed that there are in the District of Columbia many irresponsible individuals assuming to be ministers of the gospel; and therefore this section was regarded as important by all the ministers who were heard before the committee.

Mr. BARTLETT of New York. It certainly would be a grave offense for anyone to assume without authority to be a minister of the gospel and to undertake as such to perform the marriage ceremony; and if that offense is likely to occur, there ought to be some penalty provided. But this bill provides no penalty of imprisonment for a person who is so base as to undertake to perform the marriage ceremony when he has no authority so to do.

Mr. TALBERT. I think I agree in general with the gentleman from New York [Mr. BARTLETT]; but I would like to ask him this question: When two persons agree in the presence of witnesses to become man and wife, without any ceremony by any officer of the law, is not that a valid marriage at common law? And is it not so recognized in all the States?

Mr. BARTLETT of New York. It is, provided the marriage be consummated.

Now, Mr. Speaker, we have in the fourth section of this bill this provision:

That no marriage heretofore solemnized shall be deemed or adjudged to be invalid, nor shall the validity thereof be in any way affected, on account of any want of authority in any person solemnising the same, if consummated, with a full belief on the part of the persons so married, or either of them, that they were lawfully joined in marriage.

Now, that is all right with reference to marriages heretofore solemnized; and I see that the words "or hereafter," which were originally in the bill, have been stricken out by the committee. But there is no provision made in reference to marriages which are not solemnized in conformity to the provisions of this act. How can you enforce your act? What does it amount to? What need is there of legislation such as this? It seems to me, gentlemen, in all seriousness, that this is too grave a matter to be disposed of in this way without careful consideration. I submit that the proper course of proceeding—one which certainly must commend itself to every lawyer in this body—would be to refer the bill to the Committee on the Judiciary and let that committee bring in a complete, logical, well-arranged marriage law for the District of Columbia.

Mr. CURTIS of Iowa. Mr. Speaker, I desire to say a word in reply to the gentleman from New York [Mr. BARTLETT]. I have no doubt but that the Judiciary Committee would have proven competent in the consideration and preparation of this bill, but unfortunately, by reason of the character of the legislation proposed, under the rules of the House the bill went to the Committee on the District of Columbia for its action.

I wish to say this, that this bill was considered in the Senate by the Committee on the District of Columbia there, and by such able lawyers as Senators FAULKNER, HOAR, and others; was considered on the floor of the Senate for two consecutive days, and finally passed that body. It came before the Committee on the District of Columbia of the House and meets their approval in the shape presented here.

Three or four hearings were given to individual ministers and others in reference to the matter embodied in the bill, together with the House bill, which we had before us, both of which were considered by the committee at the same time.

I call the gentleman's attention to the fact that the only objection interposed by the ministers, who came before the committee in considerable force, was with reference to sections 2 and 7, which provide for the bond; and after giving that matter careful attention, at the suggestions of the ministers themselves, the bond feature was eliminated, and the penalties provided for, which have been made to apply to judges of the court and justices of the peace as well as to the ministers. I believe that this bill must necessarily pass if there is to be any legislation here in this Congress on the subject, and I trust that the gentleman will withhold his objection.

Mr. WALSH. Will the gentleman permit me to ask him a question?

Mr. CURTIS of Iowa. Certainly.

Mr. WALSH. I wanted to ask the gentleman why it was made discretionary in the court of the District of Columbia to grant a license to any minister under the terms of this bill? You say such court "may" make an order. Even though he proves that he is a qualified minister, you leave the matter entirely in the discretion of the court.

Mr. CURTIS of Iowa. I think, under the interpretation of the language of the section, the court would construe it as a duty to grant such authority, if the person applying was suitable and presented good and sufficient proof to the court.

Mr. WALSH. The language of your statute is against you.

Mr. HULICK. Mr. Speaker, I have offered an amendment to the bill which I trust will receive the consideration and approval of the House.

It has been stated that this is a very important measure. That I concede, and I approve of the bill most heartily as it comes from the committee, with the adoption of the amendments I have already proposed. I hope to be able in a very brief time to present reasons why these amendments should be adopted by the House and made a part of the bill.

There is great necessity for legislation in this respect, as has been suggested, and while we are considering the marriage laws for the District, it is very important that we have a bill that will commend itself to the citizens of the District of Columbia and the bar, as well as to all interested in such legislation.

The first section of the bill provides—

That if any male person intending to marry in the District of Columbia be under 21 years of age, and if a female under 18 years of age, and has not been previously married, the consent of the father or guardian, or, if there be none, of the mother of such person, shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, or in writing, subscribed by a witness, who shall make oath before the clerk of said court that said writing was signed or acknowledged in the presence of said witness by such father, guardian, or mother, as the case may be.

Now, I ask to have the first part of this section stricken out down to and including the word "person," in the seventh line, and have it declared specifically in the bill who can marry in the District; not such persons as are intending to marry, but let it designate who may be married or be permitted to marry in the District. The amendment I offered is to strike out all of that portion of the first section——

Mr. BARTLETT of New York. Will the gentleman allow me a question? How many amendments have you?

Mr. HULICK. Two. The other is merely formal, and will follow the adoption of the first. This is to amend the section, the

first section, of the bill, so as to provide who may marry in the District of Columbia.

I propose to strike out, then, all of lines 3, 4, 5, 6, and 7, down to and including the word "person," and insert the following:

Male persons of the age of 18 years and female persons of the age of 16 years, not nearer of kin than second cousins and not having a husband or wife living, may be joined in marriage, providing always that male persons under the age of 21 and female persons under the age of 18 years, who have not been previously married, shall first obtain the consent of the father or guardian, and if there be neither of these, then of the mother of such person, which shall be given either personally to the clerk of the supreme court of the District of Columbia or his deputy, etc.

This defines and declares who may be married in the District. This bill, as it is offered by the committee, does not. I will here say, as a member of the committee, that the amendment was offered in the committee, and I thought until to-day that it was carried in the bill—that it met the approval of the subcommittee. But I find that it is not included. I do not know the reason why. We should declare who are the persons authorized to be married in the District.

Now, male persons of the age of 18 years can be lawfully married under this amendment, and female persons of the age of 16 years can be lawfully married. At present male persons under 18 and female persons under 16 can not be married under the law. I believe below that age persons ought not to be permitted to marry in the District of Columbia or anywhere else.

The question was asked by the gentleman from New York [Mr. BARTLETT] a few moments since what would be the result if persons are married, and cohabited, or consummated the marriage, who were under the ages of 18 and 16, respectively? Well, now, that is a question, of course, that would have to be determined by the parties who run that risk. If, however, the marriage be consummated, while it may not be void, it is voidable only. And if the circumstances are such that the marriage ought not to be set aside, it would not be affected by this bill. Now the important question is to determine who shall marry in the District of Columbia. The other bill leaves it open entirely.

Mr. TALBERT. Will the gentleman allow me to ask him a question?

Mr. HULICK. Yes; certainly.

Mr. TALBERT. If this bill is enacted into law will it have the effect of repealing all other statutes now in force in the District of Columbia, and also the provisions of the common law? Will it repeal all of these, and will this be the only law bearing upon the subject?

Mr. HULICK. It will repeal such sections as are designated in the last section of the bill—section 13—and then it provides in general terms, as most of these bills do, that all laws or parts of laws heretofore in force in this District, inconsistent with or in conflict with the provisions of this act, are hereby repealed.

Mr. TALBERT. It will virtually be the only law bearing upon the subject?

Mr. CURTIS of Iowa. It only repeals those in conflict with this statute.

Mr. HULICK. Those inconsistent with this statute are repealed; but I want to call the attention of the House now to the section that is intended to be repealed by the second amendment.

The statute in force in this District relating to marriage was enacted by the Maryland legislature in 1777. This amendment fixes not only the age but the relationship, which shall not be nearer than that of second cousin. Then the bill proposes an amendment to section 2 of the statutes in force in the District of Columbia, which now fixes the relationship which shall exist, or rather shall not exist, between parties who are determined to marry. I want to call the attention of the House to that measure. Under the law now in force, which was enacted over a hundred years ago, it is provided in section 2, which would be repealed by this amendment and which ought to be repealed, that—

If any person within this District shall hereafter marry with any person related within any of the degrees of kindred or affinity expressed in the following table, such marriage shall be void.

Then follows the table of the degrees of kindred and affinity within which no persons related shall marry. I want you to listen to this, to see the absurdity of a law, passed over a hundred years ago, which now controls the people of this District as to the relationship within which they shall not marry. A man shall not marry his grandmother——

Mr. DOCKERY. Well, why should he? [Laughter.]

Mr. MILNES. I will ask the gentleman if he wants to authorize a man to marry his grandmother? This law says he shall not do it.

Mr. HULICK. No; we want to change the law and say he shall not marry any person of a nearer relationship than second cousin, and that will keep out the grandmothers.

Mr. BAKER of New Hampshire. Does not this bill repeal that, and allow a man to marry his grandmother?

Mr. HULICK. My amendment proposes to repeal this section, but the bill as it now stands will not repeal it. Under the terms of this old statute a man shall not marry his grandmother, grandfather's wife, wife's grandmother, father's sister, mother's sister, mother, stepmother. I do not suppose anybody would want to marry his stepmother, with her reputation, but if he did, he may not marry his stepmother in the District of Columbia.

Mr. TALBERT. The gentleman must be reading from the Bible.

Mr. HULICK (continuing). Nor his wife's mother, daughter, wife's daughter, son's wife, sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter. That is what a man can not do in the District of Columbia.

Now, I want to call your attention to what a woman can not do, and if this bill passes without the amendment which I propose this section will remain the law of the District so far as that is concerned. Now, I ask, Mr. Speaker, whether it is true that the good people of the District have to be prohibited by law from doing the things above referred to? Now, again, a woman shall not marry her grandfather, grandmother's husband, husband's grandfather, father's brother, mother's brother, father, stepfather, husband's father, son, husband's son, daughter's husband, brother, son's son, daughter's son, son's daughter's husband, daughter's daughter's husband, husband's son's son, husband's daughter's son, brother's son, sister's son.

Now, if the people of this District want such a law as this, if they are a hundred years behind the age and can not live in this year of our Lord 1896 without marrying their grandmothers and others prohibited by that antiquated law, then I pray you, Mr. Speaker, let the House reject my amendment. My amendment simply provides that no one in the District of Columbia can marry any person of nearer relationship than a second cousin. The person who goes to the clerk of the court for a license must state in an affidavit provided for in the bill, under oath, that he is of a certain age—over 21 years of age—that he is not nearer of kin to Nancy Jones than second cousin, and that she is over 18 years of age. And thereupon the clerk issues the license, the minister solemnizes the marriage, he makes his return of the marriage, the groom and his bonny bride go off on their honeymoon, and everybody is happy.

Mr. BURTON of Missouri. You also stop the stepfather and stepmother from being married.

Mr. HULICK. I want seriously to ask this House whether we should leave on the statute books for the District of Columbia such a law, passed by the legislature of Maryland in 1777, over a hundred years ago? Would you leave such provisions, so ridiculously absurd, upon the statute books, and have this Congress say that such laws are needed for the people of the District of Columbia?

Now, my amendment provides for the repeal of that antiquated section of the statute, and fixes in one sentence that no one shall be married in the District of Columbia that is nearer related than second cousins.

Mr. DOCKERY. I would ask the gentleman whether, in view of the very diverse expressions of opinion that have been had on this bill, it would not be better to let it go over until the next District day, and then we can consider it.

Mr. HULICK. I do not know whether it would or not. I am not prepared to speak in behalf of the committee. I think that we ought to fully and seriously consider this important matter; and if when we get through with a consideration of all the provisions of the bill it is thought advisable to let it go over, it will be all right.

Mr. TRACEY. I would like to ask the gentleman what particular occasion there is for the passage of this bill. Has there ever been any trouble about being married or given in marriage in this District?

Mr. HULICK. Oh, yes; there is very much embarrassment under the statutes that are now in force relating to marriage.

Mr. TRACEY. I do not want to talk about the statutes, but I want to know what is the trouble about the existing law.

Mr. HULICK. I want to answer the question of the gentleman. It provides for the repeal of other sections of the statute that cause doubt.

Mr. TRACEY. I do not want the point I made lost sight of. The question is, Has there ever been any trouble in marrying or of people being married or given in marriage under the existing law? That is the question.

Mr. HULICK. No serious trouble, I apprehend, for when a marriage is consummated the common law would come in and legalize them. Another statute is proposed to be repealed that has caused some embarrassment. It is this:

SEC. 4. The rites of marriage between any white persons, subjects or inhabitants of this District (State) shall not be celebrated by any person within this District (State) unless by ministers of the Church of England, ministers dissenting from that church, or Romish priests, etc.

Now, there are Romish priests in this District that can solemnize marriages, and there are ministers dissenting from the Church of England that can solemnize marriages under that section,

but Methodist and Presbyterian and other ministers can not under that section, and therefore I want it repealed.

Mr. BAKER of New Hampshire. If the gentleman will permit an answer right there, I will give it to him.

Mr. HULICK. If ministers belong to the Church of England they can solemnize marriage under that section. The gentleman from New Hampshire may tell you that other persons have solemnized marriages in the District since the compilation of this statute. And that is true, I admit.

Mr. BAKER of New Hampshire. If the gentleman will look at section 718 of the Revised Statutes of the District he will find that there was an act passed June 7, 1870, and that says that every minister of the gospel appointed or ordained according to the rites of his church as a minister of his church, whether his residence be in the District or elsewhere in the United States, may perform the marriage ceremony where the parties have been licensed. Now, what is the use of talking about Romish priests?

Mr. HULICK. I was just going to say that there is a statute authorizing ministers of the gospel to solemnize marriages. The section that I am calling your attention to never has been repealed; and under that law none but "ministers of the Church of England, dissenters from that church, and Romish priests" can solemnize marriages. An amendment is offered to repeal that statute.

Mr. TRACEY. Does not that repeal it by implication?

Mr. HULICK. We must not make laws by implication and leave the matter for the courts to construe. It is the duty of the legislator to make it so plain that "he who reads may run," and not leave it to the courts to construe.

Mr. BURTON of Missouri. You ought to have it that he who marries must run.

Mr. UPDEGRAFF. Will you permit me a question?

Mr. HULICK. Yes, sir.

Mr. UPDEGRAFF. If your amendment should be adopted and the bill become a law, would it not be impossible for a male to marry at all, under any circumstances, if he were under the age of 18 years, or a female if she were under the age of 16 years, however pressing the necessity? [Laughter.] Could such a marriage be celebrated under your amendment?

Mr. HULICK. No, sir; it would be illegal. It is the opinion of the committee that there should be a limit, and if a young man is not over 18 years of age it is the opinion of the committee he should not be permitted by law to marry, and if this bill should be adopted with my amendment he can not get a license from the clerk, and of course could not get married according to law in the District of Columbia.

Mr. MILNES. He can not under the bill.

Mr. HULICK. Under my amendment a female under 16 years of age can not be married, and we think there should be a limit. My amendment fixes it by declaring by law who shall be married in the District of Columbia. We have reason and history and everything that contributes to the formation of opinion on the question of marriage that would indicate that 16 and 18 years of age, respectively, are low enough to authorize people to enter the marriage relation. Now, if the members of this House think differently, if they have any reason to say that it is too high or too low, then I would be pleased to hear their suggestion and the reasons therefor.

Mr. TERRY. Mr. Speaker, would it be in order to lay this aside and take up some public business?

The SPEAKER. The gentleman from Iowa has charge of the bill.

Mr. CURTIS of Iowa. As soon as the gentleman yields the floor I will just say one word.

Mr. HULICK. I will yield to you for you to say a word, but I do not propose to yield the floor.

Mr. CURTIS of Iowa. I was simply going to say——

Mr. SPALDING. Mr. Speaker, would a motion to recommit this bill be in order?

The SPEAKER. Not while the gentleman from Ohio [Mr. HULICK] has the floor.

Mr. SPALDING. I understand that he has yielded the floor.

Mr. HULICK. No, sir; I have not yielded except for a moment to another member of the committee [Mr. CURTIS of Iowa] to say a word.

Mr. SPALDING. How long has the gentleman from Ohio a right to the floor?

The SPEAKER. The Chair thinks the gentleman has about fifty minutes remaining. [Laughter.]

Mr. HULICK. Mr. Speaker, there are two other amendments that must necessarily be adopted if this bill is to be perfected.

Mr. TALBERT. Let me ask the gentleman whether a demand has come from the citizens of the District of Columbia for the enactment of this bill?

Mr. HULICK. Oh, yes; and from all the ministers. The sections to be repealed imposed a penalty of £500 current money ($1,833⅓) for improperly solemnizing marriage, and for other violations of the law.

Mr. BARTLETT of New York. Is that too high a penalty for so grave an offense?

Mr. HULICK. Well, Solomon told me a long time ago how to answer such foolish questions—according to their folly; certainly no other member in this House would say that such a penalty should remain in the law. Mr. Speaker, I now call attention to sections 721 and 722. This bill does not repeal these sections. Section 721 provides that—

> The clerk shall provide a record book of his office, consisting of licenses in the form prescribed in the preceding section, printed in blank, one of which he shall fill up with the names of the parties for whose union any license has been issued, and beneath it shall be printed a certificate to be made by the minister who solemnized the marriage.

Now, you provide in this bill for a record to be kept without repealing the old section, that provides also for a record to be kept by the clerk.

Mr. CURTIS of Iowa. We repeal that by the repeal of section 16 of the compiled statutes now in force in the District of Columbia, and we repeal section 722 also.

Mr. HULICK. But section 16 in the compilation is not the section of the Revised Statutes. Here is a compilation that has no more binding force than if the gentleman himself had compiled it. It is sections 721 and 722 of the Revised Statutes that should be repealed, because that is the law controlling this matter. However, that is an amendment that can be adopted without controversy later on.

Now, Mr. Speaker, I have no further suggestions to make except that, having stated that the most important amendment is the first one, if that be adopted the others must necessarily follow. Whether this bill should be disposed of at this time I do not know. Perhaps it would be better to have it recommitted, because this is a very important matter, and the sections are not properly numbered. On the whole, I think the bill should be recommitted to the committee for further consideration. I do not wish to move to recommit it without consulting the chairman of the committee and others of the committee, but I think the suggestion is a good one, because the bill in its present form is very imperfect and unsatisfactory.

Mr. BARTLETT of New York. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of New York. I desire to know when a motion to recommit the bill to another committee will be in order—whether after the amendments are voted upon or before?

The SPEAKER. The Chair thinks that motion would be in order after the third reading of the bill.

Mr. CURTIS of Iowa. If the gentleman will permit me, I will say one word with respect to the amendment proposed by the gentleman from Ohio.

The SPEAKER. The Chair assumed, in answering the inquiry of the gentleman from New York, that the gentleman from Iowa [Mr. CURTIS] intended to move the previous question. If the previous question is ordered, then at any time after the bill is ordered to a third reading the motion indicated by the gentleman from New York will be in order.

Mr. BARTLETT of New York. Some amendments have already been offered. Will other amendments be in order?

The SPEAKER. Not if the previous question is ordered. That will cut off amendments.

Mr. CURTIS of Iowa. I have the floor, I believe, Mr. Speaker.

The SPEAKER. The gentleman from Iowa has the floor.

Mr. CURTIS of Iowa. Mr. Speaker, the amendment proposed by the gentleman from Ohio [Mr. HULICK] was considered by the Committee on the District of Columbia at considerable length, but they were unable to agree to report it to the House, for the reason that they believed it decidedly unwise to recommend a law which would make it impossible for persons to marry under any circumstances, no matter what conditions might arise, if they were under the ages of 18 and 16 respectively.

Mr. LACEY. One question in this connection: In cases of seduction, where ordinarily marriages are encouraged, how will this proposed bill operate?

Mr. CURTIS of Iowa. It is provided that persons under the ages of 21 and 18, respectively, may marry with the consent of parents or guardians; and I suppose that without such consent such a marriage under the common law would not perhaps be invalid.

Now, Mr. Speaker, I do not wish to say anything further on the subject, and will merely call for the previous question on the amendments and the bill.

Mr. BARTLETT of New York. Will the gentleman allow me to offer an amendment?

The SPEAKER. The gentleman from Iowa asks the previous question, as the Chair understands, on the amendments and on the bill to its passage.

The question being taken, there were—ayes 49, noes 13.

Mr. BARTLETT of New York. No quorum.

The SPEAKER (after counting the House). There are 98 members present—no quorum.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

## REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. HENDERSON, from the Committee on the Judiciary, to which were referred House bills Nos. 18, 259, 1208, 2913, 3550, 3956, 7446, and 8110, reported in lieu thereof the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States, accompanied by a report (No. 1228); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 7958) for the relief of Edward E. Schreiner. (Report No. 1230.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 5585) for the relief of William L. Orr. (Report No. 1231.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TRACEWELL: A bill (H. R. 8165) to pension all soldiers who reenlisted as veterans and have an honorable discharge from said latter service at $20 per month—to the Committee on Invalid Pensions.

By Mr. BREWSTER: A bill (H. R. 8166) to equalize the postage on monthly publications when admitted to be carried as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. EDDY: A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North—to the Committee on Interstate and Foreign Commerce.

By Mr. FAIRCHILD: A bill (H. R. 8187) to reduce the expense of transmission of local or "drop" letters, mail matter of the first class, to 1 cent per half ounce and secure letter-carrier delivery for the same—to the Committee on the Post-Office and Post-Roads.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2232) for the relief of Arthur H. Lupfer—Committee on Private Land Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 3991) authorizing the payment of the amount due Stella J. Coolbroth—Committee on Private Land Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 7283) granting a pension to Mary Dozha—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COX: A bill (H. R. 8168) for the relief of Joseph Williamson—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8169) granting an increase of pension to S. R. Smith—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8170) granting an increase of pension to Mrs. Isabella Graham, widow of John L. Graham, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 8171) granting a pension to Elizabeth Bryant, widow of Ray Bryant, late a soldier in the Mexican war—to the Committee on Pensions.

By Mr. KERR: A bill (H. R. 8172) granting a pension to Matilda Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8173) granting a pension to Lydia Sompsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8174) to remove the charge of desertion against George Schell—to the Committee on Military Affairs.

By Mr. LAYTON: A bill (H. R. 8175) granting a pension to Nancy A. Wilcox—to the Committee on Invalid Pensions.

By Mr. LINNEY: A bill (H. R. 8176) for the relief of Elisha M. Welborn—to the Committee on War Claims.

By Mr. LITTLE (by request): A bill (H. R. 8177) to grant a pension to E. M. Smothers—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8178) to remove the charge of desertion against Samuel S. Prater—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: A bill (H. R. 8179) for relief of the estate of John Richards, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8180) for relief of Dr. J. N. Houston—to the Committee on Claims.

By Mr. QUIGG: A bill (H. R. 8181) to increase the pension of Mrs. George H. Cooper, widow of the late Rear-Admiral George H. Cooper—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 8182) granting a pension to Isaac N. Phillips, late provost-marshal in and for the Thirteenth district of Illinois, in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 8183) to correct the military record of William B. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 8184) granting a pension to Jesse McMillan—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8185) granting a pension to Rowland C. Harmon—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 8186) to remove the charge of desertion from the military record of Christopher Parish—to the Committee on Military Affairs.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Memorial of the Philadelphia Board of Trade, in favor of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on the Judiciary.

By Mr. ARNOLD of Pennsylvania: Papers to accompany House bill No. 8140, for the relief of William S. Williams, late of Company D, Forty-fifth Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. BARNEY: Petition of citizens of Greenbush, Wis., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELKNAP: Papers to accompany House bill No. 5500, for the relief of Bernard J. D. Irwin—to the Committee on War Claims.

By Mr. BINGHAM: Memorial of the Philadelphia Maritime Exchange, favoring the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. BLUE: Petition of F. G. Adams and others, of Topeka, Kans., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. BROMWELL: Memorial of the Tower Bible and Tract Society, concerning rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Petition of Joseph Williamson, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DANIELS: Petition of farmers of Erie County, N. Y., for legislation regarding the importation of stock from Canada for alleged breeding purposes; also favoring a duty on certain produce—to the Committee on Ways and Means.

By Mr. DINSMORE: Petition of citizens of Red Rock, Ark., to remove the charge of desertion against William Pierce—to the Committee on Military Affairs.

By Mr. EDDY: Petition of Gay bay no ding and other Red Lake Indian chiefs, relative to Indian legislation—to the Committee on Indian Affairs.

By Mr. HART: Petition of citizens of Lansford, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HERMANN: Petition of citizens of Drain, Oreg., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export duty—to the Committee on Ways and Means.

Also, petition of the Manufacturers' Association of the Northwest, for preference to Portland, Oreg., for bidding for supplies to Government posts and other agencies of the Government in the Pacific Northwest—to the Committee on Military Affairs.

By Mr. LEIGHTY: Petition of Irish-American citizens of Fort Wayne, Ind., favoring a movement to secure amnesty for political prisoners confined in English prisons—to the Committee on Foreign Affairs.

By Mr. LITTLE: Memorial of the Young People's Society of Christian Endeavor of the Central Christian Church of St. Louis, Mo., asking for the prohibition of the sale of intoxicating liquors in the Capitol building—to the Committee on the District of Columbia.

By Mr. MERCER: Resolution of the National Association of Stationary Engineers of Omaha, Nebr., praying for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy—to the Committee on Naval Affairs.

Also, resolutions of the city council of Aurora, Nebr., favoring the transmississippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. MILLER of Kansas: Petition of Martin McDonald and 500 others, of Kansas City, Kans., in regard to the Marquette statue—to the Committee on the Library.

By Mr. MORSE: Petition of the Presbyterian Church of Barnegat, N. J., praying for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Messrs. Kasson & Palmer, of Boston, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Turner and 56 other citizens of Brockton, Mass., asking for adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. OTJEN: Petition of C. C. Cole and 84 others, of the Milwaukee National Home for Disabled Volunteer Soldiers, favoring the passage of an act enabling any inmate of the Home to live with his family at a cost not to exceed the average expense of such inmate at the Home—to the Committee on Military Affairs.

By Mr. QUIGG: Petition of Adolph Alexander and others, for the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SCRANTON: Petition of Hon. J. B. Van Bergen and other citizens of Carbondale, Pa., in favor of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SPERRY: Petition of Perseverance Council, No. 33, Daughters of Liberty, of New Haven, Conn., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, resolutions of Eli Whitney Lodge, No. 80, Order United American Mechanics, of Hamden, Conn., in favor of the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. CHARLES W. STONE: Resolutions of the Teachers' Institute of Chester, Pa., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TYLER: Petition of Great Bridge (Va.) Chapter of Daughters of the American Revolution, asking for an appropriation for the publication of the official documents relating to the American Revolutionary period—to the Committee on Printing.

Also, petition of citizens of Newport News, Va.; also petition of George P. Dravo and 12 others, of Milwaukee, Wis., favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WASHINGTON: Petition of J. T. Howell and others; also of W. L. Dudley and others, all of Nashville, Tenn., in favor of bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WOOMER: Petition of S. J. Woelfly and 125 other citizens of Jonestown, Pa., favoring the passage of joint resolution No. 11, amending the Constitution—to the Committee on the Judiciary.

## SENATE.

### TUESDAY, *April 14, 1896.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Almighty Father, we come into Thy presence with joy and thanksgiving, as we commemorate the birthday of Thy venerable servant, the senior Senator from Vermont. We bless Thee that Thou hast brought him to his eighty-sixth birthday hale in body, clear, sound, and vigorous in intellect, happy in his family, in the warm and loving esteem of his brothers of the Senate, the people of his own State, and his fellow-citizens throughout this broad land.

We bless Thee, too, for his memorable service in the two Houses of Congress through this long stretch of years, for his noble and eminent service in behalf of the honor, safety, and welfare of our country, and we humbly pray Thee to spare him to us yet many years. And grant him, when the end of life shall come, to pass hence with a conscience void of offense, full of love to God as his life has been full of love to his fellow-men. We humbly pray, through Jesus Christ our Saviour. Amen.

The VICE-PRESIDENT resumed the chair.

Mr. CARTER. I ask unanimous consent that the prayer delivered by the Chaplain this morning be inserted in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The Journal of yesterday's proceedings will be read by the Secretary.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Rev. J. E. Rankin, D. D., LL. D., president of Howard University, Washington, D. C., praying that the annual appropriations for the support of that university be considered favorably by the Senate; which was referred to the Committee on Appropriations.

He also presented a petition of Great Bridge Chapter, Daughters of the American Revolution, of Norfolk, Va., praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. BURROWS presented a petition of the board of reference and control of the World's Columbian Commission; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

*To the honorable the Senate and*
*House of Representatives of the United States:*

At a meeting of the board of reference and control of the World's Columbian Commission held in Washington, D. C., on the 15th day of February, A. D. 1896, a committee consisting of the president of the Commission and Commissioners P. H. Lannan, of Utah; O. V. Tousley, of Minnesota, and J. W. St. Clair, of West Virginia, were appointed a committee to present the following preamble and resolutions to the Committee on Appropriations in the two Houses of Congress and urge upon them the adoption of the suggestions therein contained:

"Whereas section 13 of the act of Congress approved July 25, 1890, entitled 'An act providing for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and products of the soil, mines, and sea, in the city of Chicago, in the State of Illinois,' provides—

"'That it shall be the duty of the Commission to make report from time to time to the President of the United States of the progress of the work, and in a final report present a full exhibit of the results of the exposition'; and

"Whereas the World's Columbian Commission, created by said act of Congress, in order to secure in a proper and economic way the preparation of said final report on the 19th day of October, 1893, adopted the following:

"'Whereas under the provisions of section 13 of the act of Congress it is provided that the Commission shall make a final report to the President of the United States, in which shall be presented a full exhibit of the results of the Exposition, and in order to secure the preparation of said report in the most economic and comprehensive manner,

"'*Resolved*, That a special committee to consist of eight commissioners is hereby created of which the President shall be a member and chairman thereof, and the seven remaining members shall be appointed by the President, which committee, when so appointed, shall proceed to prepare for submission to this Commission for its final authoritative action the said final report referred to in section 13 of the said act of Congress.

"'*Resolved*, That all resolutions or orders of this Commission, in so far as they may conflict with the provisions of the foregoing resolution, are hereby repealed;' and

"Whereas on the authority of said committee on final report, a subcommittee thereof has already prepared so much of said final report as could be done without the transmission of the report of the various departments of the Exposition, and more especially that of the Director-General and the committee on awards; and

"Whereas the committee on awards has now finished its work and transmitted to the president of the Commission its report, and the Secretary of the Treasury has now about completed the medals and diplomas to be delivered to the exhibitors at the World's Columbian Exposition, and has been authorized and instructed by this board to make delivery thereof to the parties entitled thereto; and

"Whereas the World's Columbian Commission on the 3d day of November, 1893, adopted the following:

"'Whereas it is essential to the proper preparation of the final report of the result of the Exposition that the official reports of the various departments and agencies should be prepared as speedily as possible, so that the special committee charged with the duty of preparing and submitting such final report for the consideration of the Commission may have access thereto: Therefore

"'*Resolved*, That when and as such official reports shall be completed they shall be immediately delivered to the president of the Commission and by him submitted to the said special committee; and further, that all officers whose duty it is to make such official reports be enjoined to discharge this duty as promptly as practicable,' which was a direction to the Director-General and all chiefs of departments and other subordinate officers of the Commission to transmit to said committee on final report the final reports to be made by them, respectively; nevertheless, the said Director-General has up to this time failed to deliver to said committee his report, which necessarily incorporates the reports of the heads of all the departments of the Exposition, but, as this board is informed, has filed the same with the Congress of the United States; and

"Whereas the Senate of the United States has, by an amendment to the urgent deficiency bill now pending in Congress, provided that the 'entire compensation of the Director-General for the work of preparing his final report and for all sums expended or paid out by him upon such work, and for any sums due under agreements or contracts for assistants for such work: provided that the original typewritten or written manuscript of such work * * * all illustrations, diagrams, and plans incorporated in such work, and all plates and negatives of photographs taken therefor in the hands of the Director-General, shall be by him deposited with the Joint Committee on Printing,' which amendment, if concurred in by the House of Representatives, places said report beyond the control of this board or said committee on final report; and

"Whereas by an act of Congress approved August 18, 1894, an appropriation was made in amount and for the purpose, as follows:

"'To enable the committee on final report to arrange the reports of the various departments and prepare a synopsis of the same, $3,500, or so much as may be necessary, to be expended in the discretion of the committee; and said reports with synopsis, including index in each volume, shall not exceed ten quarto folios in all, or not exceeding 1,000 pages each;' and

"Whereas this board has taken the necessary action to finish the work of

preparation of said final report as indicated by said last-mentioned act: Therefore,

"*Resolved*, That the Congress of the United States be, and is hereby, memorialized and petitioned to direct and require said report of the Director-General and any and all reports which may be transmitted to the Congress and which should be properly transmitted to the president of the World's Columbian Commission to be transmitted to the president of the World's Columbian Commission, to the end that the same or so much thereof as may be necessary may be incorporated into the final report, which will be completed on the 15th day of October, 1896, and which will state, as required by section 13 of said act of Congress, the results of said exposition.

"*Resolved*, That it is the sense of this board that the Director-General shall be paid the sum charged by him for his services, including all the expenses incident thereto, in the preparation of said report, and it respectfully requests an appropriation to be made to pay the same."

Your petitioners would respectfully call attention to paragraphs marked on margin, respectively, 1, 2, 3, 4, 5, 6, and ask consideration of the same.

In such case your petitioners believe that your honorable body will come to the conclusion that the logical method to be pursued will be that the reports of the president of the Commission, the secretary, the Director-General, the committee on awards, and the president of the board of lady managers should be made to the World's Columbian Commission, as they are all creatures of that body, and that the Commission should transmit the same to the President of the United States, in accordance with the act of 1890.

It seems to your committee that this is the only way to comply with the mandates of the law, with the legislation of the World's Columbian Commission, an agent of your own creation, and the only method by which a report worthy of the World's Columbian Commission can be made.

Any conditions, limitations, or restrictions your honorable body may see fit to impose will be observed by your petitioners.

Your petitioners would call attention to the fact that at the meeting of the board of reference and control above mentioned there were present seven out of the eight members of the Commission of which the said board is composed, and that said board will meet again on November 15, 1896, for the purpose of reviewing the several reports and ordering their transmission to the President of the United States.

The World's Columbian Commission does not expire until A. D. 1898.

The greater part of the appropriation of 1894 for the work of the committee on final report is yet unexpended, necessitating a small appropriation, if any, for the completion of the work.

I have the honor to be, for the committee, very respectfully,

T. W. PALMER,
*Chairman and President of the World's Columbian Commission.*

Mr. GORMAN presented the petition of Rev. Henry Branch, D. D., president, and Rev. W. G. Herbert, secretary, of the Maryland State Temperance Alliance, praying for the appointment of an impartial national commission to inquire into and investigate upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

Mr. VILAS presented a petition of the Federated Trades Council, American Federation of Labor, of Madison, Wis., praying for the free and unlimited coinage of silver at the ratio of 16 to 1; which was ordered to lie on the table.

He also presented a petition of the Winnebago Christian Endeavor Union of Wisconsin, praying for the enactment of a Sunday-rest law for the District of Columbia, for the enactment of legislation raising the age of consent in the District of Columbia and the Territories to 18 years, to prevent interstate gambling by telegraph, and to defeat race-track gambling in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a memorial of Erie Council, No. 92, Junior Order United American Mechanics, of Huron, Ohio, remonstrating against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. HOAR presented resolutions of the legislature of Massachusetts, relative to the extermination of the gypsy moth; which were read, and referred to the Committee on Agriculture and Forestry, as follows:

Commonwealth of Massachusetts. In the year 1896. Resolutions relative to the extermination of the gypsy moth.

Whereas the gypsy moth, an insect pest, has found a lodgment in this Commonwealth, and careful and persistent work is necessary to prevent its spread over others of the United States; and this Commonwealth has appropriated and expended, under the direction of the State board of agriculture, large sums in the work of exterminating said pest; and said board has asked for the appropriation of the sum of $200,000 for the current year, to continue said work:

*Resolved*, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, request the Senators and Representatives from this Commonwealth in the Congress of the United States to use their influence to induce the United States Government to take up the work and carry it on to completion or to secure from Congress a liberal appropriation to assist this Commonwealth in defraying the necessary expenses of the work.

*Resolved*, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In senate, adopted March 30, 1896.

In house of representatives, adopted in concurrence April 3, 1896.

A true copy. Attest:

WM. M. OLIN,
*Secretary of the Commonwealth.*

Mr. VEST presented the petition or Arnold Long and sundry other citizens of Browning, Mo., praying for the enactment of legislation giving to second-class mail matter, such as religious tracts, full advantage of the act of July 16, 1894; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of American Waiters' Union, No. 20, of St. Louis, Mo., praying for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. MANTLE presented a memorial of sundry citizens of Montana, remonstrating against placing the statue of Père Marquette in Statuary Hall, and praying for its immediate removal; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2828) granting an increase of pension to Samuel E. Liscom;

A bill (S. 2829) granting a pension to Plumy E. Marden;

A bill (S. 2787) granting a pension to Simpson Everett Stilwell;

A bill (H. R. 152) granting a pension to Mary Ann Tracy;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (H. R. 577) granting a pension to Lydia A. Taft;

A bill (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private of Company F, One hundred and sixtieth New York Volunteers; and

A bill (H. R. 1139) granting a pension to Caroline D. Mowatt.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4265) granting a pension to Eliza Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1181) for the relief of Maria E. Wilson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1883) to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Education and Labor, to whom was referred the bill (S. 2780) to make an equitable adjustment of the grants of land to the several States of the Union for State normal schools, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PETTIGREW on the 8th instant, providing for the collection of statistics in relation to criminals and paupers, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Mines and Mining, to whom was referred the amendment submitted by Mr. MANTLE on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1869) granting a pension to James Radley, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2542) granting a pension to Stephen Maines, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert, reported it with an amendment.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (S. 2475) for the relief of Solomon S. Crosswhite, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1474) granting a pension to Elliott H. Benton;

A bill (S. 2076) granting a pension to Sarah C. Moody; and

A bill (S. 2493) granting an increase of pension to Albert Flanders.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 536) granting an increase of pension to Samantha Barnes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2430) granting a pension to James W. Whitney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2341) granting a pension to George E. Tuttle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2428) granting an increase of pension to Jacob P. Fletcher, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2158) granting a pension to Abraham Rhodes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2441) granting a pension to George D. Noble, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2077) granting a pension to Richard T. Seltzer, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. MCMILLAN), from the Committee on the District of Columbia, to whom was referred the bill (S. 949) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also (for Mr. MCMILLAN), from the same committee, to whom the subject was referred, reported a bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia; which was read twice by its title.

Mr. PERKINS, from the Committee on Military Affairs, to whom was referred the bill (S. 2324) to relieve John McCarthy from the charge of desertion, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 261) for the relief of Arthur P. Selby, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 1212) to carry out the findings of the Court of Claims, and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2060) for the relief of Briscoe B. Bouldin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1913) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2059) for the relief of William Bushby, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1915) for the relief of the residuary legatees of Mark Davis, deceased, reported it without amendment, and submitted a report thereon.

Mr. MCBRIDE, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. LODGE on the 2d instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the establishment of four lighted beacons in Lynn Harbor, Massachusetts, reported it with an amendment, submitting a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 581) for the relief of the legal representatives of Hiram Somerville, reported it with amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (S. 2624) giving to any State having a claim for expenses incurred in defense of the United States the right to have the same adjudicated by the Court of Claims, reported it with an amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the amendment submitted by Mr. BACON, on the 10th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the purchase of a site, and the commencement of the construction of a United States penitentiary south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. DUBOIS on the 13th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing for the construction of the post-office and court-house at Boise, Idaho, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, intended to be proposed to the sundry civil appropriation bill, the amendment limiting the cost for construction of post-office and court-house at Cheyenne, Wyo., reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, the amendment providing that the reports of the division of hydrography of the Geological Survey be printed in octavo form, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 10th instant, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. BAKER on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

NASHVILLE (S. DAK.) PRESBYTERIAN CHURCH.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak., to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR SONNENKALB.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2277) for the relief of Oscar Sonnenkalb, to report it favorably without amendment. I ask unanimous consent to put the bill upon its passage.

Mr. HARRIS. I suggest to the Senator from Idaho that we go on and complete the routine morning business, and that he then make the request.

Mr. DUBOIS. I suggest to the Senator from Tennessee that the Senator from Washington [Mr. SQUIRE] desires to address the Senate, according to previous notice, immediately after the routine business is completed, and it will take but a moment to get the bill through.

Mr. HARRIS. I shall interpose no objection, but the other proceeding would be the more regular.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $575.45 to Oscar Sonnenkalb, of Pocatello, Idaho, on account of surveying public lands in Idaho, under contract, this sum being the cost and value of the work done under the survey contract, according to the rates fixed by statute.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON AGRICULTURAL EXPERIMENT STATIONS.

Mr. HALE, from the Committee on Printing, reported a concurrent resolution and submitted a report thereon; and the concurrent resolution was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Secretary of Agriculture upon the expenditures of the agricultural experiment stations for the fiscal year ending June 30, 1895, in compliance with the act approved August 8, 1894, making appropriations for the Department of Agriculture, be printed as a document; and that there be printed, in addition to the usual number, 2,000 copies of said report, the extra copies to be distributed under the direction of the Secretary of Agriculture.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. PALMER. The Select Committee on the Dedication of the Chickamauga and Chattanooga National Park have instructed me to report a resolution, which I send to the desk for reference merely. I send also to the desk papers which explain what is intended to be done, which I ask may be printed. The Committee on Military Affairs also favor the passage of the resolution. I ask unanimous consent that it may be now considered.

The resolution was read, as follows:

*Resolved*, That the Committee on the Dedication of the Chickamauga and Chattanooga National Park be, and it is hereby, authorized to expend the sum of $200 in the preparation of a map and illustrations for the full report of the dedication exercises, to be paid out of the contingent fund of the Senate.

Mr. SHERMAN. The rule requires that such a resolution shall go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be so referred, and the papers referred to by the Senator from Illinois will be printed, in the absence of objection.

THE SENATE MANUAL.

Mr. ALDRICH, from the Committee on Rules, reported the following order; which was considered by unanimous consent, and agreed to:

*Ordered*, That the Committee on Rules is instructed to prepare a new edition of the Senate Manual; and that there be printed 2,000 copies for the use of the Senate and 500 copies for the use of the Committee on Rules.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2841) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2842) to incorporate the Columbia Subway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VEST introduced a bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BACON introduced a bill (S. 2844) granting a pension to Nancy Piper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2845) for the relief of Mrs. L. A. Barber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 2846) to protect State anti-gambling laws from nullification through interstate gambling by telegraph, telephone, or otherwise, by extending to such gambling the penalties provided for interstate gambling by mail or express; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Interstate Commerce.

Mr. JONES of Arkansas introduced a bill (S. 2847) for the relief of the Citizen band of Pottawatomie Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 2848) to amend section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895," approved March 18, 1894; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2849) to promote the efficiency of the militia; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAKER submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADDITIONAL NATIONAL MUSEUM BUILDING.

Mr. MORRILL. I desire to state that on Thursday, after the routine morning business, I shall ask the Senate to hear me for ten or fifteen minutes upon the bill (S. 698) to provide for the erection of an additional fireproof building for the National Museum, which has been reported from the Committee on Public Buildings and Grounds with an amendment, when I hope to satisfy the Senate that an additional building for the National Museum is an absolute necessity.

SALARY ACCOUNTS OF SENATORS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution reported by the Senator from Oregon [Mr. MITCHELL], from the Committee on Privileges and Elections, relative to the salary accounts of Senators, coming over from a previous day.

Mr. MITCHELL of Oregon. I ask that the resolution may lie over until to-morrow morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. SQUIRE. Mr. President——

Mr. MITCHELL of Oregon. Will the Senator from Washington yield to me a moment?

Mr. SQUIRE. Certainly.

PERSONAL REPRESENTATIVES OF JOHN SHERMAN, JR.

Mr. MITCHELL of Oregon. I ask the unanimous consent of the Senate to call up at this time and put on its passage the bill (S. 605) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes. It is a small private bill, to enable the accounting officers to adjust the accounts of the late John Sherman, jr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve the personal representatives of the late John Sherman, jr., from the rendition of his emolument returns for the periods from July 1 to December 31, 1881, and from January 1 to April 21, 1882, as required by section 833 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL DEFENSES.

Mr. SQUIRE. Mr. President, I desire to call up the bill (S. 1159) to provide for fortifications and other seacoast defenses, for the purpose of submitting some remarks thereon.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Washington, upon which he is entitled to the floor.

Mr. SQUIRE. Mr. President, what are our ideals as a nation? What is our own conception of our character and destiny? We are for peace. Are we for peace at any price? We are for independence. Are we for independence without taking steps to maintain that independence? We are for progress and advancement of the interests, not only of our own people, but of all mankind. We are full of sympathy for the oppressed and downtrodden in every part of the civilized world. We are for the "Monroe doctrine"—for the preservation of the soil inviolate from European aggression on both the American continents. Are we willing to support our belief in the "Monroe doctrine" by something more than empty declarations, which are "as sounding brass and tinkling cymbals"? Again, we are for economy in expenditures. Are we for that false economy that takes no proper thought of to-morrow and makes no provision against the greatest possible risks to our safety, dignity, and peace as a nation?

What an absurd spectacle has the Congress of the United States presented during the present session by its persistent talk in favor of the intervention by the United States in behalf of Cuba and Venezuela. How cheap is all this talk, sincere though it may be on many occasions. Every man who has informed himself on the subject of national defenses knows that as a nation we are not in condition to undertake war or suffer war. It is the very last thing we can undertake or suffer in our present condition, because it will certainly bring the greatest loss and humiliation. Our courage and numbers would not avail, and it is folly to depend upon the resources and inventions of the hour. We can talk loud and long and profess sympathy, pass resolutions, and make believe to ourselves that we are actually taking a hand in the diplomatic affairs and international questions of great moment; but those who are not self-deceived by egotistical glamour and who know the facts are perfectly aware of the painful truth that all this demonstration is mere talk and bluster and vapid sentiment, or, at most, it is a sympathy that is easily satisfied with merely verbal expressions. Not that the great body of the American people understand it so; they are not acquainted with the facts as to our absolute inability to maintain a high, dignified, honorable, intelligent stand upon a great international argument in case we should be pressed by the threat of war, the last argument of kings.

The people are cherishing the ideals of which I have spoken. They do not know how shamefully their interests are being bandied and played with by those who represent them in the Halls of Congress. They suppose, in the simplicity of their hearts, that we are prepared to protect ourselves in case of war with any of the second or third class powers, or even against a first-rate power. They know that the nation has millions of brave and patriotic men who would gather at the call to arms. But they do not know that there is no means of arming these hosts upon the emergency that may arise. They do not know that the great seacoast cities, through which extend the arteries of trade and commerce with each other and with the people of foreign lands—populous though these cities may be, and teeming with wealth—are yet exposed and defenseless against attack by foreign navies with vessels far outnumbering ours in strength. The people do not know that their commerce can be so easily ruined. They do not know that our Navy itself may be hopelessly crippled by the destruction of our undefended navy-yards, depots of supplies, dock yards, powder mills, and arsenals.

If the people understood these facts as they exist they would say, "Stop building ships—as you do not mean to protect our cities, dockyards, and bases of supplies, it is folly to spend so much money upon the Navy." If they knew the hollowness of our talk the people would cry out for shame at this travesty upon the maintenance of the "Monroe doctrine and the intervention for Cuban independence." I have no patience with the discussion that has been going on, so devoid of practical benefit to anyone. It has not only operated to make us ridiculous in the eyes of those who are well informed, but it has brought ruin and financial embarrassment upon thousands and thousands of people who have lost millions of dollars in consequence of this agitation in Congress. Nay, more, it has held out false and elusive hopes to people beyond the seas—hope of relief and assistance never to be realized

in the very nature of things. It is keeping the word of promise to the ear to break it to the hope, and thus bringing untold misery upon hundreds of thousands who look to America for help in the time of their struggles with tyranny and bloody wrong. Whether all this is merely politics I know not; but it seems to me exceedingly wicked and useless. If we are in earnest and mean what we say let us show our purpose by our deeds, by preparation of a wise, prudent, and ample character to enable us to be consistent and to make good our professions.

PRESENT CONDITION OF COAST DEFENSES.

Now, what is our condition as to national defenses? How that appears to the average Englishman may be learned in the following passage from Rudyard Kipling's American Notes:

The big, fat Republic that is afraid of nothing because nothing up to the present date has happened to make her afraid is as unprotected as a jelly-fish. Not internally, of course—it would be madness for any power to throw men into America; they would die—but as far as regards coast defense, from 5 miles out at sea a ship of the power of Her Majesty's ship *Collingwood* would wipe out every town from San Francisco to Long Branch; and three first-class ironclads would account for New York, Bartholdi's Statue, and all.

Reflect on this: 'Twould be "pay up or go up" 'round the entire coast of the United States.

The Committee on Coast Defenses received statements from the Major-General Commanding the Army, from a distinguished admiral of the Navy, from the Chief of Engineers, who has charge of the land defenses of the United States, and from the Chief of Ordnance, who has charge of the construction of the modern high-power guns and the appliances wherewith they are handled. The evidence has all gone to show that the condition of our seacoast defenses is lamentable in the extreme. The defensive works are of a character incapable of resisting modern artillery. The guns are of obsolete pattern, of very little value for service, except, perhaps, for that of a subsidiary character, but in no way fit to engage with the great armor-clad vessels of modern times and their powerful armament. The evidence is overwhelming that in case of war our whole people would suffer immeasurably; not only as to the cities on the seacoast, but as to the entire country by reason of the interruption of commerce. The evidence is also plain that several years will be required to procure the guns for the necessary armament for the fortifications on our coasts, and we are not only taking the risk for the present time but for at least eight years ahead by our failure to inaugurate this work on a suitable scale.

From such investigation as has been practicable it is evident that a large amount of destructible property, estimated at not less than $10,000,000,000 in value, is exposed to attack or at least to heavy assessment for the purpose of securing immunity from destruction. The president of the Chamber of Commerce of New York has informed me that he has given careful attention to the question of the property risks that would at present be sustained in the cities of New York, Brooklyn, and Jersey City. He has consulted with many of his colleagues in the great business institutions of New York and he estimates that property valued at $4,000,000,000 in those cities is subject to destruction or to the imposition of a ransom in case of capture of the port of New York by a hostile fleet. Ten per cent on that amount would not be an unreasonable tax by an enemy. The seacoast cities largely represent the wealth of the nation. They exist not for themselves alone but for the entire country that finds in them its centers of exchange. The prudence which provides for individual and collective safety by the institution and maintenance of fire departments, police protection, national guards, prisons, and hospitals, besides the premiums paid for insurance, would consistently require that provision be made for protection against invasion by a hostile fleet.

Coast defenses—

Says a distinguished military writer—

using the word in the proper sense, may be divided into two distinct elements, namely: First, the means adopted to deny certain waters to an enemy's vessels; second, the resources, men, organization, supplies, and land fortifications, temporary and permanent, available to resist the attack of forces landed outside the zone of protected water.

It is with the first of these elements we now have to deal. First, because greater interests are involved in a sudden blow easily administered by a hostile fleet, and, second, because greater time is required to make suitable preparation for resistance. What do we depend upon as to the first? We have a fairly good navy and eth advantage of the great distance to be traversed by a foreign eflet to reach our shores, which is a principal element of strength in our favor as to all possible foreign foes excepting one nation. England has great fortified bases of supplies in our immediate vicinity, on both the Pacific and Atlantic oceans. That is, she has the coal supply which is absolutely essential for naval operations.

In the first place, as to the size of our Navy, that has already been discussed by the Senator from Vermont; but it may not be amiss for me in passing to present briefly the comparison of the navies of the world with our own, as brought out before the Committee on Coast Defenses, especially in comparing our Navy with that of Great Britain. It was stated that we were sixth; but Admiral Walker afterwards qualified this statement by saying that the navies of Spain and Holland, in some respects, were superior to ours, taking into consideration the number of men and the torpedo boats, the latter being an important arm of the modern naval service. The Secretary of the Navy has presented in his annual report some very instructive tables showing the general condition of foreign navies and their building programmes.

As to the comparison of our Navy with that of England, I present a very excellent résumé, which Admiral Walker in his statement to the committee said was practically correct. The article containing this in the Scientific American is so good that I venture to incorporate the whole of it in my remarks:

THE NAVAL RESOURCES OF THE UNITED STATES AND THE BRITISH EMPIRE—A COMPARISON.

Capt. A. Mahan, of the United States Navy, has pointed out in his celebrated work on the influence of sea power in history, that a preponderance of naval power has been the controlling element which has ultimately brought victory to the nation that possessed it. His conclusions are largely based upon the European wars of the time of Nelson and the late civil war in America.

In view of recent startling and ominous developments in the diplomatic relations of this country and Great Britain, it will be, we think, timely and interesting to inquire into the present status of the navies of the two countries, and also to inquire as to what are the battle-ship building resources possessed by each. It should be noted that in the subjoined tables no account is taken of ships that possess a speed of less than 7½ knots per hour or that are armed with obsolete smooth-bore guns. Ships that are building, but within measurable distance of completion—such, for instance, as the *Iowa*—are included in the following tabulation:

*First-class battle ships of the line.*

| Country. | Total number of ships. | Average displacement. | Average speed. | Belt armor. | Total displacement. |
|---|---|---|---|---|---|
| | | *Tons.* | *Knots.* | *Inches.* | *Tons.* |
| United States | 4 | 10,568 | 16.42 | 18 | 42,274 |
| Great Britain | 29 | 13,000 | 17.47 | 18 | 376,900 |
| *Second-class battle ships.* | | | | | |
| United States | 3 | 5,703 | 16.7 | 12 | 17,110 |
| Great Britain | 12 | 9,502 | 18.63 | 14 to 24 | 114,030 |
| *Third-class battle ships.* | | | | | |
| United States | 5 | 4,404 | 11.9 | 7 to 12 | 22,020 |
| Great Britain | 11 | 7,075 | 13.43 | 8 to 12 | 77,830 |

*Coast-defense battle ships.*

United States: The 6-knot boats, armed with smoothbore guns, are reckoned as obsolete.

Great Britain: 13 ships; 4,040 tons; 11 knots; 8 to 12 inches; 52,530 tons.

*Total battle ships of all classes.*

United States: 12 ships, with a total displacement of 81,404 tons.

Great Britain: 65 ships, with a total displacement of 621,280 tons.

In estimating the relative strength of the two navies from the above table it must be borne in mind that the basis for comparison should be the total displacement rather than the total number of ships. Displacement is the capital which the naval designer has to go upon; and if he make a judicious distribution of weights he will always produce the more effective fighting machine out of the bigger ship. If a 10,000-ton and a 15,000-ton ship carry the same armament, the larger vessel will carry that armament more steadily, more speedily, with greater command, and, owing to the wider separation of the individual gun stations, with less exposure to disablement of guns and crew. Estimated on this basis, Great Britain possesses a superiority of fighting power in first-class ships of the line of 9 to 1. In battle ships of all classes the superiority is 7½ to 1.

*First-class armored and protected cruisers.*

[Of 20 knots speed and upward.]

| Country. | Total number of ships. | Average displacement. | Average speed. | Total displacement. |
|---|---|---|---|---|
| | | *Tons.* | *Knots.* | *Tons.* |
| United States | 5 | 7,700 | 21.9 | 38,500 |
| Great Britain | 9 | 9,233 | 21 | 83,100 |
| *First-class armored and protected cruisers.* [Of 19½ knots and under.] | | | | |
| United States | | | | |
| Great Britain | 21 | 7,581 | 17 | 159,200 |
| *Second and third class protected cruisers.* | | | | |
| United States | 14 | 3,288 | 18.23 | 46,028 |
| Great Britain | 60 | 3,828 | 19.20 | 229,605 |
| *Lookout cruisers.* | | | | |
| United States | 5 | 1,519 | 16.73 | 7,593 |
| Great Britain | 19 | 1,907 | 17 | 36,240 |
| *Gunboats.* | | | | |
| United States | 7 | 1,007 | 16 | 7,300 |
| Great Britain | 34 | 841 | 19 | 28,580 |

*Total cruisers of all classes.*

United States: 31 ships, with a total displacement of 99,421 tons.

Great Britain: 143 ships, with a total displacement of 536,725 tons.

Estimated, as before, on the basis of displacement, this table shows a preponderance for Great Britain in cruisers of 5½ to 1.

Of merchant steamers which are built to meet the naval requirements for conversion into cruisers, the United States have 4 and Great Britain 20.

*Torpedo-boat destroyers built and building.*

| | Number. | Displacement. | Speed. |
|---|---|---|---|
| | | *Tons.* | *Knots.* |
| United States | | | |
| Great Britain | 62 | 350 | 28 |

*Torpedo boats.*

| | |
|---|---|
| United States | 10 |
| Great Britain | 166 |

By displacement the preponderance in torpedo boats is 40 to 1.

Summing up the totals for battle ships and cruisers combined, we get:

United States: 43 ships, with a total displacement of 180,825 tons.

Great Britain: 208 ships, with a total displacement of 1,158,005 tons.

Which shows Great Britain to possess a superiority in fighting ships of all descriptions of 6⅖ to 1.

In the event of a war with that country, these are the odds against which we should have to contend at the outset.

As against this unpromising opening it will be urged that we are a resourceful and energetic people, and that we should quickly create a navy. To this it must be answered that modern navies are of slow growth—they are not created. The modern battle ship, costly and intricate, puts a heavy discount upon mere resourcefulness and energy, of which we have abundance, and a heavy premium upon gun, ship, and armor building plant, of which, for the magnitude of the task in hand, we should find that we possessed an altogether inadequate supply. With every factory, mill, and shipyard working at full blast, it would take from seven to ten years to cancel that preponderance of 6⅖ to 1.

There is no sentiment in statistics.

It is certain, moreover, that Great Britain would steadily add to her fleets as the war progressed; and with her great shipbuilding facilities she could float six ships to our one, as the following facts will show: In reply to inquiries instituted by the British Admiralty last year to ascertain the extreme war-ship building capacity of the private yards, it was found that if these firms were given a free hand as to the details of the designs they could build another navy equal in fighting strength to the whole existing British navy in from two to three years. To this must be added the building capacity of the Government dockyards and shops. The astounding resources revealed by this investigation call for no elaboration on our part to show that Great Britain could rapidly increase her preponderance of naval strength if challenged to do so.

The fact that European diplomats seem disposed to take the British view of the question at issue makes it highly probable that in the event of hostilities we should have to engage this colossal navy, with the power of reduplication which lies behind it, unaided.

Incidentally, in closing, we would remark that the ink is scarce dry upon the paper in which our General-in-Chief, Nelson Miles, has just told us that the very opening of hostilities with a great naval power would see every seacoast city on the Atlantic and Pacific subject either to the humiliation of an indemnity or to the horrors of bombardment.

In making the foregoing comparison it is assumed that the United States would not submit to a conflict merely defensive; that her enterprise would soon cause the field of naval operation to become conterminous with the shore lines of both hemispheres. The estimate consequently assumes that the total force of both fleets would be available.

In this connection I present a statement of all the steel vessels in the American Navy, showing their character, tonnage, cost, speed, and their battery. This list includes all that are authorized by law, as well as those already constructed. Several years will be required to complete them.

| | Type. | Displacement. | Speed. | Indicated horse-power. | Battery. | Torpedo tubes. | Cost of hull and machinery. | Date of act authorizing construction. |
|---|---|---|---|---|---|---|---|---|
| | | *Tons.* | *Miles.* | | | | | |
| Armored: | | | | | | | | |
| Indiana | Battle ship | 10,288 | 15.55 | 9,738 | 4 13-inch; 4 8-inch; 4 6-inch; 30 machine. | 6 | $3,020,000 | June 30, 1890. |
| Iowa | do | 11,410 | 16 | 11,000 | 4 12-inch; 8 8-inch; 6 4-inch; 28 machine. | 5 | 3,010,000 | July 19, 1892. |
| Maine | Cruiser | 6,682 | 17 | 9,293 | 4 10-inch; 6 6-inch; 19 machine. | 4 | 2,500,000 | Aug. 3, 1886. |
| Massachusetts | Battle ship | 10,288 | 15.5 | 9,700 | 4 13-inch; 4 8-inch; 4 6-inch; 30 machine. | 6 | 3,020,000 | June 30, 1890. |
| Oregon | do | 10,288 | 15.5 | 9,700 | 4 13-inch; 4 8-inch; 4 6-inch; 30 machine. | 6 | 3,180,000 | Do. |
| Texas | do | 6,315 | 17 | 8,600 | 2 12-inch; 6 6-inch; 24 machine. | 4 | 2,500,000 | Aug. 3, 1886. |
| Kearsarge | do | 11,525 | 16 | 10,000 | 4 13-inch; 4 8-inch; 14 5-inch; 30 machine. | 5 | 2,225,000 | Mar. 2, 1895. |
| Kentucky | do | 11,525 | 16 | 10,000 | 4 13-inch; 4 8-inch; 14 5-inch; 30 machine. | 5 | 2,225,000 | Do. |
| Brooklyn | Cruiser | 9,271 | 20 | 17,400 | 8 8-inch; 12 5-inch; 20 machine. | 5 | 2,986,000 | July 19, 1892. |
| New York | do | 8,200 | 21 | 17,400 | 6 8-inch; 12 4-inch; 16 machine. | 3 | 2,985,000 | Sept. 7, 1888. |
| Katahdin | Ram | 2,155 | 16.2 | 5,068 | 4 machine | | 930,000 | Mar. 2, 1889. |
| Amphitrite | Monitor | 3,990 | 12 | 1,600 | 4 10-inch; 2 4-inch; 8 machine | | (*) | |
| Miantonomoh | do | 3,990 | 12 | 1,600 | 4 10-inch; 6 machine | | (*) | |
| Monadnock | do | 3,990 | 13 | 3,000 | 4 10-inch; 2 4-inch 8 machine | | (*) | |
| Monterey | do | 4,084 | 13.6 | 5,244 | 2 12-inch; 2 10-inch; 12 machine | | (*) | |
| Puritan | do | 6,060 | 12.5 | 3,700 | 4 12-inch; 6 4-inch; 12 machine | | (*) | |
| Terror | do | 3,990 | 12 | 1,600 | 4 10-inch; 8 machine | | (*) | |
| Unarmored: | | | | | | | | |
| Atlanta | Protected cruiser | 3,000 | 15.6 | 4,030 | 2 8-inch; 6 6-inch; 12 machine | | 617,000 | Mar. 3, 1883. |
| Baltimore | do | 4,413 | 20 | 10,064 | 4 8-inch; 6 6-inch; 14 machine | 4 | 1,325,000 | Aug. 3, 1886. |
| Boston | do | 3,000 | 15.6 | 4,030 | 2 8-inch; 6 6-inch; 12 machine | | 619,000 | Mar. 3, 1883. |
| Charleston | do | 3,730 | 18.2 | 6,630 | 2 8-inch; 6 6-inch; 14 machine | 4 | 1,017,500 | Mar. 3, 1885. |
| Chicago | do | 4,500 | 15.1 | 5,084 | 4 8-inch; 8 6-inch; 2 5-inch; 17 machine. | | 889,000 | Mar. 3, 1883. |
| Cincinnati | do | 3,213 | 20 | 10,000 | 1 6-inch; 10 5-inch; 12 machine. | 4 | 1,100,000 | Sept. 7, 1888. |
| Columbia | | 7,375 | 22.8 | 18,509 | 1 8-inch; 2 6-inch; 8 4-inch; 20 machine. | 4 | 2,725,000 | June 30, 1890. |
| Detroit | Cruiser | 2,089 | 18.7 | 5,227 | 9 5-inch; 9 machine | 3 | 612,500 | Sept. 17, 1888. |
| Marblehead | do | 2,089 | 18.4 | 5,451 | 9 5-inch; 10 machine | 3 | 674,000 | Do. |
| Montgomery | Cruiser | 2,089 | 19 | 5,580 | 9 5-inch; 10 machine | 3 | 612,500 | Sept. 17, 1888. |
| Minneapolis | Protected cruiser | 7,375 | 23 | 20,862 | 1 8-inch; 2 6-inch; 8 4-inch; 20 machine. | 4 | 2,690,000 | Mar. 2, 1891. |
| Newark | do | 4,098 | 19 | 8,869 | 12 6-inch; 16 machine | 6 | 1,248,000 | Mar. 3, 1885. |
| Olympia | do | 5,870 | 21.7 | 17,313 | 4 8-inch; 10 5-inch; 24 machine. | 6 | 1,796,000 | Sept. 7, 1888. |
| Philadelphia | do | 4,324 | 19.7 | 8,815 | 12 6-inch; 17 machine | 3 | 1,350,000 | Mar. 3, 1887. |
| Raleigh | do | 3,213 | 20 | 10,000 | 1 6-inch; 10 5-inch; 14 machine. | 3 | 1,100,000 | Sept. 7, 1888. |
| San Francisco | do | 4,098 | 19.5 | 9,913 | 12 6-inch; 17 machine | 3 | 1,428,000 | Mar. 3, 1887. |
| Bennington | Gunboat | 1,710 | 16.5 | 3,436 | 6 6-inch; 8 machine | 6 | 490,000 | Mar. 2, 1889. |
| Castine | do | 1,177 | 16 | 2,199 | 8 4-inch; 6 machine | 1 | 318,500 | Mar. 3, 1887. |
| Concord | do | 1,710 | 16.5 | 3,405 | 6 6-inch; 8 machine | 6 | 490,000 | Do. |
| Helena | do | 1,392 | 13 | 1,600 | 8 4-inch; 10 machine | 1 | 280,000 | Mar. 3, 1893. |
| Machias | do | 1,177 | 15.5 | 2,046 | 8 4-inch; 6 machine | 1 | 318,500 | Mar. 2, 1889. |
| Nashville | do | 1,371 | 14 | 1,750 | 8 4-inch; 8 machine | 1 | 280,000 | Mar. 3, 1893. |
| Petrel | do | 892 | 11.8 | 1,095 | 4 6-inch; 7 machine | | 247,000 | Mar. 3, 1885. |
| Wilmington | do | 1,392 | 13 | 1,600 | 8 4-inch; 10 machine | 1 | 280,000 | Mar. 3, 1893. |
| Yorktown | do | 1,710 | 16.5 | 3,400 | 6 6-inch; 9 machine | 6 | 455,000 | Mar. 3, 1885. |
| Gunboat No. 10 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 227,700 | Mar. 2, 1895. |
| Gunboat No. 11 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 229,400 | Do. |
| Gunboat No. 12 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 229,400 | Do. |
| Gunboat No. 13 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 230,000 | Do. |
| Gunboat No. 14 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 219,000 | Do. |
| Gunboat No. 15 | do | 1,000 | 12 | 800 | 6 4-inch; 6 machine | | 223,000 | Do. |
| Bancroft | Practice vessel | 839 | 14.4 | 1,213 | 4 4-inch; 7 machine | 2 | 250,000 | Sept. 7, 1888. |
| Dolphin | Dispatch vessel | 1,486 | 15.5 | 2,253 | 2 4-inch; 6 machine | | 315,000 | Mar. 3, 1883. |
| Vesuvius | Dynamite cruiser | 929 | 21.4 | 3,795 | 3 15-inch dynamite; 3 machine | | 350,000 | Aug. 3, 1886. |
| Torpedo boats: | | | | | | | | |
| Cushing | Torpedo boat | 105 | 22.5 | 1,720 | 3 machine | 3 | 82,750 | Aug. 3, 1886. |
| Ericsson | do | 120 | 24 | 1,800 | 3 machine | 3 | 113,500 | June 30, 1890. |
| Torpedo boat No. 3 | do | 142 | 24.5 | 2,000 | 3 machine | 3 | 97,500 | July 26, 1894. |
| Torpedo boat No. 4 | do | 142 | 24.5 | 2,000 | 3 machine | 3 | 97,500 | Do. |
| Torpedo boat No. 5 | do | 142 | 24.5 | 2,000 | 3 machine | 3 | 97,500 | Do. |
| Torpedo boat No. 6 | do | | | | 4 machine | 3 | 144,000 | Mar. 2, 1895. |
| Torpedo boat No. 7 | do | | | | 4 machine | 3 | 144,000 | Do. |
| Torpedo boat No. 8 | do | 182 | 26 | 3,200 | 4 machine | 3 | 160,000 | Do. |
| Submarine boat | do | 168 | 8 | 1,200 | None | 2 | 150,000 | Mar. 3, 1893. |

*Rebuilt under "Repairs," and $3,178,046 appropriated to complete.

This list does not include the cost of armaments of the ships, which would nearly equal the cost of the ships without armaments. Thus we see in detail the extent to which the United States has already committed itself on the question of new naval construction.

Now, after all this outlay and authorization up to date, without counting the outlay proposed by the bill recently reported from the Committee on Naval Affairs, what is our situation as compared with the other great naval powers of the world?

I have examined a book that has recently been issued, entitled The Naval Pocket Book, by W. Laird Clowes, in which the author, who is deemed reliable, as I learn at the Navy Department, presents a comparative summary of the fleets of the world, dividing the vessels according to their strength to resist and their power to attack.

The New York World of April 8, under the head of "Naval fighting strength," referring to the same book, gives the substance of these data as follows:

Those "for lines of battle" are divided into five classes:

| Country. | A. | B. | C. | D. | F. | Total. |
|---|---|---|---|---|---|---|
| Great Britain | 29 | 12 | 11 | 5 | 18 | 75 |
| France | 15 | 4 | 5 | 12 | 13 | 49 |
| Russia | 14 | 4 | 0 | 7 | 14 | 39 |
| Germany | 6 | 7 | 3 | 8 | 7 | 31 |
| Italy | 8 | 2 | 0 | 7 | 8 | 25 |
| United States | 6 | 0 | 1 | 6 | 3 | 16 |
| Turkey | 1 | 1 | 7 | 6 | 0 | 15 |
| Spain | 1 | 0 | 2 | 0 | 8 | 11 |

These are the real fighting vessels, including three classes of battle ships (A, B, and C), seagoing coast-defense ironclads (D), and armored cruisers (F), that could fight against battle ships. Only its armored cruisers put the United States ahead of Turkey, to which it is inferior in battle ships. The summary includes not only all vessels built or building, but all projected to February 1, since which time the British Government has ordered an addition of 11 to its present fleet of 75.

For the protection or destruction of commerce, "scouting and looking out," which will be the chief work of the cruisers, the United States is not quite so badly off. There are six classes, according to size and weight of guns, of which G, H, and J are protected by some armor, K partially protected, and I and L unprotected.

| Country. | G. | H. | I. | J. | K. | L. | Total. |
|---|---|---|---|---|---|---|---|
| Great Britain | 17 | 46 | 11 | 22 | 27 | 3 | 126 |
| France | 5 | 18 | 6 | 18 | 0 | 14 | 61 |
| Russia | 0 | 2 | 0 | 1 | 0 | 20 | 23 |
| Germany | 1 | 5 | 0 | 7 | 0 | 6 | 19 |
| Italy | 0 | 5 | 1 | 15 | 2 | 0 | 25 |
| United States | 2 | 11 | 2 | 3 | 8 | 0 | 26 |
| Turkey | 0 | 4 | 0 | 0 | 2 | 1 | 7 |
| Spain | 0 | 3 | 6 | 4 | 0 | 5 | 18 |

For coast defense Great Britain leads, with 53 vessels; Holland has 52, Russia 33, France 28, Sweden 23, China 16, Norway 16, Germany 13, United States 13, and Spain 12.

This summary is believed to be the most favorable to the United States that can be made from the records, and still it shows this country to be far behind the great nations of the world in naval strength. Moreover, it leaves out of sight our deficiency in torpedo boats and torpedo-boat destroyers, of which latter we have to-day only one small vessel in commission, whereas Great Britain has 131, Germany 116, France 108, Italy 106, Russia 78, and even Spain has 36, torpedo vessels; all in the list I have given being 115 feet in length and over. Sixty-two of the British vessels are torpedo-boat destroyers, having superior tonnage and speed.

RELATIVE ECONOMY—COST OF OUR NEW NAVY.

The question naturally arises as to the relative efficiency and economy of land defenses and ships of war. Our people have shown their disposition not to neglect the Navy. They have bestowed upon it generous appropriations, as follows:

*Appropriations for "Increase of the Navy."*

| Fiscal year— | |
|---|---|
| 1883 | $1,895,000 |
| 1887 | 3,505,861 |
| 1888 | 11,098,362 |
| 1889 | 5,760,000 |
| 1890 | 7,230,000 |
| 1891 | 9,120,000 |
| 1892 | 16,607,000 |
| 1893 | 9,460,000 |
| 1894 | 7,125,000 |
| 1895 | 9,955,025 |
| 1896 | 13,327,521 |
| Total | 95,173,769 |
| If to this amount there be added the cost of the *Chicago*, *Boston*, *Atlanta*, and *Dolphin*, authorized by the act of March 3, 1883 | 2,440,000 |
| The total becomes | 97,613,769 |

The appropriations for "Increase of the Navy" have aggregated $95,173,769, which amount includes all the appropriations made for the fiscal year 1886 to that for the fiscal year 1897. This sum has therefore been expended during eleven years in the armament and construction of the ships of our new Navy. If we also take into consideration the sums which have previously been spent in rebuilding the double-turret monitors, the total amount spent in forming the fleets of steel war vessels will exceed $100,000,000. The battle ships *Kearsarge* and *Kentucky* have also been contracted for, and an additional $10,000,000 will be required to put these vessels in commission.

The several Congresses have therefore averaged an authorization of $10,000,000 per year in building up our Navy. The question naturally suggests itself: What have we to show for this expenditure in the shape of ships which could be of service in the defense of our coast or seaports? We have, of course, cruisers and gunboats, which may do great injury to the enemy's commerce, but these ships, with little armor, will play a very unimportant part in the defense of our harbors.

At the present time we have actually ready for service 1 battle ship (*Indiana*), 2 armored cruisers (*Maine* and *New York*), 5 monitors (*Monterey*, *Amphitrite*, *Miantonomoh*, *Terror*, and *Monadnoc*), and 1 ram (*Katahdin*). These ships mount 4 13-inch, 2 12-inch, 16 10-inch, and 10 8-inch guns, or 32 armor-piercing guns in 8 ships. When all the vessels now building shall have been completed, we shall have afloat in armored ships 20 13-inch, 12 12-inch, 20 10-inch, and 42 8-inch guns.

These 94 guns will be distributed in 16 ships. In other words, *each gun that we have afloat in an armored vessel of and above a caliber of 8 inches represents an expenditure of $1,000,000.* This is merely the expenditure to place the guns afloat.

This startling fact shows that if we regard the Navy as a shield it is the most expensive fortification and defense that even a military man, who takes no account of cost, can conceive of.

The expense of maintaining one of these floating forts in commission is very great, the last report of the Secretary of the Navy showing (page 446) an expenditure of $438,101 during the year ended June 30, 1895, for the lightest armed and armored of the ships I have considered, the armored cruiser *New York*. Probably the annual expense of each battle ship in commission will not be less than $500,000 a year.

As a weapon the Navy is more useful, for in considering its power of offense we should then take into consideration the usefulness of the gunboats and the cruisers.

There is such a wide diversity of opinion in regard to the efficiency of torpedo boats that I have not considered them in connection with the armored vessels. Personally I believe in their usefulness and fully indorse a statement made to me to-day by a high naval authority, that we ought to have 100 of these vessels to render our present and prospective Navy efficient in accordance with modern developments. In this line of construction foreign governments have made wonderful progress, and have gone on increasing the size of their boats until they now build no more small ones, but confine themselves almost exclusively to what are called "torpedo-boat destroyers," the latest types of which in the British navy are of about 300 tons displacement and have a speed of as much as 31 knots.

Battle ships are believed to be a necessity despite their great cost, for we must be prepared to take advantage of any circumstance which would permit us to overcome the enemy before he reaches our coast. We need more of them to maintain with dignity our national honor and our proper place among the great nations; but we must not forget that not only will the depreciation of guns and their mounts be greater when placed on one of these floating bases, but that the repairs to the ships themselves will be very great. The cost of maintaining a proper system of coast fortifications will be far less than is now annually spent in maintaining our small Navy.

The guns mounted on floating fortresses have the gear connected with the gun carriages almost incessantly under repair. At times these guns will be far from home; those mounted in our fortifications will always be at hand for a defense to the country. As a shield, the expenditure of $100,000,000 upon coast defenses will be worth five times the amount of money spent in ships.

It may be asked, Why does England spend such an enormous amount upon her fleets? The answer is plain. Because she has distant colonies to defend, and it may be necessary for her to attack an enemy in almost any portion of the globe. It is therefore essential to that nation that she provide herself with a weapon rather than with a shield. On the other hand, it has been the policy of America not to enter upon any colonial acquisitions, and public sentiment has justified large expenditures for defensive purposes, while the appropriation of large sums for anticipated aggressive work has never been commended.

The suggestion to defend our coasts and seaport cities by fleets is impracticable, for it will require expenditures running up into several hundred million dollars to do the work effectively.

The Navy is designed for aggressive operations. To retain its mobility and its power to make offensive return it should not be fettered to our great cities for the purpose of protecting them.

Before continuing indefinitely to spend great sums upon our

Navy, it is essential that the strategists and the various construction boards should settle upon some definite line of policy and determine the value for offensive and defensive purposes of the various classes of vessels.

The usefulness of the armored cruiser is yet an undetermined question, and her right employment has not yet been satisfactorily settled.

Admiral Jouett commends the building of vessels of the monitor type for coast defense pure and simple. Other authorities see very little merit in this class of ships. Admiral Ammen is a distinguished advocate of the usefulness of the ram.

Then, again, the question of homogeneity of construction of vessels must be determined before we should enter upon a great naval policy. All these undetermined questions make the building up of our Navy expensive. While they are being solved our coast should at least be placed in a condition of safety, particularly as the cost is but a fraction of 1 per cent of the injury that could be inflicted by a foreign foe, being only one-tenth of 1 per cent, annually, for eight years, upon the destructible property directly exposed at the ports.

The vessels authorized or proposed to be authorized by Congress during the month will cost not less than $25,000,000. Before the end of the year we shall therefore have provided for $135,000,000 worth of ships, but this does not include all the sums which will be required to carry out the policy outlined in the construction of these fleets. Besides all the private or commercial shipyards and dry docks, we have now eleven United States navy docks, at eight different places, viz: Portsmouth, N. H.; Boston, New York, Philadelphia Norfolk, Port Royal, San Francisco, and Puget Sound. It is vitally important that these docks be protected. But these docks are not sufficient for military purposes. Officers of the Navy state that it will be an imperative necessity to provide eventually for four great stone docks—at Boston, Port Royal, San Francisco, and Puget Sound—for we must be prepared to place these four stations in such condition that each can be made a base of operation for our naval fleets.

Environing these docks must be engineering and repair shops, so that the full measure of usefulness of these great basins can be secured.

At this time it is impossible to tell in detail the military reasons why such docks will be eventually built at the four places I have mentioned, but that they will be constructed within a few years is pronounced a certainty.

A proper system of land defenses is essential to the protection of these additional dock structures and possibly to the ships themselves.

The construction of these four docks, the building of necessary sea walls, the dredging of channels leading to the docks, the establishment of machine and repair shops, and the supplemental small docks for the use of lighter crafts will probably necessitate an expenditure of $20,000,000 more.

The more carefully one inquires into the cost of constructing a fleet for defensive purposes the more amazed he becomes at the enormity of the expenditure.

Our naval service is small compared with what it will eventually be, but I unreservedly declare that the time has now come when the construction of forts and land defenses is of such vital importance that if funds can not be found in any other way the building of ships must be postponed. Reluctantly would I favor such a measure, for I am ready to vote, not only for coast defenses, but for stronger fleets. If the policy of building up the Navy is to be continued at the expense of having defenseless shores, then the time has come when a change of policy must be made. There is no doubt that the money expended for coast defenses will bring a better return in protecting our country than the same amount of money appropriated for ships. At the present time I am more interested in protecting our own shores than I am in providing for a fleet which could operate either in the West Indies or along the coast of South America. In other words, I am more desirous of appropriating money for the protection of this land than I am for expending sums in preparing to attack some one else.

It can not be too strongly insisted upon that, while an adequate appropriation for land defenses now will add many millions to the effective value of our Navy without spending an additional penny on it, by enabling it to operate unhampered by the necessity of coast and harbor defense, the failure to provide these defenses actually invites attack before we are ready to repel it and subjects us to the risk of losing the Navy that we have. It is not to be supposed that foreign countries are looking on undisturbed as we prepare ourselves, like a mighty athlete, to enter the arena and contest with them for the prizes that are in view. They know that every addition to our force brings them nearer to the day when our just claims will be backed by the power to enforce them. There is, therefore, continually present with them the temptation, in the conduct of diplomatic negotiations, to force an issue with us at a time when they may well hope to crush this growing power.

The capture or destruction of only a part of our fleet, the destruction of our docks and our great shipyards (more to be feared than a barbarous bombardment of our cities) will check our progress for many years to come. And to prevent this nothing will answer but well-planned and well-armed fortifications. It is true that it will require eight years, with ample appropriation, to complete such a system in its entirety. But long before the expiration of that time a large part of the work will be done and we will have obtained a very satisfactory degree of protection. With sufficient appropriations now there is no reason why every dock and shipyard should not be perfectly secured before the battle ships about to be provided for will be ready for the sea. Our present position, however, is like that of a man who, with a costly house approaching completion, refuses to insure it until ready for occupancy. The individual position of some of us is worse than that, for it is that of a man who thinks that the nearer his house is ready for occupancy the less need is there to insure it.

CONSISTENCY AS TO OTHER ELEMENTS OF DEFENSE.

Does not consistency require a reasonable appropriation for the land defenses?

Why do we continue to lay stress upon one of the accepted elements of national defense without connecting therewith the one remaining element which is lacking to such a lamentable degree, thus weakening our entire system of defense, which is of necessity correlated, one element depending upon and assisting the other?

This system in its entirety is well established in the policy of our Government from the commencement of its existence down through successive reports of its highest officials, as well of the Navy as of the Army, and of the eminent statesmen who have held the portfolio of the governmental administration. Poinsett, Cass, and Webster have added their weighty words to those of Totten and Bernard, of the Army, and those of Morris and Dupont, of the Navy.

The logical relation of these different elements of defense is practically the same to-day as it was in 1826, when Totten and Bernard made the "revised report of the Board of Engineers on the defense of the seaboard."

If there be any difference, it is more favorable to modern land defenses.

It has been generally admitted by military and naval experts that one gun mounted suitably on shore is equal in efficiency to several guns on ship. General Miles places the proportion of superiority at 1 to 5; Admiral Walker, at 1 to 3. Elevated locations for guns, thick parapets, disappearing gun carriages, and concealed mortar pits give the land force many advantages. Observations can be taken on land at many points clear of smoke and can be communicated instantly by wire to the officer directing the battery. The ship has one advantage in that she can choose her position, but she is a frailer fortification, with more complex elements and more points of exposure. One fortunate shot might sink her. Her capacity for carrying ammunition and supplies is limited, and she is liable to besetment with accidents.

The percentage of destructive hits, disablement of guns, and loss of life is greater on ship. And most important of all is the disinclination of ships to attack well-appointed forts with their modern accessories of torpedo mines and other obstructions to the channels of ports. Thus they dare not attack where torpedo mines such as I propose are efficiently protected by guns. The argument as to fleets and fortifications runs back hundreds, yes, thousands, of years in history.

POLICY OF OUR GOVERNMENT.

It is not my intention to review this argument from the first siege of Syracuse, 414 B. C., under Nicias and Alcibiades down through the stories of Rhodes, Malta, Gibraltar, and, more recently, Sebastopol, Lissa, Drewrys Bluff, Charleston, and Fort Fisher, and still later Alexandria and Port Arthur, all showing that "where the task lies outside of the sphere of purely naval action there will be failure" on the part of fleets—that is, as against fortifications. It is the rather to refer to the fact that under the time-honored policy adopted by our Government there was no antagonism between the two elements of defense. There are admitted to be four elements in all, each considered of great importance: First, the Navy; second, fortifications; third, interior communications by land and water; fourth, the Army and militia.

In the language of the official report of 1826—

> Our system of defense is composed of elements whose numerous reciprocal relations with each other and with the whole constitute its excellence; one element is scarcely more dependent on another than the whole system is on any one. Withdraw the Navy, and the defense becomes merely passive; withdraw interior communications from the system, and the Navy must cease in a measure to be active for want of supplies; and the fortifications can offer but a feeble resistance for want of timely reenforcements; withdraw fortifications, and there remains only a scattered and naked Navy.

Our Government has never receded from the system our fathers adopted. General Grant and Admiral Ammen advocated it. Why do we ignore it in part to-day?

The great leaders of our military and naval thought urge us to

push forward the land defenses of our seaboard without delay. Rear-Admiral Jouett agrees with Lieutenant-General Schofield, and Rear-Admiral Walker concurs with Major-General Miles, commanding the Army. They all practically agree that "the relation of fortifications to the Navy is that of a sheltering, succoring power, while the relation of the latter to the former is that of an active and powerful auxiliary, and that the latter ceases to be efficient as a member of the system the moment it becomes passive, and should in no case be relied upon as a substitute for fortifications."

I do not wish it to be supposed that I am opposed to the increase of the Navy. On the contrary, I am in favor of such increase. At present I would not have the fleets less, but I would have the fortifications more, simply because of the lack of the latter—the two go well together, especially for defense. This is well brought out in the following paragraph of the report:

If our Navy be inferior to that of the enemy it can afford, of course, unaided by fortifications, but a feeble resistance, single ships being assailed by whole fleets. If it be equal or superior, having numerous points along an extended frontier to protect, and being unable to concentrate because ignorant of the selected point of attack, every point must be simultaneously guarded. Our separate squadrons may therefore be captured in detail by the concentrated fleet of the attacking power. If we attempt to concentrate under an idea that a favorite object of the enemy is foreseen, he will not fail to push his forces upon the places thus left without protection. This mode of defense is liable to the further objections of being exposed to fatal disasters, although not engaged with an enemy, and of leaving the issue of conflict often to be determined by accident, in spite of all the efforts of courage and skill. If it were attempted to improve upon this mode by adding temporary batteries and fieldworks it would be found that because being weak and inadequate from their nature the most suitable positions for these works must often be neglected under a necessary condition of the plan that the ships themselves be defended. Otherwise, they must either take no part in the contest or be destroyed by the superior adversary.

Mr. MITCHELL of Oregon. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Washington yield to the Senator from Oregon?

Mr. SQUIRE. With pleasure.

Mr. MITCHELL of Oregon. The Senator spoke of the increase of the Navy. I desire to inquire of him whether the bill to which he refers contemplates any increase of the Army, and if so, to what extent?

Mr. SQUIRE. I shall be glad to answer that question, although I had not included any reference to it in my remarks. The War Department has made a careful examination of this subject, and the statement has emanated from that Department that the increase in the Army necessary in time of peace for manning all the coast defenses contemplated by the Endicott Board and by the subsequent boards of engineers who have been occupied on this subject, when the entire system shall have been completed, will amount to 70 foot batteries. A foot battery is at present composed of 64 enlisted men and 4 officers, there being 3 lieutenants to a foot battery. In what I now say I refer to the establishment in time of peace. In time of war, of course the number of men and of officers would have to be increased. It is estimated that under such circumstances the full complement would amount to 25,000. It will, however, take us many years to complete these works of defense and to manufacture the necessary guns, so that if we should enter in full upon the work contemplated by the bill now before the Senate the increase immediately in prospect would be very small. I understand that an increase of two regiments of foot batteries would be sufficient for the immediately prospective requirements.

HISTORICAL GROWTH OF OUR SYSTEM.

A glance at the historical development of our coast defenses will show that the question now under consideration does not indicate a new departure, but is a logical step in continuation of the settled policy of this Government since its foundation.

Strictly speaking, it is not a new system of defenses that we are seeking, but an adaptation of the existing system to meet new conditions. It is true that, due to our long delay while these new conditions were being fully determined, so many new constructions are now required as to make the proposed system, by itself considered, practically a new one. But that indicates no change in policy. It only means that we have "skipped" some of the steps in the process of evolution, to the great advantage of the taxpayer. Instead of costly experiments with new machinery before we knew just what work that machinery must perform, we have waited until some of the conditions have settled into comparative permanency or until all probable new conditions can be foreseen and can be anticipated before they occur.

Even if we could suppose the most radical improvements in naval construction to-morrow, it would be many years before the navies of the world would be readapted so as to embody them. But it is now as certain as anything human can be that these improvements will be slowly made and will occur along lines already marked out. They will be in the direction of armor of greater resistance, of guns of greater penetration, and of explosives of higher power. But all of these conditions have been anticipated in the plans upon which we are already working. Our parapets and magazines are being built to resist the assault of far heavier shells charged with more powerful explosives than any now foreseen and fired from guns far more powerful than any now afloat. And the guns to be mounted behind these parapets are more powerful, caliber for caliber, than those carried by any battle ship or cruiser that sails the seas.

Therefore, while it may have been wise to delay this work so long, there can now be no question as to the propriety, not of taking a new step in a new direction, but of completing the step already commenced in the direction of the well-established policy of this nation.

The system of defenses now proposed and already partially completed may for convenience be called "the fourth system," to distinguish it from the three preceding ones out of which it has grown.

Prior to the Revolution there were along our maritime frontier no dockyards, no arsenals, or other depots of military or naval stores. Cities which now lay the world under tribute for their wealth were then inconsiderable towns or mere fishers' hamlets. But even then such harbors as those of Boston, New York, Philadelphia, Charleston, etc., were protected by small works. These, however, were of little use during our first war. England, with her all-powerful navy, taking advantage of the long coast line, the sparseness of population, and the absence of roads, which made it impossible for us to meet her with an armed force at all points, could and did use the ocean for her base and landed troops where she pleased.

Even under these adverse circumstances there was one brilliant event which thrilled the hearts of our forefathers and taught them their first lesson in the value of fortifications. In 1776 the gallant Moultrie, behind a parapet of sand and palmetto logs, defended the harbor of Charleston against the attack of a British fleet of 2 frigates and 6 sloops of war. There were 270 guns afloat against 30 on shore; yet after an action of more than ten hours the fleet was decisively repulsed, and with great comparative loss—an event which gave that part of the country absolute rest from the calamities of war for the next two and one-half years.

After the establishment of our independence Washington urged the necessity of proper land defenses for our coast, and after the outbreak of the French Revolution in 1789 most of the Atlantic and Gulf ports were defended by small works. These formed what the engineers have called the "first system" of defenses.

Continued friction with the French and English Governments led to further appropriations for defense, resulting by 1812 in what is known as the "second system." These works were not only small and weak, but being built, for the sake of economy, of cheap material and workmanship, were very perishable, as shown by General Totten:

The Government, aware of this weakness, called out to their support during the war vast bodies of militia at enormous expense, covering these troops with extensive lines of fieldworks.

Bad as it was, this system was not without its value. It protected New York and Boston from capture, but nearly the whole of the New England coast was kept in constant terror by marauding expeditions, while the shores of Long Island Sound and Chesapeake Bay were ravaged by the British fleets.

It was a lesson taught by costly experience and learned in bitter humiliation. This experience and humiliation bore speedy fruit in the steps taken by the first Congress which met after our second war with England, toward the creation of the "third system" of coast defenses. It is this system which we are now slowly, too slowly, replacing, as it replaced its predecessors. It is represented by those magnificent granite fortresses which still rise out of the lagoons of the Mississippi; which from the Tortugas and the reefs of Florida frown over the blue waters of the Gulf; which for three generations have stood guard at the entrance to every harbor on our coast from Louisiana to the farthest frontier of Maine, and for half a century made our seacoast cities and dockyards and arsenals as safe from attack as an inland city on the banks of the Ohio. The black muzzles which fringed their parapets and were thrust through their embrasures spoke silently but eloquently in support of the diplomacy that guided us to more than one peaceful treaty, and, in conjunction with a still formidable Navy, had their due influence on the measures culminating in the arbitration of Geneva.

The third system—our first permanent one—originated with the board of engineers constituted by the Government in 1816. With this board were associated navy officers of rank and experience whenever their examinations included the sites of dockyards, naval depots, etc.

The board devoted several years of unremitted labor to this duty, and to carry out their plans Congress annually gave grants for fortifications until our coast was admittedly the best defended of any in the world.

The principles established and defined by this board have been, and, so long as fortifications are needed, will remain the guide for their construction. And, as I have already shown, any one who

cares to study in detail their reports, extending over a period of many years, and the opinions of naval officers which were solicited by the War Department, will be struck by the unanimity with which they concur in the belief that strong fortifications are indispensable for the well-being of a Navy, no matter how powerful the latter may be. It may be well to further amplify the showing on this point for the benefit of any doubting Thomas, if such there be. Not long before the outbreak of our civil war a distinguished officer of the Navy (Dupont) wrote to the Secretary of War in strong advocacy of land coast defenses from the naval point of view. He said:

In truth it can not be questioned that our principal seaports, naval depots, and all important points on our seaboard should receive commensurate protection; neither should there be, in our judgment, a question as to the mode in which this protection should be given. It would seem unnecessary to set forth the advantages for such purposes of fixed defenses of fortifications. These advantages have been shown over and over again by our distinguished engineers and never controverted. To run over some of these once more—

Once more, as I have done to-day—

it may be said of forts that they are the only permanent defenses, and the most economical. * * * Forts offer means by which a small force is enabled to resist a large one, a small number of men a large army. In the event of an attack by a competent power upon a place liable to be put under contribution the injury might be accomplished before sufficient means of resistance could be assembled. Forts can be made impregnable against any naval force that could be brought against them, and are needed for the protection of our own fleets while preparing for hostilities upon the ocean. They secure depots for munitions of war, and render defense certain and easy, and above all a defense which rarely involves the loss of life, leaving the ordinary state of society undisturbed.

Again he says:

To employ our active Navy, in whole or in part, to the entire or partial abandonment of our system of fortifications, would be to supplant impregnable bulwarks by pregnable ones—a fixed security by a changeable one; it would be exposing ourselves to the chance of being suddenly left for a time without defense, through new discoveries in the art of war; it would be opening the way to expenditures of money of which no estimates could count the sums; it would be depriving our commerce of its legitimate protection, and would be resigning our sense of security, peace of mind, and continuance in our pursuits without interruption, in the event of war.

In conclusion—

He said—

whatever may be decided in relation to the national defense by fortifications, I beg leave to express an emphatic dissent from all theories having for their object the substitution of active ships of war for permanent works. This would be placing the Navy in a false position before the country; giving it duties to perform for which its organization is inapplicable; preparing for its future discredit and loss, through failures to execute that which should never have been undertaken, which is not embraced in the general scope and design of a naval establishment.

The plan to retain the Navy for harbor defense was entertained as the commencement of the last war with England; the proposition to do so sprung from the apprehension that it could not compete with the vastly superior English forces upon the ocean. But at that time some brave and sagacious officers in the high ranks saved the Navy from the fate which threatened it, and to those gentlemen it owes all its subsequent honors, usefulness, and prosperity. If any such ideas prevail at this day, in or out of the profession, those holding them would do well to pause and consider what the Navy would have lost if our ships of war had, at that eventful period, been deprived of the opportunity of filling so bright a page in the Nation's history by their achievements upon the ocean.

In this connection an eloquent passage in the speech of a great statesman is recalled, delivered in the Senate of the United States in 1838. After alluding to our being at war with England at a moment when she had gained an ascendency on the seas over the whole combined powers of Europe, and quoting the familiar verses of her poet—

Her march is o'er the mountain wave,
Her home is on the deep—

Mr. Webster says:

Now, sir, since we are at war with her, I was for intercepting this march; I was for calling upon her and paying our respects to her at home; I was for giving her to know that we, too, had a right of way over the seas, and that our officers and our sailors were not entire strangers on the bosom of the deep; *I was for doing something more with our Navy than to keep it on our shores for the protection of our own coasts and our own harbors:* I was for giving play to its gallant and burning spirit; for allowing it to go forth upon the seas, and to encounter upon an open and an equal field whatever the proudest or the bravest of the enemy could bring against it. The ocean, therefore, was the proper theater for deciding this controversy with our enemy; and on that theater my ardent wish was that our own power should be concentrated to the utmost.

In commenting upon these words of Webster, Dupont adds:

It would be ill-suited, indeed, to the spirit of this nation to retain its naval forces in its own waters during a war, especially if that war was with a naval power. Steam, this new element in the affairs of the world, has very materially changed our position with reference to other nations. Our distance from Europe, measured in time, is now reduced to a brief period of ten days. These United States have hitherto been advancing the general cause of human liberty by an active and progressive peace; but do not events abroad more and more indicate that we may, at no distant day, be forced into our defense—to aid this cause of freedom by an active war?

Similar views were expressed by such officers as Morris, Perry, Stewart, Maury, Dahlgren, and others. Those who deprecated the idea of very elaborate fortifications did so in the expressed belief that it would lull the nation into an undue sense of security and lead to the neglect of the Navy which must be our offensive arm in a foreign war.

I have already referred to the true relation of fortifications and the Navy to each other, and to the general system of defense, as well set forth in the earlier reports of the Board of Engineers.

The coast being properly fortified, the Board adds:

The Navy, no longer needed for passive defense, will move out upon its proper theater of action, though inferior to the enemy, with confidence; knowing that, whether victorious or whether endangered by the vicinity or the pursuit of a superior force, they can strike the extended coast of their country at numerous points, where succor and protection await them. Hovering around the flanks and rear of blockading fleets, and recapturing their prizes; falling upon portions of these fleets, separated for minor objects or by stress of weather; watching the movements of convoys; breaking up or restraining the enemy's commerce in distant seas; meeting by concert at distant points and falling in mass upon his smaller squadrons or upon his colonial possessions, and even laying contributions in the unprotected ports; blockading for a time the narrow seas and harassing the coasting commerce of the enemy's home—these are objects which our own history shows may be accomplished, although contending against a nation whose marine has never been paralleled as to force and efficiency, with a navy apparently, as to numbers, insignificant. Our own history shows that the reason why our infant Navy did not accomplish still more was that the enemy, being able to occupy unfortified harbors, was enabled to enforce a blockade so strict as to confine a portion within our waters. That this portion was not captured is to be attributed solely to a respect, so misplaced that it could only have been the fruit of ignorance, for the then existing fortifications, a result amply compensating the nation for the cost of these works.

It would be difficult—nay, impossible—to estimate the full value of the results following the career of our Navy when it shall have attained its state of manhood under the favorable conditions heretofore indicated; i. e., with well-fortified coasts.

We shall find the war and all its terrors shut out from our territory by our fortresses and transferred by our Navy to the bosom of the ocean, or even to the country of the enemy, should he, relying on a different system, have neglected to fortify the avenues by which he is assailable. Our wars, thus becoming maritime, will be less costly in men and money, and more in unison with our great institutions, leaving untouched our domestic relations, our industry, and our internal financial resources.

Secretary of War Cass, in a report to President Jackson, said:

I consider the duty of the Government to afford adequate protection to the seacoast a subject of paramount obligation, and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow.

Secretary of War Poinsett, in a letter to the Speaker of the House of Representatives transmitting the report of a board of officers on the subject of coast defenses, said:

After a careful and anxious investigation of a subject involving in so high a degree the safety and honor of the country, I fully concur in the opinions expressed by the board of the superiority of permanent works of defense over all other expedients that have yet been devised, and of their absolute necessity if we would avoid the danger of defeat and disgrace. It would, in my opinion, prove a most fatal error to dispense with them and to rely upon our Navy alone, aided by the number, strength, and valor of the people, to protect the country against the attacks of an enemy possessing great naval means. To defend a line of coast 3,000 miles in extent and effectually to guard all the avenues to our great commercial cities and important naval depots the Navy of the United States must be very superior to the means of attack of the most powerful powers in the world; and this large naval armament, instead of performing its proper function as the sword of the State in time of war, and sweeping the enemy's commerce from the seas, must be chained to the coast or keep within the harbors.

These opinions and many others which might be quoted show the universal belief among military and naval men that the fortifications and a navy are indispensable complements in any well-considered system of defense, neither of which can be employed to the exclusion of the other. Fortifications protect our harbors from occupation and our seaport cities from bombardment and capture. But to protect the incoming and outgoing commerce a fleet is necessary that can move with freedom to any point that may be desired. Let us suppose, as many naval authorities do, that a fleet of 12 battle ships, with its proper complement of armored cruisers, torpedo boats, etc., will be sufficient for this purpose on our Atlantic and Gulf coasts, and that 4 battle ships, with cruisers, etc., will be sufficient for the Pacific coast. It is evident that this number is based upon the supposition that the vessels shall not be confined in their work to mere coast-defense duty. In the latter case some one port must be selected for defense, leaving the others exposed, or the fleet must be scattered and liable to annihilation in detail. United it may easily be able to destroy any fleet likely to attempt the blockade of our coasts. And this freedom of action for the Navy can only be secured by a sufficient system of land fortifications. At this moment our Navy is not able, and unless it should be made more powerful than even that of England it never will be able, to protect our scattered dockyards. Its only chance of saving itself from destruction by a powerful enemy will lie in its ability to concentrate to meet the attack. From this point of view it is not too much to say that the immediate erection of suitable fortifications will add many millions of dollars to the effective value of our fleet without spending an additional penny for ships.

COAST DEFENSES OF EUROPEAN POWERS.

And if this view be correct we should naturally expect to find that the great naval powers of the world have acted and are acting in accordance therewith. Let us scan for a moment the coasts of Europe.

The authority for the following statements is the standard work published in 1894 by Carl Didelot, lieutenant de vaisseau, entitled "La Défense des Côtes d'Europe; étude descriptive au double point de vue militaire et maritime" (the defense of the seacoasts of Europe; a descriptive study from both the military and the naval point of view).

There are now upon the maritime frontiers of Europe, including Malta, 139 fortified seaports, besides a number of others where the modern conditions have made it unnecessary or inexpedient to maintain the fortifications which, though still existing, are now more or less out of date. Of these ports 35 are known as ports de guerre (war ports), where are concentrated the dockyards, the arsenals, the depots of supplies, and the other establishments indispensable to the naval services of the countries to which they belong. These ports in particular have received every attention that the art of the engineer can bestow, and have been fortified at lavish expense.

England has in Europe alone 21 fortified ports, including two in the Channel Islands and Gibraltar and Malta. Seven of these, Plymouth, Portsmouth, Sheerness, Milford-Haven, Queenstown, Gibraltar, and Malta, are military ports fortified with especial care and great expense.

If there be any nation that could safely rely upon its fleet alone for the protection of its coasts, it certainly is Great Britain. It will therefore be both interesting and instructive to note in a few cases what she has deemed necessary, in the way of fortifications, for the defense of her principal ports.

England has now mounted in her coast defenses 920 heavy guns, as compared with the 517 which we propose for our system. Some of the English guns are still of the older and weaker models.

Their number will doubtless be reduced when these are replaced by the best modern guns. Their calibers are 6, 7, 9, 10, 12, 16, and 17.72 inches, as compared with our 5, 8, 10, 12, and possibly in future years 16 inches.

The naval port of Plymouth and Davenport is defended against attack by sea or land by four great groups of works. Limiting our attention solely to the defenses of the water approaches, we find for this one purpose that 15 powerful forts and batteries have been constructed for 232 heavy rifled guns of from 8 to 12 inches caliber, besides mortars. The most important of these are entirely plated with armor.

For the defense of Portsmouth and Southampton, at Spithead and the Needles, against attack by sea there are 20 forts and batteries, most of them completed within the last few years. Four of these forts are entirely plated with armor, and are designed for 130 guns of from 8 to 13 inches caliber. The total defense against sea attack contemplates over 300 heavy guns, besides mortars.

Dover, which is not a naval port, is defended against the sea by three powerful works, one of which is armored and mounts 16-inch guns.

Sheerness and Chatham are defended by 10 works, some of them armored, mounting at least 86 heavy guns. The armament of these works is not generally known.

Those who desire may easily pursue this subject into the greatest detail, in order to see how much thought and money has been expended upon her fortifications by the nation which might be supposed to have the least need to rely upon them.

Across the channel her neighbor and rival for naval supremacy possesses on her continental coast alone 28 fortified ports, of which 5 are "war ports." Germany has 11, with 2 "war ports." Russia has 14, with 4 "war ports" of the first class and 4 of the second class. Italy has 20, with 4 "war ports." Spain has 10, with 3 "war ports." Denmark has 7, with 1 "war port." Sweden and Norway have 9, with 3 "war ports."

Upon the coast of Europe, excluding Turkey, but including England, France, Belgium, Holland, Germany, Russia, Sweden and Norway, Denmark, Spain, Portugal, Italy, and Greece, there are now 139 strongly fortified seaports, of which 34 are the great military-naval ports, fortified with all the skill of the engineer's art.

There is no information available as to the amount of money expended upon these works, but a description of them as given in the work from which the preceding data have been compiled leaves no doubt that many of them have been fortified with a degree of elaborateness and expense far beyond what is now contemplated for any of our own ports.

Thus we see what the wisdom of all these enlightened nations has led them to provide for their home seacoast defenses in addition to their powerful navies.

If we are to consider the fortified ports of England throughout the world it would appear that the number of guns she has mounted is much greater than I have described relative to her own home defenses.

Take the English fortified posts in the immediate vicinity of the United States, as at Halifax, Bermuda, Kingston, Santa Lucia, and at Esquimalt. These alone far exceed all the land defenses at present existing in the United States. It is reported from time to time that Great Britain is now increasing her fortifications and heavy armament in Canada on both the Atlantic and Pacific coasts. Thus, for the defense of Halifax there are 8 powerful works mounting at least 62 guns of from 7 to 12 inches caliber, besides rapid-fire guns, mortars, and a most complete system of submarine defenses. At Esquimalt an elaborate system of land defenses is being rapidly pushed to completion, but details as to the works and their armaments are not available. However, from what England has done and is doing at other places of equal importance we may infer what she is doing here. At the Bermudas, for the defense of her two harbors and the dockyards, she has 13 forts. In 7 of these there are mounted 78 heavy guns, the total armament being probably more than 100.

So it is, we are encircled as a nation with a chain of foreign fortresses and coaling stations impervious to attack, while our rich seacoast cities and ports, commencing at Portland, Me., near to fortified Halifax, in Canada, continuing down the coast, Portsmouth, Boston, New Bedford, Providence and Narragansett Bay, New London, New Haven and Bridgeport, New York, Philadelphia, Baltimore, Wilmington, Del., Norfolk, Wilmington, N. C., Charleston, Port Royal, Savannah, Pensacola, Key West, Mobile, New Orleans, and Galveston, within a few hours' rapid steaming from the foreign fortified ports of Bermuda, Nassau, Habana, and Kingston; and again, on the Pacific coast, San Diego, San Francisco, Portland, Oreg., and Puget Sound, with its United States dry dock, coaling places, and cities, some of them within sound of British cannon at Esquimalt, all lay dominated, exposed, and helpless against the attack of any foreign power that possesses a navy.

Fabulous wealth lies at the mercy of a freebooting enemy if such shall at any time elude our small and scattered Navy.

Our foreign commerce and coasting trade are alike without harbors of refuge behind land defenses. Our great dry docks and shipbuilding yards, our arms factories and powder mills near the coast, are subject to easy destruction, and our Navy is without protected bases for receiving supplies and effecting the repairs that are constantly required. And yet we plume ourselves on our diplomacy!

Inasmuch as we are taking lessons of England and imitating her as best we can in the increase of our Navy, and in our naval architecture, it may also be well to consider to what extent we should imitate her in the policy of constructing land defenses, at least for home protection on our own shores. True wisdom will not be satisfied with an unequal and "lopsided" system of defenses. Whatever there is in our position and character as a nation that calls for a navy also calls in equal if not louder tones for land defenses. If we are to neglect the one because of its expense, or because of the assumed lack of its necessity, then to be consistent we should omit the other. To build up a magnificent navy, or even a fairly good navy, without the use of fortifications, is but to invite disaster at the first shock of arms, and is the height of folly.

EVANGELIZATION.

Much has been said in regard to the ameliorating influence which advancing Christianity and civilization are affecting among the great nations of the times. It is occasionally said in answer to the demand for defensive works that the spirit and tendency of the age is toward peaceful progress and the avoidance of wars and conflicts, and toward the agency of arbitration and mediation to effect wise and pacific settlements of vexed questions between nations. We hope and long for this to be true, and the wish may be father to the thought in this as in many other things.

I remember that this doctrine was very prevalent many years ago when the celebrated International Peace Conference at Geneva took place. All the world was then in profound peace and seemed likely to remain so, yet within comparatively few years since that great International Peace Conference have occurred some of the most terrific, destructive, and bloody wars ever known in history. Several other international conferences have convened. Such bodies carry no international authority. It has been said that "war can not at all times be avoided, however pacific and forbearing our policy; that nothing will conduce more to an uninterrupted peace than that state of preparation which exposes no weak points to the hostility, and offers no gratification to the cupidity, of the other nations of the earth."

The influences of ambition and commercial and manufacturing rivalry will continue to exert much influence upon the minds of those who control human governments. The wisest nations of our day do not disregard these conditions. Procrastination and weak credulity as to our fancied moral and physical strength have been carried too far in our case, leading us to neglect such preparations as are in accordance with the matured opinions of the wisest and soundest thinkers.

In the language of the report from the Committee on Military Affairs by Mr. F. P. Blair, jr., in 1902:

> Congress must not only make appropriations, but make them at suitable times and in sufficient amounts; to be most effective, appropriations must be not only adequate but also timely and consecutive; else idle hands and waste of materials will result, as heretofore, in unnecessary losses. In the

construction of ships and fortifications delays increase their cost. Forethought and promptitude, faithfulness and integrity, will, at an early day, at reasonable cost, call into existence admirable defenses, of the excellence of which our nation will be proud.

EXPLANATION OF THE BILL.

Mr. President, I desire in conclusion to make a few words of explanation of the bill. The bill presented by the Committee on Coast Defenses is intended to meet the wants of the nation in this respect. It has received the approval of the Secretary of War and of the Chiefs of the two great Departments of Engineers and Ordnance. If it shall be adopted, provision will be made for the construction of the fortifications necessary for the defense of the principal seacoast cities of the United States.

The situation and armament of these fortifications has in each case been the subject of study by the Board of United States Engineers, whose plans have been approved by the Chief of Engineers and by the Secretary of War.

The aggregate number of direct-fire high-power guns of all calibers required is 517; the aggregate number of mortars is 1,056. For the construction of these guns, emplacements, and carriages about eight years will be required and the sum of at least $80,000,000. This sum can not be judiciously expended in a less time except under great stress and at additional cost to the Government; and even in that case it will be very difficult to complete the armament in a much shorter period.

It is provided in the bill that the sum of only $10,000,000 be appropriated for the fiscal year ending June 30, 1897, and that an expenditure be authorized of $10,000,000 for each of the succeeding seven fiscal years, ending June 30, 1904; thus the tax would be comparatively light for each year, not equaling that of the river and harbor bill, which for the past ten years has averaged annually between thirteen and fourteen million dollars. Think of it! $279,916,317.69 has been appropriated since 1872 for the improvement of rivers and harbors, that is, for the benefit of commerce; and yet we have been so afflicted with "coast-defense blindness" that we have expended only ten or eleven million dollars for the protection of these harbors during the same period.

It is also provided in the bill that the expenditures are to be made proportionately to the estimated cost of the defenses at each of the ports to be defended, so that so far as practicable all the principal seaport cities in the Union may be equitably and contemporaneously benefited by the outlay. This is intended to avoid favoritism and the protection of the country from undue expenditure at some ports to the exclusion of expenditures at other important places. It is proposed to leave this outlay to the great departments of the engineers and ordnance, under the provisions of existing law especially made and adapted to the purpose.

If any additional safeguard shall hereafter be deemed necessary in the working out of the present system it can easily be added by subsequent legislation. It has not been thought advisable to present in connection with this bill any method of raising the money proposed to be expended. The amount to be expended per annum under the provisions of the bill does not seem to be so great as to render necessary any departure from the established methods of raising the revenue of the Government, and it has been feared that if an effort be made to raise the money for this purpose by any specific device of legislation, differences of views as to the best method of raising this money may cause injurious delays in securing the legislation necessary for defenses.

I therefore hope that the bill will be adopted without serious modification, either as a separate measure or in the fortifications appropriation bill. An economic, sound system of national defense is the rock upon which rests permanent safety and successful diplomacy.

Since the people have commenced to receive information on this subject they are being heard from in no uncertain tones, and the indications are that they expect this Congress to act.

SENATOR FROM DELAWARE.

Mr. CHANDLER. I call up the resolution declaring Henry A. Du Pont entitled to a seat in the Senate from the State of Delaware.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

Mr. CHANDLER. Mr. President, this is certainly a case of new impressions. Delaware has treated the country to a novel sight. This Government has existed under its present Constitution more than one hundred years. During that period probably 1,000 Senators have been elected. This, so far as we are aware, is the first case in which a governor of a State voted for a United States Senator. It has generally been supposed that the governor belonged to the executive branch of government and not to its legislative. Here, however, being the executive, he leaps over into the legislature and votes for Senator; and the question is whether in this case Governor Watson could do that thing while he was governor.

The Senator from Indiana [Mr. TURPIE] was impressed with the humor of the case, because he said that if the contention of the advocates of the admission of Mr. Du Pont is correct, then Mr. Du Pont was elected Senator twenty-eight times on the same day. The Senator said that ordinarily it was an honor for any one person to be elected Senator three or four times in the course of three or four times six years; but here, he said, Mr. Du Pont was elected, if at all, twenty-eight times, which the Senator thought was extraordinary, and, with humor somewhat grim, he commented upon that curious circumstance.

Mr. President, it was curious, and yet it was true. Mr. Du Pont was elected on the 9th day of May United States Senator twenty-eight times, but the difficulty was to get the election declared. If at the end of any one balloting he had been declared elected, the subsequent ballotings would not have taken place. But here was Watson. The trouble was, as has been the trouble all through, too much Watson. There firmly stood the governor of the State. Delaware is an anomalous State under any legislative conditions, because she has but 9 senators and 21 representatives. Thirty men in two little rooms constitute the legislature of Delaware.

Mr. GRAY (in his seat). How many senators has New Hampshire?

Mr. CHANDLER. Ordinarily I should ask the Senator from Delaware, if he addressed a remark to me, for which I would yield, to rise; but I will answer without the Senator doing that.

Mr. GRAY. I will do so, Mr. President. With the permission of the Senator from New Hampshire, if I have his permission——

Mr. CHANDLER. Certainly.

Mr. GRAY. I ask him how many senators the State of New Hampshire has?

Mr. CHANDLER. Twenty-four, and nearly 400 representatives—a State quite as small in all other respects as Delaware, and yet it has 24 senators and nearly 400 representatives, while Delaware has 9 senators and 21 representatives, and when they elected a Senator 15 to 14, behold there was Watson among them, the governor of the State, trying to make the thirtieth, and voting.

Mr. GRAY. The constitution of New Hampshire, which I have here in a publication—of course I shall be glad to be corrected—says that New Hampshire has 12 senators.

Mr. CHANDLER. The Senator is delving in antiquities. There were but 12 under the original constitution. About a dozen years ago we changed it to 24. But we always had, I will say to the Senator, a very large body of representatives, varying from 300 up to 400.

Now, I repeat, Mr. President, that the trouble in Delaware was that there was Watson, the governor, presiding, and he would not declare an election; and so the ballotings went on all day on the 9th of May until the time came when the law adjourned the legislature; and during that whole period the joint assembly was compelled to go on electing Mr. Du Pont over and over again because it had then present the governor of the State sitting as a member of the legislature, and not only, as we contend, thrusting his vote illegally into the balloting, but presiding and declaring that there was no choice.

Mr. President, there he was, and the legislature could not get rid of him. They were in the predicament of Sindbad the Sailor:

> The Old Man of the Sea on the neck of him
> Who seven times crossed the deep,
> Twined closely each lean and withered limb,
> Like the nightmare in one's sleep.

Watson was the nightmare, the incubus, the terror, the usurper, that hindered the declaration of the election of a Senator and made it necessary for the legislature to keep electing over and over again this Senator whom they had once chosen.

Mr. HILL. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. Certainly.

Mr. HILL. I understood the Senator to say that there was an election on these various ballots, but that Mr. Watson declared that no one was elected. Did any Republican senator request the governor to declare an election?

Mr. CHANDLER. There was, as the ballotings went on, a protest against the governor's right to vote.

Mr. HILL. That is not the question I asked. Did anybody at that time make the point that there was an election and request the governor to declare an election?

Mr. CHANDLER. I think there was no request that the governor should declare an election. There was at some time a protest against the right of Watson to vote, and I think a claim that Du Pont was elected.

Mr. HILL. That was after all the votes had been taken, was it not?

Mr. CHANDLER. I am not certain whether it was after all the votes had been taken or not.

Mr. GRAY. Yes; it was after.

Mr. CHANDLER. But here was this incubus, here was Watson, William T. Watson, Senator Watson, President of the Senate Watson, Governor Watson, Pooh-Bah Watson, the executive of

the State of Delaware, possessed with all the executive power of that State. There he stood, and it was, I think, to the credit of the State of Delaware and to its representatives that no effort was made to thrust him from the legislative halls back into the executive chamber, and that the representatives and senators chose to appeal from his declaration and the apparent result of his vote to the Senate of the United States, as they do now appeal.

Mr. MITCHELL of Oregon. Fifteen Senators protested in writing.

Mr. CHANDLER. The Senator from Oregon calls my attention to the fact that 15 senators at that time made a protest in writing against what was going on. But, Mr. President, it affected no legal right whatever. It is admitted that Governor Watson went in, that he presided and voted, and it was not until the close of the balloting that protest was made, and then it was made in a peaceful and dignified manner.

Mr. HILL. Was there any protest made during the balloting at all?

Mr. GRAY. None whatever.

Mr. CHANDLER. The Senator from New York asks whether there was any protest made during the balloting, and the Senator from Delaware, in his seat, says there was none; and unless I was very sure I was right I should not think of contradicting both those Senators.

Mr. HILL. I asked the question. I did not make an assertion.

Mr. CHANDLER. I do not know.

Mr. HILL. I understood the Senator to say a minute ago that during the balloting they contented themselves in a dignified, quiet way with protesting. That is the point I wanted to know about.

Mr. CHANDLER. It was during this anomalous proceeding.

Mr. HILL. I asked whether it was the fact.

Mr. CHANDLER. Whether it was while the balloting was going on or at the close I do not undertake to say, nor does it make any difference.

Mr. HILL. I understood that the Senator had undertaken to say it was during the balloting. I ask whether it was not in fact after the balloting had been finished?

Mr. CHANDLER. It was during the proceedings which were going on. There were no proceedings, as I remember, except the ballotings, and as soon as the hour came when it was incumbent upon the governor to declare the legislature adjourned it did adjourn.

Mr. HILL. The journal does not show that there was any protest at all presented.

Mr. CHANDLER. Probably not. It was presented as a matter of fact.

Mr. MITCHELL of Oregon. I will state, if the Senator from New Hampshire will allow me, that it was conceded in the affidavit, I think of Governor Watson himself, that the protest was made; at all events, it was conceded in certain affidavits filed in opposition to Mr. Du Pont.

Mr. CHANDLER. I am very willing to have these points made, because it is very clear to my mind that the fact makes no difference whatever; that if Governor Watson's vote was illegal, if it was absolutely null and void, as we contend, then no rights were lost even if there was a failure to object or to protest.

Mr. ALLEN. If the Senator from New Hampshire will permit me, I think the affidavits of both Senator Records and Mr. Watson show conclusively that no protest was made until after the last ballot and just before the final adjournment.

Mr. CHANDLER. The Senators may be right. My point is distinct, that it makes no difference whatever.

The arithmetic of this case is simple. The Senators have also seen some humor in the claim which they say is made by us that 15 is a majority of 30. No, Mr. President, we have not put forth any such arithmetic. We have put forth the proposition that 15 is a majority of 29, and that when 30 votes are nominally and apparently cast, but one of them is a void vote, then it does not count, and 15 is more than 14. Our whole case rests upon the simple proposition that Governor Watson could not lawfully, while he was governor, enter the joint assembly and vote as a senator; that the vote which he did cast was null and void. His conduct was usurpation. We admit that the burden of proof is upon us to establish the proposition that in the vote of 15 to 15 one vote not cast for Du Pont was void, absolutely null and void.

Now, Mr. President, was Watson's vote null and void? I have settled my mind upon the question by asking another question, which is this:

Can the Vice-President of the United States become President upon the happening of a vacancy, take the oath of office as President and perform his duties at the Executive Mansion, keep watch of the proceedings of the Senate, and, finding an important House bill about to be defeated by a tie vote, come from the Executive Mansion to the Senate Chamber, crowd from his seat the President pro tempore and preside himself, declare the vote a tie, give his casting vote in the affirmative, securing the passage of the bill, and then return to the Executive Mansion and sign the bill and make it a law?

Mr. President, I am willing now to have an answer, yea or nay, to that proposition. I have written it out, three or four copies, and they will be enough for all my auditors, unless I secure more than did the Senator from Mississippi [Mr. GEORGE] the other day, to whom I send my last remaining copy.

If the Vice-President can do this, then William T. Watson, who had become a State senator in Delaware and speaker of the senate, had upon Governor Marvil's death surrendered the chair of the senate to a president pro tempore and succeeded to the office of governor, performing the duties of the executive office, could keep watch of the proceedings of the legislature, and finding it about to elect a United States Senator by 1 majority, could go from the executive office to the legislative hall, crowd from his seat the president pro tempore, preside himself, vote for a Senator, thereby apparently defeating the choice, declare that no election had taken place, again vacate the speaker's chair, and return to the executive office and go on with his functions as governor. On the other hand, if the Vice-President of the United States can not lawfully do the acts first described, then William T. Watson, of Delaware, could not lawfully do the acts next described.

Let us see exactly what the case is which I have supposed. We will take the case of President Arthur, who, as Vice-President, succeeded to the Presidency upon the death of President Garfield. He left this Chamber, he took the oath of office as President, he began performing the functions of President at the Executive Mansion, and he remained there for over three years, and the Senate chose a President pro tempore. Suppose exactly the case I have stated in the clause which I have read. Suppose the Vice-President, having thus become President, became interested in the passage of a bill. Suppose that bill which he desired to have become a law had passed the House of Representatives and came to the Senate, where it was supposed to have a majority. President Arthur, however, learning that some Senators supposed to be in favor of the bill had concluded to vote against it, and learning that in all probability the vote would be a tie, comes to the Capitol. The bill is about to be voted upon. The President pro tempore is in the chair. The door opens just before the vote is to be taken. The President of the United States thereupon goes to the chair, ousts the President pro tempore, takes the gavel of the Senate, the result of the tie vote is announced, he declares it a tie, votes in the affirmative, declares the bill to have passed, retires from the chair, goes out the door, returns to the Executive Mansion, and again begins the performance of the functions of President.

Mr. MITCHELL of Oregon. And signs the bill.

Mr. CHANDLER. And signs, as I have suggested, the very bill which he, by his vote, had thus forced through the Senate of the United States. Mr. President, can a President of the United States do that thing?

Mr. GRAY. Not unless he remains Vice-President.

Mr. CHANDLER. Does he remain Vice-President for that purpose?

Mr. GRAY. Do you want an answer?

Mr. CHANDLER. I am willing to have a direct answer, yea or nay.

Mr. GRAY. If the Vice-President, in the contingency assumed by the Senator from New Hampshire, becomes President of the United States, then he ceases to be Vice-President and can not preside in the Senate. He can not be Vice-President to himself.

Mr. CHANDLER. Could President Arthur have done that thing? I do not think any Senator will undertake to say that he could have done that thing, or that any Vice-President can become President and take upon himself the performance of the executive duties, and then watch his chance when there is to be a tie vote in the Senate and come back here and thrust himself into the chair, ejecting therefrom the President pro tempore, and vote when there is a tie upon the passage of a bill.

Mr. President, if he could not do that, I say Governor Watson could not do what he did. Governor Watson had succeeded to the executive power of the State of Delaware. The elected governor had died. Watson had taken the oath of office. He had left the senate and had gone to the executive office. As a senator he had voted for United States Senator for some two or three months whenever a vote was taken. When he became governor he ceased to vote for United States Senator. He ceased to vote in any way; he severed himself from the senate, and for thirty days the senate and the house in joint assembly went on voting for United States Senator and Governor Watson did not come there. But on the last day of the session, or on the last half of the last day of the session, when Governor Watson heard that probably a Senator would be elected on that last half day, he leaves the executive office a little before 12 o'clock at noon, goes to the senate chamber, thrusts out Mr. Records, the speaker pro tempore of the senate, and at the head of the 8 senators marches to the other room, where were 21 representatives, and there presides at this joint assembly, and the vote which

he gives—if it is a valid vote—prevents the election of a United States Senator. I say that can not be done, unless by an equal authority the Vice-President of the United States, after he has become President, can do the acts which I have described.

It may be said that the two constitutions are different. It may be said that the Constitution of the United States is different from the constitution of Delaware. I read from the Constitution of the United States everything that is material to this question. I read from Article I, section 3:

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.
5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

PROPOSED INVESTIGATION OF BOND SALES.

Mr. PEFFER (at 2 o'clock and 15 minutes p. m.). I wish to call the attention of the Senate to the fact that a unanimous-consent agreement was entered into some days ago that at this hour Order of Business 332, in reference to bond sales, should be laid before the Senate for consideration. I ask that that may be done.

The VICE-PRESIDENT. The Chair lays before the Senate the order of business indicated, which will be stated.

The SECRETARY. A resolution (by Mr. PEFFER) providing for a committee of five Senators to investigate and report generally all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896.

Mr. CHANDLER. I should like to ask the Senator whether he desires to go on with that resolution to-day?

Mr. PEFFER. I do not desire to take the Senator from New Hampshire from the floor, and therefore will yield to the Senator until he concludes his remarks. After he has concluded, however, I shall insist on the regular order.

Mr. GRAY. Perhaps I ought to state in the hearing of the Senator from Kansas, if my friend will give me his attention for a moment, that when the Senator from New Hampshire gave notice that he would address the Senate to-day on the Du Pont case I also gave notice that I should, if the Senate would permit me, follow him. I think, so far as this side is concerned, we are approaching the close of the debate upon that question, and I hope the Senator from Kansas will allow me to take the floor at the close of the remarks of the Senator from New Hampshire.

Mr. PEFFER. With the understanding that it shall not displace the bond-sale resolution, I should not object to that at all. I see the Senator from New York [Mr. HILL] is present. He has taken a more active part in opposition to the resolution than any other Senator, and if there is no objection on the part of that Senator I should make none. I only want to have this matter kept before the Senate that it may be disposed of at the present session, at least.

Mr. CULLOM. In the absence of the chairman of the Committee on Appropriations, I will say that I hope this privileged question will not occupy the attention of the Senate so much and so long that we shall get no appropriations this year.

Mr. GRAY. So far as I am concerned, I will say to the Senator from Illinois that I shall not obstruct other business unreasonably. I shall not occupy a great deal of time.

Mr. CULLOM. I am not referring to the Senator's speech.

Mr. GRAY. I thought there was an understanding that I should follow the Senator from New Hampshire.

Mr. CHANDLER. There was that understanding, but I had forgotton at the time that the Senator from Kansas had procured this special assignment by unanimous agreement.

Mr. CULLOM. The Indian appropriation bill seems to have been laid aside for some reason, I suppose to accommodate Senators who desire to speak. When two appropriation bills are waiting, I hope there will be no arrangement made which will keep them back.

Mr. STEWART. I hope there will be an arrangement whereby this resolution, which I regard as far more important than the appropriation bills——

Mr. CULLOM. To which resolution does the Senator refer?

Mr. STEWART. I refer to the resolution in regard to bond sales, which ought to be disposed of, for if we are to have a policy of constantly selling bonds, and if that policy is to be pursued regularly, it will have a very material influence upon appropriations, and we shall need almost unlimited appropriations. If the country is going to be involved in two or three hundred million dollars a year, we want to get the money out. Before the appropriation bills are disposed of the country ought to know what extent of money we are going to have. If this business of piling up money in the Treasury is to continue, we shall have to rely on the good offices of the Committee on Appropriations to get it out. So we shall need liberal appropriations. There is $300,000,000 now in the Treasury which ought to be in circulation.

Mr. CULLOM. The money will get out fast enough. I hope the Senator will not be worried about getting it out. It is going out fast enough.

Mr. STEWART. The trouble is that the people can not get it.

Mr. CULLOM. The trouble is that it does not come in.

Mr. STEWART. My dear sir, please listen to what I have to say. With $300,000,000 in the Treasury, taken out of circulation and piled up there, the country feels the pressure of the want of money, whether the Senator from Illinois does or not.

Mr. CULLOM. The Senator from Illinois has always felt the want of money. [Laughter.]

Mr. STEWART. Then you are in the same condition as the American people, and you ought to be willing that it should be brought out of the Treasury.

Mr. HILL. If the bond resolution is up, I want to take a hand in this discussion myself. [Laughter.]

Mr. CULLOM. I only wanted to call attention to the appropriation bills which are awaiting the action of the Senate, and all I desired was that there should not be a policy adopted here which would indefinitely keep them back. I did not know what the Senator's resolution was. So I hope he will understand that I am not trying to interfere with the discussion and disposition of that subject.

Mr. STEWART. I want the Senator from Illinois and the Senate to understand that the bond-sale resolution is the special order for this hour, and while courtesy is my nature and practice, if there is any design to prevent action on that resolution I shall object right now, even at the risk of being discourteous to my friend from New Hampshire.

Mr. CULLOM. I did not know what the resolution was, so there was no design on my part.

Mr. STEWART. I am glad to hear the Senator from Illinois say that, and I hope he will facilitate the disposition of the resolution.

Mr. CULLOM. I do not know the nature of the resolution, and I should like to know before I make any agreement about it.

Mr. MITCHELL of Oregon. I hope the Senator from New Hampshire will be allowed to finish his speech.

The VICE-PRESIDENT. The Chair understood the Senator from New York to rise to a parliamentary inquiry.

Mr. HILL. The suggestion I was going to make was that if the bond resolution is now up for consideration and discussion, I desire to be heard before it is terminated; that is all.

The VICE-PRESIDENT. Will the Senator from Kansas indicate his request?

Mr. PEFFER. It is that the Senator from New Hampshire may be permitted to proceed with his remarks with the understanding that so soon as he has concluded we shall then go on with the bond resolution.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. GRAY. I object to that.

Mr. HILL. What is the request?

Mr. PEFFER. If that request is objected to, then I see no other way than to go ahead with the resolution and let the Senator from New Hampshire address his remarks to the resolution.

Mr. CHANDLER. I should like to ask the Senator from Kansas whether he expects his resolution to be voted on without debate?

Mr. HILL. If he does, he will be disappointed.

Mr. MORRILL. I make the point of order that there is now under consideration a question of privilege of the highest character, and therefore no agreement in relation to considering another subject by unanimous consent can displace a question of that kind.

Mr. MITCHELL of Oregon. The point is well made.

Mr. CHANDLER. While I think the point taken by the Senator from Vermont is correct, yet I wish to say that if I had known of this unanimous-consent agreement and the anxiety of the Senator from Kansas and the Senator from New York to discuss the bond resolution, as they have done many times hitherto, I should not have undertaken to address the Senate.

Mr. HILL. There is no special anxiety to discuss it on my part, I will say to the Senator.

Mr. CHANDLER. I should not have taken the floor on the Du Pont case at this time had I known of the unanimous-consent agreement.

The VICE-PRESIDENT. The Chair is ready to rule upon the point of order made by the Senator from Vermont [Mr. MORRILL]. The Chair sustains the point of order. It is for the Senate to determine whether the agreemant shall be carried into effect.

Mr. WOLCOTT. Mr. President, I understand that the proceeding to take up the bond-sale resolution at a quarter past 2 o'clock was by unanimous consent. If we are proceeding by unanimous consent, of course a point of order does not affect the unanimous consent. If it were upon a request of the Senator from Kansas to take up the resolution investigating the bond sale, and if the point of order were made by the Senator from Vermont, that would be one thing; but if we are proceeding by unanimous

consent to take it up, that certainly is superior to and beyond any question of order which can be raised. I apprehend the Chair, in determining the point of order, did not consider the fact that there had been unanimous consent that at this hour the resolution should be taken up.

Before I leave the floor I should like to say a word as to the convenience of Senators. Certainly no one would desire to interrupt the progress of the remarks which are being made by the Senator from New Hampshire, unless he desires that his remarks should be interrupted, because of the unanimous consent, but if the resolution is not to be taken up now, at the time we all had agreed it should be taken up, I think there should be unanimous consent to take it up at some other time, or else it ought not to lose its place before the Senate.

Mr. MORRILL. My point of order amounts to this, that the Senator from New Hampshire was on the floor on a question of the highest privilege, and therefore no Senator could take him off the floor until he got through with his remarks.

Mr. CHANDLER. As I said, I think the point of order was well ruled by the Chair. I do not myself wish to interfere with the unanimous-consent agreement in which so many Senators participated who are now here desirous of going on with the discussion, and yet I should prefer to go on at this time and finish my remarks.

Mr. PEFFER. My desire is to accommodate the Senator from New Hampshire. I have never yet seen a unanimous-consent agreement broken under any circumstances since I have been a member of this body, and I feel that it is discourteous upon the part of Senators to insist that it shall be broken at this time. I know very well what the rules of the Senate are, that the Chair can not enforce a unanimous-consent agreement, can not enforce anything that proceeds by unanimous consent. The Senate goes along at random in such cases.

Mr. MITCHELL of Oregon. Will the Senator allow me a moment?

Mr. PEFFER. I will yield in a moment. I want this resolution to retain its place according to this unanimous consent. At the same time I want the Senator from New Hampshire to be permitted to conclude his remarks, but if it is necessary, and absolutely necessary—if it is forced upon me by the Senate that the Senator from New Hampshire should lose his place upon the floor in order to continue the consideration of the bond resolution, then I shall insist upon it. I have been put off from time to time on account of accommodating other Senators until I am tired, and do not propose to be taken off the floor again if it can be avoided under the rule.

Mr. MITCHELL of Oregon. Will the Senator allow me to make a suggestion?

Mr. PEFFER. Yes, sir.

The VICE-PRESIDENT. The Chair has determined the point of order raised by the Senator from Vermont.

Mr. PEFFER. I so understand.

The VICE-PRESIDENT. It is for the Senate to take any further action.

Mr. MORRILL. I do not wish to interfere with the proposition of the Senator from Kansas; I only insist that he can not take the Senator from New Hampshire off the floor.

Mr. PEFFER. I understand that very well. We are proceeding here by unanimous consent. I think the Chair is exactly right and that the point raised by the Senator from Vermont is a correct one. I do not understand, however, that the Senator insists that our unanimous-consent agreement should not be kept in good faith.

Mr. MORRILL. I do not.

Mr. MITCHELL of Oregon. On yesterday, not having in mind, I presume, the unanimous consent given to the Senator from Kansas, an understanding was arrived at between certain Senators, including the Senator from New Hampshire and the Senator from Delaware, that they should speak to-day on the privileged question, the Senator from New Hampshire to speak first and to be followed by the Senator from Delaware, who was very anxious to go on.

Now, my suggestion is that the Senator from Kansas ask unanimous consent that after the Senator from New Hampshire and the Senator from Delaware shall have concluded their speeches on the privileged question now pending the resolution to which he refers shall come up by unanimous consent.

Mr. PEFFER. I shall not object to that at all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor.

## SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections.

Mr. CHANDLER. The question being whether the Vice-President, having become President, could return to the Senate and preside and give the casting vote while President, I was reading from the Constitution of the United States the clauses applicable. Article II, section 1, provides:

> The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows.

Then follows the provision as to the election:

> 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

Mr. President, I call attention to the fact that there is no express provision whatever declaring that the Vice-President, when he has become President, shall not continue to act as Vice-President. There may be that inference from the provision that a President pro tempore shall be chosen; there is no declaration that the Vice-President shall become President; there is no declaration that the Vice-President shall hold the office of President The language is substantially the same as that which is to be found in all State constitutions. It is of the same general character.

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

That is, the powers and the duties of the office shall devolve upon him; but it does not say that he shall cease to be Vice-President.

Mr. President, I have no doubt that the Vice-President may act in case of a temporary disability of the President and later return to the Senate and preside. Suppose this case, that when the British entered this capital in 1814 they had also captured President Madison; is there any doubt that at once, within a half day after the capture, the Vice-President at that time would have been sworn in as President, would have become President, and would have performed the duties of President? And is there any doubt that if President Madison had been recaptured he would immediately have returned to the performance of the Executive duties, would have returned to the Executive office, and that the Vice-President, who had been sworn in as President, would have returned to the Vice-Presidency? Suppose that President Lincoln had been captured, as undoubtedly was the first plan of the conspirators, in a time of great war, would not Vice-President Hamlin have been sworn in as President immediately after the capture was ascertained?

Mr. SHERMAN. The Senator means Vice-President Johnson.

Mr. CHANDLER. Suppose Mr. Lincoln had been captured when Mr. Hamlin was Vice-President, during the first four years; or suppose he had been captured, instead of being assassinated, when President Johnson was Vice-President. Within one hour after the ascertainment of the fact the Vice-President would have been sworn in as President; and, if there had been a recapture, President Lincoln would have returned to the Executive office, and the Vice-President, whether President Hamlin or President Johnson, would have returned to the Vice-Presidential office.

Mr. President, no express provisions in reference to these contingencies are to be found in the national Constitution. The clauses of the Constitution are those which I have read, and there are no others, and nowhere, unless by inferance from the fact that the Senate is to choose a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States, is there any declaration whatever that would prevent the Vice-President from acting as President and also acting as Vice-President. There is not so much in the Constitution of the United States to prevent the Vice-President who has become President from acting in both capacities as there is in the constitution of the State of Delaware tending to prevent a senator who has succeeded to the office of governor by a vacancy in the office filled by the governor elected by the people from continuing to act as senator while he is acting as governor. I send to the desk and ask to have read extracts from the Delaware constitution.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

> From the Delaware constitution of 1776:
>
> "ART. 7. A president or chief magistrate shall be chosen by joint ballot of both houses, * * * who shall continue in that office three years, and until the sitting of the next general assembly, and no longer. * * * And on his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president, and in case of his death, inability, or absence from the State, the speaker of the house of assembly shall have the powers of a president until a new nomination is made by the general assembly."

From the Delaware constitution of 1792:

"ARTICLE III.

"SECTION 1. The supreme executive powers of this State shall be vested in a governor.

"SEC. 14. On the death or resignation of the governor, or his removal from office on impeachment or for inability, the speaker of the senate at that time shall exercise the office of governor until a new governor shall be duly qualified, and on the death or resignation of the speaker of the senate the speaker of the house of representatives at that time shall exercise the office until it be regularly vested in a new governor." * * *

From the Delaware constitution of 1831:

"ARTICLE III.

"SECTION 1. The supreme executive powers of the State shall be vested in a governor.

"SEC. 14. Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. * * *"

In the Delaware constitutions of 1792 and 1831, Article II, section 5:

"Each house whose speaker shall exercise the office of governor may choose a speaker pro tempore."

Mr. CHANDLER. Mr. President, I call the attention of the Senator from Delaware and also the attention of the Senate to the fact that the Delaware constitution of 1776 provides for a vice-president:

On his death, inability, or absence from the State, the speaker of the legislative council for the time being shall be vice-president.

There are no additional words to show that the vice-president shall act as governor, but the inference to be drawn, of course, from those words is that when there is a vacancy in the office of governor the speaker of the legislative council, who is declared to be vice-president, shall become the president or chief magistrate of Delaware. There is a close resemblance between the Constitution of the United States and the constitution of Delaware in the provisions which I have cited; while there is not to be found in the Constitution of the United States any one of the several provisions contained in the constitution of Delaware, about which there has been so much debate, declaring that a person holding one office shall not exercise the duties of another office. The special attention of the Senate and of Senators who are considering this question is called to the fact that none of the prohibitions that are to be found in the State constitutions are contained in the national Constitution; and yet I am sure that the Vice-President of the United States can not become President and yet continue to preside in the Senate and give the casting vote in case of a tie; no more could Governor Watson, when he was acting as governor, and had become governor under the provisions of the Delaware constitution, act as senator while he was the governor of the State and possessed of the executive power of the State.

My point now is that, so far as constitutional prohibitions are concerned, there are more clauses to prevent a senator in the Delaware legislature from acting as governor and senator at the same time than there are to prevent the Vice-President of the United States from acting as President of the United States and also as Vice-President at the same time.

Mr. PEFFER. Will the Senator allow me at that point?

Mr. CHANDLER. Certainly.

Mr. PEFFER. Does not the Senator know that in the constitution of Delaware there is a provision enumerating a certain number of offices no two of which shall be held by the same person? If the Senator is aware of that clause, does he not believe that that excludes all other offices?

Mr. CHANDLER. I do not think the Senator from Kansas would argue that when the framers put the clause to which he refers in the constitution they intended to imply an exception that a senator of the State may be at the same time the presiding officer of the senate and also governor, controlling the executive power. The principle that the expression of one thing excludes another does not apply to produce any such result. The exclusions to which the Senator alludes were expressed because there was deemed to be some need of expressing them, but a provision in terms that when the speaker of the senate became governor he should not continue to act as senator was not enacted because it was entirely unnecessary that it should be enacted, as the prohibition was to be derived from another and a broader principle, to which I wish now to call attention.

Mr. MITCHELL of Oregon. Another and further answer to the suggestion of the Senator from Kansas, if the Senator from New Hampshire will allow me, is this, that the provision in the Delaware constitution to which he refers relates, as I believe, to that class of offices which are not incompatible with each other.

Mr. PEFFER. I submit that the clause refers only to such offices as have been sought or accepted, voluntary in the first instance, by the incumbents, and not to offices which are placed upon men already in office.

Mr. CHANDLER. The Senator may be correct. I do not think the clause throws much light one way or the other upon the question we are discussing. I proceed with my argument. When the President is dead, or when the President has been captured, or has been disabled by sickness, why can not the Vice-President become the President of the United States, invested with all the Executive power, and also sit here as Vice-President and give the casting vote in case of a tie? I submit to my Populist friends, whom I am now addressing, that they will find it very difficult to say that he can not, unless they also say that Watson could not be governor and senator at the same time.

Mr. PEFFER. Then, Mr. President, if the theory of the Senator from New Hampshire is correct, in case of death or other disability of the President of the United States, and the Vice-President exercises the duties of that office, and the Vice-President should die, and the duties of the office devolve upon the Secretary of State, the same rule would hold good as to the Secretary of State that held as to the Vice-President. Will the Senator hold that the Secretary of State, when he becomes President, may send in a nomination to the Senate here of another gentleman to fill the office of Secretary of State, and so on and so on down to the end of the line?

Mr. CHANDLER. Yes; I think so. But the question is not the same. The Secretary of State and the President of the United States belong to the executive department of the Government, and what I am now arguing is in favor of the American principle that a person can not exercise the functions of two offices in two branches of the Government at the same time. That is the question that I wish to bring to the comprehension and apprehension and acceptance of the Senator from Kansas.

Mr. PEFFER. When the constitutional provision or statutory provision comes in between the Senator's theory and the situation, it seems to me that the law ought to prevail as against the opinion of the Senator from New Hampshire.

Mr. CHANDLER. There are no such provisions; but the constitutional law is the other way. The Senator's claim is an introduction to the propositions which I am now going to make. The reason why the Vice-President can not be Vice-President and President at the same time, the reason why Senator Watson could not be senator and governor at the same time, is because of a fundamental principle of American constitutional law. I have written out my propositions under that head, and it pleases me to present them in my handwriting to the Senator from Delaware [Mr. GRAY], while I will read from a typewritten copy.

Mr. President, as I see near me the three judges whom I ought to convince, the Chair will pardon me if I occasionally turn to the left. These, I think, are impregnable propositions which I submit to the Senator from Kansas [Mr. PEFFER], the Senator from Nebraska [Mr. ALLEN], and the Senator from Nevada [Mr. STEWART]. At any rate, they are satisfactory to myself.

1. In the United States all the governments, one national and forty-five State governments, are divided, each one into three branches—legislative, executive, and judicial.

2. It is a universal, fundamental principle of American constitutional law that no officer of one branch of a government can exercise the functions of any other branch of that government. Any attempt to do so is a usurpation, and any act done is null and void.

3. There is one exception to this broad general principle: Where an officer in the legislative branch is compelled to proceed to perform the functions of an officer in the executive branch suddenly made permanently or temporarily vacant.

4. This exception exists only by virtue of provisions of written constitutions, and the fundamental principle has been disregarded only in the manner and to the extent required by the express words of the constitution, or by necessary and unavoidable inference therefrom.

5. In no such case happening under the national or any State constitution can an officer of the legislative branch of a government, called to perform the functions of an office vacant in the executive branch of the government, continue while so employed to perform the functions of his legislative office. The simultaneous exercise of both offices is impossible. It is authorized by no express language, nor by any necessary inference. It is prohibited in some cases by express words; in all cases by fair and reasonable inference.

To prove that these are sound propositions of American public law I desire to exhibit to the Senate the various American constitutions. I find that the constitutions of thirty-nine States have each a clause prohibiting persons in one branch from exercising the functions of another branch. Those which have not that clause are Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin, making six. So thirty-nine out of forty-five State constitutions have expressly declared this incompatibility of functions, and have enacted that no person connected with one branch of a government shall perform the functions of another branch of the government.

Mr. ALLEN. At this point I should like to ask the Senator from New Hampshire a question. If the State constitutions to which he refers had not made that declaration, would not the

States have possessed the power to devolve the duties of two or more officers upon the same individual, notwithstanding incompatibility?

Mr. CHANDLER. That would have depended upon how the United States concluded to construe its constitutional law. My belief is that in the absence of express authority given in the State constitution the point that I am now arguing would be sound, and that it would be held that as a fundamental principle of American constitutional law no law could be passed giving any person authority to exercise the functions of two branches of the government at the same time.

Mr. ALLEN. If the Senator will allow me at this point—I shall not trouble him any further—I wish to call his attention to the fact that every State constitution is a limitation upon power that is otherwise unlimited. So, if a State has not limited its power, the power exists and may be exercised. On the other hand, there is a distinction, to which I wish to call attention, between State constitutions and the national Constitution. The national Constitution is a mere grant of power. Without expressly or impliedly granting power the sovereignty exercised does not exist and can not be exercised. Therefore, when the Constitution devolves the duties of President of the United States upon the Vice-President in case of the death or removal of the President, there is no provision in the national Constitution that he may return to his seat in the Senate and occupy the Vice-Presidency.

Mr. CHANDLER. He undoubtedly may if the disability of the President of the United States is only temporary, in the cases which I have supposed. In the case which was first suggested to me by the Senator from Massachusetts [Mr. HOAR], now in his seat, the capture of the President by a public enemy, the Vice-President, who has become President, may undoubtedly, upon the recapture and return to his functions of the President, again return to this body and become Vice-President. But the point is that it is a fundamental principle that the same person can not exercise the functions of those two offices at the same time. I say I have found this principle in thirty-nine of the State constitutions, the exceptions being Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin. I say further, that the principle is just as much a principle of constitutional law in those six States which have not declared it in their constitutions as it is in the thirty-nine States which have declared it.

Turning to the constitutions of the thirteen original States, we find six of those States declared this principle in their constitutions before the National Constitution was adopted. That is one reason why it was unnecessary to insert the principle in the National Constitution. That is one reason why it was unnecessary to insert it in the constitutions of Delaware, New York, Louisiana, Ohio, Pennsylvania, and Wisconsin. It was an accepted principle of constitutional law, prevailing whether expressly asserted or not.

I read from the constitution of New Hampshire of 1784, the bill of rights, part 1, Article XXXVII:

In the government of this State the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from and independent of each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

The constitution of Massachusetts of 1780, part 1, says:

ART. XXX. In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.

The constitution of Maryland as early as 1776, in its declaration of rights, says:

ART. VI. That the legislative, executive, and judicial powers of the government ought to be forever separate and distinct from each other.

The constitution of Maryland of 1851, declaration of rights, declares:

ART. VI. That the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

The constitution of Virginia, 1776, declaration of rights, says:

SEC. 5. That the legislative and executive powers of the State should be separate and distinct from the judiciary.

The constitution of Virginia, 1830, expanded that principle in this way:

ART. II. The legislative, executive, and judicial departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of assembly.

The constitution of North Carolina, 1776, declaration of rights, says:

ART. IV. The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other.

The constitution of Georgia, 1798, Article I, says:

SECTION 1. The legislative, executive, and judicial departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

The constitution of South Carolina, 1868, Article I, says:

SEC. 26. In the government of this Commonwealth the legislative, executive, and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

The constitution of New Jersey, 1844, says:

ART. III. The powers of the government shall be divided into three distinct departments—the legislative, executive, and judicial—and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

So I repeat that before the national Constitution was adopted, in 1798, there had been in six of the original thirteen States a declaration that it was a fundamental rule of American law and was to be one of the principles upon which American governments, State and national, were to be founded, that under no circumstances should a person connected with one branch of the Government exercise the powers and functions of a person connected with another branch of the Government. I will not undertake to read to the Senate nor to incorporate in my remarks all the clauses of all the State constitutions, but I have prepared a table made up from Ben: Perley Poore's Charters and Constitutions, giving the pages of the two volumes of that work where the various constitutional provisions on this subject can be found, which I will insert:

POORE'S CHARTERS AND CONSTITUTIONS.

| | Pages. |
|---|---|
| Alabama | 34-39, 51-56, 63-67, 79-85 |
| Arkansas | 105-110, 122-128, 137-142, 153-162 |
| California | 197-200 |
| Colorado | 222-224 |
| Connecticut | 259-262 |
| Delaware. (No.) See | 289 |
| Florida | 318-320, 334-336, 349-352 |
| Georgia | 378, 388-392, 406-407, 413-418 |
| Illinois | 440, 450, 472-479 |
| Indiana | 501, 515-518 |
| Iowa | 539-543, 554-559 |
| Kansas | 583, 617-620 |
| Kentucky | 647, 657-661, 668-673 |
| Louisiana | 701, 711, 725, 740-761, (no—see) 755 |
| Maine | 790-795 |
| Maryland | 818, 819, 838-842, 860-866, 889-893 |
| Massachusetts | 960 |
| Michigan | 984-987, 996-1001 |
| Minnesota | 1031 |
| Mississippi | 1050-1061, 1069-1075, 1083-1086 |
| Missouri | 1105, 1110, 1143-1147, 1168 1173 |
| Nebraska | 1216-1224, 1250-1254 |
| New Hampshire | 1280-1283, 1297-1302 |
| New Jersey | 1316-1320 |
| New York. (No.) See | 1356-1357, 1336 |
| North Carolina | 1409, 1420-1425, 1436-1441 |
| Ohio. (No.) See | 1470 |
| Oregon | 1495-1498 |
| Pennsylvania. (No.) See | 1573 |
| Rhode Island | 1606 |
| South Carolina | 1648-1653 |
| Tennessee | 1680-1682, 1698-1701 |
| Texas | 1708-1775, 1786-1792, 1803-1809, 1826, 1834 |
| Vermont | 1870-1884 |
| Virginia | 1909, 1913, 1920-1931, 1939-1946, 1954, 1955, 1957 |
| West Virginia | 1977-1984, 1998-2005 |
| Wisconsin. (No.) See | 2033 |

I will also insert in my remarks the language of the clause in the constitution of the State of Utah, the last of our States to be admitted, and to send its Senators into this Chamber (Article V, section 1):

The powers of the government of the State of Utah shall be divided into three distinct departments, the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

As I stated yesterday during the remarks of the Senator from Utah [Mr. BROWN], the very best expression that can be found of what I contend is, and has been for a hundred years, a principle of American constitutional law is to be found in the new constitution of the State of Mississippi, adopted November 1, 1890. That constitution was framed in part, I have no doubt in large part, by the distinguished senior Senator from Mississippi [Mr. GEORGE], who is now in the Chamber. I find his signature annexed to the constitution. I will read part of it:

SECTION 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit: Those which are legislative to one, those which are judicial to another, and those which are executive to another.

SEC. 2. No person or collection of persons, being one or belonging to one of these departments, shall exercise any power properly belonging to either of the others. The acceptance of an office in either of said departments shall of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments.

If it be argued that the insertion of the new and forcible words was making a constitutional principle instead of declaring a constitutional principle, I dissent from the assertion. It seems to me clear from an examination of all the constitutional provisions, beginning with the State constitutions of 1776, coming down to the constitution of Utah of two years ago and the constitution of Mississippi of 1890, that here is a principle of American constitutional law, a well-established declaration made on many proper occasions, which has become as fixed a part of our constitutional law as if it had been written in the plainest possible language in every single one of the State constitutions, including the constitution of the State of Delaware.

Mr. President, that this is a fundamental principle of American constitutional law is not only proved by the citations which I have read from written constitutions, but by the actual practice under the American constitutions. President William Henry Harrison died April 4, 1841. John Tyler succeeded and held office four years, lacking one month. Zachary Taylor died July 9, 1850. Millard Fillmore succeeded and held office two years and nine months. Abraham Lincoln died April 14, 1865. Andrew Johnson succeeded and held office four years, lacking one month. James A. Garfield died September 19, 1881. Chester A. Arthur succeeded and held office three years and five months. During all the periods in which those four Vice-Presidents held the Presidential office it was never so much as dreamed that any one of them could come back into this Chamber and, under any possible circumstances or in any possible contingency, preside over the Senate and vote in case of a tie. Was it ever suggested that such a power remained in the Vice-President who had become President? Never was it imagined, never was it suggested as a debatable question; and yet there is nothing whatever expressed in the Constitution of the United States to prevent the Vice-President who has become President from doing what is suggested except the clause which is contained in the Constitution, that when the Vice-President exercises the office of President the Senate shall elect a President pro tempore. And there is in the Delaware constitution substantially the same provision, except that it says the senate may elect a speaker pro tempore of the senate when the speaker of the senate exercises the office of governor.

Now, in reiteration, I ask Senators who take the opposite view of this question to explain to me if they can what difference there is between the national Constitution and the Delaware State constitution which prevents the Vice-President after he has become President from coming back here and acting as Vice-President, and voting in case of a tie, and does not prevent the speaker of the senate of Delaware after he has become governor from coming back into the senate of that State and voting and presiding as a member of the senate of Delaware?

I say I challenge Senators to point out any material difference in the two cases, unless they base it upon the simple proposition that the Constitution of the United States says that the Senate shall elect a President pro tempore when the Vice-President exercises the office of President and that the constitution of Delaware says that the senate of Delaware may elect a speaker pro tempore when the speaker of the senate exercises the office of governor. That is all the difference, and, according to a well-known principle of law, that is not any difference at all, for the obligation upon the senate of Delaware to elect a speaker pro tempore is just as great with the word "may" before the senate as it would be if the word "shall" was before the senate.

Mr. GRAY. Does the Senator from New Hampshire object to being interrupted at this point?

Mr. CHANDLER. Not at all.

Mr. GRAY. The Senator from New Hampshire has challenged anyone to point out any difference between the case of the Vice-President acting as President and the speaker of the senate of Delaware acting as governor. It hardly needs to be said that a Vice-President is provided for in the Constitution of the United States expressly, and upon the death or inability of the President of the United States he may act as President. His only other function is one given him while he is Vice-President. But he is provided expressly by the Constitution that he may be ready—I speak with entire respect of the office—he is the led horse who is to be at hand when the burden drops from the shoulders of the President, in order to take it up. When he takes it, if, as the Senator contends, or as I understood him to contend, he is President to all intents and purposes, then, manifestly, he can not be Vice-President to himself.

Mr. CHANDLER. I do not see the distinction. I have the two constitutions before me—the Constitution of the United States and extracts from the Delaware constitution. I study them, and I do not see why the Vice-President, after he becomes President, whether permanently, by the death of the President, or temporarily, during the temporary disability of the President, can not act as Vice-President at the same time, if the speaker of the senate of Delaware can become governor and also act as speaker of the senate when he becomes governor. There is no statement in the Constitution of the United States that the Vice-President shall become President any more than there is a statement in the constitution of Delaware that the speaker of the senate shall become governor. The Constitution says:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

That is, the powers and duties shall devolve on the Vice-President.

Mr. GRAY. The Senator from New Hampshire——

Mr. CHANDLER. Excuse me. Why can not he perform those duties and at the same time sit in the chair, Mr. President, which you now occupy, presiding over the Senate?

Mr. GRAY. The Senator from New Hampshire has all along said, unless I have misunderstood him, and his proposition is that the Vice-President becomes President to all intents and purposes. Do I misunderstand the Senator from New Hampshire?

Mr. CHANDLER. I think he does. The Senator does not misunderstand me.

Mr. GRAY. If he becomes President his function as Vice-President has ceased, and he has filled that position for which he was elected, to supply the vacancy in case of the death of the President. When he has done that he ceases to be Vice-President, because, being the man kept in reserve to perform what another is unable to perform by reason of his death or removal, he is then functus officio Vice-President, and, not to repeat myself unnecessarily, he can not be Vice-President to himself.

Mr. CHANDLER. My point is that he is not a particle more functus officio than a senator of Delaware elected speaker of the senate of Delaware is functus officio as speaker and as senator when he becomes governor. I am arguing that there is no difference in the two constitutions. I wish Senators to point out if there is any difference.

The Senator does not deny, I suppose, that the Vice-President in case of the recapture of the President could come back here and be Vice-President. Does the Senator assert that the office of Vice-President is so far vacated that if the President, who has been captured by the enemy or has been sick for a time, comes back, the Vice-President has lost his office? By no means. The Vice-President (and that is evidently the contemplation of the Constitution) in that case can come back to the Senate. The Constitution, when it authorizes Congress to declare what officer shall act as President in case the President and Vice-President both disappear, says:

> The Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

"Until the disability be removed" is the expression. The Senator from Massachusetts [Mr. HOAR] suggests to me that perhaps that is the reason why we elect a President pro tempore and not a President of the Senate eo nomine, in order that the Vice-President may return.

The new constitution of Mississippi, not making new constitutional law, but declaring existing constitutional law, contains in section 131, wherein is the provision that the lieutenant-governor shall be governor in case of vacancy, and if the lieutenant-governor is incapable or absent the president of the senate pro tempore shall act in his stead, this clause:

> Should a doubt arise as to whether a vacancy has occurred in the office of governor, or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the secretary of state shall submit the question in doubt to the judges of the supreme court, who, or a majority of whom, shall investigate and determine said question, and shall furnish to said secretary of state an opinion, in writing, determining the question submitted to them, which opinion, when rendered as aforesaid, shall be final and conclusive.

Mr. President, that is a very wise provision. It is one which might have been made by statute quite as well as by an insertion in the State constitution. It is a provision which might be made a law of the United States to-day. It is a provision which determines through the medium of the court whether the executive office is permanently or temporarily vacant, and when that question is determined, the constitution determines who shall fill it, and it also makes another very important provision, which is omitted in our Constitution and in all other State constitutions. It provides a method of determining when a temporary vacancy has ended, so that the person who has temporarily filled it shall leave it and return to his original office.

Mr. President, all these provisions are subject to and in recognition of the paramount principle that whenever the officer who has been taken from the legislative branch of the Government to perform the duties connected with the executive branch of the Government is engaged in the performance of those executive duties, he is incapable of performing any legislative duties.

As it never has been imagined during these four cases where a Vice-President has become President that the Vice-President having become President could while acting as such come into the Senate and eject from his chair the President pro tempore, preside

in the Senate, and give the casting vote, so it never had been imagined in Delaware until the year 1895 that a speaker of the senate or a speaker of the house of representatives who had succeeded to the executive office could while continuing in the performance of the executive function return to the legislative body of which he was a member and then and there act as such.

I have here and will insert in the RECORD a table giving all the cases which have happened in the State of Delaware where a speaker of the senate or a speaker of the house succeeded to the office of governor, specifying the dates of their accession, the date when each ceased to be governor, and his length of service:

DELAWARE.

| Speakers of senate. | Governors whom they succeeded on death, etc. | Date of accession. | Date of ceasing to be governor. | Length of service. | | |
|---|---|---|---|---|---|---|
| | | | | y. | m. | d. |
| Daniel Rogers | Gunning Bedford | Sept. 30, 1797 | Jan. 15, 1799 | 1 | 3 | 15 |
| James Sykes* | Richard Bassett | Mar. 1, 1801 | Jan. 19, 1802 | | 10 | 18 |
| Jacob Stout* | John Clark | Jan. 15, 1820 | Jan. 16, 1821 | 1 | 0 | 1 |
| Caleb Rodney* | John Collins | Apr. 28, 1822 | Jan. 21, 1823 | | 8 | 23 |
| Charles Thomas* | Joseph Haslet | June 24, 1823 | Jan. 20, 1824 | | 6 | 26 |
| Charles Polk* | Caleb P. Bennett | May 12, 1836 | Jan. 17, 1837 | | 8 | 5 |
| Joseph Maull | Thomas Stockton | Mar. 5, 1846 | May 3, 1846 | | 1 | 28 |
| William Temple† | Joseph Maull | May 6, 1846 | Jan. 19, 1847 | | 8 | 13 |
| Gove Saulsbury | William Cannon | Mar. 1, 1865 | Jan. 15, 1867 | 1 | 10 | 15 |
| William T. Watson | Joshua H. Marvil | Apr. 9, 1895 | Still governor. | | | |

†Speaker of house.

Each one of five senators marked with a star seems to have resumed his senatorial office, but not his place as presiding officer, after he ceased to hold the office of governor. It is not quite clear, however, from the evidence how many of these five did resume their senatorial seats. In some of the other cases a person who became governor continued to be such after his legislative term expired.

We have, therefore, as a fact in the case that what Watson has done has never happened before in the history of the country. It never happened in the history of Delaware; it never happened in any other State. In the whole period of one hundred and eight years of national life under the Constitution, with more than a thousand Senatorial elections, no executive of a State, so far as we know, has ever cast a vote for United States Senator. No Vice-President of the United States has ever thought that he could be Vice-President and President at the same time, and no senator of the State of Delaware ever thought that he could be governor of the State of Delaware and at the same time vote as a senator of the State of Delaware.

Mr. President, that is a highly important fact. It suggests beyond doubt a consideration that should influence the opinions of Senators in determining what is the constitutional law upon this subject. Is it possible that all this time in Delaware and the other States where the president or speaker of the senate or the speaker of the house of representatives has become governor, these officers of the legislative branch of the government transferred to the executive branch of the government could, if they had so chosen, have continued to perform their legislative functions at the same time? And yet no one ever dreamed of this power until, in the year 1895, William T. Watson entered the senate of the State of Delaware for the purpose of preventing the election of a United States Senator, which he had discovered would on that day be made unless he performed this extraordinary and unheard-of act.

Mr. President, there has been a great deal of learned discussion in the reports and in the speeches of Senators of the question whether during the time when one of these legislative officers exercises the executive office, while a senator being president of the senate becomes governor and acts as governor, his original office is vacated or is suspended. It has been very well shown, as it seems to me, that this question is immaterial. I do not regard it as one of importance.

Under the present constitution of the State of Mississippi, as it was framed in 1890, there is the declaration to which I have adverted—that whenever this contingency happens the first office is of itself and at once vacated. But even that clause, as I conceive, would be so construed that although the office is vacated for the time being, yet the president of the senate of the State becoming governor during the insanity, for instance, of the governor of the State, which insanity subsequently ceased, would return to the office which he had left, and might take it up again and proceed to the performance of its duties.

Therefore I say, Mr. President, that the proposition which has satisfied my mind, the proposition upon which I think this case can be safely rested, is not affected in the slightest degree by the question whether the office which was filled first by the person who has become governor is absolutely vacated, whether it is what is called in abeyance or whether the functions of it are for the time being suspended. The principle of law for which I contend and which I think governs this case is that the person who leaves the legislative branch of the government and becomes the executive of the State, the person who leaves this Chamber and becomes the Executive of the nation, can not, while he is in the performance of executive duties, continue to perform a legislative duty. That is the proposition in the simplest form in which it can be put, and it is, as it seems to me, a proposition fairly and inevitably to be deduced from the condition of the public law of America as I understand it to have grown up during the one hundred and eight years of our national life.

As a further indication of the conviction of the American people that a member of the legislative branch of the Government can not at one and the same time act as the chief executive, I refer to the special prohibitions in some of the constitutions of the States. The one in Maine has been already alluded to and its terms somewhat discussed. In Ben: Perley Poore's Charters and Constitutions, page 795, is found the Maine proposition:

Whenever either the president of the senate or speaker of the house shall so exercise said office he shall receive only the compensation of governor, but his duties as president or speaker shall be suspended.

The construction put by the Maine supreme court upon this provision, that it suspends the president of the senate not only from his office as president of the senate, but from the exercise of his functions as senator, is to be found in 7 Greenleaf, 483.

New Hampshire was equally wise. On page 1302 of the second volume of Poore's Charters and Constitutions is to be found the New Hampshire provision, section 49, constitution of 1792:

But when the president of the senate shall exercise the office of governor he shall not hold his office in the senate.

And that clause is continued in all subsequent constitutions. At the last revision of the constitution the same provision was made, where the speaker of the house was authorized in certain cases to act as governor. That clause provides that—

Whenever the chair, both of the governor and of the president of the senate, shall become vacant, by reason of their death, absence from the State, or otherwise, the speaker of the house shall, during such vacancies, have and exercise all the powers and authorities which, by this constitution, the governor is vested with when personally present; but when the speaker of the house shall exercise the office of governor he shall not hold his office in the house.

Mississippi in one of its constitutions made the same provision. I call the attention of the Senator from Delaware and the Senator from Mississippi to the following provision contained in the constitution of 1832 of the State of Mississippi, on page 1075:

SEC. 13. When either the president or speaker of the house of representatives shall so exercise said office, he shall receive the compensation of governor only, and his duties as president or speaker shall be suspended, and the senate or house of representatives, as the case may be, shall fill the vacancy until his duties as governor shall cease.

Mr. GRAY. That is in the constitution of Mississippi?

Mr. CHANDLER. That is in the Mississippi constitution of 1832, omitted in a later constitution, but in the constitution of 1890 the exceedingly drastic provision is to be found on this subject to which I have already called the attention of the Senate.

New York had a similar provision, page 1330:

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise pro hac vice.

Pennsylvania had a still more radical provision, and that is that the seat as senator of the senator who has become governor shall become vacant. It is at page 1578:

SEC. 14. In case of a vacancy in the office of lieutenant-governor, or when the lieutenant-governor shall be impeached by the house of representatives, or shall be unable to exercise the duties of his office, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the senate; and the president pro tempore of the senate shall in like manner become governor if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

This is as strong as the new Mississippi clause of 1890.

The Vermont provision is nearly the same. I read at page 1884:

The lieutenant-governor shall be president of the senate, except when he shall exercise the office of governor or when his office shall be vacant or in his absence; in which case the senate shall appoint one of its own members to be president of the senate pro tempore.

As I read the clause of the Kansas constitution, on page 620, I construe it as an express exclusion of the president of the senate who has become governor from any right to exercise the senatorial office while he is governor:

SEC. 15. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided, and shall be entitled to the same pay as the speaker of the house of representatives, and in case of his death, resignation, impeachment, removal from office, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

The constitution of the State of Colorado, on page 294 of Charters and Constitutions, provides as follows:

In case of the absence, impeachment, or disqualification from any cause of the lieutenant-governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed.

And now I come to the Delaware constitution itself, on page 291:

SEC. 5. Each house shall choose its speaker and other officers, and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

I ask Senators upon the other side of this question how they can contend that when the speaker of the senate of Delaware is exercising the office of governor—that is to say, has become the governor of the State—and the senate has, in obedience to that constitution, elected a president pro tempore, the president of the senate who has become the governor can, while still governor, come back and oust from office the president pro tempore who has been chosen to fill the office in accordance with the constitution? I ask that question in all seriousness of the Senator from Delaware. The speaker of the senate of Delaware becomes the governor of the State, or the acting governor, or he exercises the office of governor, and the senate, under this clause in the constitution of Delaware, chooses a speaker pro tempore.

The office of presiding officer of the senate has thus been filled. The speaker of the senate has left the place and has gone to the executive office. Is it not a fair inference that the presiding officer's place is fully filled; that the framers of the Delaware constitution contemplated that it should be fully filled; and, further, that as long as the original speaker of the senate should be the governor, or perform the functions of governor, or exercise the office of governor, his first office should remain filled by the speaker pro tempore of the senate? Was it ever contemplated by the framers of the Delaware constitution that after the senate had filled that office, and while the original speaker of the senate was acting as governor, he could come back into the senate and thrust out from his place the speaker pro tempore, and while exercising the office of governor also exercise the functions of speaker of the senate?

Mr. President, I say that such was not the contemplation of the framers of the constitution of Delaware, and that it is a fair inference from all the clauses of the constitution, and especially from this clause in the constitution, that when the speaker of the senate is exercising the office of governor he can not exercise the office of speaker of the senate, and, a fortiori, can not act as a State senator.

It is entirely immaterial in this connection whether, after he has ceased to be governor, if his senatorial term has not expired, he can come back again and act as a senator, and take up that portion of the senatorial term which has not expired and go on with his senatorial functions. The proposition still remains untouched that, according to American law, and according to a fair construction of the provisions of the constitution of the State of Delaware, he can not perform the functions of the executive of the State and at the same time preside in the senate or vote as senator.

Mr. President, I do not know that I desire to argue this question any further. I certainly shall not be encouraged to argue it at such length as the Senator from Mississippi gave to it in a speech covering 36 pages of the RECORD. I have read his speech and the various speeches that were interjected into it, both in aid of the Senator and in contravention of his argument. The Senator from Delaware remarked to me that if I would read it with care I would be convinced of its soundness. I am not convinced, Mr. President, by that perusal. I believe that the provision in the constitution of the State of Mississippi made in 1890—the new provision in that constitution inserted there, as I believe, by the distinguished jurist, the Senator from Mississippi—was declaratory of the existing law, and was not the establishment for the first time of a new principle of constitutional law. That provision would absolutely prevent an acting governor from voting as State senator.

Mr. GRAY. Mr. President, the Senator from New Hampshire stated a proposition rather interrogatively—I do not know whether he expected an answer at the time or no—in regard to the inference to be drawn from that provision of the constitution of Delaware which ordains that when the speaker of the senate shall exercise the office of governor the senate may elect a president pro tempore, stating his own inference very positively; but I must submit to him that he has not gone further than to state the proposition which he believes, but he does not seem to have supported that proposition by any argument or illustration drawn from any other part of the constitution or any of those sources from which argumentation is drawn. I could only answer in reply that the provision to which he refers would seem to me to indicate very clearly that the exercise of the office of governor by the speaker of the senate was of that provisional, temporary, ad interim character as to create no vacancy and no suspension of functions, but only to make it convenient, if the senate saw fit, to have another officer to take his place when he should be absent for any cause, either in the performance of an executive duty or for any other reason; and to say that when he comes back he must thrust out, as the Senator phrased it, the speaker pro tempore and assume or usurp the office of speaker, would be only saying what we might apply as well to the President pro tempore of the Senate when he exercises the office of President pro tempore, that he is thrust out on the appearance of the Vice-President or is pushed out or otherwise extruded violently or unlawfully; and that phrase is just about as applicable in the one case as in the other. On the contrary, the permissive form of that provision, "may elect a speaker pro tempore," would seem to indicate that he not only remains a senator but remains speaker, and that, therefore, being both the one and the other, his function is not vacant or suspended.

Mr. CHANDLER. I agree with the Senator that neither epithets nor rhetorical verbiage are constitutional arguments. I say it is a fair inference not only for me, but for the Senator from Delaware, if he will take a nonpartisan view of this question, from this clause in the constitution, that when the framers wrote it and provided that when the speaker of the senate should exercise the office of governor his office in the senate should be filled, they contemplated that he should stay away as long as he was governor.

I accept the criticism as a proper one of the use of the words "thrust out." If the speaker of the senate ceased to be governor and his senatorial term had not expired, then I incline to think the speaker pro tempore might properly be thrust out; but so long as the original speaker was governor he had no right to thrust out the speaker pro tempore. I think that is a fair inference from the constitution.

Of course I admit, notwithstanding this principle of American public law, which I have feebly endeavored to expound, and which provides that a person connected with one branch of the government shall not exercise the functions of another branch of the government, that if a State constitution expressly authorizes a particular officer to perform the functions of another office and also those of his original office, he may do so. There is no such express authorization here as there was in the constitution of New Hampshire from 1784 to 1792, and as there was in the constitution of the State of Rhode Island down to 1842.

If there was an express provision which said that Watson could do these things, that would prevail as against all general clauses in the constitution. There is no such express provision, and on the other hand there is no express prohibition. Therefore this case arises. If there were an express authorization, or if there were an express prohibition, as in some of the constitutions which I have cited, then this case would not have arisen. It is because there is neither an authorization nor a prohibition that this case is here; and I say that I am satisfied, and I wish Senators upon the other side of the Chamber were satisfied, that it is the true construction of the Delaware constitution, reached in the light of American public law, admitted to be such for a hundred years, that the speaker of the senate while he is governor, having become governor by the death of the governor elected by the people, can not at the same time, on the same day, on the same afternoon of the same day, perform an executive act and also perform a legislative act.

Mr. GRAY. I do not know whether the Senator is about to close or not, and I do not want to keep him on his feet longer than he wishes to be, but the Senator said just now, and repeated it several times during his interesting argument, that there is a principle of public law in the United States that no legislative officer shall ever exercise an executive function while he continues in a legislative position, and that it is the American doctrine that they can not be simultaneously exercised.

Mr. CHANDLER. That is the proposition.

Mr. GRAY. Where is the evidence of that public law apart from specific constitutional ordinance?

Mr. CHANDLER. I suppose the Senator will admit that there is such a thing as the constitutional law of England, and yet there is no written constitution in England.

Mr. GRAY. I ask what is the evidence of that American public law the Senator has spoken of as the American principle distinctively? To what case can the Senator refer me—because I should like to know everything about this to be known, and I do not know anywhere I could apply for recondite information better than to the Senator from New Hampshire—to what case can he refer me where there has been a suspension of a legislative function from the mere exercise of a temporary executive office?

Mr. CHANDLER. I refer the Senator to the important fact that in a hundred years no executive ever undertook to act as a member of the legislature at the same time, with the exception of the Rhode Island case and the New Hampshire case and the present case of Governor Watson in Delaware.

Mr. GRAY. That would be merely saying, perhaps, there had never been an occasion in which the President pro tempore of the Senate in a hundred years had been called upon to act as President of the United States, and that, therefore, there is no law to authorize him to act as such.

Mr. CHANDLER. No; because there has been a hundred cases——

Mr. GRAY. There has not been in a hundred years a call upon that provision of the Constitution.

Mr. CHANDLER. There have been hundreds of cases where the president of the senate of a State has become governor; and the Senator does not show one case except in the State of Delaware in the year 1895, where an officer, being governor of the State, has acted at the same time as a member of the legislature.

Mr. GRAY. That is not an answer to my question, whether there is any declaration of the principle of public law, which the

Senator says is distinctively American, that upon the exercise by a legislative officer of an executive function there is a suspension of the former office.

Mr. CHANDLER. I will try to state the contention. It is a proposition deducible from all the facts which I have exhibited to the Senate, just as much as any proposition of English constitutional law is deducible from history. The Senator will admit that there is a principle in the constitutional law of England that there can be no taxes exacted from the people except in pursuance of a law of the Lords and Commons. Yet there is no written constitution of England which says that. The body of the constitutional law of England is deducible from the history of that country from its earliest days down to this time.

Mr. GRAY. The Senator will find repeated authoritative declarations of parliaments, of jurists, and writers; and those are the sources of constitutional law in England.

Mr. CHANDLER. The Senator in saying that vindicates my argument, which is that this American principle is deducible from declarations in six of the constitutions of the original thirteen States; from the declarations in the constitutions of thirty-nine out of the present forty-five States; from the construction of the constitutions of all the States, including that of Delaware, for over a hundred years, and it is crystallized in the enunciation of the Senator from Mississippi [Mr. GEORGE] in the constitution of Mississippi of 1890. That is where the principle of American public law comes from.

Mr. GRAY. Mr. President, then it would seem to follow that it would not be necessary that any other State should ever make a constitutional inhibition in this respect; and these particular constitutions of particular States having made these particular inhibitions, then it ceases to be necessary for any other State to incorporate such a provision in the constitution of that State, and that there is a general public law applicable to all constitutions established by that historical fact.

Mr. CHANDLER. I have been very dull this afternoon if I have not succeeded in making the Senator understand that such is exactly my proposition; that this principle of public law has grown up in this country in this way; and when I cite as reasons for so believing the universal custom for a hundred years, under which the executives of the States who have been called from presiding officers of the legislature have abstained from undertaking to exercise the legislative office while exercising the executive office, if I have not demonstrated my proposition, then I can not demonstrate any proposition whatever. The Senator does not understand me to contend that the constitution of Delaware says that when the speaker of the senate acts as governor he shall not act as speaker or as senator.

Mr. GRAY. Some constitutions have said so.

Mr. CHANDLER. Two or three State constitutions have said so, and the present question could not arise in those States. But the Senator will not deny, when thirty-nine States enunciate the proposition as a fundamental one that the different branches of the government are to remain distinct and no person in one branch is to exercise the powers of another branch, but Delaware, Louisiana, New York, Ohio, Pennsylvania, and Wisconsin omitted to do this, that the same principle of public law does not prevail in those six States that prevails in the other thirty-nine. In the absence of an express constitutional provision the other way—I admit an express constitutional provision the other way would justify Watson's act—when we are called upon to determine what the public law of America is and what the public law of Delaware is, and we find this provision in the constitutions of thirty-nine States, we have the right to infer that it is a principle of public law in the other six States, exactly as I say it is a provision of the public law of America, applicable under the National Constitution to the Vice-President when he becomes President of the United States. It is a well-established American principle, never violated until the year 1895, when the little State of Delaware undertook to trample it down.

Mr. GRAY. Mr. President, I do not wish to interrupt the Senator, as I shall have an opportunity of following him to comment somewhat upon this doctrine, but I understand that he stakes his argument here this afternoon upon the assertion that there is a principle of American public law by which it is impossible, except by virtue of an express constitutional provision, for a legislative officer to exercise the executive function and not vacate the legislative office. That, I understand, is the proposition?

Mr. CHANDLER. That is my proposition, and nobody ever dreamed that the same person could exercise both functions at the same time until an arrangement was made in Delaware by which if one more vote would prevent the election of a Senator Governor Watson should go in and cast that vote.

Mr. GRAY. Mr. President, I do not want to go into matters debors this question as to what occurred in Delaware, but, inasmuch as the Senator from New Hampshire has indulged in that style of argument, I want to assert that there was not a moment on that 9th of May, when that joint assembly was in session, when, if our distinguished former colleague, Mr. Higgins, had received 16 votes, it would not have been acquiesced in by every Republican and every other man in the State of Delaware that he was elected.

Mr. CHANDLER. I am not aware that I made any remarks to excite the wrath of the Senator from Delaware. I said an arrangement was made. I was not arguing Senator Higgins's case. I was dealing with Mr. Du Pont's case. I simply said this thing never was dreamed of in the United States of America——

Mr. GRAY. It was dreamed of.

Mr. CHANDLER. Until 1895, after an arrangement was made by which Governor Watson's one vote was to appear to prevent an election. I said that arrangement was made. The Senator says that is a bad style of argument. I ask the Senator was it not distinctly understood that enough votes were cast and would continue to be cast for Mr. Addicks to prevent a choice if there could be one more Democratic vote?

Mr. GRAY. I know nothing about arrangements, and I am not a party to such arrangements. I know nothing about them. I will only say there was not a time during that day when there was one member of the minority or majority of the legislature of Delaware or their adherents on the outside of that assembly hall who ever dreamed that Senator Watson was not exercising his clear right and performing a manifest duty in voting in that assembly.

Mr. CHANDLER. I have endeavored to argue this case as a question of constitutional law, and I had not intended to bring anything exciting into it; but I will, I think, before I finish, show the circumstances under which Governor Watson went into the joint assembly and voted. I did not suppose it was denied that Governor Watson went in at 12 o'clock on the 9th of May because it had been ascertained that his vote would prevent an election of Senator, which would otherwise be made. I did not suppose anybody denied that such was the motive and the purpose and the plan—and I simply referred to it as an arrangement; whereupon the Senator from Delaware says I am making a bad style of argument.

Mr. GRAY. No; I did not say that.

Mr. CHANDLER. The Senator criticised my style of argument.

Mr. GRAY. I said that what the Senator said had nothing to do with this question.

Mr. CHANDLER. I say it has something to do with this question whether my proposition is the public law of the United States and the public law of Delaware as well, that an infringement of that principle never had been dreamed of until an arrangement was made in the State of Delaware on the 9th of May, by which, if Watson would do that kind of an act, for the first time in history, the election of Mr. Du Pont could be prevented.

Mr. GRAY. The question here is whether Mr. Watson was entitled under the constitution of Delaware to vote in that joint convention. If he was he no more prevented an election than any other man of the thirty in that assembly who voted as he did. The same responsibility was on every other man if he voted rightly; and the whole question is whether he did so vote.

Mr. CHANDLER. That is so; but the Senator asked me where I found this principle of public law, and I say I inferred it from historical evidence, coupled with the fact that it never was imagined the law was otherwise until the 9th day of May, 1895.

Mr. PLATT. The Senator will not find, will he, in the Constitution of the United States or in the constitution of any State, an expression that all governmental power is divided into three branches?

Mr. GRAY. Oh, yes; in plenty of the constitutions of the States.

Mr. PLATT. He will not find it in all the constitutions.

Mr. GRAY. In a number of them, I will say to the Senator from Connecticut.

Mr. MITCHELL of Oregon. Not in the Constitution of the United States.

Mr. GRAY. No; but in most of the constitutions of the States.

Mr. PLATT. It is not in the Constitution of the United States.

Mr. GRAY. No; that is right.

Mr. PLATT. And yet the Senator would not argue that it was not a principle of constitutional law in the United States.

Mr. CHANDLER. That is precisely what the Senator from Delaware does argue. I argue, on the other hand, from the assertion of that principle in thirty-nine States, that it is a principle which exists in the other six States, and that it is a principle of American public law applicable to the United States Constitution. That is my argument, as the Senator from Connecticut would have heard if he had been here. The Senator from Delaware infers, because these provisions do not exist in six of the States or because they have been recently inserted in an unusually emphatic form in the constitution of the State of Mississippi, that therefore they were not universally existing law. My argument is that

they were declared as existing law and were not declared to make a change of law. The point is clear enough.

I call attention, Mr. President, to the ten amendments to the Constitution of the United States which were proposed by the States when they adopted the Constitution. There was no bill of rights in the United States Constitution, and these ten amendments were adopted. I ask the Senator from Delaware whether every one of those provisions changed the existing law? For instance:

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

I ask the Senator from Delaware whether, prior to the adoption of that article, Congress had any right to make a law respecting the establishment of religion or prohibiting the free exercise thereof, or whether Congress had a right to abridge the freedom of speech or of the press, or had the right to prohibit the people from assembling and petitioning the Government for a redress of grievances?

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Does that prove that before Article II was adopted Congress might prevent the people from keeping and bearing arms?

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

I ask the Senator, could all those things have been done if those amendments to the constitution had not been adopted? I answer by saying that they could not have been done and that very few people believed that these clauses were necessary. The right of the people to be secure against unreasonable searches and seizures and to have searches and seizures made only upon warrants issued upon oath was a right guaranteed by the common law of England. Was it not so? These declarations were made ex gratia; they were made ex abundanti cautela; they were not made to change the constitutional law of America. So all these declarations in the thirty-nine States were made in affirmation of the existing public law, of law which existed in those six States which had made no affirmation, of law which existed and was applicable to the conduct of government under the United States Constitution, which contained no bill of rights and contained none of these declarations, because the principles which the declaration enunciated were principles of American public law from the earliest date down to the present time.

Mr. President, I will not take up the time of the Senate or of the Senator from Delaware if he proposes to speak this afternoon.

Mr. GRAY. I would rather not speak this afternoon.

Mr. CHANDLER. I will not, however, take up the time of the Senate by arguing at length against the proposition of the other side that, whether Mr. Watson had the right or not, as an original question of law, to come back and act as speaker of the senate and as senator, he yet had the right through an adjudication of the senate made on the 9th of May, when he came back. I do not like to call absurd any proposition made by the other side, but it does seem to me that this argument which they have undertaken to elaborate is absolutely destitute of any substantial foundation whatever.

There was no doubt about Watson's original election to the senate; there was no doubt that he was once senator, and elected speaker of the senate. The other side put into the record evidence that he was originally elected senator, which nobody has ever denied. The present question is, Was he entitled to vote as senator on the 9th of May, and did the senate of Delaware adjudicate that he was so entitled?

Mr. President, all that took place was this: Shortly before 12 o'clock Governor Watson came into the senate chamber, saw the speaker of the senate pro tempore, Records, in the chair, sat around a few minutes talking to various senators, and just before 12 o'clock went to the desk, and—I will not say thrust aside, but—displaced Mr. Records, and at the head of this little body of 9 men went immediately to the hall where the joint assembly to vote for a Senator was to meet. The toleration of this performance is said to be an adjudication of the senate of Delaware. I can apply no other term to it than that of a ludicrous absurdity.

I again refer to the case of the Vice-President. Suppose a Vice-President to become President by the death of the President; suppose him to claim to retain all through his Presidency the right to come into the Senate and preside. He learns that the votes of electors for President of the United States are to be counted, in accordance with the rules, in the House of Representatives. The rules provide that the President of the Senate shall preside in the joint meeting in the House of Representatives. This count is to take place on a particular day, and suppose the President of the United States under those circumstances, the former Vice-President, a few minutes before the time fixed when the Senate is to go to the House of Representatives to see the Presidential vote counted, opens the door and comes in and displaces the President pro tempore of the Senate, and at the head of the Senate goes over to the House of Representatives, where the Presidential ballots are opened and the result exhibited and declared to the two Houses. Now, suppose further that the legality or validity of his conduct is called in question afterwards—as I am entirely sure it would be—would the Senator from Delaware say that the Senate had adjudicated that the President had the right to come back and resume the functions of Vice-President because the Senators did not at once thrust the usurper from his chair, because the Senators tolerated him in the position, and went with him to the House of Representatives and saw the Presidential count take place, and then came back to this body and took such action as they might think proper under the circumstances?

Mr. President, the toleration of such an usurpation as that would not be misconceived. It would not confer any rights whatever. So also it can not be possible that there is a single Senator who really thinks it was an adjudication of the senate of Delaware when William T. Watson left the executive chamber and proceeded to the senate chamber, and a few minutes before 12 o'clock put himself at the head of the procession and went into the assembly room, because he was not immediately hurled from his seat by indignant senators.

Mr. GRAY. May I ask the Senator from New Hampshire a question?

Mr. CHANDLER. Certainly.

Mr. GRAY. The Senator has said that no one would contend that any recognition by the Senate of such an act by the Vice-President would be regarded anywhere. I agree with him. But suppose that the Constitution of the United States had said that the Senate of the United States should be the judge of the propriety and the right of the Vice-President to act upon any occasion, which it has not said, would he then think that a judgment by the Senate of the United States would amount to anything?

Mr. CHANDLER. If a President of the United States who had once been Vice-President and had succeeded to the Presidency came into the Senate Chamber about five minutes before the Senate went to the House of Representatives to witness an important function in the Presidential count, I should not say that the Senate, by tolerating that act until it could get an opportunity to repudiate it, had made a solemn judgment of the Senate that he was its Vice-President, even if the law were perfectly explicit that even a recognition of the Vice-President by the Senate would be conclusive upon all the world.

The doctrine which Senators put forth tends to violence. It was becoming in the senate of Delaware to submit temporarily and to appeal to some superior authority, as it does to us now. The doctrine which Senators advocate would have made civil war in Alabama on two occasions. The senate of Delaware submitted; the assembly of Delaware submitted. It took them some time to recover from their astonishment. The bodies were too small to work up a great deal of indignation in a few moments. I do not know that anything would have been attempted even in a legislature of three or four hundred members. But here was a little senate of 9 members and a house of 21, to be sure more than are sometimes present in the Senate when great constitutional questions are argued, but not enough to get excited on any subject.

Mr. GRAY. As we do here.

Mr. CHANDLER. As we sometimes do here. The senate and the joint assembly very wisely, as I think, when they came to recover from their astonishment, conceiving it to be utterly preposterous that anybody could claim that Governor Watson could vote as senator, submitted to the indignity as long as they could and came to this body with the claim that Governor Watson's vote was void, and that therefore the result was 15 to 14, and that Mr. Du Pont was elected. There was no res adjudicata; there was no violence, and the whole case is fairly before the Senate for its deliberate judgment.

There is a moral question involved in this case, and it has been brought out by the indignation of the Senator from Delaware, who is sensitive upon the question whether or not there was an arrangement made by which Governor Watson should enter the joint assembly and vote in order to prevent the election of a Senator, which would take place if he did not enter. In this connection I shall ask to have read an extract from the affidavit of John M. C. Moore, dated January 14, 1896. It is contained in the report of the committee, in the appendix, at the bottom of page 73 and the top of page 74.

The Secretary read as follows:

The conversation which occurred between us was as follows: Governor Watson said to me, "Mr. Moore, I want to talk with you. I believe you will tell me just as it is. Is Mr. Massey out of this thing?" I said to him in reply, "Governor, he is. We are not going to cast another ballot for Mr. Massey nor no other man who has been balloted for except Henry A. Du Pont. He will be elected on the first ballot in the joint session." To which Governor Watson replied to me, "If that be the case, I shall take my seat." Against this I remonstrated, and said to him, "Governor, I hope you will not do it. I think too much of you as a man for you to do it." That was the last of our conversation. He made no reply to my remonstrance.

Mr. CHANDLER. I ask the Secretary to read from the affidavit of George F. Pierce, dated January 13, 1896, at the middle of page 75, and also at the bottom of page 75 to the end.

The Secretary read as follows:

That about ten minutes before the hour of noon William T. Watson, governor of the State of Delaware, being in the chamber, came and took a seat alongside of this deponent, and said to him, "I am going into the joint assembly and vote for a Senator." This deponent said, "You are going to do what?" He answered, "I am going to preside over the joint assembly today, and vote for a United States Senator." This deponent then said, "Do you think that is right?" Governor Watson answered, "No, I do not; but my party has overruled me." This deponent answered, "Then I suppose there is nothing I can say now that would change your mind;" to which Watson replied, "No; my mind is fully made up."

* * * * * * *

William T. Watson took a paper out of his pocket, and, without saying anything, handed it to me. I read it and handed it back to him without saying anything. The paper, as I recollect it, to the best of my knowledge and belief, read about as follows: "We, the undersigned, pledge ourselves to vote for John Edward Addicks, first, last, and all the time." I think there was a line or two more, but I can not recollect what it was. This paper was signed by Newell Ball, Charles Moore, John Robbins, and Robert J. Hanby. The first three were members of the house of representatives, and Mr. Hanby was a member of the senate.

GEO. F. PIERCE.

Mr. CHANDLER. I ask the Secretary to read from the middle of page 78, being the affidavit of John S. Prettyman, jr., dated January 14, 1896.

The Secretary read as follows:

During this walk Governor Watson said to me that when he went to Dover on the morning of that day that he did not expect to preside as speaker of the senate, believing that he did not have a legal right to act as governor and senator. After reaching Dover, in response to the influence of party leaders, he reversed this decision, and consented to enter the senate and claim his rights as speaker. In doing this, he said, he put aside his own judgment and acted upon the judgment of those whom he regarded as well qualified to advise. He also said that if anyone would convince him that he had acted illegally in the matter that he would sign Mr. Du Pont's certificate of election.

On Friday following this conversation I met Governor Watson about 11.30 a. m. in T. F. Hammersley's drug store, in Milford. I said to him that the fact of the Speaker of the United States Senate abandoning his functions as Senator upon becoming President of the United States might have some weight with the Senate in considering the seating of Mr. Du Pont. He seemed indignant, and blurted out in an angry manner, "What's that got to do with it? If you would read a little you might know something." I replied quietly that his remark was a very foolish one; that I did not know that he had ever been credited with superior wisdom or learning; and that neither of our opinions was worth very much in the matter. He then quickly and excitedly drew from his pocket a folded piece of writing paper, and said, "Read this." I took the paper and read the writing through. It was an agreement between Robert J. Hanby, Newall Ball, Charles Moore, and John Robbins, members of the Delaware legislature, signed with their names, and to the effect that they would vote for J. Edward Addicks for United States Senator, and that they would not vote for anyone else, even though no Senator should be elected. As I passed the paper back to the governor he said, "Wouldn't you have acted as I did under such circumstances?" I evaded his question by saying, "Are the signatures genuine?" and he replied, "Of course they are; look again," and he passed the paper to me for the second time. I read it through again and examined the signatures, remarking that I was not familiar with the autographs of these men, but that the names were in different handwritings. He said that he was not familiar with the autographs of the men, but that he was sure the names were genuine. The governor also said that this agreement was brought to him to induce him to take part in the last joint assembly of the legislature, and, influenced by it, through the advice of others, he consented to preside as speaker of that body, and did so preside upon the day mentioned. He further said that the Republicans had every opportunity to elect a Senator and had failed to do so, and of course he preferred that the Democratic party should have a representative in the United States Senate from Delaware rather than the Republican party.

Mr. CHANDLER. Now, the Secretary will please read from the affidavit of Frank Reedy, where I have marked it.

The Secretary read as follows:

Governor Watson said to me, "You fellows ought not to be so hard on me for not electing a United States Senator; you ought to blame those other four men." I replied, "We do not blame you altogether, but we think you ought not to have gone in there at the time you did if you had not gone before." Watson then said, "I did not go in until I had the best legal talent of the party advising me so to do, and not until I had got this"; and he handed me a paper. This paper, as well as I can remember, read about as follows: "We, the undersigned, hereby pledge ourselves to vote for John Edward Addicks first, last, and all the time." There may have been a couple more lines, but I can not remember where or what they were.

This paper was signed by Charles Moore, Newall Ball, John Robbins, and Robert J. Hanby. The first three were members of the house of representatives of the State, and the said Hanby was a member of the senate.

Squire Robert J. Beswick came up about that time and I handed the paper back to Governor Watson without anything further being said by either of us.

Mr. CHANDLER. The Senator from Delaware remarked a little while ago that he did not understand that there was any doubt in the mind of anyone in Delaware as to the right of Governor Watson to do what he did, to enter the Senate and vote. The Senator so stated, unless I am mistaken.

Mr. GRAY. The Senator from New Hampshire is not mistaken.

Mr. CHANDLER. The Senator so stated. We have all this testimony about Governor Watson. Governor Watson may or may not always be so sound a constitutional lawyer as Chancellor Wolcott, who is said to have advised this proceeding. But on this occasion I think he was a much better constitutional lawyer than Chancellor Wolcott, as he evidently did not think he had the right to go to the senate and vote. The first discovery of this right in a hundred years was not made by Governor Watson. He himself has made an affidavit, dated January 28, 1896, which is contained in the majority report, page 88. He states his action in presiding over the senate and the joint assembly on May 9, 1895, but he does not deny any of the statements which I have put into the record, although the same were presented to the Senate on the 29th day of January, 1896, and printed.

Mr. HOAR. What is the date of Mr. Watson's affidavit?

Mr. CHANDLER. January 28, 1896. On the 29th of January these affidavits were presented and printed, and they never have been denied up to this moment.

I do not argue that these facts make any difference in the question of constitutional law. If Governor Watson voted, as I believe he did, through a conspiracy to furnish the one vote that was necessary to prevent a Senatorial election on that day, and yet had a right to vote, his vote should be counted. If he had not a right to vote, then his vote should be rejected, no matter how pure his motives may have been, no matter how pure may have been the motives of his advisers, no matter how confident his advisers may have been as to his right. These facts are only a part of the history of this case. They are a part of the history of the effort, for the first time in one hundred and eight years, on the part of a governor of a State to give a controlling vote in the election of a United States Senator.

Mr. President, I do not think Governor Watson's act was creditable to the State of Delaware; I do not think it was in accordance with the public law of the United States; I do not think it was an act which the Senate of the United States can afford to indorse with the seal of its approval.

Mr. GRAY obtained the floor.

Mr. PROCTOR. I should like to inquire of the Senator from Delaware whether he wishes to proceed to-night.

Mr. GRAY. I do not wish to proceed to-night. If I may be allowed to hold the floor on this question, I will be much obliged to the Senate if they will extend to me the courtesy of allowing me to resume to-morrow morning immediately after the routine morning business is concluded.

Mr. PROCTOR. If the Senator from Delaware will yield to me, I will ask unanimous consent——

Mr. GRAY. I ask unanimous consent that I may resume the floor on this question to-morrow immediately after the conclusion of the routine morning business.

The PRESIDING OFFICER (Mr. SEWELL in the chair). Is there objection to the request of the Senator from Delaware?

Mr. PEFFER. There is a unanimous-consent agreement now in force in which the Senator from Delaware is interested and in which he took part. I think the Senator from Vermont [Mr. PROCTOR], perhaps, is not aware of it. There was a unanimous-consent agreement entered into this afternoon by which as soon as the Senator from New Hampshire [Mr. CHANDLER] concluded his remarks the Senator from Delaware [Mr. GRAY] should follow him and conclude the discussion upon the Du Pont case, and that then the bond resolution which has been before the Senate should be immediately proceeded with. Unless the unanimous-consent agreement is carried over the bond resolution may lose its place, and that is what I wish to prevent.

Mr. GRAY. Under the unanimous-consent agreement, as I understood it, the bond resolution of the Senator from Kansas would have the right of way immediately after the conclusion of my remarks.

Mr. MITCHELL of Oregon. That is the way I understand it.

Mr. PROCTOR. I will say for the benefit of the Senator from Kansas that I merely ask to call up a measure which I think will not be objected to. If there is objection, it can be withdrawn. It is a House bill of great interest to the District, and is designed to prevent litigation.

Mr. PEFFER. Then I ask unanimous consent that the agreement we entered into this afternoon may be considered as continued.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. HILL. What is it?

Mr. PEFFER. That the unanimous-consent agreement shall be continued.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. GRAY (to Mr. HILL). The Senator from Kansas asks unanimous consent that the bond resolution may be taken up after I shall have concluded my remarks. I asked to be permitted

to speak to-morrow, and he asks that the unanimous-consent agreement may be extended.

Mr. ALDRICH. What is the question before the Senate?

Mr. PEFFER. I asked unanimous consent, and I understood the Chair had asked for it and it was conceded——

The PRESIDING OFFICER. If there be no objection, such will be the arrangement.

Mr. HOAR. I rise to a parliamentary inquiry.

Mr. HILL. I should like to have the Senator from Kansas state what he asks for. He starts in and does not finish the request.

The PRESIDING OFFICER. The Senator from Kansas will restate his request.

Mr. PEFFER. What I ask is that these intermediate proceedings shall not interfere with the unanimous-consent agreement which was entered into this afternoon, that as soon as the Senator from Delaware concludes his remarks the bond resolution shall be immediately taken up.

Mr. HOAR. I rise to a parliamentary inquiry. What is the unanimous consent which the Senate is asked to extend?

The PRESIDING OFFICER. The Chair understands it is the unanimous-consent agreement entered into to-day in relation to the bond resolution. Is that correct? the Chair asks the Senator from Kansas.

Mr. PEFFER. I will state the facts for the information of the Chair, as the Senator who now occupies the chair was not its occupant at the time the agreement was made. The Senator from Massachusetts [Mr. HOAR] will see by referring to the Calendar that several days ago a unanimous-consent agreement was made that at 2.15 o'clock on this day the resolution known as the bond resolution, the resolution proposing an investigation of bond sales, should be taken up. But when that hour was reached to-day it happened that the Senator from New Hampshire [Mr. CHANDLER] was occupying the floor in an address upon the Du Pont resolution. The unanimous-consent, agreement was then continued over by an additional consent, so that the Senator from New Hampshire might conclnde his remarks.

Mr. HOAR obtained the floor.

Mr. HILL. Will the Senator from Massachusetts permit me? I will state that I have not objected to the request of the Senator from Kansas, and I do not now object. I simply wish to call the attention of the Senate to the fact that a unanimous-consent agreement to take up a bill or a resolution at some future time is nothing more nor less than making a special order of the measure for a particular time. It has no solemnity or importance beyond that.

Mr. FAULKNER. Oh, yes; it has.

Mr. HILL. And it is subject to the right of the Senate to take it up or to pursue any other course in regard to it which it sees fit. If it has any other effect, then I shall desire to object to an agreement being made.

Mr. FAULKNER. I think the effect of a unanimous-consent agreement to take up a measure at a particular time is that everything yields to the unanimous-consent agreement unless at that time unanimous consent is given to avoid the previous unanimous-consent arrangement. It is a very serious proposition.

Mr. HILL. It merely makes the measure a special order; that is all.

Mr. FAULKNER. No. A special order comes up in its turn, but a unanimous-consent agreement to proceed to the consideration of a measure at a particular time nothing can avoid in the Senate that I have ever seen except a unanimous-consent agreement to avoid it, whereas a majority vote or other procedure can set aside a special order.

Mr. HOAR. I should like to have the unanimous-consent agreement carefully understood before we proceed to do anything else.

Mr. PEFFER. So would I.

Mr. HOAR. The Chair was kind enough to recognize me before. One Senator stated—I think the Senator from Kansas—that there was a unanimous-consent agreement that the remarks of the Senator from Delaware should conclude the discussion on the Du Pont case. Now, I have never consented to any such agreement.

Mr. PEFFER. That is not the state of the case at all.

Mr. GRAY. That is not concluded.

Mr. HOAR. Very well.

Mr. PEFFER. If Senators will bear with me for a moment, in the first place, as I said to the Senator from Massachusetts a few minutes ago, unanimous consent was given that at 2.15 o'clock this afternoon the Senate should proceed to the consideration of the bond resolution. It happened at the time when that hour was reached, 2.15 o'clock, that the Senator from New Hampshire [Mr. CHANDLER] was engaged in a speech upon the Du Pont resolution, and in order to accommodate that Senator and to retain the bond resolution with its unanimous-consent agreement before the Senate the resolution at my request was laid before the Senate, and then by unanimous consent it was agreed that the Senator from New Hampshire might continue his remarks, and at the conclusion of his remarks the Senator from Delaware——

Mr. GRAY. May I interrupt the Senator from Kansas right here?

Mr. PEFFER. The Senator from Delaware should proceed, and that at the conclusion of the remarks of the Senator from Delaware——

Mr. GRAY. That is right.

Mr. PEFFER. The bond resolution should be taken up.

Mr. GRAY. May I say a word right here? I wish to state that the Senator from Kansas has stated what I understood and what I think the Senate understood to be the unanimous-consent agreement. I should regret very much indeed if the courtesy extended to me to defer my remarks until to-morrow should at all interfere with what was the understanding as to the rights of the Senator from Kansas at the conclusion of my remarks.

Mr. PEFFER. What I have asked for, and what I understand, and I think the Chair understands, has been conceded, is that these preliminary efforts that are now being made—the consideration of matters such as the Senator from Vermont [Mr. PROCTOR] wishes to present to the Senate—shall not in any way interfere with this unanimous-consent agreement, and that to-morrow, when the Senator from Delaware concludes his remarks upon the Du Pont resolution, we shall proceed to the consideration of the bond resolution.

The PRESIDING OFFICER. Is there objection to the agreement as stated by the Senator from Kansas? The Chair hears none, and such will be the order.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; insisted upon its disagreement to certain amendments of the Senate to the bill upon which the committee were unable to agree; agreed to a further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn.;

A bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department;

A bill (H. R. 2813) granting a pension to Rita Stine;

A bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes;

A bill (H. R. 3771) for the relief of Stratton H. Benscoter;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 7139) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 8043) to amend an act to provide for holding terms of the United States court at Mississippi City; and

A joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled Messages and Papers of the Presidents.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on the survey of the waterway connecting the waters of Puget Sound, at Salmon Bay, with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa.

TAXATION OF PROPERTY IN THE DISTRICT.

Mr. PROCTOR. I renew my request that the Senate proceed to the consideration of the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. CANNON. I do not desire to interpose an objection to the request of the Senator from Vermont, but I should like to have the unfinished business laid before the Senate with a view to taking it up this afternoon and concluding it. There seems to be an opportunity which has been lacking for some weeks past.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. PROCTOR. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROCTOR. I ask the Senate to proceed to the consideration of the bill I have indicated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 24, after the word "assessments," to insert:

And any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provisions of this bill.

So as to make the proviso read:

*Provided*, That in cases where such taxes or assessments shall be quashed or declared void by said court, for the reasons hereinbefore stated, the reassessments herein provided for shall be made within ninety days after the judgment or decree of said court quashing or setting aside such taxes or assessments, and any amount heretofore paid upon an assessment which has been declared void shall be credited the owner upon the reassessment made under the provision of this bill.

The amendment was agreed to.

Mr. PROCTOR. I will read a brief letter from one of the Commissioners to the Hon. JAMES MCMILLAN, chairman of the Committee on the District of Columbia:

I beg to call your special attention to the urgent necessity for an early enactment of Senate bill 1376, to authorize the reassessment for local improvements and general taxes in the District of Columbia, and for other purposes.

This bill, as I remember, passed the House and only awaits action by the Senate.

Every day writs are served upon the Commissioners to set aside special assessments; and as the bill does not propose to be retroactive, but only to reassess those which are hereafter quashed or set aside, the sooner the bill is passed the greater the amount that will be saved from the wreck.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. CANNON. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation, the pending question being on the amendment of Mr. VILAS to add the following proviso:

*Provided*, That any lands containing asphaltum, gilsonite, or like substances shall be reserved for proper disposition by Congress.

Mr. CANNON. Mr. President, I think remarks are unnecessary on this subject further than to call the attention of the Senate to the fact that the——

Mr. HILL. The Senator from Wisconsin [Mr. VILAS] desires to be heard in regard to the joint resolution, and he was assured by the unanimous-consent arrangement that the Senator from New Hampshire [Mr. CHANDLER] was to speak, to be followed by the Senator from Delaware [Mr. GRAY], and that then the bond resolution was to be taken up. He left the Chamber with that understanding, and therefore we can not very well proceed with this measure this afternoon.

Several SENATORS. Let us adjourn.

Mr. HILL. I ask the Senator from Utah to move to adjourn or move an executive session, whatever is proper at this time.

Mr. CANNON. I do not yield for the purpose of permitting a motion to adjourn to be made. Before this matter proceeds further I think it fair to state that on a previous occasion, the only opportunity which we have had for the consideration of this measure since its first introduction, at the solicitation of the Senator from Wisconsin [Mr. VILAS], I waived our opportunity to be heard. The joint resolution has been pending here for three weeks, confining myself and my colleague here constantly for fear that by some unanimous-consent arrangement the unfinished business might be relegated to obscurity. I think this is a good opportunity to go on with the question. The Senator from Wisconsin has been heard at great length; we also have been heard on our side, and I believe the Senate is as well prepared to vote on the amendment and on the original measure now as if we were to wait three weeks longer for a similar opportunity.

Mr. HILL. Last Thursday afternoon both Senators from Utah sat in their seats and permitted another matter to take the place of their bill by not objecting to the making of another matter a special order for to-day.

Mr. CANNON. We have——

Mr. HILL. To-day, a few moments ago, a single objection would have interfered with the unanimous-consent agreement given about continuing another subject. We expected the Senator from Delaware to speak this afternoon, following the Senator from New Hampshire. We can not very well proceed with the joint resolution this afternoon, Mr. President.

Mr. BROWN. I wish the Senator from New York would permit me to correct him in regard to his statement that we sat in our seats when the arrangement about the bond resolution was made. I was not here, or I certainly would have objected for one, as I had before, to taking up that particular measure. I did not intend to yield and I do not really understand that we will now.

Mr. HILL. I will change my expression and say the Senator ought to have been in his seat.

Mr. BROWN. I will remark to the Senator from New York that it is merely a special order and we still have a right to the floor.

Mr. HILL. I doubt the right to have presented this afternoon at 4 o'clock an unfinished business. We can not have three or four matters of unfinished business pending at the same time, each having the right of way, to come in at any time any Senator wants one to be brought in. There must be some system about this thing. I simply suggest to the Senator from Utah that we can not dispose of the joint resolution to-night. When the Senator from Wisconsin left the Chamber he said to me, "I assume the Delaware matter will be continued all the afternoon." He has no disposition to delay the joint resolution at all.

Mr. CANNON. I think it is a poor rule which will not work both ways. The distinguished Senator from New York rebuked the Senators from Utah a few moments ago with the statement that they should have been in their places to watch that nothing should intervene. I think the Senator from Wisconsin should have been in his place, then, to see that nothing should occur here which would be detrimental to interests which he represents. I do not choose, however, to be as severe in practice as in speech, and if any interest of this country is likely to suffer through the absence of the Senator from Wisconsin I am willing to defer the consideration of the joint resolution, asking, however, that there may be some understanding on this subject. I suppose that the unfinished business has the right of way, and no unanimous consent can interfere with the unfinished business unless by distinct understanding to that effect. I arrived at that conclusion from our having risen in our places so often in the attempt to protect the unfinished business that it has become already a matter of amusement to others. Now, if the unfinished business may stand on the Calendar to be taken up at the first opportunity to be afforded, and if it should be necessary to guard ourselves not only against the loss of our right on the Calendar, but against the criticisms of Senators like the distinguished gentleman from New York for our failure to interpose every time a proposition is made here, I shall be quite willing to have the joint resolution go over, pending the return of the Senator from Wisconsin.

Mr. HILL. If it will relieve the feelings of the Senator from Utah I will say that under the rules the Senator from Wisconsin should have been here also; but he left the matter in my charge, and therefore I look after it. I will also simply suggest to the Senator from Utah that if he expects to get his joint resolution acted upon within a reasonable time in the future somebody will have to be here to prevent unanimous consent being given in regard to other measures. It has already been demonstrated that unanimous-consent agreements do take the place not only of privileged questions like the Du Pont case but matters of unfinished business. We have now pending before the Senate, first, the privileged question. What that exactly means nobody seems to know. Then we have the unfinished business; then we have two or three special orders, and then we have unanimous-consent agreements, all demanding recognition at the same time.

Mr. JONES of Arkansas. And appropriation bills.

Mr. HILL. And appropriation bills, as my friend from Arkansas on my left suggests, demanding priority.

Mr. FAULKNER. With one appropriation bill half through.

Mr. HILL. Half through, and suspended between heaven and earth. Therefore, I think somebody will have to be present here

to look after these bills. Now, having exhausted the time until we have reached the proper time for adjournment, I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion to adjourn the Chair will lay before the Senate sundry House bills for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 7139) to authorize the Falls Church and Potomac Railway Company of Virginia to extend its line into and within the District of Columbia, and for other purposes; and

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2412) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department; and

A bill (H. R. 3771) for the relief of Stratton H. Benscoter.

The bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 8043) to amend an act to provide for holding terms of the United States court at Mississippi City was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. Res. 170) to provide for the proper distribution of the publication entitled "Messages and Papers of the Presidents" was read twice by its title, and referred to the Committee on Printing.

UNCOMPAHGRE INDIAN RESERVATION.

Mr. DAVIS. I ask the Senator from New York to withdraw his motion so as to enable me to call up a bill.

Mr. HILL. I withdraw the motion.

Mr. DAVIS. I move that the Senate proceed to the consideration of Senate bill 115. The bill has been reported in several Congresses from the Committee on Indian Affairs.

Mr. CANNON. Will the Senator from Minnesota yield to me for a moment that I may make an inquiry?

Mr. DAVIS. I yield to the Senator from Utah for that purpose.

Mr. CANNON. Will the Chair kindly state the status of the unfinished business at the present time?

The PRESIDING OFFICER. The unfinished business will come up to-morrow morning at the conclusion of the morning hour, at 2 o'clock.

Mr. CULLOM. I hope nothing will occur here that will push aside the unfinished business represented by the Senator from Utah, so that it will lose its right.

The PRESIDING OFFICER. As the Chair understands it, the unfinished business will come up to-morrow, provided it is not set aside by an absolute unanimous-consent agreement of the Senate, or by an appropriation bill, or by the privileged question.

Mr. HILL. Or by a vote of the Senate.

The PRESIDING OFFICER. Or by a vote of the Senate. There are several contingencies.

Mr. CANNON. The exceptions, it appears, are stronger than the rule. I desire to give notice to the Senator from New York that if opportunity shall offer to-morrow for the consideration of the unfinished business, if we may have the consent of the Senator to proceed with it, we shall be compelled to do so even if the Senator from Wisconsin shall not be present.

Mr. CULLOM. The other bill will displace it unless it is laid before the Senate prior to adjournment, and the Senator will lose his right to have it considered.

Mr. CANNON. I desire to have the unfinished business hold its place, and will therefore ask that it be temporarily laid aside so that the Senator from Minnesota [Mr. DAVIS] may call up the bill he wishes to have considered.

The PRESIDING OFFICER. That will be the order.

ESTATE OF RAMSAY CROOKS.

Mr. DAVIS. I ask leave to call up Order of Business 622, being the bill (S. 115) for the relief of the estate of Ramsay Crooks.

Mr. HARRIS. Does the Senator from Minnesota desire to proceed with the bill this evening?

Mr. DAVIS. If it gives rise to any debate I shall not desire to proceed with it. But the bill has been reported so many times that I think it will not give rise to any discussion.

Mr. CALL. Let the unfinished business be laid aside temporarily for the purpose.

The PRESIDING OFFICER. Such is the request of the Senator from Minnesota. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that Ramsay Crooks, late of the State of New York, was, during the years 1842 to 1847, inclusive, a duly authorized and licensed trader, doing business with the Indians of Lake Superior, during which period he furnished the Indians a large amount of supplies necessary for their subsistence, and to enable them to carry on the chase; that in the year 1848 he was succeeded by others as traders for the Indians, whereby of necessity he left an outstanding indebtedness due to him from certain bands of the Indians, which has never been paid to him nor to his legal representatives. Also, that in his lifetime he filed claims in the office of the Commissioner of Indian Affairs, showing that there was due to him from the Pillager and Lake Winnibagoshish band $6,410.80, and from a certain other band, known as the Chippewa Indians of the Mississippi, $3,308.82, making a total amount of such indebtedness of $9,719.62.

The bill proposes to pay $9,719.62, to enable the Secretary of the Interior to examine the claims and pay the amount, or so much thereof as he shall find to be due, to the administrator of the estate of Ramsay Crooks, and charge the same to any annuities or other moneys due, or to become due, from the United States to these Indians, in such proportions as shall be found to be due therefrom.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of House bill 5731.

Mr. HILL. If that can be done without prejudice to the Du Pont case, and without prejudice to the Utah joint resolution, and without prejudice to the bond resolution, I have no objection.

Mr. CHANDLER. I have none, if it is done without prejudice to the Senator from New York.

Mr. HARRIS. And without prejudice to the long endurance of the Senate. [Laughter.]

Mr. GALLINGER. It being a medical bill, it will not prejudice anything.

The PRESIDING OFFICER. The bill will be read for information, and the Chair will then inquire if there is objection to its present consideration.

The Secretary proceeded to read the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof, in the District of Columbia.

Mr. CALL. I ask the Senator from New Hampshire not to press the passage of that bill at this time. I shall be compelled to ask that it may go over.

Mr. GALLINGER. I wish the Senator from Florida would not oppose this bill. I have been waiting for three months to get consideration for it, and the entire medical fraternity of all schools in this District are urging me to call it up. I want very much to have it acted upon.

Mr. CALL. I dislike to oppose anything that is suggested by the Senator from New Hampshire, but I have very grave doubts whether all efforts to relieve or remedy human suffering should be made a crime unless made by half a dozen individuals.

The PRESIDING OFFICER. Does the Senator from Florida object to the present consideration of the bill?

Mr. GALLINGER. Mr. President, just one word. I hope the Senator from Florida will withdraw his opposition to the bill. I will say to the Senator that every State and Territory in the American Union but one has passed bills very similar to this measure, including the State of Florida. I think he will not object.

Mr. CALL. I understand that, too, but at the same time I gravely question whether the poor people of this country who can not employ physicians should be prohibited from having any philanthropic efforts made to relieve them and it should be made a crime unless it be done by license.

Mr. GALLINGER. Does the Senator object?

Mr. CALL. I object.

Mr. GALLINGER. That is all right, Mr. President. I shall try to take care of it later on.

The PRESIDING OFFICER. The consideration of the bill is objected to.

Mr. CHANDLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 15, 1896, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *April 14, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

A. B. PEDIGO.

Mr. COOPER of Texas. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 1280) for the relief of A. B. Pedigo was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to A. B. Pedigo, out of any money in the Treasury not otherwise appropriated, the sum of $331.06, the same being balance due for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861.

Mr. PITNEY. If there is a report on this case, I should like to hear it.

The report of the Committee on Claims was read.

Mr. PITNEY. I shall have to object, I think.

Mr. COOPER of Texas. I ask the gentleman to withdraw his objection until I can present some of the evidence in this case.

Mr. PITNEY. I am willing that the right to object be reserved, in order to enable the gentleman from Texas to make a statement.

Mr. COOPER of Texas. I ask that a letter from the Auditor of the Post-Office Department be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
*Washington, D. C., January 27, 1896.*

SIR: In reply to a verbal inquiry relative to the claim of Mr. A. B. Pedigo, for carrying the mail in Texas in 1860, I have the honor to inform you that the records of this office show that A. B. Pedigo was the mail contractor on route No. 8619, Woodville to Beaumont, in the State of Texas, under a contract commencing July 1, 1858; that he was paid in full to September 30, 1860, and that a balance stands to his credit for service from October 1, 1860, to May 31, 1861, the date to which service has been certified, amounting to $331.06. The record of payments made by the Confederate States government, of claims of contractors for service performed prior to June 1, 1861, is found in a register which is incomplete, there being a number of leaves and parts of leaves missing, but so far as the record goes, there is no evidence of any payment having been made to Mr. Pedigo by the Confederate States government for service under his contract with the United States.

Very respectfully,

GEO. G. HOWARD, *Auditor.*

Hon. S. B. COOPER,
*House of Representatives, Washington, D. C.*

Mr. COOPER of Texas. Now I ask that the other documents which I have sent to the desk be read. They are short.

The Clerk read as follows:

THE STATE OF TEXAS, *County of Tyler:*

I, A. B. Pedigo, a citizen of the State of Texas and county of Tyler, do solemnly swear that I have never received payment from the United States of America for carrying United States mails in the State of Texas from October 1, 1860, to May 31, 1861, and that the Confederate States government never paid me for said mail service, and that the $331.06 is a just debt, and has never been paid.

A. B. PEDIGO.

Sworn to and subscribed before me by A. B. Pedigo, well known to me, on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
*A Notary Public Duly Qualified and Acting in and for Tyler County, Tex.*

THE STATE OF TEXAS, *County of Tyler:*

I, William S. Durham, a citizen of the State of Texas and county of Tyler, do solemnly swear that I am well acquainted with Mr. A. B. Pedigo, who is also a citizen of said State and county, and have been acquainted with him from the year 1860 up to the present date, and have always known him to be a loyal citizen of the United States of America.

W. S. DURHAM.

Sworn to and subscribed before me, the undersigned notary public duly qualified and acting in and for Tyler County, Tex., on this the 6th day of February, A. D. 1896.

W. E. ADAMS,
*A Notary Public in and for Tyler County, Tex.*

Mr. COOPER of Texas. Mr. Speaker, the gentleman for whose relief this bill is presented was four years ago the Republican candidate for Congress in my district. His loyalty has never been questioned. The records of the Post-Office Department show that this debt is due, and it has never been paid either by the United States Government or by the Confederate States.

Mr. CANNON. Is this one of the so-called mail contractors' claims, aggregating a large amount—something like $300,000 or $400,000 or $500,000—growing out of transactions happening about the beginning of the war?

Mr. COOPER of Texas. I do not understand this to be one of the claims to which the gentleman refers. The Government contracted with this man for carrying the mail, and he performed the service. Hostilities broke out, and he never was able to get his pay, no appropriation for that purpose having heretofore been made.

Mr. CANNON. Where was this service performed?

Mr. COOPER of Texas. In Texas.

Mr. CANNON. In 1861?

Mr. COOPER of Texas. Yes, sir; anterior to secession.

Mr. PITNEY. As I understood the reading of the bill, the claim covers a period ending in 1863.

Mr. COOPER of Texas. No, sir; that is incorrect.

Mr. PITNEY. Whether that be so or not, is not this a man who, having been engaged in mail transportation for the Government, entered afterwards the Confederate postal service?

Mr. COOPER of Texas. No, sir; it is not. This man has been a loyal citizen—and a loyal Republican—all the time. As I have stated, he was the Republican candidate for Congress four years ago in the district which I now represent. He was loyal during the war, and his whole family have been loyal.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PITNEY. I object.

Mr. CANNON. I call for the regular order.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BINGHAM. I ask the reading of the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 41, 42, 43, 48, 49, 57, 58, 61, 62, 63, 64, 65, 66, 71, 72, 74, 75, 76, 79, 94, 97, 103, 104, 124, 125, 129, 138, 141, 152, and 153.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 44, 50, 51, 52, 53, 54, 60, 67, 68, 69, 72, 77, 78, 80, 84, 85, 90, 91, 92, 93, 95, 96, 110, 111, 112, 113, 114, 123, 126, 127, 128, 140, 145, 146, 150, and 154, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $230 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the matter inserted insert the following: "And $200 additional while the office is held by the present incumbent"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$119.20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of State is authorized to use not exceeding $3,120 for the services of the employees in the Bureau of Statistics, Department of State, in the work of compiling and distributing consular and other commercial reports, out of the appropriation of $30,000 for preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports made in the diplomatic and consular appropriation act approved February 27, 1896"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 67, after line 2 of the bill, as a separate paragraph, the following: "For watchman, to care for the monument and wharf at Wakefield, Va., $300; the wharf to be used by the public under such rules and regulations as may be prescribed therefor by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For chief of division of judicial accounts, $2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$194,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Appointment clerk, $1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$50,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In line 9 of the matter inserted by said amendment strike out the words "twenty-five thousand" and insert in lieu thereof the words "twelve thousand five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the words "two terms" and insert in lieu thereof the words "a term"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 147, and agree to the same with an amendment as follows: On page 106, in line 13 of the bill, strike out the word "as" and insert in lieu thereof the word "is"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "five hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 3. Section 166 of the Revised Statutes is amended to read as follows:

"'SEC. 166. Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.'"

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 85, 56, 82, 83, 88, 89, 98, 99, 101, 102, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 130, 131, 132, 133, 134, 135, 136, 137, 142, 144, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314.

HENRY H. BINGHAM,
JOHN E. McCALL,
ALEXANDER M. DOCKERY,
*Managers on the part of the House.*

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the legislative, executive, and judicial appropriation bill (H. R. 6248) submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 20, and 21, relating to the Senate: Provides for the additional compensation proposed by the Senate for the financial clerk, librarian, and one assistant in the stationery room; for an additional assistant clerk at $1,440 to the Committee on Pensions; for an assistant clerk at $1,440 to the Committee on Military Affairs; for clerks to the Committees on Woman Suffrage, Mines and Mining, and Construction of the Nicaragua Canal, at $2,100 each; provides for the pages for one hundred and twenty-one days instead of one hundred and seventeen days during the coming short session; strikes out a clerk at $1,800 in the post-office and appropriates $8,000 instead of $4,000, as proposed by the House, for folding speeches and pamphlets.

On amendment numbered 24: Appropriates $300, as proposed by the Senate, instead of $100, as proposed by the House, for contingent expenses of the Capitol police.

On amendments numbered 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, relating to the House of Representatives: Appropriates for compensation of the session employees for one hundred and twenty-one days instead of one hundred and seventeen days for services during the coming short session of this Congress.

On amendments numbered 39 and 40: Appropriates $5,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for salary of the private secretary of the President.

On amendments numbered 41 and 42: Appropriates for a messenger at $840, as proposed by the House, instead of two messenger boys at $400 each, as proposed by the Senate, for the Civil Service Commission.

On amendments numbered 43, 44, and 45: Strikes out the appropriation of $2,100 proposed by the Senate for a law clerk, and appropriates for 10 clerks at $900 each, as proposed by the Senate, instead of 8, as proposed by the House, in the Department of State.

On amendment numbered 46: Authorizes the Secretary of State to use not exceeding $3,120 of the appropriation made in the diplomatic act for consular and commercial reports for services of employees in the Bureau of Statistics, Department of State.

On amendment numbered 47: Appropriates $900 for a watchman for care of wharf and monument at Wakefield, Va., and authorizes the use of said wharf by the public under rules to be prescribed by the Secretary of War.

On amendments numbered 48 and 49: Strikes out an additional clerk of class 3, proposed by the Senate, in the division of bookkeeping and warrants, Treasury Department.

On amendments numbered 50 and 51: Provides for an additional clerk of class 3, as proposed by the Senate, in the division of customs, Treasury Department.

On amendment numbered 52: Provides that the chief engineer of the Revenue-Cutter Service, detailed as engineer-in-chief of said Service, shall hereafter receive the duty pay and have the relative rank of a captain of the Revenue-Cutter Service.

On amendments numbered 53 and 54: Provides for an additional sewer and folder at $2.50 per day in the stationery division of the Treasury Department.

On amendments numbered 57 and 58: Strikes out an additional clerk of class 3, proposed by the Senate, in the office of the Auditor for the Treasury Department.

On amendments numbered 59, 60, and 61: Provides for a chief of division of judicial accounts at $2,000, instead of at $2,200, as proposed by the Senate, in the office of the Auditor for the State and other Departments.

On amendments numbered 62, 63, 64, 65, and 66: Strikes out the provision for 1 additional pressman, 3 separators, and 1 feeder in the office of the Treasurer, and the appropriation of $2,000 for purchase of a press and separating machine, proposed by the Senate.

On amendments numbered 67, 68, and 69: Appropriates for a stenographer and typewriter at $1,500, in lieu of a clerk at $1,200, in the Bureau of Statistics, Treasury Department.

On amendment numbered 70: Appropriates $800, instead of $1,000, as proposed by the Senate, for the collection of facts relative to the internal and foreign commerce, under the Bureau of Statistics, Treasury Department.

On amendments numbered 71 and 72: Strikes out the appropriation of $900 for an additional messenger, proposed by the Senate, in the office of the Marine-Hospital Service.

On amendments numbered 73, 74, 75, and 76: Makes a verbal correction in the text of the bill, and strikes out the appropriations proposed by the Senate of $1,000 for a messenger and $850 for an additional watchman in the office of the assistant treasurer at Boston.

On amendments numbered 77 and 78: Appropriates $720, as proposed by the Senate, for stenographer in the office of the assistant treasurer at Chicago.

On amendments numbered 79, 80, and 81: Strikes out the appropriation proposed by the Senate of $1,200 for a stenographer, and appropriates $900 and $800, respectively, for 2 additional money counters in the office of the assistant treasurer at New York.

On amendment numbered 84: Appropriates $2,000, as proposed by the Senate, for repairs of the adobe palace at Santa Fe, N. Mex.

On amendment numbered 85: Inserts the provision proposed by the Senate, prohibiting the legislative assembly of Oklahoma from considering any proposition or passing any bill to remove the seat of government of said Territory.

On amendments numbered 86 and 87: Appropriates $1,800, instead of $2,250, for an appointment clerk in the Navy Department.

On amendments numbered 90 and 91: Appropriates for a clerk, at $1,200, instead of a copyist, at $900, as proposed by the Senate, at the Naval Observatory.

On amendments numbered 92 and 93: Strikes out the appropriation of $2,250, as proposed by the Senate, for a chief draftsman in the Bureau of Steam Engineering, Navy Department.

On amendments numbered 94, 95, 96, and 97: Strikes out provision for an additional clerk of class 3, proposed by the Senate, and provides for a clerk, at $1,200, in lieu of a bookkeeper, at $1,200, in the office of the Secretary of the Interior.

On amendment numbered 100: Appropriates $250, instead of $500, as proposed by the Senate, for purchase of law books for the Pension Office.

On amendments numbered 103, 104, 105, and 106: Strikes out the increase proposed by the Senate in the salaries of the chief clerk and statistician of the Bureau of Education and appropriates $1,800, instead of $1,600, as proposed by the House, and $2,000, as proposed by the Senate, for a specialist in education as a preventive of pauperism and crime.

On amendment numbered 107: Authorizes the publication of 12,500, instead 25,000 copies, as proposed by the Senate, of bulletins of the Bureau of Education as to the condition of higher education, etc.

On amendments numbered 110 and 111: Appropriates $1,200, as proposed by the Senate, for rent of additional rooms for the Geological Survey.

On amendments numbered 112, 113, and 114: Appropriates $10,000, as proposed by the Senate, instead of $8,500, as proposed by the House, for clerks, and $3,000, as proposed by the Senate, instead of $1,000, as proposed by the House, for contingent expenses in the office of the surveyor-general of Colorado.

On amendments numbered 123, 124, 125, 126, 127, 128, and 129, relating to the Post-Office Department: Strikes out the provision proposed by the House making the chief clerk of the Department, instead of the disbursing clerk, superintendent of the Department building; strikes out the provision for an additional laborer, proposed by the Senate, in the office of the First Assistant Postmaster-General; appropriates $1,300, instead of $1,000, as proposed by the House, and $1,600, as proposed by the Senate, for horses and wagons for the Department, and restores to the bill the provision proposed by the House authorizing the Postmaster-General to contract for the Postal Guide for a term of four years.

On amendment numbered 138: Appropriates $1,500, as proposed by the House, instead of $2,000, as proposed by the Senate, for law books for the Department of Justice.

On amendments numbered 139, 140, and 141: Provides for an additional clerk of class 4, as proposed by the Senate, in the office of the Solicitor of the Treasury, and appropriates $900, as proposed by the House, instead of $500, as proposed by the Senate, for law books in said office.

On amendment numbered 143: Provides, as proposed by the Senate, for a term of the circuit court of the Ninth judicial circuit to be held each year in two places in said circuit other than San Francisco.

On amendments numbered 145, 146, and 147: Appropriates for the salary of the district judge in Utah, as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendments numbered 148 and 149: Appropriates for a reporter for the court of appeals, District of Columbia, at $1,000, instead of at $1,500, as proposed by the Senate.

On amendment numbered 150: Strikes from the bill, as proposed by the Senate, the amendment of section 843 of the Revised Statutes.

On amendment numbered 151: Restores to the bill the amendment proposed by the House to section 166 of the Revised Statutes, relating to the detail of clerks in the Executive Departments, amended so as to restrict such details to periods of one hundred and twenty days, instead of sixty days, as proposed by the House.

On amendments numbered 152, 153, and 154: Corrects the numbering of sections in the bill, and strikes out section 6 of the bill as it passed the House, the same being provided for elsewhere.

The committee of conference have been unable to agree on the amendments of the Senate relating to the following subjects, namely:

Increasing the pay of certain committee clerks of the Senate from $1,440 to $1,800 each;

Providing for 10 additional messengers, at $1,440 each, instead of 10 skilled laborers, at $1,000 each, for the Senate;

Increasing the pay of 3 laborers from $720 to $840 each, for the Senate;

Appropriating for 38 annual clerks to Senators who are not chairmen of committees, at $1,500 each;

Providing for 12 additional Capitol policemen, at $1,100 each, in lieu of 7 watchmen now employed in the Capitol Grounds, at $840 each;

Providing for 3 additional clerks, at $900 each, for the execution of the copyright law, and for a register of copyrights, at $2,000, to be selected by the Joint Committee on the Library;

Increasing the compensation of the Assistant Comptroller of the Treasury from $4,000 to $5,000;

Increasing the amount for contingent expenses of assay office at Boise City, Idaho, from $2,500 to $3,500;

Striking out the provision inserted by the House regulating the meeting of the legislative assembly of New Mexico;

Striking out the provision authorizing the Secretary of the Navy to select the employees in the Office of Naval Records of the Rebellion, and authorizing an additional thousand copies of the Naval Records of the Rebellion;

Providing for 10 examiners, to constitute a board of examiners of surveys, at $2,000 each, in the General Land Office;

Appropriating $44,020 for additional force in the Patent Office, to constitute a classification division;

Authorizing the Secretary of the Interior, in his discretion, to extend the present contract for photolithographing for the Patent Office one year;
Increasing the amounts for clerks in the offices of the surveyors-general of New Mexico, Oregon, Utah, and Wyoming;
Providing for 2 additional assistant attorneys, at $2,500, and for 4 additional clerks in the Department of Justice;
Providing for printing and distributing advance sheets of the opinions of the Supreme Court to all circuit and district judges;
Providing for a messenger, at $2,000, to perform the duties of librarian and crier for the circuit court of appeals of the Eighth judicial circuit: and
Increasing the aggregate of the salaries proposed by the House for United States district attorneys $66,500, and those of United States marshals $71,500, and striking out the provision proposed by the House regulating the appointment and fees of United States commissioners.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
*Managers on the part of the House.*

Mr. BINGHAM. Mr. Speaker, while I think the report, together with the statement of the conferees, is ample for the information of the House, if gentlemen had been able to hear, I will submit for further information a few references to the questions which have been in contention between the two Houses upon this bill. The bill as it passed the House has substantially, with the exception of the paragraphs pertaining to marshals and district attorneys, passed the Senate. Therefore many of the matters embraced in the House bill have not been in conference between the two Houses, because, as is shown by the statement which has been read, the House bill has been substantially agreed to by the Senate. The contentions have been wholly upon the bill as reported by the Senate committee or upon the bill as amended in the Senate.

The House committee in reporting this bill followed a close, perhaps severe, line of action and determined that for the next fiscal year but few, if any, additions to the subordinate force of the different Departments of the Government was needed for the proper conduct of business. Further than that, as private enterprise and general industries are nowhere adding to the compensation of subordinate force, your committee deemed it inexpedient to allow additional compensation to clerks in the several Departments. If the line which we drew was somewhat too close and exacting, we soon discovered in our contentions with the Senate that the line drawn by that body was far too generous—not warranted either by the condition of the country or the condition of the Treasury. The Senate added to the bill 314 amendments, 159 of them pertaining to the judicial sections of the bill. And right in that connection, Mr. Speaker, permit me to state for the information of the House that the committee, in this preliminary conference report, have left in abeyance for the next report all of the paragraphs pertaining to the disagreements between the House and Senate on the matter of the fees of marshals, district attorneys, clerks, and commissioners. While there have been agreements in reference to a number of the paragraphs, it was deemed wise to leave all of them out of this report, in order that the paragraphs of the bill might be properly numbered for the second conference.

It is well for me to note also in connection with this part of the bill that your committee in conference, following the same course pursued by the House in its deliberations upon the bill, and also by the Senate when the matter was before that body for consideration, called largely to their aid the gentlemen, members of the Committee on the Judiciary, who reported and advocated that bill on the floor of the House. Thus we had the advantage of the aid of Judge UPDEGRAFF, and the gentleman from Texas, Mr. CULBERSON, Senator TELLER representing the Judiciary Committee of the Senate, Senator HOAR being at that time necessarily absent from our meeting. We concluded, after several hours of discussion and consideration, to refer the entire question to these four gentlemen, to have a conference again with the Attorney-General, going over each one of the paragraphs in detail and examining the objections that had been made to them in the discussion of the matter in the two Houses, so that when the committee of conference would meet again we would have submitted to us the best judgment of the representatives of the Judiciary Committees of the House and Senate after a consultation with the Department.

The Senate added to our bill $247,229.20, of which sum $57,000 has been disposed of by the House agreeing to $37,189 and the Senate yielding $19,450, leaving $189,590 involved in the amendments disagreed to, beside the proposed increase of the salaries of the United States attorneys, amounting to $65,500, and United States marshals, the increase amounting to $71,500.

For the information again of the House, I would state that the attrition in the conference was largely with reference to the matter of additional clerks, allowances, and increases of that character for the different Departments of the Government, which were passed over after discussion for further consideration.

The Senate contention was with reference to the increase of compensation of certain of the clerical force in the Senate, that is, certain clerks of Senate committees, increased from $1,440 to $1,800, making a sum total of $7,560, and——

Mr. DOCKERY. Will the gentleman from Pennsylvania state also, for the information of the House, that the salaries of the annual clerks for Senators have been increased by the Senate?

Mr. BINGHAM. Certainly; I will come to that in the course of my remarks.

Mr. DOCKERY (continuing). And also the increase in the pay of certain annual clerks.

Mr. BINGHAM. As far as the clerks of Senators are concerned, they are increased from $1,200 to $1,500 a year. But I will come to that in the course of my remarks hereafter.

Mr. LIVINGSTON. If my colleague will permit me, did I understand him to say that the Senate not only retain their annual clerks, but increase their salary beyond the figure they are now receiving?

Mr. BINGHAM. I do.

Mr. LIVINGSTON. What is the amount of the increase?

Mr. BINGHAM. I will come to that increase, naturally, as I proceed with this part of the bill.

I have already stated that there are certain clerks to the committees in the Senate which are increased from $1,440 to $1,800, making a total of $7,560; 10 messengers at $1,440 in lieu of 13 laborers at $1,000 each, making an increase of $2,400; 2 laborers increased from $720 to $840 each, making a total of $240.

Now we come to the provisions for clerks to Senators. Thirty-eight clerks to Senators, who are not chairmen of committees, increased from $1,200 to $1,500 each; sum total, $57,000. In other words, the Senate increased the compensation of its subordinate force in sum total $67,200.

The Capitol police is also increased and is in controversy—12 privates at $1,100 each, instead of 7 watchmen at $840, an increase of $7,320. Library of Congress, the register of copyrights increased $2,000, and 3 clerks at $900 each, an increase of $4,700. Assistant Comptroller of the Treasury, from $4,000 to $5,000, increase of $1,000.

Other items are as follows:

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|---|---|
| Assay office, Boise, Idaho, for contingent expenses | $1,000 |
| Printing 1,000 copies Naval Records | 14,000 |
| Under the Interior Department: | |
| Laborers to distribute Census reports | 3,960 |
| Ten examiners, Land Office | 20,000 |
| Classification division, Patent Office | 44,020 |
| Clerks to surveyors-general in New Mexico, Oregon, Utah, and Wyoming | 11,000 |
| Making a total increase of | 78,980 |
| Under the Interior Department: | |
| Under the head of Department of Justice— | |
| For assistant attorneys and clerks | 12,100 |
| For printing decisions of Supreme Court | 2,000 |
| For messenger to circuit court, Eighth circuit | 2,000 |

I submit these are the paragraphs now in contention, all of which have been added to the bill by amendments either coming from the Senate committee, or by the Senate itself in the consideration of the bill in that body, leaving, therefore, between the two Houses $189,590. With reference to the expenditures on the part of the Senate, I desire to briefly state that I have in this House heard discussed more than once the rights, privileges, and prerogatives of the respective bodies. The House has upon many occasions fought persistently and determinedly as to the large increases and the very large allowances given by the Senate to its subordinate force. I have seen this House held hour after hour in dispute upon this issue.

I have never seen but one result, and that result has been the absolute concession on the part of the House to the Senate.

Mr. HOPKINS. Will the gentleman allow me a question?

Mr. BINGHAM. With pleasure.

Mr. HOPKINS. I will ask the gentleman if the Senate does not always concede to the House the right to determine what help they shall have, and what salaries they shall pay?

Mr. BINGHAM. Certainly.

Mr. HOPKINS. And they simply exact——

Mr. BINGHAM. The same.

Mr. HOPKINS. They simply exact that the House shall not interfere with them in their organization.

Mr. BINGHAM. Yes. I would state—it is hardly necessary for me to do it, because my remarks, I think, warrant the conclusion—that they have persistently fought for what they claim to be their rights and privileges in the control of their own body.

But I have felt it but justice to the House to state that in view of the large increases at the present time, without attempting now to express an opinion as to whether the respective bodies should absolutely control their own organization—I have my own view about it, which is that they should—I propose to enter into no debate upon the general proposition, but in view of the large increases I have deemed it just to those of us who are identified closely with the people and who are held almost directly responsible for the expenditures of the Government that we should not be held responsible for a very large sum of money that goes to the conveniences of the other body.

In that connection permit me to state that the bill as agreed on appropriates $338,162.50 for compensation of 295 officers and employees of the House, exclusive of reporters of debates and committees, and reimbursements to members for clerk hire, actual expenditures not exceeding $100 per month during the session, which is an average of about four officers and employees with average pay of $1,115 each to every five members of the House; average cost per member of the House for compensation of officers and employees, $939. That is our domestic exhibit.

The bill as it passed the Senate and as insisted on by the conferees appropriates $403,528.90 for compensation of 273 officers and employees of the Senate, exclusive of reporters of debates and committees, and clerks of Senators, $1,200 each, now increased to $1,500 each, which is an average of more than three officers and employees with average pay of $1,478 each to each Senator, while the House has four employees with an average pay of $1,115 each to every five members of the House.

Now, I do not propose to make any contention, so far as I am concerned, in this matter and in this statement to the House. The contest we make shall be made in committee; but I submit that it is but justice to the House that there should be made notorious upon the records of our Congress, in the deliberations on this bill, the fact that so far as the House administers its own affairs economy and care are exercised.

Whether there is extravagance at the other end of the Capitol I will not state nor assert. Certainly the same economy does not exist there which I think exists in this body.

With that statement, believing that the Senators will force a fight unremittingly for what they claim to be their rights and prerogatives—as I believe this House would if the balance sheet were on the other side—having made this statement to the House, I feel, as representing the conferees, that I have done full and fair justice to both Chambers.

Mr. LIVINGSTON. I want to suggest to the gentleman that he might bring that comparison into more intelligible shape by showing what the per capita expense of the members of the House is, in contrast with the per capita expense of the Senate.

Mr. BINGHAM. I have done that, and emphasized it.

Mr. LIVINGSTON. The gentleman has done it in a rather bulky manner.

Mr. BURTON of Missouri. The gentleman has stated that there are four House employees to every five members of the House.

Mr. BINGHAM. I have stated it, and I will give it to you again. The average cost for each member of the House, for compensation of officers and employees, is $939. For each Senator, for compensation of officers and employees of the Senate, the cost is $4,483. That covers it.

Mr. DOCKERY. Nearly five to one.

Mr. LIVINGSTON. Nearly five to one.

Mr. BINGHAM. I now yield to the gentleman from Missouri [Mr. DOCKERY], if he desires any time.

Mr. DOCKERY. Mr. Speaker, the gentleman from Texas [Mr. BAILEY] desired to submit some observations on Senate amendments numbered 39 and 40, but was compelled to leave the Hall in order to attend a session of the Committee on Elections of which he is a member; and he requested me to make that statement, and also to ask leave to print some remarks in the RECORD in respect to those amendments. I prefer that request in his behalf.

The SPEAKER pro tempore (Mr. DINGLEY). The gentleman from Texas [Mr. BAILEY] desires leave to print remarks on the amendments suggested by the gentleman from Missouri. Without objection, that leave will be granted.

There was no objection.

Mr. DOCKERY. Mr. Speaker, I do not feel that it is necessary to add a single observation to the very able statement made by the gentleman from Pennsylvania [Mr. BINGHAM] in charge of this conference report. He has given in detail and in aggregate not only the items upon which the conferees have agreed, but has also as to the items yet in disagreement.

It may be well to state, in addition to what he said, that substantially all the provisions, so far as they relate to the judicial paragraphs of the bill, have been informally agreed upon, except the salaries of marshals and attorneys. These are, perhaps, items that may occasion much difficulty in conference. The paragraph in reference to commissioners is also yet in disagreement. I think it is well that the House also understand the contention between the conferees in reference to the increase of force and salaries made by the Senate as to its own employees. The aggregate increase, as given by the gentleman from Pennsylvania, amounts to about $67,000. The House is familiar with this old controversy. We have brought it back to the House in order that you may be advised of the situation before we recede, if such action shall be found to be wise or necessary hereafter. To speak in detail, it may be well to say that the House should know that the Senate has inserted a paragraph providing 38 annual clerks for Senators not chairmen of committees, and has also increased the salaries of those clerks from $1,200 to $1,500 each. I make this statement, in addition to what the gentleman has so well said, in order that the House may be fully advised.

Mr. BAKER of New Hampshire. I would like to ask the gentleman a question, if he will yield.

Mr. DOCKERY. Certainly.

Mr. BAKER of New Hampshire. I would like the gentleman to state what objection there is to the allowance of the amendment of the Senate numbered 142, providing for advance copies of the decisions of the Supreme Court for the judges of the district and circuit courts of the United States. It seems to me entirely obvious that those judges should be furnished with the decisions of the highest tribunal of the country before they are issued in the bound volume. I do not think anybody in the House would object to that if it was fully understood, and I simply wish to make this a matter of inquiry.

Mr. DOCKERY. That is one of the items in disagreement. The conferees desired some further information in respect to it. I do not think the fact that it is reported at this time as one of the disagreements necessarily means that it may not ultimately be agreed to.

Mr. BINGHAM. I will state to the gentleman from New Hampshire, for his information, that the court now furnishes about 31 copies to the circuit courts, but it is not sufficient, and they have asked for this additional number. They have been paid for out of the surplus fees of the court. One of the contentions of the committee is that this should go on the sundry civil appropriation bill and should not stand upon this legislative bill, and it is a matter also on which they desire further information.

Mr. RICHARDSON. I desire to ask the gentleman from Pennsylvania a question.

Mr. BAKER of New Hampshire. One moment. I understand the judges of the circuit courts are now getting them, and this is to give it also to the judges of the district courts?

Mr. BINGHAM. They get 31, I understand.

Mr. RICHARDSON. If I understood the gentleman from Pennsylvania correctly, the bill as reported now by the conference committee allows clerks to Senators at a salary of $1,500 a year.

Mr. DOCKERY. That is the Senate amendment.

Mr. BINGHAM. That is a matter in disagreement.

Mr. RICHARDSON. That has not been agreed to?

Mr. BINGHAM. Correct.

Mr. RICHARDSON. Are not the Senate conferees insisting upon that amendment?

Mr. BINGHAM. Yes; I have so stated.

Mr. RICHARDSON. What is the status of clerks to members on this bill?

Mr. BINGHAM. The clerks to members have no status whatever.

Mr. RICHARDSON. There is no allowance for members' clerks in the bill?

Mr. BINGHAM. The allowance for members' clerks in this bill is $100 per month, when the member certifies that he has expended that much during the month, during the session of Congress.

Mr. RICHARDSON. Now, then, I want to ask the gentleman in charge of the bill if he is going to recommend that the House give its assent to the proposition that Senators shall have $1,500 a year for annual clerks, and confine ourselves to this $100 a month while Congress is in session only, and then when certified only? Will the conferees recommend us to agree to that?

Mr. BINGHAM. I will state to the gentleman from Tennessee that the paragraph providing for 38 clerks to Senators, which are clerks to Senators not chairmen of committees, is an amendment added to our bill by the Senate. There is no disagreement between the two Houses as to the allowance in the bill for clerks to members of the House. The Senate has agreed to that paragraph of the bill as the House reported it. Therefore, there is no contention as to that; but there is a contention, until we reach an agreement in final report, as to what shall be the allowance for annual clerks to Senators not chairmen of committees. There is no contention between the two Houses on that point. The paragraph covering the allowance for clerks to members has been agreed upon by the two Houses, and therefore it is not in dispute.

Mr. RICHARDSON. But the question I ask is, whether the conferees on the part of the House intend to recommend to the House to agree to that difference between the compensation of Senators' clerks and the compensation of clerks to members? The Senators can not get $1,500 a year for their clerks unless the House agrees to it, I suppose.

Mr. BINGHAM. Certainly it can not be done unless the House agrees; but that is not a subject of contention here. That paragraph is not even under consideration.

Mr. RICHARDSON. The fact is that the Senators are claiming that the salaries of their clerks should be increased from $1,200 to $1,500 a year, is it not?

Mr. BINGHAM. That is an amendment to the bill, but we are in the House now upon our conference report.

Mr. RICHARDSON. The House conferees are disagreeing to that amendment on the part of the Senate?

Mr. BINGHAM. We are disagreeing to that—just what the gentleman desires, as I understand.

Mr. RICHARDSON. My question is, whether the conferees intend to recommend to the House to yield that point and agree to the amendment?

Mr. BINGHAM. That I do not know.

Mr. HARTMAN. Mr. Speaker, I want to say that when the opportune time arrives I shall move to instruct the House conferees to recede from their disagreement, with an amendment providing for annual clerks for Members of this House and for Delegates. [Applause.]

Mr. LACEY. I ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. BINGHAM. With pleasure.

Mr. LACEY. Mr. Speaker, in regard to the item numbered 142, I am not sure that I understand what it involves. I understand the gentleman to say that it is a provision to furnish advance sheets of the various law reports of the United States courts. I wish to say that the necessity for advance reports no longer exists. There is no judge who does not avail himself of the present opportunities for obtaining the published reports of Federal court proceedings through the various weekly publications, which are long ahead of any of the regular official reports, so that there will be no necessity for furnishing advance sheets from the regular reports.

Mr. BINGHAM. That is a matter for consideration by the committee. Now, there is a further question as to that paragraph—not about the substance of the paragraph, but about its relation to legislation—as to whether the paragraph should be on this bill or on the sundry civil bill.

Mr. HOPKINS. If you are going to give these advance sheets to the circuit judges you certainly ought to give them to the district judges also.

Mr. LACEY. There is no necessity for giving them to either.

Mr. HOPKINS. But you do now allow them to the circuit judges, and you ought either to take them away from the circuit judges or else extend the allowance to the district judges.

Mr. BINGHAM. I thank the gentleman for the information he has given me. He understands that that matter is in controversy.

Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CANNON] such time as he may desire.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House until I tell what I am going to talk about, I have no fear but that I shall have it afterwards.

A MEMBER. Clerks?

Mr. CANNON. Yes; clerks. I want to talk for a few minutes about that which is in the minds of most of the members of the House, touching the transaction of their business and the proper aids thereto, especially in relation to clerks to members. The gentleman from Pennsylvania [Mr. BINGHAM] has just said that there is nothing in conference between the House and the Senate touching clerks to Representatives. There is in conference between the House and the Senate the bare question as to whether the clerks to Senators who are not chairmen of committees shall have an increase of compensation from $1,200 per annum to $1,500 per annum. The gentleman from Montana [Mr. HARTMAN] gives notice that at the proper time he will move that the House recede from its disagreement to that provision for Senate clerks, with an amendment providing for clerks for members. The gentleman from Pennsylvania has well said that that is not germane, and no doubt, if necessary, he will say later on that it is subject to a point of order, as there is no existing law authorizing it. I call attention to this now for the purpose of making a suggestion to the House. If it be really the opinion of the House that clerks to members should receive pay during vacation as they now receive it during the session, there are two ways to get at it and to get at it under the rules, and only two ways.

I am in full sympathy with the practical notice which is given by the gentleman from Pennsylvania in charge of this bill, that this thing can not be done out of order upon a general appropriation bill. But it can be done, it is entirely practicable, and it will be done, if the House by a majority desires it should be done, by independent legislation, the passing through this body of a bill giving the allowance to clerks for members during the vacation. I have no doubt that the Senate would make haste to pass such a bill if we should send it to them, and then we would do by right what otherwise would have to be done without law and in an irregular manner.

That is one way to do it. There is another way to do it without such independent legislation. For several years the Senate paid the clerks to Senators from the contingent fund by a resolution of the Senate. Gentlemen all understand what the contingent funds of the Senate and the House are. You can appropriate whatever amount is necessary for the business of the House or of the Senate for the contingent fund, and moneys are paid from the contingent fund of either body by resolution of that body. So that if it be really in the minds of members that this compensation should be allowed for clerks to members during vacation, it can be arrived at by the introduction of a resolution covering that authority, its reference to the Committee on Accounts, and the reporting back of that resolution by the Committee on Accounts as a matter of privilege for the consideration of the House.

Now, either of those ways is legal, and either is manly and in order. I say again that if gentlemen want this allowance in vacation and are willing to stand up and be counted and go upon the roll, and a majority of the members of the House vote for it, it can be done without any trouble in either of the ways I have named.

Mr. BINGHAM. And without any violation of the rules of the House.

Mr. CANNON. Without any violation of the rules of the House.

A MEMBER. And without any violation of propriety.

Mr. CANNON. Yes; without any violation of propriety. As the gentleman from Pennsylvania states (and I am in full sympathy with him), if this is to be done at all it will be done in one of those two ways.

Now, I would not be entitled to any allowance for clerk hire under such a provision, because I happen to be the chairman of a committee. Yet I did vote in the last Congress for a law to authorize it, and I went upon the record to that effect.

I think the statement that the expenditures for a member of the House are less than a thousand dollars while those for a Senator are pretty well up toward $5,000 tells one of two things: Either the expenditures for the Senate are extraordinary and extravagant or the expenditures for the House are too little. Perhaps there is some truth in both branches of the statement. I think our expenditures might well be enlarged along the line indicated for the pay of these clerks in vacation, and I am of opinion that the expenses of the Senate might well be reduced.

I have thought it proper that I should say this much, dealing with the House in perfect frankness touching the matter before it.

Mr. FAIRCHILD. Can the gentleman state any way in which any separate resolution or bill for this purpose can be brought before this House without unanimous consent or through the Committee on Rules before the adjournment of the present session?

Mr. CANNON. Certainly. I have already answered that question. The Committee on Rules is the creation of the House, from its chairman to all its members. I have found in this Congress and in former Congresses that the Committee on Rules was always ready, like other committees, to meet a decided wish of the majority of the House. I have no doubt that it is so now.

Mr. DOCKERY. Does the gentleman suggest a petition to the Committee on Rules.

Mr. CANNON. Oh, no; not at all. The gentleman understands that whenever there is a well-settled desire on the part of the House to consider anything the Committee on Rules, as I understand—I have not the honor to be a member of it—is now, as it has been at all times heretofore, ready to respond, because the House is greater than any of its committees.

I will tell the gentleman—indeed, I did tell him a moment ago—another method of proceeding. Independent of any special order, it is quite in order, as I understand, for any member to introduce in this House a resolution authorizing the payment of this allowance during vacation from the contingent fund of the House; it is entirely in order to refer such a resolution to the Committee on Accounts, which is a privileged committee; and it is quite in order and perfectly practicable to get that resolution before the House for consideration. If such a resolution were adopted such payments would undoubtedly be made.

Mr. LIVINGSTON. Will the gentleman guarantee a favorable report from that committee?

Mr. CANNON. I do not care whether the report is favorable or unfavorable. The committee will no doubt report; and then it is in the power of the House to do whatever a majority pleases with the resolution. I perhaps might put the matter another way, and I do not put it offensively—whatever a majority believes is right and has the courage to do may be done. [Applause.]

Mr. FAIRCHILD. I think that both the answers of the gentleman have enforced the point I desired to make. Now, I wish to ask him another question.

Mr. CANNON. Certainly.

Mr. FAIRCHILD. If the House conferees should request the Senate conferees to agree to add to this bill an amount for annual clerks of members of the House, does not the gentleman from Illinois believe the Senate conferees would assent to the proposition?

Mr. CANNON. The matter is not in conference. It is impossible under the rules of the House to get upon this legislative bill in conference any provision that will make it in order to consider this question of allowances for annual clerks to members.

Mr. BLUE. May I ask the gentleman from Illinois a question?

Mr. CANNON. Certainly.

Mr. BLUE. If the House should see fit by resolution to authorize members to employ clerks for the rest of the year, would

it not be in order to add to the general deficiency bill an amount sufficient to cover the expenditure?

Mr. CANNON. Quite in order.

Mr. BLUE. And that bill has not yet come in.

Mr. CANNON. The House can pass an appropriation for its contingent fund of one dollar or any number of dollars.

Mr. CULBERSON rose.

Mr. BINGHAM. Does the gentleman from Texas [Mr. CULBERSON] desire to be recognized?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. BINGHAM. With pleasure.

Mr. CULBERSON. I understand that one point of difference between the House and the Senate is the pay of clerks to Senators. Is that so?

Mr. BINGHAM. That is correct.

Mr. CULBERSON. Then the committee will have to recommend either that the Senate recede from its amendment or that the House recede from its disagreement and concur in that amendment. Now, I want to know if it is not entirely competent for the House conferees to recede from the disagreement to the Senate amendment with an amendment of the character suggested?

Mr. BINGHAM. Of what character?

Mr. CULBERSON. Providing for clerks to the members of the House at $100 per month.

Mr. BINGHAM. On an amendment pertaining to the employees of the Senate, not the House? It would not be in order.

Mr. DOCKERY. In other words, such an amendment would not be germane.

Mr. BINGHAM. Not at all. They are entirely different parts of the bill.

Mr. CULBERSON. Why would it not be in order?

Mr. BINGHAM. Because it is a change of existing law, and we are acting under the rules of the House.

Mr. CULBERSON. But who is to object to it if it is put on in the Senate?

Mr. BINGHAM. Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered, under the operation of which the report of the committee of conference was adopted.

Mr. BINGHAM. Now, Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments, and agree to the conference asked for by the Senate.

Mr. HARTMAN. Mr. Speaker, I desire to move that the House recede from amendment numbered 19, relative to the annual clerks for Senators, with an amendment which I send to the desk.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

That the House recede from its disagreement to the amendment numbered 19 of the Senate, relating to 38 annual clerks to the Senators, and agree to the same with an amendment as follows: "And for 360 annual clerks to Members and Delegates of the House, at $100 per month, $432,000."

Mr. BINGHAM. Mr. Speaker, I must make the point of order that the amendment is not germane, and the further point, if necessary, that it is contrary to existing law.

The SPEAKER. Does the gentleman from Montana desire to be heard upon the question of order?

Mr. HARTMAN. Not on the point of order, but I would like to appeal to my friend from Pennsylvania, who I understand is in harmony with the legislation asked for here, with the idea of aiding the Representatives and Delegates on the floor in the speedy and proper discharge of their duties, to withdraw the point of order.

Mr. BINGHAM. That I could not do. I am in charge of the conference report, and therefore have no individuality in the matter. I must act for the whole body.

Mr. HARTMAN. I know; but is it not proper to insert what is sought to be inserted here in this appropriation bill?

Mr. BINGHAM. I think it has been clearly stated by the gentleman from Illinois [Mr. CANNON] that there is another and a proper way to reach the conclusion the gentleman seeks, if it is the wish of the House. It is contrary to the rule now, and subject to the point of order, and under the circumstances it becomes my duty to make the point of order and insist upon it.

Mr. HARTMAN. Mr. Speaker, I do not desire to be heard on the point of order if the gentleman from Pennsylvania feels compelled to insist upon it.

Mr. BINGHAM. I am compelled to insist.

The SPEAKER. In accordance with the rules of the House, the Chair must hold that the point of order is well taken.

The question is on the motion of the gentleman from Pennsylvania that the House insist upon its disagreement to the other amendments of the Senate, and agree to the conference asked by the Senate thereon.

The motion was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

The Speaker appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY as conferees on the part of the House.

## FORTIFICATION BILL.

Mr. HAINER of Nebraska. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HOPKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole under the order of the House for the consideration of general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

Mr. HAINER of Nebraska. Mr. Chairman, in presenting to the consideration of the committee the current appropriation bill for fortifications a brief time spent in retrospect may, I think, be not without advantage.

It is well known to the older members, as well as to those who have given this subject consideration, that at the beginning of the late civil war our seacoast was in the then development of the science of warfare well defended. In other words, and generally speaking, our principal ports had such works of defense as would enable them to successfully resist the encroachments of any navy of any nation in the world which might be sent against us.

Commencing, however, with that period, a period remarkable for invention and improvement in every direction, we find a corresponding improvement in armament, in ships, in armor plating, in guns; in short, in every matter connected with offensive or defensive warfare.

I know of no better way in which to illustrate and bring home to the members of the committee the fact to which I have alluded than to say that the weight of the projectiles used in modern warfare exceed by twentyfold the weight of the projectiles used prior to 1860. The energy with which the shots of to-day are delivered exceeds even by thirtyfold the energy of the shots which were fired prior to that time. We have entered upon an era of armored vessels, of rapid-firing guns, of heavy guns which possess immense energy or smashing power. It therefore follows that the armament which was entirely sufficient prior to 1860 is practically useless to-day.

The Army and Navy, the civilians of our country, those who are mostly interested in the defense of our country, were not slow in marking this wonderful advance, and we find at an early date the attention of the Army and Navy and of our most thoughtful civilians was directed to the necessity of a better defense of our seacoasts.

Time passed, and while we had much of agitation and much of talk, practically nothing was done until 1885, when the pressure upon Congress was so great that an act of Congress was passed authorizing the President of the United States to form what was known as the Endicott Board, consisting of two officers of the Army, two of the engineering force, two of the Navy, and two eminent civilians, presided over by the Secretary of War, who were charged with the important duty of investigating this entire subject and presenting a comprehensive scheme of defense for the country. That board, after nine months of the study, made an elaborate report, which is now before me, known as the Report of the Endicott Board, a report which has remained the foundation of all that has been since done.

Although there have been some modifications of this report, caused by changed conditions and some further investigations, that report remains to-day as the foundation not only of all which was then deemed proper and wise to do, but what is so deemed to-day.

That report pointed out the immense need of fortifications, that need which must be apparent to every thinking person in the United States. They pointed out the fact that we had 4,000 miles of seacoast, which was then and now is practically undefended. We recognize the fact, when we come to think of it, that there are at these great seaports, the harbors of our country, to which access has been made easy by nature and the ways to which we have deepened to receive the largest ships that float, at least $10,000,000,000 worth of property which may be destroyed by the navy of a warring power. We recognize the fact that within those cities there are $100,000,000 worth of public buildings alone, which might be so destroyed. And yet 1 per cent of the total destructible property in those cities is sufficient to constitute what would be to-day a perfect and impregnable defense for that immense property and our country.

It seems to me, it has seemed to your committee, it has seemed to every thoughtful person who has investigated this matter, that these stupendous figures call upon the people of the United States, through their Congress, to take some efficient steps looking to a proper defense of our country. In these cities which thus invite attack we spend annually for police and fire protection an amount sufficient to thoroughly defend them. One per cent of $10,000,000,000 of destructible property would place this country in a condition where it could successfully meet at the boundary any force which might be brought against it.

With this conceded condition of the country, the question arises, What has been done?

The Endicott Board, in its consolidated estimate which I find on page 28 of its report, provided for the defense of 27 of these principal ports. Their estimate of the required expenditure was, in round numbers, in the aggregate, $126,000,000, of which $9,700,000 was for torpedo boats, $4,300,000 for submarine mines and their adjuncts, $18,875,000 for floating batteries, and the remainder, about $97,000,000, for ordnance and engineering work.

Now, turning to page 24 of the same report, I find the defense which is recommended contemplates the employment of 44 16-inch guns, 6 14-inch guns, 208 12-inch guns, 222 10-inch guns, 102 8-inch guns, 4 6-inch guns, and 724 mortars, being 700 of 12-inch and 24 of 10-inch caliber, respectively.

That, in brief, is the scheme which was then outlined. Gentlemen will observe that in this plan the expenditure contemplated was about $29,000,000 for floating defense and $97,000,000 for land defense.

What has been done since? We have expended and authorized for our floating defense, from that time up to the present, $110,000,000; and during this session of Congress the House has passed a bill which authorizes the expenditure of $26,000,000 more. In other words, the provision thus far made for floating defense has aggregated over $136,000,000. What has been done in the way of land defense? The testimony which I have before me shows in that time we have expended for engineer work only $4,500,000 and for ordnance work about $7,200,000. In other words, as against the recommendation of $97,000,000, we have expended $11,700,000, while for the naval defense we have expended and authorized up to the present time about $136,000,000. If we proceed at that rate—if in eight years we have expended only $11,000,000, while a total expenditure of $97,000,000 is required—I ask you when we may expect to have a sufficient and efficient defense in this country?

Let it be remembered also that when we expend money so parsimoniously for this or any great object a very large proportion of the amount which we actually expend must necessarily be taken up in the work of repairs, maintenance, salaries, and other general fixed charges, and but a small portion of it can be devoted to the completion of the system of defense which all concede the country demands. A navy, while an effective arm of defense, is not sufficient. It needs the protection of fortifications, under the shelter of which it may make necessary repairs, obtain supplies, and from which it may go forth on its work of offensive warfare. The navy is to seacoast defense what the cavalry is to the army. It does the skirmishing, it carries the flag abroad, and is much in evidence on occasions of pomp and display; but after all, the infantry inland and the forts on the coast do the real fighting. All history and experience are to this effect.

I submit in this condition of the country the people may well look to Congress to borrow of experience and take heed of the lessons of prudence and ordinary foresight. To-day, while the country is awake to the importance of this subject, it is our duty to make sufficient appropriation and thus meet the demands of the country, insuring its safety.

Our danger to-day is not from within. Our people are united. Peace dwells within our borders. Momentarily we are depressed and our industries languish, but in the near future, unless all signs fail, our wealth will again grow apace. Our people will be fully employed and our accumulations will more and more tempt the avarice of the world.

What appropriations have been made in the past?

From 1875 to 1886, inclusive, the appropriations averaged only $540,750 per annum.

In the years 1887 and 1888 no appropriations were made.

From 1888 to the present time the appropriations for fortifications aggregate $22,489,224.50, or an average of $2,811,128.06 per annum; but even of this only about one-half was appropriated for the purposes contemplated by the Endicott Board.

Not only was the aggregate of appropriations ridiculously small, but the Secretary of War called the attention of the country in his last report to the fact that even under the small appropriations there has been no sort of correspondence between the several items of the bill, and the several branches of seacoast defense have not been symmetrically developed. In other words, that while we have expended a small amount for guns appropriate for defense we have appropriated a much smaller amount proportionately for carriages upon which these guns must be mounted. We have appropriated a still smaller amount for emplacements in which these guns must be fixed in order to be effective. For gentlemen will bear in mind that a gun must be mounted on a carriage and it must be emplaced before it can be rendered effective if it is to deliver shots against the enemy. Guns without carriages and carriages without emplacement are of absolutely no force or effect as an agency for defense or offense.

This appropriation is made doubly important by the further consideration that a gun on land is vastly more effective than a gun on a ship. Let me call the attention of the members of the committee who do me the honor to listen to the fact that the testimony before our committee showed that a gun on board a vessel has an effectiveness of only one-fifth to one-third of the effectiveness of a gun on land. The testimony also shows that the cost of a gun on shipboard is from three to five times as great as the cost of a gun on land. In other words, that a dollar expended on land defense is from nine to twenty-five times as effective, in the first instance, as on board a vessel, while the cost of maintenance of a naval defense is infinitely greater than that of a land defense. Place a fortification once in good condition and there it remains for your posterity and mine; but place it on a vessel, complicated as it is, while that vessel to-day may be a splendid instrument of offensive and defensive warfare, the next year it has already been relegated to the past, either because of improvements constantly being made or by the destructive agencies which necessarily work upon it.

Such being the case, it behooves us to place in proper condition our land defense; and to that end your committee has devoted itself. We brought before us the experts, those who are qualified to speak on the matter, and we went about it in a business-like way, and I believe in a patriotic way, with a view to present here to the consideration of this House and this committee a bill making substantial progress in the direction of providing an effective defense. I am profoundly impressed with the overwhelming necessity for ushering in a new era of national defense. The bill which we present provides in bulk $11,384,000 for this defense. Of this amount there is a direct appropriation of $5,842,337, while contracts are authorized in the additional amount of $5,542,276.

Up to this time in our appropriation bills which have become laws, provision has been made for 129 guns, 61 carriages, and only 34 emplacements. In other words, we have provided for 68 more guns than we have carriages, for 95 more guns than we have emplacements, and for 27 more carriages than we have emplacements. Under the provisions of this bill, however, we shall have provided for 173 guns, 140 carriages, and 122 emplacements. In other words, at the end of the next fiscal year, if this bill is enacted into law, the guns will be only 33 in advance of the carriages and only 41 in advance of the emplacements, while the carriages will be only 8 in advance of the emplacements. That is to say, the guns will not be to exceed one year in advance of the other branches of the service.

On this point let me suggest for the consideration of the committee that perhaps no mistake has been made in the past in permitting the existence of the discrepancy to which attention has been called by the Secretary of War and to which I have alluded thus far in my remarks, for we find that in order to construct these large seacoast guns from two to three years are required. The forgings for these guns must necessarily be provided in advance even of entering upon the construction of the guns proper. Much time is necessary for the construction of the guns, very much more time than is required for the construction of the carriages or emplacements, and it was therefore, perhaps, the part of wisdom to construct the guns first and to make a considerable advance in that branch of the service.

Another thing to which the attention of the committee is specially challenged is the marked advance which has been made in the work of constructing carriages. Under the provision of the Endicott Board, and as was contemplated for many years thereafter by the Engineering and Ordnance Departments, these heavy guns were manipulated by means of enormous lifts, which were operated by machinery complicated in its structure and necessarily very costly. In these later years invention has proceeded, so that instead of these heavy gun lifts, involving an enormous outlay of money and labor, there has been gradually evolved what is known as the disappearing gun carriage, which enables the gun to be loaded under cover, then raised and fired, and returned to its position completely hidden. This disappearing carriage is very much cheaper than the old-fashioned gun lift and fully as efficient (viewed from an engineering standpoint, much safer for the gunners), and it has been estimated by experts there will be a saving by the substitution of the disappearing carriages of fully $19,500,000, while the saving in the casements, in engineering work, will be about $9,500,000. In other words, it is estimated that there will be a saving from the use of the disappearing carriages of about $29,000,000. So that the work which has been proceeding more rapidly in the direction of making heavy guns than of making

carriages has, in the end, inured to the financial advantage of the country. We have not had the benefit of protection meanwhile, but we have saved our money, applying it on our debts, and thus far have suffered no loss. We have, in other words, been extremely fortunate.

There has been already evolved, as I have said, a perfectly satisfactory disappearing carriage for the 8-inch and 10-inch guns, and it is now believed by the Ordnance Department they have also devised a perfectly satisfactory disappearing carriage for the 12-inch guns; so that we can now proceed, and I think properly proceed, to bring these several branches of our service more nearly into correspondence. Proceeding on this theory, we have recommended a large increase for carriages and emplacements. We have allowed for our gun and carriage factories an amount sufficient to enable them to work at full time, and have made corresponding appropriations also for the Engineering Department, so that at the end of the fiscal year for which we are providing we shall have the several branches of the service into something like reasonable correspondence, and with the expiration of another year it is thought the several branches will be brought as nearly upon a plane of equal development as the nature of the undertaking permits.

I have now only to call the attention of the committee to the amount which we have provided for contract work. Let me suggest further on this point——

Mr. McCREARY of Kentucky. If I may interrupt the gentleman, I was unable to hear his statement with regard to the whole amount appropriated by this bill. What is the amount?

Mr. HAINER of Nebraska. The amount appropriated in money is $5,842,337, while contracts are provided for in addition amounting to $5,543,276, and for which appropriations must hereinafter be made. The cash appropriation will carry the work to March 4, 1897.

Mr. McCREARY of Kentucky. That makes about $11,000,000.

Mr. HAINER of Nebraska. This bill carries in cash and by contract obligations $11,385,613.

Mr. McCREARY of Kentucky. The bill gives authority to the Secretary of War to make contracts involving, as the gentleman says, an expenditure of over $5,000,000.

Mr. HAINER of Nebraska. Yes, sir.

Mr. McCREARY of Kentucky. In what length of time is that money to be drawn from the Treasury?

Mr. HAINER of Nebraska. There is no stated time. The gentleman understands that this is not an annual bill. The amounts appropriated here are made immediately available and remain available until they are expended. There is no limitation placed on the Secretary of War save the limitation of his discretion, a discretion upon which we thought we could safely rely.

Mr. McCREARY of Kentucky. The bill carries an appropriation, then, for coast defenses amounting to about $6,000,000, as I understand?

Mr. HAINER of Nebraska. This is practically all for the coast defense.

Mr. McCREARY of Kentucky. Then the amount for coast defenses would be practically about $11,000,000. Will the gentleman please state where those defenses are to be located—at what particular cities?

Mr. HAINER of Nebraska. That is a matter within the discretion of the Secretary of War. The bill does not undertake to make any apportionment between cities or ports. I have called attention to the fact that by the report of the Endicott Board and the Puget Sound Board, which was made supplemental thereto, 28 principal ports have been suggested for the erection of fortifications, and the appropriations thus far made have been used for the purpose of making suitable defenses at those points.

Mr. McCREARY of Kentucky. I suppose the committee, in estimating how much money would be required, took into consideration the points where works of defense would probably be constructed, and I should like the gentleman to state, if he can, where the money will probably be expended.

Mr. HAINER of Nebraska. The gentleman, on reflection, will certainly see that it would not have been wise for the committee to go into that question, nor would it be proper for such a question as that to be discussed here in this body.

Mr. McCREARY of Kentucky. Does the gentleman believe that the amount proposed to be appropriated by this bill will be sufficient to protect our coast?

Mr. HAINER of Nebraska. Oh, no; certainly not. But if succeeding Congresses take up the line of work for which we have here appropriated——

Mr. McCREARY of Kentucky. Then this is only a commencement?

Mr. HAINER of Nebraska. It is practically a commencement, but a very good one. I have already called attention to the fact that the recommendations of the Endicott Board involve an expenditure of about $126,000,000. This amount will be reduced by changes already discussed, and, on the other hand, additions must be made for new points not considered by the board. We have thus far appropriated about $22,000,000, and very nearly one-half of that amount has been for objects not contemplated by the Endicott Board. So that thus far we have appropriated only about $11,000,000 for the purpose of carrying out the recommendations of that board. We now make provision here for the expenditure of about $11,000,000 more. In other words, this bill proposes to do substantially as much for coast defense as has been done in all the years since 1888.

Mr. McCREARY of Kentucky. Then about $100,000,000 more will be required.

Several MEMBERS. Oh, no.

Mr. McCREARY of Kentucky. I thought the gentleman said that something over $120,000,000 in all would be necessary.

Mr. GROUT. That was the estimate of the Endicott Board.

Mr. McCREARY of Kentucky. What I wanted was an estimate or opinion of the committee as to how much would probably be required for coast defenses beyond the appropriations contained in this bill.

Mr. HAINER of Nebraska. In my individual judgment—I would not undertake to bind the committee by any such expression of opinion—it will require about $75,000,000 more. In other words, it will require about eight years to complete these defenses. On this subject I call the attention of the Committee of the Whole to this language, which was used by the direct representative of the Secretary of War in the hearings before the committee:

> The completion of the project depends ultimately upon the maximum rate of construction of guns and mortars, that rate being the slowest in the construction of any of the items entering into the system. The quota of 8, 10, and 12 inch guns can be completed in eight years, with sufficient appropriations to attain the maximum rate at the Government factory; the quota of mortars can be completed in nine years on the same condition, and the carriages can be completed as rapidly as the guns and mortars. But since by the end of the eighth year a very large part of the mortars and their carriages would be finished, eight years may be fixed as the minimum possible limit for the completion of the entire work.

The committee have taken this statement as approximately correct, and have made appropriations not only covering the estimate originally submitted to us, but exceeding that amount by about $4,000,000, thus, so far as we could, committing Congress and the country to a speedy completion of our coast defenses and within "the minimum possible limit" suggested by the Secretary of War. In this, Mr. Chairman, we believe we are obeying simply the wise demands which are made upon us by the people.

Mr. McCREARY of Kentucky. The gentleman's statement is very interesting to me; and I hope he will excuse me for another question.

Mr. HAINER of Nebraska. Certainly.

Mr. McCREARY of Kentucky. What length of time and what amount of appropriation per annum will be required, in the judgment of the gentleman, to complete our coast defenses?

Mr. HAINER of Nebraska. In my judgment we have just about determined the annual limit in this bill. If each succeeding Congress makes an equal appropriation and gives equal authorization these coast defenses will be completed in about eight years. That is about as rapidly as, according to our present information, they can be completed.

Now, gentlemen of the Committee of the Whole will bear in mind that the work on the guns, upon which manifestly the entire system of defense must hinge, can not be pushed beyond a certain limit. The work of producing the forgings out of which the guns are made consumes necessarily a large amount of time; the assembling and finishing of these guns necessarily takes much time. The work of constructing carriages can be expedited; while there is practically no limit other than the financial one which can be placed upon the work of the engineering department. So therefore it behooves us to continue and press forward this work of completing our heavy seacoast guns, keeping that work in advance of the other branches of the service. This we have undertaken to do in the bill which is before us.

I have already called attention to the fact that we have made adequate provision for our gun and carriage factories. There has been no stinting of provision for these important factories, establishments which it seemed to the committee are deserving the highest meed of praise for the excellent work they have thus far done.

Our guns there made are conceded by experts to be as good as the best. Our carriages are satisfactory to the War Department.

The quality of what we have is excellent. Our only lack is in quantity. That lack time and money will supply.

We have also made a reasonable appropriation in this bill for field and siege guns, looking, as we thought we had a right to look, to a proper equipment of the land forces of the United States that might be called upon to meet any forces which might land upon our coast. We have also made an appropriation up to the full estimate for the procurement of sites for fortifications.

The other items of the bill are those which usually abound in bills of this character. Respecting them I need only say we have in almost every instance given the full amount of the estimate.

Mr. STEELE. Will the gentleman from Nebraska state the character of the engineering work to which he has referred? Does it relate to the emplacement of the guns and carriages, and work of that character?

Mr. HAINER of Nebraska. The usual character of such work.

Mr. STEELE. Since the advent of the disappearing gun carriages do they build these on the same plans as formerly?

Mr. HAINER of Nebraska. Not necessarily. Of course the gentleman will understand that the disappearing gun carriages do not require the immense fortification or masonry that was formerly required.

Mr. STEELE. Nor of dirt, either.

Mr. HAINER of Nebraska. No; but they do necessarily require engineering construction of a most important character and involving much labor and expense. I assume, of course, neither the gentleman nor the committee care to go into a technical discussion of these emplacements.

These, Mr. Chairman, are some of the considerations which occupied and prompted the committee in reporting the bill, and they believe in its presentation they have risen to the plane to which the people of this country, the thoughtful consideration of the people of this country, would have them rise. Not that they are agitated by any fear of war, for we do not believe—I think no member of the committee believes—that the United States Government is about to be involved in a war. No threat of any embroilment with a foreign power in any manner prompted our committee in recommending the work to be done, or which we would have the country enter upon at this time. On the contrary, we believe that the mission of the United States is to-day, and that it will be in all the years to come, one of peace; but we have not felt it either wise or prudent for this Government to longer delay the work of reasonable protection to our exposed ports and of organizing an efficient system of coast defense against such attack as may possibly be made upon it.

The Government of the United States and the people have no desire to build up an enormous Navy which shall exceed or equal that of any other power. A navy is necessarily offensive in its work and character. Our work and our mission is not of that description; and while we have no design on any foreign power, while we are strangers to any thought of subjugation or increase of territory by force, while we will cultivate peace with all the world, common prudence, which should guide every enlightened government, requires that we place ourselves in a position at all times to be enabled to defend ourselves against aggression. We believe that peace can be best and most securely maintained by entering upon the work proposed here and carrying it to a speedy completion. While we do not believe the purpose of the Government or our people is to engage in war, we yet believe it is our duty to be ready for it. We believe the best way to avoid danger is to be prepared to meet it when it comes. War is not our mission. I would not encourage a taste for it.

Neither would I, as a member of this committee, place the Government of the United States in the line of the first great naval powers of the world. We are to-day, at best, only at the head of the second-class powers respecting our Navy. We can not hope, without the expenditure of enormous sums of money, to place ourselves in the ranks of the first great naval powers of the world. But we can, by the expenditure of a small amount in the other direction, place ourselves in a condition where we may rest secure against the encroachments of any power. We will not then place ourselves in the position of a wealthy but thoughtless person, inviting attack by going into unfrequented paths which are beset by footpads. In this spirit the committee have prepared and presented this bill for the consideration of the House.

Mr. COOKE of Illinois. Will the gentleman permit me to ask him a question in this connection before he takes his seat? Will the gentleman from Nebraska please state what the Endicott Board reported as to the question of inland ports, such as those on the Great Lakes, with regard to this matter of fortifications and coast defenses? Will the gentleman kindly state, in brief, what the report recommends in that regard, if there is information accessible on that point?

Mr. HAINER of Nebraska. I may say, in response to the gentleman from Illinois, in a general way that the report classifies as of importance with reference to a system of coast defenses, first, the city of New York; second, the city of San Francisco; third, the city of Boston, and fourth, the ports on the Great Lakes. That, I conceive, covers the question of the gentleman from Illinois.

Mr. COOKE of Illinois. And the Endicott report, if I understand the gentleman's answer, deals with the subject of the lake ports as of importance when we come to consider the matter of enlarged coast defenses?

Mr. HAINER of Nebraska. Unquestionably. And at the same time I wish to say this: There is absolutely nothing in the bill which will bind the Secretary of War to enter now upon the protection of these lake points, or of any other points, with reference to the construction of fortifications.

Mr. COOKE of Illinois. I so understood the gentleman's former statement.

Mr. STEELE. That would apply also to New York, Boston, or San Francisco.

Mr. HAINER of Nebraska. Certainly. That is a matter left entirely to the discretion of the Secretary of War, and there is nothing in the bill to direct that this work, at any port, shall or shall not be entered upon.

Mr. COOKE of Illinois. I so understood the statement.

Mr. CANNON. Will the gentleman allow me a question?

Mr. HAINER of Nebraska. Certainly.

Mr. CANNON. If I understand it, in a general way, living as I do in the Mississippi Valley, after something of general inquiry on the subject, it is supposed that with 3,000 miles of boundary between our country and Canada on the north, there being some 70,000,000 people on our side of the line as compared with their small population, our ready communications by rail and waterways, the fact that the St. Lawrence is the boundary line for hundreds of miles between New York and Canada, the Welland Canal on one hand and Canada on the other, that in the event of a war with Great Britain, neither country having a naval force on the Great Lakes, it is supposed that the conditions I speak of would enable us to defend the northern border by attacking what might be the enemy in the event of trouble; and that, so far, there has been no estimate or work in pursuance of estimates looking toward the fortification of any lake port?

Mr. HAINER of Nebraska. Mr. Chairman, the gentleman is substantially correct, and yet not entirely so. The Endicott Board did make estimates referring to these lake ports. Speaking for myself, and having no military experience, I feel that a certain degree of modesty is most becoming, yet it seems that the very conditions which have been suggested by the gentleman from Illinois clearly indicate, at least to the lay mind, that the best defense for the lake ports is the wonderful preponderance of power that we have, and since these lake ports could be attacked only by our Canadian neighbors, the best way to protect them would be to capture Canada, which probably would be done if such a necessity presented itself. It is also true that under our treaty with England only one armed vessel can be floated in the greatest of these lakes, and that bearing only a single gun of 8 pounds caliber. So there is nothing serious to apprehend in that quarter at present.

Mr. COOKE of Illinois. Does the gentleman mean to say that only vessels of that limited capacity could enter the lakes from the sea?

Mr. HAINER of Nebraska. Oh, no; not at all; because, as I understand, vessels of 14 feet draft could enter, unless the Welland Canal is closed; but that is of easy access and could practically be destroyed in twenty-four hours after war was declared.

Mr. COOKE of Illinois. If they could pass the Welland Canal they could float very much larger vessels?

Mr. HAINER of Nebraska. Yes.

Mr. COOKE of Illinois. And do I understand the gentleman to say that they could not pass the Welland Canal?

Mr. HAINER of Nebraska. That would be my impression. Of course I am not prepared to discuss these questions from the technical standpoint of a trained soldier.

Mr. STEELE. Is it not a fact that the Canadian Government now has modern fortifications on her frontier at several places?

Mr. HAINER of Nebraska. Unquestionably; and the same may be said of Halifax, which is a strongly fortified city. England has proceeded upon an entirely different theory than have we hitherto.

Mr. DOOLITTLE. I should like to ask the gentleman if it is not within the knowledge of the committee that the British Government is now and has been for several years past expending many millions of dollars in fortifications at Esquimalt, across the Strait of Juan de Fuca from Puget Sound, in the State of Washington, and that no American citizen and no citizen of that province is permitted to have any knowledge of the extent of those fortifications, or permitted to know anything, except that a vast number of the most modern and powerful guns are being placed in position there all the time?

Mr. HAINER of Nebraska. I thank the gentleman for his information; it affords additional argument for the passage of such a bill as we have here presented. Mr. Chairman, I now yield to the gentleman from Texas [Mr. SAYERS] such time as he may desire.

Mr. SAYERS. Mr. Chairman, I expect to consume but a few minutes of the time of the committee. The bill itself, as stated by the gentleman in charge of it [Mr. HAINER of Nebraska], carries an immediate appropriation of $5,842,000, and in addition authorizes contracts to the extent of $5,542,276.

I heartily concur in the provisions of the bill. I think—and I may say it without egotism, as I had no share in the preparation of the bill, it having been prepared by a subcommittee and submitted to the general committee—that the amount appropriated

is wisely distributed between the two branches of the military service which have in charge the construction of fortifications along our coast.

As gentlemen well know, the Ordnance Bureau and the Engineering Office are the two branches of the military service that are charged with this work. Heretofore, with the exception of the establishment and maintenance of the gun factory at Watervliet, N. Y., there have been but small appropriations, except for the purpose of making guns and mortars. In the Fiftieth Congress, in order to carry out the provisions of the report of the Endicott Board, an appropriation was made for the construction of Watervliet Arsenal, N. Y. It was several years before the requisite machinery could be secured in order to put that arsenal upon a proper footing. That having been done, appropriations have been made, year by year, to keep the arsenal running eight hours a day during the entire year, and for the purchase of steel ingots from the manufacturing industries of the country, so that we now have quite a number of guns of 8, 10, and 12 inch caliber.

The bill carries larger appropriations than have heretofore been made, for the purpose of putting these guns in place at different localities on our coast.

The Appropriation Committee has taken one step, and only one step, that has not been previously taken by Congress, and that is to provide for the construction of a 16-inch gun. Heretofore Congress has refused to authorize the construction of so large a gun; but the subcommittee on Appropriations, and the general committee to whom the bill was committed, have thought it wise that authority should be given to construct such a gun to be put to the extreme test, when it shall have been built, so as to ascertain by actual experiment whether it would be wise to continue the construction of so heavy a gun in the future.

I will say in conclusion, because the gentleman in charge of the bill has very clearly and fully explained all of its provisions, that the bill meets my entire concurrence. I think it is a good bill. It is not an extravagant one. I believe the contract features to be proper, and think the bill ought to be passed in its present shape. It is not an extravagant one, as I have already said, in any sense of the word, and the entire appropriation which has been made and the contracts which it authorizes have been divided between the two different branches of the military service, the ordnance and the engineer offices, in a thoroughly practical manner.

Mr. COOKE of Illinois. I would like to ask the gentleman if he considers the amount of the appropriation is as large as could be expended advantageously for this purpose? Does he not go further?

Mr. SAYERS. I think the appropriation carried in the bill is as large as it ought to be, and I trust it will not be enlarged in the House or in the Senate, but that it will go to the Executive just as it is before us. It is all that the Department asks; and, as stated by the gentleman in charge of the bill, Watervliet Arsenal, which is the Army Gun Factory, is provided for through the entire year at the rate of eight hours' labor each day; so that there will not be a moment's cessation in work on account of the want of necessary funds. And then authority is given to purchase mortars and to contract for carriages. In my judgment the bill is sufficiently large to meet the necessities of the service.

Mr. HILL. Does the gentleman know whether there is any provision in this bill for the location of a site for one of these fortifications on Long Island Sound?

Mr. SAYERS. There is a general appropriation of $250,000 for the purpose of permitting the Secretary of War to acquire such sites as to him may seem best.

Mr. HILL. You do not know whether any portion of that is to go to acquiring a site on Long Island Sound?

Mr. SAYERS. We did not undertake to locate the places where the fortifications are to be erected. If we had done so, it would simply have advertised the fact to parties who own the sites, and thus enabled them to extort from the Government.

Mr. HILL. Mr. Chairman, the reason why I asked the gentleman this question is because in the Endicott plans there is a recommendation for a fortification at the eastern end of Long Island Sound.

Mr. SAYERS. There is no provision at all made for that place in this bill. That is a matter which is and should be intrusted entirely to the Secretary of War.

Mr. TALBERT. I desire to ask the gentleman a question for information, if he will yield to me.

Mr. SAYERS. Certainly.

Mr. TALBERT. In the consideration of the river and harbor appropriation bill it was stated that it carried on its face about $9,000,000, and yet the expenditure which would be authorized under it would amount to $60,000,000.

Mr. SAYERS. That is not the case as to this bill.

Mr. TALBERT. The gentleman from Nebraska, in answering a question of the gentleman from Kentucky, stated that to carry out the provisions of this bill it would require $75,000,000.

Mr. SAYERS. Oh, not at all. The gentleman is mistaken. The gentleman has clearly misunderstood the statement of the gentleman from Nebraska. What the gentleman from Nebraska said was that, according to the report of what is known as the Endicott Board, made a good many years ago, and in order to carry out the recommendations of that board, it would be necessary to expend, in his judgment, about $75,000,000.

Mr. TALBERT. That does not apply, then, as I understand the gentleman, to the present appropriation?

Mr. SAYERS. I will say, Mr. Chairman, to the gentleman from South Carolina that this bill shows upon its face every cent that the Government will be required to expend under it.

Mr. TALBERT. That is what I wanted to get at.

Mr. SAYERS. It is $5,842,337 in cash and $5,542,276 under contract.

Mr. TALBERT. I understand now.

Mr. SAYERS (continuing). Making the total amount that can possibly be expended under this bill $11,384,613.

Mr. TALBERT. That is the utmost limit. That is the point.

Mr. SAYERS. And I will state to my friend that it will take at least two, and probably three, years to expend the $5,542,276 authorized to be contracted for. Now, there is nothing whatever deceptive in this bill. Any gentleman can read it and can easily understand just what it carries. Each amount is stated upon its face, and each amount can not be exceeded by the War Department.

And I will say further, in answer to my friend in front of me, that I do not believe that it would be wise for Congress to specify the places that should be fortified and what character of fortifications are to be erected, for the reason that the responsibility ought to rest solely upon the War Department. That branch of the executive department of the Government is charged with the defense of the country; and upon it ought to devolve the entire responsibility. The only duty that belongs to Congress is that of providing the proper appropriations to enable the Secretary of War to carry out his plans for an appropriate defense.

Mr. Chairman, I have said all that I desire, and yield back my time to the gentleman from Nebraska.

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, as one of the Democratic members of the Committee on Appropriations and one of the two Democratic members on the subcommittee which had charge of this bill making appropriations for fortifications and the armament thereof, and as the only Northern member of that subcommittee, I feel it my duty to submit some remarks to the committee before this bill is passed. The views which I shall utter will represent, I presume, the views of Northern Democrats, and, I trust, the views of the Democracy of the whole country as to the propriety of suitable appropriations for our coast defenses, for our coast fortifications, and for the armament of those fortifications.

Let me first, gentlemen of the committee, call your attention to the present condition of this country in respect to defense. As to that condition there is no secret. There is no foreign government, there is no European power, which does not have accurate and definite information as to our strength and fighting capacity, both offensive and defensive, to a man and to a gun. So if I draw attention to our defenseless condition, to the helpless condition of our harbors and our seaports, I betray no secret. It is well known to all of you and to every intelligent man in the United States that we are powerless to-day to resist the inroads or incursions of any foreign fleet. One of the most distinguished of our naval officers, one than whom there is no man in the service of higher ability or finer character, Admiral Walker, testified not long since before a committee that within ten days, in the event of a war with any great European power, most of our seacoast cities could be ruined.

The gentleman from Nebraska [Mr. HAINER] said, if I mistake not, that we were a second or third rate naval power. If we take the schedule of armored vessels we are at best only the fifth power, and if we take the aggregate of all the vessels in the Navy we should be placed seventh in rank. It is well known that Great Britain is first, that France is second, and that Russia is third; and if we take the armored vessels as the test, Germany would be placed before the United States of America, whereas if we take the vessels armored and unarmored, all the vessels on the list, we shall be obliged to concede to the Netherlands and to Italy a position superior to our own. So, Mr. Chairman, the most that we can claim is that to-day we are a fifth-rate naval power. I read the other day a very able speech by the Senator from Vermont, Mr. PROCTOR, on coast defenses, delivered I believe on the 27th day of February in the Senate of the United States. In that speech Senator PROCTOR deprecated any further substantial advance in our Navy. He maintained that the only proper thing was to have a satisfactory system of coast defenses with adequate appropriations for fortifications and for the strengthening and defense of our seaports.

Now, sir, I do not agree with the Senator from Vermont. I think that the Navy and our system of coast defenses should go hand in hand, and that, year after year for some years to come,

we should make provision for the building of at least four new battle ships, and this year I should have been willing to have voted for the construction of six new battle ships. It is hardly necessary, I presume, to call the attention of members of this committee to the great numerical, overpowering strength of the British navy as compared with our own; to the fact that Great Britain has to-day 50 battle ships against our 3, and will have in a few months 60 in commission as opposed to the 8 which we may have in commission two years hence. The same discrepancy is found throughout the whole list of vessels, cruisers, coast-defense vessels, torpedo boats, and all the vessels of the two navies, armored and unarmored. Then, sir, reflect for a moment upon the fact that Great Britain has a navy of nearly 89,000 men, while our total force is only 13,460, including the marines.

So, gentlemen, we must assume that it never will be in our power until we have a surplus revenue greater than any for which we may soon hope to maintain a navy which can compete with the navy of Great Britain, or with the navy of France, or with the navy of Russia. But what can we do, gentlemen? What is the imperative and the essential duty that is now incumbent upon us? It is to defend our helpless coast. It is to defend our great seaports. It is to begin a systematic, continuous provision or plan for the construction of adequate coast defenses along our whole coast line. Gentlemen must remember that, in rough figures, the Atlantic seaboard runs along for some 2,043 miles; that in the Gulf of Mexico our coast line is 1,810 miles; that on the Pacific Slope our coast line is 1,850 miles; and, of course, these figures do not include the indentations along the coast.

Now, we do not, of course, propose to construct fortifications along the whole coast line of the Atlantic seaboard, the Gulf, and the Pacific, but we do propose to fortify our principal seaports and the mouths of our great harbors and rivers. Let us say first, however, that in submitting these views I do not assume for one moment that my conception of the plan to be adopted is to be considered as binding upon my associates. I do not know that my conception is the same as that which is entertained by the gentleman from Nebraska, who has submitted this bill. I do not know but that my views differ somewhat in substance or in detail from the views entertained by the gentleman who has just addressed the committee. But I will tell you what I think should be done; and I will give you my idea as to the vote which I cast when I vote for these appropriations.

To-day, as I have indicated, we are absolutely at the mercy of a fleet of any foreign power, unless that foreign power be weaker in its naval armament than we are to-day. We should be powerless as against the fleets of Great Britain, France, Russia, or even Germany. The experts tell us that any foreign fleet, any foreign squadron of ordinary power, could do one of three things: It could either occupy an American harbor, for instance the harbor of one of our great seacoast cities, or it could shell the city, or it could, by its presence within the harbor lines, extort contribution and ransom equal in value to all the property lying exposed to the shells of the foreign vessels. Do you gentlemen, irrespective of party—do you as patriots—hesitate for one moment as to your duty not only to your constituents but to the whole American people? Will there be any man on either side of this House who will venture for one moment to oppose the passage of this bill?

I say that if we could use more money within the fiscal year—if we could provide wisely for larger appropriations—I for one should gladly vote for larger sums. We have, according to my conception of our report, declared ourselves substantially in favor of a simpler Endicott plan—that is, a plan similar in its scope to the plan adopted by the Endicott Board of 1886, but simpler and somewhat modified in details, because it has been found that owing to improvements and new inventions, certain guns can be made at a less cost. It has also been found that the old gun lift must be superseded for the new disappearing gun carriage. I speak now as to the gun carriage for 12-inch steel guns; for we already have disappearing gun carriages for the 8-inch guns and for the 10-inch guns.

Gentlemen will remember that the plan of the Endicott Board provided, in substance, for the erection of coast defenses or fortifications. Whether this matter be important to members of this committee or not, I think, gentlemen, you will all agree with me that no appropriation bill, nor any bill of any form, has come here for consideration during the present session which is of graver importance to the American people than this. The whole American people, irrespective of party, demand the adoption of a complete and satisfactory system of coast fortification and coast defense. The interests of commerce and navigation, the manufacturer, the banker, and the business man in every avocation, the professional man, the whole press of the country, the artisan, the mechanic, the day laborer—all unite, Mr. Chairman, in favor of the system of continuous construction of coast defenses throughout our whole coast line.

And, gentlemen, although we can not conclude the War Department as to the ports which are to be fortified—as to the special seacoast cities coming within the purview of the general plan—it is no secret that the plan must include all the principal seaports along the Atlantic Seaboard, commencing with the Penobscot and Kennebec rivers, taking in Portland, Me.; coming along to Portsmouth, N. H.; thence taking in Boston and New Bedford, Narragansett Bay and the east entrance of Long Island Sound, and including New York, Philadelphia, Baltimore, and Washington; passing on to the South and taking in all the important seaports on the South Atlantic coast—that is, Hampton Roads, Wilmington, N. C., Charleston, and Savannah; thence on to the Gulf Coast, taking in Key West, Pensacola, Mobile, New Orleans, and Galveston. I shall not attempt, Mr. Chairman, to enumerate each of the seaport cities or harbors that should be defended. But on the Pacific Coast we have San Diego, we have San Francisco, we have Portland, Oreg., and also Puget Sound. So there would seem to be an intent on the part of the General Government, on the part of the War Department, to make in every instance a fair and just appropriation of the money which is given to the Department or to the Board of Ordnance and Fortification for distribution.

Now, gentlemen, the plan which we have adopted has the support of the Chief of Ordnance, General Flagler; it has the support of the Chief of Engineers, General Craighill; it has the support and approval of the Board of Ordnance and Fortifications—that continuous Board which is presided over by the Major-General in Command of the Army, General Miles, and which has one civilian in its membership, General Outhwaite, our colleague in the Fifty-third Congress, and which also has as members Col. Royal T. Frank, of the artillery; Col. Peter C. Hains, of the Engineers, and two ordnance officers, I believe, Major Phillips and Captain Ayers. This Board, composed of efficient officers, supports the project now submitted by the Committee on Appropriations.

In answer to the suggestion made to me sotto voce by the gentleman from South Carolina [Mr. TALBERT], I wish to say that the bill now before the Committee of the Whole has the unanimous support and approval of all the members of the Committee on Appropriations, Republicans and Democrats alike.

I believe that the original plan of the Endicott Board contemplated an expenditure of $97,000,000. It has been asked by certain gentlemen, Mr. Chairman, how much money we propose to expend. The distinguished gentleman from Kentucky [Mr. MCCREARY], of the Committee on Foreign Affairs, evinced a few moments ago his interest in this question. He desired to know how much money it was proposed to expend. Now, my idea of the general plan is that we must expend in all either $85,000,000 or $97,000,000. The money will be distributed, in round numbers, as follows: For the guns and gun carriages we shall have to spend in all about $44,600,000. And, Mr. Chairman, as to the guns, let me call the attention of the committee to the general plan contemplated. It is settled that the guns are to be 8-inch guns, 10-inch guns, and 12-inch guns, made of steel, and of course the carriages will be of a character to correspond with the size of the guns. We are then to have 12-inch mortars, a small number of 10-inch mortars in addition to these, and we are to have 360 rapid-fire guns for flank fire or defense. In addition to these items, $115,000 is appropriated for the purpose of procuring steel forgings in order to construct a 16-inch gun. The Board of Ordnance and Fortifications report as to the 16-inch gun that it will be an absolute necessity, that we must have guns of that caliber in the future; and I call your attention to the fact, in this connection, that Great Britain has already sixteen 16-inch or larger caliber guns, France has eight of 16¼-inch caliber, and that Italy has guns of from 17 to 17¾ inch caliber.

Under the general plan it is proposed to construct, build, or purchase 203 12-inch guns, 190 10-inch guns, and 98 8-inch guns. Some of these guns have been already constructed, but the work, as yet, may be said to be scarcely more than just commenced, and it is very incomplete. We have some 86 mortars already built, with their carriages; that is, of the 12-inch size and type, the most favored size being the 12-inch mortars. In all, provision is made for the construction of 1,032 12-inch mortars and 24 10-inch mortars, with carriages of the necessary size to mount them. That is the general plan contemplated by the bill.

Now, Mr. Chairman, as I have already stated, we appropriate forty-four million and some hundreds of thousands of dollars for guns and mortars and for their carriages. The guns and mortars will cost of that sum, in round numbers, $26,800,000 and the carriages $17,800,000. For the emplacements, or the places, in ordinary language, where the guns are to be mounted and set in position, we shall have to expend—it all coming under the general head of fortifications—the sum of some $41,000,000, in round numbers; and as I have noticed in some of our debates during the present session of Congress diagrams have been produced to illustrate a point, I shall produce one myself for the inspection of the members of the committee from the edition of the Scientific American of the 14th of March of this year, to illustrate an 8-inch barbette gun in position at Fort Wadsworth, New York Harbor, to which I ask the attention of the members who take an interest in this discussion.

A gun in barbette, I may say, means a gun upon a mound or platform, which fires over the parapet of a fortification, instead of firing through an embrasure. It is raised upon a platform, which enables it to fire over the parapet. And permit me to say in connection with this explanation that "emplacement," a word frequently used in connection with fortifications, is a military term; you will not find it in the dictionary, but it seems to be in essence the same as the placement or placing in position. It is the position or place where the gun stands, and the word itself may be defined, from a military standpoint, as embracing the site or platform on which the gun rests to protect the parapet and the magazine. So, if we have the emplacement, consisting of the platform, the magazine, and the parapet, we have the whole fortification, and the only other items to be considered are the gun carriages and the gun itself. So the whole subject of fortifications may be said to be included in the emplacement, the carriage, and the gun.

Now, of the $85,000,000 we must expend in any event some forty-four and one-half millions, as I have already said, on the guns and carriages; some forty-one millions on the fortifications, that is, on the masonry, armor, platforms, parapets, and the general line of fortifications, and then two and one-half millions more for submarine defenses or torpedoes, and a million and a half more for the purchase of the sites, and adding all of these together you will find the aggregate carried by the whole of the items I have mentioned will reach about eighty-nine and one-half millions of dollars. But, gentlemen, we must have projectiles; we must have armor-piercing shot or deck-piercing shell in addition; and the cost of armor-piercing shot and deck-piercing shell will amount to $7,500,000 more. So we have in round numbers $97,000,000 to be voted as a total for the fortifications and their armament to be provided for the protection of our seacoast.

When I voted for this bill in committee I believed I was voting for the initial step in a continuous system providing for the construction of fortifications and coast defenses; and I believe that we shall be compelled, if this plan be inaugurated, for the next eight years to contribute either ten or eleven million dollars a year, or to pay that sum, in the continuation of the work on coast defenses and fortifications.

Now, a word as to the other measures which have been introduced into the Congress of the United States bearing upon this question. The Senator from Washington [Senator SQUIRE] introduced a bill in the Senate providing for some eighty millions of dollars to be expended on coast defenses. The Senator from Massachusetts [Senator LODGE], I believe, in another bill proposed an expenditure of about a hundred million dollars for the same purpose. It is proposed by the bills now before the Senate of the United States, in other words, to do what? To use eighty million or a hundred million dollars for coast defenses and fortifications and to pay for them by the issue of bonds; that is, materially increasing our national debt for all time to come.

This appropriation bill will render all such measures unnecessary. We provide funds for all that can be done for the year coming, or within the period of time that should be covered by the general appropriation bill. In other words, there is no need of appropriating another dollar other than that which is appropriated in this bill. It has been the purpose of the committee, well defined and well considered, to use for coast defenses and coast fortifications all the money which could be used within the fiscal year. These appropriations become available at once. So we have intended to appropriate all the money which could be used before the 1st of March, 1897, and, in addition to that, to provide for contracts which have no definite limits, but which may run throughout the fiscal year, or even for two years.

Now, if the bill introduced by the Senator from Massachusetts or the bill introduced by the Senator from Washington should come here for consideration, it would not be necessary for this House to consider them during the present session or at any time in the future, provided the plain, businesslike proposition we submit to the committee to-day receives the approval of the committee and of the House; and I submit, gentlemen of the committee, that it is far better to pay for these coast defenses out of our current revenues than it is to add to and increase the enormous national debt under which we are suffering to-day.

For two reasons, Mr. Chairman, I submit that this bill should find favor. In the first place, because it is demanded by the danger of the hour. It is demanded by the imperative necessity which now lies upon us. And there is another reason. It is demanded by the interests of American labor. It is well said, Mr. Chairman, by the Board of Ordnance and Fortifications, in their report which was submitted on the 31st day of October last, that it is a pity to build magnificent workshops and to allow them to lie idle. In other words, the workshops should be run up to their fair working capacity of eight hours a day. And, Mr. Chairman, in the bill which we have now submitted we have made provision for the running of our great gun factory at Watervliet for eight hours a day throughout the whole year. And let me say in passing, gentlemen, that we ought to congratulate ourselves upon the present condition of our arsenals and our manufacturing establishments. We have, in all, one armory and four arsenals which are entitled to special attention.

At the armory in Springfield, Mass., the small arms, that is, the improved Krag-Jorgensen rifles, are manufactured, and we turn out now some 15,000 per annum. At the Frankford Arsenal the cartridges are manufactured. At the Rock Island Arsenal, in Illinois, the artillery harness, the equipments for the infantry and cavalry, and the target material are manufactured. And then we come to the great arsenals, one of which, that at Watertown, is our gun-carriage factory. All the gun carriages not purchased for our guns are manufactured at Watertown, and it is said in the report of the Board of Ordnance and Fortifications that the establishment of the gun-carriage factory at Watertown has been a great success, and that it has demonstrated that the Government of the United States can manufacture gun carriages that in quality of workmanship, in cost, and in celerity of delivery compare most favorably with those manufactured at any other gun factory, or even surpass them. That is to say, that the gun factory in those qualities surpasses the private factories.

Now, Mr. Chairman, while we are able to manufacture our gun carriages, and while we are able to make the guns, we are not able to make the steel, and that has to be purchased either from the Bethlehem Iron Company or from the Midvale Steel Company, or from some other private corporation. But in that we should find rather a source of congratulation, because as long as the money goes to the support of American labor, as long as it goes to keep American factories running, it ought to be a subject of congratulation rather than of dismay or of disappointment.

At the gun factory at Watervliet we manufacture some 35 or 40 guns per annum, and it is proposed, in the plan which will probably be adopted by the War Department, that all the heavier seacoast guns shall be manufactured at the Watervliet factory, that is, at the Army Gun Factory near Troy, N. Y., and that the heavier gun carriages shall be manufactured at the Government factory at Watertown. Some 100 guns, under the law of 1891, have been provided for under an existing contract in force with the Bethlehem Iron Company.

I think we have sufficiently gone into details; and now, Mr. Chairman and gentlemen of the committee, in conclusion, whether you be in spirit for war or for peace, whatever position any one of you may have taken on the stirring questions of the hour or of the past few months, I believe that every one of you will advocate an efficient system of coast fortifications or coast defenses; and I call your attention to the words of a great English writer on international law.

Of the primary or absolute rights of a nation, the most essential, and as it were the cardinal right, upon which all others hinge, is the right of self-preservation, and all these rights, he tells us—that is, the primary or absolute rights of nations—are founded on moral truth. And then, as an adjunct to the right of self-preservation, he tells us we have the right of self-defense. He says:

> An independent political society which is not in a condition to repel aggression against its territory or against the persons or property of its members is unequal to the object of its institution.

And I cite further, gentlemen of the committee, the words of the great writer on international or public law Vattel, in his Droit des Gens, where he says:

> The nation ought to put itself in such a state as to be able to repel and humble an unjust enemy. This is an important duty which the care for its own perfection and even its self-preservation imposes both on the state and on its conductors.

And after thus citing the words of Vattel and of the English law writer in support of my position—that is, in support of my theory and view that we should take care for the preservation of our own, and that we have the right to defend our own coast—I desire to call the attention of the committee to the words of one of the greatest Democrats that ever lived in the United States. I allude to the Hon. Samuel J. Tilden, at one time President of the United States. [Laughter.]

Mr. HARDY. Did he draw the salary?

Mr. BARTLETT of New York. No, gentlemen; Mr. Tilden did not draw his salary. He received the votes, that is, the fair votes, and he was duly elected President of the United States; and I believe that is conceded by almost everyone save the gentleman from Indiana.

Mr. HARDY. If the gentleman will allow me——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BARTLETT of New York. No, sir; I can not.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. FAIRCHILD. Will my colleague permit me to ask him a question?

Mr. BARTLETT of New York. Mr. Chairman and gentlemen of the committee, I do not wish by an innocent remark of mine to be drawn into a political discussion. I had conceived that after a lapse of twenty years all political question as to the election of Mr. Tilden had died out; but I will refer to his letter as

the letter of a great Democrat; and this letter was written about the 1st day of December, 1885. It was then supposed that Mr. Carlisle—the Hon. John G. Carlisle—would be Speaker of the new House; and on the 1st day of December, 1885, Mr. Tilden, from his country home known as Greystone, addressed a letter to Mr. Carlisle on coast defense and the urgency of making due provision therefor. The condition of affairs in this country then was somewhat peculiar. We then had a surplus, and the question first considered by the great Democratic statesmen was, What shall be done with the surplus? Shall we apply that surplus to a reduction of the revenue; shall we apply it to part payment of the public debt, said Mr. Tilden, or shall we devote it to the coast defenses, and make due provision therefor? He alluded to the Monroe doctrine, that doctrine which had found favor in the United States of America, in this language:

It is now more than sixty years since we announced to the world that we should resist any attempts, from whatever quarter they might come, to make any new colonizations on any part of the American continent; that while we should respect the status quo, we should protect the people of the different nations inhabiting this continent from every attempt to subject them to the dominion of any European power or to interfere with their undisturbed exercise of the rights of self-government. This announcement was formally made by President Monroe, after consultation with Mr. Madison and Mr. Jefferson. It was formulated by John Quincy Adams. Our Government has firmly adhered to the Monroe doctrine, and even so late as 1865 it warned Napoleon III out of Mexico. It is impossible to foresee, in the recent scramble of the European powers for acquisition of colonies, how soon an occasion may arise for our putting in practice the Monroe doctrine.

And then come these sound words of wisdom, and I call the attention of the members of the committee to this concluding sentence, and whether you be in favor of the Monroe doctrine or not I think you will concede that that doctrine has found utterance on more than one occasion since the beginning of the Fifty-fourth Congress. Mr. Tilden says:

It is clear that there ought to be some relation between our assertion of that doctrine and our preparation to maintain it.

But, I say, whether we desire to assert that doctrine or not, whether we do assert the Monroe doctrine or not, even the most peace-loving American citizen, even though he be about to attend the sessions of the arbitration convention or committee, must admit that it is an imperative duty now incumbent upon us and upon every patriot to appropriate money for our coast defenses and fortifications. Why should we appropriate money? Because the great deterrent force lies in having our seaports and our harbors ready for an incursion or an inroad by any foreign people. Let us fortify them, whether it take even more than eight or nine years. Let us commence to-day. Let us on this 14th day of April, 1896, pass this bill and take the initiatory step toward the building and construction of a complete cordon of fortifications around our whole coast line, extending from Maine to Washington.

In conclusion, let me direct your attention to these remarkable words of the same great statesman, Samuel J. Tilden:

The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may afford to be deficient in the means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations.

So, gentlemen, I appeal to you, without distinction of party, to pass this bill at once. It will find support in the platform of every party at the coming election, and it will meet the hearty approval and acclaim of all your constituents, no matter what the political faith may be which you are sent here to represent. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BINGHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 435) for the relief of the trustee of St. Joseph's Catholic Church at Martinsburg, W. Va.; and

A bill (S. 2783) to establish a life-saving station on the coast of New Hampshire or Massachusetts between the Hampton and the Merrimac rivers.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That the report of the Secretary of Agriculture upon the expenditures of the agricultural experiment stations for the fiscal year ending June 30, 1895, in compliance with the act approved August 8, 1894, making appropriations for the Department of Agriculture, be printed as a document; and that there be printed, in addition to the usual number, 2,000 copies of said report, the extra copies to be distributed under the direction of the Secretary of Agriculture.

FORTIFICATIONS APPROPRIATION BILL.

The committee again resumed its session, Mr. HOPKINS in the chair.

Mr. LIVINGSTON. Mr. Chairman, this bill carries something over $11,000,000. I take it for granted that there will be no opposition to the bill on the floor of this House. It may appear somewhat extravagant to some members of this committee and to some persons on the outside that we should jump from a little above two millions last year for fortifications and armament to eleven millions this year, especially at a time when our Government is borrowing money on bonds at a very heavy sacrifice to the taxpayers of the country, and when there is very little money in the Treasury. I want to congratulate the country, however, that now, when it is a settled fact that Mr. McKinley will be the Republican nominee and that the A. P. A.'s will defeat him [laughter], and when it is an acknowledged fact that the true Jeffersonian Democracy of this country will take charge of the next Chicago convention and bring ample relief to the people [laughter]—I desire, I say, to congratulate the country upon this state of facts and to say to those who may be inclined to be apprehensive on account of this large appropriation that they may just as well rest easily and sleep soundly, for this country will be safe after the 4th of March next. [Cries of "That is right," and applause on the Republican side.]

The committee, in formulating this appropriation bill, has followed closely the suggestions of General Flagler and others who know far more about the condition and requirements of our armament and fortifications than any individual or member of this House can know. Therefore, if your committee has made a mistake, it has been led into it by those who ought to know and doubtless do know what ought to be appropriated for the several arms of the service. Secretary Lamont, in his report last fall suggested in his estimate a total appropriation of about $6,610,000. That included an appropriation for guns, mortars, carriages, etc., of $4,175,155, and for emplacements, sites, fortifications, casemates, submarine mines, and galleries, $2,135,000, making a total of over six millions of money. Now, this bill carries for guns, carriages, mortars, etc., $5,542,276, and for emplacements, sites, fortifications, and submarine mines, $5,842,337, making in all over $11,000,000.

The advantages in the appropriations in this bill over any other bill that has been before the House in a long while is in this particular, that we have endeavored to even up the armament and fortifications of the country so that the guns that are now on skids will be on carriages, and the guns and carriages will be on their emplacements, so that in case of an emergency we can utilize all of our guns, and at the same time provision is made for a sufficient number of rounds of ammunition for all these guns.

Now, Mr. Chairman, I do not take much stock in the danger of an early war with Spain or with England. I do not think that either one of those countries intends to fight us.

Mr. WALSH. Is the gentleman aware that the British Government has sent forty-four or forty-five rapid-firing guns to Kingston, Canada, to protect the lakes?

Mr. LIVINGSTON. Oh, yes; and if they had 145 it would not make any difference; not a particle. This Government can take Canada in three weeks from to-day, with any number of fortifications, guns, and men that England can put there. But it is good policy, good common sense, to put our defenses in proper condition, and I trust that this bill will pass without any lengthy discussion. There does not appear to be any opposition to it, and I presume that there is nobody on the floor of this House who will question the propriety of making these appropriations. They might have been larger, much larger, and perhaps they ought to have been larger. But I want to say this: It has been given out from some quarters that we are in very great danger, and that if we should have a war with England or with Spain or with both our defenses are in such a condition that we could not make a respectable defense. That is a mistake. And if the suggestions of the distinguished gentleman from New York, to which my friend who has just taken his seat alluded, had been carried out thirty years ago, those very defenses and those very guns would have been to-day out of date—would have been of no use to us.

It is the policy of this Government to go slowly and gradually in this sort of work because of the improvements which are being made from year to year, and I might almost say from day to day. Why, sir, the guns which we had twenty years ago are to-day of no use; the fortifications we had fifteen years ago are to-day practically useless. We have got to keep pace with the progress of improvements. I think we have enough money in this bill to pursue that line of policy. If we cover now the latest improvements in guns, fortifications, etc., we can a year from now make further appropriations covering improvements as they are made, thus securing the best types of guns to be had in this country or any other. In this way, by moderate though liberal appropriations, we can keep pace with the progress of military science, without being extravagant or wasteful with the people's money.

Mr. BAKER of New Hampshire. Mr. Chairman, it is particularly gratifying that the Appropriations Committee is unanimous in reporting so good a bill as the one under discussion. My only regret in connection with it is that the bill has not gone further

and appropriated a larger sum of money; that its purpose has not been to put this country in the completest position of defense which money can accomplish within a reasonable time. That is the only criticism which can be made upon the bill. I presume, however, that a majority of the House will be satisfied with this measure as it is, because it is so much better than anything proposed in any recent Congress.

But it is to be borne in mind, Mr. Chairman, that this bill does not come up to the requirements of the War Department or of the General in charge of the Army.

Mr. LIVINGSTON. The gentleman will allow me to suggest that we have absolutely gone beyond the estimates of the Secretary of War and of the heads of the different departments of the Army.

Mr. BAKER of New Hampshire. If the gentleman will wait a moment, I think I will convince him absolutely that I am correct in the statement I have just made.

In 1886, as has been stated here, the Endicott Board reported a system of general coast defenses, which included 27 ports, to which the Puget Sound country was subsequently added, making 28 ports. The estimated cost of that system was $97,782,800. There was asked at that time an appropriation of $21,500,000 for that immediate year, and an annual appropriation of $9,000,000 for each subsequent year until the whole system of defenses should be completed. If the recommendation of the Endicott Board had been carried out by sufficient appropriations, the year just closed would have shown the completion of our entire coast defense according to that plan; and instead of being to-day practically without a coast defense, we should have a system which would need only to be brought down to and preserved in the ever-present state of the art.

It is true, as the gentleman who has recently addressed the House says, that there are continual improvements in the line of defense, in the making of guns, etc. But the same remark will apply to every avocation of life, to every pursuit in which individuals or nations engage. Of course it is appropriate that every nation, while being each day and each hour in a proper state of defense, should also keep up with every improvement made in the arts of war and peace.

Mr. HAINER of Nebraska. The gentleman will allow me to say that there has been no special improvement during the period referred to in guns. The only improvement has been with respect to carriages. In that period we would have lost about $20,000,000 in the purchase of gun carriages and the gun lift, which the disappearing carriages are about to supersede.

Mr. BAKER of New Hampshire. And that loss, taking into consideration the security which it would have given us, would have been gladly approved by every patriotic citizen. This matter of coast defense—the providing of guns, fortifications, and armaments—is in the nature of an insurance policy. Its object is to give security to the nation and comfort to the individual citizen.

As it is, we find that at present only 3 of the 18 ports under special consideration have any kind of defense. Of these, New York has 2 12-inch guns and 16 12-inch mortars; San Francisco, 1 12-inch gun and 16 15-inch mortars; Boston, 16 12-inch mortars and not a single gun; and all the other ports of this great country are absolutely defenseless.

Now, as the gentleman from New York [Mr. BARTLETT] pointed out, the fleet of a hostile nation may come so close to the city of New York as to demand a ransom, which would be greater than the whole amount of money which the Endicott Board asked to have appropriated or which is now asked by the Secretary of War for the defense of our several ports.

Mr. DOOLITTLE. If it will not interrupt the gentleman, I should like to ask him a question.

Mr. BAKER of New Hampshire. I yield with pleasure.

Mr. DOOLITTLE. I suppose the gentleman has given this subject a good deal of attention, and therefore I wish to ask how these mortars, under the plan of the War Department, are to be used in defense of the harbors? According to my understanding they have always been used for the purpose of bombarding besieged cities or in some similar line of warfare.

Mr. BAKER of New Hampshire. They are equally valuable to bombard a fleet, and the deck-piercing shells which are spoken of in the bill will of course be fired from the mortars.

Mr. GROUT. And with unerring precision.

Mr. BAKER of New Hampshire. With such precision as almost to equal a direct-firing gun. The mortars, I might say, are rifled as well as the guns. It is very gratifying that the gentleman from New York [Mr. BARTLETT] has made so good a Republican speech, and I only regret, Mr. Chairman, that at the last he was compelled to drag into it something of party politics, when otherwise his whole remarks had been upon the high plane of national patriotism. We can forgive him, however, for that, because it is so much better than we have been accustomed to hear from gentlemen of like political views.

But I promised to state to the gentleman from Georgia [Mr. LIVINGSTON] the reasons why I made the remarks with which I began. I find in Senate Document No. 104, which is the report of the Secretary of War in reply to a resolution of the Senate, that he says, under date of February 2, 1896, a little over two months ago:

> I have the honor to state that the sum of $25,678,860 could be advantageously used by the War Department for the purpose of coast defense prior to July 1, 1897, of which amount, if it should be appropriated, $4,722,000 should be made available during the present fiscal year, to be expended as follows—

That is, the present fiscal year, ending on the 30th day of June next.

| | |
|---|---|
| By the Ordnance Department: | |
| For working the gun factory to its full capacity eight hours per day in finishing and assembling guns during the remainder of the fiscal year | $55,000 |
| By the Engineer Department: | |
| For fortifications | 3,467,000 |
| For sites | 350,000 |

And you will notice that the present bill, not for the present fiscal year alone but for the coming year as well, provides an appropriation of $250,000 for this purpose—

| | |
|---|---|
| For submarine defenses | $350,000 |

Then, again, he says:

> Twenty million nine hundred and fifty-six thousand eight hundred and sixty dollars would be expended during the fiscal year ending June 30, 1897, as follows:

| | |
|---|---|
| By the Ordnance Department: | |
| For guns, mortars, carriages, powder, projectiles, etc | $6,316,860 |
| By the Engineer Department: | |
| For fortifications | 12,340,000 |
| For sites | 650,000 |
| For submarine defenses | 1,650,000 |

> The total amount required for sites for fortifications would be $1,000,000, the total amount required for engineering work would be $19,307,000, and the total amount required for ordnance work would be $6,371,860.

Therefore, Mr. Chairman, I feel justified in saying that, generous as this bill may be regarded, it does not meet the emergency upon us, and does not fully, or even approximately, meet the demands, and the very recent demands, of the War Department for necessary funds to be expended in coast defenses.

But the Secretary of War goes still further and points out in this report the special advantages which would result from such an immediate appropriation. Using his own language:

> The special advantages that would result from an increase of the appropriations would be (1) the utilization of the Army Gun Factory to its full capacity, thus diminishing the relative cost for supervision, inspection, light, heat, and power; (2) the more rapid armament of our fortifications, as this measure would add to the number of carriages already built, building, and estimated for, about eight 12-inch, eight 10-inch, and seven 8-inch carriages of the types most needed, thus enabling most of the guns that will be completed during the next fiscal year to be mounted as rapidly as emplacements can be provided for them; (3) an addition of twelve mortars and carriages to those already estimated for, which, with those now on hand, will equip a 16-gun battery of this much-needed type; (4) the purchase of an additional 500 deck-piercing shells, one hundred and twenty-five 8-inch, thirty-five 10-inch, and twenty 12-inch armor-piercing shot; (5) a supply of heavy material for the siege service, viz, about ten guns, ten howitzers, and twenty mortars, with their carriages, implements, and equipments, and (6) the more rapid construction of emplacements to receive the guns, mortars, and carriages now on hand or building.

He still goes beyond this; and I commend this document of the Senate to the careful consideration of every member of the House.

Mr. HAINER of Nebraska. Will the gentleman from New Hampshire allow me an interruption just there?

Mr. BAKER of New Hampshire. Certainly.

Mr. HAINER of Nebraska. About six weeks after that document was published the War Department was called on by the Committee on Appropriations to make a revised estimate, if it saw fit to do so, respecting the proposed expenditures for ordnance and engineering work. These estimates were made and submitted to the committee, and I will say to the gentleman, as I have already stated to this committee, that we have given in this bill every dollar called for in the revised estimates, based upon the most careful consideration the Department could give to the subject, after much time spent in such consideration, utilizing every dollar that they felt could be utilized for the prosecution of the work during the time to which I have referred.

Mr. BAKER of New Hampshire. Why, Mr. Chairman, the very fact that the Committee on Appropriations saw fit to call upon the War Department for revised estimates was an intimation that the estimate which had been already submitted did not meet the approval of the committee—that they intended to cut it down—and in accordance with that intimation the new estimates were submitted.

Mr. HAINER of Nebraska. The gentleman is entirely mistaken——

Mr. GROUT. On the contrary, they increased the estimates over a third.

Mr. HAINER of Nebraska. As a matter of fact, we did not have the document before us to which he refers. We had the estimates, and it was after consultation with the Chief of the Ordnance Department, and feeling that the estimates should be revised up instead of down, that a new and revised estimate was given,

and as a matter of fact the revised estimates very much exceed the original estimates.

Mr. GROUT. In every point.

Mr. HAINER of Nebraska. And it was evidently in accordance with the feeling of Congress on the subject—in fact induced and called forth thereby—that this revised or increased estimate was furnished.

Mr. BAKER of New Hampshire. If there is any difference of opinion between the Secretary of War and his Chief of Ordnance, I leave the War Department and the Committee on Appropriations to settle it. It is no matter of mine; but I stand here quoting the document which the Secretary of War sent to the Senate, and upon which to this date, so far as any public statement is concerned, he now stands.

Mr. HEMENWAY. As a matter of fact, the Secretary of War reduced the estimate for emplacements furnished by General Craighill when first submitted. They came to the Committee on Appropriations in that form. Notwithstanding the fact that the report shows that the guns were away in advance of the emplacements, the Secretary of War did not decrease the estimates for guns, but he did decrease the estimates for emplacements.

Mr. GROUT. And then in the revised estimates he increased them.

Mr. HEMENWAY. Then he was requested to revise the estimates in such a way as to establish a proper balance between the Engineer Department and the Ordnance Department.

Mr. BAKER of New Hampshire. The gentleman in charge of the bill [Mr. HAINER], the chairman of the subcommittee, in his able remarks, to which I listened with great interest, informed us that it is much easier to mount the guns than to make them, and if, in pursuance of that general idea, the Secretary of War saw fit in that particular to diminish the gun-carriage appropriation to conform to that theory, it is a matter of detail to which I need give no attention; but I will say for the information of this House that since this bill was reported to it I have personally asked an officer of the War Department of high rank if the bill was satisfactory, and the answer was, "It is satisfactory to this extent, that it is better than we expected." And that, to my mind, Mr. Chairman, tells the whole story—that it is so much better than preceding Congresses have done, that many people feel satisfied and gratified with it, and for one I am gratified that it is so good; but it does not reach up to the height of the report that is before us, and which I believe the American people demand that we should meet.

I hope that when this bill reaches the Senate the Senate committee will take it and make it conform to the wishes of the Secretary of War, as stated in the document to which I have referred. Certainly there is no money saved by doing this work by piecemeal; by so doing the cost will be increased and its efficiency diminished. Let us put ourselves where we shall be able to say to our people and to the country that we have done all that is possible to put our nation in a condition of defense, where she can meet, with all the advantages of modern science, any assault which can be made upon her; and in so doing the people will say we have done well.

The CHAIRMAN. If no other gentleman desires to address the committee, the Clerk will proceed with the reading of the bill.

Mr. HAINER of Nebraska. There are several gentlemen who desire to be heard. I ask that the gentleman from Indiana [Mr. HEMENWAY], my colleague on the committee, be recognized.

[Mr. HEMENWAY addressed the House. See Appendix.]

Mr. CANNON. Mr. Chairman, I will only claim the attention of the committee for a very few moments. I want to say that I am justified in complimenting the gentleman in charge of this bill, the gentleman from Nebraska [Mr. HAINER], the gentleman from Indiana [Mr. HEMENWAY], the gentleman from Vermont [Mr. GROUT], and the other gentlemen on the subcommittee that prepared it. It has been prepared, to my knowledge, with great labor, after much of investigation; and while I am not competent to criticise the bill throughout, I do feel I am competent to say that in my service in the House of Representatives for over twenty years there never has been a bill for fortifications so well prepared and so amply providing for the public service as this bill. I do not agree with the gentleman from New Hampshire [Mr. BAKER] in his statement that we are not going fast enough in this session of Congress. We have recommended appropriations for every dollar that can be used in the coming year economically for fortifications.

We have gone beyond that, and authorized contracts for forgings and for emplacements, the money to pay for which will be furnished, where this bill does not furnish it, at the next session of this Congress. The gentleman from Nebraska [Mr. HAINER] called attention to the fact that this bill makes and emplaces as many guns and does as much work for fortifications as all the bills that have been passed from 1888 up to the present time. It does not carry as much money as those bills carried in the aggregate; but for many of the years of the period referred to much of the money appropriated was consumed in mere housekeeping. You have to support your Ordnance Bureau and your engineers. You have to have all the machinery, whether you make guns and emplace them or not.

Now, then, we keep that machinery and recommend enough money to leap forward by the provisions of this single bill as far as the space that was covered by the appropriations from 1888 up to the present time, and that is all I desire to say about it. I do not want to abuse anybody. Some people think that in former years we did not go fast enough. I think at times we did not, but when we recollect that since the close of the late civil war there has been a complete revolution in ordnance and fortifications, in seacoast defense, and in naval warfare, it would be well to recollect that if we had not had a breathing spell for the purpose of determining the proper type of guns and proper fortifications, and so forth, that we might have expended much money where the product of the expenditure would before this time have become obsolete. But at last we have as good, if not the best, guns on the earth, and as to the time when we are likely to have a war, I want to say that I do not believe that we will have war the coming year—no war this year nor next year nor the year after. I doubt if there will be any during this century or perhaps the early years of the next century. But if you will stop and think a minute, with our 70,000,000 of people in our present territory, with the hemisphere to the south and Canada to the north, in a lifetime, in the coming generation, this population will increase, as it now increases, so rapidly, that while our political boundaries may not extend, our children will pass over the boundary and will possess themselves of the hemisphere, economically, industrially, and commercially, and it is right and proper that we should be in position to give them by our diplomacy, by our readiness for war, if war must be had, in proper self-defense, the encouragement of that defense that they are entitled to look for.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. RICHARDSON. I understood the gentleman to say that we were making the best guns that had ever been made, or the best that this country had ever made.

Mr. CANNON. I say my information is that our guns are equal, if not superior, to the best that have ever been made in the world.

Mr. RICHARDSON. Has the gentleman's attention been called to the bursting of one of them in New York yesterday, whereby General Miles came near losing his life? The shell stuck in the barrel and the gun burst.

Mr. CANNON. I suppose that was testing a new type of gun. I suspect, however, that there never will be guns made so strong that once in a while one of them will not explode. I had not noticed the incident to which the gentleman calls my attention. I do know, though, that our guns are strong enough and good enough so that if people get in front of them they will get hurt [laughter], and I think that perhaps there is less danger at the breech than there has been heretofore in the older types of gun.

Now, in conclusion, Mr. Chairman, I want to say that, when the expenditure authorized by this bill is made, our principal seaports will, in my judgment, be so fortified that we can rest in substantial security, and if those who, in the fullness of time, come after us in Congress shall be wise enough to continue this work, there will ultimately be complete defense of the 27 or 28 greater seaports of this country. In the meantime, by the mere making of this appropriation, by the mere demonstration of our capacity to make the forgings from which to make the guns, by showing that we have that capacity to-day to make the guns and that we have the skill to emplace them, even before the guns are emplaced, our diplomacy will be strengthened among the nations of the earth, and that is one of the principal points to be gained by getting into a state of preparation and by making these appropriations. For my part I never have had any fear but that, even without fortifications, the 70,000,000 of people in these United States, in a contest with any or with all the nations of the earth, could defend this country against all who might assail it. Even if we did not have a gun or a fortification I believe we could defend ourselves, but we would get terribly hurt for the first year or two or three.

Now, if we pursue this line of policy it will keep us from being hurt the first year or the first two years. Aye, more; in my judgment, this policy, wisely adopted and carried out, will insure peace and quiet to the United States against all comers by the mere influence of our diplomacy thus reenforced.

Mr. BERRY. Mr. Chairman, I do not often speak upon an appropriation bill, and I never like to antagonize the conclusions of a committee that have presented a bill for the approval of the House, but it does seem to me that this bill, contemplating, as it does in the end, before the work that is laid out by it shall be finally concluded, an expenditure of perhaps $150,000,000, might have been more wisely drawn, so that, instead of confining our fortifications to a few special localities, we would take the same amount of money and expend it upon great ships of war, movable batteries, that could go from one point to another, wherever the

enemy might be found. Those ships could be marshaled upon the high seas, and we could say to Great Britain and to the world: "We have floating batteries here that dare meet any nation that comes to attack us from any part of the world."

I have confidence, as the distinguished chairman of the committee, Mr. CANNON, has, in the capacity of this American people upon land, united as we are now and numbering 70,000,000, to defend ourselves against any power that might attempt to plant its flag upon American soil. But I do believe that, instead of expending this money in fortifications at given points here and there along the seaboard for a thousand miles or more, if we could turn out upon the high seas forty or fifty or more powerful naval vessels and say to the world, "Let our enemies come on; we will meet them," it would be a much more judicious expenditure of this money than to spend it upon fortifications at particular places. Instead of building up great fortifications at different points along the coast, we might construct a powerful Navy, which would be equal to that of Great Britain, if need be; and in that way we could defend our towns and cities, as well as any other places within the territory of the United States that any enemy might choose to attack.

Mr. HAINER of Nebraska. Mr. Chairman, if no gentleman desires to speak further upon the bill, I ask unanimous consent that general debate be now closed.

There was no objection, and it was so ordered.

The Clerk, reading the bill by paragraphs, read as follows:

Oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, and forgings for one type 16-inch gun in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $1,332,008.

Mr. HAINER of Nebraska. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 3, line 3, after the word "gun," insert a comma.

The amendment was agreed to.

The Clerk read as follows:

For rapid-fire guns, including their mounts and ammunition, $150,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. This is an appropriate place, because to carry out the purposes provided for in the section just read requires a high order of education, and I desire to call the attention of the House to a bill which I introduced providing for the use of public lands in the State of Alabama for educational purposes.

I am encouraged to do this because it is in the line of policy which has always been approved by the lawmaking power of this Government during its entire existence.

On May 20, 1785, the Continental Congress enacted the following:

There shall be reserved the lot No. 16 of every township for the maintenance of public schools.

And the tendency of Congress has been to extend this so that the late States have received four sections of a township instead of one—Utah, the last State admitted, receiving more than 6,000,000 acres, and the total grant to the nine States admitted since 1861 amounting to some 70,000,000 acres.

The total amount received by Alabama when it became a State was 903,744 acres, while the average given to the nine States lately admitted is eight times that amount.

The State of Alabama is doing her full duty with regard to the education of her citizens, both black and white. The money provided for this purpose, pursuant to the laws of Alabama, is greater in proportion to wealth than that of many of the most liberal States of the North. The efforts of the people in this commendable line ought to be responded to by Congress, especially when it can be done without any expense to the Government.

There are now but 600,000 acres of public lands in the State of Alabama, and most of it is of such a character that we can hardly expect it to be appropriated under the present land laws. The expense of maintaining the land offices in the State can not be less than some $30,000 a year, and as the Government will never realize that amount, it is very evident that it would be in the line of economy to give these lands to the State and abolish the land offices. In fact, no other system seems at all consistent with proper economic administration. It will be seen that to keep up these land offices the United States is each year spending an amount which is just about equal to the value of the public lands of the State. Alabama is divided into two sections, one called north Alabama, and one called south Alabama.

Some years ago, pursuant to acts of Congress, two colleges in south Alabama received large grants of land amounting to some 80,000 acres. In order to equalize these matters and to do a measure of justice to north Alabama, I introduced the following bill in the Fifty-third Congress:

*Be it enacted, etc.*, That the governor of the State of Alabama be, and he is hereby, authorized to select, out of the unoccupied and uninhabited lands of the United States within the said State, 23,040 acres of land, in legal subdivisions, being a total equivalent to one township, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of said certificate, issue to the State of Alabama patents for said lands: *Provided*, That the proceeds of said lands, when sold or leased, shall forever remain a fund for the use of the Alabama State Normal College at Florence, Ala.

So impressed were the Committee on Public Lands with the justice of this bill, and the great good being done by the State Normal College, that the bill received the unanimous report of the Committee on Public Lands. The report was No. 1938, Fifty-third Congress, and was made by Mr. Kribbs. It is as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 8925), granting a township of land for the use of the Alabama State Normal College, having considered the same, make the following report:

The Alabama State Normal College at Florence was established by an act of the legislature of Alabama, and has been maintained as a first-class institute and college, where pupils may acquire a thorough normal-school education. It has now an attendance of 300 students, which, with the requested assistance, could be increased to between 500 and 1,000.

The college has been the means of educating hundreds of young persons, who have not only been benefited themselves by this opportunity for their education, but are devoting themselves to the profession of teaching, and assisting in promoting and improving the efficiency of the schools of the State. The curriculum is of a very high grade. The establishment and maintenance by the State of a college of this character is deserving of the highest commendation, and where a grant, as here requested, that does not require the appropriation of any money, nor of anything that will avail to produce money for the Treasury, will contribute so much to encourage as well as materially benefit the institution, it ought to be made.

Your committee recommend that the bill, without amendment, do pass.

It was too late in the session for this bill to pass during the last Congress, and when we met last December I reintroduced the bill. It is House bill 217 of the present Congress, and I expected that it would receive the immediate favorable consideration of the Committee on Public Lands. You can scarcely imagine my disappointment and surprise to find that instead of reporting my bill and doing partial justice to north Alabama by giving a most important institution in that part of the State 23,040 acres of land, as provided for in my bill, the committee neglected my bill altogether and in place thereof reported a bill giving 50,000 acres to two institutions in south Alabama, thus doubly intensifying the injustice to north Alabama instead of alleviating it, making the donations to south Alabama some 130,000 acres and not giving a single acre to north Alabama.

Similar bills to the ones reported favorably by the House committee were introduced in the Senate, combined into one bill, numbered Senate bill 2461, and passed by that body, and the friends of those bills are seeking to pass this Senate bill through the House. I am thoroughly in favor of that bill, and think it should pass, but I think that the fair-minded, generous men of this House will concur that it ought to be amended so as to give to the schools of north Alabama an amount of land equal to that which is proposed to be donated to the south Alabama schools. I introduced a bill to attain that purpose. It is No. 7266, and if the House will amend the Senate bill as thus provided it will give north Alabama 50,000 acres, leaving south Alabama two and a half times as much. I afterwards introduced another bill, No. 7372, which I respectfully submit would be the proper one to substitute for the Senate bill.

The bill is as follows:

*Be it enacted, etc.*, That all the public lands within the State of Alabama are hereby donated to the State of Alabama for the purpose of improving the school system in said State, and the Secretary of the Interior shall issue to the State of Alabama patents for said lands: *Provided*, That the proceeds of said lands, when sold or leased, shall forever remain a fund to be used for the purpose of improving the school system of Alabama; the said proceeds to be apportioned between the schools for colored children and the schools for white children in proportion to their population in said State as shown by the census taken by the United States authorities.

SEC. 2. That in case of the forfeiture of any land of the United States within the State of Alabama which, previous to the passage of this act, had been acquired by homestead, preemption, or any other laws, said land so forfeited shall be patented by the Secretary of the Interior to the State of Alabama for the purposes stated in the first section of this act and under the provisions and limitations as stated in section 1 of this act.

SEC. 3. That after the lands designated in section 1 of this act have been patented to the State of Alabama the land offices in the State of Alabama shall be abolished and all officers connected therewith shall be honorably discharged from the service of the United States.

The passage of this bill would be wise legislation. The State of Alabama could use the lands to great advantage in the cause of education, while, as we have shown, not only are they of no value to the United States, but they are a great expense, the annual cost to the Government being about equal to the total amount of money the Government can ever hope to realize from their sale.

The last census shows that there are more than 400,000 people in the State of Alabama over 10 years of age who can not write.

It is not necessary to speak to this intelligent body of the importance of education. I think my fellow-members will concur with me that every dollar used for this great and good purpose is returned more than a thousandfold by the improvement and development of our citizens.

Among those 400,000 illiterate beings in Alabama there may be minds of great natural grandeur which, cultured, would equal any of the brilliant intellects that history has ever known, but which, like the priceless gem hidden beneath the surface of the

earth, while there remaining performs no function more important than does the common pebble by its side.

I consider—

Said Addison—

a human soul without education like marble in the quarry, which shows none of its inherent beauties until the skill of the polisher fetches out the colors, makes the surface shine, and discovers every ornamental cloud, spot, and vein that runs through the body of it. * * *

What sculpture is to a block of marble education is to a human soul.

The philosopher, the saint, the hero, the wise, the good, or the great man very often lie hid and concealed in a plebeian, which a proper education might have disinterred and brought to light.

Leibnitz said:

The way to reform the human race is to reform the education of the young. The good education of youth is the first foundation of human happiness.

I will also quote these eloquent words from Daniel Webster:

If we work upon marble it will perish; if we work upon brass time will efface it; if we rear temples they will crumble into dust; but if we work upon immortal minds, if we imbue them with principles, with the just fear of God and love of our fellow-men, we engrave on those tablets something that will brighten to all eternity.

That distinguished French writer, Mgr. Dupanloup, beautifully says:

The work of the educator bears a likeness to the work of the Creator. If he does not create from nothingness, he draws from slumber and lethargy the benumbed faculties; he gives life and movement and action to an existence yet imperfect.

In this light an intellectual, moral, and religious education is the highest possible human work. It is the continuation of the highest and noblest work of divinity—the creation of souls.

These beautiful phrases carry our minds back to the first thoughts of creation. We recall these words, which are found in the third and fourth verses of the first chapter of Genesis:

And God said, Let there be light, and there was light. And God saw the light, that it was good.

These sublime words of the Almighty as He called the world from chaos, His first recorded utterance, His command to the beings about to be created to "Let there be light," might convey an idea involving something more than a change from the darkness of night to the light of day. May we not indulge the pleasing and beautiful fancy that this was an admonition to us to enlighten minds that were to be implanted in the human frame, a command to the people of all nations and all ages to give light unto the mind?

I appeal to the House to consider this great and most important question in the spirit of the broadest statesmanship and most generous philanthropy. I appeal to them to enact into law the bill which will extend its blessings to all the people of the State, and especially do I appeal to them to do justice to that part of Alabama which has heretofore received no grants of this character. The enactment into law of the last bill which I have read will accomplish this purpose, but to confine this proposed grant of 50,000 acres to the schools of South Alabama, making the special grants to that part of the State 130,000 acres, would be a most glaring injustice to the young people in that most beautiful part of the State which is called North Alabama, who are seeking education. This 50,000 acres will take all the lands which are really valuable; therefore, unless the schools in North Alabama are included in the grant proposed by the Senate bill the lands they might afterwards receive would be of very little value, and incalculable injustice would be done to the people I represent.

The Clerk resumed and concluded the reading of the bill.

Mr. HAINER of Nebraska. I move that the committee rise and report the bill as amended to the House, with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back with an amendment, and with the recommendation that the bill be passed as amended.

Mr. HAINER of Nebraska. I move the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment reported from the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

Joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River, opposite Sioux City, Iowa; and

Joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House, without leaving copies (there having been no adverse report), was granted as follows:

To Mr. PITNEY, in the case of Horace B. Gardner, Fifty-first Congress.

To Mr. WOOD, in the case of Jesse Durnell, Fiftieth Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSSELL of Georgia, indefinitely, on account of sickness.

To Mr. LINNEY, for ten days, on account of sickness in his family.

To Mr. MCCORMICK, for three days, on account of important business.

To Mr. HUTCHESON, indefinitely, on account of sickness in his family.

To Mr. KYLE, indefinitely, on account of sickness in his family.

To Mr. PARKER, for three days, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of sickness.

CHANGE OF REFERENCE.

Mr. LACEY. I ask unanimous consent that House bill No. 3268 be transferred from the Union Calendar to the House Calendar. The reference to the Union Calendar was a mistake.

Several MEMBERS. What is the bill?

Mr. LACEY. It is a bill to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before registers and receivers of the local land offices of the United States.

The SPEAKER. Does not the bill provide for the advancing of fees?

Mr. LACEY. It does not. It provides for subpœnaing witnesses and compelling their attendance in cases before registers and receivers. It involves no appropriation.

Mr. PAYNE. If fees are to be paid, does not that involve a charge upon the Treasury?

Mr. LACEY. This bill relates to land contests between private individuals? There is now no way to compel the attendance of witnesses in such cases, and this bill is to supply that defect in the law.

Mr. PAYNE. But if the bill provides for the payment of fees of witnesses it seems to me it involves a charge on the Treasury.

Mr. LACEY. It relates simply to land contests between individuals.

The SPEAKER. Are not the fees, or some of them, to be advanced by the authority of the United States?

Mr. LACEY. Not at all, unless the Government of the United States should in some instances have a lawsuit before these officers, in which case the Government could compel the attendance of witnesses in the same way as the bill proposes to authorize private individuals to do. But there is no charge upon the Treasury involved in any way. I ask consent that the change of reference be made.

The SPEAKER. Even if the reference should be changed, the bill would be subject to a point of order when it comes up——

Mr. LACEY. Certainly, if the point shall be well taken.

Mr. SAYERS. So that no trouble may arise from the action now asked, I will reserve points of order at this time.

The SPEAKER. A point of order would be good if taken at any time before the consideration of the bill is entered on. If there be no objection, the reference of the bill to the Union Calendar will be rescinded, and the bill will be referred to the House Calendar without prejudice.

There was no objection.

And then, on motion of Mr. HAINER of Nebraska (at 4 o'clock and 25 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General requesting an appropriation to pay W. Hallett

Phillips for legal services, was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 870) to provide for the relief of certain officers and enlisted men of the volunteer forces, reported the same with amendment, accompanied by a report (No. 1241); which said bill and report were referred to the House Calendar.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1872) authorizing the Secretary of the Treasury to exchange in behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes, reported the same without amendment, accompanied by a report (No. 1242); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred House bill No. 5108, with certain proposed amendments thereto and a proposed substitute therefor, reported in lieu thereof a bill (H. R. 8210) to authorize the Secretary of the Navy to donate to each Department of the Grand Army of the Republic of each State and Territory six pieces of condemned cannon for the use of those organizations, accompanied by a report (No. 1259); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the following sundry bills and joint resolutions, reported the same, accompanied by reports; which said bills, joint resolutions, and reports were referred to the Committee of the Whole House on the state of the Union, as follows:

### WITHOUT AMENDMENT.

The bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill. (Report No. 1252.)

The bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill. (Report No. 1255.)

The bill (H. R. 4992) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the city of Reedsburg, Wis. (Report No. 1258.)

The bill (H. R. 5638) to grant two condemned cannon and fifty cannon balls to A. G. Reed Post, No. 105, Grand Army of the Republic, of Butler, Pa. (Report No. 1261.)

The bill (H. R. 6129) donating one condemned cannon and four pyramids of condemned cannon balls to Jewell Post, No. 3, Grand Army of the Republic, Pleasanton, Kans. (Report No. 1263.)

The bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1266.)

The bill (H. R. 6669) authorizing and directing the Secretary of the Navy to donate five condemned cannon to George B. McClellan Post, No. 9, Grand Army of the Republic, of Houston, Tex., and for other purposes. (Report No. 1267.)

The bill (H. R. 6786) authorizing and directing the Secretary of the Navy to donate four condemned cannon to Paul Revere Post, No. 88, Grand Army of the Republic, Quincy, Mass. (Report No. 1268.)

The bill (H. R. 6510) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to L. E. King Post, No. 105, Grand Army of the Republic, of Augusta, Kans., and for other purposes. (Report No. 1269.)

The bill (H. R. 7084) granting to Charles C. Baker Post, No. 16, Grand Army of the Republic, of Wickford, R. I., 5 condemned cannon and 25 cannon balls. (Report No. 1270.)

The bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado. (Report No. 1272.)

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1273.)

The bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls. (Report No. 1274.)

The bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes. (Report No. 1275.)

The bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich. (Report No. 1276.)

The bill (H. R. 7209) authorizing the Secretary of the Navy to donate two condemned cannon to Sedgwick Post, No. 7, Grand Army of the Republic, of South Kingston, R. I. (Report No. 1277.)

The bill (H. R. 7215) donating condemned cannon and cannon balls to Col. Joseph H. Wilson Post, Grand Army of the Republic, Zelienople, Pa. (Report No. 1278.)

The bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic post, No. 573, of Evans City, Pa. (Report No. 1279.)

The bill (H. R. 7260) donating 2 condemned cannon and 10 condemned cannon balls to Washington Post, No. 12, Grand Army of the Republic, Lawrence, Kans. (Report No. 1280.)

The bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the city of Middletown, N. Y. (Report No. 1281.)

The bill (H. R. 7412) donating condemned cannon, cannon balls, and shells to the State of Rhode Island, to decorate the camp of the militia of said State. (Report No. 1282.)

The bill (H. R. 7480) donating two condemned cannon and limber to Battery E Association, First Regiment Rhode Island Light Artillery. (Report No. 1283.)

The bill (H. R. 7823) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the northeastern Nebraska reunion of the Grand Army of the Republic. (Report No. 1287.)

The bill (H. R. 7824) directing the Secretary of the Navy to donate two condemned cannon and cannon balls to the Soldiers' Home at Grand Island, Nebr. (Report No. 1288.)

The bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill. (Report No. 1289).

The bill (H. R. 8044) donating one condemned cannon and four pyramids of cannon balls to George K. Bird Post, No. 169, Grand Army of the Republic, of Norwood, Mass., and for other purposes. (Report No. 1290.)

The bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon. (Report No. 1291).

The joint resolution (H. Res. 119) authorizing and directing the Secretary of the Navy to furnish one condemned cannon for the use of Wisner Post, of Montezuma, Iowa, Grand Army of the Republic, for the Department of Iowa. (Report No. 1292.)

The joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt. (Report No. 1293.)

The bill (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa. (Report No. 1295.)

### WITH AMENDMENTS.

The bill (H. R. 4341) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the city of Mount Vernon, N. Y. (Report No. 1253.)

The bill (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery. (Report No. 1254.)

The bill (H. R. 4980) donating condemned cannon and condemned cannon balls to Judson Kilpatrick Post, No. 36, Grand Army of the Republic, Department of Kansas, at Newton, Kans. (Report No. 1256.)

The bill (H. R. 4981) donating condemned cannon and condemned cannon balls to Eggleston Post, No. 244, Grand Army of the Republic, Department of Kansas, at Wichita, Kans. (Report No. 1257.)

The bill (H. R. 5567) authorizing the Secretary of the Navy to donate 1 condemned cannon and 15 cannon balls to McDowell Post, Grand Army of the Republic, of Enid, Okla. (Report No. 1260.)

The bill (H. R. 5947) authorizing and directing the Secretary

of the Navy to furnish to L. L. Eggleston Post, No. 184, Department of New York, Grand Army of the Republic, of Deposit, N. Y., a condemned cannon. (Report No. 1262.)

The bill (H. R. 6181) to donate condemned cannon and condemned cannon balls for the monument to the Union soldiers of Tennessee. (Report No. 1264.)

The bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon. (Report No. 1265.)

The bill (H. R. 7050) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of Sing Sing, N. Y. (Report No. 1271.)

The bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana. (Report No. 1284.)

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic. (Report No. 1285.)

The bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky. (Report No. 1286.)

The joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc. (Report No. 1294.)

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BLACK of Georgia, from the Committee on Pensions: The bill (H. R. 4076) for the relief of Abner Abercrombie. (Report No. 1232.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 7962) granting a pension to Horace Perry. (Report No. 1233.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 3605) granting a pension to Grotius M. Udell. (Report No. 1234.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (S. 1816) granting a pension to Eliza Craig Heckman, widow of Brig. Gen. Charles A. Heckman. (Report No. 1235.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 2395) granting a pension to Benjamin F. Young, late private of Company G, First Regiment Ohio Volunteer Cavalry. (Report No. 1236.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3607) to increase the pension of Mrs. Kate Grant. (Report No. 1237.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6922) to pension Catharine Harris. (Report No. 1238.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3842) to increase the pension of Edward Vunk. (Report No. 1239.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 4539) granting a pension to Zolman Tyrrell, imbecile son of Lewis R. Tyrrell, late Company A, First New York Engineers. (Report No. 1240.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 7489) granting a pension to Caroline A. Groshon. (Report No. 1243.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 649) granting a pension to Joseph S. Bunker. (Report No. 1244.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 3494) granting a pension to Frances M. Roberts. (Report No. 1245.)

By Mr. HATCH, from the Committee on War Claims: The bill (H. R. 5501) for the relief of W. P. Marshall. (Report No. 1246.)

By Mr. MAHON, from the Committee on War Claims: A resolution (House Res. No. 249) to refer the bill (H. R. 99) for the relief of Joseph Curriden, with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 99. (Report No. 1247.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 7506) for the relief of the Portland Company, of Portland, Me. (Report No. 1248.)

By Mr. HURLEY, from the Committee on War Claims:

The bill (H. R. 1355) for the relief of the legal representatives of Hiram Somerville. (Report No. 1249.)

The bill (H. R. 7805) for the relief of George M. Clapp, of the Washington Iron Works. (Report No. 1250.)

By Mr. ANDREWS, from the Committee on Private Land Claims: A bill (H. R. 8209) for the relief of Raphael Segoura, reported in lieu of House bill No. 1356. (Report No. 1251.)

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HULL: A bill (H. R. 8188) to determine the lineal rank of medical officers of the Army upon entrance into the service—to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 8189) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act and other acts amendatory thereof and supplemental thereto, and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure the payment of all indebtedness to the United States of certain companies therein mentioned—to the Committee on Pacific Railroads.

By Mr. RUSK: A bill (H. R. 8190) to provide an American register for the bark *Ceres*—to the Committee on the Merchant Marine and Fisheries.

By Mr. TRACEY: A bill (H. R. 8191) to extend the act of July 28, 1866, for one year—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 8192) to establish the Sociological Institution—to the Committee on Education.

By Mr. BROWN: A bill (H. R. 8193) to aid and encourage the holding of the Tennessee centennial exposition at Nashville, Tenn., in the year 1897, and making appropriation therefor—to the Committee on Appropriations.

By Mr. GAMBLE: A bill (H. R. 8194) to amend chapter 120 of volume 25 of the United States Statutes at Large, approved February 9, 1889, entitled "An act to punish the carnal and unlawful knowing a female under the age of 16 years—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 8195) to grant permits for the laying of pipe lines for commercial purposes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOW: A bill (H. R. 8196) to provide for the reorganization and improvement of the musical service of the Army and Navy and Marine Corps of the United States—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 8208) granting to A. B. Bateman Post, No. 60, Grand Army of the Republic, of Cedarville, N. J., 4 condemned cannon and 20 cannon balls—to the Committee on Naval Affairs.

By Mr. HARTMAN: A resolution (House Res. No. 248) providing for annual clerks to Members and Delegates—to the Committee on Accounts.

By Mr. PHILLIPS: A resolution (House Res. No. 250) to pay Frank Burke for services in stationery room from December 2, 1895, to January 14, 1896, $86.64—to the Committee on Accounts.

By Mr. GILLETT of Massachusetts: A memorial by the legislature of Massachusetts, in favor of an appropriation by Congress for the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. McCALL of Massachusetts: A memorial of the general court of the Commonwealth of Massachusetts, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. FITZGERALD: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. SIMPKINS: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

By Mr. BARRETT: A memorial of the Massachusetts legislature, relative to the extermination of the gypsy moth—to the Committee on Agriculture.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

The bill (H. R. 2997) for the relief of George W. Warren, of Vermillion, Kans.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4261) to pension Mrs. Susan M. Sessford—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred, as follows:

By Mr. BINGHAM: A bill (H. R. 8197) for the relief of John T. Guerin—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 8198) granting an increase of pension to George C. James—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 8199) to increase the pension of Oscar W. Lowery—to the Committee on Invalid Pensions.

By Mr. ELLETT of Virginia: A bill (H. R. 8200) for the relief of Charles S. Mills—to the Committee on Claims.

By Mr. LOUD (by request): A bill (H. R. 8201) to increase the pension of Mrs. Helen A. Henton—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 8202) for the relief of Thomas F. Lee—to the Committee on Claims.

Also, a bill (H. R. 8203) to remove the charge of desertion against G. B. Gibson—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 8204) granting a pension to Ellen Charlton—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 8205) for the relief of Samuel Webb, for medicines furnished Enrolled Missouri Militia in 1863—to the Committee on War Claims.

By Mr. BULL: A bill (H. R. 8206) granting an increase of pension to Mrs. Sarah C. Abbott, widow of Commander Trevett Abbott, United States Navy—to the Committee on Pensions.

By Mr. LINTON: A bill (H. R. 8207) granting a pension to James McQuarter—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of C. C. Cole and others, of the Milwaukee National Home for Disabled Soldiers, favoring the passage of an act enabling any inmate of the Home to live with his family at a cost not to exceed the average expense of such inmate at the Home—to the Committee on Military Affairs.

By Mr. BINGHAM: Papers to accompany House bill for the relief of J. T. Guerin—to the Committee on Naval Affairs.

By Mr. BRODERICK: Petition of A. A. Trocon and others, of Leavenworth, Kans., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. CLARDY: Papers to accompany House bill No. 6514, for the relief of James O. Knox, of Nebo, Ky.—to the Committee on War Claims.

By Mr. DINSMORE: Papers to accompany bill for the relief of Samuel Mayes, of Washington County, Ark.—to the Committee on War Claims.

By Mr. HARTMAN: Remonstrance of John Gray and 44 others; also of Charles F. Stuart and 21 other citizens, all of the State of Montana, against permitting the statue of Père Marquette to remain in Statuary Hall—to the Committee on the Library.

By Mr. HENDERSON: Petition of A. M. Chamberlain and 95 other citizens of Blackhawk County, Iowa, praying for the enactment of a law to prohibit railroads from using cars without extension or adjustable roof or some method to close the space between the roofs of cars to prevent persons falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Indiana: Papers to accompany House bill No. 3400, appropriating money for sewer built by A. Bruner adjacent to United States arsenal at Indianapolis, Ind.—to the Committee on Claims.

By Mr. HULL: Papers relating to the case of William L. Stone—to the Committee on Naval Affairs.

By Mr. KIEFER: Petition of 48 citizens of St. Paul, Minn., in favor of the passage of a bill for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. LINTON: Petitions and remonstrances of citizens of Scranton, Pa.; also of citizens of East Las Vegas, N. Mex., protesting against the statue of Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. McCALL of Tennessee: Papers to accompany House bill for the relief of Lamson Woods—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Thomas F. Lee—to the Committee on Claims.

By Mr. MILLER of West Virginia: Petition of J. H. Wagner and 18 others, of Millwood, W. Va., protesting against the statue of Père Marquette remaining in the Capitol of the United States—to the Committee on the Library.

By Mr. OTJEN: Petition of George P. Dravo and others, of Milwaukee, Wis., in favor of bill for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. RUSK: Petition of Frederick Fisher, in relation to his pension claim—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Mrs. Rachel R. Martin—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Rev. D. F. Bradley and 862 others of Park Congregational Church, Grand Rapids, Mich., in favor of Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. TRACEY: Petition of Deer Lake Lodge, No. 17, of Springfield, Mo., International Association of Machinists, asking for an investigation of the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, papers in support of bill for the relief of John H. Alexander—to the Committee on War Claims.

Also, paper in support of bill for the relief of Samuel Webb—to the Committee on War Claims.

By Mr. WILBER: Petition of citizens of the Twenty-first Congressional district of New York; also petition of citizens of Schenectady, N. Y.; also petition of citizens of Oneonta, N. Y., in favor of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petitions of F. E. Mungor, W. D. Davis, Adam D. Smith, and J. R. Hall, of the State of New York, for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

## SENATE.

### WEDNESDAY, *April 15, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

### ENROLLED BILLS SIGNED.

The signature of the President pro tempore was announced to the following bills and joint resolutions, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. 100) for the relief of the estate of John R. Bigelow;

A bill (S. 1203) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday;

A bill (S. 1317) to grant certain lands to the city of Colorado Springs, Colo.;

A bill (S. 2141) to amend an act approved August 24, 1894, entitled "An act to authorize purchasers of the property and franchises of the Choctaw Coal and Railway Company to organize a corporation and to confer upon the same all the powers, privileges, and franchises vested in that company";

A joint resolution (S. R. 104) directing the Secretary of War to transmit to Congress a report on survey of the waterway connecting the waters of Puget Sound at Salmon Bay with Lakes Union and Washington, and to submit an estimate of the cost of constructing said waterway; and

A joint resolution (S. R. 123) directing the Secretary of War to submit a plan and estimate for the improvement of the Nebraska side of the Missouri River opposite Sioux City, Iowa.

### PETITIONS AND MEMORIALS.

Mr. QUAY presented a memorial of 82 citizens of Huntingdon County, Pa., and a memorial of 140 citizens of Newburg, Pa., remonstrating against placing the statue of Père Marquette in Statuary Hall; which were referred to the Committee on the Library.

Mr. FAULKNER presented the petition of W. R. Jewell and 70 other citizens of Vandalia, W. Va., praying for the removal of the statue of Père Marquette from Statuary Hall; which was referred to the Committee on the Library.

Mr. ALLEN (for Mr. THURSTON) presented resolutions adopted by the Nebraska Club, in favor of the enactment of legislation requiring educational tests of immigrants; which were referred to the Committee on Immigration.

He also (for Mr. THURSTON) presented a petition of Omaha Lodge, No. 1, United National Association of Stationary Engineers, of Omaha, Nebr., praying for the reorganization of the Engineer Corps of the United States Navy; which was referred to the Committee on Naval Affairs.

He also (for Mr. THURSTON) presented the petition of Leo Wolfson, secretary of the Board of Trade of Dallas, Tex., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PEFFER. I present a petition of sundry citizens, and as I have not had time to indorse it I hardly know how to state its contents except by reading the first sentence, which is as follows:

We, the undersigned citizens of the United States, most respectfully represent to your honorable bodies that there exists within our midst a class of industrial beings or entities whose members as compared with our own race are veritable giants capable of performing prodigious amounts of labor; a single one of them in many instances being able to accomplish as much in a given time as a dozen of our best and most skillful laborers.

I assume from the language of the petition that it is a request for legislation in the interest of laboring people who have to compete with machines. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PLATT presented a petition of the Connecticut Temperance Union, praying for the appointment of an impartial national commission of inquiry, to investigate and report upon the alcoholic liquor traffic, its relations to crime, pauperism, taxation, and the general public welfare; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Purcell Bar Association of Purcell, Ind. T., remonstrating against the repeal of the existing law which gives exclusive jurisdiction to the courts of the Indian Territory over all criminal prosecutions in that Territory; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. R. Stubbert and 113 other citizens of New London., Conn., and the memorial of Thomas E. Packer and 86 other citizens of Mystic, Conn., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. TURPIE (for Mr. VOORHEES) presented resolutions adopted by the Young Men's Democratic Club of Boston, Mass., favoring the election of Senators by popular vote; which were referred to the Committee on Privileges and Elections.

Mr. SHOUP presented the petition of Mrs. Rebecca Mitchell, Eva Craig Bartin, Mary E. McGee, and Susan E. Holbrook, officers of the Women's White Ribbon Association of Idaho, praying for the appointment of an international board of arbitration between Great Britain and the United States; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

*To the Senate of the United States:*

We, White Ribbon women who wear the badge of peace and represent the home, the church, the school, and the philanthropies that seek to enthrone the Golden Rule of Christ, that by its means we may help to bring in the golden age of man, hereby earnestly petition your honorable body to adopt a resolution and appoint a commission to carry out the provisions of the same, whereby all subjects of difference between the United States and our mother country shall be referred to arbitration.

We rejoice that the legislature of the great Empire State of New York, with but one dissenting voice, petitioned you to take the same beneficent action, and we believe that every legislature in the land would gladly do the same. She who bears the soldier begs that he need no longer bear the sword, but that instead the keen blade of justice and the ammunition of cogent argument may be the only weapons used between two great nations so closely akin by reason of their common ancestry and religion, their common language and history, and their common love and loyalty to the home, which is the bright consummate flower of a Christian civilization.

To this end we appeal to you with great good will and entire confidence that our prayer to God and our plea to you will not prove to be in vain.

MRS. REBECCA MITCHELL,
*President of the Idaho W. C. T. U.*
EVA CRAIG BARTIN,
*Recording Secretary of the Idaho W. C. T. U.*
MARY E. McGEE,
*Corresponding Secretary of the Idaho W. C. T. U.*
SUSAN E. HOLBROOK,
*Treasurer of the Idaho W. C. T. U.*

Mr. PETTIGREW presented a memorial of the Choctaw and Chickasaw Nations of Indians relative to their claim to an interest in the lands embraced in Greer County, Okla.; which was referred to the Committee on Indian Affairs, and ordered to be printed as a document.

He also presented a communication from Henry W. Elliott, of Cleveland, Ohio, relative to the condition and driving of fur seals on the Pribilof Islands, Bering Sea, Alaska; which was ordered to lie on the table, and to be printed as a document.

## REPORTS OF COMMITTEES

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3741) to reclassify railway postal clerks and prescribe their salaries, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2822) to increase the pension of Theodore V. Purdy, reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1902) granting a pension to Jennie E. Burch; reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom were referred four bills, to report them adversely with the recommendation that they be indefinitely postponed. I suppose, to meet the views of the Senators introducing the bills, they may be placed on the Calendar.

The bills were ordered to be placed on the Calendar, as follows:

A bill (S. 993) to consolidate mail matter of the third and fourth classes;

A bill (S. 1030) to require preference to be given to citizens of the States and localities where the mails are to be carried in all mail lettings;

A bill (S. 1162) making an appropriation for the purchase of Fairbanks & Co.'s Infallible American gold and silver coin scale and counterfeit-coin detector for use in the post-offices throughout the United States; and

A bill (S. 2243) for the relief of Rev. Robert Meacham.

Mr. WOLCOTT, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. HAWLEY on the 10th instant, providing that after January 1, 1897, no postage stamps shall be manufactured or furnished by the Bureau of Engraving and Printing, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALDRICH. I am directed by the Committee on Rules to report two amendments intended to be proposed to the sundry civil appropriation bill, one providing for the extension of the electric-light plants in the Capitol and to the grounds about the Capitol, and the other for the ventilation of the Senate wing of the Capitol. The second amendment is accompanied by a report made by Prof. S. H. Woodbridge. I move that the amendments be referred to the Committee on Appropriations and printed, together with the accompanying report by Professor Woodbridge.

The motion was agreed to.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. WHITE on the 9th instant, intended to be proposed to the sundry civil appropriation bill, the amendment proposing to appropriate $12,000 for additions to and alterations in the United States court-house and post-office building at Los Angeles, Cal., reported it without amendment and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

## BREVET APPOINTMENTS.

Mr. SEWELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3719) to provide for appointment by brevet of active or retired officers of the United States Army, to report it favorably with an amendment; and as the bill will not excite any opposition, I ask unanimous consent to put it on its passage.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendment reported by the committee will be stated.

The amendment was, in line 5, to strike out "shall" and insert "may, at the discretion of the President"; so as to make the bill read:

*Be it enacted, etc.*, That all officers of the Regular Army of the United States, active or retired, who served in the volunteer forces during the late war, may, at the discretion of the President, receive a brevet in the Regular Army equal to the highest rank held or the highest brevet received in the said volunteer forces and be commissioned accordingly as of the date of such brevet: *Provided*, That they have not already received a brevet of equal or higher grade in the Regular Army.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I do not care to object, but I should like to know whether the bill increases the pay of these men or not?

Mr. SEWELL. It does not cause a dollar of expense to the Government. It affects a few officers who are still living and who received brevets in the volunteers. It will give them a brevet equal to that rank in the Regular Army for the remainder of their lives. There can be no possible objection to the bill.

Mr. ALLEN rose.

Mr. SEWELL. I will say to the Senator from Nebraska that I have amended the bill, by order of the committee, so that it is entirely in the discretion of the President to grant the brevet.

Mr. ALLEN. I should like to ask the Senator from New Jersey if the bill does not carry pay either now or hereafter?

Mr. SEWELL. Not at all.

Mr. ALLEN. I ask the Senator what is the necessity or the propriety of the bill?

Mr. SEWELL. It is simply the pride that military men have in rank. There are a number of these gentlemen (the number is confined to thirty or forty, I think) who served as major-generals, commanding divisions and corps, and they are now lieutenant-colonels and colonels in the Army. They would like to hand

down to their offspring the rank of brevet major-general in the United States Army. That is the sole purpose.

Mr. HAWLEY. The same rank they received in the volunteers.

Mr. SEWELL. The same rank they received in the volunteers.

Mr. HAWLEY. Which lapsed when they were transferred.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLEN. With one word, I think I will withdraw my objection to it. I hope the Senator from New Jersey, who is liberal in this matter—and I feel that he is liberal in all other matters—will consent to amend the bill so that it will embrace all noncommissioned officers and private soldiers as well. Let it be provided——

Mr. SEWELL. I should be glad to do that if I knew what to give them.

Mr. ALLEN. I think they performed services equally meritorious and conspicuous.

Mr. SEWELL. But they did not receive brevets in the volunteer service. The bill refers only to officers who received brevets in the volunteer service.

Mr. ALLEN. The Senator from New Jersey has no doubt that we could create a rank of brevet colonel or brevet brigadier-general for all the private soldiers and noncommissioned officers and authorize the President to commission them.

Mr. SEWELL. I will say to the Senator that the Congress of the United States might make us all major-generals if it chose to do so.

Mr. ALLEN. I believe I will object to the consideration of the bill at this time.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Nebraska to object?

Mr. ALLEN. Yes, sir.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the Calendar.

Mr. SEWELL. I believe this is an exceedingly meritorious bill. It is one that passed the other House without the least objection, and I have amended it, by order of the committee, so as to take the peremptory part of it out and leave it entirely at the discretion of the President. I move to take the bill up, notwithstanding the objection of the Senator from Nebraska.

The PRESIDENT pro tempore. Such a motion would not be in order now.

Mr. ALLEN subsequently said: I send to the desk, and ask to have printed and lie upon the table, an amendment to House bill 3719, which was reported by the Senator from New Jersey [Mr. SEWELL] a little while ago.

The PRESIDENT pro tempore. The amendment will be received, and ordered to be printed and lie on the table, in the absence of objection.

### ERIE (PA.) HARBOR IMPROVEMENT.

Mr. QUAY. I am instructed by the Committee on Commerce to report a joint resolution relative to the improvement of the harbor at Erie, Pa., and to ask for its immediate consideration. The joint resolution calls for information from the Department which is immediately required by the Committee on Commerce.

The joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa., was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the Secretary of War be, and he hereby is, directed to examine into the feasibility and advisability of the improvement of the harbor of Erie, Pa., by the construction of dikes to prevent the closing by sand of the entrance of said harbor, and to make report thereon with an estimate of the cost of such improvement.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### COAST AND GEODETIC SURVEY REPORT.

Mr. HALE. I report from the Committee on Printing a concurrent resolution, and ask for its passage.

The concurrent resolution was read, as follows;

*Resolved by the Senate (the House of Representatives concurring)*, That the Committees on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution S. R. 116 by striking out the word "eight" in the said enrolled joint resolution and inserting "seven."

The PRESIDENT pro tempore. The Chair will lay before the Senate a message from the President of the United States relating to this subject, which the Secretary will read.

The Secretary read as follows:

*To the Senate of the United States:*

In compliance with a resolution of the Senate (the House of Representatives concurring), I return herewith the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 14, 1896.*

Mr. HALE. The resolution simply cures the defect.

The PRESIDENT pro tempore. The Senator from Maine asks for the present consideration of the resolution reported by him from the Committee on Printing.

The concurrent resolution was considered by unanimous consent and agreed to.

### BURIAL PLACES OF SOLDIERS.

Mr. MITCHELL of Wisconsin. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1466) to purchase, inclose, and improve the sites, or portions thereof, of certain forts, battlefields, and graves of American soldiers, sailors, and marines in the Maumee Valley, and to erect thereon appropriate monuments and commemorative tablets, to report it favorably by substitute, and I ask that it be considered at this time. The bill is somewhat lengthy, and I suggest that the substitute only be read.

The PRESIDENT pro tempore. Without objection, the substitute will be read for information, instead of the original bill.

The Secretary proceeded to read the substitute.

Mr. ALLISON. If the bill leads to debate——

The PRESIDENT pro tempore. Does the Senator from Iowa object to the consideration of the bill at this time?

Mr. ALLISON. I shall not object to it if it does not lead to debate.

The Secretary resumed and concluded the reading of the substitute; which was to strike out all after the enacting clause of the bill and insert:

That there is hereby appropriated, upon the condition hereinafter prescribed, out of any money in the Treasury not otherwise appropriated, the sum of $17,000, or so much thereof as may be necessary, to enable the Secretary of War, on behalf of the United States, to acquire by purchase, or to accept the donation of, the site of Fort Meigs and the burial places adjacent thereto, in the State of Ohio, and the burial place on Put-in-Bay Island, in Lake Erie, in which burial place are interred the remains of certain soldiers and sailors of the war of 1812, and to transfer to said burial place or to Fort Meigs, and to inter therein, such remains of soldiers, sailors, and marines of the war of 1812 as may be found at or near any of the battlefields of said war in the State of Ohio, and to inclose said fort and burial places with suitable inclosures, and to erect therein appropriate monuments or tablets in commemoration of the men who lost their lives in the service of the United States on said battlefields or in the battle of Lake Erie: *Provided*, That this appropriation is made upon the express condition that a like sum of $17,000 be appropriated by the State of Ohio or secured by any association of citizens and placed at the disposal of the Secretary of War for the purposes of this act: *And provided further*, That upon the fulfillment of the condition above expressed, the Secretary of War may cause proceedings to be instituted in the name of the United States in any court having jurisdiction of such proceedings for the acquirement by condemnation of any land or right pertaining thereto needed to enable him to carry into effect the provisions of this act, such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the State wherein the proceedings may be instituted.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Military Affairs in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the protection and preservation of the burial places of certain soldiers and sailors of the war of 1812, and for other purposes."

### MARIA E. WILSON.

Mr. GALLINGER. Yesterday the bill (H. R. 1181) for the relief of Maria E. Wilson was reported from the Committee on Pensions. Further facts having come to the attention of the committee concerning the bill, I move that it be taken from the Calendar and recommitted to the Committee on Pensions.

The motion was agreed to.

### BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 2850) granting a pension to Charles C. Onderdonk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 2851) to remove the charge of desertion from the military record of George W. Witting; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 2852) granting a pension to Eveline Sheridan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2853) to remove the charge of desertion from the name of William Weigel; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 2854) for the relief of Thomas W. Cardwell, late of Company E, Twenty-first Regiment

Kentucky Volunteer Infantry, and Company H, Fourth Regiment Kentucky Mounted Volunteer Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 2855) granting an increase of pension to Dora Z. Allen, widow of Robert W. Allen, late pay inspector, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2856) granting a pension to Sarah E. Jenkins, daughter of the late Admiral Thornton A. Jenkins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2857) granting an increase of pension to Ella S. Mannix; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 2858) to provide for the construction of the Maryland and Delaware free ship canal as a means of military and naval defense and for commercial purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced a bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 2860) granting a pension to David Hunter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2861) to establish a military and national park upon the Palisades of the Hudson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 2862) to remove the charge of desertion from the military record of Cornelius Farrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 2863) to amend section 3287 of the Revised Statutes of the United States, authorizing in certain cases the storage of distilled spirits in metal tanks in distillery warehouses; which was read twice by its title, and referred to the Committee on Finance.

Mr. WHITE introduced a bill (S. 2864) to amend an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," being chapter 80 of the private acts of the Twenty-seventh United States Statutes at Large, approved February 10, 1893; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a joint resolution (S. R. 132) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Davidson, of North Carolina; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. LODGE introduced a joint resolution (S. R. 133) authorizing Surg. P. M. Rixey, of the Navy, to accept from the King of Spain the grand cross of naval merit with the white distinction mark, in recognition of services rendered to the officer and sailors of the *Santa Maria* who were injured by an explosion on that ship; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BATE introduced a joint resolution (S. R. 134) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury; which was read twice by its title.

The PRESIDENT pro tempore. To what committee does the Senator from Tennessee desire to have the joint resolution referred?

Mr. BATE. I suppose the committee having charge of that subject.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Finance, in the absence of objection.

Mr. BATE. I suggest that the joint resolution be referred to the Select Committee on International Expositions, to which committee I understand bills and joint resolutions similar to the one I have just introduced have heretofore been referred. I do not care, however, as to what reference may be given the joint resolution, but merely make that suggestion.

The PRESIDENT pro tempore. The Secretary informs the Chair that the joint resolution came originally from the Committee on Ways and Means of the House of Representatives, and therefore the Chair supposes it should be referred to the Committee on Finance of the Senate.

Mr. BATE. Very well; I have no objection to that reference, though we have a committee which I suppose was created for the special purpose of taking charge of such subjects.

The PRESIDENT pro tempore. In the absence of objection, the joint resolution will be referred to the Committee on Finance.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. GRAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MANTLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary.

### CONTROL OF SLEEPING CARS.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

*Resolved*, That the Committee on Interstate Commerce, to whom was referred Senate No. 1991, a bill to empower the Interstate Commerce Commission to control sleeping cars, and for other purposes, on February 4, 1896, be, and is hereby, directed to report said bill to the Senate at the earliest day possible.

Mr. CULLOM. I do not know where the resolution comes from, but I do not think it necessary to adopt the resolution. The Committee on Interstate Commerce is trying to do its duty in these matters without any instruction from the Senate. I can assure whoever introduced it that the committee has been giving and will give proper attention to this and all other business which has been referred to it. I hope with this statement the Senator will not undertake to force a resolution through carrying with it the idea that we are not doing our duty with reference to this subject or any other.

The PRESIDENT pro tempore. Does the Senator from Illinois object to the present consideration of the resolution?

Mr. CULLOM. I do not care to object to its consideration. I want the Senator who offered it to say what he wishes about it.

Mr. PETTIGREW. I meant no slight upon the Committee on Interstate Commerce. The bill was referred to the committee on the 4th of February, and I simply wish to call the attention of the committee to the matter. I was informed by the older members of the Senate that to offer such a resolution is not a matter of discourtesy or one that ought to lead to any possible objection on the part of the committee. I intended nothing of that sort. It seems to me the resolution can do no harm, and I hope the Senator from Illinois will withdraw his objection to it.

Mr. CULLOM. I think it is a reflection on the committee itself, because it is a declaration that the committee has not yet reported a bill and the Senate is asked to direct us to report it at once.

Mr. PLATT. Let me suggest that the resolution be referred to the Committee on Interstate Commerce.

Mr. CULLOM. I am perfectly willing to allow that to be done.

Mr. PETTIGREW. Very well; I do not object to that course.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Interstate Commerce.

### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the act (S. 2132) for the relief of settlers upon lands within the indemnity limits of the grant to the New Orleans Pacific Railway Company.

### REMOVAL OF CLERK IN POST-OFFICE AT PENSACOLA.

Mr. CALL submitted the following resolution, which was considered by unanimous consent, and agreed to:

*Resolved*, That the Postmaster-General be, and he is hereby, directed to send to the Senate the correspondence relating to the recommendation of the postmaster at Pensacola, Fla., for the removal of a clerk in the post-office at Pensacola, Fla., and the action of the Post-Office Department thereon.

Mr. WOLCOTT subsequently said: I desire to call the attention of the Senator from Florida [Mr. CALL] and of the Senate to a resolution which was passed unanimously this morning introduced by the Senator from Florida. I noticed only a word or two of it and interposed no objection, for I was engaged at the time. The resolution reads as follows.

*Resolved*, That the Postmaster-General be, and he is hereby, directed to send to the Senate the correspondence relating to the recommendation of the postmaster at Pensacola, Fla., for the removal of a clerk in the post-office at Pensacola, Fla., and the action of the Post-Office Department thereon.

I do not apprehend that the Senator from Florida desires to put in motion the machinery of the Senate in order that we may ask the Postmaster-General to send to this body the correspondence he may have had with a postmaster at Pensacola looking to the removal of one of his clerks or that the letter of the postmaster at Pensacola to the Post-Office Department should necessarily be sent here for the consideration of the Senate and given publicity.

It may or it may not be such a subject as should be investigated, but in any event, Mr. President, not to occupy the time of the Senate further, I deem it my duty to interpose a motion to reconsider the vote by which the resolution was passed. Perhaps I can by conversation with the Senator from Florida fix the resolution in such terms as shall meet his views and at the same time save the possible construction that might be put upon the resolution.

The PRESIDENT pro tempore. The Senator from Colorado enters a motion for the reconsideration of the resolution.

Mr. CALL. I desire to say, in reply to the observation of the Senator from Colorado, that I shall be entirely willing to have the vote by which the resolution was passed reconsidered, provided the Senator will give me some reason why it should be done. When the matter comes properly before the Senate I shall have something further to say regarding it.

### AFFAIRS IN CUBA PRIOR TO 1878.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate of the United States:*

In response to the resolution of March 24, 1896, requesting that the Senate be furnished with the correspondence of the Department of State between November 5, 1875, and the date of the pacification of Cuba in 1878, relating to the subject of mediation or intervention by the United States in the affairs of that island, I transmit a report from the Secretary of State forwarding such papers as seem to be called for by the resolution in question.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, April 15, 1896.*

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct the enrolled joint resolution (S. R. 116) authorizing the Public Printer to print the Annual Report of the Superintendent of the United States Coast and Geodetic Survey in quarto form and to bind it in one volume.

The message also announced that the House had passed the concurrent resolution of the Senate to print 5,000 additional copies of the paper entitled "Economic geology of the Mercer mining district," being a part of the Sixteenth Annual Report of the United States Geological Survey.

The message further announced that the House had passed a bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work; in which it requested the concurrence of the Senate.

### SENATOR FROM DELAWARE.

Mr. GRAY. Mr. President, pursuant to the notice that I gave yesterday that I would resume the floor to-day upon the privileged question, the resolution for the admission of Henry A. Du Pont to a seat in the Senate, I will, if the Senate will so far indulge me, proceed to consider that matter.

The PRESIDENT pro tempore. The Senator from Delaware moves that the Senate proceed to the consideration of a resolution which will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

*Resolved*, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Delaware.

The motion was agreed to.

The PRESIDENT pro tempore. The resolution is before the Senate, and the Senator from Delaware is entitled to the floor.

Mr. ALLISON. Before the Senator from Delaware proceeds, I should be glad to know from those having charge of the privileged question before the Senate when it is their purpose to secure a vote upon the proposition? I do this with a view of getting the question out of the way in some form, because it materially interferes with other important business. I know it is also an important question, and I should be glad to learn what the purpose is of those having the matter in charge.

Mr. MITCHELL of Oregon. What is the Senator's question?

Mr. ALLISON. I should be glad to know whether some disposition can not be made of the Du Pont case so as to finally dispose of it? It has been going on here for a good many weeks at intervals, by unanimous consent and otherwise, and we have allowed appropriation bills to be laid aside and taken up at the close of business in the evening. For that reason I should be glad to have some understanding with our friends who have charge of the pending resolution.

Mr. MITCHELL of Oregon. I will state to the chairman of the Committee on Appropriations that as far as I am concerned, I have been anxious from the first, and I am still anxious, to reach a conclusion in the Du Pont case at the earliest possible moment. Speeches have been made, as the Senator knows, on both sides, and there are yet a number of speeches to be made on both sides, as I am advised. I have no objection, so far as I am concerned, as I know the appropriation bills should not be delayed unnecessarily, that after the Senator from Delaware, who has the floor to speak to-day on the Du Pont case, has concluded his speech the Senate shall proceed with the Indian appropriation bill, at all events.

Mr. HALE. I will state to the Senator from Oregon that in addition to that measure the naval appropriation bill has been reported and I am very desirous to go on with it the moment the Indian appropriation bill is out of the way. We expected to get both bills into conference before this time, but, as the Senator from Iowa has said, they have been pushed aside for speeches upon the Delaware case. Senators feel, I think, generally, that we ought to be at work upon the appropriation bills.

Mr. MITCHELL of Oregon. There are at least three or four Senators on this side of the Chamber who have notified me that they desire to be heard on the Du Pont case; and on the other side the Senator from Illinois [Mr. PALMER] at least has indicated to me that he desires to be heard.

Mr. ALLISON. What I desire is that we shall have some understanding as respects the business of the Senate, so that if the Du Pont case is to be considered now it will be understood that the appropriation bills shall be set aside. Otherwise we should have an understanding that when an appropriation bill is taken up for consideration in the Senate it shall be concluded without injecting other business.

Mr. MITCHELL of Oregon. I will make to the Senator from Iowa this suggestion, at all events, that after the Senator from Delaware shall have concluded his speech and after the bond question shall have been disposed of, then the Senate shall proceed with the consideration of the Indian appropriation bill to a finish, and perhaps by that time we shall be able to have some understanding as to the order of business.

Mr. SHERMAN. I wish to give notice that after the conclusion of the remarks of the Senator from Delaware to-day I shall move an executive session. Senators are probably aware of the object of the executive session.

Mr. PEFFER. I wish to say to the Senator from Ohio that there is an agreement by unanimous consent to proceed, when that time comes, with the bond resolution; but we can doubtless arrange as to that matter.

Mr. SHERMAN. It will not disturb that arrangement.

Mr. PEFFER. With that understanding, of course, I shall not interpose.

Mr. ALLISON. The bond resolution is subject to appropriation bills by a distinct statement made by myself the other day when it was sought to make that resolution a special order. Of course the Senator from Kansas does not expect to go on with the bond resolution to the exclusion of the appropriation bills; at least I hope not. I do not understand that to be the order.

Mr. PEFFER. I understand the agreement to be just as it was made, Mr. President. There was a unanimous-consent agreement made a few days ago that yesterday at 2 o'clock and 15 minutes p. m. we should proceed to the consideration of the bond resolution, but yesterday at 2.15 o'clock we were not ready by reason of the fact that the Senator from New Hampshire [Mr. CHANDLER] was on the floor in the midst of a speech. Then, by unanimous consent, the agreement was postponed or delayed until to-day at the conclusion of the speech of the Senator from Delaware [Mr. GRAY].

Mr. ALLISON. Then I understand the unanimous-consent agreement embraces the idea that the bond resolution is to be the unfinished business. I have no objection to that.

Mr. PEFFER. At that time?

Mr. ALLISON. At that time.

Mr. PEFFER. That is the understanding.

Mr. ALLISON. Giving way, of course, either by unanimous consent or otherwise, to appropriation bills.

Mr. PEFFER. That is rulable, undoubtedly.

Mr. PALMER. I wish to say that I desire to address the Senate on the Du Pont case, and will be ready at any time it suits the convenience of the Senate to hear me after the Senator from Delaware has concluded. So there need be no delay so far as I am personally concerned.

Mr. GORMAN. I trust the suggestion made by the chairman of the Committee on Appropriations, the Senator from Iowa, will be agreed to. We have been considering this privileged question in the Senate at odd times for the last month. We have now reached a point where all the great appropriation bills are nearly ready for the consideration of this body. It is unfair and it is a loss of time to attempt to bring the appropriation bills in here as we have done and sandwich them between the privileged question and the ordinary business of the Senate. We have reached appropriation bills in which there are great questions involved besides the mere amount of money to be appropriated, and those bills will have to be considered by the Senate very fully. It seems to me it would expedite business if we could have an agreement now to vote upon the privileged question on Wednesday next at 3 o'clock without further debate. If such an agreement is made we can then proceed with the ordinary business of the Senate——

Mr. MITCHELL of Oregon. I can not agree to a vote upon the Du Pont case at that time in view of the notices I have received from Senators on both sides of the Chamber who desire to be heard upon it.

Mr. GORMAN. That would give one week.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Maryland.

Mr. GORMAN. Do I understand the Senator from Oregon to object to fixing a time?

Mr. MITCHELL of Oregon. I have already stated to the Senator from Iowa, the chairman of the Committee on Appropriations, and I now repeat to the Senator from Maryland, that perhaps after the Indian appropriation bill is out of the way and we ascertain just who desire to be heard further upon the Du Pont case——

Mr. HALE. And the naval appropriation bill, I suggest also. That bill is on the Calendar and ready to be brought before the Senate.

Mr. MITCHELL of Oregon. Well, I suggest that we may then probably be able to see our way clear to make some arrangement. But at present I am unable to agree to any time for a vote upon the Du Pont case.

Mr. GORMAN. That, I take it, practically means that this case is not to be considered until after the 1st of June.

Mr. MITCHELL of Oregon. It does not, by any manner of means.

Mr. GORMAN. In view of the condition of the business of the Senate, with the debate that will necessarily occur upon the appropriation bills, with the very full consideration which those important measures now coming on require, and which ought to be disposed of before the 1st day of June—this is a question involving the right of a gentleman to a seat in this body; it is a privileged question; and it seems to me that some time should be fixed for taking the vote upon it. If one week will not do, ten days hence ought to be fixed, so that we can get it out of the way of all these important measures.

Mr. MITCHELL of Oregon. I will say what the Senate appreciates and understands, that this privileged question has not been proceeded with regularly. It has been taken up only at odd times, a speech made now and another then. We have not proceeded with it any one day for the full day. As far as I am concerned, I have a desire to accommodate the business of the Appropriations Committee and other business of the Senate, and I am now willing, having charge of the privileged question, that after the conclusion of the speech of the Senator from Delaware [Mr. GRAY] the Indian appropriation bill and the naval appropriation bill shall be taken up and concluded, and then I desire to go on and proceed to a finish with the Du Pont case.

Mr. STEWART. What has become of the unanimous-consent agreement?

Mr. MITCHELL of Oregon. That is included.

The PRESIDENT pro tempore. Debate is proceeding by unanimous consent.

Mr. STEWART. I wish it distinctly understood that there is a unanimous-consent agreement to consider the bond resolution after the conclusion of the speech of the Senator from Delaware [Mr. GRAY]. I should like to say——

Mr. MITCHELL of Oregon. I do not wish to interfere with that, of course.

Mr. STEWART. The bond resolution might be passed without any discussion. Everybody can read it and know what it is. There is no necessity for any discussion of it. I think it obviously ought to be passed, and it is very important before the appropriation bills are disposed of that we should know what the probable revenue will be. If the present policy continues——

Mr. HOAR. I shall object to debate, I believe, when the Senator from Nevada gets through.

Mr. STEWART. The Senator from Massachusetts can not take a Senator off the floor.

Mr. HOAR. I call for the regular order.

Mr. STEWART. If the present policy is to continue——

The PRESIDENT pro tempore. The Senator from Massachusetts calls for the regular order.

Mr. HOAR. I do not wish to interpose until the Senator from Nevada has finished.

Mr. STEWART. I will finish my sentence.

Mr. HOAR. I say I do not wish to cut off the Senator from Nevada.

Mr. STEWART. I do not want to break off in the midst of a sentence. I say if the present policy of selling bonds continues it will be necessary to make very large appropriations in order to get the money out of the Treasury, or we shall have no money in the country with which to do business.

Mr. ALLISON. I think the Senator will be satisfied with our efforts.

Mr. STEWART. If that resolution should be passed we could perhaps be a little more economical.

Mr. GRAY. Mr. President, in what I have to say in regard to the claim made on behalf of Mr. Du Pont that he was elected by the legislature of Delaware in May, 1895, as a Senator from that State to this body I shall endeavor to be as brief as clearness of statement will permit. As a citizen of the State where the legality of that claim is strenuously denied, I have been more than willing that other Senators, free from any supposed bias in this matter, should bear the burden, such as it is, of the argument on this side in opposition to that claim. I do not mean that I am conscious of any such bias as would interfere with the clear and impartial exercise of the judicial function we are now called upon to assume. At all events, I am most fortunate in approaching the discussion of this case free from all prepossession against the personality of the claimant, who has long been known to me as an accomplished gentleman and worthy of the high esteem and regard in which he is held as a citizen of my State. It is only because the claim made of his election is utterly unsupported by any view of the constitution of Delaware heretofore taken, or by any just view capable of being taken, that I conceive it my duty to oppose that claim.

Mr. President, at the outset it is proper to remark, in view of what has been said by all the Senators who have spoken in support of this claim, that all fair prepossessions founded upon the merits, founded upon the situation in the State of Delaware, are in favor of the propositions that I now support and which have been supported by the minority of the Committee on Privileges and Elections in opposition to the claim of Mr. Du Pont. If Mr. Du Pont shall be seated, he will be seated because a community in the State of Delaware has been disfranchised; he will be seated because one of the regularly elected members of the legislature upon which the duty of electing a United States Senator devolved has been deprived of the right to exercise the function of an elector, and thereby made a result possible which, if he had not been thus deprived, could not have been brought about. In other words, Mr. President, those who support the claim of Mr. Du Pont to a seat in this body can only hope to be successful by the accident of a vacancy in representation, which they argue has been brought about under the provisions of the constitution of Delaware.

No one doubts that if every person elected to the legislature of the State of Delaware by the people of that State was present and voting when the election for United States Senator was being held Mr. Du Pont would not be seated. No one doubts if Kent County in the State of Delaware had its full representation, which it had elected under the constitution, in that electoral body that Mr. Du Pont would not have been chosen. So that, if he should be admitted here and it should be declared that he was elected and entitled to a seat in this body, it would be by reason of this casus in the situation in the State of Delaware, and not by reason of the will of the people as expressed when they elected the members of the legislature.

So that, Mr. President, what I have said seems to me very apposite when we consider how each of the Senators who have supported this claim has animadverted in terms of more or less severity upon what they term a usurpation upon the part of one of the members elected from one of the counties in that State to the senate of Delaware, on what they variously call a seizure of office, an extrusion of the rightful speaker of the senate, and a seizing of the position. Mr. President, none of these epithets is applicable, none of them is justified by the situation, none of them applies justly to the situation that was created by the exercise by Mr. Watson of the office of governor under the constitution of Delaware.

I do not think it worth while to continue further in this line that has been opened up by Senators on the other side of this question, because I am quite willing to rest this case upon what I conceive to be the clear meaning of the constitution of the State. All we claim is that the provisions of that constitution shall not be set aside by the Senate of the United States. All we claim is that every legislative elector sent to the general assembly of the State of Delaware by the people of that State shall be allowed to exercise the right and the privilege and the duty that was imposed upon him when he was elected by his constituency; and it is only by depriving one of them of that right and of that commission given to him by his constituents that Senators can hope to seat the claimant in this case.

Mr. President, I pass for the present the attempt of the majority of the Committee on Privileges and Elections to have the Senate of the United States rewrite the constitution of Delaware and assume jurisdiction over the qualifications of a member of the Delaware senate, a jurisdiction belonging exclusively to that body. I wish, first, to vindicate the action of Speaker Watson in voting for United States Senator after he had assumed the exercise of the office of governor; and I do this, not because I believe that this is the tribunal where that vindication should be made, but because his conduct in the premises has been denounced and unsparingly assailed on this floor, and because the interpretation of the constitution of my State, acquiesced in through a hundred years of its history, and in accordance with which he acted, can be, as it has been, overwhelmingly sustained.

I will therefore proceed to state as succinctly as possible the propositions of law and fact which support and vindicate the statement made by the speaker of the Delaware senate as presiding officer in the joint assembly of the legislature on the 9th of May, 1895, at the conclusion of the last ballot on that day, when he declared that, no person having received a majority of the votes cast for United States Senator, there was no election to said office. I may say, in passing, that the statement was made twenty-seven times by the speaker of the senate of Delaware as presiding officer of the joint assembly, that no person having received a majority of all the votes cast for United States Senator there was no election to said office, and that no one out of the full membership of that assembly ever rose in his seat to suggest, much less to protest, that that statement was not literally and accurately true.

This belongs to the recital of the history of events upon which all argument must be founded. These proceedings appear in the regular journal of the joint assembly, as attested by the clerk of the senate, who was the clerk of that joint assembly, and a copy of the same appears as an exhibit in the report of the majority of the committee.

The parts of the constitution of Delaware with which we are principally concerned in this discussion are those which I send to the desk and ask the Secretary to read for me. They are from Article II, which treats of legislative power.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The Secretary will read as requested.

The Secretary read as follows:

ARTICLE II.

SECTION 1. The legislative power of this State shall be vested in a general assembly, which shall consist of a senate and house of representatives.

SEC. 2. The representatives shall be chosen [for two years] by the citizens residing in the several counties.

No person shall be a representative who shall not have attained the age of 24 years, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two-thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

SEC. 3. The senators shall be chosen for four years by the citizens residing in the several counties.

No person shall be a senator who shall not have attained to the age of 27 years, and have, in the county in which he shall be chosen, a freehold estate in 200 acres of land, or an estate in real or personal property, or in either, of the value of £1,000 at least, and have been a citizen and inhabitant of the State three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State.

There shall be three senators chosen in each county. When a greater number of senators shall by the general assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one-half nor less than one-third of the number of representatives.

If the office of representative or the office of senator become vacant before the regular expiration of the term thereof, a representative or a senator shall be elected to fill such vacancy, and shall hold the office for the residue of said term.

When there is a vacancy in either house of the general assembly, and the general assembly is not in session, the governor shall have power to issue a writ of election to fill such vacancy; which writ shall be executed as a writ issued by a speaker of either house in case of vacancy.

* * * * * * *

SEC. 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

SEC. 6. Each house shall judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members in such manner and under such penalties as shall be deemed expedient.

* * * * * * *

SEC. 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during such time. No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

Mr. GRAY. Mr. President, I now read from Article III of the constitution, which relates to the executive power:

ARTICLE III.

SECTION 1. The supreme executive power of the State shall be vested in a governor.

SEC. 2. The governor shall be chosen by the citizens of the State.

There is no suggestion, much less any authorization, in that first section, or in any other provision of the constitution, that a governor can be created in any other fashion—

The governor shall be chosen by the citizens of the State.

* * * * * * *

SEC. 3. The governor shall hold his office during four years from the third Tuesday in January next ensuing his election, and shall not be eligible a second time to said office.

SEC. 4. He shall be at least 30 years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this State, unless he shall have been absent on the public business of the United States or of this State.

SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

* * * * * * *

After reading these clauses of the constitution of Delaware there will be no difficulty in understanding the true bearing of section 14, which is the important one in this case.

It provides as follows:

SEC. 14. Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified. If the person elected governor shall die, or become disqualified, before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. If upon a vacancy happening in the office of governor there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect, by joint ballot of both houses, a person to exercise the office until a governor, elected by the people, shall be duly qualified. If a vacancy occur in the office of governor, or if the governor-elect die, or become disqualified, before the commencement of his term, or refuse to take the office, an election for governor shall be held at the next general election, unless the vacancy happen within six days next preceding the election, exclusive of the day of the happening of the vacancy and the day of the election; in that case, if an election for governor would not have been held at said election, without the happening of such vacancy, no election for governor shall be held at said election in consequence of such vacancy. If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

It is submitted, sir, that an intelligent and careful reading of these provisions would not leave a doubt of the following propositions:

First. That the scheme of the Delaware constitution provides for a governor, to be elected by the people, in whom the supreme executive powers of the State shall be vested, who shall hold his office for a term of four years and have certain prescribed qualifications and not be eligible for a second time to the office.

Second. That no other than one so elected for the term and with the qualifications prescribed by the constitution is a governor in the full constitutional sense.

Third. That the framers of that constitution, regarding the vicissitudes of human life, have provided in case of the death of a governor so elected that the duties of the office shall be discharged by a person holding a place of high dignity in the legislative department of the government, to wit, the speaker of the senate, who is necessarily a senator elected to represent one of the counties of the State.

Fourth. That the speaker, upon whom the constitution in such a contingency devolves the exercise of the office, exercises a temporary and ad interim function until a governor in the full constitutional sense can be elected by the people. That he does not exercise the office for a full term of four years or for the remainder of the term of the deceased governor, but only until an election for governor can be had; it may be only for a few weeks.

Fifth. That the constitution in devolving this temporary ad interim function upon the speaker of the senate has not provided that thereby such speaker shall vacate the place of a senator from

the county to which he was elected. And the whole scheme of the constitution negatives any implication of the intent to create such a vacancy.

The speaker of the senate in such cases is a guardian of the gubernatorial office, like the civil law term in loco parentis—in loco gubernatoris—custos; like the great seal, being "in commission" when there is no chancellor.

Those are cases which seem to me analogous and most like the provision that is made by the Delaware constitution for the contingency of the death of a governor elected by the people. All of these exercises of authority are well understood and well known as not conferring either the rank or the power or the substance of the office, but are stop-gaps; they are made for a temporary emergency, which it was thought best should be provided for in order that the machinery of government might not break down. It does not require any refined exegesis to explain that to the plain people of the State for whom constitutions are made. They can understand that one officer may, upon a temporary emergency, exercise the duties of another office without stepping into the shoes of that officer, or being or becoming the officer whose duties he is performiug. It is a thing which belongs to the common affairs of everyday life, and when the constitution makers of Delaware framed this provision to meet a temporary emergency they knew that they were speaking to people who would understand the machinery that had been provided to meet the case that was described.

It is inconceivable that intelligent men, engaged in the serious business of framing the organic law of a State, should have neglected to expressly declare and provide for a vacancy in the representation in the senate from a county, if one was intended or contemplated, when the speaker of the senate should exercise the office of governor upon the happening of a contingency for which they were then providing. Think of it for a moment, Mr. President! Here were presumably intelligent men, selected from the body of the citizenship of the State, a State that has proved its capacity for self-government through a hundred years of American history, and these men, thus selected to make a framework of government, after providing for the deposit of executive power, and coming to the obvious suggestion that there might be by resignation, death, or removal a temporary vacancy in the office of governor, proceed to provide for that contingency. And they do provide for it, not by leaving the office vacant for a time, however short, for they knew that the inconveniences of having an absolutely vacant office, or having no one to exercise the executive power when it should be necessary to exercise it, would be great, but they said that, although we have provided that the governor shall be elected by the people, or chosen by the people, as is the more apt phrase of the constitution, and in him all executive power is lodged, yet if during his term he dies or is removed or is unable to perform the duties of his office, then until we can have another governor elected by the people we will take the obvious, common-sense, businesslike procedure of devolving the duties of that office upon a man already elected by the people and promoted to a high and dignified office, to wit, the speakership of the senate of the State, and say that he shall exercise it for what time? For the balance of the term? No; but until the people shall elect a governor and he qualifies.

Mr. President, is there anything remarkable about that? Is there anything to justify the epithet of "anomalous" applied to it by the Senator from New Hampshire [Mr. CHANDLER] yesterday afternoon? Imagine that having done that, these framers of the organic law of Delaware, having devolved that duty upon the speaker of the senate of Delaware as a stop-gap, should have been confronted with the suggestion "you have probably made a vacancy in the office or position or place of representative in the senate from Kent County, or Newcastle, or Sussex," and they said, as the Senator from Oregon in effect declares they said, "Oh, well; let it go; we will leave it open for construction when the occasion arises." Or suppose they had been told that "there was an American system, an American common law" that was so binding, that was so well understood, so all-pervasive, that of its own force it would work a vacancy, as was said by the Senator from New Hampshire yesterday. If there was such a law, as claimed by the Senator from New Hampshire, we must presume that those framers of the constitution of Delaware understood it as well as he, that John M. Clayton, George Read, James Rogers, Willard Hall, and Charles Polk, and their colleagues knew as much about the American system as even the distinguished Senator from New Hampshire. Yet we are asked by the distinguished Senator to believe that when these men were confronted with this American doctrine which is said created a vacancy in the representation from a county, depriving the constituency of one-third of its representation, they said, "We will not provide for it; let it go; let one-third of the people of that county go unrepresented." Vacancy in the representation of a county where there are only three to represent it is about as important a matter as a vacancy in the Executive office, and yet we are told that those men, confronted with that situation, were willing that the vacancy should go unprovided for, and never wrote one line to show that they recognized that vacancy, much less to provide for filling it.

I am here to defend my State from the imputation of ever having had a constitutional convention composed of men so fatuous, so unfitted for the high duty they were called upon to perform, that when confronted with an exigency like that they did not have intelligence enough to deal with it. Oh, no, Mr. President; I said it was inconceivable. So it is. When they said that the duties of this office shall devolve upon the senator who happens to be speaker it never entered their heads that they were vacating the office of senator from one of the counties, or else we know that they would have provided for the filling of that vacancy.

We might stop and leave the case here, taking the plain language of the constitution in section 14, which says:

Upon any vacancy happening in the office of governor, by his death * * * the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

We might stop there, with not a word in the section or in the constitution about the effect of that provision upon the representation of a county in the senate, not a suggestion that a vacancy was ever contemplated, and say we will not do violence to common sense, to the rights of the people of a sovereign State, by here in the Senate of the United States undertaking, under our power to judge of the qualifications and elections of a Senator of this body, to unseat a senator or vacate a place in the senate of Delaware.

Mr. MILLS. May I ask the Senator from Delaware a question?

Mr. GRAY. Certainly.

Mr. MILLS. Suppose the office of governor should have been cast upon the speaker of the house of representatives, as is contended for, and then an election should be ordered for governor of the State and a governor elected in accordance with the constitution; would the speaker then be out of office?

Mr. GRAY. Certainly. As soon as the governor is qualified the speaker would cease, in the language of the constitution, the exercise of the office of governor.

Mr. MILLS. He would not be speaker? He would have lost his office as speaker entirely?

Mr. GRAY. He would not have lost his office as speaker or senator. I will come to that point presently. The practice for one hundred years under the preceding constitution, which was precisely similar, has been that he resumed his place.

Mr. MILLS. I think the word "until" would imply that he did.

Mr. GRAY. I think so. I do not think there is any other construction to be put upon it.

We are not to make pawns of the rights of the citizens of a State upon the political chessboard. We are not to gamble away the rights of great communities, and to stultify our own common sense in order to accomplish a predetermined purpose or end. Constitutions, as I said a while ago, are made for the plain people of a State. They were meant to be interpreted by those plain rules which govern the meaning of the English language, in which they are written, and it will not do here in this high place by argumentation, by dialectics, by refined and subtle reasoning to reason away the plain, obvious, common-sense meaning of these great charters, and leave the people dazed and amazed at the consequences of what they themselves have done.

They had provided that each county should have three senators, and they had provided that all vacancies should be immediately and without delay filled by a special election. They recognized the serious consequences of a vacancy in the representation of a county. Did they intend to create a vacancy of which they did not speak, or leave it, as the chairman of the Committee on Privileges and Elections says, an open question whether there was a vacancy or not, to be determined by the casuistry of lawyers and United States Senators?

One of the most remarkable of all the remarkable and ingenious arguments that have been made in this case on behalf of the claimant was made by his counsel before the committee and indorsed by the chairman of the committee when he says:

The true construction—

As if this section wanted any construction in the sense in which they are speaking here—

The true construction of this section is not that it is optional with the speaker, either of the senate or of the house, while exercising the office of governor also to perform the functions of speaker and senator or representative, but that when the speaker shall exercise the office of governor the house shall have authority to choose another speaker.

He is alluding now to an interpretation of that clause in the constitution which says that when the speaker of the senate shall exercise the office of governor the senate may elect a speaker pro tempore.

This—

Says the counsel—

leaves it open for construction when occasion arises to determine whether or not by becoming governor the speaker thereby vacates his offices of senator and speaker.

Is it worth while to pursue further an argument which has been driven into that corner, that here a solemn provision of the constitution of a State is said not to be amenable to the plain, obvious construction which it bears upon its face, but the true construction is that it is left open when occasion arises to determine whether or not by becoming governor the speaker thereby vacates his office of senator and speaker? As though constitutions were made in order to raise questions, moot questions, to exercise the wit and ingenuity of lawyers, and not made for the government of a plain, honest, and intelligent people. He says the true construction is that it is left open for determination when the occasion arises.

Mr. GEORGE. That would mean that those who were the framers of the constitution refused to do so and left it to their successors in after years to frame it for them.

Mr. GRAY. Certainly. That is what it means, that they were derelict in their high duty of framing the organic law of the State, but in this important particular left it open for future determination when the occasion arises; borrowing trouble from the future; going to seek it, instead of quietly—by a plain, simple provision—setting all question at rest.

No such absurd argument, I say with all due respect to the committee, was ever before made in regard to the interpretation of any constitution of a free State.

Mr. PUGH. What reason can be imagined for leaving it open?

Mr. GRAY. Nothing we can suppose, except to gratify those who delight in the display of ingenious and refined argument. That way of looking at this provision has done this, I grant you. It has given to us the pleasure of seeing the most remarkable exhibition of the ability and ingenuity and dialectical skill of the chairman of the Committee on Privileges and Elections. But if there is any other conceivable purpose for which they should have adopted an interpretation which Senators solemnly say they did adopt, that is, the open construction theory, I am not competent to imagine it.

According to the other side these men were engaged in making a provision for the given contingency of the death of the governor, by compelling a senator temporarily to exercise the office, yet they either did not know that their action was creating an almost equally important vacancy in the representation of a county, or if they knew it they did not consider it a matter grave enough to mention and provide for or even to allude to. We do not believe it. No argumentation can convince a reasonable man that either alternative was true. On the contrary, the express language of the constitution tells us that they did have in mind and did contemplate the consequences and possible effect of what they were doing, for it says that each house whose speaker shall exercise the office of governor—may elect another senator in his place? No—but may choose a speaker pro tempore.

The framers of the constitution thereby declared, not only by their silence but expressly, that the exercise of the office of governor by a senator in the contingency provided for should not work a vacancy in the representation of any county in the senate. The whole scheme of the constitution is in harmony with this plain meaning and construction. Could anything more clearly show that they knew what they were doing? Here they were providing for the consequences of imposing the duty of exercising the office of governor on a senator. How did they do it? By providing for a vacancy or suspension? No. But by a provision that negatived a vacancy or suspension.

Mr. President, imagine, if such a feat of imagination were possible, that here, when they had ordained that in the event of the death of the governor the speaker of the senate should exercise the office until a governor could be elected by the people, and that immediately thereafter they had said when the speaker of the senate or of the house shall exercise the office of governor either house may elect a speaker pro tempore—imagine any one getting up in the convention and saying we have adopted this provision for the temporary exercise of the office of governor and we have provided that when the speaker is in the exercise of the office of governor a speaker pro tempore may be elected by the senate or the house, as the case may be; but there is an American law, to use the phrase of the Senator from New Hampshire [Mr. CHANDLER], which provides that whenever a legislative officer is called upon to exercise executive duties he shall vacate his legislative place. Imagine, then, that they, by silence or by express assent, go on with their work on other branches of the constitution without a syllable to show that they either recognized that American public law, as it is called, or attempted to provide for the consequences it might work.

The constitution does not make the speaker of the senate governor, and if I understood aright the exceedingly able and interesting argument of my friend the Senator from Michigan [Mr. BURROWS], the whole force of what he said was directed during the hour that he spoke to show that when the constitution did say that the speaker of the senate shall in the contingency of the death of the governor exercise the office of governor it made him governor. That was the burden of his argument. It was insisted upon by the Senator from Oregon [Mr. MITCHELL], the chairman of the committee; it was dwelt upon by the Senator from Utah [Mr. BROWN] and by the Senator from North Carolina [Mr. PRITCHARD]. The framers of the constitution could make just such provision as they pleased. They could say that the speaker of the senate "shall be governor" or "shall become governor" upon the happening of this contingency; but they did not say it. The Senator from Mississippi [Mr. GEORGE] has shown in his interesting and exhaustive argument that they knew the English language and they knew how to say "become" and "be" when they wanted to say "become" and "be." But they did not say it here. What are you going to do about it? They have chosen to make a distinction between being governor and exercising the office of governor, and who shall say them nay? Do you deny the power to make that distinction? Do you deny to the people of a State in framing their organic law the right to use such language as expresses their intent? You say they said he shall become governor, but when we turn to the constitution we find that it says the speaker in such contingency shall exercise the office of governor.

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me?

Mr. GRAY. Certainly.

Mr. MITCHELL of Oregon. The provision in the Constitution of the United States with respect to the Vice-President does not say that the Vice-President shall become the President, and yet would the Senator from Delaware contend that the Vice-President does not become the President of the United States to all intents and purposes in the event of a vacancy?

Mr. GRAY. We are not discussing the Constitution of the United States at the present moment; at least I am not. But if it were necessary, and I may have something to say about it before I conclude, to take up the line of argument suggested by the Senator from Oregon, I would merely suggest to him that it has been a matter of considerable difficulty with jurists in this country wherever it has been discussed whether he became President or was acting President, and I think that the weight of authority and opinion, as far as I am able to estimate it, is on the side of considering the Vice-President in that event as acting President, just as the Constitution describes him, and not as President. However that may be, we are discussing the constitution of Delaware and not the Constitution of the United States, and I will say that anyone who reads that constitution will agree with the Senator from Indiana [Mr. TURPIE], and I take pride in saying it, that its language, its style, its verbiage, and the knowledge it implies of the use of words and the force of language are equal to that displayed in the Constitution of the United States.

Of course there is no limit to the exercise of the human intellect. Ingenuity, dialectical skill, from the time of the scholiasts to the time of the Senator from Oregon, has been employed to "make the worse appear the better reason." There is no human language that can be employed, however plain and direct, which, when subjected to this sort of intellectual exercise, can not be made to create at least conundrums and puzzles for the ingenious and skillful. But, Mr. President, we are here exercising the high judicial function imposed upon us by the Constitution of the United States, and it has been over and over again declared in this body and in every other tribunal which has been called upon to consider such questions that when you are called upon to construe a statute, much more the organic law of a State, "words are things," and that the plain, obvious meaning of the English language employed in setting down the landmarks of a State's government shall not be tortured or twisted or strained out of their natural and ordinary meaning in order to make occasion for the exploitation of the skill of the particular expounder, and that where words are used ex industria they are to be taken as meaning something, and that where one word or set of words is used in contradistinction or in apposition to another there is meant to be a clear line of demarcation between them, and you are not at liberty to disregard that use of language.

The constitution does not make the speaker of the senate governor. It does not say that in a certain contingency he shall be governor, but it everywhere keeps separate and distinct the governor elected by the people from one who on the death of the governor exercises the office temporarily and ad interim. It is all well enough to say that they mean the same thing, and that the governmental machine runs along when somebody is exercising the office, but it will not do to disregard the plain distinction that the framers of the constitution chose to make between the two. Nowhere in the constitution where it is necessary to speak of such a person is he spoken of as governor, but he always is called by the long and more inconvenient locution of speaker of the senate or house exercising the office of governor. Does that mean nothing?

When speaking of this man after the duties have been devolved upon him, not when they are making the provision which

devolved the duties upon him, they always speak of him as speaker of the house or of the senate exercising the office of governor. Why did they not say "governor"? They could have said it. It is shorter, less roundabout.

Mr. GEORGE. Because they did not want him to be governor.

Mr. GRAY. They had a purpose. They chose to distinguish them, and they had a right to distinguish them.

Article III, section 1, says:

The supreme executive powers of the State shall be vested—

Where?

in a governor.

Section 2 says:

The governor shall be chosen by the citizens of the State.

A governor in the full constitutional sense must, as I have before said, be elected by the people.

Section 3 of this article says:

The governor shall hold his office during four years.

"The speaker of the senate," says section 14, "when there is a vacancy in the office of governor," shall exercise the office until a governor elected by the people shall be duly qualified.

Mr. MITCHELL of Oregon. Would it disturb the Senator from Delaware if I ask him a question right here?

Mr. GRAY. Not at all.

Mr. MITCHELL of Oregon. Perhaps I should like to ask two questions. The first one is this: Is there any one function that a governor elected by the people of Delaware can exercise which can not be exercised by the person who as speaker of the senate succeeds to the exercise of the office of governor, or is there any—I was about to say penalty, and I will say it—penalty to which the governor elected by the people of the State is subject or may be subject to which the speaker of the senate who succeeds to the exercise of the office of governor is not subject? That is the question.

Mr. GRAY. Is that the whole of it?

Mr. MITCHELL of Oregon. That is all of this question.

Mr. GRAY. There it is again. The constitution of Delaware or its framers have seen fit clearly to distinguish between the governor, who they say shall be chosen by the people for four years, and the speaker of the senate, who in a given contingency shall exercise the office of governor. They have chosen to do it; they have continued that distinction all through the constitution; and yet the Senator comes here and says that it means the same thing as "be" or "become" governor, because the person who thus exercises the office performs every duty that is imposed upon the governor. That may be, but in between the performance of those duties I take it he is not governor, nor is he governor when he is performing them, but he is the person whom the constitution directs to perform them.

They have seen fit to make that distinction, and yet the Senator from Oregon says they had no right to make it. He says it means something else; it means that he shall be governor—just as the people of Pennsylvania after having a constitution such as we have, acting upon it as we have in the State of Delaware, when they came to amend their constitution said the speaker of the senate in that contingency shall become governor. They had a right to say it, to make the distinction.

Mr. MITCHELL of Oregon. That was a very long answer to a question that might have been answered yes or no.

Mr. GRAY. I am not here when I am making my argument to be catechised categorically by the Senator, to answer yes or no.

Mr. MITCHELL of Oregon. Certainly not. Then do I understand the Senator from Delaware to admit in substance and effect that there is not a single function which the governor of Delaware elected by the people can exercise but can be exercised and is exercised by the speaker of the senate who succeeds to the exercise of the office of governor?

Mr. GRAY. I do not admit it. I say that the speaker who exercises the office undoubtedly performs the duties that are imposed upon the governor. That is what I say, and I do not choose to put my answer in any different form from that.

Mr. MITCHELL of Oregon. Very well. Now, one other question bearing on the same point. Does the Senator from Delaware regard that there is any difference at all in the character of the person (call him governor or what you please, that is his official character) who is the speaker of the senate and who succeeds to the exercise of the office of governor and the person who may be, under certain circumstances, elected by the legislature to exercise the office of governor until a governor elected by the people shall be duly qualified?

Mr. GRAY. I do not know, Mr. President——

Mr. MITCHELL of Oregon. In the one case an official is taken and in the other case a person is taken, not an official. Do they occupy any different position?

Mr. GRAY. I do not know, and if the Senator from Oregon will excuse me, I do not think it necessary to answer that conundrum. I am not prepared to answer. I have not thought much of it, but I have my view of it.

Mr. MITCHELL of Oregon. I think it is very important.

Mr. GRAY. I do not think it is important. I do not think it has any materiality here at all.

Mr. President, there is a difference which the common mind recognizes between the officer full panoplied with all the dignity that the constitution ordained by the people can give him and the one who temporarily performs the duty when he is unable or when God has smitten him with death. Is there no difference between the chancellor of England and the commission who holds the seal? Is there no difference between the custodian of the property and rights appointed when the proper owner is dead and that proper owner? Is it not a common distinction everywhere that the one stands in a relation temporarily, as I said a while ago, where a man stands in loco parentis? Is the guardian the father because he exercises the duties of natural parent? Not at all. The distinction is important. We do not choose in Delaware to invest this temporary stop-gap with the dignity and with the supreme power of governor elected by the people. We say to him, "We want you and command you to exercise the duties when this visitation of Providence has come and taken our governor away until we can elect a governor, one who shall exercise the office of governor until a governor is elected by the people."

There is where they make the distinction in the first place, and it runs all through the constitution. I am here to show that the Senate of the United States has no right in the exercise of the powers conferred upon it by the Constitution of the United States to ignore that distinction. It has no right to invade a State and override its constitution according to its notions of what that constitution ought to be. It may be that the Senator of New Hampshire was right in his learned argument and the distinction he made between legislative powers and executive powers. It ought always to be maintained after the strictest fashion. But can we impose that upon a State? No; we are here to recognize the people of the State and the organic law that they ordain as equal authority and binding force with the Constitution of the United States. It is part of our scheme of government. The Constitution of the United States recognizes it. The preservation of the rights of the States is just as important to the integrity of the National Government as the enforcement of the provisions of the National Constitution itself.

What is our scheme of government? It is a dual scheme. That is recognized everywhere. It is just as much our business to preserve that dual scheme in all its integrity, it is just as much our duty to be jealous of the rights and powers of the States, as it is that we should keep ourselves within proper observance of the provisions of the Constitution of the United States. You can not get away from it. That is the American doctrine. That is the atmosphere we breathe, and we can not live as American citizens out of that atmosphere.

Mr. President, I was speaking, when I was interrupted, of the distinction the constitution of Delaware has seen fit to make in the very beginning between a governor elected by the people and a speaker of the senate or house who shall on a given contingency exercise that office. The governor elected by the people is not eligible a second time to the office; but a senator who exercises the office may be elected at the next or any subsequent election. That is a pretty considerable difference between the one who exercises the office and the one who is really the governor.

Mr. CHANDLER. It is a difference of function or of power, the Senator from Delaware will allow me to say.

Mr. GRAY. The constitution says that—

The governor shall hold his office during four years from the third Tuesday in January next ensuing his election, and shall not be eligible a second time to said office.

But a senator who exercises the office may be elected, as I said, at the next or any subsequent election. The Senator from Oregon says that on a vacancy happening in the office of governor all the constitution does is to make the speaker "eligible" to the office of governor, and if he does not waive it he becomes governor. The constitution says that when there is a vacancy by reason of death in the office of governor the speaker of the senate "shall" exercise the duties of the office, but the Senator says, and I repeat, that when a vacancy happens in the office of governor all the constitution does is to make the speaker "eligible." What is the meaning of "eligible" in the clause "eligible to the office"? Why, capable of being chosen. But the constitution says he "shall exercise the office." It is mandatory. He can not get away from it. It is not for him to accept. It is just as much a part of his duty as senator and speaker as it is to attend on the sessions of the senate and perform his duty to his constituency when there.

Mr. MILLS. The governor, they contend, can be governor half a dozen times.

Mr. GRAY. Yes, but the Senator from Oregon disregards this peremptory and imperative command, "shall exercise the

office," and merely makes the speaker eligible to the office of governor.

Now, look at what violence they have to do to the text of the constitution in order to accomplish that result. We read it as it is and take the plain common-sense interpretation. They say that they brush aside this clear command that the speaker "shall exercise the office" in a given contingency, and it only means—I quote the language of the Senator again—"that the speaker shall be eligible to the office of governor." If he does not waive it and voluntarily takes the oath of office he becomes governor.

Mr. President, does not the statement itself of that position refute it? How can you make it any plainer that they are talking about a thing outside of the constitution of Delaware, and that we are arguing upon what we find within its four corners? That is all there is about it. They are, as the Senator from Mississippi said, striking out and inserting. We are taking the text as it came from the representatives of the sovereign people and giving effect to the plain language that they have used. The governor must "be at least 30 years of age," but the senator who exercises the office may be less than 30 years old. The governor must be "a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election," but a senator exercising the office need only be "a citizen and inhabitant of the State three years." Is there no difference between the two?

Mr. CALL. I should like to ask the Senator from Delaware a question.

Mr. GRAY. Certainly.

Mr. CALL. I ask him if the speaker should resign his office as senator and speaker what would become of the governor? Would he be governor under that language of the constitution?

Mr. GRAY. The Senator from Massachusetts argued that case at considerable length and made a most interesting exposition of his view of a similar situation in regard to the President pro tempore of the Senate exercising the office of President, or acting as President, whatever the language may be. He said that every time the President pro tempore resigned or was removed and another put in there would be a new man to act as President.

But there was one point that I had overlooked. I was speaking of the distinction, made by the constitution and carried through all its provisions, between a governor elected by the people and the speaker, who temporarily exercises the office. I would not dwell upon it except that it seems to be the burden of the argument upon the other side. Certainly it was the sole burden of the argument of the Senator from New Hampshire. Of course he considers it important that the speaker, when he exercised the office, actually became governor and there was no distinction between him and the governor elected by the people.

In section 14 they commence by saying that—

> The speaker of the senate shall exercise the office until the governor elected by the people shall be duly qualified.

They also say in section 5 of Article II that—

> Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Why did not the framers of the constitution say, if what the Senator from Oregon says be true, that each house whose speaker shall become governor shall choose a speaker. But they seem to have understood what they were about, and knew how to use proper language when they wished to make a discriminative use of it. Why did they say, "Each house whose speaker shall exercise the office of governor may choose a speaker pro tempore"?

Mr. MILLS. A speaker pro tempore is chosen temporarily.

Mr. GRAY. Certainly. They go further on and say:

> If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year—

That is, the governor elected by the people; it can not be anybody else—

> or the speaker of the senate or of the house of representatives who may then be in the exercise of the executive authority shall continue therein until a determination of such contested election.

Mr. President, what is to be said about a contention that there is no distinction in the constitution of Delaware between the office of governor and the exercise by the speaker of the senate of that office?

The PRESIDING OFFICER (Mr. BUTLER in the chair). The Senator from Delaware will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation.

Mr. MILLS. I ask that the unfinished business be laid aside, in order that the Senator from Delaware may proceed with his remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. VILAS. The unfinished business is laid aside simply that the Senator from Delaware may finish his remarks?

The PRESIDING OFFICER. It is laid aside temporarily.

Mr. GRAY. Now, let me read again. What are you going to do with this language? Will they say that it does not mean anything? Of course it is possible to say so, but the language will remain whatever you say about it. The constitution will remain as the people of Delaware made it. Whether the Senator from Oregon or the Senator from New Hampshire says that it means nothing, it will remain there to be construed by lawyers and by sensible people as long as the people of Delaware choose to have it remain. Let me read it again:

> If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

Certainly the framers of the constitution of Delaware, according to the contention of the learned and distinguished Senators on the other side of this question, took a great deal of pains for nothing. They certainly made a futile dalliance with the English language when they, all through the provisions in that respect, so carefully distinguished between the person whom they set up in a democratic government as the one depository of the executive power, the man elected by the people, and distinguished him all through from the temporary exercise of that power, the mere stop-gap to prevent the machinery of the government falling into desuetude, to the inconvenience and detriment of the people.

But that is not all. The second clause of section 14 of Article II of the constitution reads as follows:

> If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office, etc.

Here is a clear reference to the speaker of the senate exercising the office of governor as still being the speaker of the senate. It refers to a vacancy happening by his death, etc.—that is, the speaker's death. The pronoun "his" stands for no other noun than the speaker of the senate just referred to.

So we find the constitution is consistent throughout with the intent so clearly expressed at first. Different language could have easily been employed if a different intent had existed.

The temporary and provisional character of the arrangement made by the constitution in case of the death of the governor is apparent from even the most cursory consideration of the sections relating to this subject-matter, and which I have read in the hearing of the Senate. But the Senator from Oregon, and the counsel for Mr. Du Pont, say that section 12 of Article II of the Delaware constitution expressly prohibits Mr. Watson from acting as senator. That section is as follows:

> No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State or the United States, except the attorney-general, officers usually appointed by the courts of justice, respectively, attorneys at law, and officers in the militia, holding no disqualifying office, shall, during his continuance in Congress or in office, be a senator or representative.

That is section 12 of Article II.

It is obvious, however, that this section is prescribing disqualifications for senators and representatives generally whether as concerns their eligibility or their status after election, and can have no application to a subsequent and particular provision of the constitution expressly commanding that in a certain contingency the executive duties shall devolve upon the speaker of the senate. That was section 12 of Article II, and section 14 of Article III. A subsequent provision says:

> Upon any vacancy happening, etc., the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Common sense as well as the common law of statutory construction have approved the rule universally recognized, which I will read. That rule is as follows:

> Where there are words expressive of a general intention and then of a particular intention incompatible with it, the particular must be taken as an exception to the general, and so all the parts of the act will stand; and, as a broad proposition, general words in one cause may be restrained by the particular words in a subsequent clause of the same statute.

Mr. President, that is only the enunciation by an authoritative law writer of one of those rules of the human intellect which must govern the interpretation of all written instruments, constitutions, statutes, or whatever they may be, that where a general proposition is made and a particular one inconsistent with it is made, the particular proposition is an exception to the general one. That is all there is about it. It is applied every day. You can not construe a contract or a law, and, as my friend from Mississippi [Mr. GEORGE] said the other day, you could not construe the Bible or the Ten Commandments unless you applied this law of construction, which, as I said awhile ago, is a law of the human reason. It is a law governing the processes of the human intellect. You can not proceed one step in any intellectual process of

interpretation of a written instrument without applying it. So you must read that provision of the constitution which says he shall exercise the office as senator as an exception out of the general prohibition, if that prohibition applies at all in the language which preceded it. It would read this way:

No person concerned in any army or navy contracts, and no person holding any office under this State, shall be a senator or representative, but upon a vacancy happening in the office of governor by death, etc., the speaker of the senate shall exercise the office of governor.

That is all there is about it. You can not read it any other way. You can not get away from that mode of construction. Otherwise the constitution would come to a halt. There would be a deadlock in the intellectual process of interpretation which could not be got over. The Senators on the other side, as well as the counsel for the claimant, recognize that difficulty, and they proceed not to deny it, for they can not deny it, but proceed to work around it.

Section 12 of Article II was intended to apply to a class of disqualifying offices very different from the functions imposed upon the speaker of the senate by section 14 of Article III. But if this were not so the particular provision of section 14 of Article III would have to be read as an exception out of the preceding general provision of section 12 of Article II. So also of section 5 of Article III, which is as follows:

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

The subsequent particular provision of section 14 must be read with it as an exception to the generality of this language, even if a State senator may be said to hold an office under the State in the meaning of that provision of the constitution.

As I said, the Senator from Oregon and the Senator from New Hampshire and the Senator from Michigan are lawyers of too great experience and too much learning and ability to deny this plain proposition. But how do they seek to evade it? The Senator from Oregon gets around it in this way. He says:

Twice over, therefore, does the fundamental law of Delaware declare in the most express and positive terms that the dual function of senator and executive shall not be exercised simultaneously by the same person.

I only pause to say that the fundamental law of Delaware does not, with all due respect to the Senator from Oregon, do anything of the kind. It says nothing about the exercise simultaneously of the two offices, but it says that persons holding certain offices or concerned in certain contracts shall not be senators or representatives.

That constitution—and I come now to the point of the Senator from Delaware—says to each and every citizen of Delaware, in substance and legal effect—

You see the Senator from Oregon can not trust himself to embark upon the yeasty waves of this debate upon a craft made out of the plain language of the constitution. He has to create a constitution for himself. He states that the constitution of Delaware says—

to each and every citizen of Delaware, in substance and legal effect, in the most emphatic and unequivocal manner: "You can not exercise the office of governor while you continue to exercise the office of senator; neither can you exercise the office of senator while you continue to exercise the office of governor."

It declares in legal effect to the person who is speaker of the Senate—

Now, in quotation, this is his reading of that plain provision of the constitution which says that when the governor dies the speaker of the senate shall exercise the office until the governor shall be elected. The Senator from Oregon proceeds:

You, in a certain contingency—that is, in case of the death, removal, resignation, or inability of the governor elected by the people—have a preference right over every other citizen of the State to become governor and exercise that office, a right, however, you can avail yourself of or not at your own option. There is nothing compulsory connected with it.

The Senator from Oregon puts that in quotations as his interpretation of that plain command in the constitution to the speaker of the senate—that in a given contingency you shall exercise the office of governor, "you have a preference right." He changes the duty imposed by the constitution into a right personal to the speaker and to the senator. He makes this devolution of these high duties a privilege belonging to the speakership of the senate, instead of the imposition of a great and important duty in the event described in the constitution. A "preference right"; the invention of another phrase; and I may say that the mind of the Senator from Oregon has been very fertile in the invention of phrases which seem necessary to support his argument all through the discussion of this question. He says there is nothing compulsory connected with it. What does the English language mean when it says in the case of a vacancy in the office of governor, etc., "the speaker of the senate shall exercise the office"? What does the English language mean, if that is not compulsory? Where is his right to waive it any more than he can waive any other duty which attaches to him as senator and speaker? It is the addition of duties which belong to him in his place as speaker of the senate in a given contingency.

"You can waive it if you please," says the constitution in legal effect—

I am quoting now from the Senator from Oregon—

"and continue to be senator and speaker of the senate, notwithstanding your eligibility to become governor, notwithstanding you hold the preference right over every other citizen of the State of Delaware to become governor; but if you avail yourself of this preference right given you by the constitution, and take the gubernatorial oath, and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then, that moment, you cease to be senator, your right to exercise the functions of either senator or speaker of the senate is at once gone, or at least held in abeyance and suspended so long as you continue to exercise the office of governor."

Mr. President, that long-winded paraphrase is what the Senator from Oregon thinks necessary to substitute for the plain command of the constitution of Delaware, the plain English, that in a given contingency the speaker of the senate shall exercise the office of governor.

Mr. MILLS. Suppose he refuse to do it, then what?

Mr. GRAY. I do not know what, Mr. President. In all human institutions you come at the last analysis to some point where the vital force of the machine of government depends upon human will and upon the recognition of human character. Suppose a State should refuse to send Senators to represent it in this Chamber; suppose the President of the United States after his election should refuse to act. So we come down in all free governments to the postulate at last that we have to depend—and that dependence has never, thank God, been mistaken or betrayed—we have to depend on the patriotic impulse of men of our race and blood to do the duty that is before them.

Mr. MILLS. The Senator misunderstood my question. I meant to say that the framers of the constitution of Delaware did not leave that question to be determined by the volition of the speaker.

Mr. GRAY. Certainly not. I did misapprehend the Senator.

Mr. MILLS. They made a command upon him.

Mr. GRAY. Yes.

Mr. MILLS. They imposed a duty on him.

Mr. GRAY. They imposed a duty on him to prevent the existence of an interregnum, and certainly where the Senator from Oregon says, "You can avail yourself of this right or not at your own option," the constitution of the State uses the imperative language of command, "You shall exercise that office."

In criticising this paraphrase of the constitution made by the Senator from Oregon I do it with entire respect, because it was absolutely necessary that he should paraphrase it in order to make one premise of his argument which would lead to the conclusion that Mr. Du Pont was elected. Unless he reads it in that fashion and does that violence to the text and plain spirit of the constitution he can not arrive at the goal that he set out to reach.

Mr. President, another thing: The Senator from Oregon puts this long paragraph in quotation marks, thereby showing that that is his interpretation of this provision of the constitution. He has forty lines where the constitution has three to express that meaning. Let me read again what the Senator says that the constitution of Delaware says to the speaker:

If you avail yourself of this preference right given you by the constitution and take the gubernatorial oath and enter voluntarily, as you must if you enter at all, upon the exercise of the office of governor, then that moment you cease to be senator.

All through the argument the Senator from Oregon, the Senator from Michigan, and the Senator from North Carolina have laid great stress upon the taking of the gubernatorial oath. As soon as you take the gubernatorial oath, says the Senator from Oregon, then you vacate your office as senator. There is no provision in the constitution that the speaker of the senate shall take any oath on entering on the exercise of the office of governor. It is true he took one, and it has been the custom on such occasions to take the oath, but there is no prescription of an oath for the speaker of the senate when he assumes the exercise of the office of governor; there is no line of demarcation between his office of speaker and his exercise of the office of governor created by the imposition or prescription of an oath. The taking of the oath was voluntary. It has become a custom, I grant you, but it has no effect upon this argument, it has nothing more to do with the status of the man who exercises the office of governor than if he had chosen to submit himself to baptism by immersion before he undertook to exercise the office of governor. It may have added to the dignity of the occasion and given solemnity to the act he was about to perform, the first act in the exercise of the office of governor, but there is nothing in it to affect the legal argument, though it has been dwelt upon over and over again.

When Mr. Tyler assumed to act as President of the United States upon the death of President Harrison he protested against taking a new oath. He had been sworn in as Vice-President and taken the oath prescribed by the Constitution, he said, and rightly said; that no other oath was necessary; that the duty devolved upon him at the moment the death of the President was fixed, and it needed no new oath, and none was prescribed by the Constitution. He took the oath merely, he said, under protest, to quiet the cavil of those who might think differently. I do not

know, sir, that it is important enough to occupy the time I have given it, but strangely enough, it seems that this gubernatorial oath, so called, has become a veritable rock of offense or defense, I do not know which, in the arguments of all the Senators upon the other side.

Right there the Senator from Oregon, in getting around the fact that these clauses of the constitution do not apply to the devolution of the office of governor upon the speaker of the senate, referred to a Minnesota case which he says is a case directly in point. That was a case, Mr. President—and as it has been given such an important place in the printed arguments I shall refer to it—where a provision of the Minnesota constitution, section 9 of Article IV, read as follows:

No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster; and no senator or representative shall hold an office under the State which had been created or the emoluments of which had been increased during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature.

In that case John B. Sutton was elected to the office of representative of the Twenty-third legislative district of the State of Minnesota for the term commencing on the first Monday of January, 1895, and ending on the first Monday of January, 1897.

On the 4th day of May, 1895, Sutton was appointed by the governor of the State to the public office of inspector of boilers for the Fourth Congressional district of that State, which office is one of great public importance and responsibility, having been created by an act of the legislature prior to Sutton's election as a member thereof.

The supreme court of that State held that under this constitutional provision Sutton could not hold the office of inspector of boilers, to which he had been appointed by the governor, until the expiration of the full period of time for which he was elected.

The court in its opinion said:

In the case at bar it is not necessary for us to speculate upon the intention of the framers of the constitution in adopting the provision in question. A bare reading of this provision suffices to enable us to ascertain and understand its meaning, and we need not search for light through the uncertainties of extraneous interpretation or construction. It is a part of the organic law of the State that no senator or representative shall, during the time for which he is elected, hold any office under the authority of the State of Minnesota. Is there any uncertainty or ambiguity about this language? Has it any of the characteristics which demand a construction to be placed upon it by the judiciary of this State other than that which is transparent from the language itself?

That is just what I say about the language of the constitution of Delaware. The court said:

The respondent could not nullify the constitutional prohibitory clause during the time for which he is elected by his resignation of the office of representative.

So they declared in that case that he could not hold the office of inspector.

Mr. GEORGE. That he could not take it.

Mr. GRAY. That he could not take it; not that his office as member of the house of representatives was vacated, but that the disqualifying office of inspector of boilers could not be taken and held by him. If that reasoning should be applied to this case at all, it would mean that this man could not exercise the office of governor, although the constitution says he shall.

The Senator from Oregon says that is a case directly in point. There was no provision of the constitution of Minnesota saying that a senator shall exercise the office of inspector, mark you. Then it might have been a case a little more apposite, a little more applicable to this controversy. We are dealing with a case where it is true the constitution says that no one holding an office under this State shall be a senator or representative, although the constitution afterwards says a senator in a certain case shall exercise the office of governor. This Minnesota case was one where the constitution provided that no person who is a senator or representative shall hold an office under the State; but the constitution does not say that thereafter, in a certain contingency, a senator or representative shall act as boiler inspector. So the case has no more application to the one in hand than the rule in Shelley's case or any other inapplicable and irrelevant judgment of a court.

Is it worth while, sir, in this presence to say that this word "eligibility" does not occur in the constitution of Delaware? It says that a governor elected by the people shall not be eligible to a second election. We know what the word "eligibility" means. It means capable of being chosen, that is all; and the Senator from Oregon, in the stress of his argument, is compelled to say that what this clause of the fourteenth section means, when it says that the speaker shall exercise the office of governor in a given contingency, is that he shall be eligible, shall have a preference right to be governor if he does not choose to waive it—if he chooses to take the gubernatorial office.

I do not think any further commentary is necessary upon that position taken by the Senator. Clearly neither of those sections, then, concern us in this discussion; neither section 12 of Article III nor section 5 of Article II—those prohibitory clauses. The question remains, was there a vacancy in the representation of Kent County in the senate of Delaware by reason of the death of Governor Marvil? The constitution does not declare one, but its language expressly negatives the existence of a vacancy. Let us see whether it does not so negative it. Section 5 of Article II says that—

Each house shall choose its speaker and other officers; and also each house whose speaker shall exercise the office of governor may choose a speaker pro tempore.

Does not that negative the suggestion of a vacancy in the office of speaker of the senate and, of course, of senator? Though I have already read it, I shall read again section 14 of Article III, which says:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Mr. President, the Senator from Oregon and the Senator from Michigan argued at great length that that provision of the constitution made for their interpretation, because they said that "further vacancy" meant the further vacancy in the office of governor. Now listen to the plain words of the provision:

If there be no speaker of the senate, or upon a further vacancy happening in the office—

How? By the death of the governor? No—

by his death, removal, resignation, or inability.

To whom does the pronoun "his" refer? Manifestly to the speaker of the senate. It can not refer to anybody else. Mind you, we have got the speaker of the senate inducted into the exercise of the office of governor. We have passed that point. It provides something else after he commences to exercise the office of governor. It says:

If there be no speaker of the senate, or upon a further vacancy happening in the office by his death—

That is, the death of the speaker of the senate. So if we do, as we are always at liberty to do, strike out the pronoun and substitute the noun for which it stands, it would read:

If there be no speaker of the senate, or upon a further vacancy happening in the office by the death of the speaker of the senate, etc.

So here we have in the very next clause of the section language used which, as I said, expressly negatives the existence of a vacancy in the office of either senator or speaker. Again, next to the last clause of section 14 provides—I have already read it, but I shall read it again—

If the trial of a contested election shall continue longer than until the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election.

What does that language imply? Are we to disregard it altogether? Are we at liberty, in construing a constitution, to determine the end we wish to reach, and then leave out, interpolate, or alter the language in order to suit the exigency of our travel toward that end? We must regard it all; and here we have these three express provisions, which are absolutely inconsistent with the idea that there has been created any vacancy in the office of speaker of the senate or of senator by the exercise of the office of governor. Yet in the face of the fact that the constitution has not declared or provided for a vacancy, and of this express recognition in the section itself, of the fact that no vacancy exists, and that the speaker still continues to be speaker so far as this section affects him, the majority of the committee argue themselves into the belief that this provision of the constitution works a vacancy in the senate of Delaware.

Mr. President, need I say more on the question as to whether any vacancy was created or intended to be created by the framers of the constitution of Delaware upon the exercise of the office of governor by the speaker of the senate as they have provided for? Imagine the framers of a constitution confronted with the proposition that they had made such a vacancy and had in a certain event disfranchised the people of a county. What would they do? No case can be found anywhere in any constitution of any State where a doubt has been left as to a vacancy existing in representation. The constitution of Delaware has provided in three several places for filling vacancies in the representation in the senate and in the house when they occur. So anxious were they that they have covered every possible period of time in which such a vacancy could occur in order to fill it. If the senate or the house were in session the speaker of the houses respectively must issue immediately writs of election to fill the vacancy; and if the vacancy occurs in vacation, the governor of the State is required to issue the writ in order that there may be no vacancy in the representation of any county in either house of the State legislature. It shows the anxiety they had about this important subject. The legislature was a small one; a single vacancy was a large aliquot part of the whole legislature, and they studiously provided for filling vacancies; and yet we are told that here in

this important contingency they are confronted with a vacancy and yet they have taken no means to fill it. The opposition abandoned that; they argued it and they abandoned it. They say, in effect, that there was no vacancy; that the interpretation put upon both constitutions for a hundred years compelled the abandonment of the proposition that there was a vacancy. So they invent another phrase, and that is, "suspension from office." I was going to allude to what had been the interpretation of the constitution as to a vacancy having been created, but it has already been gone over by the Senator from Mississippi [Mr. GEORGE] so thoroughly as to compel the abandonment of this position by counsel for Mr. Du Pont and by Senators on the other side.

In the one hundred years under these two constitutions, both constitutions having a similar provision in this regard, there have been five cases where the speaker of the senate has been called upon to exercise the office of governor and has afterwards sat in the senate and performed his duties as senator under his original election.

Mr. GEORGE. And without question from anybody.

Mr. GRAY. Without question from anybody—from any lawyer or any judge or any citizen—so far as I know and so far as any records show.

Not only that, but three of those cases occurred under the constitution of 1792, where a senator exercised without question the office of senator after he had exercised the office of governor under this provision. When they came to make the constitution of 1831 they kept that provision in it in totidem verbis, thereby affirming that construction which had been put upon it by forty years of actual usage and practice. Do you suppose, Mr. President, that if the occupancy of these senators, who had been exercising the office of governor, of their seats in the senate had been questioned anywhere in the State under the constitution of 1792, that when we came to the convention of 1831 they would have retained that provision without a single alteration, without a single protest, without a single objection or criticism upon that provision?

Mr. GEORGE. They would have changed the language, as they did in Pennsylvania.

Mr. GRAY. They would have changed the language, as they did in Pennsylvania. So I say we have the sanction of the people of Delaware in the most solemn form. I mean a sanction expressly given in their convention, where they were making and altering their organic law as a sovereign people meeting in their primary capacity as citizens. We have the sanction of that body, that constitutional convention, of this interpretation of the constitution.

Mr. VILAS. If the Senator will allow me to make a suggestion to him, the familiar rule of law is that when certain words have once received a construction, if they are subsequently adopted in legislation, that construction thereafter goes with the words. That rule prevails even when the statute of one State is adopted by another.

Mr. GRAY. Certainly.

Mr. CHANDLER. If it will not inconvenience the Senator, I ask him whether I have understood him to argue that the speaker of the senate did not cease to be speaker of the senate when he became governor?

Mr. GRAY. Certainly.

Mr. CHANDLER. The Senator's argument is that he does not?

Mr. GRAY. Yes.

Mr. CHANDLER. The Senator is now showing the cases in which the speakers of the senate who have become governors have come back to their senatorial office?

Mr. GRAY. Yes, occupied their seats in the senate.

Mr. CHANDLER. Why, if a speaker can do that, and that is a fair and legitimate act under the constitution, does he not also come back to the office of president of the senate?

Mr. HARRIS. Before the Senator from Delaware proceeds, I should like to add to the inquiry of the Senator from New Hampshire this question: If the framers of the constitution of Delaware contemplated a vacancy in the office of the speaker of the senate by reason of the fact that the speaker of the senate was exercising the office of governor of Delaware, is it probable that they would have provided in that event for the election not of a speaker of the senate, where the vacancy is contemplated, but for a speaker pro tempore, a speaker for the time being? I should be glad if the Senator from Delaware would answer that in connection with the question of the Senator from New Hampshire.

Mr. CHANDLER. Now, I should like to ask the Senator from Tennessee a question, with the permission of the Senator from Delaware?

Mr. GRAY. Very well.

Mr. CHANDLER. I infer from what the Senator from Tennessee has said that he conceives that when the Delaware constitution provided that a speaker pro tempore should be elected when the speaker of the senate should exercise the office of governor, that that implied that the speaker of the senate after he had become governor could come back to be again speaker of the senate?

Mr. HARRIS. Unmistakably.

Mr. CHANDLER. Now, I ask the Senator from Delaware to state why, in the five cases to which he is now alluding, the senators, having come back to the senate, have in no one instance resumed the office of president of the senate?

Mr. GRAY. That is very easily answered, because I have examined those cases and I believe in all of them the office of speaker had expired.

Mr. CHANDLER. I have an affidavit here that states the fact how that office was filled——

Mr. GRAY. Of speaker?

Mr. CHANDLER. Yes; speaker of the senate.

Mr. GRAY. By a new election, I suppose.

Mr. HARRIS. The speaker of the senate is elected for the entire term of the legislature, is he not?

Mr. GRAY. For a legislature.

Mr. HARRIS. And with the expiration of that legislature he may continue to be senator, but he ceases to be speaker. Is not that the fact?

Mr. GRAY. That is the fact.

Mr. HARRIS. That is what I supposed.

Mr. GRAY. I want to say that of course the Senator from Tennessee is quite right; that when the constitution says that when the speaker of the senate exercises the office of governor the senate may elect a speaker pro tempore, it means that the office of speaker and of senator is not vacated; otherwise it would have said "shall elect a speaker," and not a speaker pro tempore.

But I want again to give notice that in this argument, such as it is, which I am endeavoring to make, I do not hold myself out to answer all the questions and curious conundrums that may be propounded.

I do not mean any disrespect to those who put such questions. There are a great many inconveniences, as was so ably argued by the Senator from Mississippi, which must always occur when you come to fill an office temporarily. We put up with them. We would rather have the inconveniences than to have the absolute desuetude of the functions for the exercise of which we temporarily provide. It is inconvenient to have the speaker leave his place and go into the executive office to sign bills or perform some other executive act. It is inconvenient, as it would be for the President pro tempore of this Senate, when acting as President of the United States, to be away from the Senate on certain occasions in the performance of executive functions, but not a hundredth part as inconvenient as to have those offices unfilled, unperformed, even for the short interval between the vacancy and the election of another governor by the people. That is all there is to be said about that matter.

Mr. GEORGE. Will the Senator from Delaware allow me to say that by an express provision in the constitution of the State of Rhode Island the governor of the State is the regular presiding officer of the senate and is entitled to vote?

Mr. GRAY. I will come to that point presently on another branch of the case.

In order to emphasize this action of the people of Delaware and their legislature during a hundred years, a uniform practice which has compelled the Senator from Oregon by his own admission to abandon the theory of a vacancy being created in the office of speaker and senator, and in order to emphasize the value of these precedents, let me call the attention of the Senate to the fact that in several of the instances while the speaker of the senate was exercising the office of the governor vacancies occurred in the membership of the senate, by death or resignation or in some other way, and in every instance a writ of election was at once issued for the election of a new member, and at the same time the speaker of the senate exercising the office of governor was always considered as a member, or otherwise you can not resist the conclusion that a writ of election would have issued to fill the vacancy occasioned by his exercise of that office.

What does that mean? It means, of course, but one thing, that those legislatures, at these intervals of time, one after the other, different bodies of men, never conceived the possibility that there was any vacancy created in the office of speaker and senator by the exercise of the office of governor by the speaker, or they would have issued a writ of election in order to fill such vacancy.

The Senators on the other side see the force of that argument, and therefore they abandon substantially that proposition. But I will not abandon it until I have shown another matter which emphasizes it. I call attention to one of the cases to which I have alluded. John Bird was elected to be a senator to a session of the legislature commencing in January, 1801, and his right to sit was questioned under that provision of the State constitution forbidding any person concerned in any army or navy contract

to be a senator or representative. Here is an extract from the journal of the senate of January 13, 1801:

It was moved by Mr. Vining, seconded by Mr. Grantham, to adopt the following resolution, to wit:

"Whereas it hath been represented to the senate of the State of Delaware, that the election of John Bird, of the county of Newcastle, as a senator, in the room of Archibald Alexander, esq., resigned, is unconstitutional upon the ground that the said John Bird hath and still is concerned in certain navy contracts: Therefore

"*Resolved*, That a committee of three be appointed by the senate to examine the premises and report thereon."

The question being put for the adoption of the foregoing resolution, it was resolved in the affirmative.

The committee appointed in pursuance of the foregoing resolution are Mr. Fitzgerald, Mr. Vining, and Mr. Owens.

On the following morning, Wednesday, January 14, immediately upon the assembling of the senate, the following minute was entered:

The committee to whom was referred the resolution relative to the constitutionality of the election of John Bird, returned as a senator in the place of Archibald Alexander, who has resigned, beg leave to report that sufficient evidence has appeared to the committee that the said John Bird was at the time of his election concerned in certain naval contracts under the United States, which, by the constitution, vacates his seat in the senate.

*Resolved, therefore*, That the speaker of the senate issue a writ, directed to the sheriff of Newcastle County, to hold an election and notify the electors of said county that the said election will be held on Wednesday, the 21st instant, for the purpose of supplying the said vacancy.

That report was adopted. The brief says:

At the election held on the above date, "Robert Maxwell was duly elected a senator for the said county, in the place of the said John Bird, declared ineligible."

This shows not only that the senate had to act and declare a vacancy—the fact that he held a navy contract not working a vacancy—but I think that was one of the cases in which there was a speaker of the senate exercising the office of governor, and they did not order any election for him.

I wish to finish up this matter because our friends on the other side attempt to ride two horses. Although they abandon the doctrine of vacancy occasioned by the exercise of the office of governor by the speaker of the senate, they say either one of two things is true; either there is a vacancy or there is a suspension from office. It is always a dangerous thing to attempt to ride two horses, for the rider may fall between them, and I think the Senator from Oregon is liable to do that in this case.

Now, one thing at a time. Although they abandon practically the theory of vacancy, I want to make it so that they can not come back to it when the other alternative fails them. It is said by the Senator from New Hampshire, it is said by the Senator from Michigan, as well as by the Senator from Oregon, that there is an incompatibility between those offices which creates a vacancy in the legislative office, and that there is no instance anywhere to be found, except in Delaware, in which State they say there is an anomalous condition of affairs, where it is asserted otherwise. There never has been an instance in the history of any State in the Union where similar provisions of the constitution obtain and where similar emergencies have occurred and where there has been no prohibitory clause in which there has been a vacancy declared.

In the State of North Carolina, back in 1854, under a constitution which provided that—

Where there is a vacancy in the office of governor the speaker of the senate shall exercise the powers of governor.

Mr. GEORGE. It is the same thing.

Mr. GRAY. Here it is "exercise the office of governor." In 1854 there was a vacancy in the office of governor in the old North State, occasioned by the election, I think, of the governor to the Senate of the United States. Mr. President [Mr. BUTLER in the chair], you are more familiar with that case than I am, but I am going to state it to the Senate.

Mr. CHANDLER. Will the Senator from Delaware give the date of that case?

Mr. GRAY. It was in December, 1854.

When the vacancy occurred in the office of governor the speaker of the senate or the president of the senate—I do not know which he is called—undertook to exercise the powers of governor. There was a resolution introduced into the senate, in substance if not in words, to the effect that the speaker of the senate by assuming to exercise the powers of governor had thereby vacated his seat as senator and his office as speaker; and that question was debated.

I have here the speech in extenso of the Hon. Warren Winslow, who was the speaker of the senate or the president of the senate—I do not know which he is called—who exercised the powers of governor, in defense of his right to continue senator and speaker. It is a speech which I would be very glad if I could have made in this case, because it is the most concise, compact, and thorough argument of this very question that I have seen. I have rarely seen so much of law and eloquence within the same compass. Mr. Winslow said that he defended it not as a right personal to himself, but he defended his proposition on the ground that he was bound to stand up for the right of his constituents to be represented on the floor of the senate, and he did it in this powerful argument which I hold in my hand. At the end of the debate the senate decided that under the constitution of North Carolina he continued speaker and he continued senator, notwithstanding that he exercised the powers of governor.

Mr. President, the little State of Delaware is not such an anomalous State as the Senator from New Hampshire would have the Senate think. She is a small State, but as the Senator from Indiana [Mr. TURPIE] eloquently said, she is a charter member of the great lodge of liberty. She is one of the original thirteen States, and her history is one we are not ashamed of.

Mr. GEORGE. She was the first one to ratify the Constitution.

Mr. GRAY. And we are willing to compare her history with that of any other State in the Union.

Mr. CHANDLER. I agree to that.

Mr. GRAY. Right in the great State of Pennsylvania, to the north of the State of Delaware, under a constitution which had almost exactly similar provisions in the respect as to which I am now speaking, there occurred a precedent which has been read to the Senate, in which exactly the same common-sense, plain view was taken that I contend only can be taken of these clauses in the constitution of Delaware.

Let me read it to the Senate. I read from the brief of the able counsel who argued the case on behalf of the governor of Delaware:

The constitution of Delaware of 1792 was based on the constitution adopted by Pennsylvania in 1790; and as Delaware, in her constitution of 1831, substantially transferred from her constitution of 1792 the provisions involved in the present case, so did Pennsylvania, in her constitution of 1838, substantially preserve the similar provisions in her constitution of 1790.

The constitution of Pennsylvania of 1838 provides, Article II, section 5—

The same number—

that "no member of Congress or person holding office under the United States or this State shall exercise the office of governor."

Exactly the same language as the constitution of Delaware.

And by section 14—

The same number again—

And, by section 14 of the same article, that "in case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the office of governor till another governor shall be duly qualified."

Mr. GEORGE. It is the same thing.

Mr. GRAY. There is no difference in the constitutional provisions with which we are confronted.

On July 9, 1848, the general assembly of Pennsylvania not being in session, Governor Shunk resigned, and William F. Johnston, who was chosen as speaker of the senate at the last preceding session, took an oath faithfully to discharge the executive duties, and entered upon the exercise of the office of governor. The general assembly met on January 2, 1849.

July 9, 1848, he entered on the exercise of the office.

In the meantime an election for governor had been held, and Mr. Johnston had become governor-elect—

That is, the speaker who was exercising the office of governor was elected and became the governor-elect—

but his term as governor did not begin till January 17, 1849. When the general assembly met George Darsie was chosen by the senate as speaker pro tempore, and Mr. Johnston's name appears in the journal as that of a senator, whose term was to continue till 1850.

But, still more unequivocal—

The brief says—

are the following extracts from the senate journal of January 13, 1849, showing what Mr. Johnston, who was then exercising the office of governor, did in anticipation of his inauguration as elective governor on the 17th of the month:

*To the Honorable the Senate of Pennsylvania:*

SENATORS: I hereby tender my resignation as speaker of the senate of Pennsylvania. * * *

I remain, respectfully, your obedient servant,

WM. F. JOHNSTON.

JANUARY 13, 1849.

Then another:

*To the Hon. George Darsie, Speaker of the Senate:*

SIR—

They had elected a speaker of the senate after he had resigned as speaker—

*To the Hon. George Darsie, Speaker of the Senate:*

SIR: Permit me, through your kindness, to present to the senate my resignation as a member of that body.

I am truly, yours,

WM. F. JOHNSTON.

JANUARY 13, 1849.

These communications having been disposed of, Mr. Darsie resigned the office of speaker pro tempore, and was elected speaker.

Delaware is not so lonely after all. This is not the only State, then, in which the speaker of the senate who exercised the office of governor has claimed the right to be a senator and to represent the constituency that elected him and sent him to the senate to represent them. It is not the only case, then, where it has been conceived by a great Commonwealth that all these things were possible and proper under the organic law of the State, and that no violence was done to American institutions or to American doctrine of any kind by the recognition of the right of a constituency to be represented by a certain person, even though executive duties were imposed upon him by the constitution.

North Carolina and Pennsylvania make a list, small though it may be, of compurgators with whom we are willing to stand.

The majority of the committee and the Senator from Oregon and the Senator from North Carolina apparently have been overwhelmed by the argument of undeviating construction of the State of Delaware for a hundred years in support of the doctrine that no vacancy is created by the exercise of the office of governor by the speaker. They therefore invent another phrase—suspension of function. They are traveling outside of the constitution again, as they have been doing all the time. There is no such phrase as suspension of function in the constitution of Delaware. They are compelled to invent it; they are compelled to interpolate both the thing and the phrase. Where is the constitutional warrant for suspension of function as distinguished from the creation of a vacancy? Where within the four corners of this constitution or any other has there ever been adjudicated a suspension of function where there has been no express constitutional provision providing for it? Not one. No case can be found, and yet the Senator from Oregon glibly says, both in his report and his speech:

> The history of this country is full of instances where the right to exercise an office on the part of a person who holds an office for a certain time is suspended. I can point to numerous instances of that kind.

And from the time he uttered those words until now he has not pointed to a single instance. There are a few instances where the constitution itself has provided for suspension in so many words, but notwithstanding that bold assertion, I venture to say he can not point to a single instance where a suspension of function has been created or adjudged to be created by a constitution unless done expressly by constitutional provision.

Mr. GEORGE. It is never done by implication.

Mr. GRAY. It is never done by implication anywhere.

Here is another violence done to the text and spirit of the constitution of Delaware in order to seat Mr. Du Pont. That violence is not justified even to seat so good a man as I believe him to be. Violence of that kind to the text and spirit of a constitution is a wrong done to the sovereign people of a State, and we ought to hesitate long before we gain our own consent to perpetrate it. It is true we have the power to ignore the law; we have the power to ignore the plain provisions and the plain meaning of the constitution of Delaware, but we will have stepped down from the high place that this body occupies in the dual scheme of American Government when, in order to accomplish an end, we have consented to ignore the plain provisions of the constitution of a State or to whittle them away by refined, attenuated, and artificial reasoning.

If more was wanted on the matter of suspension of office, we might turn to the constitution of Maine, where there is a similar provision. If I had it here where I could turn to it I would read it. The constitution of Maine provides in one place that the speaker of the senate shall exercise the office of governor. I have forgotten the phrase. Is that it?

Mr. GEORGE. That is right.

Mr. GRAY. But it also provides that when he thus exercises the office of governor his duties as speaker shall be suspended; and the other side bring in here a little three-line opinion of the chief justice of Maine in answer to a question, purporting to be acquiesced in by the two associate justices, with no reasoning to support the opinion, that when the speaker of the senate shall exercise the office of governor he is no longer speaker and can not vote as senator. Upon that the Senator from Oregon and the Senator from Michigan rely with great confidence.

Mr. ALLEN. May I ask the Senator from Delaware a question at this point?

Mr. GRAY. Certainly.

Mr. ALLEN. Does not that very provision of the constitution of Maine establish the doctrine that but for the express prohibition the right would remain with the speaker to exercise the functions of his first office?

Mr. GRAY. Certainly it does. You can draw no other conclusion from it. The framers of the constitution of Maine understood as well as the framers of the constitution of Delaware that if they were silent, after commanding the speaker of the senate to exercise the office of governor, he would remain senator and speaker, and so they said that when he shall exercise that office his duties as speaker shall be suspended.

Mr. HOAR. May I ask the Senator from Delaware a question here, as he has investigated this particular matter with respect to the constitution of Maine and I have not?

Mr. GRAY. Certainly.

Mr. HOAR. Do they issue a writ to fill the vacancy temporarily?

Mr. GRAY. Where, in Maine?

Mr. HOAR. In Maine, when the speaker exercises the office of governor.

Mr. GRAY. I do not know. I can not answer the Senator.

Mr. HOAR. I suppose they do not, but I thought the Senator probably would have been able to say they did not.

Mr. GRAY. I can not answer the question. I think they do. The constitution provides that the senate or house shall fill the vacancy.

Mr. HOAR. If they do not, then the constitution of Maine—and I am not speaking now of the meaning of language one way or another, but of the probability of establishing a certain system—is exactly and expressly what the majority of the committee suppose the constitution of Delaware to be; that is, they have provided in Maine that the speaker of the upper branch of the legislature shall exercise the office of governor. They have thought that it was not fit that he should exercise both offices, and therefore they have provided for a temporary vacancy or suspension of the office of senator, to which he comes back when he ceases to exercise the office of governor.

Mr. GRAY. I do not know whether he does or not, I say to the Senator from Massachusetts; but the provisions of the constitution of Delaware and Maine are not identical, because there is the important differences in the constitution of Maine that the framers of that instrument have seen fit to say that when the speaker shall exercise the office of governor his duties as speaker shall be suspended.

Mr. GEORGE. Expressly.

Mr. GRAY. Expressly. Now, what I was arguing was that there was no case anywhere that I could find, none that I have been referred to where a suspension of office or function has been adjudged to be worked where there was not an express constitutional or statutory provision providing for it.

Mr. HOAR. May I ask the Senator a question which I hesitate a little to ask because I had to be out of the Chamber during a part of his very interesting argument and he may have answered the question before I came in? Is not the constitution of Maine, as he describes it, precisely what the Constitution of the United States is in regard to the Vice-President, by implication without any constitutional provision whatever? The constitutional President of the Senate, when exercising the office of President, is not declared by the Constitution to vacate his office of Vice-President or President of the Senate, and yet, as everybody concedes, he does so. Now, how does the Senator distinguish the constitution of Delaware from that of Maine, except that Maine has written what in the constitution of Delaware and the Constitution of the United States is left to be implied?

Mr. GRAY. I answered substantially that question, not to-day, but yesterday, in an interlocution I had with the distinguished Senator from New Hampshire [Mr. CHANDLER], and I am quite willing to repeat the substance of what I said then.

The Constitution of the United States provides that when an election for President is had, at the same time and by the same electors there shall be elected a Vice-President, elected for the purpose of performing the duties of President or acting as President in case of the death, inability, or resignation of the President, elected expressly for that purpose and no other.

Mr. HOAR. Except to preside over the Senate.

Mr. GRAY. No; I will come to that in a moment. He is not elected to preside over the Senate. He is, as I said yesterday, a led horse, who is to take up the burden when it falls from the shoulders of the man who is elected primarily to bear it. He is elected for that very purpose and no other, and because the Constitution, in order, perhaps, to give dignity to the office and to the man who is set aside to wait for the death of the President, makes him ex officio President of the Senate does not alter at all the status to which this Constitution elects him.

So in case of the death of the President and the accession of the Vice-President to the duties of that office, the thing has occurred which the Constitution provided for, and when he acts as President or becomes President, I care not which, he must ex necessitate cease to be Vice-President. He is no longer the led horse. The burden is transferred to his shoulders. He can not be Vice-President to himself. He can not continue to be Vice-President and President too. For what is the Vice-President? One who is to take his turn as President when the President no longer exists. And those are two incompatible offices—incompatible ex necessitate—because you can not frame a sentence in the English language without absurdity that would make the Vice-President acting as President or when he becomes President continue also Vice-President.

Mr. HOAR. Then how does he get back in case of capture? Can the Senator tell me?

Mr. GRAY. I do not know. I am not bound to account for the way in which he would get back. When that case occurs it will no doubt give rise to an interesting argument. I am not to be turned aside from the plain, palpable point I am making by putting one conundrum after another, and I say it with entire respect; I mean questions which may be linked one to the other ad infinitum in regard to all human affairs. But there is that plain difference.

While we are on this subject I wish to enforce it a little further. The Constitution does more than provide for the election of a

Vice-President. It provides for a case where there is neither President nor Vice-President. The Constitution of the United States provides not only for the election of a Vice-President, but it looked ahead further. The framers of that instrument of course were confronted with the possibility or the probability that both the President and the Vice-President might be dead in one term and what should be done in that case. So they declared that Congress should provide by law who shall act as President in a case where both the President and the Vice-President were dead.

Congress in 1792, shortly after the adoption of the Constitution of the United States, undertook to perform the duty which the Constitution imposed upon them, and under the clause authorizing them to provide who should act as President when both the President and Vice-President were dead, they enacted that in that case the President pro tempore of the Senate should act as President.

Now, for ninety-four years that law continued on our statute book without change. It is true that in the providence and mercy of God its provisions were never invoked, but there that law was. It was often the subject of discussion as to what might happen if the contingency so provided for should occur, and so inconvenient did some of the consequences of that law seem that the Committee of the Senate on Privileges and Elections since I became a member—not of that committee, but of the Senate—took the whole matter up, and under the leadership of the distinguished Senator from Massachusetts [Mr. HOAR], who was then its chairman, there was, after due consideration, I suppose, proposed from that committee a substitute for the law of 1792 which should repeal it and provide another order of succession, the one which now exists. The distinguished Senator from Massachusetts performed on that occasion, as he has performed on many others, a great public service that will remain to benefit the people of the United States long after he and I have been removed from this scene of service and labor.

When the distinguished Senator brought that act into this body, and proposed that the Senate should adopt it in lieu of the old one, which was that the President pro tempore of the Senate should act as President when there was neither President nor Vice-President, what argument did he use in order to persuade the Senate to change that law and adopt the present? Here is part of what he said. In speaking of the inconvenience which might arise under the provisions of the act of 1792, the senior Senator from Massachusetts said:

> It is inconvenient, also, because it would be almost impossible for the President of the Senate to continue to perform the functions of his office, which is the principal office, to which the Presidency of the United States is made a mere adjunct or appendix in the contingency which is provided for by law. Nothing can be conceived more awkward, more repugnant to our sense of propriety, than for the President of the United States to sit in the chair of the Senate and preside over and listen to discussions in regard to his own nominations, voting upon them himself as an equal in the Senate, and presiding over and listening to the severe criticisms of executive policy which in times of high party antagonisms must be always heard in this Chamber, and ought to be always heard in this Chamber.
>
> Then the political functions are devolved by the present arrangement upon an officer changeable at the will of this body. The President of the Senate may be removed from time to time by the majority of the Senate, after the Presidential functions have devolved upon the office as before.

Mr. President, nobody rose in his place in the Senate in the reading of that interesting report and during the deliverance of that interesting speech to deny the correctness of the conclusions of the Senator from Massachusetts. Everyone seemed to acquiesce in the proposition that the President pro tempore of the Senate did not relinquish his office as Senator because the duties of the President of the United States were devolved upon him by the Constitution of the United States or by the law enacted in pursuance of the Constitution.

Mr. GEORGE. Nor suspended.

Mr. GRAY. Nor suspended. The word "suspension" was never suggested.

Why should we not apply this reasoning to the State of Delaware? Is it because the State of Delaware is weak and small and the Government of the United States is great and large, as the Senator from New Hampshire seemed to wish to have us think yesterday afternoon? Why does not the logic of that situation apply to this? Why heap contumely upon the little State of Delaware because her people have during all these years put a construction upon her constitution precisely the same as that put upon the Constitution of the United States and the laws of the United States in a similar regard by the Senate of the United States from 1792 to the present time? Are we amenable to that criticism? Are we doing anything more than asking for a continuity of the logic and the judgment and the propriety which ought to obtain in all public affairs and in all public conduct, whatever may be the occasion which calls it forth?

I understood the Senator from Massachusetts to say the other day in an interesting interruption which he made to the distinguished Senator from Mississippi that there was a difference, and I listened very attentively to learn what that difference was, and lo, it was this: That whereas the succession provided for by the statute of the United States was in the second degree, and if I did not misunderstand him, because the contingency of a President pro tempore being called upon to act as President was very remote, never having occurred in a hundred years, it did not make much difference whether the inconvenience that he depicted there arose or not; but if it had been in the first degree, as it was in Delaware, then there was a great difference. I say in all respect I was unable to comprehend that explanation of difference, and did not at all understand why you can make a rule of interpretation of a constitution to depend upon the remoteness or the probability of the happening of the event provided for.

Mr. HOAR. If the Senator from Delaware will pardon me, I do not think he quite understood my statement.

Mr. GRAY. Possibly not.

Mr. HOAR. I can not repeat the words, of course, at this distance of time, but my statement was in substance that where the event was so exceedingly unlikely to happen the inconvenience of having an officer created who should be held ready at all times for the succession and have nothing or little else to do would outweigh the public inconvenience which might happen perhaps once in a thousand years of the other arrangement. My proposition applied to cases under our national and State constitutions of express enactment or of affirmance in the Constitution of the inconsistency of the two offices, as was done in Delaware. Our framers of the Constitution provided that executive offices should not be held by legislative officers, and that where the supreme executive office was vacant and a legislative officer was to succeed his functions as a legislative officer ended and stopped. That is what they did when they were providing for the probable case of the first succession or first vacancy.

Then there is another case which, so far as I know, never happened in the United States. Certainly it never happened in the Union where within the brief term of the executive office both the offices should be vacant, as in the case of President and Vice-President of the United States. There they have not established and provided a salary for the person to whom all these constitutions apply, but they say you may fix that any way, if that comes up, by legislation, and Congress shall provide for the officer who shall succeed.

Our ancestors did it, but if it had been an original question I should have thought it exceedingly doubtful whether, in the selection of the officers to succeed, the First Congress had the right to select the two legislative officers, because of the repugnance which our Constitution makers felt against the exercise of one of these offices by the other. But our ancestors did it, and we have repealed it.

Mr. GRAY. Now, Mr. President, to clinch the argument, that necessarily makes itself in the Pennsylvania precedent to which I have referred, I want to say that the constitution under which that incident took place was a constitution in which the provisions in regard to the exercise of the office of governor by the speaker were precisely the same as they were in Delaware. The prohibitions were just the same, and we have seen what its interpretation was by the people and by the legislature of Pennsylvania, that it was precisely what it has been in Delaware. That constitution has been changed. The constitution was adopted in 1838, but it was changed in 1873. Our constitution has not been changed. But what did they do when they changed it? Here is what they did:

> SEC. 14. In case of a vacancy in the office of lieutenant-governor * * * the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the senate; and the president pro tempore of the senate shall in like manner become governor—

They did not any longer say "he shall exercise the office of governor," but they ex industria changed the law and said "he shall become governor"—

> if a vacancy or disability shall occur in the office of governor; his seat as senator shall become vacant whenever he shall become governor, and shall be filled by election, as any other vacancy in the senate.

They were confronted with that, and they came to the conclusion that it would be better probably not to leave the duties of senator upon the speaker exercising the office; they were too many and too conflicting; and so they provided by express constitutional enactment that he should become governor, and when he becomes governor his office as senator shall become vacant, but shall not be left vacant; it shall be filled. There was no suggestion of suspension, no suggestion of the unvacant vacancy of an office with no officer to fill it, but a careful protection and guarding of the interests of the people.

The Senator from Oregon speaks of his private or real opinion. You see the Senator from Oregon (and I say it with due respect to his great abilities and his character) is compelled in this case to have a real opinion and an argumentative opinion. His real opinion, he says, in answer to a question from the Senator from Mississippi, is that the exercise of the office of governor by the speaker of the senate works a vacancy in the office of both speaker

and senator. Yet in his interruption of the Senator from Mississippi he says he believes that in the case mentioned there is no place subject to occupancy, and that during the speaker's exercise of the office of governor the senate of Delaware consists of 8 members and not of 9 members.

Here are two statements of what the Senator believes to be the real interpretation of the constitution of Delaware. He says his real belief is that the exercise of the office of governor by the speaker works a vacancy. He also says that he believes in the case before the Senate there was no place subject to the occupancy in the senate of Delaware, and that during the speaker's exercise of the office of governor the senate of Delaware consisted of only 8 members and not of 9 members. Now, if that were so, how could there be a vacancy? If there was no ninth place to be filled, then there was no vacancy in that ninth place. That ninth place was the place occupied by Speaker Watson. He says he believes that when he exercised the office of governor he vacated that place. The place is still there capable of being filled by election; there were still 9 seats, but now he says in his interlocution with the Senator from Mississippi that he believes there were only 8 places. Therefore there was no place, vacant or otherwise.

You see, Mr. President, when you leave the plain text of the constitution and set up paraphrases of it in your argument from artificial premises, even such an acute logician as the Senator from Oregon is conceded to be is necessarily led into confusions and contradictions of this kind; and I might point out others in the course of his able and ingenious argument.

Mr. MITCHELL of Oregon. If the Senator from Delaware will allow me, it does seem to me the Senator is rather hypercritical in his review of what I said on that subject. I have said, and said it a great many times during this discussion, that two views might be taken of this constitution. One is that on the accession to the exercise of the office of governor by the speaker of the senate the place became absolutely vacant; the other is that the right to exercise the function of senator and speaker were simply suspended. In the one case, of course, there would be no vacancy to be filled so far as that is concerned, but that being true, the right upon the part of the person exercising the office of governor to exercise the functions of senator and speaker would be absolutely suspended, while in the other case there would be a vacancy that would be subject to be filled.

Mr. GRAY. The Senator, as I say with due respect, falls between the two horses that he has attempted to ride.

Mr. MITCHELL of Oregon. Not at all.

Mr. GRAY. I am glad to hear you are not injured by the fall. When we have a constitutional convention in Delaware we may put into the constitution a provision such as they have in Pennsylvania; but it is proposed now by Senators upon the other side that this Senate shall anticipate the meeting of a convention in Delaware and write a new constitution for that State.

Mr. President, I am taking up certainly more time than I intended, more perhaps than I ought to take. The Senators upon the other side of this question contend that apart from the express constitutional provision on the subject there is an inherent incompatibility between the exercise of the office of governor and the exercise of the function of senator. I am sorry that it is my duty, but so it is, at this point to call attention to a mode of argument which I can not permit to continue any longer. The Senator from Oregon, with great astuteness, recognizing the difficulty of his case and riding these two horses that I have spoken of——

Mr. GEORGE. Going in opposite directions.

Mr. GRAY. Has all along been referring to the two constitutional prohibitions, one of which says that nobody holding an office under the State shall be senator or representative, and the other saying that no person holding an office under the State shall exercise the office of governor. The force and effect of those prohibitions are measured by their language. They prohibit because they are in the constitution. They are of effect because they have been given expression to by the framers of that constitution. They are to be measured by their own language. I have discussed them, and I think I have demonstrated what has been more clearly demonstrated before by the Senator from Indiana [Mr. TURPIE] and the Senator from Mississippi [Mr. GEORGE], that they have no application and can have no application to the exercise of the office of governor by the speaker of the senate. I take it it is not contended any longer that they do in that sense. But, Mr. President, there has been all through the argument on the other side an attempt to run these prohibitions in, and to attract attention to them and at the same time allude to what is called an inherent incompatibility between the executive and legislative offices. They have evidently been of the mind that neither of these arguments was by itself sufficient, but that they could in some way combine them and get the united force of both: that there was a sort of chemical union to take place between these two arguments, and, like some medicines, they were to be well shaken before taken.

But, Mr. President, the argument founded upon the prohibitive clauses of the constitution stands by itself and can only be dealt with apart and by itself, and the argument on inherent incompatibility is independent of them and must be dealt with by itself, and we can not combine them. If these clauses do not apply, as I submit I have shown they do not, let us consider whether there is anything in the doctrine of inherent incompatibility. The Senator from Oregon, and the Senator from New Hampshire even more emphatically and at greater length, dwelt upon what I call the inherent incompatibility of legislative and executive offices, which the Senator from New Hampshire says is a great doctrine of American public law.

Now, let us see just what he means by a doctrine of American public law. It is true that offices may be incompatible with each other, and the Senator from Oregon has shown, what is entirely admitted by me and by I think all who have argued on this side, that there are certain offices which, being incompatible with each other, the acceptance of the second vacates the first. That is true; but what are those offices to which he has referred? They are offices which by the nature of their duties are either physically incapable of being performed by the same person or whose duties are the one subordinate to the other. The instances given are all recollected—I need not refer to the cases—the instances given are those most frequently mentioned, those of an inferior judge being elected to a superior judgeship which has a supervisory jurisdiction over the inferior judge. Manifestly there is something in the very constitution of organized government which forbids that the judge who supervises should be the same one who is supervised. So an accounting officer can not be elected and made the accountant; he can not be permitted to account to himself; and it will be found that all the cases referred to are of that nature. I do not pretend to have gone over them all, but they are all of that character.

Then, what is this incompatibility between legislative and executive offices? There is, it is true, in all American constitutions of government a separation of the three departments of government—legislative, executive, and judicial—and a pretty steady observance of the lines of demarcation between those departments. But what does it mean? Does it mean that there is never a point where the one impinges upon the other; that there is never any necessary interlacing of two departments, or that it is incompatible or impossible that one man exercising or holding a position in one department should never be permitted to perform a function of another? Not at all. That is not the American doctrine, because if it were contended that it was it could be very easily demonstrated that no writer of approved authority has ever so considered it.

There is no such American doctrine as that executive and legislative offices are in themselves incompatible. It is true that one department must not be allowed to encroach upon another, but that does not mean that a member of a legislature can not temporarily or otherwise exercise an executive or a judicial function.

What do you mean by the independence of the three great departments of the Government? Story explains it, Madison explains it, Webster explains it. It means that one great department of this Government shall not encroach upon the powers and prerogatives of any other; that the Executive of the United States, for instance, shall not be permitted to assume a legislative power; that he shall not be permitted to dispense with law which has the sanction of legislative enactment, as Mr. Webster so eloquently and clearly and forcibly demonstrated in his great speech on protest against the action of Andrew Jackson in regard to the removal of the deposits. That the legislature shall not exercise a judicial function; that they shall not undertake to decide a case which has arisen under a law of their own enactment; that the judiciary department shall not undertake in interpreting the laws to legislate or enact a law. That is all that it means and all that it can mean in the history and practice under American constitutions and under American forms of government.

Mr. President, let me read from Mr. Madison a short extract. He certainly will be considered an authoritative expounder of our form of Government. Commenting upon the doctrine of Montesquieu, he says:

> From these facts, by which Montesquieu was guided, it may clearly be inferred that in saying "there can be no liberty where the legislative and executive powers are united in the same person or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no partial agency in or no control over the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the whole power of one department is exercised by the same hands which possess the whole power of another department the fundamental principles of a free constitution are subverted.

Of course, if the Executive exercised a legislative power in any one instance, then he would be exercising the whole power of one department.

This would have been the case in the constitution examined by him if the king, who is the sole executive magistrate, had possessed also the complete legislative power or the supreme administration of justice, or if the entire legislative body had possessed the supreme judiciary or the supreme executive authority. This, however, is not among the vices of that constitution. The magistrate, in whom the whole executive power resides, can not of himself make a law, though he can put a negative on every law; nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised with by the legislative councils. The entire legislature can perform no judiciary act, though by the joint act of two of its branches the judges may be removed from their offices, and though one of its branches is possessed of the judicial power in the last resort. The entire legislature again can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy; and another, on the impeachment of a third, can try and condemn all the subordinate officers in the executive department.

The reasons on which Montesquieu grounds his maxim are a further demonstration of his meaning. "When the legislative and executive powers are united in the same person or body," says he, "there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner." Again: "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor." Some of these reasons are more fully explained in other passages; but briefly stated as they are here, they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

Mr. Madison in the same essay was more practical still, and in establishing his contention as to what was meant by the limitation between the departments of the Government he instanced the frame of government of the different States, and among others instanced the government of Delaware, the very one with which we are now concerned, and said that—

In Delaware the chief executive magistrate is annually elected by the legislative department—

That is in the constitution of 1776—

The speaker of the two legislative branches are vice-presidents in the executive department. The executive chief, with six others, appointed three by each of the legislative branches, constitutes the supreme court of appeals; he is joined with the legislative department in the appointment of the other judges. * * * The principal officers of the executive department are appointed by the legislative; and one branch of the latter forms a court of impeachments. All officers may be removed on address of the legislature.

I suppose that the Senator from New Hampshire, when he talked about that great principle of separation of the three great departments of the Government, meant just what Mr. Madison said, although he did not know perhaps that he was so clearly in accord with him. But I do not think the Senator from New Hampshire had allowed himself, as Mr. Madison had allowed himself, to make that practical application of that great doctrine and show not only what it meant but what it did not mean, and to show clearly that it did not mean what the Senator from New Hampshire seems to have thought yesterday that it might mean, the prohibition of any exercise by a legislative officer of any executive function whatever; in other words, that there was a common law, as he said, in that regard, the extent of which was necessarily undefined, but which the Senator from New Hampshire so defined as to meet this case, a common law which forbade any legislative officer ever exercising an executive function without vacating the legislative position. He said that is so universal, is so mandatory and imperative, it does not need to be put in express words in a constitution; it operates propria vigore, it surrounds us by an atmosphere and paralyzes any attempt to do otherwise than obey its mandate.

Mr. President, Madison did not think so. Madison limits that great American doctrine; he distinguishes it; he makes a line of demarcation which excludes the very case we are considering, which the Senator from New Hampshire includes.

The Senator from Oregon has also quoted at great length, as have the counsel for Mr. Du Pont, some eloquent passages from Mr. Webster's speech in the Senate on the occasion to which I have referred, on the necessity of preserving the great lines of demarcation between the three great departments of the Government. Admitting all that he so eloquently said, the Senator did not quote all that he said, and we find that he meant exactly what Mr. Madison meant, he meant exactly what I mean in this contention I am making to-day—that while the three departments of the Government are outlined in every American constitution, unless we find express prohibitive words to that effect there is no inhibition by any such general doctrine upon a legislative officer exercising temporarily, at the command of the constitution, an executive office.

Mr. Webster's speech was made upon an occasion which is very well known. There was no charge of any incompatibility in that case of functions with which the President was supposed to be invested. The charge was made against the President that he was, without possessing any authority to do so, setting aside an act of Congress, and that he was usurping legislative power. The question at issue was defined by Mr. Webster in these very words in the speech which the Senator quotes:

The legislature had fixed a place by law for the keeping of the public money. They had, at the same time and by the same law, created and conferred a power of removal, to be exercised contingently. This power they had vested in the Secretary (of the Treasury) by express words. The law did not say that the deposits should be made in the bank unless the President should order otherwise; but it did say that they should be made there, unless the Secretary of the Treasury should order otherwise. I put it to the plain sense and common candor of all men, whether the discretion thus to be exercised over the subject was not the Secretary's own personal discretion; and whether, therefore, the interposition of the authority of another, acting directly and conclusively on the subject, deciding the whole question, even in its particulars and details, be not an assumption of power? The Senate regarded this interposition as an encroachment by the Executive on other branches of the Government; as an interference with the legislative disposition of the public treasure. (4 Webster's Works, 108-109.)

There was real occasion for Mr. Webster's eloquent invective in that case from his point of view. There had been a law which directed that the deposits should not be removed from a certain place designated by law except by the personal order of the Secretary of the Treasury. The President, ignoring the discretion of the Secretary of the Treasury, against his discretion and against his will, directed the removal of those deposits and thereby encroached upon the legislative power, dispensed with an act of Congress—so Mr. Webster said—and for that he was denouncing his conduct, and he was making a beautiful apostrophe in one part of his speech of the necessity of preserving the lines of demarcation between the legislative and executive branches of the Government. But here is something more which Mr. Webster said, to show that he did not often get confused in these matters of constitutional exposition:

The separation of the powers of government into three departments, though all our constitutions profess to be founded on it, has, nevertheless, never been perfectly established in any government of the world, and perhaps never can be. * * * Thus the Constitution (of the United States) says that all legislative power therein granted shall be vested in a Congress, which Congress shall consist of a Senate and House of Representatives; and yet, in another article, it gives to the President a qualified negative over all acts of Congress. So the Constitution declares that the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may establish. It gives, nevertheless, in another provision, judicial power to the Senate; and, in like manner, though it declares that the executive power shall be vested in the President, using, in the immediate context, no words of limitation, yet it elsewhere subjects the treaty-making power and the appointing power to the concurrence of the Senate. The irresistible inference from these considerations is that the mere nomination of a department, as one of the three great and commonly acknowledged departments of the Government, does not confer on that department any power at all. Notwithstanding the departments are called the legislative, the executive, and the judicial, we must yet look into the provisions of the Constitution itself in order to learn, first, what powers the Constitution regards as legislative, executive, and judicial; and, in the next place, what portions or quantities of these powers are conferred on the respective departments, because no one will contend that all legislative power belongs to Congress, all executive power to the President, or all judicial power to the courts of the United States. (4 Webster's Works, page 123.)

Now, the Senator from New Hampshire, differing from Mr. Webster in this respect, says that we do not need to look into the constitution at all. He says that whether there is any express provision in the constitution of Delaware or not declaring a vacancy in the office of senator or a suspension of the office when the senator exercises the office of governor this common American public law operates to create that vacancy or to create that suspension, irrespective of what the constitution itself says.

Mr. CHANDLER. Mr. President, the Senator does not wish to misquote me. I do not mean irrespective of what the constitution says if the constitution of Delaware expressly allows or directs the exercise of the functions of two offices at the same time; but I do say that that principle of public law prevents the exercise of that office in Delaware in the absence of an express provision of the constitution of Delaware allowing it.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will go a step further, and say that if the constitution of Delaware by fair inference allows it—it is not even necessary that it should be expressed—but even if by fair construction, inferentially, it appears that that power was granted by the men who framed the constitution, then I assume it would exist.

Mr. CHANDLER. The Senator from Oregon is right. I stated in my proposition of yesterday that while this is a fundamental principle of constitutional law, an express provision in the national or State constitution would change it; and if either by express provision of the Delaware constitution, or by necessary inference therefrom, the same person may exercise the functions of two offices at the same time, then he may do it. But our contention is that the constitution of Delaware does not make any such provision, either expressly or by necessary inference.

Mr. MITCHELL of Oregon. But, on the contrary, prohibits it.

Mr. GRAY. You see when you take the first wrong step the second necessarily follows, and you finally find the next step negativing the proposition of public law, and the Senator from Oregon says also it can be negatived by an inferential proposition.

Mr. CHANDLER. A necessary inference.

Mr. GRAY. So we go. If there is an end in view, we will make an argument which will reach it; if there is no express provision, we will make an inference that will do it. Mr. Webster, on the contrary, says:

Notwithstanding the departments are called the legislative, the executive, and the judicial, we must yet look into the provisions of the Constitution

itself in order to learn first, what powers the Constitution regards as legislative, executive, and judicial; and, in the next place, what portions or quantities of these powers are conferred on the respective departments.

Mr. MITCHELL of Oregon. Certainly. That is just what I say.

Mr. GRAY. Well, I do not think it is just what you say. I think it is entirely different from what the Senator from Oregon says. He says if the constitution of Delaware provides that a legislative officer shall exercise temporarily any executive function, that there is a public law so well understood, so pervasive, so universal, and so American that it vacates the legislative office.

Mr. MITCHELL of Oregon. Why, Mr. President——

Mr. GRAY. Mr. Madison says that you must look to the constitution itself to see what participation the legislative officer may have in executive functions, and you must be governed by that, and that alone.

Mr. Madison, in No. 47 of the Federalist, also says:

In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch the executive department is very justly regarded as the source of danger and watched with all the jealousy which a zeal for liberty ought to inspire. * * * But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power, and where the legislative power is exercised by an assembly which is inspired by a supposed influence over the people with an intrepid confidence in its own strength, which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions.

Mr. President, there is a very startling difference between the Senator from Oregon and Mr. Madison in regard to the source of danger to our Government and to our people. He seems to think that in obeying the mandate of the constitution of Delaware the speaker of the senate, exercising the office of governor, should vacate the office of senator from the county which he represents, or otherwise all the dangers which the Senator from Oregon has conjured up in his heated imagination to affright the Senate from its propriety and from its duty will come down upon the heads of the American people, that this is a frightful invasion, a frightful encroachment of the executive upon the legislative power; whereas Mr. Madison, on the other hand, thinks that in this country, where the executive is so limited, that encroachment of the legislative upon the executive is the source of danger and the source of apprehension against which safeguards should be made.

But, Mr. President, in neither case is there any place for the heated imaginings of the Senator from Oregon. The people of Delaware are in no danger in pursuing the paths which have been pursued by their forefathers for a hundred years; they are in no danger when they interpret their constitution in consonance with the views of Madison and Webster, nor are the people of the United States when we shall determine that a Senator of the United States, to be elected by a legislature, shall be elected by the whole body of the legislature elected by the people for that purpose, for when we elect a legislature we take into account the fact that they are to perform that high electoral duty and to provide a representative in this body for the State.

Mr. President, to come back to the doctrine of inherent incompatibility, I think I have shown that the doctrine of inherent incompatibility maintained by the Senator from Oregon and the Senator from New Hampshire, as well as by the Senator from Michigan, is a very different one from that maintained by Webster and by Madison. I might go further, if it were necessary, and show what Mr. Story says in his Commentaries on the Constitution as to how far incompatibility may be argued from the separation of the three great departments of the Government. Says Mr. Story, in section 525 of the first volume of his Commentaries:

But when we speak of a separation of the three great departments of government and maintain that that separation is indispensable to public liberty, we are to understand this maxim in a limited sense. It is not meant to affirm that they must be kept wholly and entirely separate and distinct and have no common link of connection or dependence the one upon the other in the slightest degree. The true meaning is that the whole power of one of these departments should not be exercised by the same hands which possess the whole power of either of the other departments, and that such exercise of the whole would subvert the principles of a free constitution. This has been shown with great clearness and accuracy by the authors of the Federalist.

Mr. SHERMAN. If it would be convenient to the Senator from Delaware to finish his argument to-morrow, I should like to have a brief executive session.

Mr. GRAY. If it be any accommodation to the Senator from Ohio or the Senate, of course I will yield with pleasure to the suggestion; but I will remark that I have not a great deal more to say, and if I may be permitted to go on in the morning, I will undertake to not trespass upon the patience of the Senate at very great length.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. PEFFER. Before that motion is put, I wish to have it understood that it shall not interfere with the bond sale investigation resolution.

Mr. SHERMAN. I do not wish to disarrange the matter in charge of the Senator from Kansas.

Mr. PEFFER. With that understanding, I have no objection to an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

MEDICAL AND DENTAL COLLEGES.

Mr. GALLINGER. Yesterday I asked unanimous consent for the consideration of a medical bill to which there was objection. I now ask for the consideration of a bill to which there will be no objection. It is the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CALL. I think that bill ought to receive careful consideration. The Senate is very thin. I have here a protest——

Mr. GALLINGER. The bill has received the consideration of the Committee on the District of Columbia in the House. It has passed the House. It has received the careful consideration of the Committee on the District of Columbia of the Senate. It has been unanimously approved by the Commissioners of the District of Columbia and by the medical and dental associations of the District. It has been on the Calendar for a couple of months. It has had all the consideration it can possibly have.

Mr. CALL. All that does not make the Senate of the United States, and it is incumbent upon Senators to consider the bills that are brought here and that they shall have the approval of their own judgment. I do not know anything about this measure except that I do not think it is wise that any inquiry into any subject of human knowledge shall be confined to any designated people. The human mind should be free to make its investigations into all subjects, and this bill imposes a penalty upon particular forms of teaching and instruction.

Mr. GALLINGER. If the Senator——

Mr. CALL. Wait one minute. Yes; that is what this bill does. It makes it a crime for men to teach such convictions as they may have which are not approved by certain persons.

I know nothing about the merits of these different schools, but anything which suppresses human inquiry and the liberty of human thought and the teaching of any doctrines that are not themselves against public order ought not to be permitted. I have here a paper which has been brought to me, and I want to read it. It is from some association existing here, signed by W. W. Hubbell, president of the University of Science.

Mr. GALLINGER. The Senator from Florida knows that no such university exists, does he not?

Mr. CALL. Suppose it does not, and that only Mr. Hubbell exists?

Mr. GALLINGER. He is the only one who does exist in connection with it.

Mr. CALL. Very well; this Mr. Hubbell has a right to teach anyone else if he can convince the judgment of people that what he teaches is right, and he ought to be permitted to do it. He says here——

Mr. GALLINGER. He can do that in his individual capacity, I will say to the Senator, even if this bill passes.

Mr. CALL. Not at all. If he sets up a school you punish him. Not only that, but you authorize arbitrary punishment. You authorize information to be filed without any inquiry by a mandatory order. What for? For teaching his opinions upon the subject of medicine. He says here:

The bills and efforts now being made in Congress, really tending to establish medical monopolies in the old schools of medicine, on pretext of examinations, after graduates have passed the ordeal of institutions incorporated by law.

Is not that true? Can a man who comes here with a diploma from some of the incorporated institutions in a State practice medicine without being permitted by this board to which you refer?

Mr. GALLINGER. I confess I do not understand the Senator's question; so I will not undertake to answer it.

Mr. CALL. I will read it again. This man says:

The bills and efforts now being made in Congress, really tending to establish medical monopolies in the old schools of medicine, on pretext of examinations, after graduates have passed the ordeal of institutions incorporated by law, not only tend to discourage and defeat young men in their efforts to acquire

knowledge, but are practically a money-making imposition upon the inalienable rights of the people to "life, liberty, and the pursuit of happiness," as free and independent, with natural right of choice in the advancement of science in medicine; and we call upon all in favor of our "educational" system to oppose all such monopolies, in Congress and in the States, by defeat and repeal; and maintain the rights of ourselves and our children as free American citizens.

Mr. GALLINGER. The Senator is reading the opinion of a gentleman concerning the bill to which he objected yesterday. If he will confine himself to this bill and discuss the question——

Mr. FAULKNER. This is a mere dental bill.

Mr. CALL. A dental bill?

Mr. FAULKNER. A dental bill.

Mr. GALLINGER. This is an entirely different bill, I will say to the Senator.

Mr. CALL. I beg pardon.

Mr. GALLINGER. If the Senator will permit me to state what this bill is, I know he will not object.

Mr. CALL. Is not the argument true about dentistry as in regard to medicine?

Mr. GALLINGER. We passed in the last Congress a bill regulating the practice of dentistry. The Senator from Florida forgot to object to it. That act is on the statute books now. Under the general incorporation act of this District (and I presume no such authority is lodged in the general incorporation act of any State in the American Union) any two, three, four, or five men can organize a college for the teaching of medicine, dentistry, or any other of the learned professions. The result is that we have had two or three colleges that have brought scandal upon the professions in this District, and all the bill contemplates is that the Commissioners shall approve those colleges before they continue to impart the knowledge that they claim to impart. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia."

Mr. CALL subsequently said: I move to reconsider the vote by which the bill (H. R. 5488) to provide for the incorporation and regulation of medical colleges in the District of Columbia was passed. I wish to examine the bill and have not had an opportunity to do so.

The PRESIDENT pro tempore. The motion will be entered.

### HOUSE BILL REFERRED.

The bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

### HANDBOOK OF EXPERIMENT STATION WORK.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of Bulletin No. 15 of the Office of Experiment Stations of the Department of Agriculture entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

### SALMON FISHERIES OF ALASKA.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 2022) to amend an act entitled "An act to provide for the protection of the salmon fisheries of Alaska."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments, in line 8, after the word "fences," to strike out "traps, pound nets"; in the same line, after the word "any," to insert "such"; in line 12, after the word "salmon," to strike out "or salmon trout"; in line 20, after the word "salmon," to strike out "or salmon trout"; in line 22, after the word "Alaska," to insert "except only for purposes of propagation"; in line 24, after the word "net," to insert "trap, pound net"; in line 32, after the word "waters," to insert "except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto"; in line 33, after the word "from," to strike out "noon on Saturday," and insert "midnight on Friday"; in line 34, after the words "six o'clock," to strike out "postmeridian" and insert antemeridian"; in line 36, after the word "appliances," to insert "except by rod or spear"; in line 37, after the word "salmon," to strike out "or salmon trout"; in line 39, after the words "in the," to strike out "morning" and insert "evening"; in line 40, after the words "in the," to strike out "evening" and insert "morning"; in the same line, before the word "day," to strike out "same" and insert "following"; in line 43, after the word "aside," to strike out "certain" and insert "any"; in line 50, after the word "increase," to insert "*Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked"; in line 60, after the words "salary of," to strike out "ten" and insert "one thousand eight hundred"; in line 61, after the word "per," to strike out "day" and insert "annum"; in line 62, after the words "salary of," to strike out "eight" and insert "one thousand six hundred"; in line 63, after the word "per," to strike out "day" and insert "annum"; and in line 75, after the words "fine of," to strike out "five hundred" and insert "two hundred and fifty"; so as to make the bill read:

*Be it enacted, etc.*, That the act approved March 2, 1889, and entitled "An act to provide for the protection of the salmon fisheries of Alaska," is hereby amended and reenacted, as follows:

"That the erection of dams, barricades, fish wheels, fences, or any such fixed or stationary obstructions in any part of the rivers or streams of Alaska, or to fish for or catch salmon or salmon trout in any manner or by any means with the purpose or result of preventing or impeding the ascent of salmon to their spawning ground, is declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to remove such obstructions and to establish and enforce such regulations and surveillance as may be necessary to insure that this prohibition and all other provisions of law relating to the salmon fisheries of Alaska are strictly complied with.

"SEC. 2. That it shall be unlawful to fish, catch, or kill any salmon of any variety, except with rod or spear, above the tide waters of any of the creeks or rivers of less than 500 feet width in the Territory of Alaska, except only for purposes of propagation, or to lay or set any drift net, set net, trap, pound net, or seine for any purpose across the tide waters of any river or stream for a distance of more than one-third of the width of such river, stream, or channel, or lay or set any seine or net within 100 yards of any other net or seine which is being laid or set in said stream or channel, or to take, kill, or fish for salmon in any manner or by any means in any of the waters of the Territory of Alaska, either in the streams or tide waters, except Cook Inlet, Prince William Sound, Bering Sea, and the waters tributary thereto, from midnight on Friday of each week until 6 o'clock antemeridian of the Sunday following; or to fish for or catch or kill in any manner or by any appliances, except by rod or spear, any salmon in any stream of less than 100 yards in width in the said Territory of Alaska between the hours of 6 o'clock in the evening and 6 o'clock in the morning of the following day of each and every day of the week.

"SEC. 3. That the Secretary of the Treasury may, at his discretion, set aside any streams as spawning grounds, in which no fishing will be permitted; and when, in his judgment, the results of fishing operations on any stream indicate that the number of salmon taken is larger than the capacity of the stream to produce, he is authorized to establish weekly close seasons, to limit the duration of the fishing season, or to prohibit fishing entirely for one year or more, so as to permit salmon to increase: *Provided, however*, That such power shall be exercised only after all persons interested shall have been given a hearing, of which hearing due notice must be given by publication: *And provided further*, That it shall have been ascertained that the persons engaged in catching salmon do not maintain fish hatcheries of sufficient magnitude to keep such streams fully stocked.

"SEC. 4. That to enforce the provisions of law herein and such regulations as the Secretary of the Treasury may establish in pursuance thereof, he is authorized and directed to appoint one inspector of fisheries, at a salary of $1,800 per annum, and two assistant inspectors, at a salary of $1,600 each per annum, and he will annually submit to Congress estimates to cover the salaries and actual traveling expenses of the officers hereby authorized and for such other expenditures as may be necessary to carry out the provisions of the law herein.

"SEC. 5. That any person violating the provisions of this act or the regulations established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisonment at hard labor for a term of ninety days, or both such fine and imprisonment, at the discretion of the court; and, further, in case of the violation of any of the provisions of section 1 of this act and conviction thereof a further fine of $250 per diem will be imposed for each day that the obstruction or obstructions therein are maintained."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### RITA STINE.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 2813) granting a pension to Rita Stine; which was read twice by its title.

Mr. COCKRELL. I ask that that bill may now be considered. The Senator from New Hampshire [Mr. GALLINGER] is familiar with all the facts in the case. A like bill was passed by the Senate and sent to the House of Representatives, giving the claimant therein mentioned, a helpless blind girl, $12 a month. The other House has passed not the Senate bill, but a House bill in the exact language of the Senate bill, except the pension is $17 a month. I hope the bill may be considered and passed.

Mr. GALLINGER. I hope the bill may be passed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Rita Stine, of Memphis, Mo., invalid and helpless orphan daughter of George W. Stine, late lieutenant of Company I, Twenty-first Missouri Volunteer Infantry, upon the pension roll, and to allow her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAYS OF GRACE ON PROMISSORY NOTES, ETC.

Mr. FAULKNER. I ask unanimous consent for the present consideration of the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

Mr. HOAR. I object to the present consideration of that bill.

The PRESIDENT pro tempore. The Senator from Massachusetts objects to the present consideration of the bill.

LEWIS C. SCHILLING.

Mr. PEFFER. I ask unanimous consent for the present consideration of the bill (H. R. 2224) granting an increase of pension to Lewis C. Schilling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis C. Schilling, late a private in Company A, Fourth Ohio Cavalry Volunteers, and pay him a pension at the rate of $30 per month in lieu of the amount he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIBBONS OF HONOR.

Mr. SHOUP. I ask unanimous consent for the consideration of the joint resolution (H. Res. 85) relative to the medal of honor authorized by the acts of July 12, 1862, and March 3, 1863.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. When that joint resolution was before the Senate on a prior occasion I objected to it, not having been able to read the report; but I find the report provides—it does not appear upon the face of the joint resolution—for a distinctive ribbon, which is to be supplied when one is destroyed, and it will be designated by the Secretary of War, and not such an one as the holder of one of the medals might obtain in any other way. Therefore I make no objection to the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution has been heretofore considered as in Committee of the Whole and amended, and the amendment concurred in by the Senate. It is still open to amendment.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. SHOUP. I now move that the bill (S. 2512) relative to the medal of honor authorized by the joint resolution approved July 12, 1862, and the act approved March 3, 1863, being precisely the same as the joint resolution which has just been passed, be indefinitely postponed.

The motion was agreed to.

PUBLIC LANDS IN MISSOURI.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 1527) to provide for the private sale of public lands in Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to add the following proviso:

*Provided*, That the actual settlers shall have a preference right under such rules and regulations as the Commissioner of the General Land Office may prescribe.

So as to make the bill read:

*Be it enacted, etc.*, That all public lands within the State of Missouri which have not heretofore been offered at public sale shall hereafter be subject to disposal at private sale in the manner now provided by law for the sale of lands which have been publicly offered for sale: *Provided*, That the actual settlers shall have a preference right under such rules and regulations as the Commissioner of the General Land Office may prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERCHANT MARINE ENGINEER SERVICE.

Mr. SQUIRE. I ask unanimous consent for the present consideration of the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

This is a bill which had been reported by the Senator from Maine [Mr. FRYE] from the Committee on Commerce with an amendment in the nature of a substitute, which was agreed to as in Committee of the Whole.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The amendment was adopted as in Committee of the Whole some time since as a substitute for the original bill. The question now is, Shall the bill as amended be reported to the Senate?

The bill was reported to the Senate as amended.

Mr. HILL. What is the precise amendment—the precise change?

Mr. SQUIRE. The precise amendment is in line with the bill as passed by the Senate originally.

Mr. HILL. What is the precise change?

Mr. SQUIRE. Let the bill be read. The precise changes are to conform to the bill as amended in committee, and passed by the Senate originally.

Mr. PETTIGREW. I object to the further consideration of the bill.

The PRESIDENT pro tempore. There is objection, and the bill goes over.

Mr. GORMAN. I move that the Senate adjourn.

Mr. WARREN. I appeal to the Senator from Maryland to withdraw his motion to adjourn until I can ask unanimous consent for the consideration of a bill.

Mr. GORMAN. I withdraw the motion, Mr. President.

HEIRS OF STERLING T. AUSTIN.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 682) for the relief of the heirs of Sterling T. Austin, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Florine A. Albright and Missouri A. Pollard, heirs of Sterling T. Austin, deceased, $59,287, being the proceeds of the sale of 360 bales of cotton, the property of Sterling T. Austin, seized by the civil and military authorities of the United States and received into the Treasury, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 16, 1896, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate April 15, 1896.*

JUSTICE OF THE PEACE, DISTRICT OF COLUMBIA.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia (assigned to the city of Washington). Mr. O'Donnell's present commission as justice of the peace expires April 20, 1896.

CONSUL.

Leo Bergholz, of New York, to be consul of the United States at Erzerum, Armenia, to fill a vacancy.

## CONFIRMATION.

*Executive nomination confirmed by the Senate April 15, 1896.*

INDIAN AGENT.

Charles E. McChesney, of Hartington, Nebr., to be agent for the Indians of the Rosebud Agency, in South Dakota.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 15, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

ECONOMIC GEOLOGY OF MERCUR MINING DISTRICT.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution with reference to printing, favorably reported from the Committee on Printing.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed at the Government Printing Office, at the earliest date practicable, 5,000 additional copies, in separate form, with paper cover, of the paper entitled "Economic geology of the Mercur mining district," being a part of the sixteenth annual report of the United States Geological Survey, with accompanying illustrations; of which 3,000 copies shall be for the use of the House, 1,500 copies for the use of the Senate, and 500 copies for distribution by the Geological Survey.

There being no objection, the concurrent resolution was considered and agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

HANDBOOK OF EXPERIMENT STATION WORK.

Mr. PERKINS. I also ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 10,000 additional copies of Bulletin No. 15, of the Office of Experiment Stations of the Department of Agriculture, entitled Handbook of Experiment Station Work, of which 2,000 copies shall be for the use of the members of the Senate, 4,000 copies for the use of members of the House of Representatives, and 4,000 copies for the use of the Secretary of Agriculture.

There being no objection, the resolution was considered and agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—GOODWYN VS. COBB.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire, on behalf of the minority of the Committee on Elections, to submit a report heretofore authorized by the House, in the case of Goodwyn *vs.* Cobb.

The SPEAKER. The views of the minority will be printed, to accompany the report of the committee.

CONTESTED-ELECTION CASE—MOORMAN VS. LATIMER.

Mr. BELL of Texas. Mr. Speaker, I have been directed by the Committee on Elections No. 3 to call up for present consideration and move the adoption of the resolutions reported by the committee in the case of Moorman *vs.* Latimer, from the Third Congressional district of South Carolina.

The SPEAKER. The resolutions will be read.

The resolutions were read, as follows:

*Resolved*, That Robert Moorman was not elected a Representative in the Fifty-fourth Congress from the Third district of South Carolina, and is not entitled to the seat as such Representative.

*Resolved*, That A. C. Latimer was elected a Representative in the Fifty-fourth Congress from the Third Congressional district of South Carolina, and is entitled to retain his seat as such Representative.

Mr. BELL of Texas. This is the unanimous report of the committee; there is no controversy over the matter, and I move the adoption of the resolutions.

The resolutions were agreed to.

On motion of Mr. BELL of Texas, a motion to reconsider the last vote was laid on the table.

JOHN B. BESLER.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 5258) granting an honorable discharge to John B. Besler.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of, and grant an honorable discharge to, John B. Besler, late a private in Company M, First Regiment Connecticut Heavy Artillery, now a resident of New Haven, Conn.

Mr. TALBERT. I would like to ask if this bill has been considered at a Friday-night session?

Mr. SPERRY. It has not been.

Mr. McMILLIN. I would ask that the report accompanying this bill be read, Mr. Speaker.

The report (by Mr. TARSNEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5258) for the relief of John B. Besler, having considered the same, respectfully report:

The committee have examined the evidence presented with this case, and on the showing made consider the claimant entitled to the relief asked for under the provisions of this bill.

The affidavit of Capt. F. A. Pratt, printed herewith as a part of this report, and fully corroborated and sustained by numerous other affidavits and statements of this soldier's officers and comrades, conclusively shows that the action of the court-martial, by which the soldier was submitted to a cruel and unusual punishment, was erroneous and unjust, not founded upon fact, and when imposed upon an innocent man, as in this case, to satisfy the malice of an ignorant officer, can only be properly characterized as inhuman and barbarous. We believe that relief can not be granted to this unfortunate and deserving man with sufficient speed.

The committee recommend that the bill do pass.

—

Hon. N. D. SPERRY,
*House of Representatives, Washington, D. C.*

DEAR SIR: In the case of John B. Besler, of New Haven, Conn., who in the civil war was a private in M company, First Regiment Connecticut Heavy Artillery, and dishonorably discharged, and who now asks that the records be changed, and that he may have an honorable discharge, for your information and those who are to have the consideration of the matter, I respectfully submit the following:

At the breaking out of the war John B. Besler was an industrious young mechanic, of good habits and reputation, living in New Haven, Conn., where he had been working for several years in carriage factories. During the winter of 1861-62, with several of his companions and fellow-workmen, he enlisted in Company M, First Regiment Connecticut Artillery. In the spring of 1862 this regiment went to Yorktown and had charge of the siege train there. The work was day and night, in rain and mud, and of the hardest kind. The record shows more heavy ordnance and ammunition moved and put in position than had ever been before done in the same length of time.

At some period during this time Besler, who had up to that date been a most willing and excellent soldier, made complaint of lameness in back and legs as resulting from the work and exposure. The surgeon declined to believe him or excuse him, and returned him for duty in his company, where he was favored somewhat and put on light duty, which, I am informed by the then first sergeant, he appeared to do cheerfully and as well as able. He was very soldierly in appearance, keeping his uniform and equipments in the best of order, so much so that for that reason he would be selected from the new guard as the orderly for the day for the colonel commanding or the adjutant nearly every time he was on the guard detail. This I know from the fact that I was at that time the regimental adjutant. He came on as a member of the guard very frequently. This, I learned, was because men of his company would, by permission of his first sergeant, exchange their place in the guard detail for his place on the working detail, they believing he was not able to work. As his trouble became more acute, he again went to the surgeon, who again refused to believe him; told him there was nothing the matter with him, that he was "playing off." This Besler resented in strong language, not politic or proper from a subordinate, but natural under the circumstances from one who had any pride or manhood. The surgeon ordered him to duty and to be punished, and an antagonism was here established. Besler continued to do light work in his company.

Arriving at Harrisons Landing, he was again before the surgeon, with no better result. In October, 1862, I was appointed captain of M company, and took command at Fort Ward, Va. Besler was with the company, apparently not able to do duty, but not excused by the surgeon. I then heard his statement, made investigations, and, believing him, made his duties as light as possible. In December, 1862, M company was detached from the regiment and sent to Fredericksburg for special service. Besler was left at regimental hospital near Fort Ward, and was never again with his company. The surgeon was a cold, unsympathetic man of tenacious opinions, likely to be intensified by opposition, no doubt honest in believing Besler was deceiving; but undoubtedly wrong and strongly prejudiced in the case. The troubles Besler complains of, as I know from my own experience, can be very severe and yet so obscure that a doctor can not determine them without taking the statement of the sufferer. During the winter and spring of 1862 and 1863 the surgeon treated Besler at the regimental hospital with great severity, and finding that he would not admit that he was well and able to return to duty, had charges preferred against him of feigning sickness for the purpose of getting out of service. In such a case there could be but little evidence before the court-martial on the part of Besler. The surgeon's opinion was accepted. The sentence of the court-martial was that Besler be dishonorably discharged and drummed out of the service with loss of all pay.

After the sentence and before its execution comrades in his regiment, believing him wronged, contributed some $90, offered to get him citizen's clothing and a pass that he might leave and escape the indignity of the execution of the sentence. He replied that he would remain and suffer the sentence; that they might falsely charge that he had played off, but should never truthfully say he deserted. Urged to take the money after being drummed out and to see what he could do to get righted in Washington, he did so, remaining some days in Washington. He secured an interview with Secretary Stanton, who rescinded the order stopping the pay and suggested that Besler have some one take hold to set the matter right; that he (Stanton) had no time to investigate it. Not knowing how to proceed further in the matter, Besler returned to New Haven. He continued to be lame and suffer in health as in the Army; has never been able to resume his old occupation as carriage maker, although has tried for a few days at a time, only to find that he was not able. He has occupied himself more or less in light occupations, securing a fair living, remains a good citizen of good habits, has the respect and sympathy of his old comrades in the company and regiment, many of them living in New Haven, men who worked with him before the war, when he was able and well, and who contrast his condition since his discharge, a clear and convincing object lesson that doctors do make mistakes.

My home is in St. Louis. I have not seen Besler for nearly thirty years until about ten days ago. I then went to New Haven with the purpose of seeing him and investigating. I made it my duty to see of his old comrades, members of M company, men in good positions who were as members of Company M, and now reliable men. Not one did I find that was not strongly in sympathy with Besler and the belief that he had been greatly wronged by the court-martial. I could not learn there was a member of the regiment living in New Haven that did not believe this. The record of the First Connecticut Heavy Artillery, the first three years' regiment (then the fourth volunteer company) mustered in the war, is not such as to credit the belief that any considerable number could have been found then or now of its members who would give aid or sympathy to cowards or shirks.

The investigation confirms most fully my conviction that this man has been greatly wronged. That in addition to suffering in health from harsh treatment and disgraceful humiliation in his regiment and before his comrades in the field, he has ever since and still stands before the world, before his comrades, before his children, with the record of a shameful and disgraceful discharge as his war record. To in part undo this wrong, the record can not be changed too quickly. Justice to Besler demands this if he has been wronged, and certainly our Government can not wish to continue a wrong committed by mistake. That this has not been before brought to the attention of proper authorities is by reason of Besler's not knowing how to proceed. If I can be of any further assistance in this matter, you will oblige me by giving me the opportunity.

Very respectfully,

F. A. PRATT,
*Late Captain M Company, First Connecticut Heavy Artillery.*

DISTRICT OF COLUMBIA, *City of Washington:*

Sworn to and subscribed before me this 15th day of February, 1896.

[SEAL.] JOHN H. ROGERS,
*Notary Public, District of Columbia.*

WASHINGTON, *February 17, 1896.*

I have known Captain Pratt for many years as a gentleman of excellent character and fine military record.

J. R. HAWLEY.

The SPEAKER. Is there objection?

Mr. TALBERT. I understood the gentleman to state that the bill had been considered at a Friday night session?

Mr. SPERRY. No; I said that it had not been.

Mr. HULL. It would not come under the provision of the rule for Friday night sessions. It is not a desertion case and could not be considered at a Friday night session.

Mr. TALBERT. My idea was that this is one of those cases that could come up under the rule at the Friday night sessions.

Mr. HULL. Not at all. This is a court-martial case, and the Friday evening session would have no jurisdiction over it.

Mr. TALBERT. Well, that is a distinction without a difference. I object, Mr. Speaker.

Mr. SPERRY. I hope the gentleman will not object. Let me

suggest to him that this has been unanimously reported from the committee.

The SPEAKER. Objection is made.

Some time subsequently,

Mr. SPERRY. Mr. Speaker, the gentleman from South Carolina having withdrawn his objection to the bill for which I asked consideration, I move that the bill be put on its passage.

The SPEAKER. The Chair desires to call the attention of the gentleman from South Carolina. Has the gentleman withdrawn his objection?

Mr. TALBERT. I have.

Mr. BARTLETT of New York. Mr. Speaker, I should like to have an explanation of the bill.

Mr. SPERRY. I call for the reading of the report.

The SPEAKER. The Clerk will again read the report.

The Clerk proceeded to read the report.

During the reading of the report,

Mr. BARTLETT of New York said: Mr. Speaker, I am satisfied.

The SPEAKER. Objection is withdrawn. Is there further objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 31, 1896:

An act (H. R. 5286) providing for the disposal of lands lying within the Fort Klamath hay reservation not included in the Klamath Indian Reservation in Oregon.

NOTE.—The following bill, having been presented to the President on March 19, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 1816) for the relief of Michael Ryan.

On April 1, 1896:

An act (H. R. 5828) to amend an act entitled "An act to promote the safety of employees and travelers," etc., approved March 2, 1893.

On April 4, 1896:

An act (H. R. 1861) for the relief of James Linsky from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

An act (H. R. 4698) to provide an American register for the steamer *Matteawan*.

On April 6, 1896:

An act (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott;

An act (H. R. 55) for the establishment of a light-house and fog-signal station at or near the entrance to Maurice River, New Jersey;

Joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc.

NOTE.—The following bill, having been presented to the President on March 25, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 5564) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

On April 7, 1896:

An act (H. R. 1244) to confirm certain cash entries of offered lands.

On April 10, 1896:

Joint resolution (H. Res. 159) to authorize the Secretary of War to prepare and submit estimates for the improvement of the harbor at Portland, Me.

On April 13, 1896:

An act (H. R. 5736) to authorize the Light-House Board to proceed with the construction of the light-house and fog signal on North Manitou Island, Lake Michigan;

An act (H. R. 4632) for the relief of Frederick B. Betts, surviving partner of the firm of Betts, Nichols & Co.

On April 14, 1896:

An act (H. R. 4053) repealing chapter 148 of the Supplement of the Revised Statutes of the United States;

NOTE.—The following bills were presented to the President on April 2, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 4254) granting to the Duluth and North Dakota Railroad Company right of way through certain Indian reservations in the State of Minnesota;

An act (H. R. 5914) to amend an act to authorize the Interoceanic Railway Company to construct and operate railway, telegraph, and telephone lines through the Indian Territory; and

An act (H. R. 711) to increase the pension of Uzziel B. Church.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 115) for the relief of the estate of Ramsay Crooks;

A bill (S. 605) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes;

A bill (S. 2277) for the relief of Oscar Sonnenkalb;

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.; and

A bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak.

The message also announced that the Senate had passed with amendment the bill (H. R. 3281) to authorize reassessment for improvements and general taxes in the District of Columbia, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That the Committees on Enrolled Bills of the two Houses be authorized to correct enrolled joint resolution (S. R. 116) by striking out the word "eight," in the second line of said enrolled joint resolution, and inserting "seven."

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 115) for the relief of the estate of Ramsay Crooks—to the Committee on Indian Affairs.

A bill (S. 2277) for the relief of Oscar Sonnenkalb—to the Committee on Claims.

A bill (S. 2816) granting the northwest quarter of the northwest quarter of section 30, township 17 north, range 3 east, Black Hills meridian, to the Nashville Presbyterian Church, of Nashville, S. Dak.—to the Committee on the Public Lands.

Joint resolution (S. R. 131) relative to the improvement of the harbor of Erie, Pa.—to the Committee on Rivers and Harbors.

ARMINDA STUCKER.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, H. R. 5853, granting a pension to Arminda Stucker, of Gallatin, Mo.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Arminda Stucker, widow of John H. Stucker, late a soldier in Company B, Grundy County Battalion Missouri State Militia.

The Committee on Invalid Pensions recommended the following amendment:

Add after the word "Militia," at the end of the bill, the words "at the rate of $12 per month."

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5853) granting a pension to Arminda Stucker, widow of John H. Stucker, late sergeant Company B, Grundy County Battalion Missouri State Militia, having carefully examined and considered all the facts and circumstances presented, respectfully report as follows:

John H. Stucker enlisted September 21, 1861, and served as sergeant in Company B, Grundy County Battalion Missouri State Militia, until April 23, 1864. In October, 1862, he was sent with others to Alpha, Mo., to disarm some rebel bushwhackers who were rendezvoused in that locality, and who resisted the disarming, and he received a gunshot wound entirely disabling the left hand and arm.

He filed a claim for pension on account of this injury July 19, 1875, which was rejected on the ground that the soldier was not in the United States service.

This battalion was one of the organizations of Missouri militia called into service by Governor Gamble, and the Auditor of the War Department certifies that the soldier enlisted September 21, 1861, and continued in service until March 18, 1862. Soldier claimed, and supported it by good testimony, that the Grundy County Battalion continued in service until April 23, 1864, as Company B, Eighteenth Missouri State Militia.

Soldier was pensioned February 22, 1887, at $30 per month, by special act of Congress, for gunshot wound of left hand and resulting total disability therefrom, under certificate No. 355927.

Soldier died August 10, 1894, from paralysis of left side, complicated with kidney disease or uræmic poisoning. Dr. D. F. Hanna, a reputable and skilled physician, testified that he treated the soldier some three months before his death for above-named complaints, and says:

"In my opinion the gunshot wound was the indirect cause of death."

Widow was married to soldier January 7, 1864, neither having been previously married, and lived with him until death and cared for him, and has remained his widow, and is now in needy circumstances. Her claim for pension was rejected on the ground that War Department records failed to show soldier to have been in the United States service.

Your committee append the report of the Committee on Invalid Pensions